

Annual Action Plan – Comments made at the public hearing for the Year 1 Annual Action Plan of May 27, 2015

Mr. David Rodriguez – President, Board of Directors of the Pinedale Water District.

1. Did not receive any funds; however, this project is going to go forward. He explained that the idea for coming to the City for recommendation is for opportunity for the City of Fresno to partner up. It's a public safety issue; the water is sub-standard for a certain section of Pinedale, identified by the Fresno Fire Department.
2. This was just an opportunity for the city to participate, and they hold no grudges, but they felt since it was identified by a City department that they might want the opportunity to participate in this safety issue.
3. He advised that it will go forward, and when his constituents ask him why the City of Fresno didn't help, I will say that they tried.

Ms. Ashley Werner – Leadership Council for Justice and Accountability

1. Preparing written comments on this, and she's not sure why the Commission's vote is prior to the deadline for written comments.
2. She recommended that the Commission postpones their vote until that comment deadline so that they can have the benefit of everyone's comments, which will include comments from Leadership Council for Justice and Accountability, and hopefully other individuals as well.
3. She said she would also recommend that the Commission also wait until a consolidated plan is prepared that fully addresses the issues that were raised in their letter, and Council Member Oliver Baines' letter and other individual's as well, because they can't prepare an annual action plan that really services its purpose based on a consolidate plan that's inadequate.
4. Based on their review to date, she described that each year there are less and less federal resources available to them. The document says that this year they're experiencing a 24 percent decline in the CDBG dollars, and a 30 percent reduction in HOME dollars, and that's huge in one year. That increases their responsibility to make sure these dollars are used effectively to address the severe needs in the City.

5. The Action Plan cannot serve as an effective tool to address the needs of the residents who participate in the consolidated planning process, if that consolidated plan doesn't accurately cover what those priorities of the residents were, which it does right now.
6. It doesn't serve as a guiding document based on those priorities. The real significant issue she sees is that the actual 23 project listed in the document do not reflect at all the priorities expressed during that process.
7. As stated in the Draft Consolidated Plan, the priorities raised to the top during this project was the extreme need for additional affordable rental housing in the City, there's a huge lack of that; new parks and green space; as well as economic development and job training. Those are identified in the Consolidated Plan as among those with the greatest priority. For affordable rental housing, there's actually only one project that promises to allocate funding to this to create affordable rental housing, and it doesn't specify how much funding will be created and how much rehabilitated. There's no real commitment to producing new affordable housing.
8. For parks, there is some funding allocated for parks programming, but there's only \$113,000 for park improvements. There's no funding allocated for the creation for new park spaces, and yet that was one of the very highest priorities identified by residents during this process.
9. There's no money at all provided for job training and no help for small business, and this was another of the very top priorities identified in the consolidated plan process.
10. There is \$600,000 for graffiti removal, and nowhere in the Consolidated Plan document is graffiti actually in the body of the document, and didn't hear that raised as a concern or high priority by residents once during the workshops attended.
11. There's \$1 million for code enforcement, and they think the City needs to move towards a cost mutual program where it is not the CDBG eligible neighborhoods that are paying for it through CDBG dollars, but rather landlords and those committing code violations.

Brunette Harris – HEAT

1. There has not been a community meeting.

2. The forums held in Southwest Fresno were not community meetings, and she doesn't know who the two ladies were who spoke, but they were from Stockton.
3. No one from Fresno presented anything to her community regarding the projects. Everything that is being presented to the Commission, and they continue to pass it,
4. HCDC has the paperwork from the HUD office that describes everything that's supposed to take place, and that hasn't happened. Before the City comes up for a project, they are to ask the community what it is the need.
5. Would appreciate if for the first time in the history of Fresno City if the Commission would read that paperwork and that they would follow it.
6. Someone needs to stand in between the City and City Hall, in other words the community, and be a buffer to make sure they get what they need and what HUD requires, and that hasn't been happening.
7. It's a shame to continue to come before the Commission and ask them to make sure the City does what they're supposed to do, and not just keep passing it, because Jennifer and Crystal sit before the Commission
8. They're not really answering the questions; they give broad answers, they do not answer the question. She stated that it seems to be okay, but it's not okay.
9. This affects her neighborhood, it's been blighted for years, and now they come up with their plan. They don't live there.
10. Block Grant dollars belong to each specific community. The community needs to be involved in what it is they want to see, not what Jennifer and Crystal, and whomever they hire to see. She said this is what's called for in the HUD document, and she asked again if the Commission would please read it and apply it to these projects.

Phoebe Seaton – Leadership Counsel for Justice & Accountability

1. She seeks funds and supporting lower-income communities, accessing state and regional funds to improve communities and improve opportunities. The City is not seeking active transportation this year from the state. They've been working with several other jurisdictions throughout the valley to seek those funds that the City has chosen not to seek.
 - It would address sidewalk, curb, gutter, etc., which affects pedestrian safety.

- The Action Plan identifies as need and allocates \$800,000 to address street improvements that funds could be accessed from the state to address those deficiencies and free up this money for other identified priorities.
 - Leadership Counsel is always very happy to work with the Commission and staff on accessing those dollars.
2. Another area of concern is a significant amount of money allocated to administrative expenses without a clear identification of where that money is going and how it's going to support the plan.
- It's close to \$2 million, and they'd like to see a better understanding, and they are not sure that's the correct use for this money.

Public Comment Letters

1. Luisa Medina, Private Citizen

PUBLIC COMMENT LETTERS SUBMITTED FOR THE ANNUAL ACTION PLAN

May 26, 2015

To: Housing and Community Development Commission (HCDC)
From: Ms. Luisa Medina
Re: 2015-16 Annual Action Plan Comments with Additional Comments on the
2015-2019 Draft Consolidated Plan

Thank you for the extended time to comment on the 2015-2019 Draft Consolidated Plan. I will also address the 2015-16 Draft Annual Plan.

As I stated in my two previous appearances before the HCDC, a primary concern relates to the City meeting its performance goals as outlined in the current drafts of both plans. The evaluation of past performance is discussed on Pages 6-7 in the 2015-2019 Draft Consolidated Plan, and in greater detail in the Consolidated Annual Performance and Evaluation Report (CAPERS) Pages 10-12.

