

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, December 14, 2009

A Regular Session of the Piedmont Planning Commission was held December 14, 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 December 4, 2009.

CALL TO ORDER

Chairman Kellogg called the meeting to order at 5:05 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 Manira Sandhir 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 57 Lincoln Avenue

Resolution 284-V-09

WHEREAS, Ms. Ruth Miska is requesting permission to enclose the underside of an existing rear deck by installing two new wood doors on the west façade and enclosing an existing opening on the east façade located at 57 Lincoln 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 exceed the City's floor area ratio limitation; 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 applicant is enclosing an existing outdoor storage space below an existing patio area, primarily for security reasons. 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 current massing of the structure will remain the same, since the applicant only wishes to enclose a space for storage and not habitation purposes.
3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because the

applicant was directed by staff and the Commission to apply for variance since the space will be counted as FAR.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Ms. Miska for the above variance at 57 Lincoln Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

**Design Review
57 Lincoln Avenue**

Resolution 294-DR-09

WHEREAS, Ms. Ruth Miska is requesting permission to enclose the underside of an existing rear deck by installing two new wood doors on the west façade and enclosing an existing opening on the east façade located at 57 Lincoln 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 utilizes existing architectural details (doors, trim) and materials. Doors will mirror same glazing proportions as existing, as shown under existing conditions.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the project will conceal undesirable storage items from neighbors' view. Will not affect any issues regarding privacy or lighting.
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 it will not effect any circulation issues. Space utilized only for storage. Primarily for security reasons.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Ms. Miska for construction at 57 Lincoln 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 December 2, 2009, after neighbors were notified of the project and the plans were available for public review;
2. The new wood doors shall be painted to match the remaining windows throughout the residence.

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 Levine

Ayes: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: None

PUBLIC FORUM

There were no speakers for the public forum.

APPROVAL OF MINUTES

Resolution 24-PL-09

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

Moved by Thiel, Seconded by Stehr

Ayes: Kellogg, Robertson, Stehr, Thiel, Henn

Noes: None

Abstain: Levine

Absent: None

REGULAR CALENDAR

The Commission considered the following items of regular business:

Fence Design Review 241 Hillside Avenue

Mr. Eric Behrens and Ms. Joyce Hicks are requesting fence design review to build a new painted redwood fence along the driveway and along the sidewalk at the front of their property in the City's right-of-way.

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

Public testimony was received from:

Eric Behrens responded to Commission questions concerning the location of the fence in relationship to the driveway, clarifying that the

location on the site plan is the correct depiction – the contractor drawing is in error. The new fence will line up with the existing porch.

The Commission supported application approval, agreeing that the white picket fence is architecturally compatible with the residence, will give definition and separation to the applicant's property at this very busy corner location, will not impede the width of the driveway and is consistent with the fence lines on neighboring properties.

Resolution 287-DR-09

WHEREAS, Mr. Eric Behrens and Ms. Joyce Hicks are requesting permission to construct a new painted redwood fence along the driveway and along the sidewalk at the front of their property in the City's right-of-way located at 241 Hillside 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 in that it complies with Design Review Guidelines V-1, V-2 and V-3. The proposed fence reflects simple, clean lines and aligns with existing fences on adjacent properties.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because it complies with Design Review Guidelines V-5, V-5(a) & (b) and V-6. The proposed fence will not affect existing views, minimizes impact on neighbors and reflects a high design standard.
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress. The fence has an open design that will not hinder driveway sight lines or ingress/egress. The project complies with Design Review Guidelines V-8, V-9 and V-11.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Behrens and Ms. Hicks for construction at 241 Hillside Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall apply for an Encroachment Permit to allow for the construction of the fence that will be in the City's right-of-way;
2. The approved plans are those submitted on December 9 and 10, 2009, after neighbors were notified of the project and the plans were available for public review; and

3. The east/west direction of the fence will align with the corner of the house.

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 Levine

Ayes: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: None

**Fence Design Review
Sign Design Review
1300 Grand Avenue**

The Kehilla Community Synagogue is requesting fence design review and sign design review to construct new guardrails, guardwalls and a new fence and gate near the Fairview Avenue pedestrian entrances and install a new sign for the *Happy Together Preschool* on the existing monument sign at the intersection of Fairview and Grand Avenues and 6 smaller informational signs in the parking lot.

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

Public testimony was received from:

Bennett Christopherson, Project Architect, explained that the proposed fencing and guard rails are required by the Building Code and the signs are in response to the Commission's prior approval of the preschool operation at the site as well as neighborhood requests that parking lot related noise be minimized. He submitted a colored rendering of the proposed *Happy Together Preschool* sign and stated that parking lot signs will consist of: one, 2 ft. square aluminum sign stating that the parking lot is private property belonging to Kehilla Community Synagogue with towing information and five standard 8.4" by 18" size signs stating: "Please be considerate of our neighbors! Keep your voice and car stereo volume low. Close you car door quietly. Thank you!"

