



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** March 18, 2025  
**TO:** LaTanya Bellow, City Manager  
**FROM:** Chadrick Smalley, Community Development Director  
**SUBJECT:** **Resolution Of The City Council Of The City Of Emeryville Approving The 2024 General Plan Annual Progress Report And Authorizing Submittal To The Governor's Office Of Planning And Research And To The California Department Of Housing And Community Development**

### RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution approving the 2024 General Plan Annual Progress Report, including the Housing Element Annual Progress Report and the Housing Successor Report, and authorizing submittal to the Governor's Office of Planning and Research and the California Department of Housing and Community Development.

### BACKGROUND

General Plan. California Government Code Section 65300 requires each city and county to adopt a general plan for the physical development of the jurisdiction. The Emeryville General Plan establishes a vision for the City's long-term growth and enhancement and provides strategies and implementing actions to achieve this vision. State law requires that general plans include seven elements which must cover the following topics: Land Use, Circulation, Housing, Safety, Noise, Conservation, and Open Space. Elements for other topics of local concern may also be included. The Emeryville General Plan includes two optional elements: Urban Design and Sustainability. The City of Emeryville adopted its General Plan, except the Housing Element, in October of 2009. State requirements for housing elements are more detailed and specific than for the other general plan elements: housing elements are updated every eight years according to a schedule set by the State.

The current Emeryville Housing Element is contained in a separate document from the General Plan and was adopted by the City Council on December 12, 2022, then certified by the California Department of Housing and Community Development ("HCD") on February 3, 2023. The Housing Element covers the eight-year period from 2023 to 2031. This is the second year of reporting under the new 2023-2031 (6th Cycle) Housing Element.

Government Code section 65302(h) states that, after January 1, 2018, cities with disadvantaged communities (defined as "an area identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code or an area that is a low-income area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects,

exposure, or environmental degradation") are required to include an environmental justice element when two or more elements are amended concurrently. The City of Emeryville has not amended two or more elements concurrently since January 1, 2018. While there are no current plans to update two elements, the City is prepared to comply with 65302(h).

Annual Progress Report. Section 65400 of the California Government Code requires the Planning Commission to prepare an Annual Progress Report addressing the status of the General Plan and progress made toward implementing its goals and policies, including the City's progress in meeting its share of regional housing needs. The progress report must be submitted by April 1 of each year to the City Council, the Governor's Office of Planning and Research (OPR), and HCD.

Housing Successor Report. California Health and Safety Code Section 34176.1(f) also requires housing successors to former redevelopment agencies to prepare an annual Housing Successor Report regarding the Low- and Moderate- Income Housing Asset fund.

Organization and Contents. OPR most recently updated their General Plan Annual Progress Report Guidance in 2022. It suggests describing General Plan Amendments, development decisions, General Plan implementation, Housing Element implementation, and the Housing Successor Annual Report. This General Plan Annual Progress Report is organized in response to this guidance. The OPR Guidelines suggest that the annual report should assess whether any changes are needed to the General Plan; this report concludes that no changes to the General Plan are needed at this time.

## **DISCUSSION**

The 2024 General Plan Annual Progress Report is attached for the City Council's review. This is the fifteenth progress report that is measured against the 2009 Emeryville General Plan. It is the second General Plan Annual Progress Report that is measured against the 2023-2031 Housing Element. The new 2023-2031 (6<sup>th</sup> Cycle) Housing Element was adopted by the City Council on December 12, 2022, and certified by HCD on February 3, 2023.

The State of California has specific reporting rules for housing elements and requires a report format that consists of tables.

- Progress on the other elements, which are contained in the Emeryville General Plan document, are summarized starting on Page 4 of the General Plan Annual Progress Report and detailed in Appendix A.
- Progress on the Housing Element is summarized starting on Page 7 of the General Plan Annual Progress Report and detailed in Appendix B.
- The Housing Successor Report is summarized starting on Page 13 of the General Plan Annual Progress Report and detailed in Appendix C.

