

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, September 13, 2010

A Regular Session of the Piedmont Planning Commission was held September 13, 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 September 3, 2010.

CALL TO ORDER

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

ROLL CALL

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

Absent: Chairman Melanie Robertson

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

City Council Liaison: Councilmember Jeff Wieler

CONSENT CALENDAR

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

Design Review 110 Cambridge Way

Resolution 226-DR-10

WHEREAS, Mr. and Mrs. Peter Liu are requesting retroactive approval for the construction of a trellis at the west side of the property located at 110 Cambridge Way, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the 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, 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 trellis improves the aesthetic fit of the frontal view of the garage by including elements that better match the main house. The garage is a rectangular box that otherwise breaks from the aesthetics of the neighboring homes.

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the trellis does not block or affect light to any neighbor. The trellis improves the aesthetics of the existing garage.

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 trellis does not influence the flow of pedestrian or vehicular traffic.

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

- The applicant shall completely detach the proposed structure from the garage or pull the trellis away from the side property line so that it no longer is located within the 4 ft. side yard setback.

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

**Variance
941 Moraga Avenue**

Resolution 236-V-10

WHEREAS, Mr. James Rael and Ms. Margaret Huang are requesting permission to demolish the left side yard deck; repair and replace the two decks in the right side yard; enclose the front porch to create habitable space; reconstruct the front entry stairs; change the vertical wood siding to horizontal lap cement board siding; make window and door modifications including the replacement of all windows; and install new exterior lighting located at 941 Moraga 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 front 20 ft. setback; and

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

1. The 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 home was purchased already built to a 7'0" setback to the front of the structure. We are enclosing the front patio to mitigate future water damage underneath and replacing the stairs with more water resistant stairs and

attempting to bring the stairs to code compliance on rise and fall. Our existing roof line does not have adequate eave coverage over our entrance and we are experiencing severe water damage to our front structure. 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: the enclosing of our small front patio and the extension of our stairs by 1 linear foot is a very minor change to our structure. We purchased the home as is with an existing variance in place. Our proposed changes are an attempt to maintain the property and mitigate future water damage and bring the front stairway into compliance with current code.

4. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction as follows: our front entrance experiences severe wind and water exposure. If we cannot have this variance, we are concerned that we will need to replace the stairs repeatedly and frequently. We have already experienced severe rot from the moisture.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Rael and Ms. Huang for the above variance at 941 Moraga 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
941 Moraga Avenue**

Resolution 236-DR-10

WHEREAS, Mr. James Rael and Ms. Margaret Huang are requesting permission to demolish the left side yard deck; repair and replace the two decks in the right side yard; enclose the front porch to create habitable space; reconstruct the front entry stairs; change the vertical wood siding to horizontal lap cement board siding; make window and door modifications including the replacement of all windows; and install new exterior lighting located at 941 Moraga 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: We are enclosing a small area (43 sq. ft.) in front of our existing front door to create a mudroom. The enclosure will be sided identical to the rest of the house to blend with our existing structure. Our front entrance faces Blair Park and none of our neighbors directly see it so it should not obstruct anyone's view. We are also reframing an existing deck that is rotted with a Treks Transcend deck. No new facade lines are being created and it is merely updating the material on our structure. We are reframing the existing roof line over the new enclosure.

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 only expansion in our project is the enclosed front patio (mentioned above). None of the neighboring properties can see it from their properties. The property has a lot of foliage that obscures our neighbors view of us. No new height, facade line, or other changes are being made that will directly impact our neighbors.

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 addition is merely enclosing an existing front patio structure of 43 sq. ft. We are not expanding the footprint of the structure otherwise.

4. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress. In accordance with Sections 17.16.1 and 17.22.1, the existing or proposed on-site parking is appropriate to the size of the new upper level addition, and additional parking is not required to prevent unreasonable short and/or long term parking impacts on the neighborhood.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Rael and Ms. Huang for construction at 941 Moraga Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The approved plans are those submitted on August 23 and 26, 2010, with additional plans submitted on August 31, 2010, after neighbors were notified of the project and the plans were available for public review.

2. **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.

3. **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.

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. **Garage Door.** The garage door shall be electronically operated.

6. **Exterior Light Fixtures.** The new exterior light fixtures shall be downward-directed with an opaque or translucent shade that completely covers the light bulb.

7. **Notice of Non-Habitation.** A Notice of Non-Habitation shall be placed on the lower level storage area below the front bedrooms.

