



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 John J. Bauters  
Vice Mayor Ally Medina  
Council Member Scott Donahue  
Council Member Dianne Martinez  
Council Member Courtney Welch

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**Tuesday, September 20, 2022**

**7:16 PM**

**Teleconference**

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A complete copy of the agenda packet is available on the city's website at [www.emeryville.org/citycouncil](http://www.emeryville.org/citycouncil). 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 [www.emeryville.org/citycouncil](http://www.emeryville.org/citycouncil).

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 [www.emeryville.org/notifyme](http://www.emeryville.org/notifyme). 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 A DECLARED STATE OF  
EMERGENCY**

**(to continue until further notice):**

Pursuant to California Assembly Bill 361, 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 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. 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/83825593426?pwd=L0VXV25JdzMvZmUwU25SVUM1cU5sUT09>  
*Passcode: 790939*

*Or iPhone one-tap: +16694449171,,83825593426#,,,,\*790939#*

*Or Telephone: 669-900-6833*

*Webinar ID: 838 2559 3426*

*Passcode: 790939*

*International Phone Numbers: <https://emeryville-org.zoom.us/u/k1oCzCwYX>*

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**
  - 4.1. [ID-2022-464](#) Proclamation In Recognition Of Sharon Wilchar's Contributions To The Emeryville Community And Ongoing Efforts As An Artist And Arts Advocate For Over 30 Years  
**Attachments:** [Proclamation](#)
  - 4.2. [ID-2022-485](#) Proclamation In Recognition Of Emeryville City Clerk Sheri Hartz, CMC, Upon Her Retirement
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-2022-469](#) Warrants. (Peggy Xu)  
**Attachments:** [Staff Report City](#)  
[Wire Transfers City](#)  
[Check Register City](#)
  - 10.2. [ID-2022-475](#) Action Minutes Of The September 6, 2022, Special City Council / MESA / City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Closed Session. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)

- 10.3. [ID-2022-476](#) Action Minutes Of The September 6, 2022, City Council Study Session. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.4. [ID-2022-479](#) Action Minutes Of The September 6, 2022, Regular City Council Meeting. (Sheri Hartz)  
**Attachments:** [Action Minutes](#)
- 10.5. [ID-2022-425](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into A Professional Services Contract With Urban Planning Partners (UPP) In An Amount Not To Exceed \$315,234 For Preparation Of A CEQA Compliant Environmental Document For The 5801 Christie Avenue Mixed Use Project Located At 5801 and 5681 Christie Avenue And Appropriating \$215,234 In Expenditures To Division 1725, "Planning Reimbursables", Account 80050, Professional Services, And Adding \$130,860 In Revenues To Account 58760, Planning Reimbursements (Charles S. Bryant / Miroo Desai)  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Professional Services Contract](#)
- 10.6. [ID-2022-308](#) Resolution Of The City Council Of The City Of Emeryville In Support Of Resources For Community Development's Application To The State Of California Department Of Housing And Community Development For Infill Infrastructure Grant Program ("IIG") Funding For The Nellie Hannon Gateway Project Located At 3600, 3610 And 3620 San Pablo Avenue (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)  
**Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - Letter of Support](#)
- 10.7. [ID-2022-465](#) Resolution Of The City Council Of The City Of Emeryville Naming the Bus Shelter Temporary Art Program In Sharon Wilchar's Honor, Acknowledging The Public Art Committee's Recommendation To Commission A Plaque Honoring Sharon Wilchar, And Re-establishing The City Council Subcommittee On The City's Recognition Policy By Appointing Mayor Bauters And \_\_\_\_\_ As Members Of The Subcommittee (Charles S. Bryant / Chadrick Smalley / Amber Evans)  
**Attachments:** [Staff Report](#)  
[Attachment 1 - Council Policy 1, Naming and Dedication of City Facilities](#)  
[Draft Resolution](#)

- 10.8.** [ID-2022-418](#) Resolution of the City Council Authorizing the City Manager to Accept a Grant Award on Behalf of the Police Department, From the FY2022 Byrne Justice Assistance Grant (JAG) in the amount of \$10,191.60 For Funds Related to Conducted Energy Devices. (Oliver Collins)
- Attachments:** [Staff Report](#)  
[Draft Resolution](#)  
[Exhibit A - FY2022 JAG Award Letter](#)
- 10.9.** [ID-2022-458](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Pursue A No-Cost Study For Potential Enhancement Of Solar And Battery Energy Systems At Critical Municipal Facilities In Partnership With East Bay Community Energy (EBCE) And Making Findings Of CEQA Exemption Under Section 15061(b)(3) (Nancy Humphrey)
- Attachments:** [Staff Report](#)  
[Critical Municipal Facilities Presentation](#)  
[Critical Municipal Facility Initial Analysis](#)  
[Draft Resolution](#)
- 10.10.** [ID-2022-484](#) Second Reading And Adoption Of An Ordinance Of The City Council Of The City Of Emeryville Amending Section 2-2.201 Of Article 2 Of Chapter 2 Of Title 2 Of The Emeryville Municipal Code Regarding An Increase In City Council Member Salaries, Effective January 1, 2023. (Sheri Hartz)
- Attachments:** [Staff Report](#)  
[Attachment: 9/6/2022 Staff Report](#)  
[Draft Ordinance](#)  
[CA Government Code Section 36516](#)

