

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday July 14, 2008

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

CALL TO ORDER

Chairman Stehr called the meeting to order at 5:00 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 Gabe Baracker and Cyrus Dorosti and Recording Secretary Chris Harbert

City Council Liaison: Councilmember John Chiang

CONSENT CALENDAR

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

Design Review 101 Lake Avenue

Resolution 140-DR-08

WHEREAS, Ms. Julie Drassinower is requesting permission to replace a portion of the existing wood fence with a new, slightly higher, wood fence located at 101 Lake 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 fence is elegantly designed, in keeping with the City's Design Review Guidelines and consistent with neighborhood standards. The additional fence height is warranted by the requirement that the guardrail above the garage be of that height and it is aesthetically appropriate to maintain a consistent height across the entire width of the fence.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because there is no adverse impact on neighbors and the additional height of the fence provides more privacy for the applicant.
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the

circulation pattern, parking layout and points of ingress and egress because there is no change in existing circulation patterns. The proposed fence corrects an existing deficiency in that the existing fence height is not in accordance with current code requirements.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Ms. Drassinower for construction at 101 Lake 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.

**Design Review &
Fence Design Review
39 Crest Road**

Resolution 183-DR-08

WHEREAS, Mr. Andrew Ball is requesting permission to eliminate the previously approved spa and fountain located in the right side courtyard and construct various features at the rear of the property, including: a new pool with spa, a new pool house with workshop, exterior light fixtures, retaining walls, guardrails, and other hardscape improvements. Fence design review is required for the construction of retaining walls within the rear 20 ft. street side setback 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 pool house is sited toward the rear of the property beyond the proposed pool. The lot slopes up to this corner allowing the pool house to be set into the slope, minimizing its mass. The simple plan and roof of the proposed structure are similar in scale to the existing loge, the garden structure at the rear of the lawn. Exterior elements include plaster walls with wood sided gables, steel windows with divided lites, wood doors and a slate roof, similarly patched, to match the existing house and loge. A timber frame around the shop doors echoes the opening of the loge.

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect

light because the pool house is set into the slope such that its profile will be low as seen from the adjacent property to the east. Access to direct and indirect light and views will be unobstructed. The pool house will be accessed from the far side of the structure as seen from this neighbor, improving privacy.

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 are no adverse effects. Parking is at the front of the property.

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 conditions:

1. The approved plans are those submitted on June 27, 2008, with additional information submitted on July 1 and 11, 2008, 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 Crest Road and LaSalle Avenue;
4. Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, will be required on all 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 applicant shall have the option of installing either the guardrail or the vegetative landscape barrier atop the pool house terrace retaining walls.

Moved by Levine, Seconded by Thiel

Ayes: Kellogg, Levine, Robertston, Stehr, Thiel

Noes: None

Absent: None

PUBLIC FORUM

There were no speakers for the public forum.

APPROVAL OF MINUTES

The Commission corrected the dimension cited on page 24 under the heading **Plan Submittals** to read 11 by 17 inches.

Resolution 16-PL-08

RESOLVED, that the Planning Commission approves as amended herein its meeting minutes of June 9, 2008.

Moved by Robertson, Seconded by Kellogg

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Abstain: Levine, Thiel

Absent: None

REGULAR CALENDAR

The Commission considered the following items of regular business:

**Variance and New
Home Design Review
122 Olive Avenue**

Mr. Richard Weinstein, on behalf of MacArthur LLC, is requesting variance and new house design review to demolish the existing 1,682 sq. ft., two unit, 1-story structure (with a third, unpermitted studio unit) and construct a new 3,100 2-story, 3 bedroom, 3 bath single family residence at the rear of the lot. The application also proposes a new 3-car garage at the front of the lot. The requested variance is 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.

Written notice was provided to neighbors. **One affirmative, four negative response forms** were received. **Correspondence** was received from: Ed Baldwin, June 2;

Public testimony was received from:

Said-Jon Eghbal, Project Architect, explained that a complete “tear down” and rebuild of the property is required because of its severely neglected condition. He noted the various design changes made to the original submittal in response to neighbor concerns and requests, summarized the numerous siting options explored for the new house, noted that the proposed 3-car garage could be reduced to a 2-car capacity, agreed that the proposed new home could be pulled forward on the lot and concurred that the garage roof may be too flat for composition shingles and therefore would have to be tar and gravel or perhaps a “green” roof.

Tom Clark complimented the applicant for being responsive to his request that the originally proposed second unit over the garage be deleted. He supported the renovation of this badly neglected property but requested that the project’s construction management plan take into account the neighborhood’s serious on-street parking congestion.

Sandra Stumbaugh agreed that the revised design is better than the original submittal. However, she felt that the new home was too close to the rear property line and as a result she will suffer a loss of winter light. She felt that the current design reflected a massive encroachment into the rear yard and strongly suggested that the home be pulled forward closer to the street.

