

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday January 14, 2008

A Regular Session of the Piedmont Planning Commission was held January 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 January 3, 2008.

CALL TO ORDER

Chairman Thiel called the meeting to order at 5:00 p.m.

ROLL CALL

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

Absent: Commissioner Jonathan Levine

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

City Council Liaison: Mayor Nancy McEnroe

ANNOUNCEMENTS

The City Planner announced that the Commission will hold a special worksession on January 28 at 6:30 p.m. in the Council Chambers to discuss the General Plan Update. The public is invited and encouraged to attend to provide input. In addition, comments and suggestions regarding the Update can be submitted to City Hall in writing or by e-mail.

CONTINUATIONS

Chairman Thiel announced that the most recently submitted plans for Agenda Item #9 (Variance/Design Review, 139 Sunnyside Avenue) are inaccurate and therefore the application has been deemed incomplete. The application will be continued to the February meeting. However, he invited anyone in the audience to speak to this item tonight if they cannot attend the February meeting. There were no requests to speak.

Resolution 1-PL-08

RESOLVED, that the Planning Commission continues until the February meeting consideration of Mr. Charles Robinson's variance and design review application for proposed construction at 139 Sunnyside Avenue.

Moved by Stehr, Seconded by Henn

Ayes: Kellogg, Robertson, Stehr, Thiel, Henn

Noes: None

Absent: Levine

The Chairman also announced that the Project Architect for Agenda Item #10 (New House Design Review, 22 Valant Place) has requested that this item be continued to the February meeting because he is too ill to attend tonight's hearing. While there were no requests from the audience to speak to this application at this time, the Commission agreed to defer action on the continuance request until after the dinner recess in case interested residents arrive later.

CONSENT CALENDAR

The following Resolutions were approved under one vote by the Commission:

**Design Review
133 Caperton Avenue**

Resolution 431-DR-07

WHEREAS, Ms. Jennifer Rainin is requesting permission to make various modifications in the front and left side yard, including to construct new stucco retaining walls, modify the existing entry portico, add new railing, enlarge the existing driveway, make window modifications at the rear and modify the existing front entry steps located at 133 Caperton 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 they comply with Design Review Guidelines II-3, II-3(a) and (b), IV-1, IV-2 and IV-3 and V. The proposed improvements are compatible in terms of architectural style, provide visual interest and direct attention to the property's entry.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because it does not deprive neighboring property of view or light and reflects a high quality design standard. The project complies with Design Review Guidelines V-5(a) and (b).
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 vehicular/pedestrian sight lines are not obstructed. The proposed 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 Ms. Rainin for construction at 133 Caperton Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The proposed wood windows shall be painted to match the remaining windows throughout the residence;
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 Caperton 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.

**Fence Design Review
39 Crest Road**

Resolution 457-DR-07

WHEREAS, Mr. Andy Ball is requesting permission to replace the brick wall caps on the existing front yard brick wall along Crest Road with concrete caps located at 39 Crest 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 improvements are compatible in terms of scale, mass and architectural style with the existing neighborhood and residence and add visual interest and variety to the property. The proposal complies with Design Review Guidelines II-2, II-3(a) and V-2.
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. The proposed modifications to the existing fence do not affect the size, design or impact of this existing fence.
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. 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. Ball for construction at 39 Crest 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.

**Fence Design Review
39 Crest Road**

Resolution 465-DR-07

WHEREAS, Mr. Andy Ball is requesting permission to construct a new 6 ft. high redwood fence along LaSalle Avenue on his property located at 39 Crest 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 redwood fence is consistent in character with existing fences in the neighborhood and is compatible with the residence. The project complies with Design Review Guidelines V-1 and V-2.
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 on neighbor views, light or visual prominence. The proposal complies with Design Review Guideline V-5.
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 vehicular/pedestrian sight lines are not obstructed. The proposal complies with Design Review Guideline V-10.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Ball for construction at 39 Crest Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- The plans are those submitted on January 3, 2008, after neighbors were notified of the project and the plans were available for public review;

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.

**Fence Design Review
456 Wildwood Avenue**

Resolution 467-DR-07

WHEREAS, Mr. James Feuille is requesting permission to replace the front entry gate and piers, install gate openings mechanisms, resurface the driveway and replace the driveway curbs located at 456 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 (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 improvements are consistent with other fences in the neighborhood and on the property, are compatible with the architectural style of the residence and add visual prominence to the property. The proposed improvement complies with Design Review Guidelines V-1, V-2 and V-3.
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. The proposed improvements provide a sense of entry to the existing house. The project complies with Design Review Guidelines V-5, V-5(a) and (b).
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 and in fact are enhanced because of improvements to the existing driveway. The project complies with Design Review Guidelines V-7, V-8 and V-9.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Feuille for construction at 456 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 Robertson
Ayes: Kellogg, Robertson, Stehr, Thiel, Henn
Noes: None
Absent: Levine

PUBLIC FORUM

There were no speakers for the public forum.

APPROVAL OF MINUTES

Resolution 2-PL-08

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of December 10, 2007.

Moved by Stehr, Seconded by Henn

Ayes: Stehr, Thiel, Henn

Noes: None

Abstain: Kellogg, Robertson

Absent: Levine

REGULAR CALENDAR

The Commission considered the following items of regular business:

Design Review 87 Wildwood Gardens

Ms. Julie Friedkin is requesting design review to construct an approximately 195 sq. ft. upper level deck at the rear of the residence.

Written notice was provided to neighbors. **Three affirmative, two negative response forms** were received. **Correspondence** was received from: Theodore Montgomery, Jan. 3 & 10.

Public testimony was received from:

Julie Friedkin stated that because of the slope of her property, there is limited usable outdoor space and the proposed deck is intended to provide a play area for her children. The deck is located 10 ft. from the property line and will be screened by existing and proposed fast-growing evergreen plantings. In addition, she stated her willingness to install a temporary lattice screen along the entire edge of the deck facing her neighbor's property to provide privacy screening until the new tree screen vegetation matures. She stated her willingness to work with her neighbor in selecting specific tree varieties for the screening vegetation.

Theodore Montgomery opposed the proposed deck citing a loss of privacy to his rear yard. He objected to the proposed lattice screening for aesthetic reasons and was not optimistic that he would be able to reach an agreement with the applicant regarding vegetation screening.

Alternate Commissioner Henn supported in concept the addition of a deck, agreeing with the need for more usable outdoor space on the property, the fact that decks of this size and nature are commonplace in the neighborhood and it is unrealistic for neighbors to expect complete rear yard privacy in an urban environment, especially given Piedmont's

topography and grade differentials between properties. However, he could not support the current application because the proposed landscaping screening was too vague. The remaining Commissioners opposed the application, citing that the proposed deck adversely impacts the adjacent neighbor in terms of light and privacy loss, its design is not well integrated with the existing house, submitted landscaping mitigation measures are too vague, the deck substructure is not attractive or appropriately screened and overall the proposed improvement looks “tacked on.” The Commission further agreed that more effective screening measures (than a proposed lattice trellis) are available. In particular, it was suggested that: (1) planters, with arbors, be placed along the deck edge facing the neighbor to compliment and enhance in-ground vegetation screening; and/or (2) the deck area adjacent to the neighboring property be lowered closer to grade to minimize the looming effect on the neighbor.

Resolution 216-DR-07

WHEREAS, Ms. Julie Friedkin is requesting permission to construct an approximately 195 sq. ft. upper level deck at the rear of the residence located at 87 Wildwood Gardens, 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 are not aesthetically pleasing as a whole nor harmonious with existing and proposed neighborhood development. The design of the proposed deck is not well integrated with the architectural style, scale or mass of the existing residence, the deck’s substructure is unsightly and has a negative visual impact on the adjacent neighbor, there is too much height and bulk and overall the project reflects a “tacked on” appearance. The proposed improvements fail to comply with Design Review Guidelines II-3(a) through (d) and II-5.
2. The proposed upper level structure has not been designed in a way that reasonably minimizes privacy and light impacts on neighboring properties. The proposed deck would loom over the neighboring property at 85 Wildwood Gardens resulting in a loss of privacy for this neighbor. The project fails to comply with Design Review Guideline II-6.
3. The size and height of the addition is not in keeping with the existing neighborhood development pattern. The project fails to comply with Design Review Guidelines II-1 and II-2 because of its unacceptable mass and bulk.
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

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the design review

application of Ms. Friedkin for construction at 87 Wildwood Gardens, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Stehr, Seconded by Kellogg

