

PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo Stormwater Service District of Provo Regular Meeting Agenda

5:30 PM, Tuesday, June 04, 2019 Room 200, Municipal Council Chambers 351 W. Center Street, Provo, UT 84601

Decorum

The Council requests that citizens help maintain the decorum of the meeting by turning off electronic devices, being respectful to the Council and others, and refraining from applauding during the proceedings of the meeting.

Opening Ceremony

Roll Call

Prayer

Pledge of Allegiance

Presentations, Proclamations, and Awards

- 1. Judge Romney receives Utah State Justice Court Judge of the Year Award
- 2. Introduction of the new Wasatch Neighborhood Chair: David Acheson

Approval of Minutes

3. April 23, 2019 Council Meeting

Public Comment

Fifteen minutes have been set aside for any person to express ideas, concerns, comments, or issues that are not on the agenda:

Please state your name and city of residence into the microphone.

Please limit your comments to two minutes.

State Law prohibits the Council from acting on items that do not appear on the agenda.

Action Agenda

4. A public hearing regarding a resolution approving the Program Year 2019 Annual Action Plan, Fifth Year update to the 2015 Five-Year Consolidated Plan, as amended. (19-059)

5. A public hearing on an ordinance adopting a budget for Provo City Corporation for the fiscal year beginning July 1, 2019 and ending June 30, 2020, in the amount of \$254,958,760, and amending elements of Provo City Code. (19-004)

Redevelopment Agency of Provo

- 6. A public hearing on a resolution adopting a budget for the Redevelopment Agency of Provo City Corporation for the fiscal year beginning July 1, 2019 and ending June 30, 2019, in the amount of 2,429,132. (19-005)
- 7. A resolution authorizing the Chief Executive Officer to enter into a lease agreement with Blue Sky Development to allow them to utilize parking spaces for a pending mixed-use project at 105 East Center Street. (19-070)

Stormwater Service District

8. A public hearing on a resolution adopting a budget for the Provo City Stormwater Service District in the amount of \$5,123,278 for the fiscal year beginning July 1, 2019 and ending June 30, 2020. (19-006)

Action Agenda

- 9. A resolution authorizing the Mayor to execute the sale of the Timp-Kiwanis Park to the Provo School District. (18-018)
- 10. A resolution appropriating \$2,200,000 in the Parks and Recreation Capital Improvement Plan Fund for the purchase of real property located on Lakeview Parkway, applying to fiscal year ending June 30, 2019. (19-069)
- An ordinance to amend Provo City Code to clarify limitations on signage within the North University Riverbottoms Design Corridor. City wide Application. (PLOTA20190026)
- 12. An ordinance repealing Provo City Code Section 2.60.040 (19-071)
- 13. ***CONTINUED*** Brady Deucher requests a Zone Change from R1.10 to Medium Density Residential for approximately 2.1 acres located at 1320 S State Street. Spring Creek neighborhood. (PLRZ20190100)
- 14. ***CONTINUED*** Brady Deucher requests an Ordinance Text Amendment to Section 14.37.050 to allow the city to consider parking reductions for affordable housing developments. City-wide application. (PLOTA20190170)
- 15. ***CONTINUED*** Community Development Department requests Ordinance Text Amendments to consolidate Chapter 14.30 S-Supplementary Residential Overlay Zone with Chapter 14.46 A-Accessory Apartment Overlay Zone. City-wide application. (PLOTA20190120)

16. ***CONTINUED*** Julie Smith requests the annexation (Peay Annexation) of 13.45 acres of property into the incorporated limits of Provo City, located at approximately 5400 N Canyon Road. North Timpview and Riverbottoms neighborhoods. (PLANEX20180355)

Adjournment

If you have a comment regarding items on the agenda, please contact Councilors at <u>council@provo.org</u> or using their contact information listed at: http://provo.org/government/city-council/meet-the-council

Materials and Agenda: agendas.provo.org

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The next scheduled Council Meeting will be held on 6/18/2019 5:30:00 PM at 6/18/2019 5:30:00 PM in the Council Chambers, 351 West Center Street, Provo, unless otherwise noticed. The Work Meeting start time is to be determined (typically between 12:00 and 4:00 PM) and will be noticed at least 24 hours prior to the meeting.

Notice of Compliance with the Americans with Disabilities Act (ADA)

In compliance with the ADA, individuals needing special accommodations (including auxiliary communicative aides and services) during this meeting are invited to notify the Provo Council Office at 351 W. Center, Provo, Utah 84601, phone: (801) 852-6120 or email evanderwerken@provo.org at least three working days prior to the meeting. The meeting room in Provo City Center is fully accessible via the south parking garage access to the elevator. Council meetings are broadcast live and available for on demand viewing at youtube.com/user/ProvoCityCouncil.

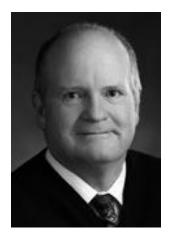
Notice of Telephonic Communications

One or more Council members may participate by telephone or Internet communication in this meeting. Telephone or Internet communications will be amplified as needed so all Council members and others attending the meeting will be able to hear the person(s) participating electronically as well as those participating in person. The meeting will be conducted using the same procedures applicable to regular Municipal Council meetings.

Notice of Compliance with Public Noticing Regulations

This meeting was noticed in compliance with Utah Code 52-4-202 and Provo City Code 14.02.010. Agendas and minutes are accessible through the Provo City website at <u>agendas.provo.org</u>. Council meeting agendas are available through the Utah Public Meeting Notice website at <u>utah.gov/pmn</u>, which also offers email subscriptions to notices.

Network for public internet access: Provo Guest, password: provoguest



News Release

Judge Romney receives
Utah State Justice Court Judge of the Year Award

According to the Utah State Courts website, one hundred eight justice court judges serve in 134 county and municipal justice courts. On April 25, Provo City Justice Court Judge Vernon (Rick) Romney was recognized as the 2019 Justice Court Judge of the Year at the annual justice court judges conference in St. George. Judge Romney was nominated for the award by fellow judges and was selected to receive the award by the justice court board. This award is given annually to a justice court judge who provides leadership within the judiciary and in his or her community. Those judges chosen for this award are role models that their fellow judges can emulate to strengthen and improve Utah's justice courts.

Judge Romney was appointed to the Provo City Justice Court bench in July, 2007. Prior to his appointment, he worked for twenty-two years in the Provo City attorney's office, most of the time as lead city prosecutor. He has served as president of the Central Utah Bar Association, president of the Utah Municipal Prosecutor's Association, chair of the Fourth District Court's Victim's Rights Committee, a member of the Utah Domestic Violence Council, and as a member of the training committee for the Utah Prosecution Council. Judge Romney currently serves as the presiding judge of the Fourth District justice court judge, a member of the justice court board, a member of the trust and confidence committee of the justice courts, and a member of the justice courts education committee.

"Certainly, no judge receives this award in a vacuum, and this award is also a wonderful tribute to our court administrator and clerks for the great service they give to the public," said Romney. "Even though people who come to court are not always happy to be there, those who come to our justice court are generally satisfied that their case has been handled fairly and they have had an opportunity to be heard appropriately," said Romney.

Utah's justice courts are established by counties and municipalities and have the authority to handle class B and C misdemeanors, violations of ordinances, small claims cases and infractions committed within their territorial jurisdiction. Some of the more common criminal cases in justice court include DUI, domestic violence, theft, and public disorder crimes such as disorderly conduct and intoxication. The jurisdictions of justice courts are determined by the boundaries of the local government entities (cities or counties), which hire the judges. In fiscal year 2018, there were 10,882 cases filed in the Provo City Justice Court. Of those, 2,001 were criminal cases, 1,684 were small claims cases, and 9,197 were traffic cases. Close to two-thirds of all cases filed in Utah's courts are filed in the justice courts.

Municipal justice court judges are appointed by the mayor, subject to approval by the city council. These judges serve six-year terms, and face a retention election every six years. All justice court judges

receive extensive and continuing legal training, and they must attend a minimum of thirty hours of continuing judicial education each year to remain certified.

Judge Romney is very grateful to receive this award, and notes that "It is a privilege to be able to serve the citizens of Provo as justice court judge. The motto of justice courts in Utah is to improve the quality of life in our community, and I feel that our court does make a difference for good in Provo. It is a great honor to work with the professional and qualified staff in the Provo City Justice Court."

Please Note – These minutes have been prepared with a time-stamp linking the agenda items to the video discussion. Electronic version of minutes will allow citizens to view discussion held during council meeting.



PROVO MUNICIPAL COUNCIL

Redevelopment Agency of Provo Regular Meeting Minutes

5:37 PM, Tuesday, April 23, 2019 Room 200, Municipal Council Chambers 351 W. Center Street, Provo, UT 84601

Opening Ceremony

Roll Call

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THE FOLLOWING MEMBERS OF THE COUNCIL AND ADMINISTRATION WERE PRESENT:

Councilor David Harding
Councilor David Sewell
Councilor George Handley
Councilor Vernon K. Van Buren
Council Attorney Brian Jones

Councilor David Knecht
Councilor Gary Winterton
Councilor George Stewart
Mayor Michelle Kaufusi
Council Policy Analyst Bryce Mumford

Conducting: Council Chair David Harding

Excused: Wayne Parker, CAO and Cliff Strachan, Council Executive Director

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Prayer – offered by Becky Bogden

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Pledge of Allegiance – led by Josh Jarvis

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Presentations, Proclamations, and Awards

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1. An update on the City Center construction. (0:09:21)

10 11 Scott Henderson, project manager for the city center construction, reported that the city's internal city center project committee consisted of Mayor Kaufusi, Wayne Parker (CAO), Police Chief Fergusen, Fire Chief Miquel, and Dick Blackham with Facilities.

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After a competitive bidding process, the committee selected VCBO Architecture and Layton Construction to create and build the project. These same companies designed and built the recreation center, power building, and the new district courthouse. These companies understood the importance of building a quality project.

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Mr. Henderson stated they were looking forward to working with them.

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2. Utah Recreation and Parks Association Presentation to Provo Parks and Recreation. (0:22:45)

20 Tyler Wilkins, representing the Utah Recreation and Parks Association, stated that each year the 21 association recognized members for their exceptional effort in providing parks and recreation 22 services in their respective cities. At their annual conference, held in March, the Provo City 23 Parks and Recreation Department was selected as an outstanding department in the Class 3 24 category (cities with more than 50,000 residents). Mr. Wilkins noted that Provo City had a unique Parks and Recreation Department that offered many services, including 92 recreation 25 26 facilities totaling more than 2,197 acres of property, a nationally recognized recreation center, a 27 championship golf course, an Olympic ice center, a performing arts center, and a shooting sports park. Provo City was well deserving of this award. 28

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Scott Henderson, Provo City Parks and Recreation Director, accepted the award. Department employees were invited to participate in a group photo.

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Public Comment

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Fifteen minutes have been set aside for public comment on items not on the agenda.

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Chair Harding opened public comment. There was no response to the request.

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Action Agenda

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3. Resolution 2019-20 authorizing the Mayor to execute a Conservation Easement Agreement regarding Provo City property located near the Rock Canyon trailhead. (0:35:24)

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Motion:

An implied motion to approve Resolution 2019-20, as currently constituted, has been made by council rule.

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Doug Robins, Parks and Recreation Assistant Director, presented. The property, acquired from the Liechty family in 2017, included 18.25 acres near the Rock Canyon Trailhead.

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Provo City, along with the Rock Canyon Preservation Alliance, were committed to preserving public access to the trailhead in perpetuity. Mr. Robins gave a brief history of the project:

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• 1995 – Provo City built the Rock Canyon Trailhead.

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• 2015 – Partnership with Rock Canyon Preservation Alliance (RCPA) was created to discuss volunteer and conservation issues affecting the canyon.

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2016 – Former Davis property was purchased by Provo City with RCPA assistance.
 2017 – Liechty property purchased with RCPA and Provo City each paying fifty percent.

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2017 Electry property parenased with Ref 74 and 170 to City each paying mry percent
 2017 – A conservation easement was placed on a portion of the property to protect landowners from future development.

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• 2018 – RCPA requested an on-going conservation easement for the remainder of the property.

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The Rock Canyon Trailhead Master Plan was created to help guide future recreational uses and maintenance issues. The agreement with RCPA would keep the site in public ownership with the property managed by the Provo City Parks and Recreation Department. The agreement would also make the city eligible to obtain grants from the federal government to help develop and

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maintain the trailhead. The RCPA, staffed by local volunteers, had offered to continue with fund raising projects to help maintain the canyon. The conservation easement proposal has been through a public comment period and a legal review. Staff recommended approval of the request.

Mr. Robins noted that the RCPA's contributions have been substantial over the years. Their sole purpose was preservation of the site so they have recommended the proposed easement for further protection of the canyon.

Chair Harding invited public comment.

Ginger Wooley, Chair of the RCPA, introduced Jordan Tanner and Francine Bennion as two of the founders and acknowledged their hard work. Ms. Wooley said there had been four decades of advocacy. Having a positive partnership with Provo City, Utah County, and the federal government made a big difference in this project. She lauded Provo City for working to preserve this community jewel. She asked the council to protect this iconic, local treasure and approve the easement.

Francine Bennion, Provo, reported that the RCPA originated forty (40) years ago to address a proposed service line in Rock Canyon for construction and maintenance of a possible ski resort. After the proposal folded, the group arranged for conservation easements to be placed on a portion of the property high in the Rock Canyon drainage. They wanted to protect the canyon from this and other proposals such as a quarry and a condominium project. The proposed conservation easement would protect the rest of the canyon and trailhead from future development.

Phil Allen, Vice-Chair of the RCPA, was a thirty-year (30) professor of landscape architecture. He had donated more than 1,000 hours of his personal time in the efforts to preserve Rock Canyon. The mouth of Rock Canyon was a fire hazard. An ecological restoration would replace the weedy vegetation and reduce the fire danger. He had raised more than \$100,000 dollars from private business to be used for grant matching funds that would not burden the city. The conservation easement would further these organizations respect for the city and RCPA and encourage additional contributions.

Tim Whipple, Provo and Treasurer of the RCPA, noted the funding to match the city's contribution was raised in less than two months with enough left over to help fund the master plan. He said the funding was raised with the expectation that a perpetual easement protecting the canyon would be granted. The proposed conservation easement would meet that expectation and strengthen their ability to obtain additional funding.

There were no more public comments. Chair Harding invited council discussion.

Mr. Handley said he had been a member of the RCPA and thanked Ms. Bennion and Mr. Tanner for creating the original organization. He could not imagine what this area would look like with diesel trucks driving up Rock Canyon. The collaboration between Provo City and the RCPA was wonderful. He invited fellow councilors to take a tour of the canyon to learn about ongoing issues for continued preservation of the canyon.

 Mr. Stewart thanked the alliance for their work. It started during his administration as mayor when the trailhead was purchased by the city in an effort to prevent condominiums from being built in the canyon.

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Mr. Sewell thanked the group and said the RCPA was an example of a citizens group that had accomplished a great deal over a long period.

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Chair Harding called for a vote on the implied motion to approve the conservation easement.

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Vote: Resolution 2019-20 was approved 7:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

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Chair Harding recessed as the Municipal Council and reconvened as the Redevelopment Agency of Provo by unanimous consent.

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Redevelopment Agency of Provo

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4. Resolution 2019-RDA-04-23-1 authorizing the Chief Executive Officer of the Provo City Redevelopment Agency to modify certain contracts with NeighborWorks Provo. (0:57:01)

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Motion: An implied motion to approve Resolution **2019-RDA-04-23-1**, as currently constituted, has been made by council rule.

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Chair Knecht introduced the item and invited David Walter, Provo City Redevelopment Agency Director, to present.

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Mr. Walter reported that the RDA had entered into several loan contracts with NeighborWorks to help improve blighted areas within Provo City. The loan funds were grants from the Department of Housing and Urban Development (HUD). During the economic downturn in 2008 and 2009, many of the homes purchased and upgraded by NeighborWorks were unable to be sold. The RDA board authorized them to use some of the homes as rental units. NeighborWorks was now trying to sell some of these homes but would not be able to recover the original cost of purchase and rehab. They were asking that portions of the following loans be forgiven so they could clear the debt off the books and complete the projects.

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Summary of Neighborworks Proposal

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Project	Franklin Commons	Place on 9th Project	Joaquin Retreat	
Amount Owed	\$270,000	\$261,395	\$215,800	
Housing Units Created	17 total units	6 total units	Pre-construction phase	
Amount of Forgiveness	The full amount - \$270,000	Forgiveness grant for units totaling \$186,420	Forgiveness grant of \$168,933	
Neighborworks Offering	Nothing additional, claim the contract offered them an out	Pay Provo City \$74,975.37, plus \$3,107 per unit per year, up to maximum of 15 years, for future homebuyer who falls outside HUD affordability guidelines	Build a pocket neighborhood and pay Provo City \$44,941, more if they generate additional income	

- 138 The funds from homes sold by NeighborWorks would be recycled back into the community.
- 139 The RDA staff supported the request and asked the RDA board to allow the CEO to modify the contracts.

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142 Chair Knecht invited public comment.

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145 146 Sam Oman, Provo, asked if the city would recoup any of the money or just pretend the loans did not exist and let the property owners "rake in the cash." The majority of homes in his neighborhood were rentals owned by property owners that did not live in Provo. He felt the resolution needed more financial analysis.

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Sharlene Wilde, Executive Director of NeighborWorks Provo, explained they were a non-profit housing agency that worked closely with Provo City to produce affordable housing. They have asked that the contracts be amended.

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The Franklin Commons contract was executed fifteen (15) years ago. The neighborhood was proud of the development and wished there was more housing like this available. The original intent for the federal dollars was to invest in the neighborhood so the amendment would simply be an extension of the existing contract.

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The Place on 9th project was a development in the Dixon neighborhood. Property was purchased, existing homes were removed, and new homes were built. The homes were sold to lower and moderate-income families and most of the families were still living in the homes. As with Franklin Commons, the funds were to be used for investment in the neighborhood.

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The Joaquin Retreat project included purchasing property, tearing down the home, and building a new home.

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165 166 Ms. Wilde said the funds were not necessarily forgiven, they would be used to reinvest in the community for different projects. They were selling some of the rentals for more than was owed so they would be able to pay the city up to \$100,000. She reinforced that the funds referenced in the contract amendments would be invested back into the city.

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There were no more public comments.

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Mr. Harding commented that police had been called many times to a home in his neighborhood, creating a negative effect in the area. The cost to rehabilitate the home would have been higher than the value of the home with no way to remedy that. NeighborWorks purchased, renovated, and sold the home at a loss but it had become an asset to the neighborhood. He agreed that the funding was an investment in the neighborhood and we needed to understand there might be losses on the transactions.

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Mr. Sewell appreciated the works that Neighbor Works had done over the years to help rejuvenate our downtown neighborhoods.

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Chair Knecht reported there had been 35 new homes built in the downtown area and more than 50 homes renovated.

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184 185 186 187	yards cleaned	ard, Joaquin Neighborhood Chair, reported there had been 315 homes painted and up with 37 homes bought and renovated in Provo over the past few years. The et totally changed the neighborhood and said the money was not wasted.
188 189 190	Chair Knecht	called for a vote on the implied motion to modify the contracts with ks.
	Vote:	Resolution 2019-RDA-04-23-1 was approved 7:0 with Board Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.
191 192	of a d	ution 2019-RDA-04-23-2 designating a survey area, authorizing the preparation lraft Community Reinvestment Project Area Plan and Budget, and authorizing lirecting all necessary action by the agency, staff, and legal counsel. (1:14:01)
	Motion:	An implied motion to approve Resolution 2019-RDA-04-23-2 , as currently constituted, has been made by council rule.
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194	David Walter,	RDA Director, presented. The proposed resolution would be the first step in
195	,	ect area for the medical school at the golf course. The process would begin
196	C 1 3	hearings before a potential tax increment financing project area was established.
197	several paolie	neurings before a potential tax informent intanents project area was established.
	Chair Vraaht	invited public comment. There was no negrous to the negroot
198	Chair Knecht	invited public comment. There was no response to the request.
199		
200	Mr. Harding s	upported the initial step to create a survey area and looked forward to a robust
201	discussion abo	out the details of what the actual project should be.
202		2 0
203	Chair Knecht	called for a vote on the implied motion to designate a survey area.
204	Chan Ithiothe	tailed for a vote on the improve motion to designate a survey area.
	Vote:	Resolution 2019-RDA-04-23-2 was approved 7:0 with Board Members Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.
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206	Chair Knecht	adjourned the redevelopment meeting and reconvened the municipal council
207	meeting.	
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200	Action Aco	n d o
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		of Police (1:17:18)
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	Motion:	An implied motion to adopt Ordinance 2019-15, as currently constituted, has been made by council rule.
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212	Michelle Kauf	Gusi, Provo City Mayor, presented. The Provo Police Department was a large
213		th 107 sworn officers and nearly 50 civilian staff assigned to four different
214	divisions. A captain that reported directly to the chief led each division. The establishment of a	
215		f police position would provide needed administrative assistance to Chief
216	Ferguson.	

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218	Chief Ferguson reported the calls for service had almost doubled since 2012. Despite the		
219	increased number of calls, our officers have worked hard to reduce crime. Additional police		
220	oversight would be necessary due to growth in the city, the airport expansion, and other future		
221		e changes needed to be prepared for now. Chief Ferguson humbly asked the	
222		this position to the police department.	
223	council to add	ins position to the ponce department.	
224	In response to a	a question from Mr. Winterton, Mayor Kaufusi said the position would be covered	
225	through the end of June by savings in the current fiscal year. The position would be budgeted on		
226	an ongoing basis in the General Fund beginning with the proposed FY 2020 budget.		
	an ongoing bas	is in the General rund beginning with the proposed r 1 2020 budget.	
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228		invited public comment. Beth Alligood, Provo, supported the request for a deputy	
229		mber of the citizen's advisory board for the police department, she has seen a	
230	_	f change, including the airport expansion and increased development on the west	
231	side.		
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233	Becky Bogden, Provo, was also on the citizen's advisory board. She said that public safety was		
234	very important for the city and its citizens. She agreed that Chief Ferguson needed all the		
235	support he coul	id get.	
236			
237		ovo, had been on the citizen's advisory board since its inception. The police had	
238		fed the entire time he has served on the board. With the decertification of the	
239		epartment, expansion at the airport, and growth in the city, the city was in need of	
240		eers, not just the added command staff. He encouraged the council to fund this	
241	position and fir	nd the means to fund additional officers.	
242			
243	Chair Harding	closed public comment and invited council discussion.	
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245	With no counci	il discussion, he called for a vote on the implied motion to adopt the ordinance.	
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	Vote:	Ordinance 2019-15 was approved 7:0 with Councilors Handley, Harding, Knecht,	
		Sewell, Stewart, Van Buren, and Winterton in favor.	
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		ution 2019-21 appropriating \$2,490,000 funded by lease financing in the Vehicle	
	•	cement Fund for the purchase of two fire apparatuses and related equipment	
	applyi	ng to the fiscal year ending June 30, 2019. (<u>1:28:26</u>)	
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	Motion:	An implied motion to approve Resolution 2019-21, as currently constituted, has been made by council rule.	
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250	Kelsey Zarbock, Provo City Budget Analyst, presented. The council approved a resolution two		
251	weeks ago that	allowed the city to purchase two fire trucks through a tax-exempt lease	
252	agreement. The lease agreement, with an interest rate of 2.3 percent, had been signed and		
253	provided the city with \$2.49 million in funding. The proposed resolution appropriated the funds		
254	into the current year budget to allow purchase of the fire trucks and equipment.		
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256	Chair Harding	opened the public hearing for this item. There was no response to the request.	

58 59 50	With no council appropriation re	I discussion, Chair Harding called for a vote on the implied motion to approve the equest.
51	Vote:	Resolution 2019-21 was approved 7:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.
	8. Ordina (1:30:4	ince 2019-16 enacting the Mill Race PRO Zone. Downtown Neighborhood. $\frac{4}{2}$
2	Motion:	An implied motion to adopt Ordinance 2019-16, as currently constituted, has been made by council rule.
3	real pr Univer	linance amending the Zone Map Classification of approximately 3.7 acres of operty, generally located between 500 S. to 600 S. and from 100 W. to sity Ave. from ITOD to Mill Race PRO Zone. Downtown Neighborhood. 4) (Discussed in conjunction with Item No. 8).
4	Motion:	An implied motion to adopt the ordinance, as currently constituted, has been made by council rule.
5	Agran Ardmare	e, Provo City Planner, presented items 8 and 9 together, but noted they would be
, 7		tely. Mr. Ardmore explained that the main differences between the Interim
,	-	d Development (ITOD) zone and the requested Mill Race PRO zone would be the
		and a slightly lower average minimum unit size. The proposed project would
		defined design standards. Staff and the Planning Commission were in favor of
		ecause of the development it would bring to the downtown area. The request met
		n use for the area.
	Mr. Ardmore pi	resented slides showing the proposed project site. The development included a
		ng types and open spaces. If approved, more details would be shown when the
	project plan was	
	In response to a	question from Chair Harding, Mr. Ardmore noted the average minimum unit
	size in the ITOI	O zone was 800 square feet. The applicant was requesting an average minimum
	size of 675 squa	are feet. He noted the development would have units larger than 1,000 square
		units in the 500's. The PRO zone did not specify any minimums or maximums
	so there was no	language to prevent an average minimum size lower than 675 feet other than a
	development ag	greement.
	-	applicant, stated the project was initially presented last fall. Since that time, they
		ng with various stakeholders, including the neighborhoods, local businesses, the
		s Christ of Latter-day Saints, and community representatives. He said PRO zones
	were created in	order to enhance areas that needed reinvestment.
		a brief power point presentation of the proposed project, which included the
	2	t north of the Front Runner station on 600 South between 100 West and
	•	nue. The project included multiple courtyards and open spaces. In response to
	concerns expres	ssed by stakeholders in the area, the following items have been included:

• Some owner occupied housing in a ten-story condominium tower, on top of three stories of parking, would be built on the northeast corner of the property.

- A fourteen-story office complex tower would be built on the southeast corner with nine stories of office space and five stories of parking.
- The west building, the middle building, and the wrap building would all be five-story buildings with rental units.
- The project had six outdoor amenity spaces (including courtyards and rooftop amenity space), event space on the top floor of the office tower, pedestrian bridges connecting all of the buildings, and a bridge to the FrontRunner station.
- The Church of Jesus Christ of Latter-day Saints was exploring the possibility of locating an urban meetinghouse in the office complex.
- A system that would capture storm water in cisterns on the roof with the water circulated through surface level streams (as a shout-out to the historic millrace was located in that area).
- Installation of a large on-site solar project to help provide sustainable energy and encourage conservation.
- A percentage of the owner occupied units would be affordable housing at 70 percent AMI.

Looking to the future, Mr. Earl stated they were planning for possible passenger drone facilities on the rooftops and retrofitting parking spaces to residential areas if on demand parking on the site decreased.

(1:59:00) Last February Mr. Earl said they invited Councilors to walk through a mock-up of the different units in the development (built to exact specifications) so they could get an idea of the spacing and feel of the proposed project. During the walk through of a 440 square foot unit Chair Harding said the smaller units could actually work for some people.

Mr. Knecht noted that the creation of the PRO zone that did not have an average minimum unit size could be used elsewhere in the city. Mr. Earl said they would be open to setting a minimum unit size in the proposed zone.

In conversations with parties near the development, Chair Harding said they felt it was a great proposal. They did express concern about parking and the possibility of the 195-foot buildings on the east side being duplicated on the west side of the development,

Mr. Earl noted that the ordinance would limit the height to 195 feet along University Avenue and 600 feet or less, on the remaining three sides. These height limitations could also be included in the development agreement.

Chair Harding invited public comment. (2:17:45)

Tosh Metzger, Provo, felt the proposed development would help establish Provo as the urban center of the county. It was a wonderful addition to downtown Provo.

Sam Oman, Maeser Neighborhood Vice Chair, expressed concern about parking, traffic, and fire safety. We keep making the same mistake of building projects with inadequate parking. Access to the project would increase the traffic in the residential neighborhoods. Provo City did not

have fire equipment that could reach a building that tall. He noted there were no grocery stores within walking distance of the development.

Becky Bogden, Provo, said 100 West was the only access to the development for trucks, which would mean a lot of traffic on a residential road. The parking in the area was completely full, especially when there was an event in the area. Delivery trucks sometimes parked in the middle of the road because there was no parking available. The project was a great idea but they needed to consider additional access points into the project.

Sharon Memmott, Provo, drove the University Avenue corridor on a regular basis. The east-west access from University Avenue in that location was very difficult. With the number of people they were going to put in the area, she could not imagine how they were going to manage it. She asked if there was a parking requirement for the event center. The development was close to UVX, but there were no park and ride lots in northeast Provo that would allow people to ride the bus to events. Would the pedestrian bridge from FrontRunner to the development be available for everyone or just residents of the development?

Chris Collard, Lakeview area, said it was a good opportunity to bring a project like this into the downtown area. He would have loved to live in a project like this because he spent a lot of time downtown doing business and eating in the restaurants.

Tom Taylor, Provo, spoke on behalf of the Startup block. They had several meetings with the developers and were pleased with the proposal. Their one concern had been addressed in a memorandum of understanding. They had a good working agreement with the developers and wanted this project to help enliven the area.

Rod Bridge, Provo, said America's love affair with the car was not over. He lived in a condominium complex that was completely owner occupied and they had problems with parking. His daughter lived in a new complex in west Provo and, even though they had two parking spots each, they could never find enough parking because someone else took theirs. Even though many of the residents in the proposed development would ride UVX or FrontRunner, they would still own a car.

David Eberhard, Provo, wanted to make sure the building was built to meet seismic specifications.

Michael Conroe, project architect, addressed the parking concerns. The project was designed with parking above and beyond Provo requirements, which included the required 630 spaces and an additional 70 spaces on the street for the community. The required parking for each building would be provided during each construction phase.

In response to a question from Mr. Knecht, Mr. Earl said they were dedicating the land for the pedestrian bridge to UTA. The bridge would be built separately from the project and available to the public. The pedestrian corridors in the middle of the project would be open to the public during business hours.

Margaret Talbot, Provo, asked how many condominiums were being built. Mr. Earl said there were 70 in the condominium tower and possibly 45 units in the wrap building.

Chair Harding closed public comment and invited council discussion. (2:34:14)

Chair Harding reminded the public they were considering two separate ordinances. One would create the Mill Race PRO zone and the second would apply the new zone to this property. He asked Mr. Ardmore what the council's options were. Mr. Ardmore stated the 195 foot height requirement would not be appropriate to put in the PRO zone because it could be used in other areas. It would be more appropriate to put the height requirement in a development agreement, along with other items to address council and citizen concerns.

Mr. Jones said if there were no proposed changes to the text of the zone, the council could adopt Item No. 8 with no impact to the project. Item No. 9 took the text of the zone and applied it to the property, which was where a development agreement could be proffered. The council could approve the zone change, effective on the date the development agreement was negotiated and signed by the mayor. The council needed to feel comfortable that the developer was addressing and agreeing to all the concerns expressed by the council. The other option would be to review a draft development agreement before the zone change was applied.

Mr. Handley preferred having a draft development agreement before approving the zone change.

In response to a question from Chair Harding, Mr. Earl was open to working with the mayor to draft a development agreement and presenting it to the council for final approval. His main concern was moving forward with the application for project plan approval for the first phase. Mr. Ardmore stated he could submit the application immediately. Issues such as traffic flow and coordination with UDOT could be addressed in the development agreement.

Mr. Ardmore addressed the traffic flow concerns. He noted there was access to the development from 600 South and under the viaduct. Most of the traffic would be on the south and east of the development so the majority of the traffic would not have to go through residential neighborhoods. The setback of the development was designed with the expansion of University Avenue in mind. The expansion included a left hand turn lane from northbound University to 500 South. The intersection would include a traffic signal.

Chair Harding proposed that the council move forward with the approval of Item No. 8 – the creation of the Mill Race zone. They would then continue Item No. 9 for two weeks until the draft development agreement could be reviewed and approved. Councilors with specific issues to be addressed in the development agreement should forward those concerns to Mr. Ardmore as quickly as possible.

Chair Harding called for a vote on Item No. 8 - the implied motion to create the Mill Race PRO zone.

Vote: Ordinance 2019-16 was adopted 7:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, Van Buren, and Winterton in favor.

Councilor Sewell requested that Item No. 9 (applying the new Mill Race zone to the property) be continued for two weeks, per council rule.

10.	***CANCELLED / DOES NOT REQUIRE COUNCIL APPROVAL*** Justin Earl request PRO
	zone approval for a mixed-use development on approximately four acres, located
	from 500 S to 600 S and from 100 W to University Avenue. Downtown
	Neighborhood. (PLPRO20190045)

11. Ordinance 2019-17 amending the Zone Map Classification of approx. 3.724 acres of property generally located at 2400 N 650 E to combine the Performance Development Overlay (PD) Zone with the underlying R1.10 zone. Rock Canyon Neighborhood. (2:57:03)

Motion: An implied motion to adopt Ordinance 2019-17, as currently constituted, has been made by council rule.

Brian Maxfield, Planning Supervisor, presented. The staff report looked at the base density through several iterations and concluded the 12-unit base density could be approved with an additional six units, based on a co-efficient that was multiplied by the acreage. Therefore, the proposed project would include 18 units. The project met the General Plan goal of providing a variety of housing options to meet the needs of an aging population. Staff recommended adoption of the proposed ordinance.

 Chair Harding invited John Destor, the applicant, to address the council. The proposed development would consist of homes targeted to retirees or busy professionals with small yards, an HOA to take care of the grounds, and main floor living. Two neighborhood meetings had been held with 70 and 26 people in attendance respectively. The Design Review Committee and Planning Commission both gave unanimous approval of the project.

Mr. Destor reviewed the details of the project with council members.

 • The ordinance was for a planned unit development overlay, not a zone change of the underlying R1.10 zone.

 • The project consisted of five units to the acre on 3.71 acres for a total of 18 attached homes in a pinwheel format with consolidated driveways.

The homes were one and two stories with six or seven floor plans available.
Each home included a two-car garage with a possible third garage, if requested.

• Private fenced yards for each home.

 Open space and a park were provided in the development as a buffer between the homes and Timpview Drive.

 • The project had 91 parking spaces for 18 homes, which came to five per home. The requirement was 2.25 per unit.

 • Walking paths were included in the project including a current path from the northeast corner to the schools.

 Houses would have nine-foot ceilings.
Exterior designs would be different for each home with variations of white hues.

The project would allow residents to age in the neighborhood by selling larger homes in the area and moving into this development. Mr. Destor noted that traffic standards show the daily trip generation would be .30 to 3.48 for attached elderly housing. Not all homes would be elderly so that number would be slightly higher. Single-family homes generated 4.3 and 21.85 daily trips.

Responding to questions from Mr. Sewell, Mr. Destor explained the following.

- The project would similar to his development in American Fork with similar sized homes. In that development, the exteriors of the homes were all different but the floor plans were similar. The targeted demographic would be the same. About one-third of the homes in American Fork were families with small children.
 - The extra parking was distributed throughout the development with possible street parking along the north side of the development.
 - Water meters would be installed per unit or one for each hub, depending on what the city required.
 - Street lighting would be six-foot poles with a traditional lantern throughout the project, including the park.
 - The HOA would be responsible for snow removal.

Mr. Handley stated that, while the development appealed to single professionals, the price seemed a little high for someone in that situation. Mr. Destor said building a smaller home might reduce the price a little. Unfortunately, the entry level would be around \$460,000. Building lots in the area were expensive.

Responding to questions from Mr. Winterton, Mr. Destor reported that:

- The Design Review Committee was enthusiastic about the architectural detail and color scheme.
- Parking was designed to have two vehicles in the garage and two parked in the driveway behind the garage door. That type of stacking was common.
- The proposed development with 18 units had six vehicle trips per day less than the original 12-unit proposal.

Mr. Stewart confirmed that the development consisted of single-family attached homes. People were telling him that it was multiple, not single family housing. Mr. Maxfield explained that, even though the homes were attached, they were still considered single-family homes.

Chair Harding invited Rachel Luke, the Rock Canyon Neighborhood Chair, to address the council. Ms. Luke reported they held two neighborhood meetings concerning this project. The first was held last September with about 70 residents attending. The second meeting was held last March with 26 residents attending. The development was also discussed on the neighborhood Facebook group, which had 250 members, and their email group with 208 members. She reported that 78 residents were opposed to the project with 18 residents in favor and 14 wanting lingering concerns addressed. She noted that this was the first official proposal for development of the land in question. Ms. Luke reviewed some of the positive and negative comments she had received over the past seven months.

Pros

- This would increase property values.
- Happy the land was being developed because it was an eyesore.
 - Liked the buffer park.
 - Wanted to avoid "mansions" on small yards.
- Liked John Destor, the developer.

- Glad the city was not requiring the continuation of 750 East.
 - Glad the project was retaining the walking path for the children.

Cons

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- There was already a significant amount of high-density housing in the area all within one-half mile of the proposed development.
 - North Canyon Condos 48 units
 - o Garden Villa Condos 81 units
 - o Normandy Village 26 units
 - Rock Canyon Condos 52 to 62 units.
- Across the street from two schools on 2320 North (Rock Canyon Elementary and Centennial Middle School) which created safety and traffic problems in the area.
- Parking problems on 2320 North contributed to the safety concerns in the area.
- Restricting parking on Timpview Drive could help alleviate the parking/traffic problem.
- Want to discourage current and future residents from using 2320 North as a thoroughfare.
- Requests were made to install a cross walk and other traffic calming measures on 2320 North.
- Since it was a vacant lot, the amount of vehicle trips would definitely increase traffic and congestion in the area.
- No guarantee the units would be occupied by retirees. With a potential for seven bedrooms, more than two people could occupy the homes. It was not designated as a 55+community.
- Many questioned the benefit of have the homes occupied by retirees when they are so close to the schools.
- There was a strong desire by the neighborhood to eliminate zoning exceptions in the area. Neighbors wanted to preserve current zoning.
- Shared parking pads and driveways would be difficult to maneuver.
- The development would increase the traffic on 2200 North, which had reached its capacity as an arterial road.
- Placement of the park next to a busy intersection prioritized curb appeal over functionality. Moving the park to the back of the development could appease back yard neighbors, increase privacy, and remove liabilities and impacts resulting from use of the park by non-residents and schoolchildren.
- Current access into and out of the development would have an impact on 2320 North. There was a possibility of closing off the access from 2320 North and requiring all access come from Timpview Drive. It would also allow the south portion of the development to be fenced.

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While considering the proposed ordinance, Ms. Luke asked the Councilors what creating a third performance overlay in the area would add to the neighborhood. What did 18 units add to the neighborhood that 12 did not? The negative reaction to six additional units might seem excessive but the council needed to consider the number of things in the neighborhood that were not functioning as they should. It made the neighborhood concerns become understandable. You have:

- A new school (Rock Canyon) with orientation and traffic flow issues,
- A narrow local road (2320 North) that was functioning as a collector road,
- An S or PD overlay on 2320 North that was not containing it's residents cars,

- An impending item before the council to extend the S overlay in that neighborhood,
 - A minor arterial road (2200 North) that was at capacity,
 - Losing owner occupied homes on 2200 North if it was widened, and
 - Centennial Middle School, built for 600 students, was at 1200 students with ill-equipped infrastructure to deal with population growth.

The neighborhood was asking the council to vet this issue a little more. What looked good on paper was not always the case in reality. A 2050 vision, that considered permanence, was necessary for this area.

Mr. Winterton did not feel the problems in the area were tied to or exacerbated by the proposed project.

Chair Harding invited public comment. (4:02:32)

Suzanne Ron, Provo, stated she had lived in various places throughout the country. She thought that a single family home was free standing – anything with a common wall was a townhome. She watched Houston go from old homes on tree-lined streets to stacked homes with shared driveways. The result turned out to be tomorrow's slums. Provo has the ability to consider the future and do it right.

Mike Bateman, 2320 North Provo, said he was one of the youngest homeowners in the neighborhood and had lived in the area for 35 years. He was afraid new development would not attract young families. The developer was asking for four homes at one-half million dollars each, creating one McMansion with four families living in it. All the car problems in the neighborhood were from renters. These were \$500,000 townhomes large enough to add renters. He urged the council to vote against the proposed overlay.

Kent Barrus, residing in the neighborhood, said he was against the proposal. Mr. Destor was a seasoned builder and he understood what the zone was when he purchased the property, but had confidence he could get the zone changed to suit his purposes. Mr. Destor should abide by the rules in place and build 12 homes or sell to someone that would.

Stephen Behunin, representing Rock Canyon Condominiums, stated that things were changing. In their condominiums, the value of the condominiums was going up. Many single people purchase the homes and get roommates. They justify having more than one person by saying they were a family. Now they have three or more cars per condominium. People start parking on the streets, which causes safety problems and makes plowing the streets difficult.

David Hansen, living at 2439 N. near the project, was concerned about property values. They were told the value of homes near the development would be reduced. He understood that people wanted to move to Provo but if everything were overpriced, where would they live?

Jim Clark, born and raised in Provo, built his home in the Rock Canyon Neighborhood because it was zoned for families. His children and their friends could walk to school and ride bikes together. Over the past 20 to 30 years, his neighborhood had been slowly eroding away and the

flavor of the neighborhood had changed. We have two schools in the neighborhood and now we

want to turn the neighborhood into retirement homes. Parking was a big issue in the area. This development would not have enough parking so the residents would park on the street.

Sylvia Andrew, Provo, was in favor of the development. The property was up for sale for a long time because it was expensive. She could see a need for the development. The project was well planned and loved the park in front. She did not think the development would cause safety and parking problems.

Dahrl Thomson, Provo, lived next door to the property. She asked them to consider that most the neighborhood was against the proposal so that should count for something. Mr. Destor said the development was only six more homes than originally planned, but that was 50 percent more. They already have enough apartments in the area. There were traffic and congestion problems in the area – she sees them every day. The zoning should remain the same and family homes should be built.

 Alan Thomson, 2411 North 750 East Provo, lived next door to the proposed project. He lived in Provo for 68 years and in his current home for 43 years. They loved the single-family neighborhood and they wanted it to stay that way. The neighborhood was overwhelmingly opposed to the development. Please take into consideration the feeling and sentiment of the neighborhood.

Pricila Dutra, Provo, came from an immigrant family that had worked hard to keep the laws of the country. They lived just north of the development and worried about the value of their home going down. They liked the open feel of the area and now they would probably have a six-foot wall in front of their door.

Valmir Dutra, Provo, had lived in his home for 13 years. He came to the United States in 1974 as a student at BYU and decided to buy their home because he believed it was what he should do. He said they might have to sell their home because people do not care about the residents feelings. They were in favor of the development as it was originally proposed. They live behind the development and people just care about what was in front of the development. A large wall would destroy their life.

George Talbot, Provo, has lived behind the property for 46 years and enjoyed the open field. They anticipated it would be sold eventually and become family homes. They did not anticipate there would be a change in the zone and the style of home that was developed. He wanted to keep the zoning the same and build family homes where children could play. He did not know where the children would play in the type of cluster homes that were being proposed.

Scott Murray lived in Provo for 61 years with 50 of those years in Edgemont. He was in favor of the proposed zone change. He grew up on 3050 North and attended the original Rock Canyon Elementary School. He walked to school through an orchard and a cow trail because Timpview Drive was not a through street. The R1.10 zone was created in 1950 and was archaic and not sustainable. No one wanted to live on Timpview Drive. Mr. Destor's proposal created a green buffer between Timpview Drive and these single-family homes.

Kent Dudley, Provo, said they had three cul-de-sacs in their neighborhood off 2600 North.

There were no parking problems because residents parked in the cul-de-sac, not on 2600 North.

He said the proposed development was a four-plex, a condominium, or townhomes but they were not single-family homes. When they moved into the neighborhood fifteen years ago they liked the open feel. The city needed to keep the current zoning.

Angela Richards, Provo, moved here from a very dense area in Oakland California. They wanted to find the right place for their family and this area felt like just what they were looking for and different from what they experienced before. She said this development would totally change the feel of the community. It would be transient with increased traffic. She asked the council to consider preserving the current feel of the community.

Margaret Talbot, Provo, read a statement from Craig and Kathy Bryson, who were unable to attend. Ms. Bryson wrote that one of the biggest decisions people made was purchasing a home. It did not seem fair that, when you purchase a home in an area that was protected by a certain zone, the zone can be changed to suit a single builder. Ms. Bryson asked the council to keep the area as a single-family neighborhood. Ms. Talbot said the city was raising taxes to tear down schools and build new ones while taking away the single-family homes where children could live. Let people that do not have children move to the 70-condo development down south that was discussed earlier in the meeting.

Kathy Giles, Provo, had lived just east of the proposed development for 45 years. She strongly opposed the zone change. She wanted her home, her assets, and her neighborhood protected. She shared the council's core values of healthy environment, responsible government, vibrant communities, and thriving commerce. Mr. Destor would make money on this project, no matter which option he chose. She asked that the council deny the request and have Mr. Destor and the Rock Canyon neighborhood get together and come up with a compromise they could both live with. No one would get everything they wanted, but everyone would get something they wanted.

Rod Bridge, Provo, said he had a hard time getting out of his garage on 2320 North during certain times of the day. This was a very busy street, especially when the school was starting and ending. He did not have an answer to the problem but said traffic would increase on 2320 North if there were more homes on the corner of 2320 N Timpview Drive.

Don Cobb, Provo, was glad Mr. Destor owned the property because he was local. He appreciated Ms. Luke's comments and said they needed to be taken seriously. Part of the parking problem on the street near Rock Canyon could be with teachers, aides, or parents. If the development had 91 parking stalls, that meant there would be 91 cars coming in and out of the development. At four trips per car, that would be almost 400 trips per day in an area that was already congested. He thought a good effort had been made but it was not the right solution for the property. He asked the council to deny the request.

Dave Decker, Provo, failed to see how 18 homes would create less traffic than 12 homes. The council had heard the voice of about 90 percent of the people that did not want the zoning change. That was something the council should consider.

Doug Rosborough, southeast corner of 2320 and Timpview Drive, built his home in 1983. He had watched the traffic increase each year. He believed John would build a quality project but would like a concession. He would approve of the overlay if they would remove the driveway from 2320 North. He would rather have the houses face Timpview Drive. The cul-de-sac south

of the school on 2320 North had two homes where people did not park in their driveways – they parked on 2320 North.

David Eberhard, Provo, said it was obvious there would be homes on the vacant property. He was concerned about the safety of his children because they would be walking past the development on their way to school. He reported a young driver blew through the four-way stop at 2320 N. Timpview Drive the other day without stopping. There were many children in the neighborhood and he liked the single-family homes but something needed to be done about the safety of the children.

Sally Moody Bridge, Provo, has lived in Rock Canyon Condos for 17 years. She said people turned from 2200 North onto 2300 North and used it as a shortcut by speeding down the road. She requested a flashing speed limit sign of 20 MPH in that area. When Rock Canyon Elementary was rebuilt, there was talk about making 2320 North a wider street. The road should be widened because of the number of people dropping off and picking up children from Centennial and Rock Canyon. There also needed to be another location for dropping off children to take the pressure off 2320 North.

William Strong, Provo, had lived in the Rock Canyon neighborhood for more than 50 years, and watched the area grow. They recently sold their home on 800 East to a family with children. That was the best use of homes on land near public schools and parks. There were more than 200 high-density units within one-half mile of the proposed development for seniors that wanted to stay in the area. He asked the council to keep the current zoning, which would protect property values, ensure owner occupied housing, help prevent vehicles from parking on the roads, and ensure that families could move into homes near schools.

Steve Strong, Provo, was opposed to the overlay request. The council had heard a number of reasons why the neighbors opposed the proposal. He had been involved in property development for years and said that property rights needed to be considered and neighborhoods preserved. The perfect street to draw a line separating high density with single-family homes was 2230 North. Single-family homes were not outdated. They did not need additional multi-unit homes in the area.

Weston Hafen, Provo, liked to take a data driven approach to problems. In the Planning Commission meeting, Mr. Destor said he was financially indifferent as to whether the project was 12 or 18 units. Mr. Hafen said 82 percent of the residents oppose the plan. The 200 high-density units that already exist in a neighborhood with 650 units showed that one-third of the neighborhood already had this style of housing. His last point was that many people lived on Timpview Drive as opposed to the earlier comment that no one wanted to live on Timpview Drive.

