

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, April 6, 2015

A Regular Session of the Piedmont City Council was held April 6, 2015, 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 April 2, 2015.

CALL TO ORDER

Following a 7:00 p.m. Closed Session for performance evaluation of the City Administrator, held pursuant to Government Code Section 54957(b)(1), Mayor Fujioka called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

ROLL CALL

Present: Mayor Margaret Fujioka, Vice Mayor Jeff Wieler and Councilmembers Teddy Gray King, Robert McBain, and Tim Rood

Staff: City Administrator Paul Benoit, City Attorney Michelle Kenyon, Planning Director Kate Black, Recreation Director Sara Lillevand, and Recreation Aquatics Coordinator Rebecca Sermeno

CONSENT CALENDAR

The following items were considered on the Consent Calendar:

Minutes

Resolution 33-15

RESOLVED, that the City Council approves as submitted its meeting minutes of March 16, 2015.

Moved by King, Seconded by Rood

Ayes: Fujioka, Wieler, King, McBain, Rood

Noes: None

Absent: None

Committee Appointment

Resolution 34-15

RESOLVED, that the City Council approves the appointment of Tim Rood as the City's Representative to the Alameda County Community Choice Aggregation (CCA) Steering Committee.

Moved by McBain, Seconded by Wieler

Ayes: Fujioka, Wieler, King, McBain, Rood

Noes: None

Absent: None

(0085)

PUBLIC FORUM

Dr. Julia Walsh, Piedmont resident, requested that the City of Piedmont send a letter to CalPERS requesting that CalPERS divest from fossil-fuel corporations. She also requested that the City divest from its own investments in fossil-fuel corporations. She explained that by investing in fossil-fuel corporations, government agencies negate their efforts to address climate change. Dr. Walsh stated that seven cities in the Bay Area have written letters requesting that CalPERS divest from fossil-fuel corporations.

Tucker Johnson, a Piedmont High School Student, spoke about bringing attention to the drought that is currently affecting California. He requested that the City fund an outreach program to promote water-saving techniques.

CEREMONIAL MATTERS

In recognition of former Piedmont High School student K. C. Oakley's many skiing accomplishments, including finishing in first place at the 2015 Deer Valley World Cup and being selected for the United States Freestyle Ski Team, which is to compete in the 2015 World Championships in Austria, the Mayor

presented K. C. Oakley with a proclamation declaring April 6, 2015, as K. C. Oakley Day in Piedmont.

REGULAR CALENDAR

The Council considered the following items of regular business:

**Public Hearing
Conditional Use Permit
5201 Park Boulevard**

City Administrator Benoit introduced the application, stating that the Zion Lutheran School closed in 2013, and that the church is now requesting to fill the space with the Shu Ren International School, which is a K-8 English and Chinese immersion school. He said that the Planning Commission, at its meeting on March 9, unanimously recommended that the City Council approve the Conditional Use Permit.

In response to questions from the Council, Planning Director Kate Black explained that in 2012 the Council approved a Conditional Use Permit—with a 15-year term—for the church and the prior school. She also explained that the recommendation that the church submit a geotechnical report every six months was in response to prior instability on the site, and that a similar condition of approval was placed on past Conditional Use Permit approvals.

Public testimony was received from:

Paul Aldrich, the Pastor at Zion Lutheran Church, stated that the church is more than willing to comply with the semi-annual geotechnical report requirement.

Planning Commission Chair Susan Ode reported on the unanimous vote of the Planning Commission to recommend approval of this application.

The Council was unanimous in its support of the Conditional Use Permit, stating that the impact of the new school would be equal to or less than the impact of the previously approved school.

Resolution 35-15

RESOLVED, that the Piedmont City Council determines that the granting of a Conditional Use Permit to Zion Lutheran Church at 5201 Park Boulevard, Piedmont, California, is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e).

