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OFFICE OF THE CITY CLERK
OAKLAND

2016 MAY 20 AM 10:09 **AGENDA REPORT**

TO: Sabrina B. Landreth
City Administrator

FROM: Michele Byrd
Director, HCD

SUBJECT: 2015-16 Affordable Housing and
Sustainable Communities Program:
Resolutions for Projects Invited to
Submit Full Applications

DATE: May 19, 2016

City Administrator Approval

Date: 5/20/16

RECOMMENDATION

Staff Recommends That The City Council Adopt The Following Five Resolutions:

- 1) RESOLUTION AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF, AND APPROPRIATING, GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL AND/OR THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR PUTTING DOWN ROUTES: CONNECTING EAST OAKLAND (AKA REDWOOD HILL) LOCATED AT 4856, 4862, 4868 CALAVERAS AVENUE IN AN AMOUNT NOT TO EXCEED \$6,205,125 UNDER THE 2015-16 AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM
- 2) RESOLUTION AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF, AND APPROPRIATING, GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL AND/OR THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE UPTOWN OAKLAND HOUSING AND TRANSPORTATION COLLABORATIVE (AKA EMBARK APARTMENTS) LOCATED AT 2126 MARTIN LUTHER KING Jr. WAY IN AN AMOUNT NOT TO EXCEED \$15,982,964 UNDER THE 2015-16 AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM
- 3) RESOLUTION AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF, AND APPROPRIATING, GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL AND/OR THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR EMPYREAN & HARRISON HOTEL HOUSING AND TRANSPORTATION IMPROVEMENTS, A SCATTERED SITE DEVELOPMENT, LOCATED AT 1300 WEBSTER STREET AND 1415 HARRISON STREET IN AN AMOUNT NOT TO EXCEED \$16,860,191 UNDER THE 2015-16 AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM
- 4) RESOLUTION AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF, AND APPROPRIATING, GRANT FUNDS FROM THE CALIFORNIA STRATEGIC

Item: _____
CED Committee
May , 2016

GROWTH COUNCIL AND/OR THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR LAKEHOUSE CONNECTIONS LOCATED AT E12TH STREET AND LAKE MERRITT BLVD IN AN AMOUNT NOT TO EXCEED \$18,127,203 UNDER THE 2015-16 AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM

- 5) **RESOLUTION AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF, AND APPROPRIATING, GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL AND/OR THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR COLISEUM CONNECTIONS LOCATED AT 801-844 71ST AVENUE IN AN AMOUNT NOT TO EXCEED \$14,883,316 UNDER THE 2015-16 AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM**

EXECUTIVE SUMMARY

On April 5, 2016, City Council adopted Resolution No. 86094 C.M.S. authorizing City staff to proceed with applying for, as a joint applicant with various affordable housing developers, funding from Affordable Housing and Sustainable Communities (AHSC) Program. City staff used a template available from the 2015 AHSC Program (from a former AHSC Program NOFA round) in addition to the resolution used in the 2014-15 AHSC program applications. Eight projects were submitted for the preliminary concept application and five of these were invited back to submit a full application with a cumulative funding total of \$72,000,000. Upon review of the current March 2016 application submittal requirements, staff identified a new resolution template. In order for the five invited applications to submit strongly competitive submittals, the resolutions for each proposal have been revised accordingly. The project proposals are the same as the ones previously before the Council; the corrected dates and format have been incorporated. As the AHSC application submittal deadline is June 20, 2016, staff recommends that the Council adopt the five revised and corrected resolutions to fully conform to current AHSC program guidelines. In order to meet the June 20 submittal deadline, City Council would need to take action at their June 7, 2016 meeting.

REASON FOR URGENCY

Given the June 20, 2016 deadline for full applications to the AHSC Program, it is imperative that the five resolutions be authorized by City Council at the June 7, 2016 City Council meeting. If these resolutions are not authorized at this meeting, then the five applications to the AHSC Program will not be considered complete for further consideration because the City's resolutions are a part of the required documentation.

BACKGROUND / LEGISLATIVE HISTORY

The AHSC Program operates in compressed time frames. Updated guidance for the 2015-16 AHSC Program was released in December 2015. The 2015-16 Notice of Funding Availability (NOFA) was released on January 29, 2016. Staff worked with developers to prepare eight concept proposals that were submitted on March 16, 2016. Five of those concept proposals were invited to submit full applications on April 29, 2016. The deadline for those full applications is June 20, 2016. In order for the required submittal to be deemed complete, the governing body in the jurisdiction must adopt a resolution authorizing the applications to proceed.