Chair Harding closed public comment and invited council discussion. (4:57:29)

Mr. Sewell said he was conflicted about this issue. It was a good project, better than many other options, but he was not at the point where he felt it was the best option for this property. He did not support the project and the neighborhood response has convinced him that he was right. He felt the right person owned the property and hoped they could all come to a meeting of the minds and find something they could all approve of.

Mr. Knecht asked if the cul-de-sac on the corner could have been configured with an entrance from 2320 North. Mr. Maxfield replied that it could, there was nothing in the zone to prevent that type of configuration.

Mr. Handley asked Mr. Maxfield to explain the difference between a condominium, a townhome, a single family attached home, and a single family detached home. Mr. Maxfield replied that they were all considered different types of single-family homes. A single family home was not defined by having children in the home.

Mr. Handley made the following comments:

- There were single-family attached homes along the road to Rock Canyon. He did not describe this area as any less than the family neighborhood where he lived in the Oak Hills area.
- The average car trip per single family detached was 4.5 to 22 trips per day. As soon as the single-family homes were attached, the trips were reduced to four per day, with elderly housing even less.
- The safety issue was primary and understood that 2230 North was a nightmare. However, he did not understand how this project would make the traffic worse, as opposed to another project with single-family homes (which could make the traffic problem worse).
- The traffic problems on 2230 North needed to be addressed separately from the proposed development.
- He did not like going against 82 percent of the neighborhood, but had trouble understanding whether this project was the wrong thing for the neighborhood. They could wait for a project that had the look and feel the neighborhood wanted, but would actually contribute to greater amounts of traffic and safety issues.

Responding to a question from Mr. Handley, Mr. Maxfield did not have sense of this type of housing concentration in this neighborhood as opposed to other neighborhoods in the city. The Riverbottoms area had some but in areas further north, or in the southwest part of town, there were very few. The Planning Commission felt this project would be appropriate for the area because sit was on a street that could handle traffic better.

Mr. Stewart said he came to the meeting prepared to vote for the proposal but was not aware of the amount of neighborhood opposition. If the project was approved there would not be many children, whereas, with single-family detached homes they would get more traffic. A family with children drove more than families without children. However, if the neighborhood wanted to keep the R1.10 without the overlay, he would vote against the project but they would have to live with what they wanted.

Mr. Winterton agreed that this was a difficult decision. He felt the developer had addressed all of the neighborhood concerns except the "feel" of the neighborhood. He grew up in the neighborhood and remembered what it was like when he was a boy. At the time, there were 40,000 people in Provo and now there were more than 110,000. He liked to preserve what they could but understood that nothing can stay the same. He did not think the development would hurt the neighborhood. Yes, it would change the neighborhood, but it would change anyway, no matter what they did.

 In response to questions from Mr. Knecht, Mr. Maxfield replied that a road could be put in north of the property if it was developed differently. However, engineering said the road was not necessary and was owned by someone else. Staff was looking at a variety of housing types throughout the city to accommodate the elderly population. After analyzing the impact, and comparing other options, staff felt the proposal met the General Plan goals and policies and addressed the housing crisis.

Mr. Van Buren said part of the council's responsibility was to identify what type of housing was needed in the city. Neighborhoods needed some variety. We want to find ways of keeping people in their neighborhoods after their needs had changed. They tried it in south Provo a couple of years ago but the neighbors did not want that type of development, they wanted more single-family homes. While the council had that objective, they were not getting the support of the neighbors. The reasons given for opposing the project – parking, traffic, and property values, were not strong enough to turn the project down. The bottom line for him was that, since a supermajority of the neighbors were against the project, he would not support it.

Chair Harding agreed that this was a difficult decision. Provo City staff recommended approval of the project. These competent, trained professionals that stayed up-to-date with current practices. On face value, this proposal was necessary for smart growth while maintaining our quality of life, even as we grow. Councilors were elected as representatives to carefully study the issues. They develop experience over the years and have to make the best choice, even when it was difficult and against a large majority. He did not think that many of the concerns would be borne out. He noted that many people built the homes they currently lived in. What was the character of the neighborhood before they built their homes? Change had been a part of the neighborhood and he felt like this was the next step in that change. It was important to have vibrant communities with a mixture of old and young. Housing of this type gave people the ability to move within their neighborhoods and maintain the relationships they had. This also opened up some of the larger homes for families with children. On the other hand, many people that lived near the neighborhood have made it quite clear they opposed the change. He felt the best choice was to grant the overlay.

Mr. Handley went on record as saying this was the nicest neighborhood opposition he had seen. Regardless of what happened that night, it was important to note the way the neighborhood responded with dignity, respect, and civility. That was not always the case.

This item met the qualifications to continue if any councilors requested the continuance. There was no response so Chair Harding called for a vote on the implied motion to apply the performance development overlay over the underlying R1.10 zone.

Vote:

Ordinance 2019-17 was approved 4:3 with Councilors Handley, Harding, Knecht, and Winterton in favor and Councilors Sewell, Stewart, and Van Buren opposed.

12. Ordinance 2019-18 amending Provo City Code regarding the Board of Adjustment to comply with State Code. City-wide application. (5:37:13)

Motion: An implied motion to adopt Ordinance 2019-18, as currently constituted, has been made by council rule.

Mr. Maxfield stated the ordinance would make amendments to the Board of Adjustments in the Provo City Code to comply with state code.

Chair Harding called for public comment. There was no response.

With no council discussion, Chair Harding called for a vote on the implied motion to adopt the ordinance.

Vote: Ordinance 2019-18 was approved 6:0 with Councilors Handley, Harding, Knecht, Sewell, Stewart, and Winterton in favor and Councilor Van Buren excused.

13. Ordinance 2019-19 amending Ordinance 2019-01, previously approved on January 22, 2019, with regard to the development agreement required in order for a zone change at 2300 N. University Pkwy to become effective. Carterville Neighborhood. (5:38:18)

Motion: An implied motion to adopt Ordinance 2019-19, as currently constituted, has been made by council rule.

Dixon Holmes, Economic Development Director, presented. This item came before the council in January 2019. Several councilors had concerns regarding the low to moderate-income housing and sewer issues in the development agreement. Mr. Jones was asked to come up with language to address those concerns. There were four options proffered. The council, when presented with those options chose options 4a and 4b for future review.

Mr. Jones reviewed the two options with councilors. Option 4a included a new affordable housing number and sewer change draft. In regards to affordable housing, ten percent of residential units in excess of the 300 units allowed in in the SC3 zone must be income restricted or a cash-in-lieu payment proffered for that number of units. The option also replaced the \$57,500 proffer to \$18,500 per unit. As for the sewer issue, Mr. Jones read the following into the record from Paragraph 4d of Option 4a:

"That it is understood by the Parties that development of the Property may necessitate significant improvements to city sewer facilities and that the cost of any such improvements will have to be worked out between the Parties in order for development to occur. The Developer hereby expressly agrees that, notwithstanding the approval of the Vesting Ordinance, the City has no obligation to approve any plan or issue any permit associated with the Property or the Project until the Developer and the City, through the Mayor, have negotiated and executed a mutually agreeable side agreement with respect to the costs of sewer facility improvements to be borne by the Developer."

If the ordinance was adopted, it would allow the developer to have the development agreement and the zoning approved that night, but reserved the issue of the final details of the sewer issue until later. It was made clear that the details of the site agreement was within the authority of the mayor to negotiate.

 Option 4b had the exact same language about the sewer but deleted the entire paragraph about housing affordability.

Cameron Basset, representing the owners, stated their preference was option 4b, but considered both of the options to be an acceptable proffer.

In response to a question from Mr. Stewart, Mr. Jones clarified that in option 4b the developer would be allowed 500 units but there was no requirement to provide affordable housing.

Mr. Winterton asked where the \$18,500 per unit would come from. Mr. Basset was told that when they submitted the rezone application, they were told that making a proffer would

Mr. Winterton asked where the money was going to come from. What was the city sacrificing to get the \$18,500?

Mr. Basset said the zoning did not specifically require a proffer but it was suggested that it would help the project go through the rezone process. The \$18,500 was their interpretation of what they felt the market would permit. He understood the funds were going to be used for other low-income projects within the city.

Mr. Jones explained that the actual base proffer was offered in exchange for obtaining a zone change. This was based on the council's concerns about putting the city in a better position regarding affordable housing. The base agreement stated they were supposed to market ten percent of the units as affordable housing. The proffer was a cash-in-lieu. Meaning, the developers would rather pay the proffer instead of building affordable housing.

Chair Harding invited public comment.

 Robert Vernon, CEO of Provo City Housing Authority and the Utah Community Land Trust (UCLT), commented. He said that any money coming out of a development deal that was provided to the UCLT would be used to provide home ownership opportunities for people between 60 and 100 percent of area median income. While someone at 80 percent could buy a home worth \$210,000, the 2018 median home price in Provo was \$262,750. That was a \$50,000 gap for affordability.

922 If the UCLT ended up with \$375,000 out of this development agreement, he could sure use it.
923 The development did not have to off it so Mr. Vernon was appreciative of the proffer.

Chair Harding invited public comment. Robert Vernon, the CEO of Provo City Housing
Authority and Utah Community Land Trust. Any money that came out of development deal that
was given to the Utah Community Land Trust would be used to provide home ownership
opportunities for people between 60 and 100 percent of area median income. If they were
talking about someone at 80 percent, they could buy a home worth 210,000. The 2018 med
home price in Provo was 262,000. That was a 50,000 gap.

- The \$375,000 proffer was being handled through a development agreement and, if given to the
- 933 UCLT, they could sure use it. Affordable housing was one of the city's priorities. He
- encouraged the city to move forward and codify the changes rather than using development

Draft Minutes - Pending Approval

agreements for these types of proffers. If cities do not address affordable housing on their own, the state will eventually mandate affordable housing on all cities and they would lose local control.

To build affordable housing, a developer would pay around \$20,000 to \$25,000 maximum per unit for land price. If they build luxury townhomes, the developer could pay as much as \$45,000 per unit. The city was creating enormous value for the developer, maybe up to \$8 to \$9 million, by allowing an additional 200 units in the development and yet the developer was only paying \$18,500 per unit. He had heard there was discussion about a negative response to building developments with mixed income housing. In other words, we did not want low income next to luxury housing. If that was true in this case, he hoped the council would realize that was housing discrimination. Mixed income communities were a vital part of cities.

Chair Harding closed public comment and invited council discussion.

Chair Harding appreciated the proffer and said this was the beginning of making this a policy. He would rather see housing affordability built into the project but we had already offered a payment-in-lieu. He wanted to go on the record stating the \$18,500 did not represent the true amount. Going forward, the council needed to make decisions about what the fee-in-lieu should be. He was willing to support option 4a, not 4b.

Mr. Handley stated he was in favor of option 4a and was eager to move the project forward without further delay because it was good for the city. We needed to fix our ordinances so we were clearer on how we would ensure the proper balance with affordable housing. He accepted the \$18,500 with gratitude but felt we needed to fix the process so it was not an ad-hoc decision every time. We need to make a decision as soon as possible, about where the money was going, to ensure every penny was put toward housing affordability.

Mr. Knecht noted that we had a development agreement that had not been signed by anyone. Even if just one party signed it, it would never go into effect. If we chose, we could decide that it was better not to sign the development agreement and it would kill the rezone. We could decide to formulate and enact a policy regarding affordable housing and anything that came back to us would be subject to the new policy. However, if approving a development agreement was approved, he was in favor of option 4a.

With no further council discussion, Chair Harding said there was an implied motion on the table to amend ordinance 2019-01. However, the appropriate exhibit was not attached. A motion would be necessary to select option 4a or 4b as the draft development agreement to be shown as the exhibit to the proposed ordinance.

Motion: Councilor Sewell made a motion to select the draft development agreement as shown in option 4a as the exhibit to be attached to the proposed ordinance. The motion was seconded by Councilor Handley.

Vote:

The motion passed 7:0 with Councilor's Handley, Harding, Knecht, Sewell, Stewart,

 Van Buren, and Winterton in favor.

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Chair Harding called for a vote on the implied motion to amend ordinance 2019-01. The motion passed 7-0.

980 **Vote:**

Ordinance 2019-19 was approved 7:0 with Councilors Handley, Harding, Knecht,

Sewell, Stewart, Van Buren, and Winterton in favor.

981 **Adjourn**

978

979

The meeting was adjourned at 11:30 p.m. by unanimous consent.

RESOLUTION 2019-.

A RESOLUTION APPROVING THE PROGRAM YEAR 2019 ANNUAL ACTION PLAN, FIFTTH YEAR UPDATE TO THE 2015 FIVE-YEAR CONSOLIDATED PLAN, AS AMENDED. (19-059)

WHEREAS, Provo City (the "City") as the Lead Entity of the Utah Valley HOME Consortium ("Consortium") is required to prepare an Annual Action Plan update to the five-year Consolidated Plan and submit it to the United States Department of Housing and Urban Development ("HUD") in order to obtain funding for Community Development Block Grant (CDBG) and HOME Investment and Partnerships Program (HOME); and

WHEREAS, the City has prepared the Program Year 2019 Annual Action Plan, Fifth Year Update to the 2015 Five-Year Consolidated Plan, as amended, (the "Plan") as shown in Exhibit A, in compliance with federal requirements; and,

WHEREAS, the City expects to receive from HUD an entitlement amount of \$1,255,621 in CDBG funds and expects to reprogram \$291,725 in Program Income and unexpended previous years' Program funds; all as shown in Exhibits B and C; and,

WHEREAS, the City as Lead Entity for the Consortium expects to receive from HUD \$1,296,068 for the HOME Program and expects to reprogram \$566,329 in Program Income, all as shown in Exhibit D; and,

WHEREAS, a duly noticed 30-day public comment period began on May 1, 2019 to give citizens, partner agencies, and other interested parties an opportunity to provide comment on the proposed Plan; and,

WHEREAS, after duly considering applications received and the needs of the City and the Consortium, the Advisory Committees (the "Committees") made recommendations to the Municipal Council regarding the use of CDBG and HOME funds; and,

WHEREAS, on May 7, and June 4, 2019 the Municipal Council held duly noticed public hearings to receive public comment and ascertain the facts regarding the Plan and the use of CDBG and HOME funds, which facts and comments are found in the hearing records; and,

WHEREAS, all persons for and against the proposed Plan and funding recommendations were given an opportunity to be heard; and

WHEREAS, after considering the recommendations of the Committees and facts and comments presented to the Provo Municipal Council, the Council finds that (i) the Program Year 2019 Annual Action Plan, Fifth Year Update to the 2015 Five-Year Consolidated Plan, as amended, herein attached as Exhibit A, should be approved; (ii) CDBG and HOME funds should be apportioned as shown in the attached Exhibits B, C, and D; and (iii) that such use of CDBG and HOME funds reasonably further the health, safety, and general welfare of the citizens of Provo City.

47	
48	NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, as follows:
49	
50	PART I:
51	
52	1. The Program Year 2019 Annual Action Plan, as shown in the attached Exhibit A, is
53	hereby authorized and adopted.
54	
55	2. The Municipal Council hereby adopts a CDBG Program for Program Year 2019 in the
56	amount of \$1,255,621, plus \$291,725 in reprogrammed funds, all as shown in the attached
57	Exhibits B and C.
58	
59	3. The Municipal Council hereby adopts a HOME Program for Program Year 2019 in the
60	amount of 1,296,068, plus \$566,329 in reprogrammed funds, all as shown in the attached Exhibit
61	D.
62	
63	4. The Mayor is authorized to (i) submit the Program Year 2019 Annual Action Plan and
64	related documents to the U.S. Department of Housing and Urban Development and (ii) execute
65	appropriate certifications, Final Statements, and Program Applications in conjunction with the
66	Plan's submittal.
67	
68	PART II:
69	
70	This resolution shall take effect immediately.
71	
72	END OF RESOLUTION.



Provo City (Redevelopment Agency)

Staff Memorandum

Program Year 2019 Annual Action Plan, Fifth Year Update to the 2015 Consolidated Plan, as amended and Approval of CDBG & HOME funding recommendations

May 7, and June 4, 2019

Department Head

David Walter 6167

Presenter

Dan González 6168

Required Time for Presentation
15 Minutes

Is This Time Sensitive Yes / No

Case File # (if applicable)
XX-XXX

Purpose of Proposal

• Approval and adoption of Program Year 2019 Annual Action Plan (PY-2019-AAP), including approval of Advisory Committees and Boards' recommendations for the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME)

Action Requested

 Hold two public hearings and adopt a resolution approving the PY-2019 AAP for submittal to the U.S. Department of Housing and Urban Development (HUD).

Relevant City Policies

• Program Year 2019 Annual Action Plan, Fifth Year Update to the 2015 Consolidated Plan, as Amended.

Budget Impact

• \$3,409,743 PY-2019 Allocations from HUD, including Program Income and reprogrammed funds—CDBG: \$1,547,346 -F273; HOME: \$1,862,397-F278.

Description of this item (at least 2 paragraphs)

• The CDBG and HOME Programs provide the City of Provo and other local governments with the opportunity to develop viable urban communities by funding

activities that provide decent housing, a suitable living environment and by expanding economic opportunities, principally for low- and moderate-income persons. Funds are awarded to carry out a wide range of community development activities directed towards neighborhood revitalization, homeownership and condition of housing stock. The Programs are administered by the Community Planning and Development Office of the U.S. Department of Housing and Urban Development (HUD).

- Every year, as Lead Entity for the Utah Valley HOME Consortium, Provo City submits an Annual Action Plan (an update to the Five-Year Consolidated Plan submitted to HUD) outlining the goals, objectives and the proposed use of federal CDBG and HOME resources to address housing, economic development, and community development projects to be undertaken.
- A Public Comment Period (April 29, 2019 to June 4, 2019) is conducted for citizens, partner agencies, and other interested parties to review and comment on the Plan.
- Along with the Public Comment Period, two public hearings are held to receive input from Provo citizens and Consortium members' and citizens.
- The first public hearing on May 7, 2019 will present the Draft of PY-2019 AAP (Exhibit A) to Council members and the public in general. The document includes the proposed uses for CDBG and HOME funds which, to simplify the review of proposed projects, are also included in Exhibits B-for CDBG Capital Projects, C-for CDBG Public Services Projects, and D-for HOME Projects. Theses Exhibits show the proposed funding recommendations made by Advisory Committees who listened to applicant presentations and reviewed and evaluated application.
- Copies of the PY-2019 AAP Draft are available for public review at the Redevelopment Agency's office and electronically at the City's website.
- The second public hearing on June 4, 2019 will close the Public Comment Period and provide the Municipal Council an opportunity to make final funding determinations for the CDBG and HOME programs for Program Year 2019, which begins on July 1, 2019 and ends on June 30, 2020.
- Actual allocation amounts of CDBG and HOME funds are included in Exhibits B, C, and D. Exhibit B shows a total of \$1,547,346, receiving an allocation of \$1,255,621 in CDBG Entitlement funds plus \$291,725 to

be reprogrammed from Program Income (\$253,230), and balances left from finished projects (\$38,495). This exhibit shows all proposed uses for CDBG projects and activities including costs for administration (\$251,124), program delivery (\$64,911); the anticipated 15% setaside amount for Public Services projects (\$188,343) and proposed uses for CDBG Capital Projects (\$1,042,968). Exhibit C shows detailed proposed funding of Public Services projects. Exhibit D shows \$1,861,397 an allocation of \$1,296,068 in HOME funds plus \$566,329 to be reprogrammed from Program Income received.





Year Five, Annual Action Plan

July 1, 2019 through June 30, 2020 of the 2015-2019 Five-Year Consolidated Plan as Amended

City of Provo (City)
Utah Valley HOME Consortium (UVHC)
Redevelopment Agency of Provo City Corporation (RDA)
351 West Center Street
Provo, Utah 84601

http://www.provo.org/departments/redevelopment







AP-05 EXECUTIVE SUMMARY - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Provo/Utah Valley HOME Consortium Program Year 2019 Annual Action Plan (2019-AAP) is the Fifth Year Action Plan of the 2015-2019 Five-Year Consolidated Plan (ConPlan), as amended in May 2019. It is a product of a planning and coordination process to identify housing and community development needs. The process forms the framework for a community-wide dialogue to establish priorities and create strategies to address those needs, especially for low- and moderate income households. This plan is intended to be an informative and useful tool for the residents, organizations and businesses committed to continued growth in our community.

The Annual Action Plan includes the City's application for the federal grants received from the U.S. Department of Housing and Urban Development (HUD) and administered by the Office of Community Planning and Development (CPD), a division of HUD, through which the City receives an annual allocation, or formula grant, from the CPD programs:

• Community Development Block Grant (CDBG)

The CDBG program's primary objective is to promote the development of viable urban communities by providing decent housing, suitable living environments and expanded economic activities to persons of low and moderate income. Provo receives CDBG as an entitlement city.

Home Investment and Partnerships Program (HOME)

The primary objective of the HOME Program is to create affordable housing for low-income households. Communities often partner with nonprofit and for-profit organizations to fund a wide variety of activities including building, buying and/or rehabilitating affordable housing for rent or homeownership or provide direct rental assistance to low-income people.

The City of Provo has designated the Redevelopment Agency of Provo City Corporation (RDA) to manage and administer all funding received from HUD.

The Utah Valley HOME Consortium is an inter-jurisdictional partnership between the Cities of Provo, Orem, Lehi and Utah County, formed to receive HOME Program funds directly from HUD. The Cities of Orem and Lehi receive their own CDBG entitlement and Utah County, as a qualified Urban County, also receives its own allocation of CDBG funding. All jurisdictions within Utah County, which have entered into an Interlocal Agreement to receive CDBG funding through Utah County, are also eligible to benefit from HOME funds. As the designated Lead Entity for the Consortium, The City of Provo

administers the HOME Program through the RDA. The 2015-19 Consolidated Plan was amended in June of 2017 to include the City of Lehi as a participating member of the Consortium, corresponding to the signed Consortium Agreement covering Program Years 2017 through 2019. The 2015 ConPlan was subsequently amended in May of 2019 to incorporate the use of proceeds received by Provo City from the use of the Section 108 Loan Guarantee Program as a resource to assist and fund infrastructure improvements to the City Airport necessary for the expansion of Duncan Aviation.

Regulations in the HOME Program establish that Participating Jurisdictions (PJs) are provided affordable homeownership limits annually by HUD, however the regulations also allow PJs to determine these limits on their own through a local market analysis. The Consortium now conducts such an analysis annually and determines its own affordable homeownership limits. The process and results are outlined in Section AP-90-Program Specific Requirements of this Action Plan, by completing a market analysis ensuring a sufficient number of recent housing sales are included in the survey.

2. Summary of Objectives and Outcomes Identified in the Plan

As a result of citizens' and City Council's input The City of Provo will prioritize its activities and projects in three categories of Locally Targeted Objectives: Decent Housing, Suitable Living Environment, and Creating Economic Opportunities.

Decent Housing

- DH-1 Improve and maintain neighborhood integrity through repair and rehabilitation of housing stock.
- DH-2 Increase the supply, affordability, and condition of rental housing in the community.
- DH-3 Provide down payment and closing cost assistance to increase low-income person's access to home ownership.
- DH-4 Support programs that work to educate low-income households concerning home ownership.
- DH-5 Support efforts to more rapidly assist families from homelessness into permanent or transitional housing.
- DH-6 Increase the supply and affordability of homeownership housing in the community

Suitable Living Environments

- SLE-1 Undertake infrastructure projects in low-income neighborhoods (e.g. playground equipment, lighting, street enhancements, accessibility access, etc.).
- SLE-2Provide funding for organizations that assist Provo residents to improve job skills.

- SLE-3 Assist in providing services to low-income families with at-risk youth (e.g. after-school programs, recreation programs, mentoring programs, etc.).
- SLE-4 Provide or upgrade neighborhood facilities (e.g. parks, community centers, etc.).
- SLE-5 Provide support services to population with special needs (e.g. elderly, persons with disabilities, homeless persons, victims of domestic violence, etc.).
- SLE-6 Assist agencies that provide meals to very-low- and low-income individuals.
- SLE-7 Provide funding to social service organizations for rehabilitation of their own buildings.
- SLE-8 Provide assistance to agencies that provide healthcare services and health education to Provo residents.

Economic Opportunities

- EO-1 Provide job creation and retention through small business assistance.
- EO-2 Provide technical assistance in recruiting business to vacant buildings in the Central Business District.
- EO-3 Assist local businesses and entrepreneurs by providing mentoring and technical assistance.
- EO-4 Provide job creation and eliminate blighting influences on storefronts in the Central Business District.
- EO-5 Increase economic opportunities to minority- and women-owned businesses.
- EO-6 Utilize the Section 108 Loan Guarantee to increase economic opportunities and assist businesses in job creation.

3. Evaluation of Past Performance

The CDBG and HOME investments have been used to make long lasting improvements serving low-income residents. Past programs have focused on community needs that continue to exist including affordable housing, neighborhood improvements, and public service support for low-income residents.

At the conclusion of each program year the City of Provo prepares its Consolidated Annual Performance Evaluation Report (CAPER) which is submitted to HUD within 90 days of the end of the Program Year (PY).

While specific accomplishment data for PY-2019 are not yet available we believe the programs and projects carried out have benefited greatly and assisted in meeting community needs as projects are moving forward to provide more affordable housing choices throughout Utah County as well as funding used this Program Year to help make various public services available to low-income individuals and assist those with disabilities.

4. Summary of Citizen Participation and Consultation Process

An integral part of the ConPlan planning process is Citizen Participation as it provides for goals and priorities that are defined in the context of community needs and preferences. In addition, the citizen participation process provides a format to educate the community about the federal grants received by City of Provo and the Consortium. To this end the RDA solicited involvement from a diverse group of stakeholders and community members during the development of the 2015-2019 ConPlan, as amended. A comprehensive public engagement process included stakeholder meetings, citizen's survey available in both English and Spanish, public hearings, committee meetings and a public comment period.

The City received input from residents, stakeholders and other interested parties including service providers. Through the AAP planning process citizen advisory committees met several times to hear presentations and discuss the needs of the City and make recommendations for funding. All public notices for the Annual Action Plan were published in the Daily Herald newspaper as well as the City website.

Funding recommendations by Citizen's committees will be presented to the Municipal Council in two public hearings conducted on May 7 and June 4, 2019, with final funding amounts and will be available for review by the public, Citizen's committees and boards, and applicants. It is anticipated that Provo City's Municipal Council will adopt the Final Draft of the 2019-AAP at the public hearing held on June 4, 2019.

5. Summary of Public Comments

A summary of public comments is available as Appendix "A" of this Annual Action Plan.

6. Summary of Comments Not Accepted

All comments were considered in the formation of this Annual Action Plan.

7. Summary

The Annual Action Plan provides for the allocation of CDBG and HOME funds for Program Year 2019 (PY-2019) and the reprogramming of existing funds. It also reflects the coordinated efforts of local governments and citizens, as well as the wide network of housing and human service providers in Utah County.

PR-05 LEAD & RESPONSIBLE AGENCIES - 24 CFR - 91.200(b)

1. Describe agency/entity responsible for preparing the Consolidated Plan and those responsible of each grant program and funding source

The following agencies/entities are responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	PROVO	REDEVELOPMENT AGENCY OF PROVO CITY CORPORATION
HOME Administrator	PROVO	REDEVELOPMENT AGENCY OF PROVO CITY CORPORATION

Table 1 - Responsible Agencies

2. Narrative

The City of Provo, through the Redevelopment Agency of Provo City Corporation, is the Lead Entity responsible for preparing the Consolidated Plan and consecutive annual updates. The RDA also represents the City of Provo as the Lead Entity for the HOME portion of the Consolidated Plan for the Utah Valley HOME Consortium. The Cities of Orem and Lehi administer their own CDBG funds as does Utah County as an Urban County entitlement.

3. Consolidated Plan Public Contact Information

Dan González, CDBG & HOME Program Administrator Redevelopment Agency of Provo City Corporation 351 West Center Street Provo, UT 84601 801-852-6168 dgonzalez@provo.org

City of Provo/UVHC

AP-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

This section describes the community consultation process followed by the City in developing the Consolidated Plan and the coordination with other local governments, the Continuum of Care, public and private housing providers, and service agencies.

The RDA engaged in a collaborative effort to consult with City departments, representatives of low-income neighborhoods, non-profit and for-profit housing developers, service providers, lenders, social service agencies, homeless service providers, faith-based organizations, supportive housing and service providers, community stakeholders, community partners, and beneficiaries of entitlement programs to inform and develop the priorities and strategies contained within the ConPlan.

a. Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

In preparing the Program Year 2019 Annual Action Plan the RDA held consultations with various organizations which provide services in the City and Utah County, including local leaders, housing providers, and service providers.

As partner of the <u>South Franklin Partnership</u> Provo City participates in quarterly meetings with several entities and service agencies that come together to share on each other's efforts and activities and plan actions to know each other better and provide better services.

Provo City also participates in regular meetings with other CDBG grantees in Utah County to streamline and simplify the process for new and renewing applicants.

b. Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The vision of the Mountainland Region Continuum of Care (CoC) is to provide decent, safe and affordable housing and effective support services to homeless, chronic homeless families and individuals including—initial stabilization, transitional housing, permanent housing, access to mainstream resources and independence from governmental assistance. United Way of Utah County (United Way) leads the CoC, of which the City of Provo is a member, represented by the RDA.

The CoC is an organized body of local jurisdictions, government agencies, local nonprofit organizations, faith-based service and housing organizations, and other agencies and partners seeking to maximize resources and avoid duplication of services while providing consistent and unified planning in Utah County.

As it annually does, the CoC led the efforts for the point in time count, in which volunteers participated in an outreach to find homeless individuals. The event was advertised in the Daily Herald (local paper), the Provo Mayor's blog, and the United Way Facebook page.

Chronically Homeless Individuals and Families—The RDA coordinates closely with the CoC in addressing chronic homelessness for individuals and families. The CoC developed a coordinated intake and assessment system to coordinate services, support individual agencies in reaching project goals and HUD and CoC established performance goals.

Families with Children—The specific needs of families facing homelessness is a key component of the work being done by the CoC, which centralizes resources, leveraging partnerships amongst CoC members.

Veterans—The CoC participates in the planning and coordinating efforts associated with the Ten-Year plan to End Homelessness in Utah. The CoC will implement its coordinated intake and assessment and housing placement system for single adults.

c. Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards and evaluate outcomes, and develop funding, policies and procedures for the administration of HMIS.

Neither the City of Provo, nor any other jurisdiction with membership in the HOME Consortium receives ESG funding.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdictions consultations with housing, public service agencies and other entities

Table 2 below shows key participants with whom consultations were held in preparing the Consolidated Plan. For further information, please also see the Citizen Participation appendix.

Table 2 - Agencies, groups, organizations who participated

1	Agency/Group/Organization	Center for Women & Children in Crisis
	Agency/Group/Organization	Housing
	Type	Services – Children
		Services – Victims of Domestic Violence
		Services – Homeless
		Services – Education
	What Section of the Plan was	Non-Homeless Special Needs
	addressed	Homeless Needs—Families with Children
	How was the	The Director and Program Manager were
	Agency/Group/Organization	interviewed. Continued funding to support
	consulted, and what are the	and operate emergency sheltering, treatment
	anticipated outcomes of the	and recovery services, as well as transitional
	consultation or areas for	housing to victims of domestic abuse.
	improved coordination?	
2	Agency/Group/Organization	Community Action Services & Food Bank
	Agency/Group/Organization	Services - Housing
	Type	Services – Children
		Services - Homeless
		Services – Education
	What Section of the Plan was	Homelessness Strategy
	addressed	Homeless Needs – Families with Children
		Non-Homeless Special Needs
	How was the	Through agency staff interviews, data was
	Agency/Group/Organization	gathered to complete the Plan. The agency
	consulted, and what are the	provides several services to low- and
	anticipated outcomes of the	moderate-income households throughout Utah
	consultation or areas for	County providing rental and food pantry
	improved coordination?	assistance with case management follow-up,
		as well as homebuyer education, among other
		services.
3	Agency/Group/Organization	Family Support & Treatment Center
	Agency/Group/Organization	Services – Children
	Type	Services – Education
		Services – Victims
	What Section of the Plan was	Overall Plan
	addressed	

	How was the	Continued support to assist children who are
	Agency/Group/Organization	victims of child abuse (sexual or physical) or
	consulted, and what are the	neglect who are classified as low- and
	anticipated outcomes of the	moderate-income families.
	consultation or areas for	
4	improved coordination?	Food 9 Comp Coolition
4	Agency/Group/Organization	Food & Care Coalition
	Agency/Group/Organization	Services – Housing
	Туре	Services – Persons with Disabilities
		Services – Health
		Services – Homeless
		Services – Education
	What Section of the Plan was	Homeless Needs – Chronically homeless
	addressed	Homelessness Strategy
	How was the	Continued support to assist homeless
	Agency/Group/Organization	individuals with meals and other basic support
	consulted, and what are the	services and case management.
	anticipated outcomes of the	
	consultation or areas for	
	improved coordination?	
5	Agency/Group/Organization	Friends of Utah County Children's Justice
		Center
	Agency/Group/Organization	Services - Children
	Type	Services – Victims
	What Section of the Plan was	Overall Plan
	addressed	
	How was the	Continued support to aid abused children by
	Agency/Group/Organization	providing specialized mental health treatment
	consulted, and what are the	to serve them and their families.
	anticipated outcomes of the	
	consultation or areas for	
	improved coordination?	
6	Agency/Group/Organization	Golden Spike and Outreach
	Agency/Group/Organization	Housing
	Туре	Services – Persons with Disabilities
		Services – Homeless
	What Section of the Plan was	Housing Needs Assessment
	addressed	Homeless Needs-Homeless Strategy
	auui esseu	
	How was the	Golden Spike deals primarily with released

	10 10 11	
	Agency/Group/Organization	offenders of substance abuse providing
	consulted, and what are the	comprehensive treatment to recovery where
	anticipated outcomes of the	the first step is providing housing assistance
	consultation or areas for	and is complemented with case management
	improved coordination?	and complementary services.
7	Agency/Group/Organization	Habitat for Humanity of Utah County
	Agency/Group/Organization	Housing
	Type	Services – Education
	What Section of the Plan was	Housing Needs Assessment
	addressed	Market Analysis
	How was the	Habitat develops new single family housing
	Agency/Group/Organization	and rehabilitates existing single family
	consulted, and what are the	housing, including providing critical home
	anticipated outcomes of the	repairs. In addition they contract and
	consultation or areas for	coordinate with local government to assist and
	improved coordination?	revitalize neighborhoods through community
		education and organization to implement
		clean-up and planting initiatives.
8	Agency/Groun/Organization	
8	Agency/Group/Organization	Housing Authority of Utah County
8	Agency/Group/Organization	
8	Agency/Group/Organization Type	Housing Authority of Utah County PHA
8	Agency/Group/Organization Type What Section of the Plan was	Housing Authority of Utah County PHA Housing Needs Assessment
8	Agency/Group/Organization Type	Housing Authority of Utah County PHA Housing Needs Assessment Public Housing Needs
8	Agency/Group/Organization Type What Section of the Plan was	Housing Authority of Utah County PHA Housing Needs Assessment
8	Agency/Group/Organization Type What Section of the Plan was addressed	Housing Authority of Utah County PHA Housing Needs Assessment Public Housing Needs Market Analysis
8	Agency/Group/Organization Type What Section of the Plan was addressed How was the	Housing Authority of Utah County PHA Housing Needs Assessment Public Housing Needs Market Analysis Requested information on the HA's Plan,
8	Agency/Group/Organization Type What Section of the Plan was addressed How was the Agency/Group/Organization	Housing Authority of Utah County PHA Housing Needs Assessment Public Housing Needs Market Analysis Requested information on the HA's Plan, perceived needs of public housing residents
8	Agency/Group/Organization Type What Section of the Plan was addressed How was the Agency/Group/Organization consulted, and what are the	Housing Authority of Utah County PHA Housing Needs Assessment Public Housing Needs Market Analysis Requested information on the HA's Plan, perceived needs of public housing residents and voucher holders, and the status of the
8	Agency/Group/Organization Type What Section of the Plan was addressed How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the	Housing Authority of Utah County PHA Housing Needs Assessment Public Housing Needs Market Analysis Requested information on the HA's Plan, perceived needs of public housing residents and voucher holders, and the status of the general public housing and Section 8 waiting
8	Agency/Group/Organization Type What Section of the Plan was addressed How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for	Housing Authority of Utah County PHA Housing Needs Assessment Public Housing Needs Market Analysis Requested information on the HA's Plan, perceived needs of public housing residents and voucher holders, and the status of the
	Agency/Group/Organization Type What Section of the Plan was addressed How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination?	Housing Authority of Utah County PHA Housing Needs Assessment Public Housing Needs Market Analysis Requested information on the HA's Plan, perceived needs of public housing residents and voucher holders, and the status of the general public housing and Section 8 waiting lists.
9	Agency/Group/Organization Type What Section of the Plan was addressed How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination? Agency/Group/Organization	Housing Authority of Utah County PHA Housing Needs Assessment Public Housing Needs Market Analysis Requested information on the HA's Plan, perceived needs of public housing residents and voucher holders, and the status of the general public housing and Section 8 waiting lists. House of Hope
	Agency/Group/Organization Type What Section of the Plan was addressed How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination? Agency/Group/Organization Agency/Group/Organization	Housing Authority of Utah County PHA Housing Needs Assessment Public Housing Needs Market Analysis Requested information on the HA's Plan, perceived needs of public housing residents and voucher holders, and the status of the general public housing and Section 8 waiting lists. House of Hope Services – Children
	Agency/Group/Organization Type What Section of the Plan was addressed How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination? Agency/Group/Organization	Housing Authority of Utah County PHA Housing Needs Assessment Public Housing Needs Market Analysis Requested information on the HA's Plan, perceived needs of public housing residents and voucher holders, and the status of the general public housing and Section 8 waiting lists. House of Hope
	Agency/Group/Organization Type What Section of the Plan was addressed How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination? Agency/Group/Organization Agency/Group/Organization Type	Housing Authority of Utah County PHA Housing Needs Assessment Public Housing Needs Market Analysis Requested information on the HA's Plan, perceived needs of public housing residents and voucher holders, and the status of the general public housing and Section 8 waiting lists. House of Hope Services – Children Services – Persons with Disabilities
	Agency/Group/Organization Type What Section of the Plan was addressed How was the Agency/Group/Organization consulted, and what are the anticipated outcomes of the consultation or areas for improved coordination? Agency/Group/Organization Agency/Group/Organization	Housing Authority of Utah County PHA Housing Needs Assessment Public Housing Needs Market Analysis Requested information on the HA's Plan, perceived needs of public housing residents and voucher holders, and the status of the general public housing and Section 8 waiting lists. House of Hope Services – Children

	How was the	Continued support to provide housing, therapy
	Agency/Group/Organization	and case management to women with
	consulted, and what are the	substance abuse problems and their children.
	anticipated outcomes of the	substance abuse problems and their children.
	consultation or areas for	
10	improved coordination?	Managerial and a Community Washington
10	Agency/Group/Organization	Mountainlands Community Health Center
	Agency/Group/Organization	Health Agency
	Type	2 112
	What Section of the Plan was	Overall Plan
	addressed	
	How was the	We have worked successfully with
	Agency/Group/Organization	Mountainlands Community Health Center over
	consulted, and what are the	the last seven years; this continued
	anticipated outcomes of the	relationship solidifies access to affordable
	consultation or areas for	healthcare to low- and moderate-income
	improved coordination?	households.
11	Agency/Group/Organization	People Helping People
	Agency/Group/Organization Type	Services – Education
		Services - Employment
	What Section of the Plan was	Overall Plan
	addressed	
	How was the	Continued support to provide low-income and
	Agency/Group/Organization	minority women with opportunities for
	consulted, and what are the	affordable day-care, community support from
	anticipated outcomes of the	working women, and helping them receive
	consultation or areas for improved	proper education and gain adequate
	coordination?	employment.
12	Agency/Group/Organization	Project Read
	Agency/Group/Organization Type	Services – Elderly Persons
		Services – Education
	What Section of the Plan was	Overall Plan
	addressed	
	How was the	Continued support to assist and provide
	Agency/Group/Organization	services to prevent and alleviate adult
	consulted, and what are the	illiteracy through one-on-one tutoring services
	anticipated outcomes of the	to help them improve their English reading
	consultation or areas for improved	and writing skills.
	coordination?	
13	Agency/Group/Organization	Provo City Housing Authority

	Agency/Group/Organization Type	РНА
	What Section of the Plan was	Housing Needs Assessment
	addressed	Public Housing Needs
		Market Analysis
	How was the	Staff was interviewed. Requested information on
	Agency/Group/Organization	the HA's Plan, perceived needs of public housing
	consulted, and what are the	residents and voucher holders, and the status of
	anticipated outcomes of the	the general public housing and Section 8 waiting
	consultation or areas for improved	lists.
	coordination?	
14	Agency/Group/Organization	Recreation and Habilitation Services (RAH)
	Agency/Group/Organization Type	Services - Children
		Services – Persons with Disabilities
	What Section of the Plan was	Non-Homeless Special Needs
	addressed	
	How was the	Continued support to provide recreational
	Agency/Group/Organization	opportunities to people with disabilities and a safe
	consulted, and what are the	environment for them and their neighbors.
	anticipated outcomes of the	
	consultation or areas for improved	
	coordination?	
15	Agency/Group/Organization	Rural Housing Development Corporation
	Agency/Group/Organization Type	Housing
	What Section of the Plan was	Housing Need Assessment
	addressed	Housing Market Analysis
	How was the	Staff was interviewed. Continued support to build
	Agency/Group/Organization	and distribute Affordable Housing throughout Utah
	consulted, and what are the	County.
	anticipated outcomes of the	
	consultation or areas for improved	
	coordination?	

a. Identify any Agency Types not consulted and provide rationale for not consulting

The Annual Action Plan process provided an opportunity and invited participation comments from all relevant organizations and agencies.

b. Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care Plan	United Way of Utah County	Assist persons who are homeless and at risk of homelessness
Five-Year Consolidated Plan	Orem City	Consortium member
Five-Year Consolidated Plan	Lehi City	Consortium member
Five-Year Consolidated Plan	Mountainland Association of Governments	Consortium member

Table 3 - Other local / regional / federal planning efforts

c. Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l)).

As Lead Entity of the Utah Valley HOME Consortium, the City of Provo engages with other Consortium members discussing community needs and long-term housing strategies. The City of Provo is also an active member of the Mountainland Continuum of Care and the Utah County Council of Governments. In preparing for the upcoming plan year Provo City engaged with Orem City and Mountainland Association of Governments, who administers both Lehi City's and Utah County's CDBG Programs, in offering better funding opportunities to Public Services providers by creating a unified application process requiring less duplicative efforts from both CDBG entitlements and Subrecipients. The focus of these efforts is to provide a more immediate and complete impact for public services in need of capital improvement funding as well as a better application/reporting/monitoring system. Representatives to the entitlement cities from the Community Planning & Development Office of the U.S. Department of Housing and Urban Development are involved in this process and provide full support to achieving the proposed objectives.

AP-12 Participation – 91.401, 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation

a. Summarize citizen participation process and how it impacted goal-setting

The RDA sought out public participation in the development of this plan from citizen's at large, non-profit organizations, elected officials and other interested parties through public meetings, public hearings and surveys.

Citizen Advisory Committees and Boards met several times to evaluate applications and listen to presentations from agencies seeking funding from both CDBG and HOME programs. Residents were invited to participate in the Public Hearings where the projects and/or programs for the fifth year Action Plan were presented as well as provide input in its adoption.

Since estimated funding amounts were used through committees and boards' process, Citizen's Committees proposed contingency recommendations for the final allocation of CDBG and HOME funds. These recommendations are included as part of the introduction to section AP-35 Projects, page 22 of this document.

The Public Comment Period to this Plan ran from April 28, 2019 to June 4, 2019. Comments were solicited in person during the Council Public Hearings held on May 7, and June 7, 2019. Interested parties can also provide input through email to the CDBG & HOME Administrator for the City of Provo: dgonzalez@provo.org; by phone: 801-850-6168; through the Provo City website and by mail: to Redevelopment Agency of Provo City Corporation, ATTN: PY-2019 Annual Action Plan, 351 West Center Street, Provo, Utah, 84601.

Citizen Participation Outreach

Mode of Outreach	Target of Ou treach	Summary of response/atten dance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
Newspaper Ad	Non- Targeted / Broad Community	Not applicable	See Appendix "A"	All comments accepted	
Internet Outreach	Non- Targeted / Broad Community	Not applicable		All comments accepted	
Public Hearing	Non-targeted /Broad Community	Municipal Council sought input from citizens/residen ts on the PY- 2019 Annual Action Plan proposed activities.	See Appendix "A"	All comments accepted	
Citizen's Survey	Non-targeted /Broad Community	Citizens felt priorities are where they should be with an emphasis on affordable housing and a need for bike trails.		All comments accepted	

Table 4 - Citizen Participation Outreach

YEAR FIVE ACTION PLAN PY-2019

AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

1. Introduction

The following table summarizes the anticipated resources.

	J	spı	Expected Am	ount Available	l e of	n		
Program	Source of Funds	Uses of Funds	Annual Allocation	Program Income	Prior Year Resource	Total	Expected Amount Available Reminder of ConPlan	Description
CDBG	Public Federal	Acquisition Admin and Planning Economic Development Housing Land Acquisition Public Improvements Public Services (Including Proceeds from 108 Loan Guarantee)	\$1,255,621	\$253,230	\$38,495	\$1,547,346	\$0	Funds will leverage other public investment through infrastruct ure projects. Expected amount available assumes similar annual entitlement allocation and similar CDBG Program Income each year.
HOME	Public Federal	Acquisition Homebuyer Assistance Homeowner rehab Multifamily rental new construction New construction for ownership TBRA	\$1,296,068	\$566,329	\$0	\$1,862,397	\$0	These funds will be distributed throughout the Consortium to support housing needs of low income residents

Table 5 - Expected Resources - Priority Table

2. Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Provo City's Public Facilities and Parks projects use CDBG funding as gap financing allowing leveraging of other sources of funds.

HOME funding is also used to leverage private funding, frequently in addition to the 25 percent Match required by the program. Match is met through a combination of private financing, cash contributions, donated material, services, and labor.

3. If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

40 acres of land adjacent to the airport runway on the northeast area of the airport owned by Provo City will be leased to Duncan Aviation on a 70-year term to support their expansion for their western regional hub facility. It is anticipated that Duncan Aviation will employ between 600 and 700 people, of which approximately 115 will be jobs created for low-moderate income individuals.