Serious discussions need to occur as you consider the approval of both plans, given the poor performance as shown in these two documents and as presented in the HCDC staff report for your March 18, 2015 meeting. These federal dollars are intended to improve the living conditions and neighborhoods of low and moderate income communities. Yet, the City's performance, for the most part, is quite dismal. The City must work to strengthen its oversight and accountability.

The information below is taken from the March 18th Staff Report provided to the HCDC for your public hearing. This hearing was to receive input on the City's FY 2013-14 accomplishments and to obtain the community needs for the 2015-16 Annual Action Plan.

The Staff Report Exhibit B summarizes the goals, shows the appropriations and lists the City's performance. A few examples are listed below:

1. Housing Rehabilitation & Acquisition

- a. Target Area Distressed Property Program: \$500,000 allocated with the goal of 30 units; No dollars were spent and zero (0) performance;
- b. Target Area Rehabilitation: \$1,500,000 allocation (HOME) only \$23,545 spent, proposed goal was 10, actual was zero;
- c. Home Improvement Program: \$250,000 allocated for 3 houses, only \$837 was spent and actual houses was zero (0);
- d. Senior Paint: \$55,700 allocated with the goals of 18 homes, \$28,900 spent and 7 homes completed.

2. Public Facilities & Improvements; total of \$1.3 million was allocated

- a. Parks, \$425,000 allocated for 8 parks, with only \$102,346 spent and work is shown as IP (assume this means In Progress);

- b. Almy & Roy Improvements \$805,000 allocated, no expenditures and performance shows 2 streets; actual shows IP (assume this means In Progress);

3. Homelessness & Prevention of Homelessness

- a. Homeless Services shows an allocation of \$1,104,000 with zero performance and no expenditures
- b. Tenant Based Rental Assistance (TBRAS): \$1,000,000 allocated, 70 persons to be assisted; zero expenditures and zero performance;

These unspent dollars represent a significant amount of resources not utilized in these neighborhoods. At some point, the programs were considered viable and necessary to improve the living conditions for area residents. The City's non-performance reveals lost opportunities for our low and moderate income communities.

As we consider the Draft 2015-2016 Annual Plan, what steps has the City taken to monitor its performance and report on its progress in a meaningful way?

2015-2016 Draft Annual Plan:

Below are several items listed in the draft plan with the specific allocations as listed in the Project Summary Information Section which begins on Page 26. The numbers correspond to the goals on those pages.

#2. Allocation of CDBG funds in the amount of \$119,243 for the Senior Paint program with a goal of 20 housing units. This more than doubles the 2013-2014 and the 2014-2015 allocations (\$55,700), adds 2 more houses to the goal yet only 7 homes were assisted in the 2014 year.

What measures is the City proposing to meet this goal when the performance reached is less than 50% of the previous year's goal? Why double this allocation?

#3. Community Revitalization is allocated \$906,600 with a goal of 400 code violations related to health and safety. The Targeted Area refers the reader to Page 32, where the ESG goal is outlined, please clarify what is the area targeted with these funds. Also, how does this allocation relates to the implementation of the recently adopted ordinance by the City to address blight and vacant properties?

For the 2014 Year, this program received an allocation of \$1,966,900 with the actual performance of 5,242. Does this new allocation establish a different program? What changes are made to the program with the reduced amount?

#10. Roy & Almy reconstruction is allocated \$812,800 for street reconstruction? Are these dollars the same as listed in the 2014 plan or in addition? What stage is this project in and what is the anticipated timeframe for completion?

#12. Parks Facilities Improvements is allocated \$113,500 for improvements at 5 parks; the previous year's allocation was \$425,000 for 8 parks with \$102,346 spent. What stage is this project currently at and what is the anticipated timeframe for completion? What is the location of these parks under this proposed allocation?

#15. HUD Re-payment of \$500,000 of CDGB funds, what is the total expenditure amount questioned by HUD, what did they determine were the ineligible expenses, and the actual amount to be repaid to HUD?

#16. CHDO Set Aside: The City acknowledges there is only one CHDO which is identified as Habitat for Humanity. What, if any, capacity building activities does the City undertake to increase the number of CHDOs?

#17 & #18. Under the HOME program there is the Homeowner Rehab Program which is allocated \$1,447,400 to rehabilitate 20 units; the Rental Rehab & New Construction has an allocation of \$1,300,000. Are these the same programs as listed under Housing Rehab/Acquisition on the previous examples? How will the City implement and monitor to ensure these goals are met?

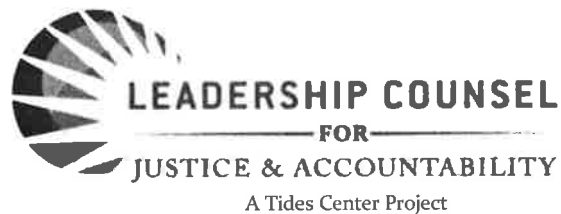
In the examples presented, the City previously allocated \$2,104,000 (substantial) HOME dollars for homelessness (Homeless Services) and homelessness prevention (Tenant Based Rental Assistance) programs. A contract for the Tenant Based Rental Assistance was awarded to the Fresno Housing Authorities over a year ago at the March 6, 2014 of the City Council.

What is the current status of this agreement and its performance to date? What occurred with the \$1,000,000 allocation for the Homeless Services? If dollars are not spent, are they re-allocated to the same programs or new programs established?

Also in the 03/18/15 Agenda Item, under new construction, the city allocated \$8,501,870 HOME funds with expenditures of \$3,871,870 leaving a balance of approximately \$4,630,000. In the Draft Plan, the City shows \$2.5 million HOME dollars from prior year resources (Page 6). Were allocations made in the current year (14-15) to fund new projects? In the agenda item for tonight's Public Hearing, the agenda item shows no dollars as a carryover. Please explain.

The monitoring of the City's performance is required by HUD and the public is entitled to know, in a timely fashion, how well the City performs with these federal dollars. The City, at a minimum, needs to provide quarterly program progress reports on the goals and the expenditure of these dollars. The HCDC, the City Council and the Mayor play a key role in establishing a workable performance monitoring program. It must be robust and meaningful, one that not only measures performance but serves to ensure the City is successful in reaching its goals. These funds are to improve our low and moderate income communities, however, many of the older neighborhoods still lack the amenities enjoyed by residents in newer areas of Fresno.

Again, thank you for the opportunity to comment on both plans. I regret that I cannot be present for your meeting. I am available to discuss my concerns with the HCDC and can be reached via email at luisamedina49@sbcglobal.net.