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 Kellogg

Ayes: Levine, Kellogg, Stehr, Thiel, Henn

Noes: None

Absent: Robertson

PUBLIC FORUM

There were no speakers for the public forum.

APPROVAL OF MINUTES

Because copies of the Commission's August 9, 2010, meeting minutes were inadvertently omitted from tonight's meeting packet, the Commission agreed to defer consideration of minutes approval to the October meeting.

REGULAR CALENDAR

The Commission considered the following items of regular business:

Variance and Design Review 155 Maxwellton Road

Mr. and Mrs. Arnold Levine are requesting variance and design review to reconfigure a previously approved (2008) bay window into a new sitting porch with exterior light and make window and door modifications along the front of the residence. The requested variance is from Section 17.10.6 to allow proposed construction to extend to within 15 ft. of the front property line in lieu of the code required minimum of a 20 ft. front yard setback.

Written notice was provided to neighbors. **No response forms** were received. **Correspondence** was received from: Michael & Lina Parks, Sept. 9.

Public testimony was received from:

Phillip Perkins, Project Designer, referenced the difficult site conditions on the lot in describing the proposed change from the originally approved bay window to the desired small sitting porch. He stressed that the proposed porch will be essentially the same distance from the property line as was the approved bay -- only a 3 inch greater encroachment into the front setback to accommodate the porch railing.

Mary Levine, the home's new owner, emphasized her love for the modestly-sized home and the wooded nature of the property. She stated that the proposed porch has been made as small as possible and is desired to enable better outdoor access.

The Commission, with the exception of Commissioner Kellogg, supported application approval, agreeing that: (1) the porch element is well designed and would have been approved had it been included in the original design; (2) the 3 inch difference in setback encroachment is insignificant and has no material effect; (3) the porch will have no impact on neighbor or public privacy given its 24 ft. distance from the street and its 18 to 19 ft. separation from the home at 151 Maxwellton; (4) the porch has less massing and attractively breaks up the facade of the home to a greater degree than the originally approved bay window; and (5) there is limited usable outdoor space on this small lot. Commissioner Kellogg felt that there was no need to increase the amount of originally approved setback encroachment, stating that the porch could either be pulled back 3 inches or be redesigned with a tighter curve line to eliminate the 3 inch protrusion at the northwest corner. Commissioner Kellogg agreed with the rest of the Commission that the design of the porch was attractive. He supported design review approval but opposed the variance.

Resolution 198-V/DR-10

WHEREAS, Mr. and Mrs. Arnold Levine are requesting permission to reconfigure a previously approved bay window into a new sitting porch with exterior light and make window and door modifications along the front of the residence located at 155 Maxwellton Road, Piedmont, California, which construction requires variance and design review; and

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

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

1. The 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 fact that the house is already being built within the front setback per Commission request and approval and therefore any changes to the front facade will require variance approval. 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. The proposed change in design is modest and while it extends a few inches further into the setback than previously granted, the design change physically removes a fair amount of bulk and breaks up the facade; and

the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

4. 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 and breaks in the facade. The proposed improvements comply with Design Review Guidelines II-1, II-2, II-3, II-5, II-6 and II-7.

5. The proposed upper level addition/expansion has been designed in a way that reasonably minimizes view and light impacts on neighboring properties.

6. 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.

7. 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 variance and design review application of Mr. and Mrs. Levine for construction at 155 Maxwellton Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- The conditions placed on the prior, related design review application (#08-0246) still apply

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 Henn

Ayes: Levine, Stehr, Thiel, Henn

Noes: Kellogg

Absent: Robertson

**Variance and
Design Review
407 Moraga Avenue**

Ms. Lee Chin Griffis is requesting variance and design review to create habitable space on the basement level through excavation and a 274 sq. ft. rear addition; replace the rear deck with a new 293 sq. ft. basement level deck; construct a new 2-car carport in the rear yard; remodel and enlarge the existing garage to create a vehicular passage to the new rear carport; make various hardscape improvements including new retaining walls and a widened and lengthened driveway for access to the new carport; make window, door, garage door and exterior lighting modifications; and make various interior changes including the addition of a 4th room eligible for use as a bedroom. The requested variances are from: (1) Section 17.10.7 to allow the eave of the new rear addition to extend to within 2'3" of the right property line in lieu of the code required minimum of a 4 ft. side yard setback; and (2) Section 17.10.7 to allow the rear side wall of the new vehicular passage and decorative railing above to extend to within 3'3" of the left side property line in lieu of the code required minimum of a 4 ft. side yard setback.

