



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: March 19, 2024
TO: Paul Buddenhagen
FROM: Chadrick Smalley, Community Development Director
SUBJECT: **Resolution Of The City Council Of The City Of Emeryville Approving The 2023 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 resolution accompanying this report that approves the Emeryville 2023 General Plan Annual Progress Report, including the Housing Element Annual Progress Report and the Housing Successor Report, and authorizes 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 HCD on February 3, 2023. The Housing Element covers the eight-year period from 2023 to 2031. This is the first year reporting 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 the State Housing and Community Development Department (HCD).

Housing Successor Report. California Health and Safety Code Section 34176.1(f) also requires housing successor agencies 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 2023 General Plan Annual Progress Report is attached for the City Council's review. This is the fourteenth progress report that is measured against the 2009 Emeryville General Plan. It is the first General Plan Annual Progress Report that is measured against the 2023-2031 Housing Element. The new 2023-2031 (6th 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 Housing Element is summarized starting on Page 6 of the General Plan Annual Progress Report and detailed in Appendix B.
- 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.
- The Housing Successor Report is summarized starting on Page 8 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. In 2023 the General Plan was amended to update maps in the Transportation Element to reflect the Active Transportation Plan (ATP) adopted on October 17, 2023.

Development Decisions. In 2023 the Planning Commission approved the Bay Center Life Science Project. This required a Conditional Use Permit and Design Review permit for a new six story, 96-foot-tall building accommodating 210,000 square feet of Research and Development space and a new 595-space parking garage at 6425-6455 Christie Avenue. The Research and Development building includes approximately 2,200 square feet of Community Assembly Space. The Planning Commission also approved a request for a two-year extension of a Conditional Use Permit and Design Review permit that was approved by the Planning Commission on December 9, 2021, for a new 24-unit residential building consisting of all 2- and 3-bedroom units at 1225 65th Street. Smaller development projects with entitlements approved by the Planning Division in 2023 include the preliminary development plan and conditions of approval for The Promenade Center Retail/Mixed Use Project which were amended to include “Commercial Recreation – Indoor Sports And Recreation” as a permitted use and language restricting hours of operation were removed to facilitate a proposed Planet Fitness gym to operate 24 hours per day, seven days per week; and a temporary women’s shelter at 4300 San Pablo Avenue that was approved on March 23, 2023. Twenty-two Accessory Dwelling Units (ADUs) were entitled and four ADUs received certificates of occupancy.

Implementation of General Plan Actions. The General Plan includes 79 actions. Of these, 18 were completed during or before 2023, and the City made progress on 54 in 2023. No progress was made in 2023 on seven 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

Housing Development Applications (Table A). In 2023, Planning applications were received for fourteen development projects that would provide a total of 383 new housing units through the development of thirteen ADUs on eight different sites, 362 units at 5890, 5900 and 6150 Christie Avenue, two units at 3690 Adeline Street, two units at 6000 and 6040 Hollis Street, two units at 1047 43rd Street, one unit at 4107 Adeline Street, and one unit at 5519 Beaudry Street. Twelve units were approved, and no units were disapproved. Six project applications were still in process at the end of 2023. The approved projects include 12 above moderate-income housing units.

Figure 1: 2023 Housing Development Applications

	Unit Type by Structure	Single Family Attached	Single Family Detached	2-4 Units Per Structure	5+ Units Per Structure	Accessory Dwelling Unit	Mobile/Manufactured	Total
Housing Development Applications	Submitted Applications	0	1	2	3	8	0	14
	Unit Count:							
	Very Low	0	0	0	264	0	0	264
	Low	0	0	0	95	0	0	95
	Mod	0	0	0	0	0	0	0
	Above Mod	0	1	3	7	13	0	24
	Total Units	0	1	1	366	13	0	383
Approved Units	0	0	1	4	7	0	12	