Ed Baldwin concurred with Ms. Stumbaugh's concerns that the proposed home is located too close to the rear property line. He noted that if the home is built as currently proposed, he would lose sky view and privacy.

The Commission complimented the applicant on the attractive design of the new home and voiced support in concept for a two-story home on this property. However, the Commission concurred with opposing neighbors that the large size and proposed placement of the home does have a significant adverse impact on adjacent neighbor light and privacy. The Commission requested that the project be redesigned so as to: (1) reduce the overall height of the roof by approximately 3 ft. and minimize its visual impact; (2) reduce the size of the garage to a 2-car capacity; (3) consider alternative siting locations on the property to minimize impact on neighbor light, view and privacy, e.g. more centered; and (4) consider reducing the house width to increase setback distances between neighboring properties.

Resolution 46-V-08

WHEREAS, Mr. Richard Weinstein, on behalf of MacArthur LLC, is requesting permission to demolish the existing 1,682 sq. ft., two unit, 1-story structure (with a third, unpermitted studio unit) and construct a new 3,100 sq. ft. 2-story, 3 bedroom, 3 bath single family residence at the rear of the lot and a new 3-car garage at the front of the lot located at 122 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 front 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 variance is not compatible with the immediately surrounding neighborhood and the public welfare because there are no other 3-car garages in the neighborhood and the proposed 3-car garage would eliminate one on-street parking space for the sole benefit of the applicant at the detriment of the neighborhood.
2. Accomplishing the improvement without a variance would not cause unreasonable hardship in planning, design, or construction because the extent of setback encroachment could be minimized if a two car, rather than three car garage was constructed. The code does not require a 3-car garage for this property and there has been no submitted evidence justifying a need for a 3-car garage.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the variance application of Mr. Weinstein for the above variance at 122 Olive Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Thiel, Seconded by Levine

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

Resolution 46-DR-08

WHEREAS, Mr. Richard Weinstein, on behalf of MacArthur LLC, is requesting permission to demolish the existing 1,682 sq. ft., two unit, 1-story structure (with a third, unpermitted studio unit) and construct a new 3,100 sq. ft. 2-story, 3 bedroom, 3 bath single family residence at the rear of the lot and a new 3-car garage at the front of the lot located at 122 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. While the proposed exterior design elements are aesthetically pleasing as a whole, they are not harmonious with existing neighborhood development in terms of height, bulk, area openings, line and pitch of the roof and the arrangement of structures on the parcel and are not consistent with the development of the neighborhood. The distances between the proposed home and adjacent residences does not account for the existing topography and neighborhood development pattern.
2. The proposed new multi-level structure has not been designed in a way that reasonably minimizes view and light impacts on neighboring properties. These considerations include the location of the proposed structure, the height of the addition, including the steep pitched roof and the configuration of the structure itself.
3. The size and height of the addition is not commensurate with the size of the lot (excluding the portions of the lot that cannot reasonably be built on), and is not in keeping with the existing neighborhood development pattern:
4. The design of the 3-car garage may have an impact on neighborhood circulation and a variance for this garage has not been approved.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the design review application of Mr. Weinstein for construction at 122 Olive Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Thiel, Seconded by Levine

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

**Variance and New
Home Design Review
155 Maxwellton Road**

Mr. Elton Welke, Trustee for the Irene Valeska Trust, is requesting variance and new house design review to construct a new 2,035 sq. ft. single family residence on a vacant lot. The 2-story residence is proposed to have 3 bedrooms, 3-1/2 baths, a living room, kitchen/dining area, family room, library, laundry room and conforming 2-car garage. Proposed site improvements include patios, walkways, gates, stairs, a driveway, and retaining walls. The requested variance is from Section 17.10.4 to allow a structure coverage of 45.9% in lieu of the code permitted maximum of 40% *(a portion of the lot is in Oakland – if the entire lot was considered (Piedmont & Oakland areas combined), the proposed structure coverage would be 39.9% and would not require variance)*.

Written notice was provided to neighbors. **One affirmative and six negative response forms** were received. **Correspondence** was received from: Laura Dierkx, July 10

Public testimony was received from:

Phillip Perkins, Project Architect, stated that the proposed project is intended as a modest retirement home for the applicants, therefore, a single story floorplan is desired. He described the major features of the proposed design, stating that neighbors were consulted during design preparation and every effort will be taken to minimize tree loss. Additional trees and landscaping will be planted to maximize privacy.

Herold and Carolyn Blumert voiced opposition to the proposed design, citing concerns over a significant loss of their existing 4-bridge panoramic view and objection to the new house being located so close to their property line. It was noted that the applicant's property has been a vacant lot since 1952. They requested that the height of the house be significantly lowered, e.g. 6 ft.