ANNUAL GOALS AND OBJECTIVES

AP-20 Annual Goals and Objective - 91.420, 91.220(c)(3)&(e)

Goals Summary Information—Amounts not included in Table 6 are \$380,730 for CDBG and HOME Programs administration and \$64,911 for Program Delivery Costs associated with Down Payment Assistance, Egress Windows, Commercial Façades and Emergency Home Repair

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Homeowner/Homebuyer	2015	2019	Affordable Housing		Affordable Housing	CDBG: \$159,318 HOME: \$570,990	Homeowner Housing Constructed: 22 Homeowner Housing- Rehabilitated: 22 Direct Financial Assistance to Homebuyers: 25
2	Rental Housing	2015	2019	Affordable Housing		Affordable Housing	HOME: \$55,150	Tenant Based Rental Assistance: 25
3	Public Facilities	2015	2019	Non-Housing Community Development		Suitable Living Environments	CDBG: \$453,650	Public Facility or Infrastructures Activities other than Low/Moderate Income Housing Benefit: 67,919
4	Public Services	2015	2019	Homelessness Non- Homeless Special Needs		Suitable Living Environments	CDBG: \$188,343	Public Service Activities other than Low/Moderate Income Housing Benefit: 7,696
5	Stimulate Economic Growth	2015	2019	Non-Housing Community Development		Economic Development	CDBG: \$150,000	Façade treatment/business building Rehabilitation Jobs Created/Retained Businesses Assisted: 4/15

Table 6 - Goals Summary

Goal Descriptions

1	Goal Name	Homeowner/Homebuyer Affordability				
	Goal Description	The purpose of this goal is to increase the affordability, availability, accessibility and sustainability of owner-occupied housing.				
2	Goal Name Rental Housing Affordability					
	Goal Description	The purpose of this goal is to increase the affordability, availability, accessibility and sustainability of rental housing.				
3	Goal Name	Public Facilities				
	Goal Description	This goal strives to improve neighborhood infrastructure and access to basic services for lowincome and special needs				
	Guai Description	populations				
4	Goal Name	pal Name Public Services				
	Goal Description	This goal consists of activities to help lowincome individuals and families as well as individuals with special needs receive,				
therapy, supportive services, education, medical assistance, and other needed services						
5	Goal Name Stimulate Economic Growth					
	Goal Description	This goal includes activities that create or retain jobs, foster entrepreneurship and increase access to employment centers for low-				
	and moderate-income populations					

Table 7 - Goals Summary



AP-35 Projects - 91.420, 91.220(d)

Introduction

Five different entitlement allocations from HUD for PY-2019 come to Consortium members. For CDBG Programs <u>City of Provo</u> will receive \$1,255,621, <u>Utah County</u>'s allocation is \$1,313,945, <u>City of Orem</u> will receive \$686,080 and <u>Lehi</u>'s allocation is \$251,877. Additionally the <u>HOME Consortium</u> will receive \$1,296,068 in HOME funds. To these amounts Provo City adds \$819,559 in Program Income and \$38,495 reprogrammed funding from previous years. Provo City's total available for funding is \$3,409,743 (CDBG: \$1,547,346; HOME: \$1,862,397).

In the following CDBG stated projects, \$64,911 will appear to not have been allocated, these funds have been set aside to allocate for Program Delivery of RDA administered programs: Down Payment Assistance—\$39,059; Egress Windows—\$8,992; Commercial Façade Renovation—\$6,744; Emergency Home Repair—\$10,106.

CONTINGENCY APPROACH FOR FINAL CDBG & HOME ALLOCATIONS

Citizen committees and boards providing CDBG and HOME funding recommendations made these based on estimated numbers. In anticipation of receiving final allocation amounts from HUD after they finished their processes, committees and boards proposed a contingency approach should final allocation amounts be lower or higher than the estimated amounts used.

<u>Provo City CDBG Advisory Committee-Capital Projects</u>: The committee proposed to reduce funding recommendations proportionately if final CDBD allocations were lower than the estimated amount of \$1,100,000 estimated amount.

Should the final allocation of CDBG funding be higher than the estimated amount, the additional funding should be allocated as follows:

- a. Increase Administration to the proportionate 20% of the final allocation,
- b. Increase Program Delivery to the proportionate requested 4.1% of the final allocation, according to adjusted recommendations made by Redevelopment Agency staff,
- c. Increase Public Service funding to the proportionate maximum of 15% of the final allocation,
- d. Allocate the remainder of the additional funding, until exhausted, with the following priority: a) Adaptive Playground; b) Emergency Home Repair; DRIP-Commercial Façades; Neighborhood Revitalization; Egress Windows.

<u>Provo City CDBG Advisory Committee-Public Services</u>: The committee proposed to reduce funding recommendations proportionately if final CDBD allocations were lower than the estimated amount of \$165,000 (15% of \$1,100,000).

Should the final allocation of CDBG funding be higher than the estimated amount, by no more than 20%, the additional funding should be allocated to organizations with the highest Provo City Priority to meet 100% of their request until the additional funding amount is exhausted, with the following priority: Project Read; Provo Police Victims Assistance. If additional funding is available after funding these two agencies then bring up CASFB Circles Program to 50% of their request and allocate the balance, if any to Rocky Mountain University of Health Professions Foundation-Physical Therapy Program up to 100% of their request.

<u>Utah Valley HOME Consortium Advisory Board</u>: The Board proposed to reduce funding recommendations proportionately if final HOME allocations were lower than the estimated amount of \$1,100,000

Should the final funding HOME allocation be higher than the estimated amount, but less than 20%, the all programs should receive a proportionate increase up to their maximum requests.

Pre-Award Costs

Should Provo City's CDBG and HOME Grant Agreements with HUD be finalized after the beginning of the Program Year (July 1, 2019), which could cause award recipients to delay beginning their proposed activities, the City will authorize award recipients to begin delivery of their services and other project activities, related to and included in this 2019-AAP, beginning July 1, 2019. These costs are necessary for efficient and timely performance of all proposed PY2019 projects. All other requirements for the expenditure of CDBG and HOME before Grant Agreements are signed will be completed.

As authorized by 24 CFR 570.200(h) and 24 CFR 92.212(b), Provo City plans to expend preaward costs prior to the execution of the 2019 Community Development Block Grant (CDBG) and HOME Investment Partnerships Agreement. The use of these funds will not affect future grants.

#	Project Name					
1	CDBG: Administration					
2	CDBG: Community Actions Services & Food Bank—Supp. Svcs. for Homeless families					
3	CDBG: Community Actions Services & Food Bank—Emergency and Supplemental Food Assist.					
4	CDBG: Community Actions Services & Food Bank—Circles Program					
5	CDBG: Family Support and Treatment Center					
6	CDBG: Friends of Utah County Children's Justice Center					
7	CDBG: Friends of the Coalition					
8	CDBG: Boys and Girls Clubs of Utah County					
9	CDBG: Mountainlands Community Health Center					
10	CDBG: Project Read					
11	CDBG: Provo City Police Victim Services					
12	CDBG: Building Beginnings—Affordable Substance Abuse Treatment					
13	CDBG: Rocky Mtn. Univ. of Health Professions: Physical Therapy					
14	CDBG: Neighborhood Revitalization					
15						
16						
17	CDBG: Egress Window Program					
18	CDBG: House of Hope—Capital Improvements					
19						
20	CDBG: Friends of Utah County Children's Justice Center—Capital Improvements					
21	CDBG: Provo Parks-Adaptive Playground					
22	CDBG: The Alpine House-Capital Improvements					
23	CDBG: TURN—Capital Improvements					
24	CDBG: Section 108 Loan Repayment					
25	HOME: Administration-Utah Valley HOME Consortium					
26	HOME: Administration-Provo City					
27	HOME: Loan-To-Own Down Payment Assistance Program					
28	HOME: Golden Spike Outreach: Tenant Based Rental Assistance—Re-Entry Assistance Prog.					
29	HOME: Habitat for Humanity of Utah County					
30	HOME: Home Purchase Plus					
	HOME: Housing Authority of Utah County: Tenant Based Rental Assistance—for Victims of					
31	Abuse and Domestic Violence					
32	HOME: Rural Housing Development Corporation					

Table 8 Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs.

The RDA is taking a strategic approach to direct funding. Priorities include expanding affordable housing opportunities throughout the Consortium, providing critical services for the most vulnerable residents, expanding self-sufficiency for at-risk populations, and improving neighborhood conditions in concentrated areas of poverty.



AP-38 Project Summary

Project Summary Information

1	Project Name	CDBG: Administration
	Target Area	Serving Provo City Residents
	Goals Supported	Homeowner/Homebuyer Affordability Rental Housing Affordability Public Facilities Public Services Stimulate Economic Growth
	Needs Addressed	Affordable Housing Suitable Living Environments Economic Development Public Services Public Facilities
	*Funding	CDBG: \$251,124
	Description	CDBG Administration budgets are determined by 20% of the Entitlement. Redevelopment Agency staff personnel and overhead costs to administer the CDBG and HOME programs.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Funds will be used for the administration of CDBG and HOME programs
	Location Description	351 West Center Street, Provo, UT, 84601
	Planned Activities	Manage and Monitor CDBG and HOME Programs
2	Project Name	CDBG: Community Action and Food Bank Services—Support Services for Homeless and At-Risk Families and Children
	Target Area	Serving Provo City Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	Funding	CDBG: \$5,000
	Description	Funds will be used to provide case management, housing research, tenant rights and responsibilities instruction, financial coaching, and connections to employment services.
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	It is anticipated that CASFB will assist approximately 240 homeless households with this funding.
	Location Description	815 S Freedom Boulevard Suite 100, Provo, UT 84601
	Planned Activities	Case management, housing research, tenant rights and responsibilities instruction, financial coaching, and connections to employment services
3	Project Name	CDBG: Community Action and Food Bank Services— Emergency and Supplemental Food Assistance
	Target Area	Serving Provo City Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	*Funding	CDBG: \$5,000
	Description	Funds will be used to provide emergency and supplemental food assistance to low-income individuals and families; including elderly, homeless persons, persons with disabilities, and elementary-school-aged children
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	It is anticipated that CASFB will assist a minimum of 3,400 LMI households with this funding.
	Location Description	815 S Freedom Boulevard Suite 100, Provo, UT 84601
	Planned Activities	Emergency and supplemental food assistance
4	Project Name	CDBG: Community Action and Food Bank Services—Circles Program
	Target Area	Serving Provo City Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	Funding	CDBG: \$26,000
	Description	Participants (Circle leaders) establish goals and plans and learn new tools, assisted by Allies, to secure and sustain better jobs
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	The Center anticipates it will assist about 80 heads of household.
	Location Description	815 South Freedom Blvd. Provo, UT 84601
	Planned Activities	Partial payment of salaries for Job Coach and an Assistant
5	Project Name	CDBG: Family Support and Treatment Center
	Target Area	Serving Provo City Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	*Funding	CDBG: \$9,000
	Description	Funds will be used to assist and provide therapy to children who are victims of abuse.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	16 LMI Provo residents will be assisted
	Location Description	1255 West 1200 North Orem, Utah, 84057
	Planned Activities	Therapy for victims of neglect and abuse
6	Project Name	CDBG: Friends of Utah County Children's Justice Center
	Target Area	Serving Provo Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	*Funding	CDBG: \$13,000
	Description	Funds will be used to assist and provide therapy to children who are victims of abuse.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	The Center will report a minimum of 150 abused children receiving services and treatment
	Location Description	315 South 100 East, Provo, Utah, 84606
	Planned Activities	Therapy and intervention services.

7	Project Name	CDBG: Friends of the Coalition
	Target Area	Serving Provo Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments Public Services
	*Funding	CDBG: \$10,000
	Description	Funds will be used for costs associated with providing meals to homeless persons.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Homeless persons are included in the definition of Presumed Eligibility; however the agency will provide reports for a minimum of 2100 persons served.
	Location Description	299 East 900 South, Provo, UT 84606
	Planned Activities	Meals to homeless persons.
8	Project Name	CDBG: Boys and Girls Clubs of Utah County
	Target Area	Serving Provo Residents
	Goals Supported	Public Facilities
	Needs Addressed	Suitable Living Environments, Public Services
	*Funding	CDBG: \$15,000
	Description	Afterschool sessions aimed to improving math and reading proficiency of low-income students struggling in school.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Even though the facility and residents are presumed eligible, a minimum of 300 individuals will be reported.
	Location Description	1841 North 1120 West Provo, UT 84606
	Planned Activities	Reading and Math support
9	Project Name	CDBG: Mountainlands Community Health Center
	Target Area	Serving Provo Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	*Funding	CDBG: \$12,000

	Description	Funds will be used to provide quality primary discounted medical, dental, pharmacy, and mental health care to LMI Provo residents.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	This funding is expected to serve 150 low-income Provo residents
	Location Description	589 South State St. Provo, Utah, 84606
	Planned Activities	Medical, dental, pharmacy, and mental health care.
10	Project Name	CDBG: Project Read
	Target Area	Serving Provo Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	*Funding	CDBG: \$17,000
	Description	Help adults achieve self-sufficiency by helping them acquire literacy and life skills.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	50 low-income Provo residents
	Location Description	550 North University Ave #215,Provo, UT 84601
	Planned Activities	Literacy Lab, digital literacy/technology, health literacy and education, writing labs
11	Project Name	CDBG: Provo Police -Victim's Services
	Target Area	Serving Provo Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	*Funding	CDBG: \$30,000
	Description	Funds will be used for program delivery of services offered to victims of domestic violence and/or abuse
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	The organization anticipates serving at least 1,000 low-income Provo residents.
	Location Description	48 South 300 West Provo, UT 84601
	Planned Activities	Referrals to resources, court counseling, assistance in interviews with responding officers, emergency sheltering placement
12	Project Name	CDBG: Building Beginnings—Affordable Treatment
	Target Area	Serving Provo Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments, Public Services
	*Funding	CDBG: \$15,000
	Description	Funds will be used to provide therapist and case manager to work with clients overcoming substance abuse and mental health issues
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Agency anticipates to assist 5 low- and moderate-income Provo residents
	Location Description	286 South 600 East Bldg. 3, Provo, UT 84606
	Planned Activities	Therapy, case management
13	Project Name	CDBG: Rocky Mountain University of Health Professions Foundation—Community Rehabilitation Clinic (CRC) Physical Therapy
	Target Area	Serving Provo Residents
	Goals Supported	Public Services
	Needs Addressed	Suitable Living Environments
		Public Services
	Funding	CDBG: \$27,343
	Description	Funding will be used to assist the under-served and uninsured Provo citizens with rehabilitation and physical therapy needs.
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	205 low-income Provo residents will be served
	Location Description	122 East 1700 South, Provo, Utah, 84606
	Planned Activities	Physical Therapy
14	Project Name	CDBG: Neighborhood Revitalization
	Target Area	
	Goals Supported	Public Facilities
	Needs Addressed	Suitable Leaving Environments, Public Facilities
	Funding	CDBG: \$20,000
	Description	Neighborhood revitalization through clean-ups, paint projects and security campaigns
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	6,700 Provo residents
	Location Description	351 West Center Provo, UT 84601
	Planned Activities	Neighborhood clean-ups, paint projects and security campaigns
15	Project Name	CDBG: Downtown Redevelopment Improvement Program (DRIP)
	Target Area	Downtown Provo
	Goals Supported	Stimulate Economic Growth
	Needs Addressed	Economic Development
	*Funding	CDBG: \$150,000
	Description	Funds will be used to provide matching grants for commercial façade renovation and program delivery, leading to job creation for LMI.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	It is expected to assist four businesses and create 15 jobs for lmi-individuals.

	Location Description	Downtown Provo locations in the five planning districts identified in the Provo Master Plan.
	Planned Activities	Façade renovation and rehabilitation
16	Project Name	CDBG: Emergency Home Repair
	Target Area	City of Provo
	Goals Supported	Homeowner/Homebuyer Affordability
	Needs Addressed	Affordable Housing
	*Funding	CDBG: \$100,000
	Description	Funds will be used to provide assistance to elderly (60+), disabled and active military low-income individuals and households with emergency repairs to their home.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Approximately 10 low-income households will benefit from this funding
	Location Description	Eligible single-family properties in Provo City.
	Planned Activities	Rehabilitation of heating/air conditioning, water, electrical, plumbing systems; roof leaks; sewer. May include other repairs to ensure a healthy/sanitary living environment.
17	Project Name	CDBG: Egress Windows
	Target Area	Provo City
	Goals Supported	Homeowner/Homebuyer Affordability
	Needs Addressed	Suitable Leaving Environments,
		Affordable Housing
	Funding	CDBG: \$37,500
	Description	Funding will be used to assist low-income homeowners needing to bring bedroom windows up to code.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	5 low-income households
i	I a satisface Description	Eligible single-family properties in Provo City.
	Location Description	Lingible shighe-family properties in Frovo city.

18	Project Name	CDBG: House of Hope—Capital Improvements
	Target Area	
	Goals Supported	Public Facilities
	Needs Addressed	Suitable Living Environments
		Public Facilities
	*Funding	CDBG: \$68,400
	Description	Renovations to House of Hope's facilities including playground structure, parking lot re-pavement, and residential units.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	25 women and their children
	Location Description	1726 Buckley Ln. Provo, UT 84606
	Planned Activities	Doors/Decks in Cottages, Roof/paint admin bldg. commercial playground structure, re-pave parking lot.
19	Project Name	CDBG: Fam. Supp. and Treatment Ctr.—Capital Improvements
	Target Area	Serving Provo City Residents
	Goals Supported	Public Facilities
	Needs Addressed	Suitable Living Environments
		Public Facilities
	*Funding	CDBG: \$46,750
	Description	Funds will be used to rehabilitate the facility including replacing HVAC and plumbing systems, converting lights to LED, attic insulation, new flooring and raising parking lot
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	221 LMI Provo residents will be assisted
	Location Description	1255 West 1200 North Orem, Utah, 84057
	Planned Activities	Replace HVAC and plumbing systems, converting lighting to LED, attic insulation, new flooring and raising the parking lot.

20	Project Name	CDBG: Children's Justice Center—Capital Improvements
	Target Area	Serving Provo Residents
	Goals Supported	Public Facilities
	Needs Addressed	Suitable Living Environments
		Public Facilities
	*Funding	CDBG: \$75,500
	Description	Funds will be used to replace roof and new flooring
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	The Center will serve about 500 abused children receiving services and treatment
	Location Description	315 South 100 East, Provo, Utah, 84606
	Planned Activities	New roof and flooring
21	Project Name	CDBG: Provo Parks-Adaptive Playground
	Target Area	Provo North Park
	Goals Supported	Public Facilities
	Needs Addressed	Suitable Living Environments Public Facilities
	*Funding	CDBG: \$200,000
	Description	An adaptive playground will be built to provide an opportunity for children with disabilities to enjoy play in an outdoor space that is suited to their needs. The playground will help promote healthy development of children's physical, social, cognitive, and sensory abilities.
	Target Date	9/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	67,111 (Census Tracts 18.01, 18.02, 19, 20)
	Location Description	Provo North Park, 500 W 500 N in Provo
	Planned Activities	Construct an adaptive playground specifically to provide opportunities for children with disabilities. Key unique features will be added including a pavilion, custom concrete slide, custom fencing and surfacing.

22	Project Name	CDBG: The Alpine House—Capital Improvements
	Target Area	Serving Provo Residents
	Goals Supported	Public Facilities
	Needs Addressed	Suitable Living Environments Public Facilities
	*Funding	CDBG: \$35,000
	Description	Provide individual bathroom spaces and replace piping and emergency exit stairway
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	30 low-income residents
	Location Description	156 South 300 West, Provo, UT 84601
	Planned Activities	Rehabilitation of bathrooms, replace copper piping and emergency exit stairway.
23	Project Name	CDBG: Turn, Pinnacle Center—Capital Improvements
	Target Area	Serving Provo Residents
	Targetmea	berving 1 1000 Residents
	Goals Supported	Public Facilities
	Goals Supported	Public Facilities Suitable Living Environments
	Goals Supported Needs Addressed	Public Facilities Suitable Living Environments Public Facilities
	Goals Supported Needs Addressed *Funding	Public Facilities Suitable Living Environments Public Facilities CDBG: \$28,000 Rehabilitate facility including upgrading windows and flooring, replacing HVAC systems in a facility housing persons with
	Goals Supported Needs Addressed *Funding Description	Public Facilities Suitable Living Environments Public Facilities CDBG: \$28,000 Rehabilitate facility including upgrading windows and flooring, replacing HVAC systems in a facility housing persons with intellectual disabilities.
	Goals Supported Needs Addressed *Funding Description Target Date Estimate the number and type of families that will benefit from the	Public Facilities Suitable Living Environments Public Facilities CDBG: \$28,000 Rehabilitate facility including upgrading windows and flooring, replacing HVAC systems in a facility housing persons with intellectual disabilities. 6/30/2020
	Funding Description Target Date Estimate the number and type of families that will benefit from the proposed activities	Public Facilities Suitable Living Environments Public Facilities CDBG: \$28,000 Rehabilitate facility including upgrading windows and flooring, replacing HVAC systems in a facility housing persons with intellectual disabilities. 6/30/2020 32 low-income Provo residents
24	Funding Description Target Date Estimate the number and type of families that will benefit from the proposed activities Location Description	Public Facilities Suitable Living Environments Public Facilities CDBG: \$28,000 Rehabilitate facility including upgrading windows and flooring, replacing HVAC systems in a facility housing persons with intellectual disabilities. 6/30/2020 32 low-income Provo residents 1921 West 1120 North, Provo, UT 84601
24	Funding Description Target Date Estimate the number and type of families that will benefit from the proposed activities Location Description Planned Activities	Public Facilities Suitable Living Environments Public Facilities CDBG: \$28,000 Rehabilitate facility including upgrading windows and flooring, replacing HVAC systems in a facility housing persons with intellectual disabilities. 6/30/2020 32 low-income Provo residents 1921 West 1120 North, Provo, UT 84601 Upgrade windows and flooring. Replace HVAC systems

	Needs Addressed	Economic Development
	*Funding	HOME: \$280,000
	Description	Funds will be used to repay the Section 108 loan that was used to cover costs associated with building/updating infrastructure at the Provo City Airport
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	3421 Mike Jensen Parkway Provo, UT 84601
	Planned Activities	Payment of Principal and Interest
25	Project Name	HOME: Administration-Utah Valley HOME Consortium
	Target Area	
	Goals Supported	Homeowner/Homebuyer Affordability Rental Housing Affordability
	Needs Addressed	Affordable Housing
	*Funding	HOME: \$73,875
	Description	Funds will be used to pay for administration costs of the activities for the Utah Valley HOME Consortium.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	351 West Center Street Provo, Utah 84601
	Planned Activities	Administration and planning
26	Project Name	HOME: Administration-Provo City
	Target Area	
	Goals Supported	Homeowner/Homebuyer Affordability Rental Housing Affordability
	Needs Addressed	Affordable Housing
	*Funding	HOME: \$55,731
	Description	Funds will be used to cover administration costs to administer the HOME program and activities for The City of Provo.

	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	351 West Center Street Provo, Utah 84601
	Planned Activities	Funds will be used to cover administration costs to administer the HOME program and activities for The City of Provo.
27	Project Name	HOME: Golden Spike Outreach—Tenant Based Rental Assistance, Re-Entry Assistance Program
	Target Area	Consortium Wide
	Goals Supported	Rental Housing Affordability
	Needs Addressed	Affordable Housing
	*Funding	HOME: \$55,150
	Description	Provide rental assistance to persons returning to society after recent incarceration.
	Target Date	06/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	25 low-income Provo residents
	Location Description	Provo, Springville, and Spanish Fork
	Planned Activities	Rental and utilities payments, including deposits.
28	Project Name	HOME: Habitat for Humanity of Utah County
	Target Area	Consortium wide
	Goals Supported	Homeowner/Homebuyer Affordability
	Needs Addressed	Affordable Housing
	*Funding	HOME: \$171,846
	Description	Funding will help build two (2) new homes for eligible families
	Target Date	12/31/2021
	Estimate the number and type of families that will benefit from the proposed activities	2 low- moderate-income households

	Location Description	613 South Geneva Rd. Orem, UT 84058
	Planned Activities	New construction
29	Project Name	HOME: Habitat for Humanity of Utah County
	Target Area	Consortium wide
	Goals Supported	Homeowner/Homebuyer Affordability
	Needs Addressed	Affordable Housing
	*Funding	HOME: \$250,000
	Description	Four residential lots will be purchased for residential housing.
	Target Date	12/31/2020
	Estimate the number and type of families that will benefit from the proposed activities	2 low- moderate-income families
	Location Description	Geneva Road, Orem
	Planned Activities	Land acquisition, lot improvements and construction costs for a town-home project.
30	Project Name	HOME: Home Purchase Plus
	Target Area	Provo City
	Target Area Goals Supported	Provo City Homeowner/Homebuyer Affordability
	_	
	Goals Supported	Homeowner/Homebuyer Affordability
	Goals Supported Needs Addressed	Homeowner/Homebuyer Affordability Affordable Housing
	Goals Supported Needs Addressed *Funding	Homeowner/Homebuyer Affordability Affordable Housing HOME: \$275,750 Funds will be used to provide down payment (DPA) to qualified,
	Goals Supported Needs Addressed *Funding Description	Homeowner/Homebuyer Affordability Affordable Housing HOME: \$275,750 Funds will be used to provide down payment (DPA) to qualified, eligible low-income households
	Goals Supported Needs Addressed *Funding Description Target Date Estimate the number and type of families that will benefit from the	Homeowner/Homebuyer Affordability Affordable Housing HOME: \$275,750 Funds will be used to provide down payment (DPA) to qualified, eligible low-income households 6/30/2020
	Goals Supported Needs Addressed *Funding Description Target Date Estimate the number and type of families that will benefit from the proposed activities	Homeowner/Homebuyer Affordability Affordable Housing HOME: \$275,750 Funds will be used to provide down payment (DPA) to qualified, eligible low-income households 6/30/2020 Approximately 18 low-income families will be assisted
31	Goals Supported Needs Addressed *Funding Description Target Date Estimate the number and type of families that will benefit from the proposed activities Location Description	Homeowner/Homebuyer Affordability Affordable Housing HOME: \$275,750 Funds will be used to provide down payment (DPA) to qualified, eligible low-income households 6/30/2020 Approximately 18 low-income families will be assisted Throughout Provo City
31	Goals Supported Needs Addressed *Funding Description Target Date Estimate the number and type of families that will benefit from the proposed activities Location Description Planned Activities	Homeowner/Homebuyer Affordability Affordable Housing HOME: \$275,750 Funds will be used to provide down payment (DPA) to qualified, eligible low-income households 6/30/2020 Approximately 18 low-income families will be assisted Throughout Provo City Down-payment assistance and closing costs.
31	Goals Supported Needs Addressed *Funding Description Target Date Estimate the number and type of families that will benefit from the proposed activities Location Description Planned Activities Project Name	Homeowner/Homebuyer Affordability Affordable Housing HOME: \$275,750 Funds will be used to provide down payment (DPA) to qualified, eligible low-income households 6/30/2020 Approximately 18 low-income families will be assisted Throughout Provo City Down-payment assistance and closing costs. HOME: Loan-To-Own Down Payment Assistance Program

	*Funding	HOME: \$110,300
	Description	Funds will be allocated to the RDA of Provo to assist eligible families living within Consortium boundaries with down payment assistance and closing costs loans.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Up to 7 low and moderate-income families will be assisted with this funding.
	Location Description	Within Consortium cities excluding Provo City.
	Planned Activities	Down payment assistance and closing costs loans.
32	Project Name	HOME: Rural Housing Development Corporation
	Target Area	Consortium wide
	Goals Supported	Homeowner/Homebuyer Affordability
	Needs Addressed	Affordable Housing
	*Funding	HOME: \$1,009,445
	Description	Funds will be used to purchase and develop land in Salem, UT. The property will be used to develop residential lots to build single-family homes for low to very-low income families earning less than 80% of the AMI.
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	Up to 20 low- and very-low income families.
	Location Description	63 North 400 West Provo, UT 84601
	Planned Activities	Land acquisition, lot improvements and new construction of single-family housing.

AP-50 Geographic Distribution - 91.420, 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

At this time neither The City of Provo nor the Consortium is establishing specific geographic areas of service

Geographic Distribution

Target Area	Percentage of Funds

Table 9 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

N/A

AFFORDABLE HOUSING

AP-55 Affordable Housing - 91.420, 91.220(g)

1. Introduction

Goals for program year affordable housing outcomes are indicated below.

One Year Goals for the Number of Households to be Supported						
Homeless	25					
Non-Homeless	69					
Special-Needs	0					
Total	94					

Table 10 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through						
Rental Assistance	25					
The Production of New Units	22					
Rehab of Existing Units	22					
Acquisition of Existing Units	25					
Total	94					

Table 11 - One Year Goals for Affordable Housing by Support Type

2. Discussion

Housing activities will be supported through both CDBG and HOME and will provide subsidies for individuals and families ranging from 0% to 80% AMI. Activities will include homeowner housing rehabilitation, and direct financial assistance for eligible homebuyers.

AP-60 Public Housing - 91.420, 91.220(h)

1. Introduction

The Housing Authority of Utah County and Provo City Housing Authority are responsible for managing the public housing inventory, developing new affordable housing units and administering the Section 8 voucher programs for Utah County and Provo City, respectively. They strive to provide affordable housing opportunities throughout their jurisdictions by developing new or rehabilitating existing housing that is safe, decent, sanitary and affordable—a place where an individual's income level or background cannot be identified by the neighborhood or housing in which they live.

2. Actions planned during the next year to address the needs to public housing

The Housing Authority of Utah County is in the process of identifying 9 additional units in the community to lease, making the units available for a two-year period.

Provo City Housing Authority (PCHA) plans to look at additional LITHC developments and continue to actively provide property management to existing units keeping them well maintained.

3. Actions to encourage public housing residents to become more involved in management and participate in homeownership

HAUC residents are invited to participate each year in a Resident Advisory Board where proposed policies are reviewed prior to implementation. HAUC has a resident currently serving on our Board of Commissioners. HAUC promotes self-sufficiency to all residents, to the extent they are able to achieve. Clients are referred to various agencies who provide budgeting, home ownership and financial counseling. Clients are often notified about various home ownership opportunities available

PCHA has a few CROWN developments which allow the resident to purchase their unit after 15 years at a price well below market value. PCHA coordinates a home owner class for residents as well

4. If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Neither Housing Authority is designated as troubled.

AP-65 Homeless and Other Special Needs Activities - 91.420, 91.220(i)

1. Introduction

The Consortium, through the Mountainland Continuum of Care, works with a number of homeless services agencies to reduce the number persons experiencing homelessness, reduce the length of time individuals experience homelessness, increase successful transitions out of homelessness and reduce the instances of return to homelessness.

Representatives from The City of Provo and Consortium cities participate in the CoC executive specifically so the CoC's priorities are considered during funding allocations.

The Mountainland Continuum of Care contracts with the State of Utah to administer HMIS. All service agencies in the region and the rest of the state are under a uniform data standard for HUD reporting and local ESG funders. All ESG funded organizations participate in HIMS, which is supported by Client Track.

The Mountainland Continuum of Care conducts an annual Point-In-Time count at the end of January to count sheltered (emergency sheltered and transitional housing) and unsheltered homeless individuals. Unsheltered homeless individuals are counted by canvassing volunteers. The volunteers use the Vulnerability Index & Service Prioritization Decision Assistance Tool (VI-SPDAT) to interview and try to connect unsheltered homeless individuals into services.

2. Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including:

a. Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The City of Provo and Consortium cities will continue to partner with the Mountainland Continuum of Care and its partner agencies, and providing CDBG funding to support the efforts to reaching out to unsheltered individuals to assess their needs.

b. Addressing the emergency shelter and transitional housing needs of homeless persons

Neither The City of Provo nor Consortium cities have direct access to Emergency Solutions Grant (ESG) funding. However, State of Utah allocations are awarded to Community Action Services and Food Bank and the Food and Care Coalition. These agencies use the funding to support their services such as: providing motel vouchers, access to safe facilities, case management, etc.

c. Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Provo, the City of Orem, and Mountainland Associated Government (MAG, CDBG Administrator for Utah County) are active participants in the Task Force to End Chronic Homelessness, which have set the following goals:

- Renew Shelter Plus Care (S+C) projects currently in place for homeless mentally
 ill
- Introduce new S+C projects to provide housing and support services for chronic homeless
- Build permanent supportive housing for homeless mentally ill
- Fully utilize Olene Walker Housing Trust Fund through State of Utah to fund housing for chronically homeless and increase levels of funding
- Hold Chronic Homeless Task Force meetings to develop further goals
- Continue to hold Discharge Planning meetings
- Increase outreach and support services to chronic homeless by acquiring additional funding'
- Train homeless service providers quarterly regarding access to mainstream resources
- Assess and address client pathway barriers
- Assess problems and possible solutions to the problem of chronic homeless persons acquiring needed personal identification to access mainstream resources
- Continue to support efforts to assist young adult homeless people with substance abuse and mental health problems
- Provide counseling at main chronic homeless provider site
- Develop resources to expand care clinics

Other goals to eliminate homelessness are being addressed through participation in the Mountainland Continuum of Care. Goals are crafted to reduce homelessness in the larger service area of which Provo and Consortium cities are a part. d. Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

A Discharge Planning Committee meets regularly addressing the following issues:

Foster Care Discharge—As a result of the Initiative on Utah Children in Foster Care and the Transitions to Adult Living support Network Plan formed within the Department of Human Services, including the Divisions If Child and Family Services (DCFS), Juvenile Justice Services (JJS), Services for People with Disabilities (DSPD), and the Department of Workforce Services (DWS), young people transitioning into adulthood are increasingly living in safe, stable and affordable housing in their communities. Case management is a key component to success during the transition; community partners are assisting the youth as they learn and grow in their new environments. Wasatch Mental Health Vantage Point Youth Services plays a key local role in assisting youth in making the transition to independence.

Health Care Discharge—The Mountainland Continuum of Care has a Discharge Planning Committee whose goal is to ensure that no one is discharged from a medical facility to the streets. The persons on this committee who are developing the final protocol for health care discharge are: homeless service providers, housing providers, emergency room case workers, hospital social workers and representation from the largest local health care system, Intermountain Healthcare.

Mental Health Discharge—The State of Utah has developed protocol and has completed a survey and analysis of homelessness. Within the Public Mental Health System, we are currently in development stages to plan the capacity to ensure that all mentally ill homeless individuals discharged from public institutions will have access to affordable housing and supportive services. State Human Services Discharge Planning Committee has developed a plan specific to mental health and substance abuse, and continues to work with the State Homeless Coordinating Committee to identify and create additional low-income permanent housing for the chronically homeless and develop a process for rapid re-housing of the temporarily homeless.

Correction Discharge—In addition to private organizations such as Prisoner Information Network (PIN) and the Harm Reduction Project, which provide prisoners being discharged with information and services as they leave the state

prison, State Corrections has developed a program inmates are able to access before their release. The Women's Correctional Facility has developed the Your Parole Requires Extensive Preparation (YPREP) office which is opened to women prior to their release and offers much information on successful living outside the facility. The YPREP office is currently in the process of assessing the housing needs of the female population. The information gathered will result in a strategically targeted effort to meet those needs for the women prior to release from incarceration. Each month community members meet for the Women's Summit and Men's Summit meetings. The summit meetings are used to identify and develop resources needed for successful transition.

3. Discussion

While the City of Provo and Consortium cities do not fund services that directly affect homelessness, it is their intent to support agencies with programs that assist the homeless and help people that are vulnerable to becoming homeless. We also continue to work with other organizations, including those that serve and coordinate with the Mountainland Continuum of Care to influence policy to help prevent homelessness in the future.

AP-75 Barriers to affordable housing - 91.420, 91.220(j)

1. Introduction

The most critical public policy barriers (direct and indirect) to the production and preservation of affordable housing include the following:

- 1. Siting of Housing
- 2. Land or development cost barriers
- 3. Zoning and land use barriers
- 4. Local residency preferences by Housing Authorities
- 5. NIMBYsm (Not-In-My-Back-Yard)
- 6. Limited availability of housing choice vouchers
- 7. Development and land costs
- 8. Impact fees
- 2. Actions planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies, affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment.

The RDA will initiate the process of coordination with Consortium cities to review the barriers and establish strategies and action plans to address them.

Since 2016 monthly meetings have been held by a Housing Committee, sub-committee of Provo City Municipal Council. Discussions include creation of a Community Land Trust (CLT), Inclusionary Zoning, amongst others. The Community Development department is researching the effects of inclusionary zoning and how would the City be able to enact it. The RDA is evaluating prospect agencies that have the capacity to establish and run a successful/effective CLT.

Provo and Orem City councils meet quarterly to discuss common items including availability of affordable housing. Orem has committed to do a closer review of future multi-family projects and provide assistance for qualification for Low-Income Housing Tax Credits.

AP-85 Other Actions - 91.420, 91.220(k)

1. Introduction

The City of Provo and Consortium cities will engage in a variety of activities intended to further local housing and community development goals.

2. Actions planned to address obstacles to meeting underserved needs

The City of Provo and Consortium cities will continue to collaborate and partner with a wide network of housing and human services providers, government officials, business leaders, and citizens to identify areas of need in the community. A coordinated effort will be made to continually improve service delivery systems, reduce duplicative services and to create a process that is flexible enough to meet new needs as they develop.

3. Actions planned to foster and maintain affordable housing

The City of Provo and Consortium cities will continue to operate single-family rehabilitation programs. During this current year specific emphasis was requested for affordable housing projects outside of Provo to provide increased affordable housing choice. Other planned actions that will foster affordable housing include homebuyer and rental projects. To further enhance low- to moderate-income neighborhoods, street improvements are also planned.

4. Actions planned to reduce lead-based paint hazards

Lead risk assessments will be completed for all housing units receiving assistance through the housing rehabilitation programs. When conditions are found which indicate a potential lead-based paint hazard, appropriate remedial action will be included as part of the proposed work. All lead work will be conducted in accordance with federal regulations and performed by appropriate certified and/or licensed contractor

5. Actions planned to reduce the number of poverty-level families

The City of Provo and Consortium cities have well-established service networks to provide services to impoverished people. These include:

- County Health Program to provide medical coverage for those who need it.
- The City and the Consortium address other critical needs by supporting coordinating and referring families and individuals to resources such as:
 - Circles initiative, which helps individuals living in generational poverty recognize and overcome their barriers to self-reliance, sponsored by Community

- Action Services and Food Bank (CASFB);
- Bridges Out Poverty Training, conducted by CASFB
- Community garden, community kitchen, food bank, family development programs, home buyer and mortgage counseling through CASFB;
- Weatherization and energy conservation programs available from the Housing Authority of Utah County;
- Down payment assistance through the RDA;
- Partner nonprofit agencies that provide medical services to extremely and very lowincome families and individuals

6. Actions planned to develop institutional structure

The RDA will continue to coordinate activities and foster relationships in the community among public and non-governmental entities. With diminished revenues, lost resources must be offset. The following are considered for the coming year:

Management Capacity

- Develop additional cost-effective ways to provide affordable housing. The City of Provo and Consortium cities will continue to seek additional ways to share resources and costs to maintain an acceptable level of program and management capacity
- Identify service gaps and improve efficiency and effectiveness in their delivery. The City of Provo and Consortium cities will enhance program design and delivery.

Expanding the Network of Partners

The City of Provo and Consortium cities will continue efforts to strengthen existing and establish new relationships with service providers to expand and strengthen services in the community.

Subrecipient Monitoring

The RDA will continue to monitor and assist Subrecipients and Community Housing Development Organizations (CHDOs). Monitoring will be performed through risk assessment and Technical Assistance will be provided on the degree of need.

7. Actions planned to enhance coordination between public and private housing and social service agencies

The City of Provo and Consortium will enhance coordination with service providers and housing providers through coordination meetings, participating in community-wide-committees, and engaging local experts recommend and provide programs for their target populations. A major tool for this coordination is through the collaborative relationship with the Mountainland Continuum of Care.

City of Provo/UVHC

PROGRAM SPECIFIC REQUIREMENTS

AP-90 Program Specific Requirements - 91.420, 91.220(l)(1,2,4)

Introduction

In this section the RDA addresses various program specific requirements and how it complies with federal regulations specific to the grants received. This section provides a calculation of total CDBG Program Income. The guidelines established to comply with statutory requirements of the HOME Program are also included.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before	
the start of the next program year and that has not yet been reprogrammed	\$240,000.00
2. The amount of proceeds from section 108 loan guarantees that will be	
used during the year to address the priority needs and specific objectives	
identified in the grantee's strategic plan	\$0.00
3. The amount of surplus funds from urban renewal settlements	\$0.00
4. The amount of any grant funds returned to the line of credit for which the	
planned use has not been included in a prior statement or plan.	\$0.00
5. The amount of income from float-funded activities	\$0.00
	\$240,000.00

Other CDBG Requirements

1. The amount of urgent need activities	\$0.00
2. The estimated percentage of CDBG funds that will be used for activities that	
benefit persons of low and moderate income. Overall Benefit - A consecutive	
period of one, two or three years may be used to determine that a minimum	
overall benefit of 70% of CDBG funds is used to benefit persons of low and	
moderate income. Years covered that include this Annual Action Plan: <u>2019</u> .	75.00%

HOME Investment Partnership Program (HOME) Reference 24 CFR 91.220(1)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The Utah Valley HOME Consortium utilizes only forms of investment as outlined in Section 92.205

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

The following provisions will apply to Subrecipients, Contractors and Developers (including CHDOs) or other entities that will provide homebuyer assistance with HOME funds provided through the Utah Valley HOME Consortium.

- The length of the affordability period will be as established by the HOME Program statute depending on the amount of funding received for the project.
- The chosen method is Recapture
- The Utah Valley HOME Consortium will require full payment of the assistance provided to the homebuyer if the assisted HOME unit is sold during the affordability period. However, if there are no net proceeds or insufficient proceeds to recapture the full amount of the HOME investment due, the amount subject to recapture will be limited to what is available from the net proceeds. Net proceeds are defined as the sales price minus superior non-HOME loan repayments and closing costs, excluding realtor commissions.
- Written agreements will reflect this requirement
- Affordability provision will be enforced through a recorded Deed of Trust
- 3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:
 - The description of the guidelines for homebuyer activities (Question #2 in this section) apply here as well. Please refer to the response to question AP-90 #2.
- 4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:
 - The Consortium has no plans to exercise this section of the HOME statute during this five-year period.

5. A description of the determination of the 95 percent median area purchase price limit for affordable homeownership established by the Jurisdiction. See 24 CFR 92.254(a)(2)(iii):

The current local market in Utah County shows that the affordable homeownership limits provided by HUD (\$284,000 for a 1-unit structure) are discordant.

Regulations require that:

- A) The 95 percent of median area purchase price must be established in accordance with a market analysis that ensures a sufficient number of recent housing sales is included in the survey.
- B) Sales must cover the requisite number of months based on volume: For 500 or more sales per month a one-month reporting period; for 250 through 499 sales per month, a 2-month reporting period; for less than 250 sales per month, at least a 3-month reporting period. The data must be in ascending order of sales price.
- C) The address of the listed properties must include the location within the Participating Jurisdiction. Lot, square, and subdivision data may be substituted for the street address.
- D) The housing sales data must reflect all, or nearly all, of the one-family house sales in the entire Participating Jurisdiction.
- E) To determine the median, take the middle sale on the list if an odd number of sales, and if an even number, take the higher of the middle numbers and consider it the median. After identifying the median sales price, the amount should be multiplied by 0.95 to determine the 95 percent of the median area purchase price.

Following the requirements above PJ staff gathered and analyzed data of all single-family housing sales in Utah County for the month of February, 2019. A total of 521 single-family homes sales were identified. The average price amongst all sales is \$393, 711. Following the instructions of paragraph E) above, the median price is: \$355,000 and therefore the 95% of median is \$337,250.

APPENDICES

Appendix A - Citizen Participation Comments

Public Hearing May 7, 2019

Public Comment—Pending

Public Hearing June 4, 2019

Public Comment—Pending

Written comments received through Public Comment Period

Public Comment—Pending

Appendix B - SF-424's and Certifications

FINAL PY-2019 CDBG FUNDING RECOMMENDATIONS EXHIBIT B

PY2018 CDBG ENTITLEMENT	FINAL ALLOCATION		\$ 1,255,621
AVAILABLE FOR REPROGRAMMING			
PY2017 Program Income	\$	253,230	
Balances from finished projects	\$	38,495	
Total Available for Reprogramming			\$ 291,725
PY2018 ESTIMATED CDBG AVAILABLE			\$ 1,547,346

PY2018 FUNDING REQUESTS:	2018 FUNDING REQUESTS:			Requested:		PY-2018		PY-2019		
					1	Funded	Red	commended Funding		
								By Committees		
Administration CDBG (20% of Entitlement)			\$	251,124	\$	228,370	\$	251,124		
Program Delivery										
Down Payment Assistance Program			¢	39,059	\$	41,600	¢	39,059		
Eggress Windows			Φ Φ	8,992		11,900		8,992		
Commercial Façade Renovation			¢.	6,744		11,000		6,744		
Emergency Repairs			φ	10,116	-	-	\$	10,116		
Linergency Repairs			Ψ	10,110	Ψ	_	Ψ	10,110		
CDBG-Public Services Funding (Max. 15% of Entitlement-\$162,750)			\$	188,343	\$	184,354	\$	188,343		
TOTAL CDDC Advaire Dressure Delive	D	I C	!-!	Comices Funding			•	F0.4.070		
TOTAL CDBG Admin, Program Delive	ery, Progran	n income, S	ociai	Services Funding			Þ	504,378		
				Takal Faklos aka di F	<u> </u>	-11 A111-1-	•	4 5 4 7 0 4 0		Percent of
				Total Estimated F				1,547,346 1,042,968	Percent of	Applicant's
CARITAL DRO IFOTO.	Date			Total Available fo	or Ca I		Þ	1,042,966	Total Avail.	Request
CAPITAL PROJECTS:	Red	quested		Unspent \$\$		PY2018				
409 Lean Banaymant Duncan Improvements at Braye Airpart	¢	200 000				Funded	\$	200 000	10.44%	1000/
108 Loan RepaymentDuncan Improvements at Provo Airport	Ф ¢	280,000	Φ.		d ^a			280,000 46,750	16.87%	100%
Family Support & Family Treatment Ctr. Capital Improvements Friends of UT Cty Children's Justice Center-Capital Improvements	. P	46,750 75,500		-	\$	-	\$ \$	75,500	15.28%	100% 100%
	Ф ¢	68,400		-	Ф	-	\$	68,400	15.28% 44.68%	100%
House of Hope: Housing Rehabilitation (Cottage Project/Svcs Bldg/Parking) Provo City Parks Dept.: Adaptive Playground	Φ ¢	200,000		- 264,315	\$	300,000	*	200,000	44.68% 22.34%	100%
Provo City RDA: Emergency Home Repair	¢ ·	100,000			\$			100,000	33.51%	100%
Provo City RDA: Emergency nome Repair Provo City RDA: Downtown Redevelopment Improvement Program (DRIP)	\$	150,000		104,000	\$	100,000		150,000	8.38%	100%
Provo City RDA: Egress Window Program	\$	50,000		31,500	-		\$	37,500	4.87%	75%
Provo City RDA: Legiess Window Program Provo City RDA: Neighborhood Revitalization	\$	25,000		-	\$	20,000		21,818	7.82%	87%
The Alpine House-Capital Improvements	\$	35,000		_	\$	20,000	\$	35,000	6.25%	100%
TURN Community Services, IncCapital Improvements	\$	28,000		-	\$	-	\$	28,000	0.00%	100%
	*		Ψ.		Ť		•	_3,000	170%	.5370
TOTAL CAPITAL PROJECTS REQUESTS	\$	1,058,650	-							
TOTAL CAPITAL PROJECTS RECOMMENDED FUNDING							\$	1,042,968		
Capital Projects To be Committed (over committed)							\$	(0)		

PY-2019 CDBG-PUBLIC SERVICES FUNDING RECOMMENDATIONS EXHIBIT C

CDBG Public Services Applicants	F	PY2018	R	equested	(Committee		Balances
PY2019 Final Grant Amount \$1,255,621	CDF	BG Award		PY2019	Reco	ommendations		from prior
					(Max	. 15% - \$188,343)	Pre	ogram Years
Boys & Girls-Reading & Math Support	\$	-	\$	50,000	\$	15,000	\$	-
Building Beginnings Affordable Treatment	\$	-	\$	51,720	\$	15,000	\$	-
CASFB: Circles Provo site	\$	-	\$	50,000	\$	26,000	\$	-
CASFB: Food Bank Support	\$	9,000	\$	30,000	\$	9,000	\$	5,100
CASFB: Housing Services	\$	9,000	\$	20,000	\$	5,000	\$	7,800
Family Support and Treatment Center	\$	16,604	\$	20,600	\$	9,000	\$	-
Friends of the Coalition (AKA Food & Care)	\$	10,000	\$	10,000	\$	10,000	\$	-
Friends of UC Children's Justice Center	\$	20,000	\$	20,000	\$	13,000	\$	2,575
Mary C. Elliott-Mental Health Counseling	\$	-	\$	15,000	\$	-	\$	-
Mountainlands Community Health Center	\$	11,000	\$	15,000	\$	12,000	\$	-
People Helping People	\$	6,000	\$	10,000	\$	-	\$	6,000
Project Read	\$	7,000	\$	17,000	\$	17,000	\$	-
Provo City Police Dept.: Victims Assistance	\$	28,000	\$	30,000	\$	30,000	\$	13,770
Rocky Mountain University of Health Professions Foundation: Physical Therapy	\$	20,000	\$	40,000	\$	27,343	\$	-
Total PY19 CDBG Public Services Requests	\$	155,604	\$	379,320	\$	188,343		

Percent of	Percent of
Request	Avail. Funds
30.0%	9%
29.0%	9%
52.0%	16%
30.0%	5%
25.0%	3%
43.7%	5%
100.0%	6%
65.0%	8%
0.0%	0%
80.0%	7%
0.0%	0%
100.0%	10%
100.0%	18%
68.4%	17%
	114%

PY-2019 HOME Funding Allocations Exhibit D Final

	FINAL			TOTAL
	ALLOCATION			LOCATION
Program Year-2019 HOME CONSORTIUM ENTITLEMENT FINAL	\$	1,296,068	\$	1,296,068
Administration 10% of Grant	\$	129,606		
Program Income FY-2017			\$	566,329
Total Available for Reprogramming			\$	-
Program Year 2019 HOME FUNDS ESTIMATED AVAILABLE			\$	1,862,397

PROPOSED USES PY-2019:

HOME Administration	Requested:	<u>F</u>	inal Allocations 129,606	\$ 129,606	Request/Reco mmendation Ratio	% of Award 7%
HOME-CHDO Funding Habitat for Humanity - Land Acquisition/New Construction Rural Housing Development Corp Mutual Self Help Program HOME-CHDO Available (15% of Entitlement)		\$	97,206 97,205	\$ 194,411		
Proposed Project Golden Spike-TBRA ReAP Habitat for Humanity-New Construction RDA-HomeOwner Rehabilitation RDA-Home Purchase Plus Provo City-Wide DPA RDA-Loan-to-Own County Wide DPA Rural Housing Development CorpMixed SF/MF Housing Rural Housing Development CorpMutual Self Help Program	\$ 60,000 \$ 200,000 \$ 200,000 \$ 300,000 \$ 300,000 \$ 1,000,000 \$ 900,000	\$ \$ \$ \$	74,640 110,300 275,750 110,300 912,240	\$ 1,538,380	91.92% 54.79% 55.15% 91.92% 36.77%	3% 9% 6% 15% 6% 54%
TOTAL PROPOSED USES				\$ 1,862,397	_	
To Be Committed (over committed)				\$ 0		

To be approved on June 4, 2019





Consolidated Annual Performance and Evaluation Report (CAPER)

July 1, 2017 through June 30, 2018 of the 2015-2019 Five-Year Consolidated Plan as Amended

City of Provo (City)
Utah Valley HOME Consortium (UVHC)
Redevelopment Agency of Provo City Corporation (RDA)
351 West Center Street
Provo, Utah 84601

http://www.provo.org/departments/redevelopment







CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year. As the housing prices are outpacing salaries in Utah County and affordable housing is harder for low and moderate income families to acquire, Provo City has put an emphasis on finding ways to create permanent affordable housing. While this is a work still in progress, providing these opportunities continues to be a top priority.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected –	Actual – Strategic	Percent Complete	Expected –	Actual – Program	Percent Complete
					Strategic Plan	Plan		Program Year	Year	
Homeowner/Home	Affordable	HOME:S2.615.442	Homeowner	Household	30	37		69	8	
buyer Affordability	Housing	11010112.32,013,442	Housing Added	Housing Unit	30	37	123.33%	03	0	11.59%
Homeowner/Home buyer Affordability	Affordable Housing	CDBG: \$ / HOME: \$	Homeowner Housing Rehabilitated	Household Housing Unit	25	27	108.00%	16	8	50.00%
Homeowner/Home buyer Affordability	Affordable Housing	CDBG: \$ / HOME: \$	Direct Financial Assistance to Homebuyers	Households Assisted	35	70	200.00%	27	31	114.81%
Public Facilities	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	100	19425	192.43%	0	5340	0.00%

Public Facilities Cor Dev Hor No Spe No Cor	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	100	0	0.00%	100	0	0.00%
	Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	30000	22354	74.51%	0	5062	0.00%
Public Services	Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Public service activities for Low/Moderate Income Housing Benefit	Households Assisted	0	0	0	653	0	0.00%
Public Services	Homeless Non-Homeless Special Needs Non-Housing Community Development	CDBG: \$	Homeless Person Overnight Shelter	Persons Assisted	0	0	0	0	0	0.00%
Rental Housing Affordability	Rental Housing Affordable Home: \$ Rental units constructed Rental Housing Affordable Home: \$ Rental units		Household Housing Unit	10	20	200.00%	2	0	0.00%	
Rental Housing Affordability			Household Housing Unit	5	1	20.00%	0	0		

Rental Housing Affordability	Affordable Housing	HOME: \$	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	15	27	133.3%	0	7	0.00%
Stimulate Economic Growth	Non-Housing Community Development	CDBG: \$ / Section 108: \$2500000	Facade treatment/business building rehabilitation	Business	0	0		10	0	0.00%
Stimulate Economic Growth	Non-Housing Community Development	CDBG: \$ / Section 108: \$2500000	Jobs created/retained	Jobs	115	12	10.43%	400	10	2.50%
Stimulate Economic Growth	Non-Housing Community Development	CDBG: \$ / Section 108: \$2500000	Businesses assisted	Businesses Assisted	16	4	00.25%	0	1	
Stimulate Economic Growth	Non-Housing Community Development	CDBG: \$ / Section 108: \$2500000	Buildings Demolished	Buildings	2	0	0.00%	0	0	
I										

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

In the 2017 Program Year, CDBG funds were used in seven homeowner rehabilitation projects. 10 jobs were created by assisting five downtown businesses with Façade rehabilitation. 481 homeless individuals were provided meals by the Food and Care Coalition and services to at-risk populations were furnished through Victim Services(1,081), Utah County Friends of Children's Justice Center (192) and Family Support & Treatment (121). Low-income families and individuals also received services for medical and dental care through Mountainlands Community Health Center (115) and the Community Rehabilitation Clinic run by Rocky Mountain University of Health Professionals(230). 130 illiterate individuals received assistance through Project Read and 10 female heads of household received job training/placement assistance by People Helping People.

