

EXHIBIT 11-C

FINDINGS OF APPROVAL

**CONSIDER REQUEST FOR DELAY OF PAYMENT OF CAPACITY FEES PAYMENT
FOR NON-PROFIT PUBLIC BENEFIT PROJECT – PENINSULA SHELTER
PROJECT, 1292 OLYMPIA AVENUE, SEASIDE**

February 13, 2020

It is hereby found and determined as follows:

1. **FINDING:** Community Human Services (CHS) and Gathering for Women (GFW), both 501(c)(3) California Non-Profit Public Benefit Corporations, requested Board approval to delay payment of Capacity Fees for a Change of Use that will result in an increase in Capacity of 0.315 Acre-Foot at 1292 Olympia Avenue in Seaside.

EVIDENCE: Letter from CHS and GFW dated January 31, 2020, attached as **Exhibit 11-A** that describes the Peninsula Shelter Project at 1292 Olympia Avenue.

2. **FINDING:** District Rule 24-H-2 allows the Board, on a case-by-case basis, to defer payment for projects undertaken by California Non-Profit Public Benefit Corporations when there is the presence of substantial financial hardship to the project proponent.

EVIDENCE: Letter from CHS and GFW dated January 31, 2020, attached as **Exhibit 11-A** and District Rule 24-H-2 attached as **Exhibit 11-B**.

3. **FINDING:** The applicants (**Exhibit 11-A**) state that substantial hardship would occur by requiring payment of the Capacity Fees. Homeless Emergency Assistance Program (HEAP) funding was awarded for the capital development of the property and a few months of shelter operations. HEAP funding does not cover the cost of the District's Capacity Fee, which was not known at the time of the HEAP application.

EVIDENCE: The applicants have stated that the project would present a substantial financial hardship that could negatively affect the ability to complete construction with the timelines specified by HEAP.

4. **FINDING:** Deferred Capacity Fees, along with interest, shall be paid in full in the event project ownership or occupancy is transferred to any entity other than a California Non-Profit Public Benefit Corporation.

EVIDENCE: Rule 24-H-2 attached as **Exhibit 11-B**.

5. FINDING: When a delay in payment of Capacity Fees is approved by the Board, the Board must set an interest rate for the deferred fees. The Board approved this request and set an interest rate at the State of California's legal interest rate of 7 percent on judgments.

EVIDENCE: Minutes of the February 20, 2020, MPWMD Board meeting.