

# PIEDMONT PLANNING COMMISSION

## Regular Meeting Minutes for Monday June 9, 2008

A Regular Session of the Piedmont Planning Commission was held June 9, 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 May 29, 2008.

### CALL TO ORDER

Chairman Stehr called the meeting to order at 5:35 p.m. She announced that Agenda Item #5 (Variance/Design Review, 122 Olive) has been withdrawn from tonight's consideration.

### ROLL CALL

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

Absent: Commissioners Jonathan Levine and Clark Thiel

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: Councilmember John Chiang

### DESIGN AWARD PRESENTATION

Chairman Stehr summarized the Commission's review and selection process for annually recognizing superior design projects whose construction quality and design elements exemplify the City's Design Review Guidelines and enhance the aesthetics of the community. Tonight's presentation honors exceptional projects in the following categories:

- *Best Addition*
- *Best Large Scale Remodel on a Steep Slope*
- *Best Garage or Carport*
- *Best Second Unit*
- *Best Contemporary Design*
- *Best Accessory Structure*
- *Best Landscaping*

Commissioner Kellogg presented the Award for *Best Addition* to **Mr. and Mrs. John Tenney of 1412 Grand Avenue** in recognition of a second story addition of exceptional design and construction quality that is sensitive to neighbor impacts while being seamlessly integrated into the original house.

Commissioner Henn presented the Award for *Best Large Scale Remodel on a Steep Slope* to **Mr. and Mrs. John Cooper of 223 Estates Drive** in recognition of a great example of a beautiful design and remodel on a challenging, steep, down-sloping lot.

Commissioner Robertston presented the Award for *Best Garage or Carport* to **Mr. and Mrs. Randall Litteneker of 56 Lakeview Avenue** in recognition of how to effectively create an attractive, functional and seamless garage that reduces parking non-conformity.

Commissioner Robertson presented the Award for *Best Second Unit* to **Ms. Carolyn Norton of 385 Moraga Avenue** in recognition of the construction of a charming, friendly rear yard cottage, demonstrating skillful craftsmanship and impressive landscaping to transform the rear yard into a serene and welcoming space.

Commissioner Henn presented the Award for *Best Contemporary Design* to **Mr. and Mrs. James Ellis of 19 Muir Avenue** in recognition of a substantial remodel that created a stunning, comfortably sleek and modern residence of exceptional detail.

Commissioner Kellogg presented the Award for *Best Accessory Structure* to **Mr. and Mrs. Robert McBain of 58 Sotelo Avenue** in recognition of rear yard improvements of exceptional design and construction quality that are architecturally compatible with the existing residence and surrounding neighborhood.

Chairman Stehr presented the Award for *Best Landscaping* to **Mr. Daniel Sivolella of 6 Muir Avenue** in recognition of the successful integration of rear yard improvements to create a gorgeous garden that provides a pleasing outdoor environment around three sides of the residence.

## CONSENT CALENDAR

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

### **Variance 38 York Drive**

#### **Resolution 110-V-08**

WHEREAS, Mr. Jeffrey Fucigna and Ms. Ellen Smith are requesting permission to construct a new wood deck at the rear of the residence to replace an existing wood deck constructed without permits located at 38 York Drive, 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 exceed the City's structure coverage limit and 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 present unusual physical circumstances, including but not limited to the fact that an existing deck is located within the rear setback and the property adjoins the old Key System Rail right-of-way which severely limits the dimension of the rear yard. As a consequence, a deck of any type would be impractical if it could not extend into the rear 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 variances are compatible with the immediately surrounding neighborhood and the public welfare because the Key System right-of-way provides a neutral ground between the applicant's rear yard and the rear yard of the adjacent neighbor at 125 Ricardo. In addition, the proposed raised deck is essentially flush with grade and does not intrude into the views, privacy or light of any neighboring properties. The proposed project eliminates deck intrusion into the side yard setback and replaces this area with landscaping.

3. Accomplishing the improvement without variance would cause unreasonable hardship in planning, design, or construction because it would be essentially impossible to construct a usable deck without encroaching into the rear setback.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Fucigna and Ms. Smith for the above variances at 38 York Drive, 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  
38 York Drive**

**Resolution 110-DR-08**

WHEREAS, Mr. Jeffrey Fucigna and Ms. Ellen Smith are requesting permission to construct a new wood deck at the rear of the residence to replace an existing wood deck constructed without permits located at 38 York 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 (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 comply with Design Review Guidelines II-2, V-2 and V-5. The proposed deck replacement does not increase massing impacts and is designed in keeping with the architectural style of the 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 impact. There is no material change in deck height or position and there is less neighbor impact than the existing condition because the replacement deck does not extend into the side yard setback. The proposed improvements comply with Design Review Guidelines II-2 and 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 there is no change in existing circulation patterns. The project complies with Design Review Guidelines II-7 and V-7.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Fucigna and Ms. Smith for construction at 38 York Drive, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- 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 York Drive;

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.

**Conditional Use Permit Resolution 127-CUP-08  
370 Highland Way**

WHEREAS, McKean & McMills are requesting a Conditional Use Permit to operate a professional fiduciary business in Suite 202 in the multi-tenant office building at 370 Highland Way, Piedmont, California, and;

WHEREAS, the Piedmont Planning Commission has reviewed the application, the staff report, and any and all other documentation and testimony submitted in connection with the application and has visited the subject property;

The Piedmont Planning Commission makes the following findings:

1. The use is of benefit to Piedmont residents. The applicants are fiduciary advisors doing business with a small number of customers at any one time. Many Piedmont residents have trusts or will be creating

trusts that will benefit from having a fiduciary trustee available to them within the City business district.

2. The use will be properly related to other land uses and transportation and service facilities in the vicinity. The use is located within a building with existing office occupancy. It is an existing office space being sublet to a new user and it will not material affect or change the occupancy within this office building.

3. Under all the circumstances and conditions of the particular case, the use will not have a material adverse effect on the health or safety of persons residing or working in the vicinity. There is no change in the current use. The space is currently used as office space and will remain as office use under the proposed conditional use.

4. The use will not be contrary to the standards established for the zone in which it is to be located. The office building is located within Zone D which is zoned for commercial and business use.

5. The use will not contribute to a substantial increase in the amount of noise or traffic in the surrounding area. The space was previously occupied as office space by the former tenant and will continue to be used as office space by the applicant. There is no material change in the number of occupants under the proposed use and that of the former use. There is parking available on Highland Way that will address parking for the proposed use. Public access from bus lines is available immediately adjoining the office building.

6. The use is compatible with the General Plan and will not adversely affect the character of the surrounding neighborhoods or tend to adversely affect the property values of homes in the surrounding neighborhoods. The General Plan for the area is for commercial businesses that serve the residents of Piedmont and that is the intent of the proposed use.

7. Adequate provision for driveways to and from the property has been made; facilities for ingress and egress from secondary streets instead of arterials, where possible, have been made; provision for parking in compliance with this Chapter 17 has been made, together with sufficient agreements to enforce the carrying out of such plans as may be required by the Council. Ingress/egress from Highland Way already exists at this particular location. The proposed use is located within an interior corridor on the second level. Parking is available on Highland Way, which includes 2-hour and 30-minute zoned street parking for occasional clients and if necessary, non-regulated street parking is available for the employees of the proposed use.

8. The plans conform to all other laws and regulations of the City, provided, however, that the Council shall have the right to require front, rear and side yard setbacks greater than those otherwise provided in the laws and regulations of the City if the Council finds that such larger front, rear and side yard areas are necessary to provide for the health, safety and general welfare of the residents of Piedmont in accordance with its zoning laws. The proposed site is an existing office building and the proposed use complies with building and zoning codes.

