

**CALIFORNIA TAX CREDIT ALLOCATION COMMITTEE**

**Project Staff Report  
2009 Single Round  
September 10, 2009**

**Project Number** CA-2009-049  
**Project Name** Harmon Gardens  
Site Address: 3240 Sacramento Street  
Berkeley, CA 94702 County: Alameda  
Census Tract: 4240.02

**Applicant Information**

Applicant: Affordable Housing Associates  
Contact: Eve Stewart  
Address: 1250 Addison Street, Suite G  
Berkeley, CA 94702  
Phone: (510) 649-8500 Fax: (510) 649-0312  
Email: estewart@ahainc.org  
General Partner Type: Nonprofit

**Information**

Set-Aside: Nonprofit Homeless Assistance  
Housing Type: Special Needs  
Type of Special Needs: Homeless or At Risk of being Homeless Transition-Age Youth  
% of Special Need Units (15 units): 100%  
Geographic Area: North & East Bay Region

<b>Tax Credit Amounts</b>	<b>Federal/Annual</b>	<b>State/Total</b>
Requested:	\$379,876	\$0
Recommended:	\$379,876	\$0

**ARRA Award Amount**

Federal Calculated Amount Requested:  $(\$379,876 \times 10 \times \$0.10) = \$379,876$   
State Calculated Amount Requested: \$0  
  
Total Federal Award Recommended: \$379,876  
Total State Award Recommended: \$0

**Project Information**

Construction Type: New Construction  
Federal Subsidy: HOME/CDBG  
Total # of Units: 16  
Total # Residential Buildings: 1  
Federal Set-Aside Elected: 40%/60%  
% & No. of Tax Credit Units: 100% - 15 units  
Average Affordability of Special Needs Units: 40%

**Eligible Basis**

Requested: \$3,246,806  
Actual: \$4,983,700  
Maximum Permitted: \$4,478,086

**Adjustments to Threshold Basis Limit:**

- Required to Pay Prevailing Wages
- Parking Beneath Residential Units
- 100% of Units for Special Needs Population
- 3 or More Energy Efficiency/Resource Conservation/Indoor Air Quality Features
  - Projects exceeding Title 24 by at least 15%
  - Projects using tank less water heaters, a high efficiency condensing boiler (92% AFUE or greater), or a solar thermal domestic hot water pre-heating system
  - Projects using CRI Green Label Plus Carpet or no carpet in all bedrooms
- Utilizing New Energy Technologies
- Local Development Impact Fees
- 95% of Upper Floor Units are Elevator-Serviced

<b>Selection Criteria</b>	<b>Max. Possible Points</b>	<b>Requested Points</b>	<b>Points Awarded</b>
<b><i>Cost Efficiency/Credit Reduction/Public Funds</i> Maximum 20 points</b>	<b>20</b>	<b>20</b>	<b>20</b>
<input checked="" type="checkbox"/> Public Funds	20	20	20
<b><i>Owner / Management Characteristics</i> Maximum 9 points</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</i> Maximum 10 points</b>	<b>10</b>	<b>10</b>	<b>10</b>
<b><i>Site Amenities</i> Maximum 15 points</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 & 25 units per acre density	7	7	7
<input checked="" type="checkbox"/> Within ½ mile of public park or community center open to general public	2	2	2
<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"/> Special Needs or SRO project within ½ mile of a facility operated to serve population	3	3	3
<input checked="" type="checkbox"/> Within ½ mile of a pharmacy	1	1	1
<b><i>Service Amenities</i> Maximum 10 points</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"/> Direct client services available for Senior, SRO, or Special Needs projects	5	5	5
<b><i>Sustainable Building Methods</i> Maximum 8 points</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	4	4	4
<input checked="" type="checkbox"/> Flow restrictors for kitchen & bath faucets or water-saving fixtures	1	1	1
<input checked="" type="checkbox"/> Minimum 1 High Efficiency Toilet (1.3 gpf) or dual flush	2	2	2
<input checked="" type="checkbox"/> CRI Green-label, low-VOC carpet and pad	1	1	1
<input checked="" type="checkbox"/> Formaldehyde-free insulation	1	1	1
<input checked="" type="checkbox"/> GreenPoint Rated Multifamily Guidelines	8	8	8
<b><i>Lowest Income</i> Maximum 52 points</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</i> Maximum 20 points</b>	<b>20</b>	<b>20</b>	<b>20</b>
<b><i>State Credit Substitution</i> Maximum 2 points</b>	<b>2</b>	<b>2</b>	<b>2</b>
<b>Total Points</b>	<b>146</b>	<b>146</b>	<b>146</b>

**Tie-Breaker Information**

First: Housing Type  
 Second: Calculated Ratio per Regulation 10325(c)(10)

**Special Needs**  
**55.402%**

<b>Unit Type &amp; Number</b>	<b>2009 Rents % of Area Median Income</b> (rounded)	<b>Proposed Rent</b> (including utilities)
10 Studio Units	18%	\$272
5 Studio Units	50%	\$781
1 Two-bedroom Units	Manager's Unit	\$0

The general partner or principal owner is AHA Development Inc.