These items are also summarized within this staff report which includes summary tables to simplify the information contained in Appendix B, which details the progress on the Housing Element.

## General Plan Annual Progress Report

General Plan Amendment. There were no amendments to the General Plan in 2024.

Development Decisions (Exhibit A). In 2024, the Planning Commission approved a major conditional use permit for Total Wine & More at 3938 Horton Street, approved modifications to a conditional use permit extending the term of the use of 4300 San Pablo Avenue as a temporary women’s shelter, later approved a conditional use permit for the temporary relocation of a shelter to 4300 San Pablo, and approved a Master Sign Program for Powell Street Plaza. Three Accessory Dwelling Units (ADUs) were entitled and 22 ADUs received certificates of occupancy.

Implementation of General Plan Actions. The General Plan includes 79 actions. Of these, 18 were completed before 2024, and the City made progress on 53 in 2024. No progress was made in 2024 on eight actions. These are summarized on pages 4 and 5 of the General Plan Annual Report, and each action is discussed individually in Appendix A (the General Plan Annual Implementation Report).

## Housing Element Annual Progress Report

Highlights from the Housing Element Annual Progress Report tables are below. The entire Housing Element Annual Progress Report can be found in Appendix B.

Housing Development Applications (Table A). In 2024, Planning applications were received for four development projects that would provide 11 new housing units, including the development of nine ADUs on three different sites and two new units on a vacant site.

**Figure 1: 2024 Housing Development Application Activity Summary**

Unit Type by Structure	Applications Submitted	Units Proposed	Very Low	Low	Mod	Above Mod	Total
Single Family Attached	0	0	0	0	0	0	0
Single Family Detached	1	2	0	0	0	0	2
2-4 Units Per Structure	0	0	0	0	0	0	0
5+ Units Per Structure	0	0	0	0	0	0	0
ADU	3	9	0	0	0	0	9
Mobile/Manufactured Home	0	0	0	0	0	0	0
<b>Total</b>	<b>4</b>	<b>11</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>11</b>

Entitlements, Building Permits, and Occupancy (Table A2). In 2024, planning approval was granted for four projects that would provide eight new housing units, including six ADUs on three different sites. All approved projects were for above moderate-income housing.

**Figure 2: 2024 Complete Entitlement (Approved Projects) Summary**

Unit Type by Structure	Applications Submitted	Units Proposed	Very Low	Low	Mod	Above Mod	Total
Single Family Attached	0	0	0	0	0	0	0
Single Family Detached	0	0	0	0	0	0	0
2-4 Units Per Structure	1	2	0	0	0	0	2
5+ Units Per Structure	0	0	0	0	0	0	0
ADU	3	6	0	0	0	0	6
Mobile/Manufactured Home	0	0	0	0	0	0	0
<b>Total</b>	<b>4</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>

The City issued three building permits to build six units, of which four units are ADUs.

**Figure 3: 2024 Building Permits Issued Summary**

Unit Type by Structure	Applications Submitted	Units Proposed	Very Low	Low	Mod	Above Mod	Total
Single Family Attached	0	0	0	0	0	0	0
Single Family Detached	0	0	0	0	0	0	0
2-4 Units Per Structure	0	0	0	0	0	0	0
5+ Units Per Structure	1	2	0	0	0	0	2
ADU	2	4	0	0	0	0	4
Mobile/Manufactured Home	0	0	0	0	0	0	0
<b>Total</b>	<b>3</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>

Certificates of occupancy were issued for 12 projects providing 22 units, all of which were ADUs. All completed projects were in the above-moderate income level.