Ayes: Kellogg, Robertson, Stehr, Thiel, Henn

Noes: None

Absent: Levine

**Variance and
Design Review
340 Howard Avenue**

Mr. John Kyser and Ms. Kara Christenson are requesting variance and design review to demolish an existing rear deck, construct an approximately 83 sq. ft. rear expansion with a roof deck above, make window and door modifications throughout, add exterior stairs in the left (north) side yard, add exterior light fixtures, and make various changes to the interior. The requested variances are from: (1) Section 17.10.4 to allow a structure coverage of 47% in lieu of the code permitted maximum of 40%; (2) Section 17.10.7 to allow the new side stair structure to extend to within 1'0" of the left side property line in lieu of the code required minimum of a 4 ft. side yard setback; and (3) Section 17.22.2(a) to allow a floor area ratio of 58.6% in lieu of the code permitted maximum of 55% for a parcel less than 5,000 sq. ft. in area.

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

Public testimony was received from:

Robert Kelly, Project Architect, summarized the extensive effort made to avoid variance but stressed that because of the small size of the lot and the existing floorplan of the 1920's vintage home, it is virtually impossible to modestly expand the existing kitchen to add a breakfast seating area and provide room for modern appliances and lifestyle use without variance. He noted full neighborhood support for the proposal.

Kara Christenson described the hardships associated with the cramped, isolated nature of the kitchen and the lack of an eating area for her toddler. She submitted letters from her neighbors indicating support for her modest expansion plan.

The Commission, with the exception of Commissioners Thiel and Stehr, supported application approval, agreeing that: (1) the proposed expansion is modest in scope and will greatly improve the livability of the small, charming house without any adverse impact on adjacent neighbor views, light or privacy – the existing 2 bedroom/1-1/2 bath house does not represent an overbuilding of the lot even though the FAR and structure coverage situation is pre-existing – the side yard variance provides the best layout available for the design; (2) the design of the addition is well integrated with the existing house and does not increase the visual mass of the home; (3) there are no other expansion options available on this very small lot; and (4) the proposed project maintains the existing architectural character of the home.

Commissioner Stehr supported variance approval for FAR and structure coverage for the reasons cited by the majority, but felt that the side yard setback variance could be avoided if kitchen ingress was located at the rear rather than side. Chairman Thiel opposed approval of any of the

variances, stressing that a small house on a small lot is not sufficient justification for approving FAR and structure coverage variances. He felt that the overall size of the existing kitchen was adequate to accommodate the desires of the applicant if this space was reorganized for better utilization. In addition, he agreed with Commissioner Stehr that the side yard variance could be avoided by providing rear ingress/egress to the kitchen.

Resolution 323-V-07

WHEREAS, Mr. John Kyser and Ms. Kara Christenson are requesting permission to demolish an existing rear deck, construct an approximately 83 sq. ft. rear expansion with a roof deck above, make window and door modifications throughout, add exterior stairs in the left (north) side yard, add exterior light fixtures, and make various changes to the interior located at 340 Howard Avenue, 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 4 ft. left (north) side yard setback, to exceed the City's structure coverage limit and to exceed the City's floor area ratio 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 fact that the size of the lot is very small and since the house currently exceeds FAR and structure coverage limits, no expansion can be made without variance. 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 there is no impact on neighboring property in terms of light, view of privacy issues. The side yard setback variance provides the best layout available for the proposed design.
3. Accomplishing the improvement without variance would cause unreasonable hardship in planning, design, or construction because the existing house cannot be expanded in any way without variance.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Kyser and Ms. Christenson for the above variances at 340 Howard 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 Kellogg, Seconded by Robertson

