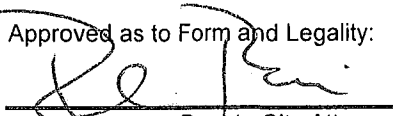


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2017 NOV 21 PM 4: 12

Approved as to Form and Legality:

  
Deputy City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

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RESOLUTION AUTHORIZING AFFORDABLE HOUSING DEVELOPMENT LOANS AS FUNDS BECOME AVAILABLE IN A TOTAL AMOUNT NOT TO EXCEED \$13.5 MILLION, AND APPROVING FUNDING AWARDS FROM THE CITY OF OAKLAND'S BASE ALLOCATION FROM THE ALAMEDA COUNTY HOUSING BOND (MEASURE A1) IN A TOTAL AMOUNT NOT TO EXCEED \$34.4 MILLION, WITHOUT RETURNING TO COUNCIL, FOR THE FOLLOWING AFFORDABLE HOUSING NEW CONSTRUCTION PROJECTS: CAMINO 23, COLISEUM PLACE, MACARTHUR APARTMENTS, 3268 SAN PABLO, FRUITVALE TRANSIT VILLAGE PHASE II B, 7<sup>TH</sup> AND CAMPBELL, 3801 MLK FAMILY HOUSING, W. GRAND AND BRUSH, OAK HILL APARTMENTS, AND 34<sup>TH</sup> AND SAN PABLO FAMILY HOUSING

**WHEREAS**, on July 31, 2017, the City of Oakland issued a Notice of Funding Availability ("NOFA") soliciting applications for funding for new construction of affordable housing development projects; and

**WHEREAS**, the ten projects listed in Attachment A to this Resolution submitted proposals in response to the NOFA and were the top ranked projects in staff's evaluation of project proposals; and

**WHEREAS**, the City's Consolidated Plan for Housing and Community Development indicates that there is a need for affordable rental housing, and has identified this activity as a priority; and

**WHEREAS**, the projects are consistent with the City's Project Development Guidelines, and each developer meets the City's Threshold Developer Criteria; and

**WHEREAS**, establishing a pipeline of authorized projects and delegating authority to the City Administrator to fund projects in the pipeline from available funds will enable the City to maximize its resources by enabling projects to secure additional funding,

providing only the amount of City assistance needed to make the project feasible, avoiding the cost of reapplication during the subsequent fiscal year, and expediting funding awards once funds are determined to be available; and

**WHEREAS**, funds for affordable housing development in the amount of \$13.5 million are available from the Affordable Housing Trust Fund (1870) Jobs/Housing Impact Fee and Affordable Housing Impact Fees, the Low and Moderate Income Housing Asset Fund (2830), Measure KK Infrastructure Bond Funds (5330), and HUD HOME Investment Partnership Program (2109), and funds will be available from the HUD HOME Investment Partnership Program (2109) in fiscal year 2018-19 to assist the projects; and

**WHEREAS**, the County of Alameda has made funds from the Alameda County General Obligation Bond for Housing (Measure A1) available from the base allocation of such funds set aside for projects in the City of Oakland; and

**WHEREAS**, the County of Alameda requires that all projects that receive funds under the Countywide housing bond receive local match funds and approval from the local jurisdiction; and

**WHEREAS**, the City is the Lead Agency for these projects for purposes of environmental review under the California Environmental Quality Act of 1970 ("CEQA"); and

**WHEREAS**, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied for these projects; and

**WHEREAS**, for those projects receiving federal funds, execution of loan documents or other documents legally committing the City to fund the projects shall be expressly conditioned on compliance with the requirements of the National Environmental Protection Act ("NEPA"), as certified by the City Administrator or his or her designee; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator or his or her designee to provide loans as affordable housing funds become available, without returning to Council, in a total amount not to exceed \$13.5 million, to the indicated developers, or to affiliated entities of those developers approved by the City Administrator or his or her designee, to be used for development of those new construction projects listed on Attachment A to this Resolution; and be it

**FURTHER RESOLVED:** That the funding for the loans shall be allocated from the Low and Moderate Income Housing Asset Fund (2830), the Affordable Housing Trust Fund(1870) Housing Impact Fee and Affordable Housing Impact Fees Fund, Measure KK Infrastructure Bond Funds (5330) and/or the HUD HOME Investment Partnership Program (2109) in fiscal years 2017-18 and 2018-19; and be it

**FURTHER RESOLVED:** That the making of each loan shall be contingent on

the availability of sufficient funds in the Affordable Housing Trust Fund, the Low and Moderate Income Housing Asset Fund and/or the HUD HOME Investment Partnership Program in fiscal years 2017-18 and 2018-19; and be it

**FURTHER RESOLVED:** That each loan shall be for a maximum term of 55 years, with an interest rate to be determined by the City Administrator in his or her discretion, with repayment to the City from surplus cash flow from the project and other available funds during the term of the loan, with the balance due at the end of the term, or on such other repayment terms and schedule as the City Administrator or his or her designee determines are in the best interests of the City and the project; and be it

**FURTHER RESOLVED:** That as a condition of each loan, the City will require that appropriate restrictions on project occupancy, rents and operations be recorded against project improvements; and be it

**FURTHER RESOLVED:** That each loan shall be secured by a deed of trust on the project land and/or improvements; and be it

