



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

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**Tuesday, March 2, 2021**

**7:16 PM**

**Teleconference**

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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 (to continue until further notice):**

Pursuant to California Governor Gavin Newsom's Executive Order N 29 20, a local legislative body is authorized to hold public meetings remotely and to make those meetings accessible to all members of the public seeking to observe and to address the local legislative body by remote means only via a technology solution. As such, the City will provide various options for the public to participate in the conduct of the meeting, as indicated in detail below on this cover sheet.

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 during this time where you may not attend in person. Our City Council meetings are streamed live add link and on Emeryville TV. Additionally, public comment for Council agenda items can be submitted online via our online speaker card when an agenda is posted add link. 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 since there is no option to attend in person.

If you prefer to participate in the meeting using Zoom, please use the information provided here:

Please click the link below to join the webinar:

<https://emeryville-org.zoom.us/j/98007060437?pwd=dmpyUVNKeG90WHY2SXE5aHNzOWRhZ09>  
Passcode: 185316

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Or iPhone one-tap :

US:

+16699006833,,98007060437#,,,,\*185316#

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Or Telephone:

+1 669 900 6833

Webinar ID: 980 0706 0437

Passcode: 185316

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<https://emeryville-org.zoom.us/j/98007060437?pwd=dmpyUVNKeG90WHY2SXE5aHNzOWRhZ09>

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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.

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 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.

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-2021-087](#) Warrants. (Brad Farmer)  
  
**Attachments:** [Staff Report](#)  
[Wire Transfers](#)  
[Check Register](#)
  - 10.2. [ID-2021-093](#) Action Minutes of February 16, 2021 Special Closed Session (City Council / Management of Emeryville Services Authority). (Sheri Hartz)  
  
**Attachments:** [Action Minutes](#)
  - 10.3. [ID-2021-094](#) Action Minutes of February 16, 2021 Emeryville City Council Special Study Session. (Sheri Hartz)  
  
**Attachments:** [Action Minutes](#)
  - 10.4. [ID-2021-096](#) Action Minutes of February 16, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)  
  
**Attachments:** [Action Minutes](#)

- 10.5.**     [ID-2021-085](#)     Resolution of the City Council of the City of Emeryville Acknowledging Receipt of The Report From The Alameda County Fire Department of Fire Inspections For The Fiscal Year 2019-2020. (William McDonald / David Yoder)

**Attachments:**   [Staff Report](#)  
                      [Draft Resolution](#)  
                      [Attachment A - SB 1205 Report from Alameda County Fire Department](#)  
                      [APPROVED Resolution No. 21-11](#)

## **11. PUBLIC HEARINGS**

- 11.1.**     [ID-2021-074](#)     Resolution Of The City Council Of The City Of Emeryville Amending The City Of Emeryville Master Fee Schedule For Fiscal Year 2020-21 Regarding Dockless Shared Mobility Systems. (Mary Grace Houlihan / Nancy Humphrey)

**Attachments:**   [Staff Report](#)  
                      [Draft Resolution](#)  
                      [Exhibit A MFS Amendments](#)  
                      [APPROVED Resolution No. 21-12](#)

## **12. ACTION ITEMS**

- 12.1.**     [ID-2021-086](#)     Consideration Of Budget Advisory Committee Recommendation Of Additional Requirements For Budget Advisory Committee Membership. (Brad Farmer)

**Attachments:**   [Staff Report](#)

- 12.2.**     [ID-2021-075](#)     Consideration Of Energy And Building Reach Codes. (Mary Grace Houlihan / Nancy Humphrey)

**Attachments:**   [Staff Report](#)  
                      [Exhibit A: List of Cities' Reach Codes](#)  
                      [Exhibit B: 2019 Nonresidential New Construction Reach Code Cost Effectiveness Study](#)  
                      [Exhibit C: 2019 Cost-effectiveness Study: Low-Rise Residential New Construction](#)  
                      [Exhibit D: 2019 Mid-Rise New Construction Reach Code Cost-Effectiveness Study](#)

