

PIEDMONT CITY COUNCIL

Regular Meeting Minutes for Monday, April 15, 2024

A Regular Session of the Piedmont City Council in the City Hall Council Chambers, 120 Vista Avenue, was held on April 15, 2024. In accordance with Government Code Section 54954.2, the agenda for this meeting was posted for public inspection on April 11, 2024.

CALL TO ORDER Mayor Cavanaugh called the Regular Session meeting to order at 6:02 p.m. with the Pledge of Allegiance and stated there is no reportable action from the Special Meeting.

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

Staff Present: City Administrator Rosanna Bayon Moore, Assistant City Attorney Deepa Sharma, Acting Planning and Building Director Pierce Macdonald, Assistant Planner Steven Lizzarago, Finance Director Michael Szczech, and City Clerk Anna Brown

PUBLIC FORUM There was no **Public Comment** received.

CEREMONIAL MATTERS Mayor Cavanaugh presented a proclamation recognizing April as Sexual Assault Awareness and Prevention Month, which was received by Michelle La Place Watts, LMFT, Bay Area Women Against Rape (BAWAR) Director of Programs.

CONSENT CALENDAR The Consent Calendar consisted of the following items:

Minutes Approval of City Council Minutes for 4/1/2024

Certification of Election Results Certification of Election Results for the Special Municipal Election of March 5, 2024 (0435)

2023 Military Equipment Annual Report and Ordinance 764 N.S. Renewal Receipt of Military Equipment Annual Report for 2023 and Approval of the Renewal of Ordinance 764 N.S. Adopting a Military Use Equipment Policy as Required by State Law (0785-0370)

2023-24 Street Tree Pruning Project Approval of a Resolution Accepting Improvements for the Fiscal Year 2023-2024 Street Tree Pruning Project (1070)

Microsoft Office 365 Licenses Approval of the Award of Contract to CDW Government, LLC to Provide Microsoft Office 365 Licenses to the City of Piedmont in the Amount of \$143,415 and Authorization for the City Administrator to Execute Related Contract Documents (0045)

There was no **Public Comment** received.

Resolution 19-2024

RESOLVED, that the City Council approves Items 1 – 5 of the Consent Calendar as presented.

Moved by Andersen, Seconded by McCarthy
Ayes: Andersen, Cavanaugh, Long, McCarthy, Ramsey
Noes: None
Abstain: None

**Receipt of the Crime
Response Plan and
2023 Annual Report**

Police Chief Jeremy Bowers provided an update on the implementation status of the Crime Response Plan and acknowledged the Public Works department for their support, reviewed the approach for the 2023 Annual Report and crime category rates and statistics, and thanked his staff and Communications Manager Echa Schneider.

There was no **Public Comment** received.

Resolution 19a-2024

RESOLVED, that the City Council approves Item 6 of the Consent Calendar.

Moved by McCarthy, Seconded by Ramsey
Ayes: Andersen, Cavanaugh, Long, McCarthy, Ramsey
Noes: None
Abstain: None
(0785)

REGULAR AGENDA

The Council considered the following items of regular business:

**Receipt of Bond
Oversight
Committee's Annual
Report**

Finance Director Michael Szczech introduced John Chiang, member of the Piedmont Bond Oversight Committee, who delivered the second annual Bond Oversight Committee's Annual Report and reviewed the Committee's background, focus, responsibilities, role, members, and meeting dates. He noted the summary reports provided by Mr. Szczech, vendor partners, budget summary, Measure UU proceeds, other funding sources, Facilities Capital Reserves, expenditures leaving 45 percent remaining, construction challenges, and meeting with the auditors. Mr. Chiang stated that the Committee is satisfied that the bond proceeds used by the City as of February 29 have been used for the purpose set forth in Measure UU.

There was no **Public Comment** received.

(0155)

**Consideration for a
Conditional Use
Permit for Project
Glow**

Acting Planning and Building Director Pierce MacDonald introduced the consideration of a resolution approving a conditional use permit (CUP) for Project Glow beauty salon at 1235 Grand Avenue and noted that City staff has prepared a draft resolution of approval for the consideration of the Council. She turned the presentation over to Assistant Planner Steven Lizzarago who outlined the CUP requirements, beauty salon's operating days/hours, employee count, user limits, Planning Commission's determinants for approval on April 8, 2024, public outreach, and community support.

Ms. MacDonald clarified the condition of approval recommended by staff to limit the number of employees to a total of seven to ten full-time and part-time.

Public Comment was received from:

Ashley Stoltz, applicant and owner of Project Glow, shared the history of her business development and employee configuration.

Resolution 20-2024

WHEREAS, Project Glow, represented by Ashley Stoltz, submitted an application for a conditional use permit at 1235 Grand Avenue to allow for a new beauty salon; and

WHEREAS, 1235 Grand Avenue is located in Zone D, which authorizes as a conditional use: “Retail, office, and service commercial uses of a type that will be primarily neighborhood serving. Commercial uses that are primarily neighborhood serving are those uses neighbors would be expected to use on a regular basis, and not uses that would be expected to draw the major portion of their clientele from outside the neighborhood.”; and

WHEREAS, Applicant is seeking a conditional use permit to change the existing use of a flooring store to a beauty salon, thereby requiring a conditional use permit under Piedmont Municipal Code section 17.26.030.D, which requires a conditional use permit when there is a change in “the type or quality of service or product being marketed”; and

WHEREAS, at a regular meeting on April 8, 2024, the Planning Commission unanimously recommended that the City Council approve the conditional use permit application; and

WHEREAS, under the Piedmont Municipal Code section 17.68.010.A and 17.68.030, the City Council renders the final decision on applications for conditional use permits; and

WHEREAS, the City Council held a duly noticed public hearing on April 15, 2024 and made the following findings as required by Piedmont Municipal Code section 17.68.040:

1. The proposed use is compatible with the General Plan and conforms to the zoning code for the following reasons.

The City Council finds that the proposed use is compatible with the zoning code, specifically the Land Use Element Policy 2.1 Local Serving Emphasis, as the business’ location is convenient and accessible to Piedmont residents; Policy 2.2: Mixed Use Development, as the business is located within a mixed-use structure and zone; Policy 2.6: Commercial Uses as Gathering Places, as the business can be used as a meeting place for customers and residents; and Design and Preservation Element Policy 27.4: City Gateways, as the business is located at adjacent to the Piedmont/Oakland city boundary.

The proposed use is also compatible with the zoning code, as the Piedmont Municipal Code section 17.26.030(D) specifies that in Zone D, “Retail, office, and service commercial uses of a type that will be primarily neighborhood serving. Commercial uses that are primarily neighborhood serving are those uses neighbors would be expected to use on a regular basis, and not uses that would be expected to draw the major portion of their clientele from outside the neighborhood” is a conditional use. The proposed business will serve Piedmont residents because there are no other similar businesses along this segment of Grand Avenue (east of Interstate 580), reducing travel times for residents. Accordingly, the

proposed use is compatible with the conditional uses allowed in Zone D.

2. The use is primarily intended to serve Piedmont residents (rather than the larger region) for the following reasons:

The City Council finds that the use is primarily intended to serve Piedmont residents, rather than the larger region because the business owner has indicated that many of its existing customers are Piedmont residents and that the proposed location in Piedmont makes it more visible and accessible to Piedmont residents.

3. The use will not have a material adverse effect on the health, safety or welfare of persons residing or working in the vicinity for the following reasons.

The City Council finds that the use will not have a material adverse effect on the health, safety, or welfare of persons residing or working in the vicinity because the customer base for the proposed beauty salon will be similar in volume and intensity compared to the commercial uses that have occupied the site since 1997 and would not create a significant impact to traffic, parking, and safety when compared to previous uses. Since 1997 the property has been home to a rug gallery, a linen and bath shop, a fashion boutique, and a flooring showroom. The previous businesses had anywhere from two to five staff onsite, and the maximum number of users at the business ranged from five to ten users. The previous businesses were also open for business up to seven days a week. For comparison, this business is similar to the conditional use permit approved in 2005 for Patu, a linens and bath accessories shop, which anticipated 10 users on the property at once. Further north on Grand Avenue, other businesses have limited off-street parking (or none at all), which makes the proposed business consistent with the neighborhood commercial patterns.

