

PIEDMONT PLANNING COMMISSION

Special and Regular Meeting Minutes for Monday May 12, 2008

A Special and Regular Session of the Piedmont Planning Commission was held May 12, 2008, in the Police Department EOC Room at 403 Highland Avenue and City 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 2, 2008.

CALL TO ORDER

Chairman Thiel called the special session to order at 5:05 p.m. in the Police Department EOC Room.

ROLL CALL

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

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

City Council Liaison: Councilmember John Chiang

SPECIAL SESSION

Chairman Thiel announced that the purpose of the special session is to review those projects nominated for the Commission's 2007 Design Awards and select award recipients. Presentation of the awards will be made at the June 10 Planning Commission meeting immediately following a reception held at City Hall to honor all award recipients. The Commission selected the following award recipients:

Best Addition

1412 Grand

(a well integrated, architecturally compatible addition that minimized impact on neighbor privacy)

Best Garage or Carport

56 Lakeview

(a beautifully designed garage addition, well integrated into the property)

Best Large Scale Remodel on a Steep Slope

223 Estates

(a beautiful, seamless remodel under difficult site conditions)

Best Contemporary Design

19 Muir

(a very attractive, creative remodel)

Best Accessory Structure

58 Sotelo

(a beautiful addition)

Best Second Unit

385 Moraga

(a very cute, charming unit well sited on the property)

Best Landscaping

6 Muir

(an excellent design)

The Commission suggested that because of the time-consuming nature of so many site visits in connection with Design Award nominees,

consideration be given next year to requesting home owners to submit photographs of potential award projects.

REGULAR SESSION

Chairman Thiel called the regular session to order at 6:10 p.m.

ROLL CALL

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

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

City Council Liaison: Councilmember John Chiang

CONSENT CALENDAR

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

**Variance
27 Cambridge Way**

Resolution 75-V-08

WHEREAS, Mr. Michael Mabry and Ms. Sara Keith are requesting permission to replace the existing front entry steps and railing, and add a new 6 ft. high wood side yard fence and gate located in the front 20 ft. setback located at 27 Cambridge Way, Piedmont, California, which construction requires variance; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to construct within the front 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 the existing structure and entry already encroaches into the front yard 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 most of the surrounding homes have similar front yard encroachments.
3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because stairs already exist within the front yard setback and the proposed improvements don't increase the degree of encroachment.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Mabry and Ms. Keith for the above variance at 27 Cambridge Way, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

**Design Review
27 Cambridge Way**

Resolution 75-DR-08

WHEREAS, Mr. Michael Mabry and Ms. Sara Keith are requesting permission to replace the existing front entry steps and railing, and add a new 6 ft. high wood side yard fence and gate located in the front 20 ft. setback located at 27 Cambridge Way, Piedmont, California, which construction requires design review; and

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

1. The exterior design elements (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 well integrated with the existing house in terms of scale, mass and architectural compatibility. The project complies with Design Review Guidelines II-1, II-2, II-3, V-1, V-2 and V-3.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because there is no change to existing conditions. There is very little impact on neighbor views, light or privacy. The project complies with Design Review Guidelines V-5(a), (b) and (c).
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress. In fact, pedestrian safety is improved because pedestrian access to the property is separated from the driveway. The project complies with Design Review Guidelines V-7 and V-8.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Mabry and Ms. Keith for construction at 27 Cambridge Way, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The approved plans are those submitted on April 25, 2008, after neighbors were notified of the project and the plans were available for public review;
2. Due to the scope and nature of the application, a construction management plan shall be developed and approved by staff prior to obtaining a building permit. Said plan shall be comprehensive while specifically addressing the duration of the project, construction hours, the staging of materials, and parking of worker vehicles to ensure the free flow of traffic along Cambridge Way;

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
39 Crest Road**

Resolution 108-V-08

WHEREAS, Mr. Andrew Ball is requesting permission to convert a half-bath on the basement level to a full bathroom located at 39 Crest 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 add a room eligible for use as a bedroom without supplying conforming parking; and

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

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to the fact that the Port Cocher has always been used as a parking space. The current length of the Port Cocher is 18 ft. in lieu of the 20 ft. length required by code. In order to make the Port Cocher 20 ft. in length, the entire front elevation of the area, including the roof pitch, would have to be changed which would be architecturally incompatible with the rest of the house. 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 without the Port Cocher parking, the ability to use the basement to its full potential is compromised.