On April 5, 2016, the City Council adopted Resolution No. 86094 C.M.S. authorizing the application for, acceptance of and appropriation of up to \$160 million in grant funds from the California Strategic Growth Council (SGC) and the State HCD for the 2015-2016 AHSC Communities (AHSC) Program. Upon review of the detailed application submittal requirements, City staff on about May 3, 2016, identified new guidance dictating the content of authorizing resolutions. AHSC Program staff advised that the City of Oakland Resolution No. 86094 C.M.S. was not sufficient as it had the incorrect NOFA date of October 2015. Further, they indicated that it would be prudent for City of Oakland to submit detailed resolutions for each full application in order to be in a strongly competitive position. This new guidance requires a resolution for each application for which the City of Oakland is a joint applicant, along with the corrected dates. The five applications being invited back, if successful, would fund approximately \$72,000,000 for affordable housing and infrastructure improvements.

ANALYSIS AND POLICY ALTERNATIVES

If these revised resolutions are not adopted by the City Council prior to the June 20, 2016 full application deadline, the City risks submitting uncompetitive grant applications in the amount of \$72,000,000. City staff appreciates the guidance and assistance of State HCD staff in being clear about the importance of having correctly worded resolutions from all the program applicants. With the first level of conceptual review successful consideration. None of the changes to the resolution is considered to be material. City staff has incorporated corrected dates and split each of the five invited proposals into an individual resolution, as advised by State HCD. Timing is crucial as the June 20, 2016 application deadline is approaching and the Council needs to adopt these resolutions at their next regular Council meeting of June 7, 2016 meeting.

Failure to adopt these revised resolutions would put the invited proposals into a less competitive position with a high likelihood of not being funded.

FISCAL IMPACT

Securing the AHSC Program funds will contribute to the City's affordable housing development goals. This funding will also support important infrastructure including work on the City's complete streets program as well as transit infrastructure improvements for BART and AC Transit. Upgrades to all proposed City infrastructure will reduce the costs of maintaining aging

Item: _____
CED Committee
May , 2016

infrastructure. In addition, it will prepare the City for its projected population growth and key objectives to create a sustainable and revitalized urban environment and fulfill the objectives of reducing reliance on automobile travel (vehicle miles traveled or VMT) and increasing affordable housing, as well as reducing greenhouse gas emissions (GHG).

The fiscal impact to the City is the staff time dedicated to work with Enterprise Partners in coordinating these applications with each developer and various City departments. Additionally, staff time is required to assist with writing the AHSC program application.

PUBLIC OUTREACH / INTEREST

Applicants to the AHSC Program must demonstrate that there has been some form of outreach to the community to evaluate the proposed projects. In the case of affordable housing developers, in order to maximize their final AHSC Program score, they should demonstrate and document that they have conducted community meetings with neighborhood organizations. They must also demonstrate the outreach approaches (e.g., social media, printed flyers distributed in the neighborhood, and email list-serves) prior to application submission. Applicants must prepare a community outreach plan documenting efforts. In the case of public infrastructure project grant applicants, staff from those programs must demonstrate that the project is included in a public community plan (e.g. specific plan, bicycle master plan, station area plan, service expansion plan, or other types of community plans).

COORDINATION

The City's HCD Department work on these grants forges important and valuable relationships between the City's Public Works Department and our state partner agencies, the SGC and HCD. Additionally, the City's HCD Department and Public Works Department are strengthening their relationships with the regional transit providers BART and AC Transit. Inevitably, this will improve overall services to the Oakland community and support the region's goals on sustainability and resiliency.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

In February 2015, the City of Oakland approved funding applications to the AHSC Program for \$15,000,000 dollars in support of 2014-15 invited projects for the AHSC Program funding. Applicants successfully secured \$3,489,705 for affordable housing developments, \$976,050 for transportation-related infrastructure and \$46,975 for resident transit passes.

SUSTAINABLE OPPORTUNITIES

Economic: Authorization of City staff to apply for the AHSC Program funds will give the City the opportunity to obtain over \$72,000,000 in loans and grants to City affordable housing and transportation infrastructure.

Environmental: Projects selected will be required to incorporate sustainable design elements, improve energy efficiency and reduce the use of natural resources by utilizing recycled-content materials wherever possible as well as recycle construction debris to meet City waste recycling program. Additionally, those applicants awarded loans and grants will have received funding because of the project's scoring based on reduction of vehicle miles travelled and related reductions in greenhouse gases.

Social Equity: Projects enhance the provision of basic service levels and quality of life amenities to very low- and low-income neighborhoods. In addition, those applicants awarded loans and grants will have received funding because of the project's proximity to Disadvantaged Communities as determined by California Air Resources Board who is using the California Emissions Estimator Model (CalEEMod) evaluation tool. Finally, all projects must demonstrate how they have consulted with and are implementing community-vetted projects.

