

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW
AUTHORIZING MODIFICATION OF THE TERMS OF THE
EXCLUSIVE NEGOTIATING AGREEMENT (“ENA”) WITH AFFIRMED HOUSING
FOR AN AFFORDABLE HOUSING DEVELOPMENT AT 87 EAST EVELYN AVENUE (APN 160-65-008)
TO INCREASE THE INITIAL NEGOTIATING PERIOD TO 210 DAYS AND THE
OPTIONAL EXTENSION TO 180 DAYS AND AUTHORIZING THE
CITY MANAGER OR DESIGNEE TO EXECUTE THE MODIFIED ENA

WHEREAS, the City of Mountain View (“City”) is the owner of certain real property located at 87 East Evelyn Avenue (“Site”); and

WHEREAS, on August 11, 2022, the City released a Request for Qualifications (“RFQ”) seeking qualified developers interested in developing affordable housing at the Site and received responses from five qualified developers; and

WHEREAS, on January 27, 2023, the City released a Request for Proposals (“RFP”) to the five qualified developers seeking project proposals and development plans for the City-owned Site; and

WHEREAS, on September 26, 2023, the City Council met to review the RFP responses and proposed project information and selected Affirmed Housing (“Developer”) as the preferred developer for the Site; and

WHEREAS, on September 26, 2023, the City Council authorized the City Manager or designee to execute an Exclusive Negotiating Agreement (“ENA”) with the selected development team for an initial 90-day term; this included an additional 90-day extension if negotiations are not completed but progress was demonstrated (“ENA term”); and

WHEREAS, the objectives and milestones to be completed under the ENA term include developing the master site plan in coordination with the adjacent property developer, completing a master site plan review Study Session with Council, negotiating the deal points, and drafting the Lease, Disposition, Development, and Loan Agreement (“LDDLA”); and

WHEREAS, the RFP milestones outlined the above milestones with the anticipated LDDLA being executed in the first quarter of 2025 (“Q1 2025”); and

WHEREAS, the initial 90-day with an additional 90-day extension ENA term did not align with the RFP milestones and requires an amendment; and

WHEREAS, City staff and Developer have renegotiated the ENA term which allows sufficient time for Developer to complete the master site plan process and for staff to negotiate the key deal terms; and

WHEREAS, City staff is requesting that the City Council authorize the City Manager, or designee, to amend the ENA negotiation term with the selected development team to an initial term of 210 days with an additional 180 days if negotiations are not completed but progress is demonstrated; and

WHEREAS, Developer will submit a \$50,000 good-faith deposit to cover costs associated with developing the LDDLA during the initial 210-day term; and

WHEREAS, Developer will submit an additional \$25,000 deposit to continue negotiations through the 180-day extension term; and

WHEREAS, City staff, with the assistance of the City Attorney, drafted an ENA, attached hereto as "Exhibit A," between the City of Mountain View and Developer, which includes the recommended negotiation terms; and

WHEREAS, the purpose of the ENA is to establish procedures and standards for the negotiation by and between the City and Developer for the LDDLA relating to the proposed project on the Site; and

WHEREAS, the ENA does not authorize any development on the site; now, therefore, it be

RESOLVED: that the City Council of the City of Mountain View hereby authorizes the City Manager or designee to modify the terms of the Exclusive Negotiating Agreement between the City of Mountain View and Affirmed Housing to increase the initial negotiating period to 210 days and the optional extension period to 180 days; and be it

FURTHER RESOLVED: that the City Council of the City of Mountain View hereby authorizes the City Manager or designee to execute the modified Exclusive Negotiating Agreement between the City of Mountain View and Affirmed Housing; and be it

FURTHER RESOLVED: that this Resolution shall be effective upon the date of its adoption.

DT-JB/6/RESO
845-02-13-24r-2