

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday April 13, 2009

A Regular Session of the Piedmont Planning Commission was held April 13, 2009, 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 April 2.

CALL TO ORDER

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

ROLL CALL

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

Absent: Commissioner Jonathan Levine (excused)

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

City Council Liaison: Councilmember John Chiang

ELECTION OF OFFICERS

Resolution 9-PL-09

RESOLVED, that the Planning Commission selects Commissioner Jim Kellogg to serve as Commission Chair until March 31, 2010.

Moved by Thiel, Seconded by Robertson

Ayes: Kellogg, Robertson, Stehr, Thiel, Henn

Noes: None

Absent: Levine

Resolution 10-PL-09

RESOLVED, that the Planning Commission selects Commissioner Melanie Robertson to serve as Commission Vice Chair until March 31, 2010.

Moved by Thiel, Seconded by Henn

Ayes: Kellogg, Robertson, Stehr, Thiel, Henn

Noes: None

Absent: Levine

PUBLIC FORUM

There were no speakers for the public forum.

APPROVAL OF MINUTES

Resolution 11-PL-09

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of March 9, 2009.

Moved by Stehr, Seconded by Robertson

Ayes: Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: Levine

ANNOUNCEMENTS

General Plan Update – The City Planner announced that after 14 public hearings before the Planning Commission and two before the City Council, the City Council on April 6 adopted the General Plan Update. She announced that next up is the City's update of its General Plan Housing Element and she requested that the Commission schedule a special work session meeting to initiate this update process. The

Commission agreed to hold a special work session introduction to the Housing Element Update process on Thursday, May 7 at 6:30 p.m.

Climate Action Plan – The Assistant Planner announced that a community forum on the City’s Climate Action Plan has been tentatively scheduled for the evening of May 27 at the Community Hall. He briefly explained the format and purpose of this forum.

REGULAR CALENDAR

Variance and Design Review 232 Wildwood Avenue

The Commission considered the following items of regular business:

Ms. Gini Leong is requesting variance and design review for retroactive approval for the construction of a garage roof deck and bridge and is proposing to construct a basement level rear addition beneath the existing overhang; construct an upper level roof deck at the rear of the house; make door and window modifications; add exterior lighting; make hardscape changes in the rear yard; and make various changes to the interior including the development of habitable space in the basement level. The requested variance is from Section 17.10.7 to allow the new basement addition to extend to within 2 ft. and the new roof deck addition to extend to within 3 ft. of the left side property line in lieu of the code required minimum of a 4 ft. side yard setback.

Written notice was provided to neighbors. **Three affirmative, two negative response forms** were received. **Correspondence** was received from: Anne Weinberger, April 6 & 13

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

Public testimony was received from:

Gini Leong responded to Commission questions, noting in particular that: (1) for financial reasons, she did have a tenant living in the basement contrary to the “non-habitation” agreement with the City; however, there is no tenant living in the basement now; (2) the existing garage is used for storage – it is not structurally sound enough to be used for parking; (3) the drainage problems cited by neighbors were caused by a broken sprinkler system, which has now been repaired; (4) it is her intention that the proposed new roof deck addition not extend into the 4 ft. side yard setback; and (5) all new windows will be wood windows.

The Commission voiced concern that the proposed improvements to the basement level appears to be creating a second unit without applying for a parking exception and that approving the basement extension will preclude the future possibility of ever constructing a conforming garage on the property. The Commission also agreed that existing bedroom space being removed as part of this application could easily be converted back into bedrooms and this fact coupled with the proposed basement improvements would increase the home’s density without any conforming parking being provided. In addition, the Commission agreed that the proposed roof decks could be modified and/or constructed so as to not encroach into the side setback; therefore, variance approval cannot be justified. The Commission emphasized that the design adversely impacts the free flow of vehicular traffic and the neighborhood’s parking situation because the application proposes

increasing the property's density along a very congested street without providing on-site parking. Not only is no conforming parking being proposed in connection with the current application, the proposed design would preclude the possibility of any conforming parking being constructed on the property in the future.

Resolution 32-DR-09

WHEREAS, Ms. Gini Leong is requesting retroactive approval for the construction of a garage roof deck and bridge and is requesting permission to construct a basement level rear addition beneath the existing overhang; construct an upper level roof deck at the rear of the house; make door and window modifications; add exterior lighting; make hardscape changes in the rear yard; and make various changes to the interior including the development of habitable space in the basement level located at 232 Wildwood Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the proposal does not conform with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

- The free flow of vehicular traffic is 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 on-site parking is not appropriate to the size of the new multi-level addition (e.g. creation of the basement space), and additional parking is required to prevent unreasonable short and/or long term parking impacts on the neighborhood given the additional number of rooms contemplated by the application.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the design review application of Ms. Leong for construction at 232 Wildwood Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Thiel, Seconded by Stehr