Written notice was provided to neighbors. **Two affirmative and one negative response form** were received. **Correspondence** was received from: Andrew Champion, Aug. 17.

Public testimony was received from:

Robert Kelly, Project Architect, summarized the options explored for improving the home's overall function and off-street parking while maintaining the residence's original craftsman-style architecture. He stated that the driveway/parking plan complies with the City's guidelines and that the side yard setback variances are required to maintain the home's existing building lines, thus preserving architectural integrity. In response to questioning, he noted that: (1) while the existing reading room component on the property is architecturally inconsistent, there is no intention at this time to address its design deficiencies because it is located on the other side of the property away from where the current remodeling is taking place; (2) it may be possible to lessen the proposed 20% slope of the driveway at the transition point; and (3) the paving material for the driveway has not yet been selected but an attractive surface material will be chosen. He noted his willingness to work with staff in choosing the paving material.

The Commission, with the exception of Commissioner Kellogg, supported application approval, believing that the project will: (1) lessen the property's existing non-conformity; (2) variance approval is justified given the pre-existing situation and the desirability of continuing/preserving the architectural integrity of the residence; and (3) the project reflects an ingenious solution for improving the property's off-street parking situation which in turn benefits the entire neighborhood. The Commission majority further agreed that while the existing reading room addition appears tacked on, this area of the property is not part of the current application or project. Commissioner Kellogg supported variance approval but felt that design review approval should be conditioned to: (1) either specify that the paving material be colored or textured and that the choice of material be subject to staff review and approval. He felt that given the large

expanse of paving, its surface is an important aspect of the project; and (2) a guard rail be required for the left side retaining wall, with the railing's design also subject to staff approval. The remaining Commissioners felt reluctant to: (1) impose a condition regarding paving material, noting that there are no design guidelines in place regarding paving material selection; and (2) at their currently proposed height, the retaining walls do not require a guardrail per the building code.

Resolution 211-V-10

WHEREAS, Ms. Lee Chin Griffis is requesting permission to create habitable space on the basement level through excavation and a 274 sq. ft. rear addition; replace the rear deck with a new 293 sq. ft. basement level deck; construct a new 2-car carport in the rear yard; remodel and enlarge the existing garage to create a vehicular passage to the new rear carport; make various hardscape improvements including new retaining walls and a widened and lengthened driveway for access to the new carport; make window, door, garage door and exterior lighting modifications; and make various interior changes including the addition of a 4th room eligible for use as a bedroom located at 407 Moraga Avenue, Piedmont, California, which construction requires variance; and

WHEREAS, variances from the requirements of Chapter 17 of the Piedmont City Code are necessary in order to construct in the left (west) and right (east) 4 ft. side yard setbacks; 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 width and slope of the lot and the placement of existing structures on the property. The ability to incorporate off-street parking on this property would be impossible 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.
3. The variances are compatible with the immediately surrounding neighborhood and the public welfare because the proposed improvements continue the massing of the existing structure, incorporate only the eaves and allow for appropriate vehicle circulation.
4. Accomplishing the improvement without variance would cause unreasonable hardship in planning, design, or construction because, without variance, the architectural changes necessary to implement the proposed improvements would detract from the home's existing architecture and fail to comply with the City's Design Review Guidelines.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Ms. Griffis for the above variances at 407 Moraga 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 Thiel, Seconded by Henn

Ayes: Levine, Kellogg, Stehr, Thiel, Henn

Noes: None

Absent: Robertson

Resolution 211-DR-10

WHEREAS, Mr. Lee Chin Griffis is requesting permission to create habitable space on the basement level through excavation and a 274 sq. ft. rear addition; replace the rear deck with a new 293 sq. ft. basement level deck; construct a new 2-car carport in the rear yard; remodel and enlarge the existing garage to create a vehicular passage to the new rear carport; make various hardscape improvements including new retaining walls and a widened and lengthened driveway for access to the new carport; make window, door, garage door and exterior lighting modifications; and make various interior changes including the addition of a 4th room eligible for use as a bedroom located at 407 Moraga Avenue, Piedmont, California, which construction requires design review; and

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

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that the project complies with Design Review Guidelines II-1, II-2, II-3(a) through (d), II-4, II-6 and II-6(b) & (c).
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 are consistent with the architectural style of the residence and neighboring properties. The

project complies with Design Review Guidelines II-1, II-2, II-3(a) & (c), III-3 and III-5.

