



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** March 16, 2021  
**TO:** Christine Daniel, City Manager  
**FROM:** Charles S. Bryant, Community Development Director  
**SUBJECT:** **Resolution Of The City Council Of The City Of Emeryville Approving The 2020 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 (CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15378)**

### RECOMMENDATION

Staff recommends that the City Council adopt the above-entitled resolution approving the Emeryville 2020 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, not including the Housing Element, in October of 2009. The current 2015-2023 Housing Element was adopted on November 18, 2014 and certified by the California Department of Housing and Community development on January 28, 2015.

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 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's 2017 General Plan Guidelines include a section on General Plan Annual Progress Reports. It suggests describing General Plan Amendments, development decisions, General Plan implementation, Housing Element implementation, and Housing Successor Annual Report. This General Plan Annual Progress Report is organized in response to that section of the General Plan Guidelines. 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 2020 General Plan Annual Progress Report is attached for the City Council's review. This is the eleventh progress report that is measured against the 2009 Emeryville General Plan. It is the sixth General Plan Annual Progress Report that is measured against the 2015-2023 Housing Element. 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 report and detailed in Appendix B. Progress on the other elements, which are contained in the Emeryville General Plan document, is summarized starting on Page 3 of the report and detailed in Appendix A. The Housing Successor Report is summarized starting on Page 8 of the report and detailed in Appendix C.

### **General Plan Annual Progress Report**

General Plan Amendment. There were no amendments to the General Plan in 2020.

Development Decisions. Development decisions made in 2020 included the Planning Commission approval of the Art Center and the City Council approval of the 47<sup>th</sup> Street Homes project.

The San Pablo Affordable Apartments was the first project in the city to be approved under SB 35 and AB 1763. The San Pablo Affordable Apartments at 3600 San Pablo Avenue is considered 100% affordable, consisting of 89 affordable residential units and one resident manager's unit, with a minimum of 3,600 square feet of ground floor commercial space for the Emeryville Citizens' Assistance Program (ECAP).

3600 San Pablo Avenue is within one-half mile of public transit, a location in which AB 1763 allows unlimited density. The base residential density at this location is 50 units per acre, with a bonus density of up to 100 units per acre. The site is about 0.375 acres, which

equates to 19 units at the base density and 38 units at the bonus density. The project was approved with 90 units, which equates to a residential density of 240 units per acre.

The San Pablo Affordable Apartments were granted three concessions from site development standards to make the project financially feasible: unit mix and family-friendly design requirements, open space requirements, and on-site loading. The project was approved with three waivers from City regulations, which otherwise would have had the effect of physically precluding the construction of the development at the densities permitted by the State Density Bonus Law: a waiver for the project to exceed the maximum bonus FAR of 3.0 by 72%, with an approved FAR of 5.22; a waiver of the Neighborhood Retail Overlay and Neighborhood Center Sidewalk Dimensions; and a waiver from courtyard requirements.

Implementation of General Plan Actions. The General Plan includes 79 actions. Of these, 16 were completed before 2020, and the City made progress on 59 in 2020. No progress was made in 2020 on four actions: (1) PP-A-11 locating a new Police Administration facility, (2) UD-A-10 developing new sign regulations, (3) ST-A-6 developing an environmentally preferable municipal purchasing program, and (4) T-A-14 work with transit providers to expand hours of operation, which was not feasible as transit operators reduced service hours and routes in an attempt to adjust to ridership changes due to the COVID-19 pandemic.

## **Housing Element Annual Progress Report**

Housing Development Applications (Table A). In 2020, Planning applications were received for seven development projects that would provide 99 new housing units: eight Accessory Dwelling Units (ADUs) on five different sites, one additional unit on Beaudry Street, and 90 units in the 3600 San Pablo Affordable Apartments. Ninety-eight units were approved, four of which were applied for prior to 2020, and no units were disapproved. The remaining five units' applications were still in process at the end of 2020. These approved projects combined include 51 very low income and 38 low income units, for a total of 89 affordable units.

Entitlements, Building Permits, and Occupancy (Table A2). In 2020, planning approval was granted for two additional units in the existing Bridgecourt apartments, four Accessory Dwelling Units on three different sites, 90 units in the 3600 San Pablo Affordable Apartments, and two new units in a project on 47<sup>th</sup> Street to demolish four existing units and replace them with three duplexes. The City issued five building permits for housing projects for a total for 502 units: 500 of those units are part of four buildings in the Sherwin-Williams development, and two units in the existing Bridgecourt apartments. Certificates of occupancy were issued for three projects providing a total of 165 units: 98 in Avalon Public Market Parcel D, 66 in Avalon Public Market Parcel C2, and one ADU. These projects together include 20 very low income, 30 low income, and 35 moderate income units, for a total of 85 affordable units. One of the Housing Element

programs is to update the housing sites inventory; that update is attached and is discussed below.