Ayes: Kellogg, Robertson, Henn

Noes: Stehr, Thiel

Absent: Levine

Resolution 323-DR-07

WHEREAS, Mr. John Kyser and Ms. Kara Christenson are requesting permission to demolish an existing rear deck, construct an approximately 83 sq. ft. rear expansion with a roof deck above, make window and door modifications throughout, add exterior stairs in the left (north) side yard, add exterior light fixtures, and make various changes to the interior located at 340 Howard 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 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. The design of the improvements is in keeping with the neighborhood and the existing house in terms of architectural style, mass and scale compatibility and consistent use of materials and window and door treatments. The project complies with Design Review Guidelines II-1; II-2 and II-3.
2. The proposed upper level expansion has been designed in a way that reasonably minimizes view and light impacts on neighboring properties (as defined in Section 17.2.70). There is no impact on neighboring property in terms of light, view or privacy issues. The proposal complies with Design Review Guideline II-6.
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 project complies with Design Review Guideline II-2.
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. There is no change in existing circulation patterns. The project complies with Design Review Guideline II-7.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Kyser and Ms. Christenson for construction at 340 Howard Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. 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 Howard Avenue;
2. If the survey map prepared by Summit Engineering, dated September 12, 2007, and submitted on December 13, 2007, discloses any information not in agreement with any document or map recorded with Alameda County Recorder's Office, a Record of Survey, which will be reviewed by the City Engineer, shall be filed as required by Section 8762 of the Professional Land Surveyors' Act.

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 Henn

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: Thiel

Absent: Levine

**Variance and
Design Review
136 Olive Avenue**

Mr. Martin Gross and Ms. Claudia Miller are requesting variance and design review to construct an approximately 180 sq. ft. detached office at the rear of the property, add a new skylight and solar tube, construct new stairs, and add new exterior lighting. The requested variance is from Section 17.10.8 to allow the new office to extend to within 1'6" 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 negative response forms** were received. **Correspondence** was received from: Chester & Shirley Lau, Jan. 9; Claudia Miller/Martin Gross, Jan. 8 & 9;

Public testimony was received from:

Martin Gross reviewed the numerous expansion options examined for adding a home office. He stressed that incorporating/attaching the office space into the existing house is not desirable because the small size of the existing home would create too many noise disturbances – an isolated work environment is desired. He added that locating the office slightly into the rear setback would preserve the usability of his small yard without adversely impacting adjacent neighbors. He noted that many neighbors have accessory structures located within setbacks and on property lines. He also stressed that the office would not be used as a second unit or guest bedroom, hence there will be no impact on the property's existing parking situation – the residence will retain its two-person occupancy level. He also stated that adding a 2-car garage to the property is prohibitively expensive because of required excavation.

Christian Brown, Project Architect, and Christopher Brown, Project Contractor, reiterated that the proposed location of the office is the best site for such use, noting that its exterior design compliments the craftsman bungalow architecture of the main residence while also blending into its tree/woody setting.

Pat Markovich opposed the proposed project, stressing that the applicant's existing 3 bedroom house, with no off-street parking, already impacts the street's existing parking situation and she was fearful that the proposed detached office would eventually be used as a second unit or guest house. She also voiced concern that approving the office could preclude the future construction of a garage on the property because a structure coverage variance would be required.

Michael Heller referenced the project's story poles in emphasizing the significant adverse impact the proposed office structure would have on his home in terms of extensive shadowing of his property. He stated that the office would create a 12 ft. 6 inch high solid wall only 18 inches from the shared property line and 5 ft. from his house. As a result, most of the windows of his home would be shaded. He noted that the applicants have a large rear yard and he urged that the office be located elsewhere away from his property.

Claudia Miller stated that other locations for the proposed office could potentially impact the Heller property more and that office approval would not preclude the future construction of a garage – no structure coverage variance would be required.

The Commission, with the exception of Alternate Commissioner Henn, opposed application approval, citing that (1) the design of the proposed office is not architecturally compatible with the existing house (albeit compatible with its proposed location) but its proposed location is not appropriate; (2) the structure could be easily converted into a guest bedroom; (3) no hardship exists to justify its location within the setback; (4) the structure's location and excessive height has a significant adverse impact on the Heller property; (5) numerous

alternative locations exist on the property for adding an office, including attaching the space to the existing house to avoid the potential of its use as a bedroom; and (6) the proposed location creates an undesirable 18 inch "dead zone" between the structure and the rear property line which is too small to be landscaped or properly maintained. Commissioner Henn felt that the design of the office was appropriate and charming for its woodsy location, supported variance approval provided a 3 ft. setback was retained so that landscaping could be added between the office and the Heller property and recommended that a restriction against use of the office as living quarters be required as a condition of project approval.