Elena Sullivan agreed re the attractiveness of the proposed design but inquired re the applicant's responsibility to control moles entering her property and repairing the already badly damaged street.

Lina Parks supported property development but requested that the house height be lowered through greater excavation and a turnaround be provided on the property so cars do not have to back out onto the street. She opposed suggestions for moving the house more forward on the lot, stating that to do so would obstruct ventilation into her family room window.

The Commission agreed that the design of the proposed home was attractive and appropriate for the property and neighborhood. However, they agreed that the overall height of the new home should be lowered, adding that this lowering could be achieved by (1) moving the house forward approximately 5 ft. toward the road; (2) reducing the plate height to 8 ft.; and (3) excavating the home deeper into the lot. The Commission acknowledged that moving the house closer to the street would require a street-side setback variance because of the property's corner location. The Commission emphasized that while it is typically reluctant to grant variances for new home construction, in this case, a setback variance would be very beneficial to adjacent neighbors in terms of minimizing view and privacy impacts. The Commission

requested the applicant to redesign his proposal to lower the home's height, advising that the Commission would probably be supportive of granting a setback variance to achieve a reduction in building height.

Resolution 146-V-08

WHEREAS, Mr. Elton Welke, Trustee of the Irene Valeska Trust, is requesting permission to construct a new 2,035 sq. ft. single family residence on a vacant lot. The 2-story residence is proposed to have 3 bedrooms, 3-1/2 baths, a living room, kitchen/dining area, family room, library, laundry room and conforming 2-car garage. Proposed site improvements include patios, walkways, gates, stairs, a driveway, and retaining walls located at 155 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 exceed the City's structure coverage limit; and

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

- Since the proposed home will be redesigned, it is premature at this time to speculate how this redesign will affect the extent of the requested structure coverage variance.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the variance application of Mr. Welke, Trustee for the Irene Valeska Trust, for the above variance at 155 Maxwellton Road, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Kellogg, Seconded by Thiel

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

Resolution 146-DR-08

WHEREAS, Mr. Elton Welke, Trustee of the Irene Valeska Trust, is requesting permission to construct a new 2,035 sq. ft. single family residence on a vacant lot. The 2-story residence is proposed to have 3 bedrooms, 3-1/2 baths, a living room, kitchen/dining area, family room, library, laundry room and conforming 2-car garage. Proposed site improvements include patios, walkways, gates, stairs, a driveway, and retaining walls located at 155 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:

- The proposed design does not comply with Design Review Guidelines I-1, I-2, I-3, I-4 and I-5 in terms of its mass, bulk and siting on the lot, its failure to be well positioned on the

property relative to adjoining properties' views, light and privacy and its failure to take advantage of the slope to mitigate impacts on adjacent properties.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the design review application of Mr. Welke, Trustee for the Irene Valeska Trust, for construction at 155 Maxwellton Road, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Kellogg, Seconded by Levine

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

**Variance and
Design Review
1 Indian Gulch Road**

Mr. John Crittenden is requesting variance and design review to construct a new post and beam system to support the existing cantilevered deck. The requested variance is from Section 17.10.6 to allow the new beam to extend within 14'3" 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. **One affirmative response form** was received.

Public testimony was received from:

Philip Dow, Project Contractor, explained that the deck's existing beams have rotted and can no longer safely support the deck. However, since these beams extend through the width of the house, they cannot be replaced without essentially demolishing the home's second floor. Therefore, the project engineer has suggested the proposed post and beam system as the only viable alternative for repairing the deck.

John Crittenden voiced his disappointment that the existing cantilevered deck design cannot be duplicated. However, he noted that the post and beam support system is similar to that used on the home's north deck.

The Commission voiced regret that the attractive cantilevered deck design cannot be rebuilt but, with the exception of Commissioner Thiel, supported the proposed project for life-safety reasons and in recognition of the unreasonable hardship involved in replicating the current beam support system. Commissioner Thiel felt that better aesthetic solutions exist for repairing the deck.

Resolution 171-V-08

WHEREAS, Mr. John Crittenden is requesting permission to construct a new post and beam system to support the existing cantilevered deck located at 1 Indian Gulch 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 front 20 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 present unusual physical circumstances, including but not limited to the fact that it would be prohibitively expensive to build a new cantilevered deck. Because of these circumstances, strictly applying the terms of this chapter would keep the property from being used in the same manner as other properties in the zone which conform to the zoning requirements.
2. The variance is compatible with the immediately surrounding neighborhood and the public welfare because there is very little impact on surrounding properties.
3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because it would necessitate demolishing the existing house to replace the cantilevered deck in kind.