- 12.3.**     [ID-2021-068](#)     Resolution Of The City Council Of The City Emeryville Adopting The Affordable Housing Bond Administration And Expenditure Plan, And Appointing The Budget Advisory Committee To Serve As The Bond Oversight Committee (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

**Attachments:**    [Staff Report](#)  
                          [Draft Resolution](#)  
                          [Exhibit A - Affordable Housing Bond Administration and Expenditure Plan](#)  
                          [APPROVED Resolution No. 21-13](#)

- 12.4.**     [ID-2021-089](#)     Resolution Of The City Council Of The City Of Emeryville Confirming The City Of Emeryville As A Sponsor Of SB 591 State Legislation Concerning Intergenerational Housing, And Authorizing The Mayor To Sign A Letter Of Support. (Charles S. Bryant / Chadrick Smalley)

**Attachments:**    [Staff Report](#)  
                          [Draft Resolution](#)  
                          [SB 591 State Legislation Bill Text](#)  
                          [APPROVED Resolution No. 21-14](#)

### 13. DEPARTMENT HEAD REPORTS

13.1. [ID-2021-083](#) Planning Director's report on Planning Commission actions at the February 25, 2021 meeting:

- (a) General Plan Annual Progress Report. Review of the annual progress report on implementation of the General Plan, including the Housing Element, in Calendar Year 2020, for submittal to the Governor's Office of Planning and Research and the California Department of Housing and Community Development.
- (b) Sherwin Williams Building 1-31 Adaptive Reuse. Consideration of a Final Development Plan for adaptive reuse of the existing Building 1-31 in the Sherwin Williams Planned Unit Development/Preliminary Development Plan (PUD/PDP) that includes the design of the pedestrian and bicycle pass-through required by the PUD/PDP. The PUD/PDP was approved by the City Council on November 1, 2016. (This project was heard and approved by the Planning Commission on December 10, 2020, but due to a noticing defect, it needed to be re-heard and re-approved.)
- (c) BMR Emeryville Center of Innovation. Consideration of a Final Development Plan to demolish two existing buildings and surface parking and construct four 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. The project includes utility improvements and circulation improvements including one-way cycle tracks in each direction on Horton Street from 53rd Street to 45th Street; one-way cycle tracks in each direction on 53rd Street from Horton Street to Hollis Street; a diverter at Stanford Avenue and Horton Street; a Pedestrian Hybrid Beacon protected crosswalk at the parking structure on Horton Street; and a traffic signal at the intersection of Horton Street and 53rd Street. The project also includes an application for a Tree Removal Permit for 22 street trees including six European Hornbeams (*Carpinus betulus*) on the north side of 53rd Street between Chiron Way and Horton Street, seven Red Maples (*Acer rubrum*) on the east side of Horton Street north of 53rd Street, and six Brazilian Peppers (*Schinus terebinthifolius*) and three Chinese Pistache (*Pistacia chinensis*) on the west side of Horton Street north of new 46th Street.

The packet for the February 25, 2021 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-2021-091](#) **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. During this time, City Council and other public meetings have been conducted using teleconferencing. City Council and other public meetings will continue to be held remotely until further notice, and certain non-essential items may be postponed or cancelled. **Please continue to check the final, published agenda for the latest information.**

**March 16, 2021 City Council Meeting**

- Study Session: Ashby Interchange - Western Conform
- Planning Commission Applicant Interviews
- Committee Reports to Council: Bicycle/Pedestrian, Housing, Parks & Recreation and Public Art
- 1st Reading - Cannabis Regulations Ordinance Amendment re: Denying Permit Renewal for Inactivity

**April 6, 2021 City Council Meeting**

- 2019/20 Paving Project
- Discussion on Regulating Crematoria

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 MARCH 16, 2021, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER.