

DRAFT

PIEDMONT CITY COUNCIL

Special and Regular Meeting Minutes for Monday, November 4, 2024

A Special and Regular Session of the Piedmont City Council in the City Hall Council Chambers, 120 Vista Avenue, was held on November 4, 2024. In accordance with Government Code Section 54954.2, the agenda for this meeting was posted for public inspection on October 31, 2024.

CALL TO ORDER

Mayor Cavanaugh called the Regular Session meeting to order at 6:15 p.m. with the Pledge of Allegiance.

ROLL CALL

Present: Mayor Jennifer Cavanaugh, Vice Mayor Betsy Smegal Andersen, and Councilmember Jennifer Long, Councilmember Conna McCarthy, and Councilmember Tom Ramsey

Absent: None

Staff Present: City Administrator Rosanna Bayon Moore, Assistant City Attorney Deepa Sharma, Recreation Director Chelle Putzer, Planning and Building Director Kevin Jackson, Fire Chief Dave Brannigan, Police Chief Jeremy Bowers, Assistant Planner Joshua Muller, Communications Program Manager Echa Schneider, and City Clerk Anna Brown

PUBLIC FORUM

Public Comment was received from:

Dick Carter announced the free Piedmont Adult Recreation Expo on November 17 that will showcase programs from the Piedmont Recreation Department, Piedmont Adult School, Piedmont Center for the Arts, and other groups providing recreation activities.

Sunny Bostrom-Flemming noted unstable land and landslides on Moraga Avenue and suggested accessory dwelling unit (ADU) development throughout Piedmont in lieu of large-scale homes. Additionally, she suggested the City purchase four Range Rovers for police department use.

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

Minutes

Approval of the Minutes for the City Council Meetings of 10/07/2024 and 10/21/2024

**Recreation Program
Coordinator Job
Classification**

Approval of the Reclassification of the Aquatics Coordinator Classification to the Recreation Program Coordinator, Approve the Job Classification and Set Employment Terms for the Revised Recreation Program Coordinator Classification, and Rescind Resolution 97C-2021 and Adopt a Resolution Approving a Policy Statement Regarding the Unrepresented Recreation/Childcare Employees Group Compensation and Setting Forth Other Terms and Conditions of Employment (0750)

WHEREAS, City staff has recommended reclassifying the Aquatics Coordinator classification to the Recreation Program Coordinator classification; and

WHEREAS, City staff has recommended that Recreation Program Coordinators assigned to aquatics receive a 2% pay differential if they obtain and maintain a certification for completing an American Red Cross First Aid for Public Safety Personnel (FAFPSP) Course that complies with Title 22 of the California Code of Regulations, Section 100017, a 2% pay differential if they obtain and maintain the American Red Cross Water Safety Instructor Certification, a 1% pay certification differential if they obtain and maintain either the Certified Pool Operator or Aquatics Facility Operator Certifications, a 1% pay differential if they obtain and maintain the American Red Cross Lifeguarding with CPR/AED for the Professional Rescuer and First Aid, and a 1% pay differential if they obtain and maintain the American Red Cross Lifeguard Instructor (revised 2024 version) Certification; and

WHEREAS, the Recreation Program Coordinator classification is a member of the Unrepresented Recreation/Childcare Employees and so Resolution 97C-2021 will be rescinded and a new Resolution will be approved and adopted to reflect the reclassification of the Aquatics Coordinator classification and to include the new differential certification pays available to the Recreation Program Coordinator classification.

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

- 1.The above recitals are correct and are incorporated into this resolution as findings of the City Council.
- 2.The revised job classification for the Recreation Program Coordinator is hereby approved.
- 3.The City Council rescinds Resolution 97C-2021.
- 4.The City Council approves and adopts the Revised Resolution as attached.

BE IT FURTHER RESOLVED that Resolution No. 97C-2021 is hereby rescinded, and that this Resolution shall constitute the sole statement of compensation and benefits for the Recreation/Childcare Employees Group through June 30, 2025.

**Side Letter Agreement
with the Service
Employees
International Union
Local 1021**

Approval of a Side Letter Agreement Revising Section 7.11 of the Memorandum of Understanding between the City of Piedmont and the Service Employees International Union (SEIU) Local 1021 – Public Works Unit and Rescinding Resolution 02-2023 Side Letter Agreement with SEIU Local 1021
(0045)

**Police Vehicles and
Equipment Purchases**

Approval of the Purchase of One Police Vehicle and Outfitting to Replace Existing Police Vehicle and Equipment
(0045)

There was no **Public Comment** received.

Resolution 61-2024

RESOLVED, that the City Council approves the Consent Calendar Items 1-4 with an amendment to Item 1 noted on page 6 of 7 with the insertion of “10-day duration after an event takes place.”

Moved by McCarthy, Seconded by Long

Ayes: Andersen, Long, McCarthy, and Ramsey

Abstain: Cavanaugh (City Council Meeting Minutes of 10/21/24)

Absent: None

REGULAR AGENDA

The Council considered the following items of regular business:

Planning and Building Director Kevin Jackson relayed that the agenda item addresses an appeal of the Planning Commission's decision to conditionally approve a Design Review Permit application (DRPC2023-016) to renovate and add a second story to an existing single-family residence at 21 Cambridge Way. He reviewed the appeal dates, recommendation by staff, application history, and appeal review standards.

Assistant Planner Muller described the basis of the appeal submitted by the Hou family and analysis by staff.

Assistant City Attorney Deepa Sharma clarified that the appellant and applicant will be allotted 10 minutes of speaking time to present an argument and rebut.

Appellant David Hou provided comment. He noted the project blocks the light to his property and view from his house and privacy issues.

Michael Bradley provided comment on behalf of the applicant, Linda Lau. He noted the project's approval by the Planning Commission, meetings with planning staff, standard planning principles, light and privacy impacts, planning code conformance, enhancements to the subject property, and improvements to the neighborhood property values. Mr. Bradley requested the Council deny the appeal and vote to approve the project.

There was **Public Comment** received from:
Daniel Borenstein supported overruling the Planning Commission's determination.

The Council held posed questions to staff.

Following the Council discussion, Michael Brandley provided rebuttal comments on behalf of the applicant. He relayed the separation from the neighboring properties and signatures from neighbors in support of the project.

Kenneth Hou opposed the project as it stands, noted false statements in the staff analysis, and supported renovations to the subject property that does not affect their livelihood or home and offered suggestions. David Hou provided appellant rebuttal comments.

Resolution 62-2024

WHEREAS, on June 5, 2024, Linda Lau ("Applicant") applied for a design review permit that proposed to expand and renovate the existing single-family residence by constructing front, rear and second-story additions; comprehensively changing the architectural style; making window and door modifications throughout; making changes to exterior lighting; and making hardscape changes throughout the property (the "Project"); and

WHEREAS, on August 12, 2024, the Planning Commission held a public hearing to consider the Project, reviewed written comments from the public, received oral comments from the public, discussed the matter, and at the

conclusion of the public hearing, the Planning Commission continued the application to the September 9, 2024, Planning Commission meeting; and

WHEREAS, on September 9, 2024, the Planning Commission held a public hearing to consider the Project, reviewed written comments from the public, received oral comments from the public, discussed the matter, and at the conclusion of the public hearing, the Planning Commission conditionally approved the Project, finding that the Project is categorically exempt from CEQA per Sections 15301, Class 1 (e), and 15303, Class 3 (e), and that none of the exceptions to the exemptions apply, and that the project is consistent with the City's General Plan and Piedmont Design Guidelines and Standards; and

WHEREAS, on September 19, 2024, Gloria and David Hou ("Appellants") appealed the Planning Commission decision in accordance with Division 17.78, Appeals; Calls for review, of the Piedmont City Code ("Appeal"); and

WHEREAS, on October 21, 2024, a 14-day public notice was duly given to the Applicants, the Appellant, the surrounding property owners notified in the original application hearing, and to any other person requesting notice, in accordance with Section 17.78.030 and Section 17.66.050 of the City Code; and

WHEREAS, based upon all of the evidence in the record and after reviewing the application, plans and any and all oral or written testimony and documentation submitted in connection with the Project, the Piedmont City Council denies the appeal and upholds the findings rendered by the Planning Commission to conditionally approve the application for design review permit, and finds that the Planning Commission's decision is supported by the weight of the evidence:

WHEREAS, the City Council of the City of Piedmont denies the appeal, and finds that the Project complies with the design review criteria set forth in Section 17.66.060 of the Piedmont City Code for the following reasons:

1. The proposed design is consistent with the City's General Plan and Piedmont Design Guidelines. The following building features are consistent with the original architecture and neighborhood development including the scale, height and bulk of the expanded residence including the second story, the new architectural style is compatible with the neighborhood architecture, the wall material, the roof form, the roof material, the window and door material and fenestration pattern, the guardrail material, and the retaining wall and fencing material and design.
2. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light because the distance between the project and neighboring homes is appropriate because it is approximately 12 ½ feet away from the nearest neighbor and the proposed addition complies with the Zone A setback requirements. The house at 21 Cambridge Way is located northeast of the house located at 19 Cambridge Way. Therefore, the proposed second story addition will have little or no effect on the direct light reaching the house located at 19 Cambridge Way. The upper level and rear additions to the house at 21 Cambridge Way are likely to increase indirect sunlight reflected off of the west façade and onto the east façade of 19 Cambridge way in the late afternoon and early evening.

The views from neighboring properties are not significant views as defined in City Code division 17.90, the siting of the modified existing structure and the location of its exterior openings respects the visual and acoustical privacy of the residences located on contiguous properties. The topographical differences are appropriate to preserve privacy, views, and light.

3. The proposed design does not adversely affect pedestrian or vehicular safety because the new pathways, handrails and on-grade steps should improve on-site pedestrian safety, and the project scope proposes no changes to the pedestrian and vehicular circulation in the public right-of-way.
4. The application complies with the following Design Review Guidelines and General Plan policies and programs: Site Design: 3.03, 3.05, 3.08, 2.09, 3.12, Building Design: General 4.01, 4.02, 4.03, 4.04, 4.05, and Building Design: Single Family Residential 5.01 because the guidelines and standards cited by the appellant either do not meet the threshold for an appeal or are cited incorrectly.
5. The project is consistent with General Plan policies and programs, including the land use element, housing element, and design and preservation element, including: Design and Preservation Element Policy 28.1 (Scale, Height, and Bulk Compatibility), Design and Preservation Element Policy 28.2 (Style Compatibility), Design and Preservation Element Policy 28.3 (Additions), Design and Preservation Element Policy 28.4 (Setback Consistency), Design and Preservation Element Policy 28.5 (Garages, Decks, and Porches), Design and Preservation Element Policy 28.6 (Exterior Materials), Design and Preservation Element Policy 28.8 (Acoustical and Visual Privacy), Design and Preservation Element Policy 29.1 (Conserving Residential Yards), Design and Preservation Element Policy 29.5 (Fence and Wall Design), Design and Preservation Element Policy 29.6 (Retaining Walls), and Design and Preservation Element Policy 29.8 (Exterior Lighting).

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

SECTION 1. The above recitals are correct and that the Piedmont City Council finds that the Appellants have not met the burden of proof that errors were made by Planning Commission or Planning Building Department staff, pursuant to Section 17.78.040(A)(2) of the Piedmont City Code, and have not met their burden to demonstrate that the Planning Commission's findings made as a basis for its action were not supported by the weight of the evidence.

SECTION 2. The City Council denies the appeal and upholds the Planning Commission's conditional approval of the Design Review Permit application to expand and renovate the existing single-family residence by constructing front, rear and second-story additions; comprehensively changing the architectural style; making window and door modifications throughout; making changes to exterior lighting; and making hardscape changes throughout the property.

SECTION 3. The City Council finds that the project is categorically exempt under the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15301, Class 1 (e), Existing Facilities because it is a minor change to an existing private residence which is less than 10,000

square feet and the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area in which the project is located is not environmentally sensitive, and Section 15303, Class 3 (e), New Construction or Conversion of Small Structures because retaining walls are small accessory structures.

SECTION 4. The Planning and Building Director is the custodian of documents and other materials that were considered by the City Council and constitute the record of proceedings on which this decision was based. The records are located at the Planning & Building Department, 120 Vista Avenue, Piedmont, CA 94611.

SECTION 5. 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 Long, Seconded by Ramsey

Ayes: Cavanaugh, Andersen, Long, McCarthy, and Ramsey

Abstain: None

Absent: None

(0285)

REPORTS AND ANNOUNCEMENTS

Councilmember Long announced that the electrification survey is on the City website through November and encouraged community participation.

Councilmember McCarthy announced Bark in the Park on November 6 and Lights Up on December 4 at 6 p.m.

Councilmember Ramsey announced the start of the Parks and Recreation Department's Recreation Basketball League in December, a free girls basketball clinic on November 9, a preseason clinic for girls and boys starting this weekend, and Lights Up Piedmont on December 4 at 6 p.m.

Vice Mayor Andersen announced signups for the Move Your Feet Before You Eat Turkey Trot event.

City Administrator Rosanna Bayon Moore announced Magnolia Avenue will be closed this Saturday from 7 a.m. – 5 p.m. to accommodate the transformer arrival by PG&E at the Piedmont pool site.

ADJOURNMENT

With no further business, Mayor Cavanaugh adjourned the meeting at 7:28 p.m. to a continued Closed Session.