

CALIFORNIA TAX CREDIT ALLOCATION COMMITTEE

Project Staff Report

2009 Single Round

September 10, 2009

Project Number CA-2009-021

Project Name Horizons at Morgan Hill

Site Address: 17690 McLaughlin Avenue

Morgan Hill, CA 95037

County: Santa Clara

Census Tract: 5123.06

Applicant Information

Applicant: UHC Morgan Hill, L.P.

Contact: Kaye Mondell

Address: 2000 E. Fourth Street, Suite 205

Santa Ana, CA 92705

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Email: kmondell@uhcillc.net

General Partner Type: Joint Venture

Information

Set-Aside: N/A

Housing Type: Seniors

Geographic Area: South & West Bay Region

Tax Credit Amounts

Federal/Annual

State/Total

Requested: \$1,226,243 \$4,087,478

Recommended: \$1,226,243 \$4,087,478

ARRA Award Amount

Federal Calculated Amount Requested: $(\$1,226,243 \times 10 \times \$0.12) = \$1,471,492$

State Calculated Amount Requested: $(\$4,087,478 \times \$0.07) = \$286,123$

Total Federal Award Recommended: \$1,471,492

Total State Award Recommended: \$286,123

Project Information

Construction Type: New Construction

Federal Subsidy: HOME

Total # of Units: 49

Total # Residential Buildings: 1

Federal Set-Aside Elected: 40%/60%

% & No. of Tax Credit Units: 100% - 48 units

Eligible Basis

Requested: \$13,624,928

Actual: \$15,717,650

Maximum Permitted: \$13,624,928

Adjustments to Threshold Basis Limit:

Required to Pay Prevailing Wages

3 or More Energy Efficiency/Resource Conservation/Indoor Air Quality Features:

- Projects exceeding Title 24 by at least 15%
- Projects using CRI Green Label Plus Carpet or no carpet in all bedrooms
- Projects using vent kitchen range hoods to the exterior of the building in at least 80% of the units

Utilizing New Energy Technologies

Local Development Impact Fees

95% of Upper Floor Units are Elevator-Serviced

Selection Criteria	Max. Possible Points	Requested Points	Points Awarded
<i>Cost Efficiency/Credit Reduction/Public Funds</i> Maximum 20 points	20	20	20
<input checked="" type="checkbox"/> Public Funds	20	20	20
<i>Owner / Management Characteristics</i> Maximum 9 points	9	9	9
<input checked="" type="checkbox"/> General Partner Experience	6	6	6
<input checked="" type="checkbox"/> Management Experience	3	3	3
<i>Housing Needs</i> Maximum 10 points	10	10	10
<i>Site Amenities</i> Maximum 15 points	15	15	15
<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 ½ mile of a full-scale grocery store with staples, fresh meat and fresh produce	3	3	3
<input checked="" type="checkbox"/> Within ½ mile of medical clinic or hospital	3	3	3
<i>Service Amenities</i> Maximum 10 points	10	10	10
<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
<i>Sustainable Building Methods</i> Maximum 8 points	8	8	8
<input checked="" type="checkbox"/> New construction/adaptive reuse increases energy efficiency 10% above Title 24	4	4	4
<input checked="" type="checkbox"/> No-VOC interior paint	1	1	1
<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"/> Project has nonsmoking buildings or contiguous sections within a building	1	1	1
<i>Lowest Income</i> Maximum 52 points	52	52	52
<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
<i>Readiness to Proceed</i> Maximum 20 points	20	20	20
<i>State Credit Substitution</i> Maximum 2 points	2	2	2
Total Points	146	146	146

Tie-Breaker Information

First: Housing Type

Second: Calculated Ratio per Regulation 10325(c)(10)

Senior

50.218%

<u>Unit Type & Number</u>	<u>2009 Rents % of Area Median Income (rounded)</u>	<u>Proposed Rent (including utilities)</u>
11 One-bedroom Units	30%	\$597
6 One-bedroom Units	40%	\$796
19 One-bedroom Units	50%	\$995
5 Two-bedroom Units	30%	\$716
3 Two-bedroom Units	40%	\$955
4 Two-bedroom Units	50%	\$1,193
1 Two-bedroom Unit	Manager's Unit	\$0

The general partners or principal owners are UHC Morgan Hill Holdings LLC and Heritage Community Housing, Inc.

The project developer is UHC Morgan Hill Development LLC.

The management agent is Solari Enterprises, Inc.

The market analyst is Apt Market Research.

The Local Reviewing Agency, Morgan Hill Redevelopment Agency, has completed a site review of this project and strongly supports this project.

Project Financing

Estimated Total Project Cost: \$20,559,958 Per Unit Cost: \$419,591 Construction Cost Per Sq. Foot: \$226

Construction Financing		Permanent Financing	
<u>Source</u>	<u>Amount</u>	<u>Source</u>	<u>Amount</u>
Red Capital Group	\$7,078,020	Red Capital Group	\$2,075,000
Morgan Hill Redevelopment Agency	\$4,602,004	Morgan Hill Redevelopment Agency	\$4,602,004
Morgan Hill Redevelopment Agency	\$490,000	Morgan Hill Redevelopment Agency	\$490,000
County of Santa Clara (HOME)	\$217,383	County of Santa Clara (HOME)	\$217,383
FHLB AHP	\$240,000	FHLB AHP	\$240,000
Deferred Developer Fee	\$141,763	Deferred Developer Fee	\$141,763
Investor Equity	\$6,033,172	Investor Equity	\$11,036,192
TCAC ARRA Award	\$1,757,616	TCAC ARRA Award	\$1,757,616
		TOTAL	\$20,559,958

Determination of Credit Amount(s)

Requested Eligible Basis:	\$13,624,928
130% High Cost Adjustment:	No
Applicable Fraction:	100%
Qualified Basis:	\$13,624,928
Applicable Rate:	9.00%
Total Maximum Annual Federal Credit:	\$1,226,243
Total State Credit:	\$4,087,478
Approved Developer Fee in Project Cost	\$1,600,000
Approved Developer Fee in Eligible Basis:	\$1,400,000
Investor:	Red Capital Group
Federal Tax Credit Factor:	\$0.73
State Tax Credit Factor:	\$0.51

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: Applicant requested and was granted a waiver of Section 10325(g)(2)(D) requiring no more than 20% of the units be larger than one bedroom. The proposed project includes 32 two-bedroom units, one of which is a manager's unit.

Adequate laundry facilities must be available on project premises, with no fewer than one washer/dryer per 15 units upon completion of the project prior to the issuance of federal tax forms.

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:

Federal Tax Credits/Annual	State Tax Credits/Total
\$1,226,243	\$4,087,478
ARRA/Federal	ARRA/State
\$1,471,492	\$286,123

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: Gina Ferguson