



CITY OF EMERYVILLE  
**AGENDA**  
City Council

Emeryville City Hall  
1333 Park Avenue  
Emeryville, CA 94608  
(510) 596-4300 phone  
(510) 450-7831 fax  
[www.emeryville.org](http://www.emeryville.org)

Members:

Mayor Christian R. Patz  
Vice Mayor Dianne Martinez  
Council Member John J. Bauters  
Council Member Scott Donahue  
Council Member Ally Medina

--AMENDED--

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**Tuesday, May 5, 2020**

**7:16 PM**

**Council Chambers**

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A complete copy of the agenda packet is available on the city's website at <http://emeryville.org/88/video-agendas-reports-minutes-archive>. Before the Council meeting, all writings that are public records and relate to an agenda item below which are distributed to a majority of the legislative body less than 72 hours prior to the meeting noticed above will be made available as "late correspondence" and will be published on the agenda beneath the relevant agenda item. The meeting is shown live on the City of Emeryville television channel (ETV), cable channel 27, and will be rebroadcast as part of the regular City Council, Successor Agency, Community Development Commission, Management of Emeryville Services Authority (MESA) and related meetings according to the published ETV schedule of programs. Council meetings will also be available to view through live media streaming accessible from the City of Emeryville website at <http://www.emeryville.org>.

You can request free copies of the Emeryville City Council, Successor Agency, Community Development Commission, Management of Emeryville Services Authority (MESA) and related agendas in digital format for the current calendar year by going to our website at <http://www.emeryville.org> and clicking on "Notify Me". Simply fill out your information, check "City Council Agendas", and click the "Subscribe" button. By doing so, you will automatically receive all of the agendas for the year via email.

**INFORMATION FOR REGULAR MEETING DURING SHELTER IN PLACE ORDER  
(effective 3/17/2020-5/31/2020):**

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20, a local legislative body is authorized to hold public meetings via teleconferencing and to make public meetings accessible only telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body during the current health emergency. As such, the City will provide various options for the public to participate in the conduct of the meeting remotely.

The City will further adhere to the means otherwise prescribed by the Brown Act, which allows members of the public the right to observe and offer public comment during the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, the City will use sound discretion and make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

The City offers many ways for you to watch and participate in City matters without attending a meeting in-person. Our City Council meetings are streamed live here and on Emeryville TV. Additionally, public comment for Council agenda items can be submitted online via our new online speaker card when an agenda is posted here. Written comments can also be submitted by email to [city\\_council@emeryville.org](mailto:city_council@emeryville.org) or the City Clerk, Sheri Hartz, at [shartz@emeryville.org](mailto:shartz@emeryville.org). If you would like to support, oppose, or otherwise comment on an upcoming agenda item, please send in your comments prior to the meeting rather than attending a meeting in person.

All matters listed under CONSENT CALENDAR are considered to be routine and will all be enacted by one motion in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion to adopt. Persons who wish to speak on matters set for PUBLIC HEARINGS will be heard when the Presiding Officer calls for comments from those persons who are in support of or in opposition thereto. After persons have spoken, the Hearing is closed and brought back to Council level for discussion and action. There is no further comment permitted from the audience unless requested by the Council.

The speaker's time is limited to 3 minutes and can only be extended upon approval of the Presiding Officer. If you are submitting your comments using the online comment card, please be aware that they will be read aloud into the record and will still be limited to the 3-minute time limit.

In compliance with the Americans with Disabilities Act, a person requiring an accommodation, auxiliary aid, or service to participate in this meeting should contact the City Clerk's Office or ADA Coordinator at (510) 596-4300, as far in advance as possible but no later than 72 hours before the scheduled event. The best effort to fulfill the request will be made. Assistive listening devices are available for anyone with hearing difficulty from the City Clerk prior to the meeting, and must be returned to the City Clerk at the end of the meeting.

The AGENDA for this regular meeting is as follows:

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF FINAL AGENDA**
- 4. SPECIAL ORDERS OF THE DAY**
- 5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES**
- 6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE**
- 7. CITY MANAGER'S REPORT**

**8. EX PARTE COMMUNICATIONS****9. PUBLIC COMMENT FOR CONSENT AGENDA / ITEMS NOT ON THE AGENDA****10. CONSENT ITEMS**

- 10.1.**     [ID-2020-188](#)   Warrants. (Susan Hsieh)

**Attachments:**   [Staff Report](#)  
                          [Wire Transfers](#)  
                          [Check Register](#)

- 10.2.**     [ID-2020-191](#)   Action Minutes of the April 21, 2020 Emeryville City Council / Management of Emeryville Services Authority Special Closed Session. (Sheri Hartz)

**Attachments:**   [Action Minutes](#)

- 10.3.**     [ID-2020-192](#)   Action Minutes of the April 21, 2020 Emeryville City Council Regular Meeting. (Sheri Hartz)

**Attachments:**   [Action Minutes](#)

- 10.4.**     [ID-2020-187](#)   An Ordinance Of The City Council Of The City Of Emeryville Amending Chapter 40 Of Title 5 Of The Emeryville Municipal Code "Residential Landlord And Tenant Relations" To Revise The Definition Of Covered Units; CEQA Determination: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3) (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

**Attachments:**   [Staff Report](#)  
                          [Attachment 1 - Staff Report from April 21, 2020](#)  
                          [Proposed Ordinance](#)  
                          [APPROVED Ordinance No. 20-009](#)

## 11. PUBLIC HEARINGS

- 11.1. [ID-2020-183](#) Public Hearing in Accordance With Chapter 4 Of Title 7 Of The Emeryville Municipal Code Regarding Underground Utility Facilities To Consider The Formation Of The North Hollis Underground Utility District For The Conversion Of Aerial To Underground Utilities In An Area Generally Located On Hollis Street From Approximately 45 Feet South Of 59th Street To Approximately 135 Feet North Of 67th Street; On 61st Street From Doyle Street To Hollis Street; And On 62nd Street From Hollis Street To Doyle Street.