**Figure 4: 2024 Certificate of Occupancy Issued Summary**

Unit Type by Structure	Applications Submitted	Units Proposed	Very Low	Low	Mod	Above Mod	Total
Single Family Attached	0	0	0	0	0	0	0
Single Family Detached	1	2	0	0	0	0	0
2-4 Units Per Structure	0	0	0	0	0	0	0
5+ Units Per Structure	0	0	0	0	0	0	0
ADU	12	22	0	0	0	0	22
Mobile/Manufactured Home	0	0	0	0	0	0	0
<b>Total</b>	<b>12</b>	<b>22</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>22</b>

Regional Housing Needs Allocation (Table B). The implementation period for the Regional Housing Needs Allocation (RHNA) is from June 30, 2022, to January 30, 2031. Since June 30, 2022, 144 dwelling units have received building permits – 8% of the RHNA (1,815 units). Of these, 53 (12% of goal) are very low-income units, 36 (24% of goal) are low-income units, and 55 (7% of goal) are above moderate-income units. Additionally, the City has made significant progress towards its extremely low-income goal by issuing 45 permits (20% of goal).

**Figure 5: 2024 Regional Housing Needs Allocation (RHNA) Progress**

Income Level	RHNA Allocation	Building Permits Issued				Need Remaining by Income	% Goal Met
		July 22 – Jan 23	Feb 23 – Dec 23	Jan 24 – Dec 24	Grand Total		
<b>Extremely Low</b>	226	0	45	0	45	181	20%
<b>Very Low</b>	225	0	8	0	8	217	4%
<b>Low</b>	259	0	36	0	36	223	14%
<b>Moderate</b>	308	0	0	0	0	308	0
<b>Above Moderate</b>	797	23	26	6	55	742	7%
<b>Total</b>	1,810	23	115	6	144	1,617	8%

Sites Identified or Rezoned to Accommodate Shortfall (Table C). Emeryville did not have a shortfall of housing sites, so the City did not need to identify or rezone additional sites.

Implementation of Housing Element Programs (Table D). The 2023-2031 Housing Element’s action program includes 47 programs, many of which are ongoing City activities or will convert to on-going City activities once all action steps are taken.

- Four programs (C, N, I and T) have action items that were completed in 2023 and will convert into ongoing programs. Please note the City’s all-electric reach code was rescinded on June 6, 2024, due to a Ninth Circuit Court ruling in California Restaurant Association versus City of Berkeley, that the Energy Policy and Conservation Act (EPCA) preempts local reach codes that prohibit natural gas infrastructure. As a result, no further action is planned for program T;
- One program (TT) was completed in 2024;
- 23 programs (A, B, D, E, F, G, J, L, M, Q, R, S, X, EE, FF, HH, II, OO, PP, QQ, RR, SS, and UU) have action items that were underway in 2024;
- 11 programs (U, V, W, Z, BB, DD, GG, JJ, KK, MM, and NN) are ongoing; and
- 8 programs (H, K, O, P, Y, AA, CC, and LL) had no action taken in 2024.

**Figure 6: 2024 Housing Element Programs Status**

<b>Programs Complete-Ongoing</b>	<b>Programs Underway</b>		<b>Ongoing Programs</b>	<b>Programs with No Action Taken Yet</b>
C. Objective Design and Development Standards	A. Housing Development Regulatory Programs	S. Brownfield Remediation Loans	U. Green Point/LEED Requirements	H. Development Opportunities Fund
I. Acquisition of BMR Ownership Units	B. Planning Regulation Amendments	X. Homeowner Rehabilitation and Repair Programs	V. Energy Programs	K. Special Needs Housing Incentive Program
N. Affordable Housing Water/Sewer Priority Program	D. Accessory Dwelling Units	EE. Resident Engagement	W. Priority Development Area	O. Housing & Services for Persons with Disabilities
T. Renewable Energy and Reach Codes	E. Adaptive Re-Use	FF. Access to Information	Z. Energy Conservation Remodels	P. Live/Work Units
TT. Residential Demolition Program	F. Impact Fees	HH. School and Childcare Centers	BB. Housing & Supportive Services for Homeless	Y. Rental Preservation Program
	G. City-sponsored Development Fund	II. Transportation	DD. Fair Housing Counseling	AA. Conversion of At-Risk BMR Rental
	J. Foreclosure Prevention Program	OO. Housing for Seniors	GG. Economic Mobility	CC. Section 8 Rental Assistance
	L. New Funding Opportunities	PP. Affirmative Fair Housing Marketing Plan	JJ. Site Inventory	LL. Planning Regulation Amendments
	M. Homebuyer Assistance Programs	QQ. Tenant Protection Measures	KK. Residential use By Right	
	Q. Housing for Artists/Craft-persons	RR. Affordable Housing Platforms	MM. Monitor Changes in Federal/State Laws	
	R. Family Friendly Design Guidelines	SS. Prohousing Designation	NN. Review Nongovernmental Constraints	
		UU. Universal Design		