Moved by Rood, Seconded by McBain

Ayes: Fujioka, Wieler, King, McBain, Rood

Noes: None

Absent: None

(0340)

Resolution 36-15

WHEREAS, Zion Lutheran Church is requesting a Conditional Use Permit to permit a new, private K-8 school to operate on the premises, 8:30 a.m. to 3:00 p.m., Monday through Friday. The Shu Ren International School is a dual immersion English and Chinese school with 75 students. The application also proposes an additional half-hour in the Church services and activities on Sundays from 8:00 a.m. to 1:00 p.m., located at 5201 Park Boulevard, Piedmont, California; and

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

The Piedmont City Council adopts the following findings:

1. The proposed use is compatible with the General Plan and conforms to the zoning code, in that the new use is proposed in the same space that has been used as a school in the past. The Council recognizes that the school will start with 75 students, but may grow to a maximum of 130, which is less than the prior school enrollment of 180.
2. The use is primarily intended to serve Piedmont residents (rather than the larger region), in that Piedmont residents will be offered priority enrollment.
3. The use will not have a material adverse effect on the health, safety or welfare of persons residing or working in the vicinity, in that this space was used for a school in the past.

RESOLVED, that in consideration of the findings and facts set forth above, the Piedmont City Council approves the Conditional Use Permit application by Zion Lutheran Church at 5201 Park Boulevard, Piedmont, California, subject to the following recommended conditions:

1. **Terms of the Approval.** A review of the conditional use permit shall occur in May of 2027 and the conditional use permit shall have the following operational characteristics:

Church: Sundays: **8:00 a.m. to 1:00 p.m.; also evening activities**

School: Monday-Friday: **8:30 a.m. to 3:00 p.m.**

Types of Church and School Staff/Personnel: **Church: 1 full time pastor, 1 full-time youth director, 1 full-time parish administrator, 1 part-time organist. School: initially, 75 students, 5 full-time teachers, 1 full-time administrator; at possible maximum, 130 students, 9 full-time teachers, 2 full-time administrators, and 2 part-time support staff**

2. **Six-Month Geotechnical Reports.** As previously required by CUP #12-0054, over the course of the term of this conditional use permit modification, at intervals no longer than six months and at times coincident with significant slide activity, Zion Lutheran Church and School shall submit geological reports to the Public Works Department for review by the City Engineer addressing issues of slope stability, site safety and the ability of existing school buildings to withstand a major slope failure. In the event any of these geological reports indicate safety issue problems/concerns, the City Council has the authority to reconsider the Conditional Use Permit.

3. **Defense of Legal Challenges.** If there is a third party administrative, legal or equitable action challenging the project approvals, including CEQA issues, the Property Owner shall defend and indemnify the City against any liability, fees and costs arising out of the defense, including the costs of City's own counsel. If such an action is filed, the Property Owner and City shall then enter into an agreement regarding selection of counsel and other provisions related to the defense. For this purpose, "City" includes the City and its elected and appointed officials, agents, officers and employees.

Moved by Rood, Seconded by King

Ayes: Fujioka, Wieler, King, McBain, Rood

Noes: None

Absent: None

(0340)

**Triathlon Street
Closure Request**

City Administrator Benoit explained that the Recreation Department is requesting to close certain city streets on Saturday May 16, 2015, for a family triathlon called "Splash Pedal Dash!"

Recreation Aquatics Coordinator Rebecca Sermeno spoke to further explain the event and the street closings. She explained that the non-competitive event is geared toward kids, aged 6 to 14. She also explained that there will be training sessions for kids prior to the event.

In response to questions from the Council, Recreation Director Lillevand stated that the costs to the City should be minimal, since the course will not have a large number of participants and will be heavily staffed by volunteers. She also explained how emergency vehicles will use Vista Avenue, if necessary, during the event. Director Lillevand stated that the road closures will occur between 2:00 p.m. and 4:00 p.m.

The Council was in full support of the event, acknowledging the non-competitive family nature of the triathlon. Councilmember Rood recommended that the map be reworked prior to neighbor notification, so that it is clear what portions of the street will be closed.

Resolution 37-15

RESOLVED, that the City Council approves a request to close city streets on Saturday May 16, 2015, from the hours of 2:00 p.m. to 4:00 p.m., for "Splash Pedal Dash!" A Family Fun Triathlon sponsored by the Piedmont Recreation Department.