Resolution 420-V-07

WHEREAS, Mr. Martin Gross and Ms. Claudia Miller are requesting permission to construct an approximately 180 sq. ft. detached office at the rear of the property, add a new skylight and solar tube, construct new stairs, and add new exterior lighting located at 136 Olive 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 rear 4 ft. 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 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.
2. The variance is not compatible with the immediately surrounding neighborhood and the public welfare.
3. Accomplishing the improvement without variance would not cause unreasonable hardship in planning, design, or construction because other locations exist on the large lot for locating the proposed addition outside of the setback.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the variance application of Mr. Gross and Ms. Miller for the above variance at 136 Olive Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Stehr, Seconded by Robertson

Ayes: Kellogg, Robertson, Stehr, Thiel, Henn

Noes: None

Absent: Levine

Resolution 420-DR-07

WHEREAS, Mr. Martin Gross and Ms. Claudia Miller are requesting permission to construct an approximately 180 sq. ft. detached office

at the rear of the property, add a new skylight and solar tube, construct new stairs, and add new exterior lighting located at 136 Olive 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 harmonious with existing and proposed neighborhood development in terms of its architectural style in relation to the existing house, and its mass and height. The project fails to comply with Design Review Guidelines II-3(a) through (c).
2. The design is not appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because it is located too close to the property line and its excessive height adversely impacts neighboring property. The project fails to comply with Design Review Guidelines II-3© and II-7.
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. There is no impact on vehicular or pedestrian safety.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the design review application of Mr. Gross and Ms. Miller for construction at 136 Olive Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Stehr, Seconded by Robertson

Ayes: Kellogg, Robertson, Stehr, Thiel

Noes: Henn

Absent: Levine

Prior to recessing for a dinner break, the Chairman inquired if anyone in the audience wished to speak regarding Agenda Item #10 (New House Design Review, 22 Valant Place). No one wished to address the Commission.

Resolution 3-PL-08

RESOLVED, that the Planning Commission, at the request of the applicant's architect, continues consideration of Mark Attarha/Nahid Nassiri's design review application for proposed construction at 22 Valant Place to the February meeting.

Moved by Stehr, Seconded by Henn

Ayes: Kellogg, Robertson, Stehr, Thiel, Henn

Noes: None

Absent: Levine

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

**Second Unit Permit
With a unit size and
Parking exception
594 Blair Avenue**

Mr. and Mrs. William Kadi are requesting a second unit with a unit size and parking exception to construct a new 813 sq. ft., one bedroom second unit in the existing basement of the residence. Window and door modifications are proposed at the lower level along the left (south) side of the residence. The requested exceptions are from: (1) Chapter 17D.6(a)1.a to permit up to a maximum of 850 sq. ft. for a unit constructed wholly within the existing building envelope on a lot that is smaller than the minimum Zone A 10,000 sq. ft. lot size, in exchange for agreeing to rent the unit to a low income household; and (2) Chapter 17D.6(b)1.b to allow an exception from the requirement of providing a conforming on-site parking space in exchange for agreeing to rent the unit to a very low income tenant for a minimum of 10 years. Because the application is requesting two exceptions with different income level requirements, the more restrictive very low income requirement is required for the unit if both exceptions are granted.

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

Written notice was provided to neighbors. **Two affirmative, two negative response forms** were received. **Correspondence** was received from: Sandra & Bill Kadi, Jan. 5; Laurance & Deborah Kelley, Jan. 9; Michael & Susan Southworth, Jan. 7.

Public testimony was received from:

Kate Stechschulte, Project Architect, described the proposed improvements to the basement level of the existing house to create the proposed second unit, noting that there will be no changes in the home's existing footprint nor to the existing basement access point. She emphasized that the applicant's property has a 2-car garage for the main residence and a large street frontage that can easily accommodate second unit parking. It is anticipated that no more than one vehicle would be associated with the proposed one bedroom second unit. She also noted that if necessary, tenant parking could occur on the existing driveway.

William Kadi stated that currently one of his two garage parking spaces is being utilized by a trailer. However, this trailer will be moved out of the area and the garage restored to its two-car capacity. He responded to Commission questions concerning off and on-street parking, the proposed size of the second unit, second unit entry points and proposed privacy screening. Mr. Kadi emphasized that the existing entry point to the second unit creates the least amount of privacy impact to the adjacent neighbor because the door is located adjacent to the neighbor's yard. Relocating the entry closer to the street would require property regrading and also result in the door being adjacent to the neighbor's home. He stated his willingness to erect a 6 ft. high solid redwood fence bordering the entrance to the unit to mitigate privacy impacts on the neighbor. The inside of this fence would also be landscaped to further buffer/enhance privacy screening. He also explained that the parking congestion cited by neighbors is primarily caused by Scenic Avenue residents parking on Blair.

