TO: James App, City Manager

FROM: Ron Whisenand, Community Development Director

SUBJECT: Oak Park Redevelopment: Request for Low and Moderate Income Housing Funds

DATE: July 6, 2010

Needs:

For the Redevelopment Agency to consider a request for a reservation of up to \$1.325 million in Low and Moderate Income Housing (LMIH) Funds to assist in the Development of Phase One of the Oak Park Redevelopment Project.

Facts:

- 1. At its meeting of June 1, 2010, the City Council approved Planned Development (PD) 10-001 authorizing the redevelopment of Oak Park Public Housing to include the demolition of the existing 148 residential units and construction of 302 new low income units with a public park, community center, and offices.
- PRHA has contracted with the Housing Authority of the County of Monterey ("HACM") to develop the project. HACM has indicated an intent to seek Federal Tax Credit financing for the project, which will require that occupancy of all 302 units be restricted to households earning 60 percent or less of the Area (County) Median Income.
- 3. On June 24, 2010, HASLO filed a letter requesting that the Redevelopment Agency loan up to \$1.325 million in LMIH Funds to assist the Phase One of project, which is proposed to replace 53 existing units and construct 47 new units.
- 4. \$875,000 of the requested funds would be used to offset development impact fees (estimated at \$915,325 for 47 units) and \$450,000 for pre-development costs. HACM's letter requests that the \$450,000 for pre-development costs be disbursed "as soon as possible".
- 5. The request proposes that the terms of the loan be 55 years and the interest rate be 3% simple.
- 6. Health and Safety Code Section 33334.3(f) requires that any multi-family rental housing units assisted with LMIH Funds shall remain available at affordable housing costs to persons and families of low and moderate income and lower income households for the longest feasible time, but not less than 55 years. Conditions for Federal Tax Credit financing also require a 55 year affordability period.
- 7. The Agency has provided LMIH Funds to other low income housing projects: Los Robles Terrace (\$120,000 to offset City fees), Creekside Gardens (\$635,000 for land acquisition and project development costs), Canyon Creek Apartments (\$559,000 for development costs), Chet Dotter Senior Housing (\$1.745 million for development costs, offsetting city building permit and development impact fees, and costs for predevelopment design and environmental studies), and Hidden Creek Village (up to \$1.0 million to offset city building permit and development impact fees).
- 8. Attached is a status report on the LMIH Fund that shows estimated deposits, administrative expenses, present commitments, and HACM's request.

Analysis & Conclusion:

The Oak Park Redevelopment Project will help the City meet its low-income housing needs, as set forth in the 2004 Housing Element of the General Plan and in the Agency's goals and objectives set forth in the 1987 Redevelopment Plan and the 2010-2014 Redevelopment Implementation Plan. This project would also be consistent with the 2006 Economic Strategy, which calls for the City to house its workforce.

The 2010-2014 Redevelopment Implementation Plan provides that the Agency may consider requests to use LMIH funds to assist large-scale multi-family projects (those with more than 12 dwelling units).

As noted in Fact #7, above, the Agency has previously provided financial support for several low income housing projects.

The tax credit award process is a highly-competitive, point-based system in which applicants receive points for obtaining financial assistance from local government. The 2010 deadline for submittal of applications for tax credits is July 7.

With its request for LMIH assistance, HACM provided a pro forma that shows a need for the requested funds. Their letter states that they "will continue to seek additional funding opportunities as they present themselves, which may lower the overall funds needed by the City". Common examples of other funding sources would include federal HOME funds (via the County of San Luis Obispo) and Affordable Housing Program (AHP) Funds from the Federal Home Loan Bank. HACM's letter indicates, however, that they need a commitment for \$1.325 million at this time in order to have a competitive application for federal tax credits.

The attached LMIH Fund Status Report shows that there is capacity to approve the requested assistance.

