

## **PIEDMONT PLANNING COMMISSION**

### **Regular Meeting Minutes for Monday, June 8, 2009**

A Regular Session of the Piedmont Planning Commission was held June 8, 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 May 29, 2009.

#### **CALL TO ORDER**

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

#### **ROLL CALL**

Present: Commissioners Jonathan Levine, Jim Kellogg, Melanie Robertston, Bobbe Stehr and Clark Thiel

Absent: Alternate Commissioner Michael Henn (excused)

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

#### **UPDATE REPORT**

The Assistant Planner updated the Commission on the status of the City's preparation of its Climate Action Plan, noting that the Council has set a greenhouse emissions reduction target of 15% by 2020, a community forum was held on May 27 to receive resident input regarding plan details and goals and it is anticipated that a draft Climate Action Plan will be available for public review by the end of July. In addition, staff intends to conduct an on-line survey to gauge the level of property owner participation in the program – a high degree of resident participation is essential if the City is to achieve its reduction goal.

#### **CONSENT CALENDAR**

The following Resolution was approved under one vote by the Commission:

##### **Conditional Use Permit 1337 Grand Avenue**

##### **Resolution 76-CUP-09**

WHEREAS, Dr. Todd Yerendopolous is requesting a Conditional Use Permit to continue to operate an existing dental office at 1337 Grand Avenue, Piedmont, California, and;

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

The Piedmont Planning Commission makes the following findings:

1. The use is of benefit to Piedmont residents. Dr. Des Marteau is a staple in the community in regards to quality dentists and customer service. My goal is to follow in his footsteps and provide beautiful, quality dentistry to the residents of Piedmont.
2. The use will be properly related to other land uses and transportation and service facilities in the vicinity. The office and its clients will benefit from local services such as the bus line when it comes to transportation. In addition, many of Dr. Des Marteau's patients are

local business owners from Piedmont. We try to use these local businesses to support Piedmont and to thank them for being patients.

3. Under all the circumstances and conditions of the particular case, the use will not have a material adverse effect on the health or safety of persons residing or working in the vicinity. The office is compliant with all City and OSHA regulations and is considered a very healthy and safe place to work. No Amalgam is used in the office and therefore no hazardous material is transported into the office.

4. The use will not be contrary to the standards established for the zone in which it is to be located. I plan on making no changes to the property or the services provided by Dr. Des Marteau. In addition, no changes to the community or patient services. I will uphold Dr. Des Marteau's high standards toward the community.

5. The use will not contribute to a substantial increase in the amount of noise or traffic in the surrounding area. I expect a decrease in traffic flow and noise in and out of the office due to a decrease in office hours and patient flow.

6. The use is compatible with the General Plan and will not adversely affect the character of the surrounding neighborhoods or tend to adversely affect the property values of homes in the surrounding neighborhoods. I have no plan or intention of changing the appearance of the office (internal or exterior). My goal would only to be able to improve the property value by providing quality dentistry and services to the community.

7. Adequate provision for driveways to and from the property has been made; facilities for ingress and egress from secondary streets instead of arterials, where possible, have been made; provision for parking in compliance with this Chapter 17 has been made, together with sufficient agreements to enforce the carrying out of such plans as may be required by the Council. As stated above, no change will occur to the exterior of the building or the parking lot. If anything, less traffic flow due to less office hours and lower patient flow.

8. The plans conform to all other laws and regulations of the City, provided, however, that the Council shall have the right to require front, rear and side yard setbacks greater than those otherwise provided in the laws and regulations of the City if the Council finds that such larger front, rear and side yard areas are necessary to provide for the health, safety and general welfare of the residents of Piedmont in accordance with its zoning laws. The dental office should have no proposed impact on other laws and regulations of the City.

RESOLVED, that in consideration of the findings and facts set forth above, the Piedmont Planning Commission recommends approval by the City Council of the application for a conditional use permit by Dr. Yerendopolous for property located at 1337 Grand Avenue, Piedmont, subject to the following conditions:

1. The term of the approval shall be ten years;
2. The provisions of the Conditional Use Permit shall be:

- The hours and days of operation shall be 7:30 a.m. to 4:30 p.m., Monday to Thursday, closed Friday through Sunday; and
- The maximum number of people using the business site at one time shall not exceed 20, including employees

Moved by Stehr, Seconded by Robertson

Ayes: Kellogg, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: Henn

## **PUBLIC FORUM**

There were no speakers for the public forum.

## **APPROVAL OF MINUTES**

### **Resolution 13-PL-09**

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of May 11, 2009.

