

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, July 12, 2010

A Regular Session of the Piedmont Planning Commission was held July 12, 2010, 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 July 2, 2010.

CALL TO ORDER

Chairman Robertson called the meeting to order at 5:05 p.m. She announced that Agenda Item #6 (Variance/Design Review, 312 Blair Avenue) has been withdrawn from tonight's consideration.

ROLL CALL

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

Absent: Alternate Commissioner Michael Henn

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

City Council Liaison: Jeff Wieler

CONSENT CALENDAR

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

Variance 576 Crofton Avenue

Resolution 37-V-10

WHEREAS, Mr. David Lawler and Ms. Saroja Raj are requesting permission to expand their residence 1,141 sq. ft., involving a 183 sq. ft. second story addition at the rear and conversion/expansion of the 589 sq. ft. existing non-code compliant basement space into a new 958 sq. ft. compliant bedroom, bath and family room with an internal connecting stair. Exterior changes include a new upper level rear deck and spiral staircase, modifications to windows and doors, 4 new skylights and exterior lighting located at 576 Crofton 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. side yard setback; and

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

1. The project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e).
2. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to: the existing lot allows for limited expansion on the property. In order to preserve parking access, avoid an upper story addition and minimize neighborhood impact, the proposed addition extends an existing non-

conforming roof eave to create usable space and preserve the architectural character of the project. 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.

3. The variance is compatible with the immediately surrounding neighborhood and the public welfare as follows: other houses in the neighborhood are substantially larger in size than the applicants' property and many of these have non-conforming setbacks, inadequate parking, etc., because construction preceded current zoning codes, as it the case with this property,

4. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction as follows: in addition to items listed in #1, the suggestion to extend the eave was made by members of the Planning Commission to preserve the character of the building and maintain compatibility with the existing structure and neighborhood.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Lawler and Ms. Raj for the above variance at 576 Crofton 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
576 Crofton Avenue**

Resolution 37-DR-10

WHEREAS, Mr. David Lawler and Ms. Saroja Raj are requesting permission to expand their residence 1,141 sq. ft., involving a 183 sq. ft. second story addition at the rear and conversion/expansion of the 589 sq. ft. existing non-code compliant basement space into a new 958 sq. ft. compliant bedroom, bath and family room with an internal connecting stair. Exterior changes include a new upper level rear deck and spiral staircase, modifications to windows and doors, 4 new skylights and exterior lighting located at 576 Crofton 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 appearance of the new addition matches the character of the existing structure. The existing roof pitch is extended over the new addition. New wood windows, and trim details match the existing structure. The massing and bulk of the addition are consistent with the rest of the building. The addition will not be visible from the street.

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 majority of the addition/remodel is accomplished by excavating the first floor to create 8 ft. clgs. The new footprint maintains the modest 8 ft. clgs of the original house, and the shallow roof pitch. The addition steps away from the neighbor to the south as it moves towards the back yard, allowing light access for the neighboring property.

3. The size and height of the addition is commensurate with the size of the lot (excluding the portions of the lot that cannot reasonably be built on), and is in keeping with the existing neighborhood development pattern: The proposed house is not out of scale with neighboring structures. Neighboring properties have done similar additions and there are larger homes in the immediate vicinity.

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/is not appropriate to the size of the new upper level or new multi-level structure or addition, and additional parking is/is not required to prevent unreasonable short and/or long term parking impacts on the neighborhood. See (ii) above.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Lawler and Ms. Raj for construction at 576 Crofton Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Construction Management Plan.** A comprehensive Construction Management Plan shall be developed by the applicant. The Construction Management Plan shall address noise, vibrations, traffic control, parking, debris removal, dust control, sanitary facilities,

and other potential construction impacts, as well as other details involving the means and methods of completing the Project including the construction route. The City Building Official shall have the authority to require modifications and amendments to the Construction Management Plan as deemed necessary throughout the course of the Project and until the final issuance of a Certificate of Occupancy.

