

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday December 10, 2007

A Regular Session of the Piedmont Planning Commission was held December 10, 2007, 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 November 26, 2007.

CALL TO ORDER

Chairman Thiel called the meeting to order at 5:00 p.m. He announced that Planning Technician Sharon Lai is leaving Piedmont for new opportunities in San Francisco and on behalf of the Commission thanked Ms. Lai for her outstanding service in the planning department during the last two years. The Chairman then welcomed new Planning Technician Gabe Baracker.

ROLL CALL

Present: Commissioners Jonathan Levine, Bobbe Stehr, Clark Thiel and Alternate Commissioner Michael Henn

Absent: Commissioners Jim Kellogg and Melanie Robertson (excused)

Staff: City Planner Kate Black, Assistant Planner Kevin Jackson, Planning Technicians Sharon Lai, Sylvia Toruno and Gabe Baracker and Recording Secretary Chris Harbert

City Council Liaison: Mayor Nancy McEnroe

CONSENT CALENDAR

The following Resolution was approved under one vote by the Commission:

Fence Design Review 135 Monticello Avenue

Resolution 433-DR-07

WHEREAS, Ms. Amy Simon is requesting permission to modify an existing fence and add a new gate along the right (south) side of the property located at 135 Monticello Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that: it provides a safety gate for owners, children and a significant improvement to the existing fence.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because there is no adverse impact. If anything, the project will improve the property value and aesthetics.

3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress because it does not interfere in any way.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Ms. Simon for construction at 135 Monticello Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The approved plans are those submitted on November 29, 2007, after neighbors were notified of the project and the plans were available for public review;
2. The height of the new fence will be the same as the height of the existing fence and not the 6 ft. height shown on submitted plans.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Henn, Seconded by Levine

Ayes: Levine, Stehr, Thiel, Henn

Noes: None

Absent: Kellogg, Robertson

PUBLIC FORUM

There were no speakers for the public forum.

APPROVAL OF MINUTES

Resolution 28-PL-07

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of November 13, 2007.

Moved by Stehr, Seconded by Levine

Ayes: Levine, Stehr

Noes: None

Abstain: Thiel

Absent: Kellogg, Robertson

REGULAR CALENDAR

The Commission considered the following items of regular business:

New House Design Review 139 Lexford Road

Mr. Patrick Ellwood is requesting new house design review to construct a new, approximately 4,573 sq. ft. single family residence on the existing vacant lot at 139 Lexford Road. The new residence is proposed to be four levels with three bedrooms, two bathrooms, a half bath, a living room, dining room, kitchen, family room, office, laundry room, elevator, conforming 2-car garage and exterior lighting. A landscape plan with retaining walls, stairs and walkways is proposed.

A similar application was approved by the Commission on February 13, 2006 and again on appeal by the City Council on April 3, 2006.

Written notice was provided to neighbors. **Three affirmative and ten negative response forms** were received. **Correspondence** was received from: Christopher Van Gundy, Nov. 29; David Bowie, Dec. 4 & 6.

Public testimony was received from:

Kirk Peterson, Project Architect, stated that the current application proposes no significant changes to the design approved by the Commission/Council in February/April 2006, with the exception of a 429 sq. ft. expansion of the master bedroom and bath. He stressed that there are no exterior changes to the design or in the amount of excavation proposed from the plan previously approved. He noted that the additional excavation required for the master bedroom expansion is being off-set by a revised foundation method (slab on grade) which results in less excavation than originally anticipated – so overall, the amount of excavation remains the same as proposed in the previous approval. He also emphasized that the proposed project is not unique in scale or construction from many other homes built in the Oakland/Berkeley/Piedmont hill areas.

David Bowie, Attorney for the applicant, reiterated that the current application essentially proposes the same house as approved by the Commission and City Council in February/April of last year. The reason for the current submittal is that because of other pressing business matters, Mr. Ellwood was not prepared to pull his building permit for the 2006 approval in time to allow planning staff sufficient time to process the application before the time deadline expired.

Curtis Jensen, Applicant's Geotechnical Engineer, reviewed the site conditions of the property, stressing that it is a very stable site. However, he acknowledged that while the excavation process will be noisy and vibration unavoidable, neighbor impacts will be mitigated as set forth in the project's construction management plan and project approval conditions. He was confident that with proper shoring, the proposed construction will pose minimal risks to neighboring properties.

Alan Kropp, Geotechnical Engineer retained by Messrs. Sherman and Van Gundy, agreed that the proposed construction is possible, albeit very challenging and difficult and stated that if the shoring is not properly done, there could be adverse impact on neighboring properties.

Christopher Van Gundy reiterated his and his neighbor's concern that the difficult site conditions and unforeseen circumstances justify requiring a CEQA Initial Study in this case. He submitted photographs of the site in relation to neighboring properties, noted the neighborhood's concern/confusion over whether Mr. Ellwood intends to sell the property once his application is approved and stressed the expense neighbors have incurred in opposing this project and insuring that proper protections are in place if the project proceeds. He requested that if the current application is approved, the same

conditions imposed on the previous application be required and that the City reimburse neighbors for the expenses incurred in opposing this project. Mr. Van Gundy also relayed his belief that the proposed design of the house is too massive, not well integrated with adjacent homes and out of character with the neighborhood.

Robert Scherman emphasized the expense he has incurred since 2000 in opposing this project and voiced his concern that this project will drag on and on with a new applicant if Mr. Ellwood sells the property.

Jeanne Berres, the uphill neighbor, emphasized her concern that the proposed excavation and location of the new home so close to the rear property line will threaten the stability of the hillside and her residence. She reiterated her prior comments regarding concern over her personal and property safety, requested that if approved, all the original conditions of project approval be required and that the amount of the required bonds protecting neighborhood properties be increased since property values have escalated since 2000.

The Commission emphasized that project opponents have not presented any new evidence or arguments, either in terms of CEQA or project construction/design that were not thoroughly examined and considered in February/April 2006 when the project was approved. The Commission acknowledged that the current application is essentially the same project that was previously approved by the Commission and City Council last year.

Resolution 29-PL-07

RESOLVED, that the Planning Commission determines that the current application for proposed construction on 139 Lexford Road qualifies for the Class 3 Categorical Exemption that applies to most single family construction projects in California, finding that:

- there is no cumulative impact because the application proposes a single house on the lot and there is no reasonable probability of a significant effect on the environment;
- the current application proposes a structure sited lower on the lot, with the majority of proposed excavation occurring on the lower portion of this lot. The amount of excavation has been reduced by approximately 40% from that previously proposed (which was not approved by the City Council);
- submitted geotechnical evidence indicates that the proposed lot has a rock base;
- geotechnical, soils and structural engineers will be involved in the development/construction process and there is no evidence that there will be a significant effect on the environment.

Moved by Levine, Seconded by Stehr

Ayes: Levine, Stehr, Thiel

Noes: None

Absent: Kellogg, Robertson

Resolution 347-DR-07

WHEREAS, Mr. Patrick Ellwood is requesting permission to construct a new, approximately 4,573 sq. ft. single family residence, consisting of four levels with three bedrooms, two bathrooms, a half bath, a living room, dining room, kitchen, family room, office, laundry room, elevator, conforming 2-car garage and exterior lighting. A landscape plan with retaining walls, stairs and walkways is proposed located at 139 Lexford Road, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that it complies with Design Review Guidelines I-1(a), I-1(c), I-2 and I-5. The proposed design is appropriate and consistent with homes in Piedmont, is articulated to reduce the mass, is sited on the lot to be consistent with the neighborhood, is stepped into the hillside and its materials and detailing are typical of many neighborhood homes.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because it is well situated and proportioned to neighborhood development patterns. It is stepped up the hill to minimize impact on neighbor views and will prevent any effects on light concerning the neighbors. It maintains the view of the neighboring property on top of the hillside.
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress. Pedestrian safety will be improved by the adding of a retaining wall and the placement of the new driveway to the right which is well spaced from adjacent driveways.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Ellwood for construction at 139 Lexford Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. A foundation plan, and an excavation and shoring plan shall be developed by a structural engineer, at the Applicant's cost, and said plans shall address issues of site shoring, fencing and hillside security issues. Said plans shall be based on not trespassing or intruding into neighboring properties, and causing no subsidence or other damage to such neighboring

properties, and shall be approved by the City Engineer and the City Building Official. Such plans shall be based on the recommendations of the project geotechnical engineer and the City's geotechnical consultant.

2. A structural engineer chosen by the City shall inspect neighboring homes and retaining walls with regard to any possible damage that may be caused by vibrations or other factors due to excavation, construction or other activities on Applicant's property, and such inspection shall include both foundations and non-foundation related details (walls, windows, general overall condition, etc.) at the Applicant's cost and at a level of inspection City Staff deems appropriate. Such inspection shall only include readily visible and accessible areas of such neighboring homes, shall be made with the intent of establishing base-line information to later be used in determining damage caused by any activities on Applicant's property, and shall only take place with the permission of the homeowner as to such homeowner's home and property. The specifics of each such inspection shall be agreed to between such City-selected structural engineer and the City staff. The structural engineer shall provide a full report to City of his conclusions, and such report shall be considered in developing the Construction Management Plan. If other independent consultants or specialists are required by the City to review plans and monitor construction activity, they shall be at the Applicant's cost.
 - (a). Within 45 days after the Certificate of Occupancy is issued on Applicant's property the same structural engineer chosen by the City or a substitute structural engineer chosen by the City shall inspect the same exact areas in each neighboring home and property initially inspected, and shall present to the City a Report detailing any evidence of apparent damage that has been or reasonably might have been caused by activities on Applicant's property, including any photographic evidence, diagrams or the like that would document such apparent damage. Such Report may be used in connection with claims pursuant to Condition 7 hereafter.
3. A geotechnical report shall be submitted that will assess the existing site conditions. An independent geotechnical consultant shall be retained by the City at the sole expense of the Applicant to review the geotechnical report and advise the City in connection with the excavation, retaining wall systems, foundations and their construction, and other related items involving Applicant's property. Such independent geotechnical consultant shall review the building plans during the permit approval process, and shall provide periodic on-site observation during excavation and construction of the foundations. The City Engineer shall select an appropriate independent geotechnical consultant.

4. A comprehensive Construction Management Plan shall be developed by the City on the project, after receiving an initial draft from the Applicant, and after development of such Plan, the City Building Official shall have the authority to require amendments to the Construction Management Plan, as he deems necessary, throughout the course of the project until the final issuance of a Certificate of Occupancy. The Construction Management Plan shall address noise, vibrations, traffic control, parking, debris removal, and other construction impacts, as well as numerous other details involving the construction project.
5. A performance bond or other financial vehicle, shall be required from Applicant to ensure the completion of the full construction of the house, including foundation and landscaping, all based on the plans approved by the City. Such bond or other financial vehicle shall be determined by the Director of Public Works in the form of a cash deposit, bond, or other financial vehicle that will absolutely ensure completion of the entire project, with the final amount and type and exact terms of the financial vehicle to be determined by the Director of Public Works after consultation with the Applicant. Such amount shall not only include all reasonable expected costs to complete the project, but a 25% additional amount over the total anticipated costs to cover unexpected expenditures, particularly in light of the difficulty in excavating and preparing the foundation for the project. An estimator shall be retained by the City (at Applicant's sole expense) to estimate the total costs of such project, and as the project proceeds if costs to complete the project may increase beyond the original estimate made by the estimator, based on a later evaluation by the estimator, City may require the Applicant to increase the amount of the cash deposit, bond or other financial vehicle by such additional amount plus 25%, and Applicant shall provide City with written evidence of completion of such increase within 15 working days after receiving written notice thereof from City. Such cash deposit, bond or other financial vehicle shall not be released until the entire project has been "finaled" as complete by the Chief Building Official.
6. Based on the City's independent Geotechnical Engineer's review of the Applicant's geotechnical report, a specific cash deposit or bond shall be made by the Applicant in the amount of \$350,000.00, to cover the cost of any damages to City property or facilities in any way caused by Applicant, Applicant's agents or assigns, including but not limited to any of Applicant's contractors, subcontractors or their employees and agents, relating to the project, the terms of such cash deposit or bond to be determined by the Director of Public Works after consultation with the Applicant.
 - a. To provide clear baseline information to determine whether damage is called by the Applicant or others working for or on behalf of Applicant on this Project, specifically relating to damage to Lexford Road and

other city streets to be used by trucks, vehicles, and other equipment involving the Project, City will video all the streets to be used by such trucks, vehicles, and other equipment to determine the baseline condition of such streets, and shall further re-video the streets every two weeks after the Project commences until all of the excavation and foundation work have been fully completed. As part of such videoing, City may possibly hose or water down the streets to better emphasize any cracks or damage in the surface thereof. The full cost of all such videoing and related work shall be reimbursed to the City by Applicant within 21 days after receiving written notification of the work performed and the amount to be reimbursed.

- b. No double trailers shall be used as part of the Project, particularly relating to removal of rocks and debris, to reduce potential damage to the streets and to avoid traffic hazards on the narrow curving city streets.
7. The Applicant shall provide adequate and appropriate Insurance or bonds, as approved by the Director of Public Works against damage to neighboring properties at 135 Lexford Road, 140 Lexford Road, 145 Lexford Road, 77 Huntleigh Road, 87 Huntleigh Road, 130 Somerset Road, 140 Somerset Road, 160 Somerset Road, & 170 Somerset Road, by any construction, excavation, and related work in any way involving the project, such insurance or bonds to be in the amount of \$3,000,000.00 and with any conditions established by the Director of Public Works after consultation with the Applicant. If the Director of Public Works determines that obtaining any particular insurance would be extremely difficult for Applicant due to its lack of availability even at an increased cost, the Director of Public Works may authorize an alternative method of providing equal protection to neighboring properties, including but not limited to partial coverage by Umbrella Insurance if that appears appropriate. Such insurance or any alternative method shall allow for claims to be made for up to one year after the issuance of the Certificate of Occupancy on Applicant's project. Any and all such insurance shall specifically indicate that it covers damages to the above properties, and if such insurance is meant to also cover other potential damages, such as personal injuries or damages to other than the above named properties, any such further coverage shall be in addition to the \$3,000,000 earmarked for neighboring properties.
8. Implementation of stormwater treatment Best Management Practices (BMPs) as well as Bay Area Stormwater Management Agencies Association's Start at the Source criteria for stormwater quality protection is required. Requirements shall be made by City Staff involving storm water pollution prevention during construction, as well as final drainage erosion control, and these items will be reviewed as part of the Construction Management Plan.

9. Applicant shall provide a written guaranty signed by Applicant, Applicant's general contractor, and Applicant's structural engineer that there will be no subsidence or erosion to any neighboring properties caused in any way by Applicant's excavation, construction or any other activities relating to such project, and acknowledging that all work may be immediately stopped by City in the event of such subsidence or erosion until the City Engineer can be fully reassured that no further subsidence or erosion will occur from such neighboring properties. As an alternative, Applicant may post a cash bond or similar financial vehicle acceptable to the Director of Public Works that will provide sufficient funds that will be immediately available to remedy any subsidence or erosion that may occur on neighboring properties in an amount to be determined by the Director of Public Works, but which will not be less than \$500,000.00. Such written guaranty, cash bond or similar financial vehicle shall not be released until the entire Project has been completed and "finaled" by the Chief Building Official.
10. The funds provided under Conditions 5, 6, and 9 hereof shall be provided to City upon demand without City having to prove in any way that such funds are required, either for completion of the project under Condition 5 or for damages to City property or facilities under Condition 6 or for repairs or remedies to subsidence or erosion under Condition 9, other than the determination of the Director of Public Works that they are needed and the amount that is needed.
11. Work on the project shall take place with continuous, good faith, reasonable progress. Since timely completion of this project is of the essence, the Applicant shall submit for approval a Construction Completion Schedule, which will specify, in detail, the duration and percentage complete of each subcontract and phase during any given week of the construction schedule.
 - a. Such Construction Completion Schedule shall set forth completion dates for the following milestones or benchmarks:
 1. Completion of Excavation;
 2. Completion of Rear Retaining Walls;
 3. Completion of Foundation;
 4. Completion of Rough Framing;
 5. Completion of Electrical;
 6. Completion of Plumbing;
 7. Completion of Mechanical;
 8. Completion of Fire Sprinklers;
 9. Completion of Home;
 10. Completion of Landscaping;

and of any final Conditions of occupancy, meaning completion of the entire Project.

- b. The City shall have an independent professional review the completion dates proposed by Applicant in 11a. above, and to the extent such completion dates are unrealistically long for the work to be accomplished, shall suggest a reasonable completion date for that milestone or benchmark. The Director of Public Works shall make a final determination on the reasonable completion dates that shall apply to the Project before the Project commences, and such determination shall be binding on the Applicant.
 - c. If any work has not been completed for a specific milestone or benchmark as set forth in 11a. above by the date finally determined by the Director of Public Works, such work still has not been completed 90 days after such completion date, and the delay in completion has not been caused by an Act of God, the Director of Public Works shall have the option at any time thereafter to make claim against the funds to be provided pursuant to Condition 5 in order to complete such milestone or benchmark.
- 12. Based on the results of the geotechnical report, an acoustical engineer may be required by Director of Public Works, at the applicant's expense to monitor the vibration and decibel levels of the project, including being periodically present at the construction site during excavation and foundation work, and based on such monitoring will be able to stop work when it becomes, in the opinion of such engineer, excessive.
- 13. Any financial vehicles or related conditions in the list of options may be modified in a reasonable manner with the joint agreement of the Public Works Director and the City Attorney, provided that such modifications must carry out the general intent of each such condition.
- 14. All funds or financial vehicles set forth in any of the above conditions shall be earmarked or dedicated so that they are not subject to creditors claims.
- 15. Applicant shall make a cash deposit with the City prior to commencement of construction in the amount of \$25,000.00 to be used to offset time and expenses of City Staff relating to the Project, any amounts remaining to be refunded to the Applicant within 90 days after the Project has been "finaled" by the Chief Building Official. If such cash deposit has been reduced to \$2,500.00 or less at any time, the Director of Public Works shall have the authority to require additional funds to be deposited by Applicant covering any further estimated Staff time and expenses.
- 16. Applicant shall make a cash deposit with the City prior to commencement of construction in the amount of \$28,500.00 to be used to pay for the fees and expenses relating to the

professionals called for in other Conditions, including but not limited to Conditions 1, 2, 3, 6, 7, 11, and 12 hereof, or in any way otherwise required to be expended by the City for professional assistance (other than City Staff) relating to the Project, such funds to be expended at the discretion of the Director of Public Works. If such cash deposit has been reduced to \$2,500.00 or less at any time, the Director of Public Works shall have the authority to require additional funds to be deposited by Applicant covering any further estimated fees and expenses of professionals. Any amount remaining unexpended shall be refunded to the Applicant within 90 days after the Project is "finaled" by the Chief Building Official.

17. Notwithstanding any other condition hereof, any structural engineer, soils engineer, geotechnical engineer or other engineer or professional consultant to be retained by the Applicant to perform work relating to project on Applicant's property shall be required to maintain errors and omissions insurance coverage with limits of no less than \$1,000,000.00 per claim that will specifically be available to cover any errors and/or omissions relating to any work performed by that professional involving Applicant's property, and the City of Piedmont shall be named as an additional insured on such insurance coverage.
18. Applicant to obtain encroachment permits from the City and other agencies prior to issuance of any building permits.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Levine, Seconded by Stehr

Ayes: Levine, Stehr, Thiel, Henn

Noes: None

Absent: Kellogg, Robertson

**Variance and
Design Review
324 Pacific Avenue**

Mr. August Moretti and Ms. Audrey Kavka are requesting variance and design review for retroactive approval for features of a prior application constructed at the rear of the house and within a setback and to make modifications to the previously constructed addition, including replacing windows and changing the exterior wall material. The requested variance is from Section 17.10.7 to allow the 1989 approved construction to be 2 ft. from the left side yard property line in lieu of the 1989 approved variance which permitted the construction to be 3 ft. from the side yard property line.

Written notice was provided to neighbors. **Three affirmative response forms** were received. **Correspondence** was received from: Lisa & Scott Lawson, Aug. 29; Bill & Adair Langston, Sept. 8; Robert & Patricia Netsch, Sept. 30;

Public testimony was received from:

August Moretti stated that the addition in question was constructed and approved by the City in 1989-90, without a survey, and there have been no changes to this addition since that time. The plans and construction were based upon the location of a fence that was believed to be on the property line. However, it was recently discovered that the property line is not on the fence line, hence the 1989-90 addition was actually constructed 2 ft. from the property line, rather than the 3 ft. shown on the plans and approved by the City. Mr. Moretti noted that it would be an extreme hardship to remove and relocate his addition 1 foot further from the property line, emphasizing that he acted in good faith in 1989-90 and believed that his submitted plans were accurate. He also noted that in 1989-90 the adjacent neighbor did not oppose the addition and that this addition was in place when his new neighbors purchased their property.

Gary Parsons and Cecil Lee, Project Architect and Contractor, stated that to comply with the fire safety rating requirements of the Uniform Building Code, the application proposes to install fire rated materials in the addition walls and windows located within the setback.

The Commission agreed that the applicant acted in good faith in 1989-90, the misidentification of the property line location was an honest mistake and it would be unreasonable to require construction which was approved by the City and which has existed for nearly 18 years to be removed/relocated because of an inadvertent error. The Commission agreed that the current application does not impose any additional impact on adjacent neighbors.

Resolution 350-V-07

WHEREAS, Mr. August Moretti and Ms. Audrey Kavka are requesting retroactive approval for features of a prior application constructed at the rear of the house and within a setback and to make modifications to the previously constructed addition, including replacing windows and changing the exterior wall material to construct located at 324 Pacific Avenue, Piedmont, California, which construction requires variance; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to construct within the left (east) side yard setback; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission makes the following findings:

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to the fact that an error in property line location was made nearly 20 years ago. Because

of these circumstances, strictly applying the terms of this chapter would keep the property from being used in the same manner as other properties in the zone which conform to the zoning requirements.

2. The variance is compatible with the immediately surrounding neighborhood and the public welfare because the addition was constructed in accordance with submitted plans and City approvals nearly 20 years ago. The current application addresses the fact that the property line was not actually located where it was believed to be 20 years ago. Past experience has indicated that property line locations in this area of Piedmont are not easily identified/known.

3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because it would require the removal of an addition that was found to meet City requirements at the time of the application and construction.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Moretti and Ms. Kavka for the above variance at 324 Pacific Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Stehr, Seconded by Levine

Ayes: Levine, Stehr, Thiel, Henn

Noes: None

Absent: Kellogg, Robertson

Resolution 350-DR-07

WHEREAS, Mr. August Moretti and Ms. Audrey Kavka are requesting retroactive approval for features of a prior application constructed at the rear of the house and within a setback and to make modifications to the previously constructed addition, including replacing windows and changing the exterior wall material to construct located at 324 Pacific Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof,

materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development. The project complies with Design Review Guidelines II-3, II-3(b), (c) and (d) in terms of scale, mass, architectural style and exterior material compatibility. The proposed windows are compatible with the existing style of the house and the addition is well integrated with the home.

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light. The project complies with Design Review Guidelines II-6, II-6(a) and (b), II-7 and II-7(a) in terms of the addition's siting in relation to other residences along the street and the windows respect the visual and acoustical privacy of neighbors and complied with City requirements at the time of construction.

3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress because there is no change in existing circulation patterns.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Moretti and Ms. Kavka for construction at 324 Pacific Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- The color of the new windows shall match that of the remaining existing windows

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Stehr, Seconded by Levine

Ayes: Levine, Stehr, Thiel, Henn

Noes: None

Absent: Kellogg, Robertson

**Variance, Design
Review & Fence
Design Review
100 Indian Road**

Mr. and Mrs. Stephen Block are requesting variance, design review and fence design review to increase the height of the fence along the south property line and make modifications to the guest house, including: new windows on the south façade; new exterior lighting on the north façade; a new air conditioning unit in the courtyard between the main house and guest house; and various interior changes including the addition of a room eligible for use as a bedroom. The requested variance is from Section 17.16 in order to have a residence with 9

rooms eligible for use as a bedroom with 4 conforming parking spaces in lieu of the code required minimum of 5 conforming parking spaces.

Written notice was provided to neighbors. **Two affirmative and one negative response forms** were received. **Correspondence** was received from: David Stein, Dec. 6; Margaret Thomas, Dec. 1; Stephen Block, Nov. 26.

Public testimony was received from:

Bennett Christopherson, Project Architect, stated that the only exterior changes to the existing guest house involve three new windows at the rear and the extension in height of a portion of an existing fence. He stated that there is ample off-street parking on the property (at least 8 spaces) although not all of these spaces are conforming per code because the existing garage doors restrict parking ingress/egress to some of these spaces. However, these garage doors are architecturally historic in style and enhance the aesthetics of the property.

David Stein stated that he has withdrawn his objection to the project based upon Mr. Block's agreement to move the fence so that it is entirely on the Block's property. He did not object to the 8 ft. height of the fence, agreeing that it will provide privacy to both himself and the applicants.

Dale Block described the proposed improvements to the existing guest house so that it will be suitable for habitation by her mother. She also noted that ivy is growing up on the fence to an 8 ft. height at its highest point and that mesh was added to a section of this chain link fence so that the ivy hedge will be uniform in height. This ivy wall restores privacy lost as a result of the removal of a grove of trees.

Stephen Block noted that while the existing guest house is a legal second unit, he has no intention of ever renting this unit so he has officially revoked its status as a second unit per a *Declaration of Abandonment*, dated November 26, 2007, submitted to the City.

The Commission agreed that there is ample, screened on-site parking on the property, even if some of it is technically non-conforming by code. The Commission further agreed that the 8 ft. fence height is appropriate to screen a shared driveway and provide privacy for the applicant; the fence height does not impact neighboring property.

Resolution 368-V-07

WHEREAS, Mr. and Mrs. Stephen Block are requesting permission to increase the height of the fence along the south property line and make modifications to the guest house, including: new windows on the south façade; new exterior lighting on the north façade; a new air conditioning unit in the courtyard between the main house and guest house; and various interior changes including the addition of a room eligible for use as a bedroom construct located at 100 Indian Road, Piedmont, California, which construction requires variance; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to increase the number of

rooms eligible for use as a bedroom without supplying conforming parking; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission makes the following findings:

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to the fact that adequate off-street parking exists on the property to satisfy code parking requirements based upon its number of bedrooms. Because of these circumstances, strictly applying the terms of this chapter would keep the property from being used in the same manner as other properties in the zone which conform to the zoning requirements.
2. The variance is compatible with the immediately surrounding neighborhood and the public welfare because this large property has ample off-street parking. There are at least 8 parking spaces in the existing garages, albeit these spaces are not technically code conforming in dimension.
3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because the existing unique and richly detailed 3-part rolling garage doors would have to be replaced and other structural changes made in order to convert the garages to four conforming spaces. This would detrimentally affect the historic architecture of the property designed by Newsom & Newsom in the 1920's. Variance approval in this case is consistent with the legislative intent section of the Zoning Code pertaining to parking.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. and Mrs. Block for the above variance at 100 Indian Road, Piedmont, California, in accordance with the plans and specifications on file with the City.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Henn, Seconded by Levine

Ayes: Levine, Stehr, Thiel, Henn

Noes: None

Absent: Kellogg, Robertson

Resolution 368-DR-07

WHEREAS, Mr. and Mrs. Stephen Block are requesting permission to increase the height of the fence along the south property line and make modifications to the guest house, including: new windows on the south façade; new exterior lighting on the north façade; a new air conditioning unit in the courtyard between the main house and guest house; and various interior changes including the addition of a room eligible for use as a bedroom construct located at 100 Indian Road, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that: the proposed new windows match the detailing on the existing house. The proposed landscaped fence is attractive and compatible with both the applicant's and neighboring properties.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because no changes are planned that affect neighboring property. The proposed 8 ft. fence height provides desired privacy screening for the pool area from the shared driveway.
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress because there is no change in existing circulation patterns.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Block for construction at 100 Indian Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The approved plans are those submitted on November 27, 2007, after neighbors were notified of the project and the plans were available for public review;
2. Due to the scope and nature of the application, a construction management plan shall be developed and approved by staff prior to obtaining a building permit. Said plan shall be comprehensive while specifically addressing the duration of the project, construction hours, the staging of materials, and parking of worker vehicles to ensure the free flow of traffic along Indian Road;
3. Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, will be required on all permits issued on or after

February 1, 2007. Applicants of covered and non-covered projects are eligible to participate in the Incentive Program in which the City will provide one-half the cost of debris boxes provided by the City's franchised waste hauler and used exclusively for the purpose of removing recyclable construction and demolition debris;

4. Prior to the issuance of a building permit, the applicant shall choose one of the following three options:
 - A licensed land surveyor or civil engineer shall locate and "stake" the right (south) property line to verify that the proposed fence is located on the applicant's property;
 - The applicant shall submit a completed and signed fence location agreement with the adjacent property owners at 110 Indian Road, 128 Indian Road and any other property owners that have a right to the easement for the private road; or
 - Relocate the fence entirely on the applicant's side of the property.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Henn, Seconded by Levine

Ayes: Levine, Stehr, Thiel, Henn

Noes: None

Absent: Kellogg, Robertson

The Commission recessed for dinner at 6:30 p.m. and reconvened at 7:05 p.m.

**Variance and
Design Review
1658 Lower Grand**

Ms. Carole Porter is requesting variance and design review to demolish the existing 2-car non-conforming garage and build a new 2-car garage with a second story above it to accommodate a new bedroom and bath in the rear right corner of the lot. The requested variances are from: (1) Section 17.10.7 to allow the new garage and second story to extend to within 2'6" of the right side property line in lieu of the code required minimum of a 4 ft. side yard setback; and (2) Section 17.10.8 to allow the new garage and second story to extend to within 4 ft. 9/16 in. of the rear property line in lieu of the code required minimum of a 4 ft. rear yard setback;

Written notice was provided to neighbors. **Two affirmative, five negative response forms** were received.

Public testimony was received from:

Jeanne Chiang, Project Architect, stated that in response to discussions with her client this afternoon, Ms. Porter has agreed to eliminate the second story bedroom suite above the new garage. However, the applicant desires to have a new garage structure height of 12 ft. to match the height of the adjacent rear neighbor's garage. She added that the design of the garage roof may also change from that existing and/or proposed. No plans indicating these proposed revisions have been prepared or submitted.

Cheryl Wong, Kathy Long (Manor Ave. residents) and Nancy Olsen (Lower Grand) all voiced their appreciation for the elimination of the second story addition above the garage, noting that the combined height of the garage and addition was out of character with the neighborhood and would have adversely impacted their light, privacy and sky views. However, they requested to see the revised plans before committing their support to the revised design.

The Commission agreed that no action could be taken on the application until revised plans are submitted. The Commission requested that the applicant consider when preparing plans for the revised design to: (1) keep the height of the garage as low as possible; and (2) examine moving the new garage more toward the right, away from the corner of the house so that the left garage door is more accessible for vehicle ingress/egress. The Commission also requested that new story poles be erected or the existing modified to indicate the new height of the redesigned garage. Ms. Chiang requested a 90-day extension of the Permit Streamlining Act so that she would have sufficient time to prepare revised plans. She asked that the application be continued to the February meeting.

Resolution 30-PL-07

RESOLVED, that the Planning Commission continues until the February 2008 meeting further consideration of Ms. Carole Porter's variance and design review application for proposed construction at 1658 Lower Grand Avenue on the grounds that the applicant has proposed significant changes to the proposed project tonight and additional time is required to prepare revised plans and drawings, erect story poles and notice neighboring residents of the revised design.

Moved by Levine, Seconded by Stehr

Ayes: Levine, Stehr, Thiel, Henn

Noes: None

Absent: Kellogg, Robertson

**Non-Residential
Sign Design Review
345 Highland Avenue**

Bank of America is requesting non-residential sign design review to replace the existing, non-illuminated signage on the building with a larger, non-illuminated sign facing Highland Avenue and a new non-illuminated sign on Vista Avenue. A similar application was denied, without prejudice, on September 10, 2007.

Written notice was provided to neighbors. **One affirmative and four negative response forms** were received. **Correspondence** was received from: Michelle Eldridge, Nov. 29.

Public testimony was received from:

Bill Lehman, Project Contractor, described the proposed changes in the signage made in response to the September meeting, stating that the signage letters are non-illuminated and of a size equal to the lettering size on the Citibank building. He added that Citibank has signs on both sides of its building and he requested that the same consideration be given to Bank of America.

The Commission supported the revised application, agreeing that the new signage is responsive to Commission requests, appropriately sized for the building and that two signs are appropriate in this particular case because of the building's corner location.

Resolution 427-DR-07

WHEREAS, Bank of America is requesting non-residential sign design review to replace the existing, non-illuminated signage on the building with a larger, non-illuminated sign facing Highland Avenue and a new non-illuminated sign on Vista Avenue located at 345 Highland Avenue, Piedmont, California, which signage requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the proposal conforms with the criteria and standards of Section 17.19.2 of the Piedmont City Code:

1. There is sufficient basis for allowing two business signs on this building (south and east elevations) because the property is bordered by two streets and the proposed signage helps identify the business for the public from both directions.
2. Each sign, including a sign required by law, is simply and tastefully designed. Graphic depictions related to the non-residential use are appropriate;
3. Each, sign, including a sign required by law, is compatible in design, color and scale to the front of the building, adjoining structures and general surroundings;
4. The proposed signs are oriented toward pedestrian and vehicular traffic;
5. The signs are constructed of sturdy and quality materials

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the non-residential sign design review application of Bank of America for signage at 345 Highland Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately

represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Levine, Seconded by Stehr

Ayes: Levine, Stehr, Thiel, Henn

Noes: None

Absent: Kellogg, Robertson

**Variance and
Design Review
1140 Oakland Avenue**

Mr. and Mrs. Hussein Saffouri are requesting variance and design review to construct new stairs and add new doors at the rear (south) side of the property. The requested variance is from Section 17.10.8 to allow a structure coverage of 45% in lieu of the code permitted maximum of 40%.

Written notice was provided to neighbors. **One affirmative response form** was received.

Public testimony was received from:

Hussein Saffouri stated that the proposed 6 ft. width of the new stairs and landing is desired so as to compliment the width of the existing double doors. Reducing the stair width to 3 ft. would result in an awkward arrangement.

The Commission supported application approval, noting that the project is removing an illegally constructed deck and replacing this structure with a new landing and stairs. The width of the stairs justifies variance approval in order to create a smooth transition between the stairs, landing and existing double doors.