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 innovative design of the improvements will enhance the flow of vehicular traffic. The project complies with Design Review Guidelines III-1(a), III-2, III-5, III-5(a), III-6, III-6(a) and III-7.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Griffis for construction at 407 Moraga 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.

5. **Final Landscape Plan.** The applicant shall provide a Final Landscape Plan that shows trees proposed for retention as well as any in-lieu trees. Such final plan shall also comply with the provisions of Section 17.17.3 of the Municipal Code, and shall not propose plants near the driveway that could obscure visibility of pedestrians on the sidewalk or vehicles on the street from drivers backing out of the driveway. The Final Landscape Plan shall be subject to staff review and approval prior to the issuance of a building permit.

6. **Double Trailer Truck Prohibition.** To reduce potential damage to the streets and to avoid traffic hazards on narrow curving city streets, no double trailers shall be used as part of the Project.

7. **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.

8. **Curb Cut.** The driveway curb cut is allowed to be widened only to the west and shall be subject to PG&E's specifications due to the proximity to the electrical box.

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, Stehr, Thiel, Henn

Noes: Kellogg

Absent: Robertson

**Variance and
Design Review
121 Fairview Avenue**

Mr. and Mrs. Robert Smith are requesting variance and design review to make various rear and side yard improvements including: to construct a wood deck and stairs; install a hot tub; add a new bench and arbor; construct new planter boxes; and seek retroactive approval for an existing wood trellis. The requested variance is from Section 17.10.6 to allow the new arbor to extend to within 5'6" and the new deck stairs to extend to within 17'3" of the front property line in lieu of the code required minimum of a 20 ft. front yard setback.

Written notice was provided to neighbors. **One affirmative, one negative response form** was received. **Correspondence** was received from: Lester Schwartz, April 6 & Sept. 8; Terry Smith, Apr. 16; Jeffrey Weber, Sept. 4

Public testimony was received from:

Robert Smith described the constraints imposed by his corner lot and his efforts to unobtrusively improve the usability of his rear yard. In response to questions, he stated that none of the proposed improvements are related to or affect the existing brick retaining wall on the other side of his property.

Lester Schwartz voiced his strong concerns over drainage issues, noting that there has been a history of flooding between the two properties and his concern that the proposed improvements (with the exception of the front trellis) could affect drainage patterns and undermine the structural integrity of the brick retaining wall. He requested that a drainage plan that would divert water away from his property and the retaining wall be required as a condition of project approval.

The Commission supported project approval, agreeing that variance approval is justified given the constraints imposed by the corner lot configuration. The Commission further agreed that the proposed improvements are attractive, modest in size and height and will not affect the property's current drainage situation or involve the brick retaining wall. The improvements are located on the other side of the property and water run-off from this area slopes toward Fairview Avenue rather than toward the Schwartz' property.

Resolution 220-V-10

WHEREAS, Mr. and Mrs. Robert Smith are requesting permission to make various rear and side yard improvements including: to construct a wood deck and stairs; install a hot tub; add a new bench and arbor; construct new planter boxes; and seek retroactive approval for an

existing wood trellis located at 121 Fairview Avenue, Piedmont, California, which construction requires variance; and

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

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

1. The 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 fact that because this is a corner lot, half of the property is bordered by 20 ft. street side setbacks. The Fairview side of the property functions as the property's only outdoor living area. 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 because the proposed improvements are low-profile, attractively designed and barely visible from the street or neighboring properties.
4. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because the lot has unusually limited area for outdoor living space 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. Smith for the above variance at 121 Fairview Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

Moved by Henn, Seconded by Kellogg

Ayes: Levine, Kellogg, Stehr, Thiel, Henn

Noes: None

Absent: Robertson

Resolution 220-DR-10

WHEREAS, Mr. and Mrs. Robert Smith are requesting permission to make various rear and side yard improvements including: to construct a wood deck and stairs; install a hot tub; add a new bench and arbor; construct new planter boxes; and seek retroactive approval for an existing wood trellis located at 121 Fairview Avenue, Piedmont, California, which construction requires design review; and