The Commission supported application approval, agreeing that the second unit proposal is consistent with the City's obligation to provide low income housing and there appears to be sufficient on-street parking capacity to accommodate the parking needs of a 1-bedroom second unit. The Commission also agreed that a Parking Inspection Agreement with the City be required as a further parking mitigation measure to insure that the 2-car parking capacity of the applicant's garage shall be maintained throughout the duration of the 10 year term of the second unit. The Commission was confident that neighbor privacy impacts can be successfully mitigated through the addition of a 6 ft. solid fence.

Resolution 455-SU-97

WHEREAS, Mr. and Mrs. William Kadi are requesting a second unit with a unit size and parking exception to construct a new 813 sq. ft., one bedroom second unit in the existing basement of the residence. Window and door modifications are proposed at the lower level along the left (south) side of the residence located at 594 Blair Avenue, Piedmont, California, which proposal requires second unit size and parking exceptions; 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 Sections 17D.6(b)2 and 17D.6(a)3 of the Piedmont City Code:

1. The parking exception will not be detrimental to the health, safety or general welfare of persons residing in the neighborhood and will not negatively impact traffic safety or emergency vehicle access to residences or create hazards by obstructing view to or from adjoining sidewalks and streets. As can be expected for any residence, second unit related parking will not occur in front of the driveway and will comply with the normal regulations for legal parking within the City of Piedmont.
2. The parking exception will not adversely affect the character of the surrounding neighborhood in that there will be minimum impact associated with one more car in the neighborhood. The street is wide enough to accommodate parking on both sides of the street;
3. There is sufficient street parking available to accommodate the parking exception and the second unit is located within 1/3 mile of a public transit stop.
4. The unit size exception will not create a significant adverse impact on any adjacent property, the surrounding neighborhood or the general public good. The proposed second unit is within the existing perimeter of the main residence. The addition of doors and windows is at the lower level of the residence thereby having a minimum impact on neighbor light, privacy and view. As conditioned, a solid 6 ft. high fence is required between the second unit and adjoining property to improve the privacy separation between these two properties.

5. The lot and the arrangement of existing and proposed physical improvements on the lot can accommodate the unit size exception without adversely affecting the views, privacy or access to light and air of neighboring properties.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the second unit permit with unit size and parking exceptions application of Mr. and Mrs. Kadi for construction at 549 Blair Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. Due to the small size of the lot, 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 Blair Avenue;
2. Prior to the issuance of a building permit or second unit permit, the applicant shall submit a completed and signed and notarized "Declaration of Restrictions – Property with Approved Second Dwelling Unit" form;
3. Prior to the issuance of a building permit or second unit permit, the applicant shall submit a completed and signed and notarized "Rent-Restricted Second Unit Affordable Rent Certification" form;
4. The second unit shall remain a very low income rent-restricted unit per the California Department of Housing and Community Development, 2006 State Income Limits, adjusted annually, for a period of 10 years;
5. The annual City of Piedmont rental tax is waived for the first year. Thereafter, the property owners shall annually comply with all required rental taxes and fees;
6. To provide adequate visual and privacy screening of the proposed second unit, the applicants shall erect a 6 ft. high solid wood fence from the point of the entry gate on the eastern side of the second unit addition to the west property line corner and that this fence be maintained for the entire duration of the 10-year second unit permit;
7. Upon the initial use of the second unit, the applicants shall agree to inspections of their garage to insure that said garage has the capacity to park two vehicles.

