

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, July 11, 2011

A Regular Session of the Piedmont Planning Commission was held July 11, 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 July 1, 2011.

CALL TO ORDER

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

ROLL CALL

Present: Commissioners Phillip Chase, Jim Kellogg, Melanie Robertson, Clark Thiel and Alternate Commissioner Tom Zhang

Absent: Chairman Michael Henn (excused)

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

CONSENT CALENDAR

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

Design Review 261 Scenic Avenue

Resolution 161-DR-11

WHEREAS, Ms. Aeneas Long is requesting permission to remodel and add approximately 125 sq. ft. to the residence by constructing a kitchen addition at the southwest corner of the house; adding a bay on the west facade; increasing the volume and shape of the roof on the west side; altering the front entry porch, including the removal of a closet pop-out; making modifications to windows, doors, skylights, wall siding, and exterior lighting; and making various changes to the interior located at 261 Scenic 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 distance between the proposed upper level addition/expansion and adjacent residences is reasonable and appropriate due to the existing topography and neighborhood development pattern. This remodel will improve the existing house by unifying roof elements and simplifying the footprint. No longer will there be shed roofs on this gable roofed house. The height of the house will not change. The openings will be open to the view with true divided lights on the operable portions, to blend with the

existing style. The house is shaded by many trees and is not visible from the street.

2. The proposed upper level addition/expansion has been designed in a way that reasonably minimizes view and light impacts on neighboring properties (as defined in Section 17.2.70), including consideration of the location of the new construction, lowering the height of the addition, expansions within the existing building envelope (with or without excavation), lower level excavation for new multi-level structures, and/or changing the roof slope or ridge direction: The alterations to the roof line are not visible from the street, and with the many trees on the site, there is only one neighbor who can see the subject roof. This neighbor is several feet in elevation above the subject property and their view will not be affected. The design of the roof stays within the existing roof height. The intent is to unify the roof of the sitting room to the rest of the structure. We will remove an inappropriate shed roof and put a gable there instead. The eaves and the slope of the roof will match the existing.

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 design of the roof stays within the existing roof height. The house sits on an extra large lot adjacent to an empty flag lot that the Applicant owns. It is a secluded site covered with large trees. The intent of the design is to unify the existing rooflines and will not add any bulk to the structure. The alterations to the roof line are not visible from the street as the house is over 60 feet in elevation below.

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. The design will not have any effect on the flow of traffic or safety of residents. The house is hidden from the street and over 60 feet below in elevation.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Ms. Long for construction at 261 Scenic Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Construction Management Plan.** 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 has 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 Inspection.

2. **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.

3. **Exterior Lighting.** The new 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 Robertson, Seconded by Kellogg

Ayes: Chase, Kellogg, Robertson, Thiel, Zhang

Noes: None

Absent: Henn

PUBLIC FORUM

There were no speakers for the public forum.

APPROVAL OF MINUTES

Resolution 10-PL-11

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of June 13, 2011.

Moved by Chase, Seconded by Kellogg

Ayes: Chase, Kellogg, Robertson, Thiel, Zhang

Noes: None

Absent: Henn

ANNOUNCEMENT

Energy Upgrade California -- The Assistant Planner advised residents of the financial incentives/rebates available to homeowners who make water and energy efficiency improvements to their property through the *Energy Upgrade California* program. Information regarding this program is available on the City's website and/or at the Public Works Department.

REGULAR CALENDAR

The Commission considered the following items of regular business:

Variance and Design Review 46 Monticello Avenue

Mr. and Mrs. Barry Reis are requesting variance and design review to construct a 123 sq. ft. rear addition for a new art studio, including new windows, doors, skylights, exterior lighting and replacement fencing. The requested variance is from Section 17.10.4 to allow a structure coverage of 41.2% in lieu of the code permitted maximum of 40%.

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

Public testimony was received from:

Margaret and Barry Reis explained the reasons for their request to add an art studio to their home, the location options explored and their belief that the design and location of the proposed addition is the least expensive, least disruptive to the floorplan and best option for providing the amount of natural light and function needed for the studio.

Rob Kelly, Project Architect, also reviewed the examined siting options, stating that adding a studio in the basement would make the room too dark and constructing a two-story addition was prohibitive for structural and financial reasons. He felt that the proposed rear addition would have the least impact on neighbors, would not be visible from the street and adds only 1.2% to the home's existing structure coverage.

