



## CITY OF EMERYVILLE COMMUNITY DEVELOPMENT DEPARTMENT

**DATE:** October 1, 2021

**TO:** Christine Daniel, City Manager

**FROM:** Charles S. Bryant, Community Development Director 

**SUBJECT:** **PROGRESS REPORT – SEPTEMBER 2021**

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### HIGHLIGHTS OF THE MONTH

- The City Council approved the second project in the City's mural program, a piece entitled *Neighborhood By the Bay: A Place to Call Home* by Nigel Sussman, to be installed on the wall of a large industrial building at the corner of Sherwin Avenue and Horton Street.
- The Planning Commission held a study session on a proposed grocery store in the Bay Street mixed use center at the former site of Old Navy. The Commission was supportive of the use, but expressed concerns about pedestrian, bicycle, and vehicular circulation, and the removal of the plaza.
- The Parks and Recreation Committee and Bicycle and Pedestrian Advisory Committee both reviewed the proposed Atrium Longfellow Planned Unit Development, which consists of two research and development towers totaling about 750,000 square feet, and a residential tower with 144 units. The project previously was reviewed by the Planning Commission at a study session on July 22, and a City Council study session is scheduled for October 5. In addition, the applicant held a virtual community meeting on September 29.
- The residential component of The Intersection mixed use project at 3800 San Pablo Avenue received a Certificate of Occupancy on September 21, following two devastating fires in 2016 and 2017, and the use of factory-built modular construction for the third attempt. The developer now plans to donate the completed project to UC Berkeley for graduate student housing.
- Eleven major tenant improvement projects with a combined total valuation of about \$131.6 million had building permits approved, issued, finalized, or temporary certificate of occupancy granted in September.
- Planning Division staff attended the virtual American Planning Association California Chapter conference, and Building Division staff attended the California Building Officials (CALBO) Training Institute Education Week.

## MEETINGS AND CONTACTS

Below are listed substantive meetings and other contacts that staff has had during the month of September with private individuals and organizations from outside the City of Emeryville. (To jump to the full write-up, click on the title of any item below; to return, press Alt + ←)

***Building Division Pre-Submittal Meetings.*** In conformance with COVID-19 precautions, the Building Division held several pre-submittal teleconference meetings with building permit applicants, as listed below in the Building Division section.

***Business Outreach.*** Staff corresponded with several businesses regarding assistance requests, available properties, and potential projects.

***Housing Developers.*** Economic Development and Housing staff spoke to one housing developer.

***Housing Assistance.*** Staff communicated with two individuals regarding their affordable housing searches, landlord/tenant issues, and COVID-19 housing resources.

***Sherwin Williams Mixed Use Project.*** Staff continues to meet with Lennar on a regular basis to discuss various issues related to the project.

***5801 Christie Avenue Site.*** On September 2, Planning staff met with the Oxford Group and CCRP to discuss a proposed research and development/residential mixed use project.

***The Intersection, 3800 San Pablo Avenue.*** On September 9, staff of the Planning and Building divisions were given a tour of this recently-completed 105-unit residential and commercial project.

## CITY COUNCIL, PLANNING COMMISSION, AND COMMITTEES

### CITY COUNCIL

The City Council considered the following items at its September 13 meeting, which was held as a Zoom webinar. The public was able to view the meeting and make comments verbally or via our on-line speaker card.

**City Hall Banner Project.** The City Council approved replacement of the banners hanging inside City Hall, which have deteriorated and faded, with new banners derived from artworks displayed at the 2020 Emeryville Celebration of the Arts Exhibition. The project is expected to require an expenditure of \$15,000 and is scheduled for installation in late 2021.

**Building Division Budget Revisions and WC<sup>3</sup> Contract Amendment.** The City Council approved revisions to the Building Division revenue and expenditure budget for 2021-2022, and authorized a first amendment to the contract with West Coast Code Consultants (WC<sup>3</sup>), increasing the compensation by \$500,000 for a total amount not to exceed \$1,633,700. The additional compensation is to cover plan check costs for major tenant improvement projects that had not been anticipated when the budget was originally adopted. The Council also authorized the City Manager to amend the WC<sup>3</sup> contract in the future by up to an additional \$500,000 for a total compensation not to exceed \$2,133,700, provided that there is sufficient revenue to cover the expense. This should be sufficient to cover the costs of any other unanticipated tenant improvement projects that may come up during the remainder of the fiscal year.

**Cabaret Permits.** The City Council approved the issuance of annual cabaret permits to the Public Market, Rob Ben's Restaurant, and Trader Vic's Restaurant, so that those venues can continue to have live music for another year.

**Reach Codes.** The Council passed the second reading of a "reach code" amending the Building Regulations to require new residential buildings to be all-electric, and to install solar panels in the "solar zone" of the roofs of buildings up to ten stories.

**Sherwin Avenue Mural.** The Council approved a contract with artist Nigel Sussman, and a License Agreement with Mr. Sussman and the building owners, for the purposes of installing a mural entitled *Neighborhood By the Bay: A Place to Call Home* on the eastern end of the northern wall of the large industrial building at 1451 Sherwin Avenue, across the street from the Sherwin Williams project. The mural is estimated to cost \$80,000 and is scheduled to be installed this fall.

**Emeryville Center for the Arts.** The Council set October 5, 2021 as the date for a public hearing on their appeal of the Planning Commission's June 24, 2021 decision to deny proposed amendments to the Use Permit and Design Review for the Emeryville Center for the Arts at 4060 Hollis Street, which was originally approved by the Commission on August 27, 2020.

## PLANNING COMMISSION

The Planning Commission considered the following items at its September 23 meeting, which was held as a Zoom webinar. The public was able to view the meeting and make comments verbally or via our on-line speaker card.

**Recognition of Former Commissioners Christine Scott Thomson and C. Tito Young.** The Commission presented resolutions to former Commissioners Christine Scott Thomson and C. Tito Young commending them for their outstanding service to the Emeryville community.

**Planning Commission 2022 Meeting Schedule.** The Commission approved its schedule of meetings for calendar year 2022. The schedule follows the normal pattern of 6:30 p.m. meetings on the fourth Thursday of each month, except in November and December, when the meetings are combined into a single meeting on the second Thursday of December.

**Two Unit Replacement, 1270 64<sup>th</sup> Street.** Consideration of a Conditional Use Permit and Design Review to demolish two existing uninhabitable residential structures and replace them with two new residential structures at 1270 64<sup>th</sup> Street was continued to a future meeting.

**Four-Unit Replacement, 1271 64<sup>th</sup> Street.** Consideration of a Conditional Use Permit and Design Review proposal to construct four new units and demolish four existing units at a site that was previously approved to add additional floor area to an existing four-unit residential building at 1271 64<sup>th</sup> Street was continued to a future meeting.

**Marketplace Redevelopment Project Parcels A, B and F.** The Commission was scheduled to hold a study session to review a proposed Final Development Plan (FDP) for Parcels A, B, and F of the Marketplace Redevelopment Project along Shellmound Street between Shellmound Way and 63<sup>rd</sup> Street. The proposed FDP would include three buildings on Parcels A and B comprised of an eight-level 322,744 square foot Research and Development building, a four level, 83,434 square foot Research and Development building with 7,460 square feet of ground floor retail space, and a seven-level parking garage accommodating 883 parking spaces. In addition, 18 residential units are proposed on Parcel F. Due to lack of a quorum for this item, it was continued to the next Commission meeting on October 28, 2021.

**Bay Street Grocery Store.** The Commission held a study session to review a proposed Final Development Plan (FDP) for Parcel B of the South Bayfront Retail/Mixed Use Project (“Bay Street”). The proposed FDP is for a new 48,446 square foot grocery store with open rooftop parking that will accommodate approximately 139 parking spaces. It will also involve demolition of the existing building housing the EQ3 furniture store and other retail stores, and that formerly housed the Old Navy store and Elephant Bar restaurant. In addition, the project will involve removal of the existing plaza area in front of the Barnes and Nobles bookstore to accommodate ground level parking and vehicular circulation.

The Commission asked a few clarifying questions regarding the need to demolish the existing parking, the need for “teaser” surface parking and rooftop parking, and a possible need for a signal at Bay Street and Ohlone Way.

