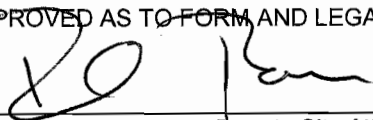


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 MAY 30 AM 10:41

APPROVED AS TO FORM AND LEGALITY:


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 83920 C.M.S.

A RESOLUTION INCREASING THE AMOUNT OF AN AFFORDABLE HOUSING PRESERVATION AND REHABILITATION LOAN TO DIGNITY HOUSING WEST, INC. FOR THE JAMES LEE COURT AFFORDABLE HOUSING DEVELOPMENT LOCATED AT 690 15TH STREET BY \$1,105,000 FOR A TOTAL LOAN AMOUNT OF \$3,501,000, AND AUTHORIZING LOAN EXTENSIONS AND/OR CHANGES IN TERMS FOR EXISTING LOANS FOR THE PROJECT

WHEREAS, Redevelopment Agency Resolution No. 2010-0032 C.M.S. dated March 16, 2010 authorized an affordable housing development loan from the Redevelopment Agency of the City of Oakland (the "Redevelopment Agency") to Dignity Housing West, Inc. ("Developer"), a nonprofit developer of affordable housing, in the amount of \$867,000 for the rehabilitation of the James Lee Court Apartments affordable rental project at 690 15th Street in the City of Oakland (the "Property"); and

WHEREAS, Redevelopment Agency Resolution No. 2011-0020 C.M.S., dated March 3, 2011 authorized an increase to this loan by \$1,529,000 for a total loan amount of \$2,396,000; and

WHEREAS, the Redevelopment Agency entered into a commitment with Developer to make this loan; and

WHEREAS, the City Council adopted Resolution No. 83680 C.M.S. on January 10, 2012, electing to retain and assume the housing assets, functions, and obligations of the Redevelopment Agency pursuant to Health and Safety Code Section 34176 upon Redevelopment Agency dissolution; and

WHEREAS, the Redevelopment Agency dissolved on February 1, 2012; and

WHEREAS, the \$2,396,000 loan to Developer was a housing obligation of the Redevelopment Agency retained and assumed by the City; and

WHEREAS, on September 6, 2011, the City issued a Notice of Funding Availability ("NOFA") soliciting applications for funding for affordable housing developments; and

WHEREAS, Developer submitted a proposal in response to the NOFA for additional funds to complete Phase II of the rehabilitation of James Lee Court Apartments to continue to provide 26 rental units of affordable housing to serve families (the "Project"); and

WHEREAS, all units at the Property are rented at prices affordable to households earning no more than 60% of area median income; and

WHEREAS, the City of Oakland's Consolidated Plan for Housing and Community Development indicates that there is a need for creating, preserving and maintaining decent, safe and habitable 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, per the CEQA Guidelines, this Project is exempt from environmental review; and

WHEREAS, funds will be available from the HUD HOME Investment Partnership Program in fiscal year 2012-13 to assist the Project with additional funding; now, therefore, be it

RESOLVED: That the City Council hereby increases the loan amount previously authorized and committed by the Redevelopment Agency to Dignity Housing West, Inc., or to an affiliated entity approved by the City Administrator or his or her designee, for the Project by \$1,105,000, for a total loan in an amount not to exceed \$3,501,000, to be used for the Project; and be it

FURTHER RESOLVED: That the additional \$1,105,000 will be allocated from the 2010-11 HUD-HOME Fund (2109), Housing Development Organization (88929), HOME Housing Development Program project (G172111) after the 2012-13 fiscal year funds are available; and be it

FURTHER RESOLVED: That the additional loan amount shall be contingent on the availability of sufficient funds in the HOME Program Development Fund to cover the additional City loan amount of \$1,105,000; and be it

FURTHER RESOLVED: That the City has independently reviewed and considered this environmental determination, and the City finds and determines, based on the information provided in the staff report accompanying this Resolution, that this action complies with CEQA because the Project is exempt from CEQA pursuant to Section 15301 (Existing Facilities) and 15183 (Projects Consistent with Zoning and General Plan) of the CEQA Guidelines; and be it

FURTHER RESOLVED: That the City Administrator or his or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for the Project; and be it

FURTHER RESOLVED: That the additional loan amount shall be for a maximum term of 55 years, with an interest rate to be determined by the City Administrator in his or her discretion, with repayment to the City from surplus cash flow from the Project and other available funds during the term of the loan with the balance due at the end of the term, or on such other repayment terms and schedule as the City Administrator or his or her designee determines are in the best interests of the City and the Project; and be it

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

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

FURTHER RESOLVED: That the City Administrator is authorized to extend the term of any existing City loans on the Property up to 55 years, consolidate the existing loans with the additional loan authorized by this Resolution, modify other terms and conditions of the existing City loans to be consistent with the terms and conditions of any new funding for the Project, and negotiate and execute loan documents with respect to existing City loans; and be it

FURTHER RESOLVED: That the additional loan funds shall be reserved for a period of no more than twelve months from the date of this Resolution, and the making of the additional loan shall be contingent on Developer's success in securing commitments for full Project funding, or other assurances of adequate Project funding the City Administrator or his or her designee deems sufficient within his or her discretion, within this reservation period; and be it

FURTHER RESOLVED: That the making of the additional loan amount shall be contingent on and subject to such other appropriate terms and conditions as the City Administrator or his or her designee may establish; and be it

FURTHER RESOLVED: That execution of loan documents or other documents legally committing the City to fund this Project are expressly conditioned on

compliance with the requirements of NEPA, as certified by the City Administrator or his or her designee; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 19 2012, 2012

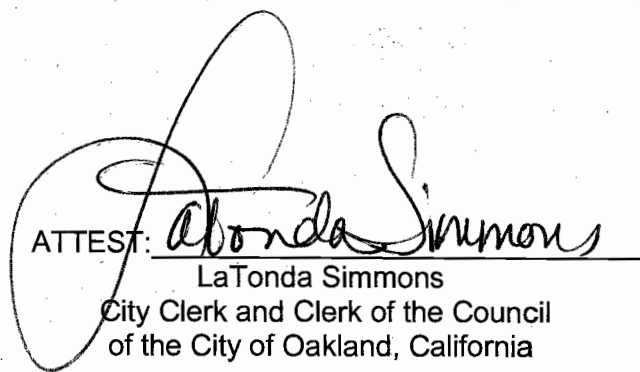
PASSED BY THE FOLLOWING VOTE:

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

NOES- 0

ABSENT- 0

ABSTENTION- 0

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