

**RESOLUTION NO. 17-\_\_\_\_\_**

**Resolution Of The City Council Of The City Of Emeryville Approving The Agreement On Affordable Units With ASN Emeryville LLC, And Authorizing The City Manager To Enter Into Said Agreement On Behalf Of The City Of Emeryville, For The Incorporation Of One Below Market Rate Unit For Very Low Income Households Within The Artistry Rental Project At 6401 Shellmound Street**

**WHEREAS**, ASN Emeryville LLC (the “Developer”) is adding six residential units to an existing 261-unit rental residential building at 6401 Shellmound Street (the “Project” or “Artistry Apartments Addition”) and said project is required to comply with the provisions of the Regulatory Agreement and Declaration of Restrictive Covenants (the “Regulatory Agreement”) entered into as of October 1, 1998; and

**WHEREAS**, Section 4.A.i of the Regulatory Agreement requires that twenty percent of all project units be set-aside for, and affordable to, very low income households; and

**WHEREAS**, the Project is also required to comply with the provisions of the City of Emeryville’s Affordable Housing Program, as set forth in Article 4 of Chapter 5 of Title 9 of the Emeryville Municipal Code; and

**WHEREAS**, the existing development was originally approved in 1991 when a conditional use permit (UP91-13) and design review approval (DR91-13) were granted by the Planning Commission, and a General Plan Amendment (Resolution No. 91-131) and Rezoning (Ordinance No. 91-11) were approved by the City Council; and

**WHEREAS**, the Artistry Apartments Addition project was approved by Resolution No. UPDR17-002, adopted by the Planning Commission of the City of Emeryville on February 23, 2017; and

**WHEREAS**, the Developer has agreed to provide one unit at a rent affordable to very low income households, for a total of twenty percent affordable units of the total units in Artistry Apartments; and

**WHEREAS**, in consideration of the provision of an affordable unit in the Artistry Apartments Addition project, an Agreement on Affordable Units, set forth in Exhibit A attached to this Resolution, has been proposed for the Council’s approval through which the requirements of the Affordable Housing Program are set forth; now, therefore, be it

**RESOLVED**, that the City Council of the City of Emeryville hereby approves and authorizes execution of the Agreement on Affordable Units and accompanying exhibits by the City Manager in the form attached hereto as Exhibit A, and lodged with the City

Clerk, together with such minor changes as may hereafter become necessary, provided they do not materially increase the obligations of the City.

**ADOPTED** by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 5, 2017 by the following votes:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY