

RESOLUTION NO. 24-149

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute The First Amendment Of Temporary Emergency Shelter License With Insight Housing For The Use Of Real Property Located At 4300 San Pablo Avenue Extending The License Term To June 1, 2025

WHEREAS, the crisis of homelessness affects every area of Alameda County including Emeryville; and

WHEREAS, on October 30, 2018, the City Council of the City of Emeryville adopted Resolution No. 18-156 declaring a Shelter Crisis pursuant to Senate Bill 850 (Chapter 48, Statutes of 2018 and Government Code §8698.2) and authorizing participation in the Homeless Emergency Aid Program (HEAP); and

WHEREAS, Insight Housing, formerly known as Berkeley Food and Housing Project, has a lengthy and successful history operating shelter and transitional housing facilities for families in the East Bay, including its Veteran's Program and Women's Shelter Program at 2140 Dwight Way, Berkeley; and

WHEREAS, in November 2022, Insight Housing's facility at 2140 Dwight Way was rendered inoperable by a fire; and

WHEREAS, the City-owned property at 4300 San Pablo Avenue (the "Property") was identified as a potential location for Insight Housing's Temporary Emergency Women's Shelter during the rehabilitation of its Dwight Way site; and

WHEREAS, on April 4, 2023, the City Council adopted Resolution No. 23-36, authorizing the execution of the Temporary Emergency Shelter License with Insight Housing for the use of the Property (the "License Agreement"); and

WHEREAS, the License Agreement provides for an initial term commencing April 7, 2023 and terminating December 31, 2023 and for a one-year extension; and

WHEREAS, on December 21, 2023, the City and Insight Housing executed an extension of the License Agreement to June 30, 2024; and

WHEREAS, on July 1, 2024, the City and Insight Housing executed an extension of the License Agreement to December 31, 2024; and

WHEREAS, due to delays in the rehabilitation of Insight Housing's Dwight Way site, an additional extension of the License Agreement is required, and

WHEREAS, the City desires to amend the License Agreement to allow Insight Housing to continue to provide necessary services to the unhoused community, now, therefore, be it

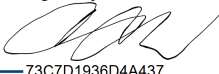
Resolution No. 24-149
Amendment of Insight Housing License for 4300 San Pablo Avenue
City Council Meeting | December 10, 2024
Page 2 of 2

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to execute the First Amendment of Temporary Emergency Shelter License with Insight Housing in substantially the form set forth in Exhibit A attached hereto, for the continued use of real property located at 4300 San Pablo Avenue, extending the term of the License Agreement to June 1, 2025; and be it further

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the City Manager to execute amendments to the First Amendment of Temporary Emergency Shelter License with Insight Housing as may be necessary to effectuate its purpose, provided such amendments do not materially increase the City’s obligations thereunder.

ADOPTED, by the City Council of the City of Emeryville at a special meeting held Tuesday, December 10, 2024, by the following vote:

<p>AYES: 5</p> <p>NOES: 0</p> <p>ABSTAIN: 0</p> <p>ABSENT: 0</p>	<p>Mayor Welch, Vice Mayor Mourra and Council Members Bauters, Kaur and Priforce</p> <hr/> <hr/> <hr/> <hr/>
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Signed by: 
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 MAYOR


ATTEST:

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 CITY CLERK

APPROVED AS TO FORM:

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 CITY ATTORNEY

**FIRST AMENDMENT OF TEMPORARY EMERGENCY WOMEN’S SHELTER
LICENSE**

THIS FIRST AMENDMENT OF TEMPORARY EMERGENCY WOMEN’S SHELTER LICENSE ("**Amendment**") is entered into as of this ____ day of _____, 2024 ("**Effective Date**") by and between the City of Emeryville, a California municipal corporation ("**City**"), and Insight Housing (formerly known as Berkeley Food and Housing Project), a California nonprofit corporation ("**Licensee**"). City and Licensee are sometimes hereinafter referred to individually as "**Party**" and collectively as the "**Parties**."

RECITALS

A. On October 30, 2018, the City Council adopted City Council Resolution No. 18-156, declaring a shelter crisis pursuant to Government Code § 8698.2.