**FURTHER RESOLVED:** That loan funds shall be reserved for a period of no more than 24 months from the date of the commitment letter, and shall be subject to reprogramming at the end of this period unless the developer has secured commitments for full project funding or provided other assurances of adequate project funding that the City Administrator or his or her designee deems sufficient within his or her discretion, within the reservation period; and be it

**FURTHER RESOLVED:** That the making of each loan shall be contingent on and subject to such other appropriate terms and conditions as the City Administrator or his or her designee may establish; and be it

**FURTHER RESOLVED:** That the City hereby authorizes the City Administrator or his or her designee in his or her discretion to subordinate the priority of any of the City's recorded interests in each project property to a lien or encumbrance of another private or governmental entity providing financial assistance to the project, if the City Administrator or his or her designee determines that (1) an economically feasible alternative method of financing the project on substantially comparable terms and conditions but without subordination is not reasonably available, (2) the City's investment in the project in the event of default is reasonably protected, and (3) subordination is in the best interests of the City; and be it

**FURTHER RESOLVED:** That the City Council hereby approves funding awards to the projects listed in the Attachment A to this Resolution from the City of Oakland's base allocation under the Alameda County General Obligation Bond for Housing (Measure A1) in an amount not to exceed \$34.4 million, with the City Administrator or her designee authorized to make specific allocations of those funds among the projects listed on Attachment A; and be it

**FURTHER RESOLVED:** That the City Council has independently reviewed and considered the environmental determinations, and the City Council finds and determines, based on the information provided in the staff report accompanying this Resolution, that the action with respect to each project complies with CEQA either because the project is exempt from CEQA, or, based on an initial study and the mitigation measures identified therein, the project as mitigated will not have a significant adverse impact on the environment, as the CEQA determination is further set forth in Attachment A to this Resolution; and be it

**FURTHER RESOLVED:** That the City Administrator or his or her designee shall cause to be filed with the County of Alameda a Notice of Exemption or Notice of Determination for each project as appropriate; and be it

**FURTHER RESOLVED:** That execution of loan documents or other documents legally committing the City to fund a project with federal funds will be expressly conditioned on compliance with the requirements of NEPA, as certified by the City Administrator or his or her designee; and be it

**FURTHER RESOLVED:** That all loan documents shall be reviewed and approved by the City Attorney's Office for form and legality prior to execution; and be it

**FURTHER RESOLVED:** That the City hereby authorizes the City Administrator or his or her designee to determine funding allocations, conduct negotiations, execute documents, administer the loans, extend or modify the repayment terms, and take any other action with respect to the loans, funding allocations, and the projects consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN,  
AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

**Attachment A**

**New Construction NOFA 2017-19 Pipeline**

<b>Project/Developer</b>	<b>NOFA Ranking</b>	<b>Total Score</b>	<b>City Loan Funding</b>	<b>CEQA Status</b>
Camino 23 (SAHA)	1	N/A	\$500,000	Filed Notice of Exemption October 17, 2014 <b>Section 15183</b> -projects consistent with a community plan, general plan or zoning <b>Section 15332</b> -infill projects
Coliseum Place (RCD)	2	N/A	\$2,300,000	Filed Notice of Exemption October 22, 2015 <b>Section 15183</b> -projects consistent with a community plan, general plan or zoning <b>Section 15332</b> -infill projects
657 W. MacArthur Apartments (Affirmed)	3	77.9% 93.5pts	\$2,900,000	Determination <b>Section 15183</b> -projects consistent with a community plan, general plan or zoning <b>Section 15332</b> -infill projects
3268 San Pablo (SAHA)	4	77.5% 93 pts	\$3,229,000	Filed Notice of Exemption April 25, 2017 <b>Section 15183</b> -projects consistent with a community plan, general plan or zoning <b>Section 15332</b> -infill projects
Fruitvale Transit Village Phase II B (Spanish Speaking Unity Council & Bridge Housing Corporation)	5	77.5% 95.25 pts	\$8,500,000	Filed Notice of Determination May 20, 2010
7th & Campbell (Oakland & the World Enterprises Inc. & CHDC))	6	72.6% 90.75 pts	\$3,000,000	Filed Notice of Exemption February 17, 2011 <b>Section 15183</b> - projects consistent with a community plan, general plan or zoning Section 15183.3 <b>Section 15332</b> -infill projects

Project/Developer	NOFA Ranking	Total Score	City Loan Funding	CEQA Status
3801 MLK Family Housing (RCD)	7	71.2% 89 pts	\$3,225,000	Filed Notice of Exemption January 27, 2015 <b>Section 15183 (f)</b> -projects consistent with a community plan, general plan or zoning <b>Section 15332</b> -infill projects
W. Grand and Brush (EBALDC)	8	65.6% 82 pts	\$3,448,000	Determination <b>Section 15183</b> – Projects consistent with a community plan, general plan, or zoning <b>Section 15183.3</b> – Streamlining for Infill Projects <b>Section 15162</b> – Subsequent EIRs - Addenda to the 2014 WOSP);
Oak Hill Apartments (Affirmed)	9	65.2% 78.25 pts		Determination <b>Section 15183</b> -projects consistent with a community plan, general plan or zoning <b>Section 15332</b> -infill projects <b>Section 15300.2</b> -Exceptions
34 <sup>th</sup> & San Pablo Family Housing (EBALDC)	12	61.2% 76.5 pts	\$6,474,000	Determination <b>Section 15183</b> -projects consistent with a community plan, general plan or zoning <b>Section 15332</b> -infill projects Section 15300.2 – Exceptions Section 15164-Addenda to the 2014 WOSP EIR