



City of Emeryville

INCORPORATED 1896

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4300 San Pablo RFQ/P Questions and Answers As of October 29, 2019

1. In light of the Bay Area power shut off's and dislocation due to North Bay evacuations, this email requests that the City of Emeryville provide for a 1 week extension of the RFQ/P's submittal deadline, to Nov. 7th.
 - In light of the State of Emergency that has been issued for the State of California due to the Wildfires, the submittal date for Phase 1 has been extended to November 7, 2019 at Noon.
2. Tab 3: Development Proposal
 - a. What exactly are you looking for in a "management program"? Are you looking for a full management plan and how that is geared towards the target population?
 - The management program should identify your approach to managing affordable rental housing specific to the target population you are proposing.
 - b. Assuming the proposed project is not a special needs project, would you like us to include proposed services for the tenant population? If so, would we need to provide resumes for the service provider in Tab 6?
 - There is no requirement to identify proposed services for the tenant population if you are not proposing a special needs project, however you are more than welcome to identify these services if you choose and are an important component to your proposal.
3. Tab 5: Feasibility Analysis
 - a. Should we include a full development pro forma in this section?
 - Yes, a 30-year Cash Flow Pro Forma is required to be submitted in Tab 5.
4. Tab 7: Past Experience
 - a. Does this apply to every development team member or just the lead developer?
 - Past experience of the lead developer is required to be submitted in response to Tab 7- Past Experience.
5. Tab 8: Management Experience
 - a. Does this apply to the identified property manager or every development team member?

- Management Experience applies to the identified property management company.
6. Tab 9: References
- a. Other than public lenders, what references should be included in this section?
- References from public lenders from the firm's three most recent similar projects are most desirable, however the respondent may submit other references.
7. I'd advise the City to avoid limiting the review to requirements only under the Federal Fair Housing Act. The Unruh Act, California's state fair housing act, is generally more restrictive than Federal fair housing law when it comes to senior housing.
- Thank you for the clarification, after discussion with our legal counsel, the response to question #7 on October 10 has now been updated to state the following:

In order to provide Intergenerational Housing in the State of California and not violate federal fair housing or the Unruh Act, developers must provide housing in separate buildings, develop separate tenant selection processes, provide separate services to both tenant group and provide separate access to each designated tenant groups.

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- c. The RFQ/P states on page 3 that 50 points are needed for the maximum local bonus. Table 9-4.204 (e) of the Planning Regulations indicates we can earn 50 points through the inclusion of affordable housing. The Regulations also state that “no fewer than half of the bonus points required for the project...shall be earned through the provision of affordable housing” indicating there is no cap on the percentage of points that may be earned through the inclusion of affordable units. We are not seeing language in the Planning Regulations that requires inclusion of other Community Benefits if all bonus points needed are met through the affordable units.
- The number of development bonus points needed for a project can range from zero (if a project needs no bonus) up to 100 points (if a project needs the full bonus for FAR, density, and/or height). The intent is that half of the bonus points must come from affordable housing and the other half must come from other community benefits. So a project needing the full 100 bonus points must earn 50 points for affordable housing and the other 50 for other community benefits. If “half” does not work out to a round number, the regulations specify that the points for affordable housing shall be rounded up to the nearest multiple of five, and the balance of the points must come from other community benefits. For example, if a project needed 47 bonus points, half of this is 23.5 points. For the affordable housing points, this would be rounded up to 25 points, leaving 22 points (47 minus 25) to be earned from other community benefits. A project needing 47 bonus points could not opt to earn all 47 points from affordable housing; it is supposed to be half affordable housing and half other community benefits, or as close to half-and-half as possible. While the wording of the Planning Regulations may not be entirely clear on this point, this is how it has always been interpreted and applied in practice by the City. If a developer wishes to propose that additional affordable units be granted bonus points under the community benefits portion of this formula, they can apply for the Flexible Community Benefit, which must be approved by the City Council.

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1. Community Benefits. It appears that the community benefit points needed to qualify for the maximum local density bonus can all be achieved by providing income restricted affordable units in the project -- i.e. if the project is 100% affordable, then additional types of community benefits are not required. Is that correct?
 - No that is not correct. The categories for community benefits are spelled out in Table 9-4.204(e) of the Planning Regulations. They include (1) Public Open Space, (2) Zero Net Energy, (3) Public Improvements, (4) Utility Undergrounding, (5) Additional Family Friendly Units [note that this is not necessarily the same as additional affordable units], (6) Small Business fund contribution, and (7) Flexible Community Benefit. In the last category, the applicant can propose whatever community benefit they wish, which requires City Council approval. The applicant can propose additional affordable units under the flexible community benefit category; whether or not it is approved is up to the City Council.

