

1 [Issuance and Sale of Revenue Bonds – 1030 Post Street Apartments.]

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3 **Resolution approving the issuance and sale of revenue bonds by the California**  
4 **Statewide Communities Development Authority in an aggregate principal amount not to**  
5 **exceed \$7,000,000 for the financing of the acquisition and rehabilitation of the 1030**  
6 **Post Street Apartments.**

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8 WHEREAS, the California Statewide Communities Development Authority (the  
9 "Authority"), proposes to issue multifamily housing revenue bonds (the "Bonds") in an amount  
10 not to exceed \$7,000,000 and to lend the proceeds thereof to KDF Communities, LLC., a  
11 California limited liability company, or a California limited partnership or limited liability  
12 company formed by KDF Communities, LLC (the "Borrower"), to be used for the acquisition  
13 and rehabilitation by the Borrower of a 64-unit apartment project known as 1030 Post Street  
14 Apartments (the "Project") located at 1030 Post Street in the City and County of San  
15 Francisco, California (the "City"), all to be owned and operated by the Borrower or an entity  
16 related thereto or a partner thereof; and

17 WHEREAS, the issuance and delivery of the Bonds shall be subject to the approval of  
18 and execution by the Authority of all financing documents relating thereto to which the  
19 Authority is a party and subject to the sale of the Bonds by the Authority; and, be it

20 WHEREAS, the interest on the Bonds may qualify for tax exemption under Section 103  
21 of the Internal Revenue Code of 1986, as amended (the "Code") only if the Bonds are  
22 approved in accordance with Section 147(f) of the Code; and

23 WHEREAS, the Project is located wholly within the City; and

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1           WHEREAS, the Board of Supervisors of the City (the "Board") is the elected legislative  
2 body of the City and is the applicable elected representative required to approve the issue  
3 within the meaning of Section 147(f) of the Code; and

4           WHEREAS, the Authority has requested the Board to approve the issuance and sale of  
5 the Bonds in order to satisfy the public approval requirements of Section 147(f) of the Code;  
6 and

7           WHEREAS, on July 23, 2005, the City caused a notice to appear in the *San Francisco*  
8 *Independent*, which is a newspaper of general circulation in the City, stating that a public  
9 hearing with respect to the issuance of the Bonds would be held by the Mayor's Office of  
10 Public Finance on August 8, 2005; and

11           WHEREAS, the Mayor's Office of Public Finance held the public hearing described  
12 above on August 8, 2005, and an opportunity was provided for persons to comment on the  
13 issuance and sale of the Bonds and the plan of financing the Project; now, therefore be it

14           RESOLVED, That this Board hereby finds and declares the above recitals are true and  
15 correct; and, be it

16           FURTHER RESOLVED, That this Board hereby approves the issuance and sale of the  
17 Bonds by the Authority. It is the purpose and intent of this Board that this Resolution  
18 constitutes approval of the Bonds by the applicable elected representative of the  
19 governmental unit having jurisdiction over the area in which the Projects are located in  
20 accordance with Section 147(f) of the Code; and, be it

21           FURTHER RESOLVED, That the approval of the issuance and sale of the Bonds by  
22 the City is neither an approval of the underlying credit issues of the proposed Projects nor an  
23 approval of the financial structure of the Bonds; and, be it

1           FURTHER RESOLVED, The adoption of this Resolution shall not obligate (i) the City to  
2 provide financing to the Borrower for the acquisition, rehabilitation and development of the  
3 Project or to issue the Bonds for purposes of such financing; or (ii) the City, or any department  
4 of the City, to approve any application or request for, or take any other action in connection  
5 with, any environmental, General Plan, zoning or any other permit or other action necessary  
6 for the acquisition, rehabilitation, development or operation of the Project.

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8 APPROVED AS TO FORM:

9 DENNIS J. HERRERA  
10 City Attorney

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12 By: \_\_\_\_\_  
13       MICHAEL J. MARTIN  
14       Deputy City Attorney

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