

**CALIFORNIA TAX CREDIT ALLOCATION COMMITTEE**  
**Project Staff Report**  
**Tax-Exempt Bond Project**  
**October 22, 2009**

**Project Number** CA-2009-867

**Project Name** River Garden Apartments  
**Address:** 3195 Briarwood Avenue  
Anderson, CA 96007

**County:** Shasta

**Applicant Information**

**Applicant:** Highland Property Development LLC  
**Contact** William E. Rice  
**Address:** 250 W. Colorado Blvd., Ste. 210  
Arcadia, CA 91007  
**Phone:** (626) 294-9230  
**Email:** b.rice@highlandcompanies.com  
**Sponsors Type:** Joint Venture

**Fax:** (626) 294-9270

**Information**

**Housing Type:** At-Risk

**Bond Information**

**Issuer:** CSCDA  
**Expected Date of Issuance:** 12/15/09  
**Credit Enhancement:** N/A

<b>Tax Credit Amounts</b>	<b>Federal/Annual</b>	<b>State/Total</b>
Requested:	\$367,556	\$0
Recommended:	\$367,556	\$0

**Project Information**

**Construction Type:** Acquisition and Rehabilitation  
**Federal Subsidy:** Tax-Exempt/USDA 515  
**HCD MHP Funding:** No  
**Total # of Units:** 108  
**Total # Residential Buildings:** 9  
**Federal Setaside Elected:** 40%/60%  
**% & No. of Targeted Units:** 100% - 106 units  
**55-Year Use/Affordability Restriction:** Yes  
**Number of Units @ or below 50% of area median income:** 11  
**Number of Units @ or below 60% of area median income:** 95

**Eligible Basis**

**Actual:** \$9,399,783  
**Requested:** \$9,399,783  
**Maximum Permitted:** \$22,659,912

**Adjustments to Threshold Basis Limit:**

55-Year Use/Affordability Restriction – 1% for Each 1% of Low-Income Units that are Income Targeted  
 Between 50% AMI & 36% AMI: 11%

<u>Unit Type &amp; Number</u>	<u>2009 Rents Targeted % of Area Median Income</u>	<u>2009 Rents Actual % of Area Median Income</u>	<u>Proposed Rent (including utilities)</u>
8 One-bedroom Unit	50%	50%	\$523
76 One-bedroom Unit	60%	59.94%	\$627
3 Two-bedroom Units	50%	50%	\$627
19 Two-bedroom Units	60%	52.15%	\$654
2 Two-bedroom Units	Manager's Unit	Manager's Unit	\$0

The general partner(s) or principal owner(s) are HPD Anderson LLC and Hearthstone Housing Foundation.

The project developer is Highland Property Development.

The management services will be provided by Hyder & Company.

The market analysis was provided by Novogradac & Company, LLP.

The Local Reviewing Agency has not yet completed a site review of this project. Any negative comments in the LRA report will cause this staff report to be revised to reflect such comments.

**Project Financing**

Estimated Total Project Cost: \$10,695,604 Per Unit Cost: \$99,033 Construction Cost Per Sq. Foot: \$38

<b>Construction Financing</b>		<b>Permanent Financing</b>	
<u>Source</u>	<u>Amount</u>	<u>Source</u>	<u>Amount</u>
JPMorgan Chase Bank	\$5,850,000	Bonneville Mortgage	\$4,250,000
USDA	\$1,930,000	USDA	\$1,930,000
Seller Note	\$400,000	Seller Note	\$400,000
Investor Equity	\$1,623,146	Deferred Developer Fee	\$1,175,156
		Investor Equity	\$2,940,448
		<b>TOTAL</b>	<b>\$10,695,604</b>

**Determination of Credit Amount(s)**

Requested Rehabilitation Eligible Basis:	\$3,672,783
Requested Acquisition Eligible Basis:	\$5,727,000
130% High Cost Adjustment:	Yes
Applicable Fraction:	100%
Qualified Rehabilitation Basis:	\$4,774,618
Qualified Acquisition Basis:	\$5,727,000
Applicable Rate:	3.50%

Maximum Annual Federal Rehabilitation Credit:	\$167,112
Maximum Annual Federal Acquisition Credit:	\$200,445
Total Maximum Annual Federal Credit:	\$367,556
Approved Developer Fee (in Project Cost & Eligible Basis):	\$1,226,058
Investor:	TBD
Federal Tax Credit Factor:	\$0.80

### 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 limitation. 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 3.50% of the qualified basis. Unless the applicant fixed the rate at bond issuance, the Federal Rate applicable to the month the project is placed-in-service will be used to determine the final allocation.

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

**Recommendation:** Staff recommends that the Committee make a reservation of tax credits 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>
\$367,556	\$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 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 will be permitted without the express approval of TCAC.

The applicant must pay TCAC an allocation 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 anticipated to be the final project costs, 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 of the buildings as completed.

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 credits 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 provide the tenants with high speed internet service free of charge for a minimum of ten (10) years in accordance with the bond allocation from CDLAC. These services may be changed to meet the needs of the tenants upon prior approval from CDLAC and written notification to TCAC.

**Project Analyst:** Elaine Johnson