RESOLVED, that in consideration of the findings and facts set forth above, the Piedmont Planning Commission recommends approval by the City Council of the application for a conditional use permit by McKean & McMills for property located at 370 Highland Way, Piedmont, subject to the following conditions:

- *Days & Hours of Operation:* 8:00 a.m.-9:00 p.m., Monday through Sunday;
- *Number of On-Site Parking Spaces:* None;
- *Type & Number of Personnel:* two licensed professional fiduciaries and/or investment advisors with three clerical support staff;

*Conditional Use Permit Term:* 5 years

**Variance  
1816 Trestle Glen**

**Resolution 141-V-08**

WHEREAS, Mr. and Mrs. Michael Davidson are requesting permission to replace the existing garage roof deck railing at the front of the residence with a new railing mounted to the exterior of the garage and to install two new skylights on the rear roof slope located at 1816 Trestle Glen Road, 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 and left side 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 this is a support post addition and not habitable space being added within the front and side yard setbacks. 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 existing garage already encroaches into the front setback and the proposed project involving structural support improvements to this garage are minor in nature, with no neighborhood impact.
3. Accomplishing the improvement without variance would cause unreasonable hardship in planning, design, or construction because the setback encroachment is a pre-existing condition. Existing structural support posts need to be replaced.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. and Mrs. Davidson for the above variances at 1816 Trestle Glen 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.

**Design Review  
1816 Trestle Glen**

**Resolution 141-V-08**

WHEREAS, Mr. and Mrs. Michael Davidson are requesting permission to replace the existing garage roof deck railing at the front of the residence with a new railing mounted to the exterior of the garage and to install two new skylights on the rear roof slope located at 1816 Trestle Glen Road, Piedmont, California, which construction requires design review; and

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

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that the project complies with Design Review Guidelines II, 3, II-3(a) and II-4. The proposed improvements are compatible in terms of scale, mass and architectural style.
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 maintain existing development patterns and the character of the neighborhood and comply with Design Review Guidelines II-6, II-6(a) through (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 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. and Mrs. Davidson for construction at 1816 Trestle Glen 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.

**Variance  
83 Sea View Avenue**

**Resolution 143-V-08**

WHEREAS, Messrs. Mark Kalend and Philip Harley are requesting permission to modify the interior of the pool house by reinstalling a full bathroom located at 83 Sea View 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 add a room eligible for use as a bedroom without providing conforming parking; and

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

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to the fact that the house originally had 5 bedrooms. Due to a remodel where the original pool house was not shown, City records indicate that the property is a 4-bedroom residence. Because of these circumstances, strictly applying the terms of this chapter would keep the property from being used in the same manner as other properties in the zone which conform to the zoning requirements.
2. The variance is compatible with the immediately surrounding neighborhood and the public welfare because there is no change in the footprint of the residence. The proposed improvements involve minor changes to an existing bathroom. The property is a very large lot with ample off-street parking.
3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because without variance, another garage would have to be constructed even though there is adequate off-street parking available on the property. Pursuant to City Code Section 17.22.4(a), additional uncovered parking that is not visible from the street can be used to satisfy the City Code's parking requirements.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Messrs. Kalend and Harley for the above variance at 83 Sea View 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 Robertson, Seconded by Kellogg

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Absent: Levine, Thiel

## **PUBLIC FORUM**

There were no speakers for the public forum.

## **APPROVAL OF MINUTES**

The Commission acknowledged receipt of a request from Mrs. Nugent of 135 Guilford Road requesting that the May 12 minutes be amended to indicate that her outside stairs were constructed in 1988 rather than the indicated "1990's." The Commission requested the Recording Secretary to review the tape of the meeting and make the requested minute correction if so warranted.

### **Resolution 14-PL-08**

RESOLVED, that the Planning Commission approves its meeting minutes of May 12, 2008, with the understanding that there may be an amendment regarding the date of construction for existing stairs at 135 Guilford Road.

Moved by Kellogg, Seconded by Robertson

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Absent: Levine, Thiel

## **REGULAR CALENDAR**

The Commission considered the following items of regular business:

### **Variance and Design Review 131 Crocker Avenue**

Mr. and Mrs. Ronnie Baum are requesting variance, design review and fence design review to expand the residence approximately 173 sq. ft. at the main (upper) level at the rear of the house; expand the existing carport to provide a conforming garage; modify the roof line; add a skylight on the front roof slope; expand the lower floor plan by constructing 217 new sq. ft. at the rear and converting approximately 107 sq. ft. of storage space; make modifications to the windows, doors and exterior walls of the residence; construct a new upper level deck at the rear of the house; and make exterior site modifications including new landscaping, a new barbeque and new exterior lighting. Fence design review is required to modify the existing fence and add new stucco pillars. The requested variances are from: (1) Section 17.10.6 to allow the proposed garage eaves to extend to within 17 ft. (and the garage walls approximately 19'8") of the front property line in lieu of the code required minimum of a 20 ft. front yard setback; (2) Section 17.16 to allow the addition of a room eligible for use as a bedroom with two covered parking spaces each measuring 9'6" by 19'6" in lieu of the code required minimum dimension of 9 by 20 ft.; and (3) Section 17.10.4 to allow a structure coverage of 40.85% in lieu of the code permitted maximum of 40%. This application, as slightly modified by

the current submittal, was continued from the April 14, 2008, Commission meeting.