Moved by Stehr, Seconded by Thiel

Ayes: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: Henn

## **REGULAR CALENDAR**

The Commission considered the following items of regular business:

### **Variance and Design Review 634 Blair Avenue**

Mr. C. S. "Billy" Kim is requesting variance and design review to construct a new roof over the front entry and raise the height of the chimney, construct a new lower level bay on the rear façade, relocate a lower level rear deck, make window and door modifications, replace the garage door, add exterior lighting, and make various changes to the interior. The requested variance is from Section 17.10.6 to allow the new entry roof to extend to within 12' 10" of the front property line in lieu of the code required minimum of a 20 ft. front yard setback.

Commissioner Thiel recused himself from discussion and action on this application and left the chambers

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

**Public testimony** was received from:

Christopher Gilman, Project Architect, submitted a colored rendering in describing the proposed improvements intended to enhance the "curb appeal" of the residence, better define the home's front entry and correct inconsistencies in the City record with regard to the lower level deck. It was noted that exterior light fixtures on the upper level of the home do not match those on the lower level. The Commission requested that one consistent fixture style be chosen for the entire home, leaving it to the applicant to choose either the upper or lower level fixture design – this request was agreeable to Mr. Gilman. The Commission also referenced the need for the left side yard stairs to be repaired, but it was agreed that making these stairs code compliant would involve design review and possible variance and sewer easement issues. Therefore, the Commission requested that such stair repair be proposed under a separate application.

The Commission supported project approval, agreeing that the variance situation is pre-existing (the existing house is located within the front setback), replacement windows are consistent with the City's window policy, the project improves the appearance and functionality of the home and the proposed improvements do not increase the extent of the existing encroachment into the front setback. The Commission acknowledged that the roof design of the new entry is different from the main house but its design and color accentuates the home's entry without detracting from the property's overall aesthetics.

**Resolution 311-V-08**

WHEREAS, Mr. C. S. "Billy" Kim is requesting permission to construct a new roof over the front entry and raise the height of the chimney, construct a new lower level bay on the rear façade, relocate a lower level rear deck, make window and door modifications, replace the garage door, add exterior lighting, and make various changes to the interior located at 634 Blair 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 home and garage are located within the front setback and the extent of this front yard setback encroachment is not being increased over that currently existing. Because of these circumstances, strictly applying the terms of this chapter would keep the property from being used in the same manner as other properties in the zone which conform to the zoning requirements.
2. The variance is compatible with the immediately surrounding neighborhood and the public welfare because many homes in the neighborhood have similar front yard setback encroachments. The proposed improvements do not increase the existing front yard setback encroachment and are not out of character with the neighborhood.
3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because the existing home is located within the setback and cannot be improved without variance.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Kim for the above variance at 634 Blair 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, Levine, Robertson, Stehr

Noes: None

Recused: Thiel

Absent: Henn

### **Resolution 311-DR-08**

WHEREAS, Mr. C. S. "Billy" Kim is requesting permission to construct a new roof over the front entry and raise the height of the chimney, construct a new lower level bay on the rear façade, relocate a lower level rear deck, make window and door modifications, replace the garage door, add exterior lighting, and make various changes to the interior located at 634 Blair 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 not necessary to reduce losses of ambient and reflected light. The proposed improvements comply with Design Review Guidelines II-1, II-2, II-3, II-3(a) through (d), II-4 and II-5 in terms of mass, scale and architectural compatibility and the fact that the improvements are well integrated into the existing house and the garage doors are architecturally compatible with the house.

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 new entry roof is kept low, the chimney height is that required by code and

the improvements are well sited on the lot. The improvements comply with Design Review Guidelines II-6 and II-6(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 proposed improvements comply with Design Review Guidelines II-6, II-6(a) and (b).

4. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress. In accordance with Sections 17.16.1 and 17.22.1, the existing or proposed on-site parking is appropriate to the size of the new upper level addition, and additional parking is not required to prevent unreasonable short and/or long term parking impacts on the neighborhood. There is no change in existing circulation patterns, the usability of the garage is improved through the installation of an electronic door opener and the new entry roof provides protection and draws attention to the home's entry.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Kim for construction at 634 Blair 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 Blair Avenue;
2. Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, will be required;
3. The garage doors shall be electronically operated;
4. All exterior light fixtures shall be consistent in design throughout 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 Robertson

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

**Fence Design Review  
38 Monte Avenue**

Mr. and Mrs. Abe Friedman are requesting fence design review to install a driveway gate near the southeast corner of the property.

Commissioner Robertson recused herself from discussion and action on this application and left the chambers

Written notice was provided to neighbors. **One affirmative response form** was received. **Correspondence** was received from: Kay Cheatham, June 3.

**Public testimony** was received from:

Brian Hebert, Project Contractor, explained that the proposed white picket fence design matches the existing fencing on the property. He also stated that the existing wrought iron fence along the driveway will remain. The proposed driveway gate will be electronically operated.

The Commission acknowledged a letter from a neighbor suggesting that the driveway gate and fence be metal to better match the existing wrought iron. The Commission noted that since both fencing styles are existing on the property, the choice between the two options should be left to the applicant's preference.

**Resolution 77-DR-09**

WHEREAS, Mr. and Mrs. Abe Friedman are requesting permission to install a driveway gate near the southeast corner of the property located at 38 Monte 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. The proposed improvements comply with Design Review Guidelines V-1, V-2, V-5, V-6, V-7, V-8, V-9, V-10 and V-11. The design of the fence is consistent with the character of other fences in the neighborhood and on the property.

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the proposed fencing is set back into the property on this corner lot.

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 proposed fencing will not obstruct pedestrian and traffic sight lines nor impede emergency service access.

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

- The driveway gate shall be electronically operated

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 Stehr

Ayes: Kellogg, Levine, Stehr, Thiel

Noes: None

Recused: Robertson

Absent: Henn

**Variance and  
Design Review  
119 Waldo Avenue**

Mr. and Mrs. Mike Jumper are requesting variance and design review to demolish and replace the rear landing and stairs, add and replace windows, make various changes to the interior including the development of habitable space on the basement level to include a bedroom, bathroom, laundry and rumpus room. The requested variance is from Section 17.10.4 to allow a structure coverage of 43.4% in lieu of the code permitted maximum of 40%.

Chairman Kellogg recused himself from discussion and action on this application and left the chambers

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

**Public testimony** was received from:

Mike Jumper stated that the rear access into the home is the primary one used by his family and was constructed by a prior owner without permit. The proposed project enlarges the existing landing and stairs so as to be code compliant, improve his family's safety and convenience as well as enable the new large trash/recycling containers to be stored under the landing and out of sight.



Carolyn Van Lang, Project Architect, stated that the existing stairs are not code compliant and the proposed enlargement of the stairs to comply with code as well as accommodate the convenience needs of the applicant trigger the variance. It was noted that in 1999, a plan was approved allowing a structure coverage of 42.5% for the deck and stairs. Ms. Van Lang emphasized that pursuant to current building codes, the number and width of stair risers have to increase, hence it is not possible to construct the stairs in accordance with the previously approved 42.5% coverage limit.

The Commission, with the exception of Commissioner Stehr, disagreed, emphasizing that the landing was over-sized and therefore should be reduced so that excess structure coverage is kept at the minimum necessary for code compliance. Commissioner Stehr felt that the proposed design and size of the landing and stairs was the most logical and functional, provided a safe, convenient and covered landing for the primary rear yard entrance into the home, was not out of character with the neighborhood and posed no adverse impacts on adjacent residences.

**Resolution 91-V-09**

WHEREAS, Mr. and Mrs. Mike Jumper are requesting permission to demolish and replace the rear landing and stairs, add and replace windows, make various changes to the interior including the development of habitable space on the basement level to include a bedroom, bathroom, laundry and rumpus room located at 119 Waldo 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 structure coverage limit; and

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

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to the fact that there is an existing exit from a doorway above grade that requires the rebuilding of a landing and stairs. This exit path cannot be maintained without this landing and stairs and this structure cannot be rebuilt without 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 it allows egress from the rear portion of the property that is not on grade.
3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because egress from the existing doors cannot be accomplished without variance.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. and Mrs. Jumper for the above variance at 119 Waldo Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- The extent of the approved variance is only that required to construct a landing and stair of minimum dimension that complies with the current building code. Said redesign of the landing and stair 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 Thiel, Seconded by Levine

Ayes: Levine, Robertson, Thiel

Noes: Stehr

Recused: Kellogg

Absent: Henn

#### **Resolution 91-DR-09**

WHEREAS, Mr. and Mrs. Mike Jumper are requesting permission to demolish and replace the rear landing and stairs, add and replace windows, make various changes to the interior including the development of habitable space on the basement level to include a bedroom, bathroom, laundry and rumpus room located at 119 Waldo 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 the garbage containers are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the proposed improvements have minimal, if any, impact on adjacent neighbors.

