



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** June 9, 2020

**TO:** Christine Daniel, City Manager

**FROM:** Jennifer Tejada, Chief of Police  
Chad Smalley, Economic Development and Housing Manager

**SUBJECT:** **Report on Recent Civil Unrest and Resolution Of The City Council Of The City Of Emeryville Approving The Local Business Recovery Program; And Re-Appropriating \$200,000 From The Façade Improvement Program To The Local Business Recovery Program**

### RECOMMENDATION

Staff recommends that the City Council: (1) receive an information report on the recent civil unrest in Emeryville and its impact on the community, and (2) approve a Resolution authorizing the City Manager to implement a grant program to assist local businesses with recovery from the impacts of civil unrest.

### BACKGROUND

On Friday May 29, 2020, the City of Oakland experienced a large crowd of demonstrators in the downtown area. Late into the night and following morning, Oakland experienced mass looting, fires, shootings and assaults on police officers. It was estimated that 8,000 people had been in the Oakland downtown area during the height of the civil unrest.

On Saturday morning, May 30th, Emeryville started receiving information about activity being planned for that evening at Emeryville's retail areas. Based on the information about planned Saturday night events, the Emeryville Police Department (EPD) operations plan was constructed around several primary directives: the protection of life, the protection of free speech and assembly, the safety of officers, and deterrence of criminal activity. In evaluating how best to manage crowd control, EPD staff determined any effort to disperse large crowds, including people focused on criminal behavior, would be measured and not done in a way that would incite a riot or compromise officer safety.

EPD contacted area businesses, informing them of the likelihood of unrest on Saturday evening and encouraged businesses to board up and close early. EPD also strongly suggested that retail centers close their parking areas to provide additional obstacles to entry to the stores. The City Manager authorized the closure of Bay Street (a City public street) as an emergency measure. Many stores were boarded up and many closed early.

Social media posts indicated activity in Emeryville would begin at 7:00 pm on May 30th. EPD staffed additional personnel and requested a County ambulance be assigned to Emeryville, as well as an extra engine from the Alameda County Fire Department. By 7:00 p.m., EPD received its first calls of large crowds gathering at the Target parking lot and at Game Stop. The crowds were focused on criminal activity and specifically looting retail stores. The activity continued into the early morning of May 31<sup>st</sup>. Even after the

active looting subsided, groups of vehicles continued to travel around the City seeking additional stores to loot.

The following was noted during the events of May 30<sup>th</sup>/May 31<sup>st</sup>:

- The crowds were highly mobile and used vehicles to move from one location to another in the commission of criminal activity.
- Sites were rapidly vacated when officers arrived.
- Creating traffic breaks, closing intersections, and blocking vehicle access to parking lots decreased access, and the availability of escape routes.
- Officers' use of restraint, de-escalation strategies, and non-violent conflict resolution practices effectively reduced the risk of injuries to bystanders and officers.

On Sunday morning May 31<sup>st</sup>, members of the City Council were visible in the community assisting with cleaning areas around businesses and interacting with business owners and members of the public. Additionally, the Economic Development and Housing Manager contacted retail center owners and individual businesses to ask them what type of immediate support they needed. Public Works crews delivered plywood to businesses that were unable to obtain any, and supplied barricades for retail center parking lots. Public Works staff contacted Waste Management and asked for dumpsters to be made available to businesses if they needed that support for clean-up.

EPD staff and other City staff collected information about what businesses were impacted and the immediate nature of the damage (e.g. broken windows, broken doors, broken ATM). The initial list is approximately 65 businesses in all major retail centers including: East Bay Bridge Center, Bay Street, Powell Street Plaza and the Public Market. Additionally, the Best Buy, which is in Oakland, was involved. Businesses along San Pablo were also affected, both south and north of the 40<sup>th</sup> Street intersection. While staff does not yet have damage estimates in terms of lost inventory, some businesses lost essentially all their inventory.

There were three incidents where shots were fired during the events of May 30<sup>th</sup>/31<sup>st</sup>. None of these involved EPD. One involved a juvenile who self-admitted to Oakland Children's Hospital, which then notified EPD. EPD learned the incident had occurred in front of the Ashley Furniture store. Another involved shots fired at eight Oakland Police Department officers who were assisting with mutual-aid near the Decathlon store. No one was injured; however, a 17-year-old male was taken into custody. Finally, EPD discovered shot casings in the Verizon store, although no victims were identified.

From Sunday evening May 31<sup>st</sup> through the following week, EPD continued its added patrolling of retail areas and throughout the City. That patrolling included additional traffic controls on some City streets, as well as continued closure of the retail center parking lots at night. While the magnitude of the criminal activity of May 30<sup>th</sup> did not return to Emeryville, a number of attempts on individual businesses continued daily over the

course of the week. The increased presence of PD, coupled with the traffic control plan, deterred further activity.

## **DISCUSSION**

Given the significant and unprecedented deleterious impact of the recent events on retail businesses in Emeryville, staff recommends that the City Council adopt the proposed resolution which would authorize the City Manager to immediately implement a grant program for local businesses affected by the civil unrest. As indicated above, staff believes approximately 65 businesses were affected. However, staff recommends that the grant program provide support for businesses with local gross receipts of \$7.5 million or less, as the larger businesses are likely to have more resources available to recover from the events. Staff believes approximately 45 businesses would be covered if all participated in the program.

As discussed in more detail in the Fiscal Impact section below, staff proposes a total amount of \$200,000 for this effort using funds reallocated from another business support program. Staff proposes to cap the grant amount per business at \$4,000. If 45 businesses all receive the maximum amount, that leaves \$20,000 remaining. Staff proposes to allocate those remaining funds to cover the costs of any building permits that businesses may need for repairs to their buildings resulting from the unrest.

In order to qualify for a grant, a business would need to present evidence of looting related damage from the events of May 30<sup>th</sup>/31<sup>st</sup> and a W-9. An EPD crime report number could suffice as confirmation of loss/damage. City staff would then confirm the information and process the grant payment expeditiously. Many businesses may face delays in obtaining any insurance proceeds. The intent of this program is to provide immediate assistance to help businesses recover and re-open as quickly as possible.

## **FISCAL IMPACT**

Staff proposes to reallocate the \$200,000 already budgeted for Fiscal Year 2020-2021 for the façade grant improvement program (thereby delaying implementation of that program next year) to fund the Local Business Recovery Program. Staff also recommends that the Council authorize the City Manager to accept donations into the Economic Development Fund to support the program.

## **STAFF COMMUNICATION WITH THE PUBLIC**

As noted above, the Economic Development and Housing Manager has been in contact with many businesses and property owners to discuss the immediate impacts of the civil unrest and their anticipated needs in order to recover.

## **CONCLUSION**

Staff recommends that the City Council: (1) receive an information report on the recent civil unrest in Emeryville and its impact on the business community, and (2) approve a Resolution authorizing the City Manager to implement a grant program to assist local businesses with recovery from the impacts of civil unrest and looting.

**PREPARED BY:** Jennifer Tejada, Chief of Police and Chad Smalley, Economic Development and Housing Manager

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



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Christine Daniel, City Manager

**ATTACHMENTS**

- Draft Resolution Approving Local Business Recovery Program