

Adopted December 12, 2022 | Resolution # 22-159

# 2023-2031 Housing Element

City of Emeryville



Estrella Vista Apartments, Artwork by Eric Powell.



Parc on Powell Apartments, Artwork by Therese Lahaie.



City of Emeryville  
CALIFORNIA



# 2023-2031 Housing Element

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## **1. Executive Summary**

The City of Emeryville’s (City) 2023-2031 Housing Element describes housing needs and conditions in the city and establishes goals, policies, and implementation actions to improve future housing opportunities. The Housing Element update serves as an important opportunity to address identified needs and outline strategies to improve the quality of living environments in Emeryville. The Housing Element serves several important functions:

- Assesses the condition of the city’s housing and the housing needs of its residents.
- Establishes a roadmap for accommodating projected housing unit demand for existing and future residents over the next eight years.
- Establishes citywide goals, policies, and implementation actions (programs) related to housing.
- Presents how the City will meet demand for housing at all income levels, per State law.

The City of Emeryville is committed to improving access to safe and high-quality housing for residents across all income levels. The Housing Element lays out the City’s plan for removing barriers to housing production to counter identified housing shortages and helps ensure that the City is planning for its “fair share” of affordable and market rate housing. Promoting a diversity of housing types, increasing the feasibility of development of infill and underused sites throughout the city, and focusing the greatest amount of new housing at all income levels near transit and jobs are some of the strategies needed for the City to meet its housing commitment and continue to affirm that housing is a basic human right for all residents.

### **1.1 Chapter 2. Introduction**

The purpose of the Introduction is to establish the framework of the Housing Element with the following information.

#### **1.1.1 SECTION 2.1 COMMUNITY CONTEXT**

This section includes a brief overview of the city, its location, and its current economic and business climate.

#### **1.1.2 SECTION 2.2 LEGAL CONTEXT**

The 2023-2031 Housing Element is a required “element” or chapter of the City’s General Plan. The Housing Element is intended to achieve several overarching goals, including: Accommodating projected housing demand, as mandated by the State; Increasing housing production to meet this demand; Improving housing affordability; Preserving existing affordable housing; Improving the safety, quality, and condition of existing housing; Facilitating the development of housing for all income levels and household types, including special needs populations; Improving the livability and economic prosperity of all city residents; and Promoting fair housing choice for all.

### 1.1.3 SECTION 2.3 GENERAL PLAN CONSISTENCY

As described in this section, State law requires that the General Plan and all of its elements comprise an integrated, internally consistent, and compatible statement of policies. This Housing Element builds upon the current General Plan and is consistent with its goals, policies, and implementation actions.

### 1.1.4 SECTION 2.4 PUBLIC OUTREACH

This section is a brief overview of the outreach campaign that the City conducted for this Housing Element to gather information regarding housing needs, issues, and preferences in the community. See Appendix B for a detailed summary of the outreach activities and the input that was gathered. Throughout the update process, input was considered and incorporated into the Housing Element.

### 1.1.5 SECTION 2.5 HOUSING ELEMENT ORGANIZATION

The Housing Element is organized as follows:

**Chapter 3. Housing Needs Assessment** – A profile of the community, including an analysis of the city’s population, housing characteristics, employment and income trends, and special housing needs.

**Chapter 4. Potential Constraints** – A review of potential governmental, market, and environmental constraints that may inhibit housing development.

**Chapter 5. Assessment of Fair Housing** – Analyses of segregation, integration, disparities in access to opportunity, and disproportionate housing needs.

**Chapter 6. Housing Resources** – An evaluation of the land, programmatic, and financial resources available to meet Emeryville’s housing needs.

**Chapter 7. Summary of Review of the 2015-2023 Housing Element** – A summary of measures taken to implement policies and programs from the 2015-2023 Housing Element. (Full review in Appendix A.)

**Chapter 8. Goals, Policies, and Programs** – A housing plan with goals, policies, and programs to address Emeryville’s housing needs for the 2023–2031 planning period.

**Appendix A. Review of the 2015-2023 Housing Element** – A full review of measures taken to implement policies and programs from the 2015-2023 Housing Element, including accomplishments toward meeting objectives, and the continued appropriateness of each policy and program for the upcoming planning period. (Summary in Chapter 7.)

**Appendix B. Summary of Public Input** – A description of outreach activities and input from the public and stakeholders on housing needs, issues, and preferences in the community.

**Appendix C. Glossary** – Definitions of key terms used in this document.

## **1.2 Chapter 3: Housing Needs Assessment**

The purpose of the Housing Needs Assessment chapter is to provide a quantification and a descriptive analysis of the City's existing and projected housing needs and the resources available to address these needs. It is a profile of the community, including an analysis of the city's population, housing characteristics, employment and income trends, and special housing needs. Housing needs are determined by a city's population and its existing housing stock. These identified needs are the foundation for the goals, policies, and programs in Chapter 8.

Chapter 3 contains the following information.

### **1.2.1 SECTION 3.1 DATA DESCRIPTION**

A description of the data sources used in the analysis.

### **1.2.2 SECTION 3.2 DEMOGRAPHIC AND HOUSEHOLD CHARACTERISTICS**

This section contains an analysis of population trends and projections; household size and composition; and age, racial and ethnic characteristics.

Key findings include:

- Population projections estimate that Emeryville will almost triple in size between 2021 and 2040, indicating that it must proactively plan for this population expansion.
- The city is demographically diverse, with a 40 percent of the population White non-Hispanic, and 28 percent Asian population, followed by 15 percent Black/African American, and 10 percent Hispanic.
- Only 9 percent of Emeryville's population is aged 19 and younger, a smaller percentage than Albany, Berkeley, and Oakland, where the population aged 19 and younger is approximately a quarter of the total population.
- The overall age composition in Emeryville shifted older between 2010 and 2019.
- Emeryville's median household size is 1.81 people, lower than the regional average.
- The city is a desirable place for households within the labor force age range, yet may not offer adequate housing opportunities for families with children.

### **1.2.3 SECTION 3.3 HOUSING CHARACTERISTICS**

This section evaluates characteristics of Emeryville's existing housing stock, including housing types, household composition, renter and homeowner tenure, availability of vacant units, household and dwelling unit size, and households experiencing overcrowding. This section also analyzes housing age and condition to establish the potential need for renovation and revitalization efforts. Finally, the section identifies affordable units at risk of conversion to market rate and presents options available to retain the units as affordable.

Key findings include:

- Since 2000, predominant housing type development patterns of medium- to high-density housing and mixed-use developments that include housing have resulted in multifamily housing comprising 88 percent of the Emeryville housing stock, the majority of which, 64 percent, are studio and one-bedroom units.
- Of Emeryville's households, 66 percent are renters, well above Alameda County's average of 46 percent, reflecting the prevalence of multifamily units. Renters tend to spend a greater proportion of their income on housing and experience overcrowding at a greater rate compared with homeowners. Community members expressed a desire to create more opportunities for homeownership at all income levels and household sizes.
- As of 2019, the city had a rental vacancy rate of 3.4 percent and a homeowner rental vacancy rate of 1.4 percent. These are relatively low vacancy rates, indicating high demand, which typically results in upward price pressures.
- Although 67 percent of Emeryville's housing stock was built prior to 2000, overall condition is considered well maintained and supported by housing programs to address rehabilitation and repair.
- Two properties have assisted units that are at risk of converting to market rate in the 10-year period from 2021 to 2029. This includes 6 units reserved for households with very low-incomes at Ocean Avenue Court and 41 units reserved for households with moderate incomes at Bakery Lofts I and II. Preservation options typically include: (1) construction of replacement units, (2) transfer of project to nonprofit ownership, (3) provision of rental assistance to tenants using nonfederal funding sources, and (4) purchase of affordability covenants.

#### **1.2.4 SECTION 3.4 ECONOMIC AND INCOME INDICATORS**

This section presents economic and income factors, including employment and unemployment, jobs/housing balance, education, and income characteristics, which establish benchmarks for affordability thresholds, with focused analysis on extremely low-income households the most at risk of displacement.

HUD has defined income categories for purposes of analysis and program qualification. Categories are based on the percentage of area median income (AMI) and are defined as:

- Extremely low income: less than 30 percent of AMI
- Very low income: 30 to 50 percent of AMI
- Low income: 51 to 80 percent of AMI
- Moderate income: 81 to 120 percent of AMI
- Above moderate income: more than 120 percent of AMI

The term "lower-income" is often used to refer to a combined category of all income levels at or below 80 percent of AMI.



Key findings include:

- Jobs/housing ratio of 3.77, more than double that of Alameda County (1.43) and the ABAG region (1.47), indicates a jobs-rich community with a shortfall of housing units.
- Seventy-one percent of Emeryville residents age 25 years and older hold at least a bachelor's degree, which is much higher than Alameda County overall at 47 percent.
- As of 2019, the median household income in Emeryville was \$102,725, which is 47 percent more than it was in 2011 (\$69,724).
- About 35 percent of the households in Emeryville are considered lower income, earning less than 80 percent of the AMI.
- Extremely low-income households earning below 30 percent of the AMI can face great difficulty in securing housing, particularly housing that is affordable and large enough to accommodate the household size. Extremely low-income households face incidences of overpayment and overcrowding and are at a high risk for homelessness. Approximately three-fourths of households with extremely low incomes are renters.

### **1.2.5 SECTION 3.5 HOUSING COSTS AND AFFORDABILITY**

This section includes an assessment of current market rates for rental and ownership units and an evaluation of the affordability of market rate housing for each income category. The section also reports the incidence of overpayment by households in the city. A household is considered to be overpaying for housing and cost burdened if it spends 30 percent or more of its gross income on housing (including a rent or mortgage payment and utility costs). A household is considered severely cost burdened if it spends more than 50 percent of its gross income on housing costs.

Key findings include:

- Without subsidies or rent restrictions to units, most rental and for-sale housing in Emeryville is unaffordable to households with lower incomes but generally within reach for households with moderate incomes.
- Households with lower incomes are far more likely to overpay for housing compared to households with moderate and above moderate incomes, although renters at all levels of income experience overpayment.
- Forty-two percent of renter households experienced a cost burden compared to 29 percent of owner households.

### **1.2.6 SECTION 3.6 SPECIAL HOUSING NEEDS**

Certain groups have greater difficulty in finding acceptable, affordable housing due to special circumstances relating to employment and income, household characteristics, and disabilities, among others. This section describes groups in Emeryville with a range of special housing and supportive service needs, consisting of agricultural workers, large families, female-headed households, the elderly, persons with disabilities and developmental disabilities, and people experiencing homelessness. In addition, analysis of persons living with HIV/AIDS is included because this is a population of concern in

Emeryville. This section also includes several groups that are a particular areas of focus to the City, including families with children, low-income households or families, and seniors. Additionally, the City values supporting the ability of artists, City, and Emery Unified School District (EUSD) employees to live in the city.

Key findings include:

- There are significant housing needs among specific groups, including seniors, people with disabilities, single-parent households, and homeless persons. The community has committed to implementation of programs that emphasize and prioritize the need to house households with children, seniors, artists, and civic employees, as well as a variety of housing types affordable to lower-income households to reduce the risk of displacement and homelessness and to meet and exceed the Regional Housing Needs Allocation (RHNA) at all income levels.
- As of 2019, only 8 percent of Emeryville homes had three or more bedrooms and there were no homes with five or more bedrooms. During outreach activities for the preparation of this Housing Element, community members and Housing Committee members expressed concern that the style, size, and cost of housing in Emeryville is forcing out existing and potential family households.
- As of 2019, 7 percent of Emeryville’s family households (474 families) were female headed, and 46 percent of these female-headed families included children under the age of 18 (216 families).
- Approximately 9 percent of all family households and female-headed households without children were living below the poverty line, and approximately 40 percent of all female-headed households with children were living below the poverty line.
- Out of Emeryville’s adult civilian noninstitutionalized population (11,892 people), approximately 10 percent (1,068 people) had one or more disabilities.
- Findings indicate a higher concentration of persons living with HIV in Emeryville than in the rest of Alameda County. People with HIV and AIDS encounter significant housing problems, similar to those of the elderly and disabled persons.
- The February 2022 homeless point-in-time count found 9,747 homeless persons in Alameda County, an approximately 22 percent increase over 8,022 homeless estimated in the 2019 count. Ninety-one of the 9,747 homeless persons counted in February 2022 were in Emeryville.

### **1.2.7 SECTION 3.7 REGIONAL HOUSING NEEDS ALLOCATION (RHNA)**

In this section, the projected housing needs in the RHNA are described by income categories, as presented by **Table 1-1**.

**Table 1-1. 2023–2031 RHNA by Income Category**

Income Category	Number Of Units	Percentage Of Total
Extremely low <sup>1</sup>	225	14%
Very low	226	14%
Low	259	16%
Moderate	308	19%
Above moderate	797	50%
<b>Total</b>	<b>1,815</b>	<b>100%</b>

Source: ABAG 2023-2031 RHNA, 2021.

<sup>1</sup> Number of units for Extremely Low-Income households was calculated by assuming half of the allocation for Very Low-income households.

## 1.3 Chapter 4. Constraints

The purpose of this chapter is to analyze the factors that encourage or constrain the development, maintenance, and improvement of the housing stock in the city. To address identified constraints, the City has included a number of programs to assist prospective homebuyers with acquiring housing, encourage prospective developers to move forward on development proposals and/or acquire land with funding assistance programs, and explore initiatives to promote construction of accessory dwelling units (ADU). In addition, the City will aim to work with stakeholders to continue to identify nongovernmental constraints or other circumstances that may impede the construction of housing in Emeryville and work collaboratively to find strategies and actions that can eliminate or reduce identified constraints.

Chapter 4 contains the following information:

### 1.3.1 SECTION 4.1 INTRODUCTION

This section provides an overview of the chapter. It lists the types of potential constraints that are reviewed and analyzed in the chapter, including, 1) potential governmental constraints, consisting of: land use and zoning regulations, design review requirements, building code standards, permit processing procedures, development fees, and exactions; 2) environmental and infrastructural constraints; and 3) nongovernmental constraints, such as physical geography, land availability, land cost, construction costs, and market prices, which may also impact the availability and price of housing.

### 1.3.2 SECTION 4.2 POTENTIAL GOVERNMENTAL CONSTRAINTS

This section analyzes land use regulations, which are the policies, standards, requirements, and actions imposed by various levels of government upon land and housing ownership and development, including the general plan, area plans, the municipal code, and zoning districts that accommodate housing; residential development standards and parking requirements; State Density Bonus for Affordable Housing provisions; permits and processing procedures that can add time constraints and contribute to barriers to developing affordable housing; fees and exactions that can add cost constraints that

contribute to barriers to developing affordable housing; site improvement requirements; and local ordinances.

Key findings include:

- The General Plan Densities Map's base densities can be achieved while meeting the requirements of other residential development standards, including setbacks, unit size, parking requirements, and open space, indicating that residential development regulations are not considered a constraint to the provision of housing.
- Without considering density bonuses (to be revised in accordance with recent density bonus law), existing policies allow residential densities ranging from 20 units per acre in the eastern neighborhoods to 85 units per acre in the Powell/Christie core, therefore accommodating higher density development typically required to develop affordable housing.
- If a public benefit can be demonstrated, the City offers bonuses for floor area ratio (FAR), height, and/or residential density. Qualifying community benefits include open space, public improvements, utility undergrounding, zero net energy, small businesses, and "flexible community benefits" such as universal design features beyond those required by applicable building codes, with special emphasis on additional family-friendly (larger) units.
- Emeryville's zoning permit process is generally less time consuming than that of many East Bay cities, with no design or historical review boards. Analysis associated with CEQA can prolong project review, but many projects are eligible for urban infill exemption. However conditional use permits (CUP), depending on complexity, can add to the cost and processing timeline.
- Emeryville is subject to the SB 35 streamlined ministerial approval process for proposed developments with at least 50 percent affordability, and to comply, will establish a written policy or procedure and other guidance as appropriate to promote the streamlining approval process and standards for eligible projects.
- The City collects three development impact fees: Affordable Housing, Parking and Recreation Facilities, and Transportation Facilities. The affordable housing impact fee has a significant impact on rental projects, although school facilities development fees are waived for developments that provide affordable housing set-aside units. Additionally, to relieve any undue burden on developers who are required to provide moderate-income set-aside units under the Affordable Housing Set-Aside Program, the City of Emeryville may subsidize the cost of any traffic fees, building fees, and other City fees applicable to the set-aside units.
- The City has an inclusionary housing ordinance for which it offers a number of options to mitigate potential hardships in compliance. The City also has a short-term rental ordinance. These are not considered a constraint on housing, but have helped the City address critical housing needs.

### **1.3.3 SECTION 4.3 ENVIRONMENTAL CONSIDERATIONS**

This section evaluates the impact of environmental regulations, toxic cleanup programs, noise pollution, and infrastructure availability, which are intended to ensure that housing is safe and appropriate for the community yet may act as barriers to housing production at all income levels and improvement by inhibiting the feasibility of housing projects.

Key findings include:

- Emeryville's environmental concerns are limited to a few areas, primarily toxic contamination from previous industrial uses and intermittent and continual noise. The Brownfield Program to use grant funds to clean up City-owned land and to distribute assessment and cleanup loans to private property owners has been, and will continue to be, instrumental in expediting contamination cleanup.
- Availability of utilities and infrastructure systems is not a constraint to residential development in the city.

### **1.3.4 SECTION 4.4 NONGOVERNMENTAL (MARKET) CONSTRAINTS**

This section reviews factors outside of the City's control that impact the availability of housing, including the macroeconomy wage/cost of living gap, property owner's decisions, land costs and availability of existing vacant or underutilized land resources, home sales costs, and the availability of financing, which can all act as constraints on the development of housing at a range of price points, unit types, and sizes.

Key findings include:

- The typical annual cost of living (including food, utilities, transportation, housing, healthcare, and miscellaneous expenses, excluding state and federal income tax) for a married couple with children is \$128,285. As of 2019, the median household income (for all household sizes) in Emeryville was \$102,725. This indicates that the salaries for many jobs do not match the basic cost of living.
- While the City can allow, facilitate, and encourage housing development, ultimately, the decision to develop a property remains with the property owner.
- Lack of available land (including vacant land and nonvacant land that is suitable for redevelopment) can act as a constraint on the development of housing. Land costs can act as a constraint on the development of housing if a prospective developer sees the land costs as an impediment to developing a profitable product.
- Construction costs, including for materials and labor, can be a financial constraint for a development project.
- The cost and availability of financing from private and governmental sources can impact a developer's ability to develop a multifamily project.

## 1.4 Chapter 5: Assessment of Fair Housing

The purpose of this chapter is meet the Assembly Bill (AB) 686 requirement that all housing elements due after January 1, 2021, contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Furthering Fair Housing (AFFH) Final Rule of July 16, 2015. Under California law, AFFH means “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.” Core elements include analyses of segregation, integration, disparities in access to opportunity, and disproportionate housing needs.

Although displacement of lower income households has not been a significant factor in Emeryville, action measures to address barriers to economic mobility for lower-income residents in the city’s low-resource area have been identified, emphasizing place-based revitalization strategies. Also, though integration of a variety of housing types is necessary throughout the city, low-resource neighborhoods, particularly in the vicinity of San Pablo Avenue, have been identified as priority areas for place-based revitalization and investment. To ensure that racial/ethnic background does not present a barrier to fair housing, the City will continue to partner with regional organizations to ensure underserved populations are made aware of affordable housing opportunities.

Chapter 5 covers the following information.

### 1.4.1 SECTION 5.1 OUTREACH

The first step in complying with this legislation was conducting a community outreach program to ascertain the perspective of housing service providers and the public as to community needs and strategies to address them.

Key findings include:

- Fair housing provider feedback identified disability-related fair-housing violations as the issue they encounter most.
- A fair housing provider communicated that their organization has received an increasing number of complaints from low- and moderate-income homeowners who are struggling to maintain and improve their older households, indicating potential displacement risk.
- Public survey and workshop respondents favored:
  - Improving housing choice thorough improvements to the below market rate (BMR) program, creation of an inclusionary housing program for BMR rental units, and the acquisition of additional affordable housing in mixed income developments.
  - Supporting place-based conservation and revitalization through targeted investment in areas of most need to improve community assets, social service programs, parks, streets, active transportation, and infrastructure.
  - Implementing anti-displacement efforts such as fair housing counseling, rent review board and/or mediation, foreclosure assistance, and multilingual tenant legal counseling services.

### 1.4.2 SECTION 5.2 ASSESSMENT OF FAIR HOUSING ISSUES

The purpose of this section is to analyze racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs, including displacement risk. California Tax Credit Allocation Committee (TCAC) and California Department of Housing and Community Development (HCD) have developed annual maps of access to resources such as high-paying job opportunities; proficient schools; safe and clean neighborhoods; and other healthy economic, social, and environmental indicators to provide evidence-based research for policy recommendations. This effort has been dubbed “opportunity mapping” and is available to all jurisdictions to assess access to opportunities within their community. TCAC/HCD categorized census tracts into high, moderate, or low-resource areas based on a composite score of economic, educational, and environmental factors that can perpetuate poverty and segregation, such as school proficiency, median income, and median housing prices.

Key findings include:

- According to the HCD/TCAC Opportunity Map (**Figure 5-1**), the southeast portion of the city (which includes the San Pablo Corridor, Triangle, and East BayBridge neighborhoods), are considered low-resource areas, while the rest of the city’s neighborhoods are considered moderate-resource areas.
- The low-resource area has the highest percentage of Housing Choice Voucher (HCV) use.
- The majority of the city’s 100% affordable housing was constructed in the last two decades and is concentrated along San Pablo Avenue, which runs north-south through the city’s low-resource area. However, this concentration occurred organically because more sites of adequate size were available in that location at a time when funding for affordable housing was available. Transit availability helped ensure project funding for these affordable housing projects on separate applications.

### 1.4.3 SECTION 5.3 PATTERNS OF INTEGRATION AND SEGREGATION

The purpose of this section is to assess patterns of segregation and integration, including: historic segregation patterns, diversity, median income, poverty status, female-headed households, and persons with a disability.

Key findings include:

- Like other cities in the East Bay, Emeryville was rated a "D" (hazardous) by the Federal Home Owners Loan Corporation, a discriminatory practice to guide investment referred to as redlining. However, unlike other cities in the East Bay that had significant residential development prior to and while redlining was common, Emeryville was primarily industrial during this time. Thus, redevelopment of the city to residential uses predominantly occurred on formerly industrial sites. However, homeownership opportunities available to families of color within Emeryville would not appreciate in value in the same way that homes in white neighborhoods would, continuing the disparity of wealth and depressing investment in Emeryville neighborhoods.

- Redevelopment of former industrial properties, supported by Emeryville’s policy to remove the responsibility of individual developers to remediate potential groundwater contamination, has served as the principal means of the provision of housing at all income levels.
- Emeryville continues to support mixed-income neighborhoods through maintaining housing affordable to moderate- and lower-income households in addition to housing affordable to above moderate households, which may have been a significant contributor to preventing displacement in Emeryville.
- The City’s efforts to adopt progressive homeowner lending protection housing legislation as well as foreclosure and eviction rights and protections have worked to protect Emeryville’s marginalized homeowner and renter communities in areas experiencing gentrification, including for a growing Black population. However, over the past two decades, significant increases in rental and sale asking prices continue to disproportionately affect communities of color.
- Emeryville’s neighborhoods within moderate-resource areas show concentrations of predominantly Asian and White non-Hispanic neighborhoods. As of 2019, Whites are the predominant population in the rest of Emeryville; however, the city’s oldest residential neighborhoods, including the moderate-resource neighborhoods between Doyle Street and Vallejo Street and the city’s low-resource area have the highest proportion of Black populations.
- The City does not contain any racially or ethnically concentrated areas of poverty (R/ECAPs) or racially concentrated areas of affluence (RCAAs). There is one census tract containing a concentration of persons experiencing poverty in Emeryville, although this was not a historically redlined neighborhood. The concentration of persons experiencing poverty is likely associated with the existence of a majority of the city’s affordable housing constructed in the last two decades in the vicinity of San Pablo Avenue, which, due to the proximity to transit and social services, allowed the projects to receive funding.
- There is a concentration of female-headed households in the city’s low-resource area.

#### **1.4.4 SECTION 5.4 ACCESS TO OPPORTUNITY**

This section discusses the contributing factors to the TCAC/HCD Opportunity Area designations, including educational opportunities, employment opportunities, mobility, housing for persons with disabilities, and environmental health.

Key findings include:

- While the city’s schools are located in the low-resource area where residents are expected to have the least positive outcomes for educational attainment, all students in Emeryville have access to the same public schools. Therefore, any differences in observed educational attainment may be due to differing poverty levels and/or other factors rather than access to schools.
- Prevalence of poverty is the most significant difference between low and moderate employment opportunities resource areas in Emeryville. Notably, low-wage workers across Emeryville, including the city’s low-resource areas, benefit from close job proximity based on HUD’s job proximity index.



- Emeryville residents have access to a variety of public transit options providing convenient connection within the city and across the Bay Area. Also, the City offers numerous paratransit options for seniors and persons with disabilities as an alternative to the standard public transit lines through the Emeryville Senior Center.
- Although there are a number of housing options available to lower-income persons with disabilities in Emeryville, participants of the community surveys and live polling during a community workshop identified that supporting affordable and senior housing developers was the most important housing objective for the City.
- Based on CalEnviroScreen 4.0—a tool that uses environmental, health, and socioeconomic indicators to map the potential for long term health impacts from environmental conditions—several census tracts in Emeryville qualify as disadvantaged communities (DAC). The DACs in Emeryville are in the East Baybridge, San Pablo Corridor, and Triangle neighborhoods.

### **1.4.5 SECTION 5.5 DISPROPORTIONATE HOUSING NEED AND DISPLACEMENT RISK**

This section includes an analysis of households experiencing overcrowding and overpayment, housing conditions, and persons experiencing homelessness.

Key findings include:

- Overcrowding is not a significant issue in Emeryville, likely due to the majority of nonfamily households and prevalence of one- to two-bedroom housing units.
- Almost 75 percent of lower-income households are cost burdened, and a majority of very low-income households are severely cost burdened.
- Emeryville residents largely do not experience substandard housing, reflecting the findings by the Building Department that only a very small proportion of homes in older neighborhoods are in need of repair or rehabilitation.
- The February 2022 homeless point-in-time count found 9,747 homeless persons in Alameda County, an approximately 22 percent increase over 8,022 homeless estimated in the 2019 count. Ninety-one of the 9,747 homeless persons counted in February 2022 were in Emeryville.

### **1.4.6 SECTION 5.6 ENFORCEMENT AND OUTREACH CAPACITY**

As described in this section, the City enforces fair housing and complies with fair housing laws and regulations through a twofold process: review of City policies and code for compliance with State law and referring fair housing complaints to appropriate agencies.

Key findings include:

- Emeryville residents are served by multiple fair housing service providers, including Eden Council for Hope and Opportunity (ECHO) Housing. ECHO provides housing counseling services and tenant/landlord services, conducts fair housing investigations, and operates periodic fair housing audits throughout Alameda County, Contra Costa County, and Monterey County,

including unincorporated areas. Additionally, ECHO provides counseling and assistance for first-time homebuyers and lower-income households seeking housing.

- Among East Bay cities, per capita, Emeryville has the highest number of fair housing inquiries received by ECHO.
- In Emeryville, of fair housing complaints reported to ECHO, those based on disability status and race were the most common.
- In Emeryville, of fair housing cases reported to ECHO, resolution through counseling was the most common result.
- The City demonstrates compliance or intention to comply with fair housing and other related laws.

### **1.4.7 SECTION 5.7 SITE INVENTORY ANALYSIS**

This section analyzes the location of sites by distribution of projected units by income category, in relation to fair housing indicators, including: TCAC/HUD opportunity areas, median income, predominant population, disability rates, educational score, environmental health, and overpayment.

Key findings include:

- Of the City's 21 identified housing opportunity sites, one site will support all above moderate-income units and three sites will support all lower income units. All other sites are assumed to support a mixture of units within low, moderate, and above moderate income categories.
- Residents across the city experience similar access to economic mobility and environmental conditions. While the distribution of units at each affordability level will not create a discrepancy in access or perpetuate existing barriers to access, the City has identified programs to support access to economic mobility and positive environmental conditions.
- Access to proficient schools is not a differing factor between resource areas in Emeryville. Poverty status has been determined to be the most important factor to improve in order to address discrepancies in access to educational attainment, therefore suggesting that introducing additional lower income units in moderate-resource areas is a key housing mobility strategy for improving educational opportunity for lower income households.
- Situating the majority of lower- and moderate-income units in the city's moderate-resource areas is a key housing mobility strategy to provide more opportunity for communities of color.
- Approximately 62 percent of the lower-income unit capacity is identified in areas with lower poverty rates and where the median income exceeds \$87,100, while construction of lower-income units in existing higher poverty areas will help to alleviate existing patterns of overpayment and encourage place-based revitalization by redeveloping underutilized parcels and providing new, safe housing.
- Locating units affordable to lower- and moderate-income residents in and around the mixed-use commercial centers in moderate-resource neighborhoods will help to improve access for and accommodate the needs of persons living with disabilities, who benefit from close access to services, amenities, and transit. It affirmatively furthers fair housing by increasing the supply of

lower income housing citywide rather than reinforcing the concentration of persons with disabilities.

- Development on land-inventory sites are expected to be mixed income with the intent of increasing the supply of affordable housing citywide for all income categories, thus reducing risk of displacement due to overpayment for all Emeryville residents, particularly in low-resource areas with the highest rates of overpayment.

### **1.4.8 SECTION 5.8 CONTRIBUTING FACTORS**

This section summarizes factors that contribute to fair housing issues in Emeryville identified through discussions with stakeholders, fair housing advocates, and this assessment of fair housing issues—including listing the four strategies and associated programs that the City committed to in order to affirmatively further fair housing.

- The most pressing issues are the prevalence of poverty, which can impact educational attainment and economic mobility; patterns of concentration of lower-income households, including female-headed households; and higher rates of overpayment, predominantly represented in the city's low-resource areas.
- Additional housing issues identified include a concentration of female-headed households in low-resource area, shortage of larger housing units affordable to lower income households, lack of permanent housing options for extremely low income households, limited access to outdoor spaces, proximity to environmental hazards such as air pollution, fair housing cases alleging discrimination on the basis of disability, cost of repairs or rehabilitation especially for older housing units, lack of landlord education on fair housing laws and requirements, and limited affordable housing appropriately designed for persons with disabilities.

## **1.5 Chapter 6. Housing Resources**

The purpose of this chapter is to describe the land resources as well as financial and administrative resources available to support the continued development, preservation, and rehabilitation of housing in Emeryville. The chapter includes a summary of vacant and underutilized land that is suitably zoned and available within the planning period to meet the Regional Housing Needs Allocation (RHNA), as well as a list of federal, state, and local programs and other resources that provide support to the City in meeting its housing goals.

Chapter 6 covers the following information.

### **1.5.1 SECTION 6.1 PROGRESS TOWARD RHNA**

This section provides a parcel-specific inventory of suitable and appropriately zoned sites for the provision of housing for all income categories, reviews sites subject to the provisions of Assembly Bill 1397, identifies how the land inventory will meet lower-income housing need, provides an overview of planned and approved residential projects, and analyzes the development capacity of vacant and underutilized sites.

Relevant findings include:

- Emeryville has ample sites available to facilitate new housing development, meet identified housing production targets in the RHNA as presented in **Table 1-2**, and accommodate 150 percent of the RHNA, at each income level. All identified sites are adequately served by transit, services, infrastructure, and amenities.

**Table 1-2. Capacity to Accommodate the 2023–2031 RHNA**

Income Category	RHNA	150% of RHNA	Planned and Approved Residential Developments <sup>1</sup>							Vacant Sites <sup>2</sup>	Under-utilized Sites <sup>2</sup>	Anticipated ADUs	Progress towards RHNA	Surplus at 100% of RHNA	Surplus at 150% of RHNA
			Baker Metal Live/ Work	Anton Evolve AKA Bayview Emeryville Apartments (the Nady site)	The Emery (Sherwin Williams) Building C	The Emery (Sherwin Williams) Building D	65th Street Multi-Unit Residential Project	Nellie Hannon Gateway	Planned and Approved Total						
Extremely Low	225	338	-	-	-	-	-	29	29	168	166	0	363	138	25
Very Low	226	339	-	8	4	6	1	30	49	168	190	0	407	181	68
Low	259	389	-	-	5	13	1	30	49	168	182	10	409	150	20
Moderate	308	462	-	-	12	12	2	-	26	167	427	10	630	322	168
Above Moderate	797	1,196	17	178	101	153	20	1	470	167	1,231	10	1878	1081	682
<b>Total</b>	<b>1,815</b>	<b>2,723</b>	<b>17</b>	<b>186</b>	<b>122</b>	<b>184</b>	<b>24</b>	<b>90</b>	<b>623</b>	<b>838</b>	<b>2,196</b>	<b>30</b>	<b>3,687</b>	<b>1,872</b>	<b>963</b>

Sources: Association of Bay Area Governments 2023–2031 Regional Housing Needs Allocation, 2021; City of Emeryville Planning and Building 2021.

<sup>1</sup> Planned/approved sites capacity and affordability levels are based on specific development proposals or permitted development plans. See site descriptions in section 6.1.3 for more details.

<sup>2</sup> Vacant/underutilized capacity is calculated using base allowed density, adjusted in most cases to 80 percent of the base maximum in consideration of potential site constraints and anticipated mixed-use development. While not counted here, densities above base allowed are achieved with bonus points for community benefits, which is common in Emeryville. The number of units that are appropriate for the lower-income RHNA is based on density and the City's inclusionary requirements. In accordance with the state's default density provision, sites with densities of 20 or more units are assumed to accommodate lower-income housing development. All sites in Emeryville that allow residential uses meet the default density requirement. Additionally, Emeryville's inclusionary housing requirement typically requires 18 percent of units to be reserved as affordable.

### **1.5.2 SECTION 6.2 ADDITIONAL OPPORTUNITIES FOR RESIDENTIAL DEVELOPMENT AND AFFORDABLE HOUSING**

As described in this section, Emeryville has a strong track record of developing housing and creating affordable housing in addition to those units identified in its Housing Element Site Inventory by:

- Adding accessory dwelling units (ADU).
- Increasing the density of developed properties in the RM and Mixed-Use zones by adding more dwelling units.
- Using unique opportunities to increase affordable housing, such as preservation of existing units.

Despite the City's proven track record of adding residential units (particularly affordable units) by these methods, in an effort to maintain a conservative count and methodology for RHNA, the only types of these units that are included in **Table 6-1**, Capacity to Accommodate the 2023–2031 RHNA, are ADUs.

### **1.5.3 SECTION 6.3 ENVIRONMENTAL CONSIDERATIONS**

This section analyzes toxic cleanup and hazards that may impact the feasibility of development. Hazards analyzed include tsunamis, liquefaction, sea-level rise, landslides, and floodplains. None of the hazards were found to preclude development on the sites in the inventory.

### **1.5.4 SECTION 6.4 FACILITIES AND INFRASTRUCTURE**

This section provides an overview of how infrastructure, including water supply, wastewater treatment, and dry utilities, can affect the provision of housing. All sites in the inventory have access to facilities and infrastructure, adequate water and sewer, and dry utilities. Where there is insufficient localized capacity to serve proposed development, upgrades or installations are required as conditions of project approval.

### **1.5.5 SECTION 6.5 REPRESENTATIVE PROJECTS**

This section presents examples of projects on sites with similar conditions as those in the land inventory to show that Emeryville has a strong track record for the type of development envisioned in the Housing Element. As a small urban community, the City of Emeryville is uniquely skilled in the review and facilitation of nonvacant and small sites because nearly all development in the city takes place on nonvacant and small sites. The City's General Plan and Planning Regulations are designed with redevelopment in mind generally, and particularly dense, urban redevelopment. The City's permitting process for development is streamlined and minimizes the number of public meetings required to issue development permits, and the City does not have a separate design review board, no historic districts, and no special commissions/committees with land use or development approval authority. Additionally, with regard to affordable housing, the City has significant financial resources available to facilitate redevelopment.

## 1.5.6 SECTION 6.6 FINANCIAL AND ADMINISTRATIVE RESOURCES

This section presents financial and administrative resources available to support the continued development, preservation, and rehabilitation of housing in Emeryville.

Significant City programs include:

- The City's 2021 Affordable Housing Bond Administration and Expenditure Plan describes how the City will leverage:
  - Physical resources (four properties), including housing successor assets and City-owned assets.
  - Financial Resources, including Measure C Affordable Housing Bond Funds, Low- and Moderate-Income Housing Asset Funds (LMIHAF), Affordable Housing Fund, Affordable Housing Impact Fee, and Measure A1 (Alameda County). These total approximately \$64,000,000 in financial resources.
  - Of particular significance, the object and purpose of issuing Measure C bonds is to finance the costs of providing and/or enhancing the acquisition or improvement of real property to provide affordable housing for extremely low-, very low-, low-, and middle-income individuals and families, including vulnerable populations, thus addressing fair housing barriers experienced by these populations.
- The City adopted a Homelessness Strategy in 2018 that is designed to provide financial resources to address the problems of homelessness in Emeryville and to work with existing funders, providers, and neighboring jurisdictions to provide a coordinated response to homelessness, and a Residential Landlord and Tenant Relations Ordinance in 2017 to ensure the rights and stability of tenants residing in Emeryville are protected, with identified supporting funding resources.

The administrative and financial resources described in this section include:

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>• <b>Emeryville's Programs and Financing</b><ul style="list-style-type: none"><li>○ Homeless Prevention and Mitigation Programs</li><li>○ Tenant Protection Policies and Programs</li><li>○ Affordable Housing Bond Administration and Expenditure Plan</li><li>○ Below Market Rate Ownership Program</li><li>○ First-time Homebuyer Loan Program</li><li>○ Housing Rehabilitation Program</li></ul></li></ul> | <ul style="list-style-type: none"><li>• <b>Regional Programs and Financing</b><ul style="list-style-type: none"><li>○ Alameda County Mortgage Credit Certificates</li><li>○ Alameda County Down Payment Assistance Program</li><li>○ Measure A1</li><li>○ Renew AC</li><li>○ AC Secure</li><li>○ County's Affordable Housing Portal</li><li>○ Priority Area Designation</li></ul></li><li>• <b>State and Federal Financing Sources</b><ul style="list-style-type: none"><li>○ Affordable Housing and Sustainable Communities (AHSC)</li></ul></li></ul> |
|--|---|

- Alameda County Measure A-1 Housing Bond
- CalHOME
- California Emergency Solutions and Housing (CESH)
- Community Development Block Grant (CDBG)
- Farmworker Housing Grant Program (FWHG)
- Golden State Acquisition Fund (GSAF)
- HOME American Rescue Plan Program (HOME-ARP)
- HOME Investment Partnership Program
- Homekey
- Housing Choice Voucher (HCV)
- Infill Infrastructure Grant Program (IIG)
- Lead Based Paint & Lead Hazard Control (LBPLHC)
- Low Income Housing Tax Credits (LIHTC)
- Multifamily Housing Program (MHP)
- National Housing Trust Fund
- No Place Like Home
- Permanent Local Housing Allocation (PLHA)
- Project Based Vouchers (PBV)
- Veterans Housing and Homelessness Prevention Program (VHHP)
- **Nongovernmental Resources**
  - Developers
  - Lenders
  - Advocacy Organizations

### 1.5.7 SECTION 6.7 OPPORTUNITIES FOR ENERGY CONSERVATION

This section discusses programs maximizing energy efficiency, incorporating green building features into new and existing buildings, and reducing dependence on automobiles that reduce costs for homeowners and renters and improve community health. The City promotes energy and resource efficiency by providing education and referrals to resources and financing programs at City Hall and on the City's website, encouraging transit use and facilitating compact mixed-use development through land use policies and development standards, and implementing green building standards through the California Green Building Code.

## 1.6 Chapter 7. Achievement of 2015-2023 Housing Goals

This chapter summarizes the City's achievements in implementing the goals, policies, and programs from the 2015–2023 Housing Element. The City made significant progress in addressing housing needs through the development of new units, including units affordable to lower-income and special needs households. A complete review of the City's progress in implementing 2015–2023 policies and programs is provided as Table A-1 in Appendix A.

## 1.7 Chapter 8. Goals, Policies and Programs

The purpose of this chapter is to present the City of Emeryville's housing goals, policies, and programs for the 2023 to 2031 planning period to maintain, preserve, improve, and develop housing. Goals establish the ideal future and purpose; policies are statements to guide decision making regarding housing issues; and programs are actions that the City will take to implement the policies to achieve the



goals. The department(s) primarily responsible for program implementation, relevant review authority, time frame, and funding source are identified for each program.

Chapter 8 includes the following.

### 1.7.1 SECTION 8.1 GOALS AND POLICIES

Goals establish the ideal future and purpose, and policies are statements to guide decision making regarding housing issues. The City will pursue the following housing goals:

**H-1. New Housing Development:** Facilitate the construction of a wide variety of housing types, for various income levels, in a manner that promotes environmental responsibility and long-term sustainability.

**H-2. Preservation:** Conserve and improve the condition of the existing housing stock to enhance the livability of neighborhood(s) for all residents.

**H-3. Housing Needs:** Ensure housing is accessible and affordable to very-low-, low-, and moderate-income residents, with a priority for those with special needs.

**H-4. Fair Housing:** Ensure community members have equitable access to safe, sanitary, and affordable housing as protected under State and Federal Fair Housing Laws.

**H-5. Address Constraints:** Reduce or remove governmental and nongovernmental constraints to the development, improvement, and maintenance of housing, where feasible.

### 1.7.2 SECTION 8.2 PROGRAMS

This section provides details on the actions that the City will take to implement the policies to achieve the City's housing goals. Actions were informed by the technical assessments conducted throughout the Housing Element update, including the housing needs assessment, governmental and nongovernmental constraints assessment, and review of the prior Housing Element plan. Strategies were also informed by successful best practices as well as feedback gathered from community members, local stakeholders, and advocacy groups.

The City will undertake the following programs:

- |   |   |
|---|---|
| A. Housing Development Regulatory programs    | I. Acquisition of BMR Ownership Units               |
| B. Streamlining Planning Processes            | J. Foreclosure Prevention Program                   |
| C. Objective Design and Development Standards | K. Special Needs Housing Incentive Program          |
| D. Accessory Dwelling Units                   | L. New Funding Opportunities                        |
| E. Adaptive Reuse                             | M. Homebuyer Assistance Programs                    |
| F. Impact Fee                                 | N. Affordable Housing Water/Sewer Priority Programs |
| G. City Sponsored Development Fund            | O. Housing for Persons with Disabilities            |
| H. Development Opportunity Fund               | P. Live/Work Units.                                 |

Q. Housing for Artists/Craftspersons	GG. Economic Mobility
R. Family Friendly Housing	HH. Schools and Child Care Centers
S. Brownfield Remediation Loans	II. Transportation
T. Renewable Energy and Reach Codes	JJ. Site Inventory
U. GreenPoint/LEED Requirements	KK. Site Inventory
V. Energy Programs	LL. Planning Regulation Amendments
W. Priority Development Area	MM. Monitor Changes in Federal and State Housing, Planning, and Zoning Laws
X. Homeowner Rehabilitation and Repair Programs	NN. Review Nongovernmental Constraints Impeding Residential Development
Y. Rental Preservation Program	OO. Housing for Seniors
Z. Energy Conservation Remodels	PP. Affirmative Fair Housing Marketing Plan
AA. Conversion of At-Risk BMR Rental Units	QQ. Tenant Displacement Measures
BB. Housing and Supportive Services for Homeless and Formerly Homeless	RR. Affordable Housing Platforms
CC. Section 8 Rental Assistance	SS. Pro-housing Designation
DD. Fair Housing Counseling	TT. Demolition Program
EE. Resident Engagement	UU. Universal Design
FF. Access to Information	

### 1.7.3 SECTION 8.3 QUANTIFIED OBJECTIVES

This section identifies the number of new units that may potentially be constructed over the planning period, the number of existing units that can be expected to be rehabilitated, and the conservation of existing affordable housing stock. The quantified objectives are linked to programs.

## 1.8 Appendix A: Review of Previous Programs

While Chapter 7 summarizes the City’s achievements in implementing the goals, policies, and programs from the 2015–2023 Housing Element, Appendix A provides a complete, program-by-program review of the City’s progress in implementing 2015–2023 policies and programs.

## 1.9 Appendix B: Summary of Public Input

As described in this section, the City conducted an outreach campaign to educate the public and to gather information regarding housing needs, issues, and preferences in the community. Throughout the update process, input was considered and incorporated into the housing element.

Appendix B covers the following information.

### 1.9.1 SECTION B.1 OUTREACH CAMPAIGN

This section lists the activities of the outreach campaign, including two community workshop, fair housing and service provider consultations, and a series of public meetings with the Housing Committee, Planning Commission, and City Council. The City provided information regarding the update on a dedicated page of the City’s website and offered opportunities for input through two online surveys, live polling during two community workshops and one of the Housing Committee meetings, and a dedicated

email address for comments and questions. The City made a concerted effort to reach people with extremely low incomes and limited access to technology by advertising the two community workshops with printed flyers and posters in locations throughout the city, particularly the library and at ECAP (Emeryville Citizens Assistance Program), which provides food and other resources to low income and unhoused individuals. The City made a concerted effort to reach non-English speakers for the two community workshop by advertising them in Spanish and English and by offering translation services for any language if people requested it on the meeting registration form.

## **1.9.2 SECTION B.2 CONSULTATIONS**

As described in this section, fair housing and service providers (“stakeholders”) were asked to provide input on the 2023-2031 Housing Element Update via one-on-one interviews or email.

Stakeholders were from the following organizations:

- Regional Center of the East Bay (RCEB)
- Housing Authority of the County of Alameda
- Eden Council for Hope and Opportunity (ECHO)
- Centro Legal de la Raza
- Operation Dignity
- EveryOne Home/Continuum of Care (CoC)
- Housing and Economics Rights Advocates (HERA)

Key findings include:

- Stakeholders expressed several challenges and barriers to housing in Emeryville. Overwhelmingly, the consultation process revealed that Emeryville (and many other Bay Area jurisdictions) face an insufficient stock of affordable housing.
- The city needs more permanent supportive housing with services on-site (case management, behavior and medical services, etc.) to meet the needs of those living with developmental, intellectual, and physical disabilities.
- Stakeholders want leaders to continue to assess whether the existing tenant protections do enough and look to Oakland’s tenant protection laws as an example for expanding protections.
- One stakeholder suggested changing application processes, including background check requirements which can restrict certain applicants from housing access.
- A fair housing provider received many complaints from low- and moderate-income homeowners because they are struggling to make housing payments and to maintain and improve their older homes.
- A fair housing provider stated that their clients believe that homeowner associations can be a hostile environment to new homeowners.
- A fair housing provider identified disability-related fair housing violations as the most common type of complaint that their organization receives, potentially due to the visibility of applicants’ disabilities.

### **1.9.3 SECTION B.3 SURVEYS AND LIVE POLLING**

As described in this section, input from members of the public was gathered through surveys that were available on the City’s website and live polling during virtual presentations. The answers were used to inform the drafting of this Housing Element. This section presents several tables that synthesize the responses from two online surveys and live polling at two community workshops and one Housing Committee meeting.

Key findings include:

- People in the 35- to 54-year-old range were the most frequent participants, followed by people aged 55 to 74.
- People who identify as Black or African American were the most frequent participants, followed by people who identify as White (non-Hispanic).
- Household incomes in the \$25,001 to \$50,000 range were most frequently self-reported by participants, followed by household incomes in the \$50,001 to \$75,000 range.
- When asked to describe their role in Emeryville, a greater proportion of participants were renters compared with homeowners. While a much smaller percentage of participants were unhoused or did not have permanent housing, any percentage of respondents in that category is noteworthy. Some of the participants were advocates or representatives from community organizations and some own a business in Emeryville.
- People residing in rental apartments were the most frequent participants, followed by people residing in condominiums that they own.
- Approximately half of the respondents stated their homes were not in need of rehabilitation; however, for some of those respondents, the common spaces in the multiunit building where they live were in need of maintenance or repairs. Among the other half of the respondents, most said their home was in need of minor repairs and a few said their home needed major repairs.
- The type of housing that participants would most like to see built in Emeryville are rental apartments, followed by single-family homes and duplexes. There was also strong support for assisted living and townhomes/row homes.
- Participants strongly felt that the City should assist with securing state or federal funding for projects for seniors, affordable housing, supportive housing, transitional housing, and/or emergency shelters. Participants also expressed the importance of the City encouraging more opportunities for homeownership at all income levels and the development of housing with three or more bedrooms to accommodate larger families.
- Participants overwhelmingly expressed that low-income households or families are the most underserved population for housing in Emeryville. Participants also ranked seniors, educators, artists, and service or retail workers among the most underserved.
- Participants were asked to pick the three actions that would have the most impact on promoting housing supply, choices, and affordability and removing barriers that limit households’ ability to move to the neighborhoods of their choosing. Participants felt that improving the existing BMR program for ownership units and developing a BMR program for

rental units would have the most impact on improving housing choice. Several other actions were also considered highly impactful, including acquisition of additional affordable housing units in mixed-income developments, citywide affordable rental registries, and targeted mixed-income strategies.

- Participants were asked to pick the three actions that would have the most impact on conserving and improving assets in existing neighborhoods and promoting high quality amenities throughout the city, particularly where lower-income households live. Participants overwhelmingly felt that targeted investment in areas of most need to improve community assets, social service programs, parks, streets, active transportation, and infrastructure would make the most impact for place-based conservation and revitalization. Participants also overwhelmingly expressed the importance of addressing negative environmental, neighborhood, housing, and health impacts associated with certain land uses. Several other actions were also considered highly impactful, including recruiting residents from areas of concentrated poverty to serve on boards, committees, task forces, and other local government decision-making bodies and a proactive code enforcement program.
- Participants were asked to pick the three actions that would have the most impact on preventing the displacement of existing residents from their homes and communities. Several actions were considered highly impactful, particularly, creating a rent review board and/or mediation program, foreclosure assistance, or multilingual tenant legal counseling services. Participants also expressed that displacement could be prevented if the City implements a rent stabilization program beyond what is required by California Civil Code 1946.2. Participants also supported increased outreach in the existing multilingual tenant legal counseling program to advertise the availability of multiple languages.

#### **1.9.4 SECTION B.4 COMMENTS FROM MEETINGS AND B.5 WRITTEN COMMUNICATION**

These sections are organized by presenting comments received ahead of the release of the Public Review Draft Housing Element and comments received in response to the Public Review Draft Housing Element.

The City hosted several meetings ahead of the release of the Public Review Draft Housing Element to share initial findings and obtain input. These included two Community Workshops, one Planning Commission Study Session, one City Council Study Session, and five Housing Committee Meetings. The common themes from these nine meetings, as well as comments received by email include:

- Concerns about the location of affordable housing in the city, and a sense that it's over-concentrated in one area.
- Desire for more opportunities for homeownership at all income levels, including BMR homes.
- Interest in having BMR homes with more bedrooms for larger families (3+ bedrooms) and more opportunities for artists' lofts.
- Interest in supporting the renovation of unused office buildings and unused ground floor retail into housing and/or retail and services to serve the residents on the floors above.

- Seniors and low-income populations considered most underserved; would like to see more support for these types of development.
- Need for accessible units, both new and modifications to existing units.
- It's an issue that waitlists are always full for affordable housing.
- People need case management services.
- Concern for safety in the public realm.
- Ideas for programs:
  - Seek funding sources for ADU construction.
  - Fine-tune First Time Homebuyer Loan program.
  - Expedite conversion of single-family homes to duplexes.
  - Ensure equitable access to parks.
  - Where duplexes are allowed, consider upzoning to allow quadplexes.
  - Consider upzoning transit corridors to maximize climate change goals and TDM (transportation demand management).
  - Prevent displacement.
  - Encourage rehabilitation.
  - Preserve Naturally Occurring Affordable Housing (NOAH).
  - Consider participating in the CalHFA program to spur production of moderate-income housing.

To launch the Public Review Draft Housing Element, City staff provided presentations at one meeting each of the Planning Commission, City Council and Housing Committee. Common themes from these meetings, as well as comments received by email, included:

- Support and admiration of the ambitious plan.
- Interest in how people can find out about housing opportunities.
- In favor of the variety of program approaches included to improve the BMR program.
- Appreciation that multiple programs in the draft Housing Element address the need for affordable ownership units, as well as for improved access to affordable housing information through coordinated online portals in Alameda County and the Bay Area.
- Support for programs, including restructuring the housing committee, applying for prohousing designation, encouraging homes with four bedrooms, and adaptive reuse of parking structures.
- Suggestions for:
  - Encouraging public recreation sites as a part of new developments, particularly making use of rooftops.
  - Exploring ways to speed up actual construction time.
  - Prioritizing access to mass transit near affordable housing.
  - Including ways to eliminate fees that are burdens to two- to four-unit buildings.
  - Creating objective standards and conditions for demolition, including evidence of compliance with landlord tenant act.
  - Looking closer at the environmental impact of air pollution and embedded carbon in concrete and glass.

- Eliminating the potential financial and physical constraint of requiring second stairwells for purposes of egress, such as by making building code amendments like other jurisdictions have done to allow up to six stories with single stairs, with mitigations for fire, life, and safety.

### **1.9.5 SECTION B.6 SUMMARY OF HOW INPUT IS INCORPORATED**

Highlights of public input and the programs that address it is provided in this section.

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## **2. Introduction**

### **2.1 Community Context**

Emeryville is located in the San Francisco Bay Area at the gateway to the East Bay. Emeryville is one of the smallest cities in the Bay Area, covering an area of just 1.2 square miles. It is located in Alameda County, between Berkeley (to the north), Oakland (to the south), and the San Francisco Bay (to the west). Emeryville is located at the eastern end of the Bay Bridge, a major crossing between the East Bay and San Francisco.

Emeryville was incorporated in 1896 as a city of industry and business at transportation crossroads. Today, Emeryville is a bustling mixed-use city that includes a vibrant arts community, high-tech industries such as software, animation, and biotechnology, retail and entertainment destinations, and a variety of housing, from older single-family neighborhoods to converted live/work lofts and higher-density apartments and condominiums.

### **2.2 Legal Context**

The Housing Element is one of the state-mandated elements of the General Plan. It is the only General Plan element that is subject to review and certification by the state. Emeryville’s Housing Element was last adopted and certified in 2014.

State requirements for housing elements are more detailed and specific than for other general plan elements. This Housing Element meets the requirements of housing law specified in California Government Code Sections 65580 through 65589.8. The law emphasizes the availability of housing as a statewide priority and requires participation from regional and local governments as well as the private sector. State law says that the housing element “shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, and scheduled programs for the preservation, improvement, and development of housing.”

### **2.3 General Plan Consistency**

State law requires that the General Plan and all of its elements comprise an integrated, internally consistent, and compatible statement of policies. The other elements of the Emeryville General Plan (Land Use; Transportation; Parks, Open Space, Public Facilities, and Services; Urban Design; Conservation, Safety, and Noise; and Sustainability) were adopted in 2009 and amended several times since then. The General Plan and a description of each amendment is available on the City’s website. In 2019 the City adopted the 2019-2024 Local Hazard Mitigation Plan. In 2016 the City adopted the Climate Action Plan 2.0. This Housing Element builds upon the current General Plan and is consistent with its goals, policies, and implementation actions. The City will continue to review the General Plan for internal consistency as amendments are proposed and adopted.

According to CalEPA's (California Environmental Protection Agency) CalEnviroScreen 4.0 web-based mapping tool, several census tracts in Emeryville qualify as disadvantaged communities (DACs) (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"). The DACs in Emeryville are in the East Baybridge, San Pablo Corridor and Triangle neighborhoods. Government Code section 65302(h), states that, after 2018, cities with DACs 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.

## **2.4 Public Outreach**

The City conducted an outreach campaign to gather information regarding housing needs, issues, and preferences in the community. Throughout the update process, input was considered and incorporated into the housing element.

Outreach events included two community workshops, fair housing and service provider consultations, and a series of public study sessions and hearings with the Housing Committee, Planning Commission, and City Council. The City provided information regarding the update on a dedicated page of the City's website and offered opportunities for input through two online surveys. Participation opportunities were advertised on the City's website, through flyer distribution, posters displayed in local businesses and via direct e-mail to people who previously signed up to the City's housing email notification list and stakeholders, including local property managers, developers, community groups, nonprofit service organizations, residents, and elected officials.

See Appendix B for a summary of outreach activities and input.

## **2.5 Housing Element Organization**

This Housing Element is organized as follows:

**Chapter 3. Housing Needs Assessment** – A profile of the community, including an analysis of the city's population, housing characteristics, employment and income trends, and special housing needs.

**Chapter 4. Potential Constraints** – A review of potential governmental, market, and environmental constraints that may inhibit housing development.

**Chapter 5. Assessment of Fair Housing** – Analyses of segregation, integration, disparities in access to opportunity, and disproportionate housing needs.

**Chapter 6. Housing Resources** – An evaluation of the land, programmatic, and financial resources available to meet Emeryville's housing needs.

**Chapter 7. Summary of Review of the 2015-2023 Housing Element** – A summary of measures taken to implement policies and programs from the 2015-2023 Housing Element. (Full review in Appendix A.)

**Chapter 8. Goals, Policies, and Programs** – A housing plan with goals, policies, and programs to address Emeryville’s housing needs for the 2023–2031 planning period.

**Appendix A. Review of the 2015-2023 Housing Element** – A full review of measures taken to implement policies and programs from the 2015-2023 Housing Element including accomplishments toward meeting objectives, and the continued appropriateness of each policy and program for the upcoming planning period. (Summary in Chapter 7.)

**Appendix B. Summary of Public Input** – A description of outreach activities and input from the public and stakeholders on housing needs, issues, and preferences in the community.

**Appendix C. Glossary** – Definitions of key terms used in this document.

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## 3. Housing Needs Assessment

### 3.1 Data Description

This section of the Housing Element provides quantification and descriptive analysis of existing and projected housing needs and resources available to address these needs. The information provided below is derived primarily from datasets prepared by the Association of Bay Area Government (ABAG) and approved by HCD. These datasets rely on data reported by American Community Survey (ACS), California Department of Finance (DOF), California Economic Development Department, U.S. Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), and the Department of Agriculture Agricultural Census. Where more current information is available, it has been provided. Please note that numbers for the same type of data (e.g., households) may not exactly match in different tables and sections because of the different data sources and samples used.

The City of Emeryville, a population of approximately 12,000 people, is small in comparison to more populated cities in Alameda County and the rest of the Bay Area. Due to the relatively small population size, differences between categories of information or changes over time that are expressed as percents may seem to have an exaggerated significance. These instances occur infrequently and have been documented as part of the analysis.

### 3.2 Demographic and Housing Characteristics

#### 3.2.1 POPULATION TRENDS AND PROJECTIONS

As illustrated in **Table 3-1**, according to the California Department of Finance, the city's population has increased significantly since 1970. Between 2010 and 2020 Emeryville grew approximately 22 percent, from 10,080 to 12,298 persons. The Association of Bay Area Governments (ABAG) projects continued growth in Emeryville through 2040, at which time the city's population is expected to reach 34,130. ABAG's assumptions for growth are built around expected local policies, infrastructure investment, as well as historic economic behavior, as it relates to the region. The ABAG's projections are not a mandate for changes to the General Plan nor a substitute local planning process.

**Table 3-1. Population Trends and Projections, 1950 to 2040**

Year	Population	Percentage Change
1950	2,889	—
1960	2,686	-7%
1970	2,681	- <1%
1980	3,714	39%
1990	5,740	55%
2000	6,882	20%
2010	10,080	46%
2020	12,298	22%
2030*	16,050	31%
2040*	34,130	113%

Sources: California Department of Finance Historic Populations, 2020; ABAG Data Profiles for Housing Elements, 2021; ABAG Projections, 2018

\* ABAG Projection

As shown in **Table 3-2**, growth in Emeryville significantly outpaced growth in nearby cities and in Alameda County as a whole.

**Table 3-2. Population Growth Comparison, 2010 to 2019**

Jurisdiction	2010 Population	2019 Population	Percentage Change
Emeryville	10,080	11,899	18%
Oakland	390,724	425,097	9%
Berkeley	112,580	121,485	8%
Alameda County	1,510,271	1,656,754	10%

Sources: US Census 2010; American Community Survey 5-Year Data (2015-2019)

### 3.2.2 HOUSEHOLD SIZE AND COMPOSITION

The US Census defines a household as consisting of all the people who occupy a housing unit. A household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit, such as partners or roomers, is also counted as a household. The US Census defines a family as a group of two or more people (one of whom is the householder) related by birth, marriage, or adoption and residing together. The definition of family in the City’s code is “two (2) or more persons occupying a dwelling unit and living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities. Members of a family need not be related by blood but are distinguished from a group occupying a hotel, club, fraternity or sorority house.” This is compliant with California fair housing law. The US Census defines a family household as a household maintained by a householder who is in a family (as defined above) and includes any unrelated people (unrelated subfamily members and/or secondary individuals) who may be residing there. The number of family households is equal to the number of families. However, the count of family household members differs from the count of family members in that the family household members include all people living in the household, whereas family members include only the householder and his/her relatives. The US Census defines group quarters as places where people live or stay in a group living arrangement that is owned or managed by an organization providing housing and/or services for the residents. Group quarters include such places as college residence halls, residential treatment centers, skilled nursing facilities, group homes, military barracks, prisons, and worker dormitories.

As of 2010, nearly all Emeryville residents were part of the household population, with only 73 people (1 percent of the total population) residing in group quarters. In 2019, the percentage in group quarters was less than 1 percent (5 total residents). As such, with rounding, the percentage of the population in households had effectively grown to 100 percent of the total population. The city’s household population was split approximately evenly between those residing in family households (52 percent) and those in non-family households (48 percent). As shown in **Table 3-3**, while there was growth in family and non-family households and a decline in the population in group quarters from 2010 to 2019, there was limited change in the overall composition (based on percentage of total population). This trend in

less residents residing in group quarters could indicate a need to alleviate a constraint to developing more group quarters for extremely low-income people (**Program LL**).

**Table 3-3. Household Population and Composition, 2010 and 2019**

	2010		2019		Percentage Change
	Number of Persons	% of Total Population	Number of Persons	% of Total Population	
Household population	10,007	99%	11,894	100%	19%
In family households	4,910	49%	6,146	52%	25%
In non-family households	5,097	51%	5,748	48%	13%
Population in group quarters	73	1%	5	<1%	-93%
<b>Total population</b>	<b>10,080</b>	<b>100%</b>	<b>11,899</b>	<b>100%</b>	<b>18%</b>

Sources: US Census 2010; American Community Survey 5-Year Data (2015-2019)

As of 2019, the average household size in Emeryville was 1.81 persons. As shown in **Table 3-4**, the average household size in Emeryville was low in comparison to Alameda County and statewide averages of 2.82 and 2.95, respectively. Similarly, the average family size of 2.56 persons in Emeryville was low in comparison to Alameda County and the State of California, which had averages of 3.37 and 3.53, respectively.

**Table 3-4. Household and Family Size, 2019**

Jurisdiction	Average Household Size	Average Family Size
Emeryville	1.81	2.56
Alameda County	2.82	3.37
State of California	2.95	3.53

Source: American Community Survey 5-Year Data (2015-2019)

### 3.2.3 AGE CHARACTERISTICS

The median age of Emeryville residents increased slightly between 2010 and 2019, from 35 to 35.8 years of age. This was slightly younger than the statewide median in 2019, which was 36.5 years, and comparable to the median age in Alameda County, which was 37.6.

As shown in **Table 3-5**, while there was growth in the Emeryville population at all age levels, the overall age composition shifted older between 2010 and 2019. While there was an increase in the number of residents aged four and younger (from 424 in 2010 to 446 in 2019, a 5-percent increase), all other age groups aged 24 and younger experienced a decrease in population. The percentage of the population aged 25 to 34 increased from 29 to 33 percent (from 2,937 in 2010 to 3,922 in 2019, a 34-percent increase). The percentage of the population aged 65 and older increased from 10 to 13 percent (from 1,006 in 2010 to 1,527 in 2019, a 52-percent increase). This trend indicates that there could be a need for more housing suitable for seniors or for residents to continue to age in place (**Programs G, R, X, CC, OO, and UU**).

**Table 3-5. Population Age Distribution, 2010 and 2019**

Age Range	2010		2019		Percentage Change
	Number of Persons	% of Total Population	Number of Persons	% of Total Population	
4 and younger	424	4%	446	4%	5%
5 to 14	486	5%	421	4%	-13%
15 to 19	281	3%	242	2%	-14%
<b>19 and younger</b>	<b>1,191</b>	<b>12%</b>	<b>1,109</b>	<b>9%</b>	<b>-7%</b>
20 to 24	904	9%	718	6%	-21%
25 to 34	2,937	29%	3,922	33%	34%
35 to 44	1,738	17%	2,240	19%	29%
45 to 54	1,266	13%	1,250	11%	-1%
55 to 64	1,038	10%	1,133	10%	9%
<b>20 to 64</b>	<b>7,883</b>	<b>78%</b>	<b>9,263</b>	<b>78%</b>	<b>18%</b>
65 to 74	614	6%	889	7%	45%
75 to 84	292	3%	365	3%	25%
85 and older	100	1%	273	2%	173%
<b>65 and older</b>	<b>1,006</b>	<b>10%</b>	<b>1,527</b>	<b>13%</b>	<b>52%</b>
<b>Total Population</b>	<b>10,080</b>	<b>100%</b>	<b>11,899</b>	<b>100%</b>	<b>18%</b>

Sources: US Census 2010, American Community Survey 5-Year Data (2015-2019)

As of 2019, the percentage of the population aged 19 and younger in Emeryville was markedly lower than that of nearby jurisdictions. As shown in **Table 3-6**, this age group represented 9 percent of the Emeryville population in 2019, whereas in Albany, Berkeley, and Oakland, it accounted for between 22 and 27 percent of the overall population. Due to the low percentage of the population under age 19 residing in Emeryville, compared to the region, the City will implement a variety of programs to ensure developers create units to address the needs of families of all sizes and the City expands its outreach to target households with school age children (**Programs R, HH**).

**Table 3-6. Comparison of 19 and Under Population, 2019**

Jurisdiction	Total Population	19 and Under Population	Percentage of Population
Alameda County	1,656,754	382,964	23%
Albany	19,804	5,376	27%
Berkeley	121,485	26,180	22%
Emeryville	11,899	1,109	9%
Oakland	425,097	92,725	22%

Source: American Community Survey 5-Year Data (2015-2019)



### 3.2.4 RACIAL AND ETHNIC CHARACTERISTICS

**Table 3-7** compares Emeryville’s race and ethnic composition in 2010 and 2019. During this time, the number of individuals in all racial and ethnic groups in Emeryville increased, with the exception of American Indian/Alaska Native and Native Hawaiian/Pacific Islander. The overall population remained relatively stable in terms of race and ethnic proportions and continues to be predominantly non-Hispanic (90 percent). Whites comprise the largest racial group at 40 percent of the total population, Asians are the second-largest group (28 percent), and Blacks or African Americans made up the third (15 percent) largest. In terms of growth, the Asian population has experienced a 23-percent increase as a measure of the total population and the American Indian and Alaska Native population has experienced a decrease of 21 percent, to total less than 1 percent of the population. The total population change for the American Indian and Alaska Native population may seem drastic but the decline in population is from 19 individuals to 15 individuals, a population change of four. This data comparison is an example of how percentile change in this analysis should be evaluated with demographic context in mind.

**Table 3-7. Race and Ethnicity, 2010 and 2019**

Race or Ethnicity	2010		2019		Percentage Change
	Number of Persons	Percentage	Number of Persons	Percentage	
Non-Hispanic	9,153	91%	10,760	90%	18%
White	4,057	40%	4,794	40%	18%
Black or African American	1,733	17%	1,752	15%	1%
American Indian and Alaska Native	19	<1%	15	0%	-21%
Asian	2,756	27%	3,388	28%	23%
Native Hawaiian, and Pacific Islander	16	<1%	60	1%	275%
Other race	44	<1%	47	0%	7%
2 or more races	528	5%	704	6%	33%
Hispanic	927	9%	1,139	10%	23%
Mexican	554	5%	525	4%	-5%
Puerto Rican	66	1%	160	1%	142%
Cuban	23	<1%	23	0%	0%
Other Hispanic or Latino	284	3%	431	4%	52%
<b>Total Population</b>	<b>10,080</b>	<b>100%</b>	<b>11,899</b>	<b>100%</b>	<b>18%</b>

Source: US Census 2010; American Community Survey 5-Year Data (2015-2019) (ABAG Data Profiles for Housing Elements, 2021))

## 3.3 Housing Characteristics

### 3.3.1 HOUSING TYPES

Prior to 1970, single-family homes and small apartment buildings in the eastern neighborhoods typified residential housing in the city. In the 1970s and 1980s, two large residential projects (Pacific Park Plaza and Watergate) together added 1,830 units. In 2000, these two projects represented 30 percent of the

city's total housing stock. In the 1990s, construction of live/work lofts, medium-density, mixed-use, and single-use residential projects typified development. Since 2000, this pattern of adding medium- to high-density housing and mixed-use developments that include housing has continued.

From 2010 to 2020, the number of housing units in Emeryville increased by approximately 56 percent. As shown in **Table 3-8**, while there was growth in housing units of all structure types, the majority of units were in multifamily structures of five more units. As of 2020, the majority of the Emeryville housing stock (88 percent or 6,509 units) was in multifamily housing.

**Table 3-8. Housing Units by Structure Type, 2010 and 2020**

Structure Type	2010		2020		Percentage Change
	Number of Units	Percentage	Number of Units	Percentage	
Single-family, attached or detached	821	13%	819	11%	<1%
Multifamily, 2 to 4 units	751	11%	756	10%	<1%
Multifamily, 5 or more units	5,038	76%	5,753	78%	14%
Mobile home <sup>1</sup>	36	1%	36	<1%	0%
<b>Total housing units</b>	<b>6,646</b>	<b>100%</b>	<b>7,364</b>	<b>100%</b>	<b>11%</b>
Permitted Live-aboard Boats in the Emeryville Marina <sup>2</sup>			38	-	-

Sources: California Department of Finance 2020 (ABAG Data Profiles for Housing Elements, 2021)

<sup>1</sup> While the Department of Finance reports the presence of 36 mobile homes in Emeryville, City staff are unaware of any. It is possible that the permitted live-aboard boats in the Emeryville Marina were counted as mobile homes by the Department of Finance.

<sup>2</sup> Per the City Attorney's office, live-aboard boats are considered vessels rather than housing units and so have not been added to the total number of housing units above. However, use of permitted live-aboard boats as permanent residences is allowed. The San Francisco Bay Conservation and Development Commission, which regulates live-aboard permits, has limited the number of permits to 10 percent of the total number of berths or 38 berths, whichever is less.

### 3.3.2 HOUSING TENURE

Housing tenure refers to the occupancy of a unit—whether it is owner-occupied or renter-occupied. As shown in **Table 3-9**, as of 2019, approximately 66 percent (4,322 units) of the city's occupied housing units were renter-occupied. As compared with Emeryville, homeownership is more common in Alameda County as a whole, where, as of 2019, approximately 46 percent (268,286 units) of the county's occupied housing units were renter-occupied. In both Emeryville and Alameda County, the proportion of owner- and renter-occupied homes remained approximately the same from 2010 to 2019. Both Emeryville and Alameda County experienced an increase of total occupied housing units between 2010 and 2019. However, Emeryville's total occupied housing units increased by 15 percent (from 5,694 to 6,568), while Alameda County's total occupied housing units increased by 6 percent (from 545,138 to 577,177).

During outreach activities for the preparation of this Housing Element, community members expressed concerns regarding housing tenure and a desire to create more opportunities for homeownership at all income levels. **Programs A, H, I, M, P, I, and J** commit the City to actions to improve homeownership opportunities.

**Table 3-9. Housing Tenure, 2010 and 2019**

Tenure	2010		2019		Percentage Change
	Number of Units	% of Total Units	Number of Units	% of Total Units	
Emeryville					
Owner-occupied	2,013	35%	2,246	34%	12%
Renter-occupied	3,681	65%	4,322	66%	17%
Total occupied housing units	5,694	100%	6,568	100%	15%
Alameda County					
Owner-occupied	291,242	53%	308,891	54%	6%
Renter-occupied	253,896	47%	268,286	46%	6%
Total occupied housing units	545,138	100%	577,177	100%	6%

Source: US Census 2010, American Community Survey 5-Year Data (2015-2019) (ABAG Data Profiles for Housing Elements, 2021)

### 3.3.3 HOUSING UNIT SIZE AND OCCUPANCY

As shown in **Table 3-10**, studio and one-bedroom units account for a large portion of the city's housing stock (approximately 64 percent or 4,169 units.) As of 2019, only 8 percent of Emeryville housing stock had three or more bedrooms and there were no housing units with five or more bedrooms. During outreach activities for the preparation of this Housing Element, community members expressed concerns regarding housing sizes and a desire to create more opportunities for housing for larger families at all income levels.

**Table 3-10. Bedrooms per Unit, 2019**

Number of Bedrooms	Number of Units*	Percentage
0 bedroom (studio)	1,087	17%
1 bedroom	3,082	47%
2 bedrooms	1,905	29%
3-4 bedrooms	494	8%
5 or more bedrooms	0	0%
<b>Total housing units</b>	<b>6,568</b>	<b>100%</b>

Source: American Community Survey 5-Year Data (2015-2019) (ABAG Data Profiles for Housing Elements, 2021)

\*The number of units presented in this table varies from previous tables due to the data source. The ACS has a high margin of error for smaller communities such as Emeryville.

As shown in **Table 3-4**, as of 2019, average household size in Emeryville was 1.81 persons. As can be expected given the data regarding household sizes, and bedrooms per unit, almost half of occupied units (47 percent) in Emeryville were home to one person in 2019 (**Table 3-11**). The number of homes occupied by one person increased by eight percent between 2010 and 2019, however as a share of the total occupied housing units, those occupied by one person decreased (from 50 percent in 2010 to 47 percent in 2019). Two-person occupied units had the greatest change since 2010, increasing by over one-third. An additional 39 percent were two-person households. As shown in **Table 3-11**, there were increases in one-, two-, and three-person occupancies and decreases in four-person occupancies and occupancies of five or more persons.

Members of the public and elected officials expressed concern at the lack of housing units large enough to accommodate larger families. They expressed concern that the lack of availability of these units may contribute to displacement of current residents as their families grow and may deter families from moving to Emeryville. **Program R** commits the City to encouraging developers to provide larger units in new developments.

**Table 3-11. Persons per Occupied Housing Unit, 2010 and 2019**

Number of Persons per Unit	2010		2019		Percentage Change
	Number of Units*	Percentage	Number of Units*	Percentage	
1 person	2,871	50%	3,092	47%	8%
2 persons	1,910	34%	2,559	39%	34%
3 persons	551	10%	618	9%	12%
4 persons	230	4%	185	3%	-20%
5 or more persons	132	2%	114	2%	-14%
<b>Total occupied housing units</b>	<b>5,694</b>	<b>100%</b>	<b>6,568</b>	<b>100%</b>	<b>15%</b>

Source: American Community Survey 5-Year Data (2015-2019) (ABAG Data Profiles for Housing Elements, 2021)

\*The number of units presented in this table varies from previous tables due to the data source. The ACS has a high margin of error for smaller communities such as Emeryville.

### 3.3.4 VACANCY

As shown in **Table 3-12**, as compared to Alameda County as a whole, Emeryville has a slightly higher vacancy rate (8 percent in Emeryville, 5 percent in Alameda County). Most of the vacancy in Emeryville is related to properties being available for rent but not yet rented or for “other” reasons unspecified. According to the 2015-2019 American Community Survey (ACS), the city had a rental vacancy rate of 3.4 percent and a homeowner rental vacancy rate of 1.4 percent. A vacancy rate of about 6 percent is generally considered to indicate a healthy market, one in which there is adequate housing available to allow for mobility but not so much as to depress the market. A low vacancy rate indicates high demand and results in upward price pressures.

**Table 3-12. Vacant Units by Type, 2019**

Type	City of Emeryville		Alameda County	
	Number	Percentage	Number	Percentage
Occupied	6,568	92%	577,177	95%
Vacant	572	8%	30,919	5%
For rent	155	2%	7,998	1%
For sale	32	<1%	1,961	<1%
Rented/sold, not occupied	73	1%	3,499	<1%
For seasonal/recreational or occasional use	104	1%	3,892	<1%
All other, including migrant workers	208	3%	13,569	2%
<b>Total Housing Units</b>	<b>7,140</b>	<b>100%</b>	<b>608,096</b>	<b>100%</b>
Rental Vacancy Rate	3.4% percent		2.9%	
Homeowner Vacancy Rate	1.4% percent		0.6%	

Source: American Community Survey 5-Year Data (2015-2019), Tables B25004 and DP04 (ABAG Data Profiles for Housing Elements, 2021)

### 3.3.5 OVERCROWDING

Overcrowded units, as defined by the US Census Bureau, have 1.01 to 1.5 persons per room; “severely overcrowded” units have more than 1.5 persons per room. Overcrowding can affect public facilities and services, reduce the quality of the physical environment, and create conditions that contribute to deterioration. As shown in **Table 3-13**, approximately 1 percent of owner-occupied housing units and 3 percent of renter-occupied housing units were estimated to be overcrowded. An additional 2 percent of owner-occupied units and 6 percent of renter-occupied units were severely overcrowded. Approximately 71 percent of overcrowded households were renters.

Emeryville’s overcrowding rate was lower than that of Alameda County, where approximately 5 percent of occupied housing units were overcrowded. While overcrowding is not a major issue, this Housing Element includes programs to promote the supply of larger-sized family units with three and more bedrooms by encouraging developers to include larger units sizes and evaluate City-controlled sites for potential redevelopment as affordable family-friendly housing (**Programs G and R**).

**Table 3-13. Overcrowded Housing Units, 2013-2017**

	Owner-Occupied Units		Renter-Occupied Units	
	Number of Units	% of Total Units	Number of Units	% of Total Units
Total overcrowded units	230	4%	565	9%
Overcrowded units	79	1%	204	3%
Severely overcrowded units	151	2%	361	6%
Total occupied housing units	6,568			

Source: 2013-2017 CHAS (ABAG Data for Housing Elements, 2021)

\* The number of occupied units presented in this table varies from previous tables due to the year and the data source. The ACS has a high margin of error for smaller communities such as Emeryville.

### 3.3.6 HOUSING AGE AND CONDITION

An indication of the quality of the housing stock is its general age. Typically, housing over 20 years old is likely to have only minor repair needs, while housing over 40 years old is likely to have more major rehabilitation needs that may include plumbing, roof repairs, foundation work, and other repairs. As shown in **Table 3-14**, thirty-three percent of the housing stock is 20-40 years old and approximately 34 percent of the housing stock is over 40 years old. This typically means a moderate amount of repairs are needed in the community. However, as a result of code inspection efforts, numerous residences were repaired and conserved. In 2021, the Building Division inspected over 500 single-family and multifamily homes and estimated that 2% or 11 residences were identified to need maintenance or repairs. The Triangle neighborhood had the highest number and percentage of minor, low repair or maintenance issues including the greatest number of roof issues. Less than one percent of homes in Emeryville are in need of replacement due to age and condition.

**Table 3-14. Age of Structure by Year Built, Emeryville, 2019**

Year Built	Number of Units*	Percentage
1939 or earlier	540	8%
1940 to 1959	465	7%
1960 to 1979	1,394	20%
1980 to 1999	2,366	33%
2000 to 2009	1,943	27%
2010 or later	432	6%
<b>Total housing units</b>	<b>7,140</b>	<b>100%</b>

Source: American Community Survey 5-Year Data (2015-2019), Table B25034 (ABAG Data Profiles for Housing Elements, 2021)

\*The number of units presented in this table varies from previous tables due to the data source. The ACS has a high margin of error for smaller communities such as Emeryville.

The City of Emeryville Building Division entered a partnership with the Alameda County Healthy Homes Department in 2017 to host an 8-hour Renovation, Repair and Painting Rule (RRP) Training course for the public. Approximately 23 people attended the training, including property managers, painting contractors, and other interested parties. Attendees received a certification as required by the Federal EPA rules to conduct any renovation, repair, or painting worked for compensation on pre-1978 buildings.

As discussed in **Appendix B**, a question about housing conditions was asked during three outreach activities, including live polling exercises at the two virtual community workshops (June 29, 2021 and February 23, 2022) and an online survey that was available from July 6 to November 19, 2021. Approximately half of the respondents stated their homes were not in need of rehabilitation, however, for some of those respondents, the common spaces in the multi-unit building where they live were in need of maintenance or repairs. Among the other half of the respondents, most said their home was in need of minor repairs and a few said their home needed major repairs.

Policy H-2-1 addresses rehabilitation of the City’s existing housing stock to correct housing deficiencies, increase the useful life and accessibility for all residents. Programs that support this policy include the following activities:

- Continuing to support housing repair and/or rehabilitation programs for lower-income households in partnership with other organizations (**Program X**).
- Identifying areas of concentrated rehabilitation need, including through outreach to Homeowners Associations managing condominium developments (**Program X**).
- Continuing to promote home maintenance education (**Program X**).
- Establishing a Rental Preservation program, as described in the City’s 2021 Affordable Housing Bond Administration and Expenditure Plan (**Program Y**).
- Encouraging energy conservation and green building materials in residential remodel projects (**Program Z**).

### **3.3.7 AFFORDABLE UNITS AT RISK OF CONVERSION TO MARKET RATE**

A variety of programs have provided incentives for the development of affordable rental housing in Emeryville. Programs are administered by the US Department of Housing and Urban Development (HUD), insured by the Federal Housing Administration (FHA), financed by Multifamily Revenue Bond issuance or tax credits, or subject to a housing agreement under the City’s Affordable Housing Set-Aside Ordinance. Through these programs, units are restricted for periods of up to 55 years. Once the term of the contract is up, the owner of the rental units can raise rents to market rate. This can have the effect of displacing low- and very low-income tenants who cannot afford increased rents.

**Table 3-15** lists assisted housing projects in the City of Emeryville and identifies their current contract expiration dates after which conversion to market-rate housing is possible. According to the California Housing Partnership Corporation (CHPC), two properties have assisted units that are at risk of converting to market rate in the 10-year period from 2021 to 2029: Ocean Avenue Court (1265-69 Ocean) and Bakery Lofts I & II (1010 46th Street or 4600 Adeline) (State law requires that Housing Elements examine units at risk for a 10-year period from the beginning of the planning period.) Ocean Avenue Court is assisted by HOME Rental Assistance, and the agreement expires in June 2026. However, because Ocean Avenue Court is owned by the Housing Authority of Alameda County, there is a low risk of losing the affordable units. Bakery Loft I & II was assisted with a \$250,000 loan from the Emeryville Redevelopment Agency and Federal Rehab Tax Credits. The property’s agreement to provide affordable units expires in June 2028. The Bakery Loft I & II property is owned by Madison Park, a full-service real estate development company that is based in Oakland, California. As a private, full service real estate firm, its unclear if Madison Park will continue affordability of the at risk units once the requirement to do so expires.

**Table 3-15. Assisted Housing Units at Risk of Conversion, 2021**

Project Name & Location	Government Financial Assistance	Total Units	Assisted Elderly Units	Assisted Non-Elderly Units	Overall Expiration Date
Ocean Avenue Court – 1265-69 Ocean Avenue	HOME Rental Assistance	6	0	6	6/18/2026
Bakery Lofts I & II 4600 Adeline	Local Affordable Housing Fund, Federal Rehab Tax Credits	41	0	8	6/02/2028

**Table 3-16. Assisted Housing Units Not at Risk of Conversion, 2021**

Project Name & Location	Total Units	Assisted	Expiration Year
3900 Adeline, 3900 Adeline	101	12	2073
Ambassador Housing, 3610 Peralta Street	69	68	2068
Artistry (Archstone) Emeryville, 6401 Shellmound Street	261	52	2062 <sup>1</sup>
Avalon Senior Apartments, 3850 - 72 San Pablo Avenue,	67	66	2055
Avenue 64, 6399 Christie Avenue	224	23	2060
Bay Bridge Apartments, 1034 36th Street	6	6	2038
Bay Street Apartments / AVE Emeryville at Bay Street, 5684 Bay Street	284	57	2060
Bridgecourt Apartments, 1325 40th Street	220	88	2052
The Courtyards, 1465 65th Street	331	61	2059
Emeryvilla, 4320 San Pablo Avenue	50	50	2066 <sup>2</sup>
Emme, 6350 Christie Avenue	190	29	2067
Estrella Vista, 3706 San Pablo Avenue	87	86	2095
Icon at Park, 1401 Park Avenue	54	3	2062
Magnolia Terrace, 4001 Adeline Street	5	5	2066
Parc on Powell, 1333 Powell Street	172	21	2067
Triangle Court, 1063-1069 45th Street	20	20	2052
Marketplace-Parcel D, Shellmound Street	223	25	2071
Marketplace-Parcel C2, 62nd and Shellmound	66	7	2073
The Intersection Mixed Use "Maz", 3800 San Pablo Avenue	108	11	2075
<b>Total</b>	<b>,2,538</b>	<b>690</b>	

Source: City of Emeryville, 2022

<sup>1</sup>Affordability extended with amended lease agreement in April 2007.<sup>2</sup>Affordability extended with amended lease agreement in August 1991.

To maintain the existing affordable housing stock, the City can either preserve the existing assisted units or facilitate the development of new units. Depending on the circumstances of at-risk projects, different options may be used to preserve or replace the units. Preservation options typically include: (1) construction of replacement units, (2) transfer of project to nonprofit ownership, (3) provision of rental



assistance to tenants using non-federal funding sources, and (4) purchase of affordability covenants. These options are described herein.

### 3.3.7.1 Construction of Replacement Units

The construction of new affordable housing units is a means of replacing the at-risk units should they be converted to market-rate units. The cost of developing housing depends on a variety of factors, including density, size of the units (i.e., square footage and number of bedrooms), location, labor, materials and land costs, and type of construction. As shown in **Table 3-17**, based on four recent projects at various stages of planning or completion, average cost to construct multifamily housing in Emeryville (not including land costs) is estimated to be \$437.50 per square foot. The four representative projects include one completed in 2020, and as of August 2021, one under construction, one proposed, and one entitled.

**Table 3-17. Example Projects, Construction Costs, 2021**

Project	Type	Project Status	Total Units	Affordable	Construction Cost Per Square Foot	Total Development Cost Per Square Foot
1	100% Affordable	Completed 2020	87	87	\$258	\$360
2	Mixed-Income	Under construction	186	8	\$405	Unknown
3	100% Affordable	Proposed	TBD	100%	\$531	\$843
4	100% Affordable	Entitled	TBD	100%	\$556	\$908
Average					\$438	

Source: City of Emeryville, 2021

At an average size of 1,000 square feet per unit, \$437.50 per square foot, the cost to replace each unit would be approximately \$437,500. At this rate, the approximate cost for building 14 replacement units would be \$6,125,000, in addition to the cost of land.

### 3.3.7.2 Transfer of Ownership

Transferring ownership of an at-risk project to a nonprofit housing provider is generally one of the least costly ways to ensure that at-risk units remain affordable for the long term. By transferring property ownership to a nonprofit organization whose mission includes affordable housing, the risk of losing the low-income restrictions is minimized, and the project would become potentially eligible for a greater range of governmental assistance.

The current market value of units in Emeryville projects was estimated using information from multifamily sales listings within Emeryville's boundaries. The average cost to purchase a multifamily development was \$380,615 per unit (based on four sales listings for multifamily properties on real estate websites in August 2021). Although these are list prices, rather than sale prices and it is a small sample size, it is still useful for this comparison. There are 14 units at risk of converting to market rate within the current planning cycle. Using the average cost of \$380,615 per unit, the estimated cost of acquiring 14 units would be \$5,328,610.

### 3.3.7.3 Rental Assistance

Rental subsidies using non-federal (state, local, or other) funding sources can be used to maintain affordability of the 14 at-risk affordable units. These rent subsidies can be structured to mirror the federal Housing Choice Voucher (Section 8) program. Under Section 8, HUD pays the difference between what tenants can pay (defined as 30 percent of household income) and what HUD estimates as the fair market rent on the unit. As shown in **Table 3-18**, in 2021, fair market rent for the Oakland-Fremont Metro area was determined to be \$1,595 for an efficiency unit, \$1,934 for a one-bedroom unit and \$2,383 for a two-bedroom unit. According to a rent study of 23 cities in the Bay Area performed by Zumper, median rents for one-bedroom units in Emeryville in June 2021 were higher than all but six cities in the study and were above the state average. Therefore, **Table 3-18** also uses rental listings in Emeryville surveyed in June 2021 on Zillow.com. Those listed rents averaged \$2,169 for an efficiency unit, \$2,400 for a one-bedroom unit, and \$3,187 for a two-bedroom unit.

The affordable units at Bakery Loft I & II are currently reserved for households earning moderate incomes (120 percent of the Area Median Income [AMI]). The federal Housing Choice Voucher (Section 8) program is only available for households earning 50 percent of AMI or less. If the City designed a program that mirrored the approach of the Housing Choice Voucher program, a moderate-income level could be incorporated. However, in the calculation shown in **Table 3-18**, both the fair market rents calculated by HUD for the Oakland-Fremont Metro area and the average rents from the survey of listings on Zillow.com are affordable to moderate-income households and would not require a subsidy. Therefore, preservation of Bakery Loft I & II is not calculated in this scenario.

For the units reserved for Very Low-Income households at Ocean Avenue Court, a larger subsidy would be needed if relying on the listings found for rentals in Emeryville, as compared with the fair market rents calculated by HUD for the Oakland-Fremont Metro area. All 6 units at Ocean Avenue Court are reserved for very low-income households. There are 2 two-bedroom units and 4 three-bedrooms units. Using Fair Market Rents calculated by HUD, preserving these units would require an annual estimated subsidy of \$20,202 for the two two-bedroom units and \$71,208 for the four three-bedroom units. The estimated total subsidy for Ocean Avenue Court would be \$91,410.

The feasibility of this alternative is highly dependent on the availability of other funding sources necessary to make rent subsidies available and the willingness of property owners to accept rental vouchers if they can be provided.

**Table 3-18. Rental Assistance Required, 2021**

Unit Size	Fair Market Rent <sup>1</sup>	Household Size	Very Low Income (50% AMI)	Affordable Cost Without Utilities <sup>3</sup>	Monthly per Unit Subsidy	Annual per Unit Subsidy
Efficiency	\$1,595	1	\$47,950	\$1,199	\$396	\$4,755
1-bedroom	\$1,934	2	\$54,800	\$1,370	\$564	\$6,768
2-bedroom	\$2,383	3	\$61,650	\$1,541	\$842	\$10,101
3-bedroom	\$3,196	4	\$68,500	\$1,713	\$1,484	\$17,802
Unit Size	Median Rents Listings <sup>2</sup>	Household Size	Very Low Income (50% AMI)	Affordable Cost Without Utilities <sup>3</sup>	Monthly per Unit Subsidy	Annual per Unit Subsidy
Efficiency	2,169	1	\$47,950	\$1,199	\$970	\$11,643
1-bedroom	2,400	2	\$54,800	\$1,370	\$1,030	\$12,360
2-bedroom	3,187	3	\$61,650	\$1,541	\$1,646	\$19,749
Unit Size	Fair Market Rent <sup>1</sup>	Household Size	Moderate Income (80% AMI)	Affordable Cost Without Utilities <sup>3</sup>	Monthly per Unit Subsidy	Annual per Unit Subsidy
Efficiency	\$1,595	1	\$105,500	\$2,638	\$0	\$0
1-bedroom	\$1,934	2	\$120,550	\$3,014	\$0	\$0
2-bedroom	\$2,383	3	\$135,650	\$3,391	\$0	\$0
Unit Size	Median Rents Listings <sup>2</sup>	Household Size	Moderate Income (80% AMI)	Affordable Cost Without Utilities <sup>3</sup>	Monthly per Unit Subsidy	Annual per Unit Subsidy
Efficiency	\$2,169	1	\$105,500	\$2,638	\$0	\$0
1-bedroom	\$2,400	2	\$120,550	\$3,014	\$0	\$0
2-bedroom	\$3,187	3	\$135,650	\$3,391	\$0	\$0

<sup>1</sup> Fair market rent is determined by HUD for different jurisdictions/areas across the United States on an annual basis. 2021 FMRs for the Oakland-Fremont, CA HUD Metro area listed.

<sup>2</sup> Survey of listings for available rental properties in Emeryville; Zillow, June 21, 2021.

<sup>3</sup> Affordable cost = 30% of household monthly income

### 3.3.7.4 Purchase of Affordability Covenants

Another option to preserve the affordability of at-risk projects is to provide an incentive package to the owners to maintain the projects as affordable housing. Incentives could include bringing down the interest rate on the remaining loan balance, providing loans for capital improvements, and/or supplementing subsidies. The feasibility of this option depends on whether the complex is too highly leveraged. By providing lump sum financial incentives or ongoing subsidies in the form of rents or reduced mortgage interest rates to the owner, the City can ensure that some or all of the units remain affordable. There are too many variables to estimate specific costs for this scenario.

### 3.3.7.5 Cost Comparisons

The above analysis estimates the cost of preserving the at-risk units under various options. The highest-priced option would be constructing 14 replacement units, for approximately \$6,125,000 (average of \$437,500 per unit). However, this option is constrained by a variety of factors, including growing scarcity

of land, rising land costs, and potential community opposition. The second highest-priced option would be acquiring 14 replacement units for approximately \$5,328,610 (average of \$380,615 per unit).