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

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

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

Resolution 171-DR-08

WHEREAS, Mr. John Crittenden is requesting permission to construct a new post and beam system to support the existing cantilevered deck located at 1 Indian Gulch Road, Piedmont, California, which construction requires design review; and

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

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

materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that it complies with Design Review Guidelines II-5 and II-5(a).

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because there is very little neighbor impact.

3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress because there is no change in existing circulation patterns. The proposed project will improve public safety by repairing a deteriorated deck. The project complies with Design Review Guidelines II-6 and II-6(a) through (c).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Crittenden for construction at 1 Indian Gulch Road, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

Moved by Robertson, Seconded by Levine

Ayes: Kellogg, Levine, Robertson, Stehr

Noes: Thiel

Absent: None

The Commission recesses for dinner at 6:55 p.m. and reconvened at 7:30 p.m.

**Variance and
Design Review
58 Lakeview Avenue**

Mr. and Mrs. Ryan Gilbert are requesting variance and design review to construct a new 2-story addition at the rear of the residence for a new family room on the main level and an enlarged master bedroom on the upper level; construct a new front entry; make window and door modifications; remove the existing rear chimney; demolish the existing non-conforming garage and replace it in the same location with a conforming garage that is 2 inches taller; and construct a new outdoor deck with an outdoor barbeque at the rear of the residence. The size of the house is proposed to increase by 621 sq. ft. Site improvements include a new widened driveway, new retaining walls, a fence and gate and new walkway. The requested variances are from: (1) Section 17.10.6 to allow construction to extend to within 14'3" of the front property line in lieu of the code required minimum of a 20 ft. front yard

setback; (2) Section 17.10.7 to allow the new garage to extend to within 7 inches of the side property line in lieu of the code required minimum of a 4 ft. side yard setback; and (3) Section 17.10.8 to allow the new garage to extend to within 1'5" of the rear property line in lieu of the code required minimum of a 4 ft. rear yard setback.

Written notice was provided to neighbors. **Two affirmative, two negative response forms** were received. **Correspondence** was received from: Cameron & Fran Wolfe, July 7; Jeff & Lucia Horner, July 10; Rebecca Litteneker, June 26; Randy & Rebecca Litteneker, June 10 and July 7 & 10; Rudolph Widmann, July 7; Ryan & Nicki Gilbert, July 7

Public testimony was received from:

Ryan Gilbert explained the intent of his proposed improvements, refuted opposition arguments raised by his neighbor, stressed the efforts made to be sensitive to neighbor requests and concerns and voiced objections to his neighbor's trimming of trees bordering their two properties, adding that some of the trees trimmed were on his property and trimmed without his permission or knowledge. He also referenced revised plans, dated July 7, lowering the roof of the proposed addition by 3-1/2 ft. from that originally proposed. The property's story poles indicate this new lower roof height.

Rudi Widmann, Project Architect, also commented on the neighbor's recent trimming of the trees/hedges separating the two properties and responded to Commission questions. He noted in particular that an existing chimney will be removed to improve the neighbor's view and that the wall of the new addition is 5-1/2 ft. from the side property line (the eaves are 4 ft. from the property line).

Gary Parsons, Project Architect, stated that requested variances are for the garage and front entry improvements, the design of the proposed addition is seamlessly integrated into the existing house and the siting of the addition was chosen because existing tree/vegetation screening would mitigate any visual impact on the neighbor – however, this screening vegetation was recently trimmed and lowered by the neighbor.

Rebecca Litteneker submitted photos of her views both before and after the recent tree trimming, opposed the proposed project citing loss of light and view and referenced alternative solutions prepared by her architect to accommodate the Gilbert's expansion needs that would mitigate impact on her property. Unfortunately, these suggestions have been rejected by the Gilberts.

Bill Holland, architect retained by the Litteneker's, submitted a sketch of an alternative expansion plan that would not impact his client and a shadow study indicating the expanded shadowing of his client's property if the Gilbert addition is constructed as currently designed.

Jeff Horner voiced support for application approval, noting that the Lakeview neighborhood has a history of supporting resident expansion plans, including those of the Litteneker's and that the Gilberts have

been very accommodating in discussing and responding to neighbor concerns and requests regarding their proposal.

Warren Leiber, Landscape Designer, stated that the hedge screening between the two properties is healthy and dense and that the Litteneker's rear yard is already extensively shadowed by existing conditions.

