

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Tuesday, February 17, 2009

A Regular Session of the Piedmont City Council was held February 17, 2009, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54954.2(a) the agenda for this meeting was posted for public inspection on February 12, 2009.

CALL TO ORDER Mayor Friedman called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

ROLL CALL Present: Mayor Abe Friedman, Vice Mayor Dean Barbieri and Councilmembers John Chiang and Margaret Fujioka

Absent: Councilmember Garrett Keating

Staff: City Administrator Geoff Grote, City Attorney George Peyton, Public Works Director Larry Rosenberg, Recreation Director Mark Delventhal, City Planner Kate Black and Recording Secretary Chris Harbert

CONSENT CALENDAR The following items were approved under one vote by the Council:

Minutes Approves as submitted Council meeting minutes of January 26 and February 2, 2009

Agreement Approves an agreement with Wood Rogers, Inc. in the amount of \$2,600 for survey work related to 90 LaSalle Avenue to be paid from the City Sewer Fund

Resolution 14-09

RESOLVED, that the City Council adopts the consent calendar as noted.

Moved by Fujioka, Seconded by Chiang

Ayes: Friedman, Barbieri, Chiang, Fujioka

Noes: None

Absent: Keating

(0045)

PUBLIC FORUM Rick Rowe of *Friends of Moraga Canyon* inquired why the Council retained funding in the FY 08-09 CIP budget for the proposed Blair Park Sports Field and Coaches Playfield Improvement Projects when other CIP allocations were deferred because of the current economic downturn. He questioned the rationale behind this action when a recent General Plan citywide survey ranked other types of capital improvements higher in priority than the Blair Park/Coaches projects. He urged the Council to reconsider its financial priorities in this regard.

REGULAR CALENDAR The Council considered the following items of regular business:

**Conditional Use Permit
424 Monte Vista**

The City Planner stated that the Plymouth United Church of Christ and the Pacific Boychoir Academy are requesting a conditional use permit to allow the Pacific Boychoir Academy to use the parking lot located between 15 and 27 Olive Avenue to drop off and pick-up 35 to 50 students in the mornings and evenings; parking for staff and special events; parking and recreation for up to 150 evening choir students; and daytime recreation for students. This lot will also continue to be used by the Plymouth United Church of Christ. The Planning Commission recommended Council approval of this CUP application on February 9, 2009.

Public testimony was received from:

Chris Lundin, Plymouth United Church of Christ Council Member, urged application approval, stressing that the Church is in the process of selling 412 Monte Vista Avenue to the Pacific Boychoir Academy and the Academy's restoration and use of the 100+ year-old mansion will benefit the neighborhood and will have less impact on neighboring residents than other potential uses of this property.

Pamela Weimer, Operations Manager of the Pacific Boychoir Academy (PBA) and Academy Board Members Ted Moser and Ani Adhikari, highlighted the accomplishments, goals and operation of the PBA, stressing in particular the exceptional music education it provides to its students, the global experiences and international distinctions that the PBA has achieved and the Academy's compatibility with the cultural and educational values of Piedmont residents. Use of the adjacent parking lot, which is located in Piedmont, is critical to Academy operations – both as a student drop-off/staff parking lot and playground for students. The Academy intends to restore the 100-year old Victorian mansion at 412 Monte Vista and use this mansion as its school. They emphasized that the architectural restoration of the old mansion will increase neighborhood property values and is supported by the surrounding Oakland and Piedmont neighborhoods. Mr. Moser added that if the Plymouth Church property is ever put up for sale, the Academy has the first right of refusal to purchase this property as well.

Tom Armstrong, Angela Grubb and Tom Straus, all Piedmont residents, voiced their excitement and pleasure over the purchase of 412 Monte Vista by the PBA. Mr. Armstrong, a parent of an Academy student, described the benefits the PBA has provided his son and the opportunities that exist for a collaborative effort between the PBA and the PUSD and Recreation Department to expose children to the wonderful musical benefits the PBA offers. Mrs. Grubb concurred. Mr. Straus added that the entire Olive neighborhood supports the prospect of the PBA locating at 412 Monte Vista and restoring, rather than demolishing, the property's historic mansion. He emphasized that the PBA is a perfect fit for the neighborhood and its presence will increase neighborhood property values, adding that a previous proposal by a different buyer for the property was greatly opposed by the neighborhood.

Nicole Chapman, Project Architect Liaison, described the proposed renovation of the 1908 Victorian mansion, the fact that the City of Oakland's Heritage Alliance supports the PBA's proposal and that Piedmont resident and architect Kirk Peterson is involved in the

preservation/renovation effort. She stated that the PBA anticipates opening on September 1.

The Council concurred that the PBA will be a valuable addition to the community, will enhance the musical opportunities for Piedmont residents and has the full support of the surrounding neighborhoods.

