

**CALIFORNIA TAX CREDIT ALLOCATION COMMITTEE**  
**Project Staff Report**  
**2008 First Round Cycle**  
**June 20, 2008**

**Project Number** CA 2008-077

**Project Name** Valley Oaks Apartments Phase II  
**Site Address:** 351 N. West Street  
Tulare, CA 93274 County: Tulare Census Tract: 22.02

**Applicant Information**

**Applicant:** Tulare II Family Housing Partners, L.P.  
**Contact:** Kevin P. Payne  
**Address:** 31920 Del Obispo Street, Suite 260  
San Juan Capistrano, CA 92675  
**Phone:** (949) 542-8700 **Fax:** (949) 542-8702  
**Email:** kpayne@paynedev.com

General Partners(s) Type: Joint Venture

**Information**

**Set-Aside:** N/A  
**Housing Type:** Large Family  
**Geographic Area:** Central: Tulare

**Eligible Basis**

**Requested:** \$9,078,385  
**Actual:** \$10,486,856  
**Maximum Permitted:** \$13,882,882

**Adjustments to Threshold Basis Limit:**

3 or More Energy Efficiency/Resource Conservation/Indoor Air Quality Features  
Local Impact Fees

<b>Tax Credit Amounts</b>	<b>Federal/Annual</b>	<b>State/Total</b>
Requested:	\$959,963	\$0
Recommended:	\$959,963	\$0

**Project Information**

**Construction Type:** New Construction  
**Federal Subsidy:** None  
**Total # of Units:** 72  
**Total # Residential Buildings:** 9

**Income/Rent Targeting**

**Federal Set-Aside Elected:** 40%/60%  
**% & No. of Tax Credit Units:** 100% - 70 units  
**Breakdown by %:** 10% @ 30%, 10% @ 40%, 50% @ 50%

<b>Selection Criteria</b>	<b>Max. Possible Points</b>	<b>Req. Points</b>	<b>Points Awarded</b>
<b><i>Cost Efficiency/Credit Reduction/Public Funds (Maximum of 20 points)</i></b>	<b>20</b>	<b>20</b>	<b>20</b>
<input checked="" type="checkbox"/> Cost Efficiency	18	18	18
<input checked="" type="checkbox"/> Credit Reduction	20	2	2
<b><i>Owner / Management Characteristics (Maximum of 9 points)</i></b>	<b>9</b>	<b>9</b>	<b>9</b>
<input checked="" type="checkbox"/> General Partner Experience	6	6	6
<input checked="" type="checkbox"/> Management Experience	3	3	3
<b><i>Housing Needs (Maximum of 10 points)</i></b>	<b>10</b>	<b>10</b>	<b>10</b>
<b><i>Site Amenities (Maximum of 15 points)</i></b>	<b>15</b>	<b>15</b>	<b>15</b>
<input checked="" type="checkbox"/> Within ¼ mile of transit stop with service every 30 minutes during rush hours	6	6	6
<input checked="" type="checkbox"/> Within ¼ mile of public park or community center open to general public	3	3	3
<input checked="" type="checkbox"/> Within ¼ mile of a full-scale grocery store with staples, fresh meat and fresh produce	4	4	4
<input checked="" type="checkbox"/> Large Family project within ½ mile of public school that project children may attend	2	2	2
<input checked="" type="checkbox"/> Within ½ mile of a pharmacy	1	1	1
<b><i>Service Amenities (Maximum of 10 points)</i></b>	<b>10</b>	<b>10</b>	<b>10</b>
<input checked="" type="checkbox"/> High speed internet service provided in each unit	5	5	5
<input checked="" type="checkbox"/> Educational classes (e.g. ESL, Computer training, etc. and aren't same as After School)	5	5	5
<b><i>Neighborhood Revitalization (Maximum of 9 points)</i></b>	<b>9</b>	<b>9</b>	<b>9</b>
<b><i>Sustainable Building Methods (Maximum of 8 points)</i></b>	<b>8</b>	<b>8</b>	<b>8</b>
<input checked="" type="checkbox"/> New construction/adaptive reuse increases energy efficiency 10% above Title 24 standards	4	4	4
<input checked="" type="checkbox"/> Flow restrictors for kitchen & bath faucets or water-saving fixtures	1	1	1
<input checked="" type="checkbox"/> Bathroom fans in all bathrooms w/humidistat, timer and outdoor exhaust	2	2	2
<input checked="" type="checkbox"/> Formaldehyde-free insulation	1	1	1
<b><i>Lowest Income (Maximum of 52 points)</i></b>	<b>52</b>	<b>52</b>	<b>52</b>
<input checked="" type="checkbox"/> Basic Targeting	50	50	50
<input checked="" type="checkbox"/> Deeper Targeting – at least 10% of units @ 30% AMI or less	2	2	2
<b><i>Readiness to Proceed (Maximum of 20 points)</i></b>	<b>20</b>	<b>20</b>	<b>20</b>
<b><i>State credit substitution (Maximum of 2 points)</i></b>	<b>2</b>	<b>2</b>	<b>2</b>
<b>Total Points</b>	<b>155</b>	<b>155</b>	<b>155</b>

**Tie-Breaker Information**

Tie-Breaker Categories Apply to this Project: **Yes**  
 First: Housing Type **Large Family**  
 Second: Maximum Neighborhood Revitalization Points/Federal Designated Area **Yes**  
 Third: Calculated Ratio per Regulation 10325(c)(12) **92.081%**

<b>Unit Type &amp; Number</b>	<b>2008 Rents for 1<sup>st</sup> Round 2008 % of Area Median Income</b>	<b>Proposed Rent (including utilities)</b>
2 Two-Bedroom Units	30%	\$363
2 Two-Bedroom Units	40%	\$484
13 Two-Bedroom Units	50%	\$605
10 Two-Bedroom Units	60%	\$726
4 Three-Bedroom Units	30%	\$419
4 Three-Bedroom Units	40%	\$559
18 Three-Bedroom Units	50%	\$699
9 Three-Bedroom Units	60%	\$839
1 Four-Bedroom Unit	30%	\$468
1 Four-Bedroom Unit	40%	\$624
4 Four-Bedroom Units	50%	\$780
2 Four-Bedroom Units	60%	\$936
1 Two-Bedroom Unit	Manager's Unit	\$675
1 Three-Bedroom Unit	Manager's Unit	\$778

The general partner(s) or principal owner(s) are Las Palmas Foundation and Payne Development, LLC.

The project developer is Payne Development, LLC.

The management agent is Richman Property Services, Inc.

The market analyst is Novogradac and Co. LLP.

The Local Reviewing Agency, **the City of Tulare**, has completed a site review of this project and **strongly** supports this project.

### Project Financing

Estimated Total Project Cost: \$11,601,000      Per Unit Cost: \$161,125      Construction Cost Per Sq. Foot: \$112

Construction Financing		Permanent Financing	
Source	Amount	Source	Amount
The Richman Group	\$8,599,000	CCRC	\$2,951,000
Deferred Developer Fee	\$1,010,000	Deferred Developer Fee	\$683,000
Investor Equity	\$1,992,000	Investor Equity	\$7,967,000
		<b>TOTAL</b>	<b>\$11,601,000</b>

### Determination of Credit Amount(s)

Requested Eligible Basis:	\$9,078,385
130% High Cost Adjustment:	Yes
Applicable Fraction:	100%
Qualified Basis Credit Reduction (2%)	\$236,038
Adjusted Qualified Basis:	\$11,565,862
Applicable Rate:	8.30%
Total Maximum Annual Federal Credit:	\$959,963
Total State Credit:	\$0
Approved Developer Fee:	\$1,367,851
Tax Credit Factor: TRGHT, Inc.	\$0.83

Applicant requests and staff recommends annual federal credits of \$959,963 and total state credits of \$0, based on a qualified basis of \$11,565,862 and a funding shortfall of \$7,967,000.

### Cost Analysis and Line Item Review

The requested eligible basis \$9,078,385 is below TCAC's threshold basis limit \$13,882,882. The basis limit was increased by the following extraordinary features: local development impact fees; projects with 3 or more energy efficiency/resource conservation/indoor air quality items, for exceeding Title 24 by at least 15%, using CRI Green Label Plus Carpet or no carpet in all bedrooms, and for using at least four recycled products listed in the Construction, Flooring, or Recreation section of the California Integrated Waste Management Board's Recycled Content Products Database.