Resolution 438-V-07

WHEREAS, Mr. and Mrs. Saffouri are requesting permission to construct new stairs and add new doors at the rear (south) side of the property located at 1140 Oakland Avenue, Piedmont, California, which construction requires variance; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to exceed the City's structure coverage limit; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission makes the following findings:

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to the small size of the lot and the location of existing improvements on the property. The property currently exceeds the City's structure coverage limit and the proposal reduces the amount of coverage by removing an illegally constructed deck. Because of these circumstances, strictly applying the terms of this chapter would keep the property from being used in the same manner as other properties in the zone which conform to the zoning requirements.

2. The variance is compatible with the immediately surrounding neighborhood and the public welfare because there is no impact on adjoining neighbors. The proposed improvements are at the rear of the property.

3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because without variance, it would not be possible to safely exit through the existing rear doors.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. and Mrs. Saffouri for the above variance at 1140 Oakland Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Henn, Seconded by Stehr

Ayes: Levine, Stehr, Thiel, Henn

Noes: None

Absent: Kellogg, Robertson

Resolution 438-DR-07

WHEREAS, Mr. and Mrs. Saffouri are requesting permission to construct new stairs and add new doors at the rear (south) side of the property located at 1140 Oakland Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that the design of the stairs is code compliant and aesthetically pleasing. The stairs are redwood with an attractive railing. The design is consistent with the other elements of the house and similar homes in the neighborhood.

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because of the minor nature of the improvements and their location in the rear yard.
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress because of the rear yard location of the improvements.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Saffouri for construction at 1140 Oakland Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- The proposed screen doors shall be painted to match the remaining doors throughout the residence.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Henn, Seconded by Levine

Ayes: Levine, Stehr, Thiel, Henn

Noes: None

Absent: Kellogg, Robertson

**Variance and
Design Review
111 Ricardo Avenue**

Mr. and Mrs. Ken Meyersieck are requesting variance and design review to modify the previously approved design (May 14 & September 7, 2007) for a new garage by increasing the height of the garage, increasing the size of the attic dormers, adding an exterior stair, making window and door modifications, and adding an exterior light fixture. The requested variance is from Section 17.10.7 to allow the eave and wall of the new garage to extend to within 6 inches of the right (north) side property line in lieu of the code required minimum of a 4 ft. side yard setback.

Written notice was provided to neighbors. **One affirmative and one negative response form** was received. **Correspondence** was received from: James Lord, Dec. 6; Anne Marie Miguel & Marion Beck, Dec. 7.

Public testimony was received from:

Ken Meyersieck described the proposed changes to his previously approved design, noting that the modifications will allow more convenient access and use of the attic space above the garage. The increased height in garage structure will also increase privacy by

blocking the current view of bedroom windows at 12 York. The attic space will be used for storage; the proposed dormers are included to add architectural relief to the structure.

Anne Marie Miguel stated that she is the new rear neighbor and the proposed increase in garage height will significantly impact the enjoyment, light, value and privacy of her rear yard. She objected to a 20 ft. high structure towering over her rear patio that is only 8 ft. away. She also voiced concern that the proposed changes would result in the creation of a second unit or teenage entertaining center. She urged that the application be denied and that only a garage, with no attic storage, be constructed.

James Lord also opposed the proposed project, citing a loss of morning kitchen light and the fact that the benefits of additional storage to the applicant are outweighed by the detrimental impact the increased structure height will have on adjacent York neighbors.

The Commission, with the exception of Commissioner Stehr, opposed application approval, citing: (1) the previously approved new garage is already a large structure and the requested changes are essentially creating a small house; (2) the proposed increase in garage height, size and mass will detrimentally impact the privacy, light and enjoyment of neighboring outdoor space; (3) the planting of evergreen screening by either the applicant or his neighbors will not mitigate the loss of light and sky view, even if it would lessen the visual impact of the new proposal; (4) it is unfair and inappropriate to grant a variance for an accessory storage addition when such construction/variance will significantly impact adjacent neighbors; (5) the proposed modifications could result in the garage attic space being easily converted into habitable space, which would result in the property exceeding the code limit for FAR; and (6) some storage area is included in the previously approved garage so there is no compelling hardship to justify allowing additional storage space, especially when such addition negatively impacts neighbors. Commissioner Stehr supported application approval, noting that: (1) the proposed modifications will allow more convenient access to the garage storage area; (2) the rear wall of the taller garage can be screened by vegetation; and (3) the resulting new garage will only be slightly taller than the neighboring garage and the design modifications provide a sensible and attractive design for improving storage area access.

Resolution 429-V-07

WHEREAS, Mr. and Mrs. Ken Meyersieck are requesting permission to modify the previously approved design for a new garage by increasing the height of the garage, increasing the size of the attic dormers, adding an exterior stair, making window and door modifications, and adding an exterior light fixture located at 111 Ricardo Avenue, Piedmont, California, which construction requires variance; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to construct additional structure within the right (north) side yard setback; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission makes the following findings:

1. The underlying lot and existing improvements do not present unusual physical circumstances with regard to this particular application in that a variance has already been granted for a new 2-car garage in essentially the same location and this garage structure can be constructed without the requested additional/new variance.
2. The variance is not compatible with the immediately surrounding neighborhood and the public welfare because the proposed enlargement of the previously approved garage will have a negative impact on the privacy, light and utility of neighboring yards at the rear.
3. Accomplishing the improvement without a variance would not cause unreasonable hardship in planning, design, or construction because a variance was previously granted for the construction of a new 2-car garage with storage above in the exact same location.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the variance application of Mr. and Mrs. Meyersieck for the above variance at 111 Ricardo Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Levine, Seconded by Henn

Ayes: Levine, Thiel, Henn

Noes: Stehr

Absent: Kellogg, Robertson

Resolution 429-DR-07

WHEREAS, Mr. and Mrs. Ken Meyersieck are requesting permission to modify the previously approved design for a new garage by increasing the height of the garage, increasing the size of the attic dormers, adding an exterior stair, making window and door modifications, and adding an exterior light fixture located at 111 Ricardo Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the proposal does not conform with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are not aesthetically pleasing as a whole because they have a material negative impact on neighboring property to the rear in terms of light, privacy and use of their exterior space.
2. The design is not appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect

light because in terms of structure height and building envelope expansion, it does not minimize the light and view impacts on adjacent properties. Because the proposal is for a secondary structure located within the setback, the impacts on adjacent properties take priority over the benefits to the applicant of enlarging an already approved garage.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the design review application of Mr. and Mrs. Meyersieck for construction at 111 Ricardo Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Levine, Seconded by Henn

Ayes: Levine, Thiel, Henn

Noes: Stehr

Absent: Kellogg, Robertson

**Design Review
99 Oakmont Avenue**

Mr. and Mrs. Robin Richardson are requesting design review to construct new features in the rear yard, including an in-ground swimming pool and water feature; a pool equipment enclosure; a new deck; and new hardscape improvements; and make modifications to the previously approved (August 14, 2006 & September 5, 2007) design for a rear addition to the house, including the elimination of a chimney, window and door modifications, and various changes to the interior.

Written notice was provided to neighbors. **One affirmative, one negative response form** was received. **Correspondence** was received from: Bart & Terry Paulding, Dec. 7

Public testimony was received from:

Steve Shirley, Project Architect, described the proposed improvements, stressing the multiple safety features designed into the pool/hot tub components and the fact that the proposed waterfall/water feature will be virtually silent.