The project developer is Affordable Housing Associates.

The management agent is East Bay Asian Local Development Corporation.

The market analyst is Novogradac & Company LLP.

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

**Project Financing**

Estimated Total Project Cost: \$6,253,149 Per Unit Cost: \$390,822 Construction Cost Per Sq. Foot: \$555\*

\* The project is a very small special needs project with 5,636 square feet of tax-credit residential space, 4,653 square feet of common space/manager's unit/service space, and 1,303 square feet of parking. The overall construction cost per square foot figure is \$270 taking into consideration the additional square footage.

<b>Construction Financing</b>		<b>Permanent Financing</b>	
Source	Amount	Source	Amount
Wells Fargo	\$2,750,000	HCD – MHP Supportive Housing	\$1,151,090
City of Berkeley Housing Trust Fund	\$611,000	City of Berkeley Housing Trust Fund	\$611,000
City of Berkeley – MHSA	\$500,000	City of Berkeley – MHSA	\$500,000
Alameda County – MHSA	\$500,000	Alameda County – MHSA	\$500,000
Corp. for Supportive Housing – Grant	\$20,000	Corp. for Supportive Housing – Grant	\$20,000
Costs Deferred Until Perm Close	\$545,084	AHP	\$150,000
Deferred Developer Fee	\$282,048	Deferred Developer Fee	\$282,048
Investor Equity	\$665,141	Investor Equity	\$2,659,135
TCAC ARRA Award	\$379,876	TCAC ARRA Award	\$379,876
		<b>TOTAL</b>	<b>\$6,253,149</b>

**Determination of Credit Amount(s)**

Requested Eligible Basis:	\$3,246,806
130% High Cost Adjustment:	Yes
Applicable Fraction:	100%
Qualified Basis:	\$4,220,848
Applicable Rate:	9.00%
Total Maximum Annual Federal Credit:	\$379,876
Approved Developer Fee (in Project Cost & Eligible Basis):	\$650,048
Investor Consultant: California Housing Partnership Corporation	
Federal Tax Credit Factor:	\$0.70000

### Cost Analysis and Line Item Review

Staff analysis of project costs to determine reasonableness found all fees to be within TCAC's underwriting guidelines and TCAC limitations. Annual operating expenses exceed 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 9.00% of the qualified basis. 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 and ARRA funds, in the following amount(s) contingent upon standard conditions and any additional conditions imposed by the Committee:

<b>Federal Tax Credits/Annual</b>	<b>State Tax Credits/Total</b>
\$379,876	\$0
<b>ARRA/Federal</b>	<b>ARRA/State</b>
\$379,876	\$0

### Standard Conditions

An application for a carryover allocation must be submitted by **November 20, 2009**, as required by regulation sections 10328(d) and 10323(d)(2), 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 twelve (12) 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)(1)(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 and allocation fees must be paid by cashier's check within the time periods specified in the 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 and state 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)(6) 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.

The Committee may make a Conditional Reservation of American Recovery and Reinvestment Act of 2009 (ARRA), Tax Credit Assistance Program (TCAP) funds for the project sponsor. This Conditional Reservation would not constitute a commitment of funds or site approval, and that such commitment of funds or approval may occur only upon satisfactory completion of environmental review and receipt by the California Tax Credit Allocation Committee of a release of funds from the U.S. Department of Housing and Urban Development under 24 CFR Part §58. The provision of any funds to the project is conditioned on TCAC's determination to proceed with, modify or cancel the project based on the results of a subsequent environmental review and further underwriting.

The project sponsor is prohibited from undertaking or committing any funds to physical or choice-limiting actions, including property acquisition, demolition, movement, rehabilitation, conversion, repair or construction prior to the environmental clearance. A violation of this provision may result in the denial of any funds.

In addition, each project ultimately awarded ARRA TCAP funds will have to comply with all federal requirements, such as Section 504, Davis-Bacon federal labor standards laws, anti-lobbying requirements, lead-based paint rules, and other federal laws.

All ARRA funded projects will be required to track and report on all jobs created or retained as a result of the funds.

Numbers contained in the proposed financing are subject to update and will be refined within 30 days of loan execution agreement.

**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 **February 8, 2010**, 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:** Anthony Zeto