

**Annual Progress Report on Implementation of the Housing Element - City of Emeryville
Report Period: January 1, 2008 – December 31, 2008**

Contact Information
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HOUSING POLICY
DEVELOPMENT, HCD

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A. PROGRESS IN MEETING REGIONAL HOUSING NEED

1. Total number of new housing permits issued CY 2008: 127

2. New Permits Issued in CY 2008 by Affordability Level:

Project Name	Address	Tenure	Income Level			Market Rate	Total Units
			Very Low	Low	Moderate		
AgeSong Assisted Living	4050 Horton St.	Rental	0	0	0	125	125
1260 64th St.	1260 64th St.	Ownership	0	0	0	2	2
TOTALS			0	0	0	127	127

3. Regional Housing Need Allocation: The Association of Bay Area Governments (ABAG) Executive Board adopted the final Regional Housing Need Allocation (RHNA) for Bay Area jurisdictions on March 20, 2008. The RHNA covers the period July 1, 2006 through June 30, 2014 and represents the number of housing units, by income level, for which cities and counties must plan through zoning and other regulatory and programmatic means.

Progress Toward ABAG Housing Goals

	Income Level				Total Units Permitted
	Very Low	Low	Moderate	Market Rate	
Building Permits Issued: 7/1/06-12/31/06	5	6	18	95	124
Building Permits Issued: 1/1/07-12/31/07	0	4	18	123	145
Building Permits Issued: 1/1/08-12/31/08	0	0	0	127	127
Total Building Permits Issued 7/1/06-12/31/08	5	10	36	345	396
ABAG RHNA Housing Goals 7/1/06 – 6/30/2014	186	174	219	558	1137
Percentage of Housing Goals Met in 7/1/06-12/31/08 period as % of 7/1/06-6/30/14 Goal*	3%	6%	16%	62%	35%

* As of 12/31/08, 31.3% of RHNA Goal Period has elapsed.

B. ATTAINMENT OF HOUSING GOALS AND OBJECTIVES

1. ACTIONS TAKEN

Goal I. Preserve existing housing stock.

Objective I-A. Promote preservation of existing housing through the Emeryville Housing Rehabilitation Program. Emeryville's Housing Rehabilitation Program will provide funding for 17 projects per year.

Emeryville's Housing Rehabilitation Program is funded through federal Community Development Block Grant (CDBG) funds received on an annual basis, and Redevelopment Agency housing funds. A total of 9 projects were funded under this Program in 2008.

Two projects were funded utilizing CDBG funds in 2008, as follows:

- one exterior paint grant
- one minor home repair grant

Seven projects were funded utilizing Redevelopment Agency funds in 2008, as follows:

- three exterior paint grants
- two minor home repair grants
- one housing rehab loan
- one accessibility grant

There were four applications that were dropped from the program due to a lack of owner participation. One of the owners advised that they did not want to participate due to the uncertainty of the housing market. Each of these applicants was advised that they could reapply at a later date if they so desire. Three applications were for exterior paint grants and the fourth was for the Multi-family Façade Program.

Program I-A-1. Increase funding for the Emeryville Housing Rehabilitation Program on a demand basis up to 50% through a combination of Redevelopment and Community Development Block Grant (CDBG) funds.

CDBG funding has seen a minor reduction in the allotment that the City receives from Alameda County. The City does receive program income payments from loan pay-offs and monthly loan payments. In 2007, the Redevelopment Agency approved an increase in funding to the Housing Rehabilitation Program. The annual funding increased from \$100,000 to \$290,000 annually. The increase benefits both low and moderate-income households, for whom funding is available.

The Non-housing Redevelopment Tax Increment Fund has been used to add the following grant programs, which are available to all property owners regardless of income levels: concrete buyback, wrought iron fence, multi-family façade improvement and graffiti abatement. The graffiti program is also available for commercial properties. The multi-family façade improvement program will use housing funds if properties qualify. Though an interest has been

shown in this program by two property owners, no applications have been received to date. An application was received last year (2007), but the property owner opted to withdraw from the program this year.

Program I-A-2. Make all types of rehabilitation loans and grants available to both homeowners and landlords. Make major accessibility grants available to homeowners, and make seismic retrofit loans and minor repair grants available to landlords.