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

**Public testimony** was received from:

Ronnie Baum described the remodel's objectives, noting that no additional bedrooms are being added. Existing spaces and rooms are being improved and the shower at the lower level is original to the house.

Carolyn Van Lang, Project Architect, explained that the remodel of the lower level is intended to rearrange existing rooms to create a better configuration and circulation pattern. The project utilizes existing rooms and spaces. She also argued in support of her interpretation of the code that the proposed project is actually reducing the property's existing structure coverage and therefore no structure coverage variance is required. She stated that when the plans were initially submitted, she inadvertently failed to count the existing raised portion of the brick patio as "structure coverage." If this brick patio is counted as "structure," then no variance is required because the project reduces the property's existing 42.15% of coverage to 40.85%.

The Commission agreed that the design of the project is attractive and appropriate for the property, the front yard setback variance for the garage extension is justified to provide conforming parking and the proposed new deck does not impact neighbor privacy, light or view and is compatible in terms of scale and context with the rear yard. However, in response to the applicant's argument concerning structure coverage, the Commission felt that only a very small portion of the existing brick patio is "structure" per the code and therefore the project does involve a structure coverage variance. But the Commission agreed that this variance could easily be avoided if the size of the brick patio was reduced to eliminate the .85% coverage excess being requested (approximately 58 sq. ft.). The Commission also agreed that the height of the proposed front fence and gate should not exceed 4 ft. The Commission noted that the property has other private outdoor areas available on site so that a 6 ft. front yard fence is not required for privacy, adding that a 6 ft. height is inconsistent with the City's Design Review Guidelines. However, the Commission agreed that the proposed 6 ft. high pillars could remain as submitted.

**Resolution 147-V-08**

WHEREAS, Mr. and Mrs. Ronnie Baum are requesting permission to expand the residence approximately 173 sq. ft. at the main (upper) level at the rear of the house; expand the existing carport to provide a conforming garage; modify the roof line; add a skylight on the front roof slope; expand the lower floor plan by constructing 217 new sq. ft. at the rear and converting approximately 107 sq. ft. of storage space; make modifications to the windows, doors and exterior walls of the residence; construct a new upper level deck at the rear of the house; and make exterior site modifications including new landscaping, a new barbeque and new exterior lighting. Fence design review is required to modify the existing fence and add new stucco pillars located at 131

Crocker 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 yard setback and add a room eligible for use as a bedroom without providing conforming parking; and

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

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to the fact that it is impossible to provide three conforming parking spaces on the lot because of the existing configuration of the lot and garage. Front setback encroachment is necessary in order to expand the existing garage to a conforming two-car capacity. 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 garage access remains unchanged. Many other garages within the neighborhood are located within the front setback.
3. Accomplishing the improvement without variance would cause unreasonable hardship in planning, design, or construction because expanding the existing garage to achieve two conforming parking spaces is impossible without variance.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. and Mrs. Baum for the above variances at 131 Crocker 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 Henn

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Absent: Levine, Thiel

**Resolution 15-PL-08**

WHEREAS, Mr. and Mrs. Ronnie Baum are requesting a structure coverage variance in connection with their proposed remodel at 131 Crocker Avenue, Piedmont; and

WHEREAS, the requested variance is from Section 17.0.4 to allow a structure coverage of 40.85% in lieu of the code permitted maximum of 40%; 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. The proposed improvements can be constructed without a structure coverage variance if the project is redesigned so that .85% of coverage (approximately 58 sq. ft.) of an existing brick patio is removed.
2. The variance is not compatible with the immediately surrounding neighborhood and the public welfare because it can be avoided. The proposed improvements do not have an adverse impact on adjacent neighbors.
3. Accomplishing the improvement without variance would not cause unreasonable hardship in planning, design, or construction because it has been demonstrated that existing structure coverage can be exchanged (removed) for proposed new construction so that after project completion, there is no change in the property's existing structure coverage.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies a structure coverage variance for Mr. and Mrs. Baum for proposed construction at 131 Crocker Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Kellogg, Seconded by Robertson

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Absent: Levine, Thiel

**Resolution 147-DR-08**

WHEREAS, Mr. and Mrs. Ronnie Baum are requesting permission to expand the residence approximately 173 sq. ft. at the main (upper) level at the rear of the house; expand the existing carport to provide a conforming garage; modify the roof line; add a skylight on the front roof slope; expand the lower floor plan by constructing 217 new sq. ft. at the rear and converting approximately 107 sq. ft. of storage space; make modifications to the windows, doors and exterior walls of the residence; construct a new upper level deck at the rear of the house; and make exterior site modifications including new landscaping, a new barbeque and new exterior lighting. Fence design review is required to

modify the existing fence and add new stucco pillars located at 131 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 are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development. These elements include but are not limited to: height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment. The distance between the proposed upper level addition/expansion and adjacent residences is reasonable and appropriate due to the existing topography and neighborhood development pattern. Upper level setbacks greater than the setbacks required for the lower level have been considered and are/are not necessary to reduce losses of ambient and reflected light. The proposed improvements comply with Design Review Guidelines II-1, II-2, II-3(a) through (d) in that they are compatible in scale, mass and architectural style with the existing residence, there is no material change in mass from the street frontage and the roofing assembly minimizes impact to the rear yard. The design of the proposed improvements is well integrated into and consistent with the 1950's architectural style of the residence.
2. The proposed upper level addition/expansion has been designed in a way that reasonably minimizes view and light impacts on neighboring properties (as defined in Section 17.2.70), including consideration of the location of the new construction, lowering the height of the addition, expansions within the existing building envelope (with or without excavation), lower level excavation for new multi-level structures, and/or changing the roof slope or ridge direction. The proposed improvements reflect a minimal amount of expansion and do not adversely impact neighbor light, view or privacy. The proposed improvements comply with Design Review Guidelines II-3(b) and 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, III-1, III-1(a), V-3 and V-6. The only change is in the rear yard involving the kitchen/breakfast area. The existing garage is being enlarged to create two conforming parking spaces and its design is in keeping with the architectural style of the residence. As conditioned, the 4 ft. front yard fence and gate provides a prominent emphasis to the front entry of the residence.
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. There is no change to the driveway or curb-cuts nor is there any

material change in existing circulation patterns. The project complies with Design Review Guidelines II-7, III-7 and III-7(a).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Baum for construction at 131 Crocker 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 April 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 Crocker 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, including the demolition of the existing site structures and the pond. 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 height of the proposed front yard fence and gate shall not exceed 4 ft. The proposed 6 ft. height of the front pillars is acceptable and approved.

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, Stehr, Henn

Noes: None

Absent: Levine, Thiel

**Design Review  
219 Highland Avenue**

Mr. and Mrs. Philip Moscone are requesting design review to make modifications to the residence, including: demolish the existing right side entry; construct a 2-story, 630 sq. ft. addition at the rear of the house for a new bedroom, bathroom, rear deck, side yard deck, and carport; convert the existing garage to habitable space; enclose the basement level breezeway and convert it to a storage area; enclose the front porch and construct a new entry stair; make window and door modifications; add exterior lighting; make various changes to the interior including the conversion of the habitable attic to a storage room, and the conversion of a bedroom to a family room; and make various hardscape changes including a new gravel driveway. Related applications for this property were approved in November and December 1984 and February & October 2005.

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

**Public testimony** was received from:

Nancy Moscone explained the intent of the proposed improvements, including the fact that the existing garage is not usable for parking because the extensive root systems of the property's large redwoods have uplifted the driveway to the garage to such an extent that vehicle ingress/egress is impossible. These historic Dawn Redwood trees are protected under a trust agreement. She also noted that an arborist has been consulted regarding the proposed construction and that this arborist will supervise construction to insure that the redwood trees are protected. The driveway to the proposed carport will be gravel and the surface of the carport will be grass or pavers to further protect the redwoods. She also stated that an existing, illegal playhouse in the rear yard will be removed.