2. **Construction Completion Schedule.** Work on the Project, once commenced, shall be promptly executed with continuous good faith and reasonable progress. Since timely completion of this Project is of the essence, the Applicant shall submit for approval a Construction Completion Schedule, which will specify, in detail, the duration and percentage complete of each phase.

a. The Construction Completion Schedule with associated construction values for each benchmark shall set forth completion dates for the following benchmarks:

- i. Completion of Excavation;
- ii. Completion of Retaining Walls;
- iii. Completion of Foundation;
- iv. Completion of Rough Framing;
- v. Completion of Electrical;
- vi. Completion of Plumbing;
- vii. Completion of Mechanical;
- viii. Completion of Fire Sprinklers;
- ix. Completion of Home;
- x. Completion of Hardscaping and Landscaping;

and of any further construction benchmarks and conditions of occupancy as may be determined by the Director of Public Works.

b. The Director of Public Works shall, before the Project commences, make a determination as to the completion dates applicable to the Project and such determination shall constitute the "Approved Schedule" and be binding on the Applicant. The City may, at the Applicant's sole cost, engage the services of a consultant to review the Applicant's proposed Construction Completion Schedule and, to the extent the period allocated for any work appears unjustifiable, recommend to the Director of Public Works a reasonable completion date for any benchmark.

c. If the work for any specific benchmark has not been completed within 90 days after the completion date set forth in the Approved Schedule, and the delay in completion has not been caused by force majeure, the Director of Public Works shall have the option at any time thereafter to make claim against the Applicant's Performance Security in order to complete such benchmark.

3. **Stormwater BMPs for Construction.** Applicant shall implement stormwater treatment Best Management Practices (BMPs) as well as Bay Area Stormwater Management Agencies Association's "Start at the Source" criteria for stormwater quality protection. City Staff may impose additional requirements involving the prevention of storm water pollution during construction and permanent drainage,

erosion and sediment control. These items will be reviewed as part of the Applicant's Construction Management Plan.

4. **C&D Compliance.** Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, is required for all phases of this project. This Project is eligible to participate in an 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, subject to continued availability of funds.

5. **Renovation / New Construction.** Pursuant to Section 17.32.6 of the Municipal Code, if for any reason more than 70% of the physical structure (as determined by the Building Official) is demolished or destroyed, the building shall conform to new Code requirements, including, but not limited to, the installation of a fire sprinkler system. Should this occur during demolition, a new hearing and public review by the Planning Commission may be required.

6. **Property Insurance.** The Applicant shall purchase and maintain property insurance on an "all-risk" policy form, including builder's risk, in the amount of the initial total expected costs to complete the Project, plus the value of subsequent modifications and revisions, comprising total value for the entire Project on a replacement cost basis without optional deductibles. Such property insurance shall include interests of the Applicant, its contractor, subcontractors and sub-subcontractors in the Project, and shall be maintained until the entire Project has been completed and has an approved Final Inspection by the Chief Building Official.

7. **Contractor's General Liability Insurance.** The Applicant shall require all contractors and subcontractors performing work on the Project to maintain General Liability Insurance for protection from claims for damages because of bodily injury, including death, and claims for damages, other than to the contractor's work itself, to property which may arise out of or result from the contractor's operations. Such insurance shall be written for not less than \$1,000,000.00 per occurrence.

8. **Insurance Cancellation Notice.** The Applicant shall require that all insurance policies obtained to satisfy any specific Condition of Approval provide the City with at least 10 days prior written notice from the insurance company of the cancellation of or change to any insurance coverage provided therein. Applicant shall immediately arrange for substitute insurance coverage to replace any such cancellation or change, subject to the approval of the City Attorney.

9. **CEQA Agreement.** The Applicant shall, pursuant to a form of agreement prepared by the City Attorney and executed by the Applicant, defend, at Applicant's sole expense, indemnify and hold harmless the City of Piedmont, its elected and appointed officials, agents, officers and employees from and against any claim, demand, loss, liability, action or proceeding relating to, resulting from, or in connection with any determination, whether through its Planning Commission, City Council, City Staff, or otherwise, regarding applicability of the California Environmental Quality Act to the

Applicant's Project, including but not limited to any determination that a Categorical Exemption applies or that an Initial Study, a Negative Declaration or an Environmental Impact Report is or is not required for the Project.

10. **Modifications to Conditions.** Any bonds, financial vehicles, insurance requirements or related Conditions of Approval may be modified in a reasonable manner with the joint agreement of the Director of Public Works and the City Attorney, provided that such modified Conditions of Approval continue to satisfy the general intent of the Condition as originally set forth herein.

11. **Furnace.** The direct vent furnace shall meet the City Noise Ordinances.

12. **Landscaping.** Prior to the issuance of a Building Permit, a landscape plan shall be provided that sets forth measures to protect and preserve the existing landscape screen along the left (southern) property line during construction. Should changes to the existing screen be necessitated by the construction, the changes shall be approved by staff, with sign-off from the property owners at 570 Crofton Avenue. Should neighbor sign-off not be obtained, the landscape plan shall be subject to Staff Design Review, through a SDR application.

13. **Approved Plans.** The plans approved are those submitted and date-stamped June 18, 2010.

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

Moved by Kellogg, Seconded by Stehr

Ayes: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: Henn

PUBLIC FORUM

There were no speakers for the public forum.

APPROVAL OF MINUTES

Resolution 12-PL-10

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of June 14, 2010.

Moved by Thiel, Seconded by Kellogg

Ayes: Kellogg, Robertson, Thiel

Noes: None

Abstain: Levine, Stehr

Absent: Henn

REGULAR CALENDAR

The Commission considered the following items of regular business:

**Design Review
1078 Annerley Road**

Mr. and Mrs. Jack Caldwell are proposing to construct a new upper level story of approximately 586 sq. ft. for a master bedroom suite; remodel the interior of the existing main and lower levels; and make exterior changes. A similar application was deemed approved by the Commission (a split 2/2 vote) on April 12, 2010, and said approval was appealed to the City Council. On May 17, 2010, the City Council considered the appeal and remanded the application back to the Planning Commission for review and action by a majority vote of the Commission.

Written notice was provided to neighbors. **Ten affirmative and four negative response forms** were received. **Correspondence** was received from: Tom & Julia Fenske/David Anton & Serra Apaydin/Royce & Cheryl Charney; Craig Best; Cynthia Gorman; Tom & Julia Fenske; David Anton & Serra Apaydin; Scott Donahue

Public testimony was received from:

Scott Donough, Project Architect, highlighted changes in the design made in response to the May 17th hearing, noting in particular changes intended to preserve the Fenske's view of the Tribune Tower and mitigate the Charney's concern over privacy intrusion.

Jack and Jenna Caldwell agreed with their architect that through the redesign and considerable compromises on their part, impacts on the views from the primary living areas of Harvard properties have been reduced. They submitted statistics indicating that the size of the addition is below the average of other second story additions in Piedmont and the neighborhood and stressed the need to expand their small house in order to accommodate the needs of their growing family. They also noted that both their adjacent neighbors fully support their project.

Tom and Julia Fenske opposed the redesign, noting that there has been no reduction in size or placement of the second story addition and that their views of Lake Merritt and Oakland Courthouse will be diminished if the addition is approved. They felt that this negative impact could be mitigated if the addition was reduced in size.

David Anton and Serra Apaydin also objected that the addition has not been reduced in size and located more forward on the house as previously requested by the Commission. They submitted photographs taken from their dining room indicating the impact the addition will have on their Oakland skyline view. They acknowledged that the photos were taken sitting at their dining room table with a telephoto lens and that a portion of the view obstruction is already obstructed by an existing roof. However, Ms. Apaydin stated her appreciation that the redesigned, lower roof height has lessened their view blockage.

Royce and Cheryl Charney concurred with the Fenske/Anton/Apaydin comments as well as voiced objection to the fact that the upper story window facing their home has been enlarged. They requested that the project be modified to reflect a smaller, more symmetrical design with a fixed bedroom window with obscure glass.

Deborah Ross urged project approval, disagreeing that the addition will impose any privacy intrusion to the Charneys. She felt that the low profile, modest addition has reasonably minimized view impacts on Harvard properties and that the City should not discourage young families from improving their homes so that they can remain in Piedmont. She felt that the Caldwells have been sensitive to neighbor concerns and that the redesign is responsive to Commission requests.

Billy Allen also supported application approval, believing that complaining neighbors have greatly exaggerated their claims of view and privacy impacts and agreeing that the Caldwells have made significant compromises in order to minimize impacts on neighbors.

The Commission supported application approval, noting in particular: (1) the asymmetrical design of the addition is appropriate given that the existing house is asymmetrical and continuing this asymmetrical approach lessens the view impact on Harvard properties; (2) the size of addition is appropriate to the size of the house and lot -- no building height or floor area ratio variances are required and a smaller sized addition would create an unattractive "pop-up" appearance; (3) the addition's height has been lowered as much as structurally possible and the new hip roof line lessens view impact on Harvard properties. Any further reduction in height would involve significant structural issues and construction hardship that would not be offset by any material improvement in Harvard view impact; (4) the project does not impose an unreasonable or material negative impact on Harvard's overall viewshed; (5) there is no privacy impact on the Charney's property -- lots of homes in Piedmont have windows facing the street. The Charney home is across the street and one house removed from directly facing the Caldwell addition -- there is a considerable separation distance; (6) there would be no significant benefit to Harvard views if the addition was moved more forward on the house; (7) if the addition was placed closer to the left side neighbor, there would be more negative impact on this adjacent neighbor than any benefit gained for Harvard properties further away; (8) project approval is not "precedent setting" since each planning application is considered on its own merits; (9) the design of the addition complies with the City's Design Review Guidelines; and (10) the overall character of the house and neighborhood is maintained. The Commission requested that in addition to the proposed approval conditions in the staff report, the Commission's April 12th condition requesting electronic openers on the driveway gate and garage doors be included for the current application.

Resolution 85-DR-10

WHEREAS, Mr. and Mrs. Jack Caldwell are requesting permission to add a new upper level story of approximately 586 sq. ft. for a master bedroom suite; remodel the interior of the existing and main and lower levels; make exterior changes located at 1078 Annerley 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 project is categorically exempt under the California Environmental Quality Act, pursuant to Section

15301, Class 1(e) and 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 and arrangements of structures on the parcel. 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. There are setbacks in the upper level to reduce the loss of ambient and reflected light. The project complies with Design Review Guidelines II-1, II-2, II-3, II-4, II-6 and II-7.
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 both adjacent properties and other properties in the neighborhood that have a view of this house. Consideration has been given with respect to the location of the addition, lowering the height of the addition, working within the existing envelope, and changing the roof slope and roof direction.
3. The size and height of the addition is commensurate with the size of the lot and is in keeping with the existing neighborhood development pattern.
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.
5. This proposal does not have a unreasonable effect on views of other homes in the neighborhood.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Caldwell for construction at 1078 Annerley Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Construction Management Plan.** A comprehensive Construction Management Plan shall be developed by the applicant. The Construction Management Plan shall address noise, vibrations, traffic control, parking, debris removal, dust control, sanitary facilities, and other potential construction impacts, as well as other details involving the means and methods of completing the Project including the construction route. The City Building Official shall have the authority to require modifications and amendments to the Construction Management Plan as deemed necessary throughout the course of the Project and until the final issuance of a Certificate of Occupancy.
2. **Construction Completion Schedule.** Work on the Project, once commenced, shall be promptly executed with continuous good faith and reasonable progress. Since timely completion of this Project is of the essence, the Applicant shall submit for approval a Construction

Completion Schedule, which will specify, in detail, the duration and percentage complete of each phase.

a. The Construction Completion Schedule with associated construction values for each benchmark shall set forth completion dates for the following benchmarks:

- i. Completion of Excavation;
- ii. Completion of Retaining Walls;
- iii. Completion of Foundation;
- iv. Completion of Rough Framing;
- v. Completion of Electrical;
- vi. Completion of Plumbing;
- vii. Completion of Mechanical;
- viii. Completion of Fire Sprinklers;
- ix. Completion of Home;
- x. Completion of Hardscaping and Landscaping;

and of any further construction benchmarks and conditions of occupancy as may be determined by the Director of Public Works.

b. The Director of Public Works shall, before the Project commences, make a determination as to the completion dates applicable to the Project and such determination shall constitute the "Approved Schedule" and be binding on the Applicant. The City may, at the Applicant's sole cost, engage the services of a consultant to review the Applicant's proposed Construction Completion Schedule and, to the extent the period allocated for any work appears unjustifiable, recommend to the Director of Public Works a reasonable completion date for any benchmark.

c. If the work for any specific benchmark has not been completed within 90 days after the completion date set forth in the Approved Schedule, and the delay in completion has not been caused by force majeure, the Director of Public Works shall have the option at any time thereafter to make claim against the Applicant's Performance Security in order to complete such benchmark.

3. **Stormwater BMPs for Construction.** Applicant shall implement stormwater treatment Best Management Practices (BMPs) as well as Bay Area Stormwater Management Agencies Association's "Start at the Source" criteria for stormwater quality protection. City Staff may impose additional requirements involving the prevention of storm water pollution during construction and permanent drainage, erosion and sediment control. These items will be reviewed as part of the Applicant's Construction Management Plan.

4. **C&D Compliance.** Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, is required for all phases of this project.

5. **Renovation / New Construction.** Pursuant to Section 17.32.6 of the Municipal Code, if for any reason more than 70% of the physical structure (as determined by the Building Official) is demolished or destroyed, the building shall conform to new Code requirements, including, but not limited to, the installation of a fire sprinkler system.

Should this occur during demolition, a new hearing and public review by the Planning Commission may be required.

6. **Property Insurance.** The Applicant shall purchase and maintain property insurance on an “all-risk” policy form, including builder’s risk, in the amount of the initial total expected costs to complete the Project, plus the value of subsequent modifications and revisions, comprising total value for the entire Project on a replacement cost basis without optional deductibles. Such property insurance shall include interests of the Applicant, its contractor, subcontractors and sub-subcontractors in the Project, and shall be maintained until the entire Project has been completed and has an approved Final Inspection by the Chief Building Official.

