



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: September 17, 2019

TO: Christine Daniel, City Manager

FROM: Charles S. Bryant, Community Development Director

SUBJECT: **Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager Enter Into A License Agreement With The East Oakland Community Project (EOCP) For Real Property Located At 4300 San Pablo Avenue, For Use As A Temporary Emergency Family Shelter For A Period Of Up To Twenty-Four Months; And To Sign All Relevant And Necessary Documents Pertaining To The License Agreement (CEQA Determination: Exempt Pursuant To California Government Code Section 8693.4(a)(4) And State CEQA Guidelines Sections 15269(c), 15301, 15303, 15332, And 15061(b)(3))**

RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to enter into a License Agreement with the East Oakland Community Project (EOCP) for real property located at 4300 San Pablo Avenue for use as a Temporary Emergency Family Shelter for up to twenty-four months.

BACKGROUND

The crisis of homelessness affects every area of Alameda County including Emeryville. The City Council has recognized this for a number of years by funding various services and programs including the Family Front Door, the year-round shelter at St. Vincent DePaul (both of which are in partnership with the City of Oakland), and outreach and case management services for unhoused residents of Emeryville through a contract with Berkeley Food and Housing Project. Additionally, on October 30, 2018, the City Council adopted Resolution No. 18-156 declaring a shelter crisis in Emeryville and authorizing the City to participate in the state funded Homeless Emergency Aid Program (HEAP).

The vacant portables at 4300 San Pablo (previously used as a temporary City recreation center) were identified as a possible location for a temporary emergency shelter for families, pending the process to develop that site for affordable housing. The City of Oakland expressed interest in funding the operation of the facility if Emeryville would grant a license agreement for use of the property. As discussed further below, the Planning Commission unanimously approved planning permits for the proposed shelter on August 22, 2019.

DISCUSSION

The proposed License Agreement between the City of Emeryville and the East Oakland Community Project (EOCP) would authorize EOCP to modify the existing portables at 4300 San Pablo Avenue in order to operate a family center providing both an office space for homeless services and a temporary emergency shelter for families. The proposed facility includes offices for the Family Front Door (FFD) which connects homeless families to community resources. Families are first screened by phone and then come to FFD offices by appointment; assessed families are matched to resources as they become available. All families staying at the proposed family shelter will be assessed and assigned through FFD, which will also function as the intake waiting area for the shelter.

The facility will be operated by EOCP, which is a homeless services agency in Oakland that has been providing shelter and services to homeless populations, including families, for almost 30 years. The proposed shelter will provide up to 72 beds designated for 20-25 families with supportive services for these families. Supportive services provided on-site include Early Head Start Home Base, which provides comprehensive home visits to families with children under three years old; support for school aged children through Community Education Partnerships (CEP), which will provide learning and academic enrichment for children living at the shelter; and daytime staffing for adults including on-site housing navigation (case management) and employment support.

Operational Details:

- The proposed shelter will only serve families, defined as one or more adults with at least one child under the age of 18. The targeted length of stay is four to six months, but some families may stay longer while working to obtain permanent housing.
- Staffing: During the day 10 – 12 staff members will be on site. At night, a minimum of two staff members will be on site.
- Hours of operation: the proposed shelter will be staffed 24 hours a day with residential counselors and staff who are awake on overnight shifts. While residents will be able to exit the shelter via the gate on San Pablo Avenue, the shelter will be accessed via the 43rd Street entrance. After 5:00 p.m. everyone will need to enter and exit from the 43rd Street entrance. The FFD offices will have standard hours and operate during the day. The outdoor play area at the rear of the shelter will be available until 8:00 p.m. each night; and the showers located at the rear of the shelter will be available between 6:00 a.m. and 10:00 p.m.
- As the proposed shelter serves families, it will not close during the day. The services described above will be provided during the day, and the large rooms in the building will be used for play and educational spaces.
- Food: no cooking will take place on site. Fresh meals will be delivered twice a day for breakfast and dinner, and bagged lunches will be provided with the delivery of breakfast. A refrigerator and microwave will be available to keep and reheat food.
- Inside the existing portables the proposed shelter will include sleeping areas with personal storage areas for family members; bathrooms; a shared living/dining room; a designated play area/educational space; bathrooms, and laundry.

- Laundry: on-site washers and dryers will be open to residents for the washing of clothes and personal items between 6:00 a.m. and 10:00 p.m. All laundry for the shelter (bedding, towels, etc.) will be handled by an off-site commercial laundry service.
- It is not feasible to incorporate showers into the existing portables. A shower trailer with approximately three shower stalls will be located on the north side of the existing portables and accessed via the existing ramp. The showers will be available for use between 6:00 a.m. and 10:00 p.m.

Site Details:

The following modifications will need to be made to the site and existing building:

- The existing portables will be reused with minimal changes to the existing floor plan. Two windows will need to be changed to meet Building and Fire egress requirements. The new windows will be designed to match the existing windows and will be the only visible changes to the outside of the existing portables.
- As showers cannot be incorporated into the existing portables, a shower trailer with approximately three shower stalls will be located on the north side of the existing portables and accessed via the existing ramp. A portion of the fence along San Pablo Avenue will need to be temporarily removed and replaced to enable the installation of the shower trailer.
- Loading for the daily delivery of meals; weekly delivery of supplies; and commercial laundry service; will take place in the existing loading zone on the 43rd Street side of the property.
- The rear (north) of the property, which is fenced in, will provide a secure outdoor play area that will be open until 8:00 p.m. each day.
- Discards (trash, recycling and compost) will be stored behind a secured fence on the east side of the building accessed by a gate on the 43rd Street side of the property. EOCP has coordinated with the Public Works Department and Waste Management to make sure the proposed location and sizes of receptacles are feasible for storage and pick-up.
- No parking is available on-site. The License Agreement includes an allocation of several spaces in the parking lot behind City Hall for use by EOCP staff. There are sufficient spaces in the lot to support this allocation and this should relieve some of the impacts on the adjacent neighbors. Additionally, the conditions of approval of the planning permit provide that residents must be directed away from parking on 43rd, 41st, Salem, and Essex Streets. Residents will be directed toward Park Street and EOCP has approached the Bank of America about a possible parking arrangement in their lot.