June 2, 2015

City of Fresno
Development and Resource Management/CDBG Section
Attn: Crystal Smith
2600 Fresno St., Rm 3065
Fresno, CA 93721

Maria Cremer
Director, Community Planning and Development Division
U.S. Department of Housing & Urban Development
San Francisco Regional Office, Region IX
One Sansome Street, Suite 1200
San Francisco, CA 94104-4430

SENT VIA EMAIL AND U.S. MAIL

Re: Comments on Draft FY 2015-2016 Annual Action Plan

Dear Ms. Smith:

We are writing to submit comments on the City of Fresno's Public Review Draft Fiscal Year (FY) 2015-2016 Annual Action Plan (Draft Action Plan or Draft AAP). As explained in detail herein, the Draft Action Plan, like the City's Draft Consolidated Plan, fails to meet requirements set by HUD and articulated in the Code of Federal Regulations (CFR). Given the great need in Fresno and shrinking federal resources, the City has a heightened duty to ensure the highest use of its entitlement funds in accordance with the priorities set by residents, and to pursue all actions available to address barriers to affordable housing and community development in the City.

The comments set forth below aim to help the City develop a Final Action Plan that is both legally compliant and serves its intended purpose as an effective tool for the allocation of scarce resources to meet community priorities. Please contact me at my office at (559) 369-2786 to set up a time to discuss how these comments can be fully integrated into the Final Action Plan.

I. The City Must Prepare a Revised Draft Action Plan Based on a Legally Adequate Draft 2015-2019 Consolidated Plan

On May 5, 2015, Leadership Counsel for Justice and Accountability (Leadership Counsel) submitted a letter (May 5th Letter) to the City that describes in detail the legal inadequacies of the City's Draft 2015-2019 Consolidated Plan (Draft Consolidated Plan or Draft Plan). These inadequacies include but are not limited to:

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- failure to document public outreach sufficient to satisfy the requirements of the CFR;
- omission of information essential to informed public review and comment;
- failure to evaluate the City's past performance in implementing its 2010-2015 Consolidated Plan;
- failure to establish clear priorities and goals that flow from input provided by residents and stakeholders during the citizen participation process;
- failure to adequately identify actions the City will take to remove or ameliorate public policy barriers to affordable housing, and;
- lack of a non-housing community development plan that conforms to CDBG program objectives.

The Draft Action Plan, released for public review on May 5, 2015, is based on the flawed Draft Consolidated Plan and thus cannot serve its intended purpose as an implementation tool for a legally adequate consolidated plan as written.

The City must prepare and circulate for public review a revised, legally-compliant Draft Consolidated Plan and a revised Draft Action Plan which implements the revised, legally-compliant Draft Consolidated Plan.

II. The Draft Action Plan Does Not Adequately Identify and Describe How the City Will Leverage Private, State, and Local Resources

a. A Revised Draft Action Plan Must Identify Private, Local, and State Funds Available to Implement the Consolidated Plan

The annual action plan must provide a summary of the anticipated federal grant funds and other private, state and local resources expected to be available to the jurisdiction to carry out its Strategic Plan over the course of the program year. The action plan must describe how the federal funds will leverage the additional private, state, and local resources available. 24 CFR § 91.220(c)(1); The eCon Planning Suite: A Desk Guide for Using IDIS to Prepare the Consolidated Plan, Annual Action Plan, and CAPER/PER" (Desk Guide), U.S. Department of Housing and Urban Development (HUD), pp. 194-195.

In response to this requirement, the Draft Action Plan states:

"The combined programs have experienced a decline since the last ConPlan period of 30% from \$12.9 million in 2010 to \$9 million in 2014. The lack of resources combined with Fresno's extreme poverty and limited local resources, constrains the City's ability to fund the entire spectrum of needs in the community." AAP, p. 3.

The Draft Action Plan also identifies the City's partnerships with several non-profit organizations for grant implementation and certain grants obtained by the City to address certain planning, environmental and resource needs in low-income neighborhoods. pp. 9-11.

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While we applaud the City's steps to seek resources to address the needs of disadvantaged neighborhoods in Fresno, the Draft Action Plan omits discussion of several funding sources available to support implementation of the consolidated plan.

First, while Fresno has among the highest poverty rates in the nation, the resources available to the City locally to combat this poverty are expanding. The Mayor's Administration recently released a draft FY 2015-2016 \$1.2 billion budget, up from approximately \$996,000,000 last year. A revised Draft Action Plan should identify budget resources available to support implementation of the final 2015-2019 Consolidated Plan and explain how those resources can be used conjunctively with federal funds to maximize the efficacy of plan implementation.

Second, the Draft Action Plan does not identify the Romain Park skate park which The California Endowment has committed to finance. The Draft Consolidated Plan identifies parks space and facilities as among the highest priority needs that arose during the consolidated plan update citizen participation process.

A revised Draft Action Plan should identify this significant private resource to address park space and facilities needs and describe any opportunities to leverage the resource with federal grant funds or other private, state, or local resources.

Third, Leadership Counsel for Justice and Accountability submitted an application to the California Department of Toxic Substance Control in May 2015 for \$60,000 to conduct a community-driven assessment of the compatibility of industrial and heavy commercial land uses and zoning in Fresno with existing neighborhoods pursuant to General Plan Policy HC-3-g. Leadership Counsel expects to receive notice this summer as to whether its application has been approved. Leadership Counsel has invited the City to join it as a co-signatory on the grant should it receive the funding. A revised Draft Action Plan should identify this potential funding source, confirm the City's willingness to act as a co-signatory on the grant (and similar grants) and identify other resources available to support implementation of this assessment.

b. A Revised Draft Plan Should Identify Publicly Owned Property that May Be Used to Meet the Needs Identified in the Consolidated Plan

"Where the jurisdiction deems it appropriate, the jurisdiction may indicate publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan". 24 CFR § 91.220(c)(2).

The Draft Action Plan makes general reference to the remaining redevelopment agency housing property inventory which may be used for affordable housing activities, stating that it is unknown if these properties will "be released" in this program year. p. 17. However, the Draft Action Plan includes no information about any other publicly land or property within the City that may be used to meet the needs identified in the Draft Consolidated Plan, including the needs of affordable housing, parks and open space, and public facilities which residents emphasized as

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priorities during the consolidated plan update process.¹ The Draft Action Plan provides no basis or explanation for this omission.

Lacking any basis not to include such information, the Draft Action Plan should be revised to identify publicly owned land and property within the City that may be used for affordable housing, parks and open space and to address other needs of the City's block grant eligible neighborhoods. The property inventory should also include publicly-owned remnant parcels along freeway corridors which may be used to plant trees, shrubs, and other plants that can serve to mitigate toxic air emissions generated by traffic along these corridors that negatively impacts nearby residences and other sensitive land uses.²

III. The Goals Identified in the Consolidated Plan and the Draft Action Plan Do Not Satisfy the Requirements of the CFR

The Draft Action Plan section entitled, "Annual Goals and Objectives", lists the goals identified in the Draft Consolidated Plan. Though explained in full in our May 5th letter, it bears repeating that the goals set forth in the Draft Consolidated Plan – and now again in the Draft Action Plan – do not satisfy the requirements of the Code of Federal Regulations. 24 CFR § 91.215(4); Federal Register, Vol. 71, No. 27, p. 6953. In particular, the four goals identified in these plans, which include "Safe and Affordable Housing", "Homelessness and the Prevention of Homelessness", "Community Services", and "Public Facilities and Improvements", are so broad that they provide little guidance for federal block grant expenditure and fail to reflect the priorities expressed by residents and stakeholders during the citizen participation process. See May 5th Letter, pp. 8-9.

The goals and objectives identified in the Draft Consolidated Plan therefore do not serve as an adequate basis for the allocation of entitlement funds in the Draft Action Plan. The Draft Consolidated Plan must be revised so that the goals and objectives identified therein comply with the CFR and reflect the priorities expressed by residents and stakeholders. The City must recirculate the revised Draft Consolidated Plan for public review as well as a revised Draft Action Plan that incorporates and responds to the Draft Consolidate Plan's revised goals and objectives.

¹ As explained in our May 5th Letter, the property inventory provided in the Draft Consolidated Plan is unhelpful. Nine of the sixteen parcels identified in that document are less than .2 acres in size and all but one of the parcels are less than an acre in size. The Draft Consolidated Plan identifies no parcels outside of West Fresno and the Downtown area. See May 5th Letter, p. 17.

² Current City Policy (General Plan Policy POSS-2-d) calls for the creation of park spaces on such remnant parcels. Leadership Counsel and local non-profit organizations affiliated with the Building Healthy Communities initiatives have objected to this policy on public health grounds. We propose that the City instead use these spaces to buffer existing sensitive uses from pollution through greenery on the one hand while undertaking an update to the 1989 Parks Master Plan to identify appropriately sited parcels and a plan for their eventual acquisition in order to meet the parks needs of low-income South Fresno neighborhoods.

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IV. The Draft Action Plan Impermissibly Lists Goal Outcome Indicators Not Identified in the Strategic Plan

The Desk Guide states, “For consistency, the jurisdiction should select the same Goal Outcome Indicators for the annual goals as they did for the Strategic Plan goals.” p. 198. The Draft Action Plan fails to comply with this requirement, as it includes Goal Outcome Indicators which are not listed in the Draft Consolidated Plan and not consistent with the priorities raised during the citizen participation process.

For Goal 1, “Safe and Affordable Housing”, the Draft Consolidated Plan lists “Rental units rehabilitated / constructed” and “homeowner housing units rehabilitated” as the Goal Outcome Indicators. In addition to those two goal outcome indicators, the Draft Action Plan also lists “Housing Code Compliance cases opened”. “Housing Code Compliance cases” is not only absent in the Draft Consolidated Plan as a Goal Outcome Indicator, but the Draft Consolidated Plan indicates that participants in the citizen participation process desired the City to reduce its reliance on federal entitlement funds to support the City’s code enforcement activity:

“Participants questioned how the code enforcement program was currently financed and recommended the City move to a fee-based structure in order to deter slumlords and increase services.” p. 26.

Draft Consolidated Plan Appendix A, Priorities for Central Fresno, also states:

“Participants said that if code enforcement became more cost-neutral for the city, the block grant funds could be utilized to build more affordable housing and housing for the homeless.” p. 6.

Furthermore, the term “Housing Code Compliance cases opened” does not denote any measurable outcome with respect to community identified code enforcement needs, as mere cases opened do not equate to code violations resolved.

For Goal 3, “Community Services”, the Draft Consolidated Plan lists as its Goal Outcome Indicator, “Public service activities other than for low/mod income housing benefit:” and establishes “3,000 persons assisted” as the target. The Draft Action Plan also identifies “Public service activities other than for low/mod income housing benefit:” as the Goal Outcome Indicator for Goal 3 but includes “5000 incidents of graffiti removed” (in addition to “Senior Citizens” and “Youth”) as a target.

For Goal 4, “Public Facilities and Public Improvements”, the Draft Consolidated Plan lists as its Goal Outcome Indicator, “Public facility or infrastructure activities other than for low/mod income housing benefit:” and establishes “1,250 Persons Assisted” as the target. The Draft Action Plan likewise identified “Public facility or infrastructure activities other than for low/mod income housing benefit:” as the Goal Outcome Indicator for Goal 4 but includes “20,000 incidents of graffiti removed” as a target.

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Not only is “incidents of graffiti removed” not a Goal Outcome Indicator listed in the Draft Consolidated Plan for Goals 1, 2, 3, or 4 , nowhere is graffiti removal identified as a priority or in fact even mentioned in the body of the Draft Consolidated Plan. Neither did graffiti removal surface as a priority need by residents and stakeholders during the citizen participation process; rather, the expansion of affordable housing, the creation of new parks and public facilities, job training and essential neighborhood infrastructure improvements arose as among the community’s top priorities. Appendix A, p. 1.

In summary, the City must revise the Draft Action Plan to shift the allocation of federal entitlement funds from code enforcement and graffiti abatement to other needs that conform to goal outcome indicators selected in conformance with the CFR and the priorities expressed by residents and stakeholders during the consolidated planning process. Pursuant to the recommendation of participants in the citizen participation process, the City should consider alternative funding sources for code enforcement – including implementation of a cost-neutral program supported by fees and fines imposed respectively on landlords and code violators – so as to maximize resources available to address community needs.

V. The Projects Identified in the Draft Action Plan Do Not Adequately Respond to the Priority Needs Identified by Residents

As noted in our May 5th Letter, the Draft Consolidated Plan identifies the following priorities that arose as a result of the consolidated plan update citizen participation process:

- Job training, financial support for small business expansion (Economic Development)
- Parks, educational centers, and youth centers (Public Facilities)
- Transportation and crime prevention (Public Services)
- Street improvements, lighting, and playgrounds (Infrastructure)
- Affordable rental housing, code enforcement, energy efficiency, and permanent housing for the homeless (Affordable Housing) (May 5th Letter, p. 9; Draft Consolidated Plan Appendix A, p. 1)

In particular, the Draft Consolidated Plan identifies “[i]ncreasing the affordable rental housing inventory”, “the need for parks and greenspace”, and “creating jobs and economic opportunities” as among the highest priorities identified during the consolidated planning process. p. 32. The Draft Consolidated Plan in particular provides abundant data highlighting the extreme need for expanded affordable need in particular in the City, especially for low-, very low- and extremely low income households, large households and people of color among others.³ The Draft Annual Action Plan confirms the high priority of affordable rental housing, increased parks and greenspace, and greater economic opportunity for Fresno residents. p. 26.

Just a few examples of this data include the following: 47% of all households and 54% percent of renter households pay more than 30% of their income towards housing costs. 24% of households and 32% of renter households pay more than 50% of their income towards housing costs 37% of Black / African American households and 34% of Pacific Islander households are disproportionately severely cost burdened. . Draft Consolidated Plan, p. 4. 19% of all households are overcrowded. *Id.* The Draft Consolidated Plan emphasizes the need for additional affordable multi-family rental units given the large share of low- and moderate income residents in Fresno and the existing unmet housing need. See e.g., p. 92.

The Draft Action Plan does little however to specifically address these high priority needs identified in the Draft Consolidated Plan while allocating a substantial percentage of the anticipated entitlement funds for code enforcement (\$1,056,600), graffiti abatement (\$600,000), administrative expenses (\$1,810,714), and repayment of misspent entitlement funds (\$1,051,100). As mentioned in this letter above, the Draft Consolidated Plan notes that stakeholders desire to see City utilize resources other than entitlement funds to address code enforcement needs. Draft Consolidated Plan, pp. 6, 26, 32. In addition, as described in detail in Section VI(b) below, several of the projects identified in the Draft Action Plan (Projects Numbers 10, 11, 12) appear to be fundable in part or in full through state and other funding programs.

Among the 23 projects identified in the Draft Action Plan, the only project that would potentially allocate funds to the construction of affordable rental housing, Project Number 18, makes no firm commitment to do so, proposing only to rehabilitate or construct 30 rental units.

The Draft Action Plan also proposes to allocate just \$113,500 for “[i]mprovements to neighborhood parks” through Project Number 12 and no funds for creation of new parks and greenspace. The Draft Action Plan also does not allocate funding for the City to update the Parks Master Plan, a necessary step to identifying long-term solutions to South Fresno’s parks and open space deficiencies called for in the City’s new General Plan and not prioritized for funding the City’s Draft FY 2015-2016 Budget.

The Draft Action Plan fails to include projects that would address job training needs or support small business development, though these needs were also identified as high priority needs by residents.

The City must prepare and circulate for public review a revised Draft Action Plan that reallocates funding to address the high priority needs identified in the Draft Consolidated Plan – including the need for affordable housing, additional parks and greenspace, and economic opportunities – and that maximizes the resources available to the City by setting forth an aggressive program to seek available alternative sources of funding to address other priority needs.

VI. The Draft Action Plan Does Not Adequately Justify its Allocation Priorities

a. The Draft Action Plan Does Not Justify its Prioritization of NOFA-funded Projects in Downtown

Our May 5th Letter points out the discrepancy between the Draft Consolidated Plan’s statement that the Plan does not establish any specific target areas for the investment of entitlement funds and its statement that the City gives priority to NOFA-funded projects located in Downtown Fresno. The letter also points out that the priorities identified during the citizen participation process do not necessarily support prioritization of NOFA-applications for projects located in Downtown as opposed to other neighborhoods such as West Fresno. pp. 7-8.

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The Draft Action Plan repeats these same conflicting statements regarding entitlement funding priorities and again states that the City will give priority to NOFA-funded project without providing a rationale for that decision as required. Draft Action Plan, p. 35; Desk Guide, p. 214. The Draft Plan also does not state the percentage of funds that will be directed to the Downtown target area or any other target area as required by HUD and necessary for transparency in the City's allocation of entitlement funds. Desk Guide, p. 213.

b. The Draft Action Plan Does Not Adequately Describe and Justify the Projects Selected Pursuant to 24 CFR § 91.220 and HUD Regulations

An annual action plan must demonstrate how each program or activity (project) that it proposes will take place during the program year addresses priority needs, objectives, and goals and justify the proposed allocation priorities. 24 CFR § 91.220(d); Desk Guide, pp. 204, 206. Specifically, the action plan must “summarize the nature of the project that will help the reader determine how the project is eligible and its intended objectives and outcomes.” Desk Guide, p. 206.

The Draft Action Plan does not satisfy this requirement with respect to several projects identified therein, because the Draft Action Plan's descriptions of the respective projects are too vague to “help the reader determine how the project[s are] eligible and [their] intended objectives and outcomes” and/or the projects themselves do not respond to priority needs, objectives, or goals identified in the Draft Consolidated Plan. Desk Guide, p. 206.

In addition, several projects appear eligible for funding through other non-entitlement sources; the City should pursue funding for these projects through other sources to maximize the use of entitlement funds to have the greatest impact on priority needs.

i. Project No. 2

The Draft Action Plan Project Summary Information Table (Table) describes Project Number 2, titled “Senior Paint Program”, only as “Minor Rehabilitation”. The information provided for Project #2 is insufficient to allow the reader to understand the nature of the project and its intended objectives and outcomes and must be supplemented in a revised Draft Action Plan.

In addition, paint-related minor rehabilitation needs is not mentioned in the Draft Consolidated Plan and did not arise during the citizen participation process as a priority need within the broader housing needs category. See Draft Consolidated Plan, Appendix A, p. 1. The City should reallocate the funds programmed for this project (\$119,243 in CDBG funds) to address the highly prioritized needs, such as the need for expanded affordable housing opportunities.

ii. Project Nos. 3 & 4

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Project Numbers 3 and 4 each propose to fund “two targeted neighborhood revitalization teams” to identify code violations and remove conditions of blight through \$1,006,000 in CDBG dollars. Draft Action Plan, p. 26. This proposed funding allocation amounts to approximately 13% of the City’s total anticipated CDBG funds for the next program year.