Minor home repair and seismic retrofit grants are for low-income homeowners as they are funded with federal Community Development Block Grants (CDBG) funds, which may only be made available to households up to 80% of the area median income (AMI). The minor home repair grants are very small (\$1,000) and are for repairs such as plumbing, electrical work, locks and broken windows. If more expensive repairs are necessary, the seismic retrofit grant program for owner-occupied units can be supplemented with the owner-occupied loan program.

All other programs (exterior paint grants, accessibility grants, and rehabilitation loans) are open to owners of low and moderate owner-occupied units and to rental property owners who own property occupied by low-to-moderate income tenants. These programs are funded with both CDBG and Redevelopment housing funds, the latter of which can be made available to households up to 120% of AMI.

Program I-A-3. Continue existing marketing and establish new marketing efforts for the Emeryville Housing Rehabilitation Program, directed to landlords and homeowners in the historic residential neighborhoods east of Hollis Street and east of San Pablo Avenue.

The City has marketed the rehabilitation program through Emeryville News (the Chamber's version is now called Emeryville Connection), which the City and Chamber of Commerce send to each resident and business in the city. Staff has marketed the program at neighborhood meetings. Information on the Rehabilitation Program is also found on the City's website on the Economic Development and Housing Department webpage.

Objective I-B. Maintain and improve existing housing, especially the historic neighborhoods east of Hollis Street and east of San Pablo Avenue.

Policy I-B-1. Continue the Community Preservation Program to improve maintenance of residences in the historic neighborhoods. Provide rehabilitation program information and conduct code inspections on a case-by-case basis.

The Community Preservation Committee administers this program, assisted by the Community Preservation Officer and City Attorney. The program includes code inspections and cooperation with other city departments to resolve maintenance issues with property owners city-wide. In 2000, a Deputy City Attorney was hired to help with code enforcement. An interdepartmental Community Preservation Committee, supported by staff, meets monthly to track progress with all problem properties.

Program I-B-2. Continue the “Emeryville Is Proud” award program for well maintained residential and commercial properties.

This program was discontinued due to limited staff resources. Also, most properties are well maintained in the City through residents’ and business owners’ initiative as well as the availability of the Housing Rehabilitation Program.

Objective I-C. Replace affordable housing that must be demolished as part of a City action.

Policy I-C-1. Continue to review aggregate housing demolition and construction in the City each year, and review the overall housing provision plan to confirm that there will be no net loss through demolition of very low, low and moderate income units.

In October of 2006, the City adopted an ordinance that requires City Council approval for the demolition of any residential unit. A residential demolition permit must be accompanied by entitlements for the replacement structure (i.e. use permits, design review, and any required variances), which must be approved by the City Council, and the replacement structure must provide at least as many units as are demolished. No residential units were demolished in 2008.

Goal II. Promote a variety of housing types and affordability levels.

Objective II-A. Support development of new housing for very low, low and moderate income households to meet Emeryville’s fair share allocation of regional affordable housing need, as established by the Association of Bay Area Governments. Develop 104 very low income units and 73 low income units using the Redevelopment Agency’s Low and Moderate Income Housing Fund and seeking funding for the remaining units.

Policy II-A-1. Make very low and low income housing a priority for use of the Redevelopment Agency’s Low and Moderate Income Housing Fund (LMIHF).

Oak Walk Project: In 2007, \$440,000 in funding was appropriated by the Redevelopment Agency through its Housing Capital Fund to establish four units within the 53-unit Oak Walk Condominium development as Below Market Rate (BMR) lower income units. Funding was appropriated through the Agency’s Ownership Housing Assistance Program (OHAP), which provides low interest, deferred payment, “silent second” mortgages to lower income first time homebuyers in an amount up to \$110,000 per loan. During 2008, the Oak Walk Condominium Project was under construction and will be completed in 2009. The four BMR units in the Oak Walk Condominium Project will be sold and utilize the OHAP funding during 2009.

Vue46: In 2008, marketing and sales for the BMR Units in the Vue46 Project was undertaken and nearly completed. Three of the nine BMR Units in this project were reserved for lower income households through an appropriation of \$330,000 of OHAP funding. The lower income units were sold in 2008.

Glashaus Project: The Glashaus Lofts project was completed in two phases. The first “Townhome” phase was completed in 2007 and the second “Podium” phase was completed in 2008. The total project, including both phases, contains 145 units, of which 29 are designated BMR units. Of these, 18 are reserved for moderate income households, six for low income

households, and five for very low income households, pursuant to an Agreement on Affordable Units between the developer and the City. Through the Redevelopment Agency, the Project received an appropriation of \$1.76 million in OHAP funds for the eleven very low and low income units, \$930,000 of which is funded through Agency Housing Capital Funds (the Low and Moderate Income Housing Fund), and \$830,000 from the Agency's allocation of State Calhome funds and CalHFA HELP funds.