7. **Insurance Cancellation Notice.** The Applicant shall require that all insurance policies obtained to satisfy any specific Condition of Approval provide the City with at least 10 days prior written notice from the insurance company of the cancellation of or change to any insurance coverage provided therein. Applicant shall immediately arrange for substitute insurance coverage to replace any such cancellation or change, subject to the approval of the City Attorney.

8. **CEQA Agreement.** The Applicant shall, pursuant to a form of agreement prepared by the City Attorney and executed by the Applicant, defend, at Applicant’s sole expense, indemnify and hold harmless the City of Piedmont, its elected and appointed officials, agents, officers and employees from and against any claim, demand, loss, liability, action or proceeding relating to, resulting from, or in connection with any determination, whether through its Planning Commission, City Council, City Staff, or otherwise, regarding applicability of the California Environmental Quality Act to the Applicant’s Project, including but not limited to any determination that a Categorical Exemption applies or that an Initial Study, a Negative Declaration or an Environmental Impact Report is or is not required for the Project.

9. **Modifications to Conditions.** Any bonds, financial vehicles, insurance requirements or related Conditions of Approval may be modified in a reasonable manner with the joint agreement of the Director of Public Works and the City Attorney, provided that such modified Conditions of Approval continue to satisfy the general intent of the Condition as originally set forth herein.

10. **Garage Modifications.** The applicant shall either remove the existing driveway gate or install an electronically operated opener to this gate and shall install an electronically operated opener to the garage doors.

11. **Approved Plans.** The approved plans are those date-stamped June 29, 2010, with revised information submitted July 7, 2010.

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: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: Henn

The Commission recessed for dinner at 6:50 p.m. and reconvened at 7:25 p.m.

**Variance and
Design Review
1046 Harvard Road**

Mr. Reed Settlemier is requesting variance and design review to develop habitable space in the basement to include a new bedroom, bathroom, utility room and laundry room; make window and door modifications; and add a new skylight. The requested variance is from Section 17.16 to allow the addition of a room eligible for use as a bedroom with one conforming off-street parking space in lieu of the code required minimum of two such spaces.

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

Public testimony was received from:

Reed Settlemier stated that the intent of the project is to improve the livability of his small, 1920's vintage home to accommodate modern family needs. He stressed that there will be no change in the home's existing building envelope and the garage can accommodate two, tandem-parked vehicles. In addition, because of the length of the driveway, a car can also be parked in the driveway.

The Commission supported the proposed upgrade of the home, agreeing that the design of the improvements was attractive. However, the Commission, with the exception of Commissioner Stehr, felt that there was no justification to approve the parking variance. The Commission majority felt that this 3-bedroom home, with only one, non-tandem covered parking space was already overburdening the congested street parking situation in the neighborhood and adding a fourth bedroom without additional parking could not be justified. The majority noted that the basement area could still be converted into habitable family space if the proposed full bath is changed to a half-bath, making the room a family room rather than bedroom.

Commissioner Stehr supported variance approval, arguing that the small house was constructed prior to the City's current parking codes and if a second parking space was added, much needed on-street parking would be lost because of the additional curb cut. She also felt that the small size of the lot and the need to improve this little house justified variance approval. In addition, Commissioner Stehr advised Mr. Settlemier of his neighbor's request that a large tree between the two properties be removed. Mr. Settlemier agreed to discuss this issue with his neighbor.

Resolution 159-V-10

WHEREAS, Mr. Reed Settlemer is requesting permission to develop habitable space in the basement to include a new bedroom, bathroom, utility room and laundry room; make window and door modifications; and add a new skylight located at 1046 Harvard Road, Piedmont, California, which construction requires variance; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to add a fourth bedroom without supplying conforming parking; and

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

- Accomplishing the improvement without variance would not cause unreasonable hardship in planning, design or construction because the desired additional square footage can be added in generally the same manner as proposed without variance by either redesigning the entry way into the new room or making the proposed bathroom a half-bath so that this new living space is not considered a room eligible for use as a bedroom.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the variance application of Mr. Settlemer for the above variance at 1046 Harvard Road, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Thiel, Seconded by Levine

Ayes: Levine, Kellogg, Robertson, Thiel

Noes: Stehr

Absent: Henn

Resolution 159-DR-10

WHEREAS, Mr. Reed Settlemer is requesting permission to develop habitable space in the basement to include a new bedroom, bathroom, utility room and laundry room; make window and door modifications; and add a new skylight located at 1046 Harvard Road, Piedmont, California, which construction requires design review; and

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

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that the proposed improvements comply with Design Review Guidelines II-1, II-2, II-3 and II-3(b) in terms of scale, mass and architectural compatibility.