Annual operating expenses **meet** the minimum operating expenses established in the Regulations, and the project pro forma shows a positive cash flow from year one.

Staff has calculated federal tax credits based on **8.30%** of the qualified basis. Applicants are cautioned to consider the expected federal rate when negotiating with investors. TCAC's financial evaluation at project completion will determine the final allocation.

**Special Issues/Other Significant Information:** None

**Legal Status:** Staff has reviewed the Applicant's responses to the questions contained in the Legal Status portion of the Application. No information was disclosed that raised any question regarding the financial viability or legal integrity of the applicant.

**Recommendation:** Staff recommends that the Committee make a preliminary reservation of tax credits, in the following amount(s) contingent upon standard conditions and any additional conditions imposed by the Committee:

Federal/Annual	State/Total
\$959,963	\$0

**Standard Conditions**

An application for a carryover allocation must be submitted by **October 31, 2008**, as required by regulation section 10328(d), together with the applicable allocation fee and all required documentation. The time for meeting the "10%" test and submitting related documentation will be no later than six (6) months after the date of the executed carryover allocation (as defined by IRC Section 42 and IRS Notices). The applicant must ensure the project meets all Additional Threshold Requirements for the housing type of the proposed project.

The applicant must submit all documentation required for a Final Reservation no later than February 1 of the year that the building(s) must be placed in service pursuant to Section 42(h)(E)(i) of the Internal Revenue Code of 1986, as amended. The applicant shall provide the Committee a Final Reservation application providing the documentation for the project set forth in Section 10322(i)(1) of these regulations. Failure to provide the documentation at the time required may result in rescission of the Credit reservation and cancellation of a carryover allocation.

TCAC makes the preliminary reservation only for the project specified above in the form presented, and involving the parties referred to in the application. No changes in the development team or the project as presented will be permitted without the express approval of TCAC.

The applicant must pay TCAC a performance deposit and allocation fee calculated in accordance with regulation. The performance deposit must be paid by cashier's check within 20 calendar days of any preliminary reservation. The allocation fee must be paid within a time period specified in the preliminary reservation letter. The allocation fee will be due prior to execution of a carryover allocation or issuance of tax forms, whichever comes first. Additionally, TCAC requires the project owner to pay a monitoring fee before issuance of tax forms.

As project costs are preliminary estimates only, staff recommends that a reservation be made in the amount of **federal credit** shown above on condition that the final project costs be supported by itemized lender approved costs and certified costs after the buildings are placed in service.

All unexpended funds in reserve accounts established for the project must remain with the project to be used for the benefit of the property and/or its residents, except for the portion of any accounts funded with deferred developer fees.

All fees charged to the project must be within TCAC limitations. Fees in excess of these limitations will not be considered when determining the amount of credit when the project is placed-in-service.

The applicant/owner shall be subject to underwriting criteria set forth in Section 10327 of the regulations through the final feasibility analysis performed by TCAC at placed-in-service.

Credit awards are contingent upon applicant's acceptance of any revised total project cost, qualified basis and tax credit amount determined by TCAC in its final feasibility analysis.

If points were awarded for service amenities, the applicant will be required to provide such amenity or amenities identified in the application, for a minimum period of ten years and at no cost to the tenants.

Applicants that received points for sustainable building methods (energy efficiency) must submit the certification required by Section 10325(c)(8) at project completion.

Applicants that received increases (exceptions to limits) in the threshold basis limit under Section 10327(c)(5) must submit the certification required by Section 10322(i)(2)(P) at project completion.

**Additional Conditions:**

Applicants that received 20 points for readiness to proceed must meet ALL of the following requirements. The applicant must be ready to begin construction within 150 days of the Credit Reservation which is **November 17, 2008**, as evidenced by submission, within that time of, recorded deeds of trust for all construction financing, payment of all construction lender fees, issuance of building permits and notice to proceed delivered to the contractor. Failure to meet this timeline will result in rescission of the Credit Reservation.

**Project Analyst: Gina Ferguson**