The use will not have a material adverse effect on the health, safety, or welfare of persons residing or working in the vicinity. Considerations for this finding include no substantial increase in traffic, parking needs or noise, no adverse effect on surrounding property values. Pedestrian and vehicular safety will not be affected because the traffic, customer usage, and noise impacts will be similar to the prior uses. Given that there is a residential parking permit program already in place along several streets radiating off Grand Avenue, parking for residents will not be adversely affected.

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. This Resolution incorporates by reference the contents of the staff report and analysis included therein.

SECTION 2. The application of a conditional use permit to allow the operation of a beauty salon, as it conforms with the criteria and standards of

Section 17.68.040 of the Piedmont City Code, subject to the subject to the conditions of approval attached hereto as Exhibit A to this Resolution.

SECTION 3. The City Council determines that the project is categorically exempt under the California Environmental Quality Act Guidelines Section 15301, Class 1 (a), Existing Facilities because the project consists of a change in leasing and minor alteration of a private structure that does not expand the previous use. The project is also categorically exempt from California Environmental Quality Act Guidelines Section 15332, In-Fill Development, because the project is consistent with the underlying zoning regulations and General Plan designation; is on an urban site of less than five acres; does not impact endangered species or habitats; does not significantly impact traffic, noise, air quality, or water quality; and the site can be adequately served by all utilities and public services.

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.

EXHIBIT A

Regarding the conditional use permit application at 1235 Grand Avenue, the City Council approves the application with the following conditions of approval:

1. Terms of the Approval. A review of the conditional use permit shall occur as provided in City Code section 17.68.050.A, and the conditional use permit shall have the following operational characteristics:

Operating Hours: 10:00 a.m. to 7:00 p.m., 7 days a week.

Types of Staff/Personnel: Maximum of 7 full-time and part-time staff, total

2. Signage. Any new or modified exterior signage shall comply with the provisions of Division 17.36 of the City Code.

3. Defense of Legal Challenges. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at the Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or

costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

Moved by Long, Seconded by Ramsey
Ayes: Andersen, Cavanaugh, Long, McCarthy, Ramsey
Noes: None
Absent: None
(0340)

**Introduction and First
Reading of Ordinance
773 N.S.**

Ms. MacDonald presented the introduction and First Reading of Ordinance 773 N.S. amending the Property Lease Agreement with Gulf South Towers for City-owned land at 898 Red Rock Road, tenant space, sublease management, graduated rent schedule, renewal options, construction, and lease amendments to reflect site conditions and work with PG&E.

Matt Huffty of Gulf South Towers attended via Zoom and clarified the square footage and that development outside of the leased area is not prohibited.

There was no **Public Comment** received.

Resolution 21-2024

Moved by Ramsey, Seconded by Long
Ayes: Andersen, Cavanaugh, Long, McCarthy, Ramsey
Noes: None
Absent: None
(0045)

**REPORTS AND
ANNOUNCEMENTS**

Councilmember Long announced the Design and Sustainability Awards Gala on April 24 at 5:30 p.m. in Community Hall.

Councilmember McCarthy reported no injuries, as per Fire Chief Dave Brannigan, from a house fire on Blair Avenue, encouraged the community to participate in the Disaster Preparedness survey on the City's website home page, and announced that the Fire Department will compete in the Leukemia and Lymphoma Society Big Climb Harbor to fight blood cancers and information at [www. https://www.lls.org/big-climb](https://www.lls.org/big-climb).

Councilmember Ramsey announced the Piedmont Put-put and Picnic in the Park on April 21 and Play Like a Girl event on May 5.

Vice Mayor Andersen announced the Food Fest on April 20 from 11 a.m. to 4 p.m. in Piedmont Park, Arbor and Earth Day celebration on April 26, and State of the City on May 7 at Community Hall at 5:30 p.m.

Mayor Cavanaugh announced volunteer opportunities through the Alameda County Mayor's conference and acknowledged work at the local level to create effective community, and that the California Cities Advocacy Body for Local Government at the State level is holding a City leader's summit

this Wednesday through Friday to advance legislation that's beneficial at the local level.

City Administrator Rosanna Bayon Moore relayed a revised approach to the City Council budget process.

ADJOURNMENT

With no further business, Mayor Cavanaugh adjourned the meeting at 7:12 p.m.