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

1. The exterior design elements (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 low profile, attractive designed improvements comply with Design Review Guidelines II-1, II-2, II-3 and II-3(b).
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 are low in height and situated behind a fence which conceals them from street and neighbor view. The project complies with Design Review Guidelines II-1, II-2 and II-5(a).
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress because these are unaffected.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Smith for construction at 121 Fairview Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The approved plans are those submitted on August 31, 2010, with additional information submitted on September 9, 2010, after neighbors were notified of the project and the plans were available for public review;
2. Due to the scope and nature of the application, a construction management plan shall be developed and approved by staff prior to obtaining a building permit. Said plan shall be comprehensive while specifically addressing the duration of the project, construction hours, the staging of materials, and parking of worker vehicles to ensure the free flow of traffic along Fairview Avenue;
3. Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, will be required on all phases of this project. As a Covered project, this project is eligible to participate in the Incentive Program in which the City will

provide one-half the cost of debris boxes provided by the City's franchised waste hauler and used exclusively for the purpose of removing recyclable construction and demolition debris.

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 Henn, Seconded by Kellogg

Ayes: Levine, Kellogg, Stehr, Thiel, Henn

Noes: None

Absent: Robertson

The Commission recessed for dinner at 6:30 p.m. and reconvened at 7:05 p.m.

**Design Review
71 Dudley Avenue**

Mr. Roger Ha and Ms. Jennifer Lee are requesting design review to modify the previously approved design for a remodeled and enlarged 5,984 sq. ft. 2-story house by altering the design of the front entry porch and adding up to 76 sq. ft. of habitable space to the upper level through a redesign of the front dormer windows, with no change to the number and types of rooms. Related applications for this property were considered by the Commission on January 11 and July 12, 2010.

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

Public testimony was received from:

Grier Graff, Project Architect, described the design changes made in response to the July meeting, noting that while both design alternatives for the front dormer (Alternative A & B) are acceptable, his clients prefer Design Alternative A. He requested that both design options be approved in case Alternative A cannot be constructed.

The Commission agreed that the redesign was responsive to Commission requests, both dormer alternatives were acceptable and that the Alternative A dormer design was the preferred choice because of its greater architectural interest and consistency and the fact that it was the preferred choice of the applicant. The Commission felt that both design options reduced streetscape mass and scale by creating a 1-1/2 story home appearance from the street. Vice Chair Stehr indicated her personal preference for Alternative B because it gave greater prominence to the entry way. Commissioner Thiel stated support only for Alternative A.

Resolution 235-DR-10

WHEREAS, Mr. Roger Ha and Ms. Jennifer Lee are requesting permission to modify the previously approved design for a remodeled

and enlarged 5,984 sq. ft. 2-story house by altering the design of the front entry porch and adding up to 76 sq. ft. of habitable space to the upper level through a redesign of the front dormer windows, 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 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, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment. The accentuation of the second story facing the front of the home to the street accomplished in a dormer style is appropriate to the scale, mass and architectural style of the home. The project complies with Design Review Guidelines II-1, II-2, II-3 and II-3(a) through (d).

2. The proposed upper level addition/expansion or new multi-level structure/expansion has been designed in a way that reasonably minimizes view and light impacts on neighboring properties (as defined in Section 17.2.70), 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 location of the second floor and its windows are of significant distance from neighboring properties, the home is properly located on the lot and the height and mass of the second story is consistent with the scale of the overall home. The project complies with Design Review Guidelines II-2 and II-3.

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 lot is a very large property with almost 30,000 sq. ft. in area and the size of the large home is appropriate relative to the size of the property. The project complies with Design Review Guidelines II-1, II-2, II-3 and II-6.

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. There is no material adverse effect on the street and the driveway. The positioning of the pedestrian entrance and trellis articulates both the entrance to the home and is appropriately separated from the driveway. The project complies with Design Review Guideline II-8.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves 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, subject to the following conditions:

1. Compliance with the conditions of approval specified as part of the previously approved Design Review Application, #09-0318, for 71 Dudley Avenue shall extend to this application;
2. Both Dormer Alternative A and B designs are acceptable and approved. However, Alternative A is the most appropriate solution for the entry roof design in terms of articulation of massing and breaks in the facade. Alternative B satisfies the primary goals of creating well-integrated massing but it is not as applicable to the overall architectural style of the residence nor does it have as much architectural detail as Alternative A.

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

Moved by Kellogg, Seconded by Levine

Ayes: Levine, Kellogg, Stehr, Thiel, Henn

Noes: None

Absent: Robertson

Fence Design Review 31 Jerome Avenue

Mr. and Mrs. Gary Zalewski are requesting fence design review to construct a painted wood picket fence at the front of the property ranging in height from 3' to 4'6"; a 12 ft. high pedestrian arbor at the front entry; and a 12 ft. high trellis structure and gate over the driveway.

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

Public testimony was received from:

Gary Zalewski stated that the proposed application will put the finishing touches on the renovation of this long-neglected property which began last November. He felt that the picket-style fence was compatible with the farm-house architectural style of his home.

Lars Nilsson, Project Architect, stated that the fence line follows the geometry of the house rather than the contours of the sidewalk around this corner property.

The Commission supported application approval, agreeing that the fence complimented the attractive renovation of the property. However, the Commission majority requested that the height of pedestrian arbor at the front entry be lowered to 10 ft. rather than the 12

ft. height proposed. It was suggested that this height lowering could be accomplished by either mirroring the flat arch over the driveway trellis or lowering the spring point. Vice Chair Stehr preferred retaining the 12 ft. arbor height, believing that this height provided a better perspective for the tall house.

Resolution 237-DR-10

WHEREAS, Mr. and Mrs. Gary Zalewski are requesting permission to construct a painted wood picket fence at the front of the property ranging in height from 3' to 4'6"; a 12 ft. high pedestrian arbor at the front entry; and a 12 ft. high trellis structure and gate over the driveway located at 31 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 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 project complies with Design Review Guidelines V-1, V-2, V-3, V-5, V-6, V-8, V-9 and V-11.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because there is no impact.
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. Zalewski for construction at 31 Jerome Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- the overall height of the front entry trellis shall not exceed 10 feet. The applicant has the option of lowering this trellis by either lowering the spring point or mirroring the horizontal trellis design of the driveway trellis.

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

noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Levine, Seconded by Thiel

Ayes: Levine, Kellogg, Stehr, Thiel, Henn

Noes: None

Absent: Robertson

**Fence Design Review
10 Huntleigh Road**

Mr. Peter Read is requesting fence design review to increase the height of a previously approved (April 12, 2010) wood fence along Huntleigh Road.

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

Public testimony was received from:

Peter Read requested that the Commission reconsider its April decision limiting the height of his new fence. He submitted a photograph in support of his contention that the previously approved height of 3 ft. 5-3/8" failed to provide sufficient privacy to the only outdoor living space on his corner, down-sloping lot. As approved, pedestrians walking along the sidewalk on Huntleigh Road could easily see into his courtyard area -- the sidewalk is higher than the grade of his down-sloping lot. He stressed that the open, lattice design of the fence will remain unchanged but that a height of 4'4" will provide a better scale for his yard as well as an acceptable level of privacy. He noted that originally, a hedge in excess of 6 ft. was planted along the sidewalk.

The Commission, with the exception of Commissioner Levine, supported application approval, agreeing as to the need for some private outdoor area on this corner property and stating that the open trellis, stepped design of the fence will not overpower the streetscape or sidewalk nor create a tunnel effect. The Commission majority felt that an exception to the City's front yard fencing guidelines was appropriate in this case because of the applicant's unique situation of the lot's triangular configuration, steep down-sloping topography and the fact that the open lattice, stepped design mitigates the increase in fence height. Commissioner Levine felt that the requested increase in fence height created too much massing on the street.

Resolution 238-DR-10

WHEREAS, Mr. Peter Read is requesting permission to increase the height of a previously approved wood fence along Huntleigh Road located at 10 Huntleigh 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 the previously approved development of the applicant's front yard. The proposed improvements comply with Design Review Guidelines V-1, V-3 and V-6. The open trellis, stepped design of the fence parallels the topography of the lot and is of a height reasonable for the property's corner location and steep down-sloping topography.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the proposed fence is an open, stepped design that is compatible with the architectural style of the front yard. The fence will not impede the view or light 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 because the fence is stepped back from the curb and does not impede traffic sight lines along the driveway. The project complies with Design Review Guidelines V-9, V-10 and V-11.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Read for construction at 10 Huntleigh Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The approved plans are those submitted on August 31, 2010, after neighbors were notified of the project and the plans were available for public review;
2. The conditions placed on the prior, related, design review application (#10-0080) still apply.

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 Thiel

Ayes: Kellogg, Stehr, Thiel, Henn

Noes: Levine

Absent: Robertson

ADJOURNMENT

There being no further business, Vice Chairman Stehr adjourned the meeting at 8:05 p.m.