In 2007, three of the units in the Townhouse Phase of the Project for lower income households closed escrow (totaling \$330,000). In 2008, one low income household purchased a townhome utilizing \$80,000 in HELP and \$30,000 in Agency OHAP funding. In addition, six additional moderate income units were sold in the Townhouse Phase in 2007 and 2008. One of the Townhouse Phase I BMR units is currently available as it fell out of contract in 2008.

The marketing and sales program for the Podium phase began in spring 2008 for the remaining two low income and five very low income units available, as well as eleven moderate income units available in this Phase. As of the end of 2008, one of the Glashaus Podium Phase II low and very low income units closed escrow, utilizing \$140,000 in Agency OHAP funding and \$80,000 in HELP funding. Marketing efforts for the Glashaus BMR units will continue into 2009. Three additional lower income BMR units are in contract, scheduled to close in 2009.

4001 Adeline Four-Plex Project: In December 2008, the Redevelopment Agency approved an Exclusive Right to Negotiate Agreement with Housing Consortium of the East Bay (HCEB) to renovate a four-plex for five studio units serving very low income households with developmental disabilities. It is contemplated that a Disposition and Development Agreement will be prepared for consideration by the Agency in 2009 to convey the four-plex property through a land write-down and additional housing subsidy to enable the project to commence construction.

Housing Compliance Plan: In October 2007, the Agency adopted a mid-cycle amendment to the Ten-Year Housing Compliance Plan covering the period 2005 through 2014. This document outlines the Agency's projected expenditures and programs for the Housing Compliance Plan period, and includes several projects to be implemented over the period that will contain low and very low income units. The Housing Compliance Plan also demonstrates, in compliance with the State Community Redevelopment Law, that the Agency will spend its Low and Moderate Income Housing Fund dollars for very low and low income households in at least the same proportion as the Regional Housing Need Allocation (RHNA) assigned for the City of Emeryville. The Agency's 2007-2014 RHNA for very low income category is 16% of the total allocation of 1,137 units – during the Agency's ten-year Housing Compliance Plan period, it is expected to spend 50% of its funding availability for this income level. The RHNA for the low income category is 15% of the total allocation; the Agency's projected ten-year expenditures for this income level are 22% of its total resources.

Policy II-A-2. Include some low and very low income housing in Redevelopment Agency assisted development projects whenever feasible.

Projects completed in 2008 with low or very low income units include the following:

- The Podium Phase of the Glashaus Project includes five very low income units and two low income units.

Projects under construction during 2008 will include low or very low income units. These include the Oak Walk New Construction Condos, which will include four low income ownership units, and Adeline Place, which through a Disposition and Development Agreement under review may be revised to include three lower income ownership units.

Program II-A-3. Continue funding for the Vacant Housing Program, which provides first-time home buyer opportunities for low and moderate-income households.

The Vacant Housing Program (also known as the Infill program), which was a Redevelopment Agency-funded and developed first-time homebuyer housing program, has become obsolete as the private sector has taken the main initiative to renovate residential properties and construct infill housing. The last Vacant Housing Program units were developed in 1998. It is not expected that this program will be continued in the next housing element period.

Program II-A-4. Expand the First-Time Homebuyers Program to provide 1.5 times buyer's down payment up to 15% of purchase price for low and moderate-income households.

The First Time Homebuyers Program guidelines have been amended to include this program provision.

In 2008, 19 households benefited from the First-Time Homebuyer Program. Other home ownership programs include the Ownership Housing Assistance Program (eight loans) and HELP Program (eight loans), both of which provide down payment assistance loans to lower income households purchasing Below Market Rate Units.

Also in 2008, the City implemented its "Foreclosure Prevention and Predatory Lending Prevention Program", a program which is continuing to be implemented in 2009. This program was adopted by the Emeryville City Council in December 2007 in response to the growing incidence of foreclosures throughout the region in late 2007. The City's strategy includes providing information and referral information to property owners who are in default, tracking foreclosure data, convening workshops for homeowners on foreclosure prevention, providing free housing counseling to Emeryville residents who are participants in a City homebuyer or rehabilitation loan program who having difficulty making their mortgage payments or are in default on their first mortgages, updating the City's website to include relevant information and referrals to federally approved housing counseling agencies, distributing information throughout the City and at City Hall, and working with other local jurisdictions, the Emeryville Chamber of Commerce, and local mortgage lenders to do community outreach and education.

Program II-A-5. Leverage State and Federal funding programs to maximize the number of affordable units and/or the number of units available to low and very low income households, whenever possible.

In 2008, The City applied for and received a \$900,000 grant from the State Housing and Community Development Department CalHOME Program. The City previously applied for and received a \$1.5 million loan from the CalHFA HELP Program. These programs are being used to provide \$58,000 silent second, down payment assistance loans in combination with funding from the Agency's LMIHF (\$52,000 for low income buyers, and \$162,000 for very low income buyers) for combined loans of up to \$110,000 for low income buyers, and \$220,000 for very low income buyers. During 2008, eight HELP loans were funded: three in Vue 46, two in Glashaus

phase II, two in the Terraces at Emery Station, and one in Oliver Lofts. The CalHOME 2008 award was not yet available in 2008.

Program II-A-6. Encourage and facilitate the conversion of underutilized industrial sites to mixed-use or residential projects that include low and very low-income units.

The City has used assessment loans, grants and cleanup loans, along with a City consultant to expedite hazardous material review, to assist for-profit developers in developing residential projects on former industrial sites. In 2008, one project was completed on a brownfield site, Icon at Park Avenue. The remediation of the Icon property began in the 1990s, which was previously used as a plating facility. The remediation of the Icon Park Avenue site involved treatment of the groundwater with injections of molasses and cheese whey to neutralize the hexavalent chromium and volatile organic compounds. The regulatory agency also required that the site be capped with an impervious surface and that no living areas be located on the first floor. This project included three very low income units and five low income units.

Objective II-B. Amend the Zoning Ordinance to better facilitate the development of affordable housing, and retain existing affordable housing policies.

Policy II-B-1. Within a year after adoption of this Housing Element, change the regulations for multiple-use projects so that the Planning Commission may choose to exempt residential square footage from the floor area ratio (FAR, ratio of floor area to site area) calculations for a project, with a Conditional Use Permit. The revised regulation could include findings necessary to grant such an exemption, such as transit access or a mechanism to reduce the number of automobiles per unit.

In November of 2002, the Zoning Ordinance was amended to allow residential space exemption from the FAR in multiple use projects.

Policy II-B-2. Maintain the Affordable Housing Set-Aside Ordinance, requiring projects with 30 units or more to provide 20% of the units affordable to moderate, low or very low income households.

The Affordable Housing Set-Aside Ordinance has been implemented in 2008. In June 2008, the City Council approved a revision to the Ordinance that stipulates that rental projects of thirty or more units include six percent (6%) of the total project units as designated very low income BMR units, and nine percent (9%) of the total project units as designated moderate income BMR units. This represents a revision from the previous requirement that twenty percent (20%) of the total project units be designated at the moderate income level. Projects of thirty or more units that are approved by the Planning Commission have language included in the project Conditions of Approval requiring the applicant to comply with the Ordinance. Due to the slow-down in the economy, the City did not enter into any "Agreement on Affordable Units" in 2008 in connection with approved projects. However, projects that have been approved by the Planning Commission in 2008 for which an "Agreement" is anticipated to be negotiated and entered in 2009 include the Papermill project, a 165-unit rental project proposed by Archstone-Smith at the southeast corner of Powell/Hollis Streets, and the MacArthur/San Pablo mixed use project, which includes 94 units.

Policy II-B-3. Continue the affordable housing density bonus, and Group Residential and Group Care as conditionally permitted uses. Within a year after adoption of this Housing Element, list emergency shelter and transitional housing in the definition of Group Residential.

In November of 2002, the Zoning Ordinance was amended to list emergency shelter and transitional housing in the definition of Group Residential. In June of 2006, the Zoning Ordinance was amended to add Group Care as a conditionally permitted use in the I-L zone.

Objective II-C. Encourage a variety of housing types and settings, energy efficiency and water conservation.

Policy II-C-1. Encourage non-traditional group housing, live-work units and housing in multiple-use projects and mixed-use areas.

One mixed-use project was completed in 2008: Glashaus Lofts Podium Phase (live-work units and a Café on ground floor). Under construction in 2008 were Adeline Place (2,400 sq. ft. of retail) and Oak Walk Mixed Use Project (residential/commercial mixed use development with 5,500 square feet of retail space).

