

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday April 14, 2008

A Regular Session of the Piedmont Planning Commission was held April 14, 2008, 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 March 31, 2008.

CALL TO ORDER

Chairman Thiel called the meeting to order at 5:05 p.m.

ROLL CALL

Present: Commissioners Jonathan Levine, Jim Kellogg, Melanie Robertston, Bobbe Stehr, Clark Thiel and Alternate Commissioner Michael Henn

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

CONSENT CALENDAR

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

Design Review 26 SeaView Avenue

Resolution 81-DR-08

WHEREAS, Mr. and Mrs. Aron Sarin are requesting permission to substantially renovate the northern wing of the residence and add approximately 870 sq. ft. with basement space below; make interior modifications; construct a new upper level deck at the southern end of the house; make exterior design modifications; and add exterior lighting located at 26 SeaView 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. The project complies with Design Review Guidelines II-1, II-2, II-3(a) and (b) and II-6 in terms of scale, mass and architectural compatibility with the existing house and neighboring residences. The exterior materials of the addition are consistent with those on 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 addition has very little impact on neighboring property in terms of light, air or privacy because of the large size of the lot and the considerable separation distance between the applicant's home and that of his neighbors. The proposed improvements comply with Design Review Guidelines II-1, II-2 and II-3.

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 are located on a large lot, well set back from the street. The project complies with Design Review Guidelines II-1, II-2 and II-3

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 the existing ingress/egress to the property.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Sarin for construction at 26 SeaView Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. Based on the scope and nature of the proposed landscape and development plans, a best management practice plan for construction which complies with the Alameda Countywide Clean Water Program General and Residential Conditions of Approval will need to be developed by the applicant prior to obtaining a building permit;
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, the hours of daytime construction to minimize noise and safety impacts on neighbors; the staging of materials, and parking of worker vehicles to ensure the free flow of traffic;
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 phases of this project. As a Covered project, this project is 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. The design of the new garage door shall match the design of the adjacent garage doors, subject to staff approval prior to issuance of a building permit

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: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

PUBLIC FORUM

There were no speakers for the public forum.

APPROVAL OF MINUTES

Resolution 6-PL-08

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of March 10, 2008.

Moved by Stehr, Seconded by Kellogg

Ayes: Kellogg, Robertson, Stehr, Thiel, Henn

Noes: None

Abstain: Levine

Absent: None

REGULAR CALENDAR

Design Review 79 Hazel Lane

The Commission considered the following items of regular business:

Mr. and Mrs. Steve Kalmbach are requesting design review to replace and reconfigure the existing deck/carport structure, replace the existing awning and screening trellis, make window and door modifications, add a new gate and construct a new built-in exterior fireplace, bench and barbecue.

Written notice was provided to neighbors. **Three affirmative, one conditional affirmative response forms** were received.

Correspondence was received from: Bill Hoefs, April 3.

Public testimony was received from:

Erin Conner, Project Designer explained that although the design and finishing materials of the new awning and screening trellis are contemporary in nature when compared to the traditional style of the existing home, they are intended to meld the "old and the new" by complimenting in tone and contrast with the existing house while minimizing maintenance.

The Commission felt that the contemporary design and material of the proposed siding and railing were too industrial in appearance for the classic Tudor architecture of the existing house and therefore failed to comply with Design Review Guidelines II-3, II-4 and II-5. As a consequence, the proposed improvements are not well integrated with the existing house and consequently appear “tacked on” in appearance. However, the Commission agreed that the massing, size and layout of the proposed improvements were acceptable.

Resolution 60-DR-08

WHEREAS, Mr. and Mrs. Steve Kalmbach are requesting permission to replace and reconfigure the existing deck/carport structure, replace the existing awning and screening trellis, make window and door modifications, add a new gate and construct a new built-in exterior fireplace, bench and barbecue located at 79 Hazel Lane, 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:

- While the proposed project is acceptable in terms of structure size and layout, the choice of materials and contemporary design of the improvements are not consistent with the architectural style of the existing residence. Because the improvements are not carefully integrated into the existing residence, they create a tacked on appearance that fails to comply with Design Review Guidelines II-3, II-4 and II-5.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the design review application of Mr. and Mrs. Kambach for construction at 79 Hazel Lane, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Levine, Seconded by Stehr

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

**Variance and
Design Review
131 Crocker Avenue**

Mr. and Mrs. Ronnie Baum are requesting variance, design review and fence design review to expand the residence approximately 173 sq. ft. at the main (upper) level at the rear of the house; expand the existing carport to provide a conforming garage; raise the roof line above the proposed carport; add a skylight on the front roof slope; expand the lower floor plan by constructing 217 new sq. ft. at the rear and converting approximately 107 sq. ft. of storage space; make modifications to the windows, doors and exterior walls of the residence; and make exterior site modifications including new landscaping, a new barbeque and new exterior lighting. Fence design review is required to modify the existing fence and add new stucco pillars and a wooden gate at the front of the property. The requested variance is from Section 17.10.6 to allow the proposed garage to extend to within 17 ft. of the

front property line in lieu of the code required minimum of a 20 ft. front yard setback.

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

Public testimony was received from:

Carolyn Van Lang, Project Architect, described the proposed improvements and explained the basis for her belief that the project is not adding an additional bedroom – the home’s existing bedroom count will remain unchanged.

Ronnie Baum stated the project will update the home’s infrastructure, improve its aesthetics, correct deferred maintenance problems, improve the home’s lower level floorplan/circulation and replace a carport with a conforming 2-car garage. He referenced the conflicting opinions with regard to the home’s current bedroom count and whether this count is being changed by stressing that the code is confusing, subjective and arbitrary with regard to this issue.

The City Planner referenced her staff report in explaining the bedroom count issues involved with the current application in terms of the existing lower level “rumpus room” and “other room,” noting that if the Commission determines that the existing house has 4 rather than 5 bedrooms, then a parking variance is required because the proposed project will create 5 bedrooms with two conforming parking spaces rather than the three spaces required by code. Since no neighborhood notice for a parking variance was issued, the application would have to be continued so that such notice can be mailed.

The Commission discussed the issue of bedroom count in detail, agreeing that the current house has 4 bedrooms and a family room and the new proposal will create 5 bedrooms and a family room. Therefore, the Commission directed that this application be continued so that the neighborhood can receive notice of the required parking variance. However, the Commission agreed that the design of the proposed improvements was attractive and appropriate for the property, the proposed fence modifications were acceptable and that the front yard setback variance necessary to construct a conforming 2-car garage was minor in nature and reasonable. The Commission requested that proper egress windows be installed in the new bedrooms for safety reasons.

Resolution 7-PL-08

RESOLVED, that the Planning Commission determines that Mr. and Mrs. Ronnie Baum’s variance and design review application for proposed construction at 131 Crocker Avenue is incomplete because of the need for a parking variance and therefore continues further consideration of said application to a future meeting to allow proper neighborhood notice of the parking variance request.

Moved by Levine, Seconded by Robertson

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

**Fence Design Review
95 Inverleith Terrace**

Mr. and Mrs. David McClain are requesting fence design review to replace the existing stone retaining wall at the front property line with a new concrete retaining wall with stone veneer. A similar application was approved by the Commission in February 2008.

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

Public testimony was received from:

Grier Graff, Project Architect, stated that this current application is in response to staff's decision letter issued after the February meeting stating that a vine like ivy be planted in the planting strip in front of the new wall and be maintained for 5 years. He submitted photographs of the neighborhood indicating that all the other rock walls along the street have exposed surfaces and do not have any vegetation at their base. He felt that the current application is more consistent with neighborhood standards and conditions than the Commission's requirement that the wall be landscaped from the bottom up – he noted the applicant's intention to plant vegetation at the top of the wall.

Merilyn McClain concurred with Mr. Graff's comments, stressing that years ago her rock wall was covered in ivy and the ivy was an unattractive maintenance burden. She emphasized that she, and the neighborhood, prefer the "look" of exposed rock walls rather than covering up the rock facades with vegetation. However, she noted her acceptance of the Commission's other February conditions regarding wall placement and design.

The City Planner acknowledged that the "approval letter" sent to the applicant in response to the February meeting was in error in mentioning the planting of ivy and requiring that the vegetation be maintained for 5 years. The Planning Commission required that the wall be located approximately 8 inches from the property line to allow for the planting of screening vines, the wall be cast-in-place concrete with a stone veneer and reflect a battered style approximating a 5% slope.

The Commission acknowledged that while most of the neighborhood's stone walls had planting strips in front of the walls where screening vegetation could be planted, no one has planted any vegetation in these areas. The Commission further acknowledged that while its February condition required that the wall be pulled back 8 inches to allow for screening planting, it did not specifically require that such vegetation be actually planted.

Therefore, Mr. Graff and Ms. McClain withdrew the current application, stating that if the toe of the wall does not have to be planted, then the Commission's February decision is acceptable.

Resolution 8-PL-08

RESOLVED, that the Planning Commission accepts Mr. and Mrs. David McClain's withdrawal of their current fence design review application and directs that the fee for this application be refunded.

Moved by Stehr, Seconded by Levine
Ayes: Kellogg, Levine, Robertson, Stehr, Thiel
Noes: None
Absent: None

**Fence Design Review
1888 Trestle Glen Rd**

Mr. and Mrs. David Wong are requesting fence design review to construct an approximately 6 ft. high wood fence and two wood gates along the front yard of the property. A similar application was conditionally approved by the Commission on April 10, 1989.

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

Public testimony was received from:

Emily Wong stated that the intent of the proposal is to replace the existing fence in a more attractive and sturdy manner. The existing hedge will be maintained. She added that a 6 ft. fence height is desired to provide an acoustical and privacy buffer from busy Park Boulevard.

Velda Egan, speaking on behalf of the St. James Wood Homes Association, stated that the Association supports the application and believes the 6 ft. front yard fence height is appropriate in this case because of the location of the property.

The Commission supported the fence project in concept but felt that a 4 ft. fence height is sufficient to satisfy the applicants' privacy needs, especially if screening vegetation is planted. The Commission noted that the neighboring homes along the street do not have front yard fences. The Commission also requested that the small section of the fence to the left of the driveway should also be replaced to match the new fence and that redwood posts, rather than treated lumber, be used since the fence will not be painted.

Resolution 80-DR-08

WHEREAS, Mr. and Mrs. David Wong are requesting permission to construct an approximately 6 ft. high wood fence and two wood gates along the front yard of the property located at 1888 Trestle Glen 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 fence project complies with Design Review Guidelines V-2 and V-3. The proposed fence will be screened with landscaping to soften its appearance and is architecturally compatible 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 it will not deprive neighboring property of light, view and privacy. The project complies with Design Review Guidelines V-5(a), (b) and (c).

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 the new fence replaces an existing fence. The project complies with Design Review Guideline V-9.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Wong for construction at 1888 Trestle Glen 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 April 2, 2008, after neighbors were notified of the project and the plans were available for public review;
2. The fence posts shall be redwood;
3. The new fence shall not exceed 4 ft. in height in keeping with Design Review Guideline V-6 and shall continue to the left side of the driveway.

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 Kellogg

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

The Commission recessed for dinner at 6:45 p.m. and reconvened at 7:20 p.m.

**Variance, Design
Review and Fence
Design Review
150 Woodland Way**

Mr. Glenn Tobe and Ms. Amy Honigman are requesting variance, design review and fence design review to make various front yard modifications, including to: demolish the existing carport, construct a new 2-car garage, widen the existing driveway, enlarge an existing patio, relocate an existing side yard retaining wall, and add exterior lighting. The requested variance is from Section 17.10.6 to allow the new garage to extend to within 12 ft. of the front yard property line in lieu of the code required minimum of a 20 ft. front yard setback.

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

Public testimony was received from:

Glen Tobe stated his desire to replace the existing carport with a new seismically sound, more attractive garage structure.

Guy Snyder, Project Architect, explained that the new garage cannot be attached to the house because it would block existing kitchen windows and impede access to a storage area. He also described the design limitations and difficulties caused by the differences in grade on the property. He noted that the new garage will only encroach 20 inches more into the front setback than the current carport.

The Commission supported in concept the replacement of the carport with a new garage for aesthetic and security reasons. However, the Commission was divided as to whether the proposed plan was the best solution. Commissioners Stehr and Robertson supported application approval, agreeing that the proposed plan offered a beautiful and elegant solution for replacing an unattractive carport with an architecturally compatible, more secure garage structure. The remaining Commissioners agreed that the design of the new garage was attractive but felt that its current placement created the awkward appearance of an attached garage that is not attached. The majority felt that if the garage was rotated so as to align with the property line it would be more integrated with the house or if it was moved closer to the street, a more conventional “detached” look would be achieved. This alternative placement would also maximize kitchen window light and view.

Amy Honigman supported the Commission’s redesign options as a way to maximize kitchen light and view and Mr. Synder requested that the application be referred to Staff Design Review for neighborhood sign-off and staff approval so as not to delay project construction. The Commission majority preferred that since garage placement is such an important issue and the suggested relocation options would place the garage closer to neighboring homes, a new application to the Commission should be submitted for a full hearing. Mr. Synder then requested a fee waiver for the new submittal and his request was denied.

Resolution 82-V/DR-08

WHEREAS, Mr. Glenn Tobe and Ms. Amy Honigman are requesting permission to make various front yard modifications, including to: demolish the existing carport, construct a new 2-car garage, widen the existing driveway, enlarge an existing patio, relocate an existing side yard retaining wall, and add exterior lighting located at 150 Woodland Way, Piedmont, California, which construction requires variance and design review; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to construct within the front 20 ft. 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 proposed design fails to comply with Design Review Guidelines II-1, II-2, II-3, II-4 and II-6. The scale, mass, siting and compatibility of the proposed garage is not compatible with the scale and mass of the existing house;
2. The exterior appearance of the proposed garage does not maintain overall architectural compatibility with the existing house in terms of siting and massing;
3. Since the proposed design for this project has not been approved, the requested variance associated with this design cannot be approved.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the variance and design review application of Mr. Tobe and Ms. Honigman for proposed construction at 150 Woodland Way, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Levine, Seconded by Kellogg

Ayes: Kellogg, Levine, Thiel

Noes: Robertson, Stehr

Absent: None

**Variance and
Design Review
111 Ricardo Avenue**

Mr. and Mrs. Ken Meyersieck are requesting variance and design review to modify the previously approved design for a new garage by increasing the height of the garage, changing the direction of roof slope, 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 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. A similar application was denied by the Commission on December 10, 2007.

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

Public testimony was received from:

Ken Meyersieck noted that based upon discussion with his new rear neighbor, this neighbor prefers the new redesign over the one previously approved last year (May 14, 2007).

The Commission, with the exception of Commissioner Stehr, opposed the redesign, citing the following objections: (1) the garage storage space is being enlarged to the point that it can be considered habitable space and this enlargement decreases the practical usability of one of the two garage parking spaces; (2) the redesign is essentially the same proposal which was denied by the Commission in December 2007; (3) without the enlargement of the storage area, the height of the garage can

be lower and the usability of both of the garage spaces can be preserved; and (4) the increased height of the garage is inappropriate given the garage's proximity to the property line and the impact on the adjacent neighbor. Commissioner Stehr supported application approval, noting the appropriateness of having storage space which can be easily and conveniently accessed, similarly designed garages have been approved, the architecture of the new garage is attractive and compatible with the existing house and the requested height of the garage is consistent with that of an adjacent garage.

Resolution 9-PL-08

RESOLVED, that the Planning Commission approves the variance application submitted by Mr. and Mrs. Ken Meyersieck for proposed modifications to a previously approved design for a new garage at 111 Ricardo Avenue finding that:

1. The proposed modifications represent a very modest addition to a previously approved garage design within the side yard setback;
2. The neighboring property to the right has a similar garage height;
3. Garage ingress/egress remains unchanged from that currently in use;
4. The garage redesign will provide more light to the rear yard of the neighboring property;
5. The proposed modifications will eliminate the creation of useless space between two existing garages and two cars can be parked in the proposed redesigned garage.

Moved by Stehr.

THIS MOTION DIED FOR LACK OF SECOND

Resolution 83-V-08

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, changing the direction of roof slope, 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 application because a variance for the construction of a new 2-car garage in this same location has already been granted and this approved garage design can be built without the necessity of another variance;

2. The variance is not compatible with the immediately surrounding neighborhood and the public welfare because the proposed enlargement of the redesigned garage will have a negative impact on the adjacent neighbors;

3. Accomplishing the improvement without a variance would not cause unreasonable hardship in planning, design, or construction because a variance has already been granted to allow construction of a new 2-car garage, with storage above, in the exact same location on the property.

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 Robertson

Ayes: Kellogg, Levine, Robertson, Thiel

Noes: Stehr

Absent: None

Resolution 83-DR-08

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, changing the direction of roof slope, 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:

- A variance to allow construction of the proposed redesign has been denied, so the requested design modifications cannot be constructed.