Resolution 15-09

WHEREAS, the Plymouth United Church of Christ and the Pacific Boychoir Academy are requesting a Conditional Use Permit to allow the Pacific Boychoir Academy to use the parking lot located between 15 and 27 Olive Avenue to drop off and pick-up 35 to 50 students in the mornings and evenings; parking for staff and special events; parking and recreation for up to 150 evening choir students; and daytime recreation for students. This lot will also continue to be used by the Plymouth United Church of Christ at 424 Monte Vista Avenue, Piedmont, California, and;

WHEREAS, the Piedmont City Council has reviewed the application, the staff report, Planning Commission deliberations and any and all other documentation and testimony submitted in connection with the application and has visited the subject property;

The Piedmont City Council makes the following findings:

1. The use is of benefit to Piedmont residents. It continues an existing use of the property for parking, while providing an additional benefit of cultural enrichment to Piedmont families.
2. The use will be properly related to other land uses and transportation and service facilities in the vicinity. The property is already a parking lot and is continuing this use in its existing condition.
3. Under all the circumstances and conditions of the particular case, the use will not have a material adverse effect on the health or safety of persons residing or working in the vicinity. There is no real change in the current use. The adjacent Academy will have no adverse health or safety impacts on the neighborhood.
4. The use will not be contrary to the standards established for the zone in which it is to be located. The site is already operating as a parking lot for this area.
5. The use will not contribute to a substantial increase in the amount of noise or traffic in the surrounding area. There will not be a significant change in the number of cars using the parking lot or hours of operation.
6. The use is compatible with the General Plan and will not adversely affect the character of the surrounding neighborhoods or tend to adversely affect the property values of homes in the surrounding neighborhoods. The proposed use is consistent with the current permitted use.
7. Adequate provision for driveways to and from the property has been made; facilities for ingress and egress from secondary streets instead of

arterials, where possible, have been made; provision for parking in compliance with this Chapter 17 has been made, together with sufficient agreements to enforce the carrying out of such plans as may be required by the Council. Ingress/egress to the site is through the City of Oakland. There is no impact on Piedmont.

8. The plans conform to all other laws and regulations of the City, provided, however, that the Council shall have the right to require front, rear and side yard setbacks greater than those otherwise provided in the laws and regulations of the City if the Council finds that such larger front, rear and side yard areas are necessary to provide for the health, safety and general welfare of the residents of Piedmont in accordance with its zoning laws. The use is in full compliance with City zoning laws.

RESOLVED, that in consideration of the findings and facts set forth above, the Piedmont City Council approves the application for a conditional use permit by Plymouth United Church of Christ and Pacific Boychoir Academy for property located at 424 Monte Vista Avenue, Piedmont, subject to the following conditions:

Requested CUP Term: Six years, beginning on the date the Academy school opens;

Requested CUP Provisions:

North Lot: September through Mid-June (up to 50 Student Enrollment, 8 Staff)

Weekdays: PBA 7:45 a.m. until 8:15 a.m. student drop-off (up to 30 cars)
PBA 3:20 p.m. until 3:45 student pick-up (up to 30 cars)
PBA 9:45 a.m. until 3:20 p.m. for 15, 30 and 60 minute recesses for recreation
PBA 6:00 p.m. until 9:00 p.m. Open House/Special Event parking (4x year)

M,T,W & Th PBA 3:45 p.m. 9:30 p.m. After School Choir (up to 150 students)
PBA 3:30 p.m. until 6:30 p.m. After School Choir 45-minute recess

Weekends: Church parking (informational only – not subject to CUP)

North Lot: End of July/Beginning of August (two 5 day camps, 25 students each)

Weekdays: PBA 8:45 a.m. until 9:00 a.m. camp drop-off (up to 20 cars)
PBA 4:00 p.m. until 4:30 day camp pick-up (up to 20 cars)
PBA 10:00 a.m. until 11:00 a.m. one 15-minute recess and occasional 30-minute lunch

Weekends: Church parking (informational only-not subject to CUP)

424 Monte Vista: Year Round

PBA Staff parking in 6 spaces reserved for the Academy in the south lot

Church Staff parking in the remaining spaces (informational only – not subject to CUP)

Moved by Barbieri, Seconded by Fujioka

Ayes: Friedman, Barbieri, Chiang, Fujioka

Noes: None

Absent: Keating

(0340)

**City Hall HVAC
System Improvements**

The City Administrator and Recreation Director recommended that the Council engage the services of H & M Mechanical Group for the design and preparation of bidding documents for a new HVAC system for City Hall and the Fire Department. The FY 08-09 City Budget includes \$210,000 in funding for a new HVAC system. The City Administrator emphasized that the current HVAC system is over 25 years old and fails to adequately or efficiently heat the building. As a result, employees are using space heaters to keep warm and such use is causing blown circuits and heavy electrical usage.

Public testimony was received from:

Gary Hennings, Principal of H & M Mechanical Group, responded to Council questions by stating that the building's current HVAC system's heating and ventilation is out of code compliance and highly inefficient and ineffective. He reviewed the various types of improvements that could be made, recommending that a variable refrigerant type system be installed.

George Childs inquired re LEED credits for such a project as well as information related to how long it would take in energy cost savings for the City to recoup the \$210,000 expenditure on a new HVAC system. He also cautioned against designing a system now but deferring actual installation until the economic situation improves, fearing that such delay may result in the design work being outdated by the time actual installation is approved.

The Council requested staff to submit for Council review and consideration a system design contract which would contain cost and equipment options for a complete as well as phased/zoned installation of a new HVAC system, assess and address current "out of compliance" ventilation and heating issues and include cost/feasibility options for a radiant heating system. In addition, staff was requested to examine the building's current energy consumption, prepare a pay-back analysis and determine if the current favorable bid climate may result in HVAC installation costs significantly below that originally anticipated in the budget.

ANNOUNCEMENTS

Environmental Task Force—Councilmember Fujioka announced that the next meeting of the City's Environmental Task Force will be held February 25 at 5:30 p.m. in the EOC room. The public is invited to attend.

ADJOURNMENT

There being no further regular business, the Mayor adjourned the Council at 8:40 p.m. to Closed Session for the purpose of discussing negotiations with SEIU Local 1021 and the Professional/Technical employees held pursuant to Government Code Section 54957.6.