

## PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Tuesday, February 18, 2020

A Regular Session of the Piedmont City Council was held February 18, 2020, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54957(b), the agenda for this meeting was posted for public inspection on February 13, 2020.

### CALL TO ORDER

Mayor Bob McBain called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

### ROLL CALL

Present: Mayor Bob McBain, and Councilmembers Jennifer Cavanaugh, Tim Rood, and Betsy Smegal Andersen (arrived at 7:45 p.m.)

Absent: Vice Mayor Teddy Gray King (excused)

Staff: City Administrator Sara Lillevand, City Attorney Michelle Marchetta Kenyon, Planning & Building Director Kevin Jackson, Senior Planner Pierce Macdonald-Powell, Public Works Director Chester Nakahara, Parks & Project Manager Nancy Kent, and Assistant City Administrator / City Clerk John Tulloch

### CONSENT CALENDAR

The Consent Calendar consisted of the following items:

#### **Council Meeting Minutes**

Approval of Council Meeting Minutes for 01/21/2020

#### **Oakland Avenue Project Acceptance**

WHEREAS, at the June 17, 2019 City Council meeting, the City Council approved an overall budget for the Oakland Avenue Bridge Pedestrian Railing Project (Project) and authorized the award of the construction project to Valentine Corporation, Inc.; and

WHEREAS, the Project has been inspected and determined to have been completed in accordance with the contract requirements; and

WHEREAS, based upon the foregoing, staff recommends acceptance of the Project on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PIEDMONT AS FOLLOWS:

1. The City hereby accepts the improvements associated with the Oakland Avenue Bridge Pedestrian Railing Project.
2. The City Council authorizes the Public Works Director to release the Performance Bond and Labor & Material Bond posted with this project; and to hold the Maintenance Bond for a period of one year from the date of this resolution, at which time the Public Works Director is authorized to release said bond if the improvements remain in good condition and there is no issues to be resolved.
3. Authorizes and directs the Public Works Director to file a Notice of Completion concerning the Project with the Alameda County Clerk's Office within ten (10) days of the date of this Resolution.

**Resolution No. 10-2020**

RESOLVED, that the City Council approves the Consent Calendar.  
Moved by Rood, Seconded by Cavanaugh  
Ayes: Cavanaugh, McBain, Rood  
Noes: None  
Absent: King, Andersen  
(0045)

**PUBLIC FORUM**

David Rodriguez, Teamsters Local 315, believed recent changes in waste collection are detrimental to service, traffic, and the safety of garbage truck drivers.

**REGULAR AGENDA**

The Council considered the following items of regular business:

**Updates to the  
Design Guidelines**

City Administrator Sara Lillevand reported new laws have changed the standards for accessory dwelling units (ADU) and reduced local discretion. She indicated the proposed amendments to the Piedmont Design Guidelines related to ADUs are intended to implement objective standards, which comply with new state legislation.

Planning & Building Director Kevin Jackson clarified that state laws require a ministerial, nondiscretionary ADU and junior accessory dwelling unit (JADU) permit process. He indicated the Planning Commission reviewed the proposed amendments and recommended the Council approve them. He added that staff has proposed additional revisions for clarity. Mr. Jackson indicated since the new state laws became effective on January 1<sup>st</sup>, the number of people inquiring about ADUs has increased. He stated staff and the public need objective guidelines that can lead to an approved project.

Senior Planner Pierce Macdonald-Powell noted the ADU Ordinance, amended February 3<sup>rd</sup>, will take effect March 4<sup>th</sup>. She summarized proposed amendments, publication of proposed amendments, and comments from the Planning Commission and public.

**Public Testimony** was received from:

Michael Henn urged the Council to wait for state guidelines before adopting the changes to the Design Guidelines. He provided an email from the California Department of Housing and Community Development (HCD) indicating new guidelines may be available in a month. Mr. Henn suggested staff provide periodic updates regarding ADU activity and issues.

Councilmembers discussed at length the intent and language for garage conversions and windows facing an adjacent dwelling and revised the wording of Guideline 5.03.02.1(j).

**Resolution No. 11-2020**

WHEREAS, Division 17.38 of the Piedmont Municipal Code requires that an accessory dwelling unit or junior accessory dwelling unit comply with the Piedmont Design Guidelines; and

WHEREAS, the City Council initially adopted Design Guidelines in 1988 to provide criteria for the applicant and the appropriate hearing body to determine whether a specific project conforms to the City's design standards; and

WHEREAS, the Piedmont Design Guidelines were last updated by the City Council following a public hearing on June 3, 2019; and

WHEREAS, the City will benefit from objective standards specific to the design of accessory dwelling units and junior accessory dwelling units in Piedmont in conformance with Government Code sections 65852.2 and 65852.22; and

WHEREAS, the 2014-2023 Piedmont Housing Element included policies 1.5, 1.6, and 5.2 and program 1.C which support the construction of accessory dwelling units (second units) to provide housing affordable to a range of income levels; and

WHEREAS, the City Council adopted an update of the Design Guidelines in 2019 as part of a five-phase process to update and modernize the City's land development regulations, including zoning and design review; and

WHEREAS, public input on the Guidelines for Accessory Dwelling Units, including Junior Accessory Dwelling Units, was solicited through public hearings at the Planning Commission and City Council; and

WHEREAS, the revised Guidelines for Accessory Dwelling Units, including Junior Accessory Dwelling Units, were published for public review on January 29, 2020, and have been available for public comment for approximately 21 days; and

WHEREAS, the Planning Commission convened public hearings on the Guidelines on February 10, 2020, and provided an opportunity for public and Commissioner comments at that time; and

WHEREAS, the draft document has been revised to incorporate and respond to public comments; and

WHEREAS, City Council approval of the new Guidelines for Accessory Dwelling Units, including Junior Accessory Dwelling Units, is required before they become effective; and

WHEREAS, after reviewing the revised document, and the testimony and documents received, the Piedmont Planning Commission voted to recommend that the City Council adopt the revised Design Guidelines, finding that:

1. The proposed Guidelines for Accessory Dwelling Units, including Junior Accessory Dwelling Units, are consistent with and will advance the policies and actions of the Piedmont General Plan;
2. The proposed Guidelines for Accessory Dwelling Units, including Junior Accessory Dwelling Units, are consistent with Chapter 17 of the Piedmont Municipal Code;
3. The proposed Guidelines for Accessory Dwelling Units, including Junior Accessory Dwelling Units, will support and improve the City's ability to promote orderly, attractive, safe, and harmonious development that upholds the aesthetic values of the community and ensures excellence of architectural design;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine and order as follows:

SECTION 1. The above recitals are correct and are incorporated into this Resolution as findings of the City Council.

SECTION 2. The Design Guidelines specific to Accessory Dwelling Units and Junior Accessory Dwelling Units dated February 18, 2020, as amended by the City Council are adopted.

SECTION 3. The City Council finds the adoption of these Design Guidelines for Accessory Dwelling Units, including Junior Accessory Dwelling Units, is exempt from the California Environmental Quality Act (CEQA) because the proposed action is not a project, as defined in Public Resources Code section 21065 and CEQA Guidelines, 14 Cal. Code of Regulations section 15378, also is also exempt under CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that the adoption of Design Guidelines may have a significant effect on the environment. In the alternative, this action would also be exempt under CEQA Guidelines sections 15301(e) and 15303(a), because the proposed Design Guidelines relate to the creation of design regulations to address the construction of accessory dwelling units and junior accessory dwelling units (second units) which are themselves projects subject to exemption.

SECTION 4. All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

Moved by Rood, Seconded by McBain

Ayes: Andersen, McBain, Rood

Noes: Cavanaugh

Absent: King

(0775, 0795)

**Update to the  
General Plan**

Ms. Lillevand reported the Council adopted a Local Hazard Mitigation Plan (LHMP) in August 2019. She indicated Assembly Bill 2140 requires a city to incorporate the LHMP into its General Plan in order to be eligible for funding and reimbursement for disaster recovery projects.

