

RESOLUTION NO. 21-____

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The AHSC Implementation And Mutual Indemnity Agreement Between The City Of Emeryville And Resources For Community Development

WHEREAS, the State of California, the Strategic Growth Council (SGC) and the Department of Housing and Community Development (Department) has issued a Notice of Funding Availability dated February 26, 2021 (NOFA), under the Affordable Housing and Sustainable Communities (AHSC) Program established under Division 44, Part 1 of the Public Resources Code commencing with Section 75200; and

WHEREAS, Resources for Community Development ("RCD") has proposed a collaboration with the Bay Area Rapid Transit District ("BART") and the City of Emeryville to submit an application for approximately \$19,992,000 in AHSC funds to support (1) development of 90 units of affordable housing on its property located at 3600, 3610 and 3620 San Pablo Avenue, (2) acquisition of a new BART train car, and (3) certain bicycle and pedestrian improvements associated with the 40th and San Pablo Bus Hub Project; and

WHEREAS, Section 106(a)(12) of the 2021 AHSC Program Guidelines dated February 24, 2021 (the "Prior Experience Requirement"), dictates that applicants must demonstrate prior experience by providing evidence of at least two prior projects that are similar to the proposed AHSC project in scope and size that have been completed by the applicant during the ten years preceding the application due date; and

WHEREAS, the Prior Experience Requirement also states that the applicants may demonstrate the requisite experience by using the past experience of work completed by a non-applicant so long as the applicants can provide an executed agreement with that specific non-applicant for the completion of the related work in the AHSC Application for which funding is sought; and

WHEREAS, RCD and the City seek to enter into an agreement to allow RCD to fulfill the Prior Experience Requirement for its application for AHSC funds and memorialize the City's commitment to complete the bicycle and pedestrian improvements associated with the 40th and San Pablo Bus Hub Project as described in the proposed AHSC application; now therefore be it

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to execute the AHSC Implementation and Mutual Indemnity Agreement in substantial form as attached hereto as Exhibit A, and any related document or certification, and to execute any further revisions as may be agreed upon by the City Manager and City Attorney that do not materially increase the obligations of the City thereunder.

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3600 San Pablo Avenue Affordable Housing Project AHSC Implementation Agreement
City Council Meeting | June 1, 2021
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ADOPTED by the City Council of the City of Emeryville at a regular meeting held on Tuesday, June 1, 2021 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:

DocuSigned by:

Andrea Visveshwara

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CITY CLERK

INTERIM CITY ATTORNEY