CEQA

A threshold readiness requirement for the AHSC Program is documented compliance with either CEQA or NEPA depending on the type of project. All applicants must submit a certification that environmental clearances for all projects submitted in the full application have been met, and such documentation will be submitted for each of the five proposals.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council adopt five resolutions authorizing the City to be a joint applicant to the AHSC program

For questions regarding this report, please contact Maryann Sargent, Housing Development Coordinator III, at 238-6170.

Respectfully submitted,

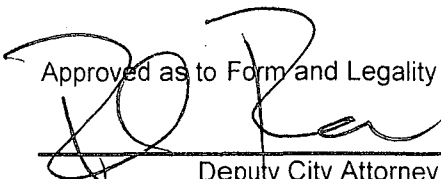


MICHELE BYRD
Director, Housing & Community Development
Department

Prepared by: Maryann Sargent
Housing Development Coordinator, III
Housing Policy & Programs

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 MAY 20 AM 10:11

Approved as to Form and Legality

Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF, AND APPROPRIATING, GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL AND/OR THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR PUTTING DOWN ROUTES: CONNECTING EAST OAKLAND (AKA REDWOOD HILL) LOCATED AT 4856, 4862, 4868 CALAVERAS AVENUE IN AN AMOUNT NOT TO EXCEED \$6,205,125 UNDER THE 2015-16 AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM

WHEREAS, the State of California, the Strategic Growth Council ("SGC") and the California Department of Housing and Community Development ("HCD") have issued a Notice of Funding Availability dated January 29, 2016 ("NOFA"), under the Affordable Housing and Sustainable Communities ("AHSC") Program established under Division 44, Part 1 of the Public Resources Code commencing with Section 75200 (the "statute"); and

WHEREAS, the City Council adopted Resolution No. 86094 C.M.S. on April 5, 2016 authorizing the application for, acceptance of and appropriation of up to \$160 million in grant funds from the SGC and/or HCD for the 2015-2016 AHSC Program for projects to be determined; and

WHEREAS, the AHSC Program notified concept proposal applicants of their invitation to submit full applications on April 29, 2016; and

WHEREAS, the full application materials were released the first week of May 2016 with revised guidance on the required elements of the resolution to be authorized by the City of Oakland for the AHSC Program full application; and

WHEREAS, the new guidance requires a resolution for each application for which the City of Oakland is a joint applicant; and

WHEREAS, there will be five applications submitted for projects in the City of Oakland; and

4
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WHEREAS, the City of Oakland desires to apply for AHSC Program funds and submit the Application Package released by HCD for the AHSC Program for each project; and

WHEREAS, the SGC is authorized to approve funding allocations for the AHSC Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement; and

WHEREAS, HCD is authorized to administer the approved funding allocations of the AHSC Program; and

WHEREAS, there is substantial need for additional funds for the development of affordable housing in the City of Oakland; and

WHEREAS, the project known as PUTTING DOWN ROUTES: CONNECTING EAST OAKLAND (aka Redwood Hill) located at 4856, 4862, 4868 Calaveras Avenue was vetted by the City's Housing and Community Development staff and is therefore being supported by the City to apply for AHSC; and

WHEREAS, the City Council wishes to delegate authority to the City Administrator or his or her designee on behalf of the City of Oakland to negotiate and enter into an agreement or agreements for the AHSC funding of this project, including those that agree to joint and several liability and mutual indemnities with the selected developer, without returning to Council; now, therefore, be it

RESOLVED: That the City Administrator or his or her designee on behalf of the City of Oakland, is hereby authorized and directed to apply for and submit to HCD and/or SGC the AHSC Program Application as detailed in the NOFA dated January 29, 2016, for the 2015-16 Fiscal Year for PUTTING DOWN ROUTES: CONNECTING EAST OAKLAND (aka Redwood Hill) in an amount not to exceed \$6,205,125, of which \$4,022,478 is requested as a loan for an Affordable Housing Development (AHD) ("AHSC Loan") and \$2,182,647 is requested as a grant for Housing-Related Infrastructure (HRI), Sustainable Transportation Infrastructure (STI), Transit-Related Amenities (TRA) or Program (PGM) activities ("AHSC Grant") as defined by the AHSC Program Guidelines adopted by SGC on December 17, 2015; and be it

FURTHER RESOLVED: That if the application is approved, the City Administrator or his or her designee on behalf of the City of Oakland is authorized to act on behalf of the City of Oakland, and is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement ("Standard Agreement") in an amount not to exceed \$6,205,125 (\$4,022,478 for the AHSC Loan and \$2,182,647 for the AHSC Grant) for this project, and any and all other documents required or deemed necessary or appropriate to secure the AHSC Program funds from HCD, and all amendments thereto (collectively, the "AHSC Documents"); and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and enter into an agreement that provides for joint and several liability and mutual indemnities between joint applicants as the City Administrator deems necessary; and be it