As explained in Section IV above, the Draft Action Plan’s dedication of significant block grant funds to code enforcement activity fails to account for concerns raised during the citizen participation process regarding the City’s allocation of scarce entitlement resources to code enforcement and recommendations that the City maximize the resources available to it by seeking to fund code enforcement activities through a cost-neutral program.

iii. Projects 6 & 7

Projects 6 and 7 propose to allocate a total of \$600,000 of CDBG dollars to implement a “Graffiti Abatement Program”. p. 27. As explained in Section IV above, graffiti abatement is not mentioned once in the Draft Consolidated Plan and did not arise as a priority by residents during the citizen participation process. The City cannot justify the proposed expenditure of limited block grant dollars for graffiti abatement purposes while the Draft Action Plan does little or nothing to address priority needs identified by residents, such as the need for additional affordable housing, park space, and job training.

iv. Projects 10 & 11

Project Number 10, “Roy & Almy Reconstruction”, proposes to allocate \$812,800 to reconstruction of two deteriorated streets with curbs, gutters, and sidewalks. This project is a perfect candidate for the state Active Transportation Program (ATP), which will award \$360 million over the next three years to jurisdictions around the state to undertake projects that address local pedestrian and bicycle needs and allocates priority to projects benefitting disadvantaged neighborhoods. Instead of using increasingly scarce federal entitlement funds on such a project, the City should work with residents and community stakeholders to prepare a competitive application for ATP funding.

We understand that the City has decided not to prepare *any* applications for submission for state ATP funding the 2015-2016 funding cycle. Unfortunately, this represents a missed opportunity by the City to obtain millions of dollars this year alone to address the very infrastructure needs in low-income neighborhoods that the City claims not to have the resources to address and to leverage additional funds for projects undertaken with block grant money.

Project Number 11, “Neighborhood Street Improvements”, proposes to allocate over \$1 million in CDBG funds for “[i]mprovements to target area infrastructure based upon community input on access to schools, park and services...” Draft Action Plan, p. 29. The project description as written is sufficiently broad and vague that it does not allow the reader to “determine how the

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project is eligible” and its specific intended objectives and outcomes as required. Desk Guide, p. 206.

Nevertheless, the title of the project and description suggest that the project may be eligible for ATP funding or funds through other state programs, such as the state Cap-and-Trade Program including the Affordable Housing and Sustainable Communities Program (AHSC). The City should consider whether this project’s intended activities could qualify for funding through these alternative funding sources and revising the Draft Action Plan to reallocate the funding for this project to address other critical needs, such as the need for increased affordable housing options in the City.

Furthermore, the project description, which indicates that improvements will be made to infrastructure within a “target area”, seems to conflict with the “n/a” response provided in “Target Area” category in the Table. Should the City retain this program, a revised Draft Plan should rectify this apparent conflict and specify the target area, if any, for use of these funds.

v. Projects 8, 15, & 21

Projects Numbers 15 and 21 involve the repayment of \$550,000 in entitlement funds to “address prior ineligible expenses. Project Number 8 consists of the allocation of \$501,100 for “Section 108 Loan Repayment”, which the Draft Action Plan ambiguously describes as “Annual repayment of federal loan”.

Though these allocations consist of over \$1 million of the City’s annual entitlement funds, the Draft Action Plan does not explain whether the City must meet these repayment obligations using entitlement dollars or whether it may use City general fund or other resources to satisfy its obligations. The allocation of entitlement funds to repay “prior ineligible expenses” constitutes a double penalty for the City’s low- and moderate-income residents by depriving them of the benefits of entitlement funds during this program year on top of the benefit denied to them by the City’s own ineligible expenditure of the funds.

To the extent permitted under the law, the City should revise the Draft Action Plan to reallocate funds currently programmed for debt repayment to projects that address priority needs identified during the citizen participation process and satisfy its debt repayment obligations through general fund or other available resources.

vi. Project 18

Project 18 proposes to allocate \$1.3 million in HOME funds to “rental rehab and new construction” and sets a goal of 30 units rehabilitated and/or constructed. p. 31. No other project identified allocates funding for rental unit construction, although the Draft Consolidated Plan repeatedly refers to the critical lack of affordable rental units in the City. See e.g., pp. 80-81. The project description should be revised to clarify the project’s commitment to affordable rental unit

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production by specifying the number of rental units the City intends to produce and the number of units the City intends to rehabilitate with these funds.⁴

vii. Projects 9, 19, & 23

Projects Numbers 9, 19, and 23 propose to allocate \$1,765,714 to “CDBG Administration”, “HOME Program Administration”, and “HOPWA Administration”. The Draft Action Plan identifies no Goal Outcome Indicators for these proposed expenditures reaching close to \$2 million. In addition, the description for Project 9 lists an array of activities, including “Homeless Administration”, “Historic Preservation”, “Housing Rehab Administration”, “Grant Monitoring & Administration”, “Fair Housing Council”, “Southwest Specific Plan”, and “Southeast Specific Plan.”

The Draft Action Plan must justify the allocation of any entitlement dollars for administrative activities. Given the extreme poverty and need in Fresno as recognized in the Draft Annual Action Plan itself, the City must maximize the use of the resources available to it to address the high priority needs expressed by residents. We therefore strongly recommend against the use of such significant entitlement resources to fund administrative activities and staff positions.

The Draft Action Plan must also include a break-down of the proposed \$1.5 million allocation for “CDBG Administration” by the various activities identified in the project description in a manner that will “help the reader determine how the project is eligible and its intended objectives and outcomes”.

VII. The Draft Action Plan Does Not Describe How It Will Address the Needs of Public Housing During the Program Year

The annual action plan must describe what actions the grantee will take in the given program year to address needs of public housing. Desk Guide, p. 217. The Draft Action Plan however lists *no concrete actions* which the City intends to take next year to address the needs of public housing.