31 Female heads of household were benefitted by the residential rehabilitation of House of Hope financed in part with CDBG funds, while 18 victims of abuse were benefitted by the rehabilitation of the Center for Women and Children in Crisis. Work is being completed on other public cacilities, such as Spring Creek Park, and the 200 East Bycicle/Pedestrian improvement project.

HOME funds were used to provide down payment assistance to 18 households. Rural Housing Development Corporation (RHDC/Self-Help Homes) leveraged HOME funds with private financing to build 15 new affordable homes in Payson, of which five were HOME-assisted units. RHDC also purchased land and began development of another project in Payson and two projects in Salem. Habitat for Humanity purchased land in Orem to build an eight unit project. In rental housing, HOME funds were used to provide TBRA through Golden Spike Rehabilitation Re-Entry Assistance Program and to complete 26 units for senior citizens built by the Housing Authority of Utah County.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG	HOME
White	14,053	33
Black or African American	505	1
Asian	110	3
American Indian or American Native	348	0
Native Hawaiian or Other Pacific Islander	312	1
Total	15,328	38
Hispanic	672	1
Not Hispanic	14,656	37

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

Based on the demographic information for Provo City in the 2017 American Communities Survey, they percentages served are proportionate to the populations with the exception of the Hispanic population. Provo City's CDBG and HOME programs show that 4% and 3% of those served where Hispanic compared to the ACS data showing Hispanics making up 16.5% of the population. This tells us more efforts should be made to engage the Hispanic community to bring an awareness of programs available to them.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

,			
Source of Funds	Source	Resources Made	Amount Expended
		Available	During Program Year
CDBG	CDBG	1,176,044	1,445,827.69
HOME	HOME	1,367,583	3,587,513.00
Section 108	Section 108	2,500,000	

Table 3 - Resources Made Available

Narrative

Of the dollars expended in CDBG \$1,383,941.29 were entitlement dollars, some carried over from previous years and \$61,886.40 of program income was expended. In the HOME Consortium \$2,822,502.63 was expended in entitlement dollars while \$765,010.37 was program income.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description

Table 4 – Identify the geographic distribution and location of investments

Narrative

There are no targeted areas in Provo or in the Utah Valley HOME Consortium.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	\$13,188,755.05
2. Match contributed during current Federal fiscal year	\$0.00
3 .Total match available for current Federal fiscal year (Line 1 plus Line 2)	\$13,188,755.05
4. Match liability for current Federal fiscal year	\$234,575.18
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	\$12,954,179.87

Table 5 - Fiscal Year Summary - HOME Match Report

Federal funding was leveraged by using approximately \$5,233,758 of private dollars to complete development of the Cowan Corner project in Payson and in the land acquisition and development of property to build low and moderate income homes in Payson and Salem.

Federal funding assisted in the production of a senior housing project undertaken by the Housing Authority of Utah County and was leveraged by a total of \$3,867,877 (\$3,177,877 in private funds; \$445,000 in state funds and \$245,000 in local funds). The development was finished late spring and features all handicap accessible units.

Matching requirements for the PY2017 of \$234,575.18 were satisfied by private cash contributions of \$177,465.25 from the Pacific Drive Senior Housing Project (HAUC) and \$351,764.25 of donated labor from the Orchard Farms project (RHDC). The total match provided from October 1, 2017 to September 30, 2018 All together the PJ has carryforward balance of \$13.483 million dollars

In connection with 108 Loan funding, 40 acres of land adjacent to the airport runway on the northeast of the Provo City airport owned by Provo City will be leased to Duncan Aviation on a 70-year term to support the expansion of their western regional hub facility. It is anticipated that Duncan Aviation will employ between 600 and 700 people, of which approximately 115 will be jobs created for low-moderate income individuals.

			Match Contribu	ution for the Fe	deral Fiscal Year			
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Foregone Taxes, Fees, Charges	Appraised Land/Real Property	Required Infrastructure	Site Preparation, Construction Materials, Donated labor	Bond Financing	Total Match

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the	Program Income – Enter the program amounts for the reporting period							
Balance on hand at begin- Amount received during Total amount expended Amount expended for Balance on hand at end of								
ning of reporting period	reporting period	during reporting period	TBRA	reporting period				
\$	\$	\$	\$	\$				
\$663,364.07	\$716,328.95	\$765,010.37	\$35,996.43	\$949,662.61				

Table 7 – Program Income

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period

Hispanic

White Non-

Hispanic

	Total		Minority Busin	occ Entornrises	_
	iotai			ness Enterprises	Τ
		Alaskan	Asian or	Black Non-	
		Native or	Pacific	Hispanic	
		American	Islander		
		Indian			
Contracts					
Number					Ī
Dollar					Ī
Amount					
Sub-Contract	:s				
Number					Ī
Dollar					
Amount					
	Total	Women	Male		
		Business			
		Enterprises			
Contracts					
Number					
Dollar					
Amount					
Sub-Contract	:s				
Number	2	0	2		
Dollar	709,861	0	709,861		
Amount					
Table 9 Mineri	ity Business and \	Mamon Business	Entorprises		

Table 8 - Minority Business and Women Business Enterprises

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted

	Total		Minority Pro	perty Owners		White Non-	
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non- Hispanic	Hispanic	Hispanic	
Number	0	0	0	0	0	0	
Dollar	0	0	0	0	0	0	
Amount							

Table 9 - Minority Owners of Rental Property

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition

Parcels Acquired	0	
Businesses Displaced	0	
Nonprofit Organizations		
Displaced		
Households Temporarily		
Relocated, not Displaced		

Households	Total	Minority Property Enterprises				White Non-
Displaced		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non- Hispanic	Hispanic	Hispanic
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 10 - Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be		
provided affordable housing units	4432	18
Number of Non-Homeless households to be		
provided affordable housing units	421	37
Number of Special-Needs households to be		
provided affordable housing units	800	0
Total	5,653	55

Table 11 - Number of Households

	One-Year Goal	Actual
Number of households supported through		
Rental Assistance	2	18
Number of households supported through		
The Production of New Units	69	1
Number of households supported through		
Rehab of Existing Units	16	26
Number of households supported through		
Acquisition of Existing Units	27	37
Total	112	82

Table 12 - Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

Our down-payment assistance numbers are lower than expected this year. Affordable housing continues to be a challenge throughout Utah County. We attribute this to one of the main challenges to people looking to purchase a home.

The Rural Housing Development Project and Habitat for Humanity of Utah County were projected to complete units this year and both projects were slightly delayed with construction of new units being completed or near complete in the 2018 Program Year.

Discuss how these outcomes will impact future annual action plans.

Provo City and the Constortium will continue to look for ways to provide affordable housing throughout the county. This is a critical item and is a top priority.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	28	11
Low-income	6	2
Moderate-income	36	25
Total	70	38

Table 13 – Number of Households Served

Narrative Information

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c) Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Provo City and the Consortium participate actively in the Mountainland Continuum of Care. Together we work on improving relationships among agencies serving homeless populations.

With information gathered during the annual Point in Time canvas survey, agencies coordinate and provide outreach to homeless families and individuals.

Community Action Services provides outreach to homeless families living in inadequate and homeless situations. Wasatch Mental Health provides mental health outreach. Food and Care Coalition provides outreach to single homeless persons with substance abuse and other issues, through their hot meal and mentoring program in Provo.

Addressing the emergency shelter and transitional housing needs of homeless persons

Actions taken by the City to address emergency shelter and transitional housing needs of homeless individuals and families included funding agencies that provide transitional housing and case management to victims of domestic and sexual abuse.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The Consortium partners with Golden Spike Outreach to provide housing to recently released individuals from Utah County Jail who enter in their program to stay clean from drug abuse.

Helping homeless persons (especially chronically homeless individuals and families, families

with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

Provo City and the Consortium participate with the Continuum of Care.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

A senior housing project was completed in late spring of 2018. This project provides 26 units of affordable housing to seniors with set-aside units for victims of domestic violence, veterans, and homeless individuals.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

While the Housing Authority of Utah County does not provide a homeownership class, clients are notified of homeownership opportunities available in the community (down-payment assistance, Self-Help Homes, and home buyers education through Community Action). When an employment position because available the Housing Authority advertises through the Department of Workforce Services. Occaccionaly the Housing Authority will reach out to clients for short-term or seasonal employment opportunities. They encourage feedback from clients on agency performance, and clients are invited to attend an annual meeting where they can provide input and agency goals are discussed.

Actions taken to provide assistance to troubled PHAs

N/A

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

There were no new policy changes within the City, or Consortium member jurisdictions that would have a significant impact on investments in affordable housing development.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

No new actions were taken to address obstacles.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

No <u>new</u> actions were taken to reduce lead-based paint hazards. It has long been a practice of the RDA to conduct lead-based paint testing on home purchases and any rehab work done for both commercial and residential structures and abate as needed.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

No new actions were taken to reduce the number of poverty-level families.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

No <u>new</u> actions were taken to develop institutional structure.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

All contracts with public service agencies require an invitation for a staff member from the RDA to attend at least one board meeting to open discussions about fair housing and community needs.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

Special consideration was given to Grantee applications submitted for affordable housing projects being constructed outside of Provo City to help provide affordable housing opportunities in growing economic areas within Utah County.

Impediment #1: Segregation due to concentrations of Affordable Housing: Nymbyism, Zoning and Land Prices.

Staff engages in continued education to Mayors and Municipal Councils throughout the County, about the need to provide affordable housing opportunities in their communities.

Impediment #2: Concentration of Tax Credit and Rent Assisted Apartment Communities Most Tax Credit projects in the County are located in the City of Provo. Staff partners with advocate agencies and State officers to encourage Mayors and Municipal Councils throughout the County to provide access to Tax Credit projects in their jurisdictions.

Impediment #3: Concentration of Rental Units Limits Housing Choice for HUD Voucher Holders

Very few affordable housing rental units are found outside of Provo City. Staff partners with advocate agencies and State officers to encourage Mayors and Municipal Councils throughout the County to encourage projects for affordable rental housing in their jurisdictions.

Impediment #4: Vague and Outdated Housing Plans. The State of Utah is enforcing Utah County units of government to update their Housing Plans every two years.

Impediment #5: Availability of Rental Units for Large Families.

Staff partners with advocate agencies and State officers to encourage Mayors and Municipal Councils throughout the County to encourage projects for affordable rental housing in their jurisdictions.

Impediment #6: Language Access Plans Fundamental to Housing Discrimination Complaint Process and Information.

Provo City is developing a Language Access Plan and encourages Consortium members to develop their own.

Impediment #7: High Cost of Housing Development at TODs Impedes Development of Affordable Housing

Encouraging State to allow more Tax Credit projects in TODs.

Impediment #8: Hispanic Denial Rates for Mortgage Lonas Indicate Possible Impediment to Fair Housing.

Provo City engages in educating the Hispanic community on their rights for Affordable Housing and assists in referring claims to the State.

Impediment #9: Housing and Disabled Individuals

Provo City partners with advocacy agencies in educating landlords and assisting with "reasonable accommodations."

Impediment #10: concentration of Low Income Minorities in Provo Impedes Housing Choice as Well as Opportunity.

Staff engages and educates Mayors and Municipal Councils throughout the County.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

During PY-2017 the RDA monitored and evaluated funded projects progress toward contracted goals and expenditures. Agencies are required to submit regular quarterly program activity, financial and contractual compliance reports. This information was used to monitor program activity and contract compliance. Timely expenditure of funds is a component of these monitoring activities.

Staff conducted on-site reviews of Subrecipients and Contractors with current contracts, and provided technical assistance on several varied issues to both CDBG and HOME programs. HOME rental projects within the affordability period were also monitored.

A standard practice is to operate CDBG and HOME funds on a reimbursement basis, thus ensuring that a desk review of proposed expenditures is performed to verify that contract and federal regulations are being met.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The public is always encouraged to participate in helping determining priorities, comment on the use of funds and review the progress of CDBG and HOME funded projects and programs.

A public notice was published in the Daily Herald on August 31 and September 23, 2018 requesting the public to provide comments. The comment period beginning on September 1, and concluding in September 30, 2018. Comments were accepted through the last day of the comment period. No comments were received.

This year in addition to publication of legal notices in local newspapers, staff held a class open to citizens to inform on activities performed with CDBG and HOME funding. Staff also took advantage of social media to publish surveys in English and Spanish to collect opinions from the public in the Fall of 2017. A second survey was conducted in the spring of 2018 and sent specifically to organizations representing low income citizens as well as protected classes these included: Community Action Services of Utah County, Habitat for Humanity of Utah County,

Centro Hispano, and Recreation and Habilitation (RAH). These surveys were also published in English as well as Spanish. City council public hearings are also advertised to invite the general public to engage elected officials in conversation regarding the purposes and uses of both CDBG and HOME grants.

In accordance with the Americans with Disabilities Act, individuals who wish to attend and participate who need special assistance should contact the Redevelopment staff at least 48 hours prior to the meeting at 801-852-6160. The facility is a handicapped accessible building. If you are deaf or hard of hearing you may dial 711 for relay services from RelayUtah. Any non-English speaking persons requiring special assistance should contact staff at least 48 hours prior to the meeting. Si usted desea asistir a esta audiencia pública y necesita interpretación, debe llamar al teléfono 801-852-6168 por lo menos 48 horas antes del inicio de la audiencia. Si tiene alguna discapacidad auditiva puede llamar al teléfono 888-346-3162 para recibir ayuda a través de RelayUtah. The City promotes fair housing and makes all programs available to low and moderate income families and individuals regardless of age, race, color, religion, gender, national origin, sexual preference, marital status, familial status, disability, or source of income.

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

There are no changes in the City's program objectives.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants? No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-50 - HOME 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

On-Site inspections of rental housing is performed every other year in even years during the monitoring process. In the 2017 year, rental property files were reviewed to ensure afforfability of property and eligibility of tenants.

Projects Inspected:

Willow Cove (HAUC)—Units are well kept and maintained. Selected sample of tenants are eligible. Carillon Court (HAUC) —Units are well kept and maintained. Selected sample of tenants are eligible. Cedar View Sr (HAUC) —Units are well kept and maintained. Selected sample of tenants are eligible. Hollow Park (HAUC) —Units are well kept and maintained. Selected sample of tenants are eligible.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 92.351(b)

As part of the application process all agencies soliciting funds are required to submit an Affirmative Marketing Plan for the projects for which they are seeking funding. Staff reviews the plans to ensure they meet program requirements and ensures they are incorporated into the Agreements.

Subrecipients and contractors follow their Affirmative Marketing Plans, which include outreach to underserved populations—including the Hispanic population—by contacting advocate groups and providing education and encouraging their staff to volunteer to get to know these individuals. Programs and projects are advertised through local publications and networks.

Refer to IDIS reports to describe the amount and use of program income for projects, including the number of projects and owner and tenant characteristics

\$511,368.37 - RHDC Orchard Creek - Mutal Self-Help homes build in Salem, Utah. Program benefits low and moderate income families who participate in a group build to construct new homes.

\$150,000 – RHDC Nebo Gateway - Mutal Self-Help homes build in Payson, Utah. Program benefits low and moderate income families who participate in a group build to construct new homes.

\$103,642.00 - Habitat Geneva Road: Funding for property purchase and building of new home for low income family, beneficiary selection has not yet been completed.

Describe other actions taken to foster and maintain affordable housing. 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 91.320(j)

Provo City's Municipal Council has formed an Ad-hoc housing committee in which Council and Community Members and City staff have been analyzing the concentration of LIHTC housing and are looking at possible zoning changes (inclusionary zoning) and are moving forward in developing a community land trust. Coordination is also being done with other cities within the county to help with affordable housing options.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: BMUMFORD Council Requested Meeting Date: 06-04-2019

SUBJECT: A public hearing on an ordinance adopting a budget for Provo City

Corporation for the fiscal year beginning July 1, 2019 and ending June 30, 2020, in the amount of \$254,958,760, and amending elements of Provo City

Code. (19-004)

RECOMMENDATION: This item is public hearing only. No formal action to be taken. Item scheduled to have an additional public hearing and be voted on at the June 18, 2019 Council Meeting.

BACKGROUND: The Mayor presented the Tentative FY2019-2020 Budget at the May 7, 2019 Council Meeting. There was another presentation of the Tentative Budget when it was approved on the May 21, 2019 Council Meeting. Utah State Code requires municipalities which are the size of Provo City to first have a Tentative Budget to allow for residents and Councilor to be aware of what will the budget will be. The code also requires the use of public hearings to allow the Councilors--who establish the City Budget by law--to be aware of elements in the budget of which they are concerned. It is an extra step which gives those residents who choose to engage a voice in the matters of the City. This will be the first of two public hearings.

FISCAL IMPACT: \$254,958,760 City-wide budget

PRESENTER'S NAME: John Borget

REQUESTED DURATION OF PRESENTATION: 20 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-004

ORDINANCE 2019-.

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46 PART I:

AN ORDINANCE ADOPTING A BUDGET FOR PROVO CITY CORPORATION FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2019, IN THE AMOUNT OF \$254,958,760, AND AMENDING THE CONSOLIDATED FEE SCHEDULE AND PROVO CITY CODE RELATED TO EMPLOYEE SALARY RANGES AND CLASSIFICATIONS. (19-004)

WHEREAS, on May 21, 2019, the Provo City Municipal Council held duly noticed public hearings to consider a Tentative Budget and by resolution tentatively adopted the Mayor's proposed budget as the Tentative Budget for the fiscal year 2019-2020 (Fiscal Year 2020) as required by law on May 21, 2019; and

WHEREAS, the Tentative Budget, together with supporting schedules and data, has been reviewed and considered by the Provo City Municipal Council and has been available for public inspection in the office of the City Recorder as required by law; and

WHEREAS, notice of a public hearing to consider the adoption of a final Budget has been properly given; and

WHEREAS, as part of the budget process, amendments to the Consolidated Fee Schedule, Provo City Code 4.04.050 (Pay Range Table), and Provo City Code 4.04.060 (Classes and Salary Ranges) have also been proposed; and

WHEREAS, on June 4, 2019 and June 18, 2019, the Municipal Council held duly noticed public hearings to receive public comment and ascertain the facts regarding the Tentative Budget, including any proposed amendments thereto, and the proposed amendments to Provo City Code, which facts and comments are found in the hearing records; and

WHEREAS, all interested persons were heard, for or against the estimates of revenue and expenditures as set forth in the Tentative Budget and any proposed amendments thereto; and

WHEREAS, all statutory and legal requirements for the final adoption of said Budget have been completed; and

WHEREAS, after considering the Mayor's recommendations, and facts and comments presented to the Municipal Council, the Council finds (i) a final Budget for Provo City Corporation should be adopted as set forth below; (ii) the proposed amendments to Provo City Code should be adopted as set forth below, and (iii) such action reasonably furthers the health, safety, and general welfare of the citizens of Provo City;

NOW, THEREFORE, be it ordained by the Municipal Council of the City of Provo, Utah as follows:

The Provo City Budget in the amount of \$254,958,076, as summarized in the attached Exhibit A, including sub-budgets for capital improvements as set forth in Exhibit B, is hereby adopted as a final Budget for Fiscal Year 2019.

PART II:

The Provo Municipal Council adopts as part of the final Budget the following certified tax rates to support tax revenue in the General, Library, and Debt Service Funds for Fiscal Year 2019.

Library Fund	.000589
Debt Service Fund	.000487
General Fund	.000812

PART III:

Adoption of the Provo City Budget for Fiscal Year 2019 is dependent on revisions of the following Provo City Code Sections:

A. 4.04.050. Pay Range Table.

B. 4.04.060. Classes and Salary Ranges.

The above sections are hereby amended, effective July 01, 2019, as described in the attached Exhibit C and Exhibit D, respectively, which amendments and changes are by this reference incorporated herein and made a part hereof.

PART IV:

Authorized fees and charges to defray the cost of City programs and services during Fiscal Year 2019 shall be as shown on the amended Consolidated Fee Schedule attached hereto as Exhibit E, except as may be later amended by the Municipal Council.

PART V:

All outstanding encumbrance balances as of June 30, 2019 approved by the Mayor shall be continued and re-appropriated for expenditure in Fiscal Year 2020 and shall be presented at a regular or work meeting of the Municipal Council in September 2019.

PART VI:

The functions within the Capital Improvement Divisions cannot be deleted, changed in budget amount by more than 10% of the original cost or \$50,000, whichever is less, without further official action of the Provo City Municipal Council.

PART VII:

The Mayor is hereby authorized to move budget appropriations along with needed expenditure adjustments including capitalized labor from the individual enterprise operating divisions to the corresponding capital improvement division in conjunction with the fixed asset (capital expenditures) reconciliation for the fiscal year ending June 30, 2019.

PART VIII:

The Mayor is hereby authorized to increase budget authority for revenues in excess of the adopted budget in the following areas: Reimbursable operating expenses, grants, cemetery fees received in the Parks & Recreation Capital Improvement Fund, new development street signs, new development street overlays, impact fees, aid to construction, reimbursement(s) from projects, revenues over budget in internal service funds, and donations. The Mayor is authorized to increase budget authority in internal service funds for unexpected expenditures related to those funds.

PART IX:

The Mayor is hereby authorized to transfer excess fund balance(s) back to the General Fund in the following funds: Justice Court, Trust and Agency, Covey Center for the Arts, Airport, Emergency Response, and Golf Course.

PART X:

The Mayor is hereby authorized to carryover 50% of each department/division in the General Fund budget savings, after other applicable outstanding encumbrances and capital function balances as of June 30, 2019, have been completed, in order to establish funding for an employee recognition program and innovation fund. Use of the innovation funds will be included in the quarterly reports delivered to the city council. These funds will be put in a contingency account in the General Services Division.

PART XI:

The Municipal Council hereby directs that an Adopted Annual Budget document be prepared corresponding to the actions taken herein and that said document be certified, filed, and made available for public inspection as required by law.

PART XII:

A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

139	C.	The Municipal Council hereby directs that the official copy of the Provo City Code be
140		updated to reflect the provisions of Parts III and IV and that the remainder of this
141		ordinance be uncodified.
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143	D.	This ordinance shall take effect immediately after it has been posted or published in
144		accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah
145		Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

END OF ORDINANCE.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: BMUMFORD Council Requested Meeting Date: 06-04-2019

SUBJECT: A public hearing on a resolution adopting a budget for the Redevelopment

Agency of Provo City Corporation for the fiscal year beginning July 1, 2019

and ending June 30, 2019, in the amount of 2,429,132. (19-005)

RECOMMENDATION: This the the first of two public hearings required to establish the budget. The next public hearing is scheduled to take place at the Council Meeting on June 18, 2019.

A RESOLUTION ADOPTING A BUDGET FOR THE REDEVELOPMENT AGENCY OF PROVO CITY CORPORATION FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020, IN THE AMOUNT OF \$2,429,132. (19-005)

BACKGROUND: The Redevelopment Agency is a separate governmental entity created by Provo City under Title 17 of the Utah Code which governs "community development and renewal agencies." The Redevelopment Agency also administers federal grants on behalf of Provo City that relate to community development and housing. The tentative budget has been approved and this is the first of two public hearings needed to approve the FY 2019-2020 Redevelopment Budget.

FISCAL IMPACT: 2,429,132 in the Redevelopment Budget

PRESENTER'S NAME: John Borget

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-005

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A RESOLUTION ADOPTING A BUDGET FOR THE REDEVELOPMENT AGENCY OF PROVO CITY CORPORATION FOR THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30, 2020, IN THE AMOUNT OF \$2,429,132 . (19-005)

WHEREAS, on May 7, 2019 and 214, 2019, the Governing Board of the Redevelopment Agency of Provo City Corporation (the "Governing Board") held duly noticed public hearings to consider the Tentative Budget and by resolution tentatively adopted the Tentative Budget for the fiscal year 2019-2020 (Fiscal Year 2020) as required by law on May 21, 2019; and

WHEREAS, the Tentative Budget includes operational expenditures, housing programs, small business loans, tax increment projects, capital projects, and other community oriented programs; and

WHEREAS, the Tentative Budget, together with supporting schedules and data, has been reviewed and considered by the Governing Board and has been available for public inspection as required by law; and

WHEREAS, notice of a public hearing to consider the adoption of a final Budget has been properly given; and

WHEREAS, on June 4, 2019, and June 18, 2019, the Governing Board held duly noticed public hearings to receive public comment and ascertain the facts regarding the Tentative Budget, which facts and comments are found in the hearing records; and

WHEREAS, all interested persons were heard, for or against the estimates of revenue and expenditures as set forth in the Tentative Budget and any proposed amendments thereto; and

WHEREAS, all statutory and legal requirements for the final adoption of said Budget have been completed; and

WHEREAS, after considering the facts and comments presented to the Governing Board, the Governing Board finds (i) a final budget for the Redevelopment Agency of Provo City Corporation should be adopted as set forth in the attached Exhibit A and (ii) adoption of the final Budget reasonably furthers the health, safety and general welfare of the citizens of Provo City.

NOW, THEREFORE, be it resolved by the Governing Board as follows:

PART I:

The Redevelopment Agency of Provo City Corporation Budget in the amount of \$2,429,132, as summarized in the attached Exhibit A, is hereby adopted as a final Budget for Fiscal Year 2020.

PART II:

All outstanding encumbrances and project/grant balances as of June 30, 2019 and approved by the Executive Officer shall be continued and re-appropriated for expenditure in Fiscal Year 2020 and shall be presented at a meeting of the Governing Board in September 2019.

PART III:

The functions within the Project Divisions cannot be deleted, changed in budget amount by more than 10% of the original cost or \$50,000, whichever is less, or new functions added without further official action of the Governing Board.

PART IV:

The Executive Officer is hereby authorized to move budget appropriations along with needed expenditure adjustments including capitalized labor from the individual enterprise operating divisions to the corresponding capital improvement division in conjunction with the fixed asset (capital expenditures) reconciliation for the fiscal year ending June 30, 2019.

PART V:

The Executive Officer is hereby authorized to increase budget authority for revenues in excess of the adopted budget in the following areas: grants, interest earnings, reimbursement(s) from projects, revenues over budget, and donations. The Executive Officer is authorized to increase budget authority in internal service funds for unexpected expenditures related to those funds.

PART VI:

The Governing Board hereby directs that an Adopted Annual Budget document be prepared corresponding to the actions taken herein and that said document be certified, filed, and made available for public inspection as required by law.

PART VII:

This resolution shall take effect immediately.

END OF RESOLUTION.

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LEASE AGREEMENT

This is a legal and binding contract. Before signing, read the entire document, including the general printed provisions and attachments. If you have any questions before signing, consult your attorney and/or accountant.

THIS LEASE AGREEMENT (hereinafter the "Lease") is made and entered into as of the 21st day of February 2018 by and between <u>Provo City Redevelopment Agency Center, LLC</u> whose address is 351 West Center Street, Provo UT 84601 (hereinafter "Landlord") and <u>105 Partners, LLC</u>, whose address is 5532 W Parkway West Highland Utah, 84003 ("hereinafter "Tenant").

WITNESSETH:

In consideration of the rents, covenants and agreements hereinafter set forth, Landlord and Tenant mutually agree as follows:

ARTICLE I: PREMISES

Landlord hereby leases and demises to Tenant and Tenant hereby leases from Landlord that certain real property located in Utah County, State of Utah and more particularly described fifty five (55) parking stalls to be located in the Level of parking garage (shown in exhibit A) attached to the Wells Fargo Lifestyle Center Building located at 86 North University Avenue Provo, Utah 84601 as further described in Exhibit A (hereinafter the "Parking Stalls"), together with all buildings and other improvements now or hereafter located thereon and affixed thereto (hereinafter collectively "Improvements"), and any and all privileges, easements, and appurtenances belonging thereto or granted herein. The Parking Stalls and the Improvements are hereinafter collectively referred to as the "Premises". Landlord also grants to Tenant that right ingress and egress to the Parking Stalls in and through the parking garage and all its common areas.

ARTICLE II: TERM COMMENCEMENT

- 2.1 <u>Term of Lease</u>. This Lease shall be for a term of <u>fiftytwenty-four</u>—(5024) years commencing within fifteen (15) days of the Tenant <u>receiving a certificate of occupancy from Provo City</u> on the building to be built by Tenant at 105 East Center Street, Provo, (hereinafter the "Commencement Date"). This Lease shall terminate <u>ninety nintwenty-foure</u> (5024) years from such Commencement Date unless sooner terminated pursuant to the terms, covenants and conditions of this Lease or pursuant to law.
- 2.1.1. <u>Conditions.</u> This Lease shall be contingent upon Tenant obtaining construction financing sufficient to develop and construct a six story building on the adjacent property commonly known as <u>RedSky-Blue Sky</u> (the "Project").
- 2.2 <u>Delivery of Possession</u>. Possession of the Premises shall be delivered and transferred to Tenant on the Commencement Date.

The allocated spaces shall be noted on Exhibit A of this Lease Agreement

2.3 <u>Lease Year</u>. The term "Lease Year" as used in this Lease shall mean a period of twelve (12) full consecutive calendar months. The first Lease Year commences on the Commencement Date.

ARTICLE III: RENT

- 3.1 <u>Payment of Annual Base Rent</u>. Beginning on the Commencement Date, Tenant shall pay to Landlord "Annual Base Rent", which shall be due and payable on the Commencement Date of each Lease Year.
 - 3.2 <u>Annual Base Rent</u>. The "Annual Base Rent" payable each Lease Year shall be as follows:
 - (a) \$1 per stall or \$660 per year for years one through two (1-2);
 - (b) \$5 per stall or \$3,300 per year for years three through five (3-5);
 - (c) \$10 per stall or \$6,600 per year for years six through ten (6-10),
 - (d) \$30 per stall or \$19,800 per year for years eleven through twenty five (11-25);
 - (e) \$50 per stall or \$33,000 per year for years twenty-six through fifty (26-50).

ARTICLE IV: LATE CHARGES AND INTEREST

If Tenant fails to pay any Annual Base Rent when such Annual Base Rent is due and payable in accordance with Article III of this Lease or if Tenant fails to pay any additional amounts or charges of any character which are payable under this Lease, Landlord, at Landlord's election, may assess and collect a late fee charge equal to five percent (5%) of each payment of rent not received within thirty (30) days from the date such rent payment is due. The due date by which Annual payments must be received in the office of the Landlord, before the 5% late penalty is assessed, shall be fourteen (14) days following the Payment of Annual Base Rent.

Furthermore, and in addition to any late charges payable pursuant to the provisions of this Article, to the extent that any payment of Annual Base Rent or any other amount payable to Landlord by Tenant pursuant to any provision of this Lease is more than thirty (30) days past due, Tenant shall pay Landlord interest at the rate of eighteen percent (18%) per annum on all such past due amounts.

ARTICLE V: SECURITY DEPOSIT

On the Commencement Date, Tenant shall deposit with Landlord the sum of \$5,000 (hereinafter the "Security Deposit"). The Security Deposit shall be held by Landlord for the faithful performance by Tenant of all of the terms, covenants, and conditions of this Lease to be kept and performed by Tenant during the term of this Lease. If Tenant defaults with respect to any provision of this Lease, including but not limited to the provisions relating to the payment of Annual Base Rent, and any costs, expenses, and charges payable under the provisions of this Lease, Landlord may, but shall not be obligated to use, apply or retain all or a part of the Security Deposit for the payment of any amount which Landlord may spend by reason of Tenant's default or to compensate Landlord for any other loss or damage which Landlord may suffer by reason of Tenant's default. If any portion of the Security Deposit is so used or applied, Tenant

shall, within ten (10) days after written demand, deposit with Landlord an amount sufficient to restore the Security Deposit to its original amount; and Tenant's failure to do so shall be a material breach of this Lease. Landlord shall not be required to keep the Security Deposit separate from Landlord's general funds, and Tenant shall not be entitled to interest on the Security Deposit. If Tenant shall fully and faithfully perform every provision of this Lease to be performed by Tenant, the Security Deposit or any balance thereof shall be returned to Tenant or, at Landlord's option, to the last permitted assignee of Tenant's interest under this Lease within thirty (30) days of the expiration of the term of this Lease and after Tenant or Tenant's permitted assignee has vacated the Premises or within fifteen (15) days of receipt of Tenant's new mailing address, whichever is later. In the event of termination of Landlord's interest in this Lease, Landlord shall transfer the Security Deposit to Landlord's successor in interest whereupon Tenant agrees to release Landlord from liability for the return of the Security Deposit or any accounting therefore.

ARTICLE VI: QUIET ENJOYMENT

Landlord hereby covenants to Tenant that, subject to Tenant's compliance with the terms and provisions of this Lease, Tenant shall peaceably and quietly hold and enjoy the full possession and use of the Premises during the term of this Lease.

ARTICLE VII: TAXES, ASSESSMENTS AND OTHER CHARGES

Landlord shall pay all taxes and other assessments that may be charged to or associated with the Premises.

ARTICLE VIII: UTILITIES

Landlord shall pay for all utility costs, charges and assessments charged to or associated with the Premises

ARTICLE IX: INSURANCE

- 9.1 <u>Tenant's Insurance Coverage</u>. Tenant shall, at all times during the term of this Lease, and at Tenant's own cost and expense, procure and continue in force Comprehensive liability insurance with limits of not less than \$500,000.00 per person and \$500,000.00 per occurrence insuring against any and all liability of the insured with respect to the Premises or arising out of the maintenance, use or occupancy thereof, and property damage liability insurance with a limit of not less than \$500,000.00 per accident or occurrence.
- 9.2 <u>Landlords Insurance Coverage:</u> Landlord shall at all times during the term of this lease, and at Landlords own cost and expense, procure and continue in force insurance covering any buildings and all improvements on the Premises, including Tenant's leasehold improvements and personal property in or upon the Premises in an amount not less than one hundred percent (100%) of full replacement cost, providing protection against any peril generally included within the classification "Fire and Extended Coverage", together with insurance against sprinkler damage, vandalism and malicious mischief and a standard inflation guard endorsement.

- 9.3 <u>Waiver of Subrogation</u>. To the extent permitted under the insurance policies obtained by Landlord, if any, and Tenant, Landlord and Tenant each hereby waive any and all right of recovery against the other or against the officers, employees, agents and representatives of the other, on account of loss or damage occasioned to such waiving party or its property or the property of others under its control to the extent that such loss or damage is insured against under any fire and extended coverage insurance policy which either may have in force at the time of such loss or damage.
- 9.4 <u>Landlord Named As Additional Insured</u>. Tenant shall require Landlord to be an additional named insured

ARTICLE X: USE OF PREMISES

10.1 <u>Use</u>. The Premises shall be used and occupied by Tenant solely for 68 stalls of parking space and for no other purpose without the prior written consent of Landlord, which consent may be withheld by Landlord in Landlord's sole discretion. The 68 parking stalls shall be designated by the Landlord and Tenant (as shown in exhibit A), and marked accordingly as reserved exclusively for Tenant's use. Parking outside of the designated spaces shall be prohibited. Landlord shall not be responsible or liable to police the Tenant's parking space.

10.2 Prohibited Uses.

- (a) Tenant shall not do or permit anything to be done in or about the Premises, nor bring or keep anything therein which will cause a cancellation of any insurance policy covering the Premises, nor shall Tenant sell or permit to be kept, used or sold in or about the Premises any articles which may be prohibited by a standard form policy of fire insurance unless Tenant provides additional insurance coverage extending protection to cover all risks associated with these articles.
- (b) Tenant shall not use the Premises or permit anything to be done in or about the Premises which will in any way conflict with any law, statute, ordinance or governmental rule or regulation or requirement of duly constituted public authorities now in force or which may hereafter be enacted, promulgated or created. Tenant shall, at Tenant's sole cost and expense, promptly comply with all laws, statutes, ordinances and governmental rules, regulations or requirements now in force or which may hereafter be in force and with the requirements of any board of fire underwriters or other similar body now or hereafter constituted relating to or affecting the use or occupancy of the Premises, including structural changes that relate to or affect the use
- (c) Tenant shall comply with all requirements of any recorded restrictive covenants or bylaws of any association affecting the Premises. Tenant acknowledges receipt of a copy of the Declaration of Covenants, Conditions and Restrictions and a copy of the Bylaws of the Condominium Owners' Association affecting the Premises.
 - (d) Tenant shall not permit smoking on the Premises at any time.

ARTICLE XI: MAINTENANCE AND REPAIRS

- 11.1 <u>Landlord's Maintenance and Repairs</u>. During the Term of the Lease, Landlord, at Landlord's expense, shall keep the Premises in good order and condition and shall maintain and shall make any and all repairs and replacements to the interior surfaces of the Premises (including, but not limited to, paving, curbing, parking stall paint markings, traffic signs, and traffic paint signs, , window coverings, and wall coverings), all windows and glass which are part of the Premises, all light fixtures, and all doors to the Premises.. Landlord shall, at all times, and at Landlord's expense, keep the Premises in a neat, clean, and sanitary condition and shall comply with all valid federal, state, county and city laws and ordinances and all rules and regulations of any duly constituted authority, present or future, affecting or respecting the use or occupancy of the Premises by Tenant. Subject to the provisions of Article XIV below, Landlord shall, during the Term of this Lease, maintain and make necessary structural repairs to the Premises
- 11.2 <u>Tenant's Maintenance and Repairs</u>. Tenant, at 's expense, shall repair any damage to the Premises caused by Tenant, or Tenant's employees, agents, contractors, invitees, licensees, customers, or clients.

ARTICLE XII: HAZARDOUS SUBSTANCES

- 12.1 Environmental Compliance. Tenant (a) shall at all times comply with, or cause to be complied with, any "Environmental Law" (hereinafter defined) governing the Premises or the use thereof by Tenant or any of Tenant's employees, agents, contractors, invitees, licensees, customers, or clients, (b) shall not use, store, generate, treat, transport, or dispose of, or permit any of Tenant's employees, agents, contractors, invitees, licensees, customers, or clients to use, store, generate, treat, transport, or dispose of, any "Hazardous Substance" (hereinafter defined) on the Premises without first obtaining Lessor's written approval, (c) shall promptly and completely respond to, and clean up, in accordance with applicable laws and regulations, any Release (as hereinafter defined) occurring on the Premises as a direct result of actions of Tenant or Tenant's employees or authorized agents; and (d) shall pay all costs incurred as a result of any failure by Tenant to comply with any Environmental Law, which failure results in a Release or other change in the environmental state, condition, and quality of the Premises necessitating action under applicable Environmental Laws, including with limitation the costs of any Environmental Cleanup Work (hereinafter defined) and the preparation of any closure or other required plans (all of the foregoing obligations of Tenant under this Section 12.1 are hereinafter collectively "Tenant's Environmental Obligations"). Landlord hereby releases and indemnifies Tenant from and against any and all claims, damages, or liabilities (including, without limitation, attorneys' fees and reasonable investigative and discovery costs) resulting from the environmental condition or quality of the Premises prior to the Commencement date or from actions of Landlord or its agents or employees. The provisions of this Article XII shall survive the expiration or other termination of this Lease.
- 12.2 <u>Definitions</u>. As used in this Lease (a) "Hazardous Substance" shall mean (1) any "hazardous waste", "hazardous substance", and any other hazardous, radioactive, reactive, flammable, infectious, solid wastes, toxic or dangerous substances or materials, or related materials, as defined in, regulated by, or which form the basis of liability now or hereafter under any Environmental Law; (2) asbestos, (3) polychlorinated biphenyls (PCBs); (4) petroleum products or materials; (5) underground storage tanks, whether empty or filled or partially filled with any substance; (6) flammable explosives, (7) any substance the presence of which on the Premises is or becomes prohibited by Environmental Law; (8)

urea formaldehyde foam insulation; and (9) any substance which under Environmental Law requires special handling or notification in its use, collection, storage, treatment or disposal; (b) "Environmental Cleanup Work" shall mean an obligation to perform work, cleanup, removal, repair, remediation, construction, alteration, demolition, renovation or installation in or in connection with the Premises in order to comply with any Environmental Law; (c) "Environmental Law" shall mean any federal, state or local law, regulation, ordinance or order, whether currently existing or hereafter enacted, concerning the environmental state, condition or quality of the Premises or use, generation, transport, treatment, removal, or recovery of Hazardous Substances, including building materials, and including, but not limited to, the following: (1) the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901, et seq.), as amended, and all regulations promulgated thereunder; (2) the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. Section 9601, et seq.), as amended, and all regulations promulgated thereunder; (3) the Hazardous Materials Transportation Act (49 U.S.C. Section 1801, et seq.), as amended, and all regulations promulgated thereunder; (4) the Toxic Substances Control Act (15 U.S.C. Section 2601, et seq.), as amended, and all regulations promulgated thereunder; (5) the Clean Air Act (42 U.S.C. Section 7401, et seq.), as amended, and all regulations promulgated thereunder; (6) the Federal Water Pollution Control Act (33 U.S.C. Section 1251, et seq.), as amended, and all regulations promulgated thereunder; and (7) the Occupational Safety and Health Act (29 U.S.C. Section 651, et seq.), as amended, and all regulations promulgated thereunder; and (d) "Release" means any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, presence, dumping, migration on or from the Premises or adjacent property, or disposing of Hazardous Substances into the environment.

ARTICLE XIII: FIXTURES AND ALTERATIONS

Alterations. Tenant shall not make any physical alteration in the Premises or any of the fixtures located therein or install or cause to be installed any trade fixtures, exterior signs, floor coverings, interior or exterior lighting, plumbing fixtures, shades or awnings or make any changes to the Improvements front without first obtaining the written consent of Landlord, which consent shall not be unreasonably withheld. Tenant shall present to Landlord plans and specifications for the installation of any improvements or fixtures at the time approval is sought from Landlord. Any physical change and all rearrangements which are made by Tenant with the approval of Landlord shall be made at Tenant's expense. Such alterations, decorations, additions and improvements shall not be removed from the Premises during the term of this Lease without the prior written consent of Landlord. Upon expiration of this Lease all such alterations, decorations, additions and improvements shall at once become the property of Landlord. Notwithstanding the foregoing, Tenant may number and designate Parking Stalls as reserved for Tenants exclusive use to reasonably restrict parking in the Parking Stalls to Tenant and Tenants' invitees.

ARTICLE XIV: DAMAGE OR DESTRUCTION

- 14.1 <u>Landlord to Repair Improvements</u>. Subject to the provisions of Sections 11.1; 14.2 and 14.3, if during the term of this Lease any of the Improvements are damaged or destroyed by fire or other casualty, Landlord shall repair or restore the Improvements. The work of repair or restoration, which shall be completed with due diligence, shall be commenced within a reasonable time after the damage or loss occurs. To the extent that such damage or destruction interferes with Tenant's ability to use the Premises, as determined by Landlord, rent shall be abated after the damage or destruction of the Improvements until the repair or restoration of the Improvements has been completed.
- 14.2 <u>Landlord's Option to Terminate Lease</u>. Notwithstanding anything to the contrary in this Article XIV, in the event that any of the Improvements are damaged or destroyed by fire or other casualty, Landlord shall have the right to terminate this Lease, which termination shall be deemed to be effective as of the date of such casualty, upon the occurrence of any of the following events:
 - (a) Insurance proceeds payable with respect to such damage or destruction are not sufficient to pay for the repair and/or restoration of the Improvements;
 - (b) Repair and restoration of the Improvements cannot be completed within sixty (60) days after the occurrence of the casualty causing such damage or destruction;
 - (c) More than thirty percent (30%) of the Improvements have been damaged or destroyed by such casualty.

Landlord's option to terminate the Lease pursuant to the provisions of this Section 14.2 must be exercised within thirty (30) days of the date of the casualty causing such damage or destruction by written notice from Landlord to Tenant. In the event that Landlord elects to terminate the Lease pursuant to this Section 14.2, Tenant shall immediately surrender possession of the Premises to Landlord and shall assign to landlord (or if the same has already been received by Tenant, pay to Landlord) all of Tenant's right, title, and interest in and to the insurance proceeds payable with respect to the Premises.

14.3 Tenant's Option to Terminate Lease. If no default by Tenant under this Lease has occurred and is then continuing and if no event has occurred and is then continuing which, with the giving of notice or lapse of time, or both, would become such a default, Tenant shall, if the Improvements are damaged or destroyed by fire or other casualty and repair or restoration of the Improvements cannot be completed within sixty (60) days following the occurrence of the casualty causing such damage or destruction, have the option of terminating this Lease by written notice to Landlord, which termination shall be deemed to be effective as of the date of the casualty. Tenant's option to terminate the Lease pursuant to the provisions of this Section 14.3 must be exercised within thirty (30) days of the date of the casualty causing such damage or destruction. In the event that Tenant elects to terminate this Lease pursuant to this Section 14.3, Tenant shall immediately surrender possession of the Premises to Landlord and shall assign to landlord (or if the same has already been received by Tenant, pay to Landlord) all of Tenant's right, title, and interest in and to the insurance proceeds payable with respect to the Premises.

ARTICLE XV: CONDEMNATION

If all or any part of the Premises is taken or appropriated for public or quasi-public use by right of eminent domain with or without litigation or transferred by agreement in connection with such public or quasi-public use, Landlord and Tenant shall each have the right within thirty (30) days of receipt of notice of taking, to terminate this Lease as of the date possession is taken by the condemning authority; provided, however, that before Tenant may terminate this Lease by reason of taking or appropriation, such taking or appropriation shall be of such an extent and nature as to substantially handicap, impede or impair Tenant's use of the Premises. No award for any partial or entire taking shall be apportioned, and Tenant hereby assigns to Landlord any award which may be made in such taking or condemnation, together with any and all rights of Tenant now or hereafter arising in or to the award or any portion thereof; provided, however, that nothing contained herein shall be deemed to give Landlord any interest in or to require Tenant to assign to Landlord any award made to Tenant for the taking of personal property and fixtures belonging to Tenant, for the interruption of or damage to Tenant's business and for Tenant's unamortized cost of leasehold improvements. In the event of a partial taking which does not result in a termination of this Lease, rent shall be abated in the proportion which the part of the Premises so made unusable bears to the rented area of the Premises immediately prior to the taking. No temporary taking of the Premises or Tenant's right therein or under this Lease shall terminate this Lease or give Tenant any right to any abatement of rent thereunder; and any award made to Tenant by reason of any such temporary taking shall belong entirely to Tenant, and Landlord shall not be entitled to any portion thereof.

ARTICLE XVI: ASSIGNMENT AND SUBLETTING

- 16.1 <u>Assignment Permissible</u>. Tenant may not assign, convey or transfer this Lease or any interest therein, without the prior written consent of Landlord, which consent shall not be unreasonably withheld, except in the case where Tenant sells the Project, Tenant may assign this Lease to the new owner of the Project ("Assignee") without consent of the Landlord. Tenant will take all necessary care and consideration to ensure that the Assignee is a well-qualified party and is financially capable of fully performing under the terms and conditions of this Lease. It is understood that Tenant may, without violating the terms of this agreement, sublease the Parking Stalls to commercial tenants in the Project.
- 16.2 <u>Effect of Assignment, Sublet, or Transfer</u>. In the event that the Tenant assign or subleases some or all of the Parking Stalls to its tenant in the Project, but Tenant remains the owner of the Project, Tenant shall not be relieved of any obligation to be performed by Tenant under this Lease, whether occurring before or after such consent, assignment or subletting. Notwithstanding the foregoing, if Tenant assigns all its rights under the Lease as part of the sale or conveyance of the Project to a new owner, Tenant, upon such assignment, transfer, or conveyance, shall no longer be obligated or liable under this Lease.

ARTICLE XVII: SUBORDINATION, ATTORNMENT AND ESTOPPEL CERTIFICATES

17.1 <u>Subordination</u>. This Lease at Landlord's option shall be subject and subordinate to the lien of any mortgages or deeds of trust in any amount or amounts whatsoever now or hereafter placed on or against the Premises, the Improvements, or on or against Landlord's interest or estate therein, without the

necessity of the execution and delivery of any further instruments on the part of Tenant to effectuate such subordination. Notwithstanding anything to the contrary in this Article XVII, this Lease shall remain in full force and effect for the full term hereof, including any extensions, so long as Tenant is not in default hereunder.

- 17.2 <u>Subordination Agreements</u>. Tenant shall execute and deliver upon demand without charge therefore, such further instruments evidencing such subordination of this Lease to the lien of any such mortgages or deeds of trust as may be required by Landlord.
- 17.3 <u>Attornment</u>. In the event of any foreclosure or the exercise of the power of sale under any mortgage or deed of trust made by Landlord covering the Premises or the Building, Tenant shall attorn to the purchaser upon any such foreclosure or sale and recognize such purchaser as the Landlord under this Lease, provided said purchaser expressly agrees in writing to be bound by the terms of this Lease.
- 17.4 Estoppel Certificates. Tenant shall, from time to time and within ten (10) days from receipt of prior written notice from Landlord, execute, acknowledge and deliver to Landlord a statement in writing (a) certifying that this Lease is unmodified and in full force and effect or, if modified, stating the nature of such modification and certifying that this Lease, as so modified, is in full force and effect and the date to which the rent and other charges are paid in advance, if any, (b) certifying that the Lease and any modifications of this Lease constitute the entire agreement between Landlord and Tenant with respect to the Premises and, except as set forth in this Lease and any modification of this Lease, Tenant does not claim any right, title, or interest in or to the Premises or any part thereof, (c) acknowledging that there are not, to Tenant's knowledge, any uncured defaults on the part of Landlord hereunder, or specifying such defaults, if any are claimed, and (d) certifying such other matters with respect to the Lease and/or the Premises as Landlord may reasonably request.
- 17.5 <u>Failure to Deliver Certificate</u>. If Tenant fails to deliver such statement within the time period referred to in Section 17.4 above, it shall be deemed conclusive upon Tenant that the (a) this Lease is unmodified and in full force and effect, (b) this Lease constitutes the entire agreement between Landlord and Tenant with respect to the Premises and, except as set forth in this Lease, Tenant does not claim any right, title, or interest in or to the Premises, or any part thereof, (c) there are no uncured defaults in Landlord's performance of Landlord's obligations under this Lease, and (d) not more than one month's Annual Base Rent has been paid in advance.
- 17.6 <u>Transfer of Landlord's Interest.</u> In the event of a sale or conveyance by Landlord of Landlord's interest in the Premises other than a transfer for security purposes only, Landlord shall be relieved from and after the date specified in any such notice of transfer of all obligations and liabilities to Tenant which accrue after such sale or conveyance on the part of Landlord, provided that any funds in the possession of Landlord at the time of transfer in which Tenant has an interest shall be delivered to the successor Landlord. This Lease shall not be affected by any such sale or transfer and Tenant shall attorn to the purchaser or other transferee provided that all of Landlord's obligations accruing hereunder from and after such sale or transfer are assumed in writing by such purchaser or transferee.

ARTICLE XVIII: DEFAULT AND REMEDIES

- 18.1 <u>Default</u>. The occurrence of any of the following shall constitute a material default and breach of this Lease by Tenant:
 - (a) Any failure by Tenant to pay the Annual Base Rent, or any other monetary sums required to be paid under this Lease, where such failure continues for thirty (30) days after written notice thereof by Landlord to Tenant;
 - (b) Any material false statement made by Tenant to Landlord or its agents in any document delivered to Landlord in connection with the negotiation of this Lease.
 - (c) The abandonment or vacation of the Premises by Tenant;
 - (d) A failure by Tenant to observe and perform any other term, covenant or condition of this Lease to be observed or performed, by Tenant, where such failure continues for thirty (30) days after written notice thereof by Landlord to Tenant; provided, however, that if the nature of the default is such that the default cannot reasonably be cured within the thirty (30) day period, Tenant shall not be deemed to be in default if Tenant shall within the thirty (30) day period commence action to cure the default and thereafter diligently prosecute the same to completion;
 - (e) The making by Tenant of any general assignment or general arrangement for the benefit of creditors; the filing by or against Tenant of a petition to have Tenant adjudged a bankrupt or of a petition for reorganization or arrangement under any law relating to bankruptcy (unless, in the case of a petition filed against Tenant, the same is dismissed within sixty (60) days); the appointment of a trustee or receiver to take possession of substantially all of Tenant's assets located at the Premises or of Tenant's interest in this Lease, where possession is not restored to Tenant within thirty (30) days; or the attachment, execution, or other judicial seizure of substantially all of Tenant's assets located at the Premises or of Tenant's interest in this Lease, where such seizure is not discharged within thirty (30) days.
- 18.2 <u>Nonexclusive Remedies</u>. In the event of any such material default or breach by Tenant, Landlord shall have, in addition to any other remedies provided in this Lease, the following nonexclusive remedies:
 - (a) At Landlord's option and without waiving any default by Tenant, Landlord shall have the right to continue this Lease in full force and effect and to collect all Annual Base Rent, and any other amounts to be paid by Tenant under this Lease as and when due. During any period that Tenant is in default, Landlord shall have the right, pursuant to legal proceedings or pursuant to any notice provided for by law, to enter and take possession of the Premises, without terminating this Lease, for the purpose of reletting the Premises or any part thereof and making any alterations and repairs that may be necessary or desirable in connection with such reletting. Any such reletting or relettings may be for such term or terms (including periods that exceed the balance of the term of this Lease), and upon such other terms, covenants and conditions as Landlord may in Landlord's sole discretion deem advisable. Upon each and any such reletting, the rent or rents received by Landlord from such reletting shall be applied as follows: (1) to the payment of any indebtedness (other than rent) due hereunder from Tenant to Landlord; (2) to the payment of costs and expenses of such reletting, including brokerage fees, reasonable attorney's fees, court costs, and costs of any alterations or repairs; (3) to the payment of any Annual Base Rent and any other

amounts due and unpaid hereunder; and (4) the residue, if any, shall be held by Landlord and applied in payment of future Annual Base Rent and any other amounts as they become due and payable hereunder. If the rent or rents received during any month and applied as provided above shall be insufficient to cover all such amounts including the Annual Base Rent and any other amounts to be paid by Tenant pursuant to this Lease for such month, Tenant shall pay to Landlord any deficiency; such deficiencies shall be calculated and paid Annual. No entry or taking possession of the Premises by Landlord shall be construed as an election by Landlord to terminate this Lease, unless Landlord gives written notice of such election to Tenant or unless such termination shall be decreed by a court of competent jurisdiction. Notwithstanding any reletting by Landlord without termination, Landlord may at any time thereafter terminate this Lease for such previous default by giving written notice thereof to Tenant.

(b) Terminate Tenant's right to possession by notice to Tenant, in which case this Lease shall terminate and Tenant shall immediately surrender possession of the Premises to Landlord. In such event Landlord shall be entitled to recover from Tenant all damages incurred by Landlord by reason of Tenant's default, including without limitation the following: (1) all unpaid rent which has been earned at the time of such termination plus (2) the amount by which the unpaid rent which would have been earned after termination until the time of award exceeds the amount of such rental loss that is proved could have been reasonably avoided; plus (3) any other amount necessary to compensate Landlord for all the detriment proximately caused by Tenant's failure to perform Tenant's obligations under this Lease, or in addition to or in lieu of the foregoing such damages as may be permitted from time to time under applicable State law. Upon any such re-entry Landlord shall have the right to make any reasonable repairs, alterations or modifications to the Premises, which Landlord in Landlord's sole discretion deems reasonable and necessary.

ARTICLE XIX: INDEMNITY

Tenant shall indemnify and hold Landlord harmless from and against any and all claims arising from any breach or default in the performance of any obligation on Tenant's part to be performed under the terms of this Lease, or arising from any act or negligence of Tenant, or any of Tenant's agents, contractors, employees, licensees or invitees and from and against all costs, reasonable attorney's fees, expenses and liabilities incurred in the defense of any such claim or any action or proceeding brought thereon. Tenant shall not, however, be liable for damage or injury occasioned by the negligence or intentional acts of Landlord and Landlord's designated agents or employees. Tenant's obligations under this Article XX shall survive the expiration or other termination of this Lease.

ARTICLE XX: SURRENDER

21.1 <u>Surrender</u>. Upon the expiration or other termination of this Lease, Tenant shall quit and surrender to Landlord the Premises, together with the Improvements and all other property affixed to the Premises, excluding Tenant's fixtures, in good order and condition, ordinary wear and tear excepted. Tenant shall, prior to the expiration or other termination of this Lease remove all personal property belonging to Tenant and failing to do so, Landlord may cause all of said personal property to be removed at the cost and expense of Tenant. Tenant's obligation to observe and perform this covenant shall survive the expiration or other termination of this Lease. In the alternative, Landlord may, at Landlord's option,

treat any and all items not removed by Tenant on or before the date of expiration or of the termination of this Lease as having been relinquished by Tenant and such items shall become the property of Landlord with the same force and effect as if Tenant had never owned or otherwise had any interest in such items.

ARTICLE XXI: MISCELLANEOUS

- 23.1 <u>Signs</u>. Tenant's parking space shall be designated on the actual stall by the Tenant.
- 23.2 <u>Parking Spaces</u>. Tenant shall be entitled to the use of only the reserved parking spaces so designated in Exhibit "A".
- 23.3 <u>Entire Agreement</u>. This instrument along with any exhibits and attachments hereto constitutes the entire agreement between Landlord and Tenant relative to the Premises and this Lease and the exhibits and attachments may be altered, amended or revoked only by an instrument in writing signed by both Landlord and Tenant. All prior or contemporaneous oral agreements between and among Landlord and Tenant and their agents or representatives relative to the leasing of the Premises are merged in or revoked by this Lease.
- 23.4 <u>Severability</u>. If any term or provision of this Lease shall, to any extent, be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Lease shall not be affected thereby, and each term and provision of this Lease shall be valid and be enforceable to the fullest extent permitted by law.
- 23.5 <u>Costs of Suit</u>. If Tenant or Landlord shall bring any action for any relief against the other, declaratory or otherwise, arising out of this Lease, including any suit by Landlord for the recovery of rent or possession of the Premises, the losing party shall pay the successful party a reasonable sum for attorney's fees whether or not such action is prosecuted to judgment.
- 23.6 <u>Time and Remedies</u>. Time is of the essence of this Lease and every provision hereof. All rights and remedies of the parties shall be cumulative and nonexclusive of any other remedy at law or in equity.
- 23.7 <u>Binding Effect, Successors and Choice of Law.</u> All time provisions of this Lease are to be construed as both covenants and conditions as though the words importing such covenants and conditions were used in each separate Section of this Lease. Subject to any provisions restricting assignment or subletting by Tenant as set forth in Article XVI, all of the terms hereof shall bind and inure to the benefit of the parties hereto and their respective heirs, legal representatives, successors and assigns. This Lease shall be governed by the laws of the State of Utah.
- 23.8 <u>Waiver</u>. No term, covenant or condition of this Lease shall be deemed waived, except by written consent of the party against whom the waiver is claimed, and any waiver of the breach of any term, covenant or condition shall not be deemed to be a waiver of any preceding or succeeding breach of the

same or any other term, covenant or condition. Acceptance by Landlord of any performance by Tenant after the time the same shall have become due shall not constitute a waiver by Landlord of the breach or default of any term, covenant or condition unless otherwise expressly agreed to by Landlord in writing.

- 23.9 <u>Holding Over</u>. If Tenant remains in possession of all or any part of the Premises after the expiration of the term of this Lease, with or without the express or implied consent of Landlord, such tenancy shall be from month to month only, and not a renewal hereof or an extension for any further term, and in such case, rent and other sums due hereunder shall be payable at one hundred fifty percent (150%) of the Annual Base Rent in effect immediately prior to such holdover period.
- 23.10 Recording. No copy of this Lease will be recorded on behalf of either party, but in lieu thereof, Landlord and Tenant agree that each will, upon the request of the other, execute, in recordable form, a "short form" of the Lease, which "short form" shall contain a description of the Premises, the term of the Lease, the parties to the Lease. The "short form" of the Lease shall not modify the terms of the Lease or be used in interpreting the Lease and in the event of any inconsistency between this Lease and the "short form" of the Lease, the terms and conditions of this Lease shall control.
- 23.11 <u>Reasonable Consent</u>. Except as limited elsewhere in this Lease, wherever in this Lease Landlord or Tenant is required to give consent or approval to any action on the part of the other, such consent or approval shall not be unreasonably withheld. In the event of failure to give any such consent, the other party shall be entitled to specific performance at law and shall have such other remedies as are reserved to such party under this Lease.
- 23.12 <u>Notice</u>. Any notice required to be given under this Lease shall be given in writing and shall be delivered in person or by registered or certified mail, postage prepaid, and addressed to the addresses for Landlord and Tenant set forth above. Such notice shall be deemed delivered when personally delivered or upon deposit of the notice in the United States mail in the manner provided above.
- 23.13 <u>No Partnership</u>. Landlord does not, as a result of entering into this Lease, in any way or for any purpose become a partner of Tenant in the conduct of Tenant's business, or otherwise, or joint venturer or a member of a joint enterprise with Tenant.

Exhibits: This lease agreement has four exhibits attached and made a part thereof.

Exhibit A – Designation of the Parking Stalls under this Lease Agreement

Exhibit B- Annual Base Rental Schedule

IN WITNESS WHEREOF, the parties hereto have executed this Lease the day and year first above written.

LANDLORD: PROVO CITY REDEVELOPMENT AGENCY

CENTER, LLC

BY:	
TENIANT.	105 DADTNEDC LLC
IENANI:	105 PARTNERS, LLC
BY:	

EXHIBIT A (PARKING STALLS MAP)

1		RESOLUTION 2019
2		
3		SOLUTION AUTHORIZING THE CHIEF EXECUTIVE OFFICER TO
4		R INTO A LEASE AGREEMENT WITH BLUE SKY DEVELOPMENT
5		LLOW THEM TO UTILIZE PARKING SPACES FOR A PENDING
6	MIXEI	D-USE PROJECT AT 105 EAST CENTER STREET. (19-070)
7		
8		EAS, Blue Sky Development has a pending mixed-use project for development at
9		er Street in Provo and is interested in leasing 55 of the stalls currently owned by
10	the Redevelop	ment Agency in the Wells Fargo Tower; and,
11		
12 13		EAS, the RDA and Blue Sky Development have negotiated a proposed agreement
13	on the terms of	f the lease; and,
14		
15		EAS, on June 4, 2019, the Governing Body met to ascertain the facts regarding
16		receive public comment, which facts and comments are found in the public
17	record of the C	Council's consideration; and
18		
19		EAS, after considering the facts presented to the Governing Body of the RDA, the
20		dy of the Redevelopment Agency finds (i) the RDA should enter into a lease
21		the parking stalls according to the terms described in Exhibit A, and (ii) the lease
22	of the stalls by	Blue Sky Development reasonably furthers the health, safety and general welfare
23	of the citizens	of Provo City.
24		
25		
22 23 24 25 26	NOW,	THEREFORE, be it resolved by the Redevelopment Agency of Provo City Board
27	of Directors, a	s follows:
27 28		
29	PART I:	
30		
31	1.	The Chief Executive Officer is authorized to enter into a lease of parking stalls
32		to Blue Sky Development according to the terms in Exhibit A.
	•	
33	2.	The Chief Executive Officer of the Agency or designee is authorized to sign
34		any paperwork necessary to effectuate the deal and to make minor changes to
34 35 36		the language and wording of the documents provided such changes do not
36		involve the structure of the deal.
37	D . D X	
38	PART II:	
39		
40 4.1	This re	solution shall take effect immediately.
41	END OF BEG	
12	END OF RES	OLUTION.



Provo City (Redevelopment Agency)

Staff Memorandum

Blue Sky Development Parking Agreement

May 7, 2019

Department Head

David Walter 6167

Presenter

David Walter 6167

Required Time for Presentation

15 Minutes

Is This Time Sensitive No

Case File # (if applicable)

Purpose of Proposal

• Resolution approving a draft parking license agreement with Blue Sky Development and authorizing the Chief Executive Officer of the Redevelopment Agency to sign the agreement when finalized

Action Requested

Adopt Resolution

Relevant City Policies

- Business and Economic Vitality
- Support Economic Development
- Downtown Revitalization

Budget Impact

 Provo Redevelopment Agency will receive lease payments from Blue Sky totaling \$295,020 over the term of the lease.

Description of this item

- Staff has been working with McKay Christensen on a proposed mixed-use development at the corner of Center Street and 100 East. The ground floor will be commercial and the remaining floors will be residential with a mix of studio, one- and two-bedroom apartments. Mr. Christensen intends to provide all the necessary parking for his project in a parking structure at the center of the complex. However, the cost to provide parking onsite for his commercial uses is proving to be cost prohibitive.
- Mr. Christensen is requesting he be allowed to utilized a

- portion of the 204 parking spaces allocated to the Redevelopment Agency in the Wells Fargo parking structure. As you will recall, the Redevelopment Agency approved 63 East using 40 of those spaces for the residents of 63 East.
- Mr. Christensen is requesting the use of 55 stalls and is willing to pay rent under the following terms:
 - (a) \$1 per stall or \$660 per year for years one through two (1-2);
 - (b) \$5 per stall or \$3,300 per year for years three through five (3-5);
 - (c) \$10 per stall or \$6,600 per year for years six through ten (6-10),
 - (d) \$30 per stall or \$19,800 per year for years eleven through twenty-four (11-24)
- The current parking facility agreement expires in 2044. The agreement is a draft since we have not yet received approval from the court appointed trustee for the parking structure to submit the agreement and obtain approval for the parking agreement. We have reached out to the law firm that represented the trustee but both that attorney and his associate are no longer working with the firm. Staff is working to find the representative of the trustee and will finalize the agreement as soon as possible. We are presenting this tonight to give assurances to Mr. Christensen's lenders that he will have the requisite parking for his commercial uses.
- Staff recommends approving the attached resolution approving a draft parking license agreement with Blue Sky Development and authorizing the Chief Executive Officer of the Redevelopment Agency to sign the agreement when finalized.

Attachments: Resolution Draft Agreement

1	RESOLUTION 2019
2	
3	A RESOLUTION ADOPTING A BUDGET FOR THE PROVO CITY
4	STORMWATER SERVICE DISTRICT IN THE AMOUNT OF \$5,123,278 FOR
5	THE FISCAL YEAR BEGINNING JULY 1, 2019 AND ENDING JUNE 30,
6	2020. (19-006)
7	
8	WHEREAS, on May 7, 2019 and May 21, 2019, the Governing Board of the Provo City
9	Stormwater Service District held duly noticed public hearings to consider a Tentative Budget and
10	by resolution tentatively adopted the Tentative Budget for the fiscal year 2019-2020 (Fiscal Year
11	2020) as required by law on May 21, 2019; and
12	WITEDEAC A TO A CONTROL OF THE TAIL AND A CO
13	WHEREAS, the Tentative Budget, together with supporting schedules and data, has been
14	reviewed and considered by the Governing Board of the Provo City Stormwater Service District
15	and have been available for public inspection as required by law; and
16 17	WHEREAS, notice of a public hearing to consider the adoption of a final Budget has
18	been properly given; and
19	been properly given, and
20	WHEREAS, on June 4, 2019 and June 18, 2019, the Governing Board of the Provo City
21	Stormwater Service District held duly noticed public hearings to receive public comment and
22	ascertain the facts regarding the Tentative Budget, which facts and comments are found in the
23	hearing records; and
24	
25	WHEREAS, all interested persons were heard, for or against the estimates of revenue and
26	expenditures as set forth in the Tentative Budget and any proposed amendments thereto; and
27	
28	WHEREAS, all statutory and legal requirements for the final adoption of said Budget
29	have been completed; and
30	
31	WHEREAS, after considering the facts and comments presented to the Governing Board
32	of the Provo City Stormwater Service District, the Governing Board finds (i) a final Budget for
33	the Provo City Stormwater Service District should be adopted as set forth in the attached
34	Exhibits A and B and (ii) adoption of the final Budget reasonably furthers the health, safety and
35	general welfare of the District residents and property owners.
36	NOW THEREFORE 1 % 1 11 4 C
37	NOW, THEREFORE, be it resolved by the Governing Board of the Provo City
38	Stormwater Service District as follows:

PART I:

The Provo City Stormwater Service District Budget in the amount of \$5,123,278, as summarized in the attached Exhibits A and B, is hereby adopted as a final Budget for Fiscal Year 2020.

PART II:

Authorized fees and charges to defray the cost of District programs and services during Fiscal Year 2020 shall be as shown on the Stormwater Service District Fee Schedule attached hereto as Exhibit C, except as may be later amended by the Governing Board.

PART III:

All outstanding encumbrances and project/grant balances as of June 30, 2019 and approved by the Executive Officer shall be continued and re-appropriated for expenditure in Fiscal Year 2020 and shall be presented at a meeting of the Governing Board in September 2019.

PART IV:

The functions within the Capital Improvement Divisions cannot be deleted, changed in budget amount by more than 10% of the original cost or \$50,000, whichever is less, or new functions added without further official action of the Governing Board.

PART V:

The Executive Officer is hereby authorized to move budget appropriations along with needed expenditure adjustments including capitalized labor from the individual enterprise operating divisions to the corresponding capital improvement division in conjunction with the fixed asset (capital expenditures) reconciliation for the fiscal year ending June 30, 2019.

PART VI:

The Executive Officer is hereby authorized to increase budget authority for revenues in excess of the adopted budget in the following areas: grants, interest earnings, impact fees, aid to construction, reimbursement(s) from projects, revenues over budget, and donations. The Executive Officer is authorized to increase budget authority in internal service funds for unexpected expenditures related to those funds.

PART VII:

The Governing Board hereby directs that an Adopted Annual Budget document be prepared corresponding to the actions taken herein and that said document be certified, filed, and made available for public inspection as required by law.

PART VIII:

This resolution shall take effect immediately.

END OF RESOLUTION.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter:BMUMFORDDepartment:CouncilRequested Meeting Date:06-04-2019

SUBJECT: A public hearing on a resolution adopting a budget for the Provo City

Stormwater Service District in the amount of \$5,123,278 for the fiscal year

beginning July 1, 2019 and ending June 30, 2020. (19-006)

RECOMMENDATION: This is a public hearing only, no action is being taken. The Stormwater Service District budget will have a second public hearing where there will be action on this budget at the Council Meeting on June 18, 2019.

BACKGROUND: The Stormwater Section of the Public Works Department is responsible to protect life and property from flooding and keep the public street system from being encumbered with flood water during rainstorms and spring snow melt runoff. This is the first of two public hearings to solicit feedback and input from residents regarding the FY 2019-2020 Stormwater Budget.

FISCAL IMPACT: 5,123,278 in the Stormwater Service District Budget

PRESENTER'S NAME: John Borget

REQUESTED DURATION OF PRESENTATION: 10 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-006

1	RESOLUTION 2019
2	A DECOLUTION AUTHODIZING THE MANOR TO EVECUTE THE GALE
3	A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE SALE OF THE TIMP-KIWANIS PARK TO THE PROVO SCHOOL DISTRICT. (18-
5	018)
6	010)
7	WHEREAS, Provo City owns the parcel of property referred to as Timp-Kiwanis
8 9	(Bounous) Park (TKP), generally located at 3250 North 650 East in Provo; and
10	WHEREAS, Provo School District desires to expand their ownership of land adjacent to
11	Timpview High School to accommodate growth and has approached Provo City with a proposal
12	to purchase Timp-Kiwanis Park; and
13	r r r
14	WHEREAS, the City used Land and Water Conservation Fund (LWCF) monies to
15	acquire the property in 1967 with the purpose of improving the property to provide a park for
16	area residents and recently discovered non-compliance with LWCF regulations, as a result of
17	which the City proposed to transfer the property's LWCF status to another property; and
18	
19	WHEREAS, the City completed the Environmental Assessment (EA) and submitted the
20	EA to state and federal authorities in accordance with LWCF regulations and memorialized by
21	Resolution 2018-42, and the sale of the property is contingent upon approval from the National
22	Park Service; and
23	
24	WHEREAS, the TKP property has previously been placed on the surplus property list
25	and approved for sale, contingent upon the approval of the Municipal Council of the terms of
26	sale; and
27	
28	WHEREAS, on June 4, 2019, the Municipal Council met to ascertain the facts regarding
29	this matter and receive public comment, which facts and comments are found in the public
30	record of the Council's consideration; and
31	
32	WHEREAS, after considering the facts presented to the Council, the Council finds (i) the
33	agreement attached hereto as Exhibit A should be approved; (ii) the Mayor, or her designee,
34	should be authorized to execute the agreement; and (iii) such agreement reasonably furthers the
35	health, safety, and general welfare of the citizens of Provo.
36	NOW THEREFORE 1 '4 1 11 41 M ' 1 1 C 11 CB C'4 14 1
37	NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah, as
38 39	follows:
40	PART I:
1 0	<u>1 AIV 1 1.</u>

42	The Agreement between Provo City and Provo School District regarding the sale of
43	Timp-Kiwanis Park to the School District, attached hereto as Exhibit A, is hereby approved, and
44	the Mayor, or her designee, is authorized to execute the agreement.
45	
46	PART II:
47	
48	This resolution shall take effect immediately.
49	
50	
51	END OF RESOLUTION.

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter: TMCKENNA
Department: Parks and Rec
Requested Meeting Date: 06-04-2019

SUBJECT: A resolution authorizing the Mayor to execute the sale of the Timp-Kiwanis

Park to the Provo School District. (18-018)

RECOMMENDATION: This request is for a discussion only during the Work Meeting. It is intended that this contract be discussed later that day at Council Meeting for proposed approval to allow the Mayor to execute the real estate purchase contract.

We anticipate receiving the contract on or before May 30, 2019.

BACKGROUND: Provo School District needs to expand the Timpview High School campus and has submitted a contract for the purchase of the Timp Kiwanis Bounous Park (TKP) property adjacent to the high school. TKP is on the surplus property list. If approved, the sale is contingent upon approval of the Land and Water Conservation Fund (LWCF) conversion proposal of TKP from the National Park Service (NPS). If approved for sale and upon approval from the NPS, the proceeds are required, per LWCF requirements, to be used for the purchase of 60 acres of property in Southwest Provo.

FISCAL IMPACT:

PRESENTER'S NAME: Tara Riddle / Parks and Recreation Staff

REQUESTED DURATION OF PRESENTATION: 30 minutes

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

Vision 2030 Plan

- Core Value Healthy, Inviting Environment Value abundant park facilities and recreational opportunities.
- Goal 3.1 Establish a system of attractive parks and recreational facilities that will provide a complete range of activities for all age groups.

2013 Parks and Recreation Master Plan

- visionary project - Regional Sports Complex

CITYVIEW OR ISSUE FILE NUMBER: 18-018

PROVO MUNICIPAL COUNCIL STAFF REPORT



Submitter:BMUMFORDDepartment:COUNCILRequested Meeting Date:06-04-2019

SUBJECT: A resolution appropriating \$2,200,000 in the Parks and Recreation Capital

Improvement Plan Fund for the purchase of property located on Lakeview

Parkway, applying to fiscal year ending June 30, 2019. (19-068)

RECOMMENDATION: To approve the resolution as written.

BACKGROUND: The Parks and Recreation Department is intending to purchase a parcel of land located on the west side of Provo just off the Lakeview Parkway and they are intending to use this parcel for open space, regional fields, and in ways they believe will benefit the economic development of the west side of Provo. This discussion was started when the City discovered they were non-compliant with a parcel of property that was purchase with Land and Water Conservation Funds (LWCF). The property had fallen out of compliance due to the requirements of Timpview High relative to the parcel. The LWCF rules indicate that parcels purchase with this money cannot limit access to the community. Since Timpview High was regularly limiting the use by using a portion of the property for sports practices and limiting participation from the community on a regular basis, the decision was made to sell the Timp-Kiwanis Park property to the Provo School District. The LWCF further has restrictions on where that money can be spent. In order to comply with LWCF regulations the decision was made to take that money and put it into this parcel to use for the purposes stated.

The appropriation will be funded by the transfer from the General Fund and then repaid from the revenues from the sale of Timp-Kiwanis Park.

FISCAL IMPACT: \$2,200,000 in the General Fund Balance

PRESENTER'S NAME: John Borget

REQUESTED DURATION OF PRESENTATION: 15 min

COMPATIBILITY WITH GENERAL PLAN POLICIES, GOALS, AND OBJECTIVES:

CITYVIEW OR ISSUE FILE NUMBER: 19-068

1	RESOLUTION 2019
2	
3	A RESOLUTION APPROPRIATING \$2,200,000 IN THE PARKS AND
4	RECREATION CAPITAL IMPROVEMENT PLAN FUND FOR THE
5	PURCHASE OF REAL PROPERTY LOCATED ON LAKEVIEW PARKWAY,
6	APPLYING TO FISCAL YEAR ENDING JUNE 30, 2019. (19-068)
7	
8	WHEREAS, the Municipal Council of Provo City Corporation has received a
9	recommendation from the Provo City Mayor that \$2,200,000 be appropriated in the Parks and
10	Recreation Capital Improvement Plan fund for the purchase of real property located on Lakeview
11	Parkway; and
12	
13	WHEREAS, the appropriation will be funded through a transfer from the General Fund,
14	and the General Fund is intended to be repaid from the sale of Timp-Kiwanis (Bounous) Park;
15	and
16	WHIEDEAG I A 2010 I M : 1 G : 1 G : 1 G : 1
17	WHEREAS, on June 4, 2019, the Municipal Council met to ascertain the facts regarding
18	this matter and receive public comment, which facts and comments are found in the public
19	record of the Council's consideration; and
20	WHERE AC 11 man for and arrived the man and arrived the man in the
21 22 23	WHEREAS, all persons for and against the proposed appropriation were given an
22	opportunity to be heard; and
23 24	WHEREAS, after considering the Mayor's recommendation, and facts and comments
25	presented to the Municipal Council, the Municipal Council finds the proposed appropriation
25 26	reasonably furthers the health, safety, and general welfare of the citizens of Provo City.
20 27	reasonably furthers the health, safety, and general wentare of the chizens of Frovo City.
28	NOW, THEREFORE, be it resolved by the Municipal Council of Provo City, Utah as
29	follows:
30	Tollows.
31	PART I:
32	TIME I.
33	The Mayor is hereby authorized to appropriate \$2,200,000 in the Parks Capital
34	Improvement Plan Fund, applying to the fiscal year ending June 30, 2019, for the purchase of
35	real property as described herein.
36	
37	PART II:
38	
39	This resolution shall take effect immediately.
40	
41	END OF RESOLUTION.

The Provo City Community Development Department requests an amendment to Section 14.38.085(7) to clarify limitations on signage within the North University Riverbottoms Design Corridor.

City-wide application PLOTA20190026

(7) Prohibited Signs. With the exception of For Sale, Rent, or Lease Signs authorized by subsection 14.38.050(1), all other types of signs not explicitly authorized by this section are prohibited.

Temporary signs are not permitted except as permitted in this Chapter such as real estate and campaign signs. These types of signs shall not be located in the public right-of-way.



Planning Commission Hearing Staff Report

Hearing Date: May 22, 2019

*ITEM #4 The Provo City Community Development Department requests an amendment to Section 14.38.085(7) to clarify limitations on signage within the North University Riverbottoms Design Corridor. City-wide application. Aaron Ardmore (801) 852-6404 PLOTA20190026

Applicant: Provo City Community

Development

Staff Coordinator: Aaron Ardmore

Requires Council Action: Yes

ALTERNATIVE ACTIONS

- 1. **Continue** to a future date to obtain additional information or to further consider information presented. The next available meeting date is June 12, 2019 at 6:00 P.M.
- 2. **Recommend Denial** of the requested amendment. This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.

Relevant History: This Section of City Code was enacted in 1996 to create an integrated design corridor from 2230 North University Avenue to the mouth of Provo Canyon. Subsequent amendments have been made to this Section in 2006, 2010, 2013, and 2018.

Neighborhood Issues: There have been recent concerns regarding what is prohibited for signs along this corridor. Staff has not been made aware of any concerns with this proposed amendment, as it is attempting clarify what signs are prohibited.

Summary of Key Issues:

- The current language leaves some ambiguity regarding what types of signs are prohibited along the North University Riverbottoms Corridor.
- The proposed amendment clarifies prohibited signs.

Staff Recommendation: That the Planning Commission recommend approval of the proposed amendment to the Municipal Council.

OVERVIEW

Provo City Community Development is requesting an ordinance amendment to subsection 14.38.085(7), to clarify prohibited signs in the North University Riverbottoms Design Corridor. Section 14.38.085 was enacted in 1996 to provide consistent design through this part of that City, and minor adjustments have been made over the years.

Due to recent concerns about what types of signs are allowed, staff has brought forward this proposal to clean up language and clarify what signage is prohibited. The proposed language explicitly prohibits any signs that are not otherwise authorized by subsection one, which clarifies the restriction for property owners and residents in the area.

STAFF ANALYSIS

- 1. Provo City Code Section 14.02.020(2) sets forth the following guidelines for consideration of ordinance text amendments:
 - Before recommending an amendment to this Title,_the Planning Commission shall determine whether such amendment is in the interest of the public, and is consistent with the goals and policies of the Provo City General Plan. The following guidelines shall be used to determine consistency with the General Plan: (responses in bold)
 - (a) Public purpose for the amendment in question.
 - The public purposed of Section 14.38.085 is to control signage on North University Ave as a scenic entrance into the city. This amendment is to clarify what signs are and are not permitted in the North University Riverbottoms Design Corridor.
 - (b) Confirmation that the public purpose is best served by the amendment in question.
 - This amendment gives very specific language on what is not permitted in the corridor.
 - (c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.
 - The proposed amendment aligns with General Plan policies and goals to "help neighborhoods preserve their own identity and sense of place" as stated in Chapter One of the General Plan.
 - (d) Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.
 - There are no timing and sequencing issues with this proposal.

- (e) Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.
 - The proposed amendment will not hinder or obstruct attainment of any General Plan policies.
- (f) Adverse impacts on adjacent land owners.
 - There are no foreseen adverse impacts on adjacent land owners in that this amendment is not a new restriction on signage. This amendment is simply a clarification of existing language.
- (g) Verification of correctness in the original zoning or General Plan for the area in question.
 - They are correct.
- (h) In cases where a conflict arises between the General Plan Map and General Plan Policies, precedence shall be given to the Plan Policies.
 - No conflict exists.

CONCLUSIONS

Provo has only three major entrances into the city (North University Ave, South State Street and Center Street). Of the three major entrances, North University Ave has fewer commercial and industrial uses and more residential development than the other two. Years ago, the North University Ave Design Corridor was adopted to protect the scenic nature of Provo Canyon and the setting of the Riverbottoms area. This proposed amendment helps to clarify what types of signage people can expect to see on this gateway into the City.

ATTACHMENTS

1. Proposed Language

(7) *Prohibited Signs*. With the exception of For Sale, Rent, or Lease Signs authorized by subsection 14.38.050(1), all other types of signs not explicitly authorized by this section are prohibited. Temporary signs are not permitted except as permitted in this Chapter such as real estate and

campaign signs. These types of signs shall not be located in the public right-of-way.

Provo City Planning Commission

Report of Action

May 22, 2019

*ITEM 4 The Provo City Community Development Department requests an amendment to Section 14.38.085(7) to clarify limitations on signage within the North University Riverbottoms Design Corridor. City-wide application. Aaron Ardmore (801) 852-6404 PLOTA20190026

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 22, 2019:

RECOMMEND APPROVAL

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above noted application.

Motion By: Andrew Howard Second By: Robert Knudsen

Votes in Favor of Motion: Andrew Howard, Robert Knudsen, Russell Phillips, Dave Anderson, Shannon Ellsworth *Dave Anderson was present as Chair.*

• Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination

PLANNING COMMISSION RECOMMENDED TEXT AMENDMENT

Section 14.38.085(7)

(7) *Prohibited Signs*. With the exception of For Sale, Rent, or Lease Signs authorized by subsection 14.38.050(1), all other types of signs not explicitly authorized by this section are prohibited.

Temporary signs are not permitted except as permitted in this Chapter such as real estate and campaign signs. These types of signs shall not be located in the public right of way.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following: An overview of the request.

NEIGHBORHOOD MEETING DATE

• City-wide application; all Neighborhood Chairs received notification.

NEIGHBORHOOD AND PUBLIC COMMENT

• The Riverbottoms Neighborhood Chair was present and told the Planning Commission during the public hearing that he supported the proposal

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following: No concerns were raised.



Planning Commission Chair



Director of Community Development

See <u>Key Land Use Policies of the Provo City General Plan</u>, applicable <u>Titles of the Provo City Code</u>, and the <u>Staff Report to the Planning Commission</u> for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

<u>Legislative items</u> are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

1	ORDINANCE 2019						
2							
3	AN ORDINANCE TO AMEND PROVO CITY CODE TO CLARIFY						
4	LIMITATIONS ON SIGNAGE WITHIN THE NORTH UNIVERSITY						
5	RIVERBOTTOMS DESIGN CORRIDOR. CITY-WIDE APPLICATIONS.						
6	(PLOTA20190026)						
7							
8	WHEREAS, the current code language leaves some ambiguity regarding what types of						
9	signs are prohibited along the North University Riverbottoms Corridor;						
10							
11	WHEREAS, it is proposed to amend Provo City Code Section 14.38.085(7) to clarify						
12	limitations on signage within the North University Riverbottoms Design Corridor; and						
13							
14	WHEREAS, on May 22, 2019, the Planning Commission held a duly noticed public						
15	meeting to consider the proposed ordinance amendment to the North University Riverbottoms						
16	Design Corridor and after such meeting the Planning Commission recommended approval to the						
17	Municipal Council by a vote of 5:0; and						
18							
19	WHEREAS, on June 4, 2019, the Municipal Council met to ascertain the facts regarding						
20	this matter and receive public comment, which facts and comments are found in the public						
21	record of the Council's consideration; and						
22							
23	WHEREAS, after considering the Planning Commission's recommendation, and facts						
24	and comments presented to the Municipal Council, the Council finds (i) the ordinance						
25	amendment to the North University Riverbottoms Design Corridor should be approved as						
26	proposed, and (ii) the proposed amendment reasonably furthers the health, safety, and general						
27	welfare of the citizens of Provo City.						
28							
29	NOW THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as						
30	follows:						
31							
32	PART I:						
33							
34	Provo City Code Subsection 14.38.085(7) is hereby amended as set forth below:						
35							
36	14.38.085. North University Avenue Riverbottoms Design Corridor and Specialty Support						
37	Commercial (SSC) Sign Standards.						
38							
39	•••						

41 (7) *Prohibited Signs*. With the exception of For Sale, Rent, or Lease Signs authorized by subsection 14.38.050(1), all other types of signs not explicitly authorized by this Section are prohibited. Temporary signs are not permitted except as permitted in this Chapter such as real estate and campaign signs. These types of signs shall not be located in the public right-of-way.

PART II:

- A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.
- B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.
- C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.
- D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

END OF ORDINANCE.

1	ORDINANCE 2019
2	
3 4	AN ORDINANCE REPEALING PROVO CITY CODE SECTION 2.60.040 (SUBMISSION OF PROPOSED ORDINANCES AND RESOLUTIONS –
5	DEADLINES). (19-071)
6	WHIEDEAG :: 1. ID G'. G 1 G .: 2 CO 040 . 1 G
7 8	WHEREAS, it is proposed to repeal Provo City Code Section 2.60.040 to better reflect the expectations associated with ordinances and resolutions which are proposed for consideration
9	before the Municipal Council; and
10 11	WHEREAS, the amendment to Provo City Code will remove outdated references in City
11 12	Code consistent with technological advances which have improved the efficiency of
13	communications between City departments and the Municipal Council regarding proposed
14	ordinances and resolutions; and
15	
16	WHEREAS, the repeal of Provo City Code Section 2.60.040 is consistent with the
17	utilization of technology, rather than a reliance on printed copies as in the past, to conduct the
18	work of the Municipal Council; and
19	
20	WHEREAS, the Municipal Council has directed Council staff to prepare updates to the
21	Council Handbook to reflect the current policies and deadlines associated with Council Meeting
22	materials and proposed ordinances and resolutions; and
23	WWWEDELG I A 2010 I M I I I G I I I I I I I I I I I I I I
24	WHEREAS, on June 4, 2019, the Municipal Council met to ascertain the facts regarding
25	this matter and receive public comment, which facts and comments are found in the public
26	record of the Council's consideration; and
27	WHIEDEAS often considering the facts angulated to the Manisimal Council the Council
28	WHEREAS, after considering the facts presented to the Municipal Council, the Council
29 20	finds (i) Provo City Code Section 2.60.040 should be repealed as set forth below and (ii) this
30 21	action reasonably furthers the health, safety, and general welfare of the citizens of Provo City.
31 32	NOW, THEREFORE, be it ordained by the Municipal Council of Provo City, Utah, as
32 33	follows:
34	ionows.
3 4 35	PART I:
36	TAKT I.
30 37	Provo City Code Section 2.60.040 is hereby repealed in its entirety:
38	1 10vo City Code Section 2.00.040 is hereby repeated in its entirety.
39	2.60.040 Submission of Proposed Ordinances and Resolutions - Deadlines.
40	2.00.0 to outs
40 41	(1) Unless the Municipal Council Chair or a majority of the Municipal Council shall otherwise
42	direct, all proposed ordinances or resolutions intended for consideration by the Municipal

Council shall be submitted to the Municipal Council not less than seven (7) days before the meeting at which the ordinance or resolution is to be considered.

(2) Submission of proposed ordinances and resolutions is accomplished by submitting one (1) copy thereof to the Municipal Council Chair or by submitting one (1) copy thereof to the offices of the Municipal Council during normal business hours.

PART II:

A. If a provision of this ordinance conflicts with a provision of a previously adopted ordinance, this ordinance shall prevail.

B. This ordinance and its various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance shall not be affected thereby.

C. The Municipal Council hereby directs that the official copy of the Provo City Code be updated to reflect the provisions enacted by this ordinance.

D. This ordinance shall take effect immediately after it has been posted or published in accordance with Utah Code 10-3-711, presented to the Mayor in accordance with Utah Code 10-3b-204, and recorded in accordance with Utah Code 10-3-713.

END OF ORDINANCE.



Planning Commission Hearing Staff Report Hearing Date: May 22, 2019

ITEM 5*

Brady Deucher requests a Zone Change from R1.10 to Medium Density Residential for approximately 2.1 acres located at 11320 S State Street. Spring Creek Neighborhood. Robert Mills (801) 852-6407 PLRZ20190100

Applicant: Brady Deucher

Staff Coordinator: Robert Mills

Property Owner: DPI DURRVANA LC

Parcel ID#: 22:051:0061 Acreage: 2.12 acres Number of Properties: 1

Number of Lots: 1

Current General Plan Designation:

Mixed Use (M)

Current Zoning: R1.10 Residential

(R1.10)

Proposed Zoning: Medium Density

Residential (MDR)

*Council Action Required: Yes

ALTERNATIVE ACTIONS

- 1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is June* 12, 2019.
- 3. **Deny** the requested Project Plan. This action <u>would not be consistent</u> with the recommendations of the Staff Report. The Planning Commission should <u>state new findings.</u>

Current Legal Use: Vacant parcel.