The Commission supported the proposed improvements to the garage and front entry, agreeing that variance approval is justified to achieve conforming parking and create an improved front entry more in keeping with neighborhood standards and patterns. The Commission also agreed that the alternative design for the addition submitted by Mr. Holland fails to meet the needs of the Gilberts and that the shadow study was an inaccurate and incomplete depiction of actual conditions. The Commission further felt that the design of the proposed addition was attractive and architecturally appropriate for the existing house. However, the Commission believed that its impact on the Litteneker's light, view and privacy could be lessened if the addition was pulled back 3 or 4 ft. farther from the property line (flush with the existing house) or the east façade was broken up by keeping the lower level as proposed and shifting the upper level (family room & bedroom) more to the west. The Commission supported the proposed reduction in addition height as indicated on the July 7 revised plan. The Commission also acknowledged that the project architect may have alternative design solutions for addressing the concerns regarding neighbor light, view and privacy impacts.

Resolution 177-V-08

WHEREAS, Mr. and Mrs. Ryan Gilbert are requesting permission to construct a new front entry; make window and door modifications; remove the existing rear chimney; and demolish the existing non-conforming garage and replace it in the same location with a conforming garage that is 2 inches taller. Site improvements include a new widened driveway, new retaining walls, a fence and gate and new walkway located at 58 Lakeview 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 front, side and rear yard setbacks; 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 existing front entry is located within the setback and no improvements/modifications can be made without variance. The existing garage is also located within the side and rear setbacks and cannot be improved/replaced without variance. The variance situation is pre-existing. Because of these circumstances, strictly applying the terms of this chapter would keep the property from being used in the

same manner as other properties in the zone which conform to the zoning requirements.

2. The variances are compatible with the immediately surrounding neighborhood and the public welfare because the home's front entry is being improved and a conforming 2-car garage is being constructed in the exact same location as an existing garage. The proposed new garage is consistent with other rear located garages in the neighborhood.

3. Accomplishing the improvement without variance would cause unreasonable hardship in planning, design, or construction because no modifications/improvements to the property's front entry and off-street parking situation can be made without variance. It would be a hardship to build a new garage elsewhere on the property because of the existing driveway layout.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. and Mrs. Gilbert for the above variances at 58 Lakeview Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

Moved by Levine, Seconded by Kellogg

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

Resolution 177-DR-08

WHEREAS, Mr. and Mrs. Ryan Gilbert are requesting permission to construct a new front entry; make window and door modifications; remove the existing rear chimney; and demolish the existing non-conforming garage and replace it in the same location with a conforming garage that is 2 inches taller. Site improvements include a new widened driveway, new retaining walls, a fence and gate and new walkway located at 58 Lakeview 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 in scale, mass and architectural compatibility with the existing house. The improvements do not appear tacked on and are well integrated into the existing residence. The proposed garage improvements comply with Design Review Guidelines III-1, III-2, III-3, III-4, III-5, III-6 and III-7.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the location of the new garage is consistent with the siting of other garages in the neighborhood and the garage will have an operable door. The proposed front entry improvements are visually integrated into the neighborhood. The proposed improvements minimize impacts on the property and neighborhood.
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.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the above-modified design review application of Mr. and Mrs. Gilbert for construction at 58 Lakeview Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The approved plans are those submitted on July 1, 2008, 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 Lakeview Avenue;
4. Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, will be required on all 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 garage doors shall be mechanically operated;
6. The windows shall have true divided lights or simulated three-dimensional divided lights, subject to staff 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.

Moved by Levine, Seconded by Kellogg

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

Resolution 177(1)-DR-08

WHEREAS, Mr. and Mrs. Ryan Gilbert are requesting permission to construct a new 2-story addition at the rear of the residence for a new family room on the main level and an enlarged master bedroom on the upper level and construct a new outdoor deck with an outdoor barbeque at the rear of the residence. The size of the house is proposed to increase by 621 sq. ft. located at 58 Lakeview 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. While the exterior design elements of the addition are aesthetically pleasing as a whole and harmonious with both the neighborhood and existing house, it can be revised to further reduce impacts on neighbor views, light and privacy by lowering the height of the proposed addition and relocating the addition further into the property.
2. 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 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.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the above modified design review application of Mr. and Mrs. Gilbert for

construction at 58 Lakeview Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Levine, Seconded by Thiel

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

**Design Review
118 Crocker Avenue**

Mr. William Hobi is requesting design review to seek retroactive approval for the construction of two steel planter structures in the front yard. A previous request for retroactive approval of the steel planter boxes along the front of the property was denied by the Commission on May 12, 2008.

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

Public testimony was received from:

William Hobi explained the aesthetic and philosophic reasons behind his Korean landscape design elements, the intent for the steel planters to eventually rust into an earth-toned, rustic red color that will blend into the landscape background and their purpose in supporting/allowing the front trees to “drape.” He stated that he intends to rectify the illegal construction cited by the planning department and comply with all City requests, adding that he has delayed removing the steel planter boxes denied by the Commission on May 12 so that his construction crews can do all the required work at once rather than piece-meal. This approach is intended to minimize disturbing his neighbors.

Jennifer Evans supported application approval.