The temporary emergency family shelter is anticipated to operate between 18 – 24 months while the City of Oakland works to identify and develop a suitable permanent facility in Oakland. The term of the License Agreement is twenty-four months. Any extension beyond that would require approval from the City Council. Additionally, the

conditions of approval for the planning permits include the requirement for EOCP to return to the Planning Commission for a permit extension to continue operations for longer than two years.

Planning Commission Review and Approval

The project required the following permits from the Planning Commission:

- Conditional Use Permit for an Emergency Shelter use in the MUR Zone.
- Conditional Use Permit for parking below the minimum requirement.
- Design Review for exterior shower facility and modified windows.
- Exceptions to Standards for Emergency Shelter standards.

A study session was held at the July 25, 2019 Planning Commission meeting and a public hearing was held by the Planning Commission on August 22, 2019. Following the public hearing, the Planning Commission unanimously approved the permits with conditions of approval crafted to address several concerns raised by neighbors of the project. (Planning Commission Resolution No. UPDR19-002.)

The conditions of approval for the Project include:

- a requirement that contact information for both a facility operator and City staff be posted on site at 4300 San Pablo Avenue, and provided to neighbors, so that it is clear who to contact should issues arise;
- that parking be directed away from 43rd Street, Essex Street, Salem Street, and 41st Street and be directed towards Park Avenue;
- that EOCP look into the feasibility of obtaining parking agreements with nearby commercial property owners;
- and that the concerns about noise and vibration from the existing air conditioning units be addressed.

With regard to the noise concerns of the adjacent neighbor about the air conditioning units, staff and EOCP agree that the first step to address noise and vibration from the air conditioning units will be to provide maintenance to reduce humming and vibration. This should significantly improve the situation. In addition, EOCP does not believe that the air conditioning units will need to be run frequently, although this cannot be fully determined until the facility is operating. In order to reduce the need for air conditioning, roof fans will be added to the center rooms to reduce the need for air circulation from the existing units, and fans and windows will be used throughout the building for air circulation and cooling. Should the air conditioning still need to be used, and should their operation still impact the neighbors, then noise baffling panels can be mounted on the exterior of the building around the air conditioning units.

EOCP is ready to proceed with the project once the License Agreement and building permits are approved.

Future Development of the Project Site

A Request for Qualifications/Proposals (RFQ/P) for a low-income senior housing project on the site was approved by the City Council on April 18, 2017 and was issued on April 24, 2017. Subsequently, several affordable housing developers indicated that the General Plan's maximum residential density for the site was uneconomic, and a project would require significant subsidy from the City and/or other sources. The RFQ/P was therefore put in abeyance while staff processed a density increase for the site, which required modifications to the General Plan and Planning Regulations by the City Council upon a recommendation from the Planning Commission. On October 30, 2018 the City Council unanimously approved a resolution amending the General Plan and the first reading of an ordinance amending the Planning Regulations to increase the residential density, floor area ratio (FAR) and height limit to match those across San Pablo Avenue. On November 13, 2018, the Council passed the second reading of the ordinance amending the Planning Regulations, and it took effect on December 13, 2018. On January 15, 2019, the Council reviewed the proposal and directed that the matter be referred to the Housing Committee and Commission on Aging for advice as to whether to include intergenerational housing as a component of the project. The RFQ/P, including intergenerational housing, was reviewed and approved by the Commission on Aging on March 13, 2019, and by the Housing Committee on April 3, 2019.

Another item on the September 17, 2019 City Council agenda recommends the issuance of the RFQ/P. The developer selection, planning entitlement, and building permit processes for such a project would be expected to take about two years, during which time the site may be used for other purposes, such as the proposed temporary emergency family shelter.

ENVIRONMENTAL REVIEW

This project is exempt from environmental review under California Government Code Section 8698.4(a)(4), which applies to actions taken by a City that has declared a shelter crisis to encumber land owned by the City for a homeless shelter; State CEQA Guidelines Section 15269(c), which applies to specific actions necessary to prevent or mitigate an emergency; State CEQA Guidelines Section 15301, which applies to minor alteration of existing structures involving negligible or no expansion of use; State CEQA Guidelines Section 15303, which applies to conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure; State CEQA Guidelines Section 15332, which applies to in-fill development projects; and the "general rule" at State CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment.

FISCAL IMPACT

If approved by the City Council, the City of Emeryville would provide use of its facility for the Temporary Emergency Family Shelter by way of the License Agreement valued at \$1 per year. The operations of the Shelter will be funded by an agreement between EOCP and the City of Oakland.

STAFF COMMUNICATION WITH THE PUBLIC

EOCP held a community meeting to present the proposed project on July 11, 2019 at the Emeryville Center of Community Life and approximately 20 community members attended. EOCP canvassed the neighborhood and sent out a mailer to all properties within 300 feet prior to the community meeting. The Planning Commission held a study session on July 25, 2019 at which four neighbors spoke during public comment. The Planning Commission held a public hearing on August 22, 2019 to consider the planning permits and two members of the public spoke at that time. The Planning Commission unanimously approved the permits for the project.

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



Christine Daniel, City Manager

ATTACHMENTS

- Draft Resolution
- Attachment A - License Agreement