California Redevelopment Law requires that an agreement such as an Owner Participation Agreement ("OPA") be executed to secure LMIH assistance. Inasmuch as tax credits have not yet been awarded, approval of a Participation Agreement would be premature. A form of pledge that the Agency can make is to adopt a resolution reserving LMIH funds for a limited amount of time, such as 6 months, with provisions for extension of the reservation upon the applicant's demonstration of substantial progress. Such a resolution was adopted by the Agency in 2009 as a first step in providing LMIH assistance to Hidden Creek Village.

It is suggested that the form of LMIH assistance be consistent with that provided to Hidden Creek Village, and be subject to the following conditions.

- 1. This reservation would expire six (6) months from the date of the resolution, unless the reservation period is extended by resolution of the Agency following a submittal of a written request by the Applicants.
- 2. The form of financial assistance to the Project would be a loan, which may be structured as follows:
 - a. The principal amount would be \$1.325 million, but the Applicants must agree to apply for supplemental sources of financing, which may include an Affordable Housing Program (AHP) grant from the Federal Home Loan Bank and federal HOME funds, with the understanding that the principal amount of the Agency

loan would be reduced by the amount of supplemental funds awarded to the Project;

- b. The loan shall accrue interest at the rate of 3 percent simple and shall be secured by a deed of trust recorded on the property;
- c. Payments on the loan shall be deferred for a period of 55 years; if at the end of 55 years, the Project has continually been operated to restrict rent levels for all units to those affordable to lower income households, as defined by Health and Safety Code Section 50053, the principal amount of the loan shall be forgiven;
- d. The principal amount of the loan shall be disbursed as follows:
 - (1) An initial payment of \$550,000 will be made upon issuance of a building permit; this amount will include \$450,000 to be paid directly to the applicant for predevelopment costs and \$100,000 to be paid to the City as the first payment against \$875,000 in development impact fees;
 - (2) Seven (7) annual payments of \$100,000 in principal plus interest at 3% compounded to the City as the second through eighth payments against \$875,000 in development impact fees;
 - (3) One (1) year after payment of the eighth installment described above, payment of \$75,000 in principal plus interest at 3% compounded to the City as the ninth payment against \$875,000 in development impact fees.
- 3. The City Council shall agree to authorize payment of building permit and development impact fees to be deferred over a period of up to 9 years, allowing dwelling units in the Project to be occupied prior to full payment of said fees.
- 4. Prior to distribution of any funds, the Applicants shall enter into an Owner Participation Agreement (OPA) with the Agency, which shall set forth the terms and conditions for the loan.
- As a prerequisite to obtaining the portion of the loan not for pre-development costs,, Applicants shall submit to City evidence that full financing for the Project has been approved by the appropriate authorities for each source of financing.
- 6. The OPA shall provide that the residents of the Project qualify as "Lower Income Households", as defined by Health and Safety Code Section 50079.5.
- 7. As required by Health and Safety Code Section 33334.3(f), affordability covenants or restrictions shall be recorded against the subject property. These covenants or restrictions shall serve to limit rent prices of the Project to levels affordable to "Lower Income Households", as set forth in Health and Safety Code Section 50052.5, for a period of at least 55 years.

POLICY Reference:

California Redevelopment Law; 1987 Redevelopment Plan; 2010-2014 Redevelopment Implementation Plan; 2004 Housing Element; 2006 Economic Strategy

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Impact:

HACM's request would have no effect on the General fund. Please see the attached LMIH Fund Status Report for an analysis of the impact of the requested loan on the LMIH Fund.

Options:

That the Redevelopment Agency take one of the following options:

- a. Adopt the attached resolution reserving up to \$1.325 million in Low and Moderate Income Housing (LMIH) Funds for 6 months for the Oak Park Redevelopment Project.
- b. Amend, modify, or reject the above options.

