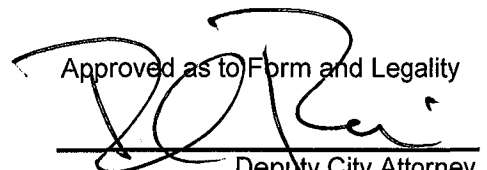


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2016 MAY 20 AM 10:12

Approved as to Form and Legality

Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 86216 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

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.

JUN 07 2016

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

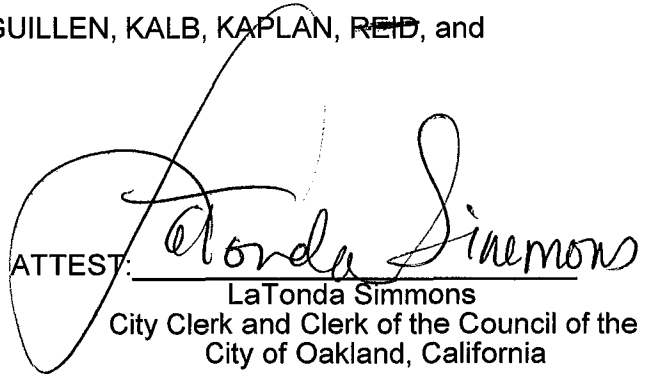
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, ~~REID~~, and PRESIDENT GIBSON MCELHANEY - **7**

NOES -

ABSENT - **REID - 1**

ABSTENTION -

ATTEST:


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