

RESOLUTION NO. _____

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Professional Services Contract With Economic And Planning Systems, Inc. For Preparation Of An Inclusionary Housing Policy Study And A Development Impact Fee Update Study For A Total Contract Amount Not To Exceed \$433,409

WHEREAS, City of Emeryville (“the City”) originally adopted its Affordable Housing Set-Aside Ordinance in 1990 to address a shortage of affordable housing available to moderate, low, and very low-income households. In 2014, a new Ordinance revised the City’s housing program and renamed it the Affordable Housing Program (AHP); and

WHEREAS, the City also adopted ordinances to establish two new development impact fees: The Parks and Recreation Impact Fee and the Affordable Housing Impact Fee, via Ordinance Nos. 14-008 and 14-009, respectively; and updated the Transportation Impact Fee through Ordinance No.14-008, which had been established in September 1990 by Ordinance No. 90-008; and

WHEREAS, Assembly Bill 1505 (AB 1505) passed in 2017 in response to the ruling in Palmer/Sixth Street Properties, L.P. v. City of Los Angeles, 2009, and restored local governments’ ability to require developers to include affordable rental units in their projects; and

WHEREAS, the City now seeks to revise its existing Affordable Housing Program by adopting inclusionary housing ordinances for rental developments under the authority granted by AB 1505 and developing a new inclusionary policy that is specific to Emeryville’s other housing programs, local market conditions, and policy goals of the City including those outlined in the City’s adopted 2023-2031 Housing Element; and

WHEREAS, the City also seeks to update its Development Impact Fee Ordinance adopted in 2014 as is required by the Mitigation Fee Act, which requires nexus studies to be done every eight years; and

WHEREAS, the City finds that specialized knowledge, skills, and training are necessary to render the services required to prepare the Inclusionary Housing Policy Study and Development Impact Fee Update Study; and

WHEREAS, in March 2025, the City circulated a Request for Qualifications (“RFQ”) for various consulting services, including development impact fee services; and

WHEREAS, Economic and Planning Systems, Inc. (“EPS”) submitted a response to the RFQ for development impact fee services and was determined to be the top-ranked respondent to the RFQ for these services; and

WHEREAS, on the basis of EPS’ qualifications and experience, staff invited EPS to submit a proposal to prepare the Inclusionary Housing Policy Study and Development Impact Fee Update Study; and

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WHEREAS, EPS submitted a proposal to the City on May 27, 2025, to prepare the requested studies; which was subsequently revised in response to City staff’s requests on June 10, 2025; and

WHEREAS, staff has negotiated a Professional Services Contract (“Contract”) with EPS to prepare the Inclusionary Housing Policy Study and the Development Impact Fee Update Study; and

WHEREAS, the City has determined that EPS is qualified by training and experience to render such services, and the City wishes to retain EPS to provide these services; and

WHEREAS, the public interest will be served by this Contract; now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to execute a Professional Services Contract with Economic and Planning Systems, Inc. in substantial form attached hereto as Exhibit A, for an amount not to exceed \$433,409, and be it further

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to execute minor amendments to the Professional Services Contract as may be necessary to effectuate its purpose, provided such amendments do not substantially increase the City’s obligations thereunder.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, July 15, 2025, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy
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CITY ATTORNEY