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 Henn

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Recused: Thiel

Absent: Levine

Resolution 455-DR-97

WHEREAS, Mr. and Mrs. William Kadi are requesting design review to construct a new 813 sq. ft., one bedroom second unit in the existing basement of the residence. Window and door modifications are proposed at the lower level along the left (south) side of the residence located at 594 Blair 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 proposal complies with Design Review Guidelines II-3(a) and (b), II-2. There is no change in the existing scale, mass and size of the existing home and new windows and doors are compatible with existing.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because new windows are added that the lowest possible level and a new fence, required as a condition of project approval, protects neighbor privacy. The proposal complies with Design Review Guideline II-6(a)
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 potential addition of one car being parked on the street will not result in a significant impact. The proposal complies with Design Review Guideline II-7.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. William Kadi for construction at 594 Blair Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. Due to the small size of the lot, 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 Blair Avenue;
2. Prior to the issuance of a building permit or second unit permit, the applicant shall submit a completed and signed and notarized "Declaration of Restrictions – Property with Approved Second Dwelling Unit" form;
3. Prior to the issuance of a building permit or second unit permit, the applicant shall submit a completed and signed and notarized "Rent-Restricted Second Unit Affordable Rent Certification" form;
4. The second unit shall remain a very low income rent-restricted unit per the California Department of Housing and Community Development, 2006 State Income Limits, adjusted annually, for a period of 10 years;
5. The annual City of Piedmont rental tax is waived for the first year. Thereafter, the property owners shall annually comply with all required rental taxes and fees;
6. To provide adequate visual and privacy screening of the proposed second unit, the applicants shall erect a 6 ft. high solid wood fence on their south property line from the point of the entry gate of the second unit to the west property line corner and that this fence be maintained for the entire duration of the 10-year second unit 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 Kellogg, Seconded by Henn

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Recused: Thiel

Absent: Levine

**Variance and
Design Review
1 Maxwellton Road**

Mr. and Mrs. Stephen Parker are requesting variance and design review to construct a new driveway structure to provide access to the adjacent property to the east and to increase the height of the guardrail for the upper driveway from 36 inches to 42 inches to meet

new building code requirements. The requested variance is from Section 17.10.7 to allow the new lower driveway structure to extend to the right (east) side property line in lieu of the code required minimum of a 4 ft. side yard setback.

Written notice was provided to neighbors. **Two negative response forms** were received. **Correspondence** was received from: Doug Vance, Jan. 10.

Alternate Commissioner Henn recused himself from discussion and action on this application and left the chambers.

Public testimony was received from:

Stephen Parker explained that the proposed changes in the driveway structure are being requested to minimize future maintenance of the retaining wall and provide future access to 5 Maxwellton while driveway access to 1 Maxwellton is being constructed. He stated that he has a buyer for 5 Maxwellton and for constructability reasons, his engineer recommends that driveway access to 5 Maxwellton be constructed now in conjunction with 1 Maxwellton.

Doug Vance opposed extending the driveway structure to 5 Maxwellton, stressing that no development plans for 5 Maxwellton have been prepared and there is no guarantee that the lot can be developed. He also emphasized that traffic studies/engineering reports have not been conducted to determine if the shared driveway for 1 & 3 Maxwellton can also be used for 5 Maxwellton. He requested that geotechnical reports be required for the lower driveway portion to 5 Maxwellton prior to driveway construction. Mr. Vance also cited state code sections as evidence that Mr. Parker has failed to provide adequate erosion control on the construction site and that his existing driveway is not in compliance with fire safety regulations. He opposed the driveway changes included in the current application, noting that the new design creates a much greater visual impact than the driveway design previously approved and that the neighborhood was not properly noticed re these design changes and the various wall treatment options being proposed. Mr. Vance also voiced concern over more excavation, tree removals and erosion associated with the new driveway design and urged that if approved, another bond be required for the extension to 5 Maxwellton.

The Commission voiced concern that the proposed changes in the driveway structure significantly increase the height and visual impact of the driveway's retaining walls, noting that the previously approved plan minimized this visual impact. The Commission also noted the lack of engineering evidence indicating that it is necessary that the driveway extension to 5 Maxwellton be built now, especially given that there has been no development plan for 5 Maxwellton submitted or a guarantee that such a development plan will be approved. The Commission also opposed, for aesthetic reasons, the proposed split-faced concrete block finish and preferred that an open/metal guard rail design be proposed for the driveway wall to lessen its visual impact on Moraga Avenue. During discussion, the Commission suggested various ways to minimize the visual height and bulk of the driveway structure from Moraga Avenue as well as provide just the basic structural requirements

for a future driveway to 5 Maxwellton that can be screened by landscaping until a development plan for 5 Maxwellton is approved and constructed.

Resolution 466-DR-07

WHEREAS, Mr. and Mrs. Stephen Parker is requesting permission to construct a new driveway structure to provide access to the adjacent property to the east and to increase the height of the guardrail for the upper driveway from 36 inches to 42 inches to meet new building code requirements located at 1 Maxwellton 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 does not conform with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements are not aesthetically pleasing as a whole nor harmonious with existing and proposed neighborhood development in that the visual mass and scale of the proposed improvements have not been minimized. The proposed improvements fail to comply with Design Review Guidelines II-1 and II-2.