In comparison, the annual costs of providing rental subsidies required to preserve the 6 of the 14 assisted units are relatively low at approximately \$91,410 (average of \$15,235 per unit, per year). However, long-term affordability of the units may not be able to be ensured in this manner. The cost estimates for the various methods for preserving the at-risk units offer a useful reference for comparison, however they don't account for all factors, including the life span or maintenance costs of the existing buildings or buildings where replacement units could be purchased. The cost of providing rental subsidies is \$15,235 per unit year one, however as conditions change each year (fair market rents and income limits), the amount of subsidy required will fluctuate.

### 3.3.7.6 Organizations Interested in Preserving Assisted Rental Housing

Potential nonprofit developers and housing assistance organizations that may be interested in purchasing at-risk units or assisting in tenant relocation are listed in **Table 3-18**. The City is committed to working proactively to retain existing subsidized units (**Program AA**) and is already working with property owners to determine intent and examine potential scenarios for preservation or tenant placement for both identified properties.

**Table 3-19. Organizations Interested in Preserving At-Risk Housing, 2021**

Organization	Address	Phone Number
Bay Area Community Services	629 Oakland Ave, Oakland, CA 94611	(510) 499-0365
Alameda Affordable Housing Corporation	701 Atlantic Ave, Alameda, CA 94501	(510) 747-4343
Satellite Affordable Housing Associates	1835 Alcatraz Ave, Berkeley, CA 94703	(510) 647-0700
Northern California Land Trust, Inc.	3122 Shattuck Avenue, Berkeley, CA 94705	(510) 548-7878
Resources for Community Development	2220 Oxford St., Berkeley, CA 94702	(510) 841-4410
Affordable Housing Associates	1250 Addison St., Ste. G, Berkeley, CA 94702	(510) 649-8500, ext. 14
Alameda County Allied Housing Program	224 W. Winton Avenue, Room 108, Hayward, CA 94541	(510) 670-5404
Christian Church Homes of Northern California, Inc.	303 Hegenberger Road, Ste. 201, Oakland, CA 94621	(510) 632-6712
BRIDGE Housing Corporation	345 Spear Street, Suite 700, San Francisco, CA 94105	(415) 989-1111
Eden Housing, Inc.	22645 Grand Street, Hayward, CA 94541	(510) 582-1460

Source: California Department of Housing and Community Development, 2020

### 3.3.7.7 Potential Sources of Funding to Preserve Affordable Housing

The funding sources that can potentially be used to preserve affordable housing are listed herein. Also see section 6.6. Financial and Administrative Resources.

#### **3.3.7.7.1 Home Investment Partnerships Funds**

The Federal HOME program was created as a result of the Cranston-Gonzalez National Affordable Housing Act of 1990. Local jurisdictions may use HOME funds to develop and support affordable rental housing and homeownership affordability through acquisition and to provide assistance to homebuyers. This includes new construction; reconstruction or rehabilitation of non-luxury housing with suitable amenities, including real property acquisition, site improvements, conversion, demolition, and other expenses, such as financing costs; and relocation expenses of any displaced people, families, businesses, or organizations. HOME funds may also be used to provide tenant-based rental assistance. Housing developed with HOME funds must serve low- and very-low-income households.

#### **3.3.7.7.2 Community Development Block Grant Program**

Through the Federal CDBG program, HUD provides funding for a range of community development activities. The primary objectives of the CDBG program are decent housing, suitable living environments, and expanded economic opportunities for people with low and moderate incomes (“low income” is defined as household income at 80 percent or less of AMI and includes the local and State definition of “very low income”). CDBG funds are awarded for housing activities, including acquisition and rehabilitation, homebuyer assistance, economic development, homelessness services, and public services. CDBG funds are subject to certain restrictions and generally cannot be used for new housing construction.

#### **3.3.7.7.3 Section 108 Loan Guarantee Program**

The Section 108 Loan Guarantee Program is the loan guarantee provision of the CDBG program. This provision provides communities with a source of financing for various housing and economic development activities. Rules and requirements of the CDBG program apply, and therefore, projects and activities must principally benefit people with low and moderate incomes, aid in the elimination or prevention of blight, and/or meet urgent needs of the community. Activities eligible for these funds include economic development activities eligible under CDBG; acquisition of real property; rehabilitation of publicly owned property; housing rehabilitation eligible under CDBG; construction, reconstruction, or installation of public facilities; related relocation, clearance, or installation of public facilities; payment of interest on the guaranteed loan and issuance costs of public offerings; debt service reserves; and public works and site improvements.

#### **3.3.7.7.4 Housing Choice Voucher (Section 8) Program**

The Federal Housing Choice Voucher (Section 8) Program provides rental assistance to lower income households earning up to 80 percent of the County AMI. Under Section 8, HUD pays the difference between what tenants can pay (defined as 30 percent of household income) and what HUD estimates as the fair-market rent on the unit.

#### **3.3.7.7.5 Low Income Housing Tax Credits**

The CTCAC administers the Low-Income Housing Tax Credit (LIHTC) program to encourage private investment in affordable rental housing for households meeting certain income requirements. Credits are available for new construction projects or existing properties undergoing rehabilitation. Two types of Federal tax credits are available and are generally referred to as 9 percent and 4 percent credits, respectively. The competition for each type is fierce. Because 9 percent credits are so desirable and in limited supply, the CTCAC awards them through a competitive process twice per year. Projects compete on point scoring, but because most projects receive the maximum point score, the CTCAC's tiebreaker formula generally decides the outcome. Tax credits of 4 percent derive from a project's use of tax-exempt bond authority allocated by the California Debt Limit Allocation Committee (CDLAC). The California Legislature authorized a State LIHTC program to augment the Federal LIHTC program. Because State LIHTCs are also in limited supply, the CTCAC awards them competitively. In total, 85 percent of the State LIHTCs are integrated into 9 percent tax credit projects, while the remainder are reserved for 4 percent tax credit projects. As of 2020, the trend has been that an award of 9 percent tax credits is not feasible for projects that do not include some component of permanent supportive housing. Thus, projects focused on low-income units or a mix of very-low- and low-income units, are now applying for 4 percent tax credits, which represent significantly less funding. Overall, the demand for this significant funding source critical to the development of lower-income housing greatly outweighs the supply of funding.

### **3.4 Economic and Income Indicators**

#### **3.4.1 EMPLOYMENT**

Housing needs are influenced by employment trends. Significant shifts in employment opportunities in or around the city can lead to growth or decline in the demand for housing. According to ABAG, there were 24,378 jobs in Emeryville as of 2018. ABAG projects growth in jobs in Emeryville through 2040 and estimates a 40-percent increase by 2040 to 34,030 jobs. Top employers in Emeryville include Pixar; Zymergen; AC Transit; Oaks Card Club; Grifols Diagnostics Solutions; IKEA; Peet's Coffee & Tea Inc.; Clif Bar & Company, and Stanford Health Care.

As shown in **Table 3-20**, as of 2019, 7,885 Emeryville residents aged 16 and older were employed. Of those 7,885, the largest percentage, 27 percent (2,145 people), was employed in the professional, scientific, management, administrative, and waste management industries. The number of residents employed in this industry grew 76 percent from 2011 to 2019. Another 22 percent (1,744 people) were employed in the education, health, and social services industry in 2019. The industries with the most significant increases in number of employees residing in Emeryville between 2011 and 2019 were information, professional, scientific, management, administrative, and waste management and construction and transportation, warehousing, and utilities. Nearly all industries saw an increase in numbers of employees residing in Emeryville between 2011 and 2019 except wholesale trade, manufacturing, and retail trade, which experienced a decrease.

**Table 3-20. Employed Residents by Industry, 2011 and 2019**

Industry	2011		2019		Percentage Change
	Number of Residents	Percentage	Number of Residents	Percentage	
Agriculture, forestry, hunting, fishing and mining	0	—	10	0%	—
Construction	138	2%	220	3%	59%
Manufacturing	465	7%	419	5%	-10%
Wholesale trade	169	3%	81	1%	-52%
Retail trade	708	11%	646	8%	-9%
Transportation, warehousing, and utilities	183	3%	277	4%	51%
Information	233	4%	614	8%	164%
Finance, insurance, real estate, and rental and leasing	522	8%	591	7%	13%
Professional, scientific, management, administrative, and waste management	1,221	19%	2,145	27%	76%
Education, health, and social services	1,671	27%	1,744	22%	4%
Arts, recreation, accommodation, and food services	600	10%	682	9%	14%
Other services (except public administration)	192	3%	254	3%	32%
Public administration	170	3%	202	3%	19%
<b>Total employed civilian population (16 years and over)</b>	<b>6,272</b>	<b>100%</b>	<b>7,885</b>	<b>100%</b>	<b>26%</b>

Source: Source: 2007–2011 ACS; 2015-2019 ACS

### 3.4.2 UNEMPLOYMENT

As of January 2021, the city's unemployment rate was estimated at 6.2 percent according to the California Employment Development Department. The unemployment rate in Emeryville was lower than in Alameda County as a whole, which had a rate of 7.2 percent, and the Bay Area as a whole had an unemployment rate of 6.6 percent. These trends may be influenced by the response to COVID-19. For example, the California unemployment rate was 3.9 percent in December 2019, prior to the COVID-19 pandemic, 9.3 percent in December 2020, while the pandemic remained ongoing and 3.8 percent in February 2022 when the pandemic was waning and most restrictions were lifted (such as requirements to wear masks indoors for people who were vaccinated). Low unemployment translates to greater consumer confidence, spending power, and demand for new or improved housing. This spending power and demand has manifested in low vacancy rates and increasing rental and home sale prices, as further discussed in Section 3.4, Housing Costs and Affordability.

### 3.4.3 JOBS/HOUSING BALANCE

The analysis of jobs/housing balance is used to assess the degree to which communities and subregions are inducing commuter travel. A community with a balance of jobs and housing has as many jobs as homes to accommodate local workers. A highly skewed jobs/housing ratio means that either residents must leave the community to reach employment, or many people must live outside of the city and commute to reach their employer.



As of 2018, Emeryville had a jobs/housing ratio of 3.77 (2002-2018; California Department of Finance, E-5 (Households)). In comparison, Alameda County as a whole had a jobs/housing ratio of 1.43 in the same period, and the Bay Area had a jobs/housing ratio of 1.47. Thus, the data indicates that Emeryville has an abundance of jobs, relative to housing. This is not surprising, given Emeryville's history of commercial and industrial activity. While the Jobs/Housing ratio for Emeryville may be high in comparison to Alameda County and the Region, it should be noted that the average commute time for Emeryville residents (31 minutes) similar to those that reside in Alameda County (32 minutes) and the Bay Area Region (31 minutes) (Vital Signs, MTC, 2022). As stated in **Program W**, the City will continue to promote housing within its Priority Development Area, which covers the majority of the city, that is well served by transit and has the majority of the city's employment opportunities. Additionally, the City will continue to improve equitable access to transportation options that do not require personal vehicle ownership for Emeryville residents (**Program II**), and develop strategies to connect low and moderate income residents to job opportunities with good pay from local employers (**Program GG**).

### 3.4.4 EDUCATION AND INCOME CHARACTERISTICS

#### 3.4.4.1 Education

Emeryville's educational attainment profile shows a fairly highly educated population, as of 2019. As shown in **Table 3-21**, more than two-thirds of the population age 25 years and older held at least a bachelor's degree (71 percent), compared with 47 percent in Alameda County overall.

**Table 3-21. Educational Attainment for Residents Aged 25 Years and Older, 2015-2019**

Education Level	Emeryville		Alameda County	
	Number of Residents	% of Population Age 25+	Number of Residents	% of Population Age 25+
Less than 9th grade	155	2%	69,534	6%
Some high school, no diploma	163	2%	65,990	6%
High school graduate	896	9%	205,980	18%
Some college, no degree	1,106	11%	201,377	17%
Associate degree	555	6%	73,676	6%
Bachelor's degree	4,283	43%	320,319	27%
Graduate or professional degree	2,914	29%	235,786	20%
<b>Total population 25 years and over</b>	<b>10,072</b>	<b>100%</b>	<b>1,172,662</b>	<b>100%</b>

Source: American Community Survey 5-Year Data (2015-2019)

Emeryville is home to SAE Ex'pression College and the San Francisco Law School and is located in close proximity to the University of California, Berkeley, and other learning institutions. College students often seek medium-term rental housing, and some may leave the community or area after completing their program to return to their homes or find employment.



### 3.4.5 HOUSEHOLD INCOME

As shown in **Table 3-22**, as of 2019, the median household income in Emeryville was \$102,725, which is 47 percent more than it was in 2011 (\$69,724). In 2011, the Emeryville median income was slightly below that of Alameda County as a whole, which had a median household income of \$70,821 in 2019. However, between 2011 and 2019, the median household income in Alameda County grew at a slower rate (40 percent) resulting in a median household income of \$99,406 as of 2019.

**Table 3-22** compares Emeryville and Alameda County household income levels in 2011 and 2019. At both the city and county levels, striking growth can be observed in the highest-earning categories. During this period, the number of Emeryville households earning \$100,000 per year or more increased 93 percent, increasing households at this income level to 51 percent of the population, up from 32 percent in 2011.

**Table 3-22. Household Incomes, 2011 and 2019**

	2011		2019		Percentage Change
	Number	Percentage	Number	Percentage	
Emeryville					
Less than \$24,999	1,267	23%	1,093	17%	-14%
\$25,000 to \$49,999	797	14%	727	11%	-9%
\$50,000 to \$74,999	961	17%	616	9%	-36%
\$75,000 to \$99,999	740	13%	756	12%	2%
\$100,000 or more	1,747	32%	3,376	51%	93%
Total households	5,512	100%	6,568	100%	19%
Median household income	\$69,724		\$102,725		47%
Alameda County					
Less than \$24,999	97,829	18%	75,395	13%	-23%
\$25,000 to \$49,999	96,437	18%	75,942	13%	-21%
\$50,000 to \$74,999	87,039	16%	71,982	12%	-17%
\$75,000 to \$99,999	66,324	12%	66,584	12%	0%
\$100,000 or more	188,531	35%	287,274	50%	52%
Total households	536,160	100%	577,177	100%	8%
Median household income	\$70,821		\$99,406		40%

Source: American Community Survey 5-Year Data (2007-2011 and 2015-2019)

HUD has defined income categories for purposes of analysis and program qualification. Categories are based on the percentage of AMI and are defined as follows:

- Extremely low income: less than 30 percent of AMI
- Very low income: 30 to 50 percent of AMI
- Low income: 51 to 80 percent of AMI
- Moderate income: 81 to 120 percent of AMI
- Above moderate income: more than 120 percent of AMI

**Table 3-23** provides detail on household income by category and tenure in Emeryville in 2017. Analysis of tenure shows that over half of renter and owner households are above-moderate income. Just over one quarter of renter households (27 percent) and 20 percent of homeowner households are very low income. It is not unusual for homeowners to have higher incomes than renters, as saving for a down payment can be more affordable to higher-income households. There is not a substantial level of income disparity between tenure groups.

**Table 3-23. Households by Income Category and Tenure, 2017**

Income Category	Renter Household		Homeowner Household		Total	
	Number of Households	Percentage	Number of Households	Percentage	Number of Households	Percentage
Very low ( $\leq 50\%$ of AMI)	1,125	27%	469	20%	1,594	24%
Low (51–80% of AMI)	490	12%	235	10%	725	11%
Moderate (81–120% of AMI)	255	6%	170	7%	425	6%
Above moderate ( $>120\%$ of AMI)	2,315	55%	1,489	63%	3,804	58%
<b>Total households</b>	<b>4,185</b>	<b>100%</b>	<b>2,363</b>	<b>100%</b>	<b>6,548</b>	<b>100%</b>

Source: HUD CHAS Data, 2013-2017.

### 3.4.5.1 Extremely Low-Income Households

Lower-income households generally have a higher incidence of housing problems and tend to overpay for housing (paying 30 percent or more of their monthly income toward housing costs). Households that earn 30 percent or less than Alameda County’s median income (up to \$41,100 for a four-person household and \$32,900 for a two person household in 2021, based on HCD Income Limits) are considered “extremely low-income.” Extremely low-income households can face great difficulty in securing housing, particularly housing that is affordable and large enough to accommodate the household size. Extremely low-income households face incidences of overpayment and overcrowding and are at a high risk for homelessness.

According to HUD’s CHAS data system, approximately 15 percent of Emeryville households (989 households) were extremely low income as of 2017 (CHAS 2013-2017). ELI households represent a similar percentage of households in Emeryville when compared to the County as a whole, where ELI households also comprise about 15 percent of the total number of households (15.5 percent).

In Emeryville, ELI households are more likely to be renters than owners and in Emeryville approximately 23 percent of housing units occupied by ELI households are homeowners and 77 percent are renters, based on 2013-2017 CHAS data. ELI households comprise 10 percent of owner-occupied housing units (230 of 2,340 total homeowner households), compared to comprising 18 percent of renter-occupied housing units (760 of 4,200 total renter households). In Emeryville, ELI households experience housing problems (incomplete kitchen facilities, incomplete plumbing facilities, overcrowding, and overpayment) at a high rate of incidence, with 76 percent of housing units occupied by renting ELI households and 67 percent of housing units occupied by homeowner households experience at least one of the housing problems. ELI households are particularly susceptible to cost burden, or paying at least 30 percent of

gross monthly income toward housing-related costs, reducing the ability for households to have money available for other necessities and emergency expenditures. Severe cost burden, or paying at least 50 percent of monthly income toward housing costs, further constrains a household's ability to pay for necessities while maintaining housing. Cost-burdened ELI households are particularly vulnerable to displacement and experiencing homelessness. When looking at rates of cost burden in housing units occupied by ELI households, approximately 72 percent of housing units occupied by ELI households pay at least 30 percent of monthly income toward housing costs. Among ELI households in owner-occupied housing units, 67 percent (155 units) are occupied with households experiencing cost burden. Of these units, 70 percent (110 units) are severely cost-burdened, paying at least 50 percent of monthly income toward housing costs. Again, over 73 percent of ELI households in renter-occupied units overpay for housing costs (560 units), with 79 percent of these units experiencing severe cost burden (445 units).

In the past 10 years, the City undertook the following actions to support extremely low-income households, including seniors, large families, and persons with disabilities:

- The City adopted the Affordable Housing Administration and Expenditure Plan in February 2021, which guides the expenditure of \$50,000,000 in Measure C Affordable Housing Bond funds, as well as approximately \$14,000,000 in additional affordable housing resources available to the City, for a total investment of over \$64,000,000. The object and purpose of issuing the bonds is to finance the costs of providing and/or enhancing the acquisition or improvement of real property in order to provide affordable housing for extremely low, very low, low and middle-income individuals and families, including vulnerable populations such as veterans, seniors, local artists, the disabled, current or former foster youth, victims of abuse, people experiencing homelessness and individuals suffering from mental health or substance abuse illnesses.
- The City committed over \$16 Million to a 100% affordable housing project located at 3600 San Pablo Ave where all of the units will be affordable to 30-60% AMI and at least 20% of the units will be reserved for formerly homeless households, that include a member living with a severe mental illness.
- In 2020, the City released a Request for Qualifications/Proposals for the development of a 100% affordable Intergenerational Housing Development for seniors and transitional-aged youth and negotiated with the selected developer to have all units affordable to households below 80% AMI and over half of the unit affordable to Extremely Low-Income households.
- In 2020, the City partnered with the City of Oakland to open a temporary emergency shelter in Emeryville for up to 25 unhoused families.
- The City made updates to the Planning Regulations to increase the mix of unit sizes, including adopting the Family Friendly Guidelines to stimulate the development of larger units appropriately sized for large families with children.
- Throughout the planning period, the City worked with ECHO Housing (Eden Council for Hope and Opportunity) to provide tenant/landlord and fair housing counseling and to administer the City's Just Cause Eviction Ordinance. In addition, the City referred cases to EBCLC (East Bay Community Law Center) and HERA (Housing and Economic Rights Advocates) as necessary.

- The City worked to expand access to resources and housing information through publishing the City Renter's rights information in each City Activity Guide; making information on services available at City Hall, City website and E-news; and launching a new housing notification email system.
- The City partnered with local transit agencies to ensure that Emeryville residents are adequately served by public transit.

The extremely low-income housing need is projected to be 225 units, which is derived from presuming 50 percent of the very low-income housing need (451 units) from the Regional Housing Need Assessment. The City has included the following programs to further provide assistance to ELI households:

- **Program A.** Increase the creation of affordable rental housing units for extremely low and very low-income people living with physical and/or developmental disabilities by amending Section 9-5.407 of the Planning Regulations.
- **Program G.** Support affordable housing development to develop extremely low-, very low-, and/or low-income housing in City-assisted development projects whenever feasible. This includes the projects planned 3600 San Pablo Ave (will include units affordable extremely low- to low-income households and permanent supportive housing) and 4300 San Pablo Ave (will include units for extremely low- and very low-income seniors and transitional aged youth). Work with affordable housing developers to identify and leverage local, state, and federal funding programs to maximize the number of affordable units available to low-, very low, and extremely low-income households, whenever possible.
- **Program O.** Encourage the inclusion of extremely low- and very low-income affordable units for people living with physical and/or developmental disabilities and the inclusion of Shelter-Plus-Care units (rent-assisted units for dually diagnosed people with mental illness, substance abuse, and/or AIDS-related illnesses) in residential projects in Moderate-resource Areas. Work with the unit sponsor to ensure a plan is in place to provide ongoing support services to tenants of these units.
- **Program R.** Promote housing designs to attract families with children by encouraging developers to include larger unit sizes (two-, three-, and four-bedroom units) as well as other on-site amenities such as usable outdoor open space, play equipment for a variety of ages, community rooms, and multipurpose rooms that can be utilized for after-school homework clubs, computer, art, or other resident activities.
- **Program X.** Continue to support housing repair and/or rehabilitation programs that assist lower-income households occupying housing in need of repair through funding partnerships with local non-profits, Alameda County programs that serve Emeryville residents and other applicable programs as available.
- **Program BB.** Encourage developers to set-aside affordable units for the unsheltered population and those with extremely low income.
- **Program CC.** Partner with the Housing Authority of Alameda County to provide referral services for the Housing Choice Voucher Program and increase Section 8 Voucher acceptance rates in Emeryville.

- **Program GG.** Develop strategies to expand the income earning potential of very low-income residents by expanding low barrier, low skill job opportunities within the City.
- **Program LL.** To and remove barriers to housing for special-needs groups, including extremely low-income households, the City will amend its Planning Regulations to allow to permit group residential uses with seven or more residents through a ministerial process rather than requiring a CUP to address the needs of extremely low-income households and expanding affordable housing opportunities. Additionally, the City will pursue adoption a group residential preservation ordinance to maintain existing housing available to extremely low-income households.
- **Program OO.** To support senior residents, the City will seek funding to support a Housing Counselor to assist Seniors in navigating and applying for affordable housing opportunities and evaluate the feasibility of creating a Shared Housing Program.

## 3.5 Housing Costs and Affordability

### 3.5.1 RENTAL MARKET COSTS

According to a rent study of 23 cities in the Bay Area performed by Zumper, median rents for one-bedroom units in Emeryville in June 2021 were higher than all but six cities in the study and were above the state average. Emeryville rents are higher than adjacent cities in the East Bay, which may be attributable to the city's attractive location in close proximity to transit and major job centers, as well as the style and amenities in Emeryville developments and their relatively recent construction. According to the Zumper study, one-bedroom rents were similar in Emeryville, Berkeley and Oakland at \$2,200, \$2,190 and \$2,000, respectively. The state median rent for one-bedroom homes at the time was approximately \$1,800. Compared to rents the year before, Emeryville's median one-bedroom rent had decreased by 12 percent. By comparison, rents in Berkeley decreased by 8 percent in Berkeley during the same time and 7 percent in Oakland. According to the Zumper study, the median rent for two-bedroom apartments in Emeryville in June 2021 was \$3,200, a decrease of 5.3 percent over the prior year. In Berkeley, the median rent for units of this size was \$3,000 and in Oakland it was \$2,530.

A June 2021 survey using Zillow.com found rental listings in Emeryville to be comparable to the rents cited by Zumper. As shown in **Table 3-24**, average rents in Emeryville ranged from \$1,700 for a studio to \$4,900 for a three-bedroom home as of June 2021.

**Table 3-24. Median Monthly Rental Price and Rental Range by Unit Size, 2021**

Number of Bedrooms	Rent Range	Median Rent
Studio	1,700-2,600	2,169
1 bedroom	1,750-3,300	2,400
2 bedrooms	2,050-3,500	3,187
3 bedrooms	3,200-4,900	3,578

Source: Zillow, June 21, 2021.

According to the 2015-2019 ACS, the city has a rental vacancy rate of 3.4 percent and a homeowner rental vacancy rate of 1.4 percent. A vacancy rate of about 6 percent is generally considered to indicate a healthy market, one in which there is adequate housing available to allow for mobility but not so much as to depress the market. A low vacancy rate indicates high demand and results in upward price pressures.

Assuming that the household spent 30 percent of its monthly income on housing costs (the standard for affordability set by HUD), based on State Income Limits for 2021:

- \$2,193 is the maximum affordable rent for a two-person, low-income household, which is adequate to afford a studio but not a one- or two-bedroom unit,
- \$2,740 is the maximum affordable rent for a four-person, low-income household, which is adequate to afford a one-bedroom but not a two- or three-bedroom unit,
- \$3,014 is the maximum affordable rent for a two-person, moderate-income household, which would be adequate for a one or two-bedroom unit,
- \$3,768 is the maximum affordable rent for a four-person, moderate-income household, which would be adequate for a two- or three-bedroom unit

Without subsidies or rent restrictions to units, most rental housing in Emeryville is unaffordable to extremely low-, very low-, and low-income households.

During outreach activities for the preparation of this Housing Element, including public meetings and through the online housing survey, members of the public expressed strong concerns regarding rental home affordability for households at all income levels.

To address rental affordability issues, the City will work proactively to protect existing affordable rental units at risk for converting to market rate units (**Program AA**), offer a density bonus for developments that include affordable units in compliance with State law (**Program A**), assist in the development of new affordable units (**Program G**), provide financial incentives for the restriction of additional below market rate units for the special needs population (**Program K**), and continue to partner with the Housing Authority of Alameda County on providing Section 8 Rental Assistance (**Program CC**).

### **3.5.2 HOME SALES PRICES**

In 2020, the median home sales price in Emeryville was \$530,000 according to a real estate market report prepared by Caldecott Properties. Compared to 2019, the median sales price decreased by 11.37 percent in 2020; however, the COVID-19 pandemic is likely to have influenced home sales. The majority of homes sold in Emeryville in 2020 were one-bedroom units.

The median sales price in Emeryville has been consistently lower than that in Berkeley, Albany, Oakland, and Alameda County as a whole. According to Redfin, the median sale price in Berkeley in December 2020 was \$1,560,000 and in Oakland the median sale price was \$780,000 during the same period. This is likely because unit sizes in Emeryville are smaller and most home sales in Emeryville are condominiums, in which the costs of some amenities are reflected in monthly homeowner association dues, rather than in the sale prices of individual units.

Assuming a house payment of no more than 30 percent and a 30-year fixed-rate mortgage (note that this includes costs such as a private mortgage insurance payment, property taxes, home insurance, and homeowner association dues), a low-income household of two could afford a purchase price of \$191,821 and a moderate-income household of two could afford a purchase price of \$420,026. With the median home sale price of \$530,000, it is unlikely that a low-income household of two would be able to access homeownership. A moderate-income household of two might be able to access homeownership, especially if they are prepared to complete repairs and upgrades. A moderate-income household of four could afford a home priced at \$510,419. Thus, homeownership may be an affordable option for some moderate-income households of four. However, the median sale price of \$530,000 was derived from all home sales in Emeryville. 50 percent of Emeryville's housing stock are one-bedroom units and another 17 percent are studios, so the median sale price of \$530,000 likely represents a smaller home than a household of four would be looking for. However, a four-person low-income household could only afford a home priced at \$224,120. This household would be extremely unlikely to find a home of suitable size and condition priced at an affordable level in Emeryville.

Emeryville residents who participated in the community workshop emphasized the desire to see increased homeownership in the city. Homeownership can stabilize monthly costs and may encourage longer residency in the city and greater civic engagement. The City will implement a variety of programs to increase homeownership opportunities. The City will evaluate the feasibility of increasing the number of new affordable ownership residential units required under the Affordable Housing Program by reducing the requirement for the overall number of residential units within a project required to comply (**Program A**), acquire Below Market Rates Ownership Units at risk of foreclosure for resale to a new affordable homeowner (**Program I**), offer down payment assistance to low- and moderate-income households (**Program M**), and encourage the development and conversion of Live/Work units as affordable homeownership options (**Programs P and M**).

### **3.5.3 OVERPAYMENT**

A household is considered to be overpaying for housing and is cost burdened if it spends 30 percent or more of its gross income on housing (including a rent or mortgage payment and utility costs). A household is considered to be severely cost burdened if it spends more than 50 percent of its gross income on housing costs. Overpayment for housing can result in insufficient income available for other basic needs and services, including food, childcare, and medical attention.

As shown in **Table 3-25**, over one-third of Emeryville households were overpaying for housing as of 2017. Approximately 37 percent of households were cost burdened, and 17 percent were severely cost burdened. Overpayment was problematic for both renter and owner households. However, 42 percent of renter households experienced a cost burden as compared to 29 percent of owner households.

Approximately 52 percent of very low-income households were severely cost burdened. Among low-income households, 74 percent were cost burdened and another 39 percent were severely cost burdened. As previously discussed, market-rate housing prices in Emeryville are unaffordable to lower-income households. The City will work to create greater affordable housing opportunities for these households, as stated in **Programs A, D, G, H, K, M, O, BB, CC, and OO**.

**Table 3-25. Housing Cost Burden, 2017**

	Renter Households	Owner Households	Total Households
<b>Very Low Income ≤50% AMI</b>	<b>1,130</b>	<b>460</b>	<b>1,590</b>
Percentage with cost burden	77%	62%	73%
Percentage with severe cost burden	57%	40%	52%
<b>Low Income 51–80% AMI</b>	<b>495</b>	<b>230</b>	<b>725</b>
Percentage with cost burden	34%	74%	74%
Percentage with severe cost burden	28%	61%	39%
<b>Moderate Income and above &gt;81% AMI</b>	<b>2,580</b>	<b>1,645</b>	<b>4,225</b>
Percentage with cost burden	20%	13%	17%
Percentage with severe cost burden	1%	0%	1%
<b>Total households with cost burden</b>	<b>1,765</b>	<b>675</b>	<b>2,440</b>
Percentage with cost burden	42%	29%	37%
<b>Total households with severe cost burden</b>	<b>815</b>	<b>325</b>	<b>1,140</b>
Percentage with severe cost burden	19%	14%	17%
<b>Total households</b>	<b>4,205</b>	<b>2,335</b>	<b>6,540</b>

Source: HUD CHAS 2013-2017

Note: Due to differences in margins of error, table totals using CHAS data may not be consistent between tables in the Housing Element. AMI is Area Median Income.

## 3.6 Special Housing Needs

This section describes groups in the City of Emeryville with a range of housing and supportive service needs, including groups defined in state housing element law as having special needs. These groups consist of agricultural workers, large families, female-headed households, the elderly, persons with disabilities, and people experiencing homelessness. (See the end of section 3.3 for an analysis of extremely low-income households.)

### 3.6.1 LARGE HOUSEHOLDS

Large households are identified as a special-needs population because they may have difficulty locating adequately sized affordable housing. Large households are defined by the US Census as households containing five or more persons (related or unrelated). As previously discussed, Emeryville has a small household size (average 1.81 persons) and few large households. As shown in **Table 3-25**, only 2 percent of Emeryville households have five or more people. As shown in **Table 3-10**, studio and one-bedroom units account for a large portion of the city's housing stock (approximately 64 percent or 4,169 units.) As of 2019, only 8 percent of Emeryville homes had three or more bedrooms and there were no homes with five or more bedrooms. As shown in **Table 3-26**, the majority of large households are renters, but this is primarily due to the higher percentage of renters in the city overall.



Members of the public and elected officials expressed concern at the lack of housing units large enough to accommodate larger families. They expressed concern that the lack of availability of these units may contribute to displacement of current residents as their families grow and may deter families from moving to Emeryville.

The City will work to create greater opportunities for larger households by encouraging developers to provide larger unit sizes (**Program R**).

**Table 3-26. Household Size by Tenure, 2019**

Household Size	Owner-Occupied		Renter-Occupied		Total	
	Number of Households	Percentage	Number of Households	Percentage	Number of Households	Percentage
1 to 4 persons	2,226	99%	4,228	98%	6,454	98%
5 or more persons	20	1%	94	2%	114	2%
<b>Total households</b>	<b>2,246</b>		<b>4,322</b>		<b>6,568</b>	

Source: American Community Survey 5-Year Data (2015-2019)

### 3.6.2 FEMALE-HEADED HOUSEHOLDS

Female-headed households are considered a special-needs group because of the comparatively low rates of homeownership, lower income levels, and disproportionately high poverty rate experienced by this group. In addition, female-headed households with children can face housing discrimination. As shown in **Table 3-27**, as of 2019, 7 percent of Emeryville households (474 families) were female-headed, and 46 percent of female-headed families included children under the age of 18 (216 families). The 2015-2019 ACS estimated that 73 percent of single-person householders in Emeryville were female.

**Table 3-27. Household Types by Family Subtype, 2019**

Household Type	Population	Percentage of Total Households
Family Households	2,335	36%
With Own Children	663	10%
Married Couple Families	1,686	26%
With Own Children	415	6%
Female Householders	474	7%
With Own Children	216	3%
Male Householders	175	3%
With Own Children	32	0%
Non-family Households	4,233	64%
<b>Total Households</b>	<b>6,568</b>	<b>100%</b>

Source: American Community Survey 5-Year Data (2015-2019)

The Federal Poverty Level (FPL), also known as the "poverty line," is the amount of annualized income earned by a household, below which they would be eligible to receive certain welfare benefits, as computed annually by the US Census Bureau. In 2019, the poverty line was \$12,490 for a household of

one plus \$4,420 for each additional household member. The poverty line for a four-person household was \$25,750. Amounts are somewhat higher for 2021; however, 2019 data is shown since **Table 3-27** contains data from 2019. As shown in **Table 3-28**, while approximately 9 percent of all family households and female-headed households without children were living below the poverty line, approximately 40 percent of all female-headed households with children were living below the poverty line.

This group may benefit from City efforts to provide affordable family housing. As stated in **Program R**, the City will work to encourage additional housing that includes multigenerational on-site amenities and multipurpose rooms that can be used for after-school homework clubs and other resident activities. Additionally, the City will work with Emery Unified School District to promote affordable housing opportunities for at-risk families (**Program HH**).

In addition to economic problems, single-mother families may be vulnerable to displacement due to domestic violence. According to the 2018 EveryOne Home report prepared by a Countywide collaborative of homeless services providers, as of 2018, 175 emergency shelter beds and 47 units of Rapid ReHousing were available exclusively for women escaping domestic violence and 32 beds in transitional housing were available specifically for victims of domestic abuse in Alameda County.

**Table 3-28. Female-Headed Households by Poverty Status, 2019**

Group	Above Poverty Level		Below Poverty Level		Totals
	Number	Percent	Number	Percent	
Female-Headed Households	355	74.9%	119	25.1%	474
with Children	146	59.6%	99	40.4%	245
with No Children	209	91.3%	20	8.7%	229
<b>Total Family Households</b>	<b>2,111</b>	<b>90.4%</b>	<b>224</b>	<b>9.6%</b>	<b>2,335</b>

US Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B17012

### 3.6.3 SENIOR HOUSEHOLDS

Seniors are considered to have special needs because they are more likely to have fixed incomes, making it difficult to afford rent increases or home maintenance costs. As of 2019, approximately 16 percent of householders in Emeryville were 65 years of age or older. The largest cohort among renters and owners were between 65 and 74 years. As shown in **Table 3-29**, the ownership rate among senior households is greater than that of the city as a whole.

**Table 3-29. Senior Households by Tenure and Age, 2019**

Household Age	Renters		Owners		Total	
	Number of Households	Percentage	Number of Households	Percentage	Number of Households	Percentage
65 to 74 years	278	6%	350	16%	628	10%
75 to 84 years	93	2%	172	8%	265	4%
85+ years	81	2%	91	4%	172	3%
Total Households with Senior Householder	452	10%	613	27%	1,065	16%
Total Households	4,322	-	2,246	-	6,568	-

Source: American Community Survey 5-Year Data (2015-2019)

Many senior households live on limited incomes. As shown in **Table 3-30**, as of 2019, approximately 38 percent of Emeryville senior households had an annual income of less than \$30,000. Low annual incomes can impact seniors' ability to pay rising housing costs or pay for basic services.

**Table 3-30. Senior Households by Income, 2019**

Annual Income	Number	Percentage
Less than \$30,000	401	38%
\$30,000 to \$49,999	225	21%
\$50,000 to \$74,999	164	15%
\$75,000 to \$99,999	93	9%
More than \$100,000	182	17%
<b>Total</b>	<b>1,065</b>	<b>100%</b>

Source: American Community Survey 5-Year Data (2015-2019)

Two apartment buildings in Emeryville are reserved for very low-income seniors: Emery Villa (50 units) and Avalon Senior Apartments (66 units). Watermark provides 30 independent living units, 63 assisted living units, and 44 memory care units, all market-rate, with a capacity to accommodate 175 seniors.

The Alameda County Area Agency on Aging is the local arm of the national aging network that works to advance the social and economic health of elders (age 60 and over) in the county. In 2016, the agency completed a Four-Year Plan on Aging (as of July 2021, this was still the most current plan). The Four-Year Plan on Aging includes data and surveys identifying issues facing seniors residing in the North County (Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont). The top-rated concern from survey respondents was having adequate money for living expenses, followed by having adequate money to plan and save. In public outreach performed as part of developing the Four-Year Plan, all focus groups indicated transportation access as a major concern and expressed a desire to have more affordable housing integrated into market-rate, mixed-age housing. Access to information about available resources was also indicated as a challenge by participants in the agency's outreach efforts.

The need for affordable senior housing was noted in community workshop polls, in the online survey, and at hearings during the preparation of this Housing Element (See Appendix B). In addition to housing that is affordable, seniors need housing that is accessible and within walking distance to services and amenities, such as pharmacies and grocery stores. As stated in **Programs G, W, and OO**, the City will support the development of affordable senior housing facilities.

### 3.6.4 PERSONS WITH DISABILITIES

A disability is defined broadly by the US Census as a physical, mental, or emotional condition that lasts over a long period of time and makes it difficult to live independently. Special needs for access and affordability can make it difficult for persons with disabilities to find adequate housing. According to the 2015-2019 ACS, there were no Emeryville residents aged 17 or younger with one or more disabilities. However, due to small sample sizes, this may not be accurate. Out of Emeryville’s adult civilian noninstitutionalized population (11,892 people), approximately 10 percent (1,068 people) had one or more disabilities. Among the 1,068 adults that reported having one or more type of disability, the instances of each type of disability are shown in **Table 3-31**. They are ranked in order of frequency.

**Table 3-31. Disabilities by Type, 2015-2019**

Disability	Number of Instances	Percentage <sup>1</sup>
With an ambulatory difficulty	666	62.4%
With an independent-living difficulty	436	40.8%
With a cognitive difficulty	372	34.8%
With a hearing difficulty	310	29.0%
With a self-care difficulty	292	27.3%
With a vision difficulty	195	18.3%

Source: American Community Survey 5-Year Data (2015-2019),  
ABAG Data Profiles for Housing Elements, 2021

<sup>1</sup> Among the 1,068 adults reporting one or more type of disability. Since people may have more than one type of disability type, percentages do not equal 100.

The cost of housing is a significant barrier. Many with disabilities depend on Supplemental Security Income (SSI) as their sole source of income and would be considered extremely low income. According to the 2015-2019 ACS, the mean SSI for households in Emeryville receiving assistance was \$8,498 per year (\$708 per month). SSI payments alone leave recipients near the poverty level, established at \$12,490 per year in 2019 for a one-person household (US Department of Health and Human Services poverty guidelines).

- The City is committed to ensuring housing is usable and accessible for all people, including those with disabilities and will look to support those with disabilities through **Program K, O, X and UU**.

**Mental Illness.** People with behavioral health problems, including mental illness and/or substance abuse, face substantial challenges obtaining and maintaining stable housing. In 2019, 9.7 percent of Alameda County residents “likely has had serious psychological distress in the past year.” However, 74.8 percent

of Alameda County residences who needed assistance for mental/emotional and/or alcohol/drug issues, received assistance. Also, Alameda County has a ratio of 160 residents per 1 mental health provider.<sup>1</sup>

### 3.6.5 PERSONS WITH DEVELOPMENTAL DISABILITIES

According to Section 4512 of the Welfare and Institutions Code, “development disability” means a disability that originates before an individual attains age 18 years, continues or can be expected to continue indefinitely, and constitutes a substantial disability for that individual, which includes intellectual disability, cerebral palsy, epilepsy, and autism. This term also includes disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities but does not include other handicapping conditions that are solely physical in nature.

Many developmentally disabled persons can live and work independently in a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person’s living situation as a child to an appropriate level of independence as an adult.

The California Department of Developmental Services (DDS) provides community-based services to approximately 329,002 persons with developmental disabilities and their families (as of 2020) through a statewide system of 21 regional centers, 4 developmental centers, and 2 community-based facilities. The Regional Center of the East Bay (RCEB) serves Alameda and Contra Costa Counties. The center is a private, nonprofit community agency that contracts with local businesses and organizations to offer a range of services to individuals with developmental disabilities and their families.

According to data provided by the RCEB, in collaboration with the Housing Consortium of the East Bay (HCEB), there were 66 persons with development disabilities in the 94608-zip code, which is primarily located in Emeryville, as of 2020. **Table 3-32** provides an estimate of developmentally disabled residents by age. Approximately 61 percent of developmentally disabled residents were aged 18 years or older.

**Table 3-32. Developmentally Disabled Residents by Age, 2020**

Age Range	Number of Persons	Percentage
18 years and younger	26	39%
18 and older	40	61%
<b>Total</b>	<b>66</b>	<b>100%</b>

Source: California Department of Developmental Services, Consumer Count by California ZIP Code and Age Group (2020), ABAG Data Profiles for Housing Elements, 2021

<sup>1</sup> Behavioral Health Services, Alameda County. August 3, 2021 (adopted). Mental Health Services Act Annual Plan Update, Fiscal Year 2021-2022, pg. 40.

A variety of housing types are appropriate for people living with a developmental disability: rent-subsidized housing with services that is accessible and close to transit and community resources, tax credit-financed special-needs housing, licensed and unlicensed modified single-family homes (typically three to five bedrooms), inclusionary units within larger developments, Section 8 vouchers, homeownership through financial assistance programs, and housing specially modified for the medically fragile (Senate Bill 962 homes). Affordability is a particular concern, as many persons with developmental disabilities live on extremely low fixed incomes.

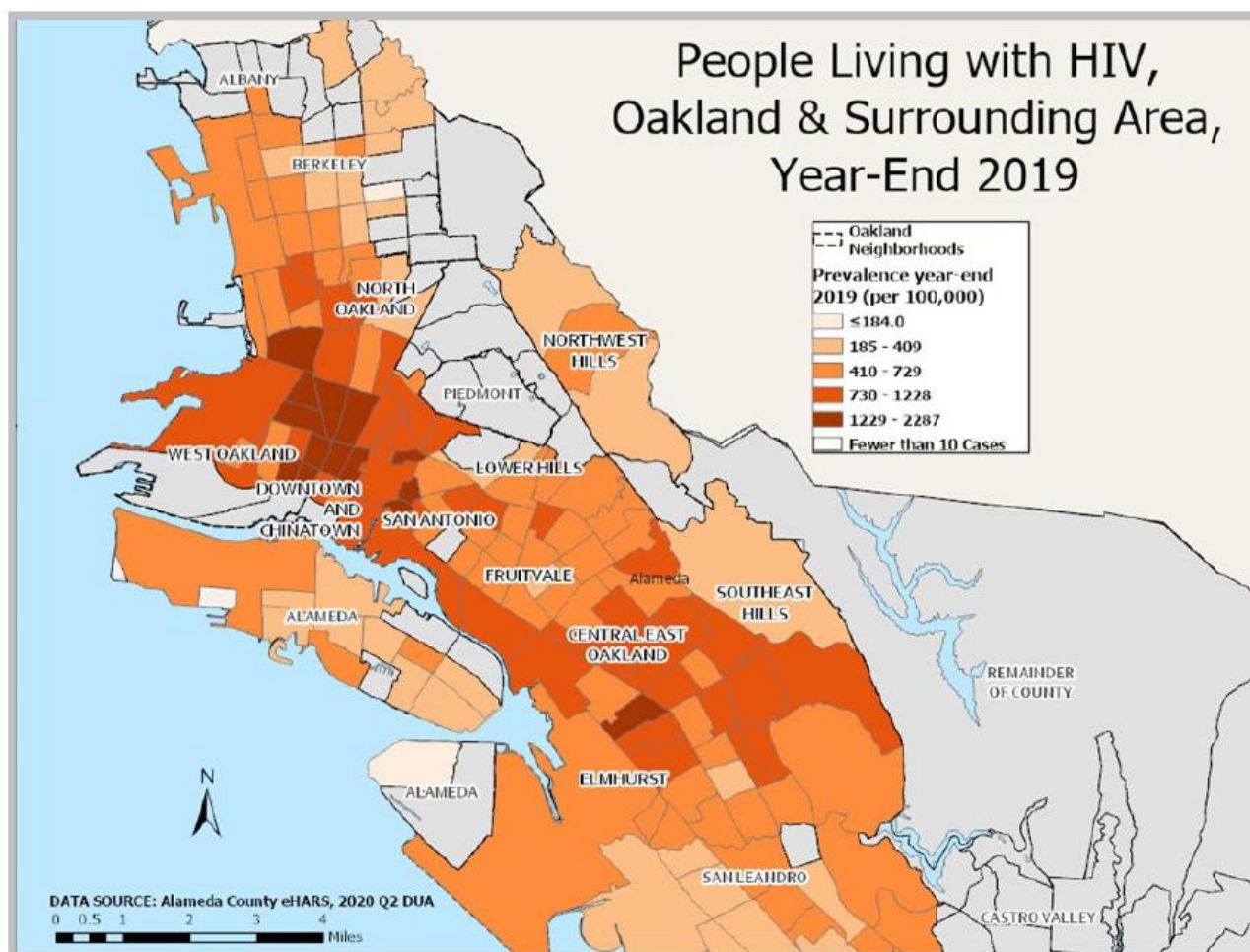
The City is committed to facilitating the development of housing appropriate for persons with developmental disabilities. In 2020, the City studied the potential for expanding housing for residents with supportive services needs using a Master Lease program. The City also continues to support Rebuilding Together East Bay and the Alameda County Health Homes Program to provide accessibility grants that can help low-income households make necessary accessibility alterations to their home.

To improve access to housing for those with developmental disabilities, this Housing Element includes **Program O** to evaluate the feasibility of providing developers an option of setting aside affordable rental unit for people living with developmental disabilities by producing a smaller percentage of affordable units than required. **Program K** commits the City to providing a financial incentive for restricting additional Below Market Rate units for the disabled in existing or new developments beyond what is required under the Affordable Housing Program. In addition, the City will encourage the development of a variety of housing types that can accommodate persons with disabilities, such as shelter-plus-care units and care facilities for those with severe disabilities (**Program O**).

### **3.6.6 PERSONS LIVING WITH HIV/AIDS**

According to the report, HIV in Alameda County, 2017-2019 by Alameda County Public Health Department, HIV Epidemiology and Surveillance Unit, as of 2019, an estimated total of 6,350 persons were living with HIV/AIDS in Alameda County, per the Alameda County Public Health Department. The majority were male (83.8 percent), and the racial/ethnic group with the highest proportion of cases was African American (38.4 percent). The City of Emeryville had the highest HIV prevalence within the county, which was most densely concentrated in the southern and eastern neighborhoods of the city. This concentration correlates with the location of majority of affordable and assisted housing. According to **Figure 3-1**, census tracts in the northern portion of Emeryville (land north of Stanford Ave) have approximately 410 to 729 cases of people living with HIV per 100,000 people. Census tracts in South Emeryville are much more concentrated at an approximate case of 1,229 to 2,287 per 100,000 people. Even though Emeryville does not have the highest concentration of people living with HIV, the data must be interpreted with Emeryville's smaller population (in comparison to the rest of the county). As a result, these findings indicate a higher concentration of persons living with HIV than the rest of Alameda County.

**Figure 3-1: People Living with HIV, Oakland & Surrounding Area, Year-End 2019**



Source: *HIV in Alameda County, 2017-2019* by Alameda County Public Health Department, HIV Epidemiology and Surveillance Unit

People with HIV and AIDS encounter significant housing problems, similar to those of the elderly and disabled persons. This can be because of limited incomes or the structural capacity of the housing supply to accommodate their physical needs. In Emeryville, Baybridge Apartments, Ambassador Housing and Estrella Vista offer housing reserved for households living with HIV/AIDS.

As of 2021, the Alameda County HIV/AIDS housing and service system continued to be supported by two federal programs: HUD’s Housing Opportunities for Persons with AIDS (HOPWA) program and the Ryan White CARE Act. HOPWA funds are used for the development of emergency, transitional, and permanent housing. According to the US Health Resources and Services Administration (HRSA), Ryan White funds cannot be used for permanent rental or ownership housing, and the use of HOPWA for services should be limited to 35 percent of the total grant amount in a given project.



Alameda County has offered a short-term rent, mortgage, and utility subsidy program for people living with HIV/AIDS since 1996. Additionally, Project Independence provides partial rent subsidies, support service coordination, and accessibility improvements to people living with HIV/AIDS who are at risk of homelessness.

### **3.6.7 PERSONS EXPERIENCING HOMELESSNESS**

Homelessness and housing instability have wide-ranging negative impacts. Persons or families who are homeless or at risk of becoming homeless are often unable to reach their full potential at home, at work, at school, or in the community. Homelessness is a symptom of a wide range of challenges. The high cost of housing in Alameda County increases cases of homelessness and presents a barrier to its prevention.

Alameda County has made a significant investment in affordable housing and services related to homelessness, behavioral health, and HIV/AIDS. In May 2022, the Alameda County Board of Supervisors endorsed the Home Together 2026 Community Plan (the “Home Together Plan”). The Home Together Plan is a 5-year strategic initiative that sets forth the strategies, activities and resources needed to reduce homelessness in Alameda County. The Home Together Plan has four goals:

- Preventing homelessness for residents
- Connecting people to shelter and direct resources
- Increasing housing solutions

Strengthening coordination, communication, and capacity.

#### **3.6.7.1.1 Homeless Count**

Every two years, EveryOne Home completes a point-in-time count of the homeless population in Alameda County. The count was most recently completed in February 2022, preliminary results were released in May 2022 and full results were published in July 2022. As shown in **Table 3-33**, the February 2022 count found 9,747 homeless persons in the county, an approximately 22-percent increase over 8,022 homeless estimated in the 2019 count. Due to the small size of its staff, the City of Emeryville does not directly collect data on the number of homeless persons in the city. As of the 2022 point-in-time count, there were 0 sheltered residents and 91 unsheltered residents experiencing homelessness in Emeryville.



**Table 3-33. Alameda County-Homeless Count, 2009-2022**

Year	Homeless Population	Percentage Change
2009	4,341	—
2011	4,178	-4%
2013	4,264	2%
2015	4,040	-5%
2017	5,629	39%
2019	8,022	43%
2022	9,747	22%

Source: Alameda Countywide Homeless Count and Survey Report, 2019; Alameda County Homeless Point-In-Time Count and Survey 2022

As shown in **Table 3-34**, in 2022 no homeless households with children were identified in Emeryville. Of the 91 homeless adults, 10 percent were 18-24 years old and 90 percent were over the age of 25 Countywide, five percent (486) of homeless individuals were 18 years old or younger.

**Table 3-34. Homeless Households With and Without Children, 2022**

	Age Range	Emeryville		Alameda County	
		Count	Percentage	Count	Percentage
In households with children	0 to 18	0	0%	486	5%
	18 to 24	0	0%	69	1%
	25+	0	0%	289	3%
In households without children	18 to 24	9	10%	735	8%
	25+	82	90%	8,071	84%
<b>Total</b>		<b>91</b>	<b>100%</b>	<b>9,650</b>	<b>100%</b>

Source: Alameda County Point-In-Time Count and Survey, 2022

As shown in **Table 3-35**, the 2022 count found 2,612 sheltered homeless individuals in Alameda County (including the cities and unincorporated County). This is a 53 percent increase as compared with the 2019 count, which found 1,710 sheltered homeless individuals countywide. The number of unsheltered homeless individuals increased by 13 percent, from 6,312 in 2019 to 7,135 in 2022. **(See Programs O, QQ, BB and LL.)**

**Table 3-35. Sheltered and Unsheltered Homeless Population, 2019 and 2022**

	2019		2022		Percentage Change
	Count	Percentage	Count	Percentage	
Total sheltered	1,710	21%	2,612	27%	53%
Unsheltered	6,312	79%	7,135	73%	13%
<b>Total Homeless Population</b>	<b>8,022</b>	<b>100%</b>	<b>9,747</b>	<b>100%</b>	<b>22%</b>

Source: Alameda County Point-In-Time Count and Survey, 2022

As shown in **Table 3-36**, the 2019 count found an increased number of people with severe mental illness experiencing homelessness (2,590 individuals, or 32 percent of the total homeless population) compared to the 2013 count, which identified 1,106 individuals or 26 percent of the total homeless population. During the same time period, the 2019 homeless count found an increase in the number of homeless individuals having chronic substance abuse problems (from 1,289 to 1,897); however, as a percentage of all homeless individuals, those with chronic substance abuse problems decreased from 30 percent to 24 percent.

**Table 3-36. Homeless with Special Needs, 2013 and 2019**

	2013	2019
With severe mental illness	1,106	2,590
As percentage of total homeless population	26%	32%
With chronic substance abuse	1,289	1,897
As percentage of total homeless population	30%	24%

Source: Alameda Countywide Homeless Count and Survey Report, November 2019, ABAG Data Profiles for Housing Elements, 2021

Alameda County Behavioral Health Care Services (BHCS) operates a housing assistance program, called EveryOne Home Fund, for adults with serious mental illness or children with a BHCS provider. The program can fund short-term rental assistance to prevent homelessness and longer-term rental assistance for BHCS program clients.

See also **Section 5.5.3**.

### **3.6.7.1.2 Local Resources**

In addition to the resources described herein, see 6.2 Financial and Administrative Resources for more details. Due to the small size of its staff, the City of Emeryville does not directly collect data on the number of homeless persons in the city. In February 2022, the County Continuum of Care, Everyone Home, led Alameda County's Point-in-Time (PIT). As of the point-in-time count, there were 0 sheltered residents and 91 unsheltered residents experiencing homelessness. Currently, the City of Emeryville has a contract with Operation Dignity, an Emeryville-based homelessness outreach and housing navigation services provider, through 2023. The City continues to participate in the Alameda County Urban County Technical Advisory Committee and the HOME Technical Advisory Committee. In 2017, the City joined Berkeley and Albany in the North County Homeless Hub. The City adopted a Homeless Strategy in 2018 which sets forth goals and implementation measures intended to address homelessness. At that time, the City approved a total of \$305,000 in funding for homeless services, a substantial increase over previous years. The City is actively working with various governmental and non-governmental partners on identifying ways to support those who are homeless and to implement efforts to prevent and end homelessness. The City is also supporting the development of permanent supportive housing through the 3600 San Pablo Avenue project, which will create 25 permanent supportive housing units for very low-income households upon completion.

In 2019 the City approved a temporary emergency shelter for families at the former City Recreation Center located at 4300 San Pablo Avenue, in the MUR zone. The project was operated by the East Oakland Community Project (EOCP). The site had been previously earmarked for a low-income senior housing project. 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 was able to be used for the temporary emergency family shelter. As of May 2022, the City had selected a developer and was in the process of negotiating a Lease Disposition and Development Agreement (LDDA) with them.

As is shown in **Table 3-37**, within Alameda County, almost two-thirds of all year-round homeless housing resources (65 percent of all beds) in the county are for adults only, including the majority of emergency shelter beds. An additional 34 percent are available to families. Within these beds, 95 emergency shelter beds and 699 beds of permanent supportive housing are available to veterans.

**Table 3-37. Homeless Housing Resources in Alameda County, 2020**

	Family Units	Family Beds	Adult-Only Beds	Total Year-Round Beds	Seasonal	Overflow/Voucher
Emergency Shelter	109	391	974	1,383	160	33
Safe Haven	0	0	32	32	0	0
Transitional Housing	50	163	454	617	0	0
Permanent Supportive Housing	441	1,205	2,325	3,545	0	0
Rapid Re-Housing	102	353	278	633	0	0
<b>Total</b>	<b>702</b>	<b>2,112</b>	<b>4,063</b>	<b>6,210</b>	<b>160</b>	<b>33</b>

Source: Alameda County Continuum of Care Report, HUD, 2020

The City provides funding to the Emeryville Community Action Program (ECAP), which collects food donations and provides hot meals to community members in need. This volunteer-run service continues throughout the year with additional special holiday programs. ECAP provides more than 300 food bags every day on Monday through Saturday. According to a November 2020 memo to the Emeryville City Council, ECAP provided approximately 289,614 distributions of food (including duplicates) annually based on their 2019 annual report. While ECAP does not collect data on how many of these clients are housed versus homeless, it is likely that a fair number of the clients are homeless or extremely low income. The high demand for this program is evidence of a large number of people that are living with very little means and need emergency food assistance.

Another major support service location for the homeless is located one mile south of Emeryville on the San Pablo Avenue corridor—the Society of St. Vincent de Paul of Alameda County (SVdP). According to a November 2020 memorandum to City Council, the City of Emeryville in partnership with the City of Oakland has supported shelter beds annually since FY 2015-2016. The initial fiscal support was \$15,000 annually but has risen to \$30,000 annually in recent years.

The City also provides an annual allocation of funds to support the EveryOne Home Plan's Housing Management Information System (HMIS). Since 2005, this program has been used to track the number of homeless individuals receiving housing and service throughout Alameda County.

### 3.6.7.2 Agricultural Workers/Farmworkers

According to the 2015-2019 ACS, only 10 Emeryville residents work in the agriculture or natural resources industries. Thus, Emeryville does not need special housing for agricultural workers. The 2017 Department of Agriculture (USDA) Agricultural Census estimates there are approximately 593 hired farmworkers in Alameda County, with 305 estimated to be permanent labor and 288 estimated to be seasonal workers. Increasing the supply of housing affordable to lower income households could potentially benefit farmworkers. Therefore, the City is committed to increasing the supply of affordable housing for low-, very low-, and extremely low-income households (**Programs A, G, H, I, and Y**). Additionally, the City will amend the Planning Regulations to comply with Health and Safety Code Section 17021.5 and will establish a definition of employee housing and ensure permitting requirements are compliant (**Program LL**).

### 3.6.8 LOCAL OPPORTUNITY GROUPS

Based on community input, the City has identified several groups that are a particular area of focus. These local opportunity groups are families with children, low-income households or families, and seniors. Additionally, the City values supporting the ability of artists, City and Emery Unified School District (EUSD) employees to live in the city.

#### 3.6.8.1 Families with Children

According to the US Census, approximately 10 percent of Emeryville households (663 households) were families with children under 18. In Alameda County, Oakland, and Berkeley, 30, 24, and 19 percent of households were families with children, respectively.

During outreach activities for the preparation of this Housing Element, community members and Housing Committee members expressed concern that the style, size, and cost of housing in Emeryville is forcing out existing and potential family households. Families move to seek housing with more child-friendly amenities, homes with multiple bedrooms, and more affordable rents or purchase prices.

Thus, the community would like to promote family-friendly housing for all income levels, and particularly seek opportunities to provide housing that is affordable to low- and moderate-income families. According to the 2015-2019 ACS, approximately 24 percent of children under 18 in Emeryville were living below the poverty line. By comparison, around 12 percent of residents between 18 and 64 and around 17 percent of residents 65 or over were living below the poverty line.

The City has taken efforts to promote affordable housing opportunities for Emeryville families. The City's Affordable Housing Set-Aside (AHSA) Ordinance requires that a preference for existing Emeryville residents and/or employees be applied in the lotteries for new below-market-rate (BMR) housing, which enables Emeryville families to have an opportunity to apply for and obtain affordable for-sale BMR housing.

**Program R** specifically commits the City to continued actions to encourage the development of family-oriented affordable housing. The City will promote housing that includes larger units, usable outdoor open space, community rooms, and other child-friendly amenities.

### 3.6.8.2 Artists

Emeryville is well endowed with artists, and the community places great value in the arts. The Emeryville Artist Co-Op consists of 56 live/work units that are affordable to low- and moderate-income artists. It provides some space for resident artists, but not nearly enough to support the sizeable community. The City continues to recognize the artists currently living in Emeryville and encourages the growth of artist community in the city.

Many projects in Emeryville include live/work units, and additional live/work units are planned and under construction. **Programs PP and Q** commit the City to engage with the artist and craftperson community to assess their housing needs, continuing to encourage the development of live/work spaces and ensure that those projects that contain affordable live/work units conduct targeted marketing to the artist and craftsperson community.

### 3.6.8.3 City and School District Employees

It is within the public interest for City and school district employees to live in Emeryville. Workers who live nearby spend less time and energy commuting, and essential service employees such as Police Department personnel are closer in case of emergency.

To encourage City and EUSD employees to live in Emeryville, the City has special assistance available through its First-Time Homebuyer Program for both market-rate units and BMR units for these groups. In addition, the City waives its first-time homebuyer requirement and program income limits, although applicants purchasing BMR units must have incomes that do not exceed the moderate-income limits. The City will continue to offer the First Time Homebuyer Program (**Program M**) to City and EUSD employees.

Opportunities for City and EUSD employees are also available through the AHSA Ordinance, which gives lottery preference for BMR units to persons who work in Emeryville (second only to persons who are already Emeryville residents) (**Program QQ**). As stated in **Program FF**, the City will establish a communication channel with EUSD to market all affordable housing opportunities in Emeryville.

## 3.7 Regional Housing Needs Allocation

State law (California Government Code Section 65580 et seq.) requires the California Department of Housing and Community Development (HCD) to project statewide housing needs and allocate the anticipated need to each region in the state. For the Bay Area, including Emeryville, HCD provides the regional need to ABAG, which then distributes the Regional Housing Needs Allocation (RHNA) to the cities and counties within the ABAG region.

Projected housing needs in the RHNA are described by income categories as established by HCD: very low, low, moderate, and above moderate. Additionally, recent state housing element legislation requires jurisdictions to project housing needs for extremely low-income households, which is assumed to be half of the very low-income allocation.

Emeryville’s share of the 2023 to 2031 RHNA is 1,815 units. **Table 3-38** provides a breakdown of units by income category.

**Table 3-38. 2023–2031 RHNA by Income Category**

Income Category	Number Of Units	Percentage Of Total
Extremely low <sup>1</sup>	225	14%
Very low	226	14%
Low	259	16%
Moderate	308	19%
Above moderate	797	50%
<b>Total</b>	<b>1,815</b>	<b>100%</b>

Source: ABAG 2023-2031 RHNA, 2021

<sup>1</sup> Number of units for Extremely Low-Income households was calculated by assuming half of the allocation for Very Low-income households

Local governments can employ a variety of strategies to meet RHNA housing production goals, as provided in California Government Code Section 65583(c)(1), including vacant land zoned for residential uses, development of second units, and the potential for redevelopment of underutilized sites. As described in the sites inventory section in Chapter 6, Housing Resources, Emeryville has sites zoned for residential development at a range of densities to exceed the RHNA for all income categories.

## 4. Constraints

### 4.1 Introduction

Government policies, such as land use and zoning regulations, design review requirements, building code standards, permit processing procedures, development fees and exactions, and environmental regulations, are intended to ensure that housing is safe and appropriate for the community. However, these requirements may act as barriers to housing production and improvement by inhibiting the feasibility of housing projects. Non-governmental constraints, such as physical geography, land availability, land cost, construction costs, and market prices, may also impact the availability and price of housing. This chapter examines these potential constraints under current conditions in Emeryville.

### 4.2 Potential Governmental Constraints

#### 4.2.1 LAND USE REGULATIONS

Governmental constraints are policies, standards, requirements, or actions imposed by the various levels of government upon land and housing ownership and development. Although federal and state agencies play a role in the imposition of governmental constraints, these agencies are beyond the influence of local government and are therefore not addressed in this document. As appropriate, the City will monitor federal and State legislation that could impact housing and support, or change additions to existing legislation. The City will update the Planning Regulations, as needed, to comply with any new housing related planning or zoning laws enacted by the State during the Cycle 6 Planning Period (**Program MM**).

##### 4.2.1.1 General Plan

Each city and county in California must prepare a comprehensive, long-term General Plan to guide its future. The Land Use Element of the General Plan establishes the basic land uses and density of development within each jurisdiction. Under state law, the General Plan elements must be internally consistent, and each jurisdiction's zoning must be consistent with its General Plan. Thus, the Land Use Element must provide suitable locations and densities to implement the policies of the Housing Element.

The Emeryville General Plan was adopted in 2009 and most recently amended in 2019. The General Plan provides a framework for development and is intended to guide the city's continued transition from an industrial center to a diverse and vibrant community.

Density, building intensity (or floor area ratio [FAR]), and building height are established in the Land Use Element and implemented by the Municipal Code. As discussed in context of the General Plan, density, FAR, and building height are not directly correlated with land use designations and zoning districts and are instead established by the General Plan Floor Area Ratios Map, General Plan Maximum Building Height Map, and General Plan Residential Densities Map. (To refer to these maps, see the City's Land Use Element.) Each map designates a base maximum ratio (FAR and density) or limit (height) per area and a maximum development bonus ratio/limit that may be conditionally permitted for projects

demonstrating a significant public benefit, such as public open space, family-friendly housing, or sustainable design.

**Table 4-1** provides an overview of land use categories that allow residential development as well as the corresponding zoning districts. As density is not established by land use classifications, descriptions only include general explanation of residential use types typified in the land use classification.

Without considering density bonuses, existing policies allow residential densities ranging from 20 units per acre in the eastern neighborhoods to 85 units per acre in the Powell/Christie core. These densities can be achieved along with:

1. Building intensities that range from 0.5 to 3.0 FAR without a bonus and up to 6.0 FAR with a bonus in the Powell/Christie core.
2. Building heights that range from 30 to over 75 feet without a bonus, and over 100 feet with bonus in the Powell/Christie core.

**Table 4-1: Residential Land Use Classifications**

Land Use Classification	Implementing Zoning District	Description
High Density Residential	High Density Residential (RH)	Mid- or high-rise residential development.
Medium High Density Residential	Medium High Density Residential (RMH)	Residential development generally at maximum FARs ranging from 1.0 to 1.6.
Medium Density Residential	Medium Density Residential (RM)	Residential development at FARs of 1.0 or less. Single-family units and duplexes are permitted uses; multifamily housing types require either a major or minor conditional use permit, subject to the Municipal Code.
Mixed Use with Residential	Mixed Use with Residential (MUR) and Mixed Use with Residential South (MURS)	One or more of a variety of residential and nonresidential uses. On larger sites of over an acre, a mix of residential and nonresidential uses is required; on smaller sites, a single use may be permitted.
Mixed Use with Nonresidential	Mixed Use with Nonresidential (MUN)	Not generally a residential classification; however, live/work units are permitted.
Industrial	Light Industrial (INL) and Heavy Industrial (INH)	Not generally a residential classification; however, “light” live/work is allowable in the east of Hollis and Horton Street industrial areas, and “heavy” live/work (e.g., work involving manufacturing, welding, and assembly) is allowable in the industrial area west of Hollis.

Source: City of Emeryville General Plan, 2019



#### 4.2.1.2 Area Plans

The City, adopted six area plans between 1990 and 2012, predating the City’s General Plan amendments and comprehensive update to the Municipal Code. The area plans have been developed for specific neighborhoods to guide streetscape design and/or development projects through tailored development standards and policies. These plans are intended to preserve and enhance neighborhood character and establish a cohesive aesthetic that strengthens neighborhood identity and fosters a sense of community. The General Plan amendments and comprehensive update to the Municipal Code incorporated some of the suggested changes identified in the area plans, most notably codifying portions of the North Hollis Overlay Zone and the Park Avenue Overlay Zone. These plans have also been used to implement new public amenities such as the sidewalks and street trees on Park Avenue (Park Avenue District Plan) and the creation of the Emeryville Greenway (North Hollis Area Urban Design Program).

As of December 2021, the City, has been formulating objective design and development standards and plans to adopt them in mid-2023. As a part of this effort and to comply with the requirements of the Housing Accountability Act, Senate Bill (SB) 330, and SB 35, the City is reviewing the design regulations and guidelines for multifamily and residential mixed use set forth in the area plans. The City, will identify unique guidelines specific to districts to retain, key design principles that could have citywide applicability, and redundant or obsolete guidelines that should be removed. Guidelines from some of the area plans will be incorporated into the City’s objective standards. The City, initiated this effort in June 2020 with its awarded SB2 grant funding and will complete before the end of 2023 (**Program C**). The North Hollis Area Urban Design Program, San Pablo Avenue Urban Design Plan, and Park Avenue District Plan are available on the City’s website. The South Bayfront Design Guidelines are fully implemented and not posted on the City’s website.

##### 4.2.1.2.1 North Hollis Area Urban Design Program (Adopted 2002)

The North Hollis Area Urban Design Program is implemented through the North Hollis Overlay Zone. The plan covers the northeast corner of the city and calls for infill residential uses that complement the existing neighborhood. The plan is also intended to stimulate use of the greenway, discourage through traffic, balance automobile access with other transportation modes, provide sufficient public parking, and encourage private development that enhances neighborhood character and promotes pedestrian improvements of the area. Sections of the North Hollis Area Urban Design have been successfully implemented, including design guidelines for sidewalks. However, some design standards, including FAR, have been made obsolete through General Plan amendments and a comprehensive update to Municipal Code.

##### 4.2.1.2.2 San Pablo Avenue Urban Design Plan (Adopted 1990)

The San Pablo Avenue Urban Design Plan outlines a phased strategy for the development of San Pablo Avenue into an active, attractive neighborhood retail center. The document targets land use for a few specific catalyst projects, establishes goals for public circulation and streetscape improvements, and provides design guidelines for new development. The plan was written in 1990 and the majority of it has

already been implemented. The design guidelines support low-density commercial and are largely outdated from the City’s current mixed-use commercial and high-density residential context.

#### **4.2.1.2.3 South Bayfront Design Guidelines (Adopted 1997)**

The South Bayfront Design Guidelines cover the area south of Powell Street between the railroad and Interstate 80 (I-80). The plan outlines eight high-level site design principles for the development of the district and presents three conceptual models. These guidelines were established in 1997. Since that time, much of the South Bayfront area has been developed accordingly through the Bay Street redevelopment.

#### **4.2.1.2.4 Park Avenue District Plan (Adopted 2006)**

The Park Avenue District Plan establishes incentives and development guidelines intended to create a vibrant, mixed-use neighborhood. It seeks to preserve the area’s small parcels and historic buildings and encourages private development of live/work housing, small-scale businesses, pedestrian and bicycle accessibility, and 24-hour community uses. Public investments, such as an arts center, community open space, and improved sidewalks, will complement this improved district. Sidewalks and streetscape along Park Avenue, west of Hollis Street, has been successfully built out in accordance with this area plan. However, design guidelines for FAR and height have been made obsolete through General Plan amendments and the comprehensive update to the Municipal Code.

#### **4.2.1.3 Municipal Code (Zoning)**

Emeryville’s Municipal Code, which was originally adopted in 1995 and is periodically updated, establishes zoning districts that implement the General Plan land use classifications. **Table 4-2** shows residential uses, the zoning districts in which they are permitted, and whether they are permitted by right (without discretionary action) or with a conditional use permit (CUP). This flexible approach allows residential permitting on approximately 57 percent of the land in Emeryville. The Municipal Code is available online on the City’s website.

**Table 4-2: Zones Where Residential Uses Are Permitted**

Residential Use	RM	RMH	RH	MUR	MURS	MUN	INL	INH
Single unit	P	—	—	—	—	—	—	—
Two units	P	—	—	—	—	—	—	—
Multi-unit	CM	P	P	p <sup>4</sup>	p <sup>4</sup>	—	—	—
Accessory dwelling units (ADUs) / junior accessory dwelling units (JADUs)	P	P	P	P	P			
Domestic violence shelter	C	C	C	C	C	—	—	—
Low-barrier navigation center	CM <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>			
Emergency shelter	—	—	—	C	P	C	C	—
Factory-Built Housing (Manufactured homes) <sup>5</sup>	P							

Residential Use	RM	RMH	RH	MUR	MURS	MUN	INL	INH
<b>Group residential, including single-room occupancy (SRO), boarding houses, and dormitories</b>								
Small (six or fewer persons)	P	P	P	P	P	—	—	—
Large (seven or more persons)	C	C	C	C	C	—	—	—
Mobile home park <sup>5</sup>	C	—	—	—	—	—	—	—
<b>Residential care facility</b>								
Limited (six or fewer persons)	P	P	P	P	P	—	—	—
General (seven or more persons) <sup>1</sup>	C	C	C	C	C	—	—	—
<b>Supportive housing</b>								
Single unit or two units	P	—	—	—	—	—	—	—
Multi-unit	CM	P	P	P	P	—	—	—
<b>Transitional housing</b>								
Single unit or two units	P	—	—	—	—	—	—	—
Multi-unit	CM	P	P	P	P	—	—	—
<b>Live/work unit</b>								
Heavy	—	—	—	—	—	—	—	CM
Light	C	C	C	C	C	C	C	—
Employee housing <sup>3</sup>	—	—	—	—	—	—	—	—

Source: Emeryville Municipal Code, 2021

<sup>1</sup> The City commits to revising the Municipal Code to permit limited and general residential care facilities using the same standards, both without conditional use permits.

<sup>2</sup> The City commits to revising the Municipal Code to permit low-barrier navigation centers in any zone where multifamily uses are permitted, in accordance with Assembly Bill 101.

<sup>3</sup> The City commits to revising the Municipal Code to permit employee housing that serves six or fewer persons as other single-family uses of the same type in the same zone across all zones that allow single-family residential uses in compliance with the California Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6) (**Program LL**).

<sup>4</sup> While multifamily is a permitted use, per Section 9-3.303(b)(2)b, a CUP is required for any development on sites of 1-5 acres in the MUR/MURS zones. The CUP is not considered a constraint on housing and the process ensures that mixed-use developments incorporate adequate housing. The residential use itself is not discretionary.

<sup>5</sup> Mobile/Manufactured Planning Regulation Amendment: Planning Regulations will be updated to require mobile and manufactured homes the same approval processes as single-family residential uses, in compliance with California Government Code Section 65852.3 within 3 years (**Program LL**).

Key: permitted (P), conditionally permitted with a major conditional use permit (C), normally requiring a minor conditional use permit (CM) and prohibited (—).

#### 4.2.1.4 Zoning for a Variety of Housing Types

Emeryville's Municipal Code is consistent with the General Plan and provides ample opportunities for residential development. With standard housing developments permitted by right and less common use types allowed conditionally, the City's regulations encourage and facilitate a diverse variety of housing types and are not considered a constraint to housing production.

The City, is committed to providing a variety of housing opportunities to members of the community, including those with special needs. Emeryville's Municipal Code provides for a variety of housing types, living situations, and residents' needs. For example, recent updates to the Municipal Code remove barriers to establishing group homes, allow emergency shelters by right, and provide opportunities for transitional and supportive housing.

#### **4.2.1.4.1 Single-Family and Multifamily**

Emeryville has no low-density residential zones because there are no neighborhoods exclusively zoned for single-family housing, such as a residential low-density zoning district. Single-unit and two-unit residences are allowed by right in the RM zoning district but are not permitted in any other zoning district that allows residential uses. Single units consist of one dwelling unit on a single lot, whether that be detached from or attached to dwelling units on abutting lots. Two-unit development consists of two dwelling units on a single lot that may be either attached or detached. This use type is distinguished from an accessory dwelling unit (ADU), which is an accessory residential unit as defined by state law. Multi-unit (three or more units) residences are allowed by right in the RMH, RH, MUR, and MURS zoning districts and with a CUP in the RM zone. Multi-unit residential development can be attached or detached, with typical uses including townhouses, condominiums, and apartment buildings.

#### **4.2.1.4.2 Live/Work Units**

Live/work units combine a workspace and incidental residential occupancy that is occupied and used by a single household in a structure that has been constructed for such use or is converted from commercial or industrial use and altered to accommodate residential occupancy and work activity. Live/work units are further defined as Heavy and Light. Heavy indicates work activity that may be objectionable because it produces offensive order, dust, noise, bright lights, or vibration or involves the storage of hazardous materials or products, including activities such as manufacturing, welding, or assembly. Light refers to any live/work unit not classified as heavy. Heavy live/work units are allowed only in the INH zoning district subject to an approved minor CUP. Light live/work units are allowed in the RM, RMH, RH, MUR, MURS, MUN, and in the INL districts with an approved major CUP.

#### **4.2.1.4.3 Liveaboard Permits for Boats**

Within the Municipal Code, boats are not considered residences. However, per the regulations of the San Francisco Bay Conservation and Development Commission (BCDC), the lesser of 10 percent of vessels at the Emeryville Marina, or 38 vessels, may be issued liveaboard permits in one-year increments. Community members holding these permits may elect to use their vessels as primary residences. Permitted boats must be of a type designed for active navigation and may not include houseboats. According to a letter provided by the City Attorney's office, in 2017 the City received complaints from residents of the Emeryville Marina that they were being displaced due to increasing slip rents and evictions issued by the private entity managing the marina. While this may create a housing challenge for displaced residents, because of the nature of liveaboard permitting and the BCDC regulations governing the marina, the City does not have a basis to interfere in these evictions so long as the managing entity complies with state law. As noted with Table 3-8, while the Department of Finance

reports the presence of 36 mobile homes in Emeryville, City staff are unaware of any. It is possible that the permitted live-aboard boats in the Emeryville Marina were counted as mobile homes by the Department of Finance. Per the City Attorney's office, live-aboard boats are considered vessels rather than housing units. However, use of permitted live-aboard boats as permanent residences is allowed. The San Francisco Bay Conservation and Development Commission, which regulates live-aboard permits, has limited the number of permits to 10 percent of the total number of berths or 38 berths, whichever is less

#### **4.2.1.4.4 Accessory Dwelling Units (ADUs)/ Junior Accessory Dwelling Units (JADUs)**

ADUs (previously referred to as second units) are defined in the Municipal Code (see Section 9-2.702(b)) as an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. An ADU may be within the same structure as the primary unit, in an attached structure, or in a separate structure on the same parcel. State legislation requires jurisdictions to allow ADUs that meet certain standards by right anywhere that single-family or multifamily uses are allowed. JADUs, that is, smaller units (up to 500 square feet) located entirely within an existing single-family primary unit, are also allowed under state law.

Emeryville permits ADUs by right in all zoning districts where single-family and multiple-family residential is permitted, in addition to the MUR and MURS zoning districts, subject to the provisions of the Municipal Code (Section 9-5.14). Emeryville allows detached and attached ADUs up to 1,200 square feet or the same square footage of the largest principal unit, whichever is greater. Emeryville allows one ADU and one JADU on lots with an existing or proposed single unit. On lots with two-units or multi-unit residential, Emeryville permits:

- Within portions of existing two unit or multi-unit structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements and garages, one ADU or 25 percent as many units as exist on the site, whichever is more, is/are allowed.
- Detached from, or attached to but not within, existing structures, two ADUs are allowed.

ADUs are reviewed ministerially and permitted through an approved zoning compliance review permit, requiring review by the Community Development Director, in consultation with the Chief Building Official and Fire Marshal.

The City adopted updates to the ADU ordinance in 2021 to comply with state law. During the planning period, the City will implement the ADU ordinance and update it to comply with any new state requirements. Additionally, the City will propose initiatives to promote ADU development as an affordable housing option, including considering establishing a loan program for homeowners for ADUs, marketing ADU guidance materials, and creating a frequently-asked-questions (FAQs) webpage for ADUs on the City's website (**Program D**).

#### **4.2.1.4.5 Mobile Homes/Mobile Home Parks**

Mobile homes or factory-built housing offer an affordable housing option to many low- and moderate-income households. California Government Code Section 65852.3 requires cities to treat certified mobile homes (manufactured homes) on a permanent foundation for permanent occupancy the same as single-family dwellings. They may not be excluded from lots zoned for single-family dwellings and are subject to the same rules as site-built homes, except for certain architectural requirements. Further, a city may not require an administrative permit, planning or development process, or requirement that is not imposed on a conventional single-family dwelling.

Factory-built homes in Emeryville are expressly treated the same as site-built homes, per Section 9-5.205 of the Municipal Code. Factory-built housing on residential lots not constructed within a mobile home park must conform to the same development standards applied to site-built homes with regards to setbacks, parking, placement, and other standards, but have additional specific architectural requirements related to exterior finish and roofing material to blend factory-built housing with site-built housing. Mobile home units may also be used as rental ADUs subject to certain construction standards (e.g., National Mobile Home Construction and Safety Standards of 1974), and architectural requirements. These standards do not impose a constraint on the placement of mobile homes or unreasonable cost burdens on mobile homeowners since new factory-built homes normally comply with the City's requirements with little or no modification. Despite this, factory-built housing is underutilized in the city. While the Department of Finance reports the presence of 36 mobile homes in Emeryville (**Table 3-8**), City staff are unaware of any. It is possible that the permitted live-aboard boats in the Emeryville Marina were counted as mobile homes by the Department of Finance.

Mobile home parks are permitted in the RM zone with an approved CUP. Emeryville does not have any mobile home parks within the city limits. Planning Regulations will be updated to require mobile and manufactured homes the same approval processes as single-family residential uses, in compliance with California Government Code Section 65852.3 within 3 years (**Program LL**).

#### **4.2.1.4.6 Residential Care Facilities**

Health and Safety Code Sections 1267.8, 1566.3, and 1568.08 require local governments to treat licensed group homes and residential care facilities with six or fewer residents no differently than other by-right single-family housing uses. "Six or fewer persons" does not include the operator, the operator's family, or persons employed as staff. Local agencies must allow these licensed residential care facilities in any area zoned for residential use and may not require licensed residential care facilities for six or fewer persons to obtain CUPs or variances that are not required of other family dwellings. Group homes and residential care facilities should not be subject to any restrictions (e.g., occupancy limit) that are not imposed on similar dwellings (e.g. single-family homes, apartments).

In Emeryville, limited residential care facilities (providing care for six or fewer persons) are permitted by right in the RM, RMH, RH, MUR, and MURS zones. "By right" means that the use is principally permitted with a ministerial process. The City will adopt Objective Design Standards in early 2023 which will be a means to address the potential for subjectivity in the City's design review processes (**Program C**). General residential care facilities (providing care for seven or more persons) are conditionally permitted

in the RM, RMH, RH, MUR, and MURS zones. In **Program LL**, the City commits to revising the Municipal Code to allow general residential care facilities to be permitted in the same way as limited residential care facilities.

#### **4.2.1.4.7 Group Residential Uses (Housing for Extremely Low-Income Households)**

Emeryville's Group Residential uses consist of accommodations generally offered on a weekly or longer basis consisting of shared living quarters or single-room occupancy (SRO) housing with more than one room or unit sharing kitchen and/or bathroom facilities. Group residential uses include boarding houses and dormitories. Similar to residential care facilities, Emeryville has separate zoning requirements for group residential uses with six or fewer residents (small) and group residential uses with seven or more residents (large).

Small group residential uses are treated the same as other single-family (single-unit) uses and are permitted by right in the RM, RMH, RH, MUR, and MURS zoning districts. Large group residential uses are conditionally permitted in the above-mentioned zones. In **Program LL**, the City commits to revising the Municipal Code to allow large group residential uses to be permitted in the same way as small group residential uses. The City, does not impose separation requirements for group residential uses, allowing for the integration of group residential uses with other residential uses.

SRO units and similar use types are an important source of affordable housing for extremely low-income households. Extremely low-income households typically comprise persons with special housing needs, including, but not limited to, persons experiencing homelessness or at risk of homelessness and persons with substance abuse problems. Assembly Bill (AB) 2634 (Lieber 2006) requires the quantification and analysis of existing and projected housing needs of extremely low-income households. Housing Elements must also identify zoning to encourage and facilitate supportive housing and SRO units. In **Programs A, G, H, K, L, O, Y, BB, CC, GG, and OO**, the City, commits to addressing the needs of extremely low-income households, including expanding affordable housing opportunities. As a part of this effort, the City, will amend the Municipal Code to permit group residential uses with seven or more residents through a ministerial process rather than requiring a CUP (**Program LL**).

#### **4.2.1.4.8 Employee and Farmworker Housing**

No land within Emeryville is designated for agricultural use. According to 2019 American Community Survey (ACS) 5-year estimates (**Table 3-20**), there are 10 persons in Emeryville employed in agriculture, forestry, fishing and hunting, and mining occupations. These persons may work outside of Emeryville. Therefore, Emeryville has no specific need for farmworker housing. The 2017 Department of Agriculture (USDA) Agricultural Census estimates there are approximately 593 hired farmworkers in Alameda County, with 305 estimated to be permanent labor and 288 estimated to be seasonal workers. Increasing the supply of housing affordable to lower income households could potentially benefit farmworkers. Therefore, the City is committed to increasing the supply of affordable housing for low-, very low-, and extremely low-income households (**Programs A, G, H, I, and Y**).



Emeryville permits an employee housing-related use as an accessory resident manager's and caretaker's quarters, defined in Section 9-2.702(f) as a dwelling unit in connection with a principal nonresidential use on the same lot, to be occupied by a person who must be present on the site for managerial or security reasons and who is the owner, lessee, or an employee of the owner or lessee of the nonresidential use. The City commits to revising the Municipal Code to permit employee housing that serves six or fewer persons as other single-family uses of the same type in the same zone across all zones that allow single-family residential uses in compliance with the California Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6) (**Program LL**).

Planning Regulations will be updated to both streamline and define agricultural worker housing. This includes ministerially approving of agricultural worker housing that meets the requirements of Health and Safety Code Section 17021.8. The updated definitions will identify that any agricultural worker housing made up of less than 36 beds in a group quarter or 12 units or spaces can be classified as agricultural land use and permitted in the same manner as agricultural uses consistent with Health and Safety Code Section 17021.6. Modifications, if approved will be implemented in 3 years (**Program LL**).

#### **4.2.1.4.9 Transitional and Supportive Housing**

Supportive housing is defined by Section 50675.14 of the Health and Safety Code as housing with linked on- or off-site services with no limit on the length of stay and which is occupied by a target population, as defined in Health and Safety Code Section 53260 (i.e., low-income person with mental disabilities, AIDS, substance abuse, or chronic health conditions, or persons whose disabilities originated before the age of 18). Services linked to supportive housing usually focuses on assisting people with retaining their housing, and living and working in the community, and/or health improvement.

Transitional housing is defined in Section 50675.2(h) of the Health and Safety Code as rental housing for stays of at least six months but where the units are recirculated to another program recipient after a set period. It may be designated for a homeless individual or family transitioning to permanent housing. This housing can take many structural forms, such as group housing and multifamily units, and may include supportive services to allow individuals to gain necessary life skills in support of independent living.

Pursuant to California Government Code Section 65583, transitional and supportive housing types are required to be treated as residential uses and subject only to those restrictions that apply to other residential uses of the same type in the same zone. Transitional and supportive housing, as defined in the Health and Safety Code, are permitted by right without a CUP in residential zones.

The City allows transitional and supportive housing, subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. More specifically, single-unit or two-unit transitional housing and supportive housing are permitted by right in the RM zone, and multi-unit projects are conditionally allowed in the RM zone and permitted by right in the RMH, RH, MUR, and MURS zoning districts, consistent with California Government Code Sections 65583 and 65650.



#### **4.2.1.4.10 Domestic Violence Shelter**

Emeryville allows domestic violence shelters with an approved major CUP in the RM, RMH, RH, MUR, and MURS zoning districts. Per Section 9-2.209 of the Municipal Code, domestic violence shelters are defined as a facility where victims of domestic violence or sexual abuse are provided temporary housing, food, and other specialized services in compliance with California Welfare and Institutions Code Section 18290.

#### **4.2.1.4.11 Emergency Shelters**

The California Health and Safety Code (Section 50801[e]) defines an emergency shelter as “housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.”

In 2019, the City approved a temporary emergency shelter for families at the former City Recreation Center at 4300 San Pablo Avenue, in the MUR zone. The project was operated by the East Oakland Community Project (EOCP). The site had been previously earmarked for a low-income senior housing project. 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 was able to be used for the temporary emergency family shelter. As of October 2022, the City had selected a developer, entered into a Lease Disposition and Development Agreement (LDDA) with them, and is in the process of reviewing the preliminary application for entitlements under the Streamlined Permitting process.

The City’s Municipal Code allows emergency shelters by right in the MURS zone, requiring ministerial approval of a zoning compliance review application by the Community Development Director, with consultation from the Chief Building Official and Fire Marshal. Emergency shelters are also conditionally permitted in the MUR, MUN, OT (Office/Technology), OT/DH (Office/Technology Doyle-Hollis North), and INL (Light Industrial) zoning districts, requiring an approved major CUP. Sites in the MURS, MUR, MUN, OT, OT/DH, and INL zoning districts are well served by transit, services, and amenities. As shown in **Table 4-3**, there are a total of 25 parcels on 8.72 acres where emergency shelters could potentially be built. As described in section 3.6.7.1.1, during the 2022 Point in Time count, 91 homeless individuals were counted in Emeryville. The 25 parcels described in **Table 4-3** have ample land area to accommodate one or more facilities with 91 beds. At 200 square feet per bed, 91 beds could be accommodated in a building of approximately 19,000 square feet as follows:

- In a one-story building on a site that is approximately a half-acre (0.5), or
- In a two-story building on a site that is approximately a quarter acre (0.25), or
- In a three-story building on a site that is approximately one-sixth (0.16) of an acre

Existing structures on the parcels summarized in **Table 4-3** are likely not structurally appropriate for adaptive reuse. However, the existing structures are older and not an impediment to the redevelopment of the sites. To facilitate the production of emergency shelters, the City will remove the CUP on emergency shelters in the MUR and INL zones subject only to a by right process and consider allowing them with a CUP in the P zone (**Program LL**).

**Table 4-3: Capacity for Emergency Shelters**

Zone	Vacant		Underutilized	
	Number of Parcels	Acres	Number of Parcels	Acres
INL	0	0	5	1.46
MUR	6	3.75	11	3.42
MURS	0	0	1	0.0.9
<b>TOTAL</b>	<b>6</b>	<b>3.75</b>	<b>17</b>	<b>4.97</b>
TOTAL Parcels	25			
TOTAL Acres	8.72			

Source: City of Emeryville, 2021

The City adopted objective managerial standards to encourage and facilitate the development of a new emergency shelter or conversion of a building with another use for use as an emergency shelter. Per Section 9-5.1804 of the Municipal Code, development standards for emergency shelters in Emeryville include:

- **Number of Beds.** An emergency shelter may have up to 60 beds.
- **Waiting Area.** A waiting and intake area with a minimum of 10 square feet per bed shall be provided.
- **Outdoor Activities.** Outdoor activities, including, but not limited to, on-site waiting, client intake areas, and charitable food distribution, may only be conducted between the hours of 8:00 a.m. to 6:00 p.m. and shall be screened from public view to the extent feasible.
- **Location Requirement.** No emergency shelter shall be established within 300 feet of any other emergency shelter. The distance between any two emergency shelters shall be measured in a straight line, without regard to intervening structures, from the closest property line of each shelter.
- **Lighting.** Adequate external lighting for security shall be provided.
- **Security.** Parking and outdoor facilities shall be designed for security for residents, visitors, and employees.
- **Management Plan.** The shelter operator shall have a written management plan including provisions for staff training, neighbor relations, security, screening of residents to ensure compatibility with services provided at the facility, and programs for residents.
- **On-Site Staffing.** A minimum of one staff member per 20 beds shall be on duty and awake when the facility is in operation.
- **Compliance with Federal, State, and Local Regulations.** Emergency shelters shall comply with all federal, state, and local licensing requirements.
- **Compliance with Life Safety Regulations.** Emergency shelters shall comply with all applicable building, fire, and health and safety codes, including maximum occupancy restrictions.

Emeryville does not require a minimum number of parking spaces and relies on an estimated parking demand ratio to determine the maximum number of parking spaces allowed. While emergency shelters are not required to provide any parking spaces, the estimated parking demand ratio to determine the

maximum parking spaces allowed is listed as to be determined (TBD) in Table 9-4.404 of the Municipal Code. Per Section 9-4.404, where emergency shelters are permitted with ministerial approval (MURS zone), the Community Development Director determines the estimated parking demand based on the characteristics of the specific use in question and other similar uses. Where emergency shelters are permitted with discretionary approval (the MUR, MUN, OT, OT/DH, and INL zones) the Planning Commission or City Council shall determine the estimated parking demand based on a recommendation from the director.

To comply with California Government Code Section 65583(a)(4), the City commits to updating its parking standards to establish a parking standard that provides sufficient parking to all emergency shelter staff and to reviewing the emergency shelter standards and revising as needed to be consistent (**Program LL**).

#### **4.2.1.4.12 Low-Barrier Navigation Centers**

As part of **Program LL**, the City will amend its Municipal Code to allow Low-Barrier Navigation Centers by right in mixed-use zones and nonresidential zones permitting multifamily uses if it meets specified requirements in compliance with California Government Code Sections 65660, 65664, and 65666.