The Commission agreed that the proposed fencing elements were appropriate and acceptable and that the *Happy Together Preschool* sign is acceptable in size and color to be mounted on the synagogue's existing monument sign. However, the Commission noted its disappointment that samples of the proposed parking lot signs were not submitted. However, the Commission felt that given knowledge regarding the parking lot signs size and text coloring, approval of these signs could be made subject to staff review and approval. The Commission agreed that the proposed parking lot signs are responsive to prior neighborhood requests.

Resolution 292-DR-09

WHEREAS, the Kehilla Community Synagogue is requesting permission to construct new guardrails, guardwalls and a new fence and gate near the Fairview Avenue pedestrian entrances located at 1300 Grand 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 in that they comply with Design Review Guidelines V-1, V-2, V-3, V-5 and V-5(a) & (b).
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the improvements have minimal impact on neighboring properties and replaces an existing gate. The project complies with Design Review Guidelines V-5 and V-5(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 existing circulation patterns are not affected. The proposed improvements will improve pedestrian safety through the addition of hand and guardrails. The project complies with Design Review Guidelines V-7, V-8, V-9, V-10 and V-11

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Kehilla Community Synagogue for construction at 1300 Grand 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: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: None

Resolution 293-DR-09

WHEREAS, the Kehilla Community Synagogue is requesting permission to install a new sign for the *Happy Together Preschool* on the existing monument sign at the intersection of Fairview and Grand Avenues and 6 smaller informational signs in the parking lot located at 1300 Grand Avenue, Piedmont, California, which construction requires sign 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 17.19.2 of the Piedmont City Code:

1. The Commission has determined that more than a maximum of one sign not required by law is appropriate for this property and for the convenience of the public;
2. Each sign, including the sign required by law, is simple in design and reflects conservative brown and off-white colors that match the building;
3. Each sign, including a sign required by law, is compatible in design, color and scale to the front of the building, adjoining structures and general surroundings;
4. All signs are oriented toward the pedestrian and vehicular traffic;
5. The signs are constructed on sturdy materials – aluminum and hard plastic.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the sign design review application of Kehilla Community Synagogue for construction at 1300 Grand Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- The graphics, color, size, location and appropriateness of the proposed parking lot signage shall be submitted for 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 Stehr

Ayes: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: None

**Fence Design Review
And Design Review
110 Woodland Way**

Mr. Paul Kaufman and Ms. Myra Saunders are requesting fence design review and design review to make modifications to a previously approved (April 14, 2008) application to include the addition of a new entry access stairway; new exterior lighting; construction of a 4 ft. high stairway wall and guardrail in the front yard setback; changes to the front terrace guardrail design; changes to the garage door design; new canopy and trellis on the rear façade; and window and door modifications throughout the residence. On September 29, 2009, staff approved a staff design review application to make modifications to the April 2008 plan including: the omission of the previously approved expansions in the left (east) side yard; the omission of the previously approved rear entry portico; window and door modifications on all facades; and various changes to the interior. Parts of the previous approval including the garage, front terraces, and the retaining walls were proposed to remain. This current application is being deferred to the Planning Commission for review and action.

Written notice was provided to neighbors. **No response forms** were received.

Public testimony was received from:

Bennett Christopherson, Project Architect, stated that the proposed improvements are designed to tweak the previously approved plan for better overall architectural consistency. He stated that an arborist has been retained to insure that the existing magnolia and dawn redwood tress are protected during construction. He also stated that the change to a custom-made, double-wide garage door is intended to improve vehicle ingress/egress to the garage given the narrowness of the street and the close proximity of the garage entrance to the sidewalk.

The Commission agreed that the proposed improvements do improve the aesthetics, elegance and architectural quality of the previous design. Chairman Kellogg inquired regarding the lighting of the stairway, suggesting that the illumination (wattage or fluorescence) and glass coverings be such as to minimize glare. He suggested the use of colored or translucent glass coverings and a wattage not in excess of 60 watts.

