

CALIFORNIA TAX CREDIT ALLOCATION COMMITTEE

**Project Staff Report
2008 Waiting List Project
November 25, 2008**

Project Number CA-2008-134

Project Name Nina Place Apartments
Site Address: 1816 Lotus Lane
Bakersfield, CA 93307 County: Kern
Census Tracts: 25.00

Applicant Information

Applicant: Nina Place Apartment Investors, L.P.
Contact: Cyrus Youssefi
Address: 1006 Fourth Street, Suite 701
Sacramento, CA 95814
Phone: (916) 446-4040 Fax: (916) 446-4044
Email: cfyinc@yahoo.com
General Partners Type: Joint Venture

Information

Set-Aside: N/A
Housing Type: Large Family
Geographic Area: Central Region

Eligible Basis

Requested: \$10,682,693
Actual: \$10,682,693
Maximum Permitted: \$13,084,505

Adjustments to Threshold Basis Limit:

Local Impact Fees Utilizing New Energy Technologies
3 or More Energy Efficiency/Resource Conservation/Indoor Air Quality Features

Tax Credit Amounts	Federal/Annual	State/Total
Requested:	\$1,088,780	\$0
Recommended:	\$1,088,780	\$0

Project Information

Construction Type: New Construction
Federal Subsidy: None
Total # of Units: 65
Total # Residential Buildings: 8

Income/Rent Targeting

Federal Set-Aside Elected: 40%/60%
% & No. of Tax Credit Units: 100% - 64 units
Breakdown by %: 10% @ 30%, 10% @ 40%, 50% @ 50%

Selection Criteria	Max. Possible Points	Requested Points	Points Awarded
<i>Cost Efficiency/Credit Reduction/Public Funds</i> Maximum of 20 points	20	20	20
<input checked="" type="checkbox"/> Cost Efficiency	18	18	18
<input checked="" type="checkbox"/> Credit Reduction	20	2	2
<i>Owner / Management Characteristics</i> Maximum of 9 points	9	9	9
<input checked="" type="checkbox"/> General Partner Experience	6	6	6
<input checked="" type="checkbox"/> Management Experience	3	3	3
Negative Points			
<i>Housing Needs</i> Maximum of 10 points	10	10	10
<i>Site Amenities</i> Maximum of 15 points	15	15	15
<input checked="" type="checkbox"/> Within ¼ mile of transit stop with service every 30 minutes	6	6	6
<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 ½ mile of a full-scale grocery store with staples, fresh meat & produce	3	3	3
<input checked="" type="checkbox"/> Large Family project within ½ mile of public school that project children may attend	2	2	2
<input checked="" type="checkbox"/> Within 1 mile of medical clinic or hospital	2	2	2
<i>Service Amenities</i> Maximum of 10 points	10	10	10
<input checked="" type="checkbox"/> After school programs of an ongoing nature for school age children	5	5	5
<input checked="" type="checkbox"/> Educational classes	5	5	5
<i>Neighborhood Revitalization</i> Maximum of 9 points	9	9	9
<i>Sustainable Building Methods</i> Maximum of 8 points	8	8	8
<input checked="" type="checkbox"/> Flow restrictors for kitchen & bath faucets or water-saving fixtures	1	1	1
<input checked="" type="checkbox"/> Formaldehyde free cabinets, countertops and shelving	1	1	1
<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"/> Bathroom fans in all bathrooms w/humidistat, timer and outdoor exhaust	2	2	2
<input checked="" type="checkbox"/> Formaldehyde-free insulation	1	1	1
<input checked="" type="checkbox"/> Rainwater retention at ½ inch rainfall per 24-hour period	1	1	1
<i>Lowest Income</i> Maximum of 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 of 20 points	20	20	20
<i>State credit substitution</i> Maximum of 2 points	2	2	2
Total Points	155	155	155