Three members of the public spoke on this item. One resident of the Bay Street condominiums stated that this was a transformative project and that the new ownership had been engaging well with the homeowners' association. However, the speaker was not in favor of opening the southern portion of Bay Street to vehicular traffic. Another issue of concern was the proposed surface parking that could potentially lead to parking "wars" and make shoplifting easier. A renter at Bay Street apartments also liked the proposed grocery store use, but expressed concern about removal of the plaza and the level of overall traffic, and felt that a traffic signal was necessary at the current level of activity. The third public commentator stated that it was a good proposal with several positive elements but expressed concern regarding circulation and supported the staff recommendation regarding keeping Bay Street closed to vehicular traffic south of the proposed rooftop garage access ramp. Four written comments were also submitted. The letters were in support of the use but had concerns regarding traffic and circulation, and one of them did not support opening of Bay Street to vehicular traffic and supported the staff suggestion for a relocated plaza.

The Commissioners all liked the proposed use and echoed the need for a grocery store in this part of the city. Concerns were expressed regarding inter-modal traffic circulation and the removal of the existing plaza. One Commissioner noted that the plaza is used often by children with their families, as well for hosting large events. Another Commissioner commented that widened sidewalks could not be considered a replacement for the plaza. It was suggested that there should be a clear separation between vehicles, bicycles, and pedestrians. Several Commissioners stated that the staff suggestion of keeping Bay Street closed to vehicles south of the proposed ramp was a good compromise between the needs of the grocery store proprietor and the need to retain the plaza area. The Commission also agreed that, if the applicant incorporated the staff suggestion for a relocated plaza into their design, it would preclude the need for a Preliminary Development Plan (PDP) amendment.

### **AC TRANSIT INTERAGENCY LIAISON COMMITTEE**

This committee, which is composed of Emeryville City Council members and AC Transit Board members, met on September 8 via Zoom. AC Transit staff gave an update on their service recovery plan priorities, and updates were provided on the 40<sup>th</sup> Street Bus Hub project, the AC Transit Facilities Master Plan, and the AC Transit San Pablo Avenue Rapid Corridors Project.

### **PUBLIC ART COMMITTEE**

The Public Art Committee (PAC) met twice in September. On September 9, the PAC met to make comments on the proposed changes to the Art Center prior to the City Council's October 5 public hearing on the appeal of the Planning Commission's denial of the modifications, and to nominate a Selection Panel for the 2021 Purchase Award. On September 30, the PAC convened to make recommendations to the City Council for the 2021 Purchase Award, to be installed in City Hall. The PAC recommended two digital photographs printed on wood mounts of 30" by 30" and 26" by 26", respectively, by Ronald Davis. The pieces are entitled *Christian Sands* and *Rueben Rodgers*, and feature jazz musicians. These works are expected to be considered by the City Council October 19, with installation to follow. A celebration of the works and the 30<sup>th</sup> anniversary of the City's Art in Public Places program (and the 125<sup>th</sup> anniversary of the City of Emeryville) is scheduled for December 2, 2021.

## **ECONOMIC DEVELOPMENT ADVISORY COMMITTEE**

The EDAC held its regular meeting on September 15. This meeting featured a “cannabis industry roundtable” discussion, with several cannabis businesses invited to share their experiences in Emeryville and their views of the strengths and weaknesses of Emeryville for the cannabis industry. The next regular meeting of the EDAC is scheduled for November 17 at 11:30 a.m.

## **PARKS AND RECREATION COMMITTEE**

The Parks and Recreation Committee reviewed the proposed Atrium Longfellow Planned Unit Development at their September 15 meeting. The Committee asked a few clarifying questions related to the status of the existing Atrium building, anticipated project population, and the status and timing of the Ashby/Shellmound interchange project. It was asked whether cross-laminated timber could be used for construction of the life science buildings, and whether EBMUD would be able to provide recycled water to the site for landscaping purposes. The Committee generally liked the project, although a concern was expressed about the proposed park adjacent to the freeway. Committee members did note that, from the sun exposure viewpoint, the location of the park was appropriate. Several ideas for park design were suggested, which included a nature play area, fitness courts, an amphitheater with a stage, a dog park for large dogs, an area for bicycle training for children, and using building walls for rock climbing. The Committee liked the idea of a kiosk, and suggested including a restroom along with bicycle parking at appropriate places. One member stated that the Hayes Valley and Octavia park precedents shown by the applicant would be good examples of the type of park that would be appropriate at this location. It was suggested that the park should include a feature that would make it a destination park similar to the “whale” feature at Christie Park.

## **BICYCLE PEDESTRIAN ADVISORY COMMITTEE**

Because of the Labor Day holiday, the BPAC meeting was rescheduled for September 20. The meeting included a review and discussion regarding current bicycle parking regulations. The BPAC will provide recommendations for changes to the bike parking regulations at their next meeting on October 4. The BPAC requested that, for their October meeting, as part of the regular Planning Division update agenda item, an overview of all major Planning projects be provided.

The BPAC also reviewed the proposed Atrium Longfellow Planned Unit Development. There were a few clarifying questions regarding the status of the bike path adjacent to the 6701 Shellmound project that is currently under construction. Committee members stated that there were several locations along Shellmound and 65<sup>th</sup> Streets that would have increased conflicts between bicyclists, pedestrians, and motor vehicles, and that these should be looked at closely in the transportation analysis. It was clarified that the location and number of bicycle parking spaces would be included as the plans were further refined, and it was commented that the applicant should identify locations for bike share facilities, including electric bikes. The Committee stated that the park should be programmed for multigenerational uses and should include a restroom.

The bicycle connection on the western perimeter that tied in with the path at the 6701 Shellmound project was appreciated. A suggestion was made that the bike path should include a decomposed granite path for joggers and seating for pedestrians. A concern for the proposed motor vehicle parking was expressed, and the need for a robust Transportation Demand

Management plan was noted. It was also requested that dimensions of the paths and sidewalks be clearly indicated on the plans. Two members of the public made comments. A representative of Bike East Bay suggested that the on-site paths should be oriented towards bicycle parking so as to promote biking by employees, and offered assistance in designing spaces for bicycle training for both adults and children in the park area. Another member of the public had questions for the applicant regarding whether they were familiar with the City's Bicycle and Pedestrian Plan and whether they were in support of bicycle boulevards in general.

## DEVELOPMENT COORDINATING COMMITTEE

The DCC met by Zoom teleconference on September 15 with representatives from the Planning, Building, and Economic Development and Housing divisions of the Community Development Department; the Public Works, Police, Fire, and Community Services departments; the City Attorney, and the City Manager discussing the following projects:

**Bay Street Grocery Store.** Staff from the Economic Development and Housing (EDH) Division noted that vacancy rates at Bay Street are high and that typically a grocery store is known to trigger revitalization of a mall that is not doing well. As grocery proprietors are cognizant of their impact, they tend to demand a store configuration, provision of parking, and a circulation pattern that is tailored to their needs. Public Works staff stated that the proposed circulation and opening of the south end of Bay Street to vehicular traffic could create increased conflicts between vehicles, bicycles, and pedestrians. Police staff noted that the existing circulation creates such conflicts particularly during busy weekends and various holiday seasons, especially at the intersection of Bay Street and Ohlone Way. The proposal could further exacerbate this situation. Public Works staff noted that a transportation study is likely to identify a need for a traffic signal at Bay Street and Ohlone Way. Given the identified modal conflicts, and the applicant's proposal for the two vehicular entries into the building, plus "teaser" surface parking in front of the building, it was suggested that a relocated plaza concept could be a compromise that would retain these features and still provide a large pedestrian plaza space. It was noted that the "teaser" parking was most likely to be used by gig delivery vehicles who would not need the south end of Bay Street to be open to access those spaces. Staff also suggested that the applicant consider providing secure employee bicycle parking at a centralized location for all Bay Street tenants, instead of asking individual tenants to provide employee bicycle parking.

Alameda County Fire Department staff noted that the applicant needed to verify whether the proposed cycle track addition to Ohlone Way would meet the turning radius needed for fire trucks. Staff also noted that there were existing covenants on the site with regard to prior hazardous material clean-up that the project would need to meet, and that the Volatile Organic Compound (VOC) regulations had changed since the site was cleaned up. Planning staff noted that CEQA analysis would be needed for the proposed project and the hazardous materials issue would be addressed at that time. Public Works Environmental Services staff noted that the project would need to provide a Discards Plan as the project is further refined, and that the project would need to comply with the applicable stormwater provisions. Public Works staff noted that the proposal to relocate palm trees is ill-advised because the trees will not do well if

relocated; they suggested that these trees be replaced with other species in the proposed new locations.

***BMR Emeryville Center of Innovation Master Sign Program, 5300 Chiron Way.*** The DCC reviewed a proposed Master Sign Program for the Emeryville Center of Innovation, a research and development campus, by Biomed Realty. The Master Sign Program is comprised of exterior site signage including wayfinding signs, two high-rise signs and tenant signage guidelines. Staff commented on the need for more details regarding signage proposed in the public right-of-way, precise size, and location requirements for the high-rise signs, and suggested that wayfinding signage include reference to the nearby bicycle path.

## PLANNING DIVISION

### CURRENT PLANNING PROJECTS

***Major Projects Chart, Table, and Map.*** The attached bar chart illustrates the progress of each major development project through the Planning and Building “pipeline”, while the attached Major Projects table contains more detail on each project, and a key map shows the locations of the projects. Those projects that had significant staff activity in September are discussed below.

***Sherwin Williams Mixed Use Project.*** Staff continues to meet with Lennar on a regular basis to discuss various issues related to bonus points documentation and other miscellaneous items that come up as construction proceeds. On September 14, Planning staff signed off on the building permit for the existing Building 1-31 renovation project by Steelwave.

***Marketplace Parcels A, B, and F Redesign.*** On April 9, an application was submitted for a new Final Development Plan to construct 415,000 square feet of life science and office space, 6,000 square feet of retail space, and an 840-space parking structure on Parcels A and B, and 18 affordable housing units on Parcel F, of the Marketplace Redevelopment Project along Shellmound Street between Shellmound Way and 63<sup>rd</sup> Street. The project had been scheduled for a Planning Commission study session on May 27, but was deferred pending resolution of building and fire code issues. The project has now been redesigned in response to Alameda County Fire Department comments, and is scheduled for a Planning Commission study session on October 28, Bicycle and Pedestrian Advisory Committee (BPAC) review on November 1, and a City Council study session on November 2.

***EmeryStation Overland.*** On March 1, an application was filed for a new 300,000 square foot research and development building and a six-level parking structure accommodating 495 parking spaces on an approximately 172,560 square foot site on the western portion of the block bounded by 62<sup>nd</sup> and 63<sup>rd</sup> Streets and Overland Avenue. The applicant has proposed obtaining development bonus points via conversion of a portion of the existing 41 live-work units in the adjacent Hollis Street Building to Below Market Rate (BMR) units. A City Council study session on this aspect of the proposal was held on July 20, at which the Council requested additional information; a follow-up Council study session is scheduled for October 19.

**Bay Street Grocery Store.** A preapplication was received on July 7 for a 48,500 square feet grocery store on Bay Street “Parcel B”, involving demolition and replacement of the existing retail/restaurant building that houses EQ3 furniture and other small retail stores, and that formerly housed Old Navy and Elephant Bar. As noted above, the Planning Commission held a study session on the project on September 23. The project is also scheduled for Bicycle and Pedestrian Advisory Committee (BPAC) review on October 4, and a City Council study session on October 19.

**Atrium Longfellow Mixed Use Project.** On June 2, a preapplication was filed for a proposed Planned Unit Development on a 7.3 acre site, including a new 16-story, 185-foot tall, 144-unit high-rise residential tower over podium parking, and two laboratory and office towers over podium parking totaling approximately 750,000 gross square feet. A Planning Commission study session was held on July 22. The project was also reviewed by the Parks and Recreation Committee on September 15, and by the Bicycle and Pedestrian Advisory Committee (BPAC) on September 20. In addition, the applicant held a virtual community meeting on September 29. The project will be reviewed by the City Council at a study session on October 5.

**58Fifty Shellmound Life Science Tower.** On May 10, a preapplication was submitted for a 14-story, 265 foot high building accommodating 388,090 square feet of life science use (“Research and Development”) with approximately 10,000 square feet of ground floor retail/amenity space. The Mixed Use with Residential (MUR) zoning of the site requires a mix of uses, one of which must be residential, unless the applicant can convincingly demonstrate to the Planning Commission that a mix of uses is infeasible. The applicant contends that a residential use is infeasible on this site, and they have now withdrawn their previous application for an 8-story mixed use building with 244 residential units. A Planning Commission study session on the proposed life sciences tower was held on August 26 at which the Commission generally supported the project, while expressing skepticism that a residential use was not feasible. The project is scheduled for review by the Bicycle and Pedestrian Advisory Committee (BPAC) on November 1.

**Biomed Emeryville Center of Innovation.** Planning staff provided a first round of comments on the Construction Management Plan for Building 2/3 (Life Science Building on Hollis Street) and Building 13/14 (Parking Garage on Horton Street).

**5801 Christie Avenue Site.** On September 2, Planning staff met with the Oxford Group and CCRP to discuss a proposed research and development/residential mixed use project. They indicated that they intend to submit a preapplication in time for a Planning Commission study session on January 27, 2022.

**Two Unit Replacement, 1270 64<sup>th</sup> Street.** A Major Conditional Use Permit and Design Review application to demolish two existing vacant uninhabitable residential structures and replace them with two new residential structures was submitted on December 16. The project requires a Planning Commission recommendation and City Council approval because it involves the demolition of residential units. A Planning Commission study session was held on May 27 and a City Council study session was held on July 6. A Planning Commission public hearing had been scheduled for September 23, but was postponed pending preparation of an arborist’s report for

the proposed removal and replacement of a street tree. Planning Commission and City Council public hearings are now tentatively scheduled for October 28 and December 7, respectively. This is a former code enforcement case; the court-appointed receiver cleaned up the property and sold it to the new owner.

**Four Unit Replacement, 1271 64<sup>th</sup> Street.** A Major Conditional Use Permit and Design Review application to construct four new units and demolish four existing units was submitted on June 23. This project was previously approved with a Conditional Use Permit and Design Review permit as the addition of a third floor to an existing four unit residential building, increasing the size of two units from 2-bedroom to 3-bedroom. During construction, it was discovered that the existing building had been entirely demolished. A Stop Work Order was issued because demolition requires City Council approval, upon the recommendation of the Planning Commission. A Planning Commission public hearing had been scheduled for September 23, but was postponed pending resolution of building code issues. Planning Commission and City Council public hearings are now tentatively scheduled for October 28 and December 7, respectively.

**Multi-Unit Residential Project, 1225 65<sup>th</sup> Street.** A Conditional Use Permit and Design Review application for a new 24-unit residential building at 1225 65<sup>th</sup> Street was submitted on August 3, 2015. Study sessions were held by the Planning Commission on March 26, 2015; October 22, 2015; and April 22, 2021. The applicant is working on revising the plans to reduce the floor area ratio and to address issues raised by the Commission at the April 22 study session, in preparation for a future approval hearing.

**Baker Metal Live/Work.** On August 27, 2009, the Planning Commission approved a single Conditional Use Permit and Design Review permit for the reuse of the existing Baker Metal Building at 1265 65<sup>th</sup> Street for 17 residential and 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 townhomes is almost complete, the applicant is preparing to initiate construction of the Baker Metal building renovations. This is complicated by the fact that the eastern wall of the building sits on the property line, and the owner of the adjacent property at 1225 65<sup>th</sup> Street is seeking entitlements to build a 24-unit apartment building, also on the property line (see above). On September 1, 2021, a building permit was issued for exploratory grading work related to the eastern wall of the building.

**5876 Doyle Street.** A Conditional Use Permit and Design Review application to add square footage and convert an existing residential building into a Group Residential facility with 12 rooms was submitted on October 19, 2020. A letter of incomplete issued on November 17, 2020, and a second letter of incomplete was issued on December 24, 2020 in response to additional information provided by the applicant. A Planning Commission study session has been deferred until the required information is provided.