For a navigation center to be considered “low barrier,” its operation should incorporate best practices to reduce barriers to entry, which may include, but is not limited to, the following:

- Permitting the presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth
- Pets
- Ability to store possessions
- Providing privacy, such as private rooms or partitions around beds in a dormitory setting or in larger rooms with multiple beds.

#### **4.2.1.5 Housing for Disabled Persons**

California Government Code Section 65583 requires that the Housing Element analyze potential and actual constraints on the development, maintenance, and improvement of housing for persons with disabilities and demonstrate local efforts to remove governmental constraints that hinder the locality from meeting the need for housing for persons with disabilities (California Government Code, Section 65583(a)(4)). The element must include programs that remove constraints or provide reasonable accommodations for housing designed for persons with disabilities (California Government Code, Section 65583(c)(3)). This section and **Program O** address these requirements.

##### **4.2.1.5.1 Residential Care Facilities**

State law requires residential care facilities serving six or fewer persons to be (1) treated the same as any residential use; (2) allowed by right in all residential zones; and (3) subject to the same standards, fees, taxes, and permitting procedures as those imposed on the same type of housing in the same zone. These laws ensure that housing opportunities are available for people with disabilities and that such

uses are not discriminated against. The City currently permits residential care facilities serving six or fewer persons by right in all residential zoning districts (RM, RMH, RH, MUR, and MURS zones). “By right” means that the use is principally permitted with a ministerial process. The City will adopt Objective Design Standards in early 2023 which will be a means to address the potential for subjectivity in the City’s approval processes (**Program C**). Residential care facilities include the subcategory of Residential Care Facility for the Elderly, which are care facilities that serve persons 60 years of age and older, as defined by Section 9-2.21 of the Municipal Code. To expand the use of care facilities for any number of occupants, the City has included **Program LL** to amend the Municipal Code to allow state-licensed residential care facilities for seven or more persons only subject to those restrictions that apply to residential uses in the same zone. Emeryville does not impose any separation requirements for limited (six or fewer residents) residential care facilities or general (seven or more residents).

#### **4.2.1.5.2 Accessible Parking**

While the City updated its site development regulations for parking in 2020 to eliminate minimum required parking standards, it maintains required number of accessible parking stalls, which are regulated by Title 24 of the California Building Standards Code. Under the new parking regulations in Section 9-4.403 of the Municipal Code, all new development that elect to provide standard parking stalls must provide accessible parking stalls and existing development that reduce parking must maintain its existing accessible parking. New construction with an estimated parking demand of greater than 25 spaces is required to provide accessible parking even if no other parking is proposed (typically applying to new commercial projects of 10,000 square feet or more). For residential uses serving persons with disabilities, the estimated parking demand ratio per Section 9.404 of the Municipal Code is as follows:

- General residential care facilities (seven or more residents) - 0.25 spaces per bed
- Large group residential (seven or more residents) - 0.25 spaces per bed
- Limited residential care facilities (six or fewer residents), small group residential facilities (six or fewer residents), and senior housing developments and low-income housing developments – 0 spaces required

#### **4.2.1.5.3 Building Codes**

This section discusses building codes as related to persons with disabilities. A broader discussion of building codes can be found in the Permits and Procedures subsection later in this chapter. The City enforces Title 24 of the California Code of Regulations, which regulates the access and adaptability of buildings to accommodate persons with disabilities. The City enforces federal and state accessibility laws through the building plan check and permit process. The City permits existing and new homes to be retrofitted or fitted for features that provide for accessibility and independent living for persons with disabilities.

Further, the City maintains an Americans with Disabilities Act (ADA) Coordinator within the Public Works Department. The ADA Coordinator for Emeryville is responsible for supervising city compliance with the ADA. This includes:

- Implementing accommodation, auxiliary aid, and barrier removal requests
- Resolving ADA grievances filed by citizens
- Creating and maintaining blue curbs and other handicapped parking places with the Public Works Department

#### **4.2.1.5.4 Definition of Family**

Fair housing laws prohibit restrictive definitions of family that discriminate against households based on the number, personal characteristics, or the relationship of occupants to one another.

Consistent with state law, the City defines a family as “two (2) or more persons occupying a dwelling unit and living together as a single housekeeping unit and sharing common living, sleeping, cooking and eating facilities. Members of a family need not be related by blood but are distinguished from a group occupying a hotel, club, fraternity or sorority house,” as stated in Section 9-8.206 of the Municipal Code. The City further defines a “household” as all persons who occupy a dwelling unit as their usual place of residence (Section 9-8.208).

#### **4.2.1.5.5 Reasonable Accommodation**

Pursuant to the federal Fair Housing Amendments Act, the ADA, and the California Fair Employment and Housing Act, Emeryville’s Municipal Code (Section 9-7.904) provides for reasonable accommodation by allowing modifications to the application of land use policies and zoning regulations for persons with disabilities. These provisions are intended to provide a clear process for the submittal and processing of requests for reasonable accommodation. Requests for accommodation are reviewed by the ADA coordinator and the Planning and Building Director, who must issue a decision within 45 days. The determination to approve, conditionally approve, or deny a request is based on the following findings:

- The person who is the subject of the request for reasonable accommodation is protected under federal and state fair housing laws.
- The requested accommodation is necessary to make specific housing available to an individual protected under the federal and state fair housing laws.
- The requested accommodation does not impose an undue financial or administrative burden upon the City.
- The requested accommodation does not require a significant alteration of the planning, zoning, and development laws and procedures of the City.
- There are no alternatives aside from the requested exception accommodation for the benefit of the applicant.

Any person can appeal to the decision of the Director of the Planning Commission by filing the appeal of decision of fair housing accommodation request provided by the Department. Assistance in filing an appeal is available through the Department to ensure that the appeal process is accessible to the applicant and will need to contain a statement on reasons for appeal.

In summary, the City of Emeryville continues to institute accessible procedures to ensure that people of all abilities have opportunities to secure housing in the community.

## 4.2.2 RESIDENTIAL DEVELOPMENT STANDARDS AND PARKING REQUIREMENTS

Residential development standards and parking requirements are intended to maintain and preserve the aesthetic quality of Emeryville’s residential neighborhoods. Standards address physical qualities, such as structure heights, yard setbacks, and open space requirements. They are not meant to limit residential development; instead, they are aimed at creating attractive and inviting buildings at appropriate scales and in consideration of adjacent properties. The City’s development and zoning standards are available on the City’s website pursuant to California Government Code Section 65940.1 (a)(1)(B)).

### 4.2.2.1 Density, Building Intensity, and Height

Density, building intensity (or FAR), and building height are established in the Land Use Element and implemented by the Municipal Code. As discussed in context of the General Plan, density, FAR, and building height are not directly correlated with land use designations and zoning districts and are instead established by the General Plan Floor Area Ratios Map, General Plan Maximum Building Height Map, and General Plan Residential Densities Map. (To refer to these maps, see the City’s Land Use Element.) Each map designates a base maximum ratio (FAR and density) or limit (height) per area and a maximum development bonus ratio/limit that may be conditionally permitted for projects demonstrating a significant public benefit, such as public open space, family-friendly housing, and sustainable design. The community benefit bonus requires an approved CUP.

FAR expresses the ratio of building square footage to land square footage and allows for flexibility in design as long as other development standards (such as height and setbacks) are compliant. As shown in **Table 4-4**, Emeryville permits base FAR ranges from up to 0.5 to up to 3.0. Intensities are low in the eastern residential neighborhoods and the western end of the peninsula, gradually increasing to the highest values at the Powell Street/Christie Avenue core area. With exception to areas with a permitted base FAR of 1.0, the bonus FAR permitted is twice the allowed base FAR. The City will permit by right 3- and 4-unit multi-unit projects in the RM district with no density requirement, as long as it is in compliance with FAR and height limits. Base FAR will also be increased to 1.0 and Bonus FAR will be eliminated in the RM Zone. Modifications, if approved will be implemented in 3 years. (**Program LL**).

**Table 4-4: Maximum Floor Area Ratio**

Map Designation	Maximum Permitted Building Intensity (FAR)	
	Base	Bonus
0.5/1.0	Up to 0.5	Up to 1.0
1.0	Up to 1.0	None
1.0/1.6	Up to 1.0	Up to 1.6
1.5/3.0	Up to 1.5	Up to 3.0
2.0/4.0	Up to 2.0	Up to 4.0
3.0/6.0	Up to 3.0	Up to 6.0

Source: Emeryville Municipal Code, 2021

As shown in **Table 4-5**, maximum base height ranges from 30 to 75 feet. Similar to FAR, allowed height gradually increases from east Emeryville, typified by older residential neighborhoods, to the Powell Street/Christie Avenue area, supporting a high-rise core within this area. Maximum height, coupled with FAR, was specifically determined on a neighborhood basis to character and scale, either to preserve existing neighborhoods (such as the historic Park Avenue) or encourage high-rise development (such as the Powell Street Core). With exception to areas with a map designation of 30, development projects in all other areas can be awarded a bonus height. In the 40/75, 50/100, and 75/100 map designations, the maximum bonus height is more than double the base allowable height.

**Table 4-5: Maximum Height**

Map Designation	Maximum Permitted Height		General Associated Neighborhoods
	Base	Bonus	
30	Up to 30	None	Triangle and Doyle Street neighborhoods
30/55	Up to 30	Up to 55	North Hollis and Park Avenue areas Watergate residential complex
40/75	Up to 40	Up to 75	Transitional areas between low-rise and high-rise neighborhoods
50/100	Up to 50	Up to 100	Sherwin Williams, East Bay Bridge, and sites west of the railroad
75/100+	Up to 75	75 to over 100	Powell Street Core

Source: Emeryville Municipal Code and General Plan, 2021

Overall, the allowable base FAR and height support high-density development citywide. Density is one of the most important factors that affects the feasibility of housing that is affordable to households with lower incomes. Per California Government Code Section 65583.2(c)(3)(B), the default density applicable to Emeryville presumed to be suitable for lower-income housing is 20 units per acre, which, within Emeryville is the lowest allowable base density. This indicates that affordable housing can be accommodated anywhere in the city without need of the community benefit bonus to achieve higher densities. However, should a development project need to pursue a higher density through a community benefit bonus, a bonus density is available in any of the map designations (unlike height or FAR, where bonuses are only available to some map designations).

**Table 4-6** shows the base densities and bonus densities that correspond with the designations on the City's Maximum Residential Densities Map (see Land Use Element). Residential density is only mapped on areas where the underlying General Plan land use classification allows residential uses. This includes the older neighborhoods in east Emeryville (Triangle and Doyle Street neighborhoods) that permit the lowest density (20 units per acre), along San Pablo Avenue, Park Avenue, and Hollis Street permitting moderate density (between 35/60 to 50/100 units per acre) and the high-density corridor between I-80 and the railroads, permitting the City's highest allowable densities (70/135 to 85/175 units per acre). Blank areas in the City's Maximum Residential Densities Map indicate land use classifications that do not permit residential uses: Mixed-Use with Nonresidential and Industrial. The corresponding zoning districts (MUN and INL and INH, respectively) only permit emergency shelters and live/work units; no other residential uses are permitted.

**Table 4-6: Maximum Density**

Map Designation	Maximum Permitted Density	
	Base	Bonus
20/35	Up to 20	Up to 35
35/60	Up to 35	Up to 60
50/100	Up to 50	Up to 100
70/135	Up to 70	Up to 135
85/170	Up to 85	Up to 170

Source: Emeryville Municipal Code and General Plan, 2021

While the General Plan Densities Map only establishes a maximum residential density, development proposals in the city are typically for projects close to or in excess of the base maximum density. This indicates the base density can be achieved while meeting the requirements of other residential development standards, including setbacks, unit size, and open space. **Table 4-7** describes these residential development standards.

#### **4.2.2.1.1 Representative Projects**

Through the City's Community Benefits Bonus program, projects are frequently built with density and FAR significantly higher than the base allowed. As shown in **Table 6-5**, recent examples include:

1. The Intersection Mixed-Use Project (Maz Site), resulted in 105 units (11 of the 105 are BMR) on a 1.1 acres. This is a density of 95.5 units per acre, in an area with a base maximum density of 50 units per acre and a bonus maximum density of 100 units per acre. The project FAR is 2.24, in an area with a base maximum FAR of 1.5 and a bonus maximum FAR of 3.0.
2. Sherwin-Williams Buildings B1 and B2, resulted in a combined 194 units (33 of the 194 are BMR) on two acres. This is a density of 97 units per acre, in an area with a base maximum density of 50 units per acre and a bonus maximum density of 100 units per acre. The project FARs are 3.42 for Building B1 and 2.79 for Building B2, in an area with a base maximum FAR of 1.5 and a bonus maximum FAR of 3.0.



**Table 4-7: Residential Development Standards**

	Zone					Unit Type		
	High Density Residential (RH)	Medium High Density Residential (RMH)	Medium Density Residential (RM)	Mixed Use with Residential (MUR), not abutting residential	Mixed Use Residential (MUR), abutting other residential zones	Accessory Dwelling Unit	Live/Work	Multi-Unit
Front yard setback (minimum)								
If the two adjacent lots are developed <sup>1</sup>	Average of adjacent front yards	Average of adjacent front yards	Average of adjacent front yards	None	When street frontage abuts a lot in a residential zone, setback shall be the same as required on the adjacent residential lot <sup>2</sup>	Subject to the same setbacks as existing structures <sup>5</sup>	Pursuant to the zone in which the unit is located	Pursuant to the zone in which the unit is located
If only one of the adjacent lots is developed	Same as front yard on developed lot but not less than 5 feet	Same as front yard on developed lot but not less than 5 feet	Same as front yard on developed lot but not less than 10 feet					
If neither of the adjacent lots are developed	5 feet	5 feet	10 feet					
For all corner lots	5 feet	5 feet	10 feet					
Other setbacks (minimum)								
Street side	3 feet	3 feet	3 feet	None	When street frontage abuts a lot in a residential zone, setback shall be the same as required on the adjacent residential lot	Subject to the same setbacks as existing structures <sup>5</sup>	Pursuant to the zone in which the unit is located	Pursuant to the zone in which the unit is located
Interior side	3 feet	3 feet	3 feet		10 feet plus an additional 2 feet for each 1 foot by which the height of the building on the nonresidential lot exceeds 30 feet	Subject to the same setbacks as existing structures <sup>5</sup>		
Rear	15 feet	15 feet	15 feet			4 feet		

	Zone					Unit Type		
	High Density Residential (RH)	Medium High Density Residential (RMH)	Medium Density Residential (RM)	Mixed Use with Residential (MUR), not abutting residential	Mixed Use Residential (MUR), abutting other residential zones	Accessory Dwelling Unit	Live/Work	Multi-Unit
<b>Minimum Lot Area and Width</b>								
Minimum Lot Area (square feet)	—	—	2,500	—	—	—	—	—
Minimum Lot Width	—	—	25 feet	—	—	—	—	—
<b>Unit size</b>								
Minimum (square feet) <sup>3</sup>	—	—	500	—	—	150	750	—
Maximum (square feet)	—	—	—	—	—	1,200 or greater than the largest principal unit its associated with, whichever is greater	2,000	—
<b>Open space</b>								
Usable open space per unit (square feet) <sup>4</sup>	—	—	—	—	—	200	60	60

Source: City of Emeryville Municipal Code, 2021

<sup>1</sup> Detached garages and accessory buildings shall not be considered in determining existing front setbacks.

<sup>2</sup> Where a lot has frontage on two streets, and both such frontages are adjacent to property in a residential zone, the setback from the street line on each frontage shall be the same as required on the adjacent residential lot.

<sup>3</sup> Minimum dwelling unit area is not prescribed by the Municipal Code for any zones except the RM zones. However, all dwelling units shall comply with applicable building code requirements in Title 8 of the Municipal Code.

<sup>4</sup> For all other residential uses other than multi-unit uses, new buildings or additions that exceed 10,000 square feet shall provide a minimum area of common open space and/or privately owned public open space (POPOS) that totals at least 5% of the gross floor area. Single unit and two-unit residential uses are exempt from this requirement.

<sup>5</sup> No setback is required if a garage, carport, or other existing structure is converted to or replaced by an accessory dwelling unit.

#### 4.2.2.2 Planned Unit Developments (PUD)

The purpose of the PUD is to encourage the creative development of large sites so as to permit flexibility in physical design, achieve attractive designs which encourage large-scale site planning, and ensure that the applicable provisions of the General Plan are established early in the formation of such development proposals. The creation of a PUD is considered by the City Council with a recommendation from the Planning Commission to adopt a preliminary development plan and subsequent final development plans. A preliminary development plan and final development plan may also be processed concurrently, however, the Planning Commission's approval of the final development plan is contingent upon City Council approval of the preliminary development plan.

The proposed PUD and adoption of a preliminary development plan must be consistent with the General Plan, including its development standards and land use designation of the site, and not have significant adverse impacts on the environment. The proposed site may be no less than one acre, suitable for the uses permitted, compatible with the surrounding area, and comply with any overlay zones. A PUD must provide public benefit to qualify for bonus floor area ratio, height, and/or residential density.

#### 4.2.2.3 Parking Requirements

In 2020, the City updated its parking requirements to eliminate parking minimums, effectively removing the requirement for providing parking (with the exception of accessible parking, previously described). Additionally, existing parking spaces established prior to updating the parking requirements may be reduced or eliminated entirely, per Section 9-4.403(a)(1). This includes parking spaces that were required as a condition of approval for discretionary projects, which can be reduced or eliminated with an approved minor CUP. The Municipal Code retains allowable maximum parking requirements, limiting the maximum number of parking spaces a project can provide to 10 percent more than the estimated parking demand (included as **Table 4-8**). Estimated parking demand is determined by use type. Projects that propose parking spaces exceeding the maximum allowable require an approved CUP and must demonstrate that (1) the additional parking is required to meet the anticipated demand of the proposed use, and (2) the additional parking will not result in an overdependence on automobiles and/or adversely impact transit, bicycle, or pedestrian access to the site or other adjacent uses. The City further minimizes the requirements for parking within specific districts of the city to reduce reliance on vehicles: the maximum parking allowances are reduced 50 percent for projects proposed in the city's Transit Hub Overlay Zone and local-serving uses with a gross floor area of 5,000 square feet or less are exempt from off-street parking and loading provisions.

Discretionary projects may be conditioned by the hearing authority to include measures that reduce parking demand, such as promoting use of public transit, bicycling, and walking, and/or allowing modified working hours or telecommuting. The City does not have the ability to impose conditions on ministerial projects.

As parking requirements for standard parking are effectively removed, required parking does not pose a constraint on housing development in Emeryville.

**Table 4-8: Residential Parking Standards**

Residential Use	Estimated Maximum Parking Demand
Single unit	1 space
ADUs <sup>1</sup>	No parking required
Two units and multi-unit	
Resident parking	1 space/unit
Guest parking (for 5+ units)	0.2 spaces/unit
Two units and multi-unit (senior and low-income housing <sup>2</sup> )	
Resident parking	0.5 spaces/unit
Guest parking (for 5+ units)	0.2 spaces/unit
Domestic violence shelter	0.25 spaces/bed
Group residential	
Small	None
Large	0.25 spaces/bed
Mobile home park	1 space/mobile home
Live/work unit	1.5 <sup>3</sup>
Residential care facility	
Limited	No Requirement
General	0.25 spaces/bed
Supportive housing	0.25 spaces/bed
Transitional housing	0.25 spaces/bed
Emergency shelter 4,5	TBD

Source: City of Emeryville Municipal Code, 2021

<sup>1</sup> If parking is provided for an ADU, that parking can be provided in tandem with parking for existing residential parking spaces and/or provided in required setback. If a garage or carport is converted to or replaced by an ADU, no replacement parking is required.

<sup>2</sup> Senior housing means housing that is restricted to older adults, in which at least one resident of each unit must be a “senior citizen,” as defined in California Civil Code Section 51.3. Low-income housing means housing that is restricted to low, very low, or extremely low income households, as defined for Alameda County by the California Department of Housing and Community Development.

<sup>3</sup> Estimated parking demand for live/work units can be calculated as either 1.5/spaces per live/work unit or 1.5 spaces per 1,000 gross feet, whichever is greater.

<sup>4</sup> The estimated parking demand is to be determined (TBD), deems the estimated parking demand shall be determined based on the characteristics of the specific use in question and other similar uses.

<sup>5</sup> The City commits to updating its parking standards to establish a parking standard that provides sufficient parking to all emergency shelter staff and to reviewing the emergency shelter standards and revising as needed to be consistent (Program BB).

#### 4.2.2.4 Community Benefit Bonuses

If a public benefit can be demonstrated, the City offers bonuses for FAR, height, and/or residential density. Qualifying community benefits include open space, public improvements, utility undergrounding, zero net energy, additional family-friendly units, small businesses, and “flexible community benefit” for an undefined community benefit not included in the list (such as universal design features beyond those required by applicable building codes). Qualifying community benefits are approved by the Planning Commission. Flexible benefits are approved by the City Council with recommendation from the Planning Commission.

The City previously adopted Universal Design as a community benefit option for obtaining development bonuses. Universal Design standards make homes more usable and accessible for all people, including people with disabilities. The City will evaluate how to incorporate Universal Design features into the Planning Regulations beyond what is currently being implemented. **(Program UU)**.

An approved community benefit bonus is the only available permit type that allows a project to exceed the maximum base FAR, height, and residential density. While Emeryville has other permits that allow deviation from development standards (e.g., variances and exception to standards), per Section 9-7.702 (Variance Applicability) and Section 9-8.802 (Exception to Standards Applicability), FAR, height, and density are not applicable standards that can be considered. Further, applicants that apply for a community benefit bonus cannot receive a density bonus through the State Density Bonus.

While community benefits must clearly exceed normal requirements, the qualifying community benefits are specifically stated with objective standards to determine the bonus awarded based on a point system (Section 9-4.204(e)). To support the development of affordable housing, at least half of the bonus points are required to be earned through providing affordable housing units. This applies to nonresidential projects and residential projects, with nonresidential projects required to pay an additional affordable housing impact fee. The number of bonus points awarded shall be determined for providing affordable units at various income levels in accordance with **Table 4-9** below.

**Table 4-9: Bonus Points for Affordable Units in Project**

Bonus Points Awarded	Rental Projects				Ownership Projects
	TOTAL	Very Low Income	Low Income	Moderate Income	Moderate Income
5	12.5%	12.5%	12.5%	12.5%	12.5%
10	13.0%	2.9%	4.5%	5.5%	21.0%
15	13.5%	3.1%	4.7%	5.8%	21.5%
20	14.0%	3.2%	4.9%	6.0%	22.0%
25	14.5%	3.3%	5.0%	6.2%	22.5%
30	15.0%	3.4%	5.2%	6.4%	23.0%
35	15.5%	3.5%	5.4%	6.6%	23.5%
40	16.0%	3.6%	5.6%	6.8%	24.0%
45	16.5%	3.7%	5.7%	7.0%	24.5%
50	17.0%	3.9%	5.9%	7.2%	25.0%

Source: City of Emeryville Municipal Code 9-4.204(d)(1), 2021

As Emeryville's housing units are predominantly one- to two-bedroom units (**Table 3-10**), additional family-friendly units are particularly important to offer more appropriately sized housing units for families. Emeryville offers five points for each additional 5 percent of total units that have two or more bedrooms in addition to those required by Section 9-5.2003, of which at least 1 percent must have three or more bedrooms. The project must also comply with the applicable provisions of the Emeryville Design Guidelines pertaining to family-friendly residential unit design.

To approve a community benefit bonus for FAR, height, or density, the City Council must make the following findings per Section 9-4.204(f).

1. In the RM Medium Density Residential zone:
  - That the proposed project is compatible with the surrounding neighborhood with regard to building scale, form, materials, and street orientation.
  - That the proposed project has been designed to minimize the appearance from the street of driveways, parking spaces, maneuvering aisles, and garage doors as much as possible given the size and shape of the lot, and that at least 70 percent of the street frontage is devoted to active non-parking uses, except that a driveway of up to 10 feet in width shall be allowed.
2. In all other zones:
  - That the proposed project will provide community benefits sufficient to earn the number of points required for the bonus amount requested, pursuant to subsections (c), (d), and (e) of Section 9-4.204.
  - That the proposed community benefits for the project are significant and clearly beyond what would otherwise be required for the project under applicable code provisions, conditions of approval, and/or environmental review mitigation measures.
  - That the proposed community benefits for the project are acceptable and appropriate in this case and will provide tangible benefits to the community.
3. Bonus height over 100 hundred feet:
  - That the proposed project will provide community benefits sufficient to earn at least 100 points pursuant to subsections (d) and (e) of Section 9-4.204.
  - That the proposed project will minimize impacts on public views, wind, and shadows at the street level.
  - That the proposed project will be adequately separated from other buildings over 100 feet tall, with consideration given to solar access.

### **4.2.3 STATE DENSITY BONUS FOR AFFORDABLE HOUSING**

In compliance with California Government Code Section 65915, the City provides density bonuses for residential development projects that agree to provide affordable housing units. Density bonuses can reach up to 35 percent and are based on both the type and amount of benefits provided. The following types of projects are eligible for a density bonus:

- A residential development project that agrees to construct at least 10 percent of its units for low-income households
- A residential development projects that agrees to construct at least 5 percent of its units for very low-income households
- A senior citizen housing development or mobile park that limits residency based on age
- A residential development project where 10 percent of its units are in a common interest development for persons and families of moderate income, provided that all units in the development are offered to the public for purchase
- A residential development project that donates land to the City
- A residential development project that includes childcare facilities
- A condominium conversion project

Note that density bonuses for affordable housing are distinguished from the community benefit bonuses. Developers may apply for a density bonus or the community benefit bonus, but not both (Section 9-5.501).

ABs 2753, 2372, 1763, 1227, and 2345 were passed in 2018, 2019, and 2020 and revised density bonus law to provide additional benefits for qualifying projects, including increasing the maximum percentage density bonus from 35 to 50. To ensure the City's development requirements are consistent with recent state law, the City will review Chapter 5, Article 5 of the Municipal Code for compliance with ABs 2753, 2372, 1227, 1763, and 2345 and to provide requirements within the Municipal Code (**Program A**).

## **4.2.4 PERMITS AND PROCEDURES**

### **4.2.4.1 Permit Processing**

As a small city, Emeryville's zoning permit process is generally less time consuming than that of many East Bay cities. Staff is able to provide a higher level of customer service than seen in larger cities.

Administrative planning approvals, including staff-level (minor) design review, conditional use permits, and sign permits, take about three days to three weeks to process. Examples of administrative approvals that result in new residential units are projects in the RM zone where there are one or more existing residential units and more are added that don't exceed base density or base floor area ratio (typically 0.5 FAR in the RM zone). **Program LL** will expand the types of projects that will be permitted in the RM zone to include three and four unit developments of up to 1.0 FAR. Planning Commission approvals (use permit, design review, variance, sign permit, subdivision) take about two months for simple projects, once the application is complete. Appeals to the City Council may add up to two months. A request for a planned unit development, an amendment to the Zoning Ordinance, or a General Plan Amendment will likely take longer due to required hearings by the Planning Commission and City Council. The City will investigate the ability to eliminate the need for a Public Meeting to determine if the case warrants an Appeal Hearing. The elimination of this Public Meeting will accelerate the time for a project to be approved. (**Program B**)

For larger projects (projects that exceed base floor area ratio, density, or height), the developer is asked (but not required) to meet with neighbors prior to seeking approval from the Planning Commission. Informal study sessions with the Planning Commission, City Council, or both are also recommended for larger projects prior to filing an application. Study sessions are beneficial to the applicant because any concerns by the Planning Commission and City Council can be aired prior to large investment into design. Likewise, applicants receive preliminary review by staff to determine conformance with zoning and the General Plan and to identify the permits required. By the time the project appears before the Planning Commission, significant issues have been addressed.

Emeryville's permit procedures are straightforward. The City has no design or historical review boards. Analysis associated with the California Environmental Quality Act (CEQA) can prolong project review, but many projects are eligible for urban infill exemption.

Building permits and the related reviews (energy, electrical, plumbing, mechanical, fire) are processed together. For a mid-size, uncomplicated project with complete drawings and other submittal requirements, it generally takes about six weeks to produce first comments and two to three weeks to respond to the developer's response, for a total of two to three months, depending on the developer's response time. Larger, more complex projects can take several additional months to receive building permits.

#### **4.2.4.2 Time Between Entitlements and Building Permits**

As shown in **Table 4-10**, between 2016 and 2020, the average number of days between an approval of entitlements and the submission of a building permit application for single-family projects was 182 and for multifamily projects was 426.



**Table 4-10: Time Between Entitlements and Building Permits**

Single-Family Project Name	Entitlement Approved	Building Permit App Submitted	# of Days
1056 45th Street, Unit C	2/25/2016	4/21/2016	56
5876 Beaudry Street	8/25/2016	10/13/2016	49
1271 64th Street	12/8/2016	12/7/2017	364
Oceanview Townhomes	7/24/2018	4/9/2019	259
		<i>Average # Days</i>	<b>182</b>
		<i>Minimum # Days</i>	<b>48</b>
		<i>Longest # Days</i>	<b>364</b>
Multifamily Project Name	Entitlement Approved	Building Permit App Submitted	# of Days
The Intersection	8/22/2013	12/24/2013	124
Estrella Vista	1/22/2015	9/26/2016	613
Marketplace (C )	5/28/2015	11/24/2015	180
Marketplace (D)	6/25/2015	11/13/2015	141
Bayview Emeryville	3/24/2016	7/9/2020	1568
Sherwin Williams (B1/B2)	2/22/2018	8/6/2018	165
Sherwin Williams (C/D)	2/22/2018	9/24/2018	214
Nellie Hannon Gateway	10/20/2020	11/30/2021	406
		<i>Average # Days</i>	<b>426</b>
		<i>Minimum # Days</i>	<b>124</b>
		<i>Longest # Days</i>	<b>1,568</b>

Source: City of Emeryville, 2021

As identified in **Program NN**, the City will continue to track residential development projects and make diligent efforts to contact applicants that have not pulled building permits or final maps have not been obtained to discover why units have not been constructed within 2 years.

#### 4.2.4.3 Requests to Build at Lower Densities

As stated earlier, Emeryville has no low-density residential zones because there are no neighborhoods exclusively zoned for single-family housing, such as a residential low-density zoning district. Single-unit and two-unit residences are allowed by right in the RM zoning district but are not permitted in any other zoning district that allows residential uses. Requests from developers during the 5<sup>th</sup> cycle were consistent with these requirements and were consistent with the assumed densities in the 5<sup>th</sup> cycle site inventory.

#### 4.2.4.4 Senate Bill 35 Approvals

SB 35 requires jurisdictions that have failed to meet their Regional Housing Needs Allocation (RHNA) to provide streamlined, ministerial entitlement process for housing developments that incorporate affordable housing. According to the California Department of Housing and Community Development's "SB 35 Statewide Determination Summary," released in June 2019, Emeryville is one of 213 jurisdictions subject to the streamlined ministerial approval process for proposed developments with at least 50-percent affordability.

As of October 2021, Emeryville has processed one project under SB 35 (San Pablo Affordable Apartments), permitting a 90-unit, 100-percent affordable housing project through a ministerial process.

To comply with the requirements of SB 35, the City will establish a written policy or procedure and other guidance as appropriate to promote the streamlining approval process and standards for eligible projects, as set forth under California Government Code Section 65913.4 (**Program B**).

#### **4.2.4.5 Conditional Use Permits**

CUPs provide flexibility and address complexities encountered with Emeryville's infill development. Because of the city's unique land use history and its small size, projects often have to consider site irregularities, complex environmental conditions, and adjacent industrial or commercial land uses.

The City has a minor CUP to reduce costs and processing times for certain qualifying projects, such as conditionally permitted uses in existing buildings (except in RM zones) and the preservation and reuse of a significant or residential structure. The fee for a minor CUP is \$575. If a major CUP is required because the project goes over base FAR, units per acre, or height but is less than three residential units, then the project requires a deposit of \$2,000. Larger projects require a \$3,000 deposit and are charged on a cost recovery basis. The processing time, depending on the size and complexity of the project and environmental review, can range from two months for simple projects up to the better part of a year for complex projects requiring redesign and an environmental impact report.

Municipal Code mandate that specific findings be made upon approval of a CUP. Emeryville's findings, listed here, are based on standard findings provided by the state Office of Planning and Research:

- The proposed use is consistent with the General Plan.
- The location, size, coverage, density, design, and operating characteristics of the proposed use will be compatible with, and will not adversely affect, the surrounding area, including neighborhood character, street design and capacity, safety, noise, and lighting.
- The proposed use is consistent with the capability of the water supply, wastewater disposal, fire, and police systems to operate adequately and cost effectively.
- The proposed use at its proposed location will provide a service or facility that will contribute to the general well-being of the surrounding neighborhood or community.
- The proposed use complies with all applicable standards and requirements of the Municipal Code.

#### **4.2.4.6 Design and Site Plan Review**

The Municipal Code establishes a design review procedure for development proposals that involve construction or exterior alterations to ensure development is consistent with the Emeryville Design Guidelines and/or design guidelines in applicable area plans (North Hollis Area Urban Design Program, San Pablo Avenue Urban Design Plan, South Bayfront Design Guidelines, Park Avenue District Plan, and Shellmound Design Guidelines). Design review is a discretionary process, with minor design review projects processed administratively requiring approval by the Community Development Director and major design review projects requiring approval from the Planning Commission during a public hearing.

Single-unit and two-unit residential projects qualify for minor design review process and can be processed administratively. Any residential project that does not qualify for minor design review (or is exempt, such as ADUs) requires major design review and approval from the Planning Commission, such as new multi-unit residential projects. Design review applications are reviewed concurrently with any applicable use permit, variance, or Planned Unit Development (PUD) application.

The applicable review authority can approve, conditionally approve, or deny a design review project based on the following findings (applicable to both minor and major design review):

1. The design of the project is consistent with the General Plan, including, but not limited to, its urban design goals and policies.
2. The design of the project conforms to the Emeryville Design Guidelines and any other applicable design guidelines or criteria. If strict compliance with the provisions of such design guidelines or criteria is not achieved, the applicant must convincingly demonstrate that the intent of the guidelines or criteria is met.
3. The project is of a high design quality that is compatible with, and will not adversely affect, the surrounding area.

For minor design review, the fee is \$575. Major design review requires a \$3,000 deposit and is charged on a cost recovery basis. For minor design review, the processing times generally range from 14 to 30 days. With larger projects that are more complex, processing times vary and can sometimes take up to a year.

In 2021, the City has begun reviewing the Emeryville Design Guidelines in an effort to create objective design and development standards for multifamily and residential mixed-use projects to comply with the requirements of the Housing Accountability Act, SB 330, and SB 35, as well as to resolve ambiguity in the Family Friendly Guidelines. (**See Program C.**) The City will adopt Objective Design Standards in early 2023 which will be a means to address the potential for subjectivity in the City's approval processes and deemed to meet standards such as high design quality and compatibility. However, it should be noted that under the City's existing design and site plan review procedures, as of October 2022, no applications have been denied due to lack of high design quality or compatibility.

The City conducts zoning compliance review for all construction and new uses to ensure they comply with applicable provisions of the Municipal Code. Zoning compliance review is a ministerial application required before the City can issue a design review permit or building permit. An approved zoning compliance review is required for ADUs and emergency shelters (where allowed by right). As this permit is ministerial, there are no associated findings for approval and conditions cannot be applied.

#### **4.2.4.7 Building Code and Code Enforcement**

The mission of the Emeryville Building Division is to provide information and assistance to those planning a construction project in Emeryville, as well as providing timely services for projects already under construction. Project design teams are encouraged to meet with the building official, the plan check engineer, and Fire Department staff in the early stages of the project to discuss significant code

issues that will impact the project. By working out potential problems early, applicants can usually proceed more efficiently through the plan review stage of a project. On January 1, 2020, the 2019 California Building Code went into effect in California. The City of Emeryville has transitioned to this new code. Every three years, the State of California adopts new codes that contain the latest advances in construction practices and engineering concepts. The California Building Standards Commission adopts the California Building Codes based on “model” codes produced by professional organizations. Local agencies must adopt these codes, but may make amendments to address geological, climatic, or topographical conditions provided the modifications are no less restrictive than the state standards.

The Adopted Building Codes in effect January 1, 2020 as follows:

- 2019 California Building Code Part 2; Volume 1 and 2
- 2019 California Residential Code
- 2019 California Green Building Standards Code
- 2019 California Mechanical Code
- 2019 California Plumbing Code
- 2019 California Energy Code
- 2019 California Electrical Code
- 2019 California Fire Code

The City of Emeryville adopted the 2019 California Building Code through two ordinances. The first repealed and replaced Chapter 1-10 of Title 8 of the Emeryville Municipal Code “Building Regulations”. The amendments include Standards for Construction Fire Safety. The standards are intended to prescribe minimum safeguards for new building construction projects to provide safety from combustible materials. The Plumbing code was amended to require shut-off valves to decrease the chances of a fire or explosion in the event of earthquake. Similar code provisions have been adopted in the East Bay region. The second replaced and repealed Chapter 5 of the Title 4 of the Emeryville Municipal Code, “Fire Code”. The amendment requires an automatic fire extinguishing system such as sprinklers to all new structures (1) in all new structures that are at least 3,000 square feet in floor area, 35 feet in height, or three stories tall irrespective of height; (2) in all existing buildings of 3,000 square feet or more if the building is subdivided into multi-tenant spaces or condominiums, or there is a change in use or occupancy; and (3) in all renovated buildings or condominium units if the value of the improvements is equal to or greater than 50% of the replacement cost of the building or condominium unit. The City adopted a residential all-electric reach code for new construction that applies to residential buildings and residential occupancies in mixed-use construction. In addition, the City adopted a requirement that residential up to ten stories install solar panels on the entire “solar zone” as defined in Title 24 (the state code requires identifying the solar zone up to 10 stories but only requires installation up to three stories). No specific requirements for existing buildings or appliance types were made. All-electric construction has been shown to be cost-effective, and in most residential scenarios it is less expensive to construct than mixed-fuel. City staff have not received negative comments from developers or found any data suggesting that there is any delay associated with all-electric construction.

These local amendments have historically been adopted by the City of Emeryville. They are part of the current Emeryville Building Regulations and Fire Code.

The City has made some minor modifications to the building codes. Local amendments are minimal and related to safety procedures and energy savings. Such amendments may materially increase the cost of residential construction, however not significantly. Similar amendments have been adopted in jurisdictions throughout the county. The City has not imposed any building codes other than those mentioned previously. Therefore, the new building codes do not present a potential or actual constraint to the development, maintenance, and improvement of housing

The code enforcement program focuses on enforcing ordinances and laws that require abatement to properties that are dangerous to the public or are a public nuisance. Building inspectors respond to complaints, issuing notices of violations and informing property owners about rehabilitation programs. However, qualifying for assistance through the rehabilitation programs is based on the income of the owner. Building owners are given a reasonable period of time to correct code violations, and the buildings are reinspected. If violations are not corrected, the owners can be cited or nuisance abatement proceedings can be initiated.

In response to construction issues in large multifamily projects with modern design features, the Building Division now requires third-party testing at key stages in the development process. While this requirement adds to construction costs, it has already proven effective in preventing potentially significant issues that would later impact project owners and residents. While added costs may constrain development, this has been determined to be an important and successful method for ensuring quality construction and creating longer-term stability in multifamily housing.

#### **4.2.5 FEES AND EXACTIONS**

The City charges planning and building fees and impact fees to cover staff costs and ensure new development contributes to the added costs of providing necessary services and amenities. Fee schedules are updated regularly and are in alignment with fees typical of jurisdictions in the East Bay. The City's planning fees are typically less than other jurisdictions in the East Bay. While the master fee schedule is posted annually on the City's website, interested parties should contact City staff to confirm fee amounts. **Program F** commits the City to evaluating how it collects impact fees for new housing and modifying its practices as needed to ensure that smaller, more affordable units are not unfairly penalized with higher costs and that impact fees do not inadvertently incentivize larger, more expensive projects. The program also commits the City to complying with Assembly Bill (AB) 602's transparency requirements.

Planning application fees are due at the time of filing. For cost recovery, a deposit is required up front and billings will be made as costs incur. Building permit and impact fees are collected in three phases. Plan review fees and energy fees are due at plan check submittal. At the time the permits are issued, the following fees are due: building, electrical, plumbing, and mechanical permit fees, Fire Department fees, general plan maintenance fee, sewer connection fees, development impact fees, traffic impact fees, and

school and public art fees. Any business license fee, as well as any remaining planning fee, are due with the final inspection.

The City collects planning and subdivision fees to cover the costs of providing community services. New housing typically requires payment of the following fees: school impact, sewer connection and, building permit. These fees comprise a significant part of housing costs in the City of Emeryville. In addition, subdivisions and multifamily projects may incur the cost of preparing environmental impact reports, traffic studies, soils reports, and filing fees for tentative and final maps. Such fees are typically based on the hourly rates of City employees or a hired consultant.

**Table 4-11: Planning and Application Fees**

Planning and Subdivision Fees		
ACTION	CITY FEE	ADDITIONAL INFORMATION/FEES
<b>Environmental Review</b>		
Negative Declaration or Mitigated Negative Declaration, including Initial Study	At Cost, charged per formula <sup>1</sup>	Deposit full contract amount for environmental consultant prior to start of work.
Environmental Impact Report, including initial study if required	At Cost, charged per formula <sup>1</sup>	Deposit full contract amount for environmental consultant prior to start of work.
Notice of Determination or Notice of Exemption	\$97	
Negative Declaration	\$2,480.25	
Environmental Impact Report	\$3,445.25	
<b>Construction Development Permits</b>		
Building Permit	0.80% of construction valuation <sup>2</sup>	
Includes Sign and Demolition.	\$ 167 minimum Phased Construction	Applicant requests to proceed with first Full permit fee, including all permit types phase of construction prior to issuance of all building permits.) and plan check fees, plus 25%, due at issuance of first permit.
Permit Renewal	\$ 167	Expired Permits requiring 1 inspection for final
Temporary Occupancy Permit	\$254	Building/tenant space not classified for assembly use (new
Variances	At Cost, charged per formula <sup>1</sup>	\$1000 deposit
<b>Conditional Use Permit</b>		
Major Conditional Use Permit – Flat Fee	\$575	
Major Conditional Use Permits - Deposit Residential, up to 3 units	At Cost, charged per formula <sup>1</sup>	\$2,000 Deposit
Demolition of significant or residential structure	At Cost, charged per formula <sup>1</sup>	\$5,000 Deposit
All other	At Cost, charged per formula <sup>1</sup>	\$3,000 Deposit
Temporary Use Permits	\$575	
General Plan Amendment	At Cost, charged per formula <sup>1</sup>	\$3,000 Deposit
Rezoning	At Cost, charged per formula <sup>1</sup>	\$3,000 Deposit
<b>Site Plan Review</b>	65% of Building Permit Fee	50% of Building Permit Fee for Residential under \$100,000.00:
Architectural Review		
Planned Unit Development	At Cost, charged per formula <sup>1</sup>	\$5,000 Deposit
Specific Plan		
Development Agreement	At Cost, charged per formula <sup>1</sup>	\$3,000 Deposit

Planning and Subdivision Fees		
ACTION	CITY FEE	ADDITIONAL INFORMATION/FEEES
<b>Subdivision</b>		
Major Subdivisions, including residential condominium conversions	At Cost, charged per formula <sup>1</sup>	\$3,000 Deposit plus cost of any technical assistance such as engineer's review
Minor Subdivisions including residential condominium conversions	\$1,143	
Lot Line Adjustments	\$1,143	
Parcel Mergers	\$1,143	
Certificate of Compliance	\$1,143	
<b>Impact Fees</b>		
<b>Sewer Connection</b>	\$1,499	Per single family dwelling equivalent <sup>3</sup>
All other Uses	\$298	Per plumbing Trap
Traffic		Fees for Traffic Impact, Art in Public Places, or Bay/Shellmound Assessment District may apply <sup>4</sup> . For guidelines and calculations of these fees, consult the Building Division

Source: City of Emeryville Master Fee Schedule, 2021

<sup>1</sup> Planning Staff charged at calculation of direct salary, fringe benefits plus 45.76% overhead rate Consultants charged at Cost plus 10% administrative fee

<sup>2</sup> Construction valuation shall be determined by the Chief Building Official, and shall be based on the valuation declared by the applicant, or on the most recent "Building Cost Index" published by Engineering News Record and adjusted for the San Francisco Bay Area, whichever is higher

<sup>3</sup> Single Family Dwelling Equivalent is defined in Emeryville Municipal Code Section 7- 8.305 as follows: "Each single-family living unit in a multiple-family dwelling, apartment house, condominium, or any other multiple-family structure shall be considered one (1) SFDE, except units which contain two (2) rooms or less or one (1) bedroom or less. Each living unit which contains one (1) bedroom or less or not more than two (2) rooms total shall be considered a one-half (1/2) SFDE

<sup>4</sup> These fees have been established by and are collected on behalf of other departments or agencies, are listed here for reference only, and are subject to change. Please consult Building Division to determine current fees.

The City collects three development impact fees: Affordable Housing, Parking and Recreation Facilities, and Transportation Facilities. The fee amounts vary per use type and are calculated on either a per-unit basis, by square foot, or bed. In addition to the impact fees outlined in **Table 4-11**, Emeryville Unified School District assesses school impact fees for residential units that are 500 square feet or more at \$4.08 per square foot and for live/work units at \$2.37 per square foot.



**Table 4-12: Residential Development Impact Fees**

Residential Use	Affordable Housing	Park and Recreational Facility	Transportation Facility	Total Impact Fees
Single Unit	\$0	\$4,399	\$2,950	\$7,349 / dwelling unit
Two Unit and Multi Unit				
<i>Rental – Apartment</i>	\$31,032	\$4,236	\$1,829	\$37,097 / dwelling unit
<i>In Transit Hub Overlay</i>	\$31,032	\$4,236	\$1,770	\$37,038 / dwelling unit
<i>Owner – Condominium</i>	\$0	\$4,236	\$1,532	\$5,768 / dwelling unit
<i>In Transit Hub Overlay</i>	\$0	\$4,236	\$1,476	\$5,712 / dwelling unit
<i>Owner – Townhome</i>	\$0	\$4,339	\$1,532	\$5,931 / dwelling unit
<i>In Transit Hub Overlay</i>	\$0	\$4,339	\$1,476	\$5,875 / dwelling unit
Domestic Violence Shelter	\$0	\$1,657	\$651	\$2,308 / bed
Group Residential	\$0	\$1,657	\$651	\$2,308 / bed
Mobile Home Park				
<i>Rental</i>	\$31,032	\$4,236	\$1,829	\$37,097 / dwelling unit
<i>Owner</i>	\$0	\$4,339	\$1,532	\$5,931 / dwelling unit
Residential Care Facility	\$4.71	\$6.40	\$2.20	13.31 / square foot
Supportive Housing	\$0	\$1,657	\$651	\$2,308 / bed
Transitional Housing	\$0	\$1,657	\$651	\$2,308 / bed
Live/Work Unit	\$4.71	\$1.79	\$1,917	\$6.50 / square foot + \$1917 / unit
Emergency Shelters	\$0	\$1,657	\$651	\$2,308 / bed

Source: City of Emeryville, 2021

Based on the fees outlined in **Table 4-12**, a 2,000-square-foot single-family home (single unit) would require development impact fees (inclusive of school fees) of \$15,509. The estimated development impact fees for a rental 10-unit multifamily project (multi-unit) with 800-square-foot units would be \$403,610 for the whole project (\$40,361 per unit). The affordable housing impact fee has a significant impact on rental projects; a condominium multifamily project with 10 800-square-foot units would incur a total development impact fee of \$90,320 (\$9,032 per unit).

School facilities development fees are waived for developments that provide affordable housing set-aside units. Additionally, to relieve any undue burden on developers who are required to provide moderate-income set-aside units under the Affordable Housing Set-Aside Program, the City of Emeryville may subsidize the cost of any traffic fees, building fees, and other City fees applicable to the set-aside units.

To illustrate the cumulative effect of fees on a project, four examples are provided in **Table 4-13**.

**Table 4-13: Sample Fee Scenarios**

<i>Apartments: 3900 Adeline</i>	101 units
<b>Construction Cost</b>	<b>\$22,065,943</b>
Building Permit and Other Fees	\$1,040,679
Approximate Planning Fees	\$40,585
<b>Total Fees</b>	<b>\$1,081,264</b>
Total Fees per Unit	\$10,706
Construction Cost per Unit	\$218,475
<b>Proportion of Fees to Development Costs</b>	<b>5%</b>
<i>Apartments: Ave at Bay Street – Parcel D</i>	223 units
<b>Construction Cost</b>	<b>\$55,890,683</b>
Building Permit and Other Fees	\$3,228,168
Approximate Planning Fees	\$65,699
<b>Total Fees</b>	<b>\$3,293,867</b>
Total Fees per Unit	\$14,771
Construction Cost per Unit	\$250,631
<b>Proportion of Fees to Development Costs</b>	<b>6%</b>
<i>Apartments: Estrella Vista</i>	87 units
<b>Construction Cost</b>	<b>\$44,394,026</b>
Building Permit and Other Fees	\$1,947,069
Approximate Planning Fees	\$22,952
<b>Total Fees</b>	<b>\$1,970,021</b>
Total Fees per Unit	\$22,644
Construction Cost per Unit	\$510,276
<b>Proportion of Fees to Development Costs</b>	<b>4%</b>
<i>Apartments: The Intersection</i>	108 units
<b>Construction Cost</b>	<b>\$20,759,614</b>
Building Permit and Other Fees	\$1,114,674
Approximate Planning Fees	\$52,092
<b>Total Fees</b>	<b>\$1,166,766</b>
Total Fees per Unit	\$10,803
Construction Cost per Unit	\$192,219
<b>Proportion of Fees to Development Costs</b>	<b>6%</b>

Source: City of Emeryville, 2021

As indicated in these examples, planning and building fees are a small percentage of the total cost of developing housing in Emeryville.

#### 4.2.6 SITE IMPROVEMENT REQUIREMENTS

Because many sites are small and being reused, improvements consist of upgrading storm drains, and water and sewer lines if needed for intensification of use and placing on-site utilities underground. For larger projects requiring major conditional use permits (that exceed base floor area ratio, density, or height) the City uses standard conditions of approval that are applied to projects, as warranted, that include public improvements along the frontage of the property. Requirements are designed to improve the safety and livability of the project area and city and may include curbs, gutters, sidewalks, street trees, street reconstruction, bicycle facilities, traffic signals, utility lines, and street furniture. The objective standards being developed under **Program C** will add greater clarity to these requirements and eliminate subjectivity.

#### 4.2.7 LOCAL ORDINANCES

The City has an inclusionary housing ordinance and a short-term rental ordinance, which are not considered to be a constraint on housing. These are described herein. The City does not have any moratoriums on new housing.

##### 4.2.7.1 Inclusionary Housing Ordinance

In 1990, the City of Emeryville adopted the Affordable Housing Set-Aside Ordinance (now referred to as the Affordable Housing Program), an inclusionary housing ordinance, which is part of the Emeryville Municipal Code. Previously, the Affordable Housing Program ordinance required that all projects with 30 or more units set aside 20 percent of inventory for affordable housing to moderate-income households, which was expanded to include very low-income households in June 2008. In 2014 the Ordinance was adopted and renamed the Affordable Housing Program (AHP). The Affordable Housing Program is implemented through the City of Emeryville Community Development Department and currently requires the following inclusionary levels in residential developments:

- In ownership residential developments of 10 or more units, 20 percent of units must be set aside for and affordable to moderate-income households. The City imposes resale conditions for 45 years after recordation of each grant deed to keep units in the Affordable Housing Program and maintain affordability for moderate-income households.
- New rental residential projects (both new construction and conversion) can either pay affordable housing impact fees to mitigate the project's impact on the need for affordable housing in the city (see **Table 3-8**) or elect to provide 12 percent of dwelling units as on-site affordable rental units. Of the affordable rental units, 8 percent of units must be affordable to low-income households and 4 percent affordable to very low-income households. The affordable rental units will be provided for a minimum period of 55 years.

##### 4.2.7.1.1 Production of Affordable Housing Under the Affordable Housing Program Ordinance

Much of the residential development built in Emeryville during the 1990s was the result of public-private partnerships between developers and the City through its former Redevelopment Agency. The agency provided financial assistance through its Low- and Moderate-Income Housing Fund for several

residential projects developed by private, for-profit and nonprofit residential developers, and in one case, the Alameda County Housing Authority. Some of these developments did not exceed the 30-unit threshold in place during that time, while others provided a percentage of affordable units greater than the inclusionary requirement by leveraging Agency assistance with other federal, state, and private sources.

BMR Units subject to the requirements of the Affordable Housing Program have been created through a variety of mechanisms between 2014 and 2022, including:

- 3900 Adeline, Parc on Powell and The Emery (currently under construction) were subject to the Affordable Housing Program Ordinance and added 33 very low-, 20 low, and 55 moderate-income units were added to the City's affordable housing stock
- Created voluntarily, Avalon Public Market and The Intersection added 25 low-income units and 18 moderate income units were added to the city's affordable housing stock;
- Created under the State Density Program, Bayview (currently under construction) added 11 very low-income units) to the city's affordable housing stock;
- Due to City-provided financial assistance at Emme, Estrella Vista, and Nellie Hannon Gateway (building permit pending), 150 very-low and 54 low-income units were added to the city's affordable housing stock.

The inclusionary units provided through the Affordable Housing Program have helped the City address critical housing needs and are discussed further in Chapter Six. Given the significant amount of development in Emeryville over the past decade, it is clear that the ordinance has not acted as a constraint on housing development.

The City offers a number of options to mitigate potential hardships in complying with the Affordable Housing Program. These include:

- To avoid undue economic burden or cost to the applicant providing affordable units, the developer can apply for a density bonus to allow up to 50-percent density increase or apply for the community benefit bonus to increase the maximum FAR, height, and density, but not both, per Section 9-5.412.
- To mitigate the burden on developers providing affordable units, the City may subsidize the cost of traffic impact fees, building permit fees, and any other fees/exactions required, per Section 9-5.414.
- If the developer can show economic hardship in providing affordable units, the developer can, with City approval, reduce the amenity level and square footage of the affordable units below that of the market-rate units, providing all units meet the applicable building and housing codes, per Section 9-5.413.
- The applicant may apply for a reduction, adjustment, or waiver of the Affordable Housing Program requirements if the applicant can demonstrate the requirements would result in unconstitutional taking of property or any other unconstitutional result, per Section 9-5.417.

- The developer, with City approval, has the option of transferring credit for affordable units constructed at one location within the city to satisfy the ordinance requirement, per Section 9-5.402(f).

If a developer proceeds with an economic hardship claim, in practical terms the manner in which it is processed is the following: The developer is required to share its financial pro forma with City staff so that the City can review it to determine whether the AHP requirements make the project financially unviable. The developer is able to present this case to the City Council, which may take action to reduce the impacts of the ordinance through one of the measures cited previously.

The City Council has approved projects where a lesser inclusionary percentage was required in exchange for deeper affordability. In these cases, City staff worked with the developer to determine a cost-neutral point at which the provision of units at low- or very low-income levels, in lieu of moderate-income units, would not negatively impact the development costs.

In addition to the incentives and concessions outlined in the Affordable Housing Program directly, the City commits staff time and financial resources to facilitate implementation of the Affordable Housing Program in the following ways:

- Staff participates actively with the developers' marketing and sales/leasing teams in crafting marketing plans for the below-market rate (BMR) units aimed at successfully leasing up or selling the BMR units.
- The City provides developers with its mailing list of over 7,000 people who have expressed interest in Emeryville housing to assist in marketing outreach.
- The City participates in open houses and information workshops for prospective tenants and purchasers of BMR units within the developments.
- The City actively markets new BMR units (including serving as a distribution point for BMR unit applications) at the City Hall information area, the City's website and social media platforms, and through citywide mailings.
- If the developer is unable to sell some or all of the BMR ownership units at the end of the marketing period, the City can purchase the units or allow the owner to sell the unit to an over-income household with an affordable resale requirement.

#### **4.2.7.2 Short Term Rental Ordinance**

The City adopted their short-term rental (STR) ordinance in 2017. These regulations can be found in Article 21 to Chapter 5, and Chapters 2, 3, and 7, of Title 9 of the Municipal Code regarding short-term rental of all or part of a dwelling. STR's are permitted only in single-unit detached houses, and only as an accessory use for fewer than 30 days. The City found it necessary to establish such requirements to regulate STRs in the interest of public health, safety, and other impacts on land use and housing.

Regulations were put on STRs to address concerns on land use impacts that may results in loss of residential character and exacerbate the shortage of affordable housing stock within the city. Impacts of STR as it related to housing issues includes use of residential space for commercial use and reduction of

housing supply driving up rents. The City will continue to monitor the impacts of STRs on long-term housing options.

## **4.3 Environmental Considerations**

Other than the considerations described herein, there are no known environmental or other conditions that are constraining sites identified in the land inventory. This includes the shapes of the parcels and easements.

### **4.3.1 HAZARDS**

The sites in the Housing Element land inventory were screened for potential hazards, including Tsunamis, Liquefaction, Sea Level Rise (SLR), Landslides and Floods (see **Table 6-4**). None of these potential hazards preclude development in Emeryville. More detailed information is provided in the Resources Section.

### **4.3.2 ENVIRONMENTAL REGULATIONS**

Environmental review, in compliance with state and federal requirements, runs concurrent with other aspects of the local development approval process. Pursuant to CEQA, if a project has no significant impacts or the impacts can all be mitigated to a less-than-significant level, an initial study and mitigated negative declaration is adequate. This process usually takes two to three months. If the project has potentially unavoidable significant impacts, it requires an environmental impact report (EIR), which can take four to six months and sometimes longer. Use of an exemption for urban infill housing projects is often used to expedite environmental review if there are no identified impacts. As a small city, Emeryville's environmental concerns are limited to a few areas. Landslides are not of concern because the entire city is on flat terrain. The city is not in a flood hazard zone, and seismicity issues are addressed by building codes. Sensitive biologic resources are confined to bayshore areas that are designated and zoned for parks and open space. Toxic contamination from previous industrial uses has been a key environmental concern. Noise is also a localized problem associated with the location of sensitive receptors relative to commercial and light industrial uses and the existence of freeways and a major rail line.

### **4.3.3 TOXIC CLEANUP**

Site characterization, health risk assessment, and site remediation in accordance with state mandates can present major development expenses. The City has implemented and will continue to implement a Brownfield Program to use grant funds to clean up City-owned land and to distribute assessment and cleanup loans to private property owners. This program has been instrumental in expediting the cleanup of many sites and will remain important. (See **Program S**.)

### **4.3.4 NOISE**

The I-80 and I-580 freeways and the Union Pacific and Amtrak rail facilities continue to be a major source of noise in the western and southern portions of Emeryville. With a growing residential population in a mixed-use environment, there is an increasing awareness of noise from nonresidential uses, including newer high-tech uses. The Emeryville Municipal Code prohibits excessive and annoying

noises from all sources and limits the hours for construction and other noisy activities. However, some noises occur on a continual or continual but intermittent basis, such as freeway and train noise, and is emitted by mechanical equipment, such as heating and cooling facilities. The Conservation, Safety, and Noise Element of the General Plan contains policies and actions to address noise.

### **4.3.5 INFRASTRUCTURE**

Public facilities and infrastructure have a direct influence on a city's ability to accommodate residential growth. As described in the Resources section, all sites in the inventory have access to facilities and infrastructure, including dry utilities. To comply with SB 1087, the City will immediately forward its adopted Housing Element to EBMUD so they can grant priority for water and sewer service allocations to proposed developments that include units affordable to lower-income households. (See **Program N.**)

#### **4.3.5.1 Water Service**

The East Bay Municipal Utility District (EBMUD) supplies water and provides wastewater treatment to areas of Alameda and Contra Costa counties, including Emeryville. EBMUD owns, operates, and maintains the water distribution system that brings Sierra Nevada snowmelt and seasonal runoff through a distribution and treatment system to Emeryville. Every 10 years, EBMUD performs a comprehensive demand projections study to understand water demand and supply projections for a 30-year horizon. The most recent update was completed in 2020 and projected demand and required supply through 2050. As reported in EBMUD's 2020 Urban Water Management Plan, the water demand forecasting methodology relied on long-term planning documents approved and adopted by the local and regional land use agencies. Specifically, "Growth projections in EBMUD's future water demand is a reflection of planned land-use changes and redevelopment projects forecasted by the local and regional land use agencies" (EBMUD Urban Water Management Plan, 2020). As demonstrated in the Urban Water Management Plan, EBMUD shows adequate capacity to accommodate demand through 2050 through a diversified and resilient portfolio that includes recycled water and conservation programs.

EBMUD's Board of Directors approved Policy 3.07, which ensures that priority for new water service connections during restrictive periods is given to proposed developments within EBMUD's existing service area that include housing units affordable to lower-income households in accordance with California Government Code Section 65589.7. Policy 3.07 also states that EBMUD will not deny an application for services to a proposed development that includes affordable housing unless certain specific conditions are met, which could include a water shortage emergency condition, or if EBMUD is subject to a compliance order by the Department of Public Health that prohibits new water connections.

As an older city, Emeryville has had a water supply system in place for many years. The former industrial users demanded large quantities of water to serve their businesses, so the system was built to accommodate large capacities. The system is regularly maintained and upgraded to serve densification. Currently the water supply system has capacity for growth. Where there is insufficient localized capacity to serve proposed development, upgrades or installations are required as conditions of project approval.

#### **4.3.5.2 Sewer Service**

As reported in EBMUD’s 2020 Urban Water Management Plan, EBMUD’s wastewater service district (known as Special District No. 1, or SD-1) treats domestic, commercial, and industrial wastewater for several East Bay cities, including Emeryville. Each of these communities operates sewer collection systems that discharge into one of five EBMUD sewer interceptors. The City operates a municipal sanitary sewer collection system that conveys wastewater from Emeryville and portions of Oakland. Except for one pump station and a force main at the Emeryville Marina, the City of Emeryville’s collection system is generally a gravity-fed system, consisting of over 15 miles of sanitary sewer mains ranging in size from 6 to 30 inches. Additionally, the City’s collection system carries wastewater from approximately 11 miles of sanitary sewer collection system owned and maintained by the City of Oakland. Emeryville’s collection system is divided into five drainage basins, each of which connects to the EBMUD north sanitary sewer interceptor, which is generally located along the east side of Interstate 80. The EBMUD interceptor carries sewer flows from the East Bay communities’ collection systems to its wastewater treatment plant. The plant provides secondary treatment for a maximum flow of 168 million gallons per day (mgd). Primary treatment can be provided for up to a peak flow of 320 mgd. The average dry weather flow from 2010 to 2019 was approximately 54 MGD. The de-chlorinated wastewater is discharged through an outfall 1.2 miles off the East Bay shore into the San Francisco Bay. Solids are pumped to digesters for stabilization and are then dewatered and hauled offsite. Methane generated by the digesters is used to produce renewable energy. In addition to the main wastewater treatment plant, EBMUD operates three wet weather treatment facilities. These facilities were constructed in the late 1980s to handle all the wet weather flows generated from infiltration and inflow (I&I) into the satellite agencies’ collection systems. The volume of wet weather flow is generally as high as 15 times the average dry weather flow. During periods of wet weather, the wet weather facilities are designed to provide primary treatment to the wet weather sewage flow prior to discharge into San Francisco Bay. This Housing Element is consistent with the Emeryville General Plan which, as part of it and its environmental impact report (EIR), was assessed for development impacts including utility and sewer capacity. There is adequate sewer capacity to serve the City’s 6<sup>th</sup> cycle RHNA.

#### **4.3.5.3 Dry Utilities**

Dry utilities are readily available throughout the city from the following companies:

- Cable: Xfinity, DISH Network, DIRECTV, AT&T, Sonic
- Phone: Xfinity, Verizon, AT&T
- Internet services: Xfinity, Verizon, AT&T

### **4.4 Non-Governmental (Market) Constraints**

This section evaluates non-governmental factors that may impact the affordability and supply of housing.



#### 4.4.1 MACROECONOMY

One constraint to housing construction that is frequently cited by economists and developers is the large gap between household income and housing costs. Many Emeryville residents on average earn wages that are perilously close to or well below the expected annual cost of living. The expected annual cost of living (including food, utilities, transportation, housing, healthcare, and miscellaneous expenses) for a married couple with children is \$128,285 (www.zerodown.com, C2ER (Council for Community and Economic Research), accessed January 26, 2022). This does not include state or federal income tax. As of 2019, the median household income (for all household sizes) in Emeryville was \$102,725. While Emeryville's economy includes many well-paying jobs in technology and biotechnology, it also includes many low-paying jobs in retail, services, and tourism.

#### 4.4.2 PROPERTY OWNERS' DECISIONS

The decision to develop a property remains with the property owner, though the City controls land use through zoning and related regulations. Private property owners can constrain the market when they wait to develop or sell their land in anticipation of an increase in value through market changes or up-zoning. The City cannot require residential development on land permitted for other uses, unless an applicant wishes to use a housing density bonus. Several Programs are included to encourage property owners to develop their properties including **Programs A, B, C, D, E, F, H, and L**.

#### 4.4.3 LAND COSTS AND AVAILABILITY

Factors affecting the costs of land include overall availability within a given subregion; environmental site conditions and constraints; public service and infrastructure availability; aesthetic considerations, such as views; the proximity to amenities; and parcel size. An online survey of available vacant land on Zillow.com, Redfin.com, and Landwatch.com completed in November 2021 did not identify any vacant parcels for sale in Emeryville. However, as shown in **Table 4-14**, the CoStar Group (a company that specializes in real estate data) tracks the sale of vacant (and nonvacant) parcels. The five vacant parcels in **Table 4-14** were sold in 2020 and 2021. They have an average sales price of \$16,765,191 per acre (\$384.88 per square foot). Of the four apartment building sales in **Table 4-14**, the average sale price was \$2,162,500 with an average price per unit of \$278,604. There is limited vacant land in Emeryville, land acquisition costs generally include the purchase of an existing commercial or residential structure. In **Table 4-14**, several multifamily apartment buildings sold in 2020 and 2021.

Lack of available land (including vacant land and nonvacant land that is suitable for redevelopment) can act as a constraint on the development of housing. Land costs can act as a constraint on the development of housing if a prospective developer sees the land costs as an impediment to developing a profitable product. To address these constraints, the City has included **Programs E and D**.

#### **4.4.4 HOME SALE COSTS**

As demonstrated in the Housing Needs Assessment, the median home sales price of individual condominiums and townhomes in Emeryville in 2020 was \$530,000 according to a real estate market report prepared by Caldecott Properties. A market analytics report from the Costar Group that was prepared in January 2022 also reported \$530,000 as the market price for homes in the “Emeryville subregion” which includes Emeryville and some areas beyond its borders. As shown in **Table 4-14**, several condominiums sold in 2020 and 2021. Of the six condominium sales in **Table 4-14**, the average sale price was \$683,833 with an average price per square foot of \$456.17. To assist prospective homebuyers in making homeownership more affordable, the City will implement **Programs I, M, and P**.

**Table 4-14: Sample of Sales Comparables, 2020-2021**

Type	Address	Size	Price	Price/Area	Year Built
Apartments	1051 48th St	4 Units	\$1,495,000	\$373,750/Unit	1956
Apartments	4327 Essex St.	5 Units	\$1,220,000	\$244,000/Unit	1900
Apartments	1034 47th St.	15 Units	\$4,925,000	\$328,333/Unit	1918
Apartments	1032 47th St	6 Units	\$1,010,000	\$168,333/Unit	1909
Auto Repair	5315 San Pablo Ave	1,650 SF	\$480,000	\$291/SF	1958
Distribution	1307 66th St	9,170 SF	\$3,600,000	\$393/SF	2001
Flex/ Condo	Industrial Condo, 4080 Watts St	4,200 SF	\$1,000,000 Condo Sale	\$238/SF	1959
Freestanding	New Season's Market, 6201 Shellmound St	38,725 SF	\$13,914,367 Part of Portfolio	\$359/SF	2017
Freestanding	The Public Market 5903-6005 Shellmound Emeryville, CA 94608	135,197 SF	\$42,748,458 Part of Portfolio	\$316/SF	1988
Industrial/ Condo	Bessler Building, 4053 Harlan St	1,742 SF	\$930,000 Condo Sale	\$534/SF	1945
Industrial/ Condo	Flex Condo, 1175-1195 Park Ave	3,612 SF	\$985,000 Condo Sale	\$273/SF	1912
Land	1284-1302 67th St	0.912 AC	\$1,913,330 Part of Portfolio	\$2,097,565/AC	-
Land	Multi-Property Sale, 5900 Shellmound St	0.38 AC	\$10,787,093 Part of Portfolio	\$28,386,744/AC	-
Land	The Public Market, 5900 Shellmound St	1.64 AC	\$46,624,415 Part of Portfolio	\$28,429,681/AC	-
Land	Sherwin St	0.591 AC	\$13,500,000	\$22,828,416/AC	-
Land	1230 67th St	0.45 AC	\$937,596 Part of Portfolio	\$2,083,547/AC	-
Loft/Creative Space	4070 Hubbard St	8,202 SF	\$2,775,000	\$338/SF	1948
Manufacturing	6200 Hollis St	16,600 SF	\$4,200,000	\$253/SF	1958
Office	6101 Christie Ave	15,290 SF	\$6,900,000	\$451/SF	1948
Office	1255 Powell St.	10,077 SF	\$5,600,000	\$556/SF	1983
Office	Bldg B, 1480 64th St	90,594 SF	\$84,566,874 Part of Portfolio	\$933/SF	2002
Office/ Retail/ Condo	3801 San Pablo Ave	591 SF	\$318,000 Condo Sale	\$538/SF	2009
R&D	Bldg A, 6401 Hollis St	137,102 SF	\$44,933,126 Part of Portfolio	\$328/SF	1945
Restaurant	9 Anchor Dr	11,006 SF	\$376,000	\$34/SF	1973
Retail Condo	3996 San Pablo Ave	842 SF	\$365,000 Condo Sale	\$433/SF	2005
Retail Condo	1352-1366 Powell St	700 SF	\$505,000 Condo Sale	\$721/SF	2004
Showroom	1309 66th St	7,743 SF	\$1,825,000	\$236/SF	1984

Type	Address	Size	Price	Price/Area	Year Built
Telecom Hotel/ Data Hosting	6440-6490 Bay St	11,264 SF	\$5,850,000	\$519/SF	1960
Warehouse	5325-5333 Adeline St	14,044 SF	\$2,650,000	\$189/SF	1959

#### 4.4.5 CONSTRUCTION COSTS

Construction costs vary from site to site and may increase or decrease depending on project size, construction type (wood frame versus steel), the number of funding sources involved, developer capacity, and the level of amenities or services being provided in the development. Labor costs are also a significant factor and can be a financial constraint for a development project.

##### 4.4.5.1 Multifamily Home Construction Costs

As shown in **Table 3-17**, based on four recent projects at various stages of planning or completion, average cost to construct multifamily housing in Emeryville (not including land costs) is estimated to be \$437.50 per square foot in hard costs. The four representative projects include one completed in 2020, and as of August 2021, one under construction, one proposed, and one entitled.

These high costs can be viewed as a constraint to affordable housing development because the cost of the units far exceeds the revenue potential from the affordable units. As stated in **Programs A, E, F, H, L, and W** the City will work with affordable housing developers to identify and maximize available funding assistance programs.

#### 4.4.6 AVAILABILITY OF FINANCING

The cost and availability of financing can impact a household's ability to purchase a home or to perform necessary maintenance and repairs. As shown in **Table 4-15**, conventional mortgage loans for homes range between 2 and 4 percent for a standard fixed-rate loan with a 30-year term. In recent years, interest rates have decreased, reaching historic lows, but are starting to increase. Increases in interest rates can have a dramatic impact on housing affordability. For example, for a home loan for \$200,000 and a 20-percent down payment (\$40,000), the difference in the monthly payment between a 3.5-percent interest rate (\$718) and a 4.5-percent interest rate (\$811) is nearly \$100. The difference paid over the life of the loan (assuming a 30-year, fixed-rate loan) exceeds \$33,000. For a larger loan, the difference in monthly payments for loans with these interest rates would be even more pronounced.

Interest rates are determined by national policies and economic conditions, and there is little that local governments can do to affect these rates. Jurisdictions can, however, offer interest rate write-downs to extend home purchase opportunities to lower-income households. In addition, government-insured loan programs may be available to reduce mortgage down-payment requirements. The City has committed to **Programs I, J, and M** to support homeownership, for households at Low- and Moderate-Income levels.

The cost and availability of financing from private and governmental sources can impact a developer's ability to develop a multifamily project. Recently, the City provided financial assistance to these developments: Emme (resulted in 29 very-low income units), Estrella Vista (resulted in 70 very-low income units and 16 low-income units) and Nellie Hannon Gateway (Entitled) (will result in 51 very-low income units and 38 low income units). (**See Program L, S.**)

Through **Program D**, the City will analyze initiatives such as developing a loan program for homeowners to construct ADUs affordable to lower-income households.

**Table 4-15: Mortgage Interest Rates**

	Interest	Annual Percentage Rate
<b>Conventional Loan</b>		
30-year fixed	2.875%	2.996%
15-year fixed	2.250%	2.398%
5-year Adjustable-Rate Mortgage	2.000%	2.537%
<b>Federal Housing Administration Rates</b>		
30-year fixed	3.125%	4.184%
<b>Veterans Loans</b>		
30-year fixed	2.250%	2.484%

Source: <http://www.wellsfargo.com>, 2021; <http://www.usbank.com>, 2021

#### 4.4.7 IDENTIFYING AND MITIGATING NON-GOVERNMENTAL CONSTRAINTS

As residential developments are approved by the City and building permits or final maps have not been obtained, the City will make diligent efforts to contact applicants to learn why units have not been constructed within two years after approval. If these impediments are due to nongovernmental constraints, such as accelerating construction costs, shortages of labor or materials, or rising interest rates, to the extent appropriate and legally possible, the City will seek to identify actions that may help to remove these constraints. In addition, the City will aim to work with stakeholders to identify nongovernmental constraints or other circumstances that may impede the construction of housing in Emeryville and work collaboratively to find strategies and actions that can eliminate or reduce identified constraints (**Program NN**).

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## 5. Assessment of Fair Housing

Assembly Bill (AB) 686 requires that all housing elements due on or after January 1, 2021, must contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Furthering Fair Housing (AFFH) Final Rule of July 16, 2015.

Under California law, AFFH means “taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics.”

In order to comply with AB 686, the City of Emeryville (City) has completed the following outreach and analysis.

### 5.1 Outreach

At its core, community outreach helps a community function better and Emeryville wants to continue to be a community that functions for everyone. To ensure that the City included as many members as possible of the Emeryville community in the Housing Element process, the City reached out to a variety of housing service providers and the public to gain a better understanding of what their housing needs are and what Emeryville could do better to meet those needs in the future. The City will continue to: (1) ensure the voices of all members of the community, including those from underrepresented groups, are included in planning processes (**Program EE**); (2) that residents are educated and have a resource to assist them in addressing fair housing laws (**Program DD**); and (3) that all community members, especially those that are disadvantaged, have equal access to programs/services through targeted marketing (**Program FF**). Through implementation of this outreach strategy, the City believes it will ensure meaningful action is taken to achieve its Fair Housing Goal (H-4).

#### 5.1.1 FAIR HOUSING PROVIDERS

As a part of the Housing Element outreach process, the City consulted multiple stakeholders to provide input on the Housing Element update. Various stakeholders that serve Emeryville residents were interviewed in a one-on-one virtual meeting or phone call from September 2021 to December 2021 to discuss the state of housing in Emeryville. Consultations included targeted outreach to fair housing providers serving the Emeryville area and surrounding jurisdictions. Findings related to fair housing are outlined below:

A fair housing provider communicated that their organization has received an increasing number of complaints from low and moderate-income homeowners, who are struggling to maintain and improve their older households. This fair housing provider believes that these issues occur due to financial institutions approving unrealistic mortgages, misrepresenting information to clients on financial documents, and refusing to lend capital to those with traditionally poor credit. Predatory lenders seek out low and moderate income- individuals and families, with the goal to become homeowners, and manipulate these vulnerable community members to signing unrealistic home loans. It was suggested that the City could strengthen its home repair programs, increase the amount of low interest rate housing loans and second structure loans, and direct financial institutions to expand the breadth and

flexibility of criteria that allows traditionally bad credit borrowers to receive loans. The City has committed to expanding the Predatory Lending Prevention and Foreclosure Prevention Strategy (adopted in 2007), which includes resident outreach, education, emergency mortgage assistance, and coordination with HUD-approved housing counseling agencies. The City intends to continue this program to protect vulnerable homeowners as an important strategy in the City's anti-displacement efforts (**Program J**). The City also intends to continue to market homeowner repair and rehab programs to low income homeowners and will evaluate the need to offer additional rehab loan programs (**Program X**). The City will also continue to offer homeownership programs, including down payment assistance programs and Below Market Rate housing. The City is developing new guidelines for the down payment assistance program to improve participation in the program and is considering other actions and/or programs to support lower income households to successfully access homeownership opportunities (**Programs M, and I**).

A fair housing provider that was interviewed stated that disability related fair housing violations has grown to be the most common type of complaint that a fair housing organization receives though it may not be an accurate account of the fair housing violation discrimination cases occurring. A fair housing provider observed that disability related fair housing violations are typically clearer and more evident than discrimination from other protected classes (e.g., race, gender, and religion), which may be less overt. The most common fair housing related cases from the California Department of Fair Employment and Housing were related to disability. Discrimination against non-disability protected classes may be more difficult to recognize than disability cases because there may not be an immediately recognizable determination or action that showcases that a person is discriminating against a member of a protected class outside of a disability. For example, it may be easy to recognize when a reasonable accommodation request is denied. Even if disability related fair housing violations are not the most common type of fair housing complaint, all other complaints to the fair housing organization are still valid and should be addressed and investigated. Therefore, the City will continue to increase access to fair housing resources for residents, including offering home maintenance and fair housing education trainings for property owners (**Program X and DD**), creating a targeting marketing program for fair housing informational materials in neighborhoods with higher rates of poverty (such as the Triangle and San Pablo Corridor neighborhoods) (**Program FF**), and develop a marketing program specifically for local resources and programs for persons with disabilities, including educational materials on reasonable accommodation, housing rights, and access to legal aid (**Program O**).

### **5.1.2 FAIR HOUSING SURVEY AND LIVE POLLING**

The City asked the public to prioritize actions the City could commit to in its Affirmatively Furthering Fair Housing Program through surveys available on the City's website and through live polling during two virtual presentations; more information on these questions can be found in Appendix B. There were two meetings (Housing Committee Meeting and Community Workshop) and one online survey. The two respective meetings occurred on July 7<sup>th</sup>, 2021 and February 23<sup>rd</sup>, 2022 and the survey was available on the City's website from July to August 2021. Participants were asked to identify the most impactful actions in three categories: Housing Choice, Place-based Conservation and Revitalization, Displacement Prevention. The choices that participants were asked to consider were inspired by the list of suggested actions in HCD's Guidance Memo (April 2021) for complying with AB 686.



According to survey and workshop respondents, the three most impactful actions related to Housing Choice include a modification to the Below Market Rate (BMR) program, creation of an inclusionary housing program for BMR rental units in new rental developments, and the acquisition of additional affordable housing in mixed income developments. Several other actions were also considered impactful, though to a lesser impact, such as the development of a city-wide affordable rental registry and targeted mixed income strategies. The City will directly address the most impactful priorities through implementing actions to purchase BMR ownership units that are at risk of becoming market-rate units, (**Program I**), examine reestablishing an inclusionary requirement for rental that will study allowing a reduction in the inclusionary percentage requirement to support developing units with deeper affordability levels (**Program A**), and by providing financial incentive for the restriction of additional BMR rental units for special needs populations (**Program K**).

For Place-based Conservation and Revitalization, survey and workshop respondents highly favored actions that prioritized the targeted and intentional investment in areas most in need and address negative environmental, neighborhood, housing and health impacts associated with certain land uses. Several other actions were considered highly impactful, including recruiting residents from concentrated poverty to serve on local government decision-making bodies and proactive code enforcement. This directly aligns with Policy H-4-6, which states that the City will maintain and enhance the quality of life within neighborhoods, including those identified as low-resource and/or disadvantaged, by providing adequate maintenance to streets, sidewalks, parks and other community facilities. The City will address these priorities through implementation actions such as recruiting low income residents to serve on local advisory bodies, like the Housing Committee (**Program EE**), improving pedestrian, bicycle and mass transit access along 40<sup>th</sup> Street (**Program II**), ensuring that housing developments incorporate usable outdoor open space for multigenerational use (**Program R**), and by continuing to administer and promote the brownfields program, which provides low-interest loans and grants to remediate previously industrial or commercial sites and make them suitable for new uses, such as affordable housing (**Program S**).

To prevent displacement of existing residents from their homes and communities, participants believed that creating a rent review board and/or mediation program, foreclosure assistance, or multilingual tenant legal counseling services would be very impactful. Other highly impactful actions include implementing rent stabilization programs beyond what is required by California Civil Code 1946.2 and increased outreach in the existing multi-lingual tenant legal counseling program to advertise the availability of multiple languages. The City will address these priorities through the foreclosure assistance program (**Program J**), continuing to contract with a HUD-approved fair housing counseling organization and ensuring all marketing material for fair housing programs are provided in multiple languages (**Program DD and FF**), and by continue to partner with a 3<sup>rd</sup> party Housing Service Provider to advise residents and landlords on the requirements under the Tenant/Landlord Eviction and Harassment Ordinance (**Program QQ**).

## 5.2 Opportunity Areas

The California Government Code Section 65583 (10)(A)(ii) requires the City of Emeryville to analyze racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs, including displacement risk. Although this is the Housing Element for the City of Emeryville, Government Code Section 65583 (subds. (c)(9), (c)(10), 8899.50, subds. (a), (b), (c)) requires the City to address patterns locally and regionally to compare conditions at the local level to the rest of the region. To that end, the City follows HCD's AFFH Guidelines and expands the analysis to include regional maps and data to analyze the differences between Emeryville and surrounding cities (Berkeley and Oakland), the East Bay Area, and the Bay Area region as a whole.

Since 2017, the California Tax Credit Allocation Committee (TCAC) and California Department of Housing and Community Development (HCD) have developed annual maps of access to resources such as high-paying job opportunities; proficient schools; safe and clean neighborhoods; and other healthy economic, social, and environmental indicators to provide evidence-based research for policy recommendations. This effort has been dubbed "opportunity mapping" and is available to all jurisdictions to assess access to opportunities within their community.

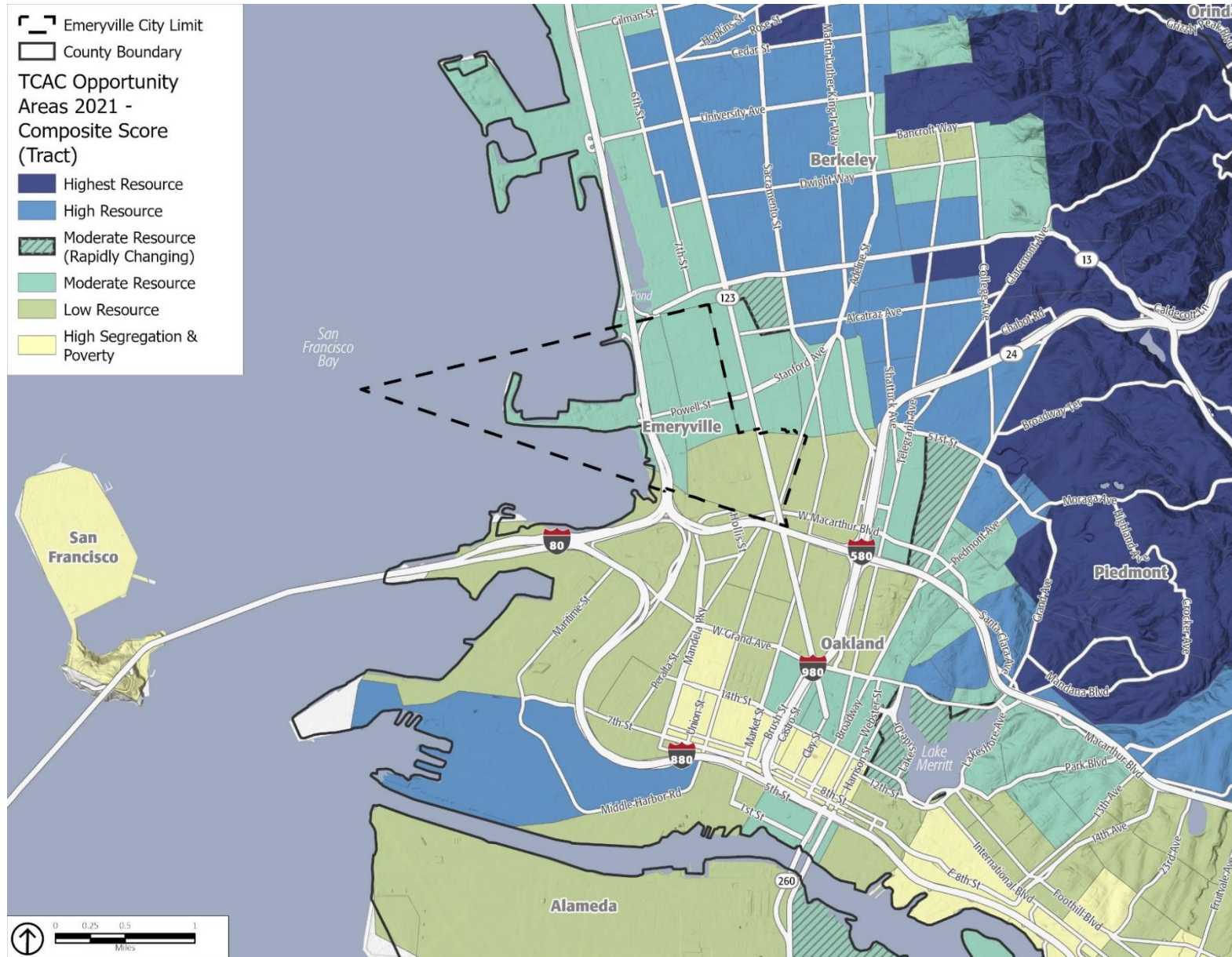
The TCAC/HCD Opportunity Maps can help to identify areas within the community that provide good access to opportunity for residents or, conversely, provide low access to opportunity. The information from the opportunity mapping can help to highlight the need for housing element policies and programs that would help to remediate conditions in low-resource areas and areas of high segregation and poverty and to encourage better access for lower-income households and communities of color to housing in high-resource areas. TCAC/HCD categorized census tracts into high, moderate, or low-resource areas based on a composite score of economic, educational, and environmental factors that can perpetuate poverty and segregation, such as school proficiency, median income, and median housing prices. The TCAC/HCD Opportunity Maps use a regional index score to determine categorization as high, moderate, and low-resource. Emeryville falls within the Bay Area TCAC region, which includes all the Bay Area counties. Within the Bay Area, the top 40 percent of census tracts are either Highest or High-resource and the remaining 60 percent of census tracts are evenly divided into Moderate and Low-resource.

- **Highest Resource:** Top 20-percent highest-scoring census tracts in the region. Cities that are primarily designated "Highest resource" include Piedmont, Hillsborough, Mill Valley, and Lafayette.
  - Indicates residents in these census tracts have access to the best outcomes in terms of health, economic attainment, and education attainment.
- **High-resource:** Top 20-percent highest-scoring census tracts in the region. Cities that are largely designated as "High-resource" include Pleasanton, Clayton, and Berkeley.
  - Indicates residents in these census tracts have access to highly positive outcomes in terms of health, economic attainment, and education attainment.
- **Moderate-resource:** Top 30 percent of remaining census tracts in the region. Cities that are largely designated as "Moderate-resource" include Union City, Daly City, Brentwood, and Hercules.

- Indicates residents in these census tracts have access to either somewhat positive outcomes in terms of health, economic attainment, and education; or positive outcomes in a certain area (e.g., score high for health, education) but not all areas (e.g., may score poorly for economic attainment).
- Moderate-resource (Rapidly Changing) is a filter applied to census tracts based on having index scores just below the High-resource threshold and also experiencing rapid increases in key dimensions of opportunity (housing price, median income, job proximity, etc.).
- **Low-resource:** Bottom 30 percent of remaining census tracts in the region. Cities that are largely designated as “Low-resource” include Richmond, Hayward, Vallejo, and Pittsburg.
  - Indicates residents in these census tracts could be experiencing a lack of access to positive environmental, economic, and education factors results in negative outcomes or perpetuated outcomes (such as perpetuated poverty).

According to the HCD/TCAC Opportunity Map (**Figure 5-1**), the City of Emeryville is considered moderate-resource and low-resource, with 53<sup>rd</sup> Street and the passenger (Amtrak) railroad lines serving a boundary between the city’s low-resource area to the southeast and the moderate-resource area to the northwest. While the majority of Emeryville’s households are renters, the low-resource area has the highest percentage of Housing Choice Voucher (HCV) use, accounting for 10 percent of occupied housing units as compared to about 6 percent in the moderate-resource area east of the Amtrak railroad lines and less than 2 percent in the moderate-resource area west of the railroad lines. The majority of the city’s 100% affordable housing was constructed in the last two decades and is concentrated along San Pablo Avenue, which runs north to south through the city’s low-resource area. It should be noted that this concentration occurred organically, as more sites of adequate sizes were available in that location at a time when funding for affordable housing was available. Transit availability helped ensure project funding for these affordable housing projects on separate applications.

**Figure 5-1: TCAC Opportunity Areas – Composite Score 2021**



Emeryville's low-resource area shares its border with the City of Oakland's low-resource areas south of 52<sup>nd</sup> Street, whereas Emeryville's moderate-resource areas border moderate-resource areas in north Oakland and south Berkeley, following a trend of increased opportunity moving northeast toward the Oakland/Berkeley Hills. For cities in the East Bay, the trends and factors that have resulted in these patterns of access to resources, and other fair housing issues, may have stemmed from historical development patterns.

### 5.3 Patterns of Integration and Segregation

To assess patterns of segregation and integration, the City analyzed six characteristics: historic segregation patterns, diversity, median income, poverty status, female-headed households, and persons with a disability as of 2019. This information is analyzed at the census tract level relying on American Community Survey (ACS) 2015-2019 data, except for the diversity map, which analyzes data at the block group level, the gentrification analysis, which relies on 2014-2018 ACS data, and displacement analysis, which is analyzed at the census tract level from 2000 to 2015. This information is displayed in Figures 5-2 through 5-8.

As a smaller city with a population of about 12,000, data trends relying on percentile changes can seem more drastic than in reality, due to changes in small numbers appearing more significant or representative when taken out of context. These instances are documented as a part of the analysis.

#### 5.3.1 HISTORIC SEGREGATION PATTERNS

##### 5.3.1.1 Legacy of Redlining in the East Bay

In the early to mid-twentieth century, the Home Owners Loan Corporation (HOLC), a federal agency, rated Emeryville as "D," indicating Emeryville was considered "Hazardous," a discriminatory practice to guide investment referred to as redlining. The practice of redlining made it difficult for residents within those neighborhoods to get loans for homeownership or maintenance, resulting in cycles of disinvestment and preventing residents from building generational wealth. Within the East Bay, Emeryville was deemed hazardous (so named for the riskiness of investing within these neighborhoods) along with the areas of Oakland, Berkeley, Alameda, and San Leandro fronting the San Francisco Bay (**Figure 5-2**). The redlined neighborhoods were predominantly home to communities of color, and racial/ethnic demographics directly influenced the neighborhood rating. HOLC federal agents surveyed neighborhoods in Emeryville in 1937 and determined that the neighborhoods between Vallejo Street to the west and the railroad lines were impacted by "detrimental influences" largely attributed to negative environmental conditions from local industries, predominance of industry uses, and the quality of housing stock, as well as the immigration of minority groups (noting persons of Latin descent and Asians).<sup>2</sup> HOLC federal agents roughly estimated in the HOLC Area Descriptions<sup>1</sup> that Emeryville's population in these neighborhoods were 3-percent Black (about 75 persons) and 20-percent foreign-born (about 500 persons), including persons of Latin descent and an increasing Asian population. While the HOLC federal agents likely overestimated the number of Latin and Asian immigrants living in Emeryville (in 1950, census data for Emeryville only identifies 2.1 percent, or 60 individuals, as "Other

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<sup>2</sup> Robert K. Nelson, LaDale Winling, Richard Marciano, Nathan Connolly, et al.. (2022). Mapping Inequality: Redlining in New Deal America. <https://dsl.richmond.edu/panorama/redlining/#loc=14/37.831/-122.303&city=oakland-ca&area=D6>.



Races,” as shown in **Figure 5-2**), the racial/ethnic demographics identified in Emeryville is similar to the racial/ethnic demographics identified in Area Descriptions for east Oakland and west Berkeley (also redlined areas). The East Bay’s Black population was largely concentrated in southwest Oakland, where the population was described as 40-percent Black and 20-percent immigrant (identified as Hispanic and Slavic by HOLC agents), among others, with growing immigrant Asian and Black populations. The neighborhoods in the Oakland/Berkeley Hills received high grades for “best” or “still desirable,” indicating these neighborhoods were the best areas and least risky for investment. In the north Oakland Hills and Piedmont, racially restrictive covenants were used in the neighborhoods to prevent communities of color homeownership opportunities, resulting in largely all-White neighborhoods. Homeownership opportunities available to families of color, such as within Emeryville, would not appreciate in value in the same way that homes in white neighborhoods would, continuing the disparity of wealth and depressing investment in Emeryville neighborhoods. These practices persisted in the East Bay until passage of the Fair Housing Act of 1968 made government-sponsored redlining and racially restrictive covenants illegal.

