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## CITY OF EMERYVILLE

### ACTION MINUTES

#### City Council

Members:

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

--AMENDED--

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Tuesday, November 5, 2019

7:16 PM

Council Chambers

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#### 1. CALL TO ORDER

The meeting was called to order at 7:24 p.m.

#### 2. ROLL CALL

**Present:** 5 - Mayor Ally Medina  
Vice Mayor Christian R. Patz  
Council Member John J. Bauters  
Council Member Scott Donahue  
Council Member Dianne Martinez

#### 3. APPROVAL OF FINAL AGENDA

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

**Ayes:** 5 - Mayor Medina, Vice Mayor Patz, Council Member Bauters, Council Member Donahue, and Council Member Martinez

#### 4. SPECIAL ORDERS OF THE DAY

There were no Special Orders listed.

#### 5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

City Clerk Hartz announced that appointments to fill unexpected vacancies would be made at the Council's November 19, 2019 meeting.

#### 6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Council Member Martinez reported that East Bay Community Energy held a joint press conference to announce a partnership with other CCAs (Community Choice Aggregation) and calling for proposals from solar companies to increase resilience, focussing on low income

and medically sensitive households for battery storage connected to residential solar. She also reported on her attendance of the League of California Cities Annual Conference where Rule 20A, regarding funding for utility undergrounding in fire sensitive communities, had gone back to committee. She added that the resolution regarding pollution flows had been approved.

Mayor Medina announced an upcoming fundraiser event for organizations that support transgender women of color.

## 7. CITY MANAGER'S REPORT

City Manager Daniel announced the upcoming ECCL Governance Committee meeting followed by the Joint City Council/EUSD Board meeting, both to be held on November 7, 2019.

## 8. EX PARTE COMMUNICATIONS

Council Member Bauters reported that, regarding Item 11.1, he had spoken with representatives from Wareham Development and CCRP. Mayor Medina reported having spoken to John Gooding regarding the hearing process.

## 9. PUBLIC COMMENT FOR CONSENT AGENDA / ITEMS NOT ON THE AGENDA

1. Ruth Major spoke about the climate emergency and recent scientific findings, and asked that corporations within the City aid the effort to assist those experiencing homelessness.

2. A speaker stated that micro-suffering was happening in Emeryville because cyclists were put in harm's way by the lack of governance.

3. Andre Carpiaux spoke regarding the demolition of his home and the loss of his property.

## 10. CONSENT ITEMS

### *Approval of the Consent Agenda*

**A motion was made to approve the Consent Agenda. The motion carried by the following vote:**

**Ayes:** 5 - Mayor Medina, Vice Mayor Patz, Council Member Bauters, Council Member Donahue, and Council Member Martinez

10.1. [ID-2019-508](#) Warrants. (Susan Hsieh)

**A motion was made to accept this Informational Report.**

10.2. [ID-2019-510](#) Action Minutes of the October 15, 2019 Emeryville City Council Special Closed Session. (Sheri Hartz)

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**A motion was made to approve the Minutes.**

- 10.3. [ID-2019-513](#) Action Minutes of the October 15, 2019 Emeryville City Council Regular Meeting. (Sheri Hartz)

**A motion was made to approve the Minutes.**

- 10.4. [ID-2019-494](#) Resolution Of The City Council Of The City Of Emeryville Authorizing Application For, And Receipt Of, SB 2 Planning Grants Program Funds To Develop Objective Design And Development Standards. (Charles S. Bryant / Diana Keena)

**A motion was made to approve this Resolution.**

Enactment No: Resolution No. 19-147

- 10.5. [ID-2019-505](#) Resolution Of The City Council Of The City Of Emeryville Approving A Master License Agreement Between The City Of Emeryville And GTE Mobilenet of California, Limited Partnership, A California Limited Partnership, D/B/A Verizon Wireless And Authorizing The City Manager To Execute The Agreement. (Michael Guina)

**A motion was made to approve this Resolution.**

Enactment No: Resolution No. 19-148

- 10.6. [ID-2019-496](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute (1) The Second Amendment To The Façade Grant Contract With Dy Associates To Assist With The Rehabilitation Of An Existing Commercial Building At 4080 Watts Street, Extending The Term From November 21, 2019 To May 21, 2020, And (2) The Second Amendment To The Façade Grant Contract With Ravin's Fair, Inc. To Assist With The Rehabilitation Of An Existing Commercial Building At 4072 Watts Street, Extending The Term From November 8, 2019 To May 8, 2020 (Charles S. Bryant / Chadrick Smalley / Emi Thériault)

**A motion was made to approve this Resolution.**

Enactment No: Resolution No. 19-149

- 10.7. [ID-2019-501](#) Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute A Pre-Development Loan Agreement And An Affordable Housing Agreement With Resources For Community Development In The Amount Of \$2,000,000 For The Acquisition Of 3600, 3610 and 3620 San Pablo Avenue For The Development Of Affordable Housing (CEQA Determination: Exempt Pursuant To California Government

Code Section 8693.4(a)(4) And State CEQA Guidelines Sections 15269(c), 15332, And 15061(b)(3)) (Charles S. Bryant / Chadrick Smalley / Valerie Bernardo)

**A motion was made to approve this Resolution.**

Enactment No: Resolution No. 19-150

## 11. PUBLIC HEARINGS

- 11.1. [ID-2019-497](#) Appeal By Wareham Development Of Resolution No. FDP18-001R, "A Resolution Of The Planning Commission Of The City Of Emeryville Approving A Final Development Plan (FDP) For APN 49-1556-16 ("Parcel B") Of The Marketplace Redevelopment Project Planned Unit Development (PUD04-02) For An Eight-Story Building With Approximately 15,800 Square Feet Of Rentable Retail Space, 150,000 Square Feet Of Rentable Office/Lab Space, And 560 Parking Spaces And Rescinding Resolution No. FDP15-001 Previously Adopted By The Planning Commission On June 23, 2016" (Charles S. Bryant / Miroo Desai)

Community Development Director Charles Bryant opened the staff presentation and introduced the City Attorney who went through the process that would be undertaken for the Public Hearing.

Director Bryant went on to present the staff report and responded to Council Member questions.

Mark Stephan from CCRP (Civic Center Realty Partners) began the applicant's presentation, then introduced architect Christopher Pizzi from Hart Howerton. Hanqing Wu, wind technician from RWDI, reported on the wind study that had been conducted on the applicant's behalf.

Rich Robbins, Wareham Development, began the appellant's presentation and then introduced Attorney Matthew Francois who completed the presentation on behalf of Wareham.

PUBLIC HEARING OPEN: 9:23 p.m.

1. Andre Carpiaux spoke regarding aerodynamics.
2. Betsy Cooley stated that she preferred the alternative proposal which was more aesthetically pleasing.
3. Nora Collins, Avalon Bay, spoke in support of the approval of the applicant's plan.
4. Damon Stainbrook, owner of Pig in a Pickle, spoke in support of the project being approved and finished.

5. Lorraine Cutner spoke on behalf of other Public Market owners in support of the project being approved.
6. A speaker spoke regarding the previous testimony, and expressed support for approval of the project.

Eron Ashley, a Principal with Hart Howerton, presented the applicant rebuttal. The appellant's rebuttal was presented by Matthew Francois.

Council discussion and deliberation ensued. At length, a motion was made to continue the hearing and providing direction as shown in the motion.

A motion was made by Council Member Bauters, seconded by Council Member Donahue, to continue this item pursuant to Emeryville Municipal Code Section 9-7.1405(d)(1), for the purpose of sending it to the Planning Commission to develop a supplemental report, which will include the following direction:

Administrative Record Exhibit 146 to be used as a baseline document; the FDP as discussed cannot be changed;

All documents necessary for a complete FDP submission, as required by staff, to be submitted at the same time;

Add a Condition of Approval for the project that will require that the roof deck to comply with Administrative Record Exhibit 13. III. (A) (3) (c), as it relates to roof decks;

Add a Condition of Approval that will add a requirement that the City Council shall review any final art for the exterior of Parcel B, prior to the FDP receiving a building permit which does not need to be done concurrent to the time for the Planning Commission review;

Require that the Planning Commission will examine in the course of their review public access to the roof deck space; and,

Require that the Planning Commission will examine and make recommendations related to trash enclosures being located within the parking structure.

The motion carried by the following vote:

**Ayes:** 5 - Mayor Medina, Vice Mayor Patz, Council Member Bauters, Council Member Donahue, and Council Member Martinez

## 12. ACTION ITEMS

There were no Action Items listed.

## 13. DEPARTMENT HEAD REPORTS

- 13.1. [ID-2019-503](#) Planning Director's report on Planning Commission actions at the October 24, 2019 meeting:

- (a) Elimination of Minimum Parking Requirements. Public hearing to consider a recommendation to the City Council on amendments to Article 4 of Chapter 4 of the Planning Regulations to eliminate the minimum parking requirements, and to make other related modifications to the Planning Regulations.
- (b) 47th Street Homes. Study session on an application to demolish four existing single-unit homes and replace them with three duplexes on one parcel at 1034-1042 47th Street.
- (c) Second Story Addition. Study session on an application to add a second story to one existing unit at the front of a parcel with three units at 1025 47th Street.

The packet for the October 24, 2019 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

City Manager Daniel, in her role as Interim Public Works Director, reported on the Greenway Crossings project, work to be done on the Powell Street Bridge, and the stoplight projects at Doyle/Powell and 40th/Harlan.

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

Council Member Bauters requested that a program to provide Cabaret License rebates to small businesses be brought back for Council discussion. Mayor Medina requested that an Action Item to discuss and articulate enforcement actions, timeframes and goals to address hazards to bicyclists and pedestrians be added to the agenda schedule.

#### **15. ADJOURNMENT**

The meeting adjourned at 10:07 p.m.

**I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Emeryville City Council**

**/Sheri Hartz/**

**Sheri Hartz, City Clerk**