The Commission was divided in its support of the application. Those in favor felt that the steel planter structures were beautiful elements that create the desired garden effect, would eventually blend into the landscaping, are consistent with the Korean landscaping elements found in the rear yard and essentially reflect a personal aesthetic issue of taste. Those opposed to the application felt that the two round cylinder planters were architecturally incompatible with the angular shape of the ranch-style home, were inconsistent in terms of design and material with the existing house and surrounding neighborhood and fail to relate to anything else on the property.

Resolution 181-DR-08

WHEREAS, Mr. William Hobi is requesting retroactive approval for the construction of two steel planter structures in the front yard located at 118 Crocker 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 relatively harmonious with existing and proposed neighborhood development in that the proposed improvements comply with Design Review Guidelines II-1 and II-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 view, light or privacy.
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 on 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. Hobbi for construction at 118 Crocker Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicants shall remove or gain approval for all other features on the property constructed without the required permits;
2. The rear yard improvements constructed without a permit shall be subject to Staff Design 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.

Moved by Robertson, Seconded by Kellogg

Ayes: Kellogg, Robertson, Stehr

Noes: Levine, Thiel

Absent: None

**Variance and
Design Review
29 Sylvan Way**

Mr. Daniel Harvitt and Ms. Lizabeth Willner are requesting variance and design review to make various improvements throughout the residence, including: to construct a new addition and deck at the rear of the residence, replace the front entry stairs, make window and door modifications, add new exterior lighting, make various changes to the interior and relocate an existing 42-inch high retaining wall. The requested variance is from Section 17.10.6 to allow the new entry stairs to extend to within 11'9" 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. **One affirmative and two negative response forms** were received. **Correspondence** was received from: Thomas Parry, July 4; Reese Jones & Virginia Nido, July 10; Lisa Pollard, July 9

Public testimony was received from:

Daniel Harvitt stated that based upon discussions with neighbors, he has submitted two additional alternate designs in addition to his “as proposed” submittal. He explained the differences between the three deck options, noting that any of the three are acceptable but that he prefers the “as proposed” plan.

Lizabeth Willner responded to neighbor criticisms by describing her at home internet consulting business, noting that clients do not come to her home.

Richard Janzen, Project Architect, stressed that the proposal is a reasonable expansion/remodel of a home to meet family needs and the proposed deck is intended to provide a convenient outdoor entertaining area directly off the main floor of the house.

Reese Jones supported application approval, noting his preference for Alternate Plan #1 and his objection to Alternate Plan #2. He noted agreements with the applicant regarding no windows on his side of the addition, protection of a newly planted tree and safeguards in case an existing retaining wall has to be relocated.

Bernard Lubin opposed the construction of the deck, citing a loss of bedroom and garden privacy. He noted that many other homes in the neighborhood do not have direct access to the rear yard from the main living level. He supported application approval, without the deck element.

The Commission supported application approval, agreeing that the project represented a modest expansion. The Commission noted its preference for Alternate #2 because it provided the greatest amount of separation distance from the adjoining east (25 ft.) and west (18 ft.) side neighbor and thus mitigated potential privacy impacts. The Commission also requested that the size of the proposed linen closet be reduced so it cannot be easily converted back into a shower.

Resolution 185-V-08

WHEREAS, Mr. Daniel Harvitt and Ms. Lizabeth Willner are requesting permission to make various improvements throughout the residence, including: to construct a new addition and deck at the rear of the residence, replace the front entry stairs, make window and door modifications, add new exterior lighting, make various changes to the interior and relocate an existing 42-inch high retaining wall located at 29 Sylvan 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 20 ft. 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 location of the house on the property and the fact that existing stairs already encroach into the setback. 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 it is a pre-existing variance situation, typical for this neighborhood. The proposed improvements enhance property aesthetics and improve property access and circulation.
3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because it would be impossible to improve the front entry without variance.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Harvitt and Ms. Willner for the above variance at 29 Sylvan Way, Piedmont, California, in accordance with the Alternate #2 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 Thiel, Seconded by Kellogg

Ayes: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: None

Resolution 185-V-08

WHEREAS, Mr. Daniel Harvitt and Ms. Lizabeth Willner are requesting permission to make various improvements throughout the residence, including: to construct a new addition and deck at the rear of the residence, replace the front entry stairs, make window and door modifications, add new exterior lighting, make various changes to the interior and relocate an existing 42-inch high retaining wall located at 29 Sylvan 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 Alternate #2 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 proposed improvements enhance property aesthetics and are consistent with the existing home. The distance between the proposed upper level addition/expansion and adjacent residences is reasonable and does not worsen the existing situation between adjoining properties. It is a small extension to the rear. It is appropriate to the existing topography and neighborhood development pattern. There is no undue increase in the size or the massing and scale of the house. 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 because of the existing enclosed porch and the small amount of rear yard extension of the new addition. The Alternate #2 deck plan places the new deck in the center of the property and thus is quite a distance from both sides and rear neighboring properties.