## 11. PUBLIC HEARINGS

- 11.1.** [ID-2022-466](#) Marketplace Redevelopment Project: Amendments To Planned Unit Development/Preliminary Development Plan And Development Agreement (Charles S. Bryant / Miroo Desai)
- Attachments:** [Staff Report](#)  
[Attachment 1 - 2008 Approved Marketplace PDP Build-Out](#)  
[Attachment 2 - Preliminary Plan for Pedestrianization of Market Drive](#)  
[Attachment 3 - Marketplace Environmental Checklist August 2022](#)  
[Attachment 3A - Public Market TDM Plan](#)  
[Attachment 3B - Public Market GHG Assessment](#)  
[Attachment 3C - Public Market Pedestrian Wind Study](#)

- 11.1.1. [ID-2022-467](#) Ordinance Of The City Council Of The City Of Emeryville Adopting An Amendment To The Marketplace Redevelopment Project Planned Unit Development/Preliminary Development Plan (PUD/PDP) To Transfer The Requirement For 10 Townhome Units From Parcel A (Referred To As The “Shellmound Building” In The Approved PUD/PDP) To Parcel F (Referred To As “Retail Pad #1” In The Approved PUD/PDP) And To Change The Maximum Height On Parcel B From 120 Feet To 175 Feet (APN Nos. 49-1556-15; -16; And -17) (CEQA Determination: Environmental Impact Report For Marketplace Redevelopment Project Certified By City Council On January 15, 2008)

**Attachments:** [Proposed Ordinance](#)

[Exhibit A - Conditions of Approval](#)

- 11.1.2. [ID-2022-468](#) Ordinance Of The City Council Of The City Of Emeryville Adopting An Amendment To The Development Agreement For The Public Market Project (Also Known As The Marketplace Redevelopment Project) To Remove The Parcel A Residential Development Obligation, And To Provide For A Monetary Contribution Of \$20 Million To The City In Exchange For Removal Of The Obligation To Provide 18 Affordable Housing Units On Parcel A, And Other Related Amendments (APN Nos. 49-1556-15; -16; -17, And -24) (CEQA Determination: Environmental Impact Report For Marketplace Redevelopment Project Certified By City Council On January 15, 2008)

**Attachments:** [Proposed Ordinance](#)

[Exhibit A - First Major Amendment to the Public Market Development Agreement](#)

## 12. ACTION ITEMS

- 12.1. [ID-2022-440](#) Requesting The Direction Of The City Council Of The City Of Emeryville On Exemption Of Certain Business (B) Occupancies and New Restaurant Construction (A-2) Occupancies In A Proposed Energy Reach Code Ordinance Amending Chapter 8 (“Green Building Standards Code”) Of Title 8 (“Building Regulations”) Of The Emeryville Municipal Code To Amend The 2022 Edition Of The California Building Standards Code (California Code Of Regulations, Title 24, Part 11); CEQA Determination: Exempt Pursuant to CEQA Guideline 15061(b)(3)

**Attachments:** [Staff Report](#)

[Exhibit A - City Policies in California](#)

[Exhibit B California Building Code Changes 2022](#)

[Late Correspondence: Matt Sutton](#)

**13. DEPARTMENT HEAD REPORTS****14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS****15. ADJOURNMENT**

THE NEXT REGULAR MEETING WILL BE ON TUESDAY, OCTOBER 4, 2022, AT EMERYVILLE CITY HALL, COUNCIL CHAMBERS, 1333 PARK AVENUE, EMERYVILLE, CA 94608 OR VIA TELECONFERENCE IN ACCORDANCE WITH ASSEMBLY BILL 361.

**LIST OF UPCOMING SIGNIFICANT AGENDA ITEMS**

[ID-2022-480](#) **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 Council meetings have been held remotely since March 17, 2020, and remain so in accordance with the Brown Act exemptions provided for by AB 361. 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.**

October 4, 2022

- Facade Grant Appropriation
- Parks and Recreation Committee Recommendations

October 18, 2022

- Public Hearing: Modify Sidewalk Café and Parklet Regulations
- Cabaret Permit Program Amendments

When published, the packets for City Council meetings can be viewed online at [www.emeryville.org/citycouncil](http://www.emeryville.org/citycouncil).