FURTHER RESOLVED: That said AHSC Documents shall be reviewed and approved by the City Attorney's Office for form and legality prior to execution, and copies will be placed on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator or his or her designee on behalf of the City of Oakland is authorized to accept the California Strategic Growth Council Affordable Housing and Sustainable Communities Program funds, if awarded, deposit said funds in the State of California Fund (2159), Transportation Planning and Funding Organization (30275), Project (TBD), and appropriate said funds in an amount not to exceed \$6,205,125 to this project; and be it

FURTHER RESOLVED: That the City of Oakland shall be subject to the terms and conditions as specified in the Standard Agreement; that funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement; that the application in full is incorporated as part of the Standard Agreement; that any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement; and that the City of Oakland hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by HCD and in accordance with the NOFA and Program Guidelines and Application Package; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator or his or her designee on behalf of the City of Oakland to execute in the name of City of Oakland the AHSC Program Application Package and the AHSC Program Documents as required by HCD for participation in the AHSC Program, and to take whatever other action is necessary with respect to the AHSC Program and this project consistent with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: That this Resolution replaces and supersedes Resolution No. 86094 C.M.S.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

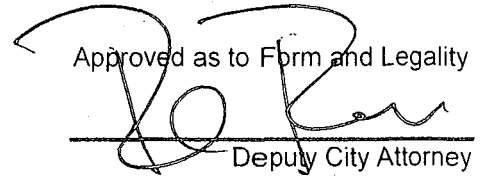
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MAY 3 1 2016

FILED
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OAKLAND

2016 MAY 20 AM 10:12

Approved as to Form and Legality


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF, AND APPROPRIATING, GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL AND/OR THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE UPTOWN OAKLAND HOUSING AND TRANSPORTATION COLLABORATIVE (AKA EMBARK APARTMENTS) LOCATED AT 2126 MARTIN LUTHER KING Jr. WAY IN AN AMOUNT NOT TO EXCEED \$15,982,964 UNDER THE 2015-16 AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM

WHEREAS, the State of California, the Strategic Growth Council ("SGC") and the California Department of Housing and Community Development ("HCD") have issued a Notice of Funding Availability dated January 29, 2016 ("NOFA"), under the Affordable Housing and Sustainable Communities ("AHSC") Program established under Division 44, Part 1 of the Public Resources Code commencing with Section 75200 (the "statute"); and

WHEREAS, City Council adopted Resolution No.86094 C.M.S. on April 5, 2016 authorizing the application for, acceptance of and appropriation of up to \$160 million in grant funds from the SGC and/or HCD for the 2015-2016 AHSC Program for projects to be determined; and.

WHEREAS, the AHSC Program notified concept proposal applicants of their invitation to submit full applications on April 29, 2016; and

WHEREAS, the full application materials were released the first week of May 2016 with revised guidance on the required elements of the resolution to be authorized by the City of Oakland for the AHSC Program full application; and

WHEREAS, the new guidance requires a resolution for each application for which the City of Oakland is a joint applicant; and

WHEREAS, there will be five applications submitted for projects in the City of Oakland; and

4
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WHEREAS, the City of Oakland desires to apply for AHSC Program funds and submit the Application Package released by HCD for the AHSC Program for each project; and

WHEREAS, the SGC is authorized to approve funding allocations for the AHSC Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement; and

WHEREAS, HCD is authorized to administer the approved funding allocations of the AHSC Program; and

WHEREAS, there is substantial need for additional funds for the development of affordable housing in the City of Oakland; and

WHEREAS, the project known as THE UPTOWN OAKLAND HOUSING AND TRANSPORTATION COLLABORATIVE (aka Embark Apartments) located at 2126 Martin Luther King Jr. Way was vetted by the City's Housing and Community Development staff and is therefore being supported by the City to apply for AHSC; and

WHEREAS, the City Council wishes to delegate authority to the City Administrator or his or her designee on behalf of the City of Oakland to negotiate and enter into an agreement or agreements for AHSC program funding of this project, including those that agree to joint and several liability and mutual indemnities with the selected developers, without returning to Council; now, therefore, be it

RESOLVED: That the City Administrator or his or her designee on behalf of the City of Oakland, is hereby authorized and directed to apply for and submit to HCD and/or SGC the AHSC Program Application as detailed in the NOFA dated January 29, 2016, for the 2015-16 Fiscal Year for THE UPTOWN OAKLAND HOUSING AND TRANSPORTATION COLLABORATIVE (aka Embark Apartments) in an amount not to exceed \$15,982,964 of which \$7,436,464 is requested as a loan for an Affordable Housing Development (AHD) ("AHSC Loan") and \$8,546,500 is requested as a grant for Housing-Related Infrastructure (HRI), Sustainable Transportation Infrastructure (STI), Transit-Related Amenities(TRA) or Program (PGM) activities ("AHSC Grant") as defined by the AHSC Program Guidelines adopted by SGC on December 17, 2015; and be it