**Duplex Conversion, 1291 55<sup>th</sup> Street.** On September 7, an application was submitted for a Major Conditional Use Permit and Design Review to convert an existing single-unit property into two units with additional floor area. A similar project by another applicant was previously approved by the Planning Commission on April 25, 2019 and expired on April 25, 2020. A Planning Commission study session is tentatively scheduled for January 27, 2022.

**“Emeryville Center of Innovation” Master Sign Program, 5300 Chiron Way.** An application for a Master Sign Program for commercial tenant and wayfinding signage was submitted on August 16. This application is tentatively scheduled for Planning Commission consideration on December 9.

**“The Emery” Master Sign Program, 1450 Sherwin Avenue.** An application for a Master Sign Program for commercial tenant signage for “The Emery” (new name of Sherwin Williams Mixed Use project) was submitted on May 25. This application is tentatively scheduled for Planning Commission consideration on December 9.

**The Intersection, 3800 San Pablo Avenue.** On September 9, staff of the Planning and Building divisions were given a tour of this recently-completed 105-unit residential and commercial project. The residential portion of the project, originally using site-built wood frame construction, was the victim of two arson fires in 2016 and 2017, and was finally completed using factory-built modular construction. As noted below, the Certificate of Occupancy for the project was issued on September 21. The developer plans to donate the project to UC Berkeley for graduate student housing.

## ADMINISTRATIVE CASES AND ACTIVITIES

### Conditional Use Permits

**Live/Work Unit, 4088 Haven Street.** A Minor Conditional Use Permit to convert an office condominium to a Live/Work Unit was approved on September 24.

**MightyFly, 1461 Park Avenue.** A Minor Conditional Use Permit application to convert light industrial/office space to research and development was submitted on September 21 (pending).

**Stanford Health Care, 6121 Hollis Street.** A Minor Conditional Use Permit application to convert 28,600 square feet of existing office, clinic, and vacant space to Health Care: Clinics and Medical Office Use, was submitted on September 16 (incomplete).

**Parking Lot Gate and Paid Parking Use, 1475 Powell Street.** A Minor Conditional Use Permit and Design Review application to add parking gates to an existing parking lot and to provide off-hours paid parking to the public was submitted on March 4, 2020 (incomplete).

### Design Review

**Honor Kitchen and Cocktails, 1411 Powell Street.** A Minor Design Review permit to install a 2,288 square foot exterior shed on the existing parking lot on the corner of Powell and Hollis Streets, to accommodate outdoor seating, was approved on September 29.

**Urban Outfitter, 5656 Bay Street.** A Minor Design Review permit for exterior improvements to the building façade for a future tenant, Urban Outfitters, was approved on September 16.

**Exterior Changes, 5980 Horton Street.** A Minor Design Review application for an exterior door at 5980 Horton Street was submitted on September 22 (pending).

**Exterior Changes, Utility Transformer, 5699 Bay Street.** A Minor Design Review application for exterior modifications, including a door and utility transformer screening, was submitted on September 3 (incomplete).

**Target Parking Lot Modifications and Signage.** A Minor Design Review application for modifications to the existing parking lot to allow for new drive-up stalls, including signage, was submitted on August 25 (incomplete).

**Tenant Improvements, 1307 66<sup>th</sup> Street.** A Minor Design Review application for exterior improvements related to tenant improvements for a future research and development use, including modifications to the parking lot, a trash enclosure, and a transformer, was submitted on August 19 (incomplete).

**Tenant Improvement, 1334 62<sup>nd</sup> Street.** A Minor Design Review application for exterior improvements related to tenant improvements for a future research and development use, including a trash enclosure, transformer, and mechanical rooftop equipment, was submitted on July 2 (pending).

**Construction Rack and Mechanical Rooftop Screening, 6005 Shellmound Street.** A Minor Design Review application for an exterior construction rack to house mechanical units for a proposed office/lab interior tenant improvement, and screening of mechanical equipment on the roof, was submitted on June 9 (incomplete).

### Short Term Rentals

**Short Term Rental, 1260 63<sup>rd</sup> Street.** A Short-Term Rental application was submitted on April 1, 2019 (incomplete).

### Sidewalk Cafes

**Townhouse Parklet, 5826 Doyle Street.** A Sidewalk Café permit application for a parklet for the Townhouse Restaurant was submitted on June 10 (pending).

### Signs

**Fresh N Fitted, 5683 Bay Street.** A Minor Sign Permit for a non-illuminated wall sign was approved on September 20.

**Bay Street Billboard Tenant Signage, 5616 Bay Street.** A Minor Sign Permit to remove seven existing blade signs and replace the billboard sign on the corner of the Bay Street parking garage with internally illuminated tenant signage, and add two “Dolby” signs, was approved on September 13.

**Peet’s Coffee Signage, 1400 Park Avenue.** A Minor Sign Permit to replace four wall signs and install a new wall sign at the rear building entrance at Peet’s Coffee corporate headquarters was approved on September 13.

**“The Emery” Address and Building Signage.** A Minor Sign Permit for address signs and other building signage in the Sherwin Williams Mixed Use Project at 1450 Sherwin Avenue was approved on September 10.

**H&M Men, 5618 Bay Street.** A Minor Sign Permit application for an illuminated wall sign for H&M Men was submitted on August 13 (incomplete).

### Subdivisions

**Lot Merger, 1411 Powell Street.** An application for a Parcel Map to merge two parcels for Honor Bar and Kitchen was approved on September 16.

**Parcel Map, 5300 Chiron Way.** An application for a Parcel Map to create two parcels, consistent with the approved Final Development Plan for the BMR Emeryville Center of Innovation, was submitted on July 27 (pending).

**Lot Line Adjustment, 1580 62<sup>nd</sup> Street.** An application for a lot line adjustment for the EmeryStation Overland project was submitted on July 2 (pending).

**Lot Merger, 1001 42<sup>nd</sup> Street.** An application for a Parcel Map to merge multiple parcels on a site located in both Emeryville and Oakland was submitted on February 14, 2020 (pending).

### Temporary Use Permits

**Art Exhibition Event, 5690 Bay Street.** A Temporary Use Permit for the 35<sup>th</sup> Annual Emeryville Celebration of the Arts exhibition, to be held from October 1 through November 2, was approved on September 22.

### Zoning Compliance Review

**5855 Horton Street Zoning Compliance Letter.** A zoning compliance letter for the property at 5855 Horton Street was issued on September 29.

**5980 Horton Street Zoning Compliance Letter.** A zoning compliance letter for the property at 5980 Horton Street was issued on September 29.

**6460 Hollis Street Zoning Compliance Letter.** A zoning compliance letter for the property at 6460 Hollis Street was issued on September 28.

**Accessory Dwelling Unit, 1055 45<sup>th</sup> Street.** A Zoning Compliance Review application for a new 747 square foot detached ADU was approved on September 24.

**T-Mobile, 1800 Powell Street.** A Zoning Compliance Review application to install two additional antennas and a fiberglass-reinforced panel (FRP) screen at an existing T-Mobile wireless facility was approved on September 22.

### ADVANCED PLANNING PROJECTS

**Objective Development Standards.** As previously reported, Planning Commission and City Council study sessions were held on April 22 and May 18, respectively, and a second Planning Commission study session was held on June 17. Since the June 17 Planning Commission meeting, staff and project consultants have been working to develop draft objective standards based on the feedback provided by the community, Planning Commission, and City Council. Staff met with the consultants to discuss the progress of these efforts on September 21.

**Active Transportation Plan.** During September, staff and the project consultant, Alta, continued to gather data, review documents, and review public feedback in order to begin producing draft documents for the ATP. The [emeryvillemoves.org](http://emeryvillemoves.org) website went live in May, and the survey and interactive map are still open, with participation rates that continue to be higher than were anticipated.

**2023-2031 Housing Element.** During September, staff and the project consult, PlaceWorks, met to review data needs; staff attended regional information meetings regarding Housing Element requirements; and staff and the consultants prepared for the October 6 Housing Committee meeting and the October 28 Planning Commission study session on the Housing Element. Surveys taken at the June 29 Community Workshop regarding Housing Needs and Objectives, and at the July 7 Housing Committee meeting regarding Affirmatively Furthering Fair Housing, are available at the [2023-2031 Housing Element website](#).