Prepared By: Ed Gallagher, City Planner

ATTACHMENTS:

1. Resolution Reserving LMIH Funds

- 2. Letter from Starla Warren, dated June 24, 2010 with attached Pro Forma
- 3. LMIH Fund Status Report

RESOLUTION NO. RA 10-XX

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF PASO ROBLES RESERVING UP TO \$1.325 MILLION IN REDEVELOPMENT LOW AND MODERATE INCOME HOUSING FUNDS TO ASSIST THE REDEVELOPMENT OF OAK PARK PUBLIC (LOW INCOME) HOUSING

WHEREAS, at its meeting of June 1, 2010, the City Council of the City of El Paso de Robles (the "City Council") approved Planned Development (PD) 10-001 authorizing the redevelopment of Oak Park Public Housing to include the demolition of the existing 148 residential units and construction of 302 new low income units with a public park, community center, and offices (the "Project"); and

WHEREAS, the Housing Authority of the City of Paso Robles and the Housing Authority of the County of Monterey, who are co-applicants (the "Applicants") for the Project have indicated an intent to seek Federal Tax Credit financing for the project, which will require that occupancy of all 302 units be restricted to households earning 60 percent or less of the Area (County) Median Income; and

WHEREAS, the Applicants have filed a letter, dated June 24, 2010, requesting that the Redevelopment Agency of the City of Paso Robles (the "Agency") grant up to \$1.325 million in Redevelopment Low and Moderate Income Housing (LMIH) Funds for the purposes of assisting with construction costs (\$450,000) and for offsetting \$850,000 of the estimated development impact fees for Phase One of the Project; and

WHEREAS, in their letter of June 24, 2010, the Applicants have communicated a willingness to consider applying for additional funds to reduce the amount of requested LMIH assistance in proportion to any other sources of financing for the Project they may be able to acquire; and

WHEREAS, the Agency has provided financial assistance with LMIH Funds to other low income housing projects, to wit, Los Robles Terrace (\$120,000 to offset City fees), Creekside Gardens (\$635,000 for land acquisition and project development costs), Canyon Creek Apartments (\$559,000 for development costs), Chet Dotter Senior Housing (\$1.745 million for development costs, offsetting city building permit and development impact fees, and costs for pre-development design and environmental studies), and Hidden Creek Village (up to \$1.0 million to offset city building permit and development impact fees); and

WHEREAS, the Project would help the City meet its low-income housing needs, as set forth in the 2004 Housing Element of the General Plan and the City's objective of housing its workforce as stated in the 2006 Economic Strategy; and

WHEREAS, the Project would further the Agency's goals and objectives set forth in the 1987 Redevelopment Plan for the Paso Robles Redevelopment Project and the 2010-2014 Redevelopment Implementation Plan for the use of LMIH Funds; and

WHEREAS, the 2010-2014 Redevelopment Implementation Plan provides that the Agency may consider requests to use LMIH Funds to assist large-scale multi-family projects (those with more than 12 dwelling units); and

WHEREAS, Community Redevelopment Law (Health and Safety Code Sections 33000 et seq.) provides that the Agency may enter into Participation Agreements and may provide financial assistance for development of affordable housing opportunities within the community; and

WHEREAS, Community Redevelopment Law (Health and Safety Code Section 33334.3[f]) requires that any multi-family rental housing units assisted with LMIH Funds shall remain available at affordable housing costs to persons and families of low and moderate income and lower income households for the longest feasible time, but not less than fifty-five (55) years; and

WHEREAS, award of a grant of LMIH Funds needs to be addressed by a Participation Agreement which sets forth the terms and conditions relating to the LMIH grant, including without limitation an Affordable Housing Covenant (the "Affordability Covenant") to be executed by both parties and recorded against the Project; and

WHEREAS, as of the date of the Applicant's request, the Applicants have not yet applied for Federal Tax Credit Financing, nor have they submitted evidence of other pre-approved financing for the Project;

NOW, THEREFORE, BE IT RESOLVED as follows:

<u>SECTION 1</u>. Notwithstanding any and all prior Agency commitments of LMIH Funds to other housing projects and programs and annual allocations of LMIH Funds for administration of City housing programs, the Agency hereby reserves up to \$1.325 million in future LMIH Funds to be a loan to the Applicants for the purpose of offsetting City building permit and development impact fees for the Project, subject to the following conditions:

- 1. This reservation shall expire six (6) months from the date of this resolution, unless the reservation period is extended by resolution of the Agency following a submittal of a written request by the Applicants.
- 2. The form of financial assistance to the Project will be a loan, which may be structured as follows:
 - a. The principal amount shall be \$1.325 million, but the Applicants shall agree to apply for supplemental sources of financing, which may include an Affordable Housing Program (AHP) grant from the Federal Home Loan Bank and federal HOME funds, with the understanding that the principal amount shall be reduced in direct proportion to the amount of supplemental funds awarded to the Project;
 - b. The loan shall accrue interest at the rate of 3 percent simple;
 - c. Payments on the loan shall be deferred for a period of 55 years; if at the end of 55 years, the Project has continually been operated to restrict rent levels for all units to those affordable to lower income households, as defined by Health and Safety Code Section 50053, the principal amount of the loan shall be forgiven;
 - d. The principal amount of the loan shall be disbursed as follows:
 - (1) An initial payment of \$550,000 will be made upon issuance of a building permit; this amount will include \$450,000 to be paid directly to the applicant for construction cost assistance and \$100,000 to be paid to the City as the first payment against \$875,000 in development impact fees:
 - (2) Seven (7) annual payments of \$100,000 in principal plus interest at 3% compounded to the City as the second through eighth payments against \$875,000 in development impact fees;

- (3) A year after payment of the eighth installment described above, payment of \$75,000 in principal plus interest at 3% compounded to the City as the ninth payment against \$875,000 in development impact fees.
- 3. The City Council shall agree to authorize payment of building permit and development impact fees to be deferred over a period of up to 9 years, allowing dwelling units in the Project to be occupied prior to full payment of said fees.
- 4. Prior to distribution of any grant funds, the Applicants shall enter into a Participation Agreement (PA) with the Agency, which shall set forth the terms and conditions for the loan.
- 5. As a prerequisite to obtaining the loan, Applicants shall submit to City evidence that full financing for the Project has been approved by the appropriate authorities for each source of financing.
- 6. The PA shall provide that the residents of the Project qualify as "Lower Income Households", as defined by Health and Safety Code Section 50079.5.
- 7. As required by Health and Safety Code Section 33334.3(f), affordability covenants or restrictions shall be recorded against the subject property. These covenants or restrictions shall serve to limit rent prices of the Project to levels affordable to "Lower Income Households", as set forth in Health and Safety Code Section 50052.5, for a period of at least 55 years.

PASSED AND ADOPTED by the Paso Robles Redevelopment Agency on this 6th day of July, 2010 by the following vote:

AYES: NOES: ABSENT: ABSTAIN:		
ATTEST:	John Hamon, Chairman	
Dennis Fansler, City Clerk		



June 24, 2010

City of Paso Robles Ed Gallagher, City Planner 1000 Spring Street Paso Robles, CA 93446

RE: Oak Park - Phase One

Mr. Gallagher:

We are excited to bring this affordable housing redevelopment to the City of Paso Robles. This is an existing Public Housing site that currently houses 148 families. Due to failing infrastructure and building obsolescence, our plan is to demolish the current units and replace it with 302 multi-family affordable units in three phases. The first phase involves the demolition of 53 units and the reconstruction of 100 units.

In phase one; our financing model will include 9% Federal Tax Credit financing and the City of Paso Robles Redevelopment Agency participation. The tax credit application is due on 7/7/2010 and this letter constitutes our request to the Redevelopment Agency for funding. The tax credit equity should come in around \$18 million. In addition, the Paso Robles Housing Authority is providing seller take back financing in the amount of \$3,848,993. This amount may change pending the updated appraisal. We have attached a sources and uses for this phase for your review.

This request for financial assistance is based upon the following calculations in addition to the attached Sources and Uses. Below are the impact fees for the net add of new units on this phase. Fifty-three (53) units will be demolished, 100 units will be constructed, which results in a net increase of 47 units upon which impact fees will be due.