Moved by McBain, Seconded by King

Ayes: Fujioka, Wieler, King, McBain, Rood

Noes: None

Absent: None

(1000)

**Update on Regional
Housing Needs**

City Administrator Benoit explained that the City received a report from the Association of Bay Area Governments (ABAG) that compares the Regional Housing Needs Allocation (RHNA) progress of Alameda County jurisdictions during the period of 2007 to 2014. He reported that Piedmont was listed on the ABAG report as the most successful city in Alameda County, with a 98% compliance level.

Planning Director Kate Black stated that the City's high compliance is a result of the success of second units in Piedmont, and she commended the Planning Commission for their work with second unit approvals. She explained that Piedmont residents like second units for a variety of reasons, including providing housing for caregivers, offering added security, accommodating extended families, and providing extra income. Planning Director Black explained that Piedmont's RHNA for 2015-2022 is 60 units, which is 50% more than the previous RHNA. She explained that the City's plan is to continue the second unit program, to refine the code to encourage more second units, and to find existing unintended and exempt second units that may be eligible for the second unit program. In response to questions from the Council, Planning Director Black discussed rent-restricted units and how the City plans to continue to encourage the renting of units at low and very low-income rates. She also discussed how other cities fared in the RHNA progress report and what

consequences there may be in the future for cities that do not fulfill their housing allocation.

Planning Commission Chair Susan Ode spoke about the Commission's role in helping the City meet its housing needs. She thanked Planning Director Black and Planning Staff for their hard work in helping the City.

The Council commended Planning Director Black, Planning Staff, and the Planning Commission on their creative solutions to the City's housing needs. The Council commented on the importance of helping with regional housing needs, and noted that the second unit program not only helps the City to meet its regulatory requirements, but also meets the diverse needs of Piedmont residents. (0775)

REPORTS AND ANNOUNCEMENTS

Recreation Department – Councilmember King reported that the Recreation Department survey is now closed and yielded 1,000 responses. She also reported that the Piedmont pool is getting new lockers this week.

Piedmont Unified School District Superintendent – Mayor Fujioka congratulated new Superintendent Randy Booker and the School Board for the comprehensive Superintendent selection process. She invited Superintendent Booker to attend the next City/School Liaison meeting.

Fire Station Open House – Mayor Fujioka announced that the Public Safety Committee and the Fire Department are holding an open house at the Fire Station on April 26 from 11:00 a.m. to 3:00 p.m. The open house will focus on fire prevention and disaster preparedness.

Alameda County Transportation Commission – Mayor Fujioka announced that, approximately \$871,000 in transportation funding will be coming to the City of Piedmont for transportation related improvements as a result of Measures B and BB. She thanked those who voted for Measure BB.

Earth Day Water Conservation Showcase – Councilmember Rood announced the Earth Day Water Conservation Showcase, to be held on April 22, 2015, from 6:00 to 8:00 p.m. at the Community Hall. The event will include information on reducing household water usage and stopping water pollution. The event is organized by the Piedmont Middle School Green Team, Piedmont Connect, the League of Women Voters of Piedmont, and StopWaste.Org.

Piedmont Business Network – Mayor Fujioka announced that she attended the Piedmont Business Network meeting, along with other Councilmembers and City Staff. She explained that the organization functions as a Chamber of Commerce and is represented by business owners and members of not-for-profit organizations. Councilmember King suggested that people who might be interested in attending should contact Debbi DiMaggio with Highland Partners.

Fourth of July Parade – Mayor Fujioka announced that the 50th Anniversary of the Piedmont Fourth of July Parade is being organized for July 4, 2015.

FUTURE AGENDA ITEMS

LED Streetlights – Mayor Fujioka announced that LED Streetlights and a no-interest loan from PG&E will be discussed at the City Council meeting on April 20, 2015.

Drought Response – Mayor Fujioka requested that the Public Works Director present a report at the April 20, 2015, Council meeting regarding the City’s current and future strategies for dealing with the drought conditions.

Divesting from Fossil Fuel Corporations – Councilmember Rood requested that the Council discuss whether the City should divest from fossil fuel corporations and ask CalPERS to do the same.

ADJOURNMENT

There being no further business, Mayor Fujioka adjourned the meeting at 8:48 p.m.