### **5.3.1.2 History of Redevelopment**

Despite a shared history of redlining, Emeryville’s development over the past 100 years differed from development patterns in surrounding East Bay cities due to a combination of the City’s small size and its predominantly industrial roots. Similar to the other East Bay cities lining the San Francisco Bay, Emeryville experienced intense growth starting in the 1960s. However, Emeryville’s residential growth relied on redeveloping previously industrial sites to allow for housing development to accommodate new growth. Prior to 1960, the majority of the City’s land area was utilized for industry and business, while the City’s residential neighborhoods were largely limited to the Triangle neighborhood east of San Pablo Avenue and the Doyle Street neighborhood (**Figure 5-3**). When efforts to fill in the Bay to support the City’s expansion were limited to developing the peninsula (Powell Street west of Interstate 580), Emeryville focused on industrial redevelopment, expanding residential development into the Bayfront and Central areas of Emeryville that were dedicated to industrial uses (**Figure 5-3**). The City converted industrial properties to residential through the aggressive use of remediation funding tools offered locally, by the State, and U.S. EPA, as well as conducting early brownfields assessment on sites citywide. The City substantially mitigated risks to individual developers from potential ground water contamination through deed restrictions prohibiting the use of groundwater, which led to voluntary cleanup actions by landowners, catalyzing further housing development.

Redevelopment projects facilitated through the former Emeryville Redevelopment Agency required set asides to include units affordable for moderate- and lower-income households, resulting in the introduction of mixed income communities in redeveloped areas. The former Emeryville Redevelopment Agency facilitated a major remediation of Bay Street, which is comprised of over 22 acres and resulted in 227 market rate units and 57 below market units affordable to very low income. Along San Pablo Avenue, the City facilitated the development of 213 below market dwelling units and 99 market rate units using approximately \$1.7 million in brownfield remediation and assessment funds in addition to assistance from local, state and federal resources. Emeryville’s policy to remove the responsibility of individual developers to remediate potential ground water contamination discussed previously allowed for the redevelopment of the former Sherwin Williams property and construction of 415 market rate

and 85 below market rate housing units on 8 acres. To this day Emeryville relies on redevelopment to accommodate new housing for households at all income levels. Most recently, the City used a U.S. EPA Remediation grant to facilitate the development of the Estrella Vista project on San Pablo Avenue, serving 86 households with below market rate housing. These examples represent a total of 33 acres of revitalized former industrial properties converted to housing with adjacent amenities (**Program S**).

**Figure 5-2: Historic Redlining Map**

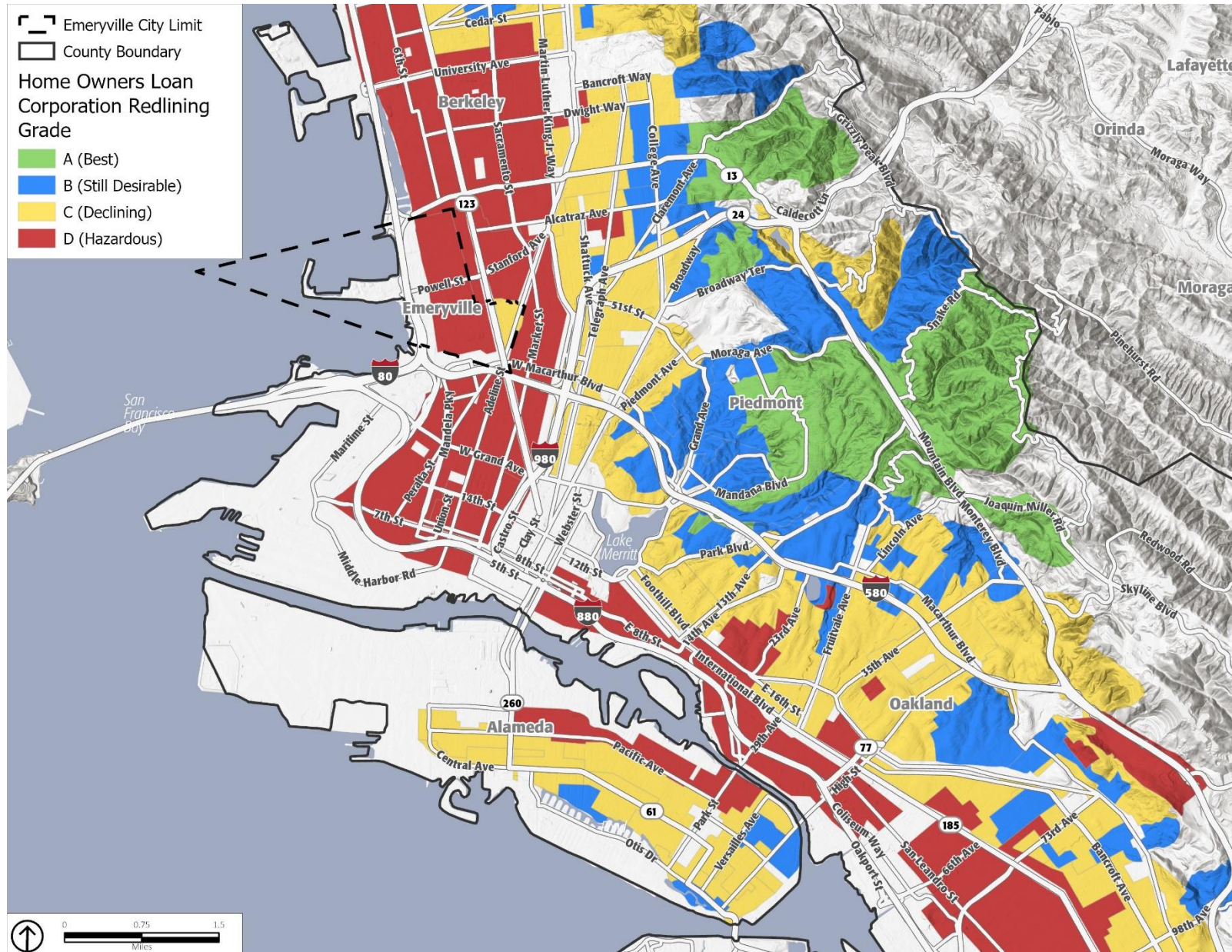
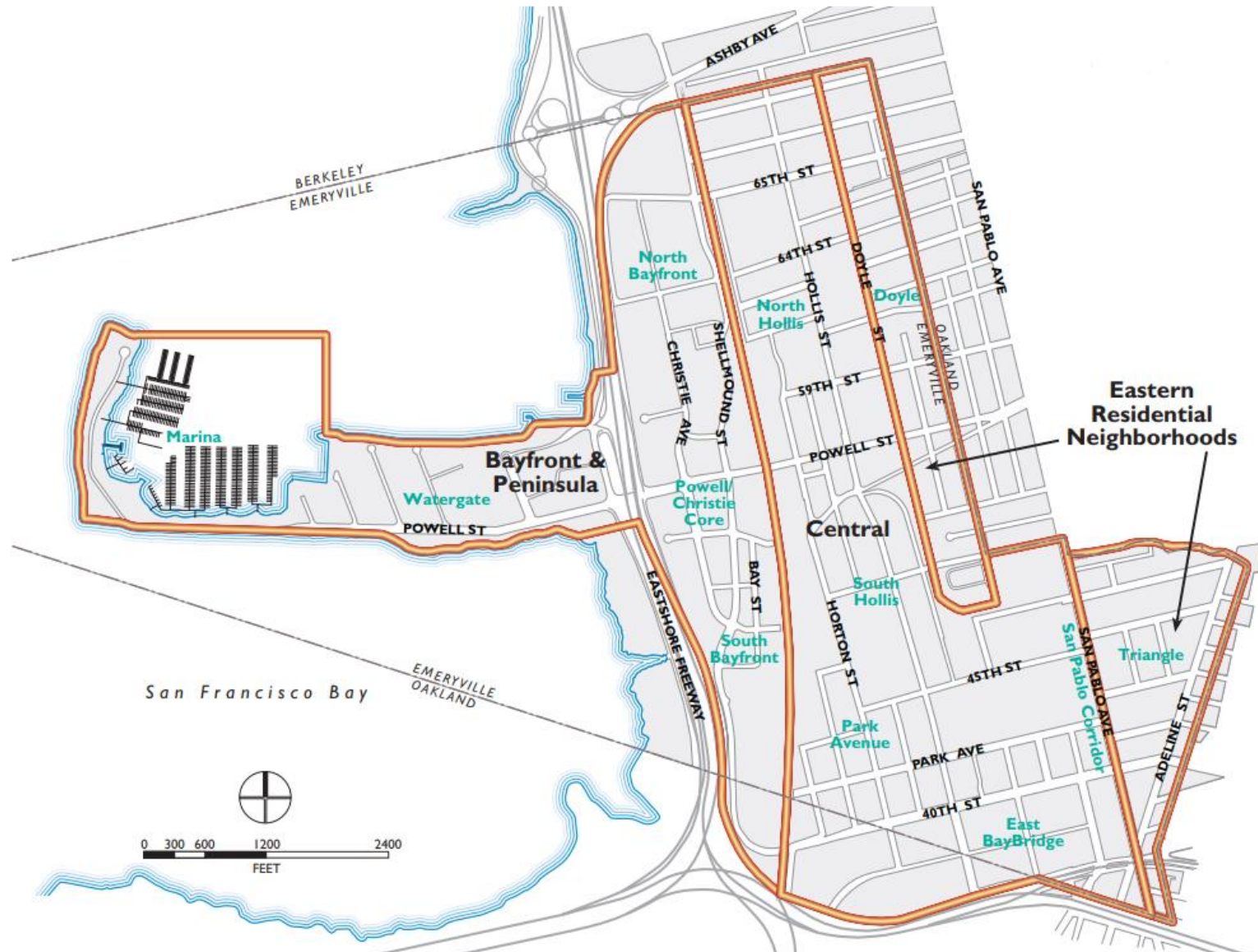




Figure 5-3: City Districts



City of Emeryville, 2009

Assessment of Fair Housing

### **5.3.1.3 Gentrification and Displacement**

The Urban Displacement Project defines gentrification as “a process of neighborhood change that includes economic change in a historically disinvested neighborhood — by means of real estate investment and new higher-income residents moving in — as well as demographic change — not only in terms of income level, but also in terms of changes in the education level or racial make-up of residents”.<sup>1</sup> The Urban Displacement Project notes that gentrification can be a driver of displacement, particularly if gentrification leads to higher rents and purchase prices. People may find it difficult to remain in their neighborhood if their rent is raised or if they need to find a new home to rent or purchase and wish to stay in their neighborhood, but costs have risen. Displacement induced by gentrification typically has a disproportionate effect on low-income communities of color.

The Urban Displacement Project identified neighborhoods in the East Bay that have experienced gentrification since 2000 as a part of their project to predict trends of gentrification and displacement based on community-engaged research process of market trends, housing, and jobs growth. As of 2018, the Urban Displacement Project found that census tracts coinciding with moderate-resource areas in the TCAC/HCD Opportunity Map (Watergate, North and South Bayfronts, Powell/Christie Core, North Hollis and Doyle neighborhoods) are in a stage of “Advanced Gentrification.” The advanced gentrification categorization is based on the following criteria developed by the Urban Displacement Project:

- Moderate, mixed moderate, mixed high, or high-income tract in 2018
- Housing affordable to middle, high, mixed moderate, and mixed high-income households in 2018
- Increase in housing costs since 2012
- Gentrified between 2000 and 2018

The factors identified by the Urban Displacement Project could result in displacement of lower income households and have disproportionately impacted the East Bay’s communities of color living in previously redlined neighborhoods. However, while gentrification has been well documented in the East Bay over the last two decades, Emeryville’s residential development, both historically and currently, expanded into areas of the city that were previously entirely industrial patterns, therefore it was unlikely to displace existing residents. As discussed, industrial redevelopment facilitated by the former Emeryville Redevelopment Agency, and later the Affordable Housing Ordinance, introduced mixed-income communities citywide, including in neighborhoods that fall within the area described by the Urban Displacement Project as in a state of Advanced Gentrification. Therefore, the Urban Displacement Project’s term “Advanced Gentrification” is a better description for other communities in the East Bay that were developed with residential uses much earlier than Emeryville, particularly because those residential developments were subject to redlining. As noted herein, while the cost of housing in Emeryville has risen, the rate of households living below the poverty line has remained relatively stable and the proportions of the population comprised by people of color has remained relatively stable.

Currently, those neighborhoods, identified as Advanced Gentrification, include nine housing developments (Avalon Public Market, Avenue 64, Artistry (Archstone) Emeryville, Ave at Bay Street, The Courtyards at 65<sup>th</sup> Street, Icon at Park, Emme, Parc on Powell, and Ocean Avenue Court) in which 16% of the rental units (286 units) are affordable to lower and moderate-income households. Of the nine listed housing developments, only one housing development project is a 100-percent affordable project (Ocean Avenue Court), indicating that affordable units in these neighborhoods are integrated in developments with housing that is affordable to above moderate households. This suggests that Emeryville continues to support mixed-income neighborhoods through maintaining housing affordable to moderate- and lower-income households in addition to housing affordable to above moderate households.

Providing affordable housing citywide, including areas described as being in a state of Advanced Gentrification, may have been significant contributor to preventing displacement in Emeryville. Based on ACS data, the percentage of persons living below the poverty line has not seen large fluctuations as Emeryville’s population has grown since 2012. Census tracts described as being in a state of Advanced Gentrification (**Table 5-1**) have either seen small changes in the percentage of individuals living below the poverty line (4251.01 and 4251.02) or have seen an increase in persons living below the poverty line (4251.03). While an increase in persons living below the poverty line may be indicative of pressures that can be attributed to redevelopment, such as rising housing costs, in Emeryville it does not appear to have had the effect of displacing lower-income households.

**Table 5-1. Poverty Status in Emeryville, 2012-2019**

Census Tract	Neighborhoods	Tract Population 2012	Population With An Income Below The Poverty Line 2012	Tract Population 2014	Population With An Income Below The Poverty Line 2014	Tract Population 2019	Population With An Income Below The Poverty Line 2019
<b>Census Tracts within area of potential Advanced Gentrification</b>							
4251.01	Peninsula	1,664	9.3%	1,519	10.0%	1,659	11.0%
4251.02	Bayfront	2,427	13.8%	2,754	13.1%	3,906	11.8%
4251.03	North Hollis, South Hollis, Doyle	2,588	6.7%	2,894	5.4%	2,795	10.3%
<b>Census Tract Outside of area of potential Advanced Gentrification</b>							
4251.04	Park Avenue, East Bay Bridge, San Pablo Corridor	3,289	22.5%	3,318	17.9%	3,531	20.3%

Sources: American Community Survey 5-Year Data (2008-2012), (2010-2014), and (2015-2019)

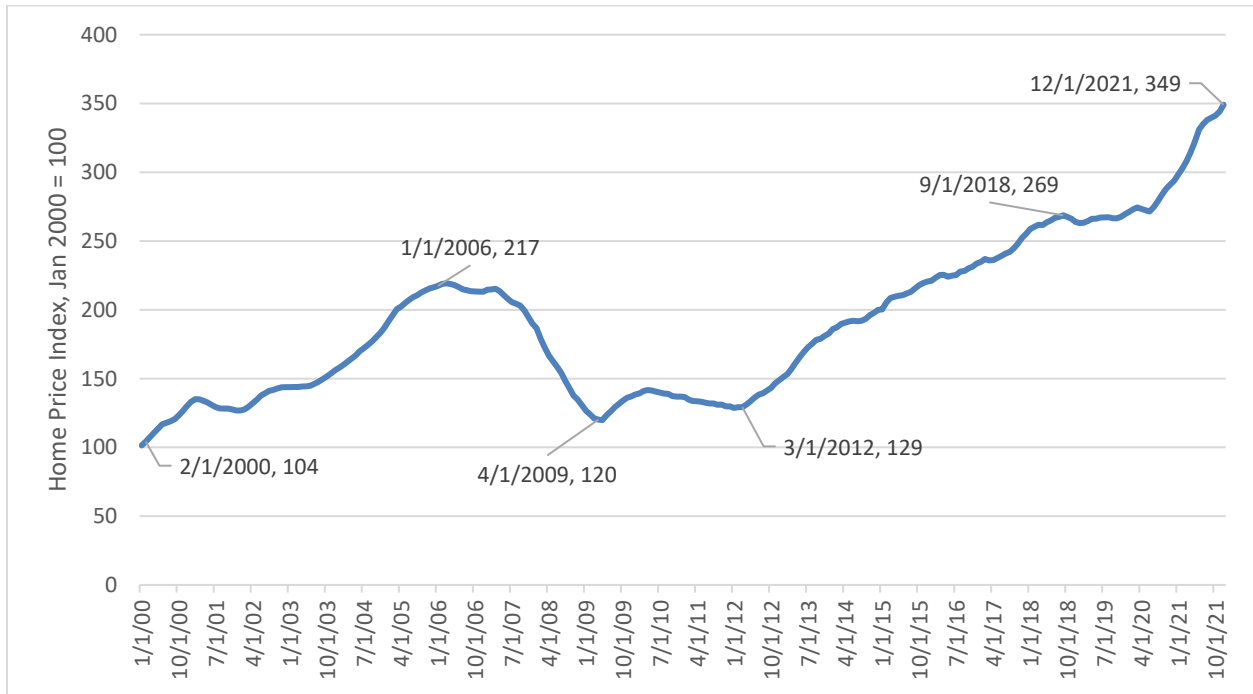
Emeryville has experienced a rise in housing costs, mirroring the rise in housing costs across the East Bay and Bay Area region as a whole. **Chart 5-1** demonstrates the dramatic rise of home value in the Bay Area since 2000 as reported by the S&P/Case-Shiller CA-San Francisco Home Index Price,<sup>3</sup> where home value is quantified by the home price index, which measures the price changes of residential housing as a

<sup>3</sup> S&P Dow Jones Indices LLC, S&P/Case-Shiller CA-San Francisco Home Price Index [SFXRSA], retrieved from FRED, Federal Reserve Bank of St. Louis; <https://fred.stlouisfed.org/series/SFXRSA>, March 10, 2022.

percentage from January 2000 (home price index of 100). Since 2012, the home price index has nearly tripled, indicative of a sharp increase that has outpaced the pace of income increase. However, the pace of house values in Emeryville has not seen the same rate of increase experienced by nearby cities. Based on data from the Zillow Home Value Index, which reflects the typical home value for “mid-tier” homes (following within the 35 to 65th percentile range), Emeryville offered more affordable housing opportunities than nearby cities in 2000, a trend that continues as of 2022 (**Chart 5-2**). Home values for mid-tier homes experienced a 256 percent increase in value from 2000 to 2022 and a 145 percent increase from 2012 to 2022. Comparatively, neighboring cities of Berkeley and Oakland experienced housing values increase by 306 and 318 percent since 2000 and 153 and 189 percent since 2012, respectively. Even cities of comparable size to Emeryville, such as Alameda and Albany, show a higher rate of increase in home value since 2000 and 2012; both Albany and Alameda saw housing prices increase by approximately 280 percent since 2000 and 160 percent since 2012. As described in the Housing Needs Assessment, Emeryville’s lower median sales prices are likely to due to smaller unit sizes. Most home sales in Emeryville are condominiums, where housing costs are reflected in monthly homeowner association dues, rather than sales price of individual units. Homeownership can stabilize monthly costs and protect vulnerable households against displacement. Housing in Emeryville may be affordable to some moderate-income households; however, lower-income households (earning up to 80 percent of the Area Median Income) would be unlikely to find homeownership opportunities in Emeryville.

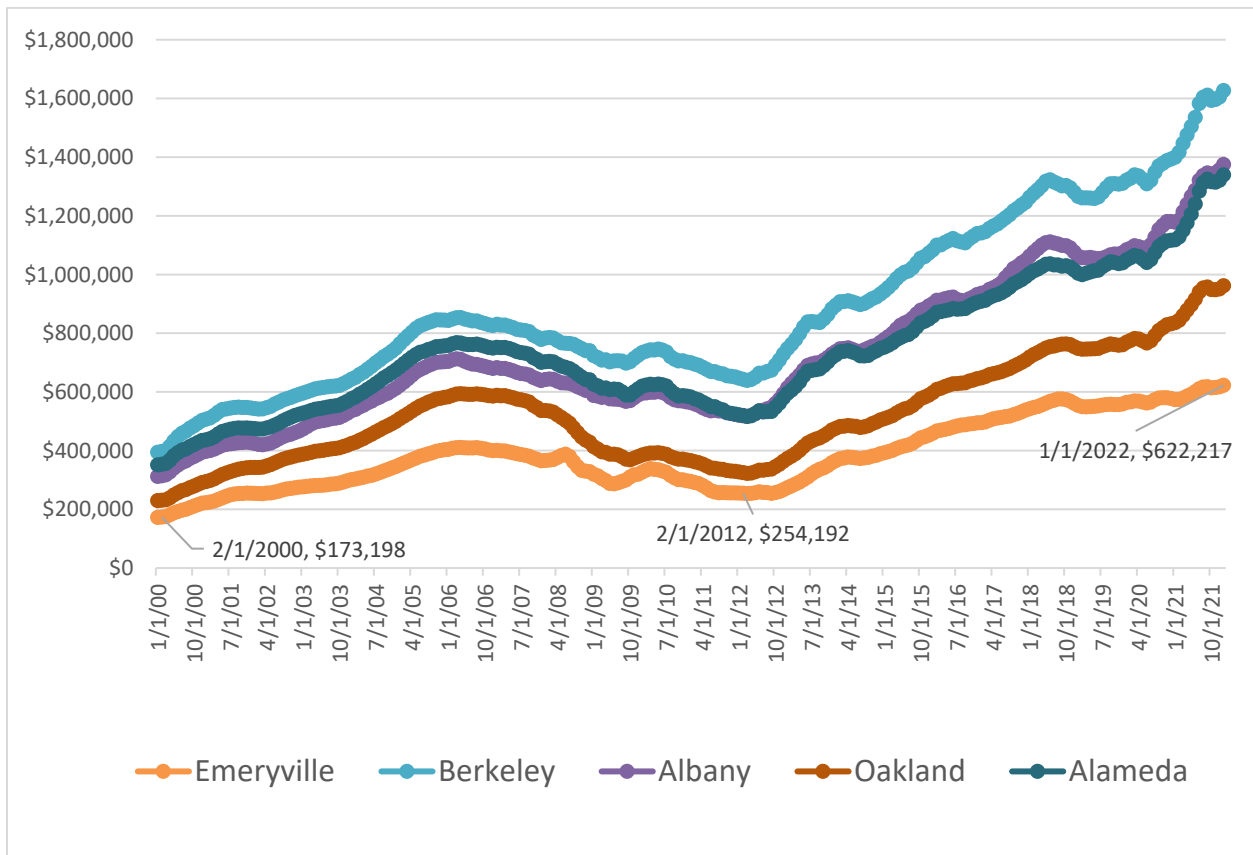
According to the Zillow Home Value Index (ZHVI) and **Figure 5-2**, the average home value in Emeryville increased by 119 percent between December 2011 and December 2019, from \$255,343 to \$558,597, for an average increase of approximately 15 percent annually. While housing costs have increased rapidly, wages have not kept pace. Between 2011 and 2019, the median household income in Emeryville has increased approximately 47 percent (5.3 percent annually), from \$69,724 in 2011 to \$102,725 in 2019 according to the ACS. As shown in **Figure 5-1** the Home Index Price from 2012 and 2018 almost doubled from 129 percent to 269 percent, while the median household income in Alameda County increased by 40 percent. The difference in these trends indicates growing unaffordability of housing in the Bay Area.

**Chart 5-1. S&P/Case-Shiller CA-San Francisco Home Index Price, 2000-2022**



Sources: FRED, Federal Reserve Bank of St. Louis 2022

**Chart 5-2. Zillow Housing Value Index, 2000-2022**



Sources: Zillow Research, Zillow.Com, 2022

Homeowners can also face displacement, particularly as demonstrated by the impacts of the subprime lending boom and subsequent foreclosure crisis that impacted lower income households in the Bay Area, disproportionately impacting communities of color. A 2015 case study produced by the Center for Community Innovation of Oakland neighborhoods surrounding the MacArthur Bart Station, including neighborhoods that border Emeryville along Adeline Street, found that between 2006 and 2014, approximately 2.3 percent of homes foreclosed. In the neighborhoods adjacent to Emeryville (between Adeline Street and Highway-24), approximately 2.5 percent of homes foreclosed.<sup>4</sup> These Oakland neighborhoods have had historically high concentrations of African American households and correspond with trends nationally that find high-risk lending practices by banks and subsequent foreclosures disproportionately impact the African American community, ultimately leading to displacement and decreasing rates of homeownership among African American households.<sup>5</sup> In response to the Bay Area foreclosure crisis, Emeryville adopted an eight-point Predatory Lending Prevention and Foreclosure Prevention Strategy in 2007 to take a proactive approach to addressing the foreclosure crisis. This program includes resident outreach, education, and coordination with HUD-approved housing counseling agencies. The City intends to continue this program and expand it to include emergency mortgage assistance, which would also include assistance to prevent HOA's from foreclosing for past due HOA fees, to protect vulnerable homeowners as an important strategy in the City's anti-displacement efforts (**Program J**).

Rising rental costs are often a primary contributor to displacement of lower income households in the wake of gentrification. Citywide, Emeryville has seen a 140.9 percent increase in median contract rent (agreed upon monthly rent) from 2000 to 2019. This exceeds the change in median contract rent countywide, which has seen a 116.5 percent increase since 2000. **Table 5-2** shows that within Emeryville, changes in median contract rent vary across census tracts. The greatest change in median rent took place in census tracts containing the Bayfront neighborhoods, North Hollis neighborhood, South Hollis neighborhood, and Doyle neighborhood. In contrast, the Peninsula and Park Avenue, East Bay Bridge, San Pablo Corridor neighborhoods saw rent increases lower than the Alameda County Median. While these census tracts have seen a great change in median contract rent between 2000 and 2019, the City has noted that only the census tract containing the North Hollis, South Hollis and Doyle neighborhoods has seen changes in contract rent (44.5%) that exceed the changes found citywide (35.9%) and countywide (33.4%) between 2015 and 2019, which could indicate a slowdown in rising rental costs in Emeryville.

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<sup>4</sup> Montojo, Nicole and Beki McElvain, *Accessibility and Investment in North Oakland*. (Center for Community Innovation, June 2015) [https://www.urbandisplacement.org/wp-content/uploads/2021/08/macarthur\\_final.pdf](https://www.urbandisplacement.org/wp-content/uploads/2021/08/macarthur_final.pdf)

<sup>5</sup> Housing and Economic Rights Advocates & California Investment Coalition. 2007. *Foreclosed: The Burden of Homeownership Loss on City of Oakland and Alameda County Residents*.

**Table 5-2. Emeryville Median Contract Rent, 2000-2019**

Census Tract	Neighborhoods	2000	2005	2010	2015	2019	Percent Change 2000-2019	Percent Change 2015-2019
4251.01	Peninsula	\$953	\$1,342	\$1,362	\$1,430	\$1,847	93.8%	29.2%
4251.02	Bayfront	\$953	\$1,342	\$1,608	\$1,995	\$2,474	159.6%	24.0%
4251.03	North Hollis, South Hollis, Doyle	\$953	\$1,342	\$1,451	\$1,870	\$2,702	183.5%	44.5%
4251.04	Park Avenue, East Bay Bridge, San Pablo Corridor	\$953	\$1,342	\$1,068	\$1,415	\$1,885	97.8%	33.2%
<b>City Wide Median</b>		\$953	\$1,342	\$1,377	\$1,690	\$2,296	140.9%	35.9%
<b>Alameda County Median</b>		\$784	\$1,342	\$1,108	\$1,272	\$1,697	116.5%	33.4%

Sources: ACS 2000, 5-year estimate 2006-2010, 5-year estimate 2011-2015, 5 year estimate 2015-2019. HUD 2005, Fair Market Rent

The Urban Displacement Project tracked the displacement of low-income households across Alameda County from 2000 to 2015, finding that East Bay cities lost low-income households while experiencing significant rises in rental prices. From 2000 to 2015, the Bay Area experienced a 30-percent tract-level increase in median rent paid that was associated with a 21-percent decrease in low-income households of color (the Urban Displacement Project did not find a similar relationship between rent increases and losses of low-income White households)<sup>6</sup>. Bay Area communities of color were the most vulnerable to rapid rent increases, ultimately resulting in shifts in the region’s racial/ethnic demographics and contributing to new concentrations of segregation and poverty in the region and in Alameda County specifically. In 2015, out of the 71,877 people earning low incomes who moved from a location in Alameda, many elected to move elsewhere within Alameda County or the Bay Area region, while others moved out of state or out of the Bay Area. Approximately 4,418 (36 percent) Black people, 4,661 (22 percent) Hispanic people, and 3,680 (24 percent) Asian-American/Pacific Islander people moved out of state or out of the Bay Area region. Within the Bay Area region, Black, Asian, and Hispanic populations grew in San Leandro, Hayward, and unincorporated communities of southern Alameda County, contributing to what the Urban Displacement Project refers to as the “re-segregation” of the Bay Area. The Urban Displacement Project identified that Emeryville’s population of lower-income Asian households (earning up to 80 percent of the area median income) increased by approximately 100 households that moved from another Bay Area jurisdiction. As shown in **Table 5-3**, between 2000 and 2019 Emeryville’s Asian population had the most significant increase in number of people and in the proportion of the city’s population. While the number of Black residents increased, the proportion of the city’s population that is Black decreased slightly. The number of Hispanic residents increased, while at the same time, the proportion of the city’s population that is Hispanic remained relatively stable. Emeryville’s population of persons falling in the category of Other Races decreased slightly.

<sup>6</sup> Verma, Phillip, Dan Rinzler, Miriam Zuk, et. al. “Rising Housing Costs and Resegregation in Alameda County” Urban Displacement Project, University of California, Berkeley. Accessed March 21, 2022. [https://www.urbandisplacement.org/wp-content/uploads/2021/08/alameda\\_final.pdf](https://www.urbandisplacement.org/wp-content/uploads/2021/08/alameda_final.pdf)

Throughout the past decade, the City has undertaken efforts to remediate the impacts of rising rental costs and established itself as a regional leader in tenant protections and anti-displacement actions. Reporting by the San Francisco Chronicle in 2021 identified that the City's efforts to adopt progressive housing legislation and eviction protections have worked to protect Emeryville's marginalized communities, including a growing Black population.<sup>7</sup> In addition to a Density Bonus Ordinance (adopted 2013) and Inclusionary Zoning Ordinance (adopted 2014), the City adopted a Just Cause Eviction Ordinance the "Residential Landlord and Tenant Relations Ordinance" in 2017. The Residential Landlord and Tenant Relations Ordinance works to protect tenants from wrongful eviction by prohibiting harassment of residential tenants, requires tenants be provided with notices of tenant rights under the ordinance, as well as a mandate that landlords use a form notice of termination of tenancy and provide a copy of the completed notice and applicable rental agreement to the City. Other important measures the City has undertaken are as follows:

- Affordable Housing Impact Fee (adopted 2014)
- Condominium Conversion Regulation (adopted 2013)
- Foreclosure Assistance (adopted 2007)

To continue to protect Emeryville residents from potential displacement, particularly lower income residents and Emeryville's communities of color, the City will implement **Programs J, EE, PP, QQ and EE**, which, among other actions, ensures the voice of low income residents and people of color are included in making housing policy recommendations, the tracking of race and ethnicity data for housing program participants, and being nimble in the evaluation and creation of incentives and policies to address trends that may lead to displacement in the future .

### 5.3.2 DIVERSITY

As discussed in the Housing Needs Assessment (**Table 3-7**), as of 2019 Whites comprise the largest racial group in Emeryville (40 percent of the total population), followed by Asians (28 percent), and Blacks (15 percent). When reviewing the location of predominant population shown in **Figure 5-4**, Emeryville's neighborhoods within moderate-resource areas show concentrations of predominantly Asian and predominantly White neighborhoods. Asians are the predominant population in the Bayfront and Doyle neighborhoods. These neighborhoods are also typified by high-density housing. As of 2019, Whites are the predominant population in the rest of Emeryville; however, the city's oldest residential neighborhoods, including the moderate-resource Doyle neighborhood and the City's low-resource area (which includes the San Pablo Corridor, Triangle, and East BayBridge neighborhoods) have the highest Black populations, comprising 26 percent and 21 percent of the total population each of these neighborhoods (defined by block groups), respectively. In total, this equates to approximately 823 Black individuals living in these neighborhoods based on the total Black population in 2019 shown in **Table 5-3**. The city's older neighborhoods, built prior to 1970 while racially restrictive covenants in the East Bay were legal, are typified by single-family and medium-density residential. The block group with the next highest Black population is includes the North Bayfront neighborhood, where Black persons comprise 15

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<sup>7</sup> Phillips, Justin. *Is Emeryville the Bay Area's best hope for a Black resurgence?* 2021. The San Francisco Chronicle. Accessed on March 21, 2022. <https://www.sfchronicle.com/bayarea/justinphillips/article/Is-Emeryville-the-Bay-Area-s-best-hope-for-a-16401754.php>



percent of the population (185 individuals). In all other block groups, the number of Black persons hovers around 100 total persons, comprising less than 10 percent of the block group population. Emeryville's Hispanic population has remained representatively consistent; since 1980, Emeryville's Hispanic population has continued to comprise slightly less than 10 percent of the City's total population. Neighborhoods with Hispanic-majority populations are not located in Emeryville but directly south in Oakland around the Interstate 80 and 580 interchange, between 7th Street and Interstate 880, and in Berkley along Highway 13 between Sacramento Street and Martin Luther King Junior Way and along University Avenue between 6th Street and Highway 123.

**Table 5-3. Racial/Ethnic Population Trends, 1930-2019**

	1950	1960	1970	1980	1990	2000	2010	2019
White (Non-Hispanic) <sup>1</sup>	2,733 (94.6%)	2,160 (80.4%)	1,539 (57.4%)	2,166 (58.3%)	3,001 (52.3%)	3,096 (45.0%)	4,057 (40.2%)	4,794 (40.2%)
Black	96 (3.3%)	473 (17.6%)	1,004 (37.4%)	1,048 (28.2%)	1,325 (23.1%)	1,339 (19.5%)	1,733 (17.2%)	1,752 (14.7%)
Hispanic	-	-	-	343 (9.2%)	488 (8.5%)	616 (9.0%)	927 (9.2%)	1,139 (9.5%)
Asian <sup>2</sup>	-	-	66 (2.5%)	307 (8.3%)	1,068 (18.65%)	1,760 (25.6%)	2,775 (27.5%)	3,446 (29.0%)
American Indian	-	-	37 (1.4%)	7 (0.2%)	33 (0.6%)	34 (0.5%)	19 (0.2%)	15 (0.1%)
Other Race <sup>3</sup>	60 (2.1%)	53 (2.0%)	35 (1.5%)	186 (5.0%)	313 (5.5%)	636 (9.3%)	991 (9.9%)	751 (6.3%)
<b>Total Population</b>	<b>2,889 (100%)</b>	<b>2,686 (100%)</b>	<b>2,681 (100%)</b>	<b>3,714 (100%)</b>	<b>5,740 (100%)</b>	<b>6,882 (100%)</b>	<b>10,080 (100%)</b>	<b>11,899 (100%)</b>

Sources: ABAG/MTC Bay Area Census (US Census 1950, 1960, 1970, 1980, 1990, 2010), American Community Survey 5-Year Data (2015-2019)

Today, Emeryville does not contain any racially or ethnically concentrated areas of poverty (R/ECAPs), a designation developed by the Department of Housing and Urban Development (HUD) to identify areas in which 50 percent or more of the population identifies as non-White and 40 percent or more of the residents are living in poverty. However, census tracts in Oakland and San Leandro designated R/ECAPs either fall entirely within historically redlined neighborhoods or include historically redlined neighborhoods. These neighborhoods have predominantly Black population and at least 60 percent of households are renter-occupied housing units. With a couple exceptions, Oakland's public housing units are primarily concentrated within Oakland's R/ECAPs, resulting in assisted units being located in neighborhoods that have been historically disinvested and have a lack of resources. Nearby R/ECAPs in Berkeley largely did not coincide with historic redlined neighborhoods. The R/ECAPs in Berkeley include the University of California, Berkeley, campus and likely received the designation due to concentration of students.

Racially concentrated areas of affluence (RCAA) have persisted due to decades of focused investment, appreciated value of real estate, and wealth generation resulting from redlining practices and racially restrictive covenants. While RCAAs have not been officially defined by HUD, for the purposes of this analysis, census tract designated as RCAAs have 1.5 times the percentage of White population than the

total White population in all census tracts in the ABAG region and earn a median income at least 1.25 times greater than the State AMI (\$90,100), or \$112,625. While Emeryville has White-majority neighborhoods, such as the Watergate Community and Emeryville Marina Park in the Peninsula neighborhood, the percentage of White persons does not exceed 1.5 times the average percentage of the total White population in the ABAG region and/or the annual median income does not exceed \$112,625. The Berkeley/Oakland Hills in the Claremont and Rockridge neighborhoods and the City of Piedmont have maintained White populations of greater than 80 percent of the census tract population and have median incomes exceeding \$112,625. That being said, the UC Merced Urban Policy Lab and ABAG/MTC Staff identified in the AFFH Segregation Report: Emeryville that as of 2020, the most isolated racial group in Emeryville are Whites (**Table 5-4**). Emeryville's isolation index of 0.369 for White residents means that the average White resident lives in a neighborhood that is 36.9 percent White. Other racial groups are less isolated, meaning they are more likely to encounter other racial groups in their neighborhoods: as of 2020, Blacks have an isolation index of 0.174, Asians/Pacific Islanders have an index of 0.333, Hispanics have an isolation index of 0.123. Further, UC Merced Urban Policy Lab and ABAG/MTC Staff found that when comparing segregation between racial populations in Emeryville, the White and Black populations have the highest level of segregation. Emeryville's Black/White dissimilarity index of 0.186 means that 18.6% of Black (or white) residents would need to move to a different neighborhood to maximize integration between Black residents and white residents. However, this is much lower than the Bay Area average for segregation between White and Black populations, which received a dissimilarity index of 0.244, indicating that 24.4 percent of Black or White residents would need to move to create perfectly integrated neighborhoods between Black and White residents. Overall, the UC Merced Urban Policy Lab and ABAG/MTC Staff found that patterns of racial segregation in Emeryville is lower than the average for Bay Area jurisdictions, indicating that Emeryville enjoys higher levels of integration than in other Bay Area cities.

**Table 5-4. Neighborhood Racial Segregation Levels in Emeryville**

Index	Race	Emeryville			Bay Area Average
		2000	2010	2020	2020
Isolation	Asian/Pacific Islander	0.315	0.291	0.333	0.245
	Black/African American	0.264	0.195	0.174	0.053
	Latinx	0.110	0.104	0.123	0.251
	White	0.454	0.421	0.369	0.491
Dissimilarity	Asian/Pacific Islander vs White	0.255	0.14	0.183	0.185
	Black/African American vs White	0.365	0.187	0.186	0.244
	Latinx vs. White	0.301	0.192	0.157	0.207
	People of Color vs. White	0.240	0.142	0.124	0.168
Theil's H Multi-racial	All	0.071	0.026	0.027	0.042

Source: AFFH Segregation Report: Emeryville, UC Merced Urban Policy Lab and ABAG/MTC, 2020

Current patterns of racial or ethnic concentrations in the East Bay neighborhoods surrounding Emeryville reinforce the legacy of redlining and racially restrictive covenants. As discussed, White-majority neighborhoods still persist in Piedmont and the Oakland/Berkeley Hills, while predominantly Black-majority neighborhoods are north and south of Emeryville city limits in neighboring Oakland. In contrast, Emeryville does not contain any racially or ethnically concentrations of poverty, nor racially concentrated areas of affluence, and Emeryville has higher levels of racial integration than most other Bay Area cities. To ensure that racial/ethnic background does not present a barrier to fair housing, the City will continue to partner with regional organizations to educate tenants, property managers, and real estate professionals about fair-housing regulations, serve to mediate/enforce with respect to fair housing issues and require developers to identify special outreach efforts to ensure underserved populations are made aware of affordable housing opportunities (**Programs DD, P, and QQ**).

**Figure 5-4: Predominant Population, 2019**



**Figure 5-4** demonstrates the predominant population by race and ethnicity. The predominant population is that which the largest share of the population identifies as. In some cases, this may mean more than 50 percent of the population; however, in most cases the predominant population is just the largest share of the population and not necessarily more than 50 percent.

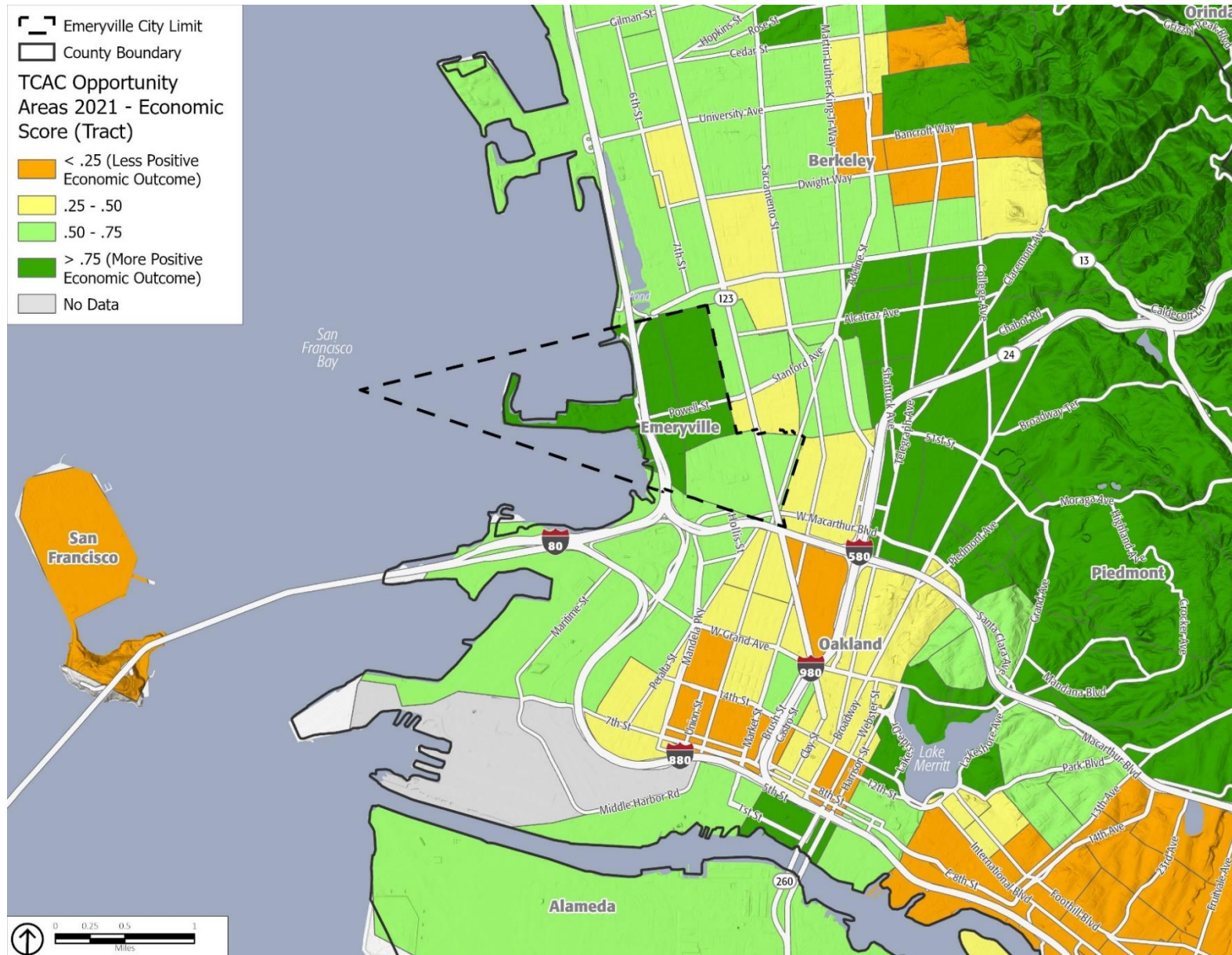
### 5.3.3 INCOME

Emeryville's moderate-resource areas are associated with highly positive economic outcomes, suggesting residents within these neighborhoods face limited barriers for economic mobility (**Figure 5-5**). The HCD/TCAC map measures access to positive economic outcome based on incidence of poverty, adult education attainment, adult employment, proximity to jobs, and median home value. The economic opportunity within Emeryville's moderate-resource areas scores similarly to wealthy neighborhoods in Berkeley/Oakland Hills, which have benefitted from focused investment, appreciated value of real estate, and wealth generation resulting from redlining practices and racially restrictive covenants and contains census tracts designated as RCAAs. Emeryville has been able to achieve this level of economic opportunity in historically redlined areas, likely due to a combination of sustained progressive policies supporting economic growth while prioritizing the development of affordable housing, as previously described. As shown in **Figure 5-6**, within Emeryville, the moderate-resource areas contain census tracts with highest median incomes as of 2019. The Watergate neighborhood has the highest median income (\$158,194), followed by the area bounded by the eastern part of the North Hollis neighborhood (\$141,364). While Emeryville's moderate-resource areas pose low barriers to positive economic outcomes similar to neighborhoods in Berkeley/Oakland Hills, the median income in the Berkeley/Oakland Hills typically exceeds Emeryville and is more similar to Contra Costa suburban cities of Orinda, Moraga, San Ramon, and Lafayette. This suggests these neighborhoods have been able to maintain lower income households, supporting the finding that displacement of lower income households has not been a significant factor in Emeryville.

The economic potential of Emeryville's low-resource area south of 53rd Street closely reflects neighboring census tracts in Oakland and Berkeley flatlands, which were historically redlined areas. In particular, the median income in 2019 in Emeryville's low-resource area is similar (\$60,469) or slightly higher than neighboring census tracts in the Oakland and Berkeley flatlands. Emeryville's low-resource areas also contain higher rates of poverty as compared to the moderate-resource areas (between 20 and 30 percent of the population, as shown in **Figure 5-7**). While representing a concentration of lower income households within the city, the percentage of persons experiencing poverty in this census tract are still less than nearby census tracts in Oakland that contain historically redlined neighborhoods. Notably, the census tract containing a concentration of persons experiencing poverty in Emeryville was not a historically redlined neighborhood. Additionally, as previously discussed, this census tract contains a majority of the city's affordable housing constructed in the last two decades, which may contribute to the concentration of persons experiencing in poverty in this census tract. The affordable housing projects located along San Pablo Avenue occurred organically due to the proximity to transit and social services, which allowed the projects to receive funding. To address barriers to economic mobility for lower-income residents in the City's low-resource area, the City will prioritize place-based revitalization strategies within this census tract, or efforts that support economic development, community engagement in the planning process, workforce development, and youth engagement and educational programs. The City will implement **Program GG**, to target place-based revitalization efforts in areas of concentrated poverty. Additionally, the City will continue to support construction of high-density housing in areas with higher median income and greater access to opportunity to facilitate economic mobility for lower-income residents (A and G).



**Figure 5-5: HCD/TCAC Opportunity Map– Economic Domain**



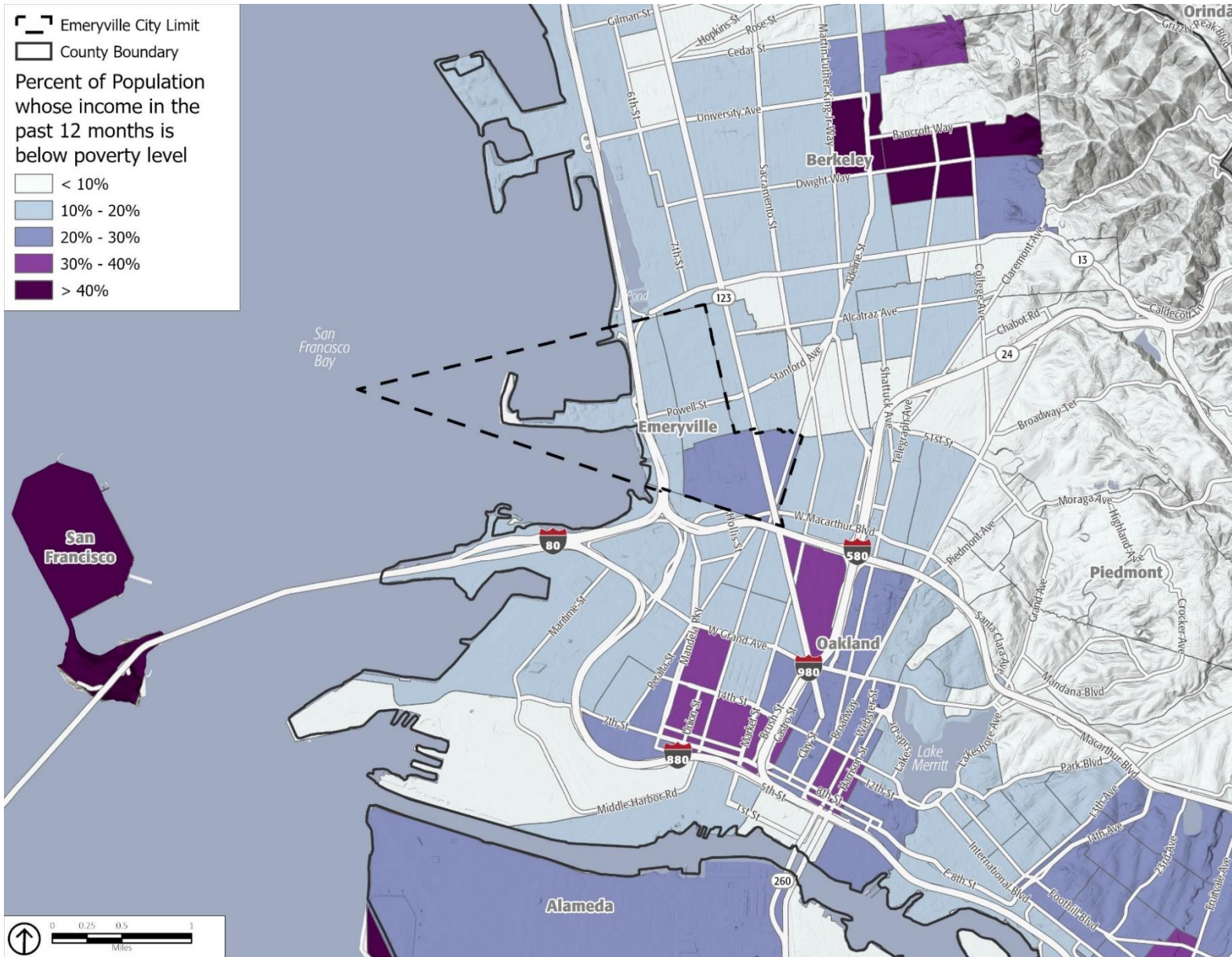
**Figure 5-6: Median Income, 2019**



Source: Airbus, USGS, NGA, NASA, CGIAR, NCEAS, NL, OS, NMA, Geodastystyresen, GSA, and the GIS User Community.



**Figure 5-7: Poverty Status, 2019**





### **5.3.4 FEMALE-HEADED HOUSEHOLDS**

As discussed in the Housing Needs Assessment, Emeryville's average household size in 2019 (1.81 persons) falls below the Alameda County and statewide average of 2.82 and 2.92, respectively, and the 25 to 34 age group comprises the largest percentage of Emeryville's population (33 percent). Further, the persons aged 19 and younger only represent 9 percent of Emeryville's population. Emeryville's households are nearly evenly divided between family households (49 percent) and non-family households (52 percent); however, between 2010 and 2019, Emeryville's non-family households grew by 25 percent, whereas family households only grew by 13 percent. Taken together, Emeryville's population is largely young professionals without children. Housing opportunities within Emeryville, may primarily cater to non-family households, as evidenced by the significant portion of one-bedroom units (47 percent) and two-bedroom units (29 percent), compared to the units with 3 to 4 bedrooms (8 percent), as shown in **Table 3-10** of the Housing Needs Assessment chapter of this Housing Element. There are no housing units with five or more bedrooms.

As shown in **Figure 5-8**, female-headed, single-parent households reside in Emeryville's low-resource area, where the percentage of female-headed households comprise between 40 and 60 percent of all households with children. The moderate-resource areas of Emeryville have lower incidences of female-headed households. Female-headed households, reliant on one income, tend to have a lower rate of home ownership and face additional difficulties securing housing. Female-headed households are more concentrated in low-resource areas in Oakland's flatlands, particularly in West Oakland, where female-headed households comprise between 60 and 80 percent of all households with children. Female-headed households are less concentrated in Berkeley where housing likely caters to students and young professionals, similar to the moderate-resource areas of Emeryville. The Oakland/Berkeley Hills have less than 20 percent of households with children with single female householders, similar to the suburban cities in Contra Costa County, indicating that female-headed households with children have limited housing opportunities throughout the city, including in moderate and high-resource areas. To address the discrepancy the housing unit type needed by female-headed households and housing units delivered by the market, the City will continue to encourage the development of family-oriented affordable housing, such as providing incentives for including units with three or more bedrooms in affordable housing development projects, including access to usable outdoor open space, community rooms, and other child-friendly amenities (**Program R**).

**Figure 5-8: Familial Status, 2019**



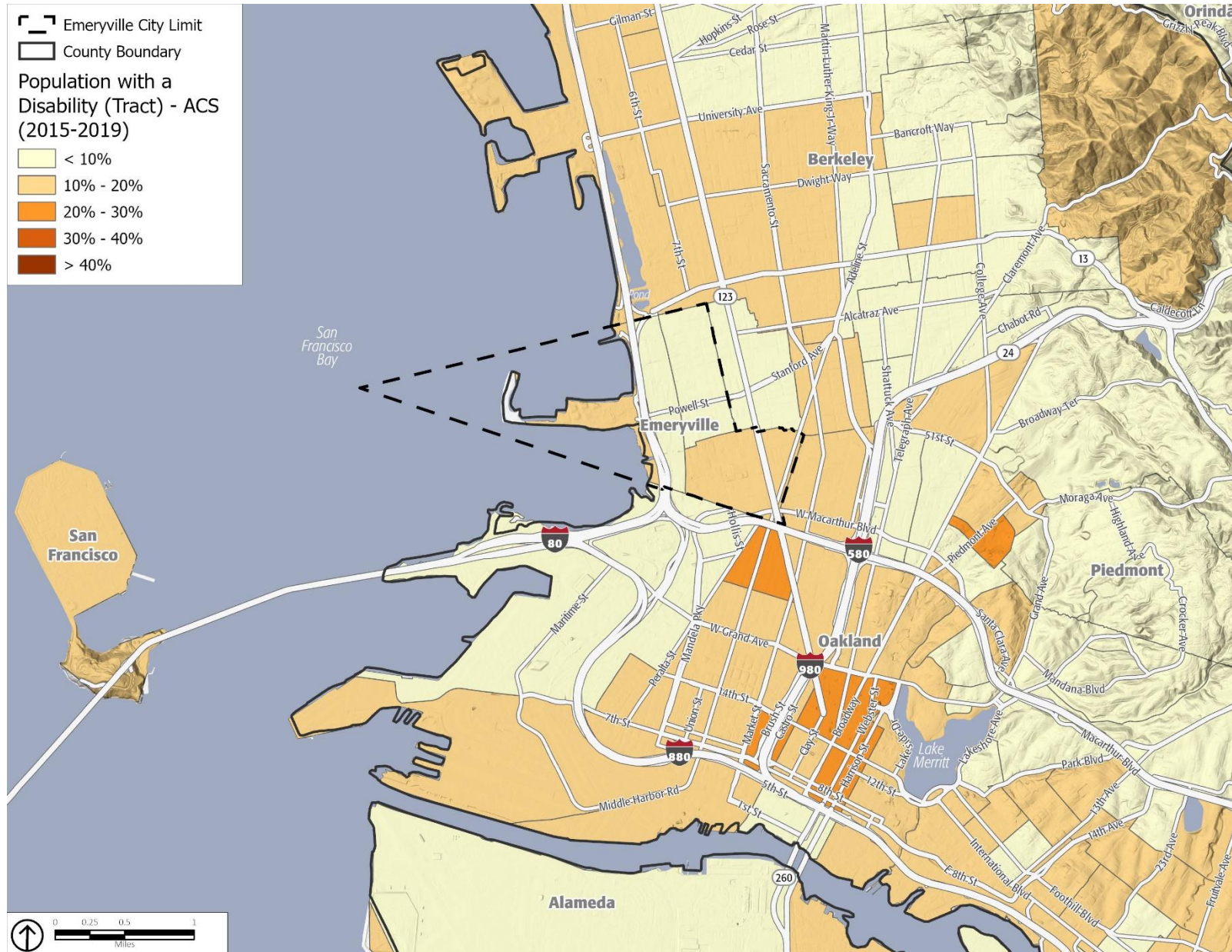
### 5.3.5 PERSONS WITH A DISABILITY

According to the 2015-2019 ACS, approximately 10 percent of Emeryville's population live with at least one disability, as discussed in the Housing Needs Assessment chapter of this Housing Element. Since 2014, the percentage of Emeryville's population with disabilities has not changed significantly, including areas in which Emeryville's population with a disability are concentrated. While still representing a relatively low percentage of the total population, Emeryville's population with disabilities is slightly higher in the moderate-resource area west of Interstate 80 and in the low-resource area south of 53rd Street (persons with disabilities comprise between approximately 13.8 and 12.3 percent of the population of these areas respectively, compared to between 5 and 7 percent of the city, as shown in **Figure 5-9**). Ocean Avenue, a Housing Authority of the County of Alameda (HACA)-owned property funded through the HOME program, is the only permanent housing available exclusively for persons with disabilities in Emeryville. Ocean Avenue is in the moderate-resource area in northwest Emeryville and offers a total of six mobility-accessible units. Ocean Avenue tenants are responsible for the entire rent portion and will receive a utility allowance. As of October 2021, the waitlist for Ocean Avenue is open. Other permanent housing options are offered in Berkeley and Oakland; however, a majority of these developments are affordable senior housing projects that also allow physically disabled residents over the age of 18. While units are available to persons with a disability, they are not exclusively intended for persons with disabilities, creating competition between a limited number of mobility-accessible units in the region. Emeryville's senior housing apartments affordable to very low-income seniors, Emery Villa (50 units) and Avalon Senior Apartments (66 units), as well as market-rate senior housing, Watermark (125 units) are located within the city's low-resource area. Despite this, all three senior housing developments are within a quarter-mile of grocery stores, the Emeryville Senior Center, and adjacent to public transit stops along San Pablo Avenue and 40th Street. The closest medical facilities are all accessible within 15 minutes by public transportation, including the Stanford Health Care Clinic at 5800 Hollis Street (near Powell) the John Muir Health/UCSF Health Berkeley Outpatient Center at 3100 San Pablo in Berkeley (adjacent to San Pablo Avenue), and the Kaiser Permanente Berkeley Medical Offices at 2621 Tenth Street in Berkeley, (adjacent to San Pablo Avenue).

West Oakland has a higher percentage of persons with disabilities than Emeryville or Berkeley, particularly in neighborhoods along Broadway between 5th Street and Grand Avenue. This area coincides with a higher use of HCVs and the area between 14th Street and Grand Avenue is designated as an R/ECAP, indicating this area may offer more housing options affordable to persons with disabilities. Berkeley, Oakland, and Emeryville contain pockets of concentrated populations with disabilities; the percentage of the population of persons with disabilities increases outside of the East Bay, particularly within the Delta, including unincorporated parts of Solano County, San Joaquin County, and the city of Rio Vista.



**Figure 5-9: Population with a Disability, 2019**



## 5.4 Access to Opportunity

The TCAC/HCD Opportunity Area Map (**Figure 5-10**) has designated much of the city as Low and Moderate-resource. As will be discussed, the differences in the percentage of persons experiencing poverty across the city and the environmental conditions (consistent citywide) are significant contributing factors to the Low and Moderate-resource designations.

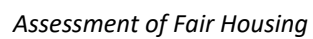
### 5.4.1 EDUCATIONAL OPPORTUNITIES

The Emery Unified School District (EUSD) serves the entirety of the City of Emeryville (as well as students residing outside of the city boundaries, which comprise a large proportion of the school district) and consists of two schools: Anna Yates Elementary and Emery High School. The schools share a campus just south of 53rd Street within the city's low-resource area. As shown in **Figure 5-10**, the city received low scores for educational outcomes for students; in the low-resource area where the city's schools are located, residents are expected to have the least positive outcomes for educational attainment. The TCAC/HCD Opportunity Maps base access to educational attainment on fourth-grade reading and math proficiency from the 2018-2019 school year, high school graduation rate, and prevalence of student poverty. The Oakland flatlands similarly received very low scores for access to educational attainment, whereas Berkeley, the Berkeley/Oakland Hills, Albany, and the suburban cities in Contra Costa County received very positive scores for educational attainment. School-aged children in Oakland and Emeryville are nearly twice as likely to live in poverty as school-aged children in Berkeley and Albany: 15 percent of school-aged children live in poverty in Emeryville and 17 percent of school-aged children live in poverty in Oakland while Berkeley and Albany have 7 percent and 5 percent of school-aged children living in poverty, respectively. Instability arising from poverty, including housing instability and food security, among others, can in turn affect school performance. Each year, the California Department of Education publishes performance metrics for each school in the state, including student assessment results for English Language Arts and Mathematics as they compare to the state on meeting grade-level standards. Reporting of educational indicators was suspended in 2020 due to the COVID-19 pandemic; therefore, 2019 is the most recent data available. In the 2019 school year, over 80 percent of Emery Unified School District students qualified as socially disadvantaged, measured by the number of students who are eligible for free or reduced-priced meals or have parents/guardians who did not receive a high school diploma. Socially disadvantaged students correlated with higher rates of chronic absenteeism, with 22 percent of socially disadvantaged students absent at least 10 percent of instructional days since enrollment. Additionally, a majority of the class of 2019, 2018, and 2017 ranked as 'Not Prepared' for college or career, and only 22 percent of 2019 socially disadvantaged graduating seniors were ranked as "Prepared."

As all students in Emeryville have access to the same public schools, any differences in observed educational attainment may be due to differing poverty levels and/or other factors and not access to schools. Addressing housing instability for families with children living in poverty may improve educational opportunities for all students, and particularly students residing in low-resource areas. Emeryville will meet annually with EUSD to determine what, if any, outside factors impede school performance that can be alleviated, such as housing stable housing opportunities, childcare opportunities for working parent(s)/guardian(s), and/or others (**Program HH**). In addition, several programs are included that are intended to improve housing stability for extremely low income

households and households with children, including increasing housing opportunity for extremely low-income households (**Programs CC and L and Program R** to support the development of affordable housing units with three or more bedrooms.





### 5.4.2 EMPLOYMENT OPPORTUNITIES

As shown in **Figure 5-5**, Emeryville's moderate-resource areas are associated with highly positive economic outcomes, indicating few barriers to access economic mobility, and the City's low-resource areas are also associated with positive economic outcomes, albeit lower than the moderate-resource areas. As discussed, of the measures TCAC/HCD uses to assume access to economic opportunity (measures access to positive economic outcome based on incidence of poverty, adult education attainment, adult employment, proximity to jobs, and median home value), prevalence of poverty is the most significant difference between low and moderate-resource areas in Emeryville. Notably, low-wage workers across Emeryville, including the city's low-resource areas, benefit from close job proximity based on HUD's job proximity index for 2014-2017, which calculates scores based on the number of jobs filled by workers with less than a bachelor's degree that fall within a typical commute distance in the region. Access to jobs available to low-wage workers is highest in formerly redlined areas of the East Bay, including the flatlands in Berkley and West Oakland and decreases moving east toward the Berkeley/Oakland Hills and Contra Costa County and south toward Hayward, which exhibits very poor access to jobs for low-wage workers. Emeryville is situated within significant job centers for start-ups and technology companies in the flatlands of the East Bay, as well as provides convenient access to San Francisco both by car and public transit. The mean commute time for Emeryville residents in 2019 was 34.8 minutes, which exceeds the national average (26.9 minutes) but was similar to the Alameda County average (34.3 minutes). Over a quarter of Emeryville residents use public transportation to commute, exceeding the county, where only 16 percent of commuters use public transportation and 70 percent use a car, truck, or van. In Hayward, which features poor access to jobs, over 80 percent of commuters rely on personal vehicles (car, truck, or van) and less than 10 percent of commuters use public transit.

The City has a strong history of progressive economic policies; significantly, in 2021, Emeryville led the nation with the highest minimum wage requirement (\$16.84),<sup>8</sup> which increased to above \$17 an hour in 2022. The City will continue to develop strategies to expand low-barrier, low-skill job opportunities within the city, which may include reviewing Planning Regulations to alleviate constraints on small businesses, such as acquiring home occupation permits and business licenses, and seeking partnerships with community-based partners who provide job-readiness training (**Program GG**).

### 5.4.3 MOBILITY

Emeryville residents have access to a variety of public transit options providing convenient connection within the city and across the Bay Area region. Route maps are shown in **Figure 5-11** Emery Go-Round Standard Service Routes, **Figure 5-12** AC Transit System Overview and **Figure 5-13** AC Transit Bus Lines. The Emery Go-Round is a free bus shuttle service connecting Emeryville's employers and shopping centers with the Bay Area Rapid Transit (BART), seven days a week. Emery Go Round offers two separate lines connecting to the MacArthur BART Station in Oakland, one providing north-south connection to Berkeley via Hollis Street and the other providing north-south connection within Emeryville via Shellmound Street/Powell Street. The MacArthur BART station is the closest BART station to Emeryville

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<sup>8</sup> Desilver, Drew. *When It Comes To Raising The Minimum Wage, Most Of The Action Is In The Cities And States, Not Congress*. 2021. Pew Research Center. Accessed March 23, 2022. <https://www.pewresearch.org/fact-tank/2021/03/12/when-it-comes-to-raising-the-minimum-wage-most-of-the-action-is-in-cities-and-states-not-congress/>



and provides rail access connecting the East Bay from Richmond to San Jose, the San Francisco International Airport to Antioch. Emery Go-Round stops align with job centers (e.g., Pixar), essentials (e.g., grocery stores), and public transit connections (e.g., Amtrak). The Hollis Street line routes run through the City's low-resource areas, providing frequent, free access to transit for lower-income residents who may be reliant on public transit for mobility. During the weekdays, buses run from around 6 a.m. to 9 p.m. and arrive at stops at 15-minute intervals. On weekends, Shellmound Street/Powell Street runs with reduced hours (8 or 9 a.m. to 9 p.m.) and arrive at stops at 20-minute intervals.

Alameda County Transit (AC Transit) provides transit throughout Alameda County, as well as commuter lines to the greater Bay Area region, such as San Francisco. AC Transit offers six local lines providing connection within Emeryville and connecting Emeryville to Berkeley, Oakland, Albany, El Cerrito, San Pablo, and Richmond. These lines frequent stops at 30-minute intervals and cost \$2.25 for a local single fare. Five of the six routes (27, 57, 72, 72M, and 72R) have stops along 40th Street, Hollis Street, and/or San Pablo Street, providing residents of Emeryville's low-resource areas convenient access to transit. Two transbay routes connect Emeryville to San Francisco, including a route that provides connection through Emeryville's low-resource area via 40th Street. Fare for transbay routes costs \$6.00 per single ride. Students, youth, seniors, and persons with disabilities can qualify for discounted fare.

The City of Emeryville offers numerous paratransit options for seniors and persons with disabilities as an alternative to the standard public transit lines through the Emeryville Senior Center. Emeryville's 8-To-Go is a door-to-door shuttle service that provides qualifying passengers with reliable transit within Emeryville and destinations just outside of the city, including MacArthur BART, Herrick Hospital, Kaiser Oakland, and the Pill Hill hospitals and medical clinics. Service hours for the 8-To-Go are generally from 9 a.m.-12:30 p.m. and 1:30 p.m.-5 p.m. every weekday with a standard fare of one dollar per ride. The Emeryville Senior Center also offers passes to East Bay Paratransit service at a discount for qualifying Emeryville residents. Established by AC Transit, East Bay Paratransit transports riders from their origin to their destination in vans equipped with a wheelchair lift, offering a wider range of service than Emeryville's 8-To-Go door-to-door shuttle. Fares typically range from \$4.00 for a trip up to 12 miles and \$7.00 for a trip that is 20 miles or more. Finally, the Emeryville Senior Center offers reimbursement program to Emeryville residents 70 years and older, including ride-share transit as well as taxis. Qualifying residents will be reimbursed up to 90 percent of their transit rides every three months.

Emeryville continues to build on its success in providing multimodal, convenient public transportation by continuing to implement the City's Pedestrian and Bicycle Plan (adopted in 2012) (**Program II**) and work with the Cities of Berkeley and Oakland to implement strategies identified in the Emeryville-Berkeley-Oakland Transit Study (EBOTS) to improve multimodal transportation access for Emeryville residents (**Program II and W**). A significant strategy identified in EBOTS plan that is included in as program in the Housing Element is to improve bus stops along San Pablo Avenue and 40th Street, which fall within the City's low-resource area. Improvements can include installing shelters, real-time arrival displays and improved informational and wayfinding signage (**Program II**).

Figure 5-11: Emery Go-Round Standard Service Routes Map

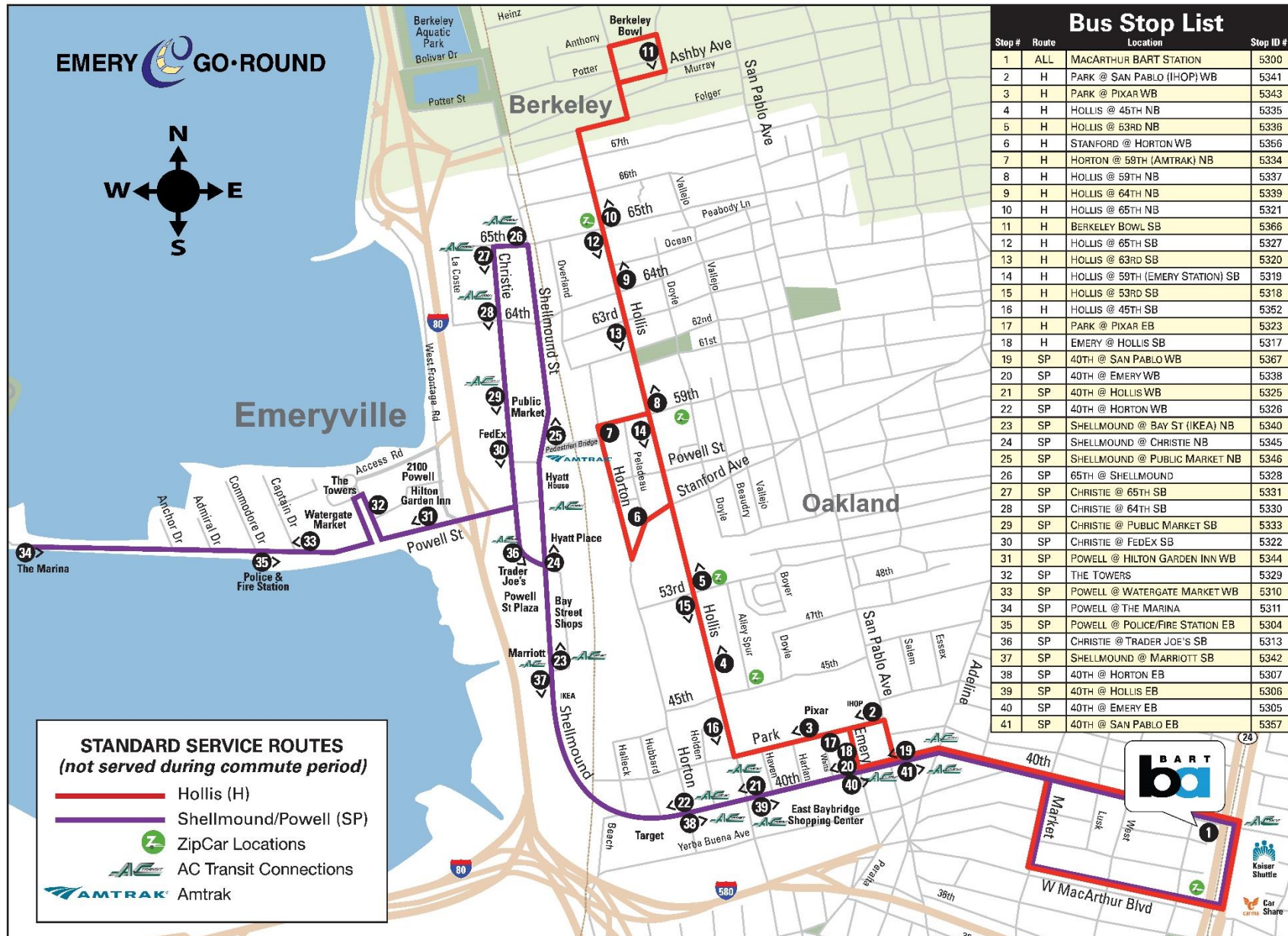




Figure 5-12: AC Transit System Overview Map



**Figure 5-13: Transit Bus Lines**



#### 5.4.4 HOUSING FOR PERSONS WITH DISABILITIES

As discussed previously, there are a number of housing options available to lower-income persons with disabilities in Emeryville: the HACA-managed Ocean Avenue (6 Units) and two affordable senior apartments, Emery Villa (50 units) and Avalon Senior Apartments (66 units). Additionally, there are four licensed adult residential care facilities for persons recovering from traumatic brain injuries at the Centre for Neuro Skills and one residential care facility for the elderly (Watermark, which offers 125 market-rate units). The City also requires new developments to comply with Title 24 of the 2019 California Building Code to ensure that all new construction meets accessible design standards, thus ensuring that all new housing is accessible for all residents regardless of disability. Additionally, the City ensures that older housing that may not meet the same accessibility requirements can be adapted as needed through their reasonable accommodation process, discussed in the Governmental Constraints section of this Housing Element. The City will develop a marketing plan to promote local resources and programs for persons with disabilities, including educational materials on reasonable accommodation, housing rights, and access to legal aid. **(Program O).**

Participants of the community surveys and live polling during a community workshop identified that supporting affordable and senior housing developers was the most important housing objective for the City (See Appendix B). Participants strongly felt that the City should assist with securing state or federal funding for projects for seniors, affordable housing, supportive housing, transitional housing, and/or emergency shelters **(Table B-10)**. The City directly addresses this objective to continue supporting the development of affordable housing for special needs groups, including seniors and persons with disabilities, through **Program O, and QQ.**

#### 5.4.5 ENVIRONMENTAL HEALTH

In February 2021, the California Office for Environmental Health Hazard Assessment (COEHHA) released the fourth version of CalEnviroScreen, a tool that uses environmental, health, and socioeconomic indicators to map and compare community's environmental scores. A community with a score in the 75th percentile or above is one with higher levels of pollution and other negative environmental indicators and is considered a disadvantaged community. According to CalEPA's (California Environmental Protection Agency) CalEnviroScreen 4.0 web-based mapping tool, several census tracts in Emeryville qualify as disadvantaged communities (DACs) (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"). The DACs in Emeryville are in the East Baybridge, San Pablo Corridor and Triangle neighborhoods. DACs are also prevalent nearby, in areas in the Oakland flatlands, as well as Richmond and northwest San Leandro. However, the Berkeley/Oakland Hills and suburban cities of Contra Costa County received the lowest scores in the region (less than 10th percentile). These areas were historically considered desirable partially due to distance from harbors and industry along the San Francisco Bay and the resulting poor environmental conditions. Residents in these regions continue to benefit from the racially restrictive covenants and focused investment in the development of parks, tree-lined streets, low-density residential with significant yard space, and preservation of open space. In addition to a historic redlining practices and proximity to harbor industries along the bay, three major freeways (Interstate 80,



Interstate 580, and Interstate 880), as well as BART and Amtrak passenger rail lines, continue to impact residents of Emeryville, Berkeley, and Oakland flatlands. Predominantly Black and Hispanic neighborhoods in west Oakland are still bisected by the freeways and rail lines, contributing to the poor environmental conditions of these areas.

As discussed, the City's redevelopment efforts resulted in significant remediation in previously industrialized areas, allowing for housing development. While this often presents major development expenses, the City's Brownfield Program uses grant funds to clean-up city-owned land and distributes assessment and clean up loans to private property owners. This program has been instrumental in expediting the clean-up of many sites for safe and habitable environment for housing development. As described in Appendix B, Emeryville residents continue to prioritize addressing negative environmental conditions as a place-based revitalization strategy; survey and live polling participants overwhelmingly expressed the importance of addressing negative environmental, neighborhood, housing and health impacts associated with industrial uses, waste storage, and freeways in disadvantaged communities. The City will directly address this priority by implementing **Program S** to continue offering loans and grants through the Assessment Loan and Clean-Up Loan programs and **Program R** to review open space requirements for new developments to ensure that all residents have access to healthy outdoor spaces.

## 5.5 Disproportionate Housing Need and Displacement Risk

### 5.5.1 OVERCROWDING AND OVERPAYMENT

As discussed in the Housing Needs Assessment chapter of this Housing Element, overcrowding is not a significant issue in Emeryville, likely due to the majority of non-family households and prevalence of one- to two-bedroom housing units. While incidences of overcrowding are higher for renting households as compared to owner-occupied households, only nine percent of renters in Emeryville experience overcrowding. Despite this, Emeryville will commit to providing a variety of affordable housing types, including units with three or more bedrooms, to ensure availability of housing types does not prevent larger households from living in Emeryville (**Program R**). As shown in **Figure 5-14**, in contrast to the relatively low rate of overcrowding in Emeryville, East Oakland households experience higher rates of overcrowding and severe overcrowding, and West Oakland and Berkeley households experience lower rates of overcrowding and even lower rates of severe overcrowding. While this trend is not reflected in Emeryville, regionally higher rates of overcrowding typically correspond with neighborhoods, blocks, or tracts with higher rates of poverty. In the ABAG region, overcrowding primarily occurs in dense, urban communities adjacent to the bay, and suburban communities have lower rates of overcrowding.

Overpayment, or cost burden, is a widespread issue in Emeryville, with over a third of all households paying in excess of 37 percent of monthly income to housing (**Table 3-25**). This issue is more prominent among renting households than owner households, with approximately 42 percent of renter households overpaying for housing as compared to 29 percent of owner households. As discussed in the analysis of gentrification and displacement, overpayment across the East Bay is a significant contributor to displacement of lower-income households, particularly communities of color, from the region.

Overpayment by renters is most significant in areas highly impacted by gentrification, as observed in Berkeley and East Oakland where between 60 and 80 percent of renter households are cost burdened (**Figure 5-15**). Within Emeryville, lower-income households are the most likely to be cost burdened, with 74 percent of low-income households cost burdened. Approximately 39 percent of low-income

households and a majority of very low-income households are severely cost burdened, paying in excess of 50 percent of monthly income to housing costs. **Table 5-2** shows that within Emeryville, changes in median contract rent vary across census tracts. The greatest change in median rent took place in census tracts containing the Bayfront neighborhoods, North Hollis neighborhood, South Hollis neighborhood, and Doyle neighborhood. As discussed in the Housing Needs Assessment, market-rate housing prices are unaffordable to lower-income households. As described in Appendix B, Emeryville residents echoed this need by prioritizing housing choice efforts to expand lower income housing; survey participants felt that improving the existing BMR program for ownership units and expanding the BMR Rental program for deeper levels of affordability would make the most impact on improving housing choice. Several other actions were also considered highly impactful, including acquisition of additional affordable housing units in mixed income developments, city-wide affordable rental registries and targeted mixed income strategies. Further, participants identified that creating a rent review board and/or mediation program, foreclosure assistance, or multilingual tenant legal counseling services would be most impactful to mitigate risk for displacement. The City will directly address these priorities through implementing actions to expand rates of homeownership through the BMR Program (**Program I and M**), acquire/develop additional rental units to be set aside for very low- to moderate-income households (**Program G, H, K and Y**), and develop anti-displacement programs such as a foreclosure assistance program and multilingual tenant legal counseling services targeted toward lower income households and those residing in low-resource areas (**Program J, DD, and QQ**).



**Figure 5-14: Overcrowding**



Source: ESRI, CHAS 2016, PlaceWorks

### 5.5.2 HOUSING CONDITION

Housing condition presents another issue that may increase displacement risk for residents. As described in the Housing Needs Assessment, an indication of the quality of the housing stock is its general age. Typically, housing over 20 years old is likely to have only minor repair needs, while housing over 40 years old is likely to have more major rehabilitation needs that may include plumbing, roof repairs, foundation work, and other repairs. As shown in **Table 3-14**, thirty-three percent of the housing stock is 20-40 years old and approximately 34 percent of the housing stock is over 40 years old. This typically means a moderate amount of repairs are needed in the community. In 2021, the Building Division compiled field observations of approximately 500 single-family and multifamily residential structures which indicated about 2%, or a total of 11 residences, were in need of maintenance or repairs. The majority of those residential structures in need of minor repair or maintenance issues were located in the Triangle neighborhood. As the Triangle neighborhood was established prior to 1960 it contains some of the City's oldest residential housing stock, therefore units in this neighborhood are likely to exceed 60 years of age.

As discussed in Appendix B, Emeryville residents largely do not experience substandard housing, reflecting the findings by the Community Development Department. Survey participants primarily identified that either their home is not in need of repair (top answer) or that they live in a multi-unit building where common spaces need maintenance or repairs, but individual units are not in need of repair. To proactively address substandard units in need of maintenance and repair, the City will implement a Rental Preservation Program to facilitate the improvement of existing rental units (**Program Y**) and continue to implement a Homeowner Rehabilitation and Repair Program (**Program X**) to address accessibility and home repair needs for homeowners. As a part of these programs, the City will develop a strategic marketing program to target low-resource areas, special needs populations and low income households. Throughout Alameda County and in surrounding Bay Area jurisdictions the age of much of the housing stock exceeds 30 years and may be in need of rehabilitation. For example, approximately 81 percent of the housing stock in Alameda County, 91 percent of the stock in Berkeley, and 86 percent of the stock in Oakland are all 30 years or older. Early development in the highly urbanized areas of the Bay Area support an older housing stock. In some areas of the region, however, there are higher rates of poverty or lower rates of homeownership, both of which may result in a greater need for rehabilitation of the housing stock. According to the 2019 Alameda County Analysis of Impediments, when asked whether they perceived housing in their neighborhood as in poor condition or in need of repair, residents of Hayward, Oakland, San Leandro, and Union City more strongly agreed. Residents of Berkeley, Livermore, and Pleasanton reported similar perception or disagreed with the statement. These patterns of perception of rehabilitation need reflect areas with higher median incomes in Alameda County, indicating that Alameda follows a similar trend as comparable communities.

### 5.5.3 PERSONS EXPERIENCING HOMELESSNESS

The February 2022 homeless point-in-time count found 9,747 homeless persons in Alameda County, an approximately 22 percent increase over 8,022 homeless estimated in the 2019 count. Ninety-one of the 9,747 homeless persons counted in February 2022 were in Emeryville. In 2022, the Alameda County PIT count indicated a 49% decrease in unsheltered persons experiencing homelessness in Emeryville. **Table 3-33** of the Housing Needs Assessment shows that the January 2019 PIT count identified a total of 8,022 persons experiencing homelessness in Alameda County, representing a 43 percent increase since the

2017 count. EveryOne Home, an Alameda County homeless service provider, conducts the PIT count to gain an understanding of the homeless population across the county. In 2019, EveryOne Home also conducted a survey of 1,681 unsheltered and sheltered homeless individuals in the county and found the following statistics at the county level:<sup>9</sup>

- 63 percent of homeless people have been homeless for more than one year.
- The topmost cited reason for becoming homeless is loss of a job, followed by mental health issues, then substance abuse issues.
- 78 percent of homeless residents resided in a home in the county before becoming homeless; 57 percent of homeless residents have been in Alameda County for more than 10 years.
- 95 percent of families are sheltered, and 84 percent of single adults are unsheltered.
- Reports gathered at community engagement meetings held by EveryOne Home suggest that the County's PIT may have undercounted by up to 40 percent due to a variety of factors such as the challenge of identifying unhoused individuals that live in vehicles or within nonresidential buildings/structures or those that are temporarily staying in a person's home. Persons experiencing homelessness or those at risk of becoming homeless are typically extremely low income and are often displaced from housing due to inability to pay or other issues.

The 2022 homeless point-in-time count for the City of Emeryville identified 82 households headed by adults aged 25 and above, with nine young adults aged 18 to 24 within those households. There were no households with children younger than age 18 in the homeless count for Emeryville, which suggests that there were no single female-headed households with children experiencing homelessness at that time. The majority of homeless persons were male, representing 67.0 percent (61) of the count, 24.0 percent (22) of the homeless were female, with the remainder (8) identifying as transgender or undetermined.

In terms of racial/ethnic characteristics of the homeless population at the point-in-time count: 54 (59.3 percent) were White; 14 (15.4 percent) were Black/African-American; nine (9.9 percent) were of Other/Multiple Races; five (5.5 percent) identified as Native American and five (5.5 percent) identified as Native Hawaiian/Pacific Islander; with four (4.4 percent) Asian.

When comparing the racial/ethnic characteristics of the PIT homeless population to the 2019 racial/ethnic composition of the city (**Table 3-7, Race and Ethnicity, 2010 and 2019**), White Non-Hispanic persons, comprising 40.0 percent of the city population, are over-represented within the homeless count; as well as American Indian/Alaska Native (not represented in 2019 population), Native Hawaiian/Pacific Islander at 1.0 percent of the city population; and Other/Multiple Race at 6.0 percent of the population. In contrast, although the proportion of Asian residents in the city is 28.0 percent, only four of the homeless persons identified as Asian as discussed above, suggesting that factors such as extended family/familial structure, income or other considerations may play a part in this low incidence of homelessness. Approximately 85.0 percent of the homeless count identified as Non-Hispanic, lower than the 2019 proportion of the population at 90.0 percent. Conversely, 10.0 percent of the city population identifies as Hispanic, while 15.0 of the homeless count reported themselves as Hispanic,

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<sup>9</sup> Alameda, County of. 2020, January. "County of Alameda Regional Analysis of Impediments to Fair Housing Choice." Acgov.org. (pp. V-104 and V-105). [https://www.acgov.org/cda/hcd/documents/FinalAI\\_Combined\\_1-10-19.pdf](https://www.acgov.org/cda/hcd/documents/FinalAI_Combined_1-10-19.pdf).

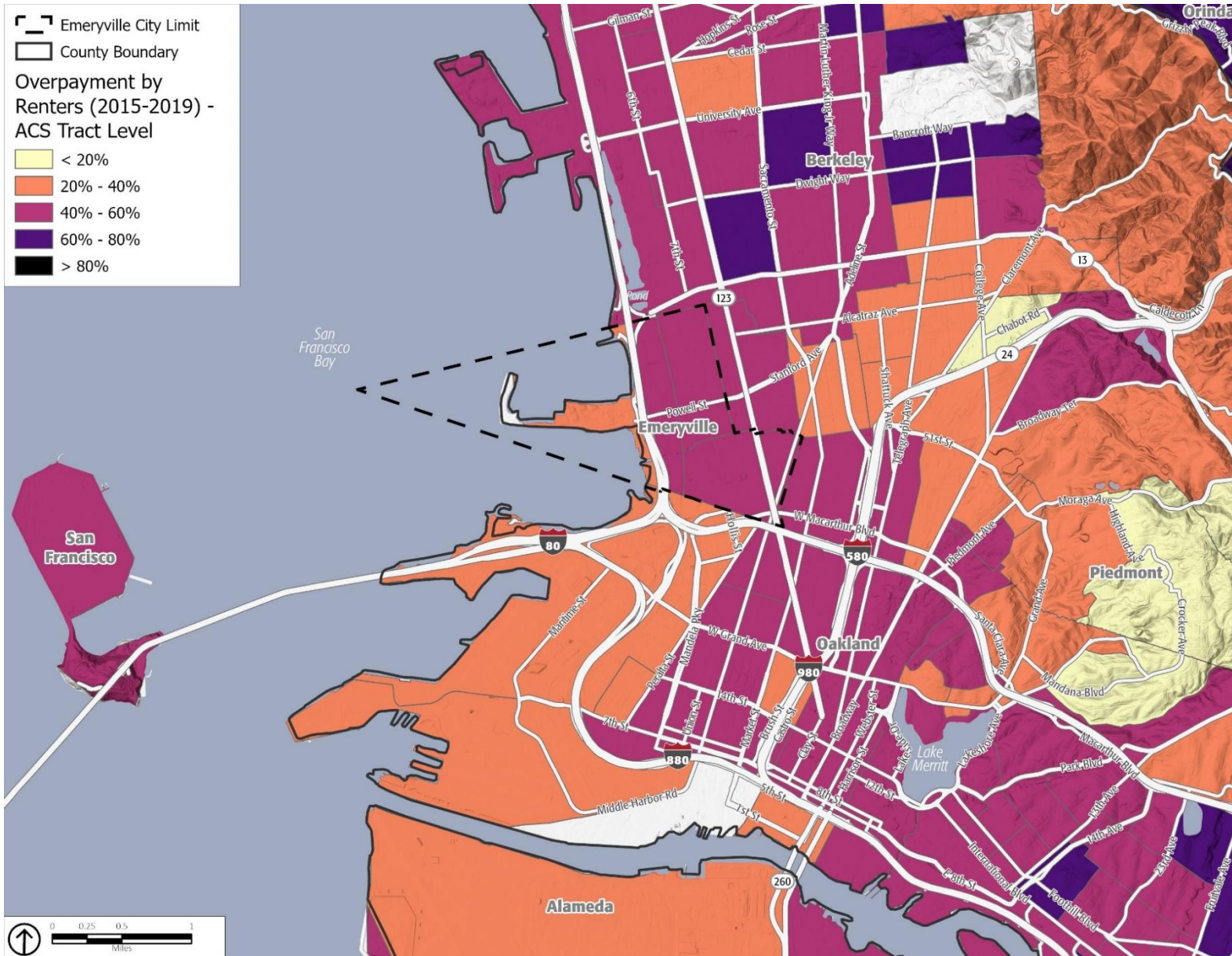
indicating a slightly disproportionate representation of Hispanic persons among the homeless. This could potentially be attributed to the high rate of Hispanic households in the city in poverty, at 51.0 percent, which suggests housing displacement, or other factors such as transit mobility accessibility, might influence the higher proportion of Hispanic persons experiencing homelessness in Emeryville.

The PIT does not include data about the locations within Emeryville where homeless individuals are counted. According to City staff, as of October 2022, the homeless population is diffuse throughout the city. There is no distinct geographic pattern. Services and transportation access are available throughout the city, which may be the reason that there are not concentrations of homeless in particular areas of the city.

As a part of **Program BB**, the City will continue to support the City's Homeless Strategy and the Alameda County-wide Homeless Plan.



**Figure 5-15: Overpayment by Renter Households, 2019**



## 5.6 Enforcement and Outreach Capacity

Fair Housing laws, at the federal, state, and local level, identify characteristics protected from housing discrimination, called “protected classes.” These protected classes in California include race, color, national origin, religion, sex, familial status, disability, and more. Alameda enforces and complies with fair housing laws and regulation through a multilateral process: regular review of City policies and programs for impediments to fair housing choice and compliance with State and federal law and by referring fair housing complaints to appropriate agencies. The City enforces fair housing and complies with fair housing laws and regulations through a twofold process: review of City policies and code for compliance with State law and referring fair housing complaints to appropriate agencies.

Emeryville residents are served by multiple fair housing service providers, including Eden Council for Hope and Opportunity (ECHO) Housing. ECHO provides housing counseling services, tenant/landlord services, conducts fair housing investigations, and operates periodic fair housing audits throughout Alameda County, Contra Costa County, and Monterey County, including unincorporated areas. Additionally, ECHO provides counseling and assistance for first-time homebuyers and lower-income households seeking housing. Data on fair housing cases is provided in **Tables 5-5, 5-6 and 5-7**. As shown in these tables:

- Among East Bay cities, per capita, Emeryville has the highest number of fair housing inquiries received by ECHO.
- In Emeryville, of fair housing complaints reported to ECHO, those based on disability status and race were the most common
- In Emeryville, of fair housing cases reported to ECHO, resolution through counseling was the most common result.

**Table 5-5. HCD Fair Housing Inquiries by City, January 2013-March 2021**

Alameda County Jurisdiction	Cases	Cases per 1000 Population
Oakland	156	0.36
Berkeley	59	0.48
Hayward	49	0.30
Alameda	25	0.32
Fremont	30	0.13
San Leandro	30	0.34
Dublin	22	0.35
Pleasanton	16	0.20
Livermore	14	0.15
Emeryville	10	0.83
Union City	9	0.12
Newark	4	0.08
Albany	3	0.16

Note: Piedmont had no inquiries during this time.

Source: HCD Data Viewer

**Table 5-6. Fair Housing Complaints, Emeryville, January 2013-March 2021**

	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	Total by Type
Race	5	9	1	4	2	21
National Origin	0	0	1	0	0	1
Disability	2	3	5	9	4	23
Familial Status	0	0	2	0	0	2
Marital Status	0	0	1	0	0	1
Religion	0	0	0	0	0	0
Sex	1	0	0	0	0	1
Source of Income	0	0	1	0	1	2
Age	0	0	0	0	0	0
Other	0	0	0	0	7	7
<b>TOTAL</b>	<b>7</b>	<b>12</b>	<b>11</b>	<b>13</b>	<b>14</b>	<b>57</b>

Source: ECHO Fair Housing

Note: A flood in 2020 of ECHO's records room may have destroyed records of early 2020 complaints, so FY-2019-20 may be incomplete.