3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because the whole front of the house would have to be changed and this would cause an additional car to be parked on the street which would impact traffic flow.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Ball for the above variance at 39 Crest Road, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

**Design Review
39 Crest Road**

Resolution 108-DR-08

WHEREAS, Mr. Andrew Ball is requesting permission to convert a half-bath on the basement level to a full bathroom 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 there will be no changes to the exterior existing structure.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because there are no exterior changes being made to the property.
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 Port Cocher is currently used as a 4th parking space.

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

application of Mr. Ball for construction at 39 Crest Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- Compliance with the conditions of approval specified as part of the prior approval on the residence at 39 Crest Road, under Design Review application #07-0317, shall extend to this application

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
157 Holly Place**

Resolution 113-V-08

WHEREAS, Mr. John Antaya and Ms. Elizabeth Arney are requesting permission to make interior modifications that create a room eligible for use as a bedroom without providing conforming parking located at 157 Holly Place, 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 existing 6'8" wide driveway provides access to a garage that provides parking for one space (10'10-1/2" by 16'8"). There is no opportunity to widen the garage or increase its depth nor is there any opportunity to provide compliant parking at any other location on the site without demolishing part of the house itself. The lot is 2,720 sq. ft. (small by Piedmont standards) and the footprint of the house occupies 1,750 sq. ft.; the small lot size and large ratio of house footprint to lot further speak to the obstacles. Because of these circumstances, strictly applying the terms of this chapter would keep the property from being used in the same manner as other properties in the zone which conform to the zoning requirements.

2. The variance is compatible with the immediately surrounding neighborhood and the public welfare because the applicant already uses the 3rd bedroom as a bedroom, although the City does not count this room as such. Historically, this room has always been used as a bedroom, according to the previous owner of the house, who occupied

it for 33 years. Because of the location of the 3rd bedroom at the far end of the house, it really cannot be used productively as anything other than a bedroom, yet the full bath is a great distance away from it. The addition of making the half bathroom into a small full bathroom allows for adding a logical amenity to an older home (without increasing the footprint of the existing home) similar to improvements others enjoy. There is no other place on the first floor to create a full bath other than expanding the size of the half bath. Currently, the only full bathroom in the house is on the second floor between the two bedrooms.

3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction. The applicants are undertaking this remodel in order to eliminate the extensive lead paint in their kitchen for the safety of their children and are using this construction opportunity to update the house to modern living standards. Having the one and only full bathroom in the house exist on the upstairs floor is not logical or practical, especially for a family of four.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Antaya and Ms. Arney for the above variance at 157 Holly Place, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. 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. If this is 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;
2. The hot water heater and shelving in the garage shall be removed or relocated. Said changes 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 Stehr, Seconded by Kellogg

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

PUBLIC FORUM

There were no speakers for the public forum.

APPROVAL OF MINUTES

Resolution 11-PL-08

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of April 14, 2008.

Moved by Levine, Seconded by Stehr

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

ELECTION OF OFFICERS

Resolution 12-PL-08

RESOLVED, that the Planning Commission selects Bobbe Stehr to serve as Commission Chair and Jim Kellogg to serve as Commission Vice Chair from May 2008 to April 2009.

Moved by Levine, Seconded by Robertson

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

REGULAR CALENDAR

The Commission considered the following items of regular business:

**Design Review
118 Crocker Avenue**

Mr. William Hobi is requesting design review for retroactive approval of the construction of two new steel planter boxes along the front of the property.

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

Public testimony was received from:

Ingrid Smith voiced concern that the sharp, hard edges of the steel planter boxes could pose a safety hazard to pedestrians using the sidewalk, especially children. She felt that this safety/liability issue should preclude the City from granting an encroachment permit to allow the planter boxes into the City right-of-way. She also objected to the open trench along the side retaining wall.

Neither the applicant nor a representative was present to discuss the application.

The Commission discussed with staff the extent of non-permitted, illegal construction on the property. The Commission was opposed to approving any new construction until the current planning violations have been corrected. The Commission acknowledged that while the design of the steel planter boxes was attractive, the planters' contemporary design and material was totally incompatible with the architectural style of the existing house and neighborhood. The Commission was also opposed to the granting of an encroachment permit for these planter boxes, citing the concerns raised by the speaker as well as the fact the boxes' intrusion into the sidewalk area was totally out of context with the rest of the neighborhood. Commissioner Kellogg also cited concern that the current trench along the driveway appears to be made in order to add landscaping; however, there has been no City approval granted to permit landscaping along that side of the driveway/retaining wall.