The Draft Action Plan mentions ongoing applications for the RAD program for public housing developments within City limits, yet RAD is a Housing Authority initiative and the City does not mention any specific activity it will undertake to further its ends. p. 38. The Draft Action Plan also includes the non-committal and vague statement that the city will “continue to work with the HACF and other qualified private nonprofit entities during the next program year to address the needs of housing within the City’s jurisdiction”. p. 39. The Draft Action Plan further assures the reader that “the city fully supports the HACF’s efforts to ensure adequate affordable housing for

⁴ The “Affordable Housing” section of the Draft Action Plan indicates that this project will use of the allocated funds for rehabilitation activities, since the section identifies only two housing that will be produced which corresponds to Project 16 (CHDO Set Aside for the construction of two housing units). Draft Action Plan, pp. 30, 38.

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all City residents.” *Id.* Yet the Draft Action Plan does not list any concrete actions that the City itself will take to meet the needs of public housing and public housing tenants.

The City must release a revised Draft Action Plan which identifies specific commitments the City will make to address the needs of public housing within the jurisdiction. Meaningful activities to this end could include partnering with the PHA, non-profit service providers, non-profit affordable housing developers, affordable housing advocates and low-income residents to identify suitable sites in high opportunity areas that could be used for affordable housing, new public housing development, and supportive services and identifying and pursuing funding strategies to support the realization of such development.

In addition, the Draft Action Plan indicates that the City intends to fund two specific plan updates – the Southeast Specific Plan and the Southwest Specific Plan – with CDBG dollars. The City could commit to meaningfully engaging public housing tenants throughout these planning processes, including inviting participation of tenants on the advisory committees formed for these projects, and could incorporate issues relating to affordable housing and public housing into the matters addressed by the plans.

VIII. The Draft Action Plan Should Identify and Expand Upon the Dakota EcoGarden Model for Addressing Homelessness

Neither the Draft Consolidated Plan nor the Draft Action Plan mention the Dakota EcoGarden as a resource which shelters a small number of homeless residents and provides them with supportive services and job training so that those served may enter or reenter the workforce. The Dakota EcoGarden is run by volunteers and supported with donations yet has had success in shepherding participants from homelessness to self-sufficiency and is seeking to expand its efforts to reach more people.

The Final Consolidated Plan and the Final Action Plan should identify the Dakota EcoGarden as an effort serving to address the needs of the homeless population. The Plans should examine how the City is positioned to support or model the EcoGarden’s efforts and identify concrete steps it will take to ensure the continuation and expansion of its services and model.

IX. The Draft Action Plan Does Not Adequately Identify and Describe How the City Will Mitigate Public Policy Barriers to Affordable Housing

Annual action plans must describe the actions the jurisdictions will take in the next year to reduce barriers to affordable housing. Desk Guide, p. 221. The Desk Guide states:

“Describe planned actions 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.” p. 222.

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As described in our May 5th letter the Draft Consolidated Plan fails to identify public policy barriers to affordable housing and concrete steps the City will take to mitigate those barriers. Thus, the Draft Consolidated Plan serves as an inadequate foundation upon which to base the Annual Action Plan.

Indeed, the Draft Action Plan itself contains no concrete strategy or actions for addressing the public policy barriers to affordable housing in the jurisdiction. The public policy barriers identified in this section (e.g., “Land Use Controls”, “Annexation”, “Excessive Land Values in Select Areas”) are so general that they provide no meaningful guide to action.

The actions identified are drawn from the 2010-2015 Consolidated Plan and thus are actions which should be completed by the close of the 2014-2015 Annual Action Plan cycle. Furthermore they are general in nature and lack performance measures (e.g., “planning entitlement fee reductions...”) and are therefore not useful as a tool to assure progress in achieving set goals to reduce public policy barriers to affordable housing.

Our letter on the City’s Draft Consolidated Plan outlines specific actions the City can take to expand opportunity for and access to affordable housing and a safe living environment in Fresno. Just a few of these proposals include:

- the adoption of a requirement that new subdivisions dedicate a certain percentage (i.e., 20%) to affordable housing for low, very-low, and extremely-low income populations. As the City is currently updating its Development Code, now is a perfect time to consider and adopt such a program into city regulations.
- Identify and re-designate and rezone parcels for higher residential densities in existing high opportunity neighborhoods and in growth areas.
- Allowing multi-family housing in single-family residential districts by conditional use permit in the City’s updated development code.
- strategic and coordinated pursuit of funds with community stakeholders and other government agencies from the state Cap and Trade Program, Active Transportation Program (ATP), private foundations, and other sources to fully leverage entitlement dollars to make progress in meeting the need for affordable housing (especially affordable multi-family rental housing); the creation of new parks, open space, and facilities; and infrastructure improvements.

Likewise, the Draft Action Plan fails to adopt concrete actions to reduce the number of families in poverty and to develop its institutional structure. A few key actions that the Final Plan should include to these ends are the following:

- Modify the iDIFER program for the deferral of impact fees for “employment generating” industrial uses to provide additional incentives to employers that train and hire qualified employees from low-income neighborhoods with high unemployment rates. For

example, the program could provide full fee waivers only to employers willing to target hiring this way and partial fee waivers to other qualifying employers. Focusing on expanding employment in neighborhoods with high unemployment rates will help build resources, stability, and human capital in neighborhoods which have suffered from chronic disinvestment.

- Build institutional infrastructure by addressing barriers to the receipt of notice by residents and stakeholders with respect to entitlement applications. South Fresno residents and stakeholders have reported their failure to receive notice of new industrial facilities and other developments despite their requests to multiple city staff to receive such notice. This undermines resident trust in the City and prevents full engagement by residents in development processes which impact the quality and direction of their neighborhoods.
- Create a multi-stakeholder task force for general plan implementation as promised by the Mayor's Administration.

X. The Draft Action Plan Should Identify Additional Actions that Fresno Will Undertake to Achieve the Goals of the Consolidated Plan

The annual action plan must identify strategies to foster and maintain affordable housing; evaluate and reduce lead-based paint hazards; reduce the number of high poverty-level families; development institutional structure; and enhance coordination. Annual Action Plan, p. 46; Desk Guide, p. 224. In addition, the action plan must identify obstacles to meeting underserved needs and propose actions to overcome those obstacles. *Id.*

The Draft Action Plan identifies a few helpful strategies but does not sufficiently demonstrate how it will enact them. For instance, the Draft Action Plan states that the "City will update its Parks Master Plan to implement recreation opportunities throughout the community". p. 46. However, the Parks Master Plan is not identified in the City's Draft FY 2015-2016 Budget. The Final Action Plan should specify when and how the Parks Master Plan Update will be funded and the timeline for the update.

