



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: March 21, 2023
TO: Paul Buddenhagen, City Manager
FROM: Charles S. Bryant, Community Development Director
SUBJECT: **Resolution Of The City Council Of The City Of Emeryville Approving The 2022 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 that approves the Emeryville 2022 General Plan Annual Progress Report, including the Housing Element Annual Progress Report and the Housing Successor Report, and authorizes submission 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 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 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 2022 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 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. Consequently, this will be the last year that the Housing Element Annual Report will assess progress on the 2015-2023 (5th Cycle) Housing Element; next year's report for 2023 will assess progress on the 2023-2031 (6th Cycle) 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. Aside from the adoption of the 2023-2031 (6th Cycle) Housing Element, there were no amendments to the General Plan in 2022.

Development Decisions. In 2022, the City Council approved the EmeryStation Overland project which includes 300,000 square feet of office/lab space and a 496-space vehicular parking structure. The Planning Commission approved, and construction began, on the Bay Street Grocery Store which includes 48,500 square feet of retail grocery space and roof top parking, as well as a pedestrian plaza re-design and separated bike paths. The Commission also approved a new Final Development Plan for a 432,158 square foot Research and Development building, a 5,182 square foot “pavilion” building accommodating retail space and long-term employee bicycle parking, and a new vehicular parking garage with 707 spaces on Parcels A and B of the Marketplace Redevelopment Project. In addition, the Commission approved the conversion of an existing single unit building at 1291 55th Street into two units. The City’s second project processed under SB 35 was approved administratively by the Community Development Director for a 68-unit intergenerational 100% affordable rental housing project at 4300 San Pablo Avenue, one of the sites identified in the Housing Element as vacant or under-utilized. Staff approved nine accessory dwelling units (ADUs) on eight separate sites, primarily in the eastern residential neighborhoods. Two of these ADUs resulted from converting a former ground floor retail space.

Implementation of General Plan Actions. The General Plan includes 79 actions. Of these, 16 were completed before 2021, and the City made progress on 58 in 2022. No progress was made in 2022 on only five actions: (1) PP-A-11 locating a new Police Administration facility; (2) PP-A-4 coordinating greenway creek improvements and water features with community; (3) UD-A-10 developing new sign regulations; (4) CSN-A-5 studying a trail at the Emeryville Crescent; and (5) ST-A-7 identifying farmers’ market sites (no farmers’ markets were held in Emeryville in 2022, although sites have been identified in the past).

Housing Element Annual Progress Report

Housing Development Applications (Table A). In 2022, planning applications were received for sixteen development projects that would provide 240 new housing units through the development of thirteen Accessory Dwelling Units (ADUs) on nine different sites, 94 units at 5801 Christie Avenue, 68 units at 4300 San Pablo Avenue and 54 units at 9 Anchor Drive. Seventy-seven units were approved, and no units were disapproved. Six project applications were still in process at the end of 2022¹. The approved projects include 67 very low income-housing units and 10 above moderate-income housing units.

Entitlements, Building Permits, and Occupancy (Table A2). In 2022, planning approval was granted for ten projects that would provide 78 new housing units, including 9 Accessory Dwelling Units on eight different sites, an additional unit at 1291 55th Street, and 68 units at 4300 San Pablo Avenue. The approved projects include 67 very low income-housing units and eleven above moderate-income housing units. The City issued seven building permits for housing projects for a total for 24 units: 17 of those units

¹ One project withdrew its application prior to the beginning of the next Housing Element Cycle on January 31, 2023.

are part of the Baker Metal Live/Work development, three units at the Ocean Townhomes project, five Accessory Dwelling Units at various sites, and two additional units on 64th Street. The permitted projects include 24 above moderate-income housing units. Certificates of occupancy were issued for seven projects providing 203 units: 194 in The Emery project (aka Sherwin Williams Redevelopment Project), and two Accessory Dwelling Units, 5 units at Ocean Avenue Townhomes, and two additional units at Ocean Lofts. The completed projects include 10 very low-income units, 12 low-income units, 11 moderate income units and 170 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.

Regional Housing Needs Allocation (Table B). The implementation period for the Regional Housing Needs Allocation (RHNA) is from July 1, 2014, to January 31, 2023. Since July 2014, 1,300 dwelling units have received building permits – 87% of the RHNA (1,498 units) have received permits at the time that 99% of the implementation period had elapsed. Of these, 115 (42% 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 has been made on all programs during the planning period, but no action was taken on the following ten programs in 2022, as detailed in Table D: H-1-2-2, H-2-2-3, H-3-1-1, H-3-1-2, H-3-1-4, H-4-2-4, H-4-2-5, H-5-1-4, H-6-2-1 and H-6-2-2.

Commercial Development Bonus Approved (Table E). In 2022, 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 disposed of 4300 San Pablo Avenue to EAH Housing for the development of a 100% Affordable Housing project through a Land Disposition and Development Agreement. This property was identified in the Housing Element Sites Inventory of having a realistic capacity of 18 units, but the project has been entitled for 68 units.

Locally Owned Surplus Sites (Table H). Emeryville has three locally owned sites (3602 Adeline Street, 4300 San Pablo Avenue, and 5890, 5900 and 6160 Christie Avenue) that have been designated Exempt Surplus Land.

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.

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 12-14, 16-19 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 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 20 applications for 24 ADUs have been received, all of which have been approved. Seven units are currently under construction and four have received certificates of occupancy. For the second time, an ADU tracking sheet is attached to this report.

Housing Successor Annual Report

The Housing Successor Annual Report shows that \$932,747.24 was deposited into the Low- and Moderate-Income Housing Asset fund in Fiscal Year 2021-2022. Expenditures included \$368,278.95 on low-income units, \$81,839.77 on very-low-income units, and \$460,348.69 on extremely low-income units for a total of \$910,467.41 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. The Estrella Vista project at 3706 San Pablo Avenue was completed and occupied in 2020.

HOUSING COMMITTEE COMMENTS

On March 1, 2023, the Housing Committee discussed the 2022 Housing Element Annual Progress Report, and the Housing Successor Report for Fiscal Year 2021-2022. 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 23, 2023. The Commission asked for clarity on the General Plan actions that did not have any progress made on them in 2022. Staff stated that no progress was made on those five items either due to COVID, lack of staffing, or because of competing interest. The Commission 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 March 1, 2023, and to the Planning Commission on February 23, 2023.

CONCLUSION

Staff recommends that the City Council adopt the attached resolution approving the Emeryville 2022 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:**



Paul Buddenhagen, City Manager

ATTACHMENTS

- Sites Inventory Update
- Draft Resolution
- 2022 General Plan Annual Progress Report