## BUILDING DIVISION

### Permit, Inspection, and Plan Check Activity and Public Contacts

The attached tables summarize the third month of fiscal year 2021-2022 for building permit and inspection activity. Following is a summary of the Building Division's permit, inspection, and plan check activity and public contacts in September:

<b>Permits Issued:</b>	89
<b>Total Valuation:</b>	About \$32.7 million
<b>Fees Collected:</b>	About \$544,000
<b>Permit Plan Review Extensions:</b>	7
<b>Permit Expiration Renewals:</b>	2
<b>Inspections:</b>	293
- Major projects:	188 (64%)
- Other:	105 (36%)
<b>Fast Track Plan Check:</b>	
- Same day:	12 applications
- Within 2 weeks:	30 applications
- Expedited requests:	3 (plan review comments or permit approval within 3-5 days)
<b>Public Contacts and Inquiries:</b>	
- Counter contacts:	90 appointments for permit, plan pick-ups and public document reviews.
- Telephone inquiries:	85
- Emails:	This form of correspondence will continue to be the Building Division's primary form of communication with the public now that the Shelter in Place Order has ended. There was an immeasurable number of emails for the Building Division counter staff during the month of September.

## Major Projects Under Construction

Construction is proceeding on the following major new developments and renovation projects.

- ***The Intersection Mixed Use Project (Maz site)*** – 3800 San Pablo Avenue; 105 residential units, 21,000 square feet of retail. The developer has requested and received a certificate of occupancy for the residential phase and a final inspection for the commercial phase. History would indicate that the initial permit for this development was issued over seven years ago in September 2014 as a typical concrete podium, residential conventional wood frame construction design. The project was 70 percent completed when a 6-alarm fire occurred on July 6, 2016 destroying the residential wood frame superstructure. In October 2016 the original permit was reactivated as the construction design had not changed. Subsequently, a five-alarm fire on May 13, 2017 destroyed wood framing of the residential structure for a second time. The construction, similar to the first build, was at 65-70 percent completion. The existing Maz commercial building also suffered fire damage. The project restarted once again and obtained new building permits on September 18, 2019 for the third attempt to construct the 5-story, 105-unit residential structure, this time using modular construction. The concept consisted of constructing each individual dwelling unit off-site to its completion stage; each unit was inspected and approved at the factory in Vallejo by the State Department of Housing and Community Development (HCD) and then delivered to the San Pablo Avenue construction site. There were many challenges with this development from the Building Division’s perspective over the years. The change from conventional to modular factory-built construction presented problems due to the different methodology; analyzing the structures after the fires for rebuild; involving HCD for plan review; change of contractors, etc. The development amassed over 400-500 Request for Information documents (RFIs) and required over 1,000 building inspections. The Certificate of Occupancy was issued on September 21, and the developer now intends to donate the completed project to U.C. Berkeley for graduate student housing.
- ***Ocean Avenue Townhomes*** – 1276 Ocean Avenue; 5 townhouses. Third floors were added to Units 3 and 4 without benefit of permits. The applicant was directed to remove the third floor of Unit 3 and legalize the third floor of Unit 4 before occupancy can be issued for any units in this project. Revised plans for work without permits were submitted in December 2015 and were approved on August 22, 2017 following seven rounds of plan check; on April 23, 2018, the property owner/applicant paid the additional permit fees and picked up the approved revisions. The applicant requested certificate of occupancy; however, an internal meeting on June 12, 2018 determined that there were many outstanding issues that must be addressed before CO could be issued, including removal of the third floor and upper stairs in Unit 3, recording of “no build” and emergency vehicle access easements on Peabody Lane, the planting of trees along the eastern property line, and any other issues identified in the building permit plans or conditions of approval. The applicant renewed the expired permit in May 2019 and requested meter releases for all the units. This request was denied by the Chief Building Official due to continued non-compliance with conditions of approval and final inspections. A critical path was discussed with the applicant in order to reestablish common knowledge for compliance. The “no build” and emergency vehicle access easement on Peabody Lane was signed by the City Manager on February 11, 2020 and recorded by the applicant on March 4, 2020. The owner has secured the services of Mr. Cullen Burda from

Integrated Structure, the original contractor for the project, to manage the remaining inspection and communication with the City. Planning staff signed off the temporary certificate of occupancy in July 2020, and gas and electrical utility meter releases were granted by the Chief Building Official in August 2020, with final inspections pending for occupancy and verification of full compliance with the conditions of approval. No occupancy will be permitted until City authorization is granted. The applicant requested a final inspection in March 2021, which was granted. The inspection results provided numerous correction items for the five units including lack of water services for testing of the fire suppression systems. No further inspection requests have been received from the property owner.

- ***Sherwin Williams Project*** – 1450 Sherwin Avenue; four new buildings with 500 residential units and 2,000 to 8,000 square feet of ground floor retail/commercial space, associated open space, and new City park. 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. “Fine grading” permit for open space improvements issued on April 7, 2020; building permit for Building B2 issued on April 7, 2020; building permit for Building D issued on April 22, 2020; building permit for Building B1 issued on May 6, 2020; building permit for Building C issued on May 21, 2020. All four buildings are now under construction. Building inspections continue Monday through Friday accounting for 6-8 hours of daily inspections. A building permit was issued on September 20, 2021 for selective demolition, seismic upgrade, and adaptive reuse alterations of existing Building 1-31 for office and laboratory warm shell tenant improvements. Meetings were held with the design team for code analysis of these improvements.
- ***Bayview Apartments (“Nady Site”)*** – 6701 Shellmound Street; redevelopment of former industrial site for 186 rental housing units. The property owner has negotiated the sale of the property to AMCAL. AMCAL has completed demolition of all buildings on the site, as a result of which the planning permits are now considered vested. Pre-submittal meetings for building permit applications were held in April 2020. Permits for demolition of the existing foundation slab and temporary shoring have been finalized. Demolition, rough grading, and temporary construction fence permits were issued in March 2021. A building permit application for the superstructure was submitted on July 9, 2020 and the permit was issued on May 28, 2021. A pre-construction meeting was held in June with the developer, AMCAL owner’s representation, Building, and ACFD staff to review the overall project, schedules, Building Division administration expectations, and Conditions of Approvals. The building foundation is now complete; interior column placements are complete with the garage level post tension slab under construction.

### Anticipated Major Development Projects

The Building Division anticipates the following new development project in fiscal year 2021-2022:

- ***Emeryville Center of Innovation*** – Vicinity of 53<sup>rd</sup> and Hollis Streets; build-out of former Novartis portion of Chiron Life Sciences Center Planned Unit Development, consisting of four new lab buildings totaling approximately 911,800 square feet and a parking structure

with approximately 1,991 spaces. Planning Commission approved February 25, 2021. The Chief Building Official, Alameda County Fire Department, and staff continue to meet with the applicant to review proposed building and infrastructure design, and overall construction phasing. Grading permit applications are anticipated in October 2021. Continuing meetings with Building, Fire staff regarding infrastructure and structural design.

### Major Tenant Improvements

The following major tenant improvements had building permits submitted, approved, issued, or finalized, or received certificate of occupancy, in September:

- **Memphis Meats** – 6201 Shellmound Street; Project Graceland tenant improvements for mixed use office, research and development in former New Seasons Market space, including upgrades to mechanical, electrical, and plumbing systems, new architectural layout with new walls, doors, ceilings, flooring and other finishes; valuation \$30.5 million; temporary certificate of occupancy issued September 27.
- **Berkeley Lights** – 5858 Horton Street #320; lab tenant improvements; valuation \$1.3 million; building permit received final inspection on September 10.
- **Hollis Business Center Building A** – 6401 Hollis Street; core and shell improvements; valuation \$4.8 million; building permit issued on September 30.
- **Speculative Suite** – 6400 Hollis Street #1; warm shell, 50% office and 50% research and development for future tenant; valuation \$1.9 million; building permit issued on September 30.
- **Bay Street Repositioning Building AT** – 5616 Bay Street; exterior storefront improvements; valuation \$7.1 million; building permit issued on September 27.
- **Speculative Suite** – 2100 Powell Street, 7<sup>th</sup> floor; tenant improvements including restrooms and elevator lobby; valuation \$1.3 million; building permit issued on September 23.
- **4D Molecular Therapeutics** – 5858 Horton Street, #455; tenant improvements; valuation \$10.1 million; building permit issued on September 9.
- **Geltor** – 5400 Hollis Street, Phase 2 tenant improvements and new emergency generator; valuation \$18.3 million; building permit application approved on September 29.
- **Hollis Business Center** – 1480 64<sup>th</sup> Street, Building B; new generator with enclosure and new trash enclosure; valuation \$5.0 million; building permit approved on September 28.
- **Berkeley Research Group** – 2200 Powell Street, Suite 1200; tenant improvements; valuation \$3.0 million; building permit approved on September 16.
- **Zymergen Headquarters** – 5300 Chiron Way; tenant improvements; valuation \$48.3 million; building permit approved on September 13.