Resolution 296-DR-09

WHEREAS, Mr. Paul Kaufman and Ms. Myra Saunders are requesting permission to make modifications to a previously approved (April 14, 2008) application to include the addition of a new entry access stairway; new exterior lighting; construction of a 4 ft. high stairway wall and guardrail in the front yard setback; changes to the front terrace guardrail design; changes to the garage door design; new canopy and trellis on the rear façade; and window and door modifications throughout the residence located at 110 Woodland 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 improvements are appropriate and comply with Design Review Guidelines II-1 through II-6 and V-1 through V-5.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light.
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Kaufman and Ms. Saunders for construction at 110 Woodland Way, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The conditions placed on prior, related design review applications (#08-0084 and #09-0209) still apply; and
2. The two stairway lights 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 Levine, Seconded by Thiel

Ayes: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: None

**New House
Design Review
4 Lexford Road**

Mr. and Mrs. Erich Tupper are requesting new house design review to demolish the existing pool, pool house and storage structure; construct a new 699 sq. ft. 2-story, 1-bedroom house with covered loggia, a new swimming pool and hot tub, a new pool equipment enclosure, a new 1-car garage and new site improvements including paths, walls, retaining walls, driveway, curb cut, pool terrace and various other hardscape and landscape changes; and add new exterior light fixtures. A similar application was denied, without prejudice, on September 14, 2009.

Written notice was provided to neighbors. **One affirmative, one negative response forms** were received. **Correspondence** was received from: William Henshaw, Dec. 10.

Public testimony was received from:

John Malick, Project Architect, described the design changes made in response to the September meeting, noted discussions with neighboring residents regarding the proposed improvements, reviewed the various location options examined for garage location and stressed his belief that the current redesign is the best plan for the unique estate property. Models and drawings of the proposed project were submitted during discussion.

Patricia Henshaw reiterated her preference that the proposed 1-car garage be located on the other side of the property to improve streetscape appearance as well as minimize the impact to her rear patio in terms of view and light.

Commissioners Stehr and Robertson supported project approval, agreeing that the design changes were responsive to Commission requests and created a beautiful property. They emphasized that the location of the new garage is logical, preserves open space and creates an attractive “bookend” appearance for the estate property. They noted that a 9 to 16 foot separation exists between the new garage and the Henshaw property line which could be landscaped to minimize view impacts of the garage’s slate roof, which is not all that unappealing. The remaining Commissioners agreed that the design of the pool house and proposed related landscaping was beautiful and appropriate. However, concern was voiced regarding the design and/or placement of the garage. There was mixed opinion as to: (1) whether the garage should be relocated either more toward the middle of the lot or on the other side of the property to minimize impact on the Henshaw property; (2) whether the architecture of the garage needed to reflect the “storybook” architecture of the main house since this garage was so far removed from other structures on the lot; or (3) whether impacts on the Henshaw property could be mitigated by a staggered, non-linear plant screen, possibly consisting of a focus tree, thuja shrubs and a mix of plant material. Several Commissioners also felt that the existing garage design and location could be better integrated into the property through the extension of proposed retaining walls to “tie in” the garage with the pool house. Since there was no Commission consensus as to the mitigation options discussed, a majority of the Commission felt that it could not refer the application to staff for review and resolution.

Resolution 297-DR-09

WHEREAS, Mr. and Mrs. Erich Tupper are requesting permission to demolish the existing pool, pool house and storage structure; construct a new 699 sq. ft. 2-story, 1-bedroom house with covered loggia, a new swimming pool and hot tub, a new pool equipment enclosure, a new 1-car garage and new site improvements including paths, walls, retaining walls, driveway, curb cut, pool terrace and various other hardscape and landscape changes; and add new exterior light fixtures located at 4 Lexford Road, Piedmont, California, which construction requires design review; and

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

1. While the exterior design elements of the redesigned pool house are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development, are in compliance with the City's Design Review Guidelines and are responsive to previous Commission requests, this design element is not a stand-alone component of the application since it requires approval of a related garage structure. However, the proposed design of the garage component is not acceptable at this time and the possibility exists that changes to the proposed garage could directly impact or cause the current pool house design to be changed.

2. The proposed garage structure fails to comply with Design Review Guidelines III-1, III-2 and III-5 in that the siting of the proposed garage (a) is not consistent with other garages in the neighborhood or contiguous parcels; (b) does not conform with the overall design of the structures it is relating to and serves; (c) it does not create a strong feeling of unity between the garage and residence and the garage detracts from the overall architectural character of the neighborhood. In fact, the location and siting of the garage draws attention to itself, does not tie in with the structure it supports and detracts from the architectural unity of both existing structures on the property and existing structures to the north.

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. Tupper for construction at 4 Lexford Road, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Thiel, Seconded by Levine

Ayes: Levine, Kellogg, Thiel

Noes: Robertson, Stehr

Absent: None

ADJOURNMENT

There being no further regular agenda business, Chairman Kellogg adjourned the meeting at 7:05 p.m. He announced that following a dinner break, the Commission would reconvene to a 5th and final work session discussion of the General Plan Housing Element update.