Relevant History: The site is an infill property located between the new Provo School District bus barn site and the proposed Autumn View Townhome project in southeast Provo. The site has remained vacant for a number of years.

Neighborhood Issues: A neighborhood meeting was held on April 4, 2019 at the Provo Rec Center wherein this project was discussed. Staff attended the meeting and observed that those in attendance seemed to be in support; however, no official report of the neighborhood meeting was received.

Summary of Key Issues:

- 1. The site is an infill property that has been identified for Medium Density Residential zoning in the Southeast Neighborhood Plan.
- 2. The proposed project will add 64 two-bedroom condominiums which meet the guidelines set by the Federal Housing Administration (FHA) to receive FHA mortgages.
- 3. The proposed condominium buildings will be four stories in height and include four units per floor.

Staff Recommendation: Staff recommends approval of the requested Zoning Map amendment with the following conditions:

- 1. That at least 60% of the units will be owner-occupied, and
- 2. That each unit will be limited to a family or not more than two adult individuals.

<u>OVERVIEW</u>

The subject property is an infill parcel located between the existing Provo School District bus barn site to the south, State Street to the east, a Provo City Power substation to the west, and the previously approved Autumn View townhome project to the north. The site has been vacant for a number of years and is located in an area intended for medium density development according to the Southeast Provo neighborhood plan.

The proposed rezone will allow a new multi-family housing project consisting of 64, two-bedroom condominium units divided among four, four-story buildings with four units per floor. The applicant is proposing to provide 130 parking stalls, which is below the minimum required by the proposed zone; however, the applicant has concurrently applied for an ordinance text amendment to allow residential uses to apply for a conditional use permit to allow for a parking reduction based on a parking justification study.

The building fronting State Street will be oriented to have the entrances face State Street and the other buildings will also be oriented north to south on the site.

The applicant has proposed requirements in a Development Agreement that would require the entire project to maintain at least 60 percent (60%) of the units remain owner occupied. This restriction is problematic in that Homeowner Associations are typically ill-equipped to enforce covenants regarding home ownership and Provo has no mechanism or process to monitor the rate of owner-occupancy over time.

The applicant has also verbally proposed an occupancy limitation in CC&Rs and in the Development Agreement to two (2) adults and any children, rather than the three (3) unrelated adults that the zoning would normally permit, although this proffer is not reflected in the attached Development Agreement.

FINDINGS OF FACT

- 1. The subject property is a mostly regular-shaped lot currently designated as M on the General Plan Land Use Map and is also zoned R1.10.
- 2 Surrounding General Plan Map designations include Mixed Use.
- 3. There is no history of the site being developed and the site is not associated with any other adjoining land uses or properties.
- 4. The property is designated as Medium Density Residential (MDR) on the future land use map for the Southeast Neighborhood Plan.
- 5. The proposed townhouse development will comply with the requirements of the anticipated MDR Zone, except for the parking requirements; however, the applicant has applied for an ordinance text amendment that would allow residential projects to also apply for a conditional use permit to allow a parking reduction based on the findings of a parking justification study.
- 6. The project, as currently proposed, does not meet the minimum parking ratio for the number of units. Either an Ordinance Text Amendment to allow for parking reduction would have to be approved or the project would need to lose units to come into compliance with current code.
- 7. Two off-street parking stalls will be provided for each unit with two additional parking stalls provided in the development.

<u>Analysis</u>

The proposed MDR zone is consistent with the future land use map of the Southeast Neighborhoods plan and the proposed 64-unit condominium project seems to be a suitable use for the infill property. The property is in an area that has been identified by the City Council and the neighborhood as a place for medium density multi-family housing. The proposed project is consistent with that intent.

The main issue identified in the review of this project by planning staff is that, as presently designed, the project will not meet the minimum parking stall requirements of the proposed MDR zone. The parking ratio for a two-bedroom unit in the MDR is 2.25 stalls per unit. This ratio would require the project to have a total of at least 144 stalls (64 x 2.25 = 144). The applicant has observed that the previous projects developed in Orem, which are identical to this one, have had more than sufficient parking with a ratio of two (2) stalls per unit. This ratio would require a minimum of 128 stalls and the applicant has proposed providing 130 stalls.

Currently, there is no mechanism that would allow for a parking reduction for a residential project; however, the applicant has concurrently applied for an ordinance text amendment to Chapter 14.37 of the Provo City Code that would allow residential projects like this one to apply for a conditional use permit for a parking reduction. Staff would recommend approval of the proposed project on condition that the building permits not be granted until a conditional use permit for a parking reduction be approved by the Planning Commission. If the City Council determines denies the requested ordinance text amendment, the applicant would not be granted a building permit for the proposed project until the project was redesigned to meet the requirements of the underlying zoning district.

While there is an issue with the current parking standard; staff has reviewed the project and believes it will enhance the Spring Creek Neighborhood and will be consistent with the intent of the recommendations of the Southeast Provo Neighborhood Plan. The applicant has gone to great lengths to create a housing product that can be backed by the FHA and make it easier for buyers in this particular market to purchase real estate and the proposed requirement to maintain 51% of the units as owner-occupied ensures that future buyers will be able to also have their mortgages backed by the FHA.

Section 14.02.020(1) of the Provo City Code states the following regarding amendments to the Planning and Zoning Title and to the General Plan:

"Amendments shall not be made . . . except to promote more fully the objectives and purposes of this Title and the Provo City General Plan or to correct manifest errors."

Additionally, guidelines for consideration of an amendment are set forth in Section 14.02.020(2) of the Code and are listed below. Staff analysis is provided after the individual guidelines in **bold**.

(a) Public purpose for the amendment in question.

To allow residential development of the subject infill lot which will be consistent with the future land use map found in the neighborhood plan.

- (b) Confirmation that the public purpose is best served by the amendment in question.

 The public purpose is served by the proposed map amendment because it will facilitate the addition of needed housing units into the City, specifically housing units that will be affordable and kept affordable in perpetuity by the proposed CC&Rs.
- (c) Compatibility of the proposed amendment with General Plan policies, goals, and objectives.

As noted above, the proposed map amendment does help to implement the overall housing goal of the General Plan. Additional items specific to the neighborhood to consider include the following:

1. The MDR zone permits multi-family dwellings as dense as 30 units per acre. Allowing these higher densities west of State Street could encourage appropriate development of accommodate the population needs in the area necessary to incentivize the desired neighborhood shopping center.

The proposed map amendment supports this goal by providing necessary housing with the intended density in the desired location.

(d) <u>Consistency of the proposed amendment with the General Plan's "timing and sequencing" provisions on changes of use, insofar as they are articulated.</u>

The proposed amendment relates to the zoning of an infill parcel in an established neighborhood. The proposed amendment should not negatively affect the "timing and sequencing" of any General Plan provision.

(e) <u>Potential of the proposed amendment to hinder or obstruct attainment of the General Plan's articulated policies.</u>

It seems unlikely that the proposed zoning would hinder or obstruct attainment of the articulated policies because it is aligned with the intent of the neighborhood plan.

(f) Adverse impacts on adjacent land owners.

The proposed use is consistent with other uses in the area and will likely not create any negative impacts because of the similarity in uses.

(g) <u>Verification of correctness in the original zoning or General Plan for the area in question.</u>

The proper zoning and general plan designation for the area has been thoroughly debated for several years and the desired zoning has been agreed upon. The proposed zoning is consistent with that intent.

(h) <u>In cases where a conflict arises between the General Plan Map and General Plan Policies</u>, precedence shall be given to the Plan Policies.

No such conflict is anticipated as a result of the proposed map amendment.

RECOMMENDATION

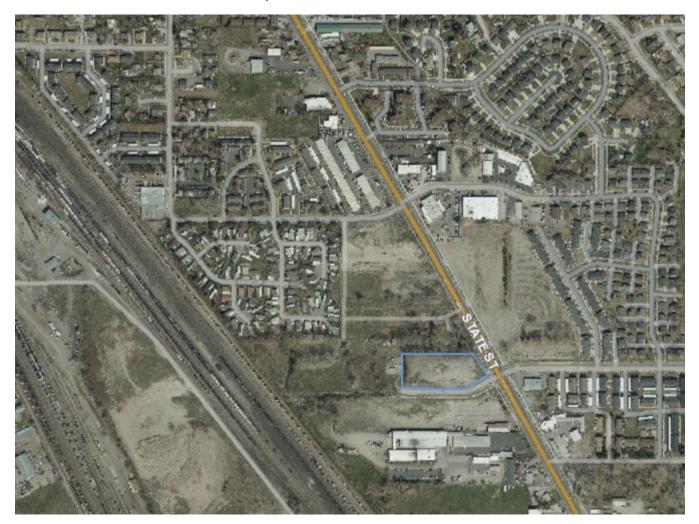
Based on the Findings of Fact and Analysis, staff recommends the Planning Commission approve the requested zone change with the following conditions:

- 1. That at least 60% of the units will be owner-occupied, and
- 2 That each unit will be limited to a family or not more than two adult individuals.

ATTACHMENTS

- 1. Location Map
- 2. Current General Plan Map
- 3. Southeast Neighborhood Plan Future Land Use Map
- 4. Current Zoning Map
- 5. Proposed Zoning Map
- 6. Site Plan
- 7. Development Agreement
- 8. Legal Description

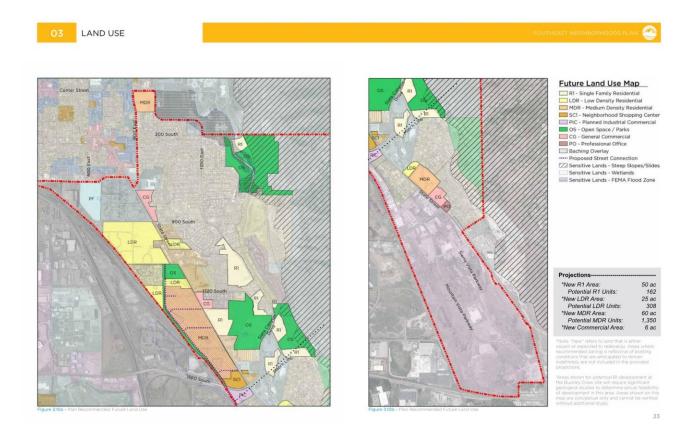
Attachment 1 – Location Map



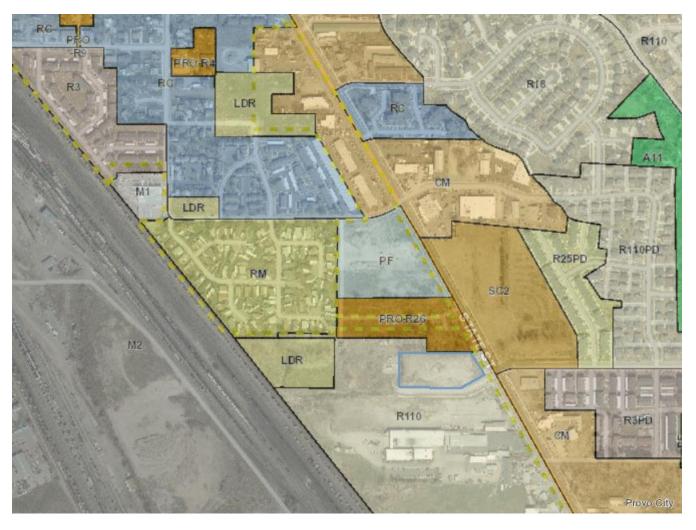
Attachment 2 – Current General Plan Map



Attachment 3 - Future Land Use Map

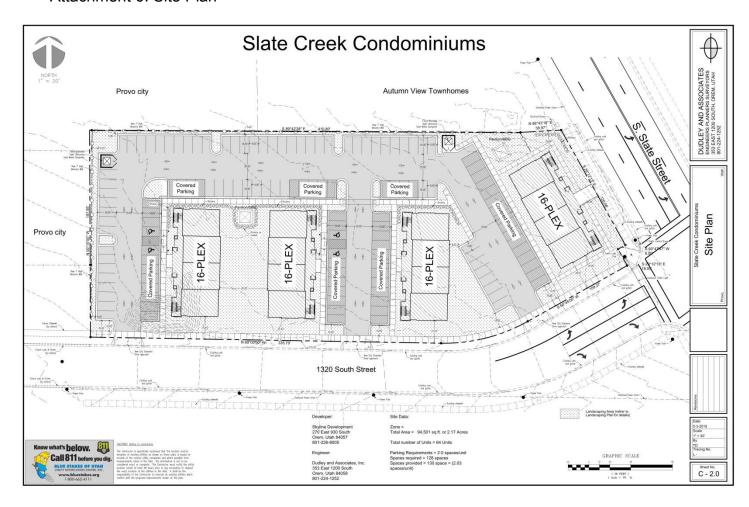


Attachment 4: Current Zoning Map





Attachment 6: Site Plan



Attachment 7: Development Agreement

DEVELOPMENT AGREEMENT

THIS DI	EVELO	PME	ENT	AGREEM	IENT (this	"Agreemen	nt"), dated as	of t	his	
day of										Creek
Condominiums	L.L.C.	a	Utah	Limited	Liability	Company,	("Owner"),	and	Provo	City
("Municipality")										

RECITALS

- A. Owner plans to develop that certain real property in the City of Provo, State of Utah as more particularly described on <u>Exhibit A</u> attached hereto (the "<u>Property</u>").
- B. Owner desires to develop the Property for an affordable housing condo project with approximately 64 condominiums and 133 parking spaces (the "Project").
- C. Owner wishes to enter into an agreement with Provo City to allow the Municipality certain protections in exchange for a slight reduction in required parking that is not required by the nature of the Project and upon all of the terms and subject to the conditions hereinafter set forth.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and Municipality hereby covenant, stipulate, and agree as follows:

- 1 <u>60/40 split</u>. In order to maintain FHA status which is of paramount importance to the Project, FHA requires a project to maintain a ratio of 50% owner-occupied units to 50% investor units. Owner will maintain a ratio of 60% owner-occupied units to 40% investor units.
- 2. <u>HOA Committee.</u> The Neighborhood Chair shall have a seat on the HOA board. This will be extended to any subsequent Neighborhood Chair to allow for the future monitoring of this Agreement.
- 3. <u>Parking Requirement</u>. In consideration of the much needed Affordable Housing Project and due to the nature of the project, the size of the units, an abundance of bicycle parking, motorcycle parking, and affordability in general, in exchange for items 1 and 2, the parking requirement will be reduced to 2.09 spaces per unit, or 133 spaces.
- 4. <u>Term.</u> This Agreement shall commence on the Effective Date and shall run with the land in perpetuity.
- 5. <u>No Personal Liability</u>. In no event shall any member, shareholder, manager, director, officer, employee, representative, attorney, or agent of a party hereto or their respective

Affiliates have any personal liability for the performance of such party's obligations under this Agreement.

6. <u>Cumulative Remedies</u>. The rights and remedies of either party under this Agreement with respect to the occurrence of a Municipality Default or Owner Default (as applicable) are cumulative with, and in addition to, any other right or remedy available to such party at law, in equity, or both.

7. Miscellaneous.

- (a) Governing Law. This Agreement shall be governed by the laws of the State of Utah, without regard for its conflicts of law provisions. The parties hereby consent to the exclusive jurisdiction of, and venue in, the state and federal trial courts located in Utah County, Utah.
- (b) <u>Attorneys' Fees</u>. In the event of any dispute arising in connection with this Agreement, the prevailing party shall be entitled to recover its reasonable attorneys' fees and court costs from the non-prevailing party, in addition to any other relief granted by a court of competent jurisdiction.
- (c) <u>Assignment</u>. Neither party shall assign its rights under this Agreement without the prior written consent of the other party.
- (d) Notices. All notices and other communications under this Agreement shall be in writing and shall be deemed duly given when personally delivered, one day after sent by a reputable national overnight courier service to the address set forth below, or three (3) days after mailing if sent by registered or certified mail, return receipt requested, first class, postage prepaid to the address sent below, or when sent by e-mail at the e-mail address shown below provided that such e-mail is sent during the normal business hours of the party to whom it was sent, and electronic confirmation of the successful transmission of such e-mail is obtained:

If to Owner:

Slate Creek Condominiums LLC

270 E 930 S Orem, UT 84058

If to Muncipality:

Provo City

Each party may change its foregoing notice addresses at any time by notice given in accordance with this Section 15(d).

(e) No Third Party Beneficiary. This Agreement is intended for the benefit of, and shall be enforceable by, the parties hereto, their respective permitted successors and assigns, and not by any third parties.

- (f) <u>Severability</u>. If any provision of this Agreement or the application thereof to any person or circumstances shall be invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provisions to other persons or circumstances shall not be affected thereby and shall be enforceable to the greatest extend permitted by law.
- (g) <u>Burden; Benefit.</u> This Agreement shall be binding upon, and shall inure to the benefit of, the parties hereto and their successors and permitted assigns.
- (h) Entire Agreement. This Agreement, together with any certificates, documents, instruments and writings that are delivered pursuant hereto, constitutes the entire agreement and understanding of the parties in respect of the subject matter hereof and supersedes all prior understandings, agreements or representations by or among the parties, written or oral, to the extent they relate in any way to the subject matter hereof. The section headings contained in this Agreement are inserted for convenience only and will not affect in any way the meaning or interpretation of this Agreement.
- (i) <u>Force Majeure</u>. In discharging its duties as set forth in this Agreement, Developer shall be held to a standard of reasonableness and shall not be liable to Owner for matters outside its control, including but not limited to acts of God, civil riot, war, strikes, labor unrest or shortage of material.
- (j) Amendment; Extension; Waiver. No amendment, modification, waiver, replacement, termination or cancellation of any provision of this Agreement will be valid, unless the same is in writing and signed by the parties hereto. Each waiver of a right hereunder does not extend beyond the specific event or circumstance giving rise to the right. No waiver by any party of any default, misrepresentation or breach of warranty or covenant hereunder, whether intentional or not, may be deemed to extend to any prior or subsequent default, misrepresentation or breach of warranty or covenant hereunder or affect in any way any rights arising because of any prior or subsequent such occurrence. Neither the failure nor any delay on the part of any party to exercise any right or remedy under this Agreement will operate as a waiver thereof, nor does any single or partial exercise of any right or remedy preclude any other or further exercise of the same or of any other right or remedy.
- (k) <u>Counterparts</u>. This Agreement may be executed in counterparts, and each such counterpart shall be deemed to be an original instrument, but all such counterparts together shall constitute but one agreement. This Agreement may be executed and delivered in counterpart signature pages executed and delivered via facsimile, e-mail or otherwise, and any such counterpart executed and delivered via facsimile, e-mail or otherwise shall be deemed an original for all intents and purposes.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first written above.

3

OWNER:

By:	
MUNICIPALITY:	
Provo City	
Ву:	

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4

EXHIBIT A Legal Description of Property

5

Planning Commission Staff Report May 22, 2019 Item 5* Page 17

Attachment 8: Legal Description

Legal description

COM S 631.27 FT & W 328.28 FT FR NE COR. SEC. 18, T7S, R3E, SLB&M.; N 0 DEG 15' 0" W 197.95 FT; S 89 DEG 42' 16" E 2.01 FT; S 89 DEG 42' 38" E 410.8 FT; N 86 DEG 43' 15" E 22.5 FT; S 28 DEG 59' 59" E 151.29 FT; S 60 DEG 45' 0" W 101.94 FT; ALONG A CURVE TO R (CHORD BEARS: S 75 DEG 52' 31" W 85.58 FT, RADIUS = 164.16 FT); N 89 DEG 0' 0" W 335.86 FT TO BEG. AREA 2.125 AC

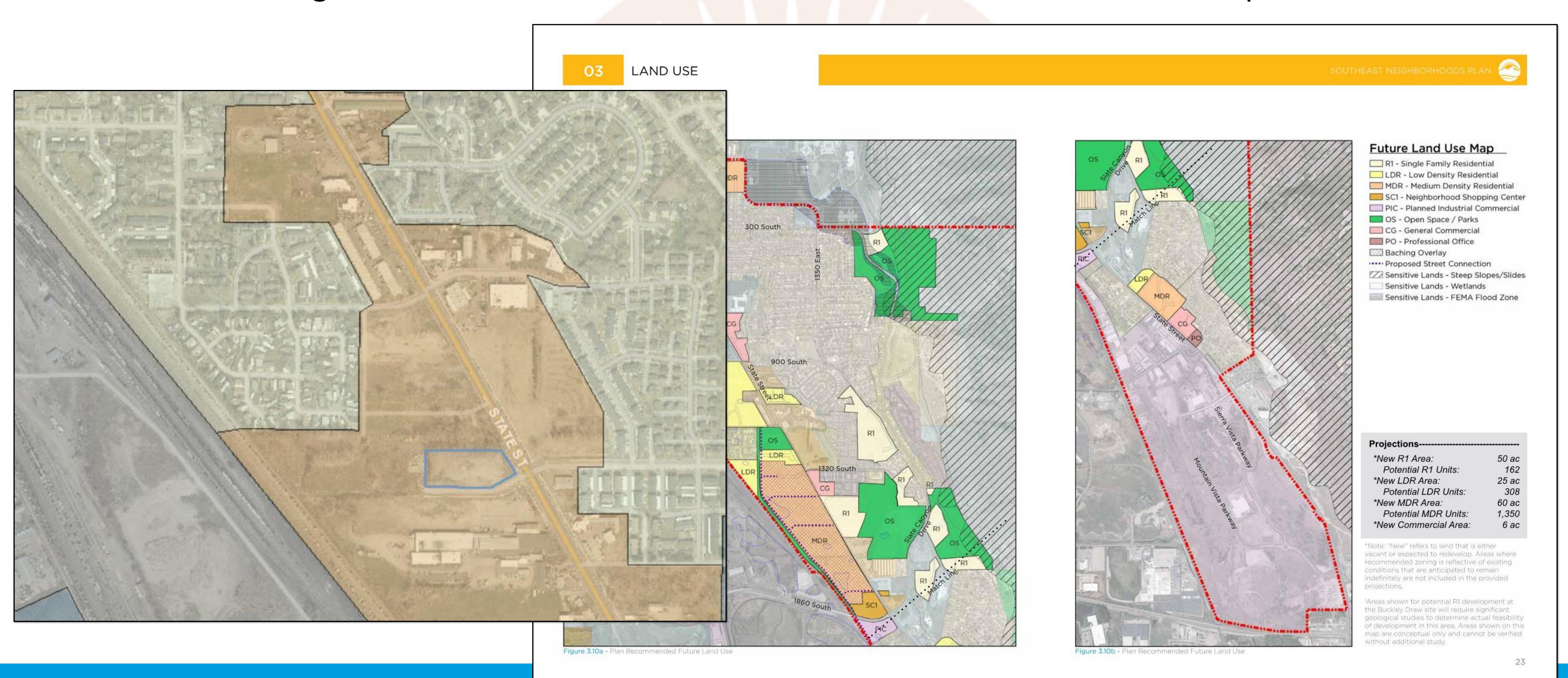
Brady Deucher requests a Zone Change from R1.10 to Medium Density Residential for approximately 2.1 acres located at 1320 S State Street.

Spring Creek neighborhood PLRZ20190100



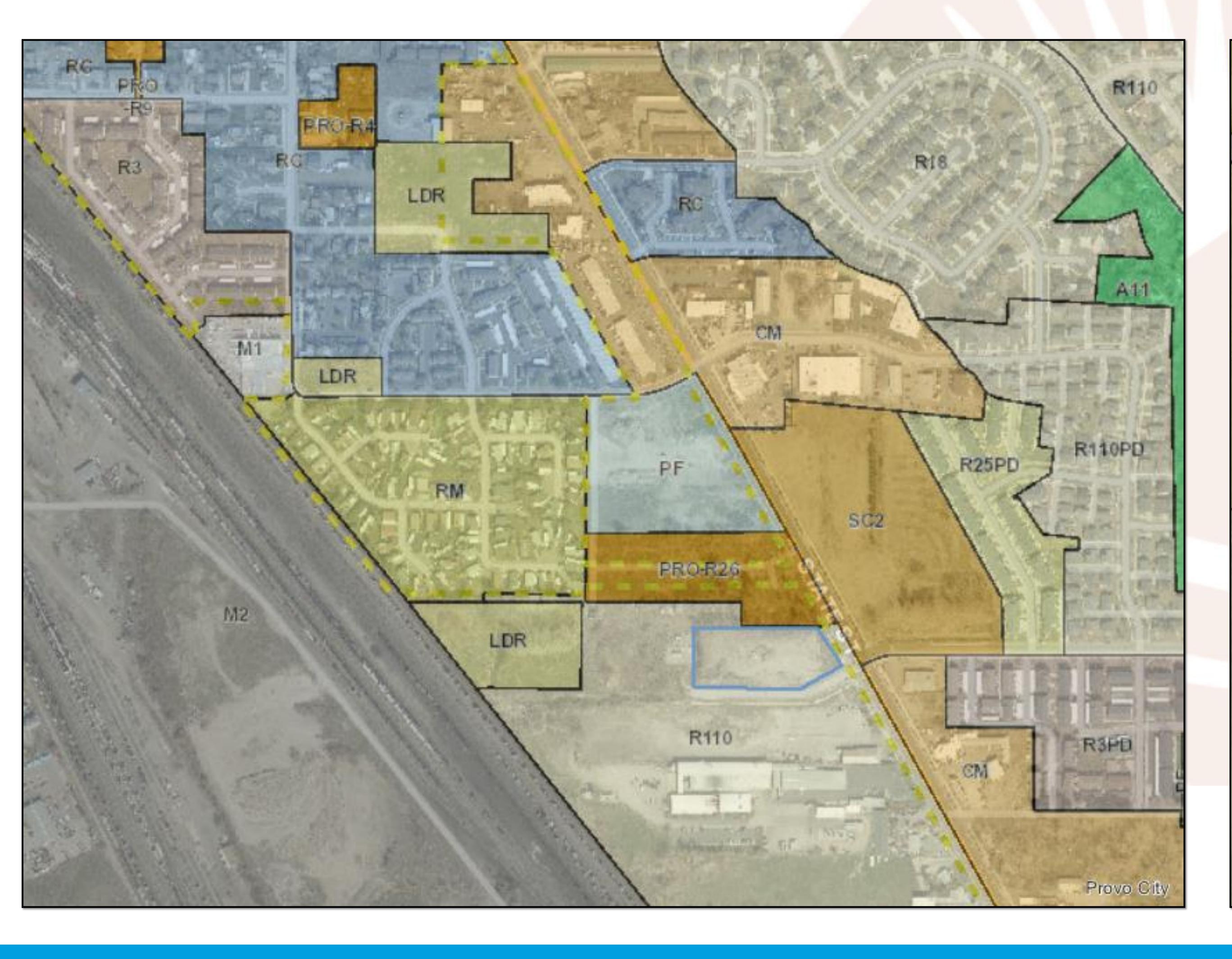
Current GP Designation – Mixed Use

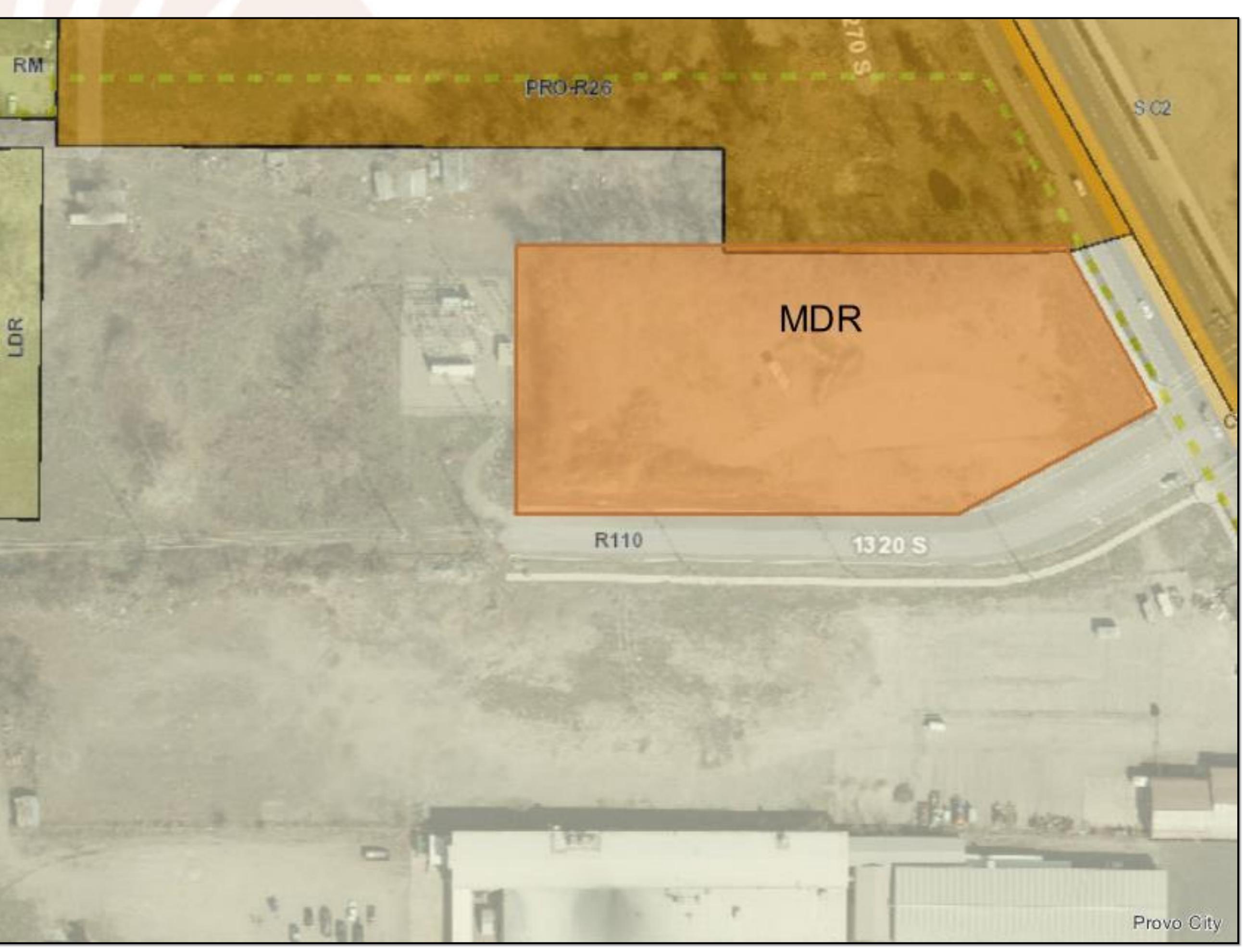
Future Land Use Map — MDR

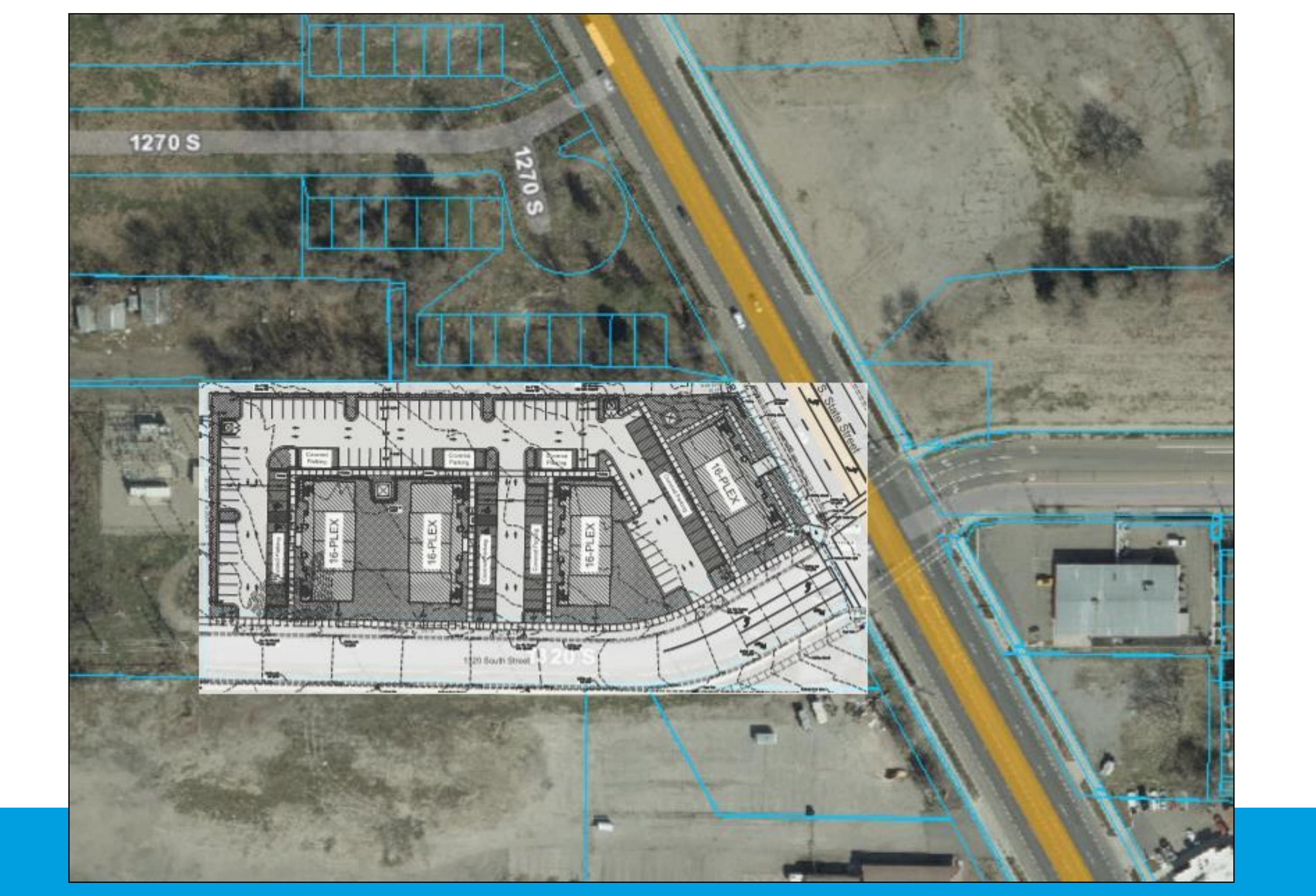


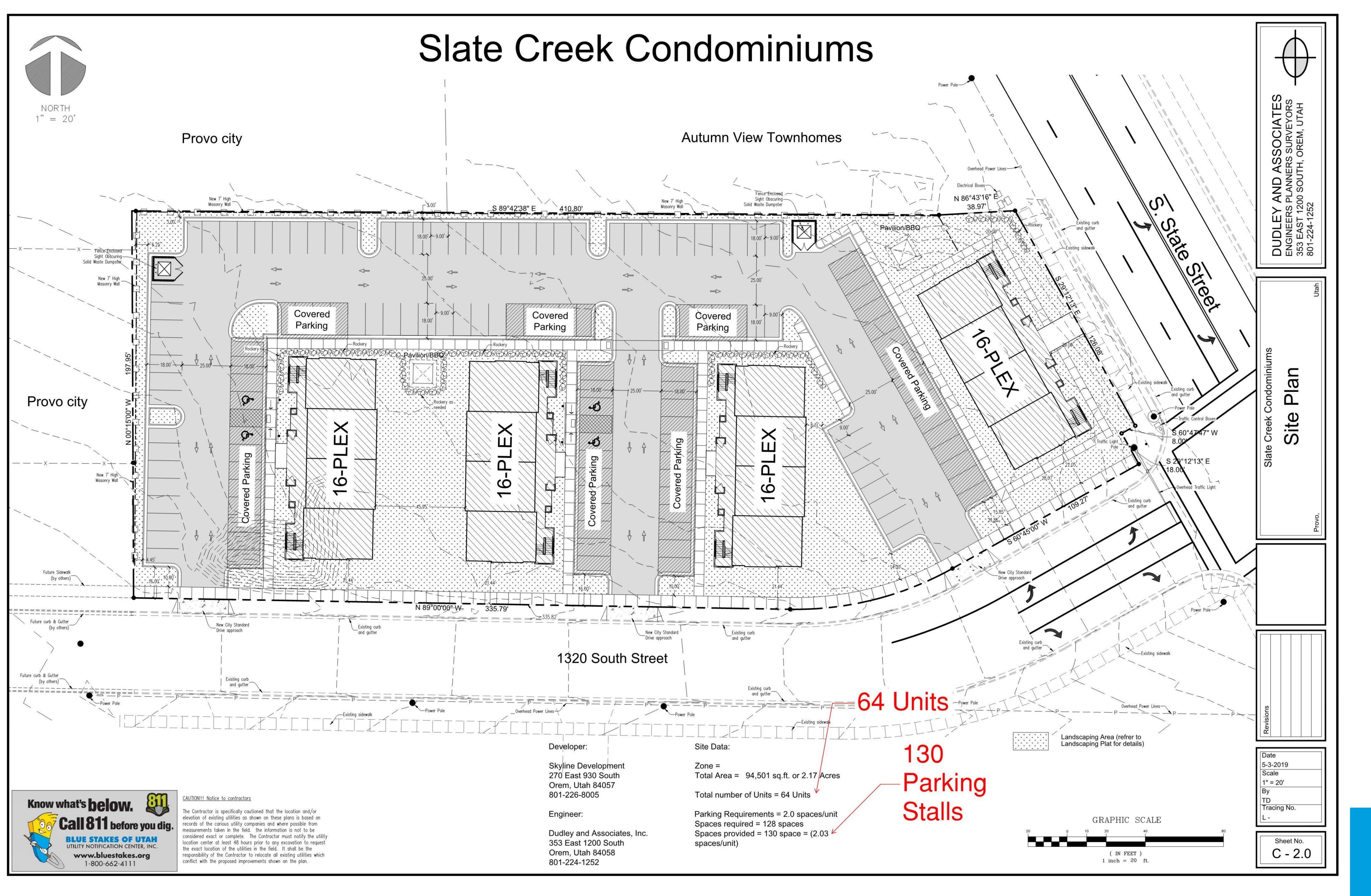
Existing Zoning – R1.10

Proposed Zoning – MDR

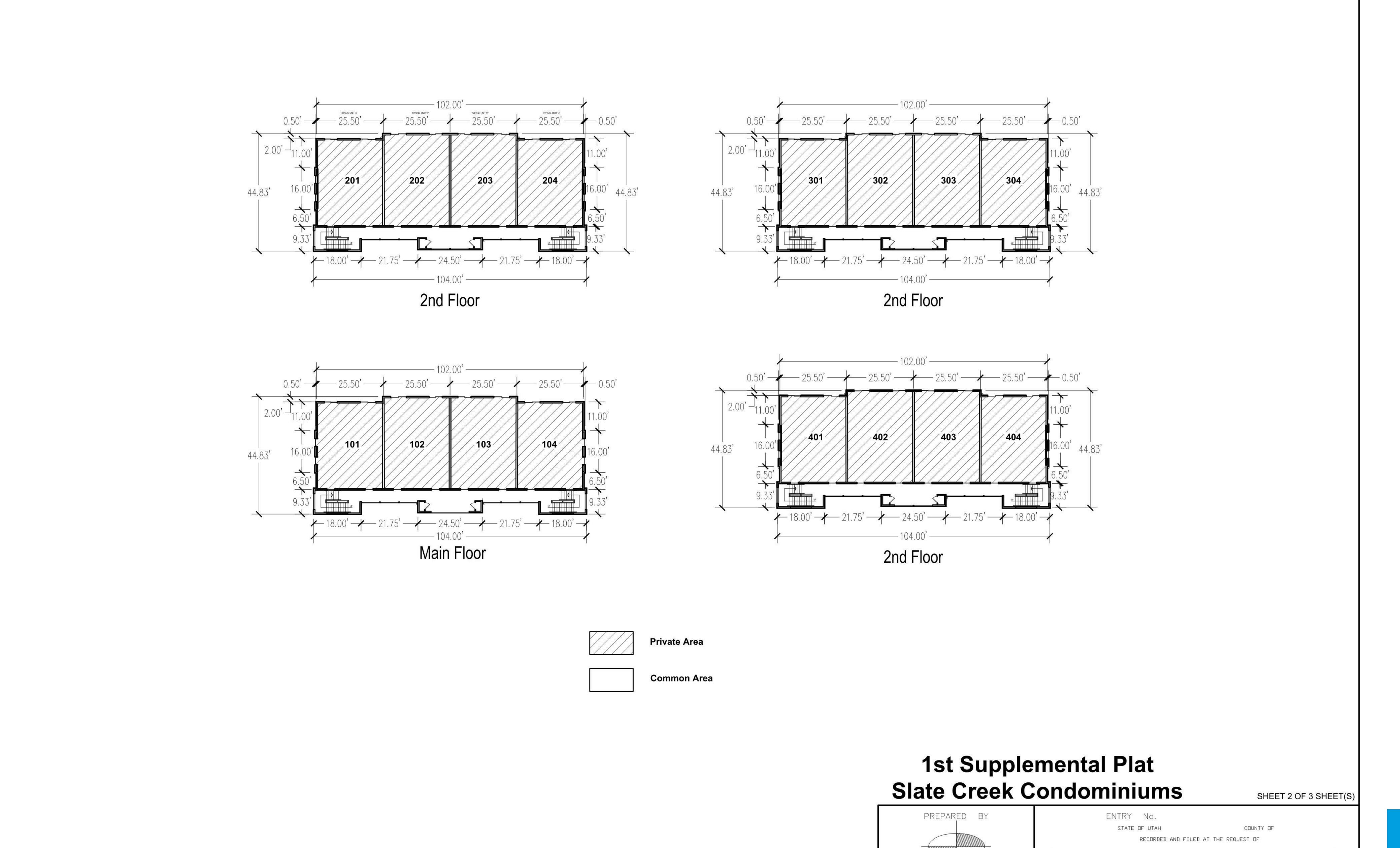








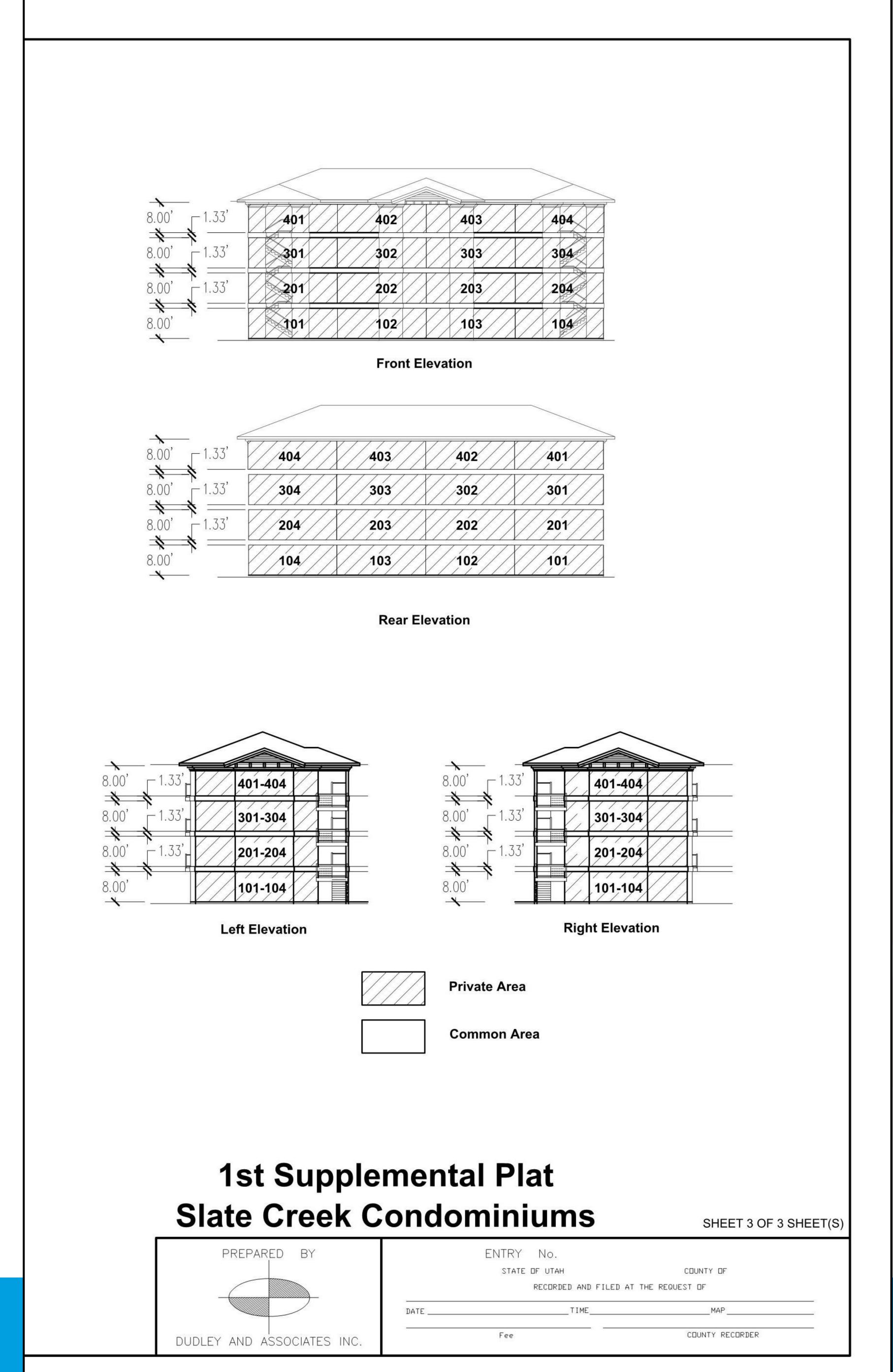
- 4 four-story buildings
- 4 units per floor (64 units)
- Two bed/one bath per unit
- 130 parking stalls (2.03 stalls/unit)
- 60% to beowner-occupied



Floor Plans

COUNTY RECORDER

DUDLEY AND ASSOCIATES INC.



Elevations

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement"), dated as of this day of _____, 2019 (the "Effective Date"), is made and entered into between Slate Creek Condominiums L.L.C. a Utah Limited Liability Company, ("Owner"), and Provo City ("Municipality").

RECITALS

- A. Owner plans to develop that certain real property in the City of Provo, State of Utah as more particularly described on Exhibit A attached hereto (the "Property").
- B. Owner desires to develop the Property for an affordable housing condo project with approximately 64 condominiums and 133 parking spaces (the "Project").
- C. Owner wishes to enter into an agreement with Provo City to allow the Municipality certain protections in exchange for a slight reduction in required parking that is not required by the nature of the Project and upon all of the terms and subject to the conditions bereinafter set forth

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing premises, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Owner and Municipality hereby covenant, stipulate, and agree as follows:

- 1 60/40 split. In order to maintain FHA status which is of paramount importance to the Project, FHA requires a project to maintain a ratio of 50% owner-occupied units to 50% investor units. Owner will maintain a ratio of 60% owner-occupied units to 40% investor units.
- HOA Committee. The Neighborhood Chair shall have a seat on the HOA board.
 This will be extended to any subsequent Neighborhood Chair to allow for the future monitoring of this Agreement.
- 3. <u>Parking Requirement</u>. In consideration of the much needed Affordable Housing Project and due to the nature of the project, the size of the units, an abundance of bicycle parking, motorcycle parking, and affordability in general, in exchange for items 1 and 2, the parking requirement will be reduced to 2.09 spaces per unit, or 133 spaces.
- 4. <u>Term.</u> This Agreement shall commence on the Effective Date and shall run with the land in perpetuity.
- 5. <u>No Personal Liability</u>. In no event shall any member, shareholder, manager, director, officer, employee, representative, attorney, or agent of a party hereto or their respective

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I liability for the performance of such party's obligations under this

Remedies. The rights and remedies of either party under this the occurrence of a Municipality Default or Owner Default (as with, and in addition to, any other right or remedy available to such oth.

ng Law. This Agreement shall be governed by the laws of the State r its conflicts of law provisions. The parties hereby consent to the law venue in, the state and federal trial courts located in Utah County,

vs' Fees. In the event of any dispute arising in connection with this party shall be entitled to recover its reasonable attorneys' fees and revailing party, in addition to any other relief granted by a court of

nent. Neither party shall assign its rights under this Agreement nsent of the other party.