2. The design is not appropriate, considering its effect on neighboring properties because the proposed redesigned driveway structure fails to mitigate visual impact on surrounding properties. The project fails to comply with Design Review Guideline IV.

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. Parker for construction at 1 Maxwellton Road, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Kellogg, Seconded by Robertson

Ayes: Kellogg, Robertson, Stehr, Thiel

Noes: None

Recused: Henn

Absent: Levine

Resolution 466-V-07

WHEREAS, Mr. and Mrs. Stephen Parker is requesting permission to construct a new driveway structure to provide access to the adjacent property to the east and to increase the height of the guardrail for the upper driveway from 36 inches to 42 inches to meet new building code requirements located at 1 Maxwellton 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 construct within the right (east) 4 ft. 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:

- There is no approved design associated with the current variance application

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the variance application of Mr. and Mrs. Parker for the above variance at 1 Maxwellton Road, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Kellogg, Seconded by Robertson

Ayes: Kellogg, Robertson, Stehr, Thiel

Noes: None

Recused: Henn

Absent: Levine

**Design Review
242 Palm Drive**

Mr. and Mrs. Oren Jacob are requesting design review and fence design review to replace the existing cyclone fence along Winsor Avenue with a new wood fence, modify previously approved fencing in the left (east) side yard, add and replace retaining walls and fencing in the rear yard, modify the previously approved front terrace guardrail, add a new door at the front entry, add exterior lighting in the rear yard, and make hardscape and landscape changes throughout the property. Previous applications were approved by the Commission on November 4, 2005 and by staff on June 28 and October 31, 2006 and March 23, 2007.

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

Public testimony was received from:

John Malick, Project Architect, explained the elevation differential between the applicant's property and that of his neighbor and the fact that the neighbor does not object to a new 6' high fence atop the retaining wall because it provides privacy between the two properties.

The Commission supported the project in concept but voiced concern over a 6 ft. high fence atop a 6 ft. high retaining wall. In the end, the Commission agreed that the fence be stepped in height, so that the portion of the fence facing the street not exceed 4 ft. in height but as the fence proceeds bordering the neighboring property, the height could be 6 ft. to provide privacy. The Commission requested that the portion of the fence facing the street be as low as possible. The Commission acknowledged the numerous design options available, noting in particular that the portion bordering the neighboring property could have either a bean-pole design or an open 18 inch lattice top, as examples. The Commission agreed that the final design of the fence would be subject to staff review and approval.

Resolution 469-DR-07

WHEREAS, Mr. and Mrs. Oren Jacob are requesting permission to replace the existing cyclone fence along Winsor Avenue with a new wood fence, modify previously approved fencing in the left (east) side yard, add and replace retaining walls and fencing in the rear yard, modify the previously approved front terrace guardrail, add a new door

at the front entry, add exterior lighting in the rear yard, and make hardscape and landscape changes throughout the property located at 242 Palm Drive, 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 in that they comply with Design Review Guidelines II-1, II-2, II-3, V-1, V-2, V-3 and V-5. The proposed improvements are well integrated and consistent with the architectural style of 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 loss of views or light. As conditioned, the façade facing the street will be no higher than 42 inches to lower the visual height of the wall in compliance with Design Review Guideline V-5(a) 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 there is no impact.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Jacob for construction at 242 Palm Drive, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The new exterior spot lights shall be a maximum of 75 watts and be directed so that they do not shine on neighboring properties;
2. The gate at the front roof terrace guardrail shall be lockable with a dead bolt lock;
3. The front roof terrace guardrail and gate shall be 42-inches high to meet current building code requirements;
4. The above conditions are specific to this application and supplemental to conditions placed on prior design review applications (#05-0316, #06-0213 and #06-0359);
5. The design and height of the left side yard fence shall be modified so that the portion of the fence facing the street be as low as possible, with said modifications subject to staff review and approval.

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 Robertson, Seconded by Kellogg

Ayes: Kellogg, Robertson, Stehr, Thiel

Noes: None

Recused: Henn

Absent: Levine

ADJOURNMENT

There being no further business, Chairman Thiel adjourned the meeting at 9:30 p.m.