FURTHER RESOLVED: That if the application is approved, the City Administrator or his or her designee on behalf of the City of Oakland is authorized to act on behalf of the City of Oakland, and is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement ("Standard Agreement") in an amount not to exceed \$15,982,964 (\$7,436,464 for the AHSC Loan and \$8,546,500 for the AHSC Grant) for this project, and any and all other documents required or deemed necessary or appropriate to secure the AHSC Program funds from HCD, and all amendments thereto (collectively, the "AHSC Documents"); and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and enter into an agreement that provides for joint and several liability and mutual indemnities between joint applicants as the City Administrator deems necessary; and be it

FURTHER RESOLVED: That said AHSC Documents shall be reviewed and approved by the City Attorney's Office for form and legality prior to execution, and copies will be placed on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator or his or her designee on behalf of the City of Oakland is authorized to accept the California Strategic Growth Council Affordable Housing and Sustainable Communities Program funds, if awarded, deposit said funds in the State of California Fund (2159), Transportation Planning and Funding Organization (30275), Project (TBD), appropriate said funds in an amount not to exceed \$15,982,964 to this project; and be it

FURTHER RESOLVED: That the City of Oakland shall be subject to the terms and conditions as specified in the Standard Agreement; that funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement; that the application in full is incorporated as part of the Standard Agreement; that any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement; and that the City of Oakland hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by HCD and in accordance with the NOFA and Program Guidelines and Application Package; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator or his or her designee on behalf of the City of Oakland to execute in the name of City of Oakland the AHSC Program Application Package and the AHSC Program Documents as required by HCD for participation in the AHSC Program, and to take whatever other action is necessary with respect to the AHSC Program and this project consistent with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: That this Resolution replaces and supersedes Resolution No. 86094 C.M.S.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

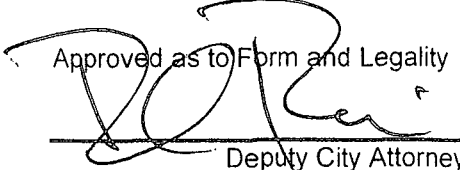
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Approved as to Form and Legality

Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF, AND APPROPRIATING, GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL AND/OR THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR EMPYREAN & HARRISON HOTEL HOUSING AND TRANSPORTATION IMPROVEMENTS, A SCATTERED SITE DEVELOPMENT, LOCATED AT 1300 WEBSTER STREET AND 1415 HARRISON STREET IN AN AMOUNT NOT TO EXCEED \$16,860,191 UNDER THE 2015-16 AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM

WHEREAS, the State of California, the Strategic Growth Council ("SGC") and the California Department of Housing and Community Development ("HCD") have issued a Notice of Funding Availability dated January 29, 2016 ("NOFA"), under the Affordable Housing and Sustainable Communities ("AHSC") Program established under Division 44, Part 1 of the Public Resources Code commencing with Section 75200 (the "statute"); and

WHEREAS, City Council adopted Resolution No. 86094 C.M.S. on April 5, 2016 authorizing the application for, acceptance of and appropriation of up to \$160 million in grant funds from the SGC and/or HCD for the 2015-2016 AHSC Program for projects to be determined; and.

WHEREAS, the AHSC Program notified concept proposal applicants of their invitation to submit full applications on, April 29, 2016; and

WHEREAS, the full application materials were released the first week of May 2016 with revised guidance on the required elements of the resolution to be authorized by the City of Oakland for the AHSC Program full application; and

WHEREAS, the new guidance requires a resolution for each application for which the City of Oakland is a joint applicant; and

WHEREAS, there will be five applications submitted for projects in the City of Oakland; and

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WHEREAS, the City of Oakland desires to apply for AHSC Program funds and submit the Application Package released by HCD for the AHSC Program for each project; and

WHEREAS, the SGC is authorized to approve funding allocations for the AHSC Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement; and

WHEREAS, HCD is authorized to administer the approved funding allocations of the AHSC Program; and

WHEREAS, there is substantial need for additional funds for the development of affordable housing in the City of Oakland; and

WHEREAS, the project know as EMPYREAN & HARRISON HOTEL HOUSING AND TRANSPORTATION IMPROVEMENTS, A SCATTERED SITE DEVELOPMENT, located at 1300 Webster Street and 1415 Harrison Street was vetted by a trustee for the bankruptcy court and the City was a creditor to the owner of the property and is therefore being supported by the City to apply for AHSC; and