Entitlements, Building Permits, and Occupancy (Table A2). In 2023, planning approval was granted for thirteen projects that would provide 27 new housing units, including 22 ADUs on ten different sites, an additional unit at 4107 Adeline Street, two additional units at 6000-6040 Hollis Street and two additional units at 3960 Adeline Street. The approved projects include twenty-seven above moderate-income housing units. The City issued fifteen building permits to build 118 units. Ninety of those units are part of the Nellie Hannon Gateway development (3600 San Pablo Avenue) and 28 of the units are ADUs. The permitted projects include 53 very low-income units, 36 low-income units, and 29 above moderate-income housing units. Certificates of occupancy were issued for eight projects providing 499 units. These include 186 units at Bayview Apartments, 306 units within two phases at The Emery project (aka Sherwin Williams Redevelopment Project), two additional units at The Bridge (aka Bridgecourt Apartments), four Accessory Dwelling Units, and an additional unit at 5534 Beaudry Street. The completed projects include 18 very low-income units, 18 low-income units, 24 moderate income units and 439 above moderate-income housing units. One of the Housing Element programs is to update the housing sites inventory; that update is attached and is discussed below.

Figure 2: 2023 Entitled, Permitted, and Certification of Occupancy Activity

	Unit Type by Structure	Single Family Attached	Single Family Detached	2-4 Units Per Structure	5+ Units Per Structure	Accessory Dwelling Unit	Mobile/Manufactured	Total
Planning Entitlements	Planning Approvals	0	0	1	2	10	0	13
	Very Low	0	0	0	0	0	0	0
	Low	0	0	0	0	0	0	0
	Mod	0	0	0	0	0	0	0
	Above Mod	0	0	1	4	22	0	27
	Total Units	0	0	1	4	22	0	27
Building Permits	Issued Permits	0	0	0	1	14	0	15
	Very Low	0	0	0	53	0	0	53
	Low	0	0	0	36	0	0	36
	Mod	0	0	0	0	0	0	0
	Above Mod	0	0	0	1	28	0	29
	Total Units	0	0	0	90	28	0	118
Certificate of Completion	Final/TCO/C O Issued	0	0	1	4	3	0	8
	Very Low	0	0	0	18	0	0	18
	Low	0	0	0	18	0	0	18
	Mod	0	0	0	24	0	0	24
	Above Mod	0	0	1	434	4	0	439
	Total Units	0	0	1	494	4	0	499

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, 138 dwelling units have received building permits which is 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 49 (6% 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 3: RHNA Performance

Income Level	RHNA Allocation	Building Permits Issued			Need Remaining by Income	% Goal Met
		July 22 – Jan 23	Feb 23 – Dec 23	Grand Total		
Very Low	451	0	53	53	398	12%
Low	259	0	36	36	223	14%
Moderate	308	0	0	0	308	0%
Above	797	23	26	49	748	6%
Total	1,815	23	115	138	1,677	8%
Extremely Low	226	0	45	45	181	20%

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. Three programs (C, N, and I) have action items that were complete in 2023 and will convert into ongoing programs, 22 programs (A, B, D, E, F, G, J, L, M, Q, R, S, X, FF, HH, II, OO, PP, QQ, RR, SS, and TT) have action items that were underway in 2023, 12 programs (T, U, V, W, Z, BB, DD, GG, JJ, KK, MM, and NN) are ongoing, and 10 programs (H, K, O, P, Y, AA, CC, EE, LL, and UU) have had no action taken in 2023.

Figure 4: 2023 Housing Element Programs Status

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

	R. Family Friendly Design Guidelines	TT. Residential Demolition Program	MM. Monitor Changes in Federal/State Laws	
			NN. Review Nongovernmental Constraints	

Commercial Development Bonus Approved (Table E). In 2023, Emeryville did not have any commercial projects that applied for a development bonus in exchange for contributing affordable housing, so the City did not need to identify sites.

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

Above Moderate Income Units Converted to Moderate Income (Table F2). Emeryville did not have any existing multifamily buildings converted to deed restricted rental housing for moderate-income households, so the City did not need to identify any sites.