### Pre-Submittal Meetings

The Building Division held virtual pre-submittal meetings for a number of projects in September. These meetings involve the Chief Building Official, plan check staff, Alameda County Fire Department staff, and the projects' development teams. Their focus is to aid the applicant to identify potential building code issues, alternate materials and methods requests, project

scheduling issues, expected fees, and other major building concerns. Due to COVID-19 precautions, these meetings were held by teleconference. The Sherwin Williams project requires meetings twice a week due to the large scope of construction and revision requests.

- **BioMed Center of Innovation** – Vicinity of 53<sup>rd</sup> and Hollis Streets; grading.
- **Hollis Business Center Building B** – 1480 64<sup>th</sup> Street; interior and exterior improvements (generator and trash enclosure).
- **Anvil Builders** – 1550 Park Avenue; rooftop PV solar.
- **Icon at Park** – 1401 Park Avenue; repair brick veneer.
- **Hollis Business Center, Suite 160** – 1480 64<sup>th</sup> Street; tenant improvements, laboratory.
- **Gobi BBQ** – 1333 Powell Street, #108; walk-in cooler, deferred submittal.
- **Ratcliff** – 5856 Doyle Street; restroom remodel.
- **Finless Foods** – 1250 53<sup>rd</sup> Street, Suite 4; tenant improvements.
- **4310 Adeline Street** – Garage conversion to accessory dwelling unit (ADU).
- **IKEA** – 4400 Shellmound Street; dishwashing room cooling, install one new HVAC split system.
- **1351 Ocean Avenue** – voluntary seismic upgrade.
- **1295 67<sup>th</sup> Street** – voluntary seismic upgrade.
- **1450 Sherwin Avenue, Building 1–31** – Existing office building, adaptive reuse and warm shell for life science.
- **1900 Powell Street, Suite 230B** – Speculative suite demising wall.

### Projects Completed or Nearing Completion

The following projects have received Certificate of Occupancy (CO), Temporary Certificate of Occupancy (TCO), or final building permit sign-off (final) for the month of September:

- **Intersection Residential** – 3800 San Pablo Avenue (CO)
- **Intersection Commercial (Shell)** – 3800 San Pablo Avenue (Final)
- **Memphis Meats** – 6201 Shellmound Street, tenant improvements (TCO)
- 25 sub permit types (finals for mechanical, electrical, plumbing, energy, etc.)

### Code Enforcement/Graffiti Abatement

The following cases were handled by the Chief Building Official in September:

- 6 general code enforcement cases, correspondence for abatement purposes (including graffiti).
- 21 telephone contacts, relating to code enforcement process, Emeryville Police Department coordination, correspondence, and complaint status.

### Customer Feedback Questionnaire

The permit counter has reopened to the public as of July 6, 2021; no questionnaires were received in September. However, staff continues to receive positive recognition from the public and developers for answers and direction for their respective projects or concerns, and expressions of appreciation and gratitude for superior service.

## ECONOMIC DEVELOPMENT AND HOUSING DIVISION

### ECONOMIC DEVELOPMENT

**Business Outreach.** Staff corresponded with eight businesses on specific assistance requests and inquiries, two developers/property owners/brokers regarding available properties and potential projects, and three businesses interested in locating in Emeryville, one of which was a cannabis-related business.

**Emeryville BizNexus Events.** The BizNexus networking event series has been placed on hiatus due to the Alameda County Shelter in Place Order issued on March 16, 2020. Event planning will resume once public health officials release guidance allowing gatherings such as BizNexus.

### LABOR STANDARDS

**Employee Scheduling/Fair Workweek.** During the month of September, staff received a few inquiries regarding the Fair Workweek Ordinance. Staff conducted a technical assistance session with a large employer this month to address and mitigate concerns around implementation of this ordinance. Staff is staying abreast of any potential impacts the COVID-19 pandemic may have on the enforcement of the Ordinance. Due to the current restrictions under the guidance of the Governor, staff will not conduct in-person visits at this time, but will continue to communicate through email, phone and the City's website to continue its outreach and education efforts. There is now a training video on the current labor standards requirements, where employers and employees can access information on an ongoing basis. Staff published a few user-friendly PowerPoint presentations for employers and employees to learn, refresh and test their knowledge on our labor standards. More information about the Ordinance and an updated FAQs document are available on the City's website at <http://www.emeryville.org/1136/Fair-Workweek-Ordinance>. Please check out our online training videos at <https://www.ci.emeryville.ca.us/1377/Labor-Standards-Training-Videos>.

**Minimum Wage.** During the month of September, there were a few inquiries regarding Minimum Wage requirements for businesses and contracting agencies particularly regarding Paid Sick leave and the wage increase effective July 1, 2021. The City's website has been updated and will continue to be as information changes regarding COVID 19. Emails will continue to be sent out to businesses directly to inform them of any changes to these new laws and requirements. Staff continues to communicate through email, phone and the City's website to continue its outreach and education efforts. There is now a training video on the current labor standards requirements, where employers and employees can access information on an ongoing basis. Staff published a few user-friendly PowerPoint presentations for employers and employees to learn, refresh and test their knowledge on our labor standards. The minimum wage is now \$17.13 for all businesses, and the website has been updated reflecting this wage rate. Posters and Notices with the current rate are available for download online. There are now two pending investigations for Paid Sick Leave violations and one new case under investigation for Minimum Wage and Paid Sick leave violations. There is a FAQ document on our webpage at <http://www.emeryville.org/1024/Minimum-Wage-Ordinance>, which is updated periodically. Please check out our online training videos at <https://www.ci.emeryville.ca.us/1377/Labor-Standards-Training-Videos>. More online training will be posted in the future.

**Right to Recall Ordinance.** The City Council held a study session on April 20 to discuss policy issues related to a potential “Right to Recall” ordinance, and the Economic Development Advisory Committee discussed it at their meeting on May 19. Staff is preparing an ordinance for future Council consideration based on direction given at the study session.

## AFFORDABLE HOUSING

### ***New Below Market Rate (BMR) Rental Projects.***

- ***Avalon Public Market.*** The first two residential buildings at the Marketplace development, Parcels C2 and D, accepted applications in April 2019 for their 32 Below Market Rate units. Applications were entered in a lottery that was conducted by the developer, AvalonBay, on June 3, 2019. Final Certificates of Occupancy (CO) for both buildings were issued on March 17, 2021. Staff continues to work with the property management staff to review and approve income qualifications for BMR tenants.
- ***Sherwin Williams (“The Emery”).*** On June 3, 2019, the City entered into an affordable housing agreement for 85 below market rate units to be set-aside for households at 50%, 80% and 120% of the Area Median Income (AMI). Construction is currently underway.
- ***The Intersection, 3800 San Pablo Avenue.*** On May 20, 2020, the City entered into an affordable housing agreement for eleven below market rate units to be set-aside for households earning below 80% of AMI. On May 26, 2021, staff conducted a walk-through of the eleven BMR units and comparable market rate units within the building. Staff signed off on the Certificate of Occupancy, which was issued on September 21.
- ***Bayview Apartments, 6701 Shellmound Street (“Nady” Site).*** The building permit application for this 186-unit apartment project was submitted on July 9, 2020. Staff began discussions with AMCAL Housing in July 2020 on the designation of affordable housing units. Staff finalized negotiations with AMCAL in October and the Affordable Housing Agreement was approved by the City Council on November 17, 2020. Closing on the construction financing occurred in March 2021. The building permit was issued on May 28, 2021, and the project is under construction.
- ***4300 San Pablo Avenue.*** On July 21, 2020, the City Council approved EAH Housing as the selected developer of an intergenerational affordable rental housing project at 4300 San Pablo Avenue and authorized the City Manager to execute an Exclusive Right to Negotiate (ERN) Agreement. The City and EAH executed the ERN in October 2020, and an amendment for additional time was made to the ERN in April 2021, as negotiations continued on the term sheet for the Lease Disposition and Development Agreement (LDDA). This project had been placed on hold pending the passage of SB 591, a state bill that would authorize the establishment of an intergenerational housing development that includes senior citizens along with caregivers and transitional age youth, if specified conditions are satisfied. On September 28, SB591 was signed into law and staff and EAH have restarted project design and LDDA negotiations.
- ***Nellie Hannon Gateway, 3600 San Pablo Avenue.*** On September 17, 2019, the City Council directed staff to prepare loan and regulatory documents for the acquisition of 3600, 3610 and 3620 San Pablo Avenue by Resources for Community Development (RCD), a non-profit