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, especially with regard to the location and removal of the windows. The height of the addition is consistent with what is existing. The expansion within the existing building envelope is considerable and the lower level excavation for new multi-level structures has been maximized to take advantage of the lower level area.

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:

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. The proposed modifications do not affect the circulation patterns of the public but do improve the circulation within the house and access to the back yard.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Harvitt and Ms. Willner for construction at 29 Sylvan Way, Piedmont, California, in accordance with the Alternate #2 plans and specifications on file with the City, subject to the following conditions:

1. The approved plans are those submitted on July 2, 2008, after neighbors were notified of the project and the plans were available for public review;
2. The approved deck will be subject to fire protection requirements when submitting for 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 Sylvan Way;
4. Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, will be required on all 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. Where windows and doors are proposed to be replaced or removed, the walls shall be patched and painted to match the existing wall;
6. The new windows and doors shall be painted to match in color the remaining existing windows and doors;
7. The lower level linen closet shall be reduced in size so as to be smaller than a shower area, with said redesign subject to staff approval;
8. The abandoned brick barbecue in the rear yard shall be removed.

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 Thiel, Seconded by Robertson

Ayes: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: None

**Design Review
3 Maxwellton Road**

Mr. Stephen Parker is requesting design review to modify a previously approved design for a new house by changing the building material of the exterior walls, eliminating a window and altering the design for the

side terrace guardrail. A similar application was partially approved and partially denied by the Commission on May 12, 2008.

Written notice was provided to neighbors. **One negative response form** was received. **Correspondence** was received from: Douglas Vance, July 10.

Public testimony was received from:

Stephen Parker submitted sample material of his requested stucco and stone finishes, noting that the proposed new stucco is more textured in appearance than the stucco finish denied by the Commission at the May meeting.

Vicky Barbieri, Project Architect, submitted computer-generated renderings of the home's exterior as originally approved, as denied in May and as currently proposed. She emphasized that the "Old European" texture of the proposed stucco is architecturally compatible with the home, has a darker, earth-toned color and will provide shadowing details to differentiate this lower level of the house from the upper levels.

Douglas Vance distributed a sketch outlining engineering concerns regarding retaining wall foundations he has raised with the building department.

The Commission was divided in support of the application. Those in favor felt that the quality of the new stucco finish was appropriate, attractive and achieves the desired effect of articulating and differentiating between the lower and upper levels of the home. Those opposed felt that the overall architectural quality of the home was being eroded, the desired lower level articulation is being reduced to one of essentially "color" rather than material and the change from the original stone façade to that of stucco now makes the home's arched stone entry appear isolated and inconsistent with the rest of the house.

Resolution 186-DR-08

WHEREAS, Mr. Stephen Parker is requesting permission to modify a previously approved design for a new house by changing the building material of the exterior walls, eliminating a window and altering the design for the side terrace guardrail located at 3 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 conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

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

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. Essentially, only exterior materials are being modified.

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. In fact, the project improves the situation by adding lighting. 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. Parker for construction at 3 Maxwellton Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. Compliance with the conditions of approval specified as part of the prior approvals on the residence at 3 Maxwellton road, under Building Permit #06-005568 and Design Review applications #04-0325, #04-0525, #05-0177, #06-0264, #06-0353, #07-0248 and #08-0114 shall extend to this application;
2. The approved plans are those drawings, dated June 13, 2008.

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

Noes: Levine, Thiel

Absent: None

**Retaining Wall
Design Review
3 & 7 Maxwellton Road**

Mr. Stephen Parker is requesting retaining wall design review to modify the lower driveway by constructing an addition to the retaining wall and constructing a new pillar with light fixture at the terminus of the wall on the downhill side of the driveway.

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

Public testimony was received from:

Stephen Parker stated that the intent of the changes is to beautify the driveway retaining wall along the left side.

Vicky Barbieri, Project Architect, responded to questions concerning the brightness of the proposed light fixture. She reiterated that the intent of the fixture is to provide night-light security lighting to alert guests to entry into the Parker Estates driveway since Maxwellton is a very dark street.

Douglas Vance voiced concern over traffic line of sight issues related to the driveway and the proposed pillar as well as the applicant's failure to maintain landscaping at the entrance to the driveway.

The Commission supported application approval, agreeing that there were no sight line issues involved with the project. However, the Commission requested that staff approve the brightness of the new light fixture to insure that it is not overly bright or disturbs neighboring properties. The Commission also clarified that tonight's action does not approve the proposed "sign" as indicated on the drawings of the pillar.