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. Settlemier for construction at 1046 Harvard Road, 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 Harvard Road;
2. The proposed windows and doors shall be painted to match the remaining windows throughout the residence;
3. The construction of the proposed design shall be accomplished so that the proposed room addition does not trigger a parking variance. Said design modification to 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 Stehr

Ayes: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: Henn

As a related issue, the Commission felt that the Council's May 17th direction encouraging a more liberal interpretation for variance approval was contrary to the City Code as currently written. The Commission noted that City Code Section 17.21.6 requires that specific findings be met before variances can be granted. If the Commission fails to meet these standards in granting variances, it is an invitation to error, a bad precedent and could provide grounds for appeal. The Commission was not opposed to the City Council amending the City Code to provide for a more liberal, practical interpretation for variance approvals, but stressed that this action must be taken first before variances can be legally granted on this basis. It was agreed that this

issue should be brought up at the next joint meeting with the City Council. Chairman Robertson also suggested that parking variance criteria also be discussed with the City Council at the next joint meeting.

**Fence Design Review
1 Crest Road**

Dr. and Mrs. Frank Helm are requesting fence design review to construct a new 30-inch high wood fence along the front (east) side property line. The proposed fence is located within the City right-of-way along Crest Road.

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

Public testimony was received from:

Frank Helm responded to Commission questions concerning the style choice for the proposed fence and noted his belief that pulling the fence back out of the City right-of-way into the middle of his lawn would be impractical and unattractive. The new fence will be sited where an existing hedge is currently planted.

The Commission agreed that the ranch style of the wood fence coordinates with the 1950's Ranch Style architecture of the existing house and the proposed placement is the most logical site on the property. Because of the fence's low, horizontal, open design, locating it within the City's right-of-way does not constitute a taking of City property since it will not serve as a barricade. Pulling the fence out of the right-of-way would create an awkward "floating" appearance, essentially dividing the applicant's front lawn and providing no relationship to the sidewalk. It was noted that the fence could easily be removed should the City require use of its right-of-way.

Resolution 162-DR-10

WHEREAS, Dr. and Mrs. Frank Helm are requesting permission to construct a new 30-inch high wood fence along the front (east) side property line located at 1 Crest Road, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e) and 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 the proposal complies with Design Review Guidelines V-2, V-3 and V-5. The proposed fence is compatible with the Ranch Style architecture of the existing home and makes a design statement.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the new fence will not deprive neighbors of light or view.

As a condition of approval, the City will retain domain over its right-of-way property. The project complies with Design Review Guidelines V-5(a), (b) and (c) and V-8.

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 Dr. and Mrs. Helm for construction at 1 Crest Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- Prior to the issuance of a building permit, the applicants shall apply and pay for an encroachment permit for the construction of the new fence located in the City's Street Right-of-Way.

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

Moved by Stehr, Seconded by Thiel

Ayes: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: Henn

Fence Design Review 30 Selborne Drive

Mr. and Mrs. Phillip Chin are requesting fence design review to install a new wrought iron driveway gate with stone piers, exterior lighting and a matching entry pier at the front of the property.

Written notice was provided to neighbors. **One affirmative response form** was received. **Correspondence** was received from: Cathie Geddeis

Public testimony was received from:

Velda Egan, speaking for the St. James Wood Homes Association Board of Directors, relayed the Board's opposition to the proposed address pier, believing it is out of character with the neighborhood. She noted that contrary to the Association's Bylaws, Mr. Chin did not submit his proposal to the Association Board for approval. Ms. Egan added that the Board does not object to the proposed driveway gates.

Stephen Sooter, Project Architect, responded that the address pillar is intended to blend with the driveway gates, retaining walls and the home's elegant architecture. He stated that the address pier is intended

to better identify the home's entrance given its distance from the street and the fact that the mailbox at the street curb is difficult to see at night.

Phillip Chin stated that the proposed improvements are intended as an aesthetic upgrade. The home's existing address number is located on a 4 inch black pole -- the new address pier will be more compatible with the house. He added that this address pier cannot be located street side because it is too big for the curb and would be too visually obtrusive.

