

**CALIFORNIA TAX CREDIT ALLOCATION COMMITTEE**  
**Project Staff Report**  
**Tax-Exempt Bond Project**  
**October 17, 2007**

**Project Number** CA-2007-893

**Project Name** Curtner Studios  
Address: 701 Curtner Avenue  
San Jose, CA 95125

County: Santa Clara

**Applicant Information**

Applicant: Curtner Studios, L.P.  
Contact: Shelley Ratay  
Address: 75 E. Santa Clara Street, Suite 1250  
San Jose, CA 95113  
Phone: (408) 291-8650  
Sponsors Type: Nonprofit

Fax: (408) 993-9098

**Bond Information**

Issuer: City of San Jose  
Expected Date of Issuance: December 15, 2007  
Credit Enhancement: N/A

**Eligible Basis**

Actual: \$12,474,447  
Requested: \$12,474,447  
Maximum Permitted: \$46,606,666

Extra Feature Adjustments:

55-Year Use/Rent Restriction Adjustment: 120%

<b>Tax Credit Amounts</b>	<b>Federal/Annual</b>	<b>State/Total</b>
Requested:	\$449,080	\$0
Recommended:	\$449,080	\$0

**Project Information**

Construction Type: Acquisition and Rehabilitation  
Federal Subsidy: Tax-Exempt  
HCD MHP Funding: No  
Total # of Units: 179  
Total # Residential Buildings: 1

**Income/Rent Targeting**

Federal Setaside Elected: 40%/60%  
% & No. of Targeted Units: 100% - 178 units  
55-Year Use/Affordability Restriction: Yes  
Number of Units @ or below 50% of area median income: 135  
Number of Units @ or below 60% of area median income: 43

<u>Unit Type &amp; Number</u>	<u>2007 Rents % of Area Median Income</u>	<u>Proposed Rent (including utilities)</u>
95 SRO	30%	\$557
40 SRO	50%	\$557
43 SRO	60%	\$557
1 One Bedroom	Manager's Unit	\$0

The general partner or principal owner is Curtner Studios, LLC.

The project developer is First Community Housing.

The management services will be provided by Solari Enterprises.

The market analysis was provided by Newport Realty Advisors.

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: \$17,506,744 Per Unit Cost: \$97,803 Construction Cost Per Sq. Foot: \$54

Construction Financing		Permanent Financing	
Source	Amount	Source	Amount
CA Bank & Trust	\$8,880,000	CA Bank & Trust	\$5,520,000
City of San Jose	\$4,942,845	City of San Jose	\$4,942,845
Santa Clara County	\$1,350,000	Santa Clara County	\$1,350,000
AHP	\$500,000	AHP	\$500,000
Income from Operations	\$43,940	Income from Operations	\$43,940
Investor Equity	\$1,000,000	Deferred Developer Fee	\$637,491
		Investor Equity	\$4,512,468
		<b>TOTAL</b>	<b>\$17,506,744</b>

**Determination of Credit Amount(s)**

Requested Rehabilitation Eligible Basis:	\$2,851,966
Requested Acquisition Eligible Basis:	\$9,622,481
130% High Cost Adjustment:	No
Applicable Fraction:	100%
Qualified Rehabilitation Basis:	\$2,851,966
Qualified Acquisition Basis:	\$9,622,481
Applicable Rate:	3.60%
Maximum Annual Federal Rehabilitation Credit:	\$102,671
Maximum Annual Federal Acquisition Credit:	\$346,409
Total Maximum Annual Federal Credit:	\$449,080
Approved Developer Fee:	\$1,627,102
Tax Credit Factor:	\$1.00

Applicant requests and staff recommends annual federal credits of \$449,080, based on a qualified rehabilitation basis of \$2,851,966, a qualified acquisition basis of \$9,622,481, and a funding shortfall of \$4,512,468.

**Cost Analysis and Line Item Review**

The requested eligible basis \$12,474,447 is below TCAC's adjusted threshold basis limit \$46,606,666. The basis limit includes the adjustment for extraordinary features for the 120% adjustment for the 55-year use/affordability restriction for projects that have more than 50% tax-credit. 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 3.60% 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:** 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.

**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:

Federal/Annual	State/Total
<b>\$449,080</b>	<b>\$0</b>

**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.

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 educational classes (such as English as a Second Language classes, computer training, etc.) on-site or there must be educational classes available to project residents within 1/4 mile of the project 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