Oblio Jenkins, Project Architect, submitted revised drawings reflecting a change in deck design to maintain the existing deck line and to remove a north window per neighbor requests. He also concurred with the Commission that the submitted plans are in error in that they show a door near the new family room – there should be no door.

The Commission agreed that the existing garage is unusable for parking purposes, the off-street parking options for the property are severely limited and the proposed 1-car carport is the best and most practical option available. The Commission further agreed that the conversion of an existing bedroom to a family room should be designated as "restricted use" so as to prevent this room from being used as a bedroom. As to project design, the Commission agreed that the proposed improvements are well integrated into the 19<sup>th</sup> Century bungalow and improve the overall historic appearance of the house and sense of entry.

**Resolution 131-DR-08**

WHEREAS, Mr. and Mrs. Philip Moscone are requesting permission to make modifications to the residence, including: demolish the existing right side entry; construct a 2-story, 630 sq. ft. addition at the rear of the

house for a new bedroom, bathroom, rear deck, side yard deck, and carport; convert the existing garage to habitable space; enclose the basement level breezeway and convert it to a storage area; enclose the front porch and construct a new entry stair; make window and door modifications; add exterior lighting; make various changes to the interior including the conversion of the habitable attic to a storage room, and the conversion of a bedroom to a family room; and make various hardscape changes including a new gravel driveway located at 219 Highland 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 comply with Design Review Guidelines II-3(a) and (b) in that they are architecturally compatible with the existing house and neighborhood.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because there is no material impact on neighboring properties. The project complies with Design Review Guidelines II-1, II-2 and II-3.
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress because the existing ingress/egress pattern remains unchanged and vehicle/pedestrian sight lines and safety are not affected.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Moscone for construction at 219 Highland 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 May 28, 2008, after neighbors were notified of the project and the plans were available for public review;
2. The new exterior wall-mounted light fixtures shall be downward-directed with an opaque shade that completely covers the light bulb;
3. A notice of non-habitation shall be filed for the proposed basement-level storage room;
4. 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;

5. 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 Highland Avenue. In addition, said plan shall require that a licensed arborist representing the Dawn Redwood Trust shall be retained to protect the redwoods during project construction;
6. Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris is required;
7. The applicants shall take one of the following two actions:
  - a. The applicants shall demolish the illegal playhouse structure located in the rear yard; or
  - b. The applicants shall seek retroactive approval of the playhouse structure in the rear yard.
8. The proposed rear deck shall be reduced in size so that its rear edge is flush with the existing rear deck; said redesign shall be subject to staff review and approval. The intended carport shall be under the second floor addition as indicated on the June 6, 2008, drawings;
9. A Notice of Restricted Use shall be filed for the proposed second level family room so that this room cannot be eligible for or used as a bedroom;
10. The right side windows on the house shall be changed per the revised drawings of June 6, 2008; with said changes 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 Henn, Seconded by Robertson

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Absent: Levine, Thiel

**Variance and  
Design Review  
948 Kingston Avenue**

Ms. Susan Alland is requesting variance and design review for retroactive approval for the conversion of basement level storage areas and garage to habitable space and proposes various other modifications to the residence including: demolition of the existing rear deck and cover; construction of a new, smaller rear deck without cover; replacement of a rear basement window; hardscape changes in the rear yard; and various changes to the interior including the addition of basement level family room, office, laundry room and half bath. The requested variance is from Section 17.16 to allow a residence with two rooms eligible for use as bedrooms with no covered parking spaces. This application was submitted in response to a September 27, 2007, letter to the applicant from the City's Building Official regarding illegal construction on the property.

Written notice was provided to neighbors. **Two negative responses** were received. **Correspondence** was received from: Thomas Danhakl, June 2; Illegible, June 1.

**Public testimony** was received from:

Susan Alland stated that she purchased the 3 bedroom/2 bath house in 1972 with no usable garage and she was unaware that the basement living space and deck had been constructed without permits. She also noted that in 1994 she rebuilt the existing deck and replaced a door without permits because she was unaware permits were required for replacement construction. In 1977 she repaired the home's chimney.

