



Emeryville City Hall
1333 Park Avenue
Emeryville, CA 94608

(510) 596-4300 phone
(510) 450-7831 fax

www.emeryville.org

CITY OF EMERYVILLE

MINUTES

City Council

Members:

Tuesday, October 20, 2015

7:16 PM

Council Chambers

1. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE

Motion was called to order at 7:24 pm.

Present: 5 - Mayor Ruth Atkin
Vice Mayor Nora Davis
Council Member Jac Asher
Council Member Scott Donahue
Council Member Dianne Martinez

2. SPECIAL ORDERS OF THE DAY

- 2.1. [ID-2015-570](#) Proclamation Declaring October 21, 2015 Unity Day - Bullying Prevention and Awareness Day in Emeryville (Mayor Atkin/Pedro Jimenez)

Consensus motion to approve the proclamation.

3. PUBLIC COMMENTS

The following public comments were received:

1. Richard Ambro, Commission on Aging: expressed support for the anti-bullying proclamation and requested that the City Council consider adopting a variety of tenant protections.
2. Mary Farrell, Commission on Aging: voiced support for tenant protection; commented upon Police Chief Tejad's attendance at the Watergate Condominiums homeowners meeting; and also on noise issues at Trader Vics.
3. Fran Giapetta, resident: commented on noise issues at Trader Vics.
4. Barbara Singleton, resident: expressed support for the anti-bullying proclamation.
5. Andre Carpiaux, resident: commented upon recent City actions address building code violations at his property and expressed support for the renewal of Trader Vic's caberet license.

4. CITY MANAGER'S REPORT

City Manager Carolyn Lehr announced the upcoming City-sponsored Harvest in the Park Celebration.

5. CONSENT ITEMS

Approval of the Consent Agenda

A motion was made by Vice Mayor Davis, seconded by Council Member Donahue, to approve the Consent Agenda. The motion carried by the following vote:

Ayes: 5 - Mayor Atkin, Vice Mayor Davis, Council Member Asher, Council Member Donahue, and Council Member Martinez

- 5.1. [ID-2015-571](#) Warrants. (Maria Oberg)

A motion was made to approve the Warrants.

- 5.2. [ID-2015-579](#) Action Minutes, October 6, 2015 City Council / City of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Special Closed Session Meeting (Karen Hemphill)

A motion was made to approve the Minutes.

- 5.3. [ID-2015-580](#) Action Minutes, October 6, 2015 Emeryville City Council Regular Meeting (Karen Hemphill)

A motion was made to approve the Minutes.

- 5.4. [ID-2015-566](#) Resolution of the City Council of the City Of Emeryville Approving and Authorizing an Inter-Fund Loan in the Amount of \$1,802,269.68 from Fund 275 (Reserve for Economic Uncertainty Fund) to Fund 298 (Housing Assets Fund) and Appropriating Funds in the Housing Asset Fund 298 in Order to Make Timely Debt Service Payments Due November 8, 2015, Pursuant to Promissory Notes Held by the Charles A. and Elizabeth C. Leone Living Trust and the Miriam N. Flynn Trust One UAD 10/5/2001, as well as Payment to the State Franchise Tax Board, Which Notes are Secured by Deeds of Trust Encumbering 5890 and 5900 Christie Avenue, Emeryville, California. (Michael Guina)

A motion was made to approve the Resolution.

Enactment No: 15-127

- 5.6. [ID-2015-569](#) Resolution Of The City Council Of The City Of Emeryville Revising The Composition Of The Economic Development Advisory Committee To Reassign The Seat Designated For A Representative From The Emeryville Chamber Of Commerce To A

Representative From The Emeryville Business Community And Amending The 2015 Roster Of Boards, Commissions, And Committees Accordingly (Charles S. Bryant / Michelle E. De Guzman)

A motion was made to approve the Resolution.

Enactment No: 15-129

6. PUBLIC HEARINGS

6.1. [ID-2015-537](#) Regulations and Development Bonuses for Multi-Unit Residential Uses and Affordable Housing Impact Fee (Charles S. Bryant)

6.1.1. [ID-2015-538](#) Resolution Of The City Council Of The City Of Emeryville Amending The General Plan To Reduce The Base Levels For Floor Area Ratio, Building Height, And Residential Density

The public hearing was opened at 8:23 pm. and closed at 8:35 pm. The following public comment was received:

1. Kevin Mar, Sherwin Williams representative: requested unit mix flexibility.
2. Gregory McConnell, Jobs and Housing Coalition: raised concerns that the proposed regulations may result in less built housing.
3. Sharon Wilchar, resident: raised concerns about density; commented that the developer approval process should be open and transparent to the public; and raised concerns that less built parking would cause a reliance on street parking.
4. Tim Curran, resident: commented that the proposed regulations should be further studied.
5. Betsy Cooley, resident: supported amending the proposed regulations to permit the incorporation of up to 10% studio apartments within a housing development as recommended by the Planning Commission.
6. Brian Donahue, resident: supported a prohibition on studio apartments and minimal flexibility in regulations.

A motion by Councilmember Asher and seconded by Councilmember Donahue to approve the resolution.

Ayes: 5 - Mayor Atkin, Vice Mayor Davis, Council Member Asher, Council Member Donahue, and Council Member Martinez

Enactment No: 15-129

6.1.2. [ID-2015-539](#) Resolution Of The City Council Of The City Of Emeryville Increasing The Affordable Housing Impact Fee On Rental Residential Projects To \$28,000 Per Dwelling Unit

The public hearing was opened at 8:50 pm. and closed at 8:56 pm. The following public comments were received:

1. Tim Curran, resident: commented that the proposed impact fee should be further studied before Council took action and supported higher impact

fees and incorporation of a higher percentage of affordable housing units.

2. Brian Donahue, resident: supported higher impact fees.

A motion by Councilmember Martinez and seconded by Councilmember Donahue to approve the resolution.

Ayes: 5 - Mayor Atkin, Vice Mayor Davis, Council Member Asher, Council Member Donahue, and Council Member Martinez

Enactment No: 15-130

6.1.3. [ID-2015-540](#)

Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations In Title 9 Of The Emeryville Municipal Code Relating To Multi-Unit Residential Development To Address Unit Mix, Family Friendly Design, Affordable Housing, And Ownership Housing

The public hearing was opened at 9:00 pm. and closed at 9:07 pm. The following public comment was received:

1. Tim Curran, resident: commented that the proposed ordinance should be further studied before Council took action; commented that the proposed ordinance amendments were too moderate in their scope; and commented that the approval process should be open and transparent.

2. Brian Donahue, resident: commented that the proposed ordinance amendments were too moderate in their scope.

A motion by Councilmember Martinez and seconded by Councilmember Asher to approve the first reading of the ordinance by title only.

Ayes: 5 - Mayor Atkin, Vice Mayor Davis, Council Member Asher, Council Member Donahue, and Council Member Martinez

Motion by Councilmember Asher and seconded by Councilmember Martinez to approve the first reading of the ordinance as amended as follows:

1. In Table 9-4.204(e), "Community Benefits and Bonus Points", item (7), "Flexible Community Benefit" was modified to add "...based on 10 points for every 1% of project construction valuation" in the "Point Calculation" column, and to add "An example would be Universal Design features beyond those required by applicable building codes." in the "Requirements" column.

2. In Section 9-4.404(f) of the parking requirements were modified to delete Section 9-4.404(f)(1) and the introductory clause of Section 9-4.404(f)(2), and to redesignate Section 9-4.404(f)(2)(a) as Section 9-4.404(f)(1) and Section 9-4.404(f)(2)(b) as Section 9-4.404(f)(2). Table 9-4.404, "Estimated Parking Demand", was modified to read as follows:

Single Unit 1.0 dwelling unit

Two Unit and Multi-Unit

All Except Senior and Low Income Housing

Resident Parking 1.0 dwelling unit

Guest Parking for developments with 5+ units 0.2 dwelling unit

Senior and low income housing

Resident Parking	0.5	dwelling unit
Guest Parking for developments with 5+ units	0.2	dwelling unit
Mobile Home Park	1.0	mobile home

3. In the new Article 20 of Chapter 5 of the Planning Regulations, Section 9-5.2003(b) under "Unit Mix" was modified as follows: "(b) No fewer than 15% of all units in the development shall have three or more bedrooms."

4. In the new Article 20 of Chapter 5 of the Planning Regulations, Section 9-5.2008(a) under "Transportation Demand Management" was modified to read as follows:

(a) TDM Plan. As part of the development application, the developer shall submit a TDM plan for approval by the Planning Commission or City Council, as the case may be, in conjunction with approval of the development. Compliance with the approved TDM plan shall be a condition of approval of the development. The TDM plan shall be implemented for a minimum of 40 years following issuance of a certificate of occupancy. The primary goal of the TDM plan shall be to ensure that the average Vehicle Miles Traveled (VMT) by residents of the development is less than the average citywide VMT. Such plan may include, but is not limited to, free transit passes for residents, free car sharing memberships for residents, free bike sharing memberships for residents, transportation information displays, and transportation information packets for residents. The plan shall include an annual survey of residents of the development to measure the plan's success at achieving its primary goal; such annual surveys shall be made available to the Community Development Director upon request. The Community Development Director may require modifications to the plan if it does not appear to be meeting its primary goal based on the annual survey.

Ayes: 5 - Mayor Atkin, Vice Mayor Davis, Council Member Asher, Council Member Donahue, and Council Member Martinez

7. ACTION ITEMS

- 7.1. [ID-2015-565](#) Resolution Of The City Council Of The City Of Emeryville Approving The Purchase Of Artwork For The City's Annual Purchase Award Program Entitled "Dancing Hands" By Emeryville Artist Jeff Margolin And Appropriating \$13,500 From The Public Art Fund (Fund 243) To Fund The Purchase And Installation Of The Artwork (Charles S. Bryant / Michelle De Guzman / Amber Evans)

A motion by Councilmember Asher and seconded by Councilmember Donahue to approve the resolution.

Ayes: 5 - Mayor Atkin, Vice Mayor Davis, Council Member Asher, Council Member Donahue, and Council Member Martinez

Enactment No: 15-131

- 7.2. [ID-2015-567](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Agreement

With Biggs Cardosa Associates Inc. In An Amount Not To Exceed \$400,740 For The Design Update Of The South Bayfront Pedestrian Bicycle Bridge, CIP# 16475006 (Maurice Kaufman)

A motion was made by Vice Mayor Davis and seconded by Councilmember Donahue to approve the resolution.

Enactment No: 15-132

8. CITY AS HOUSING SUCCESSOR

9. COMMUNICATION AND REPORTS

9.1 Department Heads

- 9.1.1. [ID-2015-575](#) Community Advisory Committee Vacancies (Karen Hemphill)

9.2 Council Members

1. Councilmember Martinez requested that the City Council hold a community workshop to elicit input on proposed city priorities as part of the FY17 and FY16 budget process.
2. Councilmember Asher announced the upcoming Parents Night Out sponsored by the Community Services Department.

9.3 Council Members Reporting on Meetings Attended

10. COMMUNITY ADVISORY BODY VACANCIES

11. ADJOURNMENT

The meeting was adjourned at 10:26 pm.

THE NEXT REGULAR MEETING WILL BE ON NOVEMBER 3, 2015, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608