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CITY OF EMERYVILLE

ACTION MINUTES

City Council

Members:

Mayor Dianne Martinez
Vice Mayor Scott Donahue
Council Member John J. Bauters
Council Member Ally Medina
Council Member (Vacant)

Tuesday, October 5, 2021

7:16 PM

Teleconference

1. CALL TO ORDER

The meeting convened via teleconference at 7:48 p.m. and the Mayor had previously read aloud a statement announcing that the meeting was being conducted by teleconference pursuant to the extension of Brown Act waivers provided for under Assembly Bill 361, and would continue doing so as long as the City Council could make findings that it was necessary in order to protect public safety.

2. ROLL CALL

Present: 4 - Mayor Dianne Martinez
Vice Mayor Scott Donahue
Council Member John J. Bauters
Council Member Ally Medina

3. APPROVAL OF FINAL AGENDA

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

Ayes: 4 - Mayor Martinez, Vice Mayor Donahue, Council Member Bauters, and Council Member Medina

4. SPECIAL ORDERS OF THE DAY

There were no Special Orders listed.

5. ANNOUNCEMENT OF COMMISSION / COMMITTEE VACANCIES

The City Clerk announced that a recruitment would be opened on October 8th to fill unexpected vacancies on the Budget Advisory Committee, Commission on Aging and Public Art Committee, with appointments to be made at the December 21, 2021 Council meeting.

6. COUNCIL MEMBER SPECIAL ANNOUNCEMENTS / REPORTS ON MEETING ATTENDANCE

Mayor Martinez reported on her attendance at the recent League of California Cities Annual conference, stating that Resolution #1 had been referred to committee, Resolution #2 had passed and that there were many amendments to the Bylaws, including the name change to Cal Cities.

7. CITY MANAGER'S REPORT

There was no report given.

8. EX PARTE COMMUNICATIONS

Each of the Council Members reported having had contact with Rick Tejada-Flores, Vickie Jo Sowell and representatives from Orton Development regarding Item 11.2.

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

1. Brian Donahue stated that the City was not following transparency requirements, especially regarding the matter of trees along Horton Street that were associated with Lennar's Sherwin Williams project.

10. CONSENT ITEMS

Approval of the Consent Agenda

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

Ayes: 4 - Mayor Martinez, Vice Mayor Donahue, Council Member Bauters, and Council Member Medina

10.1. [ID-2021-440](#) Warrants. (Brad Farmer)

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

A motion was made to approve this Informational Report.

10.2. [ID-2021-442](#) Action Minutes of September 13, 2021 Special Closed Session (City Council). (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

10.3. [ID-2021-443](#) Action Minutes of September 13, 2021 Emeryville City Council Regular Meeting. (Sheri Hartz)

Attachments: [Action Minutes](#)

A motion was made to approve the Minutes.

- 10.4.** [ID-2021-432](#) 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 \$524,033 For Preparation Of An Environmental Impact Report For The Atrium Longfellow Mixed Use Project Located At 1650 65th Street And Appropriating \$524,033 In Expenditures To Division 1725, "Planning Reimbursables", Account 80050, Professional Services, And Adding \$524,033 In Revenues To Account 58760, Planning Reimbursements. (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Professional Services Contract](#)

[APPROVED Resolution No. 21-106](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 21-106

- 10.5.** [ID-2021-433](#) 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 \$142,683 For Preparation Of A Project Consistency Analysis And Environmental Impact Report Addendum Under The California Environmental Quality Act (CEQA) For A New Grocery Store At The South Bayfront Retail/Mixed Use Project Site ("Bay Street") Located At 5615 Bay Street, And Appropriating \$142,683 In Expenditures To Division 1725, "Planning Reimbursables", Account 80050, Professional Services, And Adding \$142,683 In Revenues To Account 58760, Planning Reimbursements. (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)

[Draft Resolution](#)

[Exhibit A - Professional Services Contract](#)

[APPROVED Resolution No. 21-107](#)

A motion was made to approve this Resolution.

Enactment No: Reso No. 21-107

11. PUBLIC HEARINGS

- 11.1. [ID-2021-434](#) Ordinance Of The City Council Of The City Of Emeryville Amending The Planning Regulations At Title 9 Of The Emeryville Municipal Code To Allow Cannabis Manufacturing With A Minor Conditional Use Permit (CEQA Status: Not A "Project" Under Public Resources Code Section 21065, And Common Sense Exemption At CEQA Guidelines Section 15061(b)(3)). (Charles S. Bryant)

Attachments: [Staff Report](#)
[Proposed Ordinance](#)

Community Development Director Charles Bryant gave the staff presentation and responded to Council Member questions.

PUBLIC HEARING OPEN: 8:03 p.m.

1. Brian Donahue stated that he had submitted a complaint regarding cannabis dispensaries, which was not noted in the Director's presentation.

PUBLIC HEARING CLOSED: 8:07 p.m.

Mayor Martinez noted that this item had been in regard to cannabis manufacturing, not dispensaries.

A motion was made by Council Member Bauters, seconded by Council Member Medina, to read the Ordinance by title only. The motion carried by the following vote:

Ayes: 4 - Mayor Martinez, Vice Mayor Donahue, Council Member Bauters, and Council Member Medina

A motion was made by Council Member Bauters, seconded by Council Member Medina, to approve the first reading and introduction of this Ordinance. The motion carried by the following vote:

Ayes: 4 - Mayor Martinez, Vice Mayor Donahue, Council Member Bauters, and Council Member Medina

- 11.2. [ID-2021-435](#) Appeal By City Council Of Planning Commission's June 24, 2021 Denial Of An Amendment To Conditional Use Permit And Design Review For The Redevelopment Of The Existing 30,000 Square Foot Vacant Building Located At 4060 Hollis Street As An Arts And Cultural Center, And Two Signs (APN: 49-618-4). (Charles S. Bryant / Miroo Desai)

Attachments: [Staff Report](#)
[Project Plans](#)
[Correspondence - Vickie Jo Sowell](#)
[Late Correspondence - Nick Orton \(1\)](#)
[Late Correspondence - Nick Orton \(2\)](#)

The item was opened by Economic Development and Housing Manager Chad Smalley, who provided background on the project before turning it over to Senior Planner Miroo Desai who gave the staff presentation. Staff's report was followed by a presentation from Orton Development representatives Nick and Eddie Orton.

PUBLIC HEARING OPEN: 8:29 p.m.

1. Vickie Jo Sowell (Comment received via Online Speaker Card and read into the record) stated opposition to the project, citing many concerns about associated costs, a business plan and the suitability of the design.
2. Archana Horsting also spoke in opposition to the project, stating that it did not meet the needs of the local art community.
3. Rick Tejada-Flores also opposed the project, citing similar concerns as the previous speakers.

PUBLIC HEARING CLOSED: 8:38 p.m.

- 11.2.1** [ID-2021-436](#) Resolution Of The City Council Of The City Of Emeryville Approving The Planning Commission's Denial Of An Amendment To A Conditional Use Permit And Design Review Permit For The Redevelopment Of The Existing 30,000 Square Foot Vacant Building Located At 4060 Hollis Street As An Arts And Cultural Center, And Two Signs, And Denying The Project Amendment (APN: 49-618-4) (CEQA Determination: Exempt Pursuant To Public Resources Code Section 21080(b)(5) And CEQA Guidelines Section 15270(a))

Attachments: [Draft Resolution Approving Planning Commission Denial](#)
[APPROVED Resolution No. 21-108](#)

A motion was made by Council Member Medina, seconded by Vice Mayor Donahue, to approve this Resolution. The motion carried by the following vote:

Ayes: 4 - Mayor Martinez, Vice Mayor Donahue, Council Member Bauters, and Council Member Medina

Enactment No: Reso No. 21-108

- 11.2.2** [ID-2021-437](#) Resolution Of The City Council Of The City Of Emeryville Disapproving The Planning Commission's Denial Of An Amendment To A Conditional Use Permit And Design Review Permit For The Redevelopment Of The Existing 30,000 Square Foot Vacant Building Located At 4060 Hollis Street As An Arts And Cultural Center, And Two Signs, And Approving The Project Amendment (APN: 49-618-4) (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15301 And 15332)

Attachments: [Draft Resolution Disapproving Planning Commission Denial](#)
[Exhibit A - Conditions of Approval](#)

There was no action taken on this item.

12. ACTION ITEMS

- 12.1.** [ID-2021-422](#) Discussion on Allowing Development Bonus Points for Mass Timber Framing in Construction. (Mohamed Alaoui / Nancy Humphrey)

Attachments: [Staff Report](#)
[Attachment A](#)
[Attachment B](#)
[Late Correspondence - Matthew Solomon](#)

Environmental Programs Supervisor Nancy Humphrey gave the staff presentation and responded to Council Member questions.

A motion was made by Vice Mayor Donahue, seconded by Council Member Medina, to approve moving this matter forward to the Planning Commission. The motion carried by the following vote:

Ayes: 4 - Mayor Martinez, Vice Mayor Donahue, Council Member Bauters, and Council Member Medina

- 12.2.** [ID-2021-446](#) Resolution Of The City Council Of The City Of Emeryville Appointing _____ As City Representative To Serve On The Alameda County Mosquito Abatement District Commencing Immediately And Ending December 31, 2024, Or Until Replaced; Amending The Publicly Noticed FPPC Form No. 806 As Required By FPPC Regulation 18702.5; And Amending The 2021 City Roster Of County, Regional And Statewide Bodies Accordingly. (Sheri Hartz / Lorryne Leong)

Attachments: [Staff Report](#)
[Draft Resolution](#)
[Exhibit A - AC Mosquito Abatement District Roster](#)

The Council discussed this matter, and, determining no Council Member replacement to fill the seat, directed staff to add it to the upcoming recruitment to fill vacancies to find a resident representative.

13. DEPARTMENT HEAD REPORTS

13.1. [ID-2021-438](#) Planning Director's report on Planning Commission actions at the September 23, 2021 meeting:

- (a) Two Unit Replacement, 1270 64th Street. Consideration of a Conditional Use Permit and Design Review to demolish two existing uninhabitable residential structures and replace them with two new residential structures at 1270 64th Street. [Note - This item was continued to a future meeting.]
- (b) Four-Unit Replacement, 1271 64th Street. Consideration of a Conditional Use Permit and Design Review proposal to construct four new units and demolish four existing units at a site that was previously approved to add additional floor area to an existing four-unit residential building at 1271 64th Street. [Note - This item was continued to a future meeting.]
- (c) Marketplace Redevelopment Project Parcels A, B and F. A study session on a new Final Development Plan to construct approximately 406,178 square feet of research and development space, 7,460 square feet of retail space and an 883-space parking structure on Parcels A and B, and 18 affordable housing units on Parcel F.
- (d) Bay Street Grocery Store. A study session to review a proposed Final Development Plan to construct a new 48,446 square foot grocery store with open rooftop parking with approximately 139 parking spaces on Parcel B of the South Bayfront Retail/Mixed Use Project ("Bay Street"), and demolition of the existing building housing the EQ3 furniture store and other retail stores, and that formerly housed the Old Navy store and Elephant Bar restaurant. The project will involve removal of the existing plaza area in front of the Barnes and Nobles bookstore to accommodate ground level parking and vehicular circulation.

The packet for the September 23, 2021 Planning Commission meeting can be viewed online at <http://ca-emeryville.civicplus.com/Archive.aspx?AMID=43&Type=Recent>

Director Bryant gave his report, stating that, of the items listed, only Item 13.1 (d) had been considered by the Planning Commission, the remaining items being continued to future meetings.

14. FUTURE AGENDA ITEM REQUESTS FROM COUNCIL MEMBERS

Vice Mayor Scott Donahue requested that an item be added to a future Council agenda to consider implementing a program whereby construction workers with an appropriate vehicle would be allowed to stay overnight at construction sites where they were working rather than commuting to their jobs every day. The request received no support.

Mayor Martinez requested and received majority support to add an item to an upcoming Council agenda to consider a resolution in support of Net Energy Metering.

15. ADJOURNMENT

The meeting adjourned at 9:19 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

DRAFT