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 Robertson

Ayes: Kellogg, Levine, Robertson, Thiel

Noes: Stehr

Absent: None

Variance, Design Review & Fence Design Review 110 Woodland Way

Mr. Paul Kaufman and Ms. Myra Saunders are requesting variance, design review and fence design review to expand the residence and modify the parking in two different designs:

- Option 1 -- The preferred design proposes to construct a new 2-car garage at the right front of the property with lower and

upper terraces above; expand the lower level approximately 454 sq. ft. by constructing on the left side of the house and converting the existing garage into a family room; expand approximately 60 sq. ft. at the main level on the left side of the house; expand the upper level at the right side of the house approximately 268 sq. ft.; and convert the existing driveway to landscape area and add a new retaining wall at the front of the property and on both sides of the proposed new driveway. This design requires a variance from Section 17.10.6 to allow the new garage to extend to the front property line in lieu of the code required minimum of a 20 ft. front yard setback.

- Option 2-- The alternative plan proposes to expand and modify the existing garage to be entered at the front; expand the lower level 455 sq. ft. by converting existing storage; expand approximately 60 sq. ft. at the main level on the left side of the house; expand the upper level at the right side of the house approximately 268 sq. ft.; add a new terrace and entry stairs at the right front of the property; widen the existing driveway on the left side of the property; and add new retaining walls at the front of the property. This design requires variances from: (1) Section 17.10.6 to allow the new entry stairs to extend to within 9 inches 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 eaves of the new addition to extend to within 3 ft. of the left side property line in lieu of the code required minimum of a 4 ft. side yard setback; and (3) Chapter 17 to allow the addition of a room eligible for use as a bedroom with one of the two required off-street parking spaces measuring 8'10" in width in lieu of the code required minimum width dimension of 9 ft.

Written notice was provided to neighbors. **One affirmative, one conditional affirmative, one undecided response form** was received.

Public testimony was provided to neighbors.

Marc Harrington, Project Architect, described the proposed modernization and safety improvements to the 1920's era home and noted that the existing garage is not usable because of its awkward access. He also explained both garage options and submitted colored renderings of each design. The City Planner stated that based upon discussions with the Building Official, Option 2 interferes with an existing sewer easement and as a consequence extensive engineering and construction costs will be required to insure that the proposed garage does not impede sewer access – no encroachment permit is likely to be issued.

The Commission, with the exception of Commissioners Thiel and Levine, supported approval of Option 1 citing the following reasons: (1) it avoids the costly engineering and construction complications necessary to avoid sewer easement encroachment; (2) preserves the existing elegant streetscape and existing character of the neighborhood; (3) maximizes the preservation of existing front yard landscaping and retains an existing large redwood tree; (4) is well integrated with the existing house; (5) results in the creation of two conforming off-street

parking spaces; and (6) avoids having the driveway become the major pedestrian entryway into the home.

Commissioner Levine preferred Option 2 believing that it created a more cohesive, less intrusive entry, avoided the creation of the structural mass and useless front terraces of Option 1, was a more interesting architectural design and was more architecturally compatible with the existing home. He felt that the visual expanse of driveway could be mitigated through a variety of ways, e.g., landscaping strips, textured driveway surface, etc. Chairman Thiel opposed the application as currently designed, regardless of either driveway option, citing concerns re the roof line and massing of the second floor bedroom, preferring the location of Option 2 for garage placement but objecting to the proposed Option 2 garage design because of the tacked on appearance of the second parking space and believing that there was no justification for granting the variance associated with Option 1.

Resolution 84-V-08

WHEREAS, Mr. Paul Kaufman and Ms. Myra Saunders are requesting permission to expand the residence and modify the parking per the submitted Option 1 plan located at 110 Woodland Way, 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

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 slope of the lot, the existing position of the house on the lot and the curved property line along the front of the property. 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 a conforming 2-car garage cannot be constructed on the property without variance. The Option 1 location of the proposed garage is consistent with garage locations of other properties in the neighborhood – a garage at the basement level of an upslope lot is consistent with the neighborhood.
3. Accomplishing the Option 1 improvement without a variance would cause unreasonable hardship in planning, design, or construction because the other alternative (Option 2) would be unreasonable in terms of the requirement of extensive re-engineering and/or obtaining an encroachment permit because of an existing sewer easement as well as the likelihood that a conforming garage could not be constructed on the property under this alternative plan.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Kaufman and Ms. Saunders for the above variance associated with the Option 1 plan at 110 Woodland Way, 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 Kellogg, Seconded by Stehr

Ayes: Kellogg, Robertson, Stehr

Noes: Levine, Thiel

Absent: None

Resolution 84-DR-08

WHEREAS, Mr. Paul Kaufman and Ms. Myra Saunders are requesting permission to expand the residence and modify the parking per the submitted Option 1 plan located at 110 Woodland Way, 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. The project complies with Design Review Guidelines II-1, II-2 and II-3 in terms of scale, mass and architectural compatibility with the existing residence and neighboring properties. The proposed entry decks and stairs over the garage comply with Design Review Guideline IV-2 in that the decks are stepped to mitigate massing and volume so as to create an elegant approach.