Resolution 78-DR-08

WHEREAS, Mr. William Hobi is requesting permission for retroactive approval of the construction of two new steel planter boxes along the front of the property 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 does not conform with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. While the exterior design elements are aesthetically pleasing as a whole, they are not harmonious with existing and proposed neighborhood development. The line of the walls does not align with anything else in the neighborhood; the materials are new and unique to the neighborhood and do not match the existing house or neighboring properties; and the location of the planter boxes within the City right-of-way are incongruous with the immediate surrounding area.
2. The design is not appropriate, considering its effect on neighboring properties because the steel planters encroach into the City right-of-way without appropriate permits and pose a potential safety hazard to pedestrians on the sidewalk. The design of these planters is also inconsistent with the design and style of the house and neighboring property.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, with prejudice, the design review application of Mr. Hobi for construction at 118 Crocker 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
Design Review
135 Guilford Road**

Mr. and Mrs. George Nugent are requesting variance and design review to construct a new 6 ft. fence, add a new guardrail, and seek retroactive approval for the construction of exterior stairs, side gate, and new window on the west façade. The requested variance is from Section 17.10.7 to allow the new stairs to extend to the right side property line in lieu of the code required minimum of a 4 ft. side yard setback.

Written notice was provided to neighbors. **Three affirmative and one negative response forms** were received. **Correspondence** was received from: Paul & Debbie Newton, May 8

Public testimony was received from:

Diana and George Nugent explained that stairs have existed in the location for 20 years and were built to provide better secondary access to the rear yard for safety reasons – the stairs/gate provide direct emergency access to the rear yard in case driveway access to the rear

yard is blocked. The landing makes stairway use more convenient and safer but they noted their willingness to eliminate the landing if so requested by the Commission. The existing drainage arrangement with the neighbor will remain unchanged.

Paul Newton voiced regret that the applicants failed to seek City approval when the stairs were constructed in the 1990's because as a result of this non-permitted and unlicensed construction, his garage has incurred significant damage. He stated that because of the stair piers and change in grade associated with the stairway construction, his garage suffered considerable damage due to drainage blockage – the drainage situation was remedied in 2002-2003. However, he now needs to correct the damage that occurred prior to 2002-03 and the stairs impede access to his garage, thus hindering him from completely assessing the damage and making necessary repairs. He requested that the stairs be removed and the property grade returned to its original level so that his garage repairs can take place.

The Commission, with the exception of Commissioner Levine, supported variance approval for the stairs, agreeing that they provide a convenient and desirable secondary access to the rear yard, do not involve any privacy, light or view impacts to the adjacent neighbor and a side yard staircase encroaching into the setback is not an unusual situation in Piedmont. Commissioner Levine felt that the side stairs was essentially desired for convenience and were not necessary for safety reasons, thus variance approval cannot be justified. As to stair design, the Commission majority felt that the stairs' impact on the adjacent neighbor could be significantly mitigated if stair width was reduced to the minimum required by code and staircase design was altered to create a more single-run, straight-down approach into the rear yard. The Commission majority also voiced support for retroactive approval of the west façade window, agreeing that it imposed no neighbor privacy impacts, did not represent a significant exterior change in the existing house and fits within the context of the house.

Resolution 87-V-08

WHEREAS, Mr. and Mrs. George Nugent are requesting permission to construct a new 6 ft. fence, add a new guardrail, and seek retroactive approval for the construction of exterior stairs, side gate, and new window on the west façade located at 135 Guilford Road, Piedmont, California, which construction requires variance; and

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

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

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to the fact that because of the slope of the lot, side stairs to the rear yard are greater than 12 inches in height, thus triggering variance. Because of these circumstances, strictly applying the terms of this chapter would keep

the property from being used in the same manner as other properties in the zone which conform to the zoning requirements.

2. The variance is compatible with the immediately surrounding neighborhood and the public welfare because there is no visual impact associated with the stair. Providing a stair to the rear yard is a public benefit by creating additional access for security and life safety.

3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction. Because of the slope of the property, the stairs cannot be constructed without portions of them being 12 inches above grade.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. and Mrs. Nugent for the above variance at 135 Guildford 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 Kellogg, Seconded by Robertson

Ayes: Kellogg, Robertson, Stehr, Thiel

Noes: Levine

Absent: None

Resolution 87-DR-08

WHEREAS, Mr. and Mrs. George Nugent are requesting permission to construct a new 6 ft. fence, add a new guardrail, and seek retroactive approval for the construction of exterior stairs, side gate, and new window on the west façade located at 135 Guilford 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 stairs, as conditioned, do not have a material impact in terms of visual bulk or mass. The west façade window does not represent a substantial change to the existing house and is

appropriate within the context of the house. The window complies with Design Review Guideline II-3(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 no view, light or privacy impacts associated with either the stairs or the window. The stairs, as conditioned, improve access to the rear yard. The project complies with Design Review Guidelines II-2, II-3(a) and II-6.

3. The life safety of residents and neighbors are improved by the provision of an additional stair access to the rear yard. 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. and Mrs. Nugent for construction at 135 Guildford Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The design of the stair be modified to create a single-run, straight down approach with a stair width of 36 inches;
2. The existing storm drainage plan is acceptable and shall be maintained unless required to be modified by building code requirements or a better method for accomplishing the drainage is proposed;
3. The proposed property fence shall be acceptable to both the applicant and the neighbor.

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, Thiel

Noes: Levine

Absent: None

**Variance and
Design Review
261 Sandringham Road**

Mr. and Mrs. Ron Ellis are requesting variance and 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. The requested variance is from Section 17.10.7 to allow the new balcony support beam to extend to within 3'8" of the left side property line in lieu of the code required minimum of a 4 ft. side yard setback.

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

Public testimony was received from:

Mimi Van Kirk, Project Architect, stated that the purpose of the project is to expand the children's bathroom and update the master bath. All exterior materials and window treatments will match existing. The variance is required to allow the beam and support posts to maintain the existing building line by encroaching 4 inches into the setback. This setback is for aesthetic reasons.

The Commission, with the exception of Commissioners Kellogg and Stehr, opposed project approval, believing that the overall effect created an awkward front entry appearance, altered the home's existing proper proportions and detracted from the appearance of the property. Suggested design modifications included moving the children's bathroom wall further out to be flush with the front wall, providing a different roof line to create a better sense of entry or a different bathroom window treatment. As to variance, some Commissioners opposed variance approval citing an absence of hardship. Others supported variance as a means of retaining the architectural integrity of the addition, noting that no habitable space is being created within the setback, nor is visual mass or bulk affected. The variance is strictly for ornamentation in order to maintain existing design detailing. Commissioner Kellogg and Stehr supported variance approval for design integrity/ornamentation reasons and felt that the design was either acceptable as proposed because of its clean, simple lines or could be slightly modified through imposed conditions to make the application approvable tonight.

Resolution 107-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 does not conform with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

- The exterior design elements are not aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development. The bulk of the addition is not consistent with the existing architecture and therefore has a "tacked on" appearance. The project does not honor the existing setbacks and undulations of the structure. The proposed design detracts from the overall aesthetics of the existing home and fails to comply with Design Review Guideline II-1 in terms of maintaining the scale and mass of the existing residence.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the design review application of Mr. and Mrs. Ellis for construction at 261 Sandringham Road, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Thiel, Seconded by Levine

Ayes: Levine, Robertson, Thiel

Noes: Kellogg, Stehr

Absent: None

Resolution 107-V-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 variance; and

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

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

- Since there is no approved design for this project, no variance can be granted.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the variance application of Mr. and Mrs. Ellis for the above variance at 261 Sandringham Road, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Thiel, Seconded by Levine

Ayes: Levine, Robertson, Thiel

Noes: Kellogg, Stehr

Absent: None

**Design Review
360 Mountain Avenue**

Mr. and Mrs. George Bisharat are requesting design review to make various modifications, including: demolish an existing rear deck; construct a new right (west) side yard deck; add new railing; add a new garage door, make window and door modifications, and add exterior lighting.

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

Chair Stehr recused herself from discussion and action on this application and left the chambers.

Public testimony was received from:

George Bisharat responded to questions by stating that the driveway was not being replaced and the existing tree/vegetation screen at the

property line would be retained or replaced if damaged during construction – this privacy screen benefits both himself and his neighbor.

The Commission supported project approval, agreeing that it was a nicely designed, well integrated solution. The Commission acknowledged that the adjacent, most impacted neighbor did not object to the project. The Commission agreed that the existing tree/landscaping screen between the two properties should be maintained as a condition of project approval.