housing developer that was selected by the Bankruptcy Court as the approved buyer of the site. The City Council approved a \$2 million acquisition loan on November 5, 2019. Closing took place on December 3, 2019. The project was administratively approved on October 20, 2020, under SB 35 and AB 1763, and includes 89 affordable units and one manager's unit in a seven-story building, with ground-floor space for the Emeryville Citizen's Assistance Program (ECAP). Per the terms of the predevelopment loan, at least 25% of the units are to be permanent supportive housing for formerly homeless households. RCD has engaged a property management company to manage the site and existing tenants. Staff also continues to work with the developer to ensure compliance with the development milestones outlined in the acquisition loan agreement. On January 19, 2021, the City Council approved an additional \$14.7 million loan to RCD for construction financing, for a total permanent development loan of \$16.7 million. On April 6, 2021, the City Council provided support for staff to continue working with RCD on an application for Affordable Housing and Sustainable Communities (AHSC) funding to support this housing project and pedestrian and bicycle improvements along 40<sup>th</sup> Street. In June 2021, staff assisted RCD in submitting an application for the Infill Infrastructure Grant Program (IIG). The project has received funding support from the state's No Place Like Home grant program and is awaiting a decision on the AHSC application while environmental remediation and construction drawings are proceeding.

#### ***Homeowner Rehabilitation Program.***

- ***Rehabilitation Projects.*** Alameda County Healthy Homes Department administers a portion of the City's allocation of CDBG funds for the Minor Home Repair Program. Staff continues to work with the County to market the programs in Emeryville, as well as with Rebuilding Together on their rehab program for low-income seniors. Rebuilding Together East Bay North resumed exterior home renovations in July 2020 and will continue to assess the ability to conduct interior emergency home repair work, as needed.
- ***Rehabilitation Loan Compliance.*** Staff continues to work with past rehabilitation loan recipients to ensure loan repayment.
- ***Owner Occupancy Monitoring.*** Staff continues to work on owner occupancy monitoring, working with legal counsel and following up on violators on a case-by-case basis.

#### ***First Time Homebuyer (FTHB) and Below Market Rate (BMR) Ownership Programs.***

- ***BMR Ownership Program.*** Seven BMR units are on the market for sale, one BMR unit was purchased by the City, and six BMR units are in contract.
- ***Subordinations.*** Three subordination requests are pending.
- ***Loan Program.*** No FTHB applications were submitted in September.
- ***Enforcement.*** Notices of default will resume being sent to owner occupancy violators after the eviction moratorium ends.
- ***Owner-Occupancy Waivers.*** Previously, one owner-occupancy waiver became effective in January and is still in effect. No additional owner-occupancy waivers have been received.

- **Owner Occupancy Monitoring.** The Annual Owner Occupancy monitoring for 2021 is set to start in October and will include an on-line response option along with a paper option for responders to choose from.
- **Public Inquiries.** Staff responded to over 50 general inquiries via telephone and email from current and potential program participants, lenders, real estate agents, title companies, etc.
- **Program Documents.** Work continued on revising program documents including BMR Ownership Guidelines, BMR Trust Guidelines and FTHB Program Guidelines. Additional information on the Emeryville BMR Homeownership Program can be found at <https://www.hellohousing.org/stewardship/emeryville/>.

### **Housing Policy.**

- **Tenant Protections Ordinance.** Staff has developed a webpage with useful information for tenants and landlords at <http://www.ci.emeryville.ca.us/1127/Eviction-Harassment-Ordinance>. Staff has contracted with ECHO Fair Housing to provide one-on-one services to landlords and tenants and has provided East Bay Community Law Center with a grant to provide legal services to low income tenants who have received an eviction notice. The City Clerk received eight Notices of Eviction in September.
- **Temporary Eviction Moratoria.** The City Council approved a temporary moratorium on residential and commercial evictions due to nonpayment of rent and residential foreclosures due to nonpayment of HOA dues, which expired on September 30, 2020. The Alameda County Board of Supervisors approved a temporary eviction moratorium for residential tenants, which expires 30 days after the Local Emergency Declaration in both unincorporated and incorporated Alameda County. Meanwhile, the State of California approved AB 3088, which prohibited evictions until January 31, 2021 as long as residents pay 25% of the rent that is due between October 1, 2020 and January 31, 2021. This was extended on January 29, 2021 with the passing of SB 91, which extended the eviction moratorium until June 30, 2021 as long as residents continue to pay 25% of the rent that is due until June 30, 2021. This was extended on June 28, 2021 with the passing of AB832, which extended the eviction moratorium until September 30, 2021. Residents and property owners seeking additional information on requirements under the various eviction moratoria should reach out to ECHO Housing at <https://www.echofairhousing.org>, Centro Legal de la Raza at <https://www.centrolegal.org/>, or seek legal counsel for additional information. The City Clerk received eight Notices of Eviction in September.
- **Rent Repayment Programs.** The City Council approved a Rent Repayment Ordinance for residential tenants affected by COVID-19, under which tenants have 12 months to repay unpaid rent during the eviction moratorium, starting on September 30, 2020. The Alameda County Board of Supervisors approved a Rental Repayment Plan in which tenants would have 12 months to repay unpaid rent during the eviction moratorium, starting 30 days after the Local Emergency Declaration in both unincorporated and incorporated Alameda County. Meanwhile, the State of California approved AB 3088, under which all rent repayment plans must begin no later than March 1, 2021 and end no later than March 31, 2022. This was extended on January 29, 2021 with the passing of SB 91, which states that all rental repayment plans must begin no later than May 1, 2022. Residents and property owners

seeking additional information on requirements under the various eviction moratoria should reach out to ECHO Housing at <https://www.echofairhousing.org>, Centro Legal de la Raza at <https://www.centrolegal.org/>, or seek legal counsel for additional information.

### ***Other Housing Initiatives/Programs.***

- ***Emergency Rental Assistance Program.*** Alameda County launched the Housing Secure Program in mid-March 2021 to assist low-income tenants and small landlords with rental assistance due to financial hardships related to COVID 19. The U.S. Treasury and California Department of Housing and Community Development provided funding to support this program, which can provide up to 12 months past due rental assistance and is open to all Alameda County residents, except those that reside in Oakland and Fremont, which administer their own programs. To apply for assistance, visit [www.ac-housingsecure.org](http://www.ac-housingsecure.org).
- ***Affordable Housing Bond Administration and Expenditure Plan.*** Staff presented a draft Affordable Housing Bond Administration and Expenditure Plan at a City Council study session on December 15. The plan will govern the implementation of the various affordable housing financial resources, including the \$50 million Measure C affordable housing bond that was passed by the Emeryville voters on June 5, 2018, for a total of \$64 million dollars in financial resources dedicated to affordable housing. The Plan outlines the creation and funding of five Preservation Programs and two Production Programs that would invest in approximately 603 housing units between 2022 and 2030. The Plan was adopted by the City Council on March 2. Staff has begun preliminary work on researching housing bond program guidelines and began program guideline discussions with the Housing Committee in June 2021.
- ***Housing Element.*** Kickoff of the Housing Element began in March. An overview of the Housing Element process was presented at the April 7 Housing Committee meeting. On June 29, a Virtual Community Workshop on the Housing Element was held for which 85 people registered and approximately 25 people attended. On July 7, the Housing Committee reviewed the previous Housing Element's goals and accomplishments. Copies of all of the presentations, as well as the Housing Needs and Objectives Survey and the Strategies to Affirmatively Further Fair Housing Survey, can be found on the [2023-2031 Housing Element website](#). Staff continues to meet with the consultant regularly to gather data and information necessary to complete the Housing Element.