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

project complies with Design Review Guideline II-6 in that neighbor privacy and views are preserved.

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 flat roof of the proposed addition is harmonious with the existing flat roof at the rear of the residence, the size, height and overall mass of the proposed addition complies with Design Review Guidelines II-2 and II-3. There is no material change to the front façade of the residence and only non-material changes to the rear façade through the filling in of an existing deck with a slightly expanded master bedroom.

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 addition, and additional parking is not required to prevent unreasonable short and/or long term parking impacts on the neighborhood. The project complies with Design Review Guidelines II-7 and III-7 and III-7(a) in that traffic sight lines are preserved, the driveway is the full width of the garage to allow safe ingress/egress and pedestrian access to the home is independent of the driveway.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Kaufman and Ms. Saunders for construction at 110 Woodland Way, 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 April 1, after neighbors were notified of the project and the plans were available for public review;
2. Based on the scope and nature of the proposed landscape and development plans, a best management practice plan for construction which complies with the Alameda Countywide Clean Water Program General and Residential Conditions of Approval will need to be developed by the applicant prior to obtaining a building permit;
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 Woodland Way;
4. Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, will be required for all phases of this project. As a Covered Project, this project is 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. The new garage shall have an automatic garage door opener;
6. The material of the retaining walls required for framing of the driveway and the adjoining entry shall be textured, earth-toned in color to match the house and not be cast-in-place, unfinished concrete. Said design shall be subject to staff review and approval;
7. The new windows shall be true 3-D divided lights and finished to match the home's 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 Kellogg, Seconded by Stehr

Ayes: Kellogg, Robertson, Stehr

Noes: Levine, Thiel

Absent: None

Resolution 10-PL-08

WHEREAS, Mr. Paul Kaufman and Ms. Myra Saunders are requesting permission to expand the residence and modify the parking per an Alternative Option 2 plan for proposed construction located at 110 Woodland Way, Piedmont, California, which construction requires variance; and

WHEREAS, variances from the requirements of Chapter 17 of the Piedmont City Code are necessary in order to construct within the left side yard setback and to allow the addition of a room eligible for use as a bedroom with only one of the two required off-street parking spaces conforming to code dimension requirements; 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 because of which 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. A better solution for satisfying the applicants' proposed construction exists and has been approved which does not require variances for side yard encroachment or parking size deviation;

2. The variances are not compatible with the immediately surrounding neighborhood and the public welfare because a better plan for satisfying the applicants' proposed construction exists and has been approved which does not require a variance for side yard encroachment and which creates two conforming size parking spaces.

3. Accomplishing the improvement without variance would not cause unreasonable hardship in planning, design, or construction because a design to accomplish the applicants' proposed improvements has been approved which avoids any involvement with an existing 5 ft. sewer easement and which results in two conforming parking spaces rather than just one such space.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the side yard and parking size variances associated with the Alternative Option 2 plan submitted by Mr. Kaufman and Ms. Saunders for proposed construction at 110 Woodland Way, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Stehr, Seconded by Robertson

Ayes: Kellogg, Robertson, Stehr

Noes: Levine, Thiel

Absent: None

Resolution 11-PL-08

WHEREAS, Mr. Paul Kaufman and Ms. Myra Saunders are requesting permission to expand the residence and modify the parking per an Alternative Option 2 plan for proposed construction located at 110 Woodland Way, 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 Alternative Option 2 proposal does not conform with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

- The proposed Alternative Option 2 design cannot be approved because variances necessary to construct this design were denied.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies design review for the Alternative Option 2 plan submitted by Mr. Kaufman and Ms. Saunders for proposed construction at 110 Woodland Way, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Stehr, Seconded by Robertson

Ayes: Kellogg, Robertson, Stehr

Noes: Levine, Thiel

Absent: None

ANNOUNCEMENTS

General Plan Update – the City Planner announced that the Commission will hold its 5th General Plan Update work session on April 24. The public is invited and encouraged to attend.

ADJOURMENT

There being no further business, Chairman Thiel adjourned the meeting at 9:20 p.m.