B. Pursuant to Government Code section 8698.2, the City may allow persons unable to obtain housing to occupy designated public facilities during the duration of the state of emergency.

C. The City owns real property commonly referred to as 4300 San Pablo Avenue, Emeryville, CA 94608, and is described in Exhibit A (the "**Property**"). The Property was previously used as a recreational center and is entitled for the construction of an intergenerational affordable housing project but is currently vacant.

D. The City also owns real property commonly referred to as the City Hall Parking Lot, located behind City Hall at 1333 Park Avenue, Emeryville, CA, and is described in Exhibit B (the "**City Hall Parking Lot**"). The City Hall Parking Lot is subject to the Grant Reciprocal Easement dated June 14, 1999 between the Besler Building Owners Association, Inc, and the City of Emeryville Redevelopment Agency (predecessor-in-interest to the City), recorded as Document No. 99221283 in the Official Records of Alameda County.

E. On March 23, 2023, the City Planning Commission adopted Resolution No. UPDR23-002, which approved a temporary emergency shelter for women and office space to provide support services to individuals experiencing homelessness ("**Project**") at the Property, subject to certain conditions, and which finds that the Project is exempt from environmental review under the California Environmental Quality Act ("**Project Approval**").

F. On April 4, 2023, the City Council adopted City Council Resolution No. 23-36, which authorized the execution of that certain Temporary Emergency Women’s Shelter License ("**License Agreement**") by and between the City and Licensee dated April 17, 2023, which provides for Licensee’s use of the Property for the Project.

G. Section 7 of the License Agreement provides that the License Agreement automatically terminates on December 31, 2023, unless the term is extended by the Parties in writing, and that the City Manager may extend the term for up to one year to December 31, 2024, provided such extension is consistent with the Project Approval, as may be amended.

H. On December 20, 2023, the City's Community Development Director approved an administrative modification of the Project Approval, which modification changed the expiration date of the Project Approval specified in UP23-002 Condition of Approval No. I.C from March 23, 2024 to June 30, 2024, pursuant to Emeryville Municipal Code Section 9-7.214.

I. On December 21, 2023, the Parties extended the License Agreement by letter agreement pursuant to Section 7 of the License Agreement from December 31, 2023 to June 30, 2024.

J. On June 27, 2024, the City Planning Commission adopted Resolution No. UPDR23-002/EXTENSION, further modifying the Project Approval, which modification changed the as-amended expiration date of the Project Approval specified in UP23-002 Condition of Approval No. I.C from June 30, 2024 to December 31, 2024.

K. On July 1, 2024, the Parties further extended the License Agreement by letter agreement pursuant to Section 7 of the License Agreement from June 30, 2024 to December 31, 2024.

L. Licensee has requested an additional extension of the License Agreement to a termination date of June 1, 2025.

M. The City desires to provide continued emergency shelter and support services at the Property.

N. The City finds that Licensee is qualified to continue to maintain and operate the Project, consistent with the Project Approval at the Property, and the public interest is served by entering into this Amendment.

AMENDMENT

Section 7 of the License Agreement is amended to read as follows:

7. Term. This Agreement, and the Licenses granted hereunder, shall commence on the Effective Date and automatically terminate on ~~December 31, 2023~~ June 1, 2025, unless the term is extended by the Parties in writing. The City Manager may extend the term for up to ~~one year~~ two months, provided such extension is consistent with the Project Approval, as they exist or may be amended. Sections 9, 14 and 16 survive termination of this Agreement.

**SIGNATURE PAGE TO FIRST AMENDMENT OF TEMPORARY EMERGENCY
WOMEN'S SHELTER LICENSE**

BETWEEN

**CITY OF EMERYVILLE AND
INSIGHT HOUSING, a 501(c)(3) nonprofit**


"CITY"

**CITY OF EMERYVILLE,
a California municipal corporation**

By: _____

Adam Politzer
Interim City Manager

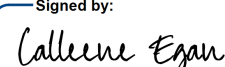
Approved as to form:

By:  _____
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John Kennedy
City Attorney

"LICENSEE"

**INSIGHT HOUSING,
a California nonprofit corporation;**

By:  _____
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Calleene Egan
Chief Executive Officer