While the Commission supported an art studio addition in concept, it felt that the proposed design was unacceptable for the following reasons: (1) there is no hardship justification for variance approval -- the approximate 50 ft. in excess coverage could be avoided by reducing/reconfiguring existing spaces to incorporate the addition of the studio; (2) the proposed addition is too close to the property line; (3) the proposed gambrel roof is incompatible with the home's craftsman-style architecture and main roof line, thus resulting in the addition's "tacked-on" appearance; and (4) better design options exist to meet the applicant's needs. In particular, the Commission suggested that the studio be combined with the laundry room (moving the washer/dryer to the basement), the home's existing roof be integrated into the addition, dormers be added to provide natural light and the addition be pulled back from the property line.

Resolution 178-V-11

WHEREAS, Mr. and Mrs. Barry Reis are requesting permission to construct a 123 sq. ft. rear addition for a new art studio, including new windows, doors, skylights, exterior lighting and replacement fencing located at 46 Monticello Avenue, Piedmont, California, which construction requires variance; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to exceed the structure coverage limit for Zone A; 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 do not present unusual physical circumstances because of which 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 not compatible with the immediately surrounding neighborhood and the public welfare because the proposed addition is

too close to the property line. The addition's height impact on adjoining property can be mitigated by pulling the addition back from this property line.

4. Accomplishing the improvement without a variance would not cause unreasonable hardship in planning, design, or construction because the structural limitations associated with a 2-story addition can be avoided through the construction of a first level addition; however, better design options than the currently proposed plan are available to meet the applicant's needs without causing unreasonable hardship.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the variance application of Mr. and Mrs. Reis for the above variance at 46 Monticello Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Kellogg, Seconded by Robertson

Ayes: Chase, Kellogg, Robertson, Thiel, Zhang

Noes: None

Absent: Henn

Resolution 178-DR-11

WHEREAS, Mr. and Mrs. Barry Reis are requesting permission to construct a 123 sq. ft. rear addition for a new art studio, including new windows, doors, skylights, exterior lighting and replacement fencing located at 46 Monticello 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 does not conform with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements in terms of an aesthetic relationship to the existing home and neighboring properties is not the most optimistic design given that the roof is not integrated into the architectural style of the house and architectural detailing and materials are not synchronized with existing. The project does not comply with Design Review Guidelines II-2, II-3(a), (b) and (d).

2. The design is not appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light. Because of the addition's 13'6" height and straight vertical wall located in close proximity to the side and rear yard property lines, impacts to neighbor light and view are not mitigated, especially with regard to 42 Monticello Avenue. The project fails to comply with Design Review Guidelines II-3(d) 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.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the design review application of Mr. and Mrs. Reis for construction at 46

Monticello Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Kellogg, Seconded by Robertson

Ayes: Chase, Kellogg, Robertson, Thiel, Zhang

Noes: None

Absent: Henn

**Design Review
66 Hampton Road**

Mr. Steven Chan is requesting design review to expand the existing residence by approximately 555 sq. ft. at the rear; construct a new upper level deck; make window and door modifications; install a new skylight; and add exterior lighting.

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

Public testimony was received from:

Sandy Chan, Project Architect, described the design details of the small rear addition.

Steven Chan stated that this older home needs updating to accommodate his need for an office and guest room as well as improve the home's energy efficiency through the use of new double-glazed windows and the addition of the roof deck to enhance upper level ventilation. He felt that existing vegetation screening would be sufficient to maintain his rear neighbor's privacy.

The Commission supported application approval, requesting that the size of the roof deck be reduced to that shown on the elevation plan (sheet A-3.4) to minimize the potential intrusion on the rear neighbor. The Commission agreed that enclosing the space under the existing overhang is a logical place for the proposed addition, the size of the addition is well proportioned with the existing house and will be screened by existing vegetation, the asymmetrical windows add interest to the front elevation and the small size of the roof deck will improve the home's upper level ventilation without imposing an adverse impact on neighbors

Resolution 181-DR-11

WHEREAS, Mr. Steven Chan is requesting permission to expand the existing residence by approximately 555 sq. ft. at the rear; construct a new upper level deck; make window and door modifications; install a new skylight; and add exterior lighting located at 66 Hampton 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 (including but not limited to height, area openings, breaks in the façade, line and pitch of the roof, materials

and arrangements of structures on the parcel) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that the project complies with Design Review Guidelines II-1, II-2, II-3, II-3(a) through (d), II-4, II-6, II-6(a) through (c), II-7 and II-7(a).

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the proposed improvements are working within the existing roof line of the structure, the deck, as conditioned, is tucked into the roof of the building and is located away from the property line and the proposed improvements are not visible from the street -- they are contained within the rear yard. The project complies with the above-referenced Guidelines.

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.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Chan for construction at 66 Hampton Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Approved Plan Set.** The approved plans are those submitted on June 24, 2011, after neighbors were notified of the project and the plans were available for public review;

2. **Construction Completion Schedule.** Work on the Project, once begun, shall be promptly executed with continuous good faith and reasonable progress. Since timely completion of this Project is of the essence, the Property Owner 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
- xi. any further construction benchmarks and conditions of occupancy as may be determined by the Director of Public Works.

b. Before the Project begins, the Director of Public Works shall make a determination as to the reasonableness of the proposed completion dates applicable to the Project, and that determination shall constitute the "Approved Schedule" and be binding on the Property Owner. The City may, at the Property Owner's sole cost, engage the services of a consultant to review the Property Owner'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.

3. **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.

4. **Construction Management Plan.** 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 Wildwood Avenue;

5. **Notice of Restricted Use.** A notice of restricted use shall be recorded with the Alameda County Recorder's Office, noting that the ground level office adjacent to the existing garage shall not be used for sleeping purposes.

6. **Windows and Doors.** Either the existing or proposed windows and doors shall be painted to match each other.

7. **Roof Deck.** The size of the proposed roof deck shall be reduced as shown on Elevation Sheet A-3.4.

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

Moved by Robertson, Seconded by Chase

Ayes: Chase, Kellogg, Robertson, Thiel, Zhang

Noes: None

Absent: Henn

Variance and Design Review

Mr. Li Chun Ou and Ms. Gail Lam are requesting variance and design review to make modifications to the main house including to: expand

330 Sheridan Avenue

the main level by adding an approximately 121 sq. ft. sun room at the west corner and making a 458 sq. ft. addition at the east corner; construct an approximately 653 sq. ft. second story at the east corner for a new master bedroom suite; make roof modifications; build a new chimney at the proposed 2-story east facade; relocate the front entry and construct a new front entry porch; make window and door modifications; add exterior lighting; and add a skylight and a solar tube on the main house and the existing well house respectively. The requested variance is from Section 17.10.7 to allow the eave of the proposed 2-story addition to extend to within 3'2" of the right side property line in lieu of the code required minimum of a 4 ft. side yard setback.

Written notice was provided to neighbors. **Five negative response forms** were received. **Correspondence** was received from: J. Horth; Robert & Susan Becker; Mark Pallis & Carolyn Collins; Eugene Brown, Jr.

Public testimony was received from:

Robert Wolf, Project Architect, summarized the extensive review of options for modernizing and upgrading this older home, the desire to preserve the original architecture of the home and the constraints imposed by its sprawling "U-shaped" configuration. He stated that the variance is needed in order to maintain the architectural integrity of the home's existing building lines, stressing that stepping back the wall of the addition in order to avoid variance would detract from the home's overall balance/symmetry as well as potentially compromise its structural and seismic integrity.

Gail Lam responded to questions concerning existing exterior lighting, stating that while the lighting was installed for safety and security reasons, she agreed to modify the lighting so as to minimize the intrusion it imposes on neighbors.

Robert Becker stated that the removal of several of the ravine's large pine trees by a neighbor has significantly reduced the once, natural and wooded view of the area by Caperton residents. Therefore, he and other Caperton residents can now see the applicant's home and are concerned that a new second story bedroom addition will create significant privacy and visual impacts. He urged that effective screening of the new addition be provided.

The Commission acknowledged a supplemental staff memo concerning the site's story poles, agreeing that while there may be some omissions in delineating all elements of the project, the height and positions of the poles were certified as correct by a licensed surveyor. In addition, the Commission agreed that its visualization of the project and its assessment of potential impacts on neighboring properties was not hampered nor affected by any omissions in story pole delineations.

The Commission was divided in its support of application approval. Those in support agreed that: (1) the addition was well designed and appropriate in scope and scale with the existing house; (2) there is no significant impact on the views and privacy of Caperton residents because of the large separation distance between the properties (70 ft.)

and the fact that the applicant's home is located at the base of the ravine; (3) the loss of the area's tree screening is not the fault of the applicant; (4) variance approval is justified in order to preserve the architectural and aesthetic integrity of the residence as well as avoid peculiar offsets with potential structural impacts on the existing home; (5) the variance does not adversely impact adjacent properties because of its minimal nature and considerable distance from adjacent residences; and (6) the proposed improvements reflect an overall coherent, cohesive design that does not appear tacked-on.

Those Commissioners opposing project approval, cited the following reasons: (1) the mass of the addition creates a "big box" tacked-on appearance; (2) it will take decades for a new vegetation screen to grow sufficiently to screen the addition from Caperton view; (3) variance approval is not justified because pulling back the addition's wall would have no aesthetic impact and would be consistent with the home's existing serpentine configuration; (4) relocating the addition to the south end of the house would mitigate the impacts on the Caperton neighborhood; and (5) the proposed design changes the location of the home's entry and makes it less visible.

The Commission majority agreed that mitigations regarding landscaping and exterior lighting impacts could be easily resolved through the project condition process. Commissioner Chase requested that the project's construction management plan explicitly set forth the approved hour for the start of daily construction and encouraged the applicants to adhere to this restriction.

Resolution 182-V-11

WHEREAS, Mr. Li Chun Ou and Ms. Gail Lam are requesting permission to make modifications to the main house including to: expand the main level by adding an approximately 121 sq. ft. sun room at the west corner and making a 458 sq. ft. addition at the east corner; construct an approximately 653 sq. ft. second story at the east corner for a new master bedroom suite; make roof modifications; build a new chimney at the proposed 2-story east facade; relocate the front entry and construct a new front entry porch; make window and door modifications; add exterior lighting; and add a skylight and a solar tube on the main house and the existing well house respectively located at 330 Sheridan Avenue, Piedmont, California, which construction requires variance; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to construct within the 4 ft. setback along the north property line; 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 house eaves are within the setback. 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 property is a very large lot with no adjacent houses nearby. There will be negligible impact.
4. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because, without variance, there would be variations in the wall which would be structurally complicated and such variations would detract from the home's architectural integrity.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Ou and Ms. Lam for the above variance at 330 Sheridan Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

Moved by Robertson, Seconded by Kellogg

Ayes: Kellogg, Robertson, Zhang

Noes: Chase, Thiel

Absent: Henn

Resolution 182-DR-11

WHEREAS, Mr. Li Chun Ou and Ms. Gail Lam are requesting permission to make modifications to the main house including to: expand the main level by adding an approximately 121 sq. ft. sun room at the west corner and making a 458 sq. ft. addition at the east corner; construct an approximately 653 sq. ft. second story at the east corner for a new master bedroom suite; make roof modifications; build a new chimney at the proposed 2-story east facade; relocate the front entry and construct a new front entry porch; make window and door modifications; add exterior lighting; and add a skylight and a solar tube on the main house and the existing well house respectively located at 330 Sheridan 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. The project complies with Design Review Guidelines II-1, II-2, II-3, II-3(a) through (d), II-6, II-6(a) & (b), II-7 and II-7(a).
2. The proposed upper level addition 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 and expansions within the existing building envelope (with or without excavation). The project complies with the above-cited Guidelines.
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 existing home is down in a ravine and is much lower than surrounding homes. The project's story poles were certified in the correct location except for the southeast side dormer. However, during site visits, the Commission was satisfied that the poles were adequate to visualize and understand the scope of the proposed improvements both at the site and from neighboring properties, including discussions with these neighbors regarding the story poles and the project in general. The project complies with the above-cited Guidelines.
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 change in existing circulation patterns, bedroom count or occupancy load. The project complies with the above-cited Guidelines.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Ou and Ms. Lam for construction at 330 Sheridan Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Construction Management Plan.** 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 has 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 Inspection.

- a. Stormwater BMPs for Construction. Property Owner shall implement (1) stormwater treatment Best Management Practices (BMPs) and (2) 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 Property Owner's Construction Management Plan.

2. **Construction Completion Schedule.** Work on the Project, once begun, shall be promptly executed with continuous good faith and reasonable progress. Since timely completion of this Project is of the essence, the Property Owner 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
 - xi. any further construction benchmarks and conditions of occupancy as may be determined by the Director of Public Works.
- b. Before the Project begins, the Director of Public Works shall make a determination as to the reasonableness of the proposed completion dates applicable to the Project, and that determination shall constitute the "Approved Schedule" and be binding on the Property Owner. The City may, at the Property Owner's sole cost, engage the services of a consultant to review the Property Owner'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 has the option at any time thereafter to make a claim against

the Property Owner's Performance Security, if one is required, in order to complete the benchmark.

3. **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.

4. **Contractor's General Liability Insurance.** To ensure that the contractor doing work in the City will be responsible for damages caused by the work to City property or to neighboring property, the Property Owner shall require all contractors and subcontractors performing work on the Project to maintain General Liability Insurance for protection from claims for damages because of bodily injury, including death, and claims for damages, other than to the contractor's work itself, to property which may arise out of or result from the contractor's operations. Such insurance shall be written for not less than \$1,000,000 per occurrence. The insurance shall include builder's risk. The insurance shall include an endorsement requiring 30 days' notice to the City if the insurance is cancelled or changed, and Property Owner shall immediately arrange for substitute insurance coverage.

As an alternative to requiring each subcontractor to obtain General Liability Insurance, the Property Owner may require the General Contractor to obtain an endorsement to cover his or her subcontractors.

If the Property Owner does not have a general contractor, the Property Owner shall maintain property insurance, including builder's risk and coverage for subcontractors, which is substantially equivalent to the contractor's requirement of this section.

5. The new windows shall match the remaining existing windows in color, recess and stile and rail dimensions;

6. Any new divided lights shall be true or three dimensional simulated.

7. All exterior lights shall be downward-directed and have an opaque or translucent shade the completely covers the light bulb, including the north east pole light; and

8. The flashing of the proposed skylight and solar tube shall be painted to closely match the surrounding roof color.

9. The applicants shall submit a landscaping plan, with special emphasis on providing dense screening on the north corner of the property to provide screening for 120 Caperton. Said plan shall be subject to staff review and approval.

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

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

Moved by Robertson, Seconded by Kellogg

Ayes: Kellogg, Robertson, Zhang

Noes: Chase, Thiel

Absent: Henn

The Commission recessed for dinner at 7:05 p.m. and reconvened at 7:40 p.m.

Design Review
212 Lafayette Avenue

Mr. and Mrs. Ben Williams are requesting design review for retroactive approval for the development of approximately 262 sq. ft. of habitable space in the form of a fitness room/bedroom within the basement level and make modifications to the property including to: demolish existing rear yard features such as the pool, spa, poolhouse equipment shed, a bench, and parts of the outdoor kitchen's counter space; construct a new swimming pool and hot tub; remodel the front yard by demolishing existing brick pillars; constructing new planter boxes, and replacing the driveway and walkways; make changes to the interior; make window, door and garage door modifications; replace the roof material; add a skylight; and make landscape and hardscape modifications.

Written notice was provided to neighbors. **One negative response form** was received. **Correspondence** was received from Michael Roth.

Public testimony was received from:

Hadley Williams, a professional artist, corrected a misunderstanding in the staff report by displaying a sketch of the floorplan and clarifying that the proposed project will not change the home's existing bedroom count and modifications are being made to insure that the proposed art studio is not eligible for use as a bedroom.

Sherry Williamson, Project Architect, described the proposed improvements designed to provide the applicant with an in-home art studio to supplement her professional offices elsewhere as well as improve her daughter's bedroom and play area.

Michael McCutcheon, Project Contractor, stated his intention to minimize neighbor disturbance during construction.

Dori Yob, the Applicant's Attorney, also clarified the bathroom/bedroom access issue, stressing that the art studio will not be eligible, nor used, as a bedroom pursuant to the City Code.

The Commission agreed that the proposed improvements were attractively designed and will enhance the usability of the home. The Commission further agreed that as proposed there will be no change in the home's existing bedroom count -- the home will remain a 4-bedroom residence with two covered, 9 ft. by 19 ft., non-tandem off-street parking spaces.

Resolution 183-DR-11

WHEREAS, Mr. and Mrs. Ben Williams are requesting permission for retroactive approval for the development of approximately 262 sq. ft. of habitable space in the form of a fitness room/bedroom within the basement level and make modifications to the property including to: demolish existing rear yard features such as the pool, spa, poolhouse equipment shed, a bench, and parts of the outdoor kitchen's counter space; construct a new swimming pool and hot tub; remodel the front yard by demolishing existing brick pillars; constructing new planter boxes, and replacing the driveway and walkways; make changes to the interior; make window, door and garage door modifications; replace the roof material; add a skylight; and make landscape and hardscape modifications located at 212 Lafayette 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 II-1, II-2, II-3, II-3(a) through (d), II-6, II-6(a) through (c), II-7 and II-7(a).
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 material impact. The project complies with the above-referenced Guidelines.
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 circulation. The project complies with the above-referenced Guidelines.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Williams for construction at 212 Lafayette Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Construction Management Plan.** 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 has 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 Inspection.

a. Stormwater BMPs for Construction. Property Owner shall implement (1) stormwater treatment Best Management Practices (BMPs) and (2) 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 Property Owner's Construction Management Plan.

2. **Construction Completion Schedule.** Work on the Project, once begun, shall be promptly executed with continuous good faith and reasonable progress. Since timely completion of this Project is of the essence, the Property Owner 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
- xi. any further construction benchmarks and conditions of occupancy as may be determined by the Director of Public Works.

b. Before the Project begins, the Director of Public Works shall make a determination as to the reasonableness of the proposed completion dates applicable to the Project, and that determination shall constitute the "Approved Schedule" and be binding on the Property Owner. The City may, at the Property Owner's sole cost, engage the services of a consultant to review the Property Owner'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.

d. 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 has the option at any time thereafter to make a claim against the Property Owner's Performance Security, if one is required, in order to complete the benchmark.

3. **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.

4. **Contractor's General Liability Insurance.** To ensure that the contractor doing work in the City will be responsible for damages caused by the work to City property or to neighboring property, the Property Owner shall require all contractors and subcontractors performing work on the Project to maintain General Liability Insurance for protection from claims for damages because of bodily injury, including death, and claims for damages, other than to the contractor's work itself, to property which may arise out of or result from the contractor's operations. Such insurance shall be written for not less than \$1,000,000 per occurrence. The insurance shall include builder's risk. The insurance shall include an endorsement requiring 30 days' notice to the City if the insurance is cancelled or changed, and Property Owner shall immediately arrange for substitute insurance coverage.

As an alternative to requiring each subcontractor to obtain General Liability Insurance, the Property Owner may require the General Contractor to obtain an endorsement to cover his or her subcontractors.

If the Property Owner does not have a general contractor, the Property Owner shall maintain property insurance, including builder's risk and coverage for subcontractors, which is substantially equivalent to the contractor's requirement of this section.

5. **Defense of Legal Challenges.** 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 then 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.

6. **Garage Doors.** The garage doors shall be electronically operable;

7. **Windows.** The new windows shall be the same color and recess, stile and rail dimension as the existing windows;

8. **Divided Lights.** Any new divided lights shall be true or three dimensional simulated; and

9. **Flashing.** The flashings of the skylight shall be painted to closely match the surrounding roof color.

10. **Approved Plan Set.** The approved plans are those submitted on July 6, 2011, after notice to neighbors were mailed and the application was available for public review. Per these July 6, 2011, drawings, the existing house remains a 4-bedroom residence.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the

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

Moved by Chase, Seconded by Kellogg

Ayes: Chase, Kellogg, Robertson, Thiel, Zhang

Noes: None

Absent: Henn

**General Plan
Housing Element**

As an informational item, the City Planner submitted several documents representing the final actions related to the City's Housing Element Update to provide the Commission with a comprehensive overview of the City's attempts for Housing Element approval, the sticking points and the modifications made to the document in order to receive a finding of compliance from the State Department of Housing and Community Development. The State certified the City's Housing Element per a letter dated July 6, 2011. The Planner stated that the next stage will be proposing City Code amendments to implement the policies and action items contained in the approved update. This process will begin later this summer. The Commission congratulated the City Planner and Planning Consultant Barry Miller on the success of their efforts.

ADJOURNMENT

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