Tie-Breaker Information

Tie-Breaker Categories Apply to this Project: **Yes**

First: Housing Type **Large Family**

Second: Maximum Neighborhood Revitalization Points/Federal Designated Area **Yes**

Third: Calculated Ratio per Regulation 10325(c)(12) **83.617%**

<u>Unit Type & Number</u>	<u>2008 Rents % of Area Median Income</u>	<u>Proposed Rent (including utilities)</u>
3 Two-bedroom Units	30%	\$363
3 Two-bedroom Units	40%	\$484
18 Two-bedroom Units	50%	\$605
12 Two-bedroom Units	60%	\$726
3 Three-bedroom Units	30%	\$419
3 Three-bedroom Units	40%	\$559
12 Three-bedroom Units	50%	\$699
6 Three-bedroom Units	60%	\$839
1 Four-bedroom Unit	30%	\$468
1 Four-bedroom Unit	40%	\$624
2 Four-bedroom Units	50%	\$780
1 Two-bedroom Unit	Manager's Unit	\$679

The general partners or principal owners are Community Revitalization and Development Corporation, Cyrus Youssefi, individually, and the Egis Group, Inc.

The project developer is CFY Development, Inc.

The management agent is CFY Development, Inc.

The market analyst is Lea & Company.

The Local Reviewing Agency, the city of Bakersfield Economic & Community Development Department, has completed a site review of this project and supports this project.

Project Financing

Estimated Total Project Cost: \$14,886,642 Per Unit Cost: \$229,025 Construction Cost Per Sq. Foot: \$153

<u>Construction Financing</u>		<u>Permanent Financing</u>	
<u>Source</u>	<u>Amount</u>	<u>Source</u>	<u>Amount</u>
First Bank	\$6,909,332	First Bank	\$3,133,763
G.P. Land Contribution	\$717,500	G.P. Land Contribution	\$717,500
Deferred Developer Fee	\$1,393,395	FHLB – AHP	\$1,100,000
Investor Equity	\$5,866,415	Deferred Developer Fee	\$681,674
		Investor Equity	\$9,253,705
		TOTAL	\$14,886,642

Determination of Credit Amount(s)

Requested Eligible Basis:	\$10,682,693
130% High Cost Adjustment:	Yes
Applicable Fraction:	100%
Qualified Basis Credit Reduction (2%)	\$277,750
Qualified Basis:	\$13,609,751
Applicable Rate:	8.00%
Total Maximum Annual Federal Credit:	\$1,088,780
Total State Credit:	\$0
Approved Developer Fee in Project Cost:	\$1,393,395
Approved Developer Fee in Eligible Basis:	\$1,393,395
Tax Credit Factor: Boston Capital	\$0.84991

Applicant requests and staff recommends annual federal credits of \$1,088,780, based on a qualified basis of \$13,609,751 and a funding shortfall of \$9,253,705.

Cost Analysis and Line Item Review

The requested eligible basis \$10,682,693 is below TCAC's threshold basis limit \$13,084,505. The basis limit was increased by the following extraordinary features: local development impact fees, projects that include distributive energy technologies such as micro turbines and/or renewable energy sources such as solar, and the adjustment for projects with 3 or more energy efficiency/resource conservation/indoor air quality items for using natural linoleum/ceramic tile/natural rubber for all kitchens and bathrooms where no VOC adhesives or backing is used, using CRI Green Label Plus Carpet or no carpet in all bedrooms, and using vent kitchen range hoods to the exterior of the building in at least 80% of the units. 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 8.00% 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.

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, in the following amount(s) contingent upon standard conditions and any additional conditions imposed by the Committee:

Federal/Annual
\$1,088,780

State/Total
\$0

Standard Conditions

An application for a carryover allocation must be submitted by **December 15, 2008**, as required by regulation section 10328(d), 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 one (1) year 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 must be paid by cashier's check within 20 calendar days of any 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 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)(8) 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.

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 **April 23, 2009**, 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: Jack Waegell