Mr. Jackson added that the proposed amendment incorporates the LHMP by reference into the General Plan's Environmental Hazard Element, which serves as Piedmont's Safety Element. He indicated the LHMP includes an assessment of risks and vulnerability, a comprehensive mitigation strategy, and actions and projects designed to mitigate the impacts of hazards and to increase community resiliency.

There was no **Public Testimony** on the matter.

Councilmembers highlighted findings in the LHMP.

**Resolution No. 12-2020**

WHEREAS, the United States Congress passed the Disaster Mitigation Act of 2000 emphasizing the need for pre-disaster mitigation of potential hazards; and

WHEREAS, the Disaster Mitigation Act makes hazard mitigation grants available to state and local governments; and

WHEREAS, consistent with the federal Disaster Mitigation Act of 2000, State Assembly Bill (AB) 2140 requires cities to adopt the Local Hazard Mitigation Plan (LHMP) into the Community Health and Safety Element (Environmental Hazards Element) of the General Plan, by either cross reference or by integration of the two documents, in order to qualify for the maximum amount of disaster aid through the California Disaster Assistance Act; and

WHEREAS, the City of Piedmont adopted the LHMP on August 5, 2019, which was subsequently approved by the FEMA on August 30, 2019; and

WHEREAS, the LHMP provides guidance and insight to the hazards that exist in the City of Piedmont and suggests possible mitigation measures and actions in its Mitigation Action Plan; and

WHEREAS, the Mitigation Action Plan section of the LHMP includes an action to adopt the LHMP into the Environmental Hazards Element of the General Plan by reference or incorporation.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby resolve, declare, determine and order as follows:

SECTION 1. The above recitals are correct and are incorporated into this resolution as findings of the City Council.

SECTION 2. The Environmental Hazards Element of the City of Piedmont General Plan dated February 18, 2020, and attached as Exhibit A, is adopted.

SECTION 3. The City Council finds the adoption of the update to the Environmental Hazards Element of the General Plan is exempt from the California Environmental Quality Act by General Rule, per CEQA Guidelines Section 15378(a), in that this action does not have a potential for a direct physical change or reasonably indirect physical change in the environment; and per CEQA Guidelines section 15061(b)(3), in that CEQA applies only to projects which have the potential for causing a significant effect on the environment and this proposed action would have no possibility for such significant effect. Agenda Report Page 5 Attachment 1.

SECTION 4. All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

Moved by Andersen, Seconded by Rood  
Ayes: Andersen, Cavanaugh, McBain, Rood  
Noes: None  
Absent: King  
(0440, 0515)

## REPORTS AND ANNOUNCEMENTS

Councilmember Cavanaugh announced the final set of workshops to discuss potential Building Code revisions to promote sustainability on February 26<sup>th</sup>. She announced the February 27<sup>th</sup> sustainable landscaping practices event. She also noted the upcoming showings of the Appreciating Diversity Film Series and Piedmont High School's performances of *Roe* March 5<sup>th</sup>-8<sup>th</sup>.

Councilmember Andersen announced the Recreation Department's Activity Guide for summer is available on the City website with registration for residents

opening March 3<sup>rd</sup>. She announced the Piedmont League of Women Voters is celebrating the centennial of women's suffrage with events scheduled for February 27<sup>th</sup> and March 22<sup>nd</sup>.

Councilmember Rood announced Alameda County Waste Management Authority is developing an app to help residents properly dispose of household items. He also announced East Bay Community Energy's (EBCE) enrollment and notification for net energy metering is complete. Councilmember Rood announced Community Choice Aggregation entities in PG&E's service area have an option to receive an allotment of carbon-free hydroelectric and nuclear energy at no cost.

Mayor McBain announced the Vote by Mail ballots for the March 3<sup>rd</sup> election can be placed in the secure ballot box on Highland Way. He announced the arrival of the City's new state-of-the-art fire engine, which was pushed in to the station by young Piedmonters.

**ADJOURNMENT**

There being no further business, Mayor McBain adjourned the meeting at 9:03 p.m.