Policy II-C-2. Encourage residential and live-work development in industrial areas where appropriate.

Residential projects completed on former industrial properties in 2008 include Glashaus Lofts Podium Phase (145 units both phases), and Icon at Park Avenue (54 units).

Policy II-C-3. Encourage energy-efficient, water-conserving construction.

The City now requires project plans at the planning approval and building permit stage to show which of Build it Green's Greenpoint Rating Checklist items or the appropriate LEED checklist items the project follows. The City has adopted Bay-Friendly Landscaping and LEED for its own projects and landscapes. These would apply to private projects for landscaping in the public right of way, as well as projects involving the Redevelopment Agency.

Goal III. Promote housing for special needs groups.

Objective III-A. Support development of affordable housing for single-parent families in transition, people with AIDS, seniors, large families, disabled people, and artists who have very low, low and moderate incomes. Ways to support housing for special needs groups include providing funding and technical assistance for the development of housing and the establishment of cooperatives.

Program III-A-1. Support development of service-enriched transitional housing for single-parent families who have been displaced by economic problems or domestic violence.

No action has been taken in 2008.

Program III-A-2. Support the inclusion of Shelter-Plus-Care units (rent-assisted units for people with mental illness, substance abuse and/or AIDS-related illness) in some multi-unit projects.

These units could be combined with other programs, and could be used to meet part of the 20% Affordable Housing Set-Aside requirement.

No action has been taken in 2008.

Program III-A-3. Support development of affordable 3- to 4-bedroom units for large families (families with five or more members) in appropriate projects.

Among projects currently under construction, the 62-unit Oak Walk Mixed Use Project includes seven 3-bedroom units. In 2008, permits were issued for a project on 1260 64th Street, comprised of two 3-bedroom units. The City's Housing Committee and Planning Commission continue to support and encourage projects that contain larger units.

Program III-A-4. Support development of affordable housing for disabled people in small households.

In 2008, the Redevelopment Agency issued a Request for Qualifications and Proposals for an Agency-owned four-plex property at 4001 Adeline Street to solicit proposals for its redevelopment as affordable rental housing. In late 2008, the Agency entered into an Exclusive Right to Negotiate Agreement with Housing Consortium of the East Bay to renovate the four-plex as five studio units serving single-person households with developmental disabilities. The ground floor units will be made fully accessible and targeted to developmentally disabled people who have physical disabilities. This project is located at a major bus hub.

Program III-A-5. Support the development of affordable housing including Shelter-Plus-Care units for people with AIDS-related illness.

No action has been taken in 2008

Program III-A-6. Support development of affordable assisted-living and independent senior housing.

No action has been taken in 2008.

Program III-A-7. Support development of transitional housing for veterans with physical disabilities, mental disorders and substance abuse problems.

No action has been taken in 2008.

Program III-A-8. Support development of affordable live-work space for artists.

No action has been taken in 2008.

Objective III-B. Support assistance for veterans, teachers and public safety employees in obtaining housing in Emeryville.

Program III-B-1. Support assistance for veterans with physical disabilities, mental disorders and substance abuse problems to live in residential treatment centers, supervised work settings, or transitional or permanent housing.

No action has been taken in 2008.

Program III-B-2. Offer additional home loan assistance to low and moderate income Emery Unified School District employees, and moderate income Emeryville Police and Fire Department staff. Actively pursue funding to assist with this program.

The City offers more favorable homebuyer loan terms for teachers in the Emery Unified School District and all city employees by waiving the down payment requirement; by providing City low-interest rates, deferred payment loans up to 20% of the purchase price; and by waiving the first time homebuyers requirement. No EUSD teachers or City employees were assisted in 2008.

Goal IV. Promote equal opportunity in housing.

Objective IV-A. Prevent and redress discrimination based on race, color, ancestry, national origin, religion, familial status, sex, marital status, sexual orientation, age, disability or source of income.

Program IV-A-1. Continue to have a contract with Housing Rights or another fair housing counseling organization to provide fair housing counseling, tenant-landlord mediation, public education and legal referrals.

Through its participation as a member of the Alameda County Urban County, which is an entitlement jurisdiction for federal Community Development Block Grant funds, the Urban County enters into a contract with Berkeley-based Housing Rights, Inc. to provide fair housing services to Emeryville residents.

Program IV-A-2. Effectively market the availability of the fair housing counseling service through a variety of means.