Oak Park			6/3/2010
Estimated City Fees	47	new Units	87,240 SF
Transportation	\$ 3,717.00	ea	\$ 174,699.00
Westside Drainage	\$ 954.00	ea	\$ 44,838.00
Bike & Predestrian	\$ 480.00	ea	\$ 22,560.00
Police	\$ 83.00	ea	\$ 3,901.00
Fire	\$ 742.00	ea	\$ 34,874.00
Gen Government	\$ 3,507.00	ea	\$ 164,829.00
Park & Recreation	\$ 3,554.00	ea	\$ 167,038.00
Library	\$ 971.00	ea	\$ 45,637.00
Sewer Connection	\$ 5,467.00	ea x 47 units	\$ 256,949.00
		subtotal	\$ 915,325.00

We are requesting a deferral of impact fees in the amount of \$875,000 and a Redevelopment loan of \$450,000 which will cover our current shortfall. For the purpose of our application and our need to demonstrate a commitment of Public Funds, we will need to have a term of no less than 55 years at 3%

simple interest. In addition, the \$450,000 of RDA funds will need to be funded as soon as possible so that we can continue to move forward will associated predevelopment costs. We will continue to seek additional funding opportunities as they present themselves, which may lower the overall funds needed by the City, however, we must show this amount as "committed" at this time in order to achieve the highest point score for funding in the 9% tax credit round.

Our funding model for the next two phases will most likely involve the following:

- 4% tax credits
- Bond Sales
- Joe Serna from State Prop 1C (only one round left 8/15)
- Multi-family Housing Program from State Prop 1C (only one round left 7/23)
- HOME (Sept 1)
- New Proposition for Affordable Housing by State, yet to be named
- Deferred Developer Fee, if needed
- Capital Magnet Fund
- Redevelopment Agency Funds

The credit markets are still pretty unreliable for conventional debt but we will continue to find the most advantageous underwriting available. We are hopeful that we can count on the City to assist us in the current shortfall.

Sincerely,

Starla Warren

Attachment: Sources and Uses Cc: Paso Robles Housing Authority

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DEVELOPMENT BUDGET

RDA	
	2010
	Total Cost
Land Cost / Acquisition	
Land cost or value	3,848,993
Demolition	263,873
Legal	10,000
Total Land Cost or Value	4,122,866
Existing improvements value	0
Off-site improvements	0
Total Acquisition Cost	0
Total Relocation expenses	300,000
New Construction	
Site work	2,826,801
Structures: Housing, Other Buildings	12,961,993
Structures: Solar System	554,094
Total New Construction Costs	16,342,888
Architectural Fees	
Design	575,000
Supervision	128,899
Subtotal Architectural Fees	703,899
Survey & engineering	73,000
Construction Interest & Fees	. = 0.0 0.4 4
Construction interest: drawdown bond	1,709,814
Insurance: OCP Policy (Owner & Contractor's Prote	22,000
Origination fee: drawdown loan (OID)	504,565
Taxes	1,000
Title and recording Total Construction Interest and Fees	60,000 2,297,38 0
	_,,,
Permanent Financing Title and recording	40,000
Total Permanent Financing Costs	40,000
Legal Fees	
Lender legal paid by applicant	45,000
Other (Specify): General Counsel - Organization	20,000
Other (Specify): General Counsel - Permanent Clos	20,000
Other (Specify): General Counsel - Construction Cl	10,000
Other (Specify): General Counsel - Syndication, La	(
Other (Specify): Tax Counsel	25,000
Other (Specify): Bond Counsel	
Total Attorney Costs	120,000

