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OAKLAND

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APPROVED AS TO FORM AND LEGALITY:


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 82651 C.M.S.

A RESOLUTION AMENDING RESOLUTION NO. 81112 C.M.S. TO INCREASE THE AMOUNT OF AN AFFORDABLE HOUSING DEVELOPMENT LOAN TO RESOURCES FOR COMMUNITY DEVELOPMENT FOR THE 720 E. 11TH STREET PROJECT BY \$279,336 FOR A TOTAL CITY LOAN AMOUNT OF \$1,669,503, AND TO EXTEND FOR 12 MONTHS THE AMOUNT OF TIME FUNDS ARE RESERVED FOR THE PROJECT

WHEREAS, Resolution No. 81112 C.M.S. dated March 4, 2008, authorized an affordable housing development loan in an amount not to exceed \$1,390,167 to Resources for Community Development (the "Developer"), a nonprofit organization devoted to the provision of affordable housing, for development of the 720 E. 11th Street project (the "Project"), a 55-unit housing project in the City of Oakland; and

WHEREAS, Developer also received a loan reservation from the Redevelopment Agency of \$4,859,833 from the Low and Moderate Income Housing Fund for the Project; and

WHEREAS, on September 4, 2009, the City and the Redevelopment Agency of the City of Oakland jointly issued a Notice of Funding Availability ("NOFA") soliciting applications for funding for affordable housing developments; and

WHEREAS, Developer has substantially completed design and planning work for the Project but did not achieve an award of Low Income Housing Tax Credits and has experienced cost overruns due to unanticipated utility undergrounding requirements; and

WHEREAS, Developer submitted a proposal in response to the NOFA for additional funds; and

WHEREAS, Developer is also requesting additional funds from the Agency in the amount of \$967,664 to come from the Low and Moderate Income Housing Fund for a total Agency loan amount not to exceed \$5,827,497; 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 Project is consistent with the City's Project Development Guidelines, and Developer meets the City's Threshold Developer Criteria; and

WHEREAS, the City is the Lead Agency for this Project 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; and

WHEREAS, none of the circumstances necessitating additional CEQA review of the Project are present; and

WHEREAS, execution of loan documents or other documents legally committing the City to fund this Project 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; and

WHEREAS, previously reserved loan funds of \$1,390,167 are available in the HUD-HOME Fund (2109), Housing Development Organization (88929), HOME Housing Development Project (G1712111) for this project; and

WHEREAS, funds will be available from the HOME Investment Partnership Program in fiscal year 2010-11 to assist the Project; now, therefore, be it

RESOLVED: That City Council Resolution No. 81112 C.M.S. is hereby amended to increase the amount of the City loan by \$279,336 for a total loan amount not to exceed \$1,669,503; and be it

FURTHER RESOLVED: That \$279,336 will be allocated from 2010-11 HUD-HOME Fund (2109), Housing Development Organization (88929), HOME Housing Development Project (G172111) for this loan after the 2010-11 fiscal year funds are available; and be it

FURTHER RESOLVED: That the combined total of the City and Agency loans for the Project shall not exceed \$7,947,000; and be it

FURTHER RESOLVED: That the loan as increased shall be subject to the same terms and conditions as those set forth in the original authorizing resolution as amended; and be it

FURTHER RESOLVED: That the City Council hereby amends Resolution No. 81112 C.M.S., to provide that the loan is contingent on Developer's success in securing commitments for full Project funding, or other assurances of adequate Project funding the Agency Administrator or his or her designee deems sufficient, by March 16, 2011; and be it

FURTHER RESOLVED: That if the Project is unable to secure commitments for full Project funding due to delays of state financing that are out of control of the Developer, the Agency Administrator or his or her designee may establish an extension of Project funding within his or her discretion.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 16 2010, 2010


PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, , KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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