The counseling service is advertised on the public service television channel and in local periodicals. Information is also available at the City Hall reception area and on the Economic Development and Housing Department's webpage under Community Resources.

2. EFFECTIVENESS AND OUTCOMES

Goal I. Preserve existing housing stock.

In 2008, the Housing Rehabilitation Program helped fund nine projects for the preservation of existing housing, ranging from paint grants to minor repair grants. Though no residential demolition permits were issued in 2008, the demolition of any residential units in the City must be approved by the Emeryville City Council, along with entitlements for a replacement structure.

Goal II. Promote a variety of housing types and affordability levels.

A number of residential projects had been completed in 2008. These projects include Glashaus Lofts and Townhomes (97 units), Salem Manor (3 units), Vue 46 (47 units), Icon at Doyle (27 units), and Icon at Park (54 units). Altogether, these ownership and rental projects produced

eight very low-income units, fourteen low-income units, and 30 moderate-income units. During the calendar year, the Housing Consortium of the East Bay was chosen to renovate a four-plex of five studio units, serving very low-income households with developmental disabilities. Projects with affordable units that were under construction during 2008 included the Oak Walk Mixed Use Projects, with four low-income units, as well as Adeline Place, which may include 3 lower-income ownership units.

The City of Emeryville requires that all projects of 30 or more units must comply with the City's Affordable Housing Set Aside Ordinance, which requires that 20% of the units in ownership projects be set aside for very-low, low, and moderate income households and 9% of the units in rental projects be set aside for moderate income households and 6% for very low income households.

Goal III. Promote housing for special needs groups.

The City will consider any proposals that are made for special needs housing. In 2008, the City Council approved the first draft of its 2009 Housing Element which was forwarded to the State Housing and Community Development Department (HCD) in July 2008 for initial comment. The draft 2009 Housing Element contains a number of new policies and programs specific to support of special needs housing. The final 2009 Housing Element will be completed in 2009 and submitted to State HCD by its June 30th deadline.

Goal IV. Promote equal opportunity in housing.

Anti-discrimination clauses are standard in the City and Agency's agreements with housing developers, and failure to comply with fair housing laws is a violation of the City and Agency's agreements. The City, through its participation in the Urban County, contracts with Housing Rights, Inc. to provide fair housing counseling services to both tenants and landlords.

C. PROGRESS TOWARD MITIGATING GOVERNMENTAL CONSTRAINTS IDENTIFIED IN THE HOUSING ELEMENT.

The Zoning Ordinance was amended in November 2002, changing the regulations for multiple-use projects to exempt residential square footage from the floor area ratio with a Conditional Use Permit, and listing emergency shelter and transitional housing in the definition of Group Residential. It was further amended in June of 2006 to add Group Care as a conditionally permitted use in the I-L zone.

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RESOLUTION NO. 09-48

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE APPROVING THE ANNUAL PROGRESS REPORT ON IMPLEMENTATION OF THE HOUSING ELEMENT OF THE GENERAL PLAN FOR 2008 AND AUTHORIZING SUBMITTAL TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

WHEREAS, California Government Code Section 65400 requires cities to prepare annual progress reports on implementation of housing elements of general plans; and

WHEREAS, an annual progress report on implementation of the Housing Element of the General Plan for Calendar Year 2008 ("the report") has been prepared; and

WHEREAS, on March 17, 2009 the City Council of the City of Emeryville reviewed the report; now therefore, be it

RESOLVED, that the City Council of the City of Emeryville approves the report and finds that the report accurately reflects the City's progress in implementing the Housing Element of the General Plan; and be it

FURTHER RESOLVED, that the City Council authorizes submittal of the report, attached hereto as Exhibit "A", to the California Department of Housing and Community Development, as required by statute; and be it

FURTHER RESOLVED, that the City Council has confirmed that the report is not a project as defined in CEQA Guidelines Section 15378 because it is an administrative activity that has no potential for resulting in a change in the environment.

APPROVED by the City Council of the City of Emeryville at a regular meeting held on Tuesday, March 17, 2009, by the following votes:

AYES: (5) Mayor Kassis, Vice Mayor Bukowski and Councilmembers Atkin, Davis & Fricke

NOES: (0) None ABSTAINED: None

EXCUSED: None ABSENT: None

[Signature]
MAYOR

ATTEST:
[Signature]
CITY CLERK

APPROVED AS TO FORM:
[Signature]
CITY ATTORNEY

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