Note: In some instances, there will be more units of service for fair housing than actual clients. This is because some clients allege discrimination based on more than one protected class.

**Table 5-7. Resolution of Fair Housing Cases, Emeryville 2016-2021**

Resolutions	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	Total by Type
Counseling	5	9	11	4	6	35
Insufficient Evidence	1	7	0	5	5	18
Successful Conciliation	0	0	1	1	1	3
Cases Dropped	1	1	0	0	1	3
Education to Landlord	0	0	1	3	0	4
Referrals to Atty/DFEH/HUD	2	1	0	0	0	3
Pending	3	4	2	0	1	10
<b>Total</b>	<b>8</b>	<b>13</b>	<b>11</b>	<b>13</b>	<b>14</b>	<b>59</b>

Source: ECHO Fair Housing

Note: A flood in 2020 of ECHO's records room may have destroyed records of early 2020 complaints, so FY-2019-20 may be incomplete.

Note: In some instances, there will be more units of service for fair housing than actual clients. This is because some clients allege discrimination based on more than one protected class.

The most recent Alameda County Analysis of Impediments to Fair Housing (2020) stated the following regarding fair housing enforcement capacity: Stakeholders and participating jurisdictions have commented that inadequate funding and organizational capacity are the primary limitations on expanding or improving fair housing enforcement. HUD directs recipients of CDBG funds to use the grant's administrative or social services allocations for fair housing activities, including creation of an analysis of impediments. However, HUD also caps those allocation amounts, which limits participating



jurisdictions from using more of these funds on fair housing activities. Participating jurisdictions generally do not use any other public or private source of funding for their fair housing activities. While participating jurisdictions have limited funding to offer fair housing organizations, fair housing organizations have other funding sources, such as HUD's Fair Housing Initiatives Program (FHIP); however, these organizations generally do not have many other private funding sources. Other fair housing activities are funded from federal and state resources, such as services provided by the Office of Fair Housing and Equal Opportunity and Department of Fair Employment and Housing. The number of fair housing organizations and their respective capacities has also constrained the amount of fair housing activities. Participating jurisdictions commented that a reduction in the number of fair housing organizations has lessened fair housing activities overall.

In a consultation held in 2022 with representatives from the Alameda County Collaborative, ECHO's Executive Director added the following about fair housing outreach and enforcement capacity constraints:

- Inadequate funding - funding from a couple jurisdictions in the County is insufficient.
- HUD capping allocation amounts - public services (15%) allocation should be increased.
- Reduction in the number of fair housing organizations in the region - at least two fair housing agencies in the East Bay have closed their doors.
- Lack of affordable housing supply - the affordable housing that is needed is housing that is affordable to persons on public assistance, accessible housing for persons with disabilities, and senior citizens.
- Findings, lawsuits, enforcement actions, settlements, or judgments related to fair housing or civil rights - we have not filed any administrative complaints in recent years. ECHO's mediation attempts, in place of litigation, have been very successful.

In addition, the City demonstrates compliance or intention to comply with fair housing laws and other related laws through the following:

- The City demonstrates compliance with Density Bonus Law (Gov. Code, Section 65915) through its density bonus ordinance, which currently allows for an increase of 35 percent over the maximum allowable residential density. Assembly Bills 2753, 2372, 1763, 1227, and 2345 were passed in 2018, 2019, and 2020 and revised density bonus law to provide additional benefits for qualifying projects. The City has included **Program A** to update the density bonus ordinance to be consistent with recent State law.
- The City intends to continue to comply with No-Net-Loss (Gov. Code, Section 65863) through identifying a surplus of sites available to meet the County's RHNA allocation. In total, the City's surplus unit capacity is 2,504, composed of 604 lower-income units, 464 moderate-income units, and 1,436 above moderate-income units.
- The City complies with the Housing Accountability Act (Gov. Code, Section 65589.5) by allowing emergency shelters by right in the MURS zone.
- The City will comply with SB 35 (Gov. Code Section 65913.4) by establishing a written policy or procedure, as well as other guidance as appropriate, to streamline the approval process and standards for eligible projects by 2022 (**Program A**).

- The City complies with SB 330 (Gov. Code Section 65589.5), relying on regulations set forth in the law for processing preliminary application for housing development projects, conducting no more than five hearings for housing projects that comply with objective general plan and development standards, and making a decision on a residential project within 90 days after certification of an environmental impact report, or 60 days after adoption of a mitigated negative declaration or an environmental report for an affordable housing project.

Through the consultation process, a fair housing provider serving Emeryville reported that many low- and moderate-income homeowners struggle to make housing payments, maintain and improve their older homes. The fair housing provider identified that these issues occur in part due to mortgage and lending practices resulting in unrealistic mortgage payments, misrepresenting information to clients on documents, and refusing to lend money to those with traditionally poor credit. The City is committed to strengthening its home repair programs (**Program X**), expanding the City's homebuyer assistance program (**Program M**), and continuing to implement the City's Foreclosure and Predatory Lending Prevention Strategy to combat discriminatory and predatory lending practices (**Program J**).

A fair housing provider identified disability related fair housing violations as the most common type of complaint that their organization receives, potentially due to the visibility of applicants' disabilities. This is reflected in the cases reported to the California Department of Fair Employment and Housing, as will be discussed. Fair housing discrimination violations related to other protected classes (e.g., race, sexuality, religion) may be less overt than disability-based discrimination and often more difficult to identify. People with disabilities may be more likely to understand when they are being discriminated against for example, when a reasonable accommodation is unjustly denied. As a result, disability violations are the number one type of fair housing violation that this organization receives but may not be an accurate account of the fair housing violation discrimination cases occurring. The City will continue to increase access to fair housing resources for residents, including offering home maintenance and fair housing education trainings for property owners (**Program X**), creating a targeting marketing program for fair housing informational materials in neighborhoods with higher rates of poverty (such as the Triangle and San Pablo Corridor neighborhoods) (**Program FF**), and developing a marketing program specifically for local resources and programs for persons with disabilities, including educational materials on reasonable accommodation, housing rights, and access to legal aid (**Program O**). As part of the Fair Housing Assistance Program (FHAP), the California Department of Fair Employment and Housing (DFEH) dual-files fair housing cases with HUD's Region IX Office of Fair Housing and Equal Opportunity (FHEO); HUD FHEO reported that just nine cases were filed by residents of the City of Emeryville between January 1, 2013, and March 24, 2021. In the same time frame, residents of the City of Oakland filed 120 cases (population of 445,849), residents of Berkeley filed 53 cases (population of 120,463), and residents of Piedmont filed 1 case (population of 10,787). A total of 389 cases were filed within Alameda County. Of the nine cases filed in Emeryville, seven resulted in a no-cause determination and two were closed through conciliation or settlement. The majority of cases alleged discrimination based on disability, including both cases that closed through conciliation or settlement, one alleged discrimination based on disability and race, and one alleged disability and race.

DFEH was not able to provide specific location information for cases because of confidentiality concerns. Therefore, the City was unable to conduct a spatial analysis of fair housing cases to identify any patterns or concentrations of fair housing issues in the city. **Program DD** has been included to work with fair housing enforcement organizations and agencies to track issues and identify patterns in the city.

## 5.7 Site Inventory Analysis

The location of housing in relation to resources and opportunities is integral to addressing disparities in housing needs and opportunity and to fostering inclusive communities where all residents have access to opportunity. This is particularly important for lower-income households. Assembly Bill (AB) 686 added a new requirement for housing elements to analyze the location of lower-income sites in relation to areas of high opportunity. **Table 5-8** and **Figures 5-12** through **5-18** show the distribution of projected units by income category of the following indicators compared to citywide patterns to understand how the projected locations of units will affirmatively further fair housing: TCAC/HUD opportunity areas, median income, predominant population, disability rates, educational score, environmental health, and overpayment. The following sites inventory discussion includes an analysis of the number of projected units by income category, total RHNA capacity, and city acreage by income category to further assess the potential impacts of the sites inventory to affirmatively further fair housing.

The City has a total RHNA of 1,815 units for the 2023–2031 period, of which, 39 percent (710 units) is for extremely low-, very low-, and low-income households. Emeryville has adequate sites to accommodate housing development at 150 percent of the RHNA. The land inventory (Chapter 6) provides a total capacity for 4,319 units and opportunities for the development of a variety of housing suitable for a range of household types and income levels. The housing opportunity sites amount to an approximate total of 68 acres, which comprises approximately 5 percent of the city’s total acreage (1,440 acres). In accordance with the default density set by California statute, all of the sites in the inventory are considered to be zoned appropriately to facilitate housing affordable to lower-income households; therefore, the majority of sites identified will support mixed income projects, primarily assuming projects with units affordable to all incomes. Furthermore, the City has strong inclusionary requirements that typically require 18 percent of units to be reserved as affordable when developers seek a density bonus. Of the City’s 21 identified housing opportunity sites, only one site will support all above moderate-income units (located in the Doyle neighborhood) and three sites will support all lower income units (located along the San Pablo Corridor). All other sites are assumed to support a mixture of units for lower/moderate-income households, lower/above moderate-income households, and all income households.

***Several of the City’s 21 sites in the Land Inventory are comprised of multiple parcels (often referred to as APNs (Assessor’s Parcel Numbers). Note that each APN is shown with a separate dot symbol on Figures 5-12 through 5-18.***

Table 5-8. Summary of Sites and Assessment of Fair Housing Indicators

Census Tract	Neighborhood	Site Number	Realistic Unit Capacity			Assessment of Fair Housing Indicators																				
						Segregation/Integration					Access to Opportunity															
			Lower	Moderate	Above Moderate	Household Median Income <sup>1</sup>	Household Median Income <sup>2</sup>	% Minority (Non-White, not Hispanic) <sup>3</sup>	Predominant Race <sup>4</sup>	Poverty Level <sup>5</sup>	TCAC/HUD Opportunity Area <sup>6</sup>	Disabled <sup>7</sup>	Over-payment <sup>8</sup>	Over-crowding <sup>9</sup>	Substandard Housing <sup>10</sup>	Median Contract Rent <sup>11</sup>										
Area 1: Watergate, Marina																										
4251.01	Marina	NA	0	0	0	\$55,001- \$87,100	\$82,065	49%	White	11.0%	Moderate-resource Area	10-20%	20-40%	1.9%	0.0%	\$1,847										
	Watergate	NA	0	0	0	Greater than \$125,000																				
	Total			0	0	0																				
4251.02	Powell/ Christie Core	12	147	180	491	Greater than \$125,000	\$112,386	67%	Asian	11.8%	Moderate-resource Area	Less than 10%	40-60%	8.0%	0.0%	\$2,474										
		13	324	107	107																					
		7	10	7	81	\$87,101- \$125,000																				
		14	180	60	0																					
		19	30	0	0																					
	North Bayfront	2	8	0	178																					
	Total		699	354	917																					
	%		33%	18%	47%																					
4251.03	North Hollis	1	0	0	17	Greater than \$125,000	\$105,000	60%	Asian	10.3%	Moderate-resource Area	Less than 10%	40-60%	2.6%	0.0%	\$2,702										
	Doyle	5	2	2	20	\$87,101- \$125,000			White																	
	South Hollis	NA	0	0	0																					
	Total			2	2												37									
	%			5%	5%	90%																				

Census Tract	Neighborhood	Site Number	Realistic Unit Capacity			Assessment of Fair Housing Indicators																				
						Segregation/Integration					Access to Opportunity															
			Lower	Moderate	Above Moderate	Household Median Income <sup>1</sup>	Household Median Income <sup>2</sup>	% Minority (Non-White, not Hispanic) <sup>3</sup>	Predominant Race <sup>4</sup>	Poverty Level <sup>5</sup>	TCAC/HUD Opportunity Area <sup>6</sup>	Disabled <sup>7</sup>	Over-payment <sup>8</sup>	Over-crowding <sup>9</sup>	Substandard Housing <sup>10</sup>	Median Contract Rent <sup>11</sup>										
Area 4: Park Avenue, East Bay Bridge, San Pablo Corridor, Triangle																										
4251.04	Park Avenue	3	9	12	101	\$55,001- \$87,100	\$87,313	63.0%	White	20.3%	Low-resource Area	10-20%	40-60%	12.1%	0.4%	\$1,885										
		4	19	12	153																					
	San Pablo Corridor	6	89	0	1																					
		8	12	14	38																					
		9	3	5	13																					
		10	67	0	1																					
	East Bay Bridge	11	144	176	481																					
		15	89	0	1																					
		16	18	22	60																					
		17	12	15	41																					
		18	6	8	24																					
	Total		468	264	914																					
	%		28%	16%	56%																					

Sources:

<sup>1</sup>Median Income (Block Group), ACS (2015-2019)

<sup>2</sup>Table S2501, ACS 5 Year Estimate (2020)

<sup>3</sup>Table S1810, ACS 5 Year Estimate (2020)

<sup>4</sup>Predominant Population (Block Group) ACS (2019)

<sup>5</sup>ACS 5-Year Estimate (2015-2019)

<sup>6</sup>HCD/TCAC Opportunity Map (2021)

<sup>7</sup>Population with a Disability (Tract), ACS (2015-2019)

<sup>8</sup>Overpayment by Renter Households, ACS (2015-2019)

<sup>9</sup>Table S2501 ACS 5 Year Estimate (2020)

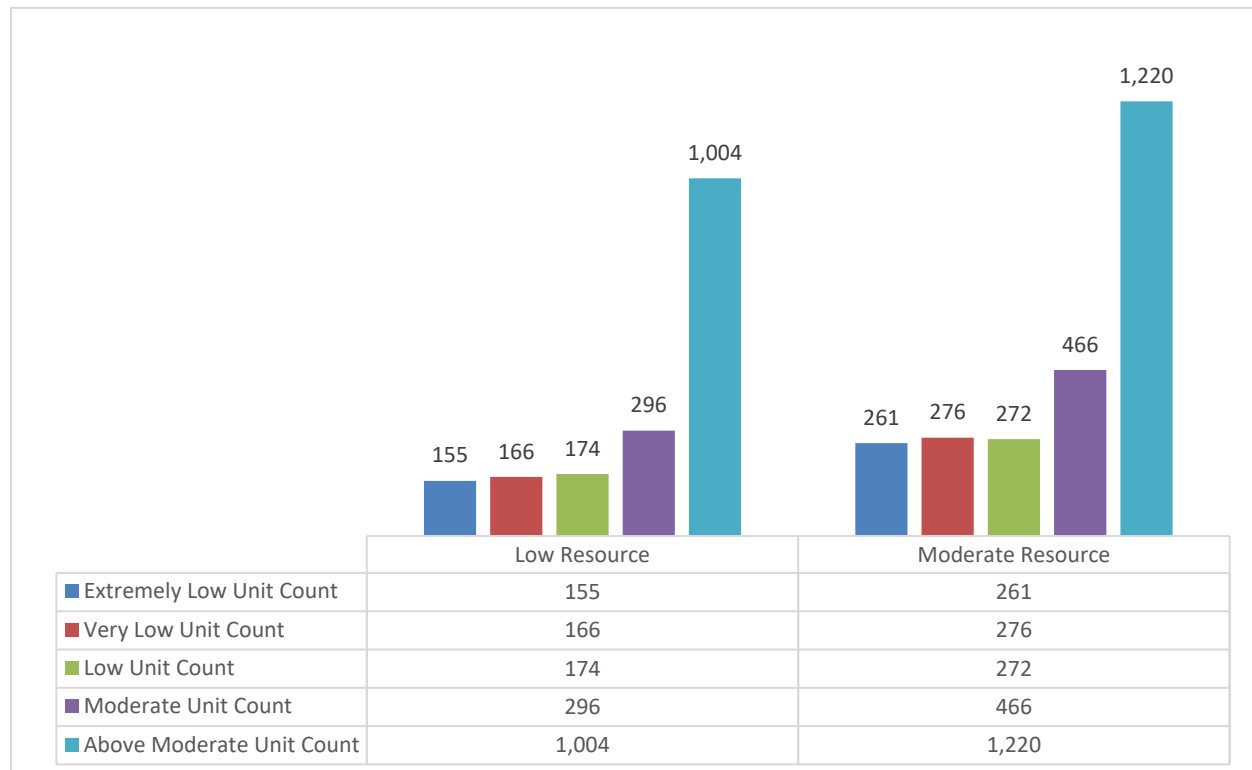
<sup>10</sup>Table DP04 ACS 5 Year Estimate (2020)

<sup>11</sup>ACS 5 Year Estimate 2015-2019

### 5.7.1.1 Potential Effect on Access to Opportunity TCAC/HCD Opportunity Areas

TCAC/HCD categorized census tracts into high, moderate, or low-resource areas based on a composite score of economic, educational, and environmental factors that can perpetuate poverty and segregation, such as school proficiency, median income, and median housing prices. As depicted in **Chart 5-3** (Unit Count by HCD/TCAC Opportunity Area), identified housing opportunity sites can accommodate 2,495 units in moderate-resource areas and a total of 1,795 units in the low-resource areas, on an approximately equal amount of land in both resource areas (see **Figure 5-16**). The breakdown of anticipated unit affordability is also similar in the moderate-resources area versus low-resource areas. Of the total units anticipated in the moderate-resource areas of the City, 49 percent are in the above moderate-income category, 19 percent in the moderate-income category, and 32 percent in the lower-income category. Of the total anticipated units counted on sites in the low-resource area of the City, 56 percent are in the above moderate income category, 16 percent are in the moderate-income category, and 28 percent are in the lower income category (**Chart 5-3**). Emeryville has developed Policy H-4-5 that states the City shall promote mixed income neighborhoods with an equitable distribution of housing types for people of all incomes throughout the City by encouraging new affordable housing in High-resources areas. This framework is embedded in the City's housing programs and policies and will continue to be used as the City encourages and incentives housing development on those sites within the Site Inventory List during the planning period.

**Chart 5-3. Unit Count by HCD/TCAC Opportunity Area**



**Figure 5-16: Sites Inventory Analysis by HCD/TCAC Opportunity Areas**





#### **5.7.1.1.1 Employment Opportunities and Environmental Health**

As discussed, based on the scores for individual census tracts in the environmental and economic domains that comprise the TCAC/HCD opportunity area designations, residents across the city experience similar access to economic mobility and environmental conditions. While the distribution of units at each affordability level will not create a discrepancy in access or perpetuate existing barriers to access, the City has identified programs to support access to economic mobility and positive environmental conditions. As shown in **Figure 5-5**, Emeryville's moderate-resource areas are associated with highly positive economic outcomes, indicating few barriers to access economic mobility, and the City's low-resource areas are also associated with positive economic outcomes, albeit lower than the moderate-resource areas. Of the measures TCAC/HCD uses to assume access to economic opportunity (measures access to positive economic outcome based on incidence of poverty, adult education attainment, adult employment, proximity to jobs, and median home value), prevalence of poverty is the most significant difference between low and moderate-resource areas in Emeryville. The City intends to improve access to economic mobility through expanding low-barrier, low-skill job opportunities within the city, and seeking partnerships with community-based partners who provide job-readiness training (**Program GG**). Similarly, each of the census tracts in Emeryville scored consistently for the environmental domain, also receiving similar scores on the CalEnviroscreen 4.0 assessment tool. The area west of Interstate 80 is in the highest percentile in the city (65th percentile), followed by the low-resource area south of 53rd Street (59th percentile). The moderate-resource areas east of the Amtrak rail lines received the lowest score (43rd percentile), indicating that residents within this area are less likely to have health problems resulting from poor environmental conditions. The City has demonstrated commitment to reducing negative environmental conditions, including by providing low interest loans and grants to clean up sites (**Program S**), making them suitable for affordable housing development, among other uses. The City will continue this program and also commits to review open space requirements for new developments to ensure that all residents have access to healthy outdoor spaces (**Program R**).

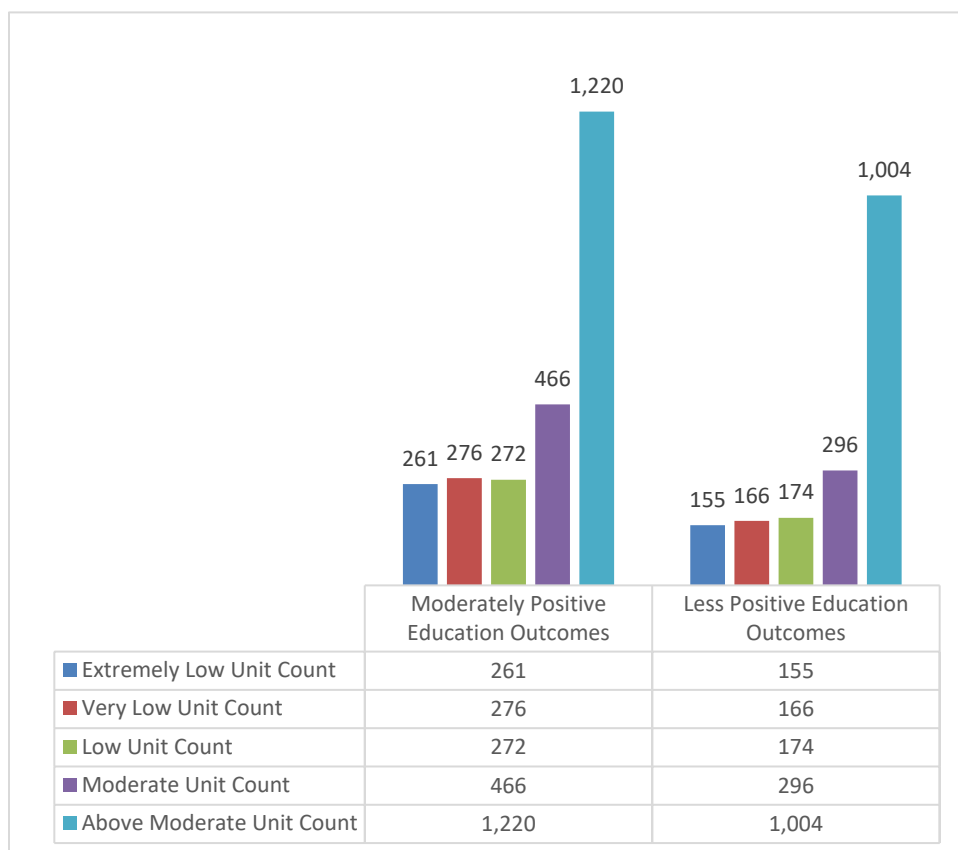
#### **5.7.1.1.2 Educational Opportunities**

The differentiation between low and moderate-resource designations in Emeryville is primarily due to differing access to educational attainment (see **Figure 5-17**), which is measured by various indicators such as fourth grade reading and math proficiency from the 2018-2019 school year, high school graduation rate, and prevalence of student poverty. Since all of Emeryville students have access to the same two schools, access to proficient schools is not a differing factor between areas of Emeryville designated as low and moderately resourced. However, the rate of poverty is higher in the low-resource area than in the moderate-resource area of the city. These findings suggest poverty status is the most important factor to improve in order to address discrepancies in access to educational attainment between low and moderate-resource areas in Emeryville.

As shown in **Chart 5-4**, approximately 38 percent of the lower-income unit capacity is planned in neighborhoods in the City's low-resource areas in which the rate of persons experiencing poverty is between 20 to 30 percent (**Figure 5-7**). These sites are in the Triangle, San Pablo Corridor, Park Avenue and East BayBridge neighborhoods and will increase the supply of affordable housing for lower income households, allowing current residents to remain in their neighborhood. These neighborhoods offer

convenient access to resources, including Emeryville High and Anna Yates Elementary (located within the San Pablo Corridor and adjacent to the Triangle neighborhood) but also grocery stores (typically within a quarter mile of sites), public transit stops along San Pablo Avenue and 40th Street, and medical facilities (the closest medical facilities are all accessible within 15 minutes by public transportation, including the Stanford Health Care Clinic at 5800 Hollis Street (near Powell) the John Muir Health/UCSF Health Berkeley Outpatient Center at 3100 San Pablo in Berkeley (adjacent to San Pablo Avenue), and the Kaiser Permanente Berkeley Medical Offices at 2621 Tenth Street in Berkeley, (adjacent to San Pablo Avenue). In addition to the lower income units, 39 percent of the moderate-income units and 45 percent of the above moderate-income units are projected in these neighborhoods to affirmatively further fair housing in through mixed-income neighborhoods, primarily in mixed-income projects (**Figure 5-16**). The majority of the anticipated lower income units (62 percent) are planned in the City's moderate-resource neighborhoods, in which 10 to 20 percent of the population experiences poverty. Introducing additional lower income units in moderate-resource areas is a key housing mobility strategy for the City and supports efforts to improve access to areas of higher opportunity for lower income households. To specifically address the needs of students that are experiencing poverty in Emeryville, the City will meet annually with EUSD to determine what, if any, outside factors impede school performance that can be alleviated, such as stable housing opportunities, childcare opportunities for working parent(s)/guardian(s), and/or other factors (**Program HH**). In addition, the City is committed to improving housing stability for extremely low income households and households with children, including increasing housing opportunity for extremely low-income households (Y, K, G and L) and **Program R** to support the development of affordable housing units with three or more bedrooms.

**Chart 5-4. Unit Count by HCD/TCAC Opportunity Area, Education Domain**



**Figure 5-17: Sites Inventory Analysis by HCD/TCAC Opportunity Areas, Education Domain**



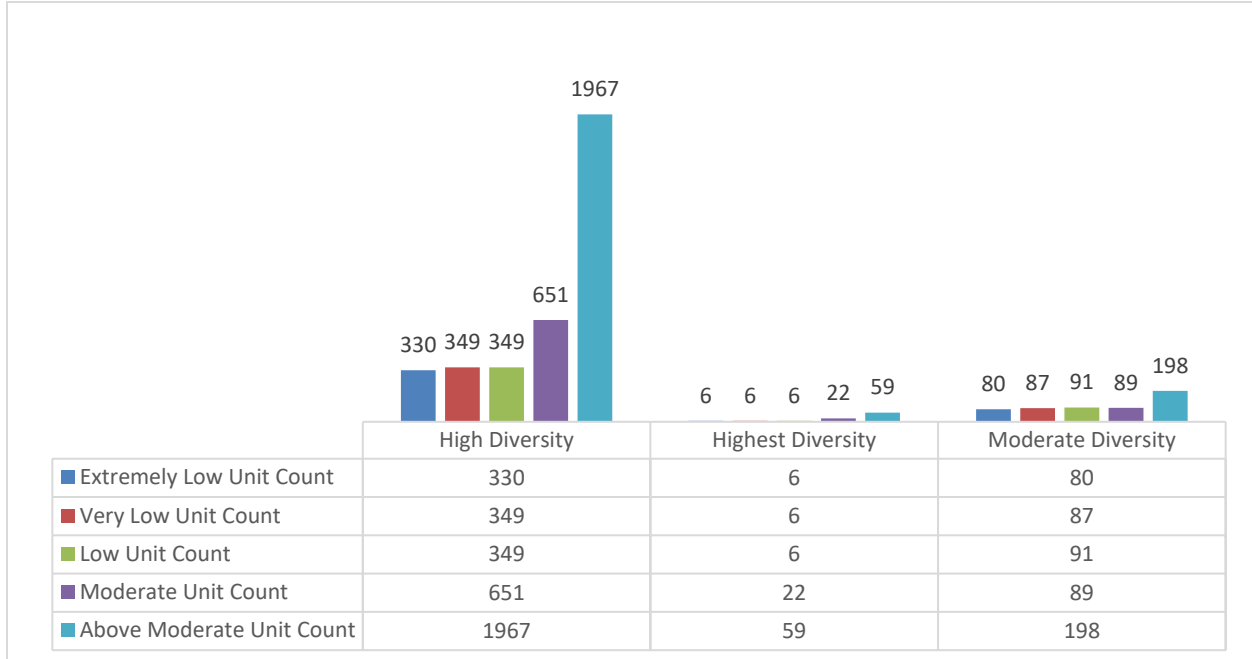
## 5.7.2 POTENTIAL EFFECT ON PATTERNS OF INTEGRATION AND SEGREGATION

### 5.7.2.1 Diversity

As previously discussed in this assessment, Whites comprise the largest racial group in Emeryville (40 percent of the total population), followed by Asians (28 percent), and Blacks (15 percent). When reviewing the location of predominant population shown in **Figure 5-4**, Emeryville's neighborhoods within moderate-resource areas show concentrations of predominantly Asian and predominantly White neighborhoods. Asians are the predominant population in the Bayfront neighborhoods and North Hollis neighborhoods, which are typified by high density housing. The census tract containing the North Hollis neighborhood has one of the highest median incomes in the city, exceeding \$125,000 (**Figure 5-6**). As of 2019, Whites are the predominant population in the other census tracts in Emeryville. Blacks are not the predominant population in any of Emeryville's neighborhoods; however, the city's oldest residential neighborhoods, including the moderate-resource area in the Doyle neighborhood and the City's low-resource area (which includes the San Pablo Corridor, Triangle, and East BayBridge neighborhoods) have the highest Black populations. As shown in **Figure 5-18**, there are 30 sites identified in census tracts with predominantly Asian populations (comprising a total of 68 acres), all of which fall within moderate-resource areas. There 24 sites identified in census tracts with predominantly White populations (comprising a total of 66 acres), all of which fall in low-resource areas. While the site acreage is effectively equal, the majority of units for all incomes are planned in areas the moderate-resource areas, which have a predominantly Asian population: 77 percent of the anticipated lower income units, 74 percent of the anticipated moderate-income units, and 71 percent of the anticipated above moderate-income units. Situating the majority of lower and moderate-income units in the City's moderate-resource areas is a key housing mobility strategy for Emeryville as the increased housing supply will provide more opportunity for access to moderate-resource areas, including for communities of color. However, while Whites and Asians comprise the predominant population in their respective areas, neither population comprises the majority (i.e., over 50 percent) of the census population. As shown in **Figure 5-18**, Emeryville has a highly diverse population. The income **Chart 5-5** shows the distribution of units at each income level in number of units and the Diversity Index score developed by ESRI in 2018, which represents the likelihood that two persons, chosen at random from the same area, belong to different race or ethnic groups. No areas of Emeryville are considered to have low diversity and the City's White population does not meaningfully align with areas of higher median incomes, as seen in other East Bay cities with redlined neighborhoods (such as Oakland or Berkeley). Nearly all of the units across all income levels are planned in block groups whose existing population is considered to have high diversity (receiving an index score between 70 to 85), with 79 percent of the anticipated lower-income units, 85 percent of the anticipated moderate-income units, and 88 percent of the anticipated above moderate-income units. Providing mixed-income communities affirmatively furthers fair housing by continuing to prevent de facto exclusionary neighborhoods resulting from a lack of affordable housing. Further, the construction of 1,304 lower-income units in the low-resource area provides options for existing residents that are looking for a different home to remain in their existing neighborhood and lowers competing housing costs. In addition, the construction of units at a range of price points in both low and moderate-resources areas of the city will aid in reducing displacement risk of Emeryville's racial/ethnic populations that comprise less than 10 percent of the population, including Hispanics and American Indians. To ensure that racial/ethnic background does not present a barrier to

fair housing, the City will continue to partner with regional organizations to educate tenants, property managers, and real estate professionals about fair-housing regulations, serve to mediate/enforce with respect to fair housing issues (**Program O and J**).

**Chart 5-5. Unit Count by Diversity Index**





**Figure 5-18 Sites Inventory Analysis by Predominant Population**





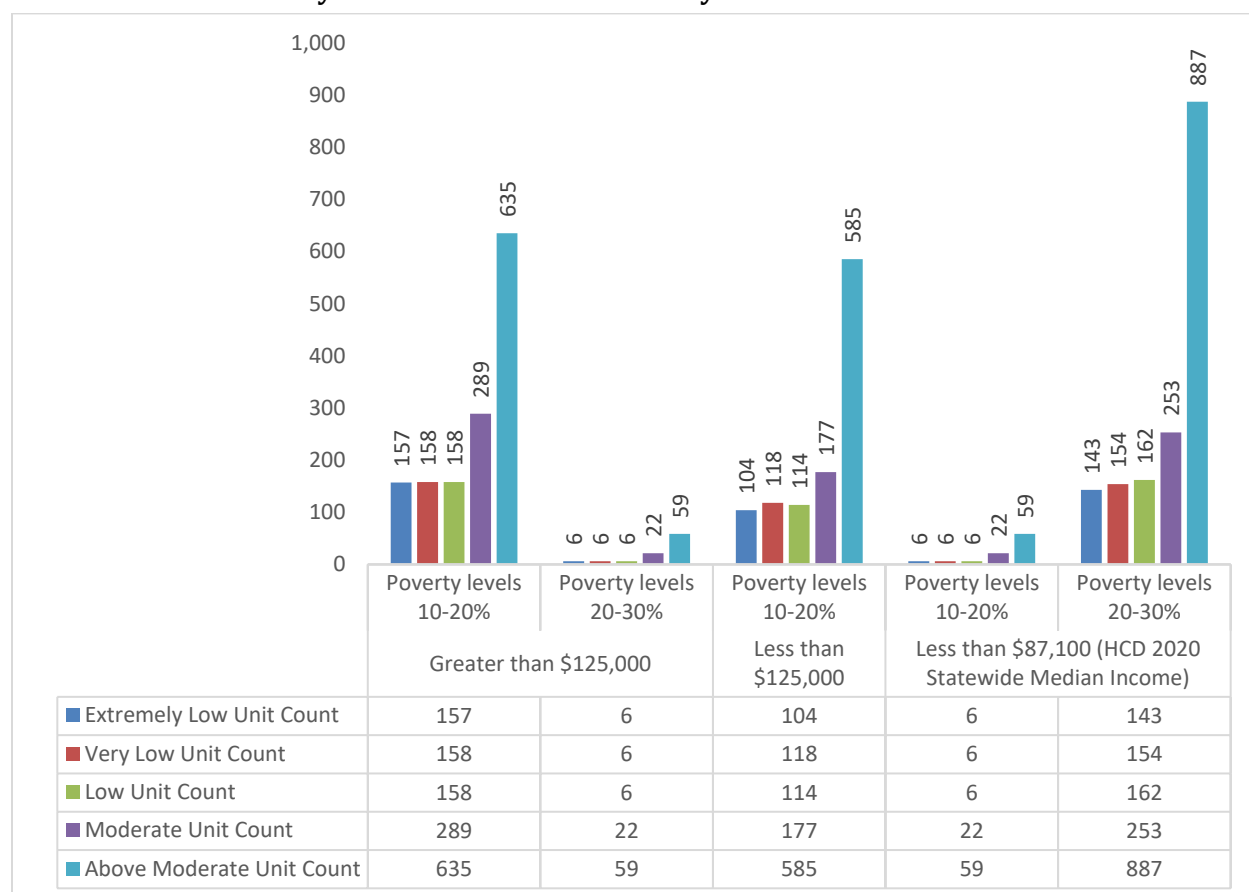
### 5.7.2.2 Income

**Figure 5-19** identifies that the median income in most of the City of Emeryville is relatively high, with many of the block groups earning a median income \$87,100 to \$125,000 or earning a median income exceeding \$125,000. These block groups fall entirely within the City’s moderate-resource area and coincide with census tracts with relatively lower percentage of persons living below the poverty line (**Chart 5-5**). However, as discussed earlier in this Assessment, while Emeryville’s moderate-resource areas pose low barriers to positive economic outcomes and have a smaller percentage of persons experiencing poverty, the median income of these block groups is still significantly lower than areas in the region that are also associated with highly positive economic outcomes. This suggests these neighborhoods have been able to maintain lower income households, supporting the finding that displacement of lower income households has not been a significant factor in Emeryville.

As presented in **Chart 5-6**, approximately 62 percent of the lower unit capacity is identified in the sites inventory in an area of Emeryville where living below the poverty line is less common (between 10 to 20 percent of the households) and the median income exceeds \$87,100 (the 2020 HCD State Median Income). Again, these sites are located in moderate-resource area, primarily within the Bayfront neighborhoods, supporting the City’s housing mobility strategy to increase the supply of lower income units in moderate-resource areas. The Bayfront neighborhoods provide convenient access to Emeryville’s BART/Amtrak station, employment opportunities for a range of skill levels (commercial retail to tech/start up positions), and grocery stores and other essential services. Additionally, all of the sites identified in the Bayfront neighborhoods will support mixed-income projects, primarily projects with all incomes. Approximately 61 percent of the anticipated moderate-income units and 55 percent of the anticipated above moderate-income units are planned in the areas of Emeryville with a poverty rate between 10 and 20 percent and a median income above \$87,100. Emeryville has a demonstrated history of supporting mixed income projects through the work of the City’s former redevelopment agency and the City’s inclusionary ordinance; the distribution of anticipated units in the land inventory based on affordability will build on that history to continue to support the development of mixed-income neighborhoods.

Comparatively, fewer units are anticipated in areas with a median income less than \$87,100 and poverty levels of 20 to 30 percent of the population; a total of 1,599 units are anticipated in these areas. Importantly, 29 percent of those units are anticipated for lower income households. Construction of lower-income units in these areas will help to alleviate existing patterns of overpayment and encourage place-based revitalization in areas of concentrated poverty through redevelopment of underutilized parcels and providing new, safe housing. These units will prevent displacement of lower-income households by increasing the affordable supply. To address barriers to economic mobility for lower-income residents in the City’s low-resource area, the City will prioritize place-based revitalization strategies within this census tract, or efforts that support economic development, community engagement in the planning process, workforce development, and youth engagement and educational programs (**Program GG**).

**Chart 5-6. Unit Count by Median Income and Poverty Status**



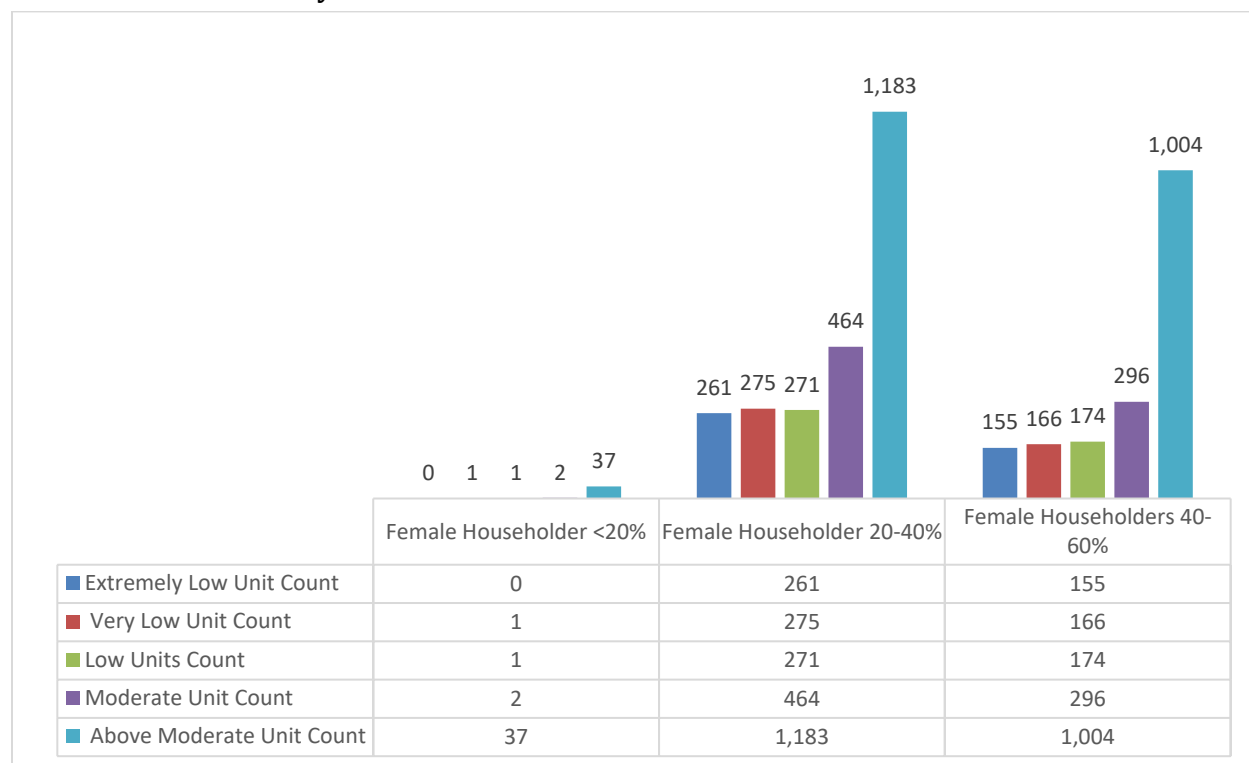
**Figure 5-19: Sites Inventory Analysis by Median Income**



### 5.7.2.3 Female-Headed, Single-Parent Households

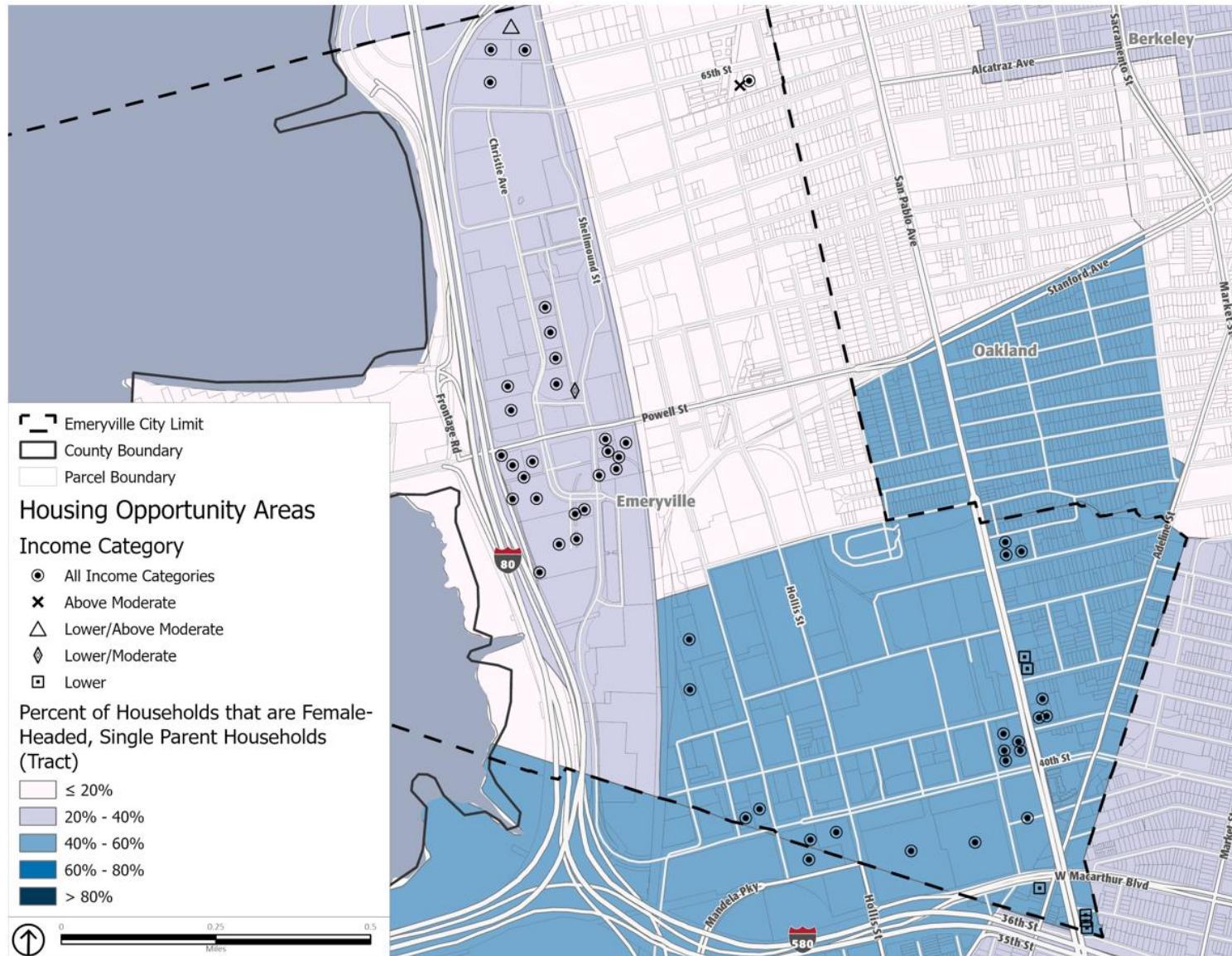
**Chart 5-7** and **Figure 5-20** shows the distribution of units at each income level in number of units based on the concentrations of single-parent families with a female headed householder (in percentage of the population of each of the census tract). As presented in **Chart 5-7**, the majority of units are located within census tracts where the percentage of female-headed households comprise between 20 and 40 percent (all moderate-resource areas). Approximately 52 percent of the total units are anticipated to be above moderate-income units, 18 percent are anticipated to be moderate-income units, and 30 percent are anticipated to be lower income units. While lower income units represent the smallest proportion of units planned in areas with 20 to 40 percent female householders, the 1,304 lower income units comprise 62 percent of the total lower income units anticipated in the land inventory, which will work to reduce the current concentration of female householders in the City's low-resource area. Importantly, increasing housing supply (particularly affordable housing) will be coupled with other programs to address the needs of female headed householders, including the City's commitment to promote housing that includes larger units, usable outdoor open space, community rooms, and other child-friendly amenities (**Program R**). Lower income units (along with units affordable to moderate income- and above moderate-income households) are anticipated in the areas where the percentage of female-headed households comprises between 40 and 60 percent. Census tracts with predominantly female-headed households are in Emeryville's low-resource area, along the San Pablo Corridor, East Bay Bridge and Park Avenue neighborhoods. While this presents a concentration of female-headed households in the City's low-resource area, the neighborhoods within the low-resource area provide convenient access to resources that are important to single-parent households; for example, Emeryville High and Anna Yates Elementary (located within the San Pablo Corridor and adjacent to the Triangle neighborhood), grocery stores (typically within a quarter mile of sites), public transit stops along San Pablo Avenue and 40th Street, and medical facilities (the closest medical facilities are all accessible within 15 minutes by public transportation, including the Stanford Health Care Clinic at 5800 Hollis Street (near Powell) the John Muir Health/UCSF Health Berkeley Outpatient Center at 3100 San Pablo in Berkeley (adjacent to San Pablo Avenue), and the Kaiser Permanente Berkeley Medical Offices at 2621 Tenth Street in Berkeley, (adjacent to San Pablo Avenue). The City anticipates that in areas where the concentration of female headed households are between 40 to 60 percent, approximately 56 percent of the total units will be above moderate-income units, 16 percent will be moderate-income units, and 28 percent will be lower income units.

**Chart 5-7. Unit Count by Female Headed Households**





**Figure 5-20: Sites Inventory Analysis by Female Headed Households**

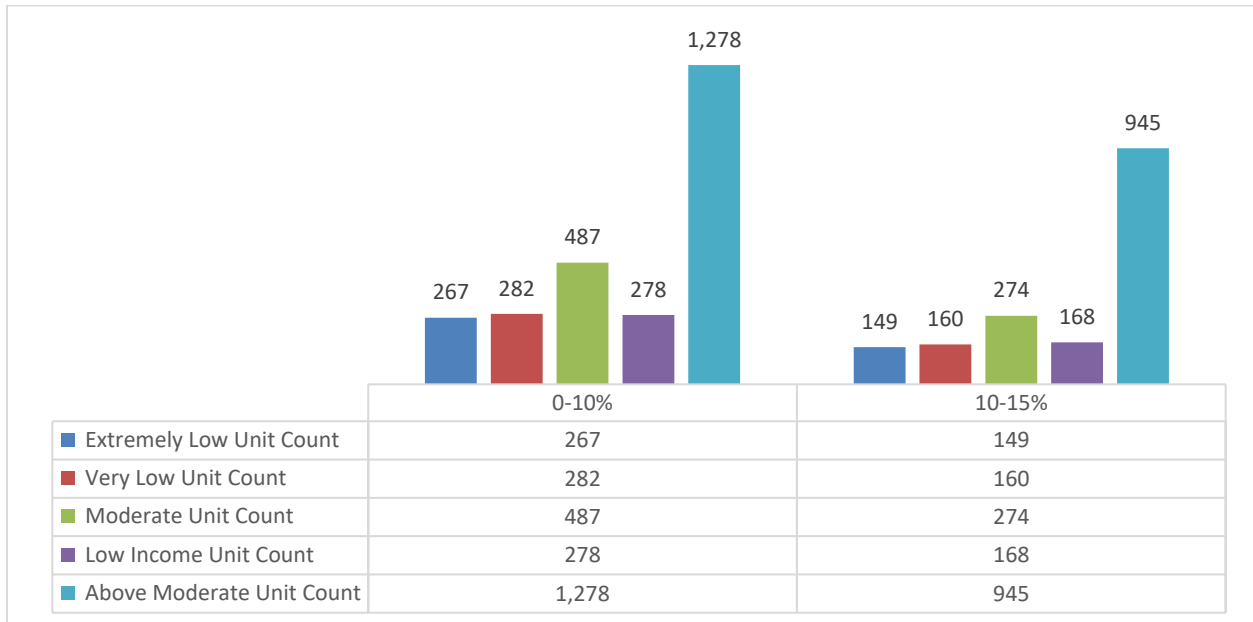


#### 5.7.2.4 Population with a Disability

According to the 2015-2019 ACS, approximately 10 percent of Emeryville’s population live with at least one disability. As presented in **Chart 5-8**, approximately 60 percent of the units counted towards the RHNA are in areas in which up to 10 percent of the population have a disability. These census tracts coincide with the moderate-resource designation, with the majority of sites anticipated in the Bayfront neighborhoods of North Bayfront and Powell Christie Core (**Figure 5-21**). Locating units affordable to lower- and moderate-income residents in and around the mixed-use commercial centers in these neighborhoods will help to improve access for and accommodate the needs of persons living with disabilities, who benefit from close access to services and amenities as well as proximity to transit. Additionally, mixed housing types can help accommodate the needs of residents living with disabilities by integrating services or amenities on-site. Locating the majority of the lower income units, along with the moderate- and above moderate-income units, in the City’s moderate-resource area expands the City’s housing mobility strategy to include persons with disabilities, thereby allowing this population to have equal access to moderate-resource areas. It also affirmatively furthers fair housing by increasing the supply of lower income housing in more areas of the city, rather than focusing units in areas of higher concentration of persons with disabilities (i.e., reinforcing the concentration of persons with disabilities). However, as discussed earlier in this assessment, there are only minor differences in the percentage of persons with disabilities across the city, and the area with the highest concentration coincides with the South Bayfront neighborhoods, a moderate-resource area. Emeryville’s population with disabilities is slightly higher in the moderate-resource area west of Interstate 80 and in the low-resource area south of 53rd Street (persons with disabilities comprise between approximately 13.8 and 12.3 percent of the population of these areas respectively, compared to between 5 and 7 percent of the city, as shown in **Figure 5-9**). As shown in **Chart 5-8**, the city has capacity for 477 lower income units (149 extremely-low income, 160 very low income and 168 low income units) in areas with higher concentration of persons with disabilities. Increasing the housing supply in these areas is expected to prevent or mitigate the overpayment, housing scarcity, and displacement that lower income persons with disabilities are particularly susceptible to (**Programs A, KK, G, O, Q, OO, X, I, CC**).



**Chart 5-8. Unit Count by Percent of Population with a Disability (0-10% and 10-15%)**



**Figure 5-21: Sites Inventory Analysis by Population with Disability**

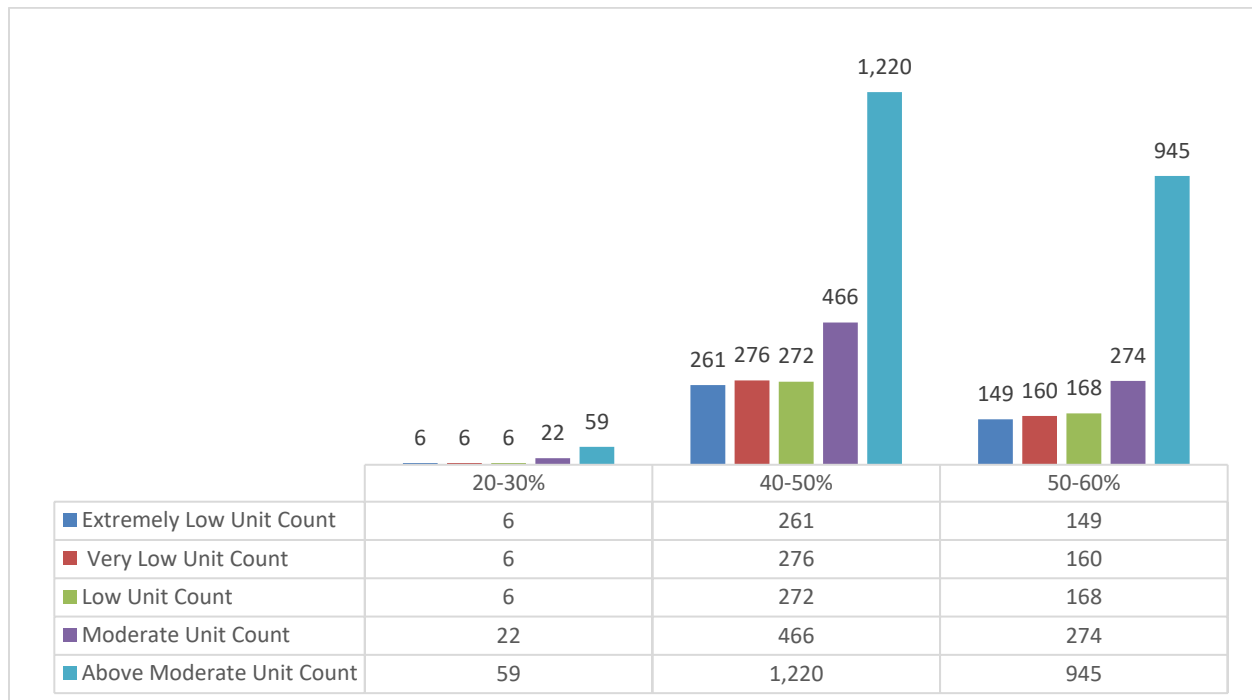


## 5.7.3 POTENTIAL EFFECT ON DISPROPORTIONATE HOUSING NEEDS & DISPLACEMENT RISK

### 5.7.3.1 Overpayment & Displacement Risk

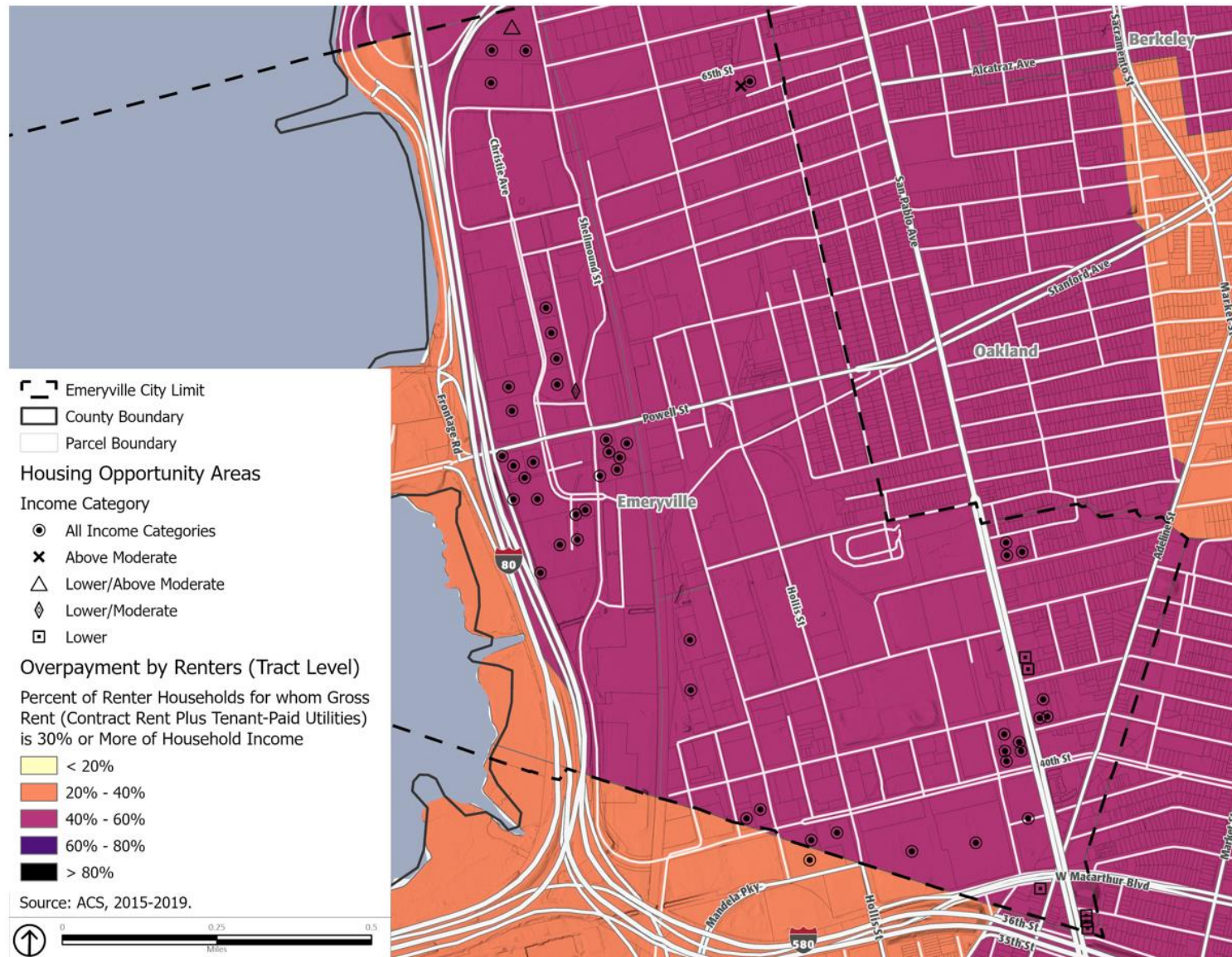
Owners and renters throughout Emeryville and the greater Bay Area are overpaying for housing because of rapidly increasing housing costs that outpace wage increases (**Figure 5-22**). An increase in the supply of lower- and moderate-income households throughout the city will help to alleviate conditions that contribute to overpayment by reducing the gap between supply and demand for this type of housing. Areas with highest rate of overpayment (between 50 to 60 percent of households experiencing overpayment) coincide with the City's low-resource area. The land inventory shows capacity for 1,304 lower income units, or 30 percent of the total lower income units, anticipated in this area. Locating lower-income housing in these areas will help reduce displacement risk for households experiencing this by providing affordable housing where there is greatest demand for these options. Typically, above moderate-income units are unaffordable to cost-burdened households, while lower- and moderate-income housing units can help alleviate overpayment. Development on land inventory sites are expected to be mixed-income with the intent of increasing the supply of affordable housing citywide, for all income categories, thus reducing risk of displacement due to overpayment for all Emeryville residents.

**Chart 5-9. Unit Count by Overpayment by Renting Households**





**Figure 5-22: Sites Inventory Analysis by Overpayment by Renters**



## 5.8 Contributing Factors

Through discussions with stakeholders, fair housing advocates, and this assessment of fair housing issues, the City identified factors that contribute to fair housing issues in Emeryville, as shown in **Table 5-8**. While there are several strategies identified to address the fair housing issues, the most pressing issues are the prevalence of poverty, which can impact educational attainment, economic mobility, patterns of concentration of lower-income households, including female-headed households, and higher rates of overpayment. In Emeryville, the City's low-resource area (which includes the San Pablo Corridor, Triangle, and East BayBridge neighborhoods) coincides with a higher rate of persons under the poverty level and a lower median income, while also showing a higher concentration of female headed households and higher rates of overpayment. While integration of a variety of housing types is necessary throughout the city, these neighborhoods have been identified as a priority area for place-based revitalization and investment. Strategies to address these fair housing issues, and more identified throughout the city, are outlined in **Table 5-9**.

The City is committed to affirmatively furthering fair housing through four distinct strategies, which provided guidance and purpose for the goals and programs the City developed to address fair housing issues. The City intends to implement the following actions to affirmatively further fair housing:

- **Place-based revitalization strategies:** S, T, U, W, X, Z, R, GG, HH, II, and J
- **Strategies to facilitate housing mobility:** A, B, D, I, KK, G, L, M, O, QQ, OO, R, CC and LL
- **Strategies to expand housing in higher income neighborhoods:** A, D, H, I, KK, M, N, O, Q, OO, R, S, CC, JJ, LL and GG
- **Strategies to reduce or prevent displacement risk:** D, H, I, M, J, Y, G, A, M Q, O, QQ, OO, P R, T, X, AA, FF, CC and EE

Actions that support the City's priority fair housing issues and contributing factors are **bolded**.

**Table 5-9. Summary of Conclusions and Findings Regarding Housing Issues in Emeryville**

Identified Housing Issues	Contributing Factors	Meaningful Actions
<b>Concentration of poverty in low-resource area</b>	<p>Concentration of affordable housing along San Pablo Avenue</p> <p>Concentration of affordable housing for Housing Choice Voucher holders in low-resource area</p>	<p>Support new housing opportunities for lower income households and vulnerable populations using funding allocated by the City's Affordable Housing Bond Administration and Expenditure Plan (Program H)</p> <p><b>Establish a prioritization strategy for affordable housing development with community input, focused on anti-displacement efforts in neighborhoods with high rates of poverty, such as the Triangle and San Pablo Corridor (Program H)</b></p> <p>Continue to seek new opportunities to partner with developers and provide land, loans or other resources to support affordable housing development to develop extremely low-, very low-, low-income and/or moderate-income housing in City-assisted development projects.</p> <p><b>Develop strategies to expand low-barrier, low-skill job opportunities within the city, such as reviewing Planning Regulations to alleviate constraints on small business establishment (Program GG).</b></p>
Concentration of female-headed households in low-resource area	<p>Shortage of large housing units, especially for renters</p> <p>Shortage of affordable housing without age restrictions</p> <p>Dominance of housing units for non-family households</p>	<p>Support new housing opportunities for lower income households and vulnerable populations (such as large families) using funding allocated by the City's Affordable Housing Bond Administration and Expenditure Plan (Program H)</p> <p><b>Establish a prioritization strategy for affordable housing development with community input, focused on anti-displacement efforts in neighborhoods with high rates of poverty, such as the Triangle and San Pablo Corridor (Program H)</b></p> <p>Promote housing designs for families with children by encouraging developers to include larger unit sizes (Program R)</p>
Access to educational attainment	<p>Prevalence of school-aged children in poverty</p> <p>Shortage of larger housing units affordable to lower income households</p> <p>Lack of permanent housing options for extremely low income households</p>	<p>Support new housing opportunities for lower income households and vulnerable populations (such as large families) using funding allocated by the City's Affordable Housing Bond Administration and Expenditure Plan (Program H)</p> <p><b>Establish a prioritization strategy for affordable housing development with community input, focused on anti-displacement efforts in neighborhoods with high rates of poverty, such as the Triangle and San Pablo Corridor (Program H)</b></p> <p>Promote housing designs for families with children by encouraging developers to include larger unit sizes (Program R)</p> <p><b>Meet with EUSD on an annual basis to identify outside factors impeding school performance that can be alleviated, such as stable housing opportunities, childcare opportunities for working parent(s), and more (Program HH)</b></p>

Identified Housing Issues	Contributing Factors	Meaningful Actions
Access to environmental conditions with neutral or positive health impacts	<p>Presence of freeways and rail lines near residential areas</p> <p>Limited access to outdoor spaces (such as parks) for healthy outdoor activities</p>	<p>Review open space requirements for new developments to ensure all residents have access to healthy outdoor spaces (Program R)</p> <p><b>Investigate opportunities to provide access to parks and recreational areas and improve existing resources in neighborhoods with higher rates of poverty (Program R)</b></p> <p>Continue to offer low-interest loans or grants through the Assessment Loan and Clean-Up Loan programs to provide financial, technical, and regulatory assistance to property owners and developers seeking to assess and remediate housing development sites on brownfields (Program S)</p>
Fair housing cases alleging discrimination on the basis of disability	<p>Cost of repairs or rehabilitation, especially for older housing units</p> <p>Lack of landlord education on fair housing laws and requirements</p> <p>Limited affordable housing appropriately designed for persons with disabilities</p>	<p><b>Targeted marketing plan to promote local resources and programs for persons with disabilities (Program O)</b></p> <p>Support new housing opportunities for persons with disabilities using funding allocated by the City's Affordable Housing Bond Administration and Expenditure Plan (Program O)</p> <p><b>Support housing repair and/or rehabilitation programs that assist lower-income households occupying housing in need of repair through funding partnerships with local non-profits, including establishing a targeted marketing plan (Program X)</b></p> <p>Facilitate the improvement of existing rental units by providing owners with capital to make needed improvements to units occupied by income-eligible tenants using funding allocated by the City's Affordable Housing Bond Administration and Expenditure Plan (Program O)</p>



## 6. Housing Resources

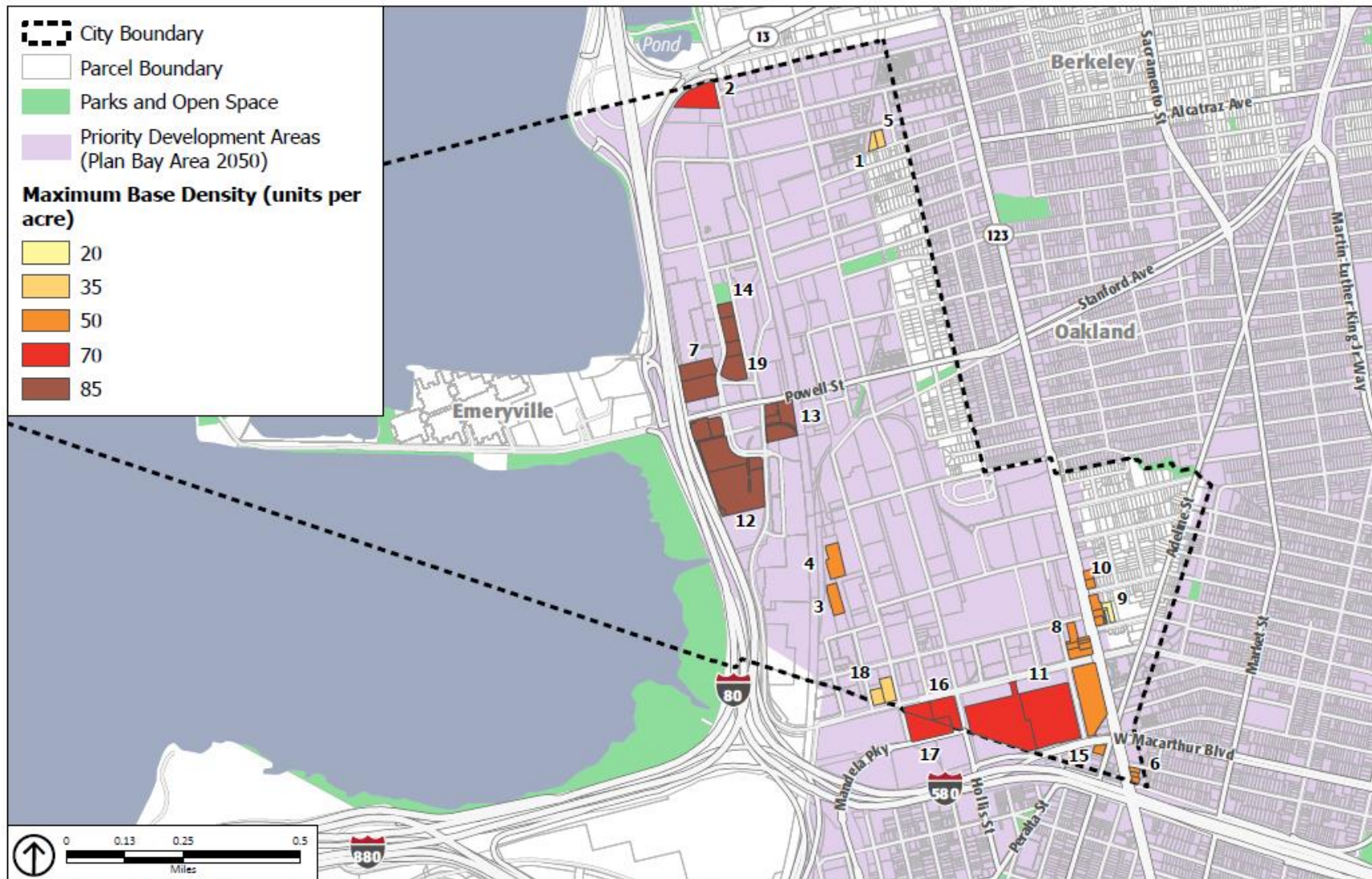
This chapter analyzes the availability of sites suitable for housing and the resources available to finance and facilitate housing development. While Emeryville is a small, built-out city, with no opportunity for outward expansion, it has been highly successful at redeveloping older industrial and commercial properties into sites for new housing. In recent decades, the City of Emeryville (City) has provided housing at a range of affordability levels on sites that were once contaminated, on non-vacant underutilized sites, and in mixed-use developments. As detailed in this chapter, Emeryville has more than enough adequate sites to accommodate the 2023–2031 Regional Housing Needs Allocation (RHNA). Further, the sites in the inventory can accommodate 150 percent of the RHNA, at each income level. The City had adequate sites in the fifth cycle planning period as well and did not need to rezone any sites to meet its fifth cycle RHNA.

### 6.1 Progress Towards RHNA

The City has a total RHNA of 1,815 units for the 2023–2031 period, of which, 39 percent (710 units) is housing for extremely low-, very low-, and low-income households. As required by state law (Government Code Sections 65583 and 65583.2), this section provides a parcel-specific inventory of suitable and appropriately zoned sites for the provision of housing for all income categories. **Program JJ** commits the City to maintaining and updating this inventory throughout the planning period to ensure that adequate sites to meet the RHNA remain available. In addition to ensuring an adequate land inventory, the City is encouraging accessory dwelling unit (ADU) production (**Program D**). As shown in **Table 6-1**, the City anticipates that 30 new ADUs will be constructed during the planning period. Counting ADUs towards a jurisdiction’s RHNA is characterized as a non-site-specific approach.

As shown in **Table 6-1**, Emeryville has adequate sites to accommodate housing development at 150 percent of the RHNA. A map depicting the location of project sites is provided as **Figure 6-1**. The land inventory provides a total capacity for 3,687 units and opportunities for the development of a variety of housing suitable for a range of household types and income levels. The inventory includes six approved projects (sites 1-6) in various stages of planning and construction, 2 vacant and 11 nonvacant sites (sites 7-19) that are appropriate for housing development. Site-specific details on the six planned and approved projects are shown in **Table 6-2**, followed by a description of each project. Site-specific details on the 13 vacant and nonvacant sites are shown in **Table 6-3**, followed by a description of each site.

Figure 6-1. Sites Inventory



Source: Emeryville, 2021; Metropolitan Transportation Commission, July 2020; PlaceWorks, 2021.

Emeryville has a strong track record of completing redevelopment projects to facilitate new residential projects. Representative projects are described in **Table-6-5**. Due to the city's land constraints, nearly all development will be infill and reuse of underutilized sites. The city's jobs base, proximity to transit, and variety of offerings have continued to make it attractive to developers, despite the difficulties associated with infill. Identified sites have a strong likelihood of being redeveloped over time.

### **6.1.1 ASSEMBLY BILL 1397**

Per Assembly Bill (AB) 1397, if a site in the 6th cycle Housing Element inventory is included to meet lower-income RHNA and it was used in previous inventories to meet lower-income RHNA (for a nonvacant site, in one prior inventory or for a vacant site, in two prior inventories), on that site, if the jurisdiction receives an application for a development that includes 20-percent affordable units, it could only be subject to a ministerial approval process. Sites 5, 7, 8, 9, 10, 11, 12, and 14 fall into this category. However, they are in the mixed-use residential (MUR) and medium high-density residential (RMH) zones where multifamily uses are already allowed by right. Per Section 9-3.303(b)(2)b, a conditional use permit (CUP) is required for any development on sites of 1 to 5 acres in the MUR/mixed use with residential and the mixed use with residential south (MURS) zones; however, the residential use itself is not discretionary. The process ensures that mixed-use developments incorporate housing. **Program KK** ensures that these sites will continue to comply with AB 1397. Multifamily uses are already allowed by right in all residential zones in Emeryville, except in the RM zone, where multifamily uses require minor conditional use permits if they are under the base density or FAR, and major conditional use permits if they exceed base density or FAR. No sites in the inventory are in the RM zone.

**Table 6-1. Capacity to Accommodate the 2023–2031 RHNA**

Income Category	RHNA	150% of RHNA	Planned and Approved Residential Developments <sup>1</sup>							Vacant Sites <sup>2</sup>	Under-utilized Sites <sup>2</sup>	Anticipated ADUs	Progress towards RHNA	Surplus at 100% of RHNA	Surplus at 150% of RHNA
			Baker Metal Live/Work	Anton Evolve AKA Bayview Emeryville Apartments (the Nady site)	The Emery (Sherwin Williams) Building C	The Emery (Sherwin Williams) Building D	65th Street Multi-Unit Residential Project	Nellie Hannon Gateway	Planned and Approved Total						
Extremely Low	225	338	-	-	-	-	-	29	29	168	166	0	363	138	25
Very Low	226	339	-	8	4	6	1	30	49	168	190	0	407	181	68
Low	259	389	-	-	5	13	1	30	49	168	182	10	409	150	20
Moderate	308	462	-	-	12	12	2	-	26	167	427	10	630	322	168
Above Moderate	797	1,196	17	178	101	153	20	1	470	167	1,231	10	1878	1081	682
<b>Total</b>	<b>1,815</b>	<b>2,723</b>	<b>17</b>	<b>186</b>	<b>122</b>	<b>184</b>	<b>24</b>	<b>90</b>	<b>623</b>	838	<b>2,196</b>	<b>30</b>	<b>3,687</b>	<b>1,872</b>	<b>963</b>

Source: Association of Bay Area Governments 2023–2031 Regional Housing Needs Allocation, 2021; City of Emeryville Planning and Building 2021.

<sup>1</sup> Planned/approved sites capacity and affordability levels are based on specific development proposals or permitted development plans. See site descriptions in section 6.1.3 for more details.

<sup>2</sup> Vacant/underutilized capacity is calculated using base allowed density, adjusted in most cases to 80 percent of the base maximum in consideration of potential site constraints and anticipated mixed-use development. While not counted here, densities above base allowed are achieved with bonus points for community benefits, which is common in Emeryville. The number of units that are appropriate for the lower-income RHNA is based on density and the City's inclusionary requirements. In accordance with the state's default density provision, sites with densities of 20 or more units are assumed to accommodate lower-income housing development. All sites in Emeryville that allow residential uses meet the default density requirement. Additionally, Emeryville's inclusionary housing requirement typically requires 18 percent of units to be reserved as affordable.

### 6.1.2 LAND INVENTORY

The term “lower-income units” is used to refer to the combined category of extremely low-, very low- and low-income units. Residential development projects that are planned or approved will provide 127 lower-income units (see the Planned and Approved Residential Projects section that follows for an analysis of specific projects). The remaining lower-income need can be accommodated with anticipated ADU construction and with capacity on vacant and underutilized sites. Pursuant to state law (Government Code Section 65583.2(c)(3)(B)), parcels zoned for a residential density of 20 units or more per acre are assumed to be appropriate to accommodate Emeryville’s lower-income RHNA. No sites have minimum residential densities. Since all of the residential areas in Emeryville allow at least 20 housing units per acre, the lower-income RHNA can be accommodated throughout the city. However, the City acknowledges that high densities do not necessarily correlate to affordability. With this in mind, the City will continue to promote the development of units that are restricted for affordability through density bonuses, regulatory incentives, streamlined processes, implementation of the Affordable Housing Set-Aside Ordinance, and funding assistance (**Programs A, B, D, G, H, L, and OO**).

As shown on **Figure 6-1**, all land inventory sites are completely in the Priority Development Area (PDA), with the exception of sites 9 and 20 where a small portion of each site are outside of the PDA. Sites 6, 16, 17 and 18 are partially in Emeryville and partially in Oakland but completely in the PDA. As further detailed in the analysis in the subsequent Facilities and Infrastructure section, all land inventory sites are served by transit, services, and City amenities. Infrastructure is available to all 19 sites. While some sites may be subject to certain environmental hazards, they don’t preclude development. See **Table-6-4** and associated narrative for information on the potential environmental hazards for each site.

### 6.1.3 PLANNED AND APPROVED RESIDENTIAL PROJECTS

As shown in **Table 6-2**, 623 new housing units are entitled in six development projects in Emeryville (sites 1-6). These numbers represent actual units approved for these specific projects. Projects are underway on sites of a variety of sizes and at densities ranging from 50 to 129 units per acre. A map depicting the location of project sites is provided as **Figure 6-1**.

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Table 6-2. Planned and Approved Residential Developments

Site No.	Project Name	Address/Location	APN(s)	General Plan Land Use	Zoning	Acres	Max. Base Density (Du/Ac)	Max. Units	Realistic (Total) Capacity	Extremely Low <sup>1</sup>	Very Low <sup>1</sup>	Low <sup>1</sup>	Moderate	Above Moderate	Prior Housing Elements	Ownership	MAX Base FAR <sup>2</sup>	MAX Base Height (feet)
1	Baker Metal Live/ Work	1265 65th Street	049-1504-002	Medium High-Density Residential	Medium High-Density Residential (RMH)	0.3	35	12	17	0	0	0	0	17	4th and 5th	Private	1	30
2	Anton Evolve AKA Bayview Emeryville Apartments (the Nady site)	6701 Shellmound Street	049-1490-002	Mixed Use with Residential	Mixed Use with Residential (MUR)	2.3	70	161	186	0	8	0	0	178	5th	Private	3	75
3	The Emery (Sherwin Williams) Building C	1450 Sherwin Avenue	049-1557-012	Mixed Use with Residential	PUD-7: Sherwin Williams Mixed-Use Project	1	50	52	122	0	4	5	12	101	5th	Private	1.5	40
4	The Emery (Sherwin Williams) Building D	1450 Sherwin Avenue	049-1557-014	Mixed Use with Residential	PUD-7: Sherwin Williams Mixed-Use Project	1.4	50	72	184	0	6	13	12	153	5th	Private	1.5	50
5	65th Street Multi-Unit Residential Project	1225 65th Street	049-1504-8	Medium High Density Residential	Medium High Density Residential (RMH)	0.4	35	14	24	0	1	1	2	20	5th	Private	1	30
6	Nellie Hannon Gateway	3600, 3610, and 3620 San Pablo Avenue	049-0950-006-01 (0.12 ac.) 049-0950-008-01 (0.11 ac.) 049-0950-001 (0.14 ac.)	Mixed Use with Residential	Mixed Use with Residential South (MURS)	0.37	50	19	90	29	30	30	0	1	No	Private	1.5	40
	TOTAL					5.77	---	330	623	29	49	49	26	470	---	---	---	---

Source: City of Emeryville Community Development Department, 2022.

<sup>1</sup> Planned/approved sites capacity and affordability levels are based on specific development proposals or permitted development plans. See project descriptions below.

<sup>2</sup> FAR = Floor Area Ratio

See **Table 6-4** for information on potential hazards for each site. No residential units currently exist on any sites in the inventory.



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Units in approved and planned projects are at various stages of construction or entitled. Below is a description of each project.

**Site 1. Baker Metal Live/Work:** On August 27, 2009, the Planning Commission approved a single CUP and Design Review permit for the reuse of the existing Baker Metal Building at 1265 65th Street for 17 residential live/work units and a 672-square-foot cafe/community room, and for the construction of five new townhomes on an adjacent vacant lot at 1276 Ocean Avenue. Now that construction of the five townhomes is complete, the applicant is preparing to initiate construction of the Baker Metal building renovations, including 17 residential live/work units. The site is 0.337 acres. Since it is smaller than a half-acre, the site is considered small by the California Department of Housing and Community Development's (HCD's) standards. However, there is ample evidence of its developability, including a base maximum density of 35 units per acre and development standards that do not constrain housing development on small sites. See the following section on Representative Projects for the City's recent track record of small site development. In September 2021 a building permit was issued for exploratory grading work related to the eastern wall of the building; in December 2021 a building permit application was submitted for a foundation and 30-foot high wall on the eastern property line; the permit was approved in June 2022 and issued in August 2022. Given the size of the site and the maximum base density allowed, the maximum base capacity under the current Planning Regulations would be 12 units. However, through the permit application process, 17 units were approved. Therefore, the realistic capacity of this site is identified in this Housing Element as 17 units.

**Site 2. Anton Evolve AKA Bayview Emeryville Apartments (the Nady site):** The Anton Evolve (Nady Site) is an industrial site undergoing redevelopment that will result in 186 rental housing units, of which, 8 will be reserved as very low income. As of March 2020, the applicant completed the demolition of all buildings on the site. All permits necessary for the demolition are considered vested. Permits for the demolition of existing foundation slab have been finalized and the building permit for the site was issued May 28, 2021. As of February 2022, the framing of the fifth floor was underway, with wood shear wall installation in progress. The eight affordable housing units were secured on December 1, 2020, by a regulatory agreement between the Developer and the City.

**Site 3. The Emery (Sherwin Williams) Building C:** The site, at 1450 Sherwin Avenue, consists of an office building and is undergoing redevelopment. Building C, included in this inventory, is part of a larger project, which includes four new buildings with 500 total residential units and 2,000 to 8,000 square feet of ground floor retail/commercial space, associated open space, and a new city park. A building permit application for park improvements was received on March 18, 2019 and is in plan review; permits for "hot spot" soil remediation and partial slab demolitions were issued on August 9, 2019. Building permits were issued on February 6, 2020, for Buildings B1, B2, C, and D for drilled displacement column ground improvements. The 1-acre site where Building C will be located and undergoing redevelopment from an existing office building to an adaptive mixed-use project was issued a building permit May 21, 2020. As of December 2021, the project was under construction. Building C will have 122 units. Of those, 4 will be reserved for very low-income households, 5 for low-income households, and 12 for moderate-income households. The 21 affordable housing units were secured on June 3, 2019, by a regulatory agreement between the Developer and the City.

**Site 4. The Emery (Sherwin Williams) Building D:** The site, at 1450 Sherwin Avenue, consists of an office building and is undergoing redevelopment. Building D, included in this inventory, is part of a larger project, which includes four new buildings with 500 total residential units and 2,000 to 8,000 square feet of ground floor retail/commercial space, associated open space, and a new City park. A building permit application for park improvements was received on March 18, 2019, and is in plan review; permits for “hot spot” soil remediation and partial slab demolitions were issued on August 9, 2019. Building Permits were issued on February 6, 2020, for Buildings B1, B2, C, and D for drilled displacement column ground improvements. The 1.43-acre site where Building D will be located will include residential units and commercial space. Building D was issued a building permit on April 22, 2020, and is under construction with the anticipated completion date of July 2023. Building D will have 153 units. Of those, 6 will be reserved for very low-income, 13 as low-income, and 12 as moderate-income units. The 31 affordable housing units were secured on June 3, 2019, by a regulatory agreement between the Developer and the City.

**Site 5. 1225 65th Street Multi-Unit Residential Project:** The 0.4-acre site is currently vacant with a former parking lot. The area is zoned for medium high density residential, and the surrounding properties are residential with a mix of commercial uses on adjacent blocks and an active parking lot on the adjacent parcel to the east. The site is not an active use. A 24 unit residential project was unanimously approved by the Planning Commission on December 9, 2021 and as of Fall 2022, the property owner intended to either submit building permits or request a one-year extension to submit building permits, before the one year anniversary of project approval on December 9, 2022. The approved project used the City’s existing bonus point system and was approved at the maximum bonus level for both density and FAR. Since it is smaller than a half-acre, the site is considered small by HCD’s standards. This project approval demonstrates ample evidence of this site’s developability, including a base maximum density of 35 units per acre and development standards that do not constrain housing development on small sites. See the Representative Projects section for the City’s recent track-record of small site development. The realistic units for this site are as approved: 24 total units. The approved allocation of units to the income categories are: Extremely Low: 0 units, Very Low: 1 unit, Low: 1 unit, Moderate: 2 units, and 20 Above Moderate units. Per the City’s Conditions of Approval, all of the affordable housing units, will be secured by a regulatory agreement between the Developer and the City prior to the issuance of a building permit.

**Site 6. Nellie Hannon Gateway:** As of September 2022 the site is a mix of vacant and occupied commercial uses with an approved project, building permits under review and has received funding awards from California Department of Housing and Community under the No Place Like Home (NPLH) program, Affordable Housing and Sustainable Communities (AHSC) program and California Housing Accelerator program. On October 20, 2020, the City approved the owner’s proposal under SB 35 and AB 1763 to build a mixed-use development with 90 residential units (89 affordable units and one manager’s unit) and 3,600 square feet for a Social Service Facility. The owner is Resources for Community Development (RCD), a local nonprofit organization. The City provided a loan for the developer’s acquisition and the pre-development. The City’s regulatory agreement on the property requires at least 39 units, where at least 38 of them are reserved for households earning between 30 and 80 percent

AMI, and at least 25 percent of the units are permanently supportive or for formerly homeless individuals. Although the site is considered small because it is less than a half-acre, the applicant worked with the City to determine how to maximize the potential of the site and the affordability of the approved units. The realistic capacity for the site is assumed to be the 90 units that were approved as part of the application. Since the project will be all affordable, for the purposes of counting units towards RHNA, one-third of the 90 units are allocated to each of the Extremely Low, Very Low, and Low Income categories, with one Above Moderate manager's unit.

#### **6.1.4 VACANT AND UNDERUTILIZED SITES**

As shown in **Table 6-3**, realistic capacities have been considered for each site, yielding 3,034 units (838 on vacant sites and 2,196 on nonvacant, underutilized sites). While Emeryville has a history of completed high-density residential projects that are at or above the base maximum density, the realistic capacity assumption allows consideration for unique site constraints, phased development that may go beyond 2031, and the potential for a mix of residential and nonresidential uses on many sites. These considerations result in a realistic capacity adjustment that yields fewer units than 100 percent of the maximum base allowed density for most of the sites, with the exception of three City-owned sites (sites 10, 13, and 14 which have realistic unit assumptions that are higher than 100 percent of the maximum base allowed density because the City has a strong track record of requiring greater densities through a request for proposals (RFP) and Development Agreement process when it is the owner of the site; sites 7, 15 and 19 use counts based on current or recent residential proposals. Representative projects are described below.

Due to the city's land constraints, all future development will be infill and reuse of underutilized sites, including some that are smaller than a half-acre. Emeryville has a strong track record of completing redevelopment projects on similarly sized sites to facilitate new residential projects. Emeryville has a history of, and current Planning Regulations to continue to support, assembling multiple small sites for larger residential development projects. Sites created by assembling multiple small parcels are consistently held under the same ownership, either through long standing ownership or via an intentional assembly of sites over time. Each of the sites in the Site Inventory with multiple parcels either has all of the sites under the same ownership, or the majority of the parcels with the same ownership with the remaining parcels serving the same purpose as the rest of site (such as surface parking). An example of a recently approved project (building permits are currently under review) is the Nellie Hannon Gateway project at 3600 San Pablo Avenue which is an assembly of three parcels totaling 0.39 acres, which once complete, will provide 90 affordable housing units. The 39th and Adeline site at 3900 Adeline Street, which is now 101 residential units, was once five parcels, all under half an acre in size. The 105 unit Intersection Apartment building at 3800 San Pablo was built on a 1.1 acre site comprised of an existing 24,242 square foot building and 23,565 square foot surface parking lot. These three examples are a small sample of projects demonstrating that Emeryville has a history of assembling and developing small parcels for residential uses. **Table 6-6** (Projects on Less Than 0.5 Acres Under 5th Cycle RHNA) further demonstrates the City's ability to develop multi-unit residential projects on small sites. The city's jobs base, proximity to transit, and variety of offerings have continued to make it attractive to developers, despite the difficulties associated with infill. Identified sites have a strong

likelihood of being redeveloped over time. It is common for developers to achieve greater than base zoning with incentives and bonuses. The City's inclusionary ordinance ensures a portion of the units will be reserved as affordable. See the section at the end of this chapter on Representative Projects for examples.

The realistic capacity and unit allocation to income levels on sites 7, 8, 9, 11, 12, and 16 through 19 use the same assumptions. On these sites, realistic capacity is estimated at 80 percent of the maximum allowed under base zoning because mixed uses are anticipated when the site is redeveloped. However, it is typical for projects in Emeryville to be built at densities greater than the base allowed due to the availability of bonuses in intensity (FAR), height, and density. All six approved projects, four of which are under construction, in **Table 6-2** were approved over base density at rates by between 116 – 256 percent. These bonuses are available to developers that provide certain community amenities, such as family friendly housing, green architecture, and public open space. Bonuses are discretionary but are determined based on a formulaic point system that requires affordable units for projects of more than 10 units, and in the RM zone must be "compatible with the surrounding neighborhood with regard to building scale, form, and materials, and street orientation" and limit driveways (EMC 9-4.204(f)). As described in **Table 4-1: Residential Land Use Classifications**, in the MUR and MURS zones, on larger sites of over an acre, a mix of residential and nonresidential uses is required; on smaller sites, a single use may be permitted. With the exception of one non-residential building that was adaptively reused, there have been no MUR or MURS sites redeveloped with 100 percent non-residential uses within the past eight years.

In accordance with the default density set by California statute, all of the sites in the inventory are considered to be zoned appropriately to facilitate housing affordable to lower-income households. However, conservatively, the estimated allocation of units to the income categories are: Extremely Low: 6 percent, Very Low: 6 percent, Low: 6 percent, Moderate: 22 percent, and Above Moderate: 60 percent. Emeryville's inclusionary housing requirement typically requires 18 percent of units to be reserved as affordable. The realistic capacity and unit allocation to income levels on sites 8 and 11 through 16 are unique. See individual site descriptions that follow **Table 6-3** for more information.

Table 6-3. Vacant and Underutilized Residential Sites

Site No.	Site Name or Area	Address/Location	APN(s)	General Plan Land Use	Zoning	Existing Use	Acres	Max. Base Density (du/ac)	Max. Units	Realistic (Total) Capacity	Extremely Low	Very Low	Low	Moderate	Above Moderate	Prior Housing Elements	Ownership	MAX Base FAR <sup>1</sup>	MAX Base Height (feet)
7	Powell Street and Christie Avenue	5801-5861 Christie Avenue	049-1494-004-08 (2.07 ac.) 049-1494-003-02 (1.64 ac.)	Mixed Use with Residential	Mixed Use with Residential (MUR)	Office building, café, warehouse	3.71	85	315	98	0	4	6	7	81	5th	Private	3	75
8	San Pablo Avenue and 40 <sup>th</sup> Street	4053 San Pablo Avenue	049-0618-021 (0.22 ac.) 049-0618-024-02 (0.20 ac.) 049-0618-033 (0.5 ac.) 049-0618-022 (0.57 ac.) 049 -618-019 (0.09 ac.)	Mixed Use with Residential	Mixed Use with Residential (MUR)	Black and White Market, a commercial building, and surface parking for the Oaks Card Club	1.68	50	79	63	4	4	4	14	38	5th	Private	1.5	40
9	NE corner of San Pablo and 41st Street	4100 San Pablo Avenue	049-1026-022 (0.08 ac.) 049-1026-023 (0.23 ac.) 049-1026-024 (0.25 ac.) 049-1026-026-2 (0.8 ac.)	Mixed Use with Residential	Mixed Use with Residential (MUR)	Bank of America branch and surface parking	1.36	20 <sup>2</sup>	27	22	1	1	1	5	13	5th	Private	0.5 & 1	30
10	NE corner of San Pablo and 43rd Street	4300 San Pablo Avenue	049-1079-17-1 (0.23 ac.) 049-1079-14-1 (0.24 ac.)	Mixed Use with Residential	Mixed Use with Residential (MUR)	Former City Recreation Center	0.47	50	24	68	23	22	22	0	1	5th	City	1.5	40
11	Bounded by San Pablo Avenue, 40th Street, and Hollis	3838 Hollis Street 3889 Emery Street 3889 San Pablo Avenue	049-619-2 (7.63 ac.) 049-619-5 (7.93 ac.) 049-619-6 (4.46 ac.)	Mixed Use with Residential	Mixed Use with Residential (MUR)	East Baybridge Shopping Center	20.02	50 <sup>2</sup>	1001	801	48	48	48	176	481	5th	Private	1.5 & 2	40 & 50
12	Bounded by Interstate 80, Powell Street, Christie Avenue, and Shellmound Street	5701 - 5795 Christie Avenue	049-1515-1-6 (1.04 ac.) 049-1515-10-11 (0.15 ac.) 049-1515-12-4 (0.15 ac.) 049-1515-7-7 (0.72 ac.) 049-1515-11-14 (2.94 ac.) 049-1515-9 (0.06 ac.) 049-1515-8-1 (0.09 ac.) 049-1515-11-7 (0.44 ac.) 049-1515-1-2 (0.04) 049-1515-11-13 (0.12 ac.) 049-1515-12-5 (6.20 ac)	Mixed Use with Residential	Mixed Use with Residential (MUR)	Powell Street Plaza	11.97	85	1023	818	49	49	49	180	491	5th	Private	3	75
13	Shellmound Street and Christie Avenue	5760-5770 Shellmound 1525-1535 Powell Street	049-1321-4-3 (0.02 ac.) 049-1321-1-2 (0.44 ac.) 049-1321-1-4 (0.37 ac.) 049-1321-3-2 (1.03 ac.) 049-1321-5 (0.18 ac.) 049-1321-4-4 (1.14 ac.)	Mixed Use with Residential	Mixed Use with Residential (MUR)	Vacant (“Site B”)	3.17	85	269	538	108	108	108	107	107	5th	City	3	75
14	TBD	5890, 5900, and 6150 Christie Avenue	049-1493-3 (0.60) 049-1493-4 (1.01 ac.) 049-1493-5 (0.61 ac.)	Mixed Use with Residential	Mixed Use with Residential (MUR)	Vacant Corp Yard	2.22	85	200	300	60	60	60	60	60	4th and 5th	City	3	75
15	US Spring Site	3637 Adeline Street	049-0481-015	Mixed Use with Residential	Mixed Use with Residential South (MURS)	Cannabis distribution and packaging; and delivery	0.29	50	15	90	29	30	30	0	1	No	Private	1.5	40
16	Michael’s Site	3991 Hollis	007 -0617-022	Mixed Use with Residential	Mixed Use with Residential (MUR)	Michael’s (commercial) with large surface parking lot	1.78	70	125	100	6	6	6	22	60	No	Private	2	50

Site No.	Site Name or Area	Address/Location	APN(s)	General Plan Land Use	Zoning	Existing Use	Acres	Max. Base Density (du/ac)	Max. Units	Realistic (Total) Capacity	Extremely Low	Very Low	Low	Moderate	Above Moderate	Prior Housing Elements	Ownership	MAX Base FAR <sup>1</sup>	MAX Base Height (feet)
17	Decathlon Site	3938 Horton Street	007-0617-022 (1.21 ac.) 007-0617-020 (2.29 ac.) (Oakland) <sup>3</sup>	Mixed Use with Residential	Mixed Use with Residential (MUR)	Decathlon (commercial) with large surface parking lot	1.21 <sup>3</sup>	70	245	68	4	4	4	15	41	No	Private	2	50
18	40th Street between Hubbard and Horton	4056 Hubbard 4045 Horton	049-0617-010 (0.53 ac.) 049-0617-009 (0.84 ac.)	Mixed Use with Residential	Mixed Use with Residential (MUR)	Rug Depot/ Bon Motif	1.37	35	48	38	2	2	2	8	24	No	Private	1	30
19	NE corner of Shellmound Way and Christie Avenue	5850 Shellmound	49-1493-6	Mixed Use with Residential	Mixed Use with Residential (MUR)	Office	1.49	85	127	30	0	20	10	0	0	No	Private	3	75
	TOTAL	---	---	---	---	---	53.11		3498	3034	334	358	350	594	1398	---	---	---	---

Source: City of Emeryville Community Development Department, 2022.