Resolution 112-DR-08

WHEREAS, Mr. and Mrs. George Bisharat are requesting permission to make various modifications, including: demolish an existing rear deck; construct a new right (west) side yard deck; add new railing; add a new garage door, make window and door modifications, and add exterior lighting located at 360 Mountain 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 new multi-level structure and adjacent residences is reasonable and appropriate due to the existing topography and neighborhood development pattern. The proposed improvements are well integrated onto the property and are consistent with the City's Design Review Guidelines in terms of scale, mass and architectural compatibility.
2. The proposed new multi-level structure/expansion has been designed in a way that reasonably minimizes view and light impacts on neighboring properties (as defined in Section 17.2.70). The proposed improvements do not overpower neighboring property.
3. The size and height of the addition is commensurate with the size of the lot (excluding the portions of the lot that cannot reasonably be built on), and is in keeping with the existing neighborhood development pattern. The proposed improvements do not appear "tacked on."
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.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Bisharat for construction at 360 Mountain Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. Due to the scope and nature of the application, a construction management plan shall be developed and approved by staff prior to obtaining a building permit. Said plan shall be comprehensive while specifically addressing the duration of the project, construction hours, the staging of materials, and parking of worker vehicles to ensure the free flow of traffic along Mountain Avenue;
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 proposed doors shall be painted to match the remaining windows and doors throughout the residence;
4. The existing large plantings between the applicant's property and that of the facing right side neighbor shall be maintained. If this landscaping is damaged during construction, it shall be replaced with comparable plantings and maintained for a period of 5 years from the completion of the project.

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 Robertson

Ayes: Levine, Kellogg, Robertson, Thiel, Henn

Noes: None

Recused: Stehr

**Design Review
3 Maxwellton Road**

Mr. Stephen Parker is requesting design review to make modifications to a previously approved design for a new house, including: changes to the driveway and the retaining walls and planting strip along the north side of the driveway; changes to the building material of the exterior walls; window and door modifications; expansion of a rear terrace; addition of on-grade paths, stairs, gate and retaining walls at the

southwest side of the residence; and addition of a mailbox structure at the bottom of the driveway.

Similar applications were approved by the Planning Commission on September 13, 2004, April 11 and June 13, 2005, September 11, 2006, March 12 and July 17, 2007.

Written notice was provided to neighbors. **One negative response form** was received. **Correspondence** was received from: B.J. Miller, May 6; Douglas Vance, May 8

Public testimony was received from:

Stephen Parker described the proposed design changes to his project, stating that it is his intention to complete construction of 3 Maxwellton by September 2008.

Douglas Vance objected to the change in surface materials to the exterior of the house and driveway retaining walls, noted that some of the requested design changes have already been constructed, referenced earlier drawings (2005) in support of his contention that exterior lighting has been changed and that the lighting is adversely impacting adjacent residences and questioned if the proposed location for the mailbox is acceptable to the Post Office.

Steve Shirley, Project Contractor, stated that the mailbox location was discussed with postal authorities and its proposed location is at the edge of Mr. Parker's property.

The Commission noted the numerous design changes that have been made to the project and its concern that the currently proposed changes in the material of exterior walls will create a "different" look than what was previously represented and approved. The Commission, with the exception of Commissioner Thiel, agreed that the proposed changes, other than those related to the house and driveway retaining wall finishes, were minor in nature, do not affect the overall quality of the design and are appropriate – Commissioner Thiel opposed the proposed elimination of the wrought iron grilles on the windows. The Commission opposed the requested change to stucco from stone veneer on the lower level of the house stressing that such a change would lessened the architectural interest and quality of the overall appearance of the home. It felt that a solid stucco exterior on such a large 4-story home would make the home too monolithic in appearance and increase its visual massing. As to the finish of the driveway retaining walls, the Commission, with the exception of Commissioner Thiel, supported the change to a split-face block finish on the driveway side of the property but requested that the wall façade facing Moraga Avenue retain a stucco finish – Commissioner Thiel preferred retention of the stucco and stone finishes on the wall as previously approved. The Commission further supported the proposed widening of the driveway and change in location of the driveway skirt wall at the southeast part of the property to align with the driveway and skirt wall of the adjacent property.

Resolution 114-DR-08

WHEREAS, Mr. Stephen Parker is requesting permission to make modifications to a previously approved design for a new house, including: changes to the driveway and the retaining walls and planting strip along the north side of the driveway; changes to the building material of the exterior walls; window and door modifications; expansion of a rear terrace; addition of on-grade paths, stairs, gate and retaining walls at the southwest side of the residence; and addition of a mailbox structure at the bottom of the driveway 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 in part with the criteria and standards of Section 17.20.9 of the Piedmont City Code, finding that:

- The proposed changes to the building material of the exterior walls of the house are not appropriate and therefore are denied.

