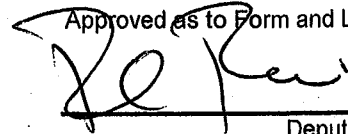


2018 MAY 31 PM 5:01

Approved as to Form and Legality:



Deputy City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

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**RESOLUTION AMENDING THE EXISTING AFFORDABLE HOUSING LOAN FOR THE SAN PABLO HOTEL PROJECT AT 1955 SAN PABLO AVENUE TO (1) APPROVE THE ASSIGNMENT AND ASSUMPTION OF THE LOAN FROM SAN PABLO HOTEL ASSOCIATES TO SAN PABLO ASSOCIATES II, LP, (2) TERMINATE THE CITY REGULATORY AGREEMENT AND AMEND AND EXTEND THE FORMER REDEVELOPMENT AGENCY REGULATORY AGREEMENT, (3) EXTEND THE LOAN TERM, AND (4) REDUCE THE INTEREST RATE TO THE APPLICABLE FEDERAL RATE**

**WHEREAS**, Redevelopment Agency Resolution No. 93-71 C.M.S. authorized the assignment and assumption of the Agency Loan to San Pablo Hotel Associates, a California limited partnership, with HIP acting as general partner; and

**WHEREAS**, Redevelopment Agency Resolution No. 94-39 C.M.S. authorized the substitution of Eden Housing, Inc. and East Bay Asian Local Development Corporation, or an affiliate of said organizations, as general partner(s) of San Pablo Hotel Associates; and

**WHEREAS**, on July 3, 1991, the City and HIP executed a Regulatory Agreement and recorded it against the San Pablo Hotel on August 8, 1991; and

**WHEREAS**, on February 6, 1992, the Redevelopment Agency and HIP executed a Regulatory Agreement and recorded it against the San Pablo Hotel on August 31, 1994; and

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

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

**WHEREAS**, the Agency Loan and Regulatory Agreement for the San Pablo Hotel project are housing assets retained and assumed by the City; and

**WHEREAS**, the project owner is pursuing a refinance and resyndication opportunity for the San Pablo Hotel project in order to receive tax credit equity that will be used towards project rehabilitation, and has requested that the Agency Loan to be assigned to and assumed by a new partnership, San Pablo Hotel Associates II, LP, that the loan term be extended, and that the interest rate on the Agency Loan be reduced to the Applicable Federal Rate (AFR); and

**WHEREAS**, the owner is requesting the termination of the City Regulatory Agreement and the amendment and restatement of the Agency Regulatory Agreement to extend its term; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes the assignment and assumption of the Agency Loan for the San Pablo Hotel affordable housing project from San Pablo Hotel Associates to San Pablo Hotel Associates II, LP, the extension of the Agency Loan term by 2073, the reduction of the interest rate for the Agency Loan to the AFR, and the termination of the City Regulatory Agreement and the amendment and restatement of the Agency Regulatory Agreement to extend its term; and be it

**FURTHER RESOLVED:** That the City Administrator and/or his or her designee is authorized to negotiate and enter in to amendments to the loan documents and to take any other actions with respect to the existing loans to the San Pablo Hotel affordable housing project consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

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