<sup>1</sup>. FAR = Floor Area Ratio

<sup>2</sup>. As shown on **Figure 6-1**, portions of Sites 9, 11 and 20 are in areas with one maximum base density, while the other portions of Sites 9, 11 and 20 are in an area with a different maximum base density. Those maximum base densities are Site 9: 20 and 50, Site 11: 50 and 70 and Site 20: 20 and 35. To estimate realistic capacity only the lowest level of maximum base density was used for each of these sites.

<sup>3</sup>. A portion of the site is in Oakland. Units counted towards Emeryville’s RHNA are calculated based on acreage in Emeryville only.

See **Table-6-4** for information on potential hazards for each site. No residential units currently exist on any sites in the inventory.



**Site 7. 5801-5861 Christie Avenue:** The Urban Design Element of the City’s General Plan envisions the area around the intersection of Powell Street and Christie Avenue as a dynamic urban core, with the tallest building heights in the city, a mix of residential and commercial uses, and active street frontages. As of December 2021, existing uses at 5801-5861 Christie Avenue included an office building, café, warehouse, and parking lots. The owner of 5801-5861 Christie Avenue has expressed interest in redeveloping the entire site and has submitted an application, with one Planning Commission study session held, for a mixed-use project that includes 98 residential units. Realistic capacity is based on the current application which includes 98 residential units. The estimated allocation of units to the income categories are: Very Low: 4 units, Low: 6 units, Moderate: 7 units, and Above Moderate: 81 units.

**Site 8. 4053 San Pablo Avenue:** The Urban Design Element of the City’s General Plan identifies the area around the intersection of San Pablo Avenue and 40<sup>th</sup> Street as a priority for transit-oriented development. It is an existing major transportation hub that includes stops for Emery Go-Round (free, local bus service in Emeryville connecting to the MacArthur BART stations) and both local and transbay AC Transit service. Existing uses include the Black and White Market, a commercial building, and a large surface parking lot. Four out of the five parcels at this site are under the same ownership (this ownership also developed the Oak Walk mixed-use residential project on the nearby north-east corner of San Pablo Avenue and 40<sup>th</sup> Street.), and all five parcels provide surface parking serving the Oaks Card Club. As discussed in the second paragraph of **Section 6.1.4**, Emeryville has a proven track record of assembling small parcels, particularly those along San Pablo Avenue and those providing surface parking and single story commercial buildings. The proximity to transit makes the site an opportunity for sustainable, equitable residential development. Mixed uses are anticipated when the site is redeveloped. Staff has contacted the property owner, a residential developer, in the past year to discuss the possibility of developing the site for mixed-use with residential and has informed the property owner of the development potential for residential at the site. The owner has expressed interest to the City in redeveloping the site, therefore the City will continue having discussions with the owner about redevelopment opportunities to bring the site to its highest and best use in the next 8 years. Realistic capacity has been calculated at 80 percent of the maximum allowable base density. The estimated allocation of units to the income categories are: Extremely Low: 6 percent, Very Low: 6 percent, Low: 6 percent, Moderate: 22 percent, and Above Moderate: 60 percent.

**Site 9. 4100 San Pablo Avenue:** Properties include large surface parking lots and a Bank of America branch. Mixed uses are anticipated when the site is redeveloped. Therefore, realistic capacity has been calculated at 80 percent of the maximum allowable base density. The property owners have considered development in the past. The owner of three of the parcels has experience in developing residential projects in Emeryville, as they developed the Oak Walk mixed-use residential project on the nearby north-east corner of San Pablo Avenue and 40<sup>th</sup> Street. Staff has had recent conversations with the property owner to discuss the possibility of developing the site for mixed-use with residential should market conditions prove favorable to such development. As discussed in the second paragraph of **Section 6.1.4**, Emeryville has a proven track record of assembling small parcels, particularly those along San Pablo Avenue and those providing surface parking and single story commercial buildings. The

estimated allocation of units to the income categories are: Extremely Low: 6 percent, Very Low: 6 percent, Low: 6 percent, Moderate: 22 percent, and Above Moderate: 60 percent.

**Site 10. 4300 San Pablo Avenue:** The site is City-owned and was formerly used as a Recreation Center. In 2019-2020 a Temporary Emergency Family Shelter, unanimously approved by the Planning Commission and partially funded by the City in a partnership with the City of Oakland, operated until a permanent facility was located in Oakland. The City has solicited proposals from developers for a 100-percent affordable development project on this site. The City anticipates that Senate Bill (SB) 35 and the state super density bonus from AB 1763 will be used. The project site is made up of two parcels totaling 20,600 square feet (0.47 acre). The City issued an RFP/Q for 68 all affordable units targeting tenant populations of extremely low-, very low-, and low-income seniors and/or youth, including youth transitioning from the foster care system and selected a developer. Since the site is smaller than a half-acre, the site is considered small by HCD's standards. However, there is ample evidence of its developability, including a base maximum density of 35 units per acre and development standards that do not constrain housing development on small sites. As discussed in the second paragraph of **Section 6.1.4**, Emeryville has a proven track record of assembling small parcels, particularly those along San Pablo Avenue and those providing surface parking and single story commercial buildings. See the Representative Projects section for the City's recent track-record of small site development. The realistic capacity for the site is assumed to be the 68 units that are in the regulatory agreement executed in October 2022. Since the project will be all affordable, for the purposes of counting units towards RHNA, one-third of the 68 units are allocated to each of the Extremely Low-, Very Low-, and Low-Income categories, with one Above Moderate manager's unit. The City has committed to the developer A-1 Bond funds provided to the City by Alameda County to support the project. As of October 2022, the City declared the property exempt surplus land because the property is being transferred for affordable housing under GC section 54221, subdivision (f)(1)(A), entered into a Lease Disposition and Development Agreement (LDDA) with the selected developer, and is in the process of reviewing the developer's preliminary application for entitlements under the Streamlined Permitting process.

**Site 11. Bounded by San Pablo Avenue, 40th Street, and Hollis:** East Bay Bridge shopping center includes a Home Depot, Nordstrom Rack, and Safeway, and several other businesses as well as extensive surface parking. The Urban Design Element of the City's General Plan contains an existing property description and a vision for this site:

"The East Bay Bridge center is comprised of multiple regional, large-scale discount and specialty stores, as well as high-density residential development. Although the residential development in the district rises to five stories, the remainder of commercial development has a lower one-story retail profile. Aside from the housing, the entire district is served by extensive surface parking, which is divided by location and use. Thus, circulation through the site and between uses is difficult for both pedestrians and vehicles. The General Plan structures the district with a gridded street network that lays the foundation for future infill development through reuse of surface parking lots with structured parking in selected locations, or a more comprehensive redevelopment of the site with new multi-level retail uses or as part of vertically mixed-use buildings. Additionally, development will also be able to capitalize on transit

access—both to the San Pablo Avenue transit center just to the east, as well as the MacArthur BART Station just  $\frac{3}{4}$  of a mile away."

Land Use Policy LU-P-21 in the General Plan states "The East Bay Bridge, Powell Street Plaza, and Marketplace shopping centers shall be intensified by consolidating parking into structures and converting surface parking lots into residential and mixed-use development—including retail, hotels, and offices; expanding the city street grid through the sites; and developing new parks and public open space. Future redevelopment of these shopping centers should include at least as much retail space as existed when this General Plan was adopted."

Staff has had recent conversations with the property owner to discuss the possibility of developing the site for mixed-use with residential should market conditions prove favorable to such development. The property owner has experience in developing and managing retail centers with significant portions of residential (such as Santana Row in San Jose) and staff has discussed the development potential of residential at this site, as well as the fact that there are no parking minimums in the City of Emeryville. Staff will continue to engage with the property owner about redevelopment opportunities at the site. The Marketplace redevelopment, which include 479 residential units, was built on existing surface level parking lots serving commercial businesses that remained open during the construction of the residential units. Prior to redevelopment, the 20-acre Marketplace site was 30-50 percent surface parking (6 to 10 acres). Through redevelopment, parking was consolidated into structures. After redevelopment, approximately 2.5 acres of parking remain at the Marketplace development. Transit is available nearby. Additionally, some shoppers access the site on foot or bike from nearby residences. The City envisions that redevelopment of other shopping centers, including identified sites will follow a similar pattern where existing uses are not discontinued as surface parking is redeveloped. The Marketplace redevelopment project serves as an example of the feasibility of the development of the East Bay Bridge shopping center.

Although this is considered a large site, the 20.01 acres is made up of several distinct areas where development could be phased in the next eight years. Mixed uses are anticipated when the site is redeveloped. Therefore, realistic capacity has been calculated at 80 percent of the maximum allowable base density. The estimated allocation of units to the income categories are: Extremely Low: 6 percent, Very Low: 6 percent, Low: 6 percent, Moderate: 22 percent, and Above Moderate: 60 percent.

**Site 12. Bounded by Interstate 80, Powell Street, Christie Avenue, and Shellmound Street:** Powell Street Plaza includes a Trader Joe's, Marshall's, Old Navy, and several other businesses as well as extensive surface parking. The plaza receives a high volume of visitor traffic. The City envisions a future mix of uses that incorporates residences, convenient circulation, pedestrian safety measures, and an interesting and inviting streetscape to create a less auto-centric place. At just over 12 acres, this site is considered large; however, the City does not anticipate its size will be an impediment to redevelopment. Due to the historic presence of railway spurs, the site consists of a mix of large multi-acre parcels and small parcels of less than half an acre, all with the same ownership. This is not a unique circumstance in Emeryville and did not impede the creation of the existing commercial development, nor the hotels with a similar parcel arrangement across the street. The Marketplace redevelopment, which include 479

residential units, was built on existing surface level parking lots serving commercial businesses that remained open during the construction of the residential units. Prior to redevelopment, the 20-acre Marketplace site was 30-50 percent surface parking (6 to 10 acres). Through redevelopment, parking was consolidated into structures. After redevelopment, approximately 2.5 acres of parking remain at the Marketplace development. Transit is available nearby. Additionally, some shoppers access the site on foot or bike from nearby residences. The City envisions that redevelopment of other shopping centers, including identified sites will follow a similar pattern where existing uses are not discontinued as surface parking is redeveloped. The Marketplace redevelopment project serves as an example of the feasibility of the development of Powell Street Plaza. Mixed uses are anticipated when the site is redeveloped. Therefore, realistic capacity has been calculated at 80 percent of the maximum allowable base density. The estimated allocation of units to the income categories are: Extremely Low: 6 percent, Very Low: 6 percent, Low: 6 percent, Moderate: 22 percent, and Above Moderate: 60 percent.

The Urban Design Element of the City's General Plan contains a description of the existing area and renderings of what the Powell Street Plaza may look like as a mixed use residential development.

Land Use Policy LU-P-23 of the General Plan states “The Powell Street Plaza site shall be encouraged to redevelop as a high-intensity, high-rise, mixed-use development that complements the Powell Street entrance to the city from the freeway.”

As part of outreach to the development community, staff has reached out to the property owner in the past year to make sure that they are aware of the development potential of the site, including residential uses, and to inform them that there are no longer required parking minimums in the City of Emeryville. Staff will continue to engage with the property owner to discuss redevelopment opportunities.

**Site 13. Shellmound Street and Christie Avenue:** "Site B" is 3.17 acres, vacant, City-owned, and under the Surplus Land Act. Due to the historic presence of railway spurs, the site consists of a mix of large multi-acre parcels and small parcels of less than half an acre. This is not a unique circumstance in Emeryville and did not impede the creation of the existing commercial development, nor the hotels with a similar parcel arrangement across the street. The northern portion is a parking lot, and the southern portion is unimproved dirt with no uses. The City will require a certain amount of affordable units on the site. However, it is not clear at this time how many. For the purpose of counting units towards RHNA, the estimated allocations to the income categories are 20 percent to each category. The realistic units for this site are calculated at 200 percent of the base maximum density allowed because the site is completely vacant and City owned. The maximum base density of 200 percent is a conservative estimate given that the City typically requires many more units when issuing an RFP/Q for development of City-owned sites. For example, in 2021, the City issued an RFP/Q for site 10 at the northeast corner of San Pablo and 43rd Street that specified 68 units, while the base zoning for the site would only yield 16 units.

As a former redevelopment agency property, Site B is subject to the Long Range Property Management Plan (“LRPMP”) approved by the State Department of Finance on November 20, 2015. Pursuant to the LRPMP, “The intent of the Successor Agency is to transfer the assemblage of parcels known as South Bayfront Site B to the City in order to be retained for future development of a project identified in, and in accordance with, the 1976 Redevelopment Plan, the 2010-2014 Implementation Plan, and the City’s General Plan and any applicable specific plans.”

The 1976 Redevelopment Plan identified Site B as part of “Area III” and states that the “redevelopment of this area would seek to stop the exodus of major industrial uses from the area, intensify the development of property presently underutilized and develop appropriate commercial and residential development, especially along the freeway frontage.” Additionally, the 1976 Redevelopment Plan recognizes that “the Agency may assist the development of new commercial and residential development within Area III in order to strengthen the economic and employment base of Emeryville, as well as to provide a greater residential market within Emeryville.” The 2010-2014 Implementation Plan indicates that the South Bayfront Site B project “will further serve as an end-cap for the existing Bay Street Site A mixed use development.”

The LRPMP also states “as required by Assembly Bill 470 (Government Code Section 52200 et.seq.), the City will be required to hold a public hearing and adopt findings that the sale or lease of South Bayfront Site B will assist in the creation of “economic opportunity” as defined. Section 52200.2 provides that “economic opportunity” includes projects that create affordable housing, are included in a sustainable communities strategy adopted in accordance with Senate Bill 375 or are a transit priority project as defined in Public Resources Code Section 21155.”

As of October 2022, the City anticipates that groundwater remediation work will start in July 2023. Once the remediation and ground water testing of the site is completed and approved by the California Department of Toxic Substances Control (DTSC), the City will issue an RFP for the redevelopment of the site. The City anticipates that the site will be redeveloped within the next eight years.

**Site 14. 5890, 5900, and 6150 Christie Avenue:** The City-owned Corp Yard is on this 2.35-acre site between Christie Avenue and Market Drive, north of 59th Street. The City plans to move the Corp Yard elsewhere and solicit development on this site. The Christie Sites were acquired by the Emeryville Redevelopment Agency using Low and Moderate Income Housing Funds and, after dissolution of the Emeryville Redevelopment Agency, were transferred to the City as a housing asset. Accordingly, these properties must be developed with affordable housing. On January 18, 2022 the City Council held a study session directing staff to prepare a Request for Qualifications/Proposals for the development of a project that prioritizes the development of dense and affordable housing on the sites. The RFQ/P was released in July 2022 and developer selection by City Council is anticipated in November 2022. Additionally, in July 2022, the City declared the property exempt surplus land for development of a mixed-use project with a minimum of 300 residential units with at least 25 percent restricted for lower income households. The City received six development proposals in August 2022, which all exceeded the exempt surplus land requirements by providing more than 300 residential units and more than 25% of the units restricted for lower income households. For the purpose of counting units towards RHNA,

the estimated allocations to the income categories are 20 percent to each category. The realistic units for this site are calculated based on the minimum units required (300) in the RFQ/P. This is approximately 160 percent of the base maximum density allowed. The site is completely vacant and City owned. In a similar example, in 2021, the City issued an RFP/Q for site 10 at the northeast corner of San Pablo and 43rd Street that specified 68 units, while the base zoning for the site would only yield 16 units.

**Site 15. US Spring Site:** The site is 0.29 acres and located on the southwest corner of Adeline Street and West MacArthur Boulevard. This site was a former truck shop for the repair and replacement of truck springs and is currently a cannabis business that is involved in the infusion of cannabis oils into edible products and tinctures; cannabis distribution and packaging; and delivery. The property owner has submitted an application to demolish the existing building and build a new residential development. The proposal is for a seven-story, 100-percent affordable rental housing project. Units would be reserved for households with special needs who are either homeless, or at-risk of homelessness and supportive services would be provided. The project will offer approximately 90 affordable apartment units, including 22 one-bedroom units (24 percent), 67 studio units (74 percent), and one manager's unit. All studios will be 400 square feet and one-bedroom units will be 575 square feet. A pre-application was submitted in February 2021, and a Planning Commission study session was held in March of 2021. The application is still pending. The applicant, McCormack Baron and Salazar (MBS) expressed intention to apply for planning approval under SB 35, which mandates ministerial approval and AB 1763, which specifies no density limit for projects within one-half mile of transit. Although the site is considered small, development is likely to occur due to the streamlining process under SB 35 and the waiver of a density limit for projects near transit under AB 1763. Realistic capacity for this site is calculated as 90 units since there is a pending application for such a project. The realistic capacity for the site is assumed to be the 90 units that are specified in the developer's proposal. Since the project will be all affordable, for the purposes of counting unit towards RHNA, one-third of the 90 units are allocated to each of the Extremely Low, Very Low-, and Low-Income categories, with one Above Moderate manager's unit.

**Site 16. Michael's Site:** The site is currently a Michael's arts and craft store with a large surface parking lot.

"The East Bay Bridge center is comprised of multiple regional, large-scale discount and specialty stores, as well as high-density residential development. Although the residential development in the district rises to five stories, the remainder of commercial development has a lower one-story retail profile. Aside from the housing, the entire district is served by extensive surface parking, which is divided by location and use. Thus, circulation through the site and between uses is difficult for both pedestrians and vehicles. The General Plan structures the district with a gridded street network that lays the foundation for future infill development through reuse of surface parking lots with structured parking in selected locations, or a more comprehensive redevelopment of the site with new multi-level retail uses or as part of vertically mixed-use buildings. Additionally, development will also be able to capitalize on transit access—both to the San Pablo Avenue transit center just to the east, as well as the MacArthur BART Station just  $\frac{3}{4}$  of a mile away."

Land Use Policy LU-P-21 in the General Plan states “The East Bay Bridge, Powell Street Plaza, and Marketplace shopping centers shall be intensified by consolidating parking into structures and converting surface parking lots into residential and mixed use development—including retail, hotels, and offices; expanding the city street grid through the sites; and developing new parks and public open space. Future redevelopment of these shopping centers should include at least as much retail space as existed when this General Plan was adopted.”

Staff has had recent conversations with the property owner to discuss the possibility of developing the site for mixed-use with residential should market conditions prove favorable to such development. The property owner has experience in developing and managing retail centers with significant portions of residential (such as Santana Row in San Jose) and staff has discussed the development potential of residential at this site, as well as the fact that there are no parking minimums in the City of Emeryville. The Marketplace redevelopment, which include 479 residential units, was built on existing surface level parking lots serving commercial businesses that remained open during the construction of the residential units. Prior to redevelopment, the 20-acre Marketplace site was 30-50 percent surface parking (6 to 10 acres). Through redevelopment, parking was consolidated into structures. After redevelopment, approximately 2.5 acres of parking remain at the Marketplace development. Transit is available nearby. Additionally, some shoppers access the site on foot or bike from nearby residences. The City envisions that redevelopment of other shopping centers, including identified sites will follow a similar pattern where existing uses are not discontinued as surface parking is redeveloped The Marketplace redevelopment project serves as an example of the feasibility of the development of the Michael’s Site. The staff will continue to engage with the property owner about redevelopment potential for the site to bring it to its highest and best use.

Mixed uses are anticipated when the site is redeveloped. Therefore, realistic capacity has been calculated at 80 percent of the maximum allowable base density. The estimated allocation of units to the income categories are: Extremely Low: 6 percent, Very Low: 6 percent, Low: 6 percent, Moderate: 22 percent, and Above Moderate: 60 percent.

**Site 17. Decathlon Site:** The site is a former Decathlon sporting goods retailer with a large surface parking lot that closed in early 2022. A future tenant has not been identified. Staff has had recent conversations with the property owner to discuss the possibility of developing the site for mixed-use with residential should market conditions prove favorable to such development. The staff will continue to engage with the property owner about redevelopment potential for the site to bring it to its highest and best use. The Marketplace redevelopment, which include 479 residential units, was built on existing surface level parking lots serving commercial businesses that remained open during the construction of the residential units. Prior to redevelopment, the 20-acre Marketplace site was 30-50 percent surface parking (6 to 10 acres). Through redevelopment, parking was consolidated into structures. After redevelopment, approximately 2.5 acres of parking remain at the Marketplace development. Transit is available nearby. Additionally, some shoppers access the site on foot or bike from nearby residences. The City envisions that redevelopment of other shopping centers, including identified sites will follow a similar pattern where existing uses are not discontinued as surface parking is redeveloped The Marketplace redevelopment project serves as an example of the feasibility of the development of the



Decathlon Site. Mixed uses are anticipated when the site is redeveloped. Therefore, realistic capacity has been calculated at 80 percent of the maximum allowable base density. The estimated allocation of units to the income categories are: Extremely Low: 6 percent, Very Low: 6 percent, Low: 6 percent, Moderate: 22 percent, and Above Moderate: 60 percent. A portion of the site is in Oakland. Units counted towards Emeryville's RHNA are calculated based on acreage in Emeryville only.

**Site 18. 40th Street between Hubbard and Horton:** The site contains older, underutilized commercial buildings that are frequently advertised for lease. Current businesses on the site are Rug Depot and Bon Motif and are owned by the property owner. Staff has had multiple conversations during the 5<sup>th</sup> Housing Cycle with the current owner about the development potential of the site. Staff will continue to engage with the property owner about redevelopment potential for the site. Mixed uses are anticipated when the site is redeveloped. Therefore, realistic capacity has been calculated at 80 percent of the maximum allowable base density. The estimated allocation of units to the income categories are: Extremely Low: 6 percent, Very Low: 6 percent, Low: 6 percent, Moderate: 22 percent, and Above Moderate: 60 percent.

**Site 19. NE corner of Shellmound Way and Christie Avenue:** The site is 1.49 acres on the northeast corner of Christie Avenue and Shellmound Way. An older, underutilized office building is on the site. The owner has expressed interest in redeveloping the site numerous times and, as of October 2022, an application has been submitted for mixed use project that includes research and development facilities and 30 affordable units. The estimated allocation of units based on the current application is 10 low and 20 very low units.

## **6.2 Additional Opportunities for Residential Development and Affordable Housing**

Emeryville has a strong track record of developing housing and creating affordable housing in addition to those units identified in its Housing Element Site Inventory by:

- Adding Accessory Dwelling Units (ADUs),
- Increasing the density of developed properties in the RM and Mixed-Use zones by adding more dwelling units,
- Using unique opportunities to increase affordable housing, such as preservation of existing units.

Despite the City's proven track record of adding residential units (particularly affordable units) by these methods, in an effort to maintain a conservative count and methodology for RHNA, the only types of these units that are included in Table 6-1 (Capacity to Accommodate the 2023–2031 RHNA) are ADUs.

### **6.2.1 ACCESSORY DWELLING UNITS**

During the 5th cycle planning period, as of October 2021, a total of 13 applications for a total of 16 ADUs were approved, including:

- Two in 2016
- Zero in 2017

- Zero in 2018
- One in 2019
- Eight in 2020
- Five in 2021

The average annual number of approved applications from 2018 through 2021 (four years) was 3.5. Assuming the same rate for the duration of the 6th cycle planning period and including those units already approved but not constructed, the City anticipates that 30 ADUs will be constructed during the planning period.

Association of Bay Area Governments (ABAG) provided guidance to its jurisdictions for considering ADU affordability levels while developing their Housing Element sites inventory analyses. The guidance is based on a 2020 report by the Center for Community Innovation at the University of California (UC) at Berkeley, *“Implementing the Backyard Revolution: Perspectives of California’s ADU Homeowners.”* In a memo dated September 8, 2021, ABAG presented a recommendation for assumptions for Housing Elements and describes them as more conservative than the results found in the UC Berkeley report. ABAG recommends that jurisdictions anticipate that the affordability of ADUs will breakdown as:

- 30 percent will be affordable to Very Low Income (0-50 percent area median income [AMI])
- 30 percent will be affordable to Low Income (51-80 percent AMI)
- 30 percent will be affordable to Moderate Income (81-120 percent AMI)
- 10 percent will be affordable to Above Moderate Income (120+ percent AMI)

As shown in **Table 6-1**, a more conservative approach is taken for counting Emeryville’s ADUs towards the City’s RHNA, with 10 each counted in the Low, Moderate, and Above Moderate-income categories.

### 6.2.2 ADDING UNITS IN THE RM ZONE

While only one parcel (49-1177-6-4, one of three parcels that make up Site 21) listed in the site inventory is located in the RM zone, in addition to ADUs, City staff anticipate additional residential development in areas zoned RM as owners of properties with existing units decide to add new residential units. While Emeryville is not counting any units towards its 2023-2031 RHNA for anticipated additional residential development in the RM zone as owners of properties with existing units decide to add new residential units, it’s important to note that this technique continues to be a successful method for the City to facilitate additional housing. Duplexes are a permitted use in the RM zone, and multi-unit residential properties may be approved with a Minor Conditional Use Permit if they do not exceed the base FAR or residential density levels. Additionally, **Programs B and LL** will help to facilitate additional housing units in the RM zone by permitting up to four units by-right and removing base FAR and density maximums. There have been six examples of this type of development in the RM zone during the 5<sup>th</sup> Housing Element Cycle (as of April 2022), resulting in 11 new housing units:

- 1270 Ocean Avenue (demolition of a single-unit replaced by three units)
- 1017 47<sup>th</sup> Street (additional unit and two ADUs on a property with one existing unit)
- 5534 Beaudry Street (additional unit and two ADUs on a property with one existing unit)

- 1036 45<sup>th</sup> Street (additional unit on a property with two existing units)
- 5874 Beaudry Street (additional unit on a property with two existing units)
- 1291 55<sup>th</sup> Street (additional unit on a property with one existing unit)

All of these developments have occurred on parcels smaller than a quarter of an acre. Per Section 9-5.1206(b)(2) requires the City Council to approve the demolition of residential structures by making findings that include that "the applicant will provide at least the same number of dwelling units as the demolished structure, either on-site or elsewhere within the City of Emeryville." All demolitions approved during the 5th Housing Cycle have resulted in housing replaced on-site; with most projects resulting in a net increase in units. More information is provided below in the Representative Projects Section.

### **6.2.3 ADDING UNITS IN MIXED USE ZONES**

In addition to sites in the RM zone, there is precedent for small sites in Mixed Use Zones to be developed that have not been identified in the Site Inventory List. 3600 San Pablo is a site of less than a half-acre that was approved under SB 35 in MURS zone for 90 residential units, 89 of which are affordable. As of April 2022 plans were under Building permit review. More information is provided below in the Representative Projects Section.

### **6.2.4 UNIQUE OPPORTUNITIES TO INCREASE AFFORDABLE HOUSING.**

One approach to creating affordable housing is to convert existing market-rate units to deed-restricted affordable housing. In limited quantities, HCD may allow a jurisdiction to include this type of conversion as another non-site-specific approach with anticipated units counted towards a jurisdiction's lower-income RHNA. While Emeryville is not counting any units towards its 2023-2031 RHNA for converting existing housing as affordable, it's important to note that this technique continues to be a successful method for the City to facilitate affordable housing. For example, as part of the EmeryStation Overland project, 10 units will be converted from market rate to affordable. The developer is proposing to create these affordable units as a way to obtain development bonus points to increase the height of the proposed structure, using the City's existing development bonus system. The developer is earning a portion of the bonus points that are required to increase the height of the project by preserving 10 existing live/work units in a building adjacent to the proposed project as affordable (three very low-income and seven low-income units).

## **6.3 Environmental Considerations**

### **6.3.1 TOXIC CLEANUP**

As noted in Section 4, Constraints, the City has implemented and will continue to implement a Brownfield Program to use grant funds to clean up City-owned land and to distribute assessment and clean-up loans to private property owners. This program has been instrumental in expediting the cleanup of many sites. (**Program S.**)

## 6.3.2 HAZARDS

The City's 2019-2024 Local Hazard Mitigation Plan Update identifies and evaluates potential natural and human-made hazards that may affect the city and presents mitigation strategies that the City can take to address these hazards. The sites in the Housing Element land inventory were screened for potential hazards, including tsunamis, liquefaction, sea-level rise (SLR), landslides, and floods (see **Table 6-4**).

### 6.3.2.1 Tsunamis

A tsunami is a wave or series of waves activated by an earthquake, landslide, and volcanic eruption.<sup>10</sup> As shown in **Table 6-4**, sites 2, 3, 4, 7, 8, 12, 13, 14, 18 and 19 are located in a tsunami zone;<sup>11</sup> however, they are not considered undevelopable. Tsunamis are rare and the City does not have regulations specific to building within a tsunami zone. The City's 2019-2024 Local Hazard Mitigation Plan Update describes the actions the City may take to mitigate risk associated with tsunamis, including placing evacuation route signs on streets and enhancing emergency response and recovery capacity.

### 6.3.2.2 Liquefaction

Liquefaction is a phenomenon in which the strength and stiffness of a soil is reduced by earthquake shaking or other rapid loading.<sup>12</sup> It is loose, water-saturated sediments that lose durability and fail during strong ground shaking.<sup>13</sup> As shown in **Table 6-4**, all sites in the land inventory are in a liquefaction zone; however, they are not considered undevelopable. The entire City of Emeryville lies within a liquefaction hazard zone.<sup>14</sup> The City does not have regulations specific to building within a liquefaction zone. The City's 2019-2024 Local Hazard Mitigation Plan Update identifies the steps the City may take to mitigate risk associated with liquefaction, including edge containment structures (e.g., berms, dikes, retaining walls, etc.), driving piles, removal or treatment of liquefiable soils, or modifications of site geometry.

### 6.3.2.3 Sea-Level Rise

The Bay Area Sea-Level Rise Analysis and Mapping Project published the 2017 report, *Adapting to Rising Tides*, which provides SLR inundation maps indicating the depth of inundation or flooding over land and water features. Several scenarios are provided with varying ranges of SLR depth and severity of potential storm surges. In the map characterized in the report as the most likely scenario for the year 2050, low-lying areas are shown with 12 inches of SLR, relative to levels in the year 2000. None of these inundation areas intersect with sites in the inventory. The City's 2019-2024 Local Hazard Mitigation Plan Update describes steps the City may take to mitigate risks associated with SLR, such as restoring and building up wetlands along areas of risk of inundation propagated by SLR.

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<sup>10</sup> California Department of Conservation, 2021, "Tsunami Educational Materials and FAQ,"

<sup>11</sup> State of California, 2009, Tsunami Inundation Map for Emergency Planning, Map name Quadrangle, County name County; produced by California Emergency Management Agency, California Geological Survey, and University of Southern California – Tsunami Research Center; dated date on the map, mapped at 1:24,000 scale

<sup>12</sup> Local Hazard Mitigation Plan Update, 2019, "Earthquakes."

<sup>13</sup> California Department of Conservation, 2021, "Tsunami Educational Materials and FAQ."

<sup>14</sup> Local Hazard Mitigation Plan Update, 2019, "Earthquakes."

#### 6.3.2.4 Landslides

Landslides are the movement of a mass of rock, debris, or earth down a slope<sup>15</sup> and are induced by strong earthquakes and heavy rain.<sup>16</sup> As shown in **Table 6-4**, according to the California Geological Survey Map, sites 5 and 10 are susceptible to deep-seated landslides. The California Geological Survey Map relies on regional estimates of rock strength and steepness of slopes since weak rocks and steep slopes are most likely to generate landslides<sup>17</sup>. The map identifies site 5 and 10 as a class 7 susceptibility on a scale from 0 to 10, low to high<sup>18</sup>. However, like the rest of Emeryville, sites 5 and 7 are relatively flat. According to the City's 2019-2024 Local Hazard Mitigation Plan Update, Emeryville is not susceptible to earthquake-triggered landslides.

#### 6.3.2.5 Floods

Floodplains are any land area subject to inundation by floodwaters of any source. The map used to screen the sites for flood hazards is the Best Available Map (BAM) developed by the Department of Water Resources (DWR). It displays potential exposure to flooding for three different storm events: one with storm flows that have a 1- percent chance of being equaled or exceeded in any year (100-year), one with storm flows that have a 0.5- percent chance of being equaled or exceeded in any year (200-year), and one with storms flows that have a 0.2-percent chance of being equaled or exceeded in any year (500-year).<sup>19</sup> According to the BAM, no sites were identified to be in either a DWR 100-year Flood Zone, Federal Emergency Management Agency (FEMA) 100-year Flood Zone, or a FEMA 500-year Flood Zone.

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<sup>15</sup> United States Geological Survey, 2022, "What is a landslide and what causes one?"

<sup>16</sup> California Department of Conservation, 2021, "DOC Maps: California Geological Survey," California Landslide Inventory.

<sup>17</sup> Susceptibility to Deep-Seated Landslides in California Alternate titles California Geological Survey Map Sheet 58 Publication date 2011-05-01 00:00:00 Revision date 2018-09-24 00:00:00

<sup>18</sup> Susceptibility to Deep-Seated Landslides in California Alternate titles California Geological Survey Map Sheet 58 Publication date 2011-05-01 00:00:00 Revision date 2018-09-24 00:00:00

<sup>19</sup> California Department of Water Resources 2002, "Best available Maps."

**Table 6-4: Potential Hazards by Site**

Site Number	In Tsunami Zone	In Liquefaction Zone	In SLR Zone	In Landslide Hazard Zone	In DWR 100-Year Flood Zone	In FEMA 100- Year Flood Zone	In FEMA 500- Year Flood Zone
1	No	Yes	No	No	No	No	No
2	Yes	Yes	No	No	No	No	No
3	Yes	Yes	No	No	No	No	No
4	Yes	Yes	No	No	No	No	No
5	No	Yes	No	No	No	No	No
6	No	Yes	No	No	No	No	No
7	Yes	Yes	No	Yes (zone 7)	No	No	No
8	No	Yes	No	No	No	No	No
9	No	Yes	No	No	No	No	No
10	No	Yes	No	No	No	No	No
11	No	Yes	No	No	No	No	No
12	Yes	Yes	No	Yes (zone 7)	No	No	No
13	Yes	Yes	No	No	No	No	No
14	Yes	Yes	No	No	No	No	No
15	No	Yes	No	No	No	No	No
16	No	Yes	No	No	No	No	No
17	No	Yes	No	No	No	No	No
18	Yes	Yes	No	No	No	No	No
19	Yes	Yes	No	No	No	No	No

Sources: See footnotes and associated narrative above Table 6-4.

## 6.4 Facilities and Infrastructure

Public facilities and infrastructure have a direct influence on a city's ability to accommodate residential growth. All sites in the inventory have access to facilities and infrastructure, including dry utilities. As described in greater detail in the Constraints section, sewer and water capacity are sufficient to serve the sites in the site inventory. As an older city, Emeryville has had a water supply system in place for many years. The former industrial users demanded large quantities of water to serve their businesses, so the system was built to accommodate large capacities. The system is regularly maintained and upgraded to serve densification. Currently, the water supply system has capacity for growth. Where there is insufficient localized capacity to serve proposed development, upgrades or installations are required as conditions of project approval.

See the Constraints section for information on infrastructure, including water supply, wastewater treatment, and dry utilities. The Assessment of Fair Housing section has details on the sites' locations as related to the fair housing factors, including proximity to facilities, including schools, parks, grocery stores, and public transit.

## 6.5 Representative Projects

As a small urban community, the City of Emeryville is uniquely skilled in the review and facilitation of nonvacant and small sites because nearly all development in the City takes place on nonvacant and small sites. The City's General Plan and Planning Regulations are designed with redevelopment in mind generally, and particularly dense, urban redevelopment. This is reflected by high development intensity limits (including density, height and Floor Area Ratio) and no parking requirements. Coupled with these regulations, the City's permitting process for development is streamlined and minimizes the number of public meetings required to issue development permits. Emeryville does not have a separate design review board, no historic districts, and no special commissions/committees with land use or development approval authority. The City staff that process development entitlements and building permits all possess extraordinary experience in redevelopment of urban areas, which further facilitates the redevelopment process. Combining these factors reduces the risk and costs associated with predevelopment, which makes redevelopment in Emeryville more feasible than in area communities that do not have these characteristics (holding all other factors constant).

Additionally, with regard to Affordable Housing the City has significant financial resources available to facilitate redevelopment. The City dedicates 20 percent of residual property tax increment revenues to affordable housing and has obtained voter authorization to issue \$50,000,000 in general obligation bonds to support affordable housing.

**Table 6-5** includes multiple projects constructed in Emeryville in mixed use zones on sites larger than an acre. These sites result in residential densities of between 47 percent of base density (Parcel C), and 246 percent of base density (Sherwin-Williams Building B1), with an average density of 167 percent over base. Parcel C is an outlier, as it is the only project under 100 percent of base, and it is housing developed as a wrap for a commercial use and parking structure to maximize utility of the site. All of these projects include reserved affordable, Below Market Rate (BMR) units, as identified in the table. Redevelopment of previously developed sites is commonplace in Emeryville. **Table 6-5** describes the former uses of each site. Infill development is encouraged in Emeryville.



Table 6-5: Representative Projects

Project Name	Project Location	Status	GP / Zone	Acreage	Dwelling Units	Allowed Density (units per acre) Base/Bonus	Actual Project Density (units per acre)	Allowed FAR Base/Bonus	Actual Project FAR	Below Market Rate (BMR) Units				Project Description and Prior Uses
										Very Low	Low	Moderate	Total BMR	
The Intersection Mixed-Use Project (Maz Site)	3800 San Pablo Avenue	Certificate of Occupancy issued 09/21/2021	MURS	1.1	105	50 / 100	95	1.5 / 3.0	2.24	0	11	0	11	Reuse of an existing 25,000 square foot building for commercial uses and a new 105-unit rental apartment building and parking structure on the existing surface parking lot. <b>Prior uses</b> included commercial showroom, storage, minor office use and a surface parking lot.
Sherwin-Williams Building B1	1450 Sherwin Avenue	Building Permit issued May 6, 2020; currently under construction. Estimated completion: mid May 2022	MUR	0.52	64	50 / 100	123	1.5 / 3.0	3.42	2	4	5	11	New construction: residential with ground floor retail. Part of the larger Sherwin-Williams Redevelopment project. <b>Former use:</b> paint factory.
Sherwin-Williams Building B2	1450 Sherwin Avenue	Building Permit issued April 2, 2020; currently under construction. Estimated completion: mid May 2022	MUR	1.48	130	50 / 100	88	1.5 / 3.0	2.79	8	8	6	22	New construction: residential with ground floor retail. Part of the larger Sherwin-Williams Redevelopment project. <b>Former use:</b> paint factory.
Estrella Vista	3706 San Pablo Avenue	Constructed and fully occupied in 2020	MURS	1.13	87	50 / 100	77	1.5 / 3.0	-	70	16	0	86	87 rental apartments (studios, one-, two-, three- and four-bedroom units), ranging in size from 569 square feet to 1,572 square feet. Reserved as affordable for 20-60 percent AMI, plus an on-site manager unit. <b>Former use:</b> blighted commercial buildings that had to be demolished for public safety.
Parcel C (w/ groundfloor retail)	5900 Shellmound	Planning Approval Granted May 28, 2015	MUR / PUD-2	1.65	66	85 / 170	40	-	1.4	0	3	4	7	FAR lower because garages don't count towards FAR. Garage and ground floor commercial primary uses of building. Parking garage wrapped with residential units. The site was <b>previously used</b> as a parking lot.
Emme	6350 Christie Avenue	CO issued 12/14/2016	MUR / PUD-2	1.2	190	85 / 170	158	3.0 / 6.0	3.41	29	0	0	29	A new residential building. Phase one of the Marketplace Redevelopment Project Planned Unit Development (PUD). The site was <b>previously used</b> as a parking lot.

Source: City of Emeryville 2022

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Table 6-6 contains all of the projects during the 5<sup>th</sup> Housing Element Cycle through 2021 that contribute to the City's RHNA that are on sites of less than 0.5 acres. These 11 projects include:

- Three projects on sites of between 0.25 – 0.5 acres. These three projects are located in the RMH or MURS zone and have densities of dwelling units per acre between 142 percent - 474 percent over maximum base density. The first two projects (Baker Metal and 65<sup>th</sup> Street Multi-Unit Residential Project) demonstrate that the development bonus system, unique to the City of Emeryville, is effective in obtaining densities over the maximum base. The third project (Nellie Hannon Gateway) was the first project in Emeryville approved using SB 35, resulting in 90 new units, 89 of which are affordable. These projects demonstrate not only the feasibility of developing sites of less than half an acre, but that projects between 0.25 – 0.5 acres can generate a high number of units when using the City's development bonus system or SB 35.
- The remaining eight projects are all in the RM zone, and all of the projects are on lots less than 0.25 acres. Only one of the sites did not maximize the number of units permitted under base zoning. Of note, two of these projects (Additional Unit at 1017 47<sup>th</sup> Street and Additional Unit at 5534 Beaudry Street) were single-unit buildings, turned in to duplexes. Not conveyed on this chart is that both properties also added two ADUs, effectively turning a single-unit property into a four-unit property. These projects demonstrate the robust opportunities available in Emeryville to add additional units to sites of under 0.25 acres.

**Table 6-7** contains all of the projects during the 5<sup>th</sup> Housing Element Cycle through 2021 that were not included in the 5<sup>th</sup> Cycle Site Inventory List. These seven projects demonstrate that there are many additional opportunities for residential development outside of those included in the Site Inventory List, and that with opportunities such as SB 35, these sites may contribute significantly to the City's ability to provide affordable housing units. Aside from the one project in the MURS zone (Nellie Hannon Gateway) that used SB 35 to obtain 474 percent of base density, all of the projects are in the RM zone and include units at 100 percent of base density. Additionally, all of these projects are on sites of less than a half-acre, demonstrating that lot size is not an impediment to development in the City of Emeryville.

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Table 6-6: Projects on Less Than 0.5 Acres Under 5th Cycle RHNA

Project Name	Address/	APN(s)	General Plan Land Use	Zoning	Acres	Max. Base Density (Du/Ac)	Max. Units at Base Density	Existing Unit to be Demolished	Existing Units to Remain	Approved New Unit	Total Units	MAX Base FAR <sup>2</sup>	MAX Base Height (feet)	Percentage of Total Units Compared to Base
Baker Metal Live/ Work	1265 65th Street	049-1504-002	Medium High-Density Residential	Medium High-Density Residential (RMH)	0.3	35	12	0	–	17	17	1	30	142%
65th Street Multi-Unit Residential Project	1225 65th Street	049-1504-008	Medium High Density Residential	Medium High Density Residential (RMH)	0.4	35	14	0	–	24	24	1	30	171%
Nellie Hannon Gateway	3600, 3610, and 3620 San Pablo Avenue	049-0950-006-01, 049-0950-008-01, 049-0950-001	Mixed Use with Residential	Mixed Use with Residential South (MURS)	0.375	50	19	0	–	90	90	1.5	40	474%
Ocean Avenue Townhomes	1276 Ocean Avenue	049-1469-012, 049-1469-013	Medium Density Residential	Medium Density Residential (RM)	0.2	20	4	0	0	5	5	0.5	30	125%
Two-Unit Development Ocean Lofts	1258 Ocean Avenue	049-1469-006	Medium Density Residential	Medium Density Residential (RM)	0.13	20	3	0	0	2	2	0.5	30	67%
New Residential Unit	1056 45th Street	049-1174-019	Medium Density Residential	Medium Density Residential (RM)	0.17	20	3	0	2	1	3	0.5	30	100%
Ocean View Replacing Single with Triplex	1270 Ocean	049-1469-010	Medium Density Residential	Medium Density Residential (RM)	0.13	20	3	1	0	3	3	0.5	30	100%
1036 45th Street Second Unit (not ADU)	1036 45th Street	049-1174-010	Medium Density Residential	Medium Density Residential (RM)	0.11	20	2	0	1	1	2	0.5	30	100%
Duplex Conversion	1291 55th Street	049-1184-014	Medium Density Residential	Medium Density Residential (RM)	0.09	20	2	0	1	1	2	0.5	30	100%
Additional Unit 1017 47th Street	1017 47th Street	049-1174-055	Medium Density Residential	Medium Density Residential (RM)	0.12	20	2	0	1	1	2	0.5	30	100%
Additional Unit 5534 Beaudry Street	5534 Beaudry Street	049-1312-026	Medium Density Residential	Medium Density Residential (RM)	0.11	20	2	0	1	1	2	0.5	30	100%
				Total	2.135	Total	66	1	Total	146	151		Average	140%

Table 6-7: Projects That Count Towards 5<sup>th</sup> Cycle RHNA That Are Not On the 5<sup>th</sup> Cycle Site Inventory List

Project Name	Address/	APN(s)	General Plan Land Use	Zoning	Acres	Max. Base Density (Du/Ac)	Max. Units at Base Density	Existing Unit to be Demolished	Existing Units to Remain	Approved New Units	Total New Units	MAX Base FAR <sup>2</sup>	MAX Base Height (feet)	Percentage of Units Compared to Base
Nellie Hannon Gateway	3600, 3610, and 3620 San Pablo Avenue	049-0950-006-01, 049-0950-008-01, 049-0950-001	Mixed Use with Residential	Mixed Use with Residential South (MURS)	0.375	50	19	0	–	90	90	1.5	40	474%
New Residential Unit	1056 45th Street	049-1174-019	Medium Density Residential	Medium Density Residential (RM)	0.17	20	3	0	2	1	3	0.5	30	100%
Ocean View Replacing Single with Triplex	1270 Ocean	049-1469-010	Medium Density Residential	Medium Density Residential (RM)	0.13	20	3	1	0	3	2	0.5	30	100%
1036 45th Street Second Unit (not ADU)	1036 45th Street	049-1174-010	Medium Density Residential	Medium Density Residential (RM)	0.11	20	2	0	1	1	2	0.5	30	100%
Duplex Conversion	1291 55th Street	049-1184-014	Medium Density Residential	Medium Density Residential (RM)	0.09	20	2	0	1	1	2	0.5	30	100%
Additional Unit 1017 47th Street	1017 47th Street	049-1174-055	Medium Density Residential	Medium Density Residential (RM)	0.12	20	2	0	1	1	2	0.5	30	100%
Additional Unit 5534 Beaudry Street	5534 Beaudry Street	049-1312-026	Medium Density Residential	Medium Density Residential (RM)	0.11	20	2	0	1	1	2	0.5	30	100%
				Total	1.11	Total	33	1	Total	98	103		Average	153%
				Average Lot Size	0.16									

## 6.6 Financial and Administrative Resources

### 6.6.1 EMERYVILLE'S PROGRAMS AND FINANCING

#### 6.6.1.1 Homeless Prevention & Mitigation Programs

In 2018, Emeryville adopted a Homelessness Strategy which is designed to address the problems of homelessness in Emeryville and to work with existing funders, providers, and neighboring jurisdictions to provide a coordinated response to homelessness. The Homeless Strategy includes a list of action items for the following objectives:

- Prevent at-risk persons from becoming homeless or returning to homelessness
- Remove barriers to accessing homeless services
- Collaborate across sectors and systems
- Provide housing services
- Ensure safe living conditions for individuals experiencing homelessness as well as individuals residing in surrounding areas

In support of the objectives above, the City provides financial assistance in support of the following programs:

- Rapid Re-Housing program provides time-limited rental assistance and case management services to assist those experiencing homelessness in securing an apartment.
- Emerging Needs Fund covers immediate needs of people at risk or experiencing homelessness and addresses public health issues and emergencies related to homelessness.
- Street Outreach and Harm Reduction engages, build relationships, and coordinate services for those experiencing homelessness.
- Winter Shelter Services at the Society of St. Vincent de Paul dedicates up to 100 beds for those experiencing homelessness.
- North County Family Front Door administers the coordinated entry system for families experiencing a housing crisis.

As stated in **Program BB**, the City will continue to support the Homeless Prevention and Mitigation program to address displacement and housing stability issues for this special needs population.

#### 6.6.1.2 Tenant Protections Policies and Programs

The goal of the Tenant Protection Policies and Programs is to ensure the rights and stability of tenants residing in Emeryville are protected. The City has adopted a series of policies to assist in preventing tenant displacement. The following administrative policies were adopted:

- Residential Landlord and Tenant Relations Ordinance to limit the reasons why landlords may terminate a tenancy in accordance with state laws, prohibits harassment of residential tenants, requires tenants be provided with notices of tenant rights under the ordinance, as well as a mandate that landlords use a form notice of termination of tenancy and provide a copy of the



completed notice and applicable rental agreement to the City. The Ordinance requires landlords that do a no fault termination to 1) provide the tenant with a right to return to and rent the unit when the landlord returns the unit to the rental market for substantially the same material terms as the prior rental agreement when it is placed back in service for residential rental purposes and 2) Provide the tenant with relocation assistance by the last day of tenancy for which the landlord has received rent. This ordinance is implemented by a non-profit organization that provide mediation services and educational workshops funded by the City.

- Urgency Residential Eviction Moratorium Ordinance to create housing stability for impacted residents that are unable to pay rent or homeowners that are unable to pay Homeowner Association assessments, due to a loss of income during the COVID-19 State of Emergency.
- Rental Repayment Plan Ordinance to support tenants by providing them up to 12 months to repay unpaid rent upon the expiration of Emeryville Eviction Moratorium before being eligible for eviction for non-payment of rent.

Additionally, the City provides financial support through the general fund and Community Development Block Grant (CDBG) program for the following Tenant Protection Programs:

- Housing related legal assistance for low income residents
- Fair Housing and Tenant/Landlord counseling for low income residents
- Emergency Rental Assistance for residents below 100% AMI that were unable to pay rent due to a loss of income during the COVID-19 State of Emergency

As stated in **Programs J, R, O, AA, CC, FF, and QQ**, the City will continue to support the tenants of varying income categories preserve their housing and mitigate displacement.

### **6.6.1.3 Affordable Housing Bond Administration and Expenditure Plan**

On June 5, 2018, during a Special Election, over two-thirds of Emeryville voters approved Measure C. Measure C allows the City to issue \$50,000,000 in bonds to provide affordable housing. The plan governs the implementation of Measure C Bond funds, as well as the other Affordable Housing financial resources. The plan itemizes:

- Physical resources (four properties), including Housing Successor Assets and City-Owned Assets
- Financial Resources, including Measure C Affordable Housing Bond Funds, Low- and Moderate-Income Housing Asset Funds (LMIHAF), Affordable Housing Fund, Affordable Housing Impact Fee, and Measure A1 (Alameda County). These total approximately \$64,000,000 in financial resources.

The object and purpose of issuing the bonds is to finance the costs of providing and/or enhancing the acquisition or improvement of real property to provide affordable housing for extremely low-, very low-, low-, and middle-income individuals and families, including vulnerable populations, such as veterans, seniors, local artists, the disabled, current, or former foster youth, victims of abuse, people experiencing homelessness and individuals suffering from mental health or substance abuse illnesses. Projects to be financed through Measure C may include:

- The acquisition or improvement of real property to produce new affordable housing projects.
- The rehabilitation of existing multifamily projects that are affordable to extremely low-, very low-, low-, and moderate-income families and individuals.
- Acquisition of additional affordability commitments in new, privately developed mixed-income projects for veterans, seniors, the disabled, current or former foster youth, victims of abuse, people experiencing homelessness, and individuals suffering from mental health or substance abuse illnesses.
- Help low- and middle-income households, including local artists, purchase homes and stay in the community with first-time homeowner loans.
- Prevent displacement of vulnerable populations in Emeryville, including extremely low-, very low-, low-, and moderate-income households, veterans, seniors, and people with disabilities.
- Provide permanent supportive housing for people experiencing homelessness.

The plan allocates resources between two initiatives: Preservation and Production. The Preservation Initiative includes five programs: Retention of BMR Homebuyer Units, Homebuyer Assistance, Foreclosure Prevention, Rental Preservation, and Special Needs Housing. The Production Initiative includes two programs: Rental Development and Housing Opportunities.

The retention of BMR Homebuyer Units aims to preserve the affordability restriction on 4 BMR homeownership units for households at low to moderate incomes. As of 2021, 4 moderate units have been purchased. The Homebuyer Assistance Program assists low to moderate-income first-time homebuyers purchase a home through a loan. The foreclosure prevention programs assist low to moderate income Emeryville homeowners and prevents foreclosure through a one-time mortgage loan. Through the Rental Preservation program, rental rehabilitation loans are provided to owners to make needed improvements to the condition of low-cost rental housing units occupied by very low-income tenants or disabled tenants. Lastly, the Special Needs Housing Opportunities program aims to incentivize the creation of additional BMR units at existing Rental Development that are very low, low and moderate income for a 15-year term.

The plan also establishes performance measures for each of its affordable housing programs, and outlines accountability measures as required for the Measure C bond funds. The various preservation and production programs financed through Measure C will be incorporated into **Programs G, H, I, J, K, M, and Y.**

#### **6.6.1.4 Below-Market Rate Ownership Program**

Below-Market Rate (BMR) units are homes whose values are legally restricted to keep their prices affordable for households at or below certain designated income levels. Newly created BMR homes are sold to qualifying households by the developers of the project using a lottery system. Once the initial owners are ready to sell, and with each subsequent resale, the homes must be sold for an affordable price to a qualifying buyer. When an owner wants to sell their BMR, the City determines a maximum sale price, ensures the unit is in good condition, verifies eligibility of the buyer, and facilitates certain aspects of the transfer. There are currently 186 BMR units within the City's portfolio that are monitored

annually for ownership compliance and on average 7 BMR units are resold to income eligible households on an annual basis.

The City has required all developers of Below Market Rate (BMR) Housing Units, to create a Marketing Plan to be approved by the City prior to the sale and leasing of the BMR units for many years. The City will continue to implement this requirement but will expand the requirements of the Marketing Plan to Affirmatively Further Fair Housing (**Program PP.**)

#### **6.6.1.5 First-Time Homebuyer Loan Program**

The First-Time Homebuyer (FTHB) Loan Program provides down payment assistance to households at or below moderate income that are purchasing a market-rate or co-op home in Emeryville, in the form of a low-interest, deferred-payment loan.

Key program details include the following:

- The loan interest rate is 75 percent of the first mortgage interest rate, or 5 percent, whichever is less.
- The borrower must make at least a 3-percent down payment and occupy the unit as a primary residence during the duration of the loan term.

The maximum loan amount from the City is the least of the following:

- 150 percent of buyer's down payment
- 20 percent of sale price in contract
- 20 percent of maximum price from the then-current housing affordability table on the City's website
- The buyer's income must be at or below 120 percent of the AMI based on household size. To view the current income limits, which the City updates annually.
- The loan is due upon sale or transfer, when the unit ceases to be owner-occupied, or in 30 years, whichever comes first.

In recent years, the City has experience a substantial decrease in the number of applications for the FTHB program. The City will be considering a variety of program modifications (**Program M**), in the near future, to increase utilization of the program. As outlined in **Program M**, the City will support the Alameda County (AC) Boost Down Payment through assisting the County in marketing the program to Emeryville residents looking to purchase a home. The City will also support the County in advertising the availability of the Mortgage Credit Certificates. Overall, the City will evaluate making additional modifications to its FTHB programs be easing the borrower requirements and/or increasing the loan amount for potential homebuyers in looking to purchase in a Low-resource Area.

#### 6.6.1.6 Housing Rehabilitation Program

This program offers grants and loans to lower-income homeowners for home repairs, accessibility improvements, exterior painting and cleanup, and building code compliance improvements. The program is funded through Community Development Block Grant (CDBG) funds and general fund for the following programs:

- Accessibility Grant – Offers eligible accessibility modification to residences occupied by disabled low-income tenants, as well as to disabled low-income homeowners.
- Minor Home Repair Program – A grant available to low-income, single-family, owner-occupied residences. Eligible repairs include, but are not limited to, leaky faucets, faulty outlets, installation of a water heater, and deadbolt locks.
- Owner-Occupied Housing Rehabilitation Loan Program – Intended to bring homes occupied by low-income households into compliance with the City’s Building Code through low-interest loans and technical assistance.

As stated in **Programs X and Y**, the City will continue to support the Housing Rehabilitation Program to preserve and improve the city’s existing housing stock.

### 6.6.2 REGIONAL PROGRAMS AND FINANCING

#### 6.6.2.1 Alameda County Mortgage Credit Certificates

The Alameda County Department of Housing and Community Development administers the Mortgage Credit Certificate (MCC) Program for Alameda County, including Emeryville, which provides a tax credit to subsidize mortgage interest rates for low- and moderate-income first-time homebuyers. As stated in **Program M** the City will work with Alameda County to advertise the availability of the MCC Program to prospective homebuyers in Emeryville.

#### 6.6.2.2 Alameda County Down Payment Assistance Program

Alameda County is currently offering a Down Payment Assistance Program called AC Boost. AC Boost provides financial assistance to middle-income working households to purchase a home in Alameda County. The program offers loans of up to \$150,000 to first-time homebuyers who live in, work in, or have been displaced from Alameda County. Limited preference is given to first responders and educators (including public school employees and childcare providers). (**Program M**)

#### 6.6.2.3 Measure A1

In June 2016, the Alameda County Board of Supervisors placed a General Obligation Bond on the ballot to increase affordable housing countywide. In November 2016, 73 percent of voters supported Measure A1. Measure A1 generates \$580,000,000 for a range of affordable housing projects and programs in Alameda County. Of this amount, \$225,000,000 is designated for “Base City Allocations” based on city population. The City of Emeryville’s Base City Allocation is approximately \$2,500,000. Funding can be used to assist qualifying households with home purchases, homeowner rehabilitation, development of new ownership and rental projects, and the preservation of affordable housing. (**Programs G, H, X, Y, A, I, M, and P**)

#### 6.6.2.4 Renew AC

Alameda County is currently offering housing rehabilitation loan program for homeowners residing in Alameda County, who have a household income of less than 80% AMI, that need to make renovations necessary to grow, stay and thrive in their homes. Renew AC provides 1% interest loan from \$15,000 to \$150,000 to qualified homeowners in which payment is deferred until the home is sold. **(Program X)**

#### 6.6.2.5 AC Secure

AC Housing Secure is a tenant assistance and legal service program designed to prevent the displacement of the most vulnerable community members throughout Alameda County. The program offers up to 12 months of past due rent and 3 months of future rent to households below 80% AMI and provides free legal services to low income tenants and homeowners disproportionately impacted by the region's housing affordability crisis and the COVID-19 pandemic. **(Program QQ)**

#### 6.6.2.6 Alameda County Affordable Housing Portal

The Alameda Affordable Housing Portal aims to become a “one-stop-shop” for affordable housing. The portal provides tools for developers to simplify the marketing, leasing and management of their affordable housing units, as well as provides those seeking affordable housing opportunities in Alameda County the ability to search the platform to identify properties with available affordable units and submit a common short form application to make the experience of applying for housing easier. The City will continue to collaborate with Alameda County on the Alameda Affordable Housing Portal and continue to support the development of a Bay Area Regional Housing Portal (a.k.a “Doorway”), which is envisioned to provide a simple and equitable way for residents to find and apply for affordable housing throughout the Bay Area and is working to create a unified platform with transparent processes from marketing to move-in. **(Program RR.)**

#### 6.6.2.7 Priority Development Area Designation

In 2008, ABAG approved Emeryville's application for PDA designation in conjunction with the FOCUS program to advance the region's Smart Growth Strategy/Regional Livability Footprint. PDAs are areas that are already developed, near existing transit service, and planned for additional jobs and housing. The Emeryville PDA includes much of the city, with the exception of the existing lower-density neighborhoods and the area west of Interstate 80. Local governments with PDAs are eligible for technical assistance, planning grants, and capital funding. As stated in **Program W** the City will encourage new housing within the PDA and maximize PDA-linked resources.

### 6.6.3 STATE AND FEDERAL FINANCING SOURCES

State and federal financing sources are available to assist in the development of affordable housing; however, the demand for funds often greatly outweighs the available supply. HUD oversees many programs, including CDBG, the HOME Investment Partnership Program, Section 811 housing for disabled persons, Section 202 senior housing, Housing Opportunities for People with AIDS (HOPWA), and the McKinney Homeless Assistance Act's Supportive Housing Program and Shelter Plus Care Program. The Alameda County Housing and Community Development Department serves as the conduit for the CDBG, HOME, and McKinney programs on behalf of the City of Emeryville. Emeryville has a successful history of assisting in the development of affordable housing by leveraging available federal funds.

Low-Income Housing Tax Credits (LIHTC) are a major source of affordable housing equity funding. Federal tax credits are allocated through the State of California's Tax Credit Allocation Committee, and state housing tax credits are allocated through the California Debt Limit Allocation Committee (CDLAC).  
**(Program L)**

CalHFA administers a number of affordable housing programs, including multifamily acquisition and rehabilitation funding, single-family development funding, tax-exempt and mortgage revenue bonds, and assistance programs. CalHFA also provides a number of loan products for first-time homebuyers with favorable interest rates and terms.

Also see descriptions of the funding sources that can potentially be used to preserve affordable housing in the subsection of chapter 3 called Affordable Units at Risk of Conversion to Market Rate.

**Table 6-8** lists a sample of available funding programs and the types of activities the program funds are targeted towards. In most cases, other entities, including for-profit and nonprofit developers, apply for funds or other program benefits. In general, local jurisdictions must rely on the private sector to develop new affordable units. However, when local jurisdictions have the resources to support these efforts through a public-private partnership, more impact can be made. Emeryville has a strong track record of forming public-private partnerships and supporting affordable housing through the dedication of land or low-interest loans to assist with development.

**Table 6-8: Funding Programs to Support Housing Activities Representative Projects**

	Home Purchase	Homeowner Rehabilitation	Acquisition for Affordable Housing	New Ownership Housing Development	New Rental Housing Development	Preservation of Affordable Housing	Rental Assistance / Operating Assistance	Homelessness
Affordable Housing and Sustainable Communities (AHSC)		Yes		Yes	Yes	Yes		
Alameda County Measure A-1 Housing Bond	Yes	Yes		Yes	Yes	Yes		
CalHOME	Yes			Yes				
California Emergency Solutions and Housing (CESH)								Yes
Community Development Block Grant (CDBG)		Yes	Yes			Yes		
Farmworker Housing Grant Program (FWHG)		Yes			Yes	Yes		
Golden State Acquisition Fund (GSAF)			Yes					
HOME American Rescue Plan Program (HOME-ARP)					Yes	Yes	Yes	Yes
HOME Investment Partnership Program	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Homekey			Yes		Yes	Yes		Yes
Housing Choice Voucher (HCV)							Yes	
Infill Infrastructure Grant Program (IIG)				Yes	Yes			
Lead Based Paint & Lead Hazard Control (LBPLHC)		Yes				Yes		
Low Income Housing Tax Credits (LIHTC)					Yes	Yes		
Multifamily Housing Program (MHP)					Yes	Yes		
National Housing Trust Fund					Yes	Yes		



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	Home Purchase	Homeowner Rehabilitation	Acquisition for Affordable Housing	New Ownership Housing Development	New Rental Housing Development	Preservation of Affordable Housing	Rental Assistance / Operating Assistance	Homelessness
No Place Like Home							Yes	Yes
Permanent Local Housing Allocation (PLHA)		Yes	Yes	Yes	Yes	Yes		
Project Based Vouchers (PBV)					Yes	Yes	Yes	
Veterans Housing and Homelessness Prevention Program (VHHP)			Yes		Yes	Yes		

Source: City of Emeryville 2022

## **6.6.4 NON-GOVERNMENTAL RESOURCES**

### **6.6.4.1 Developers**

The City of Emeryville has worked with both private for-profit and nonprofit developers to produce affordable housing. Developers provide expertise in housing design, finance, site development, marketing, and operations to ensure that high-quality housing is produced and maintained in the city.

### **6.6.4.2 Lenders**

The Community Reinvestment Act requires private-sector banks to invest in local projects by providing favorable lending terms or programs geared toward investing in traditionally underserved communities. Some banks have established community lending divisions that maintain strong relationships with the affordable housing industry in the Bay Area. The Federal Home Loan Bank's Affordable Housing Program (AHP) provides grants and loans to subsidize affordability in rental and ownership housing developments. Nonprofit lenders, such as the Northern California Community Loan Fund, Local Initiatives Support Coalition (LISC), and California Community Reinvestment Corporation also provide funding for affordable housing development. Partial funding may also be provided by philanthropic organizations and individuals in the community.

### **6.6.4.3 Advocacy Organizations**

Many non-governmental resources are organizations dedicated to supporting and promoting affordable housing in the Bay Area and throughout the state. The Non-Profit Housing Association of Northern California (NPH) is a nonprofit advocacy group that provides professional training, networking opportunities, and resources for housing policy analysts, advocates, and activists. NPH was founded in 1979 with a mission of highlighting the successes of the nonprofit housing sector in developing affordable housing and to help guide affordable housing policy solutions. NPH's membership includes individuals, local governments, affordable housing development corporations, leading financial institutions, environmental nonprofits, faith-based organizations, and community development corporations.

The East Bay Housing Organization (EBHO) is an affordable housing advocacy coalition that works with communities in Alameda and Contra Costa Counties to preserve, protect, and expand affordable housing opportunities through education and advocacy. EBHO's membership is made up of over 140 organizations and individuals, including nonprofit housing developers, development consultants, fair housing agencies, tenant organizations, faith-based groups, housing counseling agencies, architects, homeless and tenant advocates and service providers, neighborhood organizations, municipal housing staff, financial institutions, and elected officials.

Housing California is a statewide nonprofit affordable housing advocacy organization dedicated to promoting the housing needs of Californians by increasing the supply and variety of homes being built. Housing California runs the nation's largest annual statewide housing conference and monitors and sponsors statewide housing-related legislation.

The California Housing Consortium was founded in 1997 as an umbrella organization for nonprofit and for-profit developers, lenders, representatives from state and local government agencies, housing professionals and specialists, investors, property managers and owners, residents, and business leaders to address a broad range of housing and economic development community needs. Other organizations, such as the League of California Cities, are also dedicated to a wide range of statewide issues that affect housing, community development, and green building.

## **6.7 Opportunities for Energy Conservation**

Maximizing energy efficiency and incorporating green building features into new and existing buildings can help reduce housing costs for homeowners and renters. Reduced dependence on automobiles and improved walkability reduces greenhouse gas emissions and improves community health. The City promotes energy and resource efficiency by providing education and referrals to resources and financing programs at City Hall and on the City's website, encouraging transit use and facilitating compact mixed-use development through land use policies and development standards, and implementing green building standards through the California Green Building Code.

As shown in **Program T**, the City adopted a residential all-electric reach code for new construction that applies to residential buildings and residential occupancies in mixed-use construction. In addition, the City adopted a requirement that residential up to 10 stories install solar panels on the entire "solar zone," as defined in Title 24 (the state code requires identifying the solar zone up to 10 stories but only requires installation up to three stories). No specific requirements for existing buildings or appliance types were made. All-electric construction has been shown to be cost-effective, and in most residential scenarios, it is less expensive to construct than mixed-fuel. City staff have not received negative comments from developers or found any data suggesting that there is any delay associated with all-electric construction.

The City participates and publicizes energy programs provided by regional agencies on an ongoing basis that include energy-efficiency services (free or low-cost assistance and equipment), purchasing assistance and group buying discounts on solar panels, electric vehicles and chargers, and rebates on equipment from PG&E, EBCE, and other agencies. The City's website includes links to the following programs and informational resources:

- **Bay Area Energy Upgrade:** Energy Upgrade California rebate program for Bay Area homeowners interested in energy efficiency
- **PG&E Rebates for Residents:** Rebates for residents making energy upgrades for their homes
- **PG&E Rebates for Businesses:** Rebates for commercial businesses making energy upgrades
- **CYES:** California Youth Energy Services is a program run by the Rising Sun Energy Center to hire young adults, ages 15 to 22, to do energy assessments and residential efficiency installs for seven weeks each summer
- **Home Energy Analyzer:** Free and confidential online tool to analyze your home energy use and fix energy leaks

- **Home Score:** California Department of Energy scoring tool for homeowners and buyers to assess their home's energy efficiency.
- **Energy Star Portfolio Manager:** Online tool to track your energy and water consumption for public and commercial buildings
- **Emeryville Energy Efficiency (E3):** Free-of-charge energy audit program for commercial businesses through the City of Emeryville and ABM Building Solutions
- **City of Emeryville Strategic Energy Plan (SEP):** Strategic path to achieving City energy-reduction goals.
- **Energy Upgrade CA:** List of energy and water-efficient products and appliances from Energy Upgrade CA
- **Assembly Bill 802:** California's AB 802 authorizes public gas/electric utilities to provide financial incentives, rebates, and technical assistance for efficiency retrofits in existing buildings.
- **Benchmarking:** Fact sheet on benchmarking; saving money and energy
- **Benchmarking Building Performance:** Report on the benefits of benchmarking building performance
- **CA Solar Statistics:** Learn about solar energy capture and usage in California
- **CA Zero Net Energy (ZNE) Homes:** Learn about ZNE residential progress and goals in California
- **Institute of Market Transformation:** Resources on energy efficiency in buildings
- **Regional Organizations:** Get involved in any number of these regional Bay Area organizations

The City's Climate Action Plan (adopted in 2016) and Sustainability Element (adopted in 2009) establish specific targets and implementation measures for efficiency improvements. The Pedestrian and Bicycle Plan (adopted in 2012) specifies improvements to further encourage a reduced reliance on personal automobiles. The Climate Action Plan 2.0 Implementation Plan includes mitigation actions in Transportation, Buildings, Energy, Consumption and Solid Waste, Water Use, Urban Space, and Local Government Operations. The objectives of those mitigation measures include:

- Transportation
  - Create vibrant neighborhoods where residents can easily walk to their basic daily needs.
  - Reduce the total vehicle miles traveled on local roads by 30 percent.
  - Reduce the carbon intensity of vehicles by 30 percent.
- Buildings
  - Reduce the total energy use of buildings built in 2016 or before by 15 percent.
  - Achieve zero net carbon emissions for 50 percent of new construction.
- Energy
  - Increase local renewable energy capacity in Emeryville by 30 percent.
  - Develop or support green jobs training program around increasing local renewable energy capacity and energy efficiency.
- Consumption and Solid Waste
  - Reduce food scraps sent to landfills.
  - Achieve zero waste to landfills.

- Reduce consumption-related emissions by encouraging sustainable consumption and minimization of the carbon intensity of business supply chains.
- Water Use
  - Reduce water use in the community by 30 percent.
- Urban Space
  - Expand the urban forest with a minimum canopy cover of 50 percent in the Triangle and Doyle medium-density residential neighborhoods and 25 percent in other city areas.
  - Expand access to healthy and local food.

As stated in **Program U** the City will continue to require that developers complete GreenPoint Rated or LEED checklists as part of submittals to the Community Development Department and include the checklists in all requests for proposals for City-sponsored developments (**Program U**). The City will continue to make green building and energy conservation program and funding materials available at City Hall and on the City's website (**Program V**).

In addition, the City will continue to collaborate with other jurisdictions in the Bay Area to reduce greenhouse gas emissions through greater jobs/housing connectivity by promoting development within the Emeryville PDA (**Program W**) and work with local partners to complete and implement strategies identified in the Emeryville-Berkeley-Oakland-Transit Study (EBOTS).

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## 7. Achievement of 2015–2023 Housing Element Goals

This chapter summarizes the City’s achievements in implementing the goals, policies, and programs from the 2015–2023 Housing Element. The City made significant progress in addressing housing needs through the development of new units, including units affordable to lower-income and special needs households. A complete review of the City’s progress in implementing 2015–2023 policies and programs is provided as Table A-1 in Appendix A.

### 7.1 Effectiveness of Programs for Special Housing Needs

Special needs populations include farmworkers, large families, female-headed single parent households, people experiencing homelessness, persons with disabilities, seniors, households with extremely low incomes. As shown in greater detail in Appendix A, the City made a diligent, consistent effort to achieve its housing goals that address special housing needs through the implementation of policies and programs from the 2015–2023 Housing Element. Following is a summary of the effectiveness of programs for special housing needs:

- Estrella Vista, a 100% affordable housing project was entitled, constructed, and leased for occupancy during the Cycle 5 planning period. Of the 87 affordable units, five units were set-aside as HOPWA units, six units were set-aside for Developmentally Disabled Households, 26 units were set-aside for extremely low-income households, and 30 units were designed to accommodate large families (i.e. 3-4 bedroom units).
- In 2020, the City entered into an Exclusive Rights to Negotiate Agreement with a Non-Profit Developer to redevelop 4300 San Pablo Avenue as an intergenerational housing project for low-income seniors and transitional aged youth.
- Nellie Hannon Gateway, a 90-unit affordable housing project, with 25 percent of units set-aside as permanent supportive housing for formerly homeless individuals received entitlements 2021. The City adopted the Affordable Housing Administration and Expenditure Plan in February 2021 which outlines approximately \$64 Million to support the production and preservation of affordable housing units, of which 22 percent (131 units) of the projected units assisted, will be targeted to assist special needs households
- Five unsheltered individuals were placed into housing through the City's Emerging Needs and Rapid Rehousing funds administered by the City's contract outreach and housing navigation provider.

### 7.2 Key Accomplishments

Following is a summary of key accomplishments under each 2015–2023 goal. See Table A-1 in Appendix A for more details.

#### ***Goal H-1. Preserve and improve existing neighborhoods and housing stock.***

- Promoted the Housing Rehabilitation Program.
- Partnered with Alameda County on Healthy Homes workshops.



- Offered education on the Earthquake Brace and Bolt program.
- Approved the replacement of two residential structures that were demolished in 2015 as well as two in 2017.
- Prevented foreclosure of affordable ownership unit and provided information for owners at risk of foreclosure.

***Goal H-2. Encourage housing development affordable to lower income households.***

- Affordable Housing Administration and Expenditure Plan adopted February 2021.
- \$1,286,558 in affordable housing impact fees collected over five years.
- Eight residential projects received local density bonus points and one residential project received a state density bonus. As of December 2021, 291 affordable units are completed or under construction, and an additional 93 units have been approved.
- Nellie Hannon Gateway, located at 3600 San Pablo Avenue, the first project in Emeryville to be processed under SB 35, is a 90-unit affordable housing project.
- An Affordable Housing Covenant was negotiated at EMME, for the creation of 29 very-low income housing units within a mixed income development. Continued to offer first-time homebuyer loan program. No loans were issued; pending program revisions to adapt to market conditions.
- Supported the Alameda County Affordable Housing Bond in 2016 and a local bond in 2018.

***Goal H-3. Promote the development of affordable housing for persons with special needs.***

- Encouraged affordable units for residents with HIV/AIDS and residents with disabilities.
- Completed a study about incentivizing supportive housing development within mixed-income projects and master-leasing programs.
- Participated in homelessness prevention regional coordinating programs.
- Worked with community organizations to open a temporary emergency shelter in response to COVID-19.
- Entered into an agreement related to the development of an intergenerational development for seniors and transitional-aged youth with 68 below market rate units at 4300 San Pablo Avenue.
- Provided a development loan to a non-profit developer to acquire a site to develop 68 affordable housing units with 25 percent of the units set-aside as permanent supportive housing for formerly homeless individuals.

***Goal H-4. Provide a wide variety of housing types appropriate for households at all socioeconomic levels and with a variety of lifestyles and preferences.***

- Increasing the mix of unit sizes, including adopting the Family Friendly Guidelines to encourage the development of larger units.
- Projects developed in the planning period included mixed-use, ADUs, and multifamily.
- BMR ownership opportunities and first-time homebuyer loans marketed to teachers, City employees and artists.

- Revised FTHB loan document templates to ensure compatibility with the terms of the Artists' Co-op building.
- Live/work units marketed to artists and craftspeople (Parc on Powell and 3900 Adeline).

***Goal H-5. Promote equal opportunity in housing.***

- Worked with ECHO Housing (Eden Council for Hope and Opportunity) to provide Tenant/Landlord and Fair Housing Counseling and to administer the City's Just Cause Eviction Ordinance.
- Referred cases to EBCLC (East Bay Community Law Center) and HERA (Housing and Economic Rights Advocates).
- Renter's rights information published in each City Activity Guide.
- Information on services available at City Hall, City website and E-news.
- New housing notification email system implemented.
- City's Access Improvement Program funded accessibility improvements for residents with disabilities and/or developmental disabilities

***Goal H-6. Improve the balance in housing tenure and unit sizes to specifically address the need for family- friendly housing and increase owner occupancy.***

- Implemented the family-friendly residential amendment to the City Design Guidelines that was adopted in 2015.
- Promoted Mortgage Credit Certificate program to BMR buyers.
- Collaborated with Homeowners Associations (HOAs) to verify owner occupancy for participants in the City's First-Time Homebuyer Loan and BMR programs.
- Adopted a HOA foreclosure moratorium, effective from March to September 2020.
- Made the First-Time Homebuyer Loan Program available to low- and moderate-income households throughout the planning period. No loans were issued between 2015 and 2020; one loan was issued in 2021.
- Prevented foreclosure of affordable ownership unit and provided information for owners at risk of foreclosure.

***Goal H-7. Promote environmental responsibility and long-term sustainability in residential development through the remediation of brownfields and promotion of "green" and "healthy" development.***

- Partnered with local transit agencies to ensure transit access for Emeryville residents.
- Provided information on a wide range of sustainability programs through its website.
- Offered low-interest loans or grants to remediate housing development sites.
- Marketed \$1.9 million Revolving Loan Fund (RLF) to potential developers of City-owned sites.
- Vegetative stormwater treatment and water-efficient landscaping required in new projects. Windows and doors required to be tested for water intrusion and replaced if they fail the test.

- Received a Cap-and-Trade grant to help fund development at 3706 San Pablo Avenue in Emeryville's Priority Development Area. Remediation of this site funded by a 2012 US EPA Cleanup grant.
- Required developers to complete the LEED or GreenPoint Rated checklist.

## **8. Goals, Policies, and Programs**

This chapter presents the City of Emeryville’s (City’s) housing goals, policies, and programs for the 2023 to 2031 planning period. Goals establish the ideal future and purpose, policies are statements to guide decision making regarding housing issues, and programs are actions that the City will take to implement the policies to achieve the goals. The department(s) primarily responsible for program implementation, relevant review authority, time frame, and funding source are identified for each program.

Timeline references relate to action items for that program and are defined as Annually (once a year), Short Term (0-2 years), Mid Term (2-5 years), Long Term (5-8 years), and On-going (throughout the 6<sup>th</sup> Cycle). Performance Metrics identified will be used to assist the City in evaluating and reporting on our performance, to ensure we are achieving our goals.

### **8.1 Goals and Policies**

#### **8.1.1 GOAL H-1. NEW HOUSING DEVELOPMENT: FACILITATE THE CONSTRUCTION OF A WIDE VARIETY OF HOUSING TYPES, FOR VARIOUS INCOME LEVELS, IN A MANNER THAT PROMOTES ENVIRONMENTAL RESPONSIBILITY AND LONG-TERM SUSTAINABILITY.**

- Policy H-1-1. Provide monetary and regulatory incentives for residential projects constructed specifically for lower- and moderate-income households.
- Policy H-1-2. Investigate innovative and creative housing options that provide greater flexibility in development and/or use, facilitate affordability, and meet the housing needs of all residents in the City.
- Policy H-1-3. Encourage the remediation of former industrial sites to create safe sites for housing development.
- Policy H-1-4. Encourage housing development that provides clean indoor air, maximizes energy and water efficiency, uses high-quality, eco-friendly building materials and aligns with regional greenhouse gas reduction strategies.

#### **8.1.2 GOAL H-2. PRESERVATION: CONSERVE AND IMPROVE THE CONDITION OF THE EXISTING HOUSING STOCK TO ENHANCE THE LIVABILITY OF NEIGHBORHOOD(S) FOR ALL RESIDENTS.**

- Policy H-2-1. Facilitate the rehabilitation of the City’s existing housing stock to correct housing deficiencies, increase the useful life, and increase accessibility for all residents.
- Policy H-2-2. Support energy-conserving programs in the rehabilitation of affordable housing to reduce household energy costs, improve air quality, and mitigate potential impacts of climate change in the region.

Policy H-2-3. Preserve “at-risk” affordable rental units through monitoring, working with nonprofits, and exploring available funding sources to preserve affordability.

Policy H-2-4. Promote homeownership opportunities and support current homeowners in retaining their homeownership status.

### **8.1.3 GOAL H-3. HOUSING NEEDS: ENSURE HOUSING IS ACCESSIBLE AND AFFORDABLE TO VERY-LOW, LOW, AND MODERATE INCOME RESIDENTS, WITH A PRIORITY FOR THOSE WITH SPECIAL NEEDS.**

Policy H-3-1. Utilize available federal, state, and local financing sources and subsidies to assist in making housing more affordable to very low-, low-, and moderate-income households.

Policy H-3-2. Support and promote the development of housing that is accessible to special needs residents, including seniors, disabled households, large families, the homeless, and transitional foster youth, through measures such as transitional supportive housing, ensuring reasonable accommodation, and the provision of emergency shelters.

### **8.1.4 GOAL H-4. FAIR HOUSING: ENSURE COMMUNITY MEMBERS HAVE EQUITABLE ACCESS TO SAFE, SANITARY AND AFFORDABLE HOUSING AS PROTECTED UNDER STATE AND FEDERAL FAIR HOUSING LAWS.**

Policy H-4-1. The City shall take meaningful action toward the goal of eliminating housing discrimination and provide current and future residents fair access to housing opportunities

Policy H-4-2. Facilitate transparent decision-making processes through public engagement and participation, supported by the development of clear and inclusive outreach materials, and the expanded and innovative use of a variety of public engagement tools.

Policy H-4-3. The City shall examine options to strengthen eviction prevention and tenant displacement measures.

Policy H-4-4. The City shall support collaborative efforts to connect low-income residents with financial empowerment resources, homeownership programs, small business assistance, living wage jobs, affordable childcare, and workforce training resources and services.

Policy H-4-5. The City shall promote mixed income neighborhoods with an equitable distribution of housing types for people of all incomes throughout the City by encouraging new affordable housing in high-resource areas.

Policy H-4-6. Maintain and enhance the quality of life within neighborhoods, including those identified as low-resource and/or disadvantaged, by providing adequate maintenance to streets, sidewalks, parks and other community facilities.

### **8.1.5 GOAL H-5. ADDRESS CONSTRAINTS: REDUCE OR REMOVE GOVERNMENTAL AND NONGOVERNMENTAL CONSTRAINTS TO THE DEVELOPMENT, IMPROVEMENT, AND MAINTENANCE OF HOUSING, WHERE FEASIBLE.**

- Policy H-5-1. Monitor Title 9 of the Municipal Code and other regulations to ensure that the City's policies and guidelines do not inappropriately constrain housing development and affordability.
- Policy H-5-2. Monitor State and federal housing-related legislation, and update City plans, ordinances, and processes as appropriate to remove or reduce governmental constraints.
- Policy H-5-3. Monitor non-governmental constraints, such as interest rates, construction costs, and others through consultation with developers, lenders and other entities directly involved in the provision of housing. Should non-governmental constraints be identified that are related to City policies, the City may modify its policies and procedures if City actions would help to reduce those constraints.

## **8.2 Programs**

### **A. HOUSING DEVELOPMENT REGULATORY PROGRAMS. IN AN EFFORT TO ENSURE THE CONSTRUCTION OF HOUSING AFFORDABLE AT VARIOUS INCOME LEVELS, ESPECIALLY HOUSING UNITS FOR VERY LOW TO MODERATE-INCOME LEVEL HOUSEHOLDS, THE CITY WILL IMPLEMENT THE FOLLOWING HOUSING DEVELOPMENT REGULATORY PROGRAMS DURING THE PLANNING PERIOD.**

1. *Affordable Housing Program.* The City will continue work collaboratively to ensure all residential housing projects subject to the requirements of the Affordable Housing Program (Article 4, Chapter 5, Title 9) are implemented. The City will evaluate the feasibility of the following potential modifications:
  - Increase the number of new affordable ownership residential units created by amending Section 9-5.402 to reduce the number of new ownership residential projects required to comply with the ordinance below the current regulation requirement of 10 units.
  - Incorporate an inclusionary housing requirement into the Affordable Housing Program by amending Section 9-5.406 and 9-5.407 to eliminate the reference to the impact fees so that all residential rental projects must include a percentage of affordable units, as authorized under Assembly Bill (AB) 1505.
  - Increase the number of affordable rental residential units created for extremely low and developmentally disabled by amend Section 9-5.407 to increase the percentage of required affordable housing units above the current regulation requirement of 12 percent for very low and low-income households
  - Increase the creation of affordable rental residential units for extremely low- and very low-income affordable units for people living with physical and/or developmental disabilities by amending Section 9-5.407 to add an option for

developers to choose to produce a smaller percentage of affordable units, than required, if the affordable units are targeted to these special needs populations.

2. *Development Bonus Programs.* The City will continue to offer developers the opportunity to utilize the City's Development Bonus Program (Section 9.4.204) or the State Density Bonus Program (Article 5, Chapter 5, Title 9), for those seeking to increase the number of dwelling units allowed at the project site in exchange for providing additional affordable housing units, above and beyond what is required under the Affordable Housing Program. The City will analyze what the new percentage of affordable housing units shall be for Community Benefit points in context of the changes being made to the Affordable Housing Program.

**Implements Policies:** H-1-1, H-1-2, H-3-2, H-5-2

**Responsible department/review authority:** Planning, Community Development Department, Planning Commission, City Council

**Timeframe:** Evaluate and adopt amendment of Affordable Housing Program (Short Term); Evaluate and adopt amendment to Development Bonus Program (Short Term); Continue to implement all Housing Development Regulatory Programs (Ongoing)

**Funding source:** General Fund

**Quantified Objective:** Facilitate the construction of 710 new homes for lower-income households (225 for extremely low, 226 for very-low, and 259 for low).

**Performance Metric(s):** # of affordable homeownership units entitled; % of affordable units in Mixed Income Projects that are entitled; # of units entitled for Extremely Low, Very Low and/or Disabled Households

**B. STREAMLINING PLANNING PROCESSES. THE CITY WILL ENACT THE FOLLOWING STREAMLINED PROCESSES TO ACCELERATE THE PRODUCTION OF HOUSING:**

1. *Streamlined and Ministerial Review for Eligible Affordable Housing Projects:* The City will establish a written policy or procedure and other guidance, as appropriate, to ensure that eligible multifamily projects with an affordable component are provided streamlined review as outlined in Government Code, Section 65913.4 (SB 35).
2. *Streamlined Process to Convert Single-Unit Homes to Two-Unit Homes:* The City will seek opportunities to streamline the permitting process of converting single unit homes to two-unit homes, including the possibility of waiving the requirement for Planning Commission approval for projects that will exceed base FAR. (See also Program LL.)
3. *Appeal Hearing Modification:* The City will investigate the ability to eliminate the need for a Public Meeting to determine if the case warrants an Appeal Hearing. The elimination of this Public Meeting will accelerate the time for a project to be approved.

**Implements Policies:** H-1-2, H-5-1

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council



**Timeframe:** Investigate and Draft new policies (Short Term); Adopt (Short Term); Implementation (Ongoing)

**Funding source:** General Fund

- C. OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS: THE CITY INITIATED CREATING OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS UNDER THE SB2 GRANT IN JUNE 2020. THE PLANNING REGULATIONS WILL BE UPDATED TO ENSURE THAT ELIGIBLE MULTIFAMILY PROJECTS ARE ONLY SUBJECT TO OBJECTIVE DESIGN STANDARDS CONSISTENT WITH RELEVANT PROVISIONS OF THE HOUSING ACCOUNTABILITY ACT, SB 35, AND SB 330. STATE LAW DEFINES OBJECTIVE DESIGN STANDARDS AS THOSE THAT “INVOLVE NO PERSONAL OR SUBJECTIVE JUDGEMENT BY A PUBLIC OFFICIAL AND ARE UNIFORMLY VERIFIABLE BY REFERENCE TO AN EXTERNAL AND UNIFORM BENCHMARK OR CRITERION AVAILABLE AND KNOWABLE BY BOTH THE DEVELOPMENT APPLICANT AND PUBLIC OFFICIAL PRIOR TO SUBMITTAL. ADDITIONALLY, THE CITY IS REVIEWING THE DESIGN REGULATIONS AND GUIDELINES FOR MULTIFAMILY AND RESIDENTIAL MIXED USE SET FORTH IN THE PLANNING REGULATIONS, DESIGN GUIDELINES AND SIX AREA PLANS. THE EFFORT WILL IDENTIFY UNIQUE GUIDELINES SPECIFIC TO DISTRICTS TO RETAIN, KEY DESIGN PRINCIPLES THAT COULD HAVE CITYWIDE APPLICABILITY, AND REDUNDANT OR OBSOLETE GUIDELINES THAT SHOULD BE REMOVED.**

**Implements Policies:** H-1-2, H-5-1

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Time frame:** Create and Adopt (Short Term (early 2023)); Implement (On-going)

**Funding source:** SB 2, General Fund

- D. ACCESSORY DWELLING UNITS (ADUs). THE CITY WILL CONTINUE TO IMPLEMENT ARTICLE 14, CHAPTER 5, TITLE 9 (ACCESSORY DWELLING UNITS) OF THE PLANNING REGULATIONS, IN AN EFFORT TO SUPPORT THE DEVELOPMENT OF ADUs THROUGH A MINISTERIAL APPROVAL PROCESS IN CONFORMANCE WITH STATE LAW. ADDITIONALLY, TO PROMOTE AND INCENTIVIZE THE DEVELOPMENT OF ADUs, INCLUDING JUNIOR ACCESSORY DWELLING UNITS (JADUs), THE CITY WILL DEVELOP ADU GUIDANCE MATERIALS, CREATE A FREQUENTLY-ASKED-QUESTIONS WEBPAGE ON THE CITY’S WEBSITE, RESEARCH, AND ESTABLISH AS APPROPRIATE, INITIATIVES SUCH AS DEVELOPING A LOAN PROGRAM FOR HOMEOWNERS TO CONSTRUCT ADUs AFFORDABLE TO LOWER-INCOME HOUSEHOLDS, AND SCHEDULE CALLS ANNUALLY WITH PROPERTY OWNERS TO DISCUSS CAPACITY FOR ADUs IN MULTI-UNIT DEVELOPMENTS. THE CITY WILL HOST AN ANNUAL “ADU OPEN HOUSE” FOR OWNERS OF SINGLE-FAMILY AND/OR MULTIFAMILY PROPERTIES WHO ARE INTERESTED IN ADDING AN ADU/JADU TO THEIR PROPERTY. THE CITY WILL INVITE REPRESENTATIVES FROM FINANCIAL INSTITUTIONS AND PROPERTY OWNERS WHO HAVE PREVIOUSLY ADDED ADUs/JADUs TO THEIR PROPERTIES.**

**Implements Policies:** H-1-1, H-1-2, H-4-2

**Responsible department/review authority:** Community Development Department, City Council

**Timeframe:** Develop ADU Guidance (Short Term); Develop Financing Tool (Mid Term); Implement (On-going); Update website (Annually)

**Funding source:** General Fund, TBD

**Quantified Objective:** Construction of 30 ADUs or JADUs throughout the Planning period. Prevent displacement of 8 households by providing additional housing mobility options within existing neighborhoods.