William Ceasri noted his personal familiarity with Ms. Alland's home, stating that the lower level family room and bath were added by a prior owner in the 1960's but that the lower level bedroom is original to the home. He also stated that the old garage was never used for parking because the driveway was accessible only by a Model T.

Barbara Armstrong, Project Consultant, referenced the Building Official's letter in explaining how the property's non-compliance issues are being addressed by the current application.

John Britton, Project Architect, also described the proposed changes intended to correct the property's deficiencies.

The Commission supported variance approval, agreeing that it is impossible to use the existing garage for parking because of the extremely narrow driveway and there is no other place on the property where a garage/driveway could be safely located. The Commission also supported design approval, requesting that the three existing, illegal aluminum windows on the basement level be replaced with double-hung wood windows. Alternate Commissioner Henn voiced his preference that the City require that decades-old illegal construction be brought up to code by current homeowners only when life-safety issues are involved. Otherwise, he felt it unfair to insist that homeowners not responsible for illegal construction bear the brunt of remedy given the fact that because of incomplete City housing records, it cannot be determined with absolute certainty that the construction was in fact unapproved or unpermitted.

**Resolution 144-V-08**

WHEREAS, Ms. Susan Alland is requesting retroactive approval for the conversion of basement level storage areas and garage to habitable space and proposes various other modifications to the residence including: demolition of the existing rear deck and cover; construction of a new, smaller rear deck without cover; replacement of a rear basement window; hardscape changes in the rear yard; and various changes to the interior including the addition of basement level family room, office, laundry room and half bath located at 948 Kingston 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 retroactively convert a garage to habitable space without providing conforming parking elsewhere on the property; 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 property's narrow width and extremely narrow driveway. 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 many houses along this block do not have garages and there is no place to construct a garage on the applicant's property without adversely impacting neighboring properties.
3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because the small, narrow nature of the lot precludes the construction of a safe and aesthetically pleasing conforming garage anywhere on the property.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Ms. Alland for the above variance at 948 Kingston 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 Robertson, Seconded by Kellogg

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Absent: Levine, Thiel

**Resolution 144-DR-08**

WHEREAS, Ms. Susan Alland is requesting retroactive approval for the conversion of basement level storage areas and garage to habitable space and proposes various other modifications to the residence including: demolition of the existing rear deck and cover; construction of a new, smaller rear deck without cover; replacement of a rear basement window; hardscape changes in the rear yard; and various changes to the interior including the addition of basement level family room, office, laundry room and half bath located at 948 Kingston 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 project complies with Design Review Guidelines II-3, II-3(a) and (b) and II-5. The proposed improvements attractively maintain the existing architectural style of the residence and are well integrated in terms of scale, mass and use of materials.
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 windows are the same size and in the same location as existing. The project complies with Design Review Guidelines II-6, 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 because there is no change in existing circulation patterns. The proposed improvements improve the interior layout of the home and provide code compliant stairs and ceiling heights.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Ms. Alland for construction at 948 Kingston Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

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 Kingston Avenue;

2. All three aluminum windows on the basement level be replaced with wood windows matching those on the existing house, with said change 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, Henn

Noes: None

Absent: Levine, Thiel

**Design Review  
330 LaSalle Avenue**

Mr. and Mrs. Ahmad Mohazab are requesting design review to substantially alter the residence by increasing its size from 3,022 sq. ft. to 5,162 sq. ft., making expansions at the main and lower levels, and adding a new upper level. The resulting house proposes 6 bedrooms, 5-1/2 baths, a living room, dining room, study, kitchen and great room, media room, game room and laundry room. The existing garage is proposed to be expanded to provide conforming parking and a new driveway and carport with trellis is proposed on the right side of the house.

Written notice was provided to neighbors. **Three affirmative response forms** were received. **Correspondence** was received from: Julie Gardner, June 3; Ahmad & Shirley Mohazab, April 19; Gina Mackintosh, June 4; Louise Simpson, June 3; Richard Carter, June 4.