Locally Owned Lands Included in the Housing Element Sites Inventory (Table G). Emeryville did not dispose of any land that was identified in the Housing Element Site Inventory, so the City did not need to identify any sites.

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.

Figure 5: Locally Owned Surplus Sites

Address	Existing Use	# Existing Units	Surplus Designation	Parcel Size
5890, 5900 and 6150 Christie Avenue	Public Facilities	0	Exempt Surplus Land	2.22 acres
4300 San Pablo Avenue	Other	0	Exempt Surplus Land	0.47 acres
3602 Adeline Street and 1102 36 th Street	Vacant	0	Exempt Surplus Land	0.050 acres

Lot Splits (Table I). Emeryville does not have a single-family zoning district nor has it received any requests to subdivide parcels into two equal parcels for residential use, so the City did not need to identify any sites.

Student Housing Development with a Density Bonus (Table J). Emeryville did not have any student housing development, so the City did not need to identify any sites.

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 has requested reimbursement of the full grant amount.

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 provided 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 6: 2023-2031 Housing Element Site Inventory

Site #	Planned & Approved Projects			Realistic Capacity						Actual Permitted						GAP
	Project Name	Address	Status	EL	VL	Low	Mod	Mkt	Total	EL	VL	Low	Mod	Mkt	Total	
1	Baker Metal Live/Work	1265 65th St	Construction (2022)	0	0	0	0	17	17	0	0	0	0	17	17	0
2	Bayview Emeryville	6701 Shellmound St	Complete (2023)	0	8	0	0	178	186	0	8	0	0	178	186	0
3	The Emery (Bldg. C)	1450 Sherwin Ave	Complete (2023)	0	4	5	12	101	122	0	4	5	12	101	122	0
4	The Emery (Bldg. D)	1450 Sherwin Ave	Complete (2023)	0	6	13	12	153	184	0	6	13	12	153	184	0
5	65thSt Multi-unit	1225 65th St	Entitled (2022)	0	1	1	2	20	24	0	0	0	0	0	0	24
6	Nellie Hannon Gateway	3600 San Pablo Ave	Construction (2023)	29	30	30	0	1	90	29	30	30	0	1	90	0
Planned & Approved Project Total				29	49	49	26	470	623	29	48	48	24	450	599	24

Site #	Vacant & Underutilized Projects			Site Inventory Goal						Actual Permitted						GAP
	Existing Use	Address	Status	EL	VL	Low	Mod	Mkt	Total	EL	VL	Low	Mod	Mkt	Total	
7	Office Building	5801-5861 Christie Ave	App. Submitted (2022)	0	4	6	7	81	98	0	0	0	0	0	0	98
8	Black and White Market	4053 San Pablo Ave	No Activity	4	4	4	14	38	64	0	0	0	0	0	0	64
9	Bank of America Lot	4100 San Pablo Ave	No Activity	1	1	1	5	13	21	0	0	0	0	0	0	21
10	Former Recreation Site	4300 San Pablo Ave	Entitled (2022)	23	22	22	0	1	68	0	0	0	0	0	0	68
11	East Bay Bridge Shopping Ctr	3839 Hollis St, 3889 Emery St, 3889 San Pablo Ave	No Activity	48	48	48	17	48	801	0	0	0	0	0	0	801