All notices and other communications under this Agreement shall be med duly given when personally delivered, one day after sent by a t courier service to the address set forth below, or three (3) days after or certified mail, return receipt requested, first class, postage prepaid or when sent by e-mail at the e-mail address shown below provided ing the normal business hours of the party to whom it was sent, and he successful transmission of such e-mail is obtained:

Slate Creek Condominiums LLC

270 E 930 S Orem, UT 84058

Provo City

foregoing notice addresses at any time by notice given in accordance

d Party Beneficiary. This Agreement is intended for the benefit of, and snan be emorecable by, the parties hereto, their respective permitted successors and assigns, and not by any third parties.

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ability. If any provision of this Agreement or the application thereof to ces shall be invalid or unenforceable to any extent, the remainder of this

n; Benefit. This Agreement shall be binding upon, and shall inure to hereto and their successors and permitted assigns.

cation of such provisions to other persons or circumstances shall not be

be enforceable to the greatest extend permitted by law.

re Agreement. This Agreement, together with any certificates, and writings that are delivered pursuant hereto, constitutes the entire ding of the parties in respect of the subject matter hereof and supersedes agreements or representations by or among the parties, written or oral, any way to the subject matter hereof. The section headings contained erted for convenience only and will not affect in any way the meaning greement.

Majeure. In discharging its duties as set forth in this Agreement, to a standard of reasonableness and shall not be liable to Owner for l, including but not limited to acts of God, civil riot, war, strikes, labor erial.

ndment; Extension; Waiver. No amendment, modification, waiver, or cancellation of any provision of this Agreement will be valid, unless d signed by the parties hereto. Each waiver of a right hereunder does ecific event or circumstance giving rise to the right. No waiver by any srepresentation or breach of warranty or covenant hereunder, whether deemed to extend to any prior or subsequent default, misrepresentation covenant hereunder or affect in any way any rights arising because of such occurrence. Neither the failure nor any delay on the part of any t or remedy under this Agreement will operate as a waiver thereof, nor exercise of any right or remedy preclude any other or further exercise or right or remedy.

terparts. This Agreement may be executed in counterparts, and each deemed to be an original instrument, but all such counterparts together agreement. This Agreement may be executed and delivered in ses executed and delivered via facsimile, e-mail or otherwise, and any d and delivered via facsimile, e-mail or otherwise shall be deemed an purposes.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the date first written above.

OWNER:

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Proposed Development Agreement

- Sixty percent (60%) of units to be owner occupied
- Verbally committed to only two (2) adults per unit
- Neighborhood Chair will have seat on HOA Committee
- Applicant will provide ample bicycle parking and 133 parking stalls

Provo City Planning Commission

Report of Action

May 22, 2019

Item 5* Brady Deucher requests a Zone Change from R1.10 to Medium Density Residential for approximately 2.1 acres located at 1320 S State Street. Spring Creek neighborhood. Robert Mills (801) 852-6407 PLRZ20190100

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 22, 2019:

CONTINUE

On a vote of 4:0:1, the Planning Commission continued the item to the June 12, 2019 Planning Commission Hearing.

Motion By: Andrew Howard Second By: Shannon Ellsworth

Votes in Favor of Motion: Dave Anderson, Shannon Ellsworth, Andrew Howard, Robert Knudsen

Abstaining: Russell Phillips

Dave Anderson was present as Acting Chair.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- The proposed zone is consistent with the General Plan and the Southeast Provo Neighborhoods Future Land Use Map.
- The proposed project will consist of 64 two-bedroom condo units offered for sale.
- The applicant has submitted concurrent applications for a text amendment to allow for parking reductions for affordable residential projects and a Project Plan.

NEIGHBORHOOD MEETING DATE

• A neighborhood meeting was held on April 4, 2019.

NEIGHBORHOOD AND PUBLIC COMMENT

 Multiple Neighborhood Chair(s) were present or addressed the Planning Commission. The Spring Creek Neighborhood Chair was generally supportive of the proposed zone change and project, but had concerns about the parking reduction and long-term affordability. The Edgemont and Riverbottoms Neighborhood Chairs also spoke and expressed general support for the proposed condo project, but had concerns with the proposed parking reduction amendment.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- They have been able to construct this product in other cities with great success.
- The project will be compliant with House Bill 34 (HB34).
- The project will have very strong Covenants, Conditions and Restrictions (CC&Rs) to limit occupancy and to keep the project FHA compliant in perpetuity.
- The HOA will hire a management company to enforce the CC&Rs.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

Discussion among planning commission members focused on the parking reduction request and the affordability of the project in perpetuity. The members felt that additional time was needed in order to help resolve the concerns discussed.



Director of Community Development

See Key Land Use Policies of the Provo City General Plan, applicable Titles of the Provo City Code, and the Staff Report to the Planning Commission for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

Legislative items are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) may be appealed by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, within fourteen (14) calendar days of the Planning Commission's decision (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS



Planning Commission Hearing Staff Report

Hearing Date: May 22, 2019

ITEM 7*

Brady Deucher requests an Ordinance Text Amendment to Section 14.37.050 to allow the city to consider parking reductions for affordable housing development. City-wide application. Robert Mills (801) 852-6407 PLOTA20190170

Applicant: Brady Deucher

Staff Coordinator: Robert Mills

Property Owner: DPI **DURRVANA LC**

Parcel ID#: 22:051:0061 Acreage: 2.12 acres Number of Properties: 1

Number of Lots: 1

Current General Plan Designation:

Mixed Use (M)

Current Zoning: R1.10 Residential

(R1.10)

Proposed Zoning: Medium Density

Residential (MDR)

*Council Action Required: Yes

ALTERNATIVE ACTIONS

- 1. **Continue** to a future date to obtain additional information or to further consider information presented. The next available meeting date is June 12, 2019.
- 3. **Deny** the requested Project Plan. This action would not be consistent with the recommendations of the Staff Report. The Planning Commission should state new findings.

Relevant History: Currently, Section 14.37.050 allows an applicant to seek a reduction in the number of required off-street parking stalls for commercial, industrial or public facility uses by applying for a Conditional Use Permit based on a parking count justification study. Residential uses are specifically prohibited from seeking a reduction.

The applicant has proposed an affordable housing project with a reduced number of parking stalls to help defray some of the building cost and keep the project affordable; however, in order to reduce the parking requirement, a change to current code would be required.

Neighborhood Issues: This is a city-wide application. Two neighborhood chairs have asked to review the proposed amendment, with one of the two voicing opposition.

Summary of Key Issues:

The code does not currently allow for a reduction in parking for residential projects outside of the Downtown areas.

Staff Recommendation: Staff recommends forwarding a positive recommendation of the language proposed in Attachment 2 relating to reductions in off-street parking requirements for affordable housing projects.

This action would be consistent with the recommendations of the Staff Report.

<u>OVERVIEW</u>

The proposed ordinance amendment is the result of the applicant seeking to construct an affordable housing project in a proposed MDR zone in Southeast Provo in the Spring Creek neighborhood.

The proposed project will allow a new multi-family housing project consisting of 64, two-bedroom condominium units divided among four, four-story buildings with four units per floor. The applicant is proposing to provide 130 parking stalls, which is below the minimum required by the proposed zone; however, Provo City Code does not currently allow a reduction in off-street parking requirements for residential projects outside of the Downtown area.

In order to create a mechanism to allow for a reduction in off-street parking requirements, the applicant has proposed striking the references to land uses allowed to receive the reduction in Section 14.37.050. This would provide a way for the applicant to receive a reduction. Staff has included the applicant's proposed amendment language in Attachment 1.

Staff, however, feels the proposed language may be too broad and provides no incentive for an applicant to provide affordable housing. Consequently, staff has provided alternative suggested language in Attachment 2 which limits the applicability of a parking reduction to projects meeting the criteria to be considered affordable housing, as defined by staff's proposed definition to apply to this section.

FINDINGS OF FACT

- 1. Section 14.37.050 of the Provo City Code provides details of reducing offstreet parking standards.
- 2 Section 14.37.050 specifically prohibits residential uses from receiving reductions.

Analysis

Staff recognizes the additional cost off-street parking can add to a residential project and can envision instances where it would be prudent to have a mechanism to reduce the required off-street parking requirements in order to make the project more affordable for households. However, there should be requirements on the reduction that provides a community benefit in exchange for the decreased number of off-street parking stalls. Staff feels that providing housing that is affordable to households in the area is an acceptable community benefit. To provide clarification, staff suggests adopting the following definition of affordable housing as it relates to Section 14.37.050 of the Provo City Code:

For purposes of this section, affordable housing shall be defined as the maximum mortgage or rent payment for any unit in the proposed development which is designated as "affordable" shall not exceed 30 percent (30%) of the gross monthly income of households earning 100 percent (100%) of the median household income for Provo City, as calculated by the U.S. Census Bureau.

RECOMMENDATION

Based on the Findings of Fact and Analysis, staff recommends the Planning Commission recommend the City Council approve the proposed ordinance amendment found in Attachment 2 which limits residential projects that can apply for an off-street parking reduction to those meeting the definition of affordable housing:

1. That all CRC comments are adequately resolved prior to building permit approval for the proposed development.

ATTACHMENTS

- 1. Applicant's Proposed Text Amendment
- 2. Staff's Revised Text Amendment

Attachment 1 – Applicant's Proposed Text Amendment

14.37.050 Reduction in Off-street Parking Requirements | Provo City Code

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14.37.050

Reduction in Off-street Parking Requirements.

- (1) Purpose and Intent. The Provo City General Plan encourages the application of transportation demand management strategies to reduce traffic congestion and to lessen the amount of land that must be devoted to parking for commercial, industrial, or public facility uses. Accordingly, the purpose of this Section is to allow flexibility in off-street parking requirements for commercial, industrial or public facility uses based on the standards set forth herein. This Section shall not be used to reduce parking requirements for residential uses.
- (2) Reduction of Off-street Parking in Central Business District. The Municipal Council finds that the special character and needs of the Central Business District of the city require special requirements for off-street parking in that district. Within the Central Business District zone, the number of off-street parking spaces otherwise required by this Chapter may be reduced by fifty percent (50%) upon approval by the Planning Commission subject to the standards set forth in this Section. The Central Business District is the area within the following boundaries: Commencing at the intersection of 500 West Street and 100 South Street; thence East to the intersection of University Avenue and 100 South Street; thence North to the intersection of University Avenue and Center Street; thence East to the intersection of Center Street and 100 East Street; thence North to the intersection of 100 East Street and 100 North Street; thence West to the intersection of 100 North Street and University Avenue; thence North to the intersection of 200 North Street and University Avenue; thence West to the intersection of 300 West Street; thence West to the intersection of 100 North Street and 500 West Street; thence South to the intersection of 500 West Street; thence South to the point of beginning.
- (3) Reduction in Off-street Parking Based on Parking Count Justification Study.
 - (a) Subject to the requirements of this Subsection and Section <u>14.02.040</u>, Provo City Code, the Planning Commission may issue a conditional use permit to reduce off-street parking required under Section <u>14.37.060</u>, Provo City Code, for any use located on a lot within a commercial, industrial, or public facility zoning district.
 - (b) In addition to the application materials required for a conditional use permit, an applicant shall submit a parking count justification study prepared by a transportation planner, traffic consultant, licensed engineer, or architect. Such study shall include the following information:
 - (i) Calculation of the number of off-street parking spaces required by Chapter <u>14.37</u>, Provo City Code for the use proposed.
 - (ii) Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use therein.

- (iii) A reasonable conversion of gross floor area to net available floor area within existing and proposed development that accounts for such factors as wall thickness, corridors, and other portions of the development that do not generate parking demand.
- (iv) A copy of the lot or business owner's plans to operate a transportation demand management program that provides incentives for employee use of transportation modes other than single occupancy vehicles.
- (v) Trip generation rates expected for the uses within the existing and proposed development.
- (vi) If the development is an expansion of an existing use, or if a similar facility exists elsewhere in Utah, historical data indicating parking lot usage experience at the existing development or facility.
- (vii) The lot or business owner's plan to reasonably provide alternative solutions to off-street parking on the lot. Such alternative solutions may include, but shall not be limited to, off-site park-and-ride lots with shuttle bus or van transportation to the lot.
- (c) Following consideration of a conditional use permit application, the Planning Commission may approve a conditional use permit reducing the parking otherwise required by this Chapter 14.37, Provo City Code, subject to the following:
 - (i) Adoption of findings that the conditional use meets the requirements of Section 14.02.040(2), Provo City Code.
 - (ii) Adoption of findings that the parking justification study reasonably reflects expected parking demand.
 - (iii) Recordation of a development agreement between the property owner and Provo City governing the provision of parking on the subject lot. Such agreement shall include provisions for:
 - (A) Monitoring of parking lot adequacy on at least an annual basis, and
 - (B) Construction of additional parking spaces, implementation of parking demand mitigation measures, or compliance with the usual Provo City Code parking standards if trip generation rates for uses within the development change from that set forth in the parking count justification study.
- (d) If the Planning Commission reasonably determines at a future date that parking on a lot is insufficient, or that demand exceeds ninety percent (90%) of parking lot capacity as measured over a given two (2) week period, the property owner shall provide additional parking spaces to

14.37.050 Reduction in Off-street Parking Requirements | Provo City Code

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meet the then required parking standard or shall take other mitigating actions as reasonably determined by the Planning Commission to meet the purpose of this Section.

(Am 1990-01, Am 1995-22, Am 1998-30)

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Attachment 2 – Staff's Revised Text Amendment

14.37.050 Reduction in Off-street Parking Requirements | Provo City Code

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14.37.050

Reduction in Off-street Parking Requirements.

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- (2) Reduction of Off-street Parking in Central Business District. The Municipal Council finds that the special character and needs of the Central Business District of the city require special requirements for off-street parking in that district. Within the Central Business District zone, the number of off-street parking spaces otherwise required by this Chapter may be reduced by fifty percent (50%) upon approval by the Planning Commission subject to the standards set forth in this Section. The Central Business District is the area within the following boundaries: Commencing at the intersection of 500 West Street and 100 South Street; thence East to the intersection of University Avenue and 100 South Street; thence North to the intersection of University Avenue and Center Street; thence East to the intersection of Center Street and 100 East Street; thence North to the intersection of 100 North Street and University Avenue; thence North to the intersection of 200 North Street and University Avenue; thence West to the intersection of 300 West Street and 200 North Street; thence South to the intersection of 100 North Street and 500 West Street; thence South to the point of beginning.
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 - (b) In addition to the application materials required for a conditional use permit, an applicant shall submit a parking count justification study prepared by a transportation planner, traffic consultant, licensed engineer, or architect. Such study shall include the following information:

- (i) Calculation of the number of off-street parking spaces required by Chapter <u>14.37</u>, Provo City Code for the use proposed.
- (ii) Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use therein.
- (iii) A reasonable conversion of gross floor area to net available floor area within existing and proposed development that accounts for such factors as wall thickness, corridors, and other portions of the development that do not generate parking demand.
- (iv) A copy of the lot or business owner's plans to operate a transportation demand management program that provides incentives for employee use of transportation modes other than single occupancy vehicles.
- (v) Trip generation rates expected for the uses within the existing and proposed development.
- (vi) If the development is an expansion of an existing use, or if a similar facility exists elsewhere in Utah, historical data indicating parking lot usage experience at the existing development or facility.
- (vii) The lot or business owner's plan to reasonably provide alternative solutions to off-street parking on the lot. Such alternative solutions may include, but shall not be limited to, off-site park-and-ride lots with shuttle bus or van transportation to the lot.
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 - (ii) Adoption of findings that the parking justification study reasonably reflects expected parking demand.
 - (iii) Recordation of a development agreement between the property owner and Provo City governing the provision of parking on the subject lot. Such agreement shall include provisions for:
 - (A) Monitoring of parking lot adequacy on at least an annual basis, and
 - (B) Construction of additional parking spaces, implementation of parking demand mitigation measures, or compliance with the usual Provo City Code parking standards if trip generation rates for uses within the development change from that set forth in the parking count justification study.

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(d) If the Planning Commission reasonably determines at a future date that parking on a lot is insufficient, or that demand exceeds ninety percent (90%) of parking lot capacity as measured over a given two (2) week period, the property owner shall provide additional parking spaces to meet the then required parking standard or shall take other mitigating actions as reasonably determined by the Planning Commission to meet the purpose of this Section.

(Am 1990-01, Am 1995-22, Am 1998-30)

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From: Provo Riverbottoms [mailto:riverbottomsnhc@gmail.com]

Sent: Tuesday, May 21, 2019 10:56 AM

To: Robert Mills

Subject: Re: Correspondence from City of Provo - Notice of Land Use Application

Robert,

Thank you for the staff report. I have read it and still have concerns that we are modifying a city wide ordinance. I don't agree with this action. I do think the planning commission and council could consider a change for this particular development without changing the ordinance through the use of a SPD for the sight. I am not sure I understand how this development is classified as low income housing when 60% is owner occupied. How will the city enforce the low income status with rentals and owner occupancy? How will they enforce rentals to meet the requirements?

Dave Rosen

On May 16, 2019, at 10:57 AM, Robert Mills < rmills@provo.org > wrote:

Thanks for your email Dave—

I've attached the staff report for the item that includes both the language the applicant has proffered and the language that Community Development would support.

Please let me know if you have any additional questions or concerns.

Thanks, Robert

<image001.png>

From: Provo Riverbottoms [mailto:riverbottomsnhc@gmail.com]

Sent: Wednesday, May 15, 2019 2:01 PM

To: Robert Mills

Subject: Fwd: Correspondence from City of Provo - Notice of Land Use Application

Robert,

Would you please send me information on this request. I would like to voice my input on this issue. I am not in favor of this becoming a City wide change for a specific project use. The city already has minimal parking requirements in my opinion and this request will further reduce those requirements. Given that, I will hold open my voice against this request until I have read the materials submitted with the request.

Thank you,

Dave Rosen

Begin forwarded message:

From: donotreply@provo.org

Date: May 13, 2019 at 5:29:40 PM MDT

To: riverbottomsnhc@gmail.com

Subject: Correspondence from City of Provo - Notice of Land Use Application

Please see attached document.

This email was sent from City of Provo. <Item 7 Staff Report - PC 5.22.19.pdf>

Brady Deucher requests an Ordinance Text Amendment to Section 14.37.050 to allow the city to consider parking reductions for affordable housing developments.

City-wide application PLOTA20190170

14.37.050

Reduction in Off-street Parking Requirements.

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- (iii) A reasonable conversion of gross floor area to net available floor area within existing and proposed development that accounts for such factors as wall thickness, corridors, and other portions of the development that do not generate parking demand.
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Reduction in Off-street Parking Requirements.

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 - (iii) Recordation of a development agreement between the property owner and Provo City governing the provision of parking on the subject lot. Such agreement shall include provisions for:
 - (A) Monitoring of parking lot adequacy on at least an annual basis, and
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(d) If the Planning Commission reasonably determines at a future date that parking on a lot is insufficient, or that demand exceeds ninety percent (90%) of parking lot capacity as measured over a given two (2) week period, the property owner shall provide additional parking spaces to meet the then required parking standard or shall take other mitigating actions as reasonably determined by the Planning Commission to meet the purpose of this Section.

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- Limits projects that are eligible to receive a parking reduction through a conditional use permit (CUP) to those which meet the definition of "affordable housing" that pertains to this section.
- Defines "affordable housing" as follows: "The maximum mortgage or rent payment for any unit in the proposed development which is designated as 'affordable' shall not exceed 30 percent (30%) of the gross monthly income of households earning 100 percent (100%) of the median household income for Provo City, as calculated by the U.S. Census Bureau."

Provo City Planning Commission

Report of Action

May 22, 2019

Item 7* Brady Deucher requests an Ordinance Text Amendment to Section 14.37.050 to allow the City to consider parking reductions for affordable housing developments. City-wide application. Robert Mills (801) 852-6407 PLOTA20190170

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 22, 2019:

CONTINUE

On a vote of 5:0, the Planning Commission continued the item to the June 12, 2019 Planning Commission Hearing.

Motion By: Shannon Ellsworth Second By: Andrew Howard

Votes in Favor of Motion: Dave Anderson, Shannon Ellsworth, Andrew Howard, Robert Knudsen, Russell Phillips

Dave Anderson was present as Acting Chair.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. Key points addressed in the Staff's presentation to the Planning Commission included the following:

- Current City code does not have a mechanism for granting a parking reduction for residential projects outside the ITOD and Downtown zones.
- The proposed amendment would allow residential development projects, which meet the proposed definition to be affordable, to apply for a Conditional Use Permit to reduce the off-street parking requirement based on a parking justification study.
- Staff has provided alternative language and a definition for "affordable" as an alternative for consideration.
- The proposed project will consist of 64, two-bedroom condominium units offered for sale.
- The applicant has submitted concurrent applications for a text amendment to allow for parking reductions for affordable residential projects and a Project Plan.

NEIGHBORHOOD MEETING DATE

• A neighborhood meeting was held on April 4, 2019.

NEIGHBORHOOD AND PUBLIC COMMENT

• Multiple Neighborhood Chair(s) were present or addressed the Planning Commission. The Spring Creek Neighborhood Chair was generally supportive of the proposed zone change and project, but had concerns about the parking reduction and long-term affordability. The Edgemont and Riverbottoms Neighborhood Chairs also spoke

and expressed general support for the proposed condo project, but had concerns with the proposed parking reduction amendment.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- They have been able to construct this product in other cities with great success.
- The project will be compliant with House Bill 34 (HB34).
- The project will have very strong Covenants, Conditions and Restrictions (CC&Rs) to limit occupancy and to keep the project FHA compliant in perpetuity.
- The HOA will hire a management company to enforce the CC&Rs.
- The other projects have many excess stalls which is why the parking can be reduced.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

 Discussion among planning commission members focused on the parking reduction request and the affordability of the project in perpetuity. The members felt that additional time was needed in order to help resolve the concerns discussed.



Director of Community Development

See <u>Key Land Use Policies of the Provo City General Plan</u>, applicable <u>Titles of the Provo City Code</u>, and the <u>Staff Report to the Planning Commission</u> for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

<u>Legislative items</u> are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.

Administrative decisions of the Planning Commission (items not marked with an asterisk) **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees, to the Community Development Department, 330 West 100 South, Provo, Utah, **within fourteen (14) calendar days of the Planning Commission's decision** (Provo City office hours are Monday through Thursday, 7:00 a.m. to 6:00 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS



Planning Commission Hearing Staff Report Hearing Date: May 22, 2019

*ITEM 1 The Community Development Department requests Ordinance Text Amendments to consolidate Chapter 14.30 S-Supplementary Residential Overlay Zone with Chapter 14.46 A-Accessory Apartment Overlay Zone, as well as other related code sections pertaining to the S and A overlay zones. City-wide application. Brian Maxfield (801) 852-6429 PLOTA20190120

Applicant: Community Development

Staff Coordinator: Brian Maxfield

Property Owner: N/A Parcel ID#: City-Wide

Acreage: N/A

Number of Properties: N/A

Current Zoning: NA

Relevant History: This item was previously presented and continued to this date, from the April 24, 2019 Planning Commission meeting.

<u>Neighborhood Issues</u>: This is a City-Wide issue. Several Neighborhood Chairs have inquired about the proposed amendment, but no issues have been raised to date.

<u>Summary of Key Issues</u>: Appropriateness of new allowances regarding detached units.

Related Items: None

Staff Recommendation:

Continue, to allow the consider of additional information.

This item was previously presented at the April 24, 2019 Planning Commission meeting. At that meeting, staff stated certain issues and questions had been raised regarding the amendment, and that additional time would be necessary for staff to adequately answer and respond to those issues. Therefore, staff will be updating the Planning Commission at the study session prior to this meeting, with the intention to address questions and take additional input from the Planning Commission. Staff recommends that the Planning Commission take public input on May 22nd then to continue this item to the to the June 12th Planning Commission meeting for a recommendation to the Municipal Council.

TO: Provo City Planning Commission; Provo City Municipal CouncilFROM: R. Paul Evans, Chair, Provo City Pleasant View Neighborhood

DATE: 21 April 2019

Over 90% of the one family residential properties in the Provo City Pleasant View neighborhood are zoned with the A- or S-overlay zone allowing for Provo City approved accessory apartments in owner-occupied one family homes. A zoning change proposal submitted by Kyle Wright, a Pleasant View neighborhood resident, to Provo City on or before 19 March 2019 would apply the S-overlay zone to 32 homes making the Pleasant View neighborhood the first 100% S- or A-overlay one family neighborhood in Provo City.

As chair of the Provo City Pleasant View neighborhood, I first received a copy of the proposed consolidation and changes in the S- and A-overlay zone on Wednesday 17 April 2019 as exhibit A in a staff report for Item 5 of the 24 April 2019 Provo City Planning Commission meeting, a city-wide application. Fortuitously, a neighborhood meeting already had been scheduled for Thursday 18 April 2019 so some very cursory discussion about the proposed ordinance changes amongst Pleasant View neighborhood residents who attended the meeting was possible. As chair, I attended a Provo City Municipal Council work meeting in January on this issue, but, there was no proposed language made available, that I recall, until last week.

Other neighborhoods in Provo City have single or multiple blocks of S- or A-overlay one family homes. The Wasatch neighborhood, also abuting BYU, but on the east side, is nearly 60% S-overlay (R18S). The "central" neighborhoods North Park (R16A), Dixon (R16A), Franklin (R16A), Provost (R18A), and Maeser (R16A) have <25% S- or A-overlay areas. There are no current S- or A-overlay zones north of 2320 North or west of Interstate 15.

The following are my comments integrated with comments from residents in attendance (N=22) at the 18 April 2019 Pleasant View neighborhood meeting. No doubt there are unique differences in the experience of neighborhoods with the S- and A-overlay zones but the intent of these comments is to provide a broad framework for discussions that clarify and improve this proposed ordinance change. In conjunction with the comments from other neighborhoods, it is hoped that all comments will provide Provo City with the greatest likelihood of crafting an ordinance that accomplishes the stated goal, "to accommodate supplementary living accommodations" while protecting and enhancing "the desirable aesthetic characteristics of the underlying one-family residential zone."

The staff report does not mention the requirement in this proposed ordinance for all accessory apartment owners to obtain a rental dwelling license. This requirement, to property owners, has as much of an impact as the provision for detached accessory apartments. Given the recent changes in rental dwelling license requirements, and, the added cost and requirements of a rental dwelling license above current fees, and, an uncertainty as to whether existing accessory apartments and main dwellings must meet current standards when a newly issued rental dwelling license is obtained, a written analysis by staff related to the rental dwelling license impacts on current S- and A-overlay zone properties is expressly requested. The Kyle Wright zoning change request occurred prior to any notice by Provo City of a change in the S-overlay zone which would suggest that if approved, the 32 additional properties in the Pleasant View Neighborhood would be governed into the future by existing Provo City Code and not the proposed consolidation/amendment of the S- and A-overlay zones. Please also confirm that all S- and A-overlay legal accessory apartment properties that currently exist will be governed into the future by the existing S- and A-overlay ordinances and not the proposed changes to the code.

Pleasant View Neighborhood comments/questions are shown below bolded in GREEN.

General Questions from Pleasant View Neighborhood Comments

OVEROCCUPANCY

- 1. Will the provision for detached accessory apartments increase the percentage of one family homes in existing S- and A-overlay zones that legally establish accessory apartments?
- 2. Does the presence of an accessory apartment increase the frequency of one family residential properties illegally used as multifamily (e.g., duplex) properties that are not owner occupied.
- 3. Do the definitions of "family" and "owner occupied" in Provo City Code require updates to assist enforcement by Provo City of one family occupancy in S- and A-overlay zones?
- 4. Does Provo City have adequate enforcement and planning staff to protect and enhance the desirable aesthetic characteristics of one family zones with an S- or A-overlay zone?
- 5. A property should be able to have either a home occupancy conditional use, whether minor or major, or, an accessory apartment, but not both. The concentrated impacts of both uses in one property is not seen as enhancing, let alone, protecting the one-family residential zoning.

DESIRABLE AESTHETIC CHARACTERISTICS

- 6. Is the owner life cycle of one family residential properties in residential zones with the S- or A-overlay different than comparable one family residential properties in residential zones without the S- and A-overlay in Provo City?
- 7. Are property value changes of one family residential properties in residential zones with the S- or A-overlay different than comparable one family residential properties in residential zones without the S- and A-overlay in Provo City?
- 8. The staff report concludes (Page 3) that the proposed consolidation and amendment of the S- and A-overlay zones will "work to provide additional and needed affordable housing opportunities within the City, without creating an extensive impact on adjoining residential areas." What are three examples of adjoining residential areas in Provo City where there would be no "extensive impact"?
- 9. What minimal and moderate impacts are expected on residential areas adjoining S- or A-overlay zones?
- 10. What are 5 minimal, 5 moderate, and 5 extensive impacts expected on a residential area to which the S- or A-overlay is applied?

PARKING

- 11. One family residential properties with or without the S- and A-overlay require a legal off-street parking stall for every vehicle maintained at a residence. What is the recent Provo City track record for enforcing the requirement of a legal off-street parking stall for every vehicle maintained at a one family home?
- 12. What is the definition of a "vehicle maintained on the residence"?
- 13. Provo City Code does not permit parking in an on street place longer than 72 hours. "Any vehicle or trailer left parked in a public highway or street in the same place continuously for seventy-two (72) hours and which has not been moved a minimum of four

hundred (400) feet prior to returning to the same location." 9.31.050(1)(f). What is the recent Provo City track record for enforcing the 72 hour limit?

14. How is "same place" different than "same location"?

RENTAL DWELLING LICENSE

- 15. The current S- and A-Overlay does NOT require a rental dwelling license. This proposed consolidation and amendment of the S- and A-overlay zone requires that property owners obtain a rental dwelling license from Provo City. Will properties with current legal accessory apartments be required to obtain a rental dwelling license upon adoption of this ordinance or will the properties be grandfathered as legal nonconforming?
- 16. If legal nonconforming or grandfathered, then how will Provo City track the legal nonconforming status of properties?
- 17. If not considered legal nonconforming or grandfathered upon adoption of this ordinance, will existing legal accessory apartment properties be required to meet all standards (building code, contemporaneous inspection, etc.) before issuance of rental dwelling license? If yes, will the property owner be informed of the amortization options to meet the "newly" imposed requirements and thus delay the decade in which the improvements must be completed?
- 18. What is the process by which a new owner may apply for an extension of an existing Rental Dwelling License? Although enabled by the proposed amendments in 14.30.030(2)(k)(iv), there is no reference to elsewhere in Provo City Code where the extension process is enabled. If the license is signed by one entity, how can a different entity extend the license? This seems like a transference of the license.

EXHIBIT "A"

Zoning Ordinance Text Amendments to consolidate Chapter 14.30 S-Supplementary Residential Overlay Zone with Chapter 14.46 A-Accessory Apartment Overlay Zone, as well as related amendments to Chapters 6.01 or 6.02; Chapter 14.06; Sections 14.10.020(5), 14.11.020(5), 14.12.020(5), 14.12A.020(5), 14.13.020(5), 14.14.020(5), 14.32.020(5) regarding Permitted Accessory Uses; 14.32.050. Lot Area Per Dwelling Unit; 14.32.220(5) Caretaker Dwellings as an Accessory Use; 14.34.310-1 Minimum Floor Area; 14.34.440 Second Kitchen in One-family Dwellings; 14.37.060 Parking Spaces Required; 14.37.080 General Provisions; 14.37.100 Parking Design Standards; and 15.04.050 Density and Open Space Determination.

Chapter 14.30

S—Supplementary Residential and Accessory Overlay Zones.

14.30.010. Purpose and Objectives.
14.30.020. Use in Combination.
14.30.030. Permitted Uses.
14.30.040. Development Standards.
14.30.050. Area of Zone.
14.30.060. Petition for Zone Adoption.
14.30.070. Parking Requirements.

14.30.080. Nonconforming Uses.

14.30.090. Termination of Nonconforming Uses - Recovery of Investment.

14.30.010. Purpose and Objectives.

(1) The purpose of the Supplementary Residential (S) overlay zone is to recognize the unique character of Provo City as a "university community" and to accommodate supplementary living accommodations in some appropriate one-family residential areas of the community. These provisions are intended to meet community demands for residential accommodations for semi-transient residents in areas of the community adjacent to major educational and institutional uses. This overlay zone is designed to provide an alternative living environment for said semi-transient residents to that normally found within the higher density multiple residential zones. The (S) overlay zone will therefore protect and enhance the desirable aesthetic characteristics of the underlying one-family residential zone. An R1 zone with a Supplementary Residential (S) overlay as described in this Chapter is intended to continue the very low density of an R1 zone. The sole function of the overlay is to permit alternate methods of housing the occupancy otherwise permitted in an R1 zone.

(2) The Accessory Apartment (A) overlay zone is established to provide areas for the encouragement and promotion of an environment for family life by providing for the establishment of **an** accessory apartment in conjunction with one-family detached dwellings on individual lots. The Accessory Apartment overlay zone is hereby established to promote the use of accessory apartments; to provide flexibility for the changes in household size associated with life cycle; to offer financial security for home buyers; and to offer security against problems associated with frailty in old age.

14.30.020. Use in Combination.

(1) The Supplementary Residential (S) overlay zones described in this Chapter may be used only in combination with other zones as follows:

(a) the Supplementary Residential (S) overlay zone may be used only in combination with the R1 (One-framily Residential) (R1) zone; and as designated herein

(b) the Accessory Apartment (A) overlay zone may be used only in combination with the Agricultural (A1), Residential Agricultural (RA), or One-Family Residential (R1) zones.

(2) The provisions of the (S) overlay zones shall be supplementary to the provisions of the zone with which it is combined. If conflict arises between the provisions of the (S) overlay zones and the provisions of the R1, A1, or RA zone with which it is combined, the provisions of the (S) overlay zones shall be deemed controlling. The (S) overlay zones shall not be applied to any land area as an independent zone.

14.30.030. Permitted Uses.

- (1) Permitted Principal Uses. Principal <u>Uu</u>ses permitted in the <u>Supplementary</u> Residential (S) overlay zones described in this Chapter shall be limited to the following:
 - (a) Those uses listed as permitted <u>principal</u> uses in the <u>underlying R1</u> zone <u>with</u> <u>which the overlay zone has been combined in accordance with Section 14.30.020;</u> and
 - (b) Accessory apartments which meet the development standards of Subsection (2)

of this Section, with a valid Rental Dwelling License.

- (2) Accessory Apartment <u>Development Standards</u>. Accessory apartments shall beallowed only in one family dwellings, subject to the following development standards:
 - (a) Number. No more than one (1) accessory apartment shall be permitted in conjunction with each one-family dwelling.
 - (b) Location. The aAccessory apartments may be located only: in a basement or in a second level above ground level if there is a usable interior connection between the accessory apartment and the principal part of the dwelling unit;
 - (i) Over an attached garage, provided the parking within the garage is not eliminated or converted to living space or stairs, or otherwise disrupts required covered parking;

Could an accessory apartment be under or on the ground level of an attached garage?

- (ii) <u>Inside the home through an internal conversion of the housing unit maintaining an internal connection between living areas;</u>
- (iii) In an addition to the house that has an internal connection between the accessory apartment and the principal part of the dwelling unit; provided that the addition will not alter the one-family character of the building; or

Who determines whether an addition alters the one family character of the building, and, what are the criteria used to make such a determination?

What is the definition of "principal part of the dwelling unit"?

(iv) As a detached accessory structure located in the rear yard in accordance with the following requirements:

What is the definition of an accessory structure?

Can an accessory structure also be an accessory building? If so, then is there a difference between buildable and nonbuildable area accessory structure setbacks?

- (1) The accessory structure shall be permitted only on lots that contain a one-family detached dwelling with a minimum lot size of 6,000 sq. ft.;
- (2) The accessory structure shall have a building footprint and height less than the main dwelling, but in no case shall the accessory structure be taller than twenty (20) feet and no less than 200 square feet;
- (3) The accessory structure shall be setback from any property line a minimum of 10 feet;

Is the 10 foot minimum from any property line a standard subject to the issuance of a variance by the Board of Adjustment? If so, then there should be some instruction to the Board of Adjustment that would negate the possibility.

(4) The accessory structure shall be architecturally compatible with the

main dwelling;

Who determines whether the accessory structure is architecturally compatible, and, what are the criteria used to make such a determination?

- (5) The accessory structure shall be permanently affixed to a site-built foundation and shall be designed in accordance with Provo City adopted building codes;
- (6) The accessory structure must be approved for, and permanently connected to, all required utilities; and
- (7) Shipping containers shall not be permitted for use as an accessory apartment.

Is it permissible to place a shipping container inside of an architecturally compatible shell/structure?

Is is permissible to affix material on the outside of a shipping container to render the structure compatible with the architecture of the main dwelling?

(c) Appearance. The accessory apartment shall not alter the appearance of the structure as a one-family dwelling, and does not cause the dwelling unit within which the accessory apartment is located to resemble in any degree a side-by-side, side-to-back, back-to-back, or other type of two-family dwelling. There shall be no external evidence of occupancy by more than one (1) family, such as two (2) front doors. The exterior of the property shall be maintained free of weeds, junk, solid waste or other materials constituting a violation of the Provo City Code. An accessory apartment shall not be authorized on a property that has outstanding ordinance violations.; and

What is the definition of "exterior of the property"? Is the intent perhaps front yard?

How is an ordinance violation different from an "outstanding ordinance violation"?

- (d) Occupancy. A one-family dwelling with an accessory apartment, which is authorized by and conforms to the requirements set forth in this section, shall, for purposes of this subsection, consist of two component parts: the one-family dwelling and the accessory apartment. Those two parts shall be occupied as follows:
 - (i) Except as otherwise provided in subsection (iv), either Tthe one-family dwelling or the accessory apartment shall be the owner's primary residence as defined in Provo City Code Chapter 14.06, Provo City Code. If this requirement is not met, no accessory apartment shall be permitted. The dwelling must be owner occupied by:
 - (A) One (1) person living alone; or
 - (B) The head of household and all persons related to the head of household by marriage or adoption as a parent, child, grandparent, brother, sister, uncle, aunt, nephew, niece, great grandparent or great grandchild.

For purposes of this Subsection, two (2) or more of the persons must share the legal relationship of husband and wife, or parent and child or grandparent and child. Such parent or grandparent must actually reside in the subject dwelling as their primary residence.

- (ii) The occupancy of the one-family dwelling shall be limited to one "family" as that term is defined in Provo City Code Chapter 14.06, except that if the accessory apartment is also occupied, the occupancy of the one-family dwelling shall not include the (C) Ttwo additional related or unrelated individuals described in Provo City Code Section 14.06.020(b)(i)(B) are not permitted under Subsection (2)(d)(i)(A) or (B) of this Section.
- (iii) Except as permitted by subsection (4)(a) of this Section, tThe accessory apartment within the structure shall not may be occupied by no more than twofour (24) related or unrelated adults, with or without minor children.
- (ivii) Owner occupancy shall not be required when the owner has submitted a temporary absence application prior to beginning the temporary absence and meets the following criteria:
 - (A) The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, <u>military</u> <u>service</u>, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this exception); or
 - (B) The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
 - (C) Owner occupancy shall have the meaning set forth in Section 14.06.020, Provo City Code.
 - (D) The owner has resided in the residence for at least one (1) year prior to beginning the temporary absence.
- (e) Parking. A one-family dwelling with an accessory apartment shall have at least four (4) off-street parking spaces. Two (2) tandem parking spaces (front to rear) shall be permitted when the front and back spaces are both designated to serve either the accessory apartment or the principal part of the dwelling unit. In no case shall the number of off-street parking spaces be less than the number of vehicles being maintained on the premises. Parking in the front setback is prohibited unless the driveway leads to required covered parking. Parking shall comply with all other regulations of Chapter 14.37, Provo City Code.

Though absent to date, Provo City must begin enforcement of off-street parking spaces required for all vehicles maintained on the premises of property in the R1 zone, with or without the S- and A-overlay.

- (f) Utility Meters. A one-family dwelling with an accessory apartment shall have one (1) but no more than two (2) meters for each water, gas, and electricity utility service, and each meter shall be in the property owner's name.
- (g) Addresses. The accessory apartment shall have its own address.
- (h) Outside Entrances. Outside entrances to the accessory apartment shall be on the side or rear of the building. Only one (1) front entrance shall be visible from the front yard.

The intent here is to ensure that only one front entrance is visible from the front yard, and, that that front entrance must be the front entrance to the primary dwelling. The requirement that the outside entrance to the accessory apartment be located on the side or rear does not make sense if the accessory apartment is detached and in the rear yard.

(i) Building Codes. All existing construction and remodeling shall comply with building codes in effect at the time of the original construction or remodeling. Newly constructed accessory apartment shall meet current building codes.

Instead of "newly constructed", use the date on which the ordinance is formally enacted. For example "All accessory apartments constructed after MMDDYYYY shall meet current building codes.

Will properties that had no prior established accessory apartment and/or properties that become zoned with the S- or A-overlay be required to have an accessory apartment that meets current building codes?

- (j) Kitchens. A one-family dwelling with an accessory apartment is permitted two (2) kitchens; one (1) for the principal part of the dwelling and one (1) for the accessory apartment. No other kitchens, wet bars or other food preparation areas are permitted. Refer to Chapter 14.06, Provo City Code, Interpretation and Definitions, "Kitchen," for the definition of what constitutes a kitchen per the Provo City Code.
- (k) Rental Dwelling License Accessory Apartment Permit. In accordance with Provo City Code Chapter 6.26, Aany person operating constructing or causing the construction of a one-family dwelling that has an accessory apartment under this Chapteror any person remodeling or causing the remodeling of a one-family dwelling for an accessory apartment, or any person desiring an accessory apartment, shall obtain an accessory apartment permit Rental Dwelling License-from the Community Development Department. Such license permit shall be in addition to any building permits that may be necessary. Before an Rental Dwelling License for an accessory apartment permit is issued, the applicant shall:

Change the rental dwelling license fee structure so that a rental dwelling license for 20 or more properties is \$400 and up to 20 properties, the rental dwelling license is \$20 for each property. The current fee structure is \$60 for more than one property and \$20 for one property. Why? It takes Provo City resources to administer and enforce zoning. This increased fee on multiple rentals also provides a very miniscule yet existing incentive to increase owner occupancy of homes. Little bit at a time.

- (i) Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.
- (ii) Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses. Floor plans must have the interior connection clearly labeled.

Detached accessory apartments cannot show an interior connection to the primary dwelling.

(iii) Pay an inspection application fee as shown on the Consolidated Fee

Schedule adopted by the Municipal Council.

The current inspection fee is \$50?

- (iv) Noncompliance with the standards of this Section shall be just cause for the denial or revocation of an Rental Dwelling License for an accessory apartment permit. Revocation shall be in accordance with the license regulations in decided based upon the findings of fact at an administrative hearing before a hearing officer, per Chapter 3.06, Provo City Code Chapters 6.01 and 6.26.
- (v) <u>Notwithstanding</u>, <u>Provo City Code Section 6.01.090</u>, <u>Tthe approval of apermitRental Dwelling License</u> for an accessory apartment shall automatically expire <u>onethree</u> (<u>13</u>) years after the date of the approval, or upon transfer of the property to another owner, whichever occurs first; provided, however, that the existing owner may reapply or the new owner may apply for an extension of such <u>Rental Dwelling Licenseaccessory apartment permit</u>.
- (vi) The owner shall <u>cooperate with Community Development in</u> recording a deed restriction with the County Recorder evidencing the restrictions under which the accessory apartment unit is constructed and occupied. This deed restriction shall run with the land as long as the property is in <u>anthe (S)</u> overlay zone <u>described in this Chapter</u>, or otherwise contains an accessory apartment as provided in this Chapter.
- (l) Prior Uses. The Community Development Department shall issue a permit for any accessory apartment existing at the time of the adoption of this Chapter if the following conditions are met:
 - (i) The accessory apartment complies with this Title; and
- (ii) A building permit was issued when the accessory apartment was constructed or remodeled. If no building permit was issued at the time of construction or remodeling, the applicant shall pay an inspection fee and the Chief Building Official ("CBO") or his designee shall inspect the accessory apartment for life safety violations. All violations identified by the CBO shall be corrected before a permit is issued. (I) Minimum unit size. An accessory apartment is only permitted if the one-family dwelling unit, not including the accessory apartment, is no smaller than 1200 square feet.
- (m) <u>Bedrooms</u>. An accessory apartment shall not have more than two bedrooms, except that an accessory apartment for which a Conditional Use Permit has been granted under subsection (4) of this Section to allow occupancy by no more than four (4) related or unrelated adults may have no more than four bedrooms.
- (3) Permitted Accessory Uses. Accessory uses permitted in the overlay zones shall be limited to those uses listed as permitted accessory uses in the underlying zone with which the overlay zone has been combined in accordance with Section 14.30.020.
- (4) Conditional Uses. Except as provided in this subsection (4), conditional uses permitted in the overlay zones shall be limited to those uses listed as permitted conditional uses in the underlying zone with which the overlay zone has been combined in accordance with Section 14.30.020. In addition, the following uses and structures are permitted in the Supplementary Residential (S) overlay zone, but only after a Conditional Use Permit has been approved and subject to the terms and conditions thereof:

Pleasant View Neighborhood Analysis of S- and A-overlay zones consolidation and amendments
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(a) In the Supplementary Residential (S) overlay zone only, accessory apartments that are occupied by no more than four (4) related or unrelated adults, with or without minor children, if, and only if, such use:

- (i) meets the parking requirements of Subsection (2)(e), including particularly the requirement that the number of off-street parking spaces may not be less than the number of vehicles being maintained on the premises at any time; and
- (ii) meets all other development standards of Subsection (2), other than the occupancy limit in Subsection (2)(d)(ii).

14.30.040. Development Standards.

Each one-family dwelling with an accessory apartment shall conform to the development standards required by the provisions of the underlying zone with which the overlay zone is combined. All development standards required in the Supplementary Residential (S) overlay zone shall be the same as those required by the provisions of the underlying zone with which the (S) zone is combined.

14.30.050. Area of Zone.

An overlay zone described in this Chapter may only be applied to a contiguous The Supplementary Residential (S) overlay zone shall be applied to a land area of at least ten (10) four (4) acres or more that which contains at least forty (40) sixteen (16) existing dwelling structures, and which that is at least fifty percent (50%) developed. The land area to which any overlay zone described in this Chapter is applied shall be free from islands or peninsulas or any other unreasonable boundary line configurations. Additions to an existing (S) overlay zone are allowed so long as the resulting contiguous land area of an overlay shall be by petition which conforms to all provisions of this Section Chapter except acreage, and number of dwellings.

14.30.060. Petition for Zone Adoption.

(Rep 2007-32)

14.30.070. Parking Requirements.

(Am 1990-31, Rep 2013-49)

14.30.080. Nonconforming Uses.

(Am 2000-15, Rep 2013-49)

14.30.090. Termination of Nonconforming Uses - Recovery of Investment.

(Enacted 2000-15, Rep 2013-49)

Related Amendments

6.02.010. Definitions.

The following terms as used in this Title shall have the meanings indicated:

. . .

"**Rental dwelling**" means, except as provided in Subsection (c) of this definition, a building or portion of a building used or designated for use as a residence by one (1) or more persons that is:

- (a) Available to be rented, loaned, leased, or hired out for a period of one (1) month or longer; or
- (b) Arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one(1) month or longer.
- (c) An accessory apartment in an owner-occupied one-family dwelling shall not be deemed a rental dwelling.
- "**Short-term rental dwelling**" means a building or portion of a building, or a mobile or a manufactured home used, designated or designed for use as a residence by one (1) or more persons that is:
- (a) Available to be rented, loaned, leased, or hired out for a period of less than one (1) month; or
- (b) Arranged, designed, or built to be rented, loaned, leased, or hired out for a period ofless than one (1) month.

6.26.010. Definitions.

Words and phrases contained herein which are defined in Chapters 6.01 or 6.02 of this Title, or Chapter 14.06 of Title 14, as amended, shall have the meanings set forth in such chapters. If there is a conflict between definitions contained in Title 14 and definitions contained in this Title, the definitions in this Title shall govern for the purposes of interpreting this Title.