Ayes: Kellogg, Robertson, Stehr, Thiel

Noes: None

Recused: Henn

Absent: Levine

Resolution 32-V-09

WHEREAS, Ms. Gini Leong is requesting retroactive approval for the construction of a garage roof deck and bridge and is requesting permission to construct a basement level rear addition beneath the existing overhang; construct an upper level roof deck at the rear of the house; make door and window modifications; add exterior lighting; make hardscape changes in the rear yard; and make various changes to the interior including the development of habitable space in the basement level located at 232 Wildwood Avenue, Piedmont, California, which construction requires variance; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to construct within the 4 ft. 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:

- There is no approved design for proposed improvements on the property that indicate a need for variance approval.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the variance application of Ms. Leong for the above variance at 232 Wildwood Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Thiel, Seconded by Stehr

Ayes: Kellogg, Robertson, Stehr, Thiel

Noes: None

Recused: Henn

Absent: Levine

**Variance and
Design Review
222 Carmel Avenue**

Mr. Alan Tafapolsky and Ms. Randi Silverman are requesting variance and design review to demolish the main entry, awning and garden wall at the driveway; demolish the front yard retaining wall, front balcony and pergola; construct a new main entry stair, porch and foyer at the front of the house; construct a new front yard retaining wall; make window and door modifications; add exterior lighting; and make various changes to the interior. The requested variance is from Section 17.10.6 to allow the new entry stair to extend to within 13'11" and the eave of the new entry to extend to within 18.9" of the front property line in lieu of the code required minimum of a 20 ft. front yard setback.

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

Public testimony was received from:

Edward Soos, Project Architect, stated that the intent of the proposal is to improve the home's entrance by creating a more stately and pedestrian friendly entry point.

The Commission, with the exception of Commissioner Thiel, agreed that the proposed improvements will enhance the function and appearance of the existing home's entry, noting that the new entry's location is the most logical, its setback is consistent with other neighboring properties, proportions are balanced and window treatments and architectural detailing attractively integrate the three levels of this rather eccentric and charming house. Commissioner Thiel felt that the roof pitch and detailing of the proposed entry are not consistent with the home's existing architecture and create a "tacked on" appearance.

Resolution 58-V-09

WHEREAS, Mr. Alan Tafapolsky and Ms. Randi Silverman are requesting permission to demolish the main entry, awning and garden wall at the driveway; demolish the front yard retaining wall, front balcony and pergola; construct a new main entry stair, porch and foyer at the front of the house; construct a new front yard retaining wall; make window and door modifications; add exterior lighting; and make various changes to the interior located at 222 Carmel Avenue, Piedmont, California, which construction requires variance; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to construct within the 20 ft. front yard setback; and

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

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to the fact that the existing garage and driveway impede access to the front door. Relocating the home's entry to the front will improve safety and access. 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 proposed front setback is consistent with that of neighboring properties. Only entry stairs encroach into the front setback, which is a commonplace occurrence in Piedmont.
3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction. Because of the topography of the lot; there is no way to have stairs leading to the house without front yard setback encroachment.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Tafapolsky and Ms. Silverman for the above variance at 222 Carmel 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 Stehr

Ayes: Kellogg, Robertson, Stehr, Thiel, Henn
Noes: None
Absent: Levine

Resolution 58-DR-09

WHEREAS, Mr. Alan Tafapolsky and Ms. Randi Silverman are requesting permission to demolish the main entry, awning and garden wall at the driveway; demolish the front yard retaining wall, front balcony and pergola; construct a new main entry stair, porch and foyer at the front of the house; construct a new front yard retaining wall; make window and door modifications; add exterior lighting; and make various changes to the interior located at 222 Carmel 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-1, II-2, II-3, II-3(a) through (d), II-6 and II-6(c), in terms of compatibility in scale, mass, architectural style, integration and consistency with the neighborhood pattern of front yard setbacks.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because by relocating the existing side entry to the home to the front, applicant and adjacent neighbor privacy is improved. The proposal complies with the above mentioned Guidelines, in addition to II-7 and II-7(a).
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 existing side entry location to the home interferes with the garage and the property has a large enough front yard so that relocating the home's entry to the front will have very little impact on neighbors or the streetscape. The proposed improvements comply with Design Review Guidelines II-6(b) and (c) and II-7 and II-7(a).
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 safety of residents is improved because the proposal separates the pedestrian entry into the home from the vehicle entry to the property.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Tafapolsky and Ms. Silverman for construction at 222 Carmel 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 March 24, 2009, with additional information submitted on March 31, 2009, 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 Carmel Avenue;
3. Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, will be required on all phases of this project. As a Covered project, this project is eligible to participate in the Incentive Program in which the City will provide one-half the cost of debris boxes provided by the City's franchised waste hauler and used exclusively for the purpose of removing recyclable construction and demolition debris;
4. New windows with divided light grilles shall have either true- or 3-dimensional simulated divided light grilles.