1 2	Powel St Plaza	5701-5795 Christie Ave	No Activity	49	49	49	18	49	818	0	0	0	0	0	0	818
1 3	Site B	1525-1535 Powell St, 5760-5770 Shellmound	No Activity	108	108	108	107	107	538	0	0	0	0	0	0	538
1 4	Christie Ave Sites	5890, 5900 & 6150 Christie Ave	App. Submitted (2023)	60	60	60	60	60	300	0	0	0	0	0	0	300
1 5	US Spring Site	3637 Adeline St	App. Submitted (2021)	29	30	30	0	1	90	0	0	0	0	0	0	90
1 6	Michaels's Site	3991 Hollis St	No Activity	6	6	6	22	60	100	0	0	0	0	0	0	100
1 7	Decathlon Site	3938 Horton St	No Activity	4	4	4	15	41	68	0	0	0	0	0	0	68
1 8	Rug Depot/ Bon Motif	4056 Hubbard St, 4045 Horton St	No Activity	2	2	2	8	24	38	0	0	0	0	0	0	38
1 9	Office Building	5850 Shellmound St	App. Withdrawn (2023)	0	20	10	0	0	30	0	0	0	0	0	0	30
Vacant & Underutilized Project Total				334	358	350	594	1,398	3,034	0	0	0	0	0	0	3,034

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	ANTICIPATED ADU(s) <i>Specific sites for ADUs are not identified in the Housing Element.</i>		0	0	10	10	10	30	0	0	0	0	28	28	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 th 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 th Street	Permitted (2023)							0	0	0	0	1	1	
	1321 40 th Street	Permitted (2023)							0	0	0	0	5	5	
	1231 40 th Street	Permitted (2023)							0	0	0	0	8	8	
	1221 40 th 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 th Street	Permitted (2023)							0	0	0	0	1	1	
	3995 Emery Street	Permitted (2023)							0	0	0	0	2	2	

	Projected						Actual						GAP
	EL	VL	Low	Mod	Mkt	Total	EL	VL	Low	Mod	Mkt	Total	
Planned & Approved Project Total	29	49	49	26	470	623	29	48	48	24	450	599	24

Vacant & Underutilized Project Total	33 4													
Accessory Dwelling Units Total	0	0	10	10	10	30	0	0	0	0	28	28	2	
Total	363	407	409	630	1,878	3,687	29	48	48	24	478	627	3,060	

Housing Successor Annual Report

The Housing Successor Annual Report shows that \$930,065.60 was deposited into the Low- and Moderate-Income Housing Asset fund in Fiscal Year 2022-2023. Expenditures included \$1,788,172.58 on low-income units, \$397,371.69 on very low-income units, and \$2,235,215.73 on extremely low-income units for a total of \$4,420,760.00 on affordable housing development spending. 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). A Request for Qualifications/Proposals (RFQ/P) was issued on all three sites and a developer was selected to redevelop 5890-5900 Christie Avenue and 6150 Christie Avenue.

HOUSING COMMITTEE COMMENTS

On February 7, 2024, the Housing Committee discussed the 2023 Housing Element Annual Progress Report and the 2022/2023 Housing Successor Annual Report and recommended approval of the reports.

PLANNING COMMISSION COMMENTS

The Planning Commission reviewed the report on February 22, 2024 and recommended that the Council approve the report.

FISCAL IMPACT

None.

STAFF COMMUNICATION WITH THE PUBLIC

As noted above, this report was presented to the Housing Committee on February 7, 2024, and the Planning Commission on February 23, 2023.

CONFLICT OF INTEREST

There is no conflict of interest.

CONCLUSION

Staff recommends that the City Council adopt the resolution approving the Emeryville 2023 General Plan Annual Progress Report, including the Housing Element Annual Progress Report and the Housing Successor Report, and authorize submittal to the Governor’s Office of Planning and Research and the California Department of Housing and Community Development.

PREPARED BY:

Navarre Oaks, Associate Planner, and Valerie Bernardo, Community and Economic Development Coordinator

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

A handwritten signature in blue ink, reading "Paul Buddenhagen", written over a horizontal line.

Paul Buddenhagen, City Manager

ATTACHMENTS

1. Draft Resolution
2. 2023 General Plan Annual Progress Report
Development Decisions and Pending Projects in Emeryville in 2023
3. Appendix A - General Plan Annual Implementation Report
4. Appendix B - Housing Element Annual Progress Report
5. Appendix C - Housing Successor Annual Report