Regional Housing Needs Allocation (Table B). The implementation period for the Regional Housing Needs Allocation (RHNA) is from July 1, 2014, to June 30, 2022. Since July 2014, 1,092 dwelling units have received building permits – 73% of the RHNA (1,498 units) at 75% of the implementation period elapsed. Of these, 107 (39% of goal) are very low income units, 58 (27% of goal) are low income units, and 60 (23% of goal) are moderate income units.

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 2015-2023 Housing Element's action program includes 54 programs, many of which are on-going City activities. Progress was made on all but one of these programs (H-6-2-2), which is to provide education and technical assistance to homeowners' associations to keep at least half of their units in ownership to maintain eligibility of the whole complex for FHA loans. While technical assistance was provided to several BMR Homeowners in working with their Condominium Homeowner Association (HOAs), the City will work to develop a program during the next reporting period to re-engage Condominium Homeowner Associations (HOAs) to encourage Owner Occupancy and determine their technical assistance needs.

Updated Site Inventory Map and Approved Developments Table. One of the programs in the Housing Element is to update Figure 4-1, Residential Site Inventory, and Table 4-2, Planned and Approved Residential Developments, of the Housing Element. The update is to show progress on the projects listed in the Housing Element table and new projects that have come up since the Housing Element was adopted. The updated map and table are not part of the Housing Element Annual report that goes to the State.

The map, Figure 4-1, shows both the planned (applications submitted) and approved developments in Table 4-2 (sites 1-12) and the vacant and underutilized residential sites in Table 4-3 (sites 12-21) of the Housing Element. Sites 13-21 of the vacant and underutilized sites listed in Table 4-3 have not progressed to planned projects, so those sites are not listed in the updated Table 4-2. The updated table also shows new sites where residential development has been planned (applied for or) approved since the housing element was adopted (sites 22-32).

In Table 4-2, the Ocean Avenue Townhomes project on Site 5 was originally part of the Baker Metal Live/work Project. These projects are proceeding separately so are listed separately in the table. On the map in the Housing Element, the map numbers for those two sites were inadvertently reversed. The updated map has them located correctly - Site 4, Baker Metal, is shown on 65<sup>th</sup> Street, and Site 5, Ocean Avenue Townhomes, is shown on Ocean Avenue.

## **Housing Successor Annual Report**

The Housing Successor Annual Report shows that \$854,120.73 was deposited into the Low and Moderate Income Housing Asset fund in Fiscal Year 2019-2020. Expenditures included \$5,150.00 on asset management, monitoring and administration; \$2,445.03 on low-income units, \$6,633.31 on very-low income units, and \$3,939.88 on extremely-low income units for a total of \$13,018.22 on affordable housing development spending. The Housing Successor is working on developing three properties: 3602 Adeline, 6150 Christie, and 5890-5900 Christie are in the predevelopment stage. The Estrella Vista at 3706 San Pablo is complete and is now occupied.

## **HOUSING COMMITTEE COMMENTS**

On February 3, 2021, the Housing Committee discussed the updated Housing Element Annual Progress Report and the Housing Successor Report for 2020. The committee recommended approval of the 2020 Housing Element Annual Progress Report and the Housing Successor Report for Fiscal Year 2019-20.

## **PLANNING COMMISSION COMMENTS**

The Planning Commission reviewed the report on February 25, 2021 and voted unanimously to recommend that the City Council approve it.

## **FISCAL IMPACT**

None.

## **STAFF COMMUNICATION WITH THE PUBLIC**

As noted above, this report was presented to the Housing Committee on February 3, 2021, and to the Planning Commission on February 25, 2021.

## **CONCLUSION**

Staff recommends that the City Council adopt the attached resolution approving the 2020 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.

**PREPARED BY:** Navarre Oaks, Associate Planner  
Valerie Bernardo, Housing Coordinator

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



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Christine Daniel, City Manager

**ATTACHMENTS**

- Sites Inventory Update
- Draft Resolution
- 2020 General Plan Annual Progress Report
  - Appendix A:
    - Development Decisions and Pending Projects 2020
    - General Plan 2020 Implementation
  - Appendix B: Housing Element Annual Progress Report Tables
  - Appendix C: Housing Successor Annual Report Summary