Judith Richardson reiterated the safety/liability precautions taken to protect neighbors from any pool related damages in case of a major earthquake and responded to Commission questions concerning the dispute with her neighbors regarding the large redwood tree which was removed.

Terry Paulding disagreed with the applicant's summary regarding the redwood tree issue, stating that as a result of tree removal, she has suffered a significant loss of privacy. She opposed the massive resculpturing of the applicant's rear yard and her strong opposition for safety and privacy reasons of the proposed pool/hot tub being located less than 5 ft. from her property.

Bart Paulding objected to the applicants' piece-meal approach toward improving their property, noting that the scale and scope of proposed improvements have significantly escalated from what was originally proposed. He requested that the pool and water feature elements of the plan be denied and that the upper bedroom windows be reduced in size. (It was noted that these upper floor windows were previously approved).

The Commission agreed that the total scope of the project was not originally disclosed with the initial application, noting that had it been, in all likelihood the Commission would have required that conforming parking be provided, especially in light of the neighborhood's parking congestion problems. The Commission voiced concern that the proposed application represents a significant increase in the density of property use yet no conforming parking is being proposed. The Commission noted that at the time of original application approval, the applicant indicated that providing conforming parking would be too expensive, yet the proposed improvements to the rear yard are quite extensive and costly. The Commission also agreed that the elevated location of the proposed pool is unusual and problematic to neighbors, especially since privacy screening of this area was lost with the removal of the large redwood. The Commission also discussed at length whether the proposed pool and pool retaining wall should be considered "structure" for lot coverage calculation purposes. In the end, the Commission voiced support for the proposed modifications to the previously approved rear addition but opposed those elements related to the pool.

Resolution 434-DR-07

WHEREAS, Mr. and Mrs. Robin Richardson are requesting permission to construct new features in the rear yard, including an in-ground swimming pool and water feature; a pool equipment enclosure; a new deck; and new hardscape improvements; and make modifications to the previously approved (August 14, 2006 & September 5, 2007) design for a rear addition to the house, including the elimination of a chimney, window and door modifications, and various changes to the interior located at 99 Oakmont Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the proposal conforms in part and does not conform in part with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

With regard to the new features in the rear yard, including an in-ground swimming pool and water feature, a pool equipment enclosure, a new deck and new hardscape improvements:

1. The exterior design elements are not aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that they fail to comply with the City's Design Review Guidelines or Chapter 17. These proposed improvements are sufficient in size and magnitude, when considered with the previously approved application, to require that conforming on-site parking be provided. Conforming on-site parking was not required in connection with the previous application because of the lesser magnitude of the proposed improvements to the property.
2. The design of the pool related improvements is not appropriate because of its adverse effect on neighboring properties' existing views

and privacy and concern over safety in connection with a partially above-ground pool at an elevated site.

3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are adversely affected because of the magnitude of the previously approved and proposed improvements given the lack of conforming parking on the property.

With regard to proposed modifications to the previously approved design for a rear addition to the house, including the elimination of a chimney, window and door modifications and various changes to the interior:

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that the proposed modifications are modest in nature and consistent with the original design.

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because there is no impact.

3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress because there is no impact.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves Mr. and Mrs. Richardson's design review application for elements related to modifications to the previously approved rear addition and denies those elements related to the new features in the rear yard at 99 Oakmont Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Levine, Seconded by Henn

Ayes: Levine, Thiel, Henn

Noes: Stehr

Absent: Kellogg, Robertson

**Variance and
Design Review
12 Alta Avenue**

Mr. and Mrs. Andrew Rowe are requesting variance and design review to construct an approximately 94 sq. ft. front addition and trellis, construct a new front entrance porch, make window modifications, and install new stairs and a handrail. The requested variances are from: (1) Section 17.10.6 to allow the new trellis to extend to within 6'3" of the front property line in lieu of the code required minimum of a 20 ft. front yard setback; and (2) Section 17.22(b) to allow a floor area ratio of 52.71% in lieu of the code permitted maximum of 50% for a parcel which exceeds 5,000 sq. ft. but is less than 10,000 sq. ft.

Chairman Thiel recused himself from discussion and action on this application and left the chambers.

Written notice was provided to neighbors. **Four affirmative response forms** were received.

Public testimony was received from:

Steve Shirley, Project Architect, stated that the front setback variance is unavoidable because the existing home is situated within the front setback. Also, the existing home exceeds the permitted FAR but the proposed project will reduce the amount of this excess. He noted that the existing storage room that is currently being used as a den will be converted back to non-habitation storage. The proposed design changes to the front porch and railings are intended to enhance the home's aesthetics.

The Commission supported the application, noting that the variances are a pre-existing situation and the small scale of the improvements will have no adverse impact on adjacent properties.

Resolution 435-V-07

WHEREAS, Mr. and Mrs. Andrew Rowe are requesting permission to construct an approximately 94 sq. ft. front addition and trellis, construct a new front entrance porch, make window modifications, and install new stairs and a handrail located at 12 Alta Avenue, Piedmont, California, which construction requires variance; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to construct within the front yard setback and to exceed the City's floor area ratio; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission makes the following findings:

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to the fact that this is a steep upslope lot and the existing house is located within the front setback. There is very limited space to construct conforming additions/improvements. Because of these circumstances, strictly applying the terms of this chapter would keep the property from being used in the same manner as other properties in the zone which conform to the zoning requirements.

2. The variances are compatible with the immediately surrounding neighborhood and the public welfare because the project will create a larger, more usable front porch.
3. Accomplishing the improvement without variance would cause unreasonable hardship in planning, design, or construction because the variance situation is pre-existing and no improvements to the front of the house can be made without variance.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. and Mrs. Rowe for the above variances at 12 Alta Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Henn, Seconded by Levine

Ayes: Levine, Stehr, Henn

Noes: None

Recused: Thiel

Absent: Kellogg, Robertson

Resolution 435-DR-07

WHEREAS, Mr. and Mrs. Andrew Rowe are requesting permission to construct an approximately 94 sq. ft. front addition and trellis, construct a new front entrance porch, make window modifications, and install new stairs and a handrail located at 12 Alta Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development: the proposal complies with Design Review Guidelines II-3(a) and (b) in that it is compatible in terms of scale, mass and architectural style with the existing residence.

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because there is no material impact. The proposal complies with Design Review Guidelines II-1, II-2 and II-3. Window and door treatments are in keeping with the existing residence.

3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress. The proposed improvements will improve pedestrian ingress to the house.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Rowe for construction at 12 Alta Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The approved plans are those submitted on November 30, 2007, with additional information submitted on December 6, 2007, after neighbors were notified of the project and the plans were available for public review;
2. The proposed wood trellis shall have a maximum height of 8 ft., plus or minus 6 inches.
3. Due to the scope and nature of the application, a construction management plan shall be developed and approved by staff prior to obtaining a building permit. Said plan shall be comprehensive while specifically addressing the duration of the project, construction hours, the staging of materials, and parking of worker vehicles to ensure the free flow of traffic along Alta Avenue;
4. Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, will be required on all permits issued on or after February 1, 2007. Applicants of covered and non-covered projects are eligible to participate in the Incentive Program in which the City will provide one-half the cost of debris boxes provided by the City's franchised waste hauler and used exclusively for the purpose of removing recyclable construction and demolition debris;
5. For safety reasons, the existing lower level "den" shall be reverted back to its original unfinished condition, and a notice of non-habitation shall be filed with the county because it does not meet building code requirements for habitation.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with

applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Henn, Seconded by Levine

Ayes: Levine, Stehr, Henn

Noes: None

Recused: Thiel

Absent: Kellogg, Robertson

**Variance and
Design Review
374 Wildwood Avenue**

Mr. Bill Reed and Ms. Laura Mazel are requesting variance and design review to construct an approximately 151 sq. ft. addition on the west façade of the residence, modify exterior stairs, make window and door modifications throughout, and install new exterior light fixtures. The requested variances are from: (1) Section 17.10.6 to allow the new window addition to extend to within 3'7" of the front property line in lieu of the code required minimum of a 20 ft. front yard setback; (2) Section 17.10.7 to allow the new addition to extend to within 3'7" of the right side property line in lieu of the code required minimum of a 4 ft. side yard setback; and (3) Section 17.16 to allow the addition of a room eligible for use as a bedroom for a total of a 4 bedroom residence with a 2-car garage length of 18'6" in lieu of the code required minimum dimension of 20 ft.

Written notice was provided to neighbors. **Eight affirmative response forms** were received. **Correspondence** was received from: Laura Mazel & Bill Reed, Dec. 1.

Public testimony was received from:

Steve Shirley, Project Architect, stated that the existing garage can accommodate the parking of two vehicles – it is 18 inches short of the length required by code. In addition, there is ample on-street parking in the neighborhood. As to the setback variances, Mr. Shirley noted the irregular shape of the lot and the fact that only the building eave will encroach into the setback. This eave could be eliminated but it would compromise the integrity of the home's design and architecture.

Stephen Clayton voiced support for application approval, noting that the project will improve the aesthetics and livability of the home for the applicant and will not impact his property's privacy. He agreed with the architect that there is ample on-street parking in the area.

George Kersh requested that a construction management plan be required specifically addressing the location of construction vehicle parking, sidewalk repairs and locations of porta-potties and debris boxes. He requested that debris boxes and porta-potties not be located in front of his property.

The Commission supported application approval, noting the attractiveness of the design, the fact that the house is not readily visible from the street so the proposed improvements will have no visual impact, the front and side yard setback encroachment is pre-existing and the parking variance is justified given that it would be an undue hardship to require the garage to be lengthened 18 inches given the sloped driveway and the fact that an encroachment permit into the City

right-of-way would be required; the existing garage currently accommodates the parking of two vehicles.

Resolution 436-V-07

WHEREAS, Mr. Bill Reed and Ms. Laura Mazel are requesting permission to construct an approximately 151 sq. ft. addition on the west façade of the residence, modify exterior stairs, make window and door modifications throughout, and install new exterior light fixtures located at 374 Wildwood Avenue, Piedmont, California, which construction requires variance; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to construct within the front and right yard setbacks and to increase the number of rooms eligible for use as a bedroom without supplying conforming parking; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission makes the following findings:

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to the pre-existing encroachment of the home into the front and side yard setbacks, the fact that the existing garage accommodates the parking of two vehicles and extending garage length to comply with code dimensions would require encroachment into the City's right-of-way. Because of these circumstances, strictly applying the terms of this chapter would keep the property from being used in the same manner as other properties in the zone which conform to the zoning requirements.
2. The variances are compatible with the immediately surrounding neighborhood and the public welfare because extending the length of the garage to conform with code would not materially effect the existing parking situation/capacity on the property. There is ample on-street parking in the neighborhood.
3. Accomplishing the improvement without variance would cause unreasonable hardship in planning, design, or construction because the existing house encroaches into the setbacks and the proposed improvements cannot be accomplished without variance.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Reed and Ms. Mazel for the above variances at 374 Wildwood Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with

applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Stehr, Seconded by Henn

Ayes: Levine, Stehr, Thiel, Henn

Noes: None

Absent: Kellogg, Robertson

Resolution 436-DR-07

WHEREAS, Mr. Bill Reed and Ms. Laura Mazel are requesting permission to construct an approximately 151 sq. ft. addition on the west façade of the residence, modify exterior stairs, make window and door modifications throughout, and install new exterior light fixtures located at 374 Wildwood Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development. These elements include but are not limited to: height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment. The distance between the proposed upper level addition/expansion and adjacent residences is reasonable and appropriate due to the existing topography and neighborhood development pattern. Upper level setbacks greater than the setbacks required for the lower level have been considered and are not necessary to reduce losses of ambient and reflected light: They are reasonable and appropriate given the existing topography. The exterior design replicates the original style and most of the changes to the residence are invisible from the street, with the exception of the neighbor to the west. This neighbor supports the project and indicates that the improvements will improve his view of the applicant's home. The proposed improvements comply with Design Review Guidelines II-1, II-2 and II-3(a) and (b) in terms of scale, mass and architectural compatibility and integration into the existing residence.

2. The proposed upper level addition/expansion has been designed in a way that reasonably minimizes view and light impacts on neighboring properties (as defined in Section 17.2.70), including consideration of the location of the new construction, lowering the height of the addition, expansions within the existing building envelope (with or without excavation), lower level excavation for new multi-level structures, and/or changing the roof slope or ridge direction: The proposed improvements are virtually invisible except by the west neighbor. The design respects established setbacks and is appropriately sited on the property. The proposal complies with Design Review Guidelines II-6, II-6(a) and (b).

3. The size and height of the addition is commensurate with the size of the lot (excluding the portions of the lot that cannot reasonably be

built on), and is in keeping with the existing neighborhood development pattern. The proposed improvements comply with Design Review Guidelines II-1, II-2, II-3© and (d), II-6(b) and (c) as stated above.

4. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress. In accordance with Sections 17.16.1 and 17.22.1, the existing or proposed on-site parking is appropriate to the size of the new upper level or new multi-level structure or addition, and additional parking is not required to prevent unreasonable short and/or long term parking impacts on the neighborhood. There is no change in existing circulation patterns.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Reed and Ms. Mazel for construction at 374 Wildwood Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

1. The approved plans are those submitted on November 30, 2007, with additional information submitted on December 6, 2007, after neighbors were notified of the project and the plans were available for public review;
2. Due to the scope and nature of the application, a construction management plan shall be developed and approved by staff prior to obtaining a building permit. Said plan shall be comprehensive while specifically addressing the duration of the project, construction hours, the staging of materials, and parking of worker vehicles to ensure the free flow of traffic along Wildwood Avenue;

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Stehr, Seconded by Henn

Ayes: Levine, Stehr, Thiel, Henn

Noes: None

Absent: Kellogg, Robertson

ANNOUNCEMENT

General Plan Update – The City Planner announced that the Commission will hold a special meeting on January 28, 2008, at 6:30 p.m. to discuss the General Plan Update process.

ADJOURNMENT

There being no further business, Chairman Thiel adjourned the meeting at 10:00 p.m.