2. Tab 5 of the submittal requirements (page 6) requests that we include a sensitivity analysis that tests the pro forma with variations in housing affordability. Can you please be more specific about what affordability levels the City would like to see tested?
 - Developers are asked to submit proposals that respond to the target tenant population of extremely low-, very low-, and low-income households. The City has not identified a specific income mix amongst these various income groups. It will be up to the developer to determine the income targeting they wish to pursue.

3. Tab 6 of the submittal requirements (page 7) asks that we include the proposed engineer – which engineer are you referring to here? Typically, engineers would be selected in schematic design or design development and include surveyor, civil, mechanical, electrical, and structural engineers.
 - The identification of a civil engineer would be most appropriate for this RFQ/P.

4. Tab 6 requests a one-page statement for each member of the project team – is this referring just to individuals who are part of the Developer's staff? Or do you want individual statements from all the consultants as well (legal, financial etc.)?
 - Developers shall submit a one-page statement identifying each staff member that will be assigned to the project for each team member. Project team members consist of the developer, legal representation, ownership entity, proposed architect, engineer, and property manager and service provider(s), if applicable.

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As of October 10, 2019**

1. I thought I remember hearing that the PPT slide deck and other info will be emailed out to those who attended the meeting. I haven't received anything yet so if I somehow missed that distribution can you please send it to me directly?
 - The list of attendees at the Pre-Submittal Meeting and the Power Point Presentation was posted on the City's Website. A copy of both documents is attached as well.
2. We have noticed that the Project Information, Sources and Uses, 30 yr cashflow are very detailed. Do you need this level of detail for Phase 1 (RFQ) of this process?
 - Yes, the Project Information, Sources and Uses, 30 yr cashflow are required for submission in Phase 1. Financial feasibility/stability of the project is an evaluation criterion for Phase 1 and Phase 2.
3. If you do need a high level of details, have you considered pushing back the submittal date to the end of October?
 - The submittal date for Phase 1 has been extended to October 31, 2019 at Noon.
4. I'm writing to see if the City would consider extending the Phase 1 RFQ/P deadline by two weeks?
 - The submittal date for Phase 1 has been extended to October 31, 2019 at Noon.
5. Section 9-4.301 of Emeryville's code says setbacks abutting a lot in a residential zone are – for interior side “3 feet plus an additional 2 feet for each 1 foot by which the height of the building on the nonresidential lot exceeds 30 feet” and for rear “10 feet plus an additional 2 feet for each 1 foot by which the height of the building on the nonresidential lot exceeds 30 feet.” The height limit is 75 feet with density bonus. 75 feet minus 30 feet is 45 feet. 45 feet times 2 feet is 90 feet. So the interior side setback is 93 feet and the rear setback is 100 feet. That takes up most of the lot. How do you deal with that?
 - The lower 30 feet can be at the 3-foot or 10-foot line. The building can step back from there. If the fourth floor is 10 feet tall, it steps back 20 feet, and so on. So, if you call the northern boundary at the senior housing the rear, you could get to 60 feet height on San Pablo Avenue south of a line 70 feet from the northern boundary, and on 43rd Street west of a line 63 feet from the eastern boundary.
6. Can a driveway be in a side yard?
 - Note the catch-all in Section 9-4.301(e) that says: “The restrictions imposed by this subsection may be modified, and additional features may be allowed in required yards, upon the granting of a minor conditional use permit pursuant to Article 5 of

Chapter 7.” Thus, a driveway can be permitted with a minor CUP. In the case of this project, which will require both Planning Commission and City Council approval (because of deviating from the required unit mix), we can just address that CUP along with the other required planning approvals.

7. How do you address intergenerational housing without violating fair housing?
 - In order to provide Intergenerational Housing in the State of California and not violate federal fair housing or the Unruh Act, developers must provide housing in separate buildings, develop separate tenant selection processes, provide separate services to both tenant group and provide separate access to each designated tenant groups.
*****UPDATED RESPONSE 10/29/2019*****