The Commission discussed the various components of the project, inquiring in particular why the package delivery box could not be incorporated into the address pier. Mr. Sooter replied that the address pier is made of irregular boulder-shaped stone and to make enough room inside for the delivery box would increase the size and bulk of the address pier to an inappropriate degree. It was noted that the delivery box would be screened by an existing hedge. The Commission noted that if the hedge/landscaping were ever removed, this metal box would then be visible. The Commission, with the exception of Commissioner Kellogg, voiced support for project approval, noting: (1) the design of the improvements were elegant and compatible with the home's architecture; (2) the address pier is desirable for safety reasons so that the entrance to and address of the home is clearly identified after dark for emergency response and guests given the unique circumstances of two homes off of a split driveway; and (3) the size and height of the driveway gates and piers is compatible with the scale of the home and creates a proper perspective for the upslope property. Commissioner Kellogg felt that the height of the driveway gates and piers were too tall and overpowering given their location within the front 20 ft. setback, the address pier was objectionable to the St. James Woods Home Association and the delivery box should be incorporated into the address pier.

Resolution 164-DR-10

WHEREAS, Mr. and Mrs. Phillip Chin are requesting permission to install a new wrought iron driveway gate with stone piers, exterior lighting and a matching entry pier at the front of the property located at 30 Selborne Drive, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e) and 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, size, materials and arrangements of structures on the parcel are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that the proposed improvements comply with Design Review Guidelines V-1, V-2, V-3. The improvements give prominence to the residence's entrance which is obscured by landscaping and a hill.

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light. The project complies with Design Review Guideline V-5(a), (b) and (c). There is no impact on neighbors and the improvements are barely visible from the street.

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 project complies with Design Review Guideline V-9. The project does not obstruct traffic sight lines from the driveway.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Chin for construction at 30 Selborne Drive, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- the landscaping along the left side of the driveway shall be maintained for a minimum of 10 years.

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, Robertson, Stehr, Thiel

Noes: Kellogg

Absent: Henn

**Design Review and
Fence Design Review
71 Dudley Avenue**

Mr. Roger Ha and Ms. Jennifer Lee are requesting design review and fence design review to modify the previously approved design (January 11, 2010) for a remodeled and enlarged 5,984 sq. ft. 2-story house by adding 409 sq. ft. of habitable space to the upper level through a redesign of the front walls and roof, with no change to the number and types of rooms. The application also proposes to alter the design of the front entry, and relocate the previously approved entry trellis and path.

Written notice was provided to neighbors. **Two affirmative response forms** were received. **Correspondence** was received from: Wendy & Mason Willrich

Public testimony was received from:

Grier Graff, Project Architect, stated that the proposed design changes are a result of the project engineer's structural concerns over the originally approved dormer design as well as a desire to create a more graceful and unifying entry from the street. There are no changes in the

footprint of the originally approved design. The Commission discussed the proposed changes, agreeing that the previously approved design was superior in terms of integrating the bulk into the property and minimizing the scale and mass of the home's appearance. During discussion, Mr. Graff felt that additional modifications to the submitted design could be made. He stated that while the originally proposed three dormer design could not be constructed for structural stress reasons, the revised design probably could be modified so as to pull it back farther from the street and create one large dormer. The Commission preferred that the revised design be submitted for Commission review and approval rather than Staff Design Review. The Commission supported approval of the applicant's Fence Design Review application to relocate the previously approved entry trellis and path.

Resolution 165-DR-10

WHEREAS, Mr. Roger Ha and Ms. Jennifer Lee are requesting permission to modify the previously approved design (January 11, 2010) for a remodeled and enlarged 5,984 sq. ft. 2-story house by adding 409 sq. ft. of habitable space to the upper level through a redesign of the front walls and roof, and to alter the design to the front entry, with no change to the number and types of rooms located at 71 Dudley 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 that the proposal does not conform with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements are not aesthetically pleasing as a whole nor harmonious with existing and proposed neighborhood development in terms of massing and scale. The proposed redesign fails to comply with Design Review Guidelines II-1, II-2, II-3(a), (b) and (c). The significant changes in roof structure and front elevation create a more massive vertical wall facing the Dudley street frontage than the previously approved design.
2. The proposed upper level addition/expansion has not been designed in a way that reasonably minimizes view and light impacts on neighboring properties (as defined in Section 17.2.70). The redesign fails to comply with Design Review Guidelines II-1, II-2, II-3(a), (b) and (c) for the reasons cited in Finding #1.
3. While the height of the ridge of the roof in the revised design has not changed from that previously approved, there has been a substantial change in mass in terms of impacts on adjoining properties and the neighborhood. The redesign fails to comply with Design Review Guidelines II-2 and II-3.
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.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the design review application of Mr. Ha and Ms. Lee for construction at 71 Dudley Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Kellogg, Seconded by Stehr