Commercial Development Bonus Approved (Table E). In 2024, Emeryville did not have any commercial projects that applied for a development bonus in exchange for contributing affordable housing.

Units Rehabilitated, Preserve and Acquired for Alternative Adequate Sites (Table F). In 2024, Emeryville did not have any sites that were substantially rehabilitated, preserved, or converted from non-affordable to affordable.

Above Moderate Income Units Converted to Moderate Income (Table F2). In 2024, Emeryville did not have any existing multifamily buildings converted to deed restricted rental housing for moderate-income households.

Locally Owned Lands Included in the Housing Element Sites Inventory (Table G). In 2024, Emeryville did not dispose of any land that was identified in the Housing Element Site Inventory.

Locally Owned Surplus Sites (Table H). Emeryville has three locally owned sites (5890, 5900 and 6150 Christie Avenue, 3602 Adeline Street, and 4300 San Pablo Avenue) that have been designated Exempt Surplus Land.

Lot Splits (Table I). Table I previously recorded lot splits, but has been integrated by HCD into Tables A and A2. Of note, Table I was not applicable to Emeryville as the City does not have a single-family zoning district nor has it received any requests to subdivide parcels into two equal parcels for residential use.

Student Housing Development with a Density Bonus (Table J). Emeryville did not have any student housing development.

Tenant Preference Policy (Table K). Emeryville does have a local tenant preference policy, which can be found at Section 9-5.408 of the Emeryville Municipal Code: <https://www.codepublishing.com/CA/Emeryville/#!/Emeryville09/Emeryville095.html#9-5.408>.

LEAP Reporting Table: The City of Emeryville was awarded \$65,000 in Local Early Action Planning (LEAP) funds to support the development of the 2023-2031 Housing Element. The City requested reimbursement of the full grant amount in 2023 and received full reimbursement in 2024.

Updated Site Inventory (Program JJ). One of the programs in the Housing Element is to “update the site inventory list on an annual basis and post it on the City’s website.” The tables below provide updated status for all of the sites included in Housing Element Tables 6-1, 6-2, and 6-3. The purpose of this update is to show progress on the projects listed in the Housing Element tables and new projects that have come up since the Housing Element was adopted. Per Program JJ, this information will be posted to the City website after it is submitted to the State.



**Figure 9: 2023-2031 Accessory Dwelling Units (ADU)**

Site #	Accessory Dwelling Units (ADU)		Site Inventory Goal						Actual Permitted						GAP
	Address	Status	EL	VL	Low	Mod	Mkt	Total	EL	VL	Low	Mod	Mkt	Total	
NA	<b>ANTICIPATED ADU(s)</b> <i>Specific sites for ADUs are not identified in the Housing Element.</i>		0	0	10	10	10	30	0	0	0	0	32	32	-2
	3631 Adeline Street	Permitted (2023)							0	0	0	0	1	1	
	5534 Beaudry Street	Permitted (2023)							0	0	0	0	2	2	
	1015 47 <sup>th</sup> Street	Permitted (2023)							0	0	0	0	2	2	
	5517 Beaudry Street	Permitted (2023)							0	0	0	0	1	1	
	5517 Beaudry Street	Permitted (2023)							0	0	0	0	1	1	
	1331 40 <sup>th</sup> Street	Permitted (2023)							0	0	0	0	1	1	
	1321 40 <sup>th</sup> Street	Permitted (2023)							0	0	0	0	5	5	
	1231 40 <sup>th</sup> Street	Permitted (2023)							0	0	0	0	8	8	
	1221 40 <sup>th</sup> Street	Permitted (2023)							0	0	0	0	1	1	
	5883 Beaudry Street	Permitted (2023)							0	0	0	0	1	1	
	3628 Adeline Street	Permitted (2023)							0	0	0	0	1	1	
	1063 47 <sup>th</sup> Street	Permitted (2023)							0	0	0	0	1	1	
	3995 Emery Street	Permitted (2023)							0	0	0	0	2	2	
	5525 Beaudry Street	Permitted (2024)							0	0	0	0	2	2	
	5534 Beaudry Street	Permitted (2024)							0	0	0	0	2	2	

