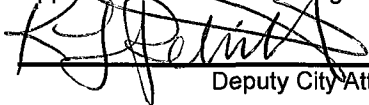


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Approved as to Form and Legality:


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 85902 C.M.S.

A Resolution Authorizing The City Administrator or Designee to Negotiate and Execute A Development Loan Agreement By and Between the City of Oakland and The Spanish Speaking Unity Council Of Alameda County, Inc. ("Unity Council") to Provide a Loan to Unity Council in the Aggregate Amount of \$7,050,000 For The Fruitvale Transit Village Phase IIA Project By: (A) Amending The Central City East Redevelopment Project Area Excess Bond Spending Plan By Re-Appropriating And Re-Allocating Previously Committed Excess Bond Proceeds in the Amount of \$2,550,000 From Central City East - Major Projects; (B) Amending the Coliseum Redevelopment Project Area Excess Bond Spending Plan By Re-Appropriating And Re-Allocating Previously Committed Excess Bond Proceeds in the Amount of \$500,000 From Coliseum City EIR and Specific Plan For A Total of \$3,050,000 Excess Bond Funds; And (C) Allocating \$4 Million Of Proposition 1C Funds From the State of California's Housing and Community Development Department As A Loan To The Fruitvale Transit Village Phase IIA Project.

WHEREAS, the City of Oakland ("City") owns a 3.4 acre surface parking lot bounded by 35th and 37 Avenues, East 12th Street, and the Bay Area Rapid Transit (BART) tracks which contains two parcels, including a southern parcel adjacent to 37th Avenue, parcel number 033-2177-021, and a northern parcel adjacent to 35th Avenue, parcel number 033-2197-019; and

WHEREAS, Pursuant to the City of Oakland Redevelopment Agency ("Agency") Resolution No. 2010-1000 C.M.S dated July 13, 2010 the Agency Administrator was authorized to purchase the parking lot from the Bay Area Rapid Transit (BART) so that it could be developed into Phase II of the Fruitvale Transit Village; and

WHEREAS, On November 18, 2014 pursuant to Resolution No. 85271C.M.S the City Council approved a \$350,000 predevelopment loan to the Spanish Speaking Unity Council of Alameda County, Inc. ("Unity Council") for the Fruitvale Transit Village Phase IIA project; and

WHEREAS, on October 15, 2013 Resolution No. 84660 C.M.S., the City Council authorized the City Administrator to apply for, accept, and appropriate funds in a total amount not to exceed \$8 million from the California Department of Housing and Community

Development under the Transit Oriented Development Prop 1C program for the Fruitvale Transit Village Phase IIA Project; and

WHEREAS, the City was awarded \$4 million dollars from Prop 1C funds and the Unity Council was awarded \$4million from Prop 1C funds and the City wishes to provide the \$4 million as a loan to the Spanish Speaking Unity Council of Alameda County Inc. for the Fruitvale Transit Village Phase IIA project; and

WHEREAS, the City desires to enter into a development loan agreement by and between the City and Unity Council to provide a loan in an aggregate amount of \$7,050,000 ("Loan"), comprised of \$2,550,000 of million from Central City East bond funds City (1), Central City East Taxable Bonds (5643), Organization 94899 (CIP Central City East), Third Party Contract (54912), Central City East Public Private Development (P356910), Central City East Program (SC18), \$500,000 from Coliseum bond funds City (1), Coliseum Taxable Bonds (5656), CIP Coliseum Services (94859), Professional Services (54930), Coliseum City Specific Plan (P452510), and Coliseum (SC12), and \$4,000,000 from Housing and Community Development Prop 1C funds Grant Fund (2144), Project Fruitvale TV HCD Prop 1C (C494010); and for the development of Phase IIA which will consist of 94 mixed-use housing units on parcel number 033-2177-021; and

WHEREAS, the Loan will be deferred for 55 years as long as the term of the affordability agreement set on the development of the Fruitvale Transit Village Phase IIA project; and

WHEREAS, the City wishes to execute a portion of the \$7,050,000 loan as a discounted lease payment for the Senior Center lease located at the Fruitvale Transit Village Phase I project. The City of Oakland currently leases 8,500 square feet of space for a Senior Center in the FTV Phase I, owned by the Unity Council. The Senior Center lease agreement currently has no lease payments, but instead has a balloon payment of approximately \$5.4 million due in the year 2023. The City wishes to provide a loan of \$3,050,000 in-lieu of the \$5.4 million payment due in year 2023. The \$3,050,000 loan represents a discounted value of the \$5.4 million obligation in today's dollars; and

WHEREAS, a public hearing of the City Council was held to hear public comments on the loan agreement to the Unity Council for the Fruitvale Transit Phase IIA project; and

WHEREAS, the City has reviewed the pro forma for the 94 mixed-income housing units and determined that based on the development costs, rental income, and other revenue to the property the project is feasible with a 66 year ground lease, now therefore, be it

RESOLVED: That the City hereby authorizes the City Administrator or designee to negotiate and execute a development loan agreement to provide a loan to Unity Council in the aggregate amount of \$7,050,000 for the development and construction of the Fruitvale Transit Village Phase IIA 94 mixed-income housing development; and be it

FURTHER RESOLVED: That the funds will come from the Central City East bond funds, the Coliseum bond funds, and the Housing Community Development Prop 1C grant funds, per Resolution 84660 as follows:

Fund Source	Organization	Account	Project	Program	Amount
5643	94899	54912	P356910	SC18	\$2,550,000
5656	94859	54930	P452510	SC12	\$ 500,000
2144	94859	TBD	C494010	SC12	\$4,000,000
Total					\$7,050,000

and be it

FURTHER RESOLVED: That a new Project Number will be created for the Fruitvale Transit Village Phase IIA loan; and be it

FURTHER RESOLVED: That the development loan agreement shall be reviewed and approved as to form and legality by the City Attorney's Office prior to execution; and be it

FURTHER RESOLVED: That the City hereby authorizes the City Administrator to amend the lease agreement for the Senior Center to reflect the upfront lease payment of \$3,050,000 and that no further payments will be due to the Unity Council as lease payments for the Senior Center located at the Fruitvale Transit Village Phase I site; and

FURTHER RESOLVED: That the City Administrator or Designee is further authorized to negotiate and enter into the Development Loan Agreement and take whatever action is necessary with respect to the Loan and the Project, consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 17 2015

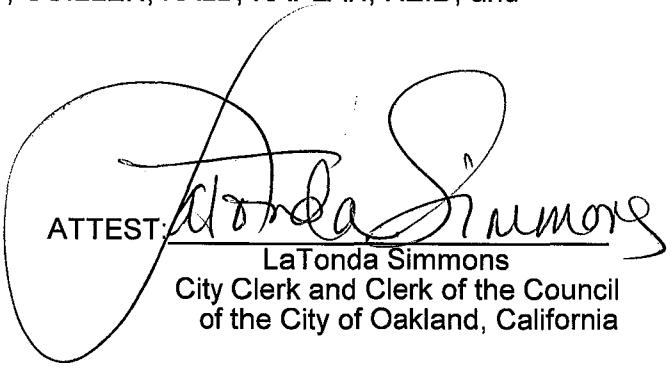
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and PRESIDENT GIBSON McELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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