WHEREAS, the City Council wishes to delegate authority to the City Administrator or his or her designee on behalf of the City of Oakland to allocate funds to negotiate and enter into an agreement or agreements for the AHSC funding of this project, including those that agree to joint and several liability and mutual indemnities with the selected developer, without returning to Council; now, therefore, be it

RESOLVED: That the City Administrator or his or her designee on behalf of the City of Oakland, is hereby authorized and directed to apply for and submit to HCD and/or SGC the AHSC Program Application as detailed in the NOFA dated January 29, 2016, for the 2015-16 Fiscal Year for EMPYREAN & HARRISON HOTEL HOUSING AND TRANSPORTATION IMPROVEMENTS, A SCATTERED SITE DEVELOPMENT in an amount not to exceed \$16,860,191 of which \$15,631,118 is requested as a loan for an Affordable Housing Development (AHD) ("AHSC Loan") and \$1,229,073 is requested as a grant for Housing-Related Infrastructure (HRI), Sustainable Transportation Infrastructure (STI), Transit-Related Amenities(TRA) or Program (PGM) activities ("AHSC Grant") as defined by the AHSC Program Guidelines adopted by SGC on December 17, 2015; and be it

FURTHER RESOLVED: That if the application is approved, the City Administrator or his or her designee on behalf of the City of Oakland is authorized to act on behalf of the City of Oakland, and is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement ("Standard Agreement") in an amount not to exceed \$16,860,191 (\$15,631,118 for the AHSC Loan and \$1,229,073 for the AHSC Grant) for this project, and any and all other documents required or deemed necessary or appropriate to secure the AHSC Program funds from HCD, and all amendments thereto (collectively, the "AHSC Documents"); and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and enter into an agreement that provides for joint and several liability and mutual indemnities between joint applicants as the City Administrator deems necessary; and be it

FURTHER RESOLVED: That said AHSC Documents shall be reviewed and approved by the City Attorney's Office for form and legality prior to execution, and copies will be placed on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator or his or her designee on behalf of the City of Oakland is authorized to accept the California Strategic Growth Council Affordable Housing and Sustainable Communities Program funds, if awarded, deposit said funds in the State of California Fund (2159), Transportation Planning and Funding Organization (30275), Project (TBD), appropriate said funds in an amount not to exceed \$16,860,191; and be it

FURTHER RESOLVED: That the City of Oakland shall be subject to the terms and conditions as specified in the Standard Agreement; that funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement; that the application in full is incorporated as part of the Standard Agreement; that any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement; and that the City of Oakland hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by HCD and in accordance with the NOFA and Program Guidelines and Application Package; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator or his or her designee on behalf of the City of Oakland to execute in the name of City of Oakland the AHSC Program Application Package and the AHSC Program Documents as required by HCD for participation in the AHSC Program, and to take whatever other action is necessary with respect to the AHSC Program and this project consistent with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: That this Resolution replaces and supersedes Resolution No. 86094 C.M.S.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

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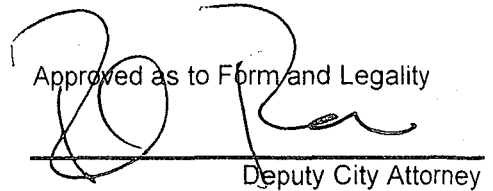
**COMMUNITY & ECONOMIC
DEVELOPMENT CMTE.**

MAY 3 1 2016

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 MAY 20 AM 10:10

Approved as to Form and Legality



Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF, AND APPROPRIATING, GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL AND/OR THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR LAKEHOUSE CONNECTIONS LOCATED AT E12TH STREET AND LAKE MERRITT BOULEVARD IN AN AMOUNT NOT TO EXCEED \$18,127,203 UNDER THE 2015-16 AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM

WHEREAS, the State of California, the Strategic Growth Council ("SGC") and the California Department of Housing and Community Development ("HCD") have issued a Notice of Funding Availability dated January 29, 2016 ("NOFA"), under the Affordable Housing and Sustainable Communities ("AHSC") Program established under Division 44, Part 1 of the Public Resources Code commencing with Section 75200 (the "statute"); and

WHEREAS, the City Council adopted Resolution No. 86094 C.M.S. on April 5, 2016 authorizing the application for, acceptance of and appropriation of up to \$160 million in grant funds from SGC and/or HCD for the 2015-2016 AHSC Program; and

WHEREAS, the AHSC Program notified concept proposal applicants of their invitation to submit full applications on April 29, 2016; and

WHEREAS, the full application materials were released the first week of May 2016 with revised guidance on the required elements of the resolution to be authorized by the City of Oakland for the AHSC Program full application; and

WHEREAS, the new guidance requires a resolution for each application for which the City of Oakland is a joint applicant; and

WHEREAS, there will be five applications submitted for projects in the City of Oakland; and