**Performance Metric(s):** # of Building Permits Issued; # of ADU/JADUs rented at a rental rate affordable for low-income households

**Geographic Targeting:** The City will target efforts in reaching out to multifamily property owners in moderate-resource areas as well as single-family property owners in low-resource areas that are in close proximity to transit, job centers and neighborhood-serving retail. There are currently very few single-family homes in the City's moderate-resource area, therefore geographic targeting focuses primarily on multifamily properties in the City's moderate-resource area and the single-family property owners in low-resource areas that are in close proximity to transit, job centers and neighborhood-serving retail.

- E. ADAPTIVE RE-USE. THE CITY WILL EXAMINE OPPORTUNITIES TO ALLOW FOR THE ADAPTIVE REUSE/CONVERSION OR REPLACEMENT OF VACANT OR UNDERPERFORMING COMMERCIAL SPACES AND PARKING STRUCTURES TO RESIDENTIAL UNITS. THE CITY WILL ANALYZE THE FEASIBILITY OF AN ADAPTIVE REUSE ORDINANCE THAT WOULD TARGET THE CONVERSION OF SELECT TYPES EXISTING STRUCTURES AND OF SPACES THAT MAY INCLUDE GROUND-FLOOR RETAIL IN AN EXISTING MIXED-USE STRUCTURE, PART OR ALL OF AN OFFICE BUILDING OR PARKING STRUCTURE. THE ORDINANCE WOULD SPECIFY THE HEIGHT, BULK, AND/OR FOOTPRINT REQUIREMENTS FOR THE RESIDENTIAL USES AND ANY ASSOCIATED NEW DEVELOPMENT. THE CITY WILL EXAMINE REQUIRING THE "FUTURE PROOFING OF PARKING STRUCTURES" FOR ALL NEW PARKING STRUCTURES. THIS MEANS THAT THE DESIGN INCORPORATES FEATURES THAT PROVIDE GREATER FLEXIBILITY AND EASIER ADAPTABILITY IN CASE THE STRUCTURE WILL BE CONVERTED (IN WHOLE OR IN PART) TO RESIDENTIAL AND/OR OTHER USES IN THE FUTURE. RESEARCH THE CREATION OF A FINANCIAL INCENTIVE PROGRAM TO SUPPORT THIS PROGRAM.**

**Implements Policies:** H-1-1, H-1-2, H-5-1

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Timeframe:** Study Conversion Opportunities and Prospective Regulations (Short Term); Adopt (Mid Term); Develop Financing Tool (Long Term)

**Funding source:** General Fund, TBD

**Quantified Objective:** Re-use of two underperforming commercial spaces or parking structures to facilitate place-based revitalization. Permitting of two "Future Proof" parking structures.

**Performance Metric(s):** # of Properties converted to residential; # of adaptable parking structures permitted.

**Geographic Targeting:** North Hollis (moderate-resource area) and Park Avenue (low-resource area) are targeted for adaptive re-use because there are appropriate structures for adaptive re-use. Moderate-resource areas and large shopping centers in both the moderate- and low-resource areas of the city will be targeted for "Future

Proof” parking structures due to the ability to increase residential density and the close proximity to services and commercial uses.

**F. IMPACT FEE. THE COLLECTION OF IMPACT FEES IS INTENDED TO OFFSET THE FINANCIAL IMPACT A NEW DEVELOPMENT PLACES ON A CITY FOR PROVIDING THE NEW DEVELOPMENT WITH PUBLIC SERVICES. IN AN EFFORT TO ENSURE SMALLER PROJECTS (2-4 UNITS) ARE NOT FINANCIALLY CONSTRAINED FOR DEVELOPMENT, THE CITY WILL EVALUATE WAIVING THE AFFORDABLE HOUSING IMPACT FEE FOR PROJECTS CONSISTENT WITH BY RIGHT, OBJECTIVE STANDARDS AND/OR 2-4 UNIT PROJECTS IN THE RM ZONE (EVALUATION MUST INCLUDE POTENTIAL DISPLACEMENT OF EXISTING RESIDENTS AND NATURALLY OCCURRING AFFORDABLE HOUSING). ADDITIONALLY, TO COMPLY WITH ASSEMBLY BILL (AB) 602, THE CITY WILL IMPLEMENT FOLLOWING ACTIONS:**

1. The City will evaluate how it collects impact fees for new housing and modify its practices as needed to ensure that smaller, more affordable units are not unfairly penalized with higher costs, and that impact fees do not inadvertently incentivize larger, more expensive projects.
2. The City will continue to post its written fee schedule on the City’s website as well as the impact fees associated with a specific project in order to ensure compliance with the Assembly Bill (AB) 602 transparency requirements.

**Implements Policies:** H-1-2, H-5-2, H-4-2

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Timeframe:** Establish procedure (Short Term); Identify fees in coordination with the annual update to the City’s master fee schedule (Annually); Update Website with Project related Impact Fees (Monthly).

**Funding source:** General Fund

**Performance Metric(s):** Amount of Affordable Housing Impact Fees Collected

**G. CITY-SPONSORED DEVELOPMENT FUND. THE CITY WILL PROVIDE ADDITIONAL FINANCING (APPROXIMATELY \$41.1 MILLION) IN THE FORM OF LOW-INTEREST LOANS TO SUPPORT THE CONSTRUCTION OF APPROXIMATELY 314 RENTAL UNITS AFFORDABLE TO VERY LOW- TO MODERATE-INCOME HOUSEHOLDS ON SITES 7, 10 AND 6 ON THE SITES INVENTORY LIST. NINETY-SEVEN (97) OF THE 314 AFFORDABLE UNITS WILL BE SET-ASIDE FOR SPECIAL NEEDS POPULATIONS (I.E. HOMELESS, SENIORS, TRANSITIONAL AGED YOUTH, AND EXTREMELY LOW-INCOME HOUSEHOLDS). FUNDING FOR THIS PROGRAM IS OUTLINED IN THE HOUSING BOND ADMINISTRATION AND EXPENDITURE PLAN. ADDITIONAL DETAILS REGARDING EACH CITY SITE IS BELOW.**

1. *3600 San Pablo Avenue* (a.k.a. Nellie Hannon Gateway). New construction of 89 affordable housing units that will serve extremely low- to low-income households and one (1) manager’s unit. Twenty-two (22) units will be set-aside as permanent supportive housing units for formerly homeless individuals. Ground level retail space will house the Emeryville Citizen Assistance Program (ECAP), a not for profit organization, which addresses food insecurity for those in need in Emeryville and the surrounding communities. This site has received a City loan, its entitlements in 2021, and has secured necessary financing to begin construction in early 2023. This site is located along the San Pablo Avenue corridor in a Low-resource Area as defined by TCAC (**Figure 5-1**). (Land Inventory Site 6).

2. *4300 San Pablo Ave.* New construction of 68 affordable housing units that will serve extremely low- and very low-income seniors and transitional aged youth and one (1) manager's unit. This site is currently owned by the City and a Lease Disposition and Development Agreement was executed in October 2022 with an affordable housing developer selected through a competitive RFQ/P process. A preliminary application under the streamlined review process was started in June 2022 and entitlements are anticipated by the end of 2022, with construction commencing before the end of 2024. This site is located along the San Pablo Avenue corridor in a Low-resource Area as defined by TCAC (**Figure 5-1**). (Land Inventory Site 10)
3. *5890, 5900, and 6150 Christie (a.k.a. Christie Sites)*. New construction of high-density affordable housing units that will serve very low- to moderate-income households. This is a City (Housing Successor)-owned housing asset site and an RFQ/P for redevelopment of the site into a mixed-use project was released in July 2022, while some preliminary environmental work at the site began in early 2022. Developer selection will occur in November 2022. This site is adjacent to the Emeryville Public Market and in a Moderate-resource area as defined by TCAC (**Figure 5-1**). (Land Inventory Site 14)
4. *Adeline Sites*. New construction of one to four affordable housing units that will serve very-low-income individuals with special needs. This is a City (Housing Successor)-owned housing asset site that is partially located in the City of Oakland and thus not included in the Site Inventory List. A RFQ/P for redevelopment of the site was released in August 2022. Due to the size of the parcels, it is anticipated that only a 1-4 unit dwelling is possible on this site. This site is located in a Low-resource area as defined by TCAC (**Figure 5-1**).

**Implements Policies:** H-1-1, H-3-2, H-4-2

**Responsible department/review authority:** Community Development Department, Housing Committee, City Council

**Timeframe:** Developer Solicitations on Adeline Sites and Christie Sites (Short Term); Issue Bond (Short Term and Long Term)

**Funding Source:** Measure C Affordable Housing Bond funds, Low-and Moderate-Income Housing Asset, Affordable Housing Fund or “boomerang” funds, Affordable Housing Impact Fee, and Alameda County Measure A1

**Quantified Objectives:** New Construction of 314 units (188 very low income, 80 low income and 50 Moderate-income households), with at least 97 units of the 314 units will be set-aside for various special needs populations.

**Performance Metric(s):** Amount of Development Loans Closed; # of Housing Units Constructed; Amount of Funds Expended

- H. DEVELOPMENT OPPORTUNITIES FUND. THE CITY WILL MAKE AVAILABLE FUNDING TO PERMIT STRATEGIC ACQUISITION OR DEVELOPMENT, OF PROPERTIES FOR VERY LOW TO MODERATE-INCOME HOUSEHOLDS. FUNDING CAN BE USED FOR ACQUISITION AND PRE-DEVELOPMENT RELATED EXPENSES. IT IS ESTIMATED THAT 62 AFFORDABLE UNITS WILL BE DEVELOPED AND THAT AT LEAST THREE (3) OF THE UNITS WILL BE SET-ASIDE FOR SPECIAL NEEDS HOUSEHOLDS. FUNDING FOR THIS PROGRAM IS OUTLINED IN THE HOUSING BOND ADMINISTRATION AND EXPENDITURE PLAN, ADOPTED ON MARCH 2, 2021. THIS PROGRAM WILL REMAIN OPERATIONAL UNTIL THE FUNDING (APPROXIMATELY \$8.3 MILLION) IS DEPLETED OR REPROGRAMED TO SUPPORT ANOTHER HOUSING PROGRAM.**

**Implements Policies:** H-1-1

**Responsible department/review authority:** Community Development, Housing Committee, City Council

**Timeframe:** Draft and Adopt Program Regulations (Short Term); Issue Bond (Short Term, Mid Term and Long Term); Launch Program (Short Term); Update Website and Marketing Materials (Annually)

**Funding Source:** Measure C Affordable Housing Bond funds.

**Quantified Objectives:** New Construction or Rehabilitation of 62 units (20 Very Low-income 21 Low income and 21 Moderate income), with at least three (3) of the 62 units being set-aside for the special needs population.

**Performance Metric(s):** Amount of Funds Expended; # of Housing Sites Acquired

**Geographic Targeting:** Commercial properties with residential development potential along San Pablo corridor, where services, access to transit and neighborhood-serving retail are abundant. Condominium units in moderate-resource areas that can be acquired for affordable homeownership opportunities to expand housing mobility and provide affordable housing opportunities in higher resource areas.

- I. PRESERVATION OF BMR OWNERSHIP PORTFOLIO. THE CITY CURRENTLY HAS 186 BMR OWNERSHIP UNITS IN ITS PORTFOLIO. TO ENSURE THE RETENTION OF THESE AFFORDABLE HOMEOWNERSHIP UNITS, THE CITY WILL IMPLEMENT THE FOLLOWING ACTIONS:**

Community Development staff will continue to manage the portfolio to ensure that each unit continues to be occupied by the homeowner, and that each unit resold is marketed in compliance with the restrictions in the Resale Restriction Agreement and is sold to an income eligible homebuyer that will execute a Resale Restriction Agreement and reside in the home as their principle place of residence. If the City determines that any BMR Ownership unit is at risk of losing its affordability restriction, by the owner being unable to sell the property during the allotted marketing period or the homeowner being at risk of foreclosure, the City may acquire the unit through a right of first refusal. BMR Ownership units acquired by the City will be resold at an affordable sales price to an income eligible homebuyer and require the new homebuyer to execute a Resale Restriction Agreement for a 45-year term. Funding for this program is outlined in the Housing Bond Administration and Expenditure Plan, adopted on March 2, 2021. The

program will be operational until the funding (\$1.5 Million) is depleted or reprogrammed to support another housing program.

**Implements Policies:** H-2-3, H-2-4

**Responsible department/review authority:** Community Development Department, City Council

**Timeframe:** Issue Bonds (Short Term and Long Term); Homeowner Compliance Monitoring (Annually); Program Implementation (Ongoing)

**Funding Source:** Measure C Affordable Housing Bond funds and Affordable Housing Fund

**Quantified Objective:** Preserve the City's portfolio of 186 units in the BMR ownership program.

**Performance Metric(s):** # of BMR Units Acquired by City; % of Units in Compliance with Annual Monitoring; Amount of Funds Expended

**J. HOMEOWNER RETENTION PROGRAM. THE CITY WILL CONTINUE TO IMPLEMENT THE CITY'S FORECLOSURE PREVENTION AND PREDATORY LENDING PREVENTION STRATEGY BY IMPLEMENTING THE FOLLOWING EXISTING AND NEW STRATEGIES TO RETAIN EXISTING HOMEOWNERS:**

1. Foreclosure Prevention Fund. Make financial assistance available to homeowners with income below 120 percent Area Median Income (AMI) to prevent displacement from foreclosure. Funding from the City will be provided in the form of a deferred loan to cover delinquent Homeowners Association (HOA) dues and mortgage payments. Funding shall assist approximately 15 low to moderate-income households. Funding for this program is outlined in the Housing Bond Administration and Expenditure Plan, adopted on March 2, 2021. The program will remain operational until the funding (\$150,000) is depleted or reprogrammed.
2. *Emergency Mortgage Assistance Program.* The City will support the Alameda County Housing and Community Development Department (ACHCD) Emergency Mortgage Assistance Program, which will provide debt defense, loan restructuring legal services and financial assistance to address homeowners under 100 percent AMI that are delinquent on their mortgages and facing foreclosure utilizing CDBG funds. The City will monitor the progress of this program through the City's participation in the Alameda County Urban County Technical Advisory Committee and assist the AC in marketing the program to homeowners in Emeryville.
3. The City will evaluate the need for emergency ordinances to prevent foreclosure and displacement, as emergencies arise. In 2020, the City adopted an HOA foreclosure moratorium, which was in response to the COVID-19 pandemic to prevent HOAs from foreclosing on homeowners for their inability to pay HOA dues due to COVID-19. If another State or Countywide Emergency issue arises that impacts the economic stability of homeowners, the City will evaluate the need for a similar action or support County-wide efforts to ensure homeowners are not displaced.

4. The City will continue to work with Condominium HOAs by providing them with education on new housing laws, ensuring they receive information to share with their residents on minor repair, accessibility improvement, and foreclosure prevention programs. By creating an open line of communication with the HOAs, the City has also been able to coordinate with them on reporting potential BMR owner occupancy violations.

**Implements Policies:** H-2-3, H-2-4, H-4-2

**Responsible department/review authority:** Community Development Department, Housing Committee, City Council

**Timeframe:** Draft and Adopt Program Guidelines (Short Term); Issue Bond (Short Term); Launch Program (Short Term); Support ACHCD Program (Ongoing); Educate HOAs (Ongoing); Evaluate Need for Emergency Ordinance (As Needed)

**Funding Source:** Measure C Affordable Housing Bond funds and CDBG

**Quantified Objective:** Assist 15 households (eight (8) low and seven (7) moderate households) to prevent displacement from foreclosure.

**Performance Metric(s):** # of Homeowners assisted to prevent foreclosure; Amount of Funds Expended

**Geographic Targeting:** Promote programs in areas with high rates of homeowner overpayment to reduce displacement risk. Focus on condominium developments in moderate-resource areas and single-family neighborhoods in low-resource areas.

- K. **SPECIAL NEEDS HOUSING INCENTIVE PROGRAM. THE CITY WILL PROVIDE A FINANCIAL INCENTIVE FOR THE RESTRICTION OF ADDITIONAL BELOW MARKET RATE UNITS FOR THE SPECIAL NEEDS POPULATION (I.E. DISABLED, TRANSITIONAL AGED YOUTH, AND HOMELESS) AT EXISTING OR NEW RENTAL DEVELOPMENTS. APPROXIMATELY 15 SPECIAL NEEDS UNITS WILL BE DESIGNATED. FUNDING FOR THIS PROGRAM IS OUTLINED IN THE HOUSING BOND ADMINISTRATION AND EXPENDITURE PLAN, ADOPTED ON MARCH 2, 2021. THIS PROGRAM WILL BE OPERATIONAL UNTIL THE FUNDING (APPROXIMATELY \$4 MILLION) IS DEPLETED OR REPROGRAMMED TO SUPPORT ANOTHER HOUSING PROGRAM.**

**Implements Policies:** H-1-1; H-3-2, H-4-2

**Responsible department/review authority:** Community Development Department, Housing Committee, City Council

**Timeframe:** Draft and Adopt Program Guidelines (Short Term); Issue Bonds (Short Term, Long Term); Launch Program (Mid Term)

**Funding Source:** Measure C Affordable Housing Bond funds

**Quantified Objective:** Construction or acquisition of 15 units Below Market Rate units (four (4) extremely low-, four (4) very low-, and seven (7) low-income households) for special needs groups.

**Performance Metric(s):** # of Deed Restricted Special Needs Units; Amount of Funds Expended.



**Geographic Targeting:** Moderate-resource area, particularly the Powell-Christie core and North Bayfront Areas to promote new affordable housing opportunities where services, access to transit and neighborhood-serving retail are abundant.

- L. NEW FUNDING OPPORTUNITIES. THE CITY WILL WORK WITH AFFORDABLE HOUSING DEVELOPERS TO IDENTIFY AND LEVERAGE LOCAL, STATE, AND FEDERAL FUNDING PROGRAMS TO MAXIMIZE THE NUMBER OF AFFORDABLE UNITS AVAILABLE TO LOW-, VERY LOW-, AND EXTREMELY LOW-INCOME HOUSEHOLDS, WHENEVER POSSIBLE. ADDITIONALLY, THE CITY WILL CONTINUE TO ANALYZE THE BENEFIT OF JOINING A JOINT POWERS AGREEMENT (JPA), TO ALLOW THE ISSUANCE OF BONDS IN EMERYVILLE TO SUPPORT MIDDLE-INCOME HOUSING OPPORTUNITIES AS OFFERED BY THE CALIFORNIA COMMUNITY HOUSING AGENCY (CALCHA), THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) OR ANY OTHER ENTITY, THAT IS CREATED OVER THE PLANNING PERIOD.**

**Implements Policies:** H-1-1; H-3-2

**Responsible department/review authority:** Community Development Department, City Council

**Timeframe:** Developer Notification of Financial Resources (Ongoing); Analyze Middle Income Housing Bond Opportunity (Short Term)

**Funding source:** General fund

**Performance Metric(s):** Amount of Local, State and Federal Funds Leveraged

**Quantified Objective:** Eight applications for various funding sources to support the creation of new affordable opportunities and lessen the displacement risk for low-income households.

**Geographic Targeting:** Moderate-resource area, particularly the Powell-Christie core and low-resource area, particularly the San Pablo corridor, where services, access to transit and neighborhood-serving retail are abundant to support the creation of new affordable opportunities and lessen the displacement risk for low-income households.

- M. HOMEBUYER ASSISTANCE PROGRAMS. FOR MANY HOUSEHOLDS, DOWN PAYMENT ASSISTANCE PROGRAMS HELP TO MAKE HOME BUYING MORE AFFORDABLE AND CAN REDUCE THE RACIAL WEALTH DIVIDE. IN AN EFFORT TO INCREASE HOMEOWNERSHIP OPPORTUNITIES FOR LOW- AND MODERATE-INCOME HOUSEHOLDS, THE CITY WILL IMPLEMENT THE FOLLOWING:**

1. *FTHB Down-Payment Assistance Program.* The City will make available down payment and closing cost assistance funding for first-time, low and moderate income homebuyers to purchase a home in Emeryville. Funding will be provided in the form of a deferred loan and will require the homebuyer to maintain the property as their principal place of residency for 45 years. The City will update existing program guidelines, to address issues of low program use due to high cost of housing within the city, which made housing costs (such as mortgage payments) unattainable despite payment assistance being offered during the previous planning period. Approximately 26 households will be assisted through this program. Funding for this program is outlined in the Housing Bond Administration and Expenditure

Plan, adopted on March 2, 2021. The program will be operational until the funding (approximately \$1.7 Million) is depleted.

2. *AC Boost Down-Payment Assistance.* The City will continue to support the AC Boost down payment assistance loan program. The program provides loans up to \$210,000 (depending on buyer income and need) in the form an interest free deferred 30-year loan. The City will monitor the progress of this program through the City’s participation in the Alameda County Urban County Technical Advisory Committee and assist the AC in marketing the program to those looking to purchase a home in Emeryville.
3. *Mortgage Credit Certificates.* The City will continue to work with the ACHCD to advertise the availability of Mortgage Credit Certificates (MCC) to increase the financial feasibility of homeownership for Emeryville households. The MCC program provides income eligible First-Time homebuyer with an opportunity to reduce the amount of Federal Income tax otherwise due by an amount equal to 20 percent of the mortgage interest payments as a dollar for dollar credit on their annual taxes. The remaining 80 percent can be taken as the usual allowable deduction of the itemized return. The result increases the household's overall income and ability to qualify for a mortgage loan. Funding to support this program is currently not available through the California Debt Limit Allocation Committee (CDLAC), however when funding becomes available the City will continue to support this program.

To increase rates of homeownership in low-resource areas, as defined by TCAC, the City will evaluate making additional modifications to the FTHB programs by easing the borrower requirements and/or increasing the loan amount of down payment assistance for those looking to purchase in a Low-resource Area.

**Implements Policies:** H-2-4, H-3-1, H-4-2

**Responsible department/review authority:** Community Development Department, Housing Committee, City Council

**Timeframe:** Evaluate FTHB Guidelines (Short Term); Issue Bond (Short Term, Long Term) Launch FTHB Program (Short Term); Support ACHCD Programs (Ongoing); Update Website with Program Information (Annually)

**Funding Source:** Measure C Affordable Housing Bond funds, Affordable Housing Fund and A-1 Funds

**Quantified Objective:** Assist 13 low-income households and 13 moderate income households through the FTHB Down-Payment Assistance Program.

**Performance Metric(s):** # of Homebuyers Assisted; Amount of Funds Expended

**Geographic Targeting:** Promote in areas with high rates of renters and areas where services, access to transit and neighborhood-serving retail are abundant, within condominium developments in moderate-resource areas and single-family neighborhoods in low-resource areas. To increase rates of homeownership in low-resource areas, the City will evaluate making additional modifications to the FTHB

programs by easing the borrower requirements and/or increasing the loan amount of down payment assistance for those looking to purchase in a Low-resource Area.

- N. AFFORDABLE HOUSING WATER/SEWER PRIORITY PROGRAMS. TO COMPLY WITH SENATE BILL (SB) 1087, THE CITY WILL IMMEDIATELY FORWARD ITS ADOPTED HOUSING ELEMENT TO EAST BAY MUNICIPAL UTILITIES DISTRICT (EBMUD) SO THEY CAN GRANT PRIORITY FOR WATER AND SEWER SERVICE ALLOCATIONS TO PROPOSED DEVELOPMENTS THAT INCLUDE UNITS AFFORDABLE TO LOWER-INCOME HOUSEHOLDS. THE CITY'S PUBLIC WORKS DEPARTMENT WILL CONTINUE TO GRANT PRIORITY TO NEW AFFORDABLE HOUSING FOR HOOKUPS TO CONNECT TO THE CITY'S CONVEYANCE SYSTEMS TO PROVIDE ACCESS TO SERVICE FROM EBMUD.**

**Implements Policies:** H-1-1

**Responsible department/review authority:** Community Development and Public Works Departments

**Timeframe:** Submit Housing Element (Short Term); Priority Hookups - Ongoing

**Funding source:** General Fund

- O. HOUSING & SERVICES FOR PERSONS WITH DISABILITIES. THE CITY WILL PARTNER WITH NONPROFIT HOUSING DEVELOPERS AND SERVICE PROVIDERS TO IMPROVE LIVABILITY IN EMERYVILLE FOR PEOPLE WITH DISABILITIES. THE CITY WILL COLLABORATE WITH RELEVANT PARTIES TO DEVELOP HOUSING FOR PERSONS WITH DISABILITIES ON CITY-CONTROLLED SITES. THE CITY WILL COLLABORATE WITH RELEVANT PARTIES TO EXPAND THE AVAILABILITY OF SUPPORT SERVICES FOR EMERYVILLE RESIDENTS WITH DISABILITIES. THIS CAN INCLUDE ONE OR MORE OF THE FOLLOWING APPROACHES:**

1. Providing incentives to developers that commit to providing supportive services for affordable housing in Low and Moderate-resource areas as defined by TCAC.
2. Prioritizing mixed-use projects that will include non-residential space for essential or supportive services in Low and Moderate-resource areas as defined by TCAC.
3. Seeking partnerships that provide in-home support services for persons with disabilities.
4. Implementing a master leasing program in partnership with a non-profit that would serve as a master tenant who would then sublease apartments at affordable rents to target populations and provide supportive services to those tenants, in new and/or existing developments.
5. Supporting service providers that provide in-home care services in private residences throughout the city.
6. Prioritizing the construction of care facilities that serve people with severe disabilities.
7. Encouraging the inclusion of Shelter-Plus-Care units (rent-assisted units for dually diagnosed people with mental illness, substance abuse, and/or AIDS-related illnesses) in residential projects located in Moderate-resource areas as defined by TCAC. As identified in the Assessment of Fair Housing, provide housing that is exclusive to persons with disabilities (including persons with mental illness, substance abuse, and/or AIDS-related illnesses) to reduce heightened competition for limited affordable housing units with appropriate accessible design.

8. Continue to provide individuals with disabilities “reasonable accommodation” in land use, zoning and building regulations, as required per Ordinance and evaluate and adjust the ordinance as needed to ensure its effectiveness. This ordinance seeks to provide equal opportunity in the development and use of housing for people with disabilities through flexibility in regulations and the waiver of certain requirements in order to eliminate barriers to fulfilling this objective.

**Implements Policies:** H-1-1, H-1-2, H-3-2

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Time frame:** Develop Incentives (Mid Term); Develop Master Lease Program (Mid-Term); Engage Partnership (On-going); Encourage, support and prioritize (Ongoing); Evaluate effectiveness of Reasonable Accommodation Ordinance (Bi-Annually)

**Funding source:** General fund

**Quantified Objective:** Create one partnership with an in-home support services provider to reduce displacement risk for individuals with disabilities. Create 5 shelter-plus-care units within residential projects to promote integrated living situations.

**Performance Metric(s):** # of housing units set-aside for persons with disabilities; # of non-residential spaces created for essential or supportive services; # of Homeowner Accessibility Improvements Made

**Geographic Targeting:** Moderate-resource area, particularly the Powell-Christie core where services, access to transit and neighborhood-serving retail are abundant. Market the availability of information and resources (including partnerships with in-home support services providers) in areas with high rates of disabilities, such as the San Pablo corridor.

- P. **LIVE/WORK UNITS. ASSESS EXISTING LIVE/WORK REGULATIONS TO SEE IF ANY MODIFICATION NEEDS TO BE MADE TO ENCOURAGE DEVELOPMENT OF LIVE/WORK UNITS IN AN EFFORT TO DIVERSIFY THE CITY'S HOUSING TYPES. ENCOURAGE THE DEVELOPMENT OR CONVERSION OF AFFORDABLE LIVE/WORKSPACE UNITS, AND ENSURE OWNERS OF EXISTING LIVE/WORK UNITS ARE AWARE OF THE HOMEBUYER ASSISTANCE PROGRAM AVAILABLE FOR THEIR UNIT WHEN MARKETING THEIR UNIT FOR RESALE, IN AN EFFORT TO EXPAND AFFORDABLE HOMEOWNERSHIP OPTIONS.**

**Implements Policies:** H-1-2, H-3-1, H-4-2, H-5-1

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Time frame:** Assess Regulations (Mid Term); Adopt Regulations (Mid Term); Market (Ongoing)

**Funding source:** General fund.

**Performance Metric(s):** # of Live/Work Units created

**Q. HOUSING FOR ARTISTS/CRAFT-PERSONS. THE CITY IS DESIGNATED ART-DISTRICT WITHIN THE STATE AND VIEW THE ARTISTS THAT RESIDE IN EMERYVILLE AS A COMMUNITY BENEFIT TO THE CITY. TO ENSURE THAT ARTISTS CONTINUE TO THRIVE AND WORK IN EMERYVILLE, THE CITY WILL:**

1. Engage with Artists/Craft-persons residing in Emeryville and organizations that support the Arts to assess the housing needs of the artistic community and how the City can address these needs programmatically.
2. Conduct targeted marketing for artist/craft-persons when BMR units and Live/Work units become available.

**Implements Policies:** H-3-1, H-4-2

**Responsible department/review authority:** Community Development Department

**Timeframe:** Engage (Mid Term); Targeted Marketing (Ongoing)

**Funding source:** General Fund

**Performance Metric(s):** # of Artists surveyed

**R. FAMILY FRIENDLY HOUSING. PROMOTE HOUSING DESIGNS AND UNIT MIX TO ATTRACT MULTIGENERATIONAL HOUSEHOLDS BY ENCOURAGING DEVELOPERS TO INCLUDE HOUSING FEATURES AND MORE BEDROOMS (INCLUDING FOUR-BEDROOM UNITS), AS WELL AS OTHER ON-SITE AMENITIES, SUCH AS USABLE OUTDOOR OPEN SPACE FOR MULTIGENERATIONAL USE, AND MULTIPURPOSE ROOMS THAT CAN BE USED FOR AFTER-SCHOOL HOMEWORK CLUBS, COMPUTER, ART, OR OTHER RESIDENT ACTIVITIES. AS IDENTIFIED IN THE HOUSING NEEDS ASSESSMENT, BETWEEN 2010 AND 2019, THE NUMBER OF UNITS OCCUPIED BY HOUSEHOLDS WITH FOUR OR MORE PERSONS DECREASED, WHILE HOUSEHOLDS WITH THREE OR FEWER PERSONS PER UNIT INCREASED. TO ADDRESS POTENTIAL DISPLACEMENT OF HOUSEHOLDS WITH FOUR OR MORE PERSONS, THE CITY WILL RESEARCH OPTIONS TO EXPAND REGULATORY INCENTIVES TO ENCOURAGE THE DEVELOPMENT OF LARGER UNITS. THIS MAY INCLUDE REVIEWING THE COMMUNITY BENEFITS PROGRAM TO PROVIDE ADDITIONAL INCENTIVES FOR INCLUDING FAMILY-FRIENDLY UNITS THAT ARE AT LEAST FOUR BEDROOMS AND/OR REVIEWING THE AFFORDABLE HOUSING PROGRAM TO INCLUDE AN OPTION TO PROVIDE A PERCENTAGE OF AFFORDABLE FAMILY-FRIENDLY UNITS (THREE OR MORE BEDROOMS).**

**Implements Policies:** H-1-1, H-3-2

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Time frame:** Develop Regulatory Incentive (Mid-Term); Implement Family Friendly Design Guidelines (Ongoing)

**Funding source:** General fund

**Performance Metric(s):** # of 2-, 3-, and 4-bedroom units entitled; # of family friendly designated units

- S. BROWNFIELD REMEDIATION LOANS. CONTINUE TO OFFER LOW-INTEREST LOANS OR GRANTS THROUGH THE ASSESSMENT LOAN AND CLEAN-UP LOAN PROGRAMS TO PROVIDE FINANCIAL, TECHNICAL, AND REGULATORY ASSISTANCE TO PROPERTY OWNERS AND DEVELOPERS SEEKING TO ASSESS AND REMEDIATE HOUSING DEVELOPMENT SITES ON BROWNFIELDS. THE CITY WILL CONTINUE TO WORK WITH DEVELOPERS TO SEEK OUTSIDE FUNDING OPPORTUNITIES FOR SITE REMEDIATION AND OFFER TECHNICAL ASSISTANCE WITH FUNDING APPLICATIONS. REMEDIATE POLLUTED SITES TO REVITALIZE NEIGHBORHOODS.**

**Implements Policies:** H-1-1, H-1-3

**Responsible department/review authority:** Community Development Department, City Council

**Timeframe:** Implementation (Ongoing), Update website (Annually)

**Funding source:** General fund, US Environmental Protection Agency (EPA)

**Performance Metric(s):** Amount of Loans Issued

- T. RENEWABLE ENERGY AND REACH CODES. THE CITY WILL CONTINUE TO IMPLEMENT THE ALL-ELECTRIC REACH CODE FOR NEW RESIDENTIAL BUILDING CONSTRUCTION AND RESIDENTIAL OCCUPANCIES IN MIXED-USE CONSTRUCTION, AND STRIVE TO MAXIMIZE OPPORTUNITIES FOR RENEWABLE ENERGY, WHICH IMPROVES INDOOR AND OUTDOOR AIR QUALITY, AS WELL AS SUPPORTS CLIMATE CHANGE MITIGATION AND RESILIENCY EFFORTS. ALL-ELECTRIC CONSTRUCTION HAS PROVED COST-EFFECTIVE AND IN MOST RESIDENTIAL DEVELOPMENT SCENARIOS, IT IS CHEAPER TO CONSTRUCT ALL-ELECTRIC BUILDINGS THAN MIXED-FUEL.**

**Implements Policies:** H-1-4

**Responsible department/review authority:** Community Development Department

**Time frame:** Implementation (Ongoing)

**Funding source:** General fund

**Performance Metric(s):** # of All electric housing units built

- U. GREENPOINT/LEED REQUIREMENTS. CONTINUE TO INCORPORATE SITE-APPROPRIATE STANDARDS DESCRIBED BY BUILD-IT-GREEN GREENPOINT RATING SYSTEM AND/OR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEEDTM), AND BAYFRIENDLY LANDSCAPE SCORECARD INTO ALL NEW CONSTRUCTION AND REHABILITATION PROJECTS.**

**Implements Policies:** H-1-4

**Responsible department/review authority:** Community Development Department, Planning Commission

**Time frame:** Implementation (Ongoing)

**Funding source:** General fund

- V. ENERGY PROGRAMS. THE CITY WILL CONTINUE TO PARTICIPATE IN AND PUBLICIZE ENERGY PROGRAMS PROVIDED BY REGIONAL AGENCIES ON AN ONGOING BASIS, FOR EXAMPLE PROGRAMS MAY INCLUDE ENERGY-EFFICIENCY SERVICES (FREE OR LOW-COST ASSISTANCE AND EQUIPMENT), PURCHASING ASSISTANCE AND GROUP BUYING DISCOUNTS ON SOLAR PANELS, ELECTRIC VEHICLES AND CHARGERS, AND REBATES ON EQUIPMENT FROM PACIFIC GAS AND ELECTRIC COMPANY (PG&E), EAST BAY COMMUNITY ENERGY (EBCE), AND OTHER AGENCIES.**

**Implements Policies:** H-2-2, H-4-2

**Responsible department/review authority:** Community Development Department, Public Works

**Time frame:** Implement (Ongoing); Update Website Information (Annually)

**Funding source:** General fund

**Performance Metric(s):** # of Residential Units assisted; # of Improvements made

- W. PRIORITY DEVELOPMENT AREA. ENCOURAGE NEW HOUSING DEVELOPMENT WITHIN THE CITY'S PRIORITY DEVELOPMENT AREA (PDA), IN KEEPING WITH REGIONAL GREENHOUSE-REDUCTION STRATEGIES. MONITOR THE AVAILABILITY AND LOCAL APPLICABILITY OF PDA-LINKED FUNDING RESOURCES AND INCENTIVES FOR PLANNING AND DEVELOPMENT. USE THESE RESOURCES TO THE EXTENT FEASIBLE AND APPROPRIATE. TO ENCOURAGE A REDUCED RELIANCE ON PERSONAL AUTOMOBILES, THE CITY WILL CONTINUE TO IMPLEMENT THE PEDESTRIAN AND BICYCLE PLAN (ADOPTED IN 2012) WHICH WILL BE REPLACED BY THE ACTIVE TRANSPORTATION PLAN (ATP) (PROGRAM II) IN 2023 AND COLLABORATE WITH LOCAL PARTNERS TO COMPLETE AND IMPLEMENT STRATEGIES IDENTIFIED IN THE EMERYVILLE-BERKELEY-OAKLAND-TRANSIT STUDY (EBOTS).**

**Implements Policies:** H-1-4; H-4-6

**Responsible department/review authority:** Community Development Department

**Timeframe:** Implement (Ongoing); Review funding sources (Annually)

**Funding source:** General fund

**Quantified Objective:** Apply for four Metropolitan Transportation Commission (MTC) PDA grant funding programs (Grants, Technical Assistance Grants and/or Staffing Assistance) to fund projects that promote place-based revitalization and improve accessibility for residents.

**Performance Metric(s):** # of Pedestrian and Bicycle Improvement projects implemented in a Priority Development Area; # of Housing Projects approved in a Priority Development Area

**Geographic Targeting:** Promote place-based revitalization and improve accessibility for residents within the Priority Development Area (PDA).



**X. HOMEOWNER REHABILITATION AND REPAIR PROGRAMS. IN AN EFFORT TO FACILITATE THE HABITABILITY OF HOMEOWNER’S HOMES IN EMERYVILLE, ESPECIALLY THOSE OWNED BY LOW-INCOME HOUSEHOLDS, THE CITY WILL ENGAGE IN THE FOLLOWING EFFORTS TO EDUCATE HOMEOWNERS AND MAKE AVAILABLE FINANCIAL RESOURCES TO AID IN THE REPAIR OR REHABILITATION OF THEIR HOME.**

1. RTEBN (Rebuilding Together East Bay-North) Minor Home Repair Program provides life safety and accessibility repairs to low-income seniors and disabled homeowners at no cost. Funding is provided by the City on an annual basis.
2. Renew Alameda County is a Countywide Measure A1 funded program that offers 1 percent interest rate loans from \$15,000 to \$150,000 to improve the health, safety and quality of a low-income homeowners home.
3. Alameda County Healthy Homes Department offers lead hazard repair grants, minor home repairs grants, and accessibility installation grants for lower-income households throughout Alameda County.
4. The City will analyze opportunities to create rehabilitation programs to address all housing units in need of repair in low-resource areas, as defined by TCAC (**Figure 5-1**) to improve the overall conditions of that area.
5. The City will create and distribute surveys to Condominium developments with Homeowners Associations to ascertain the housing conditions and rehabilitation or accessibility needs for existing homeowners and properties.
6. The City will add home maintenance education resources to its website.

**Implements Policies:** H-1-1, H-2-1, H-4-2

**Responsible department/review authority:** Community Development Department, City Council

**Timeframe:** Implement existing programs (Ongoing); Survey HOAs (Short Term); Develop new financial incentive (Mid Term); Update Website and Marketing materials (Annually)

**Funding source:** General fund, Alameda County Measure A1, CDBG

**Quantified Objectives:** Provide minor rehabilitation to 32 low-income homeowner units. Provide major rehabilitation to five (5) low-income homeowner units.

**Performance Metric(s):** # of Minor Home Improvements projects funded through Local Assistance; # of homeowner improvement permits pulled; # of low-income homeowners assisted

**Geographic Targeting:** Single-family homes in the low-resource area, particularly in the Triangle neighborhood and condominiums in the moderate-resource area to prevent displacement.

- Y. RENTAL PRESERVATION PROGRAM. THE CITY WILL PROVIDE LOW INTEREST RATE LOANS TO EXISTING RENTAL PROPERTY OWNERS TO IMPROVE THE HABITABLE CONDITION(S) OF THEIR RENTAL UNITS OCCUPIED BY VERY LOW, LOW AND MODERATE-INCOME TENANTS. APPROXIMATELY 160 EXISTING RENTAL UNITS WILL BE ASSISTED. FUNDING FOR THIS PROGRAM IS OUTLINED IN THE HOUSING BOND ADMINISTRATION AND EXPENDITURE PLAN, ADOPTED ON MARCH 2, 2021. THE PROGRAM WILL BE OPERATIONAL UNTIL THE FUNDING (\$4 MILLION) IS DEPLETED OR REPROGRAMMED TO SUPPORT ANOTHER HOUSING PROGRAM. FUNDING WILL BE TARGETED TO OLDER RENTAL PROPERTIES IN NEED OF CAPITAL IMPROVEMENTS TO SUSTAIN AFFORDABLE HOUSING OPPORTUNITIES FOR EXISTING RESIDENTS.**

**Implements Policies:** H-1-1, H-2-1, H-4-2

**Responsible department/review authority:** Community Development Department, Housing Committee, City Council

**Timeframe:** Draft and Adopt Program Guidelines (Short Term); Issue Bond (Short Term, Mid Term, and Long Term); Launch Program (Short Term), Update Website and Program Materials (Annually)

**Funding Source:** Measure C Affordable Housing Bond funds.

**Quantified Objective:** Rehabilitation of 160 rental units (70 Very-Low Income, 50 Low Income, 40 Moderate Income) with at least 15 units reserved specifically for units occupied by special needs tenants.

**Performance Metric(s):** # of rental units renovated; # of special need units assisted; Amount of Funds Expended

**Geographic Targeting:** Single-family homes in the low-resource area, particularly in the Triangle neighborhood and condominiums in the moderate-resource area to prevent displacement.

- Z. ENERGY CONSERVATION REMODELS. CONTINUE TO OFFER THE ENERGY EFFICIENT EMERYVILLE (E3) PROGRAM TO OFFER NO-COST ENERGY AUDITS AND ASSISTANCE TO SMALL AND MEDIUM BUSINESSES. DISSEMINATE INFORMATION ON RETROFIT ASSISTANCE PROGRAMS AND SOLAR ENERGY REBATES WITH THE INTENT OF ENCOURAGING ENERGY CONSERVATION MEASURES AND USE OF GREEN BUILDING MATERIALS.**

**Implements Policies:** H-2-1, H-2-2, H-4-2

**Responsible department/review authority:** Public Works

**Timeframe:** Implement (Ongoing); Update Website and Marketing Materials (Annually)

**Funding Source:** General Fund

- AA. CONVERSION OF AT-RISK BMR RENTAL UNITS. THE CITY MAINTAINS A DIRECTORY OF ALL BELOW MARKET RATE UNITS IN EMERYVILLE AND WHEN THE REGULATORY RESTRICTIONS EXPIRE. THE CITY WILL CONTINUE TO MONITOR THIS DIRECTORY AND WILL WORK PROACTIVELY TO RETAIN EXISTING SUBSIDIZED AFFORDABLE RENTAL HOUSING UNITS THAT ARE AT RISK OF CONVERTING TO MARKET RATE. AS OF 2021, TWO PROPERTIES HAVE ASSISTED UNITS THAT ARE AT RISK OF CONVERTING TO MARKET RATE IN THE 10-YEAR PERIOD FROM 2021 TO 2029: OCEAN AVENUE COURT (6 VERY-LOW-INCOME UNITS WILL EXPIRE IN JUNE 2026) AND BAKERY LOFTS I AND II (8 MODERATE-INCOME UNITS WILL EXPIRE IN JUNE 2028). OCEAN AVENUE COURT IS OWNED BY THE**

**HOUSING AUTHORITY OF ALAMEDA COUNTY, SO THERE IS A LOW RISK OF LOSING THE AFFORDABLE UNITS. BAKERY LOFT I AND II IS PRIVATELY OWNED AND POSES A GREATER RISK TO CONVERSION TO MARKET RATE. THE FOLLOWING PROPOSED ACTIONS WILL ASSIST THE CITY IN DETERMINING THE ABILITY TO PRESERVE THE BMR RENTAL UNITS AT RISK AND ENSURE THAT RESPECTIVE BMR TENANTS ARE ADEQUATELY NOTIFIED IF THE CITY IS UNABLE TO PRESERVE THE BMR UNITS.**

1. The City will annually submit a “Risk Assessment” report provided by the California Housing Partnership Corporation (CHPC). Projects determined high risk are those most likely to decline continued federal assistance because they currently have rents below market rate(s) and are owned by profit-motivated entities.
2. The City will reassess the differential between the moderate-income rents required at Bakery Loft I and II and the then-current the United States Department of Housing and Urban Development (HUD) fair market rents and the average market-rate rents from a survey of available rental listings. With that information, if another party has not stepped forward to preserve the affordability of the eight Bakery Loft I and II units, the City will be able to determine the necessity and priority for sponsoring a program to preserve them.
3. The City will work with potential purchasers to preserve the 8 units BMR units at Bakery Lofts or in a new development by finding an interested non-profit entity interested in developing housing with subsidized affordable housing units. The City will not take part directly in negotiations regarding the property but will apply for state or federal funding on behalf of an interested non-profit entity, if necessary, to protect the affordability of the rental units.
4. The City will request that the property owners provide evidence that they have complied with state and federal regulations regarding notice to tenants and other procedural matters related to conversion, and the City will contact HUD, if necessary, to verify compliance with notice requirements. The City will use California Department of Housing and Community Development (HCD) resources listed on the HCD website, as well as other resources, to locate potential funding sources as needed for the preservation of affordable housing. Should the units convert to market-rate, the City will work with the Housing Authority of Alameda County to ensure that low-income tenants displaced as a result of a conversion receive priority for federal housing vouchers.
5. As needed, the City will ensure tenants are adequately notified throughout the preservation/acquisition process as to the status of their housing units, impacts of the ownership change or preservation process on occupancy and rents, their rights and responsibilities as tenants, and who to contact with questions or concerns. The City will work with the responsible entity (whether the existing property owner, the Housing Authority, or a new non-profit entity) to distribute information and conduct tenant meetings, as needed, to keep residents informed of the preservation process, tenant options, and what to expect once the process has been completed.

**Implements Policies: H-2-3**

**Responsible department/review authority:** Community Development Department, City Council

**Timeframe:** Update BMR Asset Management Directory (Quarterly); Prepare “Risk Assessment” reports (Annually); Outreach to Bakery Lofts Owner (Short Term); Assessment of Bakery Lofts Rents and Need for the City to Sponsor BMR Units (Mid Term); Provide BMR Technical Assistance to Potential Purchasers of Bakery Lofts (As Needed); Ensure Bakery Loft tenants receive education of housing rights and preservation/acquisition status (As Needed).

**Funding source:** General fund

**Quantified Objective:** Preserve a total of 14 units (6 very low-income units at Ocean Avenue Court and 8 moderate-income units Bakery Lofts I and II) to prevent displacement.

**Performance Metric(s):** # of units preserved; # of existing residents retained

**BB. HOUSING AND SUPPORTIVE SERVICES FOR HOMELESS AND FORMERLY HOMELESS. IN 2015, THE CITY ADOPTED A HOMELESS STRATEGY AND UPDATED THIS STRATEGY IN 2018 TO SOLIDIFY THE ACTIONS AND STRATEGIES THE CITY WAS GOING TO UNDERTAKE TO ADDRESS THE NEEDS OF PEOPLE EXPERIENCING HOMELESSNESS AND PREVENT THOSE CURRENTLY HOUSED FROM BECOMING HOMELESS. DURING THE CYCLE 6 PLANNING PERIOD, THE CITY WILL CONTINUE TO IMPLEMENT THE FOLLOWING ACTIONS:**

1. Provide funding to support a homeless shelter and service providers to provide housing, meals, outreach, and other support services to individuals experiencing homelessness who reside or have resided in Emeryville.
2. Seek innovative partnerships to provide services and emergency shelter to persons experiencing homelessness, similar to the private-nonprofit-public partnership that allowed the City to use the former City Recreation Center as a temporary shelter for families prior to the site’s redevelopment.
3. Encourage developers to set-aside units affordable for the unsheltered population and those with extremely low income. The City will continue to facilitate the redevelopment of Site 6 on the Site Inventory List, to create 23 permanent supportive housing units for formerly homeless individuals, and Site 10 on the Site Inventory List, to create 13 units for Transitional Aged Youth.
4. Support the countywide efforts to prevent and end homelessness through the Alameda County-wide Homeless Plan. The City will monitor the Alameda County Homeless Plan’s progress through City participation in collaborative groups, including working committees, the Alameda County Urban County Technical Advisory Committee, and the Alameda County HOME Consortium Technical Advisory Committee, and will continue to evaluate actions proposed in the County’s Homeless Plan that can address providing additional shelter/safe spaces for the Emeryville’s unsheltered population.
5. Seek partnerships with homeless service providers to provide shelter and services to Emeryville residents experiencing homelessness.

**Implements Policies:** H-1-2, H-3-2, H-4-4

**Responsible department/review authority:** Community Development Department, City Council

**Timeframe:** Provide Financial Support (Annually); Seek Additional Partnerships (Ongoing); Encourage Development of Units for the unsheltered Population (Ongoing); Support Alameda County Homeless Plan (Ongoing);

**Funding Source:** General Fund, Low Moderate-Income Housing Fund, Measure C

**Quantified Objective:** Develop permanent supportive housing units for extremely low-income households: 23 units for formerly homeless individuals and 13 units for transitional-aged youth.

**Performance Metric(s):** # of Permanent Supportive Housing Units Created; Amount of Funds Committed to addressing Homelessness in Emeryville

**CC. SECTION 8 RENTAL ASSISTANCE. THE HOUSING AUTHORITY OF ALAMEDA COUNTY ADMINISTERS THE SECTION 8 RENTAL ASSISTANCE PROGRAM ON BEHALF OF THE CITY. THERE ARE 153 VOUCHERS CURRENTLY IN USE IN THE CITY OF EMERYVILLE. BASED ON FUTURE CONGRESSIONAL APPROPRIATIONS, THE COUNTY HOUSING AUTHORITY WILL APPLY FOR ADDITIONAL FUNDING THAT WILL ENABLE THE HOUSING AUTHORITY TO ADMINISTER ADDITIONAL VOUCHERS FOR FAMILIES, SENIORS, AND DISABLED PERSONS OVER THE HOUSING ELEMENT PLANNING PERIOD. THE CITY WILL CONTINUE THE FOLLOWING:**

1. Provide referral services and information to the City's residents on housing choice voucher programs, ensuring that all information offered digitally and physically is provided in multiple languages.
2. Coordinate with community-based organizations that serve Emeryville's special-needs populations to reach households that would qualify for housing choice voucher programs.
3. Work with the Housing Authority increase voucher acceptance in areas of higher income to increase opportunities for housing mobility, as identified in the Assessment of Fair Housing.
4. Partner with the Housing Authority to provide biannual training to landlords regarding fair-housing requirements, including the requirement that they accept vouchers, and educate property owners in moderate-resource Areas, as defined by TCAC higher-income neighborhoods about the benefits of voucher holding-tenants, encouraging them to market available units at their rental properties to voucher holders.
5. Assess the feasibility of a landlord incentive program for landlords that choose to accept voucher holding tenants. The landlord incentive program could be focused on Low-resource Areas, as defined by TCAC, or neighborhoods that experience higher rates of rental increases.

**Implements Policies:** H-3-1, H-4-1, H-4-2

**Responsible department/review authority:** Community Development Department, City Council

**Time frame:** Provide Referral Services (Ongoing); Work with HACA (Ongoing); Landlord Training (Bi-Annually); Assess feasibility of Landlord Incentive Program (Mid Term);

**Funding source:** General Fund

**Quantified Objective:** Preserve the existing 153 Section 8 vouchers in use in Emeryville.

**Performance Metric(s):** #\_of Section 8 Vouchers utilized in Emeryville; # of BMR properties with Section 8 tenants

**DD. FAIR HOUSING COUNSELING. CONTINUE TO CONTRACT WITH A HUD-APPROVED FAIR HOUSING COUNSELING ORGANIZATION ON AN ANNUAL BASIS TO PROVIDE FAIR HOUSING COUNSELING SERVICES, PUBLIC EDUCATION, AND LEGAL REFERRALS FOR EMERYVILLE TENANTS AND LANDLORDS. CREATE TARGETED MARKETING PROGRAM TO REACH NEIGHBORHOODS LOW-RESOURCE AREAS, AS DEFINED BY TCAC (FIGURE 5-1). UTILIZE COMMUNITY-BASED PARTNERS TO REACH VULNERABLE HOUSEHOLDS IN THE IDENTIFIED NEIGHBORHOODS.**

**Implements Policies:** H-4-1, H-4-2

**Responsible department/review authority:** Community Development Department

**Time frame:** Contract/Engage with Service Provider(s) (Annually); Implement (Ongoing); Update Website and Marketing Materials (Annually)

**Funding source:** CDBG, General Funds

**Quantified Objective:** Counsel 50 residents annually on Fair Housing concerns

**Performance Metric(s):** # of people counseled; # of fair housing complaints

**EE. RESIDENT ENGAGEMENT. THE CITY WILL EVALUATE ITS CURRENT COMMITTEES AND COMMISSION MEMBERSHIP TO DETERMINE IF THE MEMBERSHIP IS REFLECTIVE OF THE SOCIO-ECONOMIC AND RACIAL MIX OF EMERYVILLE OR IF THERE ARE ANY MISSING VOICES. IF IT IS DETERMINED, THERE ARE MISSING VOICES, THE CITY WILL ENHANCE ITS OUTREACH EFFORTS TO ENCOURAGE RESIDENTS FROM ALL SOCIO-ECONOMIC GROUPS AND RACIAL BACKGROUNDS TO SERVE ON COMMITTEES AND COMMISSIONS WHEN POSITION BECOME AVAILABLE. THE CITY WILL INVESTIGATE THE RESTRUCTURING OF THE HOUSING COMMITTEE TO ENSURE THAT THE COMMITTEE HAS AT LEAST ONE MEMBER THAT RESIDES IN A BMR UNIT, AT LEAST ONE MEMBER THAT IS A TENANT, AND AT LEAST ONE MEMBER THAT IS A HOMEOWNER.**

**Implements Policies:** H-4-2

**Responsible department/review authority:** Community Development Department, Clerk, City Council

**Timeframe:** Expand Marketing efforts for Committee/Commission Membership (Ongoing); Evaluate Demographics of Committee Membership (Short Term); Housing Committee Member Restructure (Mid Term)

**Funding Source:** General Fund

**FF. ACCESS TO INFORMATION. PUBLIC OUTREACH IS A KEY COMPONENT TO DEVELOPING A COMPREHENSIVE AND INCLUSIVE HOUSING MARKET IN THE CITY. IT IS CRITICAL TO ENGAGE RESIDENTS AND STAKEHOLDERS FROM ALL SECTORS OF THE COMMUNITY IN ORDER TO EDUCATE AND PROVIDE AN INCLUSIVE COMMUNITY. THE CITY WILL ENGAGE THE FOLLOWING STRATEGIES TO ENSURE ALL MEMBERS OF THE COMMUNITY RECEIVE HAVE ACCESS TO HOUSING RELATED INFORMATION AND INCOME-RESTRICTED RESOURCES:**

1. Ensure that up-to-date public information materials are available physically at the City and digitally through the website, Newsflash, and social media.
2. Ensure that all public information materials are available in multiple languages and meet Americans with Disabilities Act (ADA) accessibility standards.
3. Identify areas most vulnerable to displacement, beginning with areas with a higher concentration of poverty as identified in the Assessment of Fair Housing to target marketing efforts and use social media, community-based partners, and other methods to connect with households in the identified neighborhoods.
4. Utilize the Housing Portal Mail serve as mechanism to perform outreach to service providers, existing residents, prospective residents looking to relocate to Emeryville and property owners. Information on available housing opportunities, housing programs and resources, incentives and programs for low-income residents, and fair housing education. Information will be sent out at least monthly to the mailing list, which currently has over 7,000 registered individuals. Incentives and programs for low-income residents may include low-cost childcare opportunities for working families, job-readiness training, low cost and free transportation programs, utility assistance, and food insecurity programs.
5. Develop a targeted marketing plan to promote local resources and programs for persons with disabilities, including educational materials on reasonable accommodation, housing rights, and access to legal aid. Identify community-based partners to support dissemination of program materials.
6. Establish a communication channel with the teachers and parents of children that participate in programs as Emeryville Center of Community Life (ECCL), Emeryville Child Development Center (ECDC) and Emery Unified School District (EUSD) on all affordable housing opportunities in Emeryville.

**Implements Policies:** H-4-2

**Responsible department/review authority:** Community Development Department, City Council

**Timeframe:** Send out information via Housing Portal (Monthly); Update Website (Quarterly); Create Multi-lingual Marketing Materials (Short Term); Create Targeted Marketing Plans for Disabled and those vulnerable to displacement (Short Term); Establish Communication Channel with Parents (Short Term);

**Funding Source:** General Fund

**Quantified Objective:** Add 200 new subscribers to the Housing Portal annually; Send out 12 outreach messages annually through the Housing Portal



**Performance Metric(s):** # of subscribers to the Housing Portal; # of outreach messages;  
# of new subscribers

**GG. ECONOMIC MOBILITY. THE CITY WILL DEVELOP STRATEGIES TO ADDRESS INCOME EARNING POTENTIAL OF VERY LOW-INCOME RESIDENTS BY EXPANDING LOW-BARRIER, LOW-SKILL JOB OPPORTUNITIES WITHIN THE CITY, BY:**

1. Meeting with at least two community-based partners on an annual basis to expand job opportunities in Emeryville and to seek partnerships to provide job readiness training, such as job training, resume and interview assistance to Emeryville residents in an effort to increase the household income of very low-income households.
2. Working with local employers to identify entry level positions with good pay that can be advertised to the Below Market Rate tenants in Emeryville.
3. Coordinate with job readiness service providers to market trainings and job opening announcements to BMR tenants and property managers of buildings with BMR units a minimum of six times per year.

**Implements Policies:** H-4-2, H-4-4

**Responsible department/review authority:** Community Development Department

**Timeframe:** Engage Community Based Partners (Annually); Market Entry Level Positions (Ongoing)

**Funding Source:** General Fund

**Quantified Objective:** Annual meeting with at least two partners. Coordinate with job readiness service providers to ensure information is marketed at least six times per year to BMR tenants. Help connect ten residents annually with job-training programs or job opportunities.

**Performance Metric(s):** # of entry level positions marketed; # of job readiness engagements created

**Geographic Targeting:** The City will coordinate with employers in moderate resource areas to identify entry level employment opportunities to be marketed to very-low income residents residing in low resource areas. Additionally, the City will coordinate with job readiness service providers to market their services in low resource areas.

**HH. SCHOOLS AND CHILD CARE CENTERS. THE CITY WILL MEET WITH THE EMERY UNIFIED SCHOOL DISTRICT (EUSD) ANNUALLY TO DETERMINE WHAT, IF ANY OUTSIDE FACTORS IMPEDE SCHOOL PERFORMANCE THAT CAN BE ALLEVIATED, SUCH AS STABLE HOUSING OPPORTUNITIES, AFFORDABLE CHILDCARE OPPORTUNITIES FOR WORKING PARENT(S), AND MORE. IF SUCH NEEDS ARE IDENTIFIED, THE CITY WILL PURSUE SOLUTIONS, WHICH MAY INCLUDE:**

1. Review the Planning Regulations to ease the process for entitling a Childcare/Day Care Center and ensuring that childcare facilities are permitted near schools and employment centers. Recommended modifications include moving the Childcare/Day Care Center use

classification to a Minor CUP for all locations, adding the same use classification to the RM district and eliminating the need for Planning Commission review.

2. Coordination with Emery Unified School District (EUSD) and those that participate in Community Service programs at Emeryville Center of Community Life (ECCL) on identifying affordable childcare and after-school opportunities for low income, working parents.
3. The City will partner with the EUSD and homeless service providers to support at-risk families with information regarding local resources, fair housing education, access to legal aid, and potential housing opportunities.

**Implements Policies:** H-4-2, H-H-4-4, H-5-1

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Timeframe:** Engage and Partner with Education and Community Based Partners (Annually); Review Planning Regulations (Short Term)

**Funding Source:** General Fund

**Quantified Objective:** Annual after-school provider training, in conjunction with EUSD, to ensure at-risk families participating in the Expanded Learning Opportunities Programs are emotionally and physically supported. Two staff members (minimum) trained annually through a partnership with the City and EUSD within the After School Education and Safety Program to expand learning opportunities for students to alleviate educational disparities and facilitate place-based revitalization.

**II. TRANSPORTATION. THE CITY WILL IMPROVE THE SAFE, EQUITABLE ACCESS TO TRANSPORTATION THAT DOES NOT REQUIRE PERSONAL VEHICLE OWNERSHIP FOR EMERYVILLE RESIDENTS, BY IMPLEMENTING AND SUPPORTING THE FOLLOWING:**

1. Adopt the Active Transportation Plan (ATP), the successor to the City's current Pedestrian and Bicycle Plan (adopted in 2012) and work with the Cities of Berkeley and Oakland to implement strategies to improve multimodal transportation access for all Emeryville residents. The City's efforts will directly support persons with disabilities, seniors and those living in low-resource Areas, as defined by TCAC.
2. Continue to support Emery Go-Round as they investigate making improvements to their coaches which will increase speed of boarding and alighting, improve riding comfort and increase capacity. Emery Go-Round is also exploring adding a fourth shuttle route within the City of Emeryville, which will expand service.
3. The City of Emeryville will implement the 40th Street Concept Plan to create bus-only lanes (one by converting the westbound mixed-flow lane to bus-only), a two-way bikeway on the north side of the street, bicycle-pedestrian intersection improvements, bus stop improvements including passenger boarding areas, and streetscaping with opportunities for green infrastructure (natural storm water treatment) and public art, which will connect and serve the San Pablo Avenue corridor.

**Implements Policies:** H-H-4-4, H-5-1

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Timeframe:** Adopt ATP (Short Term); Implement 40<sup>th</sup> Street Projects (Mid Term)

**Funding Source:** General Fund

**Quantified Objective:** To promote place-based revitalization and improve accessibility for residents: Fully fund and implement The Emeryville Loop and the 40th Street Multi-Modal Project. Build 0.6 miles of shared-use paths (Class I). Build 3.6 miles of separated bikeways (Class IV). Study 4.5 miles of proposed bikeways. Build one mile of new sidewalks.

**Performance Metric(s):** # of transportation improvement projects in Low-resource Areas

**JJ. SITE INVENTORY. THE CITY WILL MAINTAIN AN INVENTORY OF SITES AVAILABLE AND APPROPRIATE FOR RESIDENTIAL DEVELOPMENT FOR HOUSEHOLDS OF ALL INCOME LEVELS. THIS PROGRAM WILL IMPLEMENT A LAND MONITORING PROGRAM TO ENSURE THAT THE CITY HAS ENOUGH LAND TO MEET ITS RHNA THROUGHOUT THE PLANNING PERIOD AND COMPLY WITH NO NET LOSS REQUIREMENTS (GOVERNMENT CODE SECTION 65863). TO ENSURE THE CITY MAINTAINS ADEQUATE SITES TO MEET THE RHNA, THE CITY WILL IMPLEMENT THE FOLLOWING:**

1. Update the site inventory list on an annual basis and post it on the City's website.
2. Evaluate residential development proposals for consistency with goals and policies of the 2023-2031 Housing Element and the Sites Inventory List calculations. If there is a reduction in project density from what is shown in the Site Inventory List, the City will make written findings that the remaining sites identified are adequate to accommodate the RHNA by income level. If a proposed reduction of residential density will result in the Sites Inventory List failing to accommodate the RHNA by income level, the City will identify and make available additional adequate sites to accommodate its share of housing need by income level within 180 days of approving the reduced-density project.

**Implements Policies:** H-1-2

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Timeframe:** Update Site Inventory List (Annually); Evaluate Residential Development Proposals for Consistency with Housing Element Goals and Policies and Site Inventory Calculations (Ongoing); Identify Additional Adequate Sites to Accommodate RHNA per Income Level (As Needed)

**Funding Source:** General Fund

**Performance Metric(s):** # of units and affordability level applied for entitlement; # of units and affordability level entitled; # of units and affordability level permitted; # of units and affordability level completed

**KK. RESIDENTIAL USE BY RIGHT. TO COMPLY WITH ASSEMBLY BILL (AB) 1397, THE EIGHT 2023-2031 HOUSING ELEMENT SITES LISTED IN TABLE 8-1 SHALL BE ALLOWED TO BE DEVELOPED FOR RESIDENTIAL USE BY-RIGHT, IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65583.2(c). THIS BY-RIGHT (WITHOUT DISCRETIONARY REVIEW) REQUIREMENT IS ONLY FOR HOUSING DEVELOPMENTS IN WHICH AT LEAST 20 PERCENT OF THE UNITS ARE AFFORDABLE TO LOWER-INCOME HOUSEHOLDS. WHILE ALL OF THESE SITES ARE EITHER ZONED MUR OR RMH, WHICH ALREADY PERMITS MULTIFAMILY USES BY-RIGHT, THIS PROGRAM WILL ENSURE THAT THESE SITES WILL CONTINUE TO COMPLY WITH ASSEMBLY BILL (AB) 1397. THE APPLICATION OF THE REQUIREMENT SHOULD NOT BE USED TO FURTHER CONSTRAIN THE DEVELOPMENT OF HOUSING.**

**Table 8-1: Assessors Parcels Numbers Subject to AB 1397**

SITE NUMBER	ASSESSOR'S PARCEL NUMBERS
5	049-1504-8
7	049-1494-004-08, 049-1494-003-02
8	049-0618-021, 049-0618-024-02, 049-0618-033, 049-0618-022, 049 -618-019
9	049-1026-022, 049-1026-023, 049-1026-024, 049-1026-026-2
10	049-1079-17-1, 049-1079-14-1
11	049-619-2, 049-619-5, 049-619-6
12	049-1515-1-6, 049-1515-10-11, 049-1515-12-4, 049-1515-7-7, 049-1515-11-14, 049-1515-9, 049-1515-8-1, 049-1515-11-7, 049-1515-1-2, 049-1515-11-13, 049-1515-12-5
14	049-1493-3, 049-1493-4, 049-1493-5

**Implements Policies:** H-5-1, H-5-2

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Time frame:** Implementation (Ongoing)

**Funding source:** General Fund

**Performance Metric(s):** # of units complied with AB1397

**LL. PLANNING REGULATION AMENDMENTS: THE CITY WILL IMPLEMENT THE FOLLOWING PLANNING REGULATION AMENDMENTS TO ALLEVIATE CONSTRAINTS TO THE PRODUCTION OF HOUSING, INCLUDING THE PRODUCTION OF HOUSING FOR SPECIAL NEEDS POPULATIONS. THE OUTCOME OF PROGRAM C. OBJECTIVE DESIGN AND DEVELOPMENT STANDARDS WILL SUPPORT THE OBJECTIVES IN THIS PROGRAM BY PROVIDING OBJECTIVE STANDARDS THAT ADDRESS THE POTENTIAL FOR SUBJECTIVITY IN THE CITY'S APPROVAL PROCESSES.**

1. *Employee Housing.* Planning Regulations will be updated to comply with Health and Safety Code Section 17021.5, which requires the City to treat employee housing that serves six or fewer persons as a single-family structure and permitted in the same manner as other single-family structures of the same type in the same zone (Health and Safety Code Section 17021.5). The City will establish a definition of employee housing and ensure permitting requirements are compliant with Health and Safety Code Section 17021.5.
2. *Residential Care Facilities.* Planning Regulations shall be updated to allow residential care facilities with seven or more persons to be subject to the same restrictions that apply to other residential uses of the same type in the same zone.

3. *Agricultural Worker Housing.* Planning Regulations will be updated to define agricultural worker housing and to identify that any agricultural worker housing consisting of no more than 36 beds in a group quarters or 12 units or spaces shall be deemed an agricultural land use and permitted in the same manner as agricultural uses consistent with Health and Safety Code Section 17021.6. The Planning Regulations will also be updated to provide for streamlined, ministerial approval of agricultural worker housing that meets the requirements of Health and Safety Code Section 17021.8.
4. *Group Residential and Single-Room Occupancy (SRO).* Planning Regulations will be amended to permit group residential uses with seven or more residents through a ministerial process rather than requiring a CUP to address the needs of extremely low-income households and expanding affordable housing opportunities. Additionally, the City will adopt a group residential preservation ordinance to maintain existing housing available to extremely low-income households and make any necessary updates to the Planning Regulations.
5. *Emergency Shelters.* The City will review and revise parking requirements for emergency shelters to ensure that parking standards are sufficient to accommodate all staff, provided standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone, per California Government Code Section 65583(a)(4). Additionally, the City will remove the CUP on emergency shelters in the MUR and INL zones, subject only to a by right process and consider allowing them with a CUP in the P zone. A Low Barrier Navigation Center is a type of emergency shelter in which a resident who is homeless or at risk of homelessness may live temporarily while waiting to move into permanent housing. In accordance with AB 101, the City will amend its Planning Regulations to allow Low Barrier Navigation Centers by right in all zones that allow mixed-uses and all nonresidential zones allowing multifamily residential.
6. *Three to Four Multi-Units.* The City will permit by right 3- and 4-unit multi-unit projects in the RM district with no density requirement, as long as it is in compliance with FAR and height limits. Base FAR will also be increased to 1.0 and Bonus FAR will be eliminated in the RM Zone.
7. *Mobile/Manufactured Planning Regulation Amendment.* Planning Regulations will be updated to require mobile and manufactured homes the same approval processes as single-family residential uses, in compliance with California Government Code Section 65852.3.
8. *Conversion from Single-Family Home to Duplex.* Within two years of Housing Element adoption, the City will examine opportunities to streamline the permitting process to convert single-family homes to duplexes, including the possibility of waiving the requirement for Planning Commission approval for projects that will not maintain the same square footage. (See also Program B.)

**Implements Policies:** H-3-2; H-5-1

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Timeframe:** Timeframe: Short Term for all except *Group Residential and Single-Room Occupancy (SRO)*, which is Mid Term

**Funding source:** General Fund

- MM. MONITOR CHANGES IN FEDERAL AND STATE HOUSING, PLANNING, AND ZONING LAWS. THE CITY WILL CONTINUE TO MONITOR FEDERAL AND STATE LEGISLATION THAT COULD IMPACT HOUSING AND SUPPORT, OR OPPOSE PROPOSED CHANGES OR ADDITIONS TO EXISTING LEGISLATION, WHEN APPROPRIATE. THE CITY WILL ALSO UPDATE THE PLANNING REGULATIONS, WHEN APPROPRIATE, TO COMPLY WITH ANY NEW HOUSING RELATED PLANNING OR ZONING LAWS ENACTED BY THE STATE DURING THE CYCLE 6 PLANNING PERIOD.**

**Implements Policies:** H-3-2; H-5-1

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Timeframe:** Monitor (Ongoing), Update Planning Regulations (As Needed)

**Funding source:** General Fund

**Performance Metric(s):** # of changes to planning or zoning laws required by changes in federal or state law

- NN. REVIEW NONGOVERNMENTAL CONSTRAINTS IMPEDING RESIDENTIAL DEVELOPMENT. IN INSTANCES WHERE RESIDENTIAL DEVELOPMENTS HAVE BEEN APPROVED BY THE CITY BUT BUILDING PERMITS OR FINAL MAPS HAVE NOT BEEN OBTAINED, THE CITY WILL MAKE DILIGENT EFFORTS TO CONTACT APPLICANTS TO DISCOVER WHY UNITS HAVE NOT BEEN CONSTRUCTED WITHIN TWO YEARS AFTER APPROVAL. IF DUE TO NONGOVERNMENTAL CONSTRAINTS, SUCH AS RAPID INCREASES IN CONSTRUCTION COSTS, SHORTAGES OF LABOR OR MATERIALS, OR RISING INTEREST RATES, TO THE EXTENT APPROPRIATE AND LEGALLY POSSIBLE, THE CITY WILL SEEK TO IDENTIFY ACTIONS THAT MAY HELP TO REMOVE THESE CONSTRAINTS. ADDITIONALLY, THE CITY WILL PROACTIVELY WORK WITH STAKEHOLDERS TO IDENTIFY NONGOVERNMENTAL CONSTRAINTS OR OTHER CONSIDERATIONS THAT MAY IMPEDE THE CONSTRUCTION OF HOUSING IN EMERYVILLE AND WORK COLLABORATIVELY TO FIND STRATEGIES AND ACTIONS THAT CAN ELIMINATE OR REDUCE IDENTIFIED CONSTRAINTS.**

**Implements Policies:** H-5-2

**Responsible department/review authority:** Community Development Department

**Timeframe:** Implement (As Needed)

**Funding source:** General Fund

**Performance Metric(s):** # of projects not constructed within 2 years

- OO. HOUSING FOR SENIORS. TO ENSURE THE SENIOR POPULATION IS ABLE TO CONTINUE TO AGE IN PLACE AND HAVE HOUSING OPTIONS THAT MEET THEIR FINANCIAL, SOCIAL AND PHYSICAL NEEDS THE CITY WILL:**

1. Seek funding to support a Housing Counselor to assist Seniors in navigating and applying for Affordable Housing Opportunities.
2. Evaluate the feasibility of creating a Shared Housing Program for seniors and if feasible, collaborate with a community partner to facilitate the program.

3. Continue to facilitate the redevelopment of Site 10 on the Site Inventory List, to create 54 affordable housing units for seniors.
4. Work to implement the Housing Domain actions of the Age Friendly Action Plan.
5. Seek opportunities to develop affordable senior housing, such as Residential Care Facilities for the Elderly (RCFE) and independent senior housing developments.

**Implements Policies:** H-1-2; H-3-2; H-4-2

**Responsible department/review authority:** Community Development Department, Community Services, City Council

**Timeframe:** Onboard a Senior Housing Counselor (Short Term); Evaluate Shared Housing Program (Short Term); Develop Site 10 (Mid Term); Implement Age Friendly Action Plan (Ongoing); Seek Affordable Senior Housing Opportunities (Ongoing)

**Funding source:** General Fund

**Quantified Objective:** Construct 53 affordable housing units for lower income seniors (17 extremely low-income units, 17 very low-income units, and 34 low income units).

**Performance Metric(s):** Amount of Funding Secured to Support Senior Housing Counselor; # of Shared Housing Program Units

**PP. AFFIRMATIVE FAIR HOUSING MARKETING PLAN. THE CITY HAS REQUIRED ALL DEVELOPERS OF BELOW MARKET RATE (BMR) HOUSING UNITS, TO CREATE A MARKETING PLAN TO BE APPROVED BY THE CITY PRIOR TO THE SALE AND LEASING OF THE BMR UNITS FOR MANY YEARS. THE CITY WILL CONTINUE TO IMPLEMENT THIS REQUIREMENT BUT WILL EXPAND THE REQUIREMENTS OF THE MARKETING PLAN AS FOLLOWS:**

1. Require marketing plans to be updated every 5 years.
2. Require the marketing plans to identify the underserved populations in the area and identify special outreach efforts.
3. Require the collection of race and ethnicity data for all those that apply and were successful in securing a BMR unit to be submitted to the City for review and analysis. Based on the City's analysis, the City will evaluate if the advertising/outreach methods to attract underserved populations need to be modified or updated and if the reasons why the underserved populations were not approved, to determine if barriers to the tenant selection criteria may exist and need to be amended.
4. Ensure all BMR Property Management Entities participate in Fair Housing training at least once every 2 years.
5. Propose an amendment to the Resale Restriction Agreement for all future BMR resales to require a 3<sup>rd</sup> party to assist in marketing, screening and selecting the new eligible buyer via a lottery process.

**Implements Policies:** H-4-1

**Responsible department/review authority:** Community Development Department, City Council



**Timeframe:** Update Marketing Plan Requirements (Short Term); Collection and Evaluate Program Race and Ethnicity Data (Short Term); Require Fair Housing Training (Ongoing); Revise BMR Resale Requirements (Short Term)

**Funding source:** General Fund

**Performance Metric(s):** # of Marketing Plans Updated

**QQ. TENANT PROTECTION MEASURES. THE CITY WILL CONTINUE TO IMPLEMENT THE FOLLOWING STRATEGIES TO MINIMIZE TENANT DISPLACEMENT:**

1. Continue to implement the Emeryville Live/Work or enrolled in EUSD preference in the leasing of Below Market Rate Rental units in Emeryville.
2. Continue to partner with a 3<sup>rd</sup> party Housing Service Provider to implement the Tenant/Landlord Eviction and Harassment Ordinance (i.e. Just Cause). The Housing Service Provider will provide assistance to tenants and landlords in navigating their rights and the requirements under the Ordinance related to no-fault evictions, proper eviction noticing, relocation assistance, right to return and mediation for potential tenant harassment. Additionally, the Housing Service Provider will provide an annual training about the City's ordinance and the just cause and rent cap provisions under AB1482.
3. Continue to partner with a 3<sup>rd</sup> Party Legal Service Provider to provide legal services to tenants in need of eviction legal assistance.
4. The City will evaluate emergency ordinances to address evictions, as emergency situations arise. In 2020, the City adopted an Eviction moratorium, in response to the COVID-19 pandemic to prevent property owners from evicting tenants during the COVID-19 state of emergency. In support of this effort, the City also created a Rental Repayment Ordinance that outlined the requirements tenants and landlords had to implement to restructure the repayment of missed rent during the COVID-19 State of Emergency and an Emergency Rental Assistance Program, that provide grants funds to support tenants with incomes less than 100 percent AMI that were unable to pay their rent. If another State or County-wide Emergency issue arises that impacts housing and/or low-income households, the City will evaluate the need to implement similar actions or support County-wide efforts to ensure residents are not displaced.
5. Promote the practice of effective management in all rental housing projects in order to maintain and improve the quality of rental housing and the relationship between tenants and landlords. Provide online resources and training opportunities to assist BMR Property Managers (PM) in understanding the BMR rental restrictions and tips for how to troubleshoot common rental issues.

**Implements Policies:** H-4-1; H-4-3

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Timeframe:** Implement Preference (Ongoing); Support Tenant/Landlord Service Providers (Ongoing); Develop Property Management Training (Short Term); Evaluate Need for Emergency Ordinances (As Needed)

**Funding source:** General Fund

**Quantified Objective:** Ensure 100 Emeryville residents are housed through the Emeryville Live/Work/EUSD preference; Counsel 40 tenants annually on tenant/landlord concerns to prevent displacement; Educate 10 property owners/property managers on the Eviction/Harassment Ordinance through an annual training session.

**Performance Metric(s):** # of eviction filings; # of Tenants Counseled; # of BMR Property Management Trainings; # of BMR Applicants with Live/Work/School Preferences

**Geographic Targeting:** Prioritize marketing the availability of new housing units in low resource areas to ensure low-income households are not displaced. Prioritize marketing the annual training of the Eviction/Harassment Ordinance to property owners in moderate resource areas as well as Eviction legal assistance in moderate resource areas to ensure low income residents are not displaced from areas of opportunity.

- RR. AFFORDABLE HOUSING PLATFORMS. THE CITY WILL CONTINUE TO COLLABORATE WITH ALAMEDA COUNTY ON THE DESIGN AND IMPLEMENTATION OF THE ALAMEDA AFFORDABLE HOUSING PORTAL, WHICH AIMS TO BECOME A “ONE-STOP-SHOP” FOR AFFORDABLE HOUSING AND PROVIDES TOOLS FOR DEVELOPERS TO SIMPLIFY THE MARKETING, LEASING AND MANAGEMENT OF THEIR AFFORDABLE HOUSING UNITS. THE CITY WILL ALSO CONTINUE TO SUPPORT THE DEVELOPMENT OF A BAY AREA REGIONAL HOUSING PORTAL (A.K.A “DOORWAY”), WHICH IS ENVISIONED TO PROVIDE A SIMPLE AND EQUITABLE WAY FOR RESIDENTS TO FIND AND APPLY FOR AFFORDABLE HOUSING THROUGHOUT THE BAY AREA AND IS WORKING TO CREATE A UNIFIED PLATFORM WITH TRANSPARENT PROCESSES FROM MARKETING TO MOVE-IN. DOORWAY’S PLATFORM WILL SUPPORT RESIDENTS, HOUSING AND SERVICE PROVIDERS, LOCAL GOVERNMENTS, AND POLICYMAKERS, AND GENERATE CRITICAL DATA TO INFORM REGIONAL HOUSING POLICY AND ATTRACT ADDITIONAL RESOURCES FOR AFFORDABLE HOUSING. THE CITY WILL MODIFY ITS AFFORDABLE HOUSING COVENANT TO REQUIRE THE UTILIZATION OF THE PLATFORM FOR THE LEASING OF BMR UNITS.**

**Implements Policies:** H-3-2; H-4-1, H-4-2, H-5-1

**Responsible department/review authority:** Community Development Department, City Council

**Timeframe:** Support Programs (Ongoing); Revise Regulatory Agreement (Short Term)

**Funding source:** General Fund

**Performance Metric(s):** # of BMR Listings; # of BMR Applicants

- SS. PROHOUSING DESIGNATION. THE CITY WILL SEEK A PROHOUSING DESIGNATION FROM THE CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT FOR ENACTING FAVORABLE ZONING AND LAND USE POLICIES, POLICIES TO ACCELERATE THE PRODUCTION OF HOUSING, REDUCTION OF CONSTRUCTION AND DEVELOPMENT POLICIES, AND PROVIDING FINANCIAL SUBSIDIES. THE PROHOUSING DESIGNATION WILL PROVIDE INCENTIVES, IN THE FORM OF ADDITIONAL POINTS OR PREFERENCES IN THE SCORING OF COMPETITIVE APPLICATIONS FOR HOUSING AND INFRASTRUCTURE.**

**Implements Policies:** H-1-1; H-1-2; H-3-1

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Timeframe:** Implement required policies (Short Term)

**Funding source:** General Fund

**Performance Metric(s):** # of Incentives applied for with Designation; Amount of State Funding Awarded with Pro Housing Designation

- TT. DEMOLITION PROGRAM. IN 2016 THE CITY AMENDED THE PLANNING REGULATIONS TO REQUIRE THE PRESERVATION OF SIGNIFICANT AND RESIDENTIAL STRUCTURES. THE PURPOSE OF THESE REGULATIONS IS TO ENCOURAGE THE PRESERVATION AND REUSE OF SUCH STRUCTURES BECAUSE HOUSING STOCK IS AN IMPORTANT COMMUNITY RESOURCE. THE CITY WILL WORK TO CODIFY RELEVANT PORTIONS OF SB 330 RELATED TO THE DEMOLITION AND REPLACEMENT OF UNITS TO PREVENT THE LOSS OF NATURALLY OCCURRING AFFORDABLE UNITS AND THE DISPLACEMENT OF LOW-INCOME RESIDENTS; AND REVIEW THE MUNICIPAL CODE TO ENSURE CITY DEMOLITION REQUIREMENTS ARE CONSISTENT WITH STATE LAW.**

**Implements Policies:** H-3-2; H-5-1

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Timeframe:** Implement Demolition Regulations (Ongoing); Codify Demolition component of SB 330 (Short Term)

**Funding source:** General Fund

**Performance Metric(s):** # of demolished housing units; # of demolished housing units previously occupied by low-income households; # of replacement units created

- UU. UNIVERSAL DESIGN. THE CITY PREVIOUSLY ADOPTED UNIVERSAL DESIGN AS A COMMUNITY BENEFIT OPTION FOR OBTAINING DEVELOPMENT BONUSES. UNIVERSAL DESIGN STANDARDS MAKE HOMES MORE USABLE AND ACCESSIBLE FOR ALL PEOPLE, INCLUDING PEOPLE WITH DISABILITIES. THE CITY WILL EVALUATE HOW TO INCORPORATE UNIVERSAL DESIGN FEATURES INTO THE PLANNING REGULATIONS BEYOND WHAT IS CURRENTLY BEING IMPLEMENTED.**

**Implements Policies:** H-1-2, H-3-2

**Responsible department/review authority:** Community Development Department, Planning Commission, City Council

**Timeframe:** Mid Term

**Funding source:** General Fund

**Performance Metric(s):** # of Projects implementing Universal Design

### 8.3 Quantified Objectives

Identifying quantified objectives refers to the number of new units that may potentially be constructed over the Planning period, the number of existing units that can be expected to be rehabilitated, and the conservation of existing affordable housing stock. This information is presented in **Table 8-2**.

**Table 8-2. Quantified Objectives**

Housing Program	Quantified Objectives Per Income Group					Totals
	Extremely Low Income	Very Low Income	Low	Moderate	Above Moderate	
New Construction <sup>1</sup>	225	226	259	308	797	<b>1,815</b>
Rehabilitation <sup>2</sup>		70	87	40	0	<b>197</b>
Conservation, Preservation and Assistance <sup>3</sup>	79	42	198	100	0	<b>266</b>

Sources: City of Emeryville\*

<sup>1</sup> Targets based on the City's 6th Cycle RHNA (Programs A, D, G, H, K, BB, OO).

<sup>2</sup> Targets include anticipated rehabilitations (Programs X and Y).

<sup>3</sup> Targets include conserving housing 15 low and moderate income households through foreclosure prevention program (Program J), facilitating the acquisition of BMR units for 4 extremely low income, 4 very low income, and 7 low income special needs households (Program K), preserving 14 at-risk units (Program AA), preserving affordability restrictions on 186 BMR homeownership units (93 low income and 93 moderate income) (Program I), preserve 153 existing Section 8 vouchers (Program CC), supporting the development of 37 permanent supportive housing for extremely low income households (Program BB).

# **APPENDICES**



# **Appendix A**

## **Review of Previous Programs**





## Appendix A: Review of Previous Programs

### A.1 Introduction

**Table A-1** itemizes the achievements in implementing each program from the 2015–2023 Housing Element. See Chapter 7 for a summary of the effectiveness of these programs for special housing needs and a list of key accomplishments under each 2015–2023 Housing Element goal.

**Table A-1. Review of Previous Programs**

Program	Progress	Continue/Modify/Remove
<b>Program H-1-1-1</b>  Continue to support a Housing Rehabilitation Program for Emeryville homes through Community Development Block Grant (CDBG) funds.	The City contracted with the Alameda County Healthy Homes Department throughout the planning period to implement the Housing Rehabilitation Program using CDBG funds. In 2020, an additional contract for minor home repair services was issued to Rebuilding Together North East Bay using general funds.  A total of 13 homes were rehabilitated between 2019 and 2021 under the two programs.	Modify and continue this under Program “X” Homeowner Rehabilitation and Repair Programs.
<b>Program H-1-1-2</b>  Continue existing marketing and establish new marketing efforts for the Housing Rehabilitation Program. Provide current program information on the City’s website and develop a program brochure. Update the brochure annually, or as needed, and make copies available at City Hall, the Senior Center, and other appropriate locations.	The program was advertised on the City’s website throughout the planning period and in a brochure at City Hall (except while City Hall was closed due to COVID-19). The Alameda County Healthy Homes Department updated and distributed the Housing Rehabilitation Program brochure and included Emeryville on their website throughout the planning period. From 2016-2019 the Alameda Healthy Homes Department provided an additional workshop at the Emeryville Senior Center and attended Emeryville public events. Under the guidance of the City Council Housing Committee both programs continued to be promoted at the Senior Center, through the local Homeowner Association boards, General Contractors, Senior Support Groups, and Real Estate Agents. In 2020, the City updated their Housing Notification System making it more accessible to residents.	Remove. This activity no longer needs to be reported as a separate program. All marketing and public outreach for HE Programs will be undertaken as Program “FF” Access to Information.

Program	Progress	Continue/Modify/Remove
<p><b>Program H-1-1-3</b></p> <p>Continue to offer home maintenance education.</p>	<p>The City offered public educational opportunities for the Earthquake Brace + Bolt Program (EBB) throughout the planning period. The EBB Program is an incentive program offered by the California Residential Mitigation Program (CRMP), a joint powers authority established by the California Earthquake Authority and the Governor’s Office of Emergency Services. The program offers homeowners up to \$3,000 who complete a voluntary code-compliant brace and bolt retrofit to strengthen their homes. Voluntary seismic upgrade permits were issued and finalized in 2017 for two single-family homes. The City’s advertises these opportunities on the City’s website and through public outreach opportunities.</p>	<p>Modify and continue this under Program “X” Homeowner Rehabilitation and Repair Programs.</p>
<p><b>Program H-1-2-1</b></p> <p>Continue to convene the Community Preservation Committee and administer the Community Preservation Program to encourage and improve maintenance of single- and multi-family residences in older residential neighborhoods. Provide rehabilitation program information and conduct code inspections on a case-by-case basis.</p>	<p>The City’s Community Preservation Committee was merged with the Public Safety Committee in 2015. Staff continued to offer the Graffiti Removal Program and process code violations throughout the planning period. Graffiti abatement cases increased by roughly 35 percent in 2020. For the fiscal-year 2020-22, about 57 commercial graffiti cases abated with assistance from an outside vendor and 32 commercial cases abated by business owner.</p> <p>As a result of code inspection efforts, numerous residences were repaired and conserved. The Community Development Department inspected over 500 single-family and multifamily homes in 2021 and estimated that 2% or 11 residences were identified to need maintenance or repairs. The Triangle neighborhood had the highest number and percentage of minor, low repair or maintenance issues including the most number of roof issues. Less than one percent of homes in Emeryville are in need of replacement due to age and condition. Property owner decides timing for repair permit necessity.</p>	<p>Remove. The Community Preservation Committee no longer exists. The rehabilitation and maintenance of residences in older residential neighborhoods will now take place as a part of Program “X” Homeowner Rehabilitation and Repair Programs.</p>

Program	Progress	Continue/Modify/Remove
	The City of Emeryville Building Division entered a partnership with the Alameda County Healthy Homes Department in 2017 to host an 8-hour Renovation, Repair and Painting Rule (RRP) Training course for the public. Approximately 23 people attended the training, including property managers, painting contractors, and other interested parties. Attendees received a certification as required by the Federal EPA rules to conduct any renovation, repair, or painting worked for compensation on pre-1978 buildings.	
<p><b>Program H-1-2-2</b></p> <p>Retain and continue to implement the Residential Preservation Ordinance, which requires City Council approval for demolition of residential structures.</p>	The City Council approved two residential structures for demolition to be replaced by two new residential structures in 2015. The City issued two residential demolition permits (1258 Ocean Ave and 1264 Ocean Ave) in 2017. No residential structures were approved for demolition in 2016, 2018, or 2019. Four single-unit homes were approved by the City Council for demolition to be replaced with three duplexes on one parcel (1034-1042 47 <sup>th</sup> Street) in 2020. In addition, the applicant agreed to record a deed-restriction for a 20-year period of affordability for a two-bedroom unit, on the adjacent parcel to the north. In 2021, City council approved 6 units to be demolished and will build 6 new units on the same site to ensure no net loss units.	Modify and continue this under Program “TT” Demolition Program.
<p><b>Program H-1-3-1</b></p> <p>Work proactively to retain existing subsidized affordable housing units that are at risk of converting to market rate. Maintain and regularly update the inventory of affordable housing units and identify those that may be at risk of converting to market rate. Reach out to property owners and provide technical assistance and funding application assistance. Identify potential funding sources, assist with the identification of potential nonprofit housing providers to purchase</p>	Throughout the planning period the City maintained an inventory of rental and ownership units restricted for occupancy by lower and moderate-income households. No rental units were ever at risk of converting to market rate throughout the planning period. Throughout the planning period, the City monitored affordable ownership units for any instances of default and proactively worked with owners to avoid foreclosures. Approximately three homeowners per year requested this assistance. In 2021, the City acquired one homeownership unit to preserve affordability restrictions.	Modify and continue under Program “AA” Conversion of At-Risk BMR Rental Units.

Program	Progress	Continue/Modify/Remove
and operate at-risk properties, and provide tenants with education regarding their rights and conversion procedures.		
<b>Program H-1-3-2</b>  Continue to monitor and comply with state law relating to the use of Low/Moderate Income Asset Funds from the former Redevelopment Agency. Track the use of such funds and report activities to the State. Minimize and report on the loss of any affordable units or displacement of residents resulting from the use of Asset Funds.	The City complied with state law related to the use of Low/Moderate Income Asset Funds throughout the planning period. Funds were tracked and reported on an annual basis throughout the planning period. Four (4) units were removed from the LMIHAF portfolio in 2021 due to homeowners paying off their homebuyer assistance loans and with 154 units remaining in the portfolio.	Remove. The City is required to do this to remain in compliance with the Low Moderate-Income Asset funds as a Successor Agency. It is no longer needed as a Housing Element Program.
<b>Program H-2-1-1</b>  Continue to offer a density bonus for developments that include affordable units and consider offering additional regulatory incentives such as free or reduced cost preapplication meetings, study sessions, and/or expedited application review and permit processing.	The City revised the Planning Regulations to require affordable housing in residential projects in order to receive a density bonus. The new regulations were upheld throughout the planning period. Free pre-application meetings were made available to applicants. In 2016 the Planned Unit Development for the Sherwin Williams project was approved; this project qualified for a density bonus. Two projects received bonus points under the City’s local bonus point ordinance in 2018: Sherwin-Williams Mixed Use (85 affordable units) and Adeline Springs (5 affordable units).	Modify and continue this under Program “A” Housing Development Regulatory Programs.
<b>Program H-2-1-2</b>  Continue to implement the Affordable Housing Program (formerly known as the Affordable Housing Set-Aside Ordinance) to require the inclusion of below-market-rate units in residential projects.	The City continued the Affordable Housing Program throughout the planning period. The program required affordable housing in rental housing, impact fees in ownership housing, and affordable units to be provided in lieu of the fee. In 2020, one 100 percent affordable housing rental housing development (San Pablo Affordable Apartments at 3600 San Pablo Avenue) was submitted for entitlement. In 2021, one rental housing application (1225 65th Street) was submitted for entitlement and will require compliance with the Affordable Housing Program.	Modify and continue this under Program “A” Housing Development Regulatory Programs.

