



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: March 15, 2022
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 2021 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 accompanying this report that approves the Emeryville 2021 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, 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.

Government Code section 65302(h), states that, after 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. The City of Emeryville has not amended two or more elements since 2018, and only anticipates updating the Housing Element in the near future.

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 OPR 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 2021 General Plan Annual Progress Report is attached for the Council's review. This is the twelfth 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 4 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 2021.

Development Decisions. Development decisions made in 2021 included Planning Commission approval to convert a first-floor garage into two additional bedrooms for a ground-floor unit in an existing duplex at 1017 47th Street, a 24 unit residential development at 1225 65th Street, a Final Development Plan for the Emeryville Center of Innovation consisting of four new laboratory buildings and a parking structure to build out

the former Novartis property in conformance with the Chiron Planned Unit Development, and a Final Development Plan for the adaptive reuse of a former office building for research and development as part of the Sherwin Williams Planned Unit Development. The City Council approved the demolition of two existing uninhabitable residential structures and replacement of them with two new residential structures at 1270 64th Street, and the constructing of four new units and demolition of four existing units at a site that was previously approved to add additional floor area to an existing four-unit residential building at 1271 64th Street. Staff approved five accessory dwelling units (ADUs) on five separate sites in the eastern residential neighborhoods.

Implementation of General Plan Actions. The General Plan includes 79 actions. Of these, 16 were completed before 2020, and the City made progress on 57 in 2021. No progress was made in 2021 on six actions: (1) PP-A-11 locating a new Police Administration facility; (2) PP-A-4 Coordinate greenway creek improvements and water features with community; (3) UD-A-10 developing new sign regulations; (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; (5) CSN-A-5 a trail at the Emeryville Crescent has not been studied yet; and (6) while sites have been identified for farmers' markets in the past, in part due to COVID, no farmers' markets were held in Emeryville in 2021.

Housing Element Annual Progress Report

Housing Development Applications (Table A). In 2021, Planning applications were received for seven development projects that would provide 24 new housing units: five Accessory Dwelling Units (ADUs) on five different sites, one additional unit on 55th Street, and 18 units at Public Market Parcel F. Five units were approved, and no units were disapproved. The remaining two project applications were still in process at the end of 2021. The approved projects include five above moderate income housing units.

Entitlements, Building Permits, and Occupancy (Table A2). In 2021, planning approval was granted for twelve projects, including seven Accessory Dwelling Units on seven different sites, additional units in a project on 47th Street and Beaudry Street, 24 units in the 1225 65th Street project, and 6 replacement units on two projects along 47th Street. The City issued six building permits for housing projects for a total for 193 units: 186 of those units are part of the Bayview Emeryville project, three units at the Ocean Townhomes project, three Accessory Dwelling Units at various sites and one additional unit on Beaudry Street. Certificates of occupancy were issued for two projects providing a total of 59 units: 58 in The Intersection project (a 105-unit project of which a portion are in Oakland), and one additional unit on Beaudry Street. These projects together include 11 low-income 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, 1,276 dwelling units have received building permits – 85% of the RHNA (1,498 units) at 75% of the implementation period elapsed. Of these, 115 (41% of goal) are very low income units, 49 (23% 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 attempt 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 13-19 and 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 22-36).

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 65th Street, and Site 5, Ocean Avenue Townhomes, is shown on Ocean Avenue.

Figures 4-1 and 4-2 do not include accessory dwelling units (ADUs). Since 2016, when the City received its first ADU application, a total of 13 applications for 16 ADUs have been received, all of which have been approved. Three units are currently under

construction and two have received certificates of occupancy. For the first time, an ADU tracking sheet is attached to this report.

Housing Successor Annual Report

The Housing Successor Annual Report shows that \$864,558.24 was deposited into the Low and Moderate Income Housing Asset fund in Fiscal Year 2020-2021. Expenditures included \$5,200.00 on monitoring and administration; \$254,646.89 on low-income units, \$163,692.54 on very-low income units, and \$182,169.17 on extremely-low income units for a total of \$600,508.60 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 project at 3706 San Pablo is complete and is now occupied.

HOUSING COMMITTEE COMMENTS

On February 2, 2022, the Housing Committee discussed the 2021 Housing Element Annual Progress Report, and the Housing Successor Report for 2021. The committee recommended approval of the Housing Element Annual Progress Report and the Housing Successor Report.

PLANNING COMMISSION COMMENTS

The Planning Commission reviewed the report on February 24, 2022. The Commission asked for clarity on the General Plan actions that did not have any progress made on them in 2021. Staff stated that no progress was made on those six items either due to COVID, lack of staffing, or competing priorities. The Commission thanked staff for all of the progress made in the City over the past year and unanimously recommended that the report be forwarded to the City Council for approval. There were no comments from the public.

FISCAL IMPACT

None.

STAFF COMMUNICATION WITH THE PUBLIC

As noted above, this report was presented to the Housing Committee on February 2, 2022, and to the Planning Commission on February 24, 2022.

CONCLUSION

Staff recommends that the City Council adopt the attached resolution approving the Emeryville 2021 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:**



Christine Daniel, City Manager

ATTACHMENTS

- Sites Inventory Update
- Draft Resolution
- 2021 General Plan Annual Progress Report