Ayes: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: Henn

Resolution 165(a)-DR-10

WHEREAS, Mr. Roger Ha and Ms. Jennifer Lee are requesting permission to relocate the previously approved entry trellis and path located at 71 Dudley Avenue, Piedmont, California, which construction requires fence 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 project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e) and 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 the revised design has the same scale and size as the previously approved design but has been relocated farther away from the driveway. The proposed changes comply with Design Review Guidelines II-2 and II-3.
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 have been improved because of a greater separation from the driveway curb-cut -- ingress/egress sight lines from the driveway have been improved. The proposed redesign complies with Design Review Guidelines V-1, V-2, V-3, V-9, V-10 and V-11.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the fence design review application of Mr. Ha and Ms. Lee for construction at 71 Dudley Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- Compliance with the conditions of approval as part of the previously approved Design Review Application #09-0318 for Dudley Avenue shall extend to this application.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code,

nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Kellogg, Seconded by Stehr

Ayes: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: Henn

**Design Review
111 Hazel Lane**

Mr. and Mrs. George Krusi are requesting design review to replace the front door and side lights; clarify the height of the fence along the north property line; and -- due to a recent survey to locate the parcel's property lines -- modify a previously approved rear addition by eliminating a gutter at the northwest corner of the house relative to a west property line location correction. This Staff Design Review application is being deferred to the Planning Commission for review and action. Related applications were considered by staff and/or Commission on March 26, May 17 and June 14, 2010.

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

Public testimony was received from:

Grier Graff, Project Architect, noted that as a condition of a previously approved application, a property survey was required. Proposed improvements have been slightly modified to comply with the results of the survey. He added that if desired, the project arborist to be retained to supervise protections of the applicant's oak tree during construction can be instructed to insure that the neighbor's hedge is protected during retaining wall construction. Mr. Graff added that the applicant's garbage can area has been relocated at PG&E's request -- PG&E requires a clear path/working zone in front of the electrical equipment.

Dick Deutsche voiced concern over the amount of retaining wall excavation occurring next to his property line and the fact that this construction could kill or damage the existing hedge providing privacy between the two properties. He requested that the project arborist be required to oversee the excavation so that the hedge is not damaged. He also voiced strong objection to the relocation of the applicant's garbage cans.

The Commission supported project approval, agreeing that the garbage can relocation is logical given the development of the applicant's courtyard and the clearance requests by PG&E. The Commission also felt that the ivy/hedge privacy screen would most likely survive retaining wall construction, but agreed that an arborist should oversee the retaining wall work to insure that this privacy screen is protected and preserved. If the landscaping is damaged, it should be replaced.

Resolution 169-DR-10

WHEREAS, Mr. and Mrs. George Krusi are requesting permission to replace the front door and side lights; clarify the height of the fence along the north property line; and -- due to a recent survey to locate the parcel's property lines -- modify a previously approved rear addition by eliminating a gutter at the northwest corner of the house relative to a west property line location correction located at 111 Hazel Lane, 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 project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e) and 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 the proposed changes are necessitated by a survey conducted as a condition of a prior approval and are consistent with Design Review Guidelines II-1, II-2 and II-3
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light. The changes are consistent with the June 14, 2010, design review findings for improvements to this property.
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Krusi for construction at 111 Hazel Lane, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

1. Compliance with the conditions of approval specified as part of the prior approvals on the residence at 111 Hazel Lane, under Design Review Applications #10-0088, #10-0131 and #10-0132 shall extend to this application;
2. A certified arborist shall oversee construction work as it relates to the oak tree and privacy hedge. If said privacy hedge is damaged during construction, it shall be replaced at the applicant's expense.

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: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: Henn

Draft Housing Element Mr. Barry Miller, the City's General Plan Consultant, narrated a power point overview of the City's Draft Housing Element, noting in particular the 14 requests for additional information/revisions received from Cathy Creswell, Deputy Director of the Department of Housing and Community Development, Division of Housing Policy Development in a letter dated May 25, 2010. Mr. Miller stated that he will be meeting with the Department of Housing and Community Development tomorrow to discuss the state's review and comments regarding Piedmont's Draft Housing Element and he provided a copy of his prepared responses to the State's review that will be presented at tomorrow's meeting. Mr. Miller requested that the Commission conduct a public hearing on the Draft Housing Element both tonight and on August 9. Following the August 9th hearing, Mr. Miller recommended that the Commission forward consideration of the Draft Element to the City Council for adoption. The Commission briefly discussed the state's comments and Mr. Miller's responses. Chairman Robertson opened a public hearing on the Draft Element. There were no speakers. The Commission thanked Mr. Miller for his excellent report and efforts in updating the City's Housing Element.

ADJOURNMENT

There being no further business, Chairman Robertson adjourned the meeting at 10:15 p.m.