

REVISED

# REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION NO. 01-11 C. M. S.

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**A RESOLUTION AUTHORIZING A DEVELOPMENT LOAN IN AN AMOUNT NOT TO EXCEED \$1,066,000 AND AMENDING TERMS OF A LOAN AUTHORIZED BY REDEVELOPMENT AGENCY RESOLUTION NO. 00-55 C.M.S. TO RESOURCES FOR COMMUNITY DEVELOPMENT FOR FOOTHILL BOULEVARD AND 68<sup>TH</sup> AVENUE PROJECT LOCATED AT 6850 FOOTHILL BOULEVARD**

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

**WHEREAS**, on August 14, 2000 the Agency and City issued a Notice of Funding Availability soliciting applications for funding for affordable housing development; and

**WHEREAS**, Resources for Community Development (the "Developer") is a nonprofit organization devoted to the provision of affordable housing; and

**WHEREAS**, the Developer proposes to develop a 19-unit apartment complex at 6850 Foothill Boulevard in the City of Oakland (the "Project"); and

**WHEREAS**, the Agency has previously provided a \$361,000 loan to the Project through Agency's Affordable Housing Site Acquisition Loan Program (the "Site Acquisition Loan") as authorized by Redevelopment Agency Resolution No. 00-55 C.M.S., dated July 25, 2000; and

**WHEREAS**, the Developer has requested that the Agency provide additional funding for the Project in the amount of \$1,066,000; and

**WHEREAS**, this additional loan amount allows the Developer to apply for the U.S. Department of Housing and Urban Development (HUD) 811 Program; and

**WHEREAS**, the Agency will provide an additional loan in an amount not to exceed \$1,066,000 to Developer if Developer succeeds in securing a funding commitment from HUD's 811 program or HUD's Section 202 program during the 2001 calendar year; and

**WHEREAS**, all Project units will be restricted to rents affordable to low-income households earning no more than 35% of area median income; and

**WHEREAS**, the Project is consistent with the Agency's Project Development Guidelines, and the Developer meets the Agency's Minimum Developer Qualifications; and

**WHEREAS**, the Project will increase and improve the supply of low and moderate income housing available in the City of Oakland, is an eligible use of the Agency's Low and Moderate Income Housing Fund under California Health and Safety Code Sections 33334.2 and 33334.3, and will benefit the Central District Redevelopment Project by providing affordable housing opportunities within the community that will enhance the economic viability and redevelopment potential of the Project Area; and

**WHEREAS**, the Agency 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**, funds are available from the Agency's Affordable Housing Bond proceeds to assist the Project; now, therefore, be it

**RESOLVED:** That the Redevelopment Agency hereby authorizes the Agency Administrator or his designee to provide a loan in an amount not to exceed \$1,066,000 to Resources for Community Development, or to an affiliated entity approved by the Agency Administrator or his designee, to be used for development of the Project; and be it further

**RESOLVED:** That the loan shall be for a term of 30 years, with simple interest rate of 3 percent per year, with repayment to the Agency deferred until the end of the loan term, subject to the availability of other funds for earlier repayment of the loan, or on such other repayment terms and schedule as the Agency Administrator or his designee determines are in the best interests of the Agency and the Project; and be it further

**RESOLVED:** That the disbursement of these funds shall be contingent upon the Developer's success in securing a funding commitment in the calendar year 2001 from the U.S. Department of Housing and Urban Development (HUD) for funds awarded under HUD's Section 202 program for senior housing or its Section 811 program for housing for people with disabilities and shall be subject to such other appropriate terms and conditions as the Agency Administrator or his designee may establish; and should the Project not receive a HUD funding commitment by December 31, 2001, then this Loan authorization shall be rescinded; and be it further

**RESOLVED:** That loan funds shall come from the Agency's Affordable Housing Bond proceeds; and be it further

**RESOLVED:** That the terms of the Site Acquisition Loan to the Developer shall be amended to provide for a term of 30 years, with a simple interest rate of 6 percent per year, with repayment to the City deferred until the end of the loan term, subject to the availability of other funds for earlier repayment of the City Loans, or on such other repayment terms and schedule as the City Manager or his designee determines are in the best interest of the City and the Project; and be it further

**RESOLVED:** That as a condition of the loan, the Agency will require that appropriate restrictions on Project occupancy, rents and operations be recorded against Project improvements; and be it further

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

**RESOLVED:** That the Agency hereby authorizes the Agency Administrator or his designee in his discretion to subordinate the priority of the Agency's deed of trust and/or recorded restrictions to any lien or encumbrance of another private or governmental entity providing financial assistance to the Project, if the Agency Administrator or his 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 Agency's investment in the Project in the event of default is reasonably protected, and (3) subordination is in the best interests of the Agency; and be it further

**RESOLVED:** That all loan documents shall be reviewed and approved by the Agency Counsel for form and legality prior to execution, and copies will be placed on file with the Agency Secretary; and be it further

**RESOLVED:** That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because the Project is exempt from CEQA under Public Resources Code Section 21080.14, a low-income housing statutory exemption; and be it further

**RESOLVED:** That the Agency Administrator or his designee shall cause to be filed with the County of Alameda a Notice of Exemption for this Project; and be it further

**RESOLVED:** That the Agency hereby appoints the Agency Administrator and his designee as agent of the Agency to conduct negotiations, execute documents, administer the loan, extend or modify the repayment terms, and take any other action with respect to the loan and the Project consistent with this Resolution and its basic purpose.

IN AGENCY, OAKLAND, CALIFORNIA, MAR - 6 2001, 2001

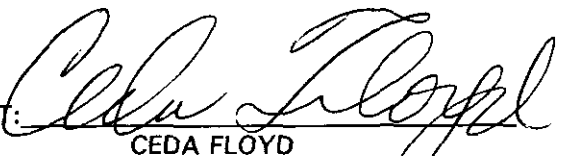
**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, NADEL, REID, SPEES, WAN AND  
CHAIRPERSON DE LA FUENTE → 7

NOES- None

ABSENT- None

ABSTENTION- None

ATTEST:   
CEDA FLOYD  
Secretary of the Redevelopment Agency of  
the City of Oakland, California