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 proposed improvements provide for code compliant ingress and egress from the property.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Jumper for construction at 119 Waldo 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 Waldo Avenue;
2. The proposed rear landing and stairs shall be redesigned so as to comply with the variance granted pursuant to Resolution 91-V-09. Said redesign 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 Thiel, Seconded by Levine

Ayes: Levine, Robertson, Stehr, Thiel

Noes: None

Recused: Kellogg

Absent: Henn

**Fence Design Review  
668 Blair Avenue**

Ms. Peng Leong, Trustee, is requesting fence design review to reconstruct and enlarge the on-grade front entry steps and replace the existing wood lattice fence with a new wood fence and sliding gate that extends along the front property line.

Commissioner Thiel recused himself from discussion and action on this application and left the chambers

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

**Public testimony** was received from:

Peng Leong, Project Designer and Applicant, responded to Commission questions in stating that the redwood fence will not be painted, the swing design of the proposed gate is dictated by the slope of the property, only one-half of the driveway is usable because of the slope, the proposed slate tile elements on the fence will be of a color compatible with the redwood fence and proposed concrete paving will be colored or textured concrete.

The Commission acknowledged difficulties in evaluating project details because of the vagueness of the submitted plans and discussed potential traffic/pedestrian sight line obstructions posed by the fence. In the end, the Commission agreed that the fence will not obstruct sight lines to any greater degree than what already exists because of the steep slope of the property. However, to insure that sight lines are not obstructed, the Commission requested that the proposed fence not exceed 4 ft. in maximum height, with the understanding that it will be left to staff discretion to properly transition fence height as necessary. The Commission also agreed that should the proposed handrails be required to be guardrails per the building code, the change in height of these elements shall be subject to staff review and approval. In addition, the Commission requested staff to insure that the color of the proposed slate tile elements of the fence will be compatible with the redwood fence. The Commission agreed that overall the design of the proposed fence was attractive and architecturally compatible with the residence.

**Resolution 103-DR-09**

WHEREAS, Ms. Peng Leong, Trustee, is requesting permission to reconstruct and enlarge the on-grade front entry steps and replace the existing wood lattice fence with a new wood fence and sliding gate that extends along the front property line located at 668 Blair 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. The proposed improvements comply with Design Review Guidelines V-1, V-2 through V-6 and V-9. The fence is attractively designed, compatible with the architectural style of the residence and is in character with other fences in the neighborhood.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light. The fence is within the 4 ft. height limit in accordance with Design Review Guideline V-6.
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

proposed fence should not obstruct driver sight lines when exiting the driveway.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Ms. Leong for construction at 668 Blair Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. If the applicant chooses to use slate tiles rather than wood on the fence, said application shall be subject to staff review and approval;
2. The height of proposed handrails shall be determined by staff so as to be in accordance with Building Code requirements;
3. The proposed concrete steps shall be tinted in color or textured, subject to staff review and approval;
4. The fence shall have a maximum height of 4 ft., with the understanding that at the transitional point between the sidewalk and the driveway, said fence height 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 Stehr

Ayes: Kellogg, Levine, Robertson, Stehr

Noes: None

Recused: Thiel

Absent: Henn

**Design Review and  
Fence Design Review  
47 Jerome Avenue**

Mr. and Mrs. Moon Lau are requesting design review to relocate a previously approved (March 9, 2009) front yard retaining wall. This application is being deferred to the Planning Commission for review and action.

Written notice was provided to neighbors. **Four affirmative response forms** were received. **Correspondence** was received from: K. Kwok, March 19.

**Public testimony** was received from:

John Pang, Project Contractor, stated that the purpose of this application is to correct an inaccuracy in the previously submitted and approved plans – the scope of the current application proposes an adjustment to the front yard retaining wall. He added that per the March meeting, a

fence agreement with his neighbor has been reached and the property surveyed.

The Commission agreed that the proposed changes are minor in nature, address previous concerns, correct a previous inaccuracy and reduce massing at the front property line.

**Resolution 116-DR-09**

WHEREAS, Mr. and Mrs. Moon Lau are requesting permission to relocate a previously approved (March 9, 2009) front yard retaining wall located at 47 Jerome 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. The proposed improvements comply with Design Review Guidelines V-1, V-2, V-3, V-5 and V-5(a).
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the proposed modifications to the retaining wall relocates this wall where it had previously existed. There is no impact on adjacent neighbors. The project complies with Design Review Guidelines V-5(a) through (c).
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress because there is no sight line obstructions. The application complies with Design Review Guideline V-9.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Lau for construction at 47 Jerome 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, Levine, Robertson, Stehr, Thiel

Noes: None

Absent: Henn

**ADJOURNMENT**

There being no further regular business, Chairman Kellogg adjourned the meeting at 6:40 p.m., announcing that immediately following a brief dinner break, the Commission will convene a special work session to discuss the on-going update of the City's General Plan Housing Element. The public is invited to attend this work session and provide input.