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MAY 3 1 2016

WHEREAS, the City of Oakland desires to apply for AHSC Program funds and submit the Application Package released by HCD for the AHSC Program for each project; and

WHEREAS, the SGC is authorized to approve funding allocations for the AHSC Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement; and

WHEREAS, HCD is authorized to administer the approved funding allocations of the AHSC Program; and

WHEREAS, there is substantial need for additional funds for the development of affordable housing in the City of Oakland; and

WHEREAS, the project known as LAKEHOUSE CONNECTIONS located at E12th Street and Lake Merritt Boulevard was vetted by the City's Project Implementation staff and is therefore being supported by the City to apply for AHSC; and

WHEREAS, the City Council wishes to delegate authority to the City Administrator or his or her designee on behalf of the City of Oakland to negotiate and enter into an agreement or agreements for the AHSC Program funding of this project, including those that agree to joint and several liability and mutual indemnities with the selected developer, without returning to Council; now, therefore, be it

RESOLVED: That the City Administrator or his or her designee on behalf of the City of Oakland, is hereby authorized and directed to apply for and submit to HCD and/or SGC the AHSC Program Application as detailed in the NOFA dated January 29, 2016, for the 2015-16 Fiscal Year for LAKEHOUSE CONNECTIONS in an amount not to exceed \$18,127,203 of which \$10,946,306 is requested as a loan for an Affordable Housing Development (AHD) ("AHSC Loan") and \$7,180,897 is requested as a grant for Housing-Related Infrastructure (HRI), Sustainable Transportation Infrastructure (STI), Transit-Related Amenities (TRA) or Program (PGM) activities ("AHSC Grant") as defined by the AHSC Program Guidelines adopted by SGC on December 17, 2015; and be it

FURTHER RESOLVED: That if the application is approved, the City Administrator or his or her designee on behalf of the City of Oakland is authorized to act on behalf of the City of Oakland, and is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement ("Standard Agreement") in an amount not to exceed \$18,127,203 (\$10,946,306 for the AHSC Loan and \$7,180,897 for the AHSC Grant) for this project, and any and all other documents required or deemed necessary or appropriate to secure the AHSC Program funds from HCD, and all amendments thereto (collectively, the "AHSC Documents"); and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and enter into an agreement that provides for joint and several liability and mutual indemnities between joint applicants as the City Administrator deems necessary; and be it

FURTHER RESOLVED: That said AHSC Documents shall be reviewed and approved by the City Attorney's Office for form and legality prior to execution, and copies will be placed on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator or his or her designee on behalf of the City of Oakland is authorized to accept the California Strategic Growth Council Affordable Housing and Sustainable Communities Program funds, if awarded, deposit said funds in the State of California Fund (2159), Transportation Planning and Funding Organization (30275), Project (TBD), appropriate said funds in an amount not to exceed \$18,127,203 to this project; and be it

FURTHER RESOLVED: That the City of Oakland shall be subject to the terms and conditions as specified in the Standard Agreement; that funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement; that the application in full is incorporated as part of the Standard Agreement; that any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement; and that the City of Oakland hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by HCD and in accordance with the NOFA and Program Guidelines and Application Package; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator or his or her designee on behalf of the City of Oakland to execute in the name of City of Oakland the AHSC Program Application Package and the AHSC Program Documents as required by HCD for participation in the AHSC Program, and to take whatever other action is necessary with respect to the AHSC Program and this project consistent with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: That this Resolution replaces and supersedes Resolution No. 86094 C.M.S.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

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

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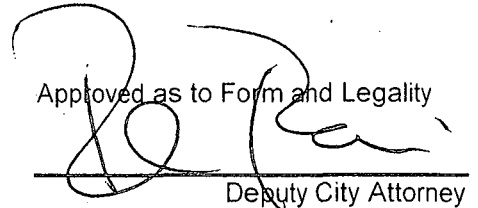
COMMUNITY & ECONOMIC
DEVELOPMENT CMTE.

MAY 3 1 2016

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 MAY 20 AM 10:10

Approved as to Form and Legality



Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF, AND APPROPRIATING, GRANT FUNDS FROM THE CALIFORNIA STRATEGIC GROWTH COUNCIL AND/OR THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR COLISEUM CONNECTIONS LOCATED AT 801-844 71ST AVENUE IN AN AMOUNT NOT TO EXCEED \$14,883,316 UNDER THE 2015-16 AFFORDABLE HOUSING AND SUSTAINABLE COMMUNITIES PROGRAM

WHEREAS, the State of California, the Strategic Growth Council ("SGC") and the California Department of Housing and Community Development ("HCD") have issued a Notice of Funding Availability dated January 29, 2016 ("NOFA"), under the Affordable Housing and Sustainable Communities ("AHSC") Program established under Division 44, Part 1 of the Public Resources Code commencing with Section 75200 (the "statute"); and

WHEREAS, the City Council adopted Resolution No. 86094 C.M.S. on April 5, 2016 authorizing the application for, acceptance of and appropriation of up to \$160 million in grant funds from SGC and/or HCD for the 2015-2016 AHSC Program for projects to be determined; and.