Resolution Of The City Council Of The City Of Emeryville Declaring The Formation Of The North Hollis Underground Utility District For The Conversion Of Aerial To Underground Utilities In An Area Generally Located On Hollis Street From Approximately 45 Feet South Of 59th Street To Approximately 135 Feet North Of 67th Street; On 61st Street From Doyle Street To Hollis Street; And On 62nd Street From Hollis Street To Doyle Street. (Michael Roberts)

**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A: North Hollis UUD](#)  
[Exhibit B: North Hollis UUD - GP Utility UG Progress](#)  
[Late Correspondence - Schmidt Cerf Real Estate Partnership](#)  
[Late Correspondence - Nicoley Collins](#)  
[APPROVED Resolution No. 20-40](#)

## 12. ACTION ITEMS

- 12.1. [ID-2020-186](#) Resolution Of The City Council Of The City Of Emeryville Approving Revision Of The Business License Tax And Fire Inspection Fee Rebate Program To Expand The Program To Cabaret License Fees And Sidewalk Sign Permit Fees And To Add Bars/Nightclubs/Lounges With 12 Or Fewer Locations As Eligible Businesses To Receive Rebates (Charles S. Bryant / Chadrick Smalley)

**Attachments:** [Staff Report](#)  
[Attachment 1 - Business Incentive Framework](#)  
[Attachment 2 - Eligible Business List](#)  
[Draft Resolution](#)  
[Exhibit A - Rebate Program Guidelines - Redline](#)  
[APPROVED Resolution No. 20-41](#)

- 12.2. [ID-2020-195](#) Update On Doyle Street Temporary Traffic Modifications Made To Accommodate Safe Social Distancing Along The Emeryville Greenway During The COVID-19 Pandemic Event. (Mary Grace Houlihan)

Attachments: [Staff Report](#)

- 12.3. [ID-2020-193](#) Discussion On Requesting Additional Protocols And Protections For Workers Of Essential Businesses Providing Retail Services. (Sheri Hartz)

Attachments: [Staff Report](#)

### 13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2020-161](#) Planning Director's report on Planning Commission actions at the April 23, 2020 meeting:

- (a) BMR Emeryville Center of Innovation. A second study session to review a proposal for a Final Development Plan to construct two new multi-tenant research and development buildings and a supporting parking garage as part of implementation of the Emeryville Life Sciences Center Planned Unit Development/Preliminary Development Plan (PUD/PDP), also referred to as the "Chiron PUD/PDP" (PUD 93-2), that was approved by the City Council on August 15, 1995.
- (b) Adeline Springs Extension Request. Consideration of a request for a second one-year extension of a Conditional Use Permit and Design Review permit that was approved by the Planning Commission on March 22, 2018 to demolish an existing 5,866 square foot building ("U.S. Spring") and construct a new, five story building that will accommodate 29 rental residential units and 4 to 6 live-work units on a 12,528 square foot parcel located at 3637 Adeline Street. The Commission approved the first one-year extension on March 28, 2019.
- (c) Public Market Master Sign Program. Consideration of a Major Sign Permit for a Master Sign Program for the Public Market along Shellmound Street between Shellmound Way and 63rd Street, including adjacent portions of 62nd Street and an interior courtyard.
- (d) Floor Area Ratio Increase. Consideration of a Major Conditional Use Permit to add 449 square foot of floor area to an existing mezzanine to expand an existing office use at 1375 55th Street.
- (e) Bird-Safe Building Standards. Consideration of a proposed ordinance amending the Planning Regulations in Title 9 of the Emeryville Municipal Code by adding Article 8 to Chapter 4, and amending Article 7 of Chapter 4, regarding bird-safe building design.

The packet for the April 23, 2020 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

### 14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

## 15. ADJOURNMENT

### LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS

[ID-2020-196](#) **Please Note:** This list is for informational purposes only. All items shown here are **tentative** at this time and are not confirmed until the agendas for the meeting dates are published and posted, 11 days prior to the meeting. Other items may be added. Also note that this list shows working titles, which may be revised slightly before the item becomes final.

**Additional Note during COVID-19 Public Health Emergency:**

City Hall has been closed since March 17, 2020, in accordance with the Governor's Executive Order, which currently runs through May 3, 2020. During this time, City Council and other public meetings have been conducted using teleconferencing in accordance with the Order. In the event there is an extension of the Shelter In Place order time frame, meetings will continue to be held remotely, and as such, certain items may be postponed or cancelled. **Please continue to check the final, published agenda for the latest information.**

May 19, 2020 City Council Meeting

Study Session: Budget Update

Committee Annual Reports to Council: B/PAC, Housing, Parks & Rec, Budget Advisory

1st Reading - Ordinance to Establish 20 MPH Speed Limits on Select Bicycle Boulevards

Accept UC Berkeley SafeTREC Study

Report on Street Naming

June 2, 2020 City Council Meeting

Study Session #3 on Unit Mix in High-Rise Buildings

Public Hearing: 1st Reading - Planning Regulations Amendment for Bird Friendly Building Standards

Home Buyer and Rental Policies and Regulations

1st Reading - Car Share/Moped Share Ordinance

When published, the packets for City Council meetings can be viewed online at

[www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive.](http://www.emeryville.org/88/Video-Agendas-Reports-Minutes-Archive)

THE NEXT REGULAR MEETING WILL BE ON MAY 19, 2020, VIA TELECONFERENCE IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER.