

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, February 14, 2011

A Regular Session of the Piedmont Planning Commission was held February 14, 2011, 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 February 4, 2011.

CALL TO ORDER

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

ROLL CALL

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

Staff: City Planner Kate Black, Assistant Planner Kevin Jackson, Planning Technician Manira Sandhir and Recording Secretary Chris Harbert

ANNOUNCEMENT

The Chairman announced that the Commission will hold a special meeting and public hearing on Thursday, February 24 at 6:30 p.m. in the City Hall Council Chambers to review and discuss the proposed Moraga Canyon Sports Fields Projects.

CONSENT CALENDAR

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

Variance 2034 Oakland Avenue

Resolution 251-V-10

WHEREAS, Mr. and Mrs. Alex Hodgkinson are requesting permission to demolish the existing rear sunroom; construct a 272 sq. ft. rear deck and stair with trellis; construct a 55 sq. ft. front dining room addition; make window and door modifications; add exterior lighting; and make various changes to the interior located at 2034 Oakland Avenue, Piedmont, California, which construction requires variance; and

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

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

1. The 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 existing kitchen and adjoining houses have approximately the same setback dimension from the street frontage as that proposed for the addition and expansion of the dining room. 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 massing and setback of the proposed addition is similar to and not more intrusive into the neighborhood than that of adjoining homes.

4. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because it would not be possible to reasonably expand the functionality of the house 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. Hodgkinson for the above variance at 2034 Oakland 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
2034 Oakland Avenue**

Resolution 251-DR-10

WHEREAS, Mr. and Mrs. Alex Hodgkinson are requesting permission to demolish the existing rear sunroom; construct a 272 sq. ft. rear deck and stair with trellis; construct a 55 sq. ft. front dining room addition; make window and door modifications; add exterior lighting; and make various changes to the interior located at 2034 Oakland 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 it will omit the existing rear sunroom that is not architecturally consistent with the existing house and the proposed new addition to the rear yard will be much more harmonious with the existing building thereby complying with Design Review Guidelines II-1, II-2 and II-3(a) through (c).

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect

light because the addition is smaller in some ways than the current structure. The proposed improvements comply with Design Review Guidelines II-2, II-3(a) through (d).

3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress because there are no changes in existing circulation patterns. The proposed improvements comply 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. and Mrs. Hodgkinson for construction at 2034 Oakland Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City and subject to the following conditions:

1. The Property Owner shall develop a comprehensive Construction Management Plan. 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. 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;
3. Exterior light fixtures shall be downward-directed with an opaque or translucent shade that completely covers the light bulb.

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

PUBLIC FORUM

There were no speakers for the public forum.

APPROVAL OF MINUTES

Resolution 2-PL-11

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of January 10, 2011.

Moved by Thiel, Seconded by Kellogg

Ayes: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: None

REGULAR CALENDAR

The Commission considered the following items of regular business:

**Special Planning
Commission Request
3 Maxwellton Road**

The Commission resumed its December 13, 2010, discussion of Mr. Stephen Parker's request to remove a condition of approval required of a prior property owner in 2004 to provide the installation and irrigation in perpetuity of landscaping behind the "sight-line" wall at the intersection of Maxwellton Road and the driveway that serves 1, 3, 5 & 7 Maxwellton Road. A bond in the amount of \$22,000 was required and the request is to remove the requirements for bonding and landscape irrigation in perpetuity. Per the Commission's December 13 request, the Deputy City Attorney has examined the issue and proposed two options for Commission consideration:

Option 1 -- Deny the request for return of the \$22,000 bond and maintain it and the two existing documents on file (Agreement for Cash Maintenance Performance Bond and a Guaranty and Lien Agreement); or

Option 2 -- Grant the request for return of the \$22,000 (plus interest earned), subject to the following terms:

- execution and recording of a new Landscape Maintenance Agreement;
- rescission by City and applicant of the Agreement for Cash Maintenance Performance Bond;
- rescission by City and applicant of Guaranty and Lien Agreement

Per the Deputy City Attorney's opinion, Option 2 is the preferred option because the landscaping installation is complete and the existing landscaping is growing satisfactorily. Therefore, the primary issue is making sure that the landscaping is maintained into the future. The execution and recording of a new Landscape Maintenance Agreement would accomplish the long-term goal of the condition of approval. Having a new, recorded agreement would be an advantage because it would give notice to and bind future owners of 3 Maxwellton (though not 1 (now 3) Maxwellton, since those owners cannot be required to sign). Provided that the Agreement is prepared by the City at the applicant's cost, the City will have no additional costs. The disadvantages of Option 1 are the fact that the existing documents are not recorded, thus weakening their effectiveness. Because neither document is recorded, future owners do not have notice of any ongoing obligation and may not be bound by them. So although the City could retain the \$22,000 cash deposit, it might be in a weaker position if it ever required work costing more than \$22,000.

Written notice was provided to neighbors. **One negative response form** was received. Correspondence was received from: Doug Vance, dated Feb. 10;

Public testimony was received from:

Stephen Parker reiterated his December comments in requesting that the \$22,000 landscaping/irrigation bond be returned to him. He stated his tentative acceptance of the Option 2 proposal, preferring to see the details of the proposed landscape maintenance agreement before actually signing said document.

The Commission supported Option 2 for the reasons cited by the Deputy City Attorney.

Resolution 312-10

WHEREAS, Mr. Stephen Parker is requesting special Planning Commission reconsideration to remove a condition of approval required of a prior property owner in 2004 to provide the installation and irrigation in perpetuity of landscaping behind the "sight-line" wall at the intersection of Maxwellton Road and the driveway that serves 1, 3, 5 & 7 Maxwellton Road. A bond in the amount of \$22,000 was required and the request is to remove the requirements for bonding and landscape irrigation in perpetuity at 3 Maxwellton Road, Piedmont, California; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such request, and after having visited subject property, the Piedmont Planning Commission finds that the special request is categorically exempt under the California Environmental Quality Act, pursuant to Sections 15300 to 15329.

RESOLVED, that the Planning Commission recommends to the City Council that it rescind the Agreement for Cash Maintenance Performance Bond and the Guaranty and Lien Agreement for 3/5 Maxwellton Road and return the money posted as the bond pursuant to that agreement, approximately \$22,000 plus interest, to the applicant; and

RESOLVED FURTHER, that these rescinded documents be replaced by a properly executed and recorded new Landscape Maintenance Agreement, the details of which to be worked out between City staff, the City Attorney or Deputy City Attorney and the applicant, along the lines set forth in tonight's staff report and attached Memorandum from Deputy City Attorney Judith Robbins; and

RESOLVED FURTHER, that the Piedmont Planning Commission approves the special request application of Mr. Parker related to property at 3 Maxwellton Road, Piedmont, California, subject to the following conditions:

1. The applicant shall execute and the City shall record a *Declaration of Restrictions and Agreement for Maintenance of Landscaping*, prepared by the City Attorney. Once the *Declaration* is recorded, the City and applicant shall sign documents prepared by the City Attorney at the applicant's cost, to rescind the existing (1) *Agreement for Cash Maintenance Performance Bond* and (2) *Guaranty and Lien*

Agreement, both of which shall be kept in the property files for 1 (now 3) and 3 (now 5) Maxwellton Road. Then the City shall refund the \$22,000 cash deposit, plus interest earned (in the amount determined by the Finance Director).

2. If there is a third party administrative, legal or equitable action challenging the project approvals, including CEQA issues, the Property Owner shall defend and indemnify the City against any liability, fees and costs arising out of the defense, including the costs of City's own counsel. If such an action is filed, the Property Owner and City shall enter into an agreement regarding selection of counsel and other provisions related to the defense. For this purpose, "City" includes the City and its elected and appointed officials, agents, officers and employees.

Moved by Levine, Seconded by Stehr

Ayes: Levine, Kellogg, Robertson, Stehr, Thiel

Noes: None

Absent: None

**Design Review and
Second Unit Permit
with Parking Exception
85 Oakmont Avenue**

Mr. and Mrs. Chris Scoggins are requesting design review and second unit permit with parking exception to convert part of the basement level into a rent-restricted studio second unit with an approximate area of 356 sq. ft. A parking exception has been requested in order to develop a second unit without providing the required on-site parking. Design review is required in order to make various changes to the main residence, including to: construct a trellis at the second story balcony towards the front (south) of the residence; make window and door modifications; make various changes to the interior; and introduce new details on the east facade including a small gable on the existing shed roof, convert a rectangular entry into an arched opening, and add a sloped roof above a parapet wall.

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

Public testimony was received from:

Russ Dotter, Project Architect, stated that the proposed improvements are intended to correct the structural and architectural deficiencies of the 1920's era home in order to restore its original character and quality. He also explained the proposed upgrade of the pre-existing (probably since the 1950's) bottom unit to make this second unit legal and eligible for very low-income habitation. It is the applicant's initial intent to have the family's au pair occupy the unit while the applicant's children are small. Thereafter, the unit will be restricted to a very low income tenant.

Katrina and Chris Scoggins advised the Commission that they purchased the property in September 2010, adding that the property's previous owner received a bid for adding a 1-car garage to the property at an estimated cost of \$96,000 and that their real estate disclosure statement indicated that the second unit was legal. The homeowners did receive the letter from the City stating the various options with regard to the second unit, including the option of removing the kitchen

and bathroom. They decided to pursue the option of legalizing it. They emphasized their excitement over restoring this fixer-upper property to its original 1920's character.

The Commission acknowledged the difficulties of the steep, upsloping lot and the benefits to the community of applicants willing to preserve and restore the City's older housing stock. The Commission agreed that the proposed improvements to the main residence are attractive and consistent with the original architecture of the home. However, the Commission noted that because most homes in the neighborhood do not have usable or conforming parking because of the age of the homes and the neighborhood's topography, on-street parking is very congested along this extremely narrow street. The Commission was therefore divided in its position as to whether the proposed upgrades to the second unit to make this unit more livable are in the neighborhood's best interest or meet the criteria necessary under the City Code to approve a parking exception for this unit. The Commission as a whole was not opposed to the existing second unit being habitable space; however the Commission majority was opposed to classifying this livable area as a "second unit" or "bedroom" because of the absence of any off-street parking on this property and the fact that public transportation options are not located nearby. Commissioners Robertson and Thiel supported second unit approval, citing that the second unit has existed for decades and its existing use and corresponding parking demand is not being changed by the current application -- the only change is the legal recognition of this long-standing, existing use. They also noted that if a garage was constructed for this unit, a corresponding number of existing on-street parking places would be lost as a result of the garage's driveway/curb-cut. In addition, they argued that the City's General Plan as well as regional agencies strongly encourage the approval of very low income housing units.

During the Commission's discussion, the City Planner stated that in the past, this second unit has been occupied. However, it is unclear whether it was rented out. She also noted that currently the second unit has building code and permitting deficiencies related to its kitchen and bathroom; which deficiencies are being addressed per the current application. The Commission majority supported upgrades to the unit's kitchen/bathroom situation to comply with building code requirements but insisted that these upgrades be such that the resulting changes do not make this livable space qualify as a legal second unit or be eligible for use as a bedroom.

Resolution 13-DR-11

WHEREAS, Mr. and Mrs. Chris Scoggins are requesting permission to make various changes to the main residence, including to: construct a trellis at the second story balcony towards the front (south) of the residence; make window and door modifications; make various changes to the interior; and introduce new details on the east facade including a small gable on the existing shed roof, convert a rectangular entry into an arched opening, and add a sloped roof above a parapet wall located at 85 Oakmont 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 (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-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 there are no material changes in the size and location of the new windows and doors. The project complies with Design Review Guidelines II-2, II-3 and II-6.
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress because there is no change in existing circulation patterns. The project complies with Design Review Guideline II-7.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Scoggins for construction at 85 Oakmont Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. Due to the scope and nature of the application, a construction management plan shall be developed and approved by staff prior to obtaining a building permit. Said plan shall be comprehensive while specifically addressing the duration of the project, construction hours, the staging of materials, and parking of worker vehicles to ensure the free flow of traffic along Oakmont Avenue;
2. Should the project meet the requisite threshold, 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;
3. The new windows and doors shall be the same color as the remaining existing windows;
4. Any new divided lights shall be true or three dimensional simulated;
5. The new wall and roof details shall match the existing walls and roof in finish and color.

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: None

Resolution 14-SU-11

WHEREAS, Mr. and Mrs. Chris Scoggins are requesting a second unit permit with parking exception to convert part of the basement level into a rent-restricted studio second unit with an approximate area of 356 sq. ft. A parking exception has been requested in order to develop a second unit without providing the required on-site parking for property located at 85 Oakmont Avenue, Piedmont, California; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the proposal does not conform with the criteria and standards of Section 17D.6(b)2 of the Piedmont City Code:

- a. The location of the second unit would have an adverse affect on the character of the surrounding neighborhood as well as the potential safety and traffic flow from adding additional on-street parking.
- b. The current on-street parking situation along Oakmont Avenue is extremely congested and while there is currently no on-site parking spaces at 85 Oakmont Avenue, there is sufficient location available to provide such off-street parking that would therefore meet the code requirements for a second unit and thus not require a parking exception.
- c. The location of the second unit is not within 1/3 mile of a public transit stop.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the second unit permit with parking exception application of Mr. and Mrs. Scoggins for construction at 85 Oakmont Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

RESOLVED FURTHER, that the applicants may be allowed to use the space that is being proposed for the second unit purpose as habitable space provided the applicants bring this space up to code compliance and that said space does not function as a second unit or eligible for use as a bedroom. For example, the existing bathroom would have to be modified to become a half bath and the kitchen would have to be modified so that it does not legally comply with the code regulations for

kitchens. The modifications to the bathroom and kitchen would be revised in a way that disqualifies it as support spaces for a second unit or bathroom at the approval at the planning staff level, i.e., the subtle adjustments necessary to either remove the shower in the bathroom and to remove the components of the kitchen that would not make it a full eligible kitchen would be eligible to be approved at planning staff level according to proposals made by the applicant.

Moved by Kellogg, Seconded by Levine

Ayes: Levine, Kellogg, Stehr,

Noes: Robertson, Thiel

Absent: None

**Variance and
Design Review
500 Mountain Avenue**

Mr. and Mrs. Daniel Tsang are requesting variance and design review to make modifications to the existing garage and adjacent covered walkway to include the following changes: replace the existing flat roof of the garage and part of the covered walkway with a pitched roof; enclose the walkway by constructing a wall at the northeast (rear) end; make door modifications and add new garage doors; build a trellis and add fenestrations to the southwest garage and walkway walls overlooking the pool; modify the existing planter box within the courtyard; add exterior lighting. The requested variances are from: (1) Section 17.10.7 to allow the change in the garage roof to extend to the right side 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 change in the garage roof to extend to within 3'8" 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 response forms** were received.

Commissioner Stehr recused herself from discussion and action on this application and left the Council Chambers. Commissioners Kellogg and Henn noted that although they were not able to enter the applicant's rear yard during their site visit, they felt that they achieved adequate visual access of the rear yard from the vantage point of a neighboring property as well as evaluated the project from submitted photographs. They were prepared to discuss and act on the application.

Public testimony was received from:

Wendy Tsang, speaking on behalf of her parents (the applicants), stated that the existing 4-car garage constructed by the property's previous owner is not built to code and is unusable because of the existing garage doors as well as other structural deficiencies. The application proposes to replace these doors as well as make other structural improvements to make the garage functional for off-street parking. The garage's existing flat roof will be replaced with a slightly pitched roof to correct water leakage problems as well as prolong the viability of the new roofing surface. In addition, other proposed improvements will better integrate this garage structure with the rest of the house and yard. In the future, an application for improving the front facade of the house, as well as its roof, will be submitted. These future house-related improvements will be consistent with the style of the currently proposed garage.

The Commission supported application approval, agreeing that the proposed garage improvements are necessary and will enhance the overall appearance of the property. There will be no change in garage location and size from what currently exists. The variance situation is pre-existing and imposes no impact on adjoining neighbors. Referencing Ms. Tang's comments regarding the future remodel of the main residence, some Commissioners felt that any remodel of the main house will need to be reviewed, keeping in mind the changes to the garage, that is creating a new architectural context for the site.

Resolution 16-V-11

WHEREAS, Mr. and Mrs. Daniel Tsang are requesting permission to make modifications to the existing garage and adjacent covered walkway to include the following changes: replace the existing flat roof of the garage and part of the covered walkway with a pitched roof; enclose the walkway by constructing a wall at the northeast (rear) end; make door modifications and add new garage doors; build a trellis and add fenestrations to the southwest garage and walkway walls overlooking the pool; modify the existing planter box within the courtyard; add exterior lighting located at 500 Mountain 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 within the 4 ft. right (southeast) and left (northwest) 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 slope and topography of the site, the odd shape of the property, the location of the existing structure on the lot and the fact that garage access is from an existing easement off of Dudley Avenue. 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 replicate existing structures on the site. A neighboring garage is also located within the side yard setback as are other garages in the easement.
4. Accomplishing the improvement without variance would cause unreasonable hardship in planning, design, or construction because the existing garage cannot be repaired so as to be made usable for off-street parking 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. Tsang for the above variances at 500 Mountain 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 Levine

Ayes: Levine, Kellogg, Robertson, Thiel, Henn

Noes: None

Recuse: Stehr

Absent: None

Resolution 16-DR-11

WHEREAS, Mr. and Mrs. Daniel Tsang are requesting permission to make modifications to the existing garage and adjacent covered walkway to include the following changes: replace the existing flat roof of the garage and part of the covered walkway with a pitched roof; enclose the walkway by constructing a wall at the northeast (rear) end; make door modifications and add new garage doors; build a trellis and add fenestrations to the southwest garage and walkway walls overlooking the pool; modify the existing planter box within the courtyard; add exterior lighting located at 500 Mountain 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, 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 are consistent with neighboring properties and are of an architectural style that is compatible with the neighborhood. The project complies with Design Review Guidelines II-2, III-2 and III-2(a), with the understanding that the modifications of the existing structure will be viewed in the context of the new garage and its compatibility with the new design.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the addition of a pitched roof on the garage will not have any impact on the light, views and privacy of neighboring properties.

The project maintains consistency with that of other properties and existing solar panels already create the image of a pitched roof.

3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress. The proposed improvements will improve the usability of the property's off-street parking. The project will divert traffic off of Mountain Avenue and utilize the easement off of Dudley as originally intended.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Tsang for construction at 500 Mountain Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. Due to the scope and nature of the application, a construction management plan shall be developed and approved by staff prior to obtaining a building permit. Said plan shall be comprehensive while specifically addressing the duration of the project, construction hours, the staging of materials, and parking of worker vehicles to ensure the free flow of traffic along Dudley and Mountain Avenues;
2. 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.
3. The new garage doors shall be electronically operable; and
4. The new light fixtures shall be downward-directed with opaque or translucent shades that completely cover the light bulb.

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, Kellogg, Robertson, Thiel, Henn

Noes: None

Recuse: Stehr

Absent: None

ADJOURNMENT

There being no further business, Chairman Robertson adjourned the meeting at 6:50 p.m.