14.06.020. Definitions.

For the purposes of this Title, certain words and phrases have the following meanings:

- "Accessory Apartment" means a subordinate residential living area created within conjunction with a one family dwelling which:
- (a) meets the requirements of the applicable zone where the accessory apartment is located; and
- (b) has an interior connection between the one family dwelling and accessory

 apartment meets the requirements of Provo City Code Chapter 14.30.

. . .

"Family," unless otherwise expressly provided in this Title, means:

(a) One (1) individual living alone; or

- (b) One (1), but not more than one (1) at the same time, of the following groups of individuals described in Subsection (b)(i) or (ii) of this definition who together occupy a one-family dwelling unit as one (1) nonprofit housekeeping unit and who share common living, sleeping, cooking and eating facilities:
 - (i) A head of household and:
 - (A) All persons related to the head of household as a <u>spouse</u>, parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, great-grandparent or great-grandchild by blood, marriage, adoption, guardianship, or any other duly authorized custodial relationship; and
 - (B) Not more than two (2) additional related or unrelated persons, including, but not limited to, personal care or personal service providers; or
 - (ii) Three (3) related or unrelated individuals and any children of either individual, if any.
- (c) In applying this definition the existence of more than one (1) kitchen in a dwelling unit shall create a presumption that two (2) housekeeping units exist in the dwelling.
- (d) "Family" does not include:
- (i) Baching singles, as defined in this Section, even if related as set forth in Subsection (b)(i)(A) of this definition;
- (ii) Any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, or like organization;
 - (iii) Any number of individuals whose association is temporary or seasonal in nature; or
- (iv) Any number of individuals who are in a group living arrangement as a result of criminal offenses.

. . .

14.10.020. Permitted Uses.

• • •

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R2 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of <u>Provo City Code</u>;

. . .

(d) Home occupations subject to the regulations of <u>Provo City Code</u> Chapter 14.41, <u>Provo City Code</u>;

. . .

(g) Accessory dwelling unit in conjunction with an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Provo City Code Section 14.30.030.

. . .

14.11.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R2 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

• • •

(b) Swimming pools and incidental bath houses subject to the standards of <u>Provo City Code</u>;

. . .

(d) Home occupations subject to the regulations of <u>Provo City Code</u> Chapter 14.41, <u>Provo City Code</u>;

. . .

(h) Accessory dwelling unit in <u>conjunction with</u> an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of <u>Provo City Code</u> Section 14.3046.030, <u>Provo City Code</u>.

. . .

14.12.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R2.5 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of <u>Provo City</u> Code Section 14.34.210, <u>Provo City Code</u>;

. . .

(d) Home occupations subject to the regulations of Provo City Code Chapter 14.41, Provo City Code;

• • •

(g) Accessory dwelling unit in <u>conjunction with</u> an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of <u>Provo City Code</u> Section 14.3046.030, <u>Provo City Code</u>.

. .

14.12A.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R3 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of <u>Provo City Code</u>;

. . .

(d) Home occupations subject to the regulations of <u>Provo City Code</u> Chapter 14.41, <u>Provo City Code</u>;

. . .

(g) Accessory dwelling unit in <u>conjunction with</u> an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of <u>Provo City Code</u> Section 14.3046.030, <u>Provo City Code</u>.

• • •

14.13.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R4 zone, provided they are incidental to, and do not substantially alter, the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

. . .

(b) Swimming pools and incidental bath houses subject to the standards of <u>Provo City Code</u>;

. . .

(d) Home occupations subject to the regulations of <u>Provo City Code</u> Chapter 14.41, <u>Provo City Code</u>;

. . .

(g) Accessory dwelling unit in an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of Provo City Code. Section 14. 3046.030, Provo City Code.

. . .

14.14.020. Permitted Uses.

. . .

(5) Permitted Accessory Uses. Accessory uses and structures are permitted in the R5 zone, provided they are incidental to and do not substantially alter the character of the permitted principal use or structure. Such permitted accessory uses and structures include, but are not limited to, the following:

• • •

(b) Swimming pools and incidental bath houses subject to the standards of <u>Provo City Code</u>;

• • •

(f) Accessory dwelling unit in <u>conjunction with</u> an owner occupied one-family dwelling subject to the issuance of a building permit and in accordance with the requirements of <u>Provo City Code</u> Section 14.3046.030, <u>Provo City Code</u>.

. . .

Hi Rachel,

I read all the comments from the Pleasant View Neighborhood Chair that were included in the documents with the agenda for the Planning Commission. The comments were excellent and I will look forward to the answers. I believe many of my neighbors would be effected by one or more of the items outlined. We have not had a neighborhood meeting since the time I saw all these proposed changes, but I did let my email list and my Facebook group know it was on the agenda the last time. I asked my V ice Chairs if they could attend the work meeting but none of them were available.

I know I have at least 2 owners that have detached accessory apartments, also some homes in our area do not meet the parking requirement because they were grandfathered. Trying to keep track of who has to follow which law is practically impossible. I know of at least 2 cases where even zoning did not know the actual law and how it applied to those particular houses. I and I did not blame zoning, it was confusing. The owner that had great records was able to show they were using the rental appropriately, but they did have to go through months of back and forth communication.

Just a few thoughts that I would love it if you could pass on to the Planning Commission please.

On Wed, May 15, 2019 at 5:32 PM Rachel Breen < rbreen@provo.org > wrote:

Hello,

Attached are the Staff Reports for the May 22, 2019 Planning Commission hearing.

Please let me know if you have any questions or concerns.

Thank you,



The Provo City Planning Commission will hold a public hearing on May 22, 2019 at 6:00 p.m. Located at: Council Chambers 351 West Center Street. The items listed below will be discussed, and anyone interested is invited to attend and provide comment. Planning Commission hearings can be viewed live on Channel 17 or linked from the Provo City website at http://provo.org/city-services/channel-17.

NOTICE OF PUBLIC MEETING BEFORE PROVO MUNICIPAL COUNCIL

On Tuesday, June 4, 2019, at 5:30 p.m. in the Municipal Council Chambers of the Provo City Center, the Provo Municipal Council will consider the items noted below with a star (*). Items noted on the agendas with a star require legislative action by the Municipal Council. Council agendas can be viewed at the Provo City Council web site on the Thursday prior to the Council meeting at http://agendas.provo.org. For more information, call (801) 852-6120.

Unmarked items are administrative and require the approval only of the Planning Commission. Decisions on the unmarked items may be appealed to the Board of Adjustment by making application with the Community Development Department by 6:00 p.m. within 14 days of the Planning Commission decision.

Study Session

Item 1 Ordinance Text Amendments to consolidate Chapter 14.30 S-Supplementary Residential Overlay Zone with Chapter 14.46 A-Accessory Apartment Overlay Zone.

Public Hearings

- **Item 1 ****CONTINUED*** The Community Development Department requests
 Ordinance Text Amendments to consolidate Chapter 14.30 S-Supplementary
 Residential Overlay Zone with Chapter 14.46 A-Accessory Apartment Overlay
 Zone, as well as other related code sections pertaining to the S and A Overlay
 Zones. City-wide application. Brian Maxfield (801) 852-6429 PLOTA20190120
- Item 2 Randy Hinckley requests Project Plan approval for a restaurant located at 2122 W Center Street in the General Commercial (CG) Zone. Fort Utah

- neighborhood. Dustin Wright (801) 852-6414 PLPPA20180070
- * Item 3 Julie Smith requests the annexation (Peay Annexation) of 13.45 acres of property into the incorporated limits of Provo City, located at approximately 5400 N Canyon Road. North Timpview and Riverbottoms neighborhoods. Brian Maxfield (801) 852-6429 PLANEX20180355
- * Item 4 The Provo City Community Development Department requests an amendment to Section 14.38.085(7) to clarify limitations on signage within the North University Riverbottoms Design Corridor. City-wide application. Aaron Ardmore (801) 852-6404 PLOTA20190026
- * Item 5 Brady Deucher requests a Zone Change from R1.10 to Medium Density Residential for approximately 2.1 acres located at 1320 S State Street. Spring Creek neighborhood. Robert Mills (801) 852-6407 PLRZ20190100
- Item 6 Brady Deucher requests Project Plan approval for 64 condominium units on approximately 2.15 acres located at 1320 S State Street in a proposed Medium Density Residential Zone. Spring Creek neighborhood. Robert Mills (801) 852-6407 PLPPA20190104
- * Item 7 Brady Deucher requests an Ordinance Text Amendment to Section 14.37.050 to allow the city to consider parking reductions for affordable housing developments. City-wide application. Robert Mills (801) 852-6407 PLOTA20190170

Preceding the public hearing, dinner will be provided to Planning Commission members at 5:00 p.m. in the Community Development Conference Room, located at 330 West 100 South. The Study Session is open to the public; however, formal presentation of items, public comment and actions will be reserved for the public hearing at 6:00 p.m. in the Municipal Council Chambers.

Copies of the agenda materials, public hearing procedure, and staff recommendations are available the week of the hearing at reasonable cost in the Community Development office between the hours of 7:00 a.m. and 6:00 p.m., Monday through Thursday. Agendas and staff recommendations are also generally available on the Provo City Community Development web site the week of the meeting at provo.org/planningcommission.

Provo City will make reasonable accommodations for all citizens interested in participating in this meeting. If assistance is needed to allow participation at this meeting, please call the Community Development Department at (801) 852-6400 before 12:00 p.m. the day before the meeting to make arrangements.

By order of the Provo City Planning Commission

Published in "The Daily Herald"

Planning Secretary, (801) 852-6424

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Celeste KennardJoaquin Neighborhood Chair (801) 377-5918

joaquinneighborhoodchair@gmail.com

Provo City Planning Commission

Report of Action

May 22, 2019

*Item 1 The Community Development Department requests Ordinance Text Amendments to consolidate Chapter 14.30 S-Supplementary Residential Overlay Zone with Chapter 14.46 A-Accessory Apartment Overlay Zone, as well as related amendments to Chapters 6.01 or 6.02; Chapter 14.06; Sections 14.10.020(5), 14.11.020(5), 14.12.020(5), 14.12A.020(5), 14.13.020(5), 14.14.020(5), 14.32.020(5) regarding Permitted Accessory Uses; 14.32.050. Lot Area Per Dwelling Unit; 14.32.220(5) Caretaker Dwellings as an Accessory Use; 14.34.310-1 Minimum Floor Area; 14.34.440 Second Kitchen in One-family Dwellings; 14.37.060 Parking Spaces Required; 14.37.080 General Provisions; 14.37.100 Parking Design Standards; and 15.04.050 Density and Open Space Determination. City-wide application. Brian Maxfield (801) 852-6429 PLOTA20190120

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 22, 2019:

CONTINUED

On a vote of 5:0, the Planning Commission continued this item to the June 12, 2019 Planning Commission Meeting.

Motion By: Shannon Ellsworth Second By: Andrew Howard

Votes in Favor of Motion: Shannon Ellsworth; Andrew Howard; Russell Phillips; Robert Knudsen; Dave Anderson

Votes Opposed: None

David Anderson was present as Chair.

• Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination

RELATED ACTIONS

None

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations. At the Study Session held prior to the Planning Commission meeting, staff went through the document and especially noted the comments submitted by Paul Evans, Chair of the Pleasant View Neighborhood. Staff will incorporate the changes discussed during the study session into the draft version to be presented at the June 12, 2019 Planning Commission meeting.

CITY DEPARTMENTAL ISSUES

Some concern has been expressed about the additional task of an inspection being required on each unit, every three years. However, there would likely be an added benefit to the overall enforcement of the accessory unit requirements.

NEIGHBORHOOD MEETING DATE

This is a City-wide item

NEIGHBORHOOD AND PUBLIC COMMENT

Staff has previously received and distributed to the Planning Commission comments received from Paul Evans, the Chair of the Pleasant View Neighborhood. To date, no other public comments have been received by staff, and no public comment was made at the meeting.

CONCERNS RAISED BY PUBLIC

The concerns related by Paul Evans were attached to the staff report.

PLANNING COMMISSION DISCUSSION

The Planning Commission had no further discussion regarding this item other than noting a couple of the changes proposed in the study session that will be incorporated into a revised draft of the document.



Director of Community Development

See <u>Key Land Use Policies of the Provo City General Plan</u>, applicable <u>Titles of the Provo City Code</u>, and the <u>Staff Report to the Planning Commission</u> for further detailed information. The Staff Report is a part of the record of the decision of this item. Where findings of the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.

<u>Legislative items</u> are noted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing; the Planning Commission provides an advisory recommendation to the Municipal Council following a public hearing.



Planning Commission Hearing Staff Report

Hearing Date: May 22, 2019

*ITEM 3 Julie Smith requests the annexation (Peay Annexation) of 13.45 acres of property into the incorporated limits of Provo City, located at approximately 5400 N Canyon Road. North Timpview and Riverbottoms neighborhoods. Brian Maxfield (801) 852-6429 PLANEX20180355

Applicant: Community Development

Staff Coordinator: Brian Maxfield

Property Owner: Janice Peay

Parcel ID#: 20:027:0139 / 20:014:0016 / 20:014:0017 / 20:014:0018 / 20:014:0007 /

20:014:0008 / 20:027:0176

<u>Acreage</u>: 13.45

Number of Properties: 7

Current Zoning:

Utah County - TR-5 Transitional Residential

ALTERNATIVE ACTIONS

- 1. **Continue** to a future date to obtain additional information or to further consider information presented. *The next available meeting date is June 12, 2019 at 6:00 P.M.*
- 2. **Recommend denial**. This action <u>would</u> <u>not be consistent</u> with the recommendation of the Staff Report. The Planning Commission should <u>state new findings.</u>

Relevant History: This property was included within a proposed annexation in 2016. At that time, the annexation was denied as it did not meet all requirements of the State Code. The State Code has since been amended so that the 2016 application could be approved today, with the consent of Utah County.

Neighborhood Issues: The neighborhood response has been that they would like to have this annexation considered in conjunction with the annexation of the larger portion of this northeast area of the city. There is a neighborhood meeting scheduled for May 30th regarding the larger proposal.

<u>Summary of Key Issues</u>: Appropriateness of annexation at this time.

Related Items: None

Staff Recommendation:

That the Planning Commission recommend to the Municipal Council approval of the proposed Peay Annexation.

This action <u>would be consistent</u> with the recommendations of the Staff Report.

OVERVIEW

This item is the proposed annexation of property owned by Janice Peay, consisting of approximately 13.45 acres. The area is located at about 5400 North, on both sides of Canyon Road, but with the large majority of the land being on the east side of the roadway.

Annexation Requirements and Guidelines. Annexations are governed by State Code as well as City Code. State Code requirements generally relate to the annexation process to be followed. The City Code adheres to those same requirements, but also lists the following guidelines to be considered:

Section 15.15.010

In order to assure orderly growth and development of the community and protect the general interest of the taxpaying public as well as the rights of individual property owners who wish to annex to the City, the following specific guidelines are established.

- (1) That no annexation fee be charged. The City's policy of requiring developers and developers to provide for improvements through a bond procedure or through a special improvement district makes it unnecessary for the City to assess general impact fees at the time of annexation. Developers will, however, be subject to appropriate fees to offset the cost to the City of planning and supervision of subdividing, and the providing of utilities as those fees are provided for throughout the Provo City Code, other ordinance of the City or by resolution duly passed. A party annexing property will likewise be charged for services of the City for preparation of the annexation plat if that work is done by the City rather than by a private engineer or surveyor.
- (2) That every annexation includes the greatest amount of property possible, be a contiguous area and be contiguous to the City's municipal boundaries.
- (3) That piecemeal annexation of individual small properties not be allowed if contiguous parcels, soon to be developed, are available, in order to avoid repetitious annexation.
- (4) That no pocket or islands of county jurisdiction be left or created, and that peninsulas and irregular boundaries be minimized.
- (5) That annexations generally follow existing roads, utilities and property lines in order to minimize the public expense for extension of main or service lines and streets.
- (6) That in order to facilitate the consolidation of overlapping functions of local government, promote the efficient delivery of services, encourage the equitable distribution of community resources and obligations and eliminate islands and peninsulas of territory that are not receiving municipal services, the boundaries of an area proposed for annexation shall be drawn, where practicable and feasible, along the boundaries of existing special districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow City boundaries or school districts adjacent to school districts whose boundaries follow City boundaries, and along the boundaries of other taxing entities.
- (7) That City utilities and services not be extended to unincorporated properties on the fringes of the City nor to islands of unincorporated property. In order to provide for orderly growth and development in the City and to avoid confusion and undue cost to the taxpayers, all utility and service hook-ons shall be limited to incorporated areas of the City and shall not be made available extraterritorially. The only exception shall be to those extensions which are made pursuant to agreements with other units of government under the Interlocal

Government Cooperation Act, or by specific approval of the Municipal Council on request of the Mayor.

- (8) That utilities be extended to annexed areas as soon as practicable after annexation.
 - (a) Each annexation should require a disclosure by the developer of anticipated needs of utilities and street improvements and a timetable of anticipated development.
- (b) Needed utilities should be extended into the annexed area as soon as practicable subject to budgetary limitations and extensions of main and service lines should be chargeable to the property development rather than to the public generally.

As stated in the guidelines, every annexation is to include the greatest amount of property possible (#2); that piecemeal annexation of individual small properties not be allowed if contiguous parcels, soon to be developed, are available, in order to avoid repetitious annexation (#3); and, that no pocket or islands of county jurisdiction be left or created, and that peninsulas and irregular boundaries be minimized (#4). It is known by staff, that additional lands in the area will soon seek annexation into the City. It is also known that certain property owners in the area do not want their properties annexed into the city, at least at this time. A large number of those properties are also within an adopted Agricultural Protection area which, by State Code, prevents their being forced into the city as part of a larger annexation. This is the case with the Gillespie properties, directly adjacent to the Peay properties on both its eastern and southern borders.

Proposed Zoning and Future Development. The applicant has filed a concurrent concept plan for the development of the property which indicates the owner's proposals for utility locations. However, because of an ongoing review of utility services necessary for the future and development of this entire northeast area of the city, city staff believes the concept plan cannot be supported at this time. Instead, the concept plan will be presented with a proposed zone change at a future time.

Without a proposed zone for the property, zoning for the property is subject to Section 14.02.080 of the Zoning Ordinance.

14.02.080 Annexed Territory - Zoning

Any property which, for any reason, is not designated on the official Zoning Map as being classified in any of the zones established hereby; or any property in the process of annexation, or annexed to or consolidated to Provo City subsequent to the effective date of this Section, shall be deemed to be classified in accordance with the lowest density zone allowed by the land use designation set forth for the subject property in the Provo City General Plan.

The subject area is designated as "Residential" on the General Land Use Plan.

Therefore, this section of the Ordinance would mean the annexed area should have an initial zoning designation of "RA Residential Agricultural," the lowest density

"Residential" classification. That zone requires a minimum of $\frac{1}{2}$ acre (21,780 square feet) per lot.

FINDINGS OF FACT

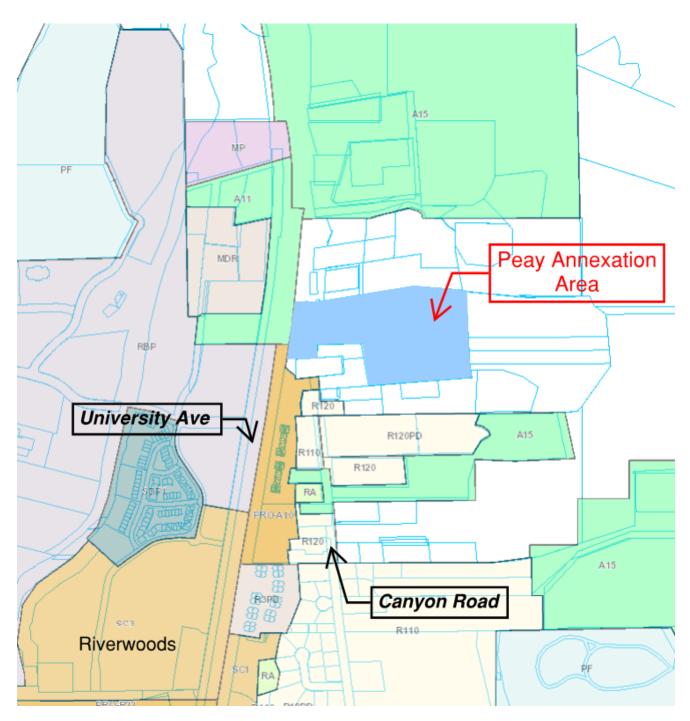
- The proposed annexation is within Area 5 of the City's Annexation Policy Map.
- The proposed annexation is contiguous with the City along the subject area's western edge.

CONCLUSIONS

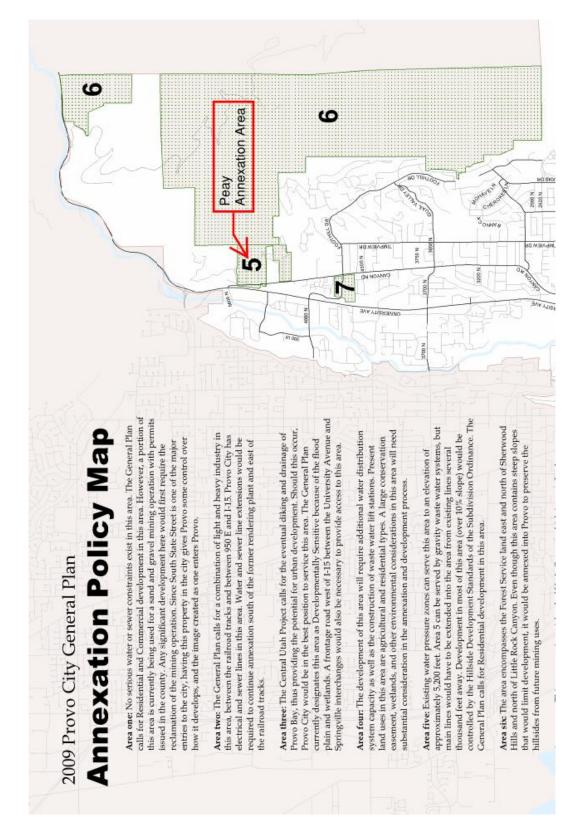
At issue is the appropriateness of the annexation without the inclusion of additional properties. However, consideration needs to be given to the fact that many of the adjoining properties are opting not be included in the annexation and cannot be forced to do so. Additionally, staff believes that although a concept plan cannot be recommended for the proposed annexation area at this time, proceeding to bring the property into the city under an "RA" zoning designation would seem to alleviate many concerns about creating entitlements for development than would a more intensive zone designation. Development under the City's RA zoning designation would still be limited by available utility services, and at this time, it is unlikely any return on the sale of the land would be sufficient to adequately address outstanding utility limitations.

RECOMMENDATION

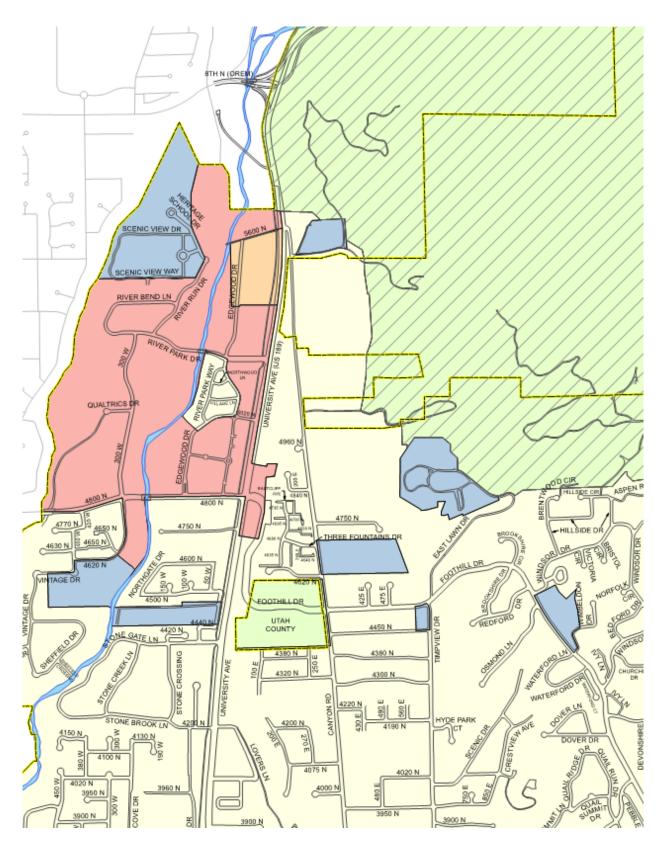
That the Planning Commission recommend to the Municipal Council approval of the proposed Peay Annexation.



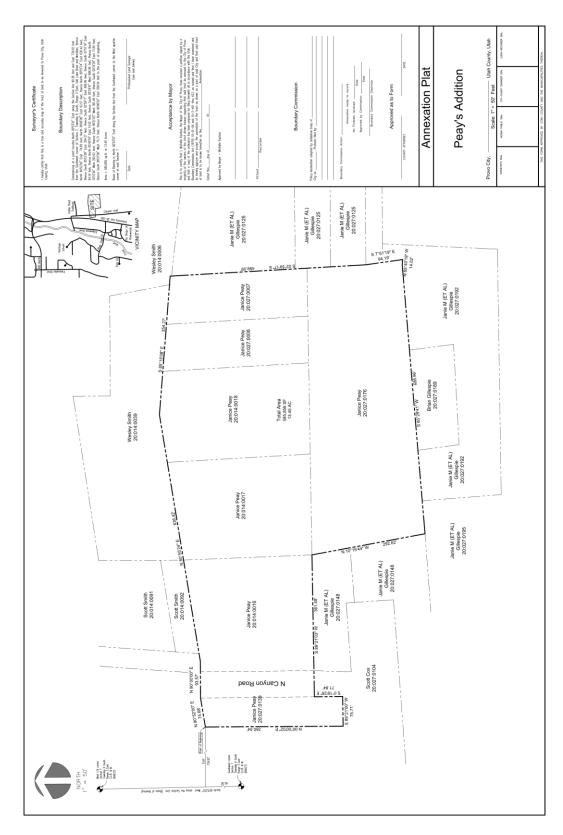
Location Map with Current City Boundaries and Zoning (properties with no zoning indicated are currently outside of Provo City's boundaries)



Annexation Policy Map



General Land Use Plan Map



Peay Annexation Boundary

INTEROFFICE MEMORANDUM

TO:

MAYOR KAUFUSI, WAYNE PARKER, GARY MCGINN, PLANNING COMMISSION, CITY

COUNCIL

FROM:

PROVO PUBLIC WORKS

SUBJECT:

PEAY PROPERTY ANNEXATION

DATE:

5/15/2019

Public Works recommends denial of the petition to annex property located at approximately 5400 North Canyon Road on the basis that it includes property above the maximum elevation of 4876 that can be adequately serviced by the Provo City Water System. (Note that all habitable floors must be below this elevation to be adequately serviced.)



If just the property that can be serviced below an elevation of 4876 is annexed, then considerable Capital Improvement Projects are required to make city services available to this property including:

- A storm drainage outfall must be constructed in accordance with the recently adopted Storm
 Drainage Master Plan. This will most likely entail the construction of a storm drainage
 outfall line from 5600 North and University Avenue at the depth and size sufficient to
 capture drainage from properties south of the subject property.
- 2. A sewer line must be constructed from the west side of University Avenue at 5600 North to service the subject property and surrounding properties. Note that the 8-inch sewer line which was recently constructed in Canyon Road up to the subject property is to service existing homes along Canyon Road that are currently on septic systems. Downstream capacity in this pipe is reserved for undeveloped properties farther to the south. Any

- property such as the subject property that can drain to the sewer in 5600 North will be required to do so.
- 3. All improvements to Canyon Road including resolution of right-of-way issues will be required.
- 4. It is noted that there are no capital projects in the five year plan for this area of the City and all development costs will have to be born by the developer. If other property is developed which benefits from improvements, some reimbursement might be anticipated if stipulated in a development agreement.
- 5. No development approvals are granted with annexation. All development proposals will have to be applied for and reviewed in accordance with Provo City ordinances, policies, and procedures.

The issues outlined above have been outlined in the informational sheet "Summary of Public Works North East Provo Annexation Agreement Issues" (see accompanying copy). This has been available to developers and property owners for at least two years.

SUMMARY OF PUBLIC WORKS NORTH EAST PROVO ANNEXATION AGREEMENT ISSUES

Sensitive Lands

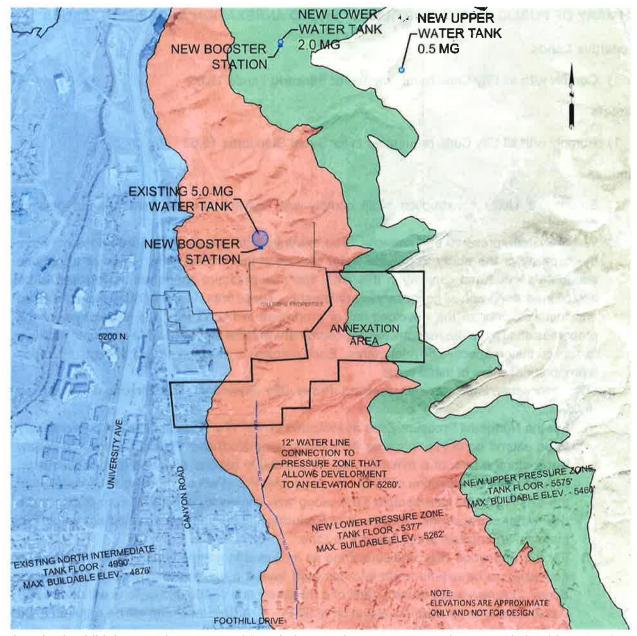
1) Comply with all City Code requirements for Sensitive Lands 15.05

Streets

1) Comply with all City Code requirements for Street Standards 15.03

Utilities

- 1) Street and Utility construction shall comply with current city standards at the time of construction.
- 2) Water System, pressure and capacity. The existing water system in this area does not have the capacity or the ability to provide water service at the present time. In order to provide adequate service and capacity in this area, two new pressure zones will be required to be established along with all necessary improvements. These improvements need to be designed and installed prior to the development of properties in this area. The developers of the properties shall have the responsibility to coordinate with the City to provide adequate facilities to service their respective developments. Each property in this area should be required to pay a proportional share of these costs.
- a) The necessary improvements meeting Provo City Standards and Specifications are as follows:
 - i) For the Northeast Pressure Zone as indicated in red, 1) a 12" water line will be necessary to be extend north into this area from the existing Northeast Pressure Zone. 2) A new water storage tank of a minimum size of 2,000,000 gallons will need to be constructed with an overflow elevation of 5397. 3) A Booster Pump will be required to be installed at the existing North Intermediate Tank along with necessary waterlines connecting to the new water storage tank. 4) Pressure Reducing Valves shall be installed as required to maintain appropriate pressures in this zone.
 - ii) For the Sherwood Hills Pressure Zone as indicated in green, 1) a 12" water line will be necessary to be extend north into this area from the existing Sherwood Hills Pressure Zone. 2) A new water storage tank of a minimum size of 500,000 gallons will need to be constructed with an overflow elevation of 5595. 3) A Booster Pump will be required to be installed at the new Northeast Storage Tank along with necessary waterlines connecting to the new water storage tank. 4) Pressure Reducing Valves shall be installed as required to maintain appropriate pressures in this zone.
 - iii) The developers shall transfer all water rights and shall comply with current city standards at the time of construction.
 - iv) See area map for pressure zones and concept of improvements on the next page.
- 3) Sewer System The developer shall be required to construct the extension of off-site sewer main lines, of adequate capacity to serve the area concurrent with development.
- 4) Storm Drain System The developer shall be required to construct the extension of off-site storm drainage lines, of adequate capacity to serve the area concurrent with development.
- 5) Existing utilities will be relocated at the developer's expense.



Attached exhibit is one of many possible solutions to the water system layout and should be used only for an illustration.

From: Brian Maxfield
To: Rachel Breen
Subject: FW: annexation

Date: Wednesday, May 22, 2019 10:15:56 AM

From: Julie Smith [mailto:julielynnsmith5@gmail.com]

Sent: Wednesday, May 22, 2019 9:07 AM

To: Brian Maxfield; Craig Peay

Subject: annexation

Brian,

I would like to **pull** the request for annexation tonight on the Peay property. We would like to have the support of the engineering department and a zone request in place.

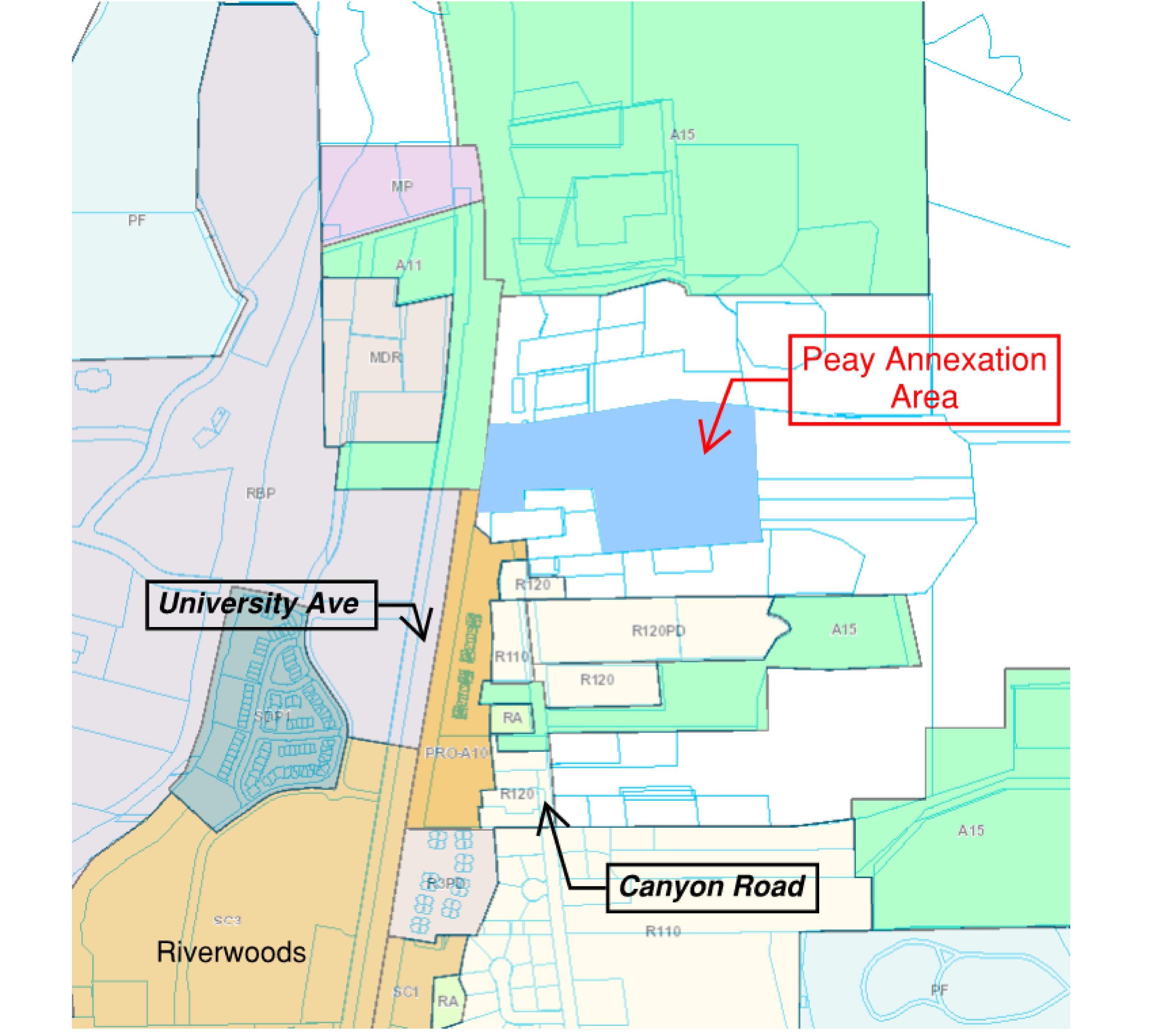
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Thank-you,

Julie Smith 801-368-9552

Julie Smith requests the annexation (Peay Annexation) of 13.45 acres of property into the incorporated limits of Provo City, located at approximately 5400 N Canyon Road.

North Timpview and Riverbottoms neighborhoods
PLANEX20180355



2009 Provo City General Plan

Annexation Policy Map

Area one: No serious water or sewer constraints exist in this area. The General Plan calls for Residential and Commercial development in this area. However, a portion of this area is currently being used for a sand and gravel mining operation with permits issued in the county. Any significant development here would first require the reclamation of the mining operation. Since South State Street is one of the major entries to the city, having this property in the city gives Provo some control over how it develops, and the image created as one enters Provo.

Area two: The General Plan calls for a combination of light and heavy industry in this area, between the railroad tracks and between 950 E and I-15. Provo City has electrical and sewer lines in this area. Water and sewer line extensions would be required to continue annexation south of the former rendering plant and east of the railroad tracks.

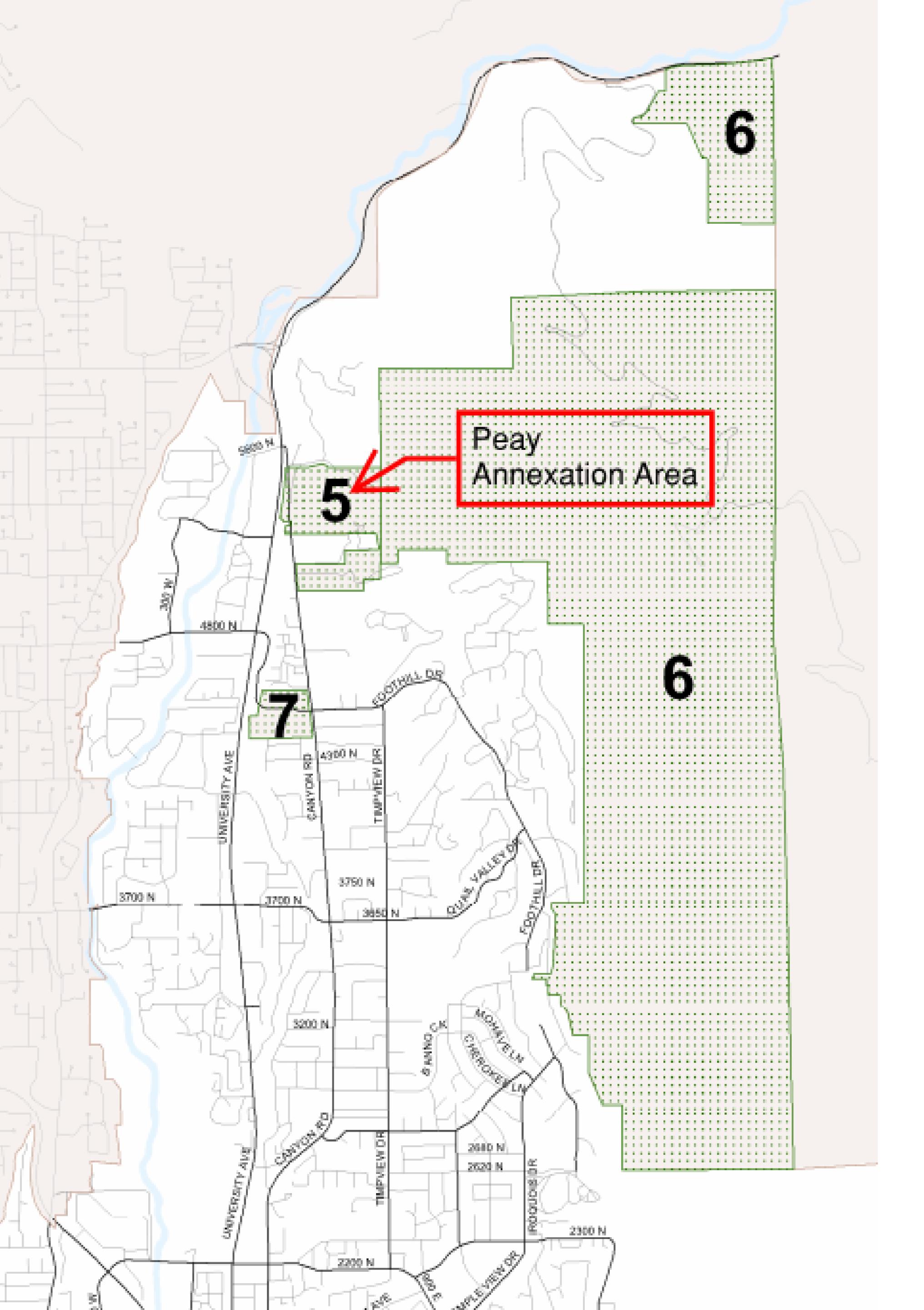
Area three: The Central Utah Project calls for the eventual diking and drainage of Provo Bay, thus providing the potential for urban development. Should this occur, Provo City would be in the best position to service this area. The General Plan currently designates this area as Developmentally Sensitive because of the flood plain and wetlands. A frontage road west of I-15 between the University Avenue and Springville interchanges would also be necessary to provide access to this area.

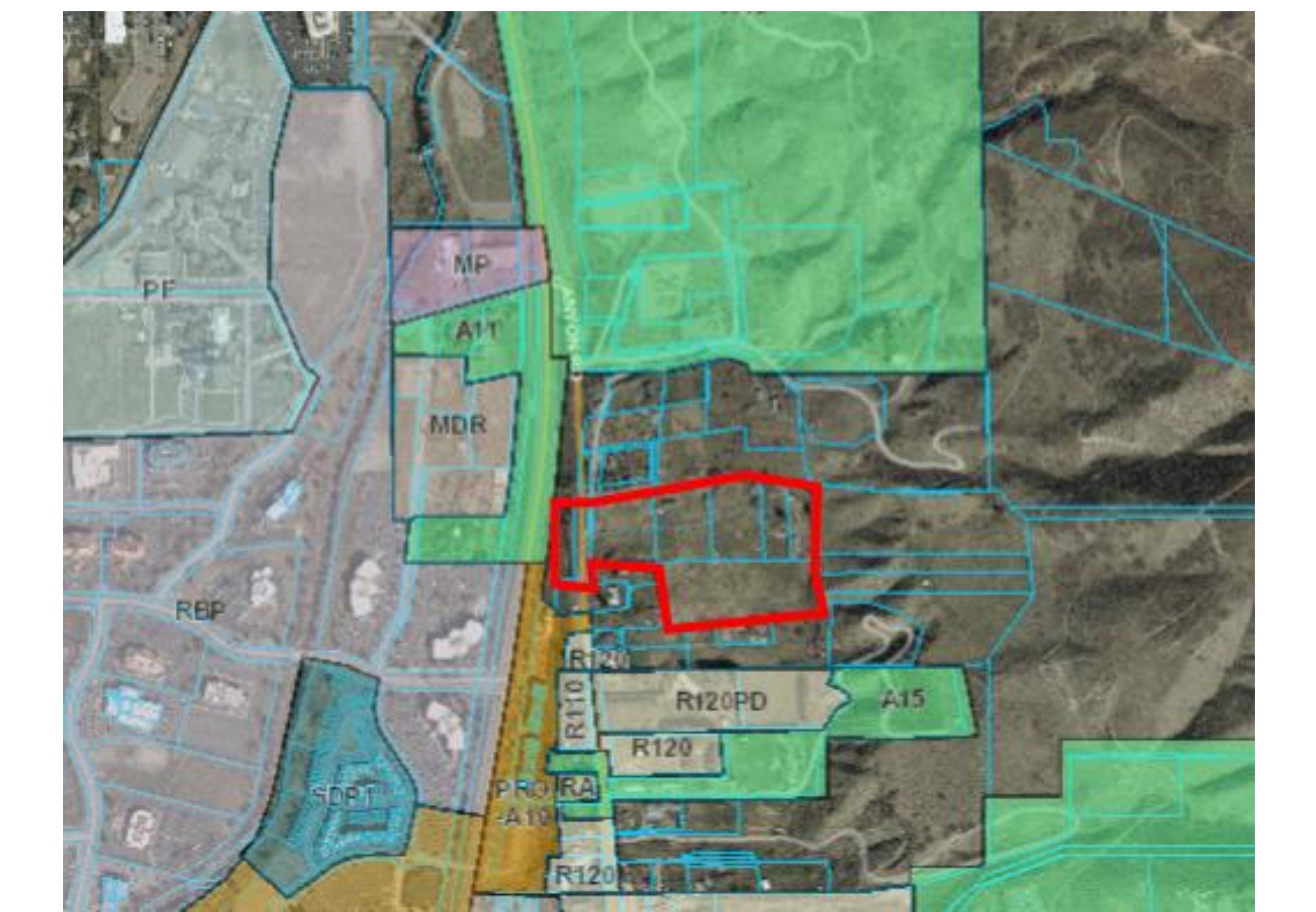
Area four: The development of this area will require additional water distribution system capacity as well as the construction of waste water lift stations. Present land uses in this area are agricultural and residential types. A large conservation easement, wetlands, and other environmental considerations in this area will need substantial consideration in the annexation and development process.

Area five: Existing water pressure zones can serve this area to an elevation of approximately 5,200 feet. Area 5 can be served by gravity waste water systems, but main lines would have to be extended into the area from existing lines several thousand feet away. Development in most of this area (over 10% slope) would be controlled by the Hillside Development Standards of the Subdivision Ordinance. The General Plan calls for Residential development in this area.

Area six: The area encompasses the Forest Service land east and north of Sherwood Hills and north of Little Rock Canyon. Even though this area contains steep slopes that would limit development, it would be annexed into Provo to preserve the hillsides from future mining uses.

Area seven: This property is an island of Utah County which is completely surrounded by Provo City limits. Most of these properties receive Provo City municipal services.





Provo City Planning Commission

Report of Action

May 22, 2019

*Item 3 Julie Smith requests the annexation (Peay Annexation) of 13.45 acres of property into the incorporated limits of Provo City, located at approximately 5400 N Canyon Road. North Timpview and Riverbottoms neighborhoods. Brian Maxfield (801) 852-6429 PLANEX20180355

The following action was taken by the Planning Commission on the above described item at its regular meeting of May 22, 2019:

CONTINUED

On a vote of 5:0, the Planning Commission continued this item to the June 12, 2019 Planning Commission Meeting.

Motion By: Andrew Howard Second By: Shannon Ellsworth

Votes in Favor of Motion: Andrew Howard; Shannon Ellsworth; Russell Phillips; Robert Knudsen; Dave Anderson

Votes Opposed: None

David Anderson was present as Chair.

• Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

RELATED ACTIONS

None

STAFF PRESENTATION

Staff forwarded the applicant's request to continue this item to the June 12, 2019 Planning Commission meeting. Staff reported that a neighborhood meeting will be held on Thursday, May 30, 2019, that will present this request along with the larger 160 acre "Terra" annexation being proposed by Bob Jones that is adjacent to the Peay Annexation area, and the proposed R1.10 development on the Kristen Murdock property at

CITY DEPARTMENTAL ISSUES

Public Works has expressed concerns regarding the annexation of areas that are not able to be services by water, and have recommended against the annexation of such areas. A separate memo noting the concerns and recommendation from Public Works was distributed with the staff report.

NEIGHBORHOOD MEETING DATE

The annexation petition for this item was accepted in January, but it is not known at which neighborhood meeting this item may have been discussed. The neighborhood (North Timpview) has reported it is on their agenda for their May 30, 2019 meeting.

NEIGHBORHOOD AND PUBLIC COMMENT

Staff has previously received no comment directly related to the Peay annexation.

The Planning Comm	MISSION DISCUSSION ission had no further discussion regarding this item.
06	
Plann	ing Commission Chair
4-10	
Director o	f Community Development
Planning Commis	licies of the Provo City General Plan, applicable <u>Titles of the Provo City Code</u> , and the <u>Staff Report to the sion</u> for further detailed information. The Staff Report is a part of the record of the decision of this item the Planning Commission differ from findings of Staff, those will be noted in this Report of Action.
	oted with an asterisk (*) and require legislative action by the Municipal Council following a public hearing mission provides an advisory recommendation to the Municipal Council following a public hearing.