Rent reserves	0
Working Capital	404,000
Other (Specify): Replacement Reserves	. 0
3-Month Operating Reserve	496,188
Total Reserve Costs	900,188
Total Appraisal costs	15,000
Total Construction Contingency Costs	980,573
Other	
TCAC app/alloc/monitor fees	142,590
Environmental Investigtions	75,000
Local development impact fees	915,325
Permit processing fees	533,503
Marketing	65,000
Furnishings	25,000
Market study	15,000
Other: Construction Testing & Inspection (Var. cons	75,000
Other: Lease (Must-Pay & Subordinate) during con	0
Other: Accounting (cost certs and monitoring)	25,000 92,000
Other: Operating Deficit	179,146
Other: Soft Cost Contingency	179,140
Other: Due Diligence (investor)	12,500
Other: Due Diligence (lender appraisal)	5,000
Other: Due Diligence (lender cost & environmental	9,350
Other: Due Diligence (lender inspections - construc	35,088
Other: FHA Escrow: Property Insurance (one year)	100,000
Other: CTCAC Performance Deposit Other: Financial Advisor (CSG - Estimated Hourly F	40,000
Other: Financial Advisor (CSG - Estimated Houry) Other: Financial Advisor (CSG - Apps, Investor Sel	45,000
Total Other Costs	2,389,502
Total Other Costs	2,000,00
Subtotals	28,285,296
Developer Costs	1,785,000
Developer overhead/profit	1,700,000
Consultant/processing agent Project administration (Supervision by Engineer)	100,000
	100,000
Syndicator Consulting Fees Personal Guarantee Fees	0
Const. mgmt. oversight by dev'l (Supervision by HA	90,000
Other (Specify): Developer Consulting	25,000
Total Developer Costs	2,000,000
Total Beveloper Costs	
Total Project Budget	30,285,296
Project Sources	
Equity	18,581,025
Permanent Debt	5,780,278
Seller Take Back Financing	3,848,993
TCAC Performance Deposit Refund	100,000

	28,310,296	
Shortfall	(1,975,000)	
City Defferal of Impact Fees/permit fees City RDA Funds SLO Housing Trust Fund	875,000 450,000 650,000	1,325,000 -
	(0)	

STATUS OF LMIH FUNDS

June 2010

Estimated	LMIH Fund	Balance	1,423,900	460,900	67,500	431,100	801,400	1,179,000	1,564,600	1,954,600	2,348,500	2,745,800	3,195,550	3,729,750	4,405,250	5,092,050	5,789,850	6,499,250	7,220,850	7,954,250	8,700,150	9,458,050
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	Oak Park	Phase One		0	550,000	103,000	106,100	109,300	112,600	116,000	119,500	123,100	77,250									
	Hidden	Creek		0	100,000	103,000	106,100	109,300	112,600	116,000	119,500	123,100	126,800	130,600								
	Chet Dotter	Senior Housing		300,000	300,000																	
	SERAF 2010			1,200,000																		
	SLO Housing	Trust Fund		7,500	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Estimated	Administrative	Expense **		295,500	301,400	307,400	313,500	319,800	326,200	336,000	346,100	356,500	367,200	378,200	389,500	401,200	413,200	425,600	438,400	451,600	465,100	479,100
Estimated	Deposits into	LMIH Fund *		840,000	858,000	877,000	896,000	916,000	937,000	958,000	979,000	1,000,000	1,021,000	1,043,000	1,065,000	1,088,000	1,111,000	1,135,000	1,160,000	1,185,000	1,211,000	1,237,000
	Fiscal	Year	60	10	17	12	13	14	15	16	17	18	19	20	21	22	23	24	25	56	27	28

- Estimated fund balance on June 30, 2009 based on Jim Throop's 11/17/09 email on FY 10 Encumbrances.

 Projections do not include any investment income or "redepositing" of \$1.2 million SERAF payment in FY 10.

 Estimated Deposits thru FY 18 provided by Craig Hill on 05/08/09. Estimated Deposits in FY 19 thru 28 provided by Ed Gallagher.

 Estimated administrative expense begins with \$295,500 in FY10. (\$295,500 = \$349,500 Budgeted minus \$54,000 CDBG admin funds.) Subsequent fiscal years'
- amounts are adjusted by 2.0% through FY 15 and then by 3.0% to FY 23.

 Payments to Hidden Creek Village in FYs 13-20 assume future values at a compounded interest rate of 3.0%

 Oak Park payments assume \$450,000 for construction costs plus \$100,000 for impact fees in FY 11, then \$100,000 plus 3% compounded interest thru FY 19. 6.5

Payment

in FY 20 is \$75,000 principal plus 3% compounded interest. 7. All figures on this page are rounded to the nearest \$100.