The Draft Action Plan also states that "[t]hese actions include support for...Cap & Trade applications for the development of new TOD housing options." We appreciate the City's interest in the pursuit of Cap and Trade funds. The City is competitively positioned to obtain millions of dollars through this program due to the poor ranking of Fresno neighborhoods on environmental health indicators. The Final Action Plan should commit the City to maximizing its pursuit of these funds through a community-based process identified to identify priority projects, potential funding sources, and develop and pursue a slate of projects to strategically address priority needs for affordable housing, parks, economic development, communities facilities, and basic infrastructure. Funding sources examined should include the full range of

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public and private funding available to the City (including for example, ATP to which the City chose not to apply this year).

XI. The City Should Modify its Affordability Guidelines for Resale or Recapture to Preserve Affordable Units

The Draft Plan states that City guidelines provide for the recapture of HOME funds upon the sale of an affordable unit to which such funds were applied, rather than requiring the continued affordability of the property through restrictions on the property title. p. 228.

We recommend that the City revise its guidelines for this program to provide for the resale of affordable units with affordable restrictions on the property. This provides greater assurance than the recapture of funds that an equivalent number of affordable units will be retained after the sale of the unit. The City's poor track record in appropriately, effectively and efficiently using entitlement funds, as demonstrated through the more than \$1 million programmed in the Draft Action Plan for repayment to HUD, further supports use of affordability restrictions to guarantee affordability of such properties rather than reuse of the funds by the City.

* * * * *

Thank you for your consideration of our comments. Please contact me at my office at (559) 369-2789 or via email at werner.ashley@gmail.com to find a time to discuss them in person so that we can work towards a mutually agreeable resolution.

Sincerely,



Ashley Werner
Attorney



OLIVER L. BAINES, III
President of the City Council

May 27, 2015

Jennifer Clark
Director of DARM
City of Fresno
2600 Fresno Street, Third Floor
Fresno, California 93721

Dear Ms. Clark:

Please accept these **comments and concerns regarding the Draft 2015-2016 City of Fresno Annual Action Plan** published May 5, 2015.

In general, I continue to be alarmed about the amount of carry-over funds between all federal programming from year to year. While I understand some projects take multiple years, I believe the Annual Action Plan should identify those carry-over funds that are allocated toward a multi-year project(s) and clearly show why we are carrying those funds over, with the anticipated timeline to expend such funds. Carry-over projects were listed in the Annual Action Plan of 2014-2015 without the explanations.

As I reviewed the proposed 2015-2016 Annual Action Plan, it is somewhat hard to tell current year production and one must assume, for example, that in the current year it was the proposed Senior Paint Program at \$55,700 for 13 units. In the proposed Action Plan it sets a budget of \$119,243, but will only cover 20 units. My question is: are we only rolling funds over without any current year production and why does it cost an additional \$1,700 per job? Could you please explain why there are two CDBG entries under funding for this year?

After reviewing the 2016-2019 Consolidated Draft Plan, I expected to see detailed information about our current fiscal year performance or failures as it had been listed in previous Annual Action Plans. Under CFR 91.220(b), the Annual Action Plan should also provide an evaluation of past performance.

Please provide me a breakdown of all currently funded HUD programs, from 2014-2015; amounts under contract; and units/persons served to date verses listed goals, including administration costs used to date for the HOME, ESG, and CDBG programs and the person(s) assigned to each, as well as their percentages at the time assigned to each federal program.

I also seek a detailed explanation of the following items:

- The \$500,000 CDBG repayment under Item 15 and the list of ineligible expenses mentioned but not cited.
- The final expenditures of the ESG funds as listed in Item 20, including administrative staff who oversees this program and the failure to expend these funds in the city, while homelessness exist on our streets and people are in need
- Explanation of the Item 21: the repayment of ESG funds in the amount of \$50,000 to address prior year ineligible expense when it appears no persons have been served by these funds.
- The detailed plan to bring online the new Housing Opportunities for Persons with AIDS (HwOPWA) that has been operated by third parties through the State of California and currently serves 47 households with housing services and 49 households with supportive services. I am truly worried that there seems to be a gap in services as no RFPs and no detailed plan are listed in the Annual Action Plan for 2015-2016; as well as details of the process to secure a vender with consultation of the CoC, selection of contractor(s) and amendment of the Annual Action Plan taken up to 120-180 day, including identifying staff to oversee the process. I am deeply concerned that those 47 with HIV/AIDS housed and that are falling out of housing and the 49 receiving services could be stopped.

I was a strong supporter of the Tenant Based Rental Assistance (TBRA) program and understand from the Housing Authority that this program is being billed and client status reported to the City, yet it is not mentioned that no activity will be shown until next year's plan. Please explain. I am interested to see this program possibly expand based on what I know of the program despite the slow process to get this project under contract and into our Action Plan.

I disagree with the City of Fresno's current policies on allocating federal entitlement dollars to targeted neighborhoods in just the downtown area. I believe funds should be focused (and not supplanted, as we did last year with neighborhood roads) on the census tracts with the highest poverty rates and the areas surrounding where natural work could benefit a larger neighborhood and community. Some of those areas do overlap current policy focusing on Downtown Fresno neighborhoods.

A few technical questions on the draft:

- Which 10 Year Plan is this document in reference to? The City of Fresno/County of Fresno 2008-20018 Plan? Or the FMCoC's 2006-2016 Plan which was never adopted as City policy. It is not mentioned here and in the Consolidated Plan Draft for 2015-2019 both plans are mentioned. (page 48)
- Please describe the plan to ensure all staff in the federal entitlement including policy makers, the City Clerk, and City Attorney's office. (page 49)
- Please identify who is personally responsible for anticipating and working with the FMCoC as it appears the City has been absent over the last few years from working with them on a regular basis. (page 49)

It further seems as though the proposed draft Action Plan fails to address the priorities laid out through the public participation process where funds are allocated items which are in conflict with the community's priorities, under the CFR and the public participation process the City of Fresno is required to follow the community's desires in expanding these federal funds.

Sincerely,

A handwritten signature in dark ink, appearing to be 'O. Baines' with a stylized flourish at the end.

Oliver L. Baines, III
President of the City Council,
Representing District Three

Cc: Maria Cremer, HUD Region 9, San Francisco
Ashley Swearengin, Mayor
Bruce Rudd, City Manager
Renena Smith, Assistant City Manager