**Public testimony** was received from:

Ahmad Mohazab, owner and Project Architect, displayed colored renderings of his proposed remodel in describing the proposed changes desired to accommodate his family's living needs. He also reviewed the extensive discussions held with neighbors regarding his proposed remodel. He stated that the driveway leading to the trellised parking space will be grass tiles to soften the appearance and the proposed second floor wrought iron railings will project out approximately 6 inches – they are decorative elements only -- not balconies.

The Commission agreed that the project was beautifully designed and carefully positioned in terms of the improvements' relationship to adjacent residences. The Commission further noted that all other

homes in the immediate area are two-stories at street-level and the proposed project will be consistent with this neighborhood standard. The Commission requested that the height of the courtyard wall near the fountain not exceed 4 ft. from grade within the setback. This was acceptable to the applicant.

**Resolution 131-DR-08**

WHEREAS, Mr. and Mrs. Ahmad Mohazab are requesting permission to substantially alter the residence by increasing its size from 3,022 sq. ft. to 5,162 sq. ft., making expansions at the main and lower levels, and adding a new upper level. The resulting house proposes 6 bedrooms, 5-1/2 baths, a living room, dining room, study, kitchen and great room, media room, game room and laundry room. The existing garage is proposed to be expanded to provide conforming parking and a new driveway and carport with trellis is proposed on the right side of the house located at 330 LaSalle Avenue, Piedmont, California, which construction requires design review; and

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

1. The exterior design elements are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development. These elements include but are not limited to: height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment. The distance between the proposed upper level addition/expansion and adjacent residences is reasonable and appropriate due to the existing topography and neighborhood development pattern. Upper level setbacks greater than the setbacks required for the lower level have been considered and are/are not necessary to reduce losses of ambient and reflected light. The proposed project complies with Design Review Guidelines II-1, II-2, II-3(a) through (d), II-4 and II-5 in terms of scale, mass and architectural compatibility with neighboring residences. The proposed garage expansion and trellis carport satisfies the City's parking requirements and the drivable grass paving mitigates aesthetic impacts.
2. The proposed upper level addition/expansion has been designed in a way that reasonably minimizes view and light impacts on neighboring properties (as defined in Section 17.2.70), including consideration of the location of the new construction, lowering the height of the addition, expansions within the existing building envelope (with or without excavation), lower level excavation for new multi-level structures, and/or changing the roof slope or ridge direction. The project complies with Design Review Guidelines II-3(a) and (b) in terms of architectural compatibility. Proposed windows do not impact neighbor privacy because of the separation distances between properties and window locations.
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. The proposed improvements are in keeping with the massing of adjacent residences and do not impact the rear neighbor.

4. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress. In accordance with Sections 17.16.1 and 17.22.1, the existing or proposed on-site parking is appropriate to the size of the new upper level or new multi-level structure or addition, and additional parking is not required to prevent unreasonable short and/or long term parking impacts on the neighborhood. The project complies with Design Review Guidelines II-7 and III-7. Property ingress/egress remains unchanged and the new curb-cut for the trellis parking space will not interfere with vehicle traffic flow. The driveway to the trellis parking space will be drivable, grass paving.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Mohazab for construction at 330 LaSalle 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 June 2, 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 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 garage doors shall be mechanically operated;
6. The windows shall be either true-divided light or 3-dimensional simulated grilles subject to staff review;

7. The proposed solid wall/fence surrounding the courtyard fountain shall have a maximum height of 4 ft. within the front 20 ft. yard setback as indicated by the applicant and subject to staff confirmation.
8. The wrought iron railings will be ornamentation in nature only and not balconies and shall extend approximately 6 inches from the face of the building.

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, Stehr, Henn

Noes: None

Absent: Levine, Thiel

#### **Plan Submittals**

The City Planner inquired re the Commission's preference to receive reduced-sized drawings to make plan review less cumbersome and reduce paper use. The Commission requested that two of the required ten sets of submitted drawings be full-scale, with the remaining eight sets being reduced to a size no smaller than 11 by 17 inches (half size). The Commission further requested that all submitted plans be prepared in accordance with "architectural scale" and not engineering scale.

#### **ADJOURNMENT**

There being no further business, Chairman Stehr adjourned the meeting at 8:50 p.m.