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 Henn

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: Thiel

Absent: Levine

**Variance and
Design Review
93 Fairview Avenue**

Mr. Tom Ramsey and Ms. Ruth Ruark are requesting variance and design review to remodel the front entry porch with a new roof, columns and pilasters; excavate and construct a new basement entry with retaining walls, guardrail and on-grade steps in the left side yard; make changes to the exterior wall material on the rear of the house and the front of the garage, make eave alterations at the rear of the house

and on the garage; make window and door modifications on the house and garage; and add exterior lighting. The requested variance is from Section 17.10.6 to allow the new entry porch eave to extend to within 11'7" and the enlarged entry porch column bases to extend to within 17'7" of the front property line in lieu of the code required minimum of a 20 ft. front yard setback.

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

Public testimony was received from:

Tom Ramsey, Applicant and Project Architect, stated that the intent of the improvements is to correct architectural inconsistencies resulting from previous remodels and enhance the overall quality and appearance of the home. He stated that the existing garage is used for parking and proposed alterations to the garage and driveway will make garage ingress/egress for vehicles even more functional and convenient.

The Commission agreed that the project will improve the home's aesthetics, restore the architectural quality of the craftsman-style residence and the requested variance is consistent with the existing front setback conditions in the neighborhood. However, the Commission questioned the desirability of the proposed sliding glass side door into the garage, voicing concern whether such a door complies with the Building Code and the desirability of looking into the garage from the property's attractive rear yard.

Resolution 59-V-09

WHEREAS, Mr. Tom Ramsey and Ms. Ruth Ruark are requesting permission to remodel the front entry porch with a new roof, columns and pilasters; excavate and construct a new basement entry with retaining walls, guardrail and on-grade steps in the left side yard; make changes to the exterior wall material on the rear of the house and the front of the garage, make eave alterations at the rear of the house and on the garage; make window and door modifications on the house and garage; and add exterior lighting located at 93 Fairview Avenue, Piedmont, California, which construction requires variance; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to construct within the 20 ft. front yard setback; and

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

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to the fact that the existing house is located within the front setback and all proposed new construction will be built over the existing foundation and walls. 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 improvements are stylistic in nature and respect the siting of the neighborhood.
3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because the improvements will be constructed over existing elements already located within the setback.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Ramsey and Ms. Ruark for the above variance at 93 Fairview Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

Moved by Stehr, Seconded by Robertson

Ayes: Kellogg, Robertson, Stehr, Thiel, Henn

Noes: None

Absent: Levine

Resolution 59-DR-09

WHEREAS, Mr. Tom Ramsey and Ms. Ruth Ruark are requesting permission to remodel the front entry porch with a new roof, columns and pilasters; excavate and construct a new basement entry with retaining walls, guardrail and on-grade steps in the left side yard; make changes to the exterior wall material on the rear of the house and the front of the garage; make eave alterations at the rear of the house and on the garage; make window and door modifications on the house and garage; and add exterior lighting located at 93 Fairview 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 new porch will be situated behind the right side neighbor and even with the left side neighbor and is in architectural keeping with the original style of the residence. The proposed improvements comply with Design Review Guidelines II-1, II-2, II-3, II-3(a) and (b), III-2, III-2(a), III-3 and III-4.

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 siting of the proposed improvements is consistent with the neighborhood and respects the visual and acoustical privacy of adjacent neighbors. The proposal complies with Design Review Guidelines II-6, II-6(a) through (c) and II-7.

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 reflect minor exterior changes, with new materials matching those existing. The proposal complies with Design Review Guidelines II-6© and II-7.

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 proposed improvements do not affect vehicle ingress/egress or traffic sight lines and will improve the property's off-street parking. The proposal complies with Design Review Guidelines II-7, II-7(a) and III-2.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Ramsey and Ms. Ruark for construction at 93 Fairview 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 March 31, 2009, 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 Fairview Avenue;

3. Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, will be required on all phases of this project. As a Covered project, this project is eligible to participate in the Incentive Program in which the City will provide one-half the cost of debris boxes provided by the City's franchised waste hauler and used exclusively for the purpose of removing recyclable construction and demolition debris;
4. The new garage door shall be electronically operated;
5. The new exterior light fixtures on the west façades of the garage and house shall be downward directed with an opaque or translucent shade that completely covers the light bulb;
6. The front entry handrail shall be continued to the bottom riser in the direction of travel;
7. The new hardscape path in the left (west) side yard shall be 1-square-foot pavers as shown on drawing 4 on the plan sheet A-1, Proposed Area Diagram; and
8. In the event the proposed sliding glass garage door does not comply with the Building Code, any design changes to this door 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.

Ayes: Kellogg, Robertson, Stehr, Thiel, Henn

Noes: None

Absent: Levine

Future Agenda Item

Modifications to the Sign Ordinance – The City Planner reported that the City Administrator has initiated a Review of the Commission's March 9 decision to deny TV monitors at the Valero Service Station at 340 Highland Avenue. Commission consideration of possible modifications to the sign provisions of Chapter 17 regarding video signage will be scheduled following the City Council's deliberation of this Review.

ADJOURNMENT

There being no further business, Chairman Kellogg adjourned the meeting at 6:15 p.m.