

CALIFORNIA TAX CREDIT ALLOCATION COMMITTEE

Project Staff Report

Tax-Exempt Bond Project

October 21, 2015

The Oaks Apartmetns, located at 3073 North Main Street in Walnut Creek, CA, requested and is being recommended for a reservation of \$427,132 in annual federal tax credits to finance the acquisition and rehabilitation of 35 units of housing serving tenants with rents affordable to households earning 50-60% of area median income (AMI). The project will be developed by EAH, Inc. and will be located in Senate District 7 and Assembly District 16.

The Oaks Apartments is a re-syndication of an existing Low Income Housing Tax Credit (LIHTC) project, The Oaks Apartments (CA-93-004).

Project Number CA-15-908

Project Name The Oaks Apartments
Site Address: 3073 North Main Street
Walnut Creek, CA 94597 County: Contra Costa
Census Tract: 3400.010

Tax Credit Amounts	Federal/Annual	State/Total
Requested:	\$427,132	\$0
Recommended:	\$427,132	\$0

Applicant Information

Applicant: Oaks II, L.P.
Contact: Errol Dominguez
Address: 2169 East Francisco Boulevard, Suite B
San Rafael, CA 94901
Phone: 415-295-8855
Email: errol.dominguez@eahhousing.org

General Partner(s) or Principal Owner(s): Oaks EAH, LLC
General Partner Type: Nonprofit
Parent Company(ies): EAH Inc.
Developer: EAH Inc.
Investor/Consultant: Community Economics, Inc.
Management Agent: EAH Inc.

Project Information

Construction Type: Acquisition & Rehabilitation
 Total # Residential Buildings: 2
 Total # of Units: 36
 No. & % of Tax Credit Units: 35 100.00%
 Federal Set-Aside Elected: 40%/60%
 Federal Subsidy: Tax-Exempt
 HCD MHP Funding: No
 55-Year Use/Affordability: Yes
 Number of Units @ or below 50% of area median income: 8
 Number of Units @ or below 60% of area median income: 27

Bond Information

Issuer: County of Contra Costa
 Expected Date of Issuance: December 1, 2015
 Credit Enhancement: N/A

Information

Housing Type: Non-Targeted
 Geographic Area: North and East Bay Region
 TCAC Project Analyst: Marisol Parks

Unit Mix

22 2-Bedroom Units
 12 3-Bedroom Units
 2 4-Bedroom Units

 36 Total Units

<u>Unit Type & Number</u>	<u>2015 Rents Targeted % of Area Median Income</u>	<u>2015 Rents Actual % of Area Median Income</u>	<u>Proposed Rent (including utilities)</u>
5 2 Bedrooms	50%	50%	\$1,046
17 2 Bedrooms	60%	60%	\$1,255
3 3 Bedrooms	50%	50%	\$1,208
8 3 Bedrooms	60%	60%	\$1,449
2 4 Bedrooms	60%	60%	\$1,617
1 3 Bedrooms	Manager's Unit	Manager's Unit	\$0

Project Cost Summary at Application

Land and Acquisition	\$5,278,369
Construction Costs	\$0
Rehabilitation Costs	\$3,417,268
Construction Contingency	\$444,245
Relocation	\$30,000
Architectural/Engineering	\$472,925
Construction Interest, Perm Financing	\$559,960
Legal Fees, Appraisals	\$133,131
Reserves	\$191,328
Other Costs	\$218,564
Developer Fee	\$1,481,991
Commercial Costs	\$0
Total	\$12,227,780

Project Financing

Estimated Total Project Cost:	\$12,227,780
Estimated Residential Project Cost:	\$12,227,780

Residential

Construction Cost Per Square Foot:	\$97
Per Unit Cost:	\$339,661

Construction Financing

Source	Amount
Citibank	\$7,100,000
City of Walnut Creek	\$612,567
Seller Carryback Loan	\$2,754,569
Existing Reserves	\$101,089
Net Operating Income	\$128,802
Tax Credit Equity	\$900,000

Permanent Financing

Source	Amount
Citibank	\$2,974,800
Citibank - Subordinate Loan	\$540,000
City of Walnut Creek	\$612,567
Seller Carryback Loan	\$2,754,569
Accrued Interest	\$97,832
Existing Reserves	\$101,089
Net Operating Income	\$128,802
General Partner Equity	\$477
Defferred Developer Fee	\$357,607
Tax Credit Equity	\$4,660,037
TOTAL	\$12,227,780

Determination of Credit Amount(s)

Requested Eligible Basis (Rehabilitation):	\$5,271,529
130% High Cost Adjustment:	Yes
Requested Eligible Basis (Acquisition):	\$6,090,400
Applicable Fraction:	100.00%
Qualified Basis (Rehabilitation):	\$6,852,987
Qualified Basis (Acquisition):	\$6,090,400
Applicable Rate:	3.30%
Maximum Annual Federal Credit, Rehabilitation:	\$226,149
Maximum Annual Federal Credit, Acquisition:	\$200,983
Total Maximum Annual Federal Credit:	\$427,132
Approved Developer Fee (in Project Cost & Eligible Basis):	\$1,481,991
Investor/Consultant:	Community Economics, Inc.
Federal Tax Credit Factor:	\$1.09101

CA-15-908

Per Regulation Section 10322(i)(4)(A), The “as if vacant” land value and the existing improvement value established at application, as well as the eligible basis amount derived from those values, will be used during all subsequent reviews including the placed in service review, for the purpose of determining the final award of Tax Credits.

Per Regulation Section 10327(c)(2)(C), Once established at the initial funded application, the developer fee cannot be increased, but may be decreased, in the event of a modification in basis.

Eligible Basis and Basis Limit

Requested Unadjusted Eligible Basis:	\$11,361,929
Actual Eligible Basis:	\$11,361,929
Unadjusted Threshold Basis Limit:	\$11,195,020
Total Adjusted Threshold Basis Limit:	\$13,657,924

Adjustments to Basis Limit:

55-Year Use/Affordability Restriction – 1% for Each 1% of Low-Income Units are Income Targeted between 50% AMI & 36% AMI: 22%

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 3.30% 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

Local Reviewing Agency:

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

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 Tax Credits/Annual	State Tax Credits/Total
\$427,132	\$0

Standard Conditions

If applicant is receiving tax-exempt bond financing from other than CalHFA, the applicant shall apply for a bond allocation from the California Debt Limit Allocation Committee’s next scheduled meeting, if not previously granted an allocation; shall have received an allocation from CDLAC; and, shall issue bonds within time limits specified by CDLAC.

The applicant anticipates financing more than 50% of the project aggregate basis with tax-exempt bond proceeds as calculated by the project tax professional. Therefore, the federal credit reserved for this project will not count against the annual ceiling.

The IRS has advised TCAC that the amount of tax-exempt bonds issued, equivalent to at least 50% of aggregate basis, must remain in place through the first year of the credit period or until eligible basis is finally determined.

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 reservation fee calculated in accordance with regulation. 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.

Additional Conditions:

The applicant/owner is required to complete the following sustainable building methods in accordance with the bond allocation from CDLAC and provide the applicable certifications and documentation when the TCAC placed-in-service application is submitted:

- The project commits to improve energy efficiency above the modeled energy consumption of the building(s) by a 15% decrease, based on an estimated annual energy use, in the buildings Home Energy Rating System II (HERSII) post rehabilitation.