Program	Progress	Continue/Modify/Remove
<p><b>Program H-2-2-1</b></p> <p>Collect housing impact fees for rental housing and non-residential development projects. Place collected fees in a housing trust fund and prioritize assistance for the provision of extremely low-, very low-, low-, and moderate-income housing in the use of this fund.</p>	<p>By the end of 2021, the City collected a total of \$1,418,304 in impact fees throughout the planning period, with an average collection of \$236,384 per year over six years.</p>	<p>Modify and continue this under Program “F” Impact Fees.</p>
<p><b>Program H-2-2-2</b></p> <p>Include extremely low-, very low-, and/or low-income housing in City-assisted development projects whenever feasible.</p>	<p>The City continued negotiations with a developer throughout 2015-2018 to develop an 86-unit family housing project at 3706 San Pablo, called Estrella Vista. The project was constructed, and initial leasing began during the planning period.</p> <p>The City issued a Request for Qualifications/ Proposal for the development of a 100 percent affordable housing project and received a \$2M development loan to redevelop an existing site into a mixed-use affordable housing development in 2019.</p> <p>In 2020, the City entered into an Exclusive Rights to Negotiate Agreement with a Non-Profit Developer to redevelop 4300 San Pablo Avenue into a 100 percent Affordable Housing project.</p> <p>The City adopted the Affordable Housing Administration and Expenditure Plan in February 2021 which outlines approximately \$64 Million to support the production and preservation of affordable housing units. City and Housing Successor Agency real estate assets were identified in the Plan and funding to support the redevelopment of these City owned sites for affordable housing was outlined. Through the City’s inclusionary ordinance, all residential projects are required to reserve units for very low, low, and moderate-income households.</p>	<p>Modify and continue this under Program “G” City-sponsored Development Fund.</p>

Program	Progress	Continue/Modify/Remove
<p><b>Program H-2-2-3</b></p> <p>Where feasible and appropriate, consider a reduction in the inclusionary percentage requirement on development projects subject to the City’s Affordable Housing Program (formerly known as the Affordable Housing Set Aside Ordinance) to support the inclusion of units at a deeper affordability level.</p>	<p>Throughout the planning period the City considered the reduction of the inclusionary percentage requirement on development projects in order to support the inclusion of units at a deeper affordability level.</p> <p>The Marketplace development project was not subject to the Affordable Housing Program. However, in the early phases of the planning period the City negotiated with the developer to deed-restrict 11 percent of all housing units to be affordable (22 low-income and 28 moderate-income units). In addition, the City signed an Affordability Agreement on Parcel D of the Marketplace project in 2016 and Parcel C in 2018.</p> <p>In 2020 an Affordable Housing Agreement was completed, utilizing the State Density Bonus in lieu of the City’s Affordable Housing Program. As a result, deeper affordability levels were achieved than required by the City’s ordinance.</p>	<p>Modify and continue this under Program “A” Housing Development Regulatory Programs.</p>
<p><b>Program H-2-2-4</b></p> <p>Continue to offer down payment assistance through the City’s First-Time Homebuyer Program and Ownership Assistance Program to improve homeownership opportunities for low- and moderate-income households.</p>	<p>The City made the First-Time Homebuyer Loan Program available to low- and moderate-income households throughout the planning period. The program is available on market-rate and co-op developments. Despite interest in the program, no applications for the program were received between 2015 and 2019 and in 2021. One FTHB application was received and approved in 2020. Based on conversations with potential applicants and real estate agents, the City concluded that sellers had many options for interested buyers and selected buyers that were not pursuing City loans. In 2019, the City began re-examining the program to find ways to make it more effective and useful for the current market cycle. New guidelines for the program are being drafted. Another factor in the low utilization of the program is the high cost of housing, relative to incomes. While lower-income households would be</p>	<p>Modify and continue this under Program “M” Homebuyer Assistance Programs.</p>

Program	Progress	Continue/Modify/Remove
	eligible for the program based on their income, often these households cannot afford market-rate homes even with downpayment assistance.	
<p><b>Program H-2-2-5</b></p> <p>Work with affordable housing developers to identify and leverage local, state, and federal funding programs to maximize the number of affordable units available to low- and very low-income households, whenever possible.</p>	<p>The City continues to work with affordable housing developers to identify and leverage local, state and federal funding programs that will assist in maximizing the number the affordable units. Throughout the planning period, the City worked with developers to identify and leverage funding to support the construction of Estrella Vista, an 86-unit family housing project at 3706 San Pablo Ave. This project was one of the first in the state to be awarded Cap and Trade funds.</p> <p>Prior to closing on a development loan in December 2019 for an affordable housing project, the City notified the developer of the release of a NOFA for the Veterans Housing and Homelessness Prevention Program funding.</p> <p>The City worked with the Non-Profit Developer for the San Pablo Affordable Apartments at 3600 San Pablo Avenue to ensure they will be aligned to apply for No Place Like Home and Affordable Housing and Sustainable Communities Funding in early 2021.</p>	<p>Modify and continue this under Program “L” New Funding Opportunities</p>
<p><b>Program H-2-2-6</b></p> <p>Continue to support regional and statewide efforts to establish new sources of funding for affordable housing.</p>	<p>The City has continuously supported regional efforts to provide new sources of affordable housing funding following the closing of Redevelopment Agencies. The City supported the County of Alameda Affordable Housing Bond, which passed in 2016. Locally, city residents passed a \$50,000,000 affordable housing bond in 2018. The City adopted the Affordable Housing Administration and Expenditure Plan in February 2021 to guide the administration of the housing bond.</p>	<p>Remove. Not needed as a Housing Element Program</p>

Program	Progress	Continue/Modify/Remove
<b>Program H-2-2-7</b>  Utilize a portion of “boomerang” funds, increased property tax from former Redevelopment Agency project areas, to support affordable housing projects and program.	The City continues to set aside 20% of the boomerang funds to support affordable housing in the City. Boomerang funds are the portion of former Redevelopment tax increment funds that return to the City as a onetime lump sum from former Low and Moderate Income Housing Fund projects and an ongoing increase in property tax. The City adopted the Affordable Housing Administration and Expenditure Plan in February 2021 which outlines a plan to commit and expend the current balance of Boomerang Funds by 2023.	Remove. This City has committed to doing this as an ongoing priority and it is no longer needed as a Housing Element Program.
<b>Program H-3-1-1</b>  Encourage the inclusion of extremely low- and very low-income affordable units for people living with physical and/or developmental disabilities and the inclusion of Shelter-Plus-Care units (rent-assisted units for dually diagnosed people with mental illness, substance abuse, and/or AIDS-related illnesses) in projects subject to the City’s Affordable Housing Program (formerly known as the Affordable Housing Set-Aside Ordinance). Work with the unit sponsor to ensure a plan is in place to provide ongoing support services to tenants of these units.	Staff worked with the developers of Estrella Vista at 3706 San Pablo to include units for people living with HIV/AIDS in addition to units for residents with both physical and developmental disabilities.  The City continues to encourage the inclusion of extremely low and very low income affordable units for people living with physical and/or developmental disabilities and Shelter-Plus-Care units in projects subject to the City's Affordable Housing Program.  The City adopted the Affordable Housing Administration and Expenditure Plan in February 2021, which outlines several programs that will require the preservation or production of affordable housing units for person with special needs.	Modify and continue this under Program “O” Housing for Persons with Disabilities.
<b>Program H-3-1-2</b>  Support the development of Residential Care Facilities for the Elderly (RCFE) and independent senior housing developments, where appropriate, particularly senior facilities that offer housing affordable to lower-income senior households.	Staff conducted a feasibility analysis of developing senior housing on the Recreation Center site at 4300 San Pablo Ave after the Recreation Center moved to Emeryville Center of Community Life. Staff issued a Request for Proposals in 2017 for an affordable housing developer to build senior housing on the site. However, the RFP was postponed in order to upzone the site to increase project feasibility. The City rezoned the area in 2018 and reissued the RFP in 2019. In 2020, the City	Modify and continue this under Program “OO” Housing for Seniors.



Program	Progress	Continue/Modify/Remove
	entered into an Exclusive Rights to Negotiate Agreement with a Non-Profit Developer to redevelop 4300 San Pablo Avenue as an intergenerational housing project for low income seniors and transitional aged youth. In 2021, the City supported the adoption of SB 591 which allows for the creation of intergenerational housing in California.	
<b>Program H-3-1-3</b>  Continue to offer a density bonus for developments that provide universal design features. Evaluate the feasibility and appropriateness of amending the Planning Regulations to require the provision of universal design features in a portion of residential units in new developments.	Some universal design features were made part of the State Building Code between 2015 and 2017. Development bonuses were available for projects that include additional universal design features. However, because the Building Code now requires Universal Design features, the City no longer offers bonus points for them.	Modify and continue this under Program “UU” Universal Design Program.
<b>Program H-3-1-4</b>  Evaluate the feasibility of partnering with a nonprofit housing developer and service provider to develop housing for disabled or developmentally disabled persons on City-controlled sites.	<p>The City continues to evaluate the feasibility of partnering with a nonprofit housing developer and service provider to develop housing for disabled or developmentally disabled persons on City controlled sites, when available.</p> <p>In 2018, the City prepared to issue a request for proposals for Senior housing on the Recreation Center Site at 4300 San Pablo. This project will include units for disabled Seniors.</p> <p>The Estrella Vista development at 3706 San Pablo includes 6 units reserved for households with a developmentally disabled member. The City partnered with a nonprofit housing developer and service provider to develop Estrella Vista.</p> <p>In 2020, the City worked with consultants to research the potential in Emeryville for incentivizing the development of supportive housing within mixed-</p>	Modify and continue this under Program “O” Housing for Persons with Disabilities.

Program	Progress	Continue/Modify/Remove
	<p>income developments and for developing a master leasing program. The City will continue to examine the feasibility of implementing these programs that would assist disabled or developmentally disabled persons with lower incomes.</p> <p>The City adopted an Affordable Housing Administration and Expenditure Plan in 2021. One program within the plan allocates approximately \$4 million dollars to incentivize the creation of additional BMR units for Special Needs Populations.</p>	
<p><b>Program H-3-2-1</b></p> <p>Continue to support the countywide effort to prevent and end homelessness through strategies described in the “EveryOne Home – Alameda Countywide Homeless and Special Needs Housing Plan.” Monitor the plan’s progress through City participation in collaborative groups including EveryOne Home working committees, the Alameda County Urban County Technical Advisory Committee, and the Alameda County HOME Consortium Technical Advisory Committee.</p>	<p>The City is a member of Everyone Home and continues to identify and implement many measures of the EveryOne Home Plan. The City volunteered as a reviewer in EveryOne Home’s annual Notice of Funding Availability (NOFA) process in 2015 and 2016. The City also continues to participate in the Alameda County Urban County Technical Advisory Committee and the HOME Technical Advisory Committee. In 2017, the City joined Berkeley and Albany in the North County Homeless Hub. The City adopted a Homeless Strategy in 2018 which sets forth goals and implementation measures intended to address homelessness. At that time, the City approved a total of \$305,000 in funding for homeless services, a substantial increase over previous years.</p> <p>Due to the Covid-19 Pandemic and changes in leadership to the EveryOne Home group, the City has not been invited to Technical Advisory Committee meetings recently. However, the City is actively working with EveryOne Home on identifying ways to support those who are homeless and to implement efforts to prevent and end homelessness. The City is also supporting the development of permanent supportive</p>	<p>Modify and continue this under Program “BB” Housing and Supportive Services for Homeless and Formerly Homeless.</p>

Program	Progress	Continue/Modify/Remove
	housing through the 3600 San Pablo Avenue project, which will create 25 permanent supportive housing units for very low-income households upon completion.	
<b>Program H-3-2-2</b>  Continue to allocate Community Development Block Grant (CDBG) funds to support a homeless shelter and service provider to provide housing, meals, and other support services to homeless individuals who reside or have resided in Emeryville.	The City provides homeless services through General Funds and Community Development Block Grant (CDBG) funds for outreach, harm reduction (including food) and providing case management services to people experiencing homelessness in Emeryville. From 2016-2019, the City allocated Community Development Block Grant (CDBG) funds for the Homeless Management Information System (HMIS). Additionally, in 2021 five unsheltered individuals were placed into housing through the City's Emerging Needs and Rapid Rehousing funds administered by the City's contract outreach and housing navigation provider.	Modify and continue this under Program "BB" Housing and Supportive Services for Homeless and Formerly Homeless.
<b>Program H-3-2-3</b>  Continue to provide information at City Hall and through the City's website on resources available for emergency housing assistance. Ensure that City staff across multiple departments is aware of referral procedures and the location of resource information.	<p>The City continues to provide information on its website and at the Senior Center and City Hall. Housing staff works with the Emeryville Police Department Homeless Liaison on specific issues related to homelessness and people experiencing homelessness.</p> <p>Due to the closure of City hall associated with the Covid-19 Pandemic, the City has focused distribution of information on available resources via the City's website, posting of informational flyers, direct contact by the City Police department homeless liaison, and through direct outreach via the City's contract homeless outreach and housing navigation team, Operation Dignity. Outreach efforts were also increased to include evening and weekend hours.</p>	Remove. All marketing and public outreach for Housing Element Programs will be undertaken as Program "FF" Access to Information.

Program	Progress	Continue/Modify/Remove
<p><b>Program H-3-2-4</b></p> <p>Facilitate communication and coordination between the City, the Emery Unified School District, and service providers when families are identified to be at risk of homelessness. Collaborate to provide these families with information regarding local resources and potential housing opportunities.</p>	<p>Housing staff regularly works with EUSD staff to identify resources for EUSD families who are experiencing housing crises or homelessness.</p> <p>In 2015, staff worked with the Community Services Department to provide information, computers, and assistance when the Housing Authority of the County of Alameda opened its Section 8 Voucher and Project Based Voucher waiting lists in July/August of 2015 and helped approximately 70 households apply for Vouchers.</p> <p>In 2020 the City worked with East Oakland Community Project and Family Front Door to open a temporary shelter at 4300 San Pablo Avenue to serve the needs of families that are homeless or identified as at risk of homelessness. As part of the City's grant contract to Family Front Door (FFD), the agency is required to engage in outreach efforts with Emeryville United School District, EUSD.</p>	<p>Modify and continue this under Program “HH” Schools and Child Care Centers.</p>
<p><b>Program H-4-1-1</b></p> <p>Maintain an inventory of sites available and appropriate for residential development for households of all income levels to ensure adequate sites are available through the planning period to meet the City’s Regional Housing Needs Allocation (RHNA).</p>	<p>Of the planned residential developments on the sites inventory table (Table 4-2 in the previous Housing Element), plus some on sites not in that table, as of December 2020, all were approved, 957 units were completed, 872 units were under construction, and 143 approved units had not yet started construction</p>	<p>Modify and continue this under Program “JJ” Site Inventory Program.</p>
<p><b>Program H-4-1-2</b></p> <p>Continue to encourage residential mixed-use development through the implementation of General Plan land use designations and the Planning Regulations</p>	<p>Several mixed-use projects went through the development process during the planning period. In 2019 the City received applications for two mixed-use projects (58Fifty Shellmound and Onni), approved one mixed-use project (Marketplace B), issued a certificate of occupancy for one mixed-use project (Estrella Vista), and saw remediation efforts on one mixed-use project (Sherwin-Williams) which was approved in 2018.</p>	<p>Remove. It is not necessary to report on this as a separate program, as Residential Mixed-use development is required in Cities Planning Regulations for parcels over 1 acre in the MUR and MURS zone. On sites less than 1-acre, mixed use development occurs as well.</p>

Program	Progress	Continue/Modify/Remove
	In 2020 the City received and approved its first project submitted under the SB 35 streamlined application review process. The San Pablo Affordable Apartments will have 90 units of affordable housing and a ground floor commercial space that will be used by ECAP (the Emeryville Citizens' Assistance Program, classified in the Emeryville Planning Regulations as a "Social Service Facility").	
<b>Program H-4-2-1</b>  Continue to offer down payment assistance through the City's First-Time Homebuyer Program, which provides low-interest loans of up to 20 percent of the purchase price to very low-income to moderate-income teachers in the Emery Unified School District with very low to moderate incomes for both market-rate and below-market-rate units.	The City continues to provide a FirstTime Homebuyers Program for Low to Moderate Income Teachers at Emery Unified School District. The program is available on market-rate and co-op developments. During the planning period, no teachers applied for the program. (See also response with Program H-2-2-4)	Modify and continue this under Program "M" Homebuyer Assistance Programs.
<b>Program H-4-2-2</b>  Continue to offer down payment assistance through the City's First-Time Homebuyer Program, which provides low-interest loans of up to 20 percent of the purchase price to City of Emeryville employees with any income for market-rate units and with very low to moderate income for below-market-rate units.	The City continues to provide a First Time Homebuyers to low- and moderate-income households. The program is available on market-rate and co-op developments. No city staff have applied for the program. (See also response with Program H-2-2-4)	Modify and continue this under Program "M" Homebuyer Assistance Programs.
<b>Program H-4-2-3</b>  Advertise the availability of below-market-rate units (BMRs) to teachers in the Emery Unified School District, City employees, and employees of the Emeryville Child Development Center.	Staff works with departments and EUSD during the marketing of affordable units. People who work and/or live in Emeryville and/or have students at EUSD are given preference in the sale of new BMR units. Emails are sent to City Staff and EUSD staff whenever a BMR ownership unit becomes available for resale.	Modify and continue this under Program "M" Homebuyer Assistance Programs.

Program	Progress	Continue/Modify/Remove
<b>Program H-4-2-4</b>  Ensure that new residential developments that include a below-market-rate live/work units conduct targeted marketing to artists and craftspeople to foster occupancy of these affordable below-market-rate live/work units by artists/craftspeople.	The City continues to ensure that below market rate live/work units are marketed to artists and craftspeople when they become available. The City has worked with the management companies of Parc on Powell and 3900 Adeline to advertise their live/work units to artists in Emeryville. In 2021, Staff began discussions with Sherwin Williams on the marketing requirements for their Below Market Rate units, which includes 4 live/work units.	Modify and continue this under Program “P” Live/Work Units. Homebuyer Assistance Programs.
<b>Program H-4-2-5</b>  Encourage the development of affordable live/workspace for artists and craftspeople.	The City continues to encourage the development of affordable live/work space for artists and craftspeople. Parc on Powell has one live/work unit that is affordable to moderate income households, and the 3900 Adeline development will have one live/work unit that is affordable to a very low income household. When the units are marketed, staff requires the developer to outreach to the artist community. The City received a request to convert 11 existing market rate live/work units to 11 below market rate live/work units in an effort to provide a flexible community benefit for another project they were seeking entitlements on. As of 2021, staff were negotiating the terms of this proposal.	Modify and continue under Program “Q” Housing for Artists/Craft-persons.
<b>Program H-4-2-6</b>  Promote quality and diversity in the architectural style of new housing developments.	Projects with a variety of architectural styles were proposed and approved during the planning period: <ol style="list-style-type: none"> <li>1. Doyle Mews, which is modern with clean lines and wood,</li> <li>2. Estrella Vista, which has articulated base,</li> <li>3. middle and top, and</li> <li>4. Adeline Springs, which has a curved sculptural style.</li> </ol> In 2018, the Planning Commission worked with the Sherwin-Williams and Marketplace residential project designers to improve materials, rooflines, window details, façade shapes and rhythms, porches, and other details for architectural quality and diversity.	Remove. Design standards are incorporated within Program “C” Objective Design Standards.

Program	Progress	Continue/Modify/Remove
	<p>The Planning Commission also worked with the aspiring developers of Marketplace B, Onni, and 58Fifty Shellmound in 2019 to improve project design.</p> <p>During the 2020 review of the San Pablo Affordable Apartments at 3600 San Pablo Avenue, there was a community meeting as well as Planning Commission and City Council study sessions that provided feedback on the design and architecture of the building that the applicant incorporated into their approved plans.</p>	
<p><b>Program H-5-1-1</b></p> <p>Through participation in the Alameda County Urban County Community Development Block Grant (CDBG) Entitlement jurisdiction, continue to contract with a HUD-approved fair housing counseling organization on an annual basis to provide fair housing counseling services, tenant-landlord mediation, public education, and legal referrals for Emeryville low-income tenants and landlords.</p>	<p>The County utilizes Urban County Community Development Block Grant (CDBG) funds and Local General Funds to contract with ECHO Fair Housing and East Bay Community Law Clinic to provide fair housing and landlord/tenant mediation to renters in Emeryville. Information on their services is available at City Hall on the website.</p> <p>In 2019, ECHO assisted 26 households with Tenant/Landlord Counseling and 14 households with Fair Housing Counseling. Using General Funds, an additional 3 households were assisted by ECHO as administrator of the City's Just Cause Eviction Ordinance. In 2020, ECHO provided service to 54 households and EBCLC provided service to 32 households.</p>	<p>Modify and continue this under Program "DD" Fair Housing Counseling.</p>
<p><b>Program H-5-1-2</b></p> <p>Continue to advertise fair housing counseling services provided by ECHO or another fair housing counseling organization through a variety of means, including public information available at Emeryville City Hall, in the City's Activity Guide, and on the City's website.</p>	<p>Renter's rights information is published in each City Activity Guide with referrals to fair housing and tenant organizations. Information on services is available at City Hall on the website as well as in the E-news.</p> <p>Due to the closure of City hall associated with the COVID-19 Pandemic, in 2020 the City had to focus distribution of information on the Fair Housing Counseling Services through the City's website or</p>	<p>Remove. This activity no longer needs to be reported as a separate program. All marketing and public outreach for HE Programs will be undertaken as Program "FF" Access to Information.</p>

Program	Progress	Continue/Modify/Remove
	<p>through inquiries submitted electronically.</p> <p>Additionally, the City revamped the Housing Notification System in 2020 to allow interested residents to register to obtain information on a variety of housing topics, such as Fair Housing, on a regular basis.</p>	
<p><b>Program H-5-1-3</b></p> <p>Include appropriate fair housing and equal opportunity language in all contractual agreements that the City enters into with developers pertaining to housing. Require that developers include equal opportunity language in housing in marketing materials for below-market-rate units provided in compliance with the City’s Affordable Housing Program (formerly known as the Affordable Housing Set-Aside Ordinance).</p>	<p>The City of Emeryville requires fair housing language and logos on all Marketing Plans for affordable units and within the Affordable Housing Agreements, as well as requiring the management companies to provide special outreach to populations least likely to apply and to translate marketing materials for language isolated populations. The City will continue to review these documents as they come in to ensure compliance.</p>	<p>Modify and continue this under Program “PP” Affirmative Fair Housing Marketing Plan.</p>
<p><b>Program H-5-1-4</b></p> <p>Continue to support an Accessibility Grant Program to improve home accessibility for lower-income households with disabilities and/or developmental disabilities.</p>	<p>The City provided an Access Improvement Program and worked with 3 lower-income homeowners in 2015 and one in 2016 to rehabilitate their units. The City has contracted with Alameda County Healthy homes to provide minor home repairs and Alameda County has used A1 bond funds to start a county wide home rehabilitation program. The City continues to support Rebuilding Together East Bay-North and Alameda County Healthy Homes Program in providing accessibility grants for low-income households.</p>	<p>Modify and continue this under Program “X” Homeowner Rehabilitation and Repair Programs.</p>
<p><b>Program H-6-1-1</b></p> <p>Adopt and implement an amendment to the City’s Design Guidelines that provides standards for the development of family-friendly housing. The guidelines will address site design as well as unit design, including unit sizes and layouts, relationship of units to outdoor areas, and other unit and community features.</p>	<p>The family-friendly residential amendment to the City Design Guidelines was adopted on May 19, 2015. As projects are proposed, the City continues to implement these Design Guidelines.</p> <p>The Marketplace and Nady projects, which were approved in 2016, comply with these guidelines, and the Sherwin-Williams project was evaluated against it.</p>	<p>Modify and continue this under Program “R” Family Friendly Housing.</p>



Program	Progress	Continue/Modify/Remove
<p><b>Program H-6-1-2</b></p> <p>Continue to evaluate City-controlled sites for potential redevelopment as affordable family-friendly housing, specifically designed to attract families with children. As opportunities are identified, partner with qualified affordable housing developers to provide site design, construction, and management.</p>	<p>The City continues to evaluate City-controlled sites for potential redevelopment as affordable family-friendly housing. A family-friendly development was completed at Estrella Vista at 3706 San Pablo Avenue, a former City-controlled site that is a 100% Affordable Family Housing development.</p> <p>The Family Friendly Design Guidelines were also used in review of the Sherwin-Williams Mixed Use project, which was entitled in 2018.</p>	<p>Modify and continue this under Program “G” City-sponsored Development Fund.</p>
<p><b>Program H-6-2-1</b></p> <p>Work with the Alameda County Housing and Community Development Department to advertise the availability of Mortgage Credit Certificates to increase the financial feasibility of homeownership for Emeryville households. Make information available on the City’s website, at City Hall, and in other appropriate locations.</p>	<p>Staff works with Alameda County to make the Mortgage Credit Certificates program available to Emeryville Buyers and works with mortgage brokers involved in the resale of below-market rate (BMR) units to review the program for their buyers. In 2019, 9 households received an MCC. MCC funds were not available in Alameda County in 2020 and 2021</p>	<p>Modify and continue this under Program “M” Homebuyer Assistance Programs.</p>
<p><b>Program H-6-2-2</b></p> <p>Provide education and technical assistance to condominium homeowners associations (HOAs) to encourage owner occupancy and ensure projects achieve or maintain eligibility for Federal Housing Association (FHA) insured loans.</p>	<p>The City collaborated with HOAs throughout the planning period to encourage and verify owner occupancy for participants in the City’s First-Time Homebuyer Loan and BMR programs.</p> <p>Outreach to the homeowners' associations is awaiting an anticipated change in the Federal Housing Agency (FHA) rules regarding the percent of owner-occupied units in condominium complexes.</p>	<p>Remove. This program is not currently active.</p>

Program	Progress	Continue/Modify/Remove
<p><b>Program H-6-2-3</b></p> <p>Continue to offer low-interest first time homebuyer assistance loans to low- and moderate-income households.</p>	<p>The City made the First-Time Homebuyer Loan Program available to low- and moderate-income households throughout the planning period. The program is available on market-rate and co-op developments. Despite interest in the program, no applications for the program were received between 2015 and 2019 and in 2021. One FTHB application was received and approved in 2020. Based on conversations with potential applicants and real estate agents, the City concluded that sellers had many options for interested buyers and selected buyers that were not pursuing City loans. In 2019, the City began re-examining the program to find ways to make it more effective and useful for the current market cycle. Another factor in the low utilization of the program is the high cost of housing, relative to incomes. While lower-income households would be eligible for the program based on their income, often these households cannot afford market-rate homes even with downpayment assistance.</p>	<p>Modify and continue this under Program “M” Homebuyer Assistance Programs.</p>
<p><b>Program H-6-3-1</b></p> <p>Continue to implement the City’s Foreclosure Prevention and Predatory Lending Prevention Strategy through education and outreach, referrals, and technical assistance.</p>	<p>Foreclosures in the City have slowed significantly during the planning period and the Unity Council assistance program was cancelled in 2015. However, staff continue to assist residents at risk of losing their homes to foreclosure, including residents in BMR homes. Staff has referred interested residents to Keep Your Home California and the HOPE foreclosure program, among other resources.</p> <p>In 2020, in response to the COVID-19 pandemic, the City adopted a Home Owner Association (HOA) foreclosure moratorium to prevent HOAs from foreclosing on homeowners for their inability to pay HOA dues from March - September 2020. Additionally, the City has included a Foreclosure Prevention Program in the Affordable Housing Administration and Expenditure Plan, which was adopted in February 2021.</p>	<p>Modify and continue this under Program “J” Foreclosure Prevention Programs.</p>

Program	Progress	Continue/Modify/Remove
<p><b>Program H-7-1-1</b></p> <p>Continue to offer low-interest loans or grants through the Assessment Loan and Clean-Up Loan programs to provide financial, technical, and regulatory assistance to property owners and developers seeking to assess and remediate housing development sites.</p>	<p>The City continued to offer low-interest loans or grants to property owners and developers seeking to remediate housing development sites. Non-profit developers are eligible to receive a partial grant within the Revolving Loan Fund.</p> <p>The City sought but did not receive a 2016 US EPA grant for \$200,000 for assessment of affordable housing Transit Oriented Development opportunity sites owned by the City (or potentially to be acquired to by the City) and located in the Emeryville Priority Development Area.</p> <p>Remediation of the Estrella Vista site at 3706 San Pablo Avenue was completed for development of affordable housing on a City owned parcel using a 2012 US EPA Cleanup grant. Construction began in 2017 and continued through 2018.</p> <p>In 2021, the Christie Avenue properties held by the Successor Agency began predevelopment work with a transaction expected no later than September 2022. The revolving Loan Fund which has \$3.2 M available is expected to be used for site assessment, remediation, reporting and long term assessment as needed.</p>	<p>Continue under Program “S” Brownfield Remediation Loans.</p>
<p><b>Program H-7-1-2</b></p> <p>Continue to work with developers to seek outside funding opportunities for site remediation and offer technical assistance with funding applications.</p>	<p>The City will market its \$1.9 million Revolving Loan Fund (RLF) to developers partnering with the City to develop City-owned sites in need of remediation, including housing sites on Christie Avenue and San Pablo Avenue. The City markets the RLF through website and pre-construction meetings.</p> <p>Marketing efforts have been limited due to the need to coordinate three properties affected by the timeline of a significant remediation on one property. This</p>	<p>Continue under Program “S” Brownfield Remediation Loans.</p>

Program	Progress	Continue/Modify/Remove
	<p>remediation has impacts on another property, which precludes a third's relocation.</p> <p>In 2019 staff attended a national conference on Brownfield Cleanup and attended a session on best practices for managing RLFs.</p> <p>In 2020 staff studied using the RLF for a Successor Agency property that would allow redevelopment of housing sites when reused but found a City instrument more expeditious than this program.</p>	
<p><b>Program H-7-2-1</b></p> <p>Continue to require that developers complete the appropriate GreenPoint Rated or LEED Checklist as part of their submittal to the Emeryville Planning and Building Department.</p>	<p>The City continues to require developers to complete the LEED or GreenPoint Rated checklist as part of Planning and Building submittals. Projects that completed the appropriate checklist with their submittals include:</p> <ol style="list-style-type: none"> <li>1. Marketplace Parcel C2</li> <li>2. The Intersection (Maz site)</li> <li>3. Estrella Vista, 3706 San Pablo</li> <li>4. 39<sup>th</sup> and Adeline</li> </ol>	<p>Modify and continue this under Program "U" GreenPoint/LEED Requirements.</p>
<p><b>Program H-7-2-2</b></p> <p>Include the appropriate GreenPoint or LEED Checklist in all City-led requests for proposals (RFPs) for new housing developments and include the checklist as a review criterion in the developer selection process.</p>	<p>The City included GreenPoint or LEED in the RFP that resulted in the Estrella Vista project at 3706 San Pablo and in the RFP for the former Recreation Center Site in 2019. In 2017, the Marketplace developer included the required Greenpoint/LEED checklist with their submittals, as did the Estrella Vista developer.</p> <p>In 2019, the City issued an RFQ/P for 4300 San Pablo Avenue with a requirement that the project achieve a minimum of 100 "GreenPoint Rated" points plus meet all minimum requirements of LEED Silver certification.</p>	<p>Remove. All new construction and rehabilitation projects are required to incorporate Green Point or LEED standards.</p>
<p><b>Program H-7-2-3</b></p> <p>Ensure that public information materials are available at the City and through the website on</p>	<p>The City website's Green Building website was updated in 2015. The City's Sustainability website includes information on a full complement of topics including grants available to the community, waste, stormwater, active transportation, energy, and building materials.</p>	<p>Remove. This activity no longer needs to be reported as a separate program. All marketing and public outreach for HE Programs will be undertaken as Program "FF" Access to Information.</p>

Program	Progress	Continue/Modify/Remove
green building resources and funding opportunities.	Sustainability information is frequently communicated through City tweets and Newsflash articles.	
<b>Program H-7-2-4</b>  Continue to require design and operation measures to protect stormwater quality, including site design, pollutant source control, and vegetative stormwater treatment.	Vegetative stormwater treatment is required in projects with 500 or more square feet of new landscaping. In 2015, these were addressed for 39th and Adeline residential project and the Intersection (Maz) project.  Additionally, vegetative stormwater treatment is required in projects disturbing or creating 5,000 or 10,000 or more square feet of permeable surface. Several large residential sites were completed with 100% treatment during the planning period. An example is, "The Intersection," at 3800 San Pablo Avenue. Housing projects underway with vegetative stormwater treatment include the Sherwin-Williams development. The City continues to review all opportunities to incorporate vegetative treatment on new public projects regardless of size.	Remove. This has been incorporated into Policy H-1-4.
<b>Program H-7-2-5</b>  Encourage new residential development projects to include features and materials that help to prevent stormwater intrusion.	The Building Division requires windows and doors to be tested for water intrusion and replaced if they fail the test. Multifamily residential projects subject to this policy continue to comply. From June 2019 to January 2022, buildings consisting of 481 dwellings units have submitted licensed 3rd party certification building compliance forms. An additional 6 buildings consisting of 481 dwelling units are estimated to be completed and certificated within FY 23/24.	Remove. This has been incorporated into Policy H-1-4.
<b>Program H-7-3-1</b>  Encourage new housing development within the City's Priority Development Area (PDA) in keeping with regional greenhouse reduction strategies. Monitor the availability and local applicability of PDA-linked funding resources and incentives for	The City has taken action to redevelop two sites into affordable housing projects, located along the San Pablo Avenue corridor, within the Priority Development Area (the Recreation Center site at 4300 San Pablo and the San Pablo Affordable Apartments at 3600 San Pablo). During the planning period, the City also received a Cap and Trade grant to help fund Estrella Vista, the family affordable housing project at 3706 San Pablo Avenue in	Continue as Program "W" Priority Development Area.

Program	Progress	Continue/Modify/Remove
planning and development. Utilize these resources to the extent feasible and appropriate.	Emeryville's Priority Development Area, partly because San Pablo Avenue is a key regional corridor with many Priority Development Areas along it. As funding resources or incentives become available, the City continues to work with the developers of both sites to secure the additional resources, as appropriate.	
<b>Program H-7-3-2</b>  Continue to work with transit agencies, County and regional transportation agencies, and the Cities of Berkeley and Oakland to implement strategies identified in the Emeryville-Berkeley-Oakland Transit Study (EBOTS) to improve transit access and proximity for Emeryville residents.	<p>The City has continuously partnered with local transit agencies to ensure transit access for Emeryville residents. City staff worked with AC Transit to ensure that AC Transit's Service Expansion Plan meets several of the goals identified in the Emeryville- Berkeley-Oakland Transit Study.</p> <p>In 2016, the City provided a layover space for AC Transit's 57 route extension to the Public Market and met with AC Transit to define the Transit Hub at 40<sup>th</sup> and San Pablo. The City also applied for and later received funding from the Alameda County Transportation Commission to support the Transit Hub, Emery Go-Round operations, and 8-to-Go senior and paratransit door-to-door shuttle service organized by the Senior Center. Concept designs for the Bus Hub, which now extends to Shellmound Street, includes dedicated bus lanes, a two-way protected bikeway, bus boarding areas with passenger amenities, and pedestrian and bicycle intersection improvements.</p>	Modify and continue this under Program "II" Transportation.
<b>Program H-7-3-3</b>  Review the City's Design Guidelines and identify opportunities to amend standards to promote high quality open space and community interactions, such as requirement of a community multipurpose room in larger residential development projects, mailbox locations that encourage social interactions, open spaces that engage with community spaces and the street,	<p>The amendment to the Design Guidelines that was adopted in May 2015 included general Residential guidelines regarding landscaped walkways, community multi-purpose rooms, mailbox placement, access from units to streets and common open spaces, active or articulated street frontages, porches, and views from units to streets or other exterior spaces.</p> <p>The added guidelines were followed in the Anton (Nady site) project, which received Planning Commission</p>	Remove. This program was completed.

Program	Progress	Continue/Modify/Remove
porches or decks that face the street or courtyards, and the design of individual units that promotes interaction with the street and common spaces.	<p>approval in March of 2016. The guidelines were also used in the design and evaluation of the Marketplace and Sherwin-Williams Mixed Use projects in 2018. The guidelines were also used in review of applications for the 58Fifty and Onni projects in 2019.</p> <p>During the review of the San Pablo Affordable Apartments at 3600 San Pablo Avenue the Planning Commission and City Council used these guidelines and provided feedback on the open space and community rooms to improve the design of the project.</p>	
<p><b>Program H-7-4-1</b></p> <p>Disseminate information on retrofit assistance programs, solar energy rebates, and alternative transportation programs and facilities, such as transit passes, bicycle parking, and carsharing pods.</p>	<p>The City provides information on a wide range of sustainability programs through its website. The City's Energy Conservation and Green Building webpages include up-to-date directories of products, agencies, and organizations.</p> <p>The Environmental Services/Transportation webpages include up-to-date directories of resources and actions for businesses and residents including information about transit options and passes, bike routes, and carpooling.</p> <p>The City participated in and publicized a solar and alternative-fuel-vehicle discount program, and is launching a commercial energy audit and upgrade program.</p> <p>The Bicycle and Pedestrian webpage provides information about the Translink bike lockers at Amtrak and the City's bike racks program, and in 2016 the City worked with housing staff and the public on siting for the new Bike Share program. Annual Bike To Work Day events are also described on the Bike and Pedestrian program pages.</p>	<p>Remove. The City will publicize Energy Programs under Program "V" Energy Programs. All marketing and public outreach for HE Programs will be undertaken as Program "FF" Access to Information.</p>

Program	Progress	Continue/Modify/Remove
	<p>Between 2018 and 2020, the City participated in and publicized a solar and alternative-fuel-vehicle discount program and continues to publicize transit and micro-transit opportunities. The City also updated its Housing Notification e-mail list so that information on these programs can be sent directly to BMR tenants, homeowners, and interested residents.</p> <p>In 2021, several agencies offered new assistance programs for energy, including the Building Decarb Coalition's "The Switch is On" campaign and East Bay Community Energy's "Resilient Home" program. The City launched its scooter-share program and continues to publicize transit and microtransit opportunities.</p>	
<p><b>Program H-7-4-2</b></p> <p>Encourage energy conservation measures and use of green building materials in residential remodel projects.</p>	<p>The Building Code requires energy conservation measures. The Energy Efficient Emeryville (E3) Program, launched in 2016, offers no-cost energy audits and assistance to small and medium businesses. The City is actively working to strengthen energy code requirements through reach codes to encourage building electrification and increased energy efficiency. The first reach code, requiring all-electric construction of residential buildings along with installed solar in residential new construction up to ten stories, was passed this year. Staff are also developing a development bonus opportunity for the use of mass timber in place of steel framing.</p>	<p>Modify and continue this under Program “Z” Energy Conservation Remodels.</p>



# **Appendix B**

## **Outreach**



## Appendix B: Summary of Public Input

### B.1 Outreach Campaign

The City conducted an outreach campaign to educate the public and to gather information regarding housing needs, issues, and preferences in the community. Throughout the update process, input was considered and incorporated into the housing element. Highlights of the public input and the programs that address it is provided in subsection B.2. Additional details and program references are provided in subsequent subsections of this appendix. Outreach events included two community workshop, fair housing and service provider consultations, and a series of public meetings with the Housing Committee, Planning Commission, and City Council. Due to COVID-19 pandemic safety protocols all meetings were held virtually (as of May 2022). The City provided information regarding the update on a dedicated page of the City's website and offered opportunities for input through two online surveys, live polling during both community workshops and one of the Housing Committee meetings and a dedicated email address for comments and questions.

**Table B-1** lists the various outreach activities initiated by the City to solicit feedback throughout the Housing Element update process. Dates and topics are listed in the table. Summaries of the input that was obtained follow the table. Input obtained through emails is also included herein.

The Housing Element page on the City's website went live on June 1, 2021. Participation opportunities were advertised on the City's website, through social media postings, flyer distribution, posters displayed in local businesses and via direct e-mail to people who previously signed up to the City's housing email notification list and stakeholders, including local property managers, developers, community groups, nonprofit service organizations, residents, and elected officials. Posters advertising each community workshop were hung at the following local businesses: Roba's, Watergate Market, Arizmendi, Rudy's Can't Fail Café, Prize Fighter, The Bank Club, Wondrous Brewing, The Public Market, as well as at City Hall, the Emeryville Police Station, the Golden Gate Library and the Emeryville Citizens Assistance Program (ECAP) food pantry, ECCL (Emeryville Center of Community Life facilities (the pool, and bulletin boards at the Senior Center and ECCL office).

The City made a concerted effort to reach people with extremely low incomes and limited access to technology by advertising the two community workshops with printed flyers and posters in locations throughout the City, particularly the library and at ECAP (Emeryville Citizens Assistance Program), which provides food and other resources to low income and unhoused individuals. The City made a concerted effort to reach non-English speakers for the two community workshop by advertising them in Spanish and English and by offering translation services for any language if people requested it on the meeting registration form. One participant requested and received Amharic translation at the first community workshop. One person requested Spanish translation for the second community workshop during registration, however they were not in attendance.

**Table B-1. Outreach Activities by Date and Topics**

Date	Topics
<b>Consultations</b>	
Autumn 2021	Housing needs, fair housing
<b>Surveys</b>	
Online Survey #1	
July-August 2021	Housing needs
Online Survey #2	
July-August 2021	Affirmatively Furthering Fair Housing program
<b>Community Workshops</b>	
June 29, 2021	Housing Element overview/introduction
February 23, 2022	Housing Element progress update, findings from the Housing Needs Assessment and Assessment of Fair Housing, site inventory
<b>Housing Committee Meetings</b>	
April 7, 2021	Housing Element overview/introduction
July 7, 2021	Input received during Community Workshop #1 and 2023-2031 Goals and Programs
October 6, 2021	Housing Needs Assessment and Assessment of Fair Housing
December 1, 2021	Input received during the Planning Commission and City Council Study Sessions and sites inventory and strategies for meeting RHNA
February 2, 2022	Constraints, resources and opportunities
June 1, 2022	Input received during Community Workshop #2 and Public Review Draft launch
<b>Planning Commission Meetings</b>	
October 28, 2021	Study Session: Housing Element overview/introduction
May 26, 2022	Public Review Draft launch
December 8, 2022	Hearing to recommend adoption
<b>City Council Meetings</b>	
November 16, 2021	Study Session: Housing Element overview/introduction
June 7, 2022	Public Review Draft launch
December 12, 2022	Adoption Hearing

## B.2 Consultations

Fair housing and service providers (“stakeholders”) were asked to provide input on the 2023-2031 Housing Element Update via one-on-one interviews or email. They were added to the City’s Housing Element notification list to receive announcements for public meetings, the release of the Public Review Draft and other housing element notifications. Input from the stakeholders was used to inform the drafting of this Housing Element. Comments provided during these consultations that are related to fair-housing issues are described in greater detail in Chapter 4.

Stakeholders were from the following organizations:

- Regional Center of the East Bay (RCEB)
- Housing Authority of the County of Alameda

- Eden Council for Hope and Opportunity (ECHO)
- Centro Legal De La Raza
- Operation Dignity
- EveryOne Home/Continuum of Care (CoC)
- Housing and Economics Rights Advocates (HERA)

The stakeholders were asked some or all of the following questions:

- Opportunities and concerns: What three top opportunities do you see for the future of housing in the City? What are your three top concerns for the future of housing in Emeryville?
- Housing preferences: What types of housing do your clients prefer? Is there adequate rental housing in the City? Are there opportunities for home ownership? Are there accessible rental units for seniors and persons with disabilities?
- Housing barriers/needs: What are the biggest barriers to finding affordable, decent housing? Are there specific unmet housing needs in the community?
- Housing conditions: How would you characterize the physical condition of housing in Emeryville? What opportunities do you see to improve housing in the future?
- Equity and Fair Housing: What factors limit or deny civil rights, fair housing choice, or equitable access to opportunity? What actions can be taken to transform racially and ethnically concentrated areas of poverty into areas of opportunity (without displacement)? What actions can be taken to make living patterns more integrated and balanced?
- How has COVID affected the housing situation?

Stakeholders expressed several challenges and barriers to housing in Emeryville. Overwhelmingly, the consultation process revealed that Emeryville (and many other Bay Area jurisdictions) face an insufficient stock of affordable housing.

Stakeholders noted that during the COVID-19 pandemic, a federally funded rapid rehousing program provided housing vouchers to people experiencing homelessness, allowing those living on the streets to obtain immediate shelter. However, stakeholders also noted that this is a temporary program and long-term solutions are still needed. Several stakeholders mentioned that the City needs more permanent supportive housing with services on-site (case management, behavior and medical services, etc.) to meet the needs of those living with developmental, intellectual, and physical disabilities.

The City of Emeryville is known for having adopted strong renter protections. However, stakeholders want leaders to continue to assess whether the existing tenant protections do enough. Stakeholders also encouraged leaders to recognize that simply producing more housing does not automatically ensure affordable rental housing and fair access to housing opportunities. One stakeholder noted that Oakland has the best tenant protection laws in the Bay Area and recommend that Emeryville use them as a blueprint to adopt additional tenant protection laws.

Stakeholders stated that landlords and the application process discriminate against previously unhoused individuals and those holding government sponsored vouchers (e.g., Section 8). One stakeholder suggested changing application processes, including background check requirements which can restrict certain applicants from housing access. They suggested that the City facilitate training and education for landlords on what actions are creating issues and how to avoid them. Moreover, stakeholders encouraged the City to improve their messaging because they provide a variety of programs and services to landlords that can deter discriminatory actions.

A fair housing provider received many complaints from low- and moderate-income homeowners because they are struggling to make housing payments, maintain and improve their older homes. The fair housing provider believes that these issues occur due to discriminatory mortgage and lending practices resulting in unrealistic mortgage payments, lying to clients on documents, and refusing to lend money to those with traditionally poor credit. The City could strengthen its home repair programs, low interest rate housing loans, and second structure loans, and direct institutions to expand the breadth and flexibility of criteria that allows prospective borrowers (e.g., with traditionally bad credit) to receive loans. Additional programs can be created to combat discriminatory and predatory lending practices.

**(Program J)**

A fair housing provider stated that their clients believe that Homeowner Associations can be a hostile environment to new homeowners. While the City requires new participants in the City's homebuyer programs to take mandatory fair housing education, the courses are not specific to Emeryville. The fair housing provider would like the City to do more to inform new participants in the City's homebuyer programs of their rights and empower them to advocate and defend themselves.

A fair housing provider identified disability related fair housing violations as the most common type of complaint that their organization receives, potentially due to the visibility of applicants' disabilities. Fair housing discrimination violations related to other protected classes (e.g., race, sexuality, religion) may be less overt than disability-based discrimination and often more difficult to identify. People with disabilities may be more likely to understand when they are being discriminated against for example, when a reasonable accommodation is unjustly denied. As a result, disability violations are the number one type of fair housing violation that this organization receives but may not be an accurate account of the fair housing violation discrimination cases occurring.

### **B.3 Surveys and Live Polling**

Input from members of the public was gathered through surveys that were available on the City's website and live polling during virtual presentations. The answers were used to inform the drafting of this Housing Element. The City asked participants about housing needs in Emeryville and actions that the City could commit to in the Housing Element programs in Chapter 8. to address unmet housing needs. One set of questions asked respondents to prioritize actions the City could commit to, to affirmatively further fair housing. Those priorities are reflected in Programs A, E, I, M, AA, DD, EE, FF, II, PP and QQ.

A few demographic questions were included to learn more about the respondents. **Table B-2** provides a summary of the outreach activities where sets of questions were asked and the number of participants.

**Table B-2. Summary of Surveys and Live Polling**

	Number of Participants	Question Set		
		Demographics Q1-Q3	Housing Needs Q4-9	AFFH Actions Q10-Q12
Community Workshop #1 (6/29/21)	14	Yes	Yes	No
Housing Committee Meeting (7/7/21)	11*	No	No	Yes
Online Survey #1 (July-August 2021)	37	Yes	Yes	No
Online Survey #2 (July-August 2021)	117	Yes	No	Yes
Community Workshop #2 (2/23/22)	9	Yes	Yes	Yes

\*Seven Housing Committee members and four members of the public.

## B.3.1 DEMOGRAPHICS

### B.3.1.1 Q1. How old are you?

As shown in **Table B-3**, people in the 35–54-year-old range were the most frequent participants, followed by people aged 55-74.

**Table B-3. How old are you?**

How old are you?	Community Workshop #1	Online Survey #1	Online Survey #2	Community Workshop #2	Total	Rank
35-54	50.0%	37.8%	50.0%	33.3%	171.2%	1
55-74	28.6%	21.6%	28.5%	11.1%	89.8%	2
18-34	7.1%	35.1%	18.1%	11.1%	71.5%	3
75+	0.0%	5.4%	3.5%	44.4%	53.3%	4
Prefer not to say	14.3%	0.0%	0.0%	0.0%	14.3%	5
< 18	0.0%	0.0%	0.0%	0.0%	0.0%	6
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>N/A</b>	<b>N/A</b>

### B.3.1.2 Q2. Which racial or ethnic group(s) do you identify as?

As shown in **Table B-4**, people who identify as Black or African American were the most frequent participants, followed by people who identify as White (non-Hispanic).

**Table B-4. Which racial or ethnic group(s) do you identify as?**

Which Racial or Ethnic Group(S) Do You Identify As?	Community Workshop #1	Online Survey #1	Online Survey #2	Community Workshop #2	Total	Rank
Black or African American	50.0%	27.0%	40.5%	42.9%	160.4%	1
White (non-Hispanic)	14.3%	29.7%	25.9%	57.1%	127.0%	2
Asian or Asian American	21.4%	21.6%	10.3%	0.0%	53.4%	3
Prefer not to say	14.3%	10.8%	16.4%	0.0%	41.5%	4
Hispanic, Latino, or Spanish Origin	0.0%	5.4%	3.5%	0.0%	8.9%	5
Native American	0.0%	5.4%	1.7%	0.0%	7.1%	6
Native Hawaiian or Pacific Islander	0.0%	0.0%	1.7%	0.0%	1.7%	7
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>N/A</b>	<b>N/A</b>

**B.3.1.3 Q3. What is your annual household income?**

As shown in **Table B-5**, household incomes in the \$25,001 to \$50,000 range were most frequently self-reported by participants, followed by household incomes in the \$50,001 to \$75,000 range.

**Table B-5. What is your annual household income?**

What is Your Annual Household Income?	Community Workshop #1	Online Survey #1	Online Survey #2	Community Workshop #2	Total	Rank
\$25,001 - \$50,000	7.1%	21.6%	25.0%	44.4%	98.2%	1
\$50,001 - \$75,000	28.6%	21.6%	28.5%	11.1%	89.8%	2
\$100,001 - \$200,000	21.4%	13.5%	11.2%	11.1%	57.3%	3
\$75,001 - \$100,000	7.1%	13.5%	11.2%	22.2%	54.1%	4
\$25,000 or less	14.3%	13.5%	14.7%	11.1%	53.6%	5
Prefer not to say	21.4%	10.8%	7.8%	0.0%	40.0%	6
\$200,000 or more	0.0%	5.4%	1.7%	0.0%	7.1%	7
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>N/A</b>	<b>N/A</b>

**B.3.2 HOUSING NEEDS****B.3.2.1 Q4. Describe your role in the Emeryville Community (Select all that apply)?**

As shown in **Table B-6**, a greater proportion of participants were renters as compared with homeowners. While a much smaller percent of the participants was unhoused or do not have permanent housing, any percentage of respondents in that category is noteworthy. Some of the participants were advocates or representatives from community organizations and some own a business in Emeryville. Participants were able to select multiple responses.

**Table B-6. Describe your role in the Emeryville Community**

Describe Your Role in the Emeryville Community	Community Workshop #1	Online Survey #1	Community Workshop #2	Total	Rank
I live in Emeryville and rent my home	22.2%	57.6%	57.1%	136.9%	1
I live in Emeryville and own my home	33.3%	9.1%	42.9%	85.3%	2
I am an advocate or represent a community organization	22.2%	12.1%	28.6%	62.9%	3
I am unhoused/do not have permanent housing	22.2%	18.2%	14.3%	54.7%	4
I own a business in Emeryville	22.2%	3.0%	14.3%	39.6%	5
<b>Total</b>	Does not total 100% because participants were asked to select all that apply.			<b>N/A</b>	<b>N/A</b>



### B.3.2.2 Q5. If you are an Emeryville resident, what type of housing do you currently live in?

As shown in **Table B-7**, people residing in rental apartments were the most frequent participants, followed by people residing in condominiums that they own. While a much smaller percent of the participants was unhoused, any percentage of respondents in that category is noteworthy.

**Table B-7. If you are an Emeryville resident, what type of housing do you currently live in?**

If You Are an Emeryville Resident, What Type of Housing Do You Currently Live in?	Community Workshop #1	Online Survey #1	Community Workshop #2	Total	Rank
Apartment (rental)	33.3%	76.0%	57.1%	166.5%	1
Condominium (owned)	22.2%	12.0%	42.9%	77.1%	2
Currently unhoused	22.2%	8.0%	0.0%	30.2%	3
Single-family Home	22.2%	4.0%	0.0%	26.2%	4
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>N/A</b>	<b>N/A</b>

### B.3.2.3 Q6. If you are an Emeryville resident, how would you rate the physical condition of your home?

As shown in **Table B-8**, approximately half of the respondents stated their homes were not in need of rehabilitation, however, for some of those respondents, the common spaces in the multi-unit building where they live were in need of maintenance or repairs. Among the other half of the respondents, most said their home was in need of minor repairs and a few said their home needed major repairs. (**Program X**)

**Table B-8. If you are an Emeryville resident, how would you rate the physical condition of your home?**

If You Are an Emeryville Resident, How Would You Rate the Physical Condition of Your Home?	Community Workshop #1	Online Survey #1	Community Workshop #2	Total	Rank
My home is not in need of rehabilitation.	55.6%	41.4%	50.0%	146.9%	1
I live in a multi-unit building, and the common spaces need maintenance or repairs, but not my individual unit.	11.1%	13.8%	50.0%	74.9%	2
It needs minor maintenance (e.g., peeling paint, chipped stucco, etc.)	22.2%	17.2%	0.0%	39.5%	3
It needs major repairs (e.g., new plumbing, new roof, new windows, etc.)	11.1%	13.8%	0.0%	24.9%	4
I live in a multi-unit building, and my unit needs maintenance or repairs, but not the common spaces.	0.0%	13.8%	0.0%	13.8%	5
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>N/A</b>	<b>N/A</b>

**B.3.2.4 Q7. What type of housing would you like to see built in Emeryville?**

As shown in **Table B-9**, the type of housing that participants would most like to see built in Emeryville are rental apartments, followed by single-family homes and duplexes. There was also strong support for assisted living and townhomes/row homes. Participants were able to select multiple responses.

(Programs A, C, R, D, B, LL)

**Table B-9. What type of housing would you like to see built in Emeryville?**

What Type of Housing Would You Like to See Built in Emeryville?	Community Workshop #1	Online Survey #1	Community Workshop #2	Total	Rank
Apartment (Rental)	78.0%	55.6%	55.6%	189.2%	1
Single-family home	89.0%	50.0%	44.4%	183.4%	2
Duplex	56.0%	38.4%	44.4%	138.8%	3
Assisted living	56.0%	36.1%	44.4%	136.5%	4
Townhome/row home	56.0%	55.6%	22.2%	133.8%	5
Community land trust or cooperative housing	33.0%	41.7%	33.3%	108.0%	6
Condominium (Owner)	44.0%	36.1%	22.2%	102.3%	7
Student housing	44.0%	16.7%	11.1%	71.8%	8
Emergency housing	22.0%	25.0%	22.2%	69.2%	9
Total	Does not total 100% because participants were asked to select all that apply.			N/A	N/A

**B.3.2.5 Q8. What are the three most important housing objectives for Emeryville of these choices?**

As shown in **Table B-10**, participants strongly felt that the City should assist with securing state or federal funding for projects for seniors, affordable housing, supportive housing, transitional housing, and/or emergency shelters. Participants also expressed the importance of the City encouraging more opportunities for homeownership at all income levels and the development of housing with 3 or more bedrooms to accommodate larger families.

The City has included **Programs G, H, K, L, R, and OO** to address participant feedback.

**Table B-10. What are the three most important housing objectives for Emeryville of these choices?**

What Are the Three Most Important Housing Objectives for Emeryville of These Choices?	Community Workshop #1	Online Survey #1	Community Workshop #2	Total	Rank
Assisting senior and/or affordable housing developers with securing state or federal funding	63.6%	46.0%	71.4%	181.0%	1
Providing more opportunities for homeownership at all income levels	63.6%	70.3%	42.9%	176.8%	2
Encouraging development of housing with 3 or more bedrooms to accommodate larger families	54.5%	32.4%	42.9%	129.8%	3
Assisting permanent supportive housing, transitional housing, and/or emergency shelter projects with securing state or federal funding	18.2%	43.2%	57.1%	118.5%	4
Encouraging developments with a mix of residential, commercial and other compatible uses	36.4%	46.0%	14.3%	96.7%	5
Encouraging development of smaller housing types, such as micro-units and SROs	36.4%	13.5%	28.6%	78.5%	6
Providing home weatherization, rehabilitation, and energy conservation programs	27.3%	18.9%	28.6%	74.8%	7
Enforcing restrictions on short-term rentals (e.g. AirBnB, VRBO)	18.2%	16.2%	28.6%	63.0%	8
Encouraging the development of accessory dwelling units (ADUs)	18.2%	10.8%	28.6%	57.6%	9
Supporting development of higher-income housing	9.1%	0.0%	0.0%	9.1%	10
<b>Total</b>	Does not total 100% because participants were asked to select all that apply.			N/A	N/A

**B.3.2.6 Q9. Are there populations that you believe are underserved in Emeryville?**

As shown in **Table B-11**, participants overwhelmingly expressed that low-income households or families are the most underserved population for housing in Emeryville. Participants also ranked seniors, educators, artists and service or retail workers among the most underserved. Participants were able to select multiple responses.

The City has included **Programs G, H, K, Q, and R** to address input from participants.

**Table B-11. Are there populations that you believe are underserved in Emeryville?**

Are There Populations That You Believe Are Underserved in Emeryville?	Community Workshop #1	Online Survey #1	Community Workshop #2	Total	Rank
Low-income households or families	83.3%	78.1%	75.0%	236.4%	1
Seniors	66.7%	37.5%	50.0%	154.2%	2
Educators	50.0%	31.3%	42.9%	124.2%	3
Artists	41.7%	34.4%	42.9%	119.0%	4
Service or retail workers	50.0%	34.4%	28.6%	113.0%	5
Moderate-income or workforce-income households	33.3%	31.3%	37.5%	102.1%	6
Young families	41.7%	28.1%	25.0%	94.8%	7
Individuals with disabilities/special needs	25.0%	34.4%	25.0%	84.4%	8
Health care workers	50.0%	12.5%	14.3%	76.8%	9
First responders	41.7%	12.5%	14.3%	68.5%	10
Clerical workers	16.7%	21.9%	28.6%	67.2%	11
Tradespersons (building/construction workers)	33.3%	15.6%	14.3%	63.2%	12
Empty nesters	16.7%	15.6%	0.0%	32.3%	13
Students	16.7%	15.6%	0.0%	32.3%	14
<b>Total</b>	Does not total 100% because participants were asked to select all that apply.			N/A	N/A

### B.3.3 AFFIRMATIVELY FURTHERING FAIR HOUSING

The following three questions were adapted from HCD’s Guidance Memo (April 2021) for complying with AB 686.

Participants were asked to identify the most impactful actions in three categories:

1. **Housing Choices:** These actions are intended to promote housing supply, choices, and affordability. They are intended to remove barriers that limit households’ ability to move to the neighborhoods of their choosing, where they may access resources and educational and/or employment opportunities.
2. **Place-based Conservation and Revitalization:** These actions involve approaches that are focused on conserving and improving assets in existing neighborhoods. They are intended to promote high quality amenities throughout the city, particularly where lower-income households live.
3. **Displacement Prevention:** These actions are intended to prevent the displacement of existing residents from their homes and communities.

#### B.3.3.1 Q10. Housing Choices

Participants were asked to pick the 3 actions that would have the most impact on promoting housing supply, choices, and affordability and removing barriers that limit households’ ability to move to the neighborhoods of their choosing. As shown in **Table B-12**, participants felt that improving the existing

BMR program for ownership units and developing a BMR program for rental units would make the most impact on improving housing choice. Several other actions were also considered highly impactful, including acquisition of additional affordable housing units in mixed income developments, city-wide affordable rental registries and targeted mixed income strategies.

Emeryville has included **Programs A, I, M, AA, PP, and QQ** to incorporate input from participants.

**Table B-12. Housing Choices**

Potential Housing Choice Actions	Housing Committee Meeting	Online Survey #2	Community Workshop #2	Total	Rank
Modify the ownership Below Market Rate (BMR) program, such as by increasing the percent of BMR units in new developments or changing the income designations for greater affordability.	63.0%	51.0%	75.0%	189.0%	1
Create an inclusionary program to require a certain percentage of BMR rental units in new rental developments	75.0%	50.0%	37.5%	162.5%	2
Acquisition of additional affordable housing units in mixed income developments	38.0%	49.0%	75.0%	162.0%	3
City-wide affordable rental registries	25.0%	47.0%	37.5%	109.5%	4
Targeted mixed income strategies (e.g., funding, incentives, policies and programs, density	25.0%	31.0%	37.5%	93.5%	5
Increase accessible number of units above state law through incentives, policies, funding and other similar measures	38.0%	27.0%	12.5%	77.5%	6
Develop waiting lists for persons with disabilities; coordinate with regional centers for developmental services and targeting those lists to property owners or homeowners making units (e.g., ADUs) available	25.0%	16.0%	25.0%	66.0%	7
Affirmative marketing targeted at promoting equal access to government-assisted housing	0.0%	18.0%	37.5%	55.5%	8
Accessibility modification programs and other measures that proactively enhance accessibility	0.0%	9.0%	25.0%	34.0%	9
Leverage in-home or community based supportive services	0.0%	5.0%	0.0%	5.0%	10
<b>Total</b>	<b>Does not total 100% because participants were asked to select all that apply.</b>			<b>N/A</b>	<b>N/A</b>

### B.3.3.2 Q11. Place-based Conservation and Revitalization

Participants were asked to pick the 3 actions that would have the most impact on conserving and improving assets in existing neighborhoods and promoting high quality amenities throughout the city, particularly where lower-income households live. As shown in **Table B-13**, participants overwhelmingly felt that targeted investment in areas of most need to improve community assets, social service programs, parks, streets, active transportation and infrastructure would make the most impact for place-based conservation and revitalization. Participants also overwhelmingly expressed the importance of addressing negative environmental, neighborhood, housing and health impacts associated with

certain land uses. Several other actions were also considered highly impactful, including recruiting residents from areas of concentrated poverty to serve on boards, committees, task forces and other local government decision-making bodies and a proactive code enforcement program.

Emeryville has included **Program E, EE, and II** to incorporate input from participants.

**Table B-13. Place-based Conservation and Revitalization**

Potential Place-Based Conservation and Revitalization Actions	Housing Committee Meeting	Online Survey #2	Community Workshop #2	Total	Rank
Targeted investment in areas of most need; improving community assets: social service programs, parks, streets, active transportation, infrastructure	88.0%	55.3%	71.4%	214.7%	1
Address negative environmental, neighborhood, housing and health impacts associated with siting and operation of industrial, agricultural, waste storage, freeways, energy production in disadvantaged communities	75.0%	47.4%	85.7%	208.1%	2
Recruit residents from areas of concentrated poverty to serve on boards, committees, task forces and other local government decision-making bodies	25.0%	52.6%	42.9%	120.5%	3
Proactive code enforcement targeting areas of concentrated rehabilitation needs, resulting in repairs and mitigation of potential cost, displacement and relocation impacts on residents	25.0%	51.8%	28.6%	105.4%	4
Leverage private investment for community revitalization, including philanthropic funding	38.0%	29.8%	28.6%	96.4%	5
Develop new financing	38.0%	29.0%	28.6%	95.6%	6
Address negative impacts from climate change through investments in adaption measures such as urban forestry, flood prevention	0.0%	23.0%	14.3%	37.3%	7
<b>Total</b>	Does not total 100% because participants were asked to select all that apply.			N/A	N/A

### B.3.3.3 Q12. Displacement Prevention

Participants were asked to pick the 3 actions that would have the most impact on preventing the displacement of existing residents from their homes and communities. As shown in **Table B-14**, several actions were considered highly impactful, particularly, creating a rent review board and/or mediation program, foreclosure assistance, or multilingual tenant legal counseling services. Participants also expressed that displacement could be prevented if the City implements a rent stabilization program beyond what is required by California Civil Code 1946.2. Participants also supported increased outreach in the existing multi-lingual tenant legal counseling program to advertise the availability of multiple languages.

Emeryville has included **Program DD, FF, and QQ** to incorporate input from participants.

**Table B-14. Displacement Prevention**

Potential Displacement Prevention Actions	Housing Committee Meeting	Online Survey #2	Community Workshop #2	Total	Rank
Rent review board and/or mediation, foreclosure assistance, or multilingual tenant legal counseling services	63.0%	68.1%	75.0%	206.1%	1
Rent stabilization programs beyond what is required by California Civil Code 1946.2	50.0%	84.1%	50.0%	184.1%	2
Increased outreach in the existing multi-lingual tenant legal counseling program to advertise the availability of multiple languages	75.0%	32.7%	37.5%	145.2%	3
Density bonus ordinances that expand on state replacement requirements	50.0%	28.3%	12.5%	90.8%	4
Implementation of an overlay zone to protect and assist small businesses	38.0%	19.5%	25.0%	82.5%	5
Eliminating crime-free or nuisance ordinances or programs that result in penalties to landlords and evictions of tenants	13.0%	23.9%	25.0%	61.9%	6
Environmental contamination and hazard mitigation measures such as seismic retrofits, flood adaptation, to reduce displacement from disasters	0.0%	23.0%	37.5%	60.5%	7
<b>Total</b>	Does not total 100% because participants were asked to select all that apply.			N/A	N/A

## B.4 Comments from Meetings

### B.4.1 PRIOR TO THE PUBLIC REVIEW DRAFT

#### B.4.1.1 Community Workshops

- Concerns about the location of affordable housing in the city, and a sense that it's over-concentrated in one area.
- Desire for more opportunities for homeownership at all income levels, including BMR homes.
- Interest in having BMR homes with more bedrooms for larger families (3+ bedrooms) and more opportunities for artists' lofts.
- Concern about resale potential for BMR ownership homes.
- Interest in supporting the renovation of unused office buildings into housing.
- Seniors and low-income populations considered most underserved, would like to see more support for these types of development.
- Would like to see more seniors-only housing. (Staff mentioned the City was in negotiations with a developer to build an affordable senior housing project.)
- Suggestion for section 8 rent to own program

- Attendee from the Emeryville Council on Aging would like the City to ensure there is a permanent staff position at the City to serve as a liaison to the public for social services and housing. They also suggested a related telephone hotline.
- It's an issue that waitlists are always full for affordable housing.
- People need case management services.

#### **B.4.1.2 Planning Commission and City Council Study Sessions**

Comments from elected officials are listed below. No comments from members of the public were received.

- General support for affordable and market rate housing.
- Ideas for programs:
  - Seek funding sources for ADU construction.
  - Fine tune First Time Homebuyer Loan program.
  - Expedite conversion of single-family homes to duplexes.
  - Ensure equitable access to parks.
  - Where duplexes are allowed, consider upzoning to allow quadplexes.
  - Consider upzoning transit corridors to maximize climate change goals and TDM (transportation demand management).
  - Prevent displacement.
  - Encourage rehabilitation.
  - Preserve Naturally Occurring Affordable Housing (NOAH).

#### **B.4.1.3 Housing Committee Meetings**

Comments from Housing Committee Members:

- Is it safe to have housing on dead end roads?
- How does increased density improve a community and keep things safe for existing residents?
- More attention to greenspace as a quality-of-life feature is needed.
- Empty retail space on building with housing makes the neighborhood look bad and unsightly. Consensus around support for a program to explore adding uses such as childcare, walk-in clinics, counseling and nonprofit services to vacant commercial spaces below residences. Are there grants for these?
- Disabled residents in wheelchairs often have challenges with carpet in their housing unit. We need to consider design features that work for disabled households.
- Multi-generational housing is good and so is income diversity in housing.
- Solar panels should be required for all housing units.

Comments from members of the Public:

- There is not enough discussion on housing needs for veterans. Current BMR homeownership policy does not support veterans.



- How does the Housing Element fit in with other plans the City is working on like the Active Transportation Plan?
- Can there be more flexibility in converting commercial space to housing?
- Roll in showers are needed in housing units, as well as more consideration for physical disability in the design of units.
- More ADA units are needed.
- Consider participating in the CalHFA program to spur production of moderate-income housing.
- Is the City going to apply for HCD's prohousing designation?

## **B.4.2 IN RESPONSE TO THE PUBLIC REVIEW DRAFT**

### **B.4.2.1 Planning Commission**

- A commissioner asked about outreach to property owners, what was that process? Does the City Council get involved? Staff answered by explaining that the process was that staff let them know what's allowed and that the City supports residential development. Involving elected officials and appointees can provide conflict of interest if they need to vote so they do not usually get involved.
- A commissioner stated that City staff should tell property owners they have a responsibility to help with the affordability crisis.
- A commissioner asked about what the City is doing to promote renters services? Staff answered by explaining that the City has a robust email-based notification system ("housing portal") with almost 7,000 recipients registered. It's a new system, and it's much more interactive and reduces duplicates. Staff plan to change some of the outreach: social media, multilingual, targeted outreach to special needs populations, partnerships with schools, fair housing agencies that the City works with. Messaging will include information not just for housing, but funneling opportunities and resources for utilities, transportation and services. (See **Programs FF. Access to Information and RR. Affordable Housing Platforms.**)
- A member of the public asked where people can apply for rental units with the new developments? Staff indicated that people can sign up for notifications if they click the link on the City's website. Alameda County's website (**Program RR**) doesn't currently include rentals in Emeryville but will eventually. A Bay Area Housing Portal is also under development.
- A commissioner noted that providing affordable ownership opportunities is important and spoke in favor of the variety of program approaches included to improve the BMR program. (See **Programs I. Preservation of BMR Ownership Portfolio, AA. Conversion of At-Risk BMR Rental Units and PP. Affirmative Fair Housing Marketing Plan.**)
- A commissioner expressed appreciation for the housing portal as a one stop shop for all housing needs and noted that having residents able to live in the same place long term helps build community.

- The Commission expressed appreciation that multiple programs in the draft Housing Element address the need for affordable ownership units, as well as for improved access to affordable housing information through coordinated online portals in Alameda County and the Bay Area.

#### B.4.2.2 Housing Committee

Comments from Housing Committee Members:

- Life Long at the senior center, we could have a clinic at the Senior Center for people who are at risk.
- Great document, comprehensive, and lots of critical thinking.
- In the sites assessment does Site B have a deadline like the Christie properties? Staff response: No, that's why other properties are prioritized.
- In the Housing Element, what is meant by "HOA support"? Staff response: in the ADU program (**Program D**) it means facilitating the conversion of underutilized community space to ADUs and in the Housing Rehabilitation program (**Program X**) it refers to the City asking HOAs if they have facility needs that they need support on and exploring ways to assist with those needs.
- HOAs are facing deferred maintenance and the desire for improvements such as installing solar panels, but the problem is residents don't want their fees to go up. Having consultations with the City would be helpful. It could aid in safety and security to make sure that housing is in good shape.
- This is the most ambitious plan ever seen.
- There is concern that construction four-bedroom units is too costly and infeasible. Also concern new larger units wouldn't go to families but for students instead.

#### B.4.2.3 City Council

Comments from City Council Members:

- Several Councilmembers voiced appreciation to all involved in the Housing Element and said it is robust and comprehensive with good information.
- Council members voiced support for programs, including restructuring the housing committee, applying for Prohousing designation, encouraging homes with four bedrooms.
- Councilmembers suggested
  - Encouraging public recreation sites as a part of new developments, particularly making use of rooftops.
  - Exploring ways to speed up actual construction time.
  - Prioritizing access to mass transit near affordable housing?
  - Alerted staff to a handful of needed technical clarifications which have since been addressed.
  - Expressed appreciation for (Program E) adaptive reuse of parking structures
  - Suggested that Program F include ways to eliminate fees that are burdens to two-to-four-unit buildings and expressed concern for when they evict tenants and it's sold as a condoized building because they potentially avoid paying into the affordable housing fund

or providing affordable units, while displacing residents of naturally occurring affordable housing. Suggested staff consider requiring deed restriction.

- Asked if there is space for a senior health clinic at ECCL.
- Supports administratively setting appeal hearings.
- Supports Prohousing
- Strong interest from Council to create objective standards and conditions for demolition, including evidence of compliance with landlord tenant act.

## **B.4.3 ADOPTION HEARINGS**

### **B.4.3.1 Planning Commission**

- Commissioners asked clarifying questions about the following topics:
  - Outreach to owners of properties in the inventory.
  - Methodology and source of population projections.
  - Methodology of homeless counts.
  - Whether RHNA carries over into subsequent Housing Element planning cycles.
- No comments from members of the public were received.
- Commissioners voted unanimously to recommend that the City Council adopt the Housing Element.

### **B.4.3.2 City Council**

- A Councilmember asked a clarifying question about projects where construction recently commenced and counting the units towards the City's RHNA.
- Members of the public provided the following comments:
  - The City should ensure that parks are developed, as required by the General Plan. This requirement shouldn't be seen as a constraint that must be removed. The City should not let unconstrained capitalism guide housing development. The City should ensure that developers are bringing the community what it wants.
  - Support for adoption of the Housing Element.
- Councilmembers provided the following comments:
  - This Housing Element reflects the City's values, so that people can come here, grow here, and age in place.
  - RHNA is the floor, not the ceiling.
  - The City is a leader in several aspects. The Measure C housing bond was voted for by the people. The council has a long list of projects and initiatives that use public funds to assist the most vulnerable.
  - The city continues to become safer and more balanced between commercial uses and housing.
  - It's important to continue to be intentional about inclusionary practices – it's a must, considering the exclusionary practices of the past.
- Councilmembers voted unanimously to adopt the Housing Element.

## **B.5 Written Communication**

### **B.5.1 PRIOR TO THE PUBLIC REVIEW DRAFT**

The following comments were received by email in July 2021:

- Concerns in the public realm:
  - Large homeless population
  - Open drug dealing on the streets
  - Difficult to find parking
  - Those who use public transit and/or come home late at night are at a heightened risk for being the victim of crime.
- Housing needs
  - Affordable Senior housing for low income Seniors
  - Larger homes for families, especially affordable homes
  - A way for participants in the BMR ownership program to move to a different home after their housing needs change, without losing their affordability
- Concerns with residential property management at Artistry Apartments:
  - Repairs not completed
  - Old, inefficient appliances
  - Bugs
  - “Management against tenant atmosphere”

YIMBY Law and Greenbelt Alliance sent a letter to the City on April 21, 2022, encouraging the City to ensure sites are zoned adequately and that constraints are alleviated so the City will be able to meet its 6<sup>th</sup> cycle RHNA.

### **B.5.2 IN RESPONSE TO THE PUBLIC REVIEW DRAFT**

The following comments were received by email in June 2022:

- The environmental constraints section should address issues such as noise pollution. The environmental impact of air pollution and embedded carbon in concrete and glass should be considered. High-rise construction limits the type of materials used in construction. Additionally, high-rise construction can increase alienation, fire dangers, and earthquake for seniors. A cap on height should be implemented and should not be determined by bonus points such as the maximum of 125% of zoned limit.
- The requirement of a second stairwell for purposes of egress reduces the usable floor plate for living space. The additional circulation forces many designers to arrange units along double-loaded corridors with internal hallways. This layout reduces the ability to provide natural light for more than one or two bedrooms (access to light or a light well is required for a habitable bedroom). The requirement for a second stair is a key driver in the relative overproduction of studios and one-bedroom units compared to family-sized units. The City should study local

building code amendments to allow up to six stories with single stairs with mitigations for fire, life and safety. These mitigations could include capping units at two to four per floor, fire-rated materials, pressurized stairwell, automatic sprinklers. Lastly, the City should commit to supporting state legislation to direct the California Building Standards Commission to study allowing single stair multifamily housing up to six stories with proper fire, life and safety mitigations.

The following comment was received by email in August 2022:

- Sites 11 and 12 are in existing use as shopping centers with grocery stores. These are some of the only places for Emeryville residents to buy groceries in the city.
- Sites 11, 12, 16 and 17 are shopping centers in active use, therefore redevelopment in the next eight years is questionable.

The City received emails in October 2022 from a member of the public requesting clarification about the ABAG-MTC population projections that are cited in the Housing Element and their relation to the planning timeframes of Emeryville's Housing Element and other General Plan Elements.

The City received emails in December 2022 with the following comments:

- The 5<sup>th</sup> cycle Housing Element had two objectives that were not fully achieved: building more family friendly housing and building more ownership housing as compared with rental housing. The new Housing Element should analyze what went wrong and how we can do better moving forward.
- The prohousing designation program shares ideology with the developer backed YIMBY lobbying organization. These ideals are profit driven. Pursuing a prohousing designation sets targets for market-rate housing that are driven by profit desires rather than science-based rationality.
- The Housing Element is outstanding. However, it could do a better job of describing how the City will comply with the state's housing streamlining laws and how that relates to the timing of CEQA determinations. Emeryville is a small city, thus, a sharp spike in the volume of CEQA determinations in a short period of time could make it difficult to meet required timeframes.

## **B.6 Summary of How Input is Incorporated**

Highlights of public input and the programs that address it is provided herein. Additional details and program references are provided in subsequent subsections.

- More opportunities for homeownership at all income levels are needed. **Programs A, H, I, M, P, I, and J**
- The City should make adjustments to the down payment assistance program to improve participation in the program. **Programs M**
- The City should ensure the BMR ownership program continues to be successful. **Program I**
- We need to ensure that the voices of all members of the community, including those from underrepresented groups, are included in planning processes. **Program EE**

- Residents should be educated and have a resource to assist them in addressing fair housing laws. **Program DD**
- All community members, especially those that are disadvantaged, should have equal access to programs and services. The City should be strategic about marketing programs and services.  
**Program FF**
- The City should protect vulnerable residents from displacement. **Programs J, R, AA, FF and QQ**
- It's important that people who need fair housing services are aware of their availability, particularly those in neighborhoods with higher rates of poverty. Disability related fair housing violations has grown to be the most common type of fair housing complaint. The City should offer home maintenance and fair housing education trainings for property owners.  
**Programs X, DD and FF**
- Persons with disabilities should be connected with educational materials on reasonable accommodation, housing rights, and access to legal aid. **Program O**
- The City should facilitate the creation of BMR rental units in new rental developments and incentivize the creation of BMR rental units for special needs populations in new and existing developments. **Programs A and K**
- The City should maintain and enhance the quality of life within neighborhoods, including those identified as low-resource and/or disadvantaged, by providing adequate maintenance to streets, sidewalks, parks and other community facilities. In particular, improvements in pedestrian, bicycle and mass transit access along 40<sup>th</sup> Street is needed. **Program II**
- Housing developments should incorporate usable outdoor open space for multigenerational use. **Program R**
- The City should continue to administer and promote the brownfields program, which provides low-interest loans and grants to remediate previously industrial or commercial sites and make them suitable for new uses, such as affordable housing. **Program S**
- Some residents indicated they live in a multi-unit building where common spaces need maintenance or repairs and the City should work with HOAs to facilitate maintenance and repairs. Some renters are living in homes in need of repair and the City should work with property owners to facilitate maintenance and repairs. **Programs X and Y**
- Homeless counts are undercounted by up to 40 percent due to a variety of factors such as the challenge of identifying unhoused individuals that live in vehicles or within nonresidential buildings/structures or those that are temporarily staying in a person's home. The City should continue to support the City's Homeless Strategy and the Alameda County-wide Homeless Plan.  
**Program BB**
- Many low- and moderate-income homeowners struggle to make housing payments, maintain and improve their older homes. To assist these households, the City should strengthen its home repair programs, expand the City's homebuyer assistance program and continue to implement the City's Foreclosure and Predatory Lending Prevention Strategy to combat discriminatory and predatory lending practices **Program J, M and X**
- Survey participants overwhelmingly expressed that low-income households or families are the most underserved population for housing in Emeryville. Participants also ranked seniors,

educators, artists and service or retail workers among the most underserved. **Programs G, H, K, Q, and R**

- The type of housing that survey participants would most like to see built in Emeryville are rental apartments, followed by single-family homes and duplexes. There was also strong support for assisted living and townhomes/row homes. **Programs A, C, R, D, B, LL**
- Survey participants strongly felt that the City should assist with securing state or federal funding for projects for seniors, affordable housing, supportive housing, transitional housing, and/or emergency shelters. Participants also expressed the importance of the City encouraging more opportunities for homeownership at all income levels and the development of housing with 3 or more bedrooms to accommodate larger families. **Programs G, H, K, L, R, and OO**

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# **Appendix C**

## **Glossary**



## Appendix C: Glossary

This glossary is for ease of use of the Emeryville Housing Element only.

### Abbreviations

AB	Assembly Bill
ABAG	Association of Bay Area Government
ACS	American Community Survey
ADA	Americans with Disability Act
ADU	Accessory Dwelling Unit
AFFH	Affirmatively Furthering Fair Housing
AHP	Affordable Housing Program
AI	Analysis of Impediment to Fair Housing
AMI	Area Median Income
APN	Assessors Parcel Number
BHCS	Alameda County Behavioral Health Care Center
BMR	Below Market Rate
CALEPA	California Environmental Protection Agency
CC	City Council
CDBG	Community Development Block Grant
CDD	Community Development Department
CDLAC	California Debt Limit Allocation Committee
CEQA	California Environmental Quality Act
CHAS	California Housing Affordability Strategy
CHPC	California Housing Partnership Corporation
CM	City Manager
CoC	Continuum of Care
County	Alameda County
CTCAC	California Tax Credit Allocation Committee
DAC	Disadvantage Communities
DCC	Development Coordinating Committee
DDS	California Department of Development Services
DOF	California Department of Finance
EBCLC	East Bay Community Law Center
ELI	Extremely Low Income
ECAP	Emeryville Citizen Assistance Program
ECCL	Emeryville Center of Community Life
ECDC	Emeryville Community Development Center
ECHO	Eden Council for Hope and Opportunity
EDH	Economic Development and Housing Division

ELI	Extremely Low Income
EOCP	East Oakland Community Project
EUSD	Emeryville Unified School District
FEHA	California Fair Employment and Housing Act
FHA	Federal Housing Administration
GC	Government Code
HACA	Housing Authority of the County of Alameda
HC	Housing Committee
HCD	California Housing & Community Development
HCEB	Housing Consortium of the East Bay
HERA	Housing & Economic Rights Advocates
HMIS	Housing Management Information System
HOME	HOME Investment Partnership Program
HSC	Health and Safety Code
HUD	U.S. Department of Housing and Urban Development
JADA	Junior Accessory Dwelling Unit
LW	Live/Work
LDDA	Lease Disposition and Development Agreement
LIHTC	Low Income Housing Tax Credits
LMIHF	Low Moderate-Income Housing Fund
MI	Moderate Income
PC	Planning Commission
PIT	Point in Time
PW	Public Works Department
RCEB	Regional Center of the East Bay
R/ECAP	Racially or Ethnically Concentrated Areas of Poverty
RHNA	Regional Housing Needs Allocation
SB	Senate Bill
SDVP	Society of Saint Vincent de Paul of Alameda County
SRO	Single Room Occupancy
SSI	Supplemental Security Income
UBC	Uniform Building Code
USDA	United States Department of Agriculture
VLI	Very Low Income

## Definitions

**Accessory Dwelling Unit:** An accessory dwelling unit (also known as second units or granny flats) is an attached or detached structure that provides independent living facilities for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling unit.

**Age in Place:** The ability to live in one's own home and community safely, independently, and comfortably regardless of age, income or ability level.

**Acreage:** Gross acreage refers to the entire acreage of a site. Most communities calculate gross acreage to the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets. Net acreage refers to the portion of a site that can actually be built upon. Public or private road right-of-way, public open space, and flood ways are not included in the net acreage of a site.

**Accessible Housing Unit:** An accessible housing unit is designed and built to be usable to a person with physical disabilities.

**Affirmatively Furthering Fair Housing (AFFH):** This new legislation requires all housing elements due on or after January 1, 2021 contain an Assessment of Fair Housing to ensure that laws, policies, programs, and activities affirmatively further fair housing opportunities throughout the community for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, disability, and other characteristics protected by the California Fair Employment and Housing Act.

**Affordable Housing Program (AHP):** Originally adopted in 1990 as the Affordable Housing Set-Aside Program, to address a shortage of affordable housing to moderate, low, and very low-income households. This program was modified and renamed in 2014 AHP.

**Affordable Unit:** A dwelling unit within a housing development which will be reserved for, and restricted to, income qualified households at an affordable rent or is reserved for sale to an income qualified household at an affordable purchase price.

**American Community Survey:** The American Community Survey (ACS), part of the United States Census Bureau, collects sample population and housing data on an ongoing basis, January through December. The Housing Element update uses the five-year average ACS data from the 2015-2019 period.

**Area Median Income:** As used in State of California housing law with respect to income eligibility limits established by HUD. The Area Median Income referred to in this Housing Element is that of Oakland/Fremont Metropolitan Statistical Area.

**At Risk:** Deed-restricted affordable housing projects at risk of converting to market rate.

**Bay Area:** The nine counties that border the San Francisco, San Pablo and Suisun Bay in Northern California: Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, Sonoma, and San Francisco.

**California Department of Housing and Community Development (HCD):** The State agency that has principal responsibility for assessing, planning for, and assisting communities to meet the needs of low- and moderate-income households. HCD is responsible for reviewing Housing Element's and determining whether they comply with State housing statutes.

**California Environmental Quality Act (CEQA):** A State law requiring State and local agencies to regulate activities with consideration for environmental protection.

**Census:** The official decennial enumeration of the population conducted by the federal government.

**City Council:** The City Council serves as the elected legislative and policy-making body of the City of Emeryville, enacting all laws and directing any actions necessary to provide for the general welfare of the community through appropriate programs, services, and activities.

**Community Development Block Grant (CDBG):** This grant allots money to cities and counties for housing and community development activities, including public facilities and economic development.

**Conditional Use Permit (CUP):** Conditional Use Permits are required for uses which may be suitable only in specific locations in a zoning district, or which require special consideration in their design, operation or layout to ensure compatibility with surrounding uses.

**Condominium:** A condominium consists of an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof.

**Condominium Conversion:** The conversion of existing real estate and/or structures to separate, salable condominium units, regardless of present or prior use and whether substantial improvements have been made to such structures.

**Density Bonus:** An increase in the density (number of dwelling units allowed per acre or parcel), above that normally allowed by the applicable zoning district, in exchange for the provision of a stated percentage of affordable units.

**Development Fees:** City imposed fees to partially cover the costs for processing and providing services and facilities; and fund capital improvements related to fire, police, parks, and libraries and correlate the increased demands on these services.

**Development Coordinating Committee (DCC):** This committee consists of a representative from relevant City Departments (Community Development, Public Works, Fire, Community Services, etc.) and other agencies involved with the physical development of the City. The DCC makes recommendations to the Community Development Director and/or Planning Commission.

**Dissimilarity Index:** A measure of residential segregation is the dissimilarity index, which is a commonly used measure of community-level segregation.

**Dwelling Unit:** Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family.

**Emergency Shelter:** An establishment operated by an Emergency Shelter Provider that provides homeless people with immediate, short-term housing for no more than six months in a 12-month period, where no person is denied occupancy because of inability to pay.

**Extremely Low Income:** A household that earns less than 30 percent of the Oakland/Fremont Metropolitan Statistical area median income based on information provided by HCD/HUD.

**Family:** A group of persons who maintain a single common household, but who otherwise are not a Community Care Facility.

**General Plan:** A statement of policies, including text and diagrams setting forth objectives, principles, standards, and plan proposals, for the future physical development of the city or county (see Government Code Sections 65300 et seq.). California State law requires that a General Plan include elements dealing with seven subjects—circulation, conservation, housing, land use, noise, open space and safety—and specifies to various degrees the information to be incorporated in each element.

**Homeless:** Persons and families who lack a fixed, regular, and adequate nighttime residence. Includes those staying in temporary or emergency shelters or who are accommodated with friends or others with the understanding that shelter is being provided as a last resort. California Housing Element law requires all cities and counties to address the housing needs of the homeless.

**Household:** All persons living in a housing unit.

**Housing Element:** One of the seven State-mandated elements of a local general plan, it assesses the existing and projected housing needs of all economic segments of the community, identifies potential sites adequate to provide the amount and kind of housing needed, and contains goals, policies, and implementation programs for the preservation, improvement, and development of housing.

**Infill Development:** Development of land (usually individual lots or left-over properties) within areas that are already largely developed.

**Infrastructure:** Public services and facilities, such as sewage-disposal systems, water-supply systems, other utility systems, and roads.

**Land Use Regulation:** A term encompassing the regulation of land in general and often used to mean those regulations incorporated in the General Plan, as distinct from zoning regulations (which are more specific).

**Long Term:** Actions to be completed within 7-8 years.

**Lot or Parcel:** A portion of land shown as a unit on a recorded subdivision map or an approved minor subdivision map, parcel map or otherwise existing as of record with the Alameda County Clerk-Recorder Office.

**Low Income Household:** A household earning less than 80 percent of the Oakland/Fremont Metropolitan Statistical area median income based on information provided by HCD/HUD.

**Manufactured Housing/Mobile Home:** A dwelling unit built in a factory in one or more sections, transported over the highways to a permanent occupancy site, and installed on the site either with or without a permanent foundation.

**Mid Term:** Actions to be completed between 3-6 years.

**Mixed-use:** The combination of various uses, such as office, retail and residential, in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design.

**Moderate Income Household:** A household earning 80% to 120% of the Oakland/Fremont Metropolitan area median income based on information provided by HCD/HUD.

**Moderate Resource Area:**

**Multifamily Revenue Bond:** Enables affordable housing developers to obtain below-market financing because interest income from the bonds is exempt from state and federal taxes.

**Multifamily Residential:** Five or more dwelling units on a single site, which may be in the same or separate buildings.

**Ordinance:** A law or regulation set forth and adopted by a governmental authority, usually a city or county.

**Overcrowding:** Household living in a dwelling unit where there are more than 1.01 persons per room, excluding kitchens, porches and hallways. Severe overcrowding is where there are more than 1.51 persons per room.

**Overpayment:** Housing overpayment occurs when a household spends more than 30 percent of its income on housing costs; severe overpayment refers to spending greater than 50 percent of income on housing.

**Persons with Disability:** A person with a long lasting physical, mental, or emotional condition that impairs their mobility, ability to work, or ability for self-care.

**Planning Commission:** The Emeryville Planning Commission conducts public hearings and makes decisions on applications for discretionary projects, considers appeals of decisions by the Community Development Director, and serves as the advisory body to the Emeryville City Council on planning issues.



**Point in Time:** A count of sheltered and unsheltered people experiencing homelessness that HUD requires each CoC nationwide to conduct in the last 10 days of January each year

**Poverty Level:** As used by the U.S. Census, families and unrelated individuals are classified as being above or below the poverty level based on a poverty index that provides a range of income cutoffs or “poverty thresholds” varying by size of family, number of children, and age of householder.

**Reasonable Accommodation:** The federal Fair Housing Act and the California Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodations in their zoning and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use a dwelling.

**Regional Housing Needs Allocation (RNHA):** A quantification by ABAG and HCD of existing and projected housing need -- the City’s fair share of the regional housing needs by household income group.

**Rezoning:** An amendment to the map and/or text of a zoning ordinance to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

**Shared Housing Program:** A living arrangement in which two or more unrelated people share a house or apartment. A home share program provides a service that helps to match a person who has an extra room or separate unit available (provider) with a seeker, who is looking for a place to live.

**Short Term:** Actions to be completed within 3 years.

**Single-family Residential:** A single dwelling unit on a building site.

**Special Needs Population:** Under Housing Element statutes, special needs populations include the elderly, persons with disabilities, female-headed households, large households, and the homeless.

**Supportive Housing:** Permanent affordable housing with no limit on length of stay that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and where possible, work in the community.

**Transitional Housing:** A dwelling unit or group of dwelling units for residents in immediate need of temporary housing. Transitional housing is configured as rental housing but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined time, which shall be no less than six months.

**U.S. Department of Housing and Urban Development (HUD):** A cabinet-level department of the federal government that administers housing and community development programs.

**Vacant:** Lands or buildings that are not actively used for any purpose.

**Very Low-Income Household:** A household with an annual income usually no greater than 50 percent of the Oakland/Fremont Statistical area median income, based on the latest available eligibility limits established by HCD/HUD.

**Zoning Ordinance:** Regulations adopted by the City which govern the use and development of land within its boundaries and implements policies of the General Plan.

**Zoning District:** A designated section of a city or county for which prescribed land use requirements and building, and development standards are uniform.

## Legislative References

Legislative #	Year Adopted	Legislative Name
AB 1397	2017	Local Planning: Housing Element: Inventory of Land for Residential Development
AB 1763	2019	Planning and Zoning: Density Bonuses: Affordable Housing
AB 686	2018	Housing Discrimination: Affirmatively Further Fair Housing
AB 802	2015	Energy Efficiency
AB 2634	2006	Housing Element
SB 1087	2005	Housing Element: Services
SB 330	2019	Housing Crisis Act of 2019
SB 375	2008	Transportation Planning: Travel Demand Models: Sustainable Communities Strategies: Environmental Review
SB 470	2013	Community Development: Economic Opportunity
SB 962	2005	Adult Residential Facility for Persons with Special Health Care Needs
SB 2	2017	Building Homes and Jobs Act
SB 35	2017	Planning and Zoning: Affordable Housing: Streamlined Approval Process





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