WHEREAS, the AHSC Program notified concept proposal applicants of their invitation to submit full applications on April 29, 2016; and

WHEREAS, the full application materials were released the first week of May 2016 with revised guidance on the required elements of the resolution to be authorized by the City of Oakland for the AHSC Program full application; and

WHEREAS, the new guidance requires a resolution for each application for which the City of Oakland is a joint applicant; and

WHEREAS, there will be five applications submitted for projects in the City of Oakland; and

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MAY 3 1 2016

WHEREAS, the City of Oakland desires to apply for AHSC Program funds and submit the Application Package released by HCD for the AHSC Program for each project; and

WHEREAS, the SGC is authorized to approve funding allocations for the AHSC Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package, and Standard Agreement; and

WHEREAS, HCD is authorized to administer the approved funding allocations of the AHSC Program; and

WHEREAS, there is substantial need for additional funds for the development of affordable housing in the City of Oakland; and

WHEREAS, the project known as COLISEUM CONNECTIONS located at 801-844 71st Avenue was vetted by the City's Project Implementation staff and is therefore being supported by the City to apply for AHSC; and

WHEREAS, the City Council wishes to delegate authority to the City Administrator or his or her designee on behalf of the City of Oakland to negotiate and enter into an agreement for the AHSC Program funding of this project, including those that agree to joint and several liability and mutual indemnities with the selected developer, without returning to Council; now, therefore, be it

RESOLVED: That the City Administrator or his or her designee on behalf of the City of Oakland, is hereby authorized and directed to apply for and submit to HCD and/or SGC the AHSC Program Application as detailed in the NOFA dated January 29, 2016, for the 2015-16 Fiscal Year for COLISEUM CONNECTIONS located at 801-844 71st Avenue in an amount not to exceed \$14,883,316 of which \$5,223,012 is requested as a loan for an Affordable Housing Development (AHD) ("AHSC Loan") and \$9,660,304 is requested as a grant for Housing-Related Infrastructure (HRI), Sustainable Transportation Infrastructure (STI), Transit-Related Amenities(TRA) or Program (PGM) activities ("AHSC Grant") as defined by the AHSC Program Guidelines adopted by SGC on December 17, 2015; and be it

FURTHER RESOLVED: That if the application is approved, the City Administrator or his or her designee on behalf of the City of Oakland is authorized to act on behalf of the City of Oakland, and is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement ("Standard Agreement") in an amount not to exceed \$14,883,316 (\$5,223,012 for the AHSC Loan and \$9,660,304 for the AHSC Grant) for this project, and any and all other documents required or deemed necessary or appropriate to secure the AHSC Program funds from HCD, and all amendments thereto (collectively, the "AHSC Documents"); and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate and enter into an agreement that provides for joint and several liability and mutual indemnities between joint applicants as the City Administrator deems necessary; and be it

mutual indemnities between joint applicants as the City Administrator deems necessary; and be it

FURTHER RESOLVED: That said AHSC Documents shall be reviewed and approved by the City Attorney's Office for form and legality prior to execution, and copies will be placed on file with the City Clerk; and be it

FURTHER RESOLVED: That the City Administrator or his or her designee on behalf of the City of Oakland is authorized to accept the California Strategic Growth Council Affordable Housing and Sustainable Communities Program funds, if awarded, deposit said funds in the State of California Fund (2159), Transportation Planning and Funding Organization (30275), Project (TBD), and appropriate said funds in an amount not to exceed \$14,883,316 to this project; and be it

FURTHER RESOLVED: That the City of Oakland shall be subject to the terms and conditions as specified in the Standard Agreement; that funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement; that the application in full is incorporated as part of the Standard Agreement; that any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement; and that the City of Oakland hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by HCD and in accordance with the NOFA and Program Guidelines and Application Package; and be it

FURTHER RESOLVED: That the City Council hereby appoints the City Administrator or his or her designee on behalf of the City of Oakland to execute in the name of City of Oakland the AHSC Program Application Package and the AHSC Program Documents as required by HCD for participation in the AHSC Program, and to take whatever other action is necessary with respect to the AHSC Program and this project consistent with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: That this Resolution replaces and supersedes Resolution No. 86094 C.M.S.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council of the
City of Oakland, California

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COMMUNITY & ECONOMIC
DEVELOPMENT CMTE.

MAY 3 1 2016