**Figure 10: 2023-2031 Projects Not Included in the Housing Element Site Inventory List**

Site #	Projects Not Included in the Housing Element Site Inventory List		Site Inventory Goal						Actual Permitted						GAP
	Address	Status	EL	VL	Low	Mod	Mkt	Total	EL	VL	Low	Mod	Mkt	Total	
NA	<b>UNANTICIPATED PROJECTS</b> <i>Specific sites not identified in the Housing Element. (excluding ADUs)</i>		0	0	0	0	0	0	0	0	0	0	3	3	-3
	1291 55 <sup>th</sup> Street	Permitted (2023)							0	0	0	0	1	1	
	3960 Adeline Street	Permitted (2024)							0	0	0	0	2	2	

**Figure 11: 2023-2031 Projects Not Included in the Housing Element Site Inventory List**

	Projected							Actual						GAP
	EL	VL	Low	Mod	Mkt	Total	EL	VL	Low	Mod	Mkt	Total		
<b>Planned &amp; Approved Project Total</b>	29	49	49	26	470	623	29	48	48	24	450	599	24	
<b>Vacant &amp; Underutilized Project Total</b>	334	358	350	594	1,398	3,034	0	0	0	0	0	0	3,034	
<b>Accessory Dwelling Units Total</b>	0	0	10	10	10	30	0	0	0	0	32	32	-2	
<b>Projects Not Included in the Housing Element Site Inventory List</b>	0	0	0	0	0	0	0	0	0	0	3	3	-3	
<b>Total</b>	363	407	409	630	1,878	3,687	29	48	48	24	478	630	3,053	

## **Housing Successor Annual Report**

The Housing Successor Annual Report (Appendix C) shows that \$576,805.26 was deposited into the Low- and Moderate-Income Housing Asset Fund (LMIHAF) in Fiscal Year 2023-2024. There were no expenditures recorded in this fiscal year. The Housing Successor is working on developing three properties, which are in the pre-development phase (3602 Adeline Street, 6150 Christie Avenue, and 5890-5900 Christie Avenue).

### **FISCAL IMPACT**

None.

### **STAFF COMMUNICATION WITH THE PUBLIC**

This report was presented to the Housing Committee on February 5, 2025. The Housing Committee recommended the City Council approve the report.

This report was presented to the Planning Commission on February 27, 2025. The Planning Commission recommended the City Council approve the report.

### **CONCLUSION**

Staff recommends that the City Council adopt the resolution approving the Emeryville 2024 General Plan Annual Progress Report, including the Housing Element Annual Progress Report and the Housing Successor Report, and authorize submittal to OPR and HCD.

### **APPROVED AND FORWARDED TO THE CITY COUNCIL OF THE CITY OF EMERYVILLE:**



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LaTanya Bellow, City Manager

### **ATTACHMENTS**

- Draft Resolution
  - Attachment 1 - 2024 General Plan Annual Progress Report
    - Exhibit A - Development Decisions and Pending Projects Table
    - Appendix A - General Plan Annual Implementation Report
    - Appendix B - Housing Element Annual Progress Report
    - Appendix C - Housing Successor Annual Report