With regard to the remaining elements of the application,

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development. The proposed design changes comply with Design Review Guidelines I-1 and I-5.
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 change from that previously approved. The proposed improvements comply with Design Review Guidelines I-2.
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 material change to the driveway or access to the buildings. The addition of stairs around the west-side of the property improves life-safety by creating access around this side of the house.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves in part 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, and #07-0248 shall extend to this application;

2. The proposed changes to the north side driveway retaining wall in terms of height are approved. In terms of material finishes – the wall finish facing the driveway shall be split-face block and the side facing Moraga Avenue shall be stucco;
3. The alignment of the driveway skirt wall at the southeast end of the property (right) is approved as proposed;
4. The proposed mailbox is approved as submitted, subject to the condition that at a minimum 15 ft. clear access be maintained between the mailbox and retaining walls;
5. The proposed exterior finish changes on the house are denied;
6. The exterior finish of any retaining wall facing Moraga Avenue shall be stucco.

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
Noes: Thiel
Absent: None

**Parking Report
Ann Martin Center
1246 & 1250 Grand**

Per City Council direction of October 15, 2007, Dr. David Theis, Executive Director of the Ann Martin Center (AMC) submitted a written report detailing the Center's efforts to obtain off-street parking within a two-block radius of the Center as well as other actions taken in response to the conditions imposed on the approval of its conditional use permits for 1246 and 1250 Grand Avenue.

Correspondence was received from: Neil Teixeira, April 18; Angela 7 Neil Teixeira, April 7 and May 2; Daniel Harvitt, April 29; Gary Braga, April 26; Andrew Gold, April 16 & 29;

Public testimony was received from:

David Bowie, Attorney for AMC, stated that the submitted report is in response to a City Council imposed condition for the granting of the Center's conditional use permits and no action by the Commission is required. He referenced his letter in contending that AMC has met the spirit and intent of the City Council's requests and that the recently established residential parking district and the conclusions of the City's Traffic Engineer (Wiltec) indicate that there is no longer a parking problem in the neighborhood. He also stated that the garage at 1246 Grand Avenue is no longer being used as a treatment room as

conditioned by the Center's CUP. The Commission acknowledged receipt of a memo from City Building Official Chester Nakahara, dated May 6, 2008, stating that he inspected the garage at 1246 Grand on May 6 and found the garage to be furnished with an area rug, movable shelving and a few chairs. Cars were parked on the driveway up to the garage door, but not inside this garage.

Chuck Chakravartula, Don Condon and Rosie Newhall, all Fairview residents, agreed that the recently established residential parking district has significantly improved the parking situation for neighborhood residents. However, they urged that the Ann Martin Center be required to change its Saturday business hours to the afternoon to relieve the parking pressure on the Kehilla Synagogue and that the Center be required to use its garages for staff parking.

Andy Gold, Diana Feiger and Rabbi David Cooper, members of the Kehilla Synagogue, stressed that the new residential parking district has significantly and adversely impacted the Synagogue. In particular, the Saturday morning parking restrictions have imposed significant hardship on the Synagogue's elderly and disabled who are finding it difficult to park close enough to the Synagogue to enable them to walk to services. They questioned the need for Fairview residents to have all-day reserved street parking when need patterns don't support such blanket restrictions, noted that all other churches in Piedmont either do not have parking restrictions surrounding their property or if such restrictions do exist, they do not conflict with nor impact their worship times. They felt that Kehilla was being treated differently and unfairly and urged that modifications be made to the parking plan so that parking burdens are more equally shared between neighborhood residents, the Kehilla congregation and the Ann Martin Center staff and clients.

David Theis, Executive Director of the Ann Martin Center, stated that AMC examined the feasibility of shifting its Saturday treatment hours to the afternoon but determined that such a change would result in the loss of too many clients. He also disputed claims that somehow the Center manipulated the findings of the Wiltec traffic survey.

The Commission acknowledged that the resident parking district is being implemented on a trial basis and will be subject to re-examination by the City Council at the conclusion of the trial period. The Commission thanked the speakers for their comments.

Resolution 13-PL-08

RESOLVED, that the Planning Commission acknowledges receipt of the Ann Martin Center Parking Report for 1246 and 1250 Grand Avenue and files for the record the comments and testimony received in connection with said report.

Moved by Levine, Seconded by Thiel

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: None

ADJOURNMENT

There being no further business, Chair Stehr adjourned the meeting at 9:45 p.m.