### ***Housing Related Communication/Meetings.***

- ***Housing Notification System.*** The City launched a new Housing Notification System on January 5, 2021. Those interested in learning about the Housing Element, various housing programs, housing policies, the availability of BMR units for rent or purchase, and various programs to assist our BMR residents, may sign up to receive periodic information about the topics in which they are interested. The new system will allow subscribers to modify or cancel their subscription at any time. All of those that had previously registered for the older housing notification system were uploaded into the new system. In September, 29 new subscriptions were added.

**Housing Developers.** In August, staff communicated with one developer of market rate housing regarding potential and existing projects.

**Public Information.** Staff communicated with two individuals regarding their affordable housing searches, landlord/tenant issues, and COVID-19 housing resources.

## **CAPITAL PROJECTS**

**Parking Management.** In September, staff reviewed the final change order for punch list items remaining for the installation of signage and striping, for direction to the City contractor. Final changes are expected in October or November, and the project will be brought to the City Council for acceptance in December. In September, revenue from parking was estimated at \$33,614 including:

- Mobile Parking Payments - \$4,601
- Meter Payments - \$16,939
- Citation Payments - \$12,074

The ParkMobile app equaled 27% of payments to meters, as meter payment stayed flat, and the app use declined. This was concurrent with coins remaining at just 5% of payments to meters in the last three months. Given that expenses are currently estimated at \$42,000 per month plus surcharges owed the County at \$2,232, the parking program was just barely breaking even in June, so a significant drop in citation payments and park mobile payments leaves a monthly gap in September, as in July and August. Savings captured in delaying the start of coin collection and maintenance has allowed funds to be rolled over to operations in fiscal year 2022.

In September, the East Bay Parking Roundtable discussed Oakland's groundbreaking efforts to provide smart cards in lieu of allowing coins. Given the high cost of coin collection relative to revenue, this pilot, if successful, could be a model for Emeryville.

**San Pablo Multimodal Improvement Project.** In September, Alameda County Transportation Commission (ACTC) staff met with Emeryville staff to review renderings of project improvements, VISSIM traffic analysis, and loading and unloading findings for the San Pablo Avenue Corridor in Emeryville and Oakland. Staff remain focused on alternatives that accommodated limited loading and unloading and reduce bus stop conflicts with cyclists. Additional meetings are anticipated in October. Staff also met with staff of the cities of Berkeley, Albany, and El Cerrito on September 21 to discuss topics of mutual concern along the San Pablo Avenue Corridor.

**Alameda County Transportation Advisory Committee.** In September, the ACTAC met to approve the 2022 State Transportation Improvement Program - Programming Principles and Schedule.

**Grant Management.** At its regular meeting on September 16, the Interdepartmental Grants Coordination Committee discussed various grant prospects, the status of grant applications that have been submitted, and the ongoing management of existing grants. Due to COVID-19 precautions, the meeting was held by conference call.

## PUBLIC ART PROGRAM

**Art in Public Places 30<sup>th</sup> Anniversary.** In September, staff continued efforts for the 30<sup>th</sup> anniversary of the Art in Public Places (AiPP) Program, including:

- Continuing to update Otocast with Purchase Award artists in the guided tour for the Rotten City Cultural District with 12 local artists now recorded;
- Distributing the 2021-2023 Bus Shelter Artist bookmarks with the 30<sup>th</sup> Anniversary logo; and
- Installing the 30<sup>th</sup> Anniversary AiPP logo on Bus Shelter posters by Kuzuko Watanabe.

In addition, as noted above, on September 13, the City Council approved replacement of the banners in City Hall with new banners featuring 30 artworks from the 2020 Emeryville Celebration of the Arts Exhibition.

**Art Center.** As previously reported, the application of Orton Development Inc. (ODI) for modifications of the design of the Art Center was unanimously denied by the Planning Commission on June 24. At their next meeting on July 6, the City Council voted to call the Planning Commission's decision for review (i.e., appeal). On September 13, the Council considered the disposition of the appeal, and set a public hearing on the appeal for October 5. Additional information about the project is available on the Art Center project webpage at [www.emeryville.org/artcenter](http://www.emeryville.org/artcenter).

**Mural Program.** As noted above, on September 13, the City Council approved the Public Art Committee's (PAC) recommendation of the design proposal by Nigel Sussman for the Public Art Mural Project at 1451 Sherwin Avenue at the corner of Horton Street. The final design will be developed in October following a public survey and a Community Workshop. The workshop will be held outdoors on October 7 at 5:30 p.m. at the corner of Sherwin Avenue and Horton Street seeking feedback on final design components. Additional information regarding the project is available at <https://www.ci.emeryville.ca.us/118/Economic-Development-Housing>.

**Sea Wall Mural Festival.** In September, staff continued scoping discussions for the PangeaSeed Foundation Sea Wall Mural Festival, touring the Santa Cruz festival and meeting the city coordinator. The Public Art Committee will review a proposal in November and possibly make a recommendation to the City Council in December. Further information on the festival may be found at <https://www.pangeaseed.foundation/sea-walls/>.

**Public Art in Development Projects.** In September, staff continued to monitor 20 private development projects that will be commissioning or paying an in-lieu fee for \$6 million worth of public art.

## ADMINISTRATION/OTHER

**American Planning Association (Virtual) California Chapter Planning Conference.** The Community Development Director and Senior Planner Miroo Desai attended the annual conference of the American Planning Association (APA) California Chapter, held virtually on September 13-15. Most sessions were good for "CM" (certification maintenance) credits, which are required for planners to retain their AICP (American Institute of Certified Planners) credentials. AICP members must earn a total of 32 CM credits every two years, including 1.5

credits in law and 1.5 credits in ethics. Ms. Desai, as Vice President of Diversity and Equity, APA California Chapter Board, participated as a panelist at an ethics webinar.

**California Building Officials Education Week.** Building Division staff members attended the annual CALBO Training Institute Education Week, held September 13-16 in San Ramon. These events provide courses in a variety of topics including administration, zoning, inspections, case studies and updates for code administration. The courses and schedules were carefully chosen to allow optimum educational opportunities for all participants, including courses to work toward the increasingly valuable California Track Credentials.

**Alameda County Workforce Development Board Biomedical Industry Summit.** On September 23, Economic Development and Housing staff attended the Alameda County Biomedical Industry Summit organized by the Alameda County Workforce Development Board. The meeting featured the work of Dr. Gregory Theyel of the Biomedical Manufacturing Alliance, which explored the characteristics of the biomedical industry in Alameda County.

**Alameda County Planning Directors Meeting.** On September 10, the Community Development Director attended the monthly meeting of the Alameda County Planning Directors by Zoom videoconference, hosted by the City of Fremont. The directors heard an analysis from the California League of Cities on key bills and the end of the legislative session; an update from the Alameda County Transportation Commission on their PDA (Priority Development Areas) Investment and Growth Strategy; and a report from ABAG/MTC staff on the Regional Housing Needs Allocation (RHNA) appeals process. The directors also shared information on projects and issues in their respective jurisdictions. The next meeting of the Alameda County Planning Directors will be by Zoom on October 1.

**Cost Recovery.** Most major planning applications are funded through a “cost recovery” system, whereby applicants make an initial deposit and staff bills time and expenses against the project. This requires meticulous record-keeping to ensure that balances remain positive in each cost recovery account, and that accounts are properly closed out upon project completion. Planning staff met internally on September 15 to review the list of projects and collection procedures. Invoices are being prepared as appropriate.

**TimeClock Plus Cost Codes.** On September 22, the Community Development Director participated in an interdepartmental meeting to discuss cost codes to be used in the City’s new electronic timesheet system, TimeClock Plus, for tracking time on cost recovery projects.

**City Activity Guide.** Planning staff provided updates on major development projects for the City Activity Guide.