Resolution 187-DR-08

WHEREAS, Mr. Stephen Parker is requesting permission to modify the lower driveway by constructing an addition to the retaining wall and constructing a new pillar with light fixture at the terminus of the wall on the downhill side of the driveway located at 3 and 7 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 conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that it complies with Design Review Guidelines IV. The proposed retaining wall modifications are consistent with other retaining walls on the property.
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, except with regard to the pillar light fixture, which as conditioned, will be designed to have the proper wattage for its location and purpose.
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress because there is no change to the driveway cut onto Maxwellton and there is no material impact on driveway traffic sight line distances.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Parker for construction at 3 and 7 Maxwellton Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The applicant shall comply with all government regulations regarding property addresses and the assignment of property addresses;
2. This approval does not include signs that would be applied to the pillar as indicated on the drawings dated June 13. Signage requests will be subject to a future application;
3. Compliance with the conditions of approval specified as part of the prior approvals on the residence at 3 Maxwellton Road, under Building Permit #06-005568 and Design Review Applications #04-0325, #04-0525, #05-0177, #06-0264, #06-0353, #07-0248 and #08-0114 shall extend to this application;
4. Prior to the issuance of a building permit, the applicant shall apply and pay for an encroachment permit relating to 7 Maxwellton Road for the retaining wall, paved driveway and any other related improvements located in the City's street right-of-way adjacent to 7 Maxwellton Road;
5. Prior to the issuance of a building permit, the applicant shall apply and pay for an encroachment permit relating to 3 Maxwellton road for the driveway wall and pillar, paved driveway and any other related improvements such as utility pads located in the City's street right-of-way adjacent to 3 Maxwellton Road. The pillar structure to be constructed in split-faced block will be contained on the property and will not extend beyond the applicant's property line. The western corner of this structure shall be constructed in a way that it will be as close as possible to a narrow edge and shall not extend beyond the property line;
6. The light fixture atop the pillar shall be with a luminaire type and a direction of light that will not impede the safety and view of people entering the driveway or driving on Maxwellton and it shall have an appropriate amount of wattage for its location, preferably not HID source. Said design shall be 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 Kellogg, Seconded by Levine

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

**Design Review
261 Sandringham**

Mr. and Mrs. Ron Ellis are requesting design review to enclose a portion of the front balcony for an upper level expansion; add a beam and support posts to the front balcony; and make various changes to the interior. A similar application was considered and denied by the Commission on May 12.

Written notice was provided to neighbors. **Five affirmative response forms** were received. **Correspondence** was received from: Joanne Ruud, July 8; Ron Ellis, July 7

Public testimony was received from:

Ron Ellis noted that his project has been redesigned in response to the May meeting.

Mimi Van Kirk and Matthew Friedman, Project Architects, described the changes to the proposal made in response to the May meeting as well as the extensive design options considered for expanding the children's bathroom.

The Commission agreed that the revised design was responsive to Commission comments and was acceptable as currently proposed. However, Commission requested that the proposed 4 by 4 support posts be increased in size to create a more prominent entry appearance and that the vertical siding on the bottom profile match existing.

Resolution 189-DR-08

WHEREAS, Mr. and Mrs. Ron Ellis are requesting permission to enclose a portion of the front balcony for an upper level expansion; add a beam and support posts to the front balcony; and make various changes to the interior located at 261 Sandringham 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 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 and adjacent residences is reasonable and appropriate due to the existing topography and neighborhood development pattern. The proposed improvements comply with Design Review Guidelines II-2, II-3(b) through (d).
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 and the placement of windows, expansions within the existing building envelope (with or without

excavation), lower level excavation for new multi-level structures, and/or changing the roof slope or ridge direction. The proposed improvements do not add to the existing footprint and comply with Design Review Guidelines II-1 and II-2.

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. There is only a small increase in floor area. The project complies with Design Review Guideline II-6.

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 impact on property circulation.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Ellis for construction at 261 Sandringham Road, 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 Sandringham Road;
2. 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;
3. The bottom profile of the vertical siding boards shall match existing wood siding;
4. The size of the entry columns shall be more substantial; said modification shall be 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 Levine

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

Proposed Policy

Due to the lateness of the hour, the Chair suggested that consideration of the proposed policy to enable residents to construct enclosures for their new trash, recycling and green waste carts be continued to the next meeting. The Commission agreed, requesting that the draft policy be revised to include a 2-year sunset period and to clarify that it is solely for the purpose of enclosing trash/recycling containers.

Resolution 17-PL-08

RESOLVED, that the Planning Commission continues until the August meeting consideration of a proposed trash enclosure policy.

Moved by Levine, Seconded by Robertson

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

ADJOURNMENT

There being no further business, Chairman Stehr adjourned the meeting at 11:00 p.m.