

PIEDMONT PLANNING COMMISSION

Special and Regular Meeting Minutes for Monday, March 12, 2012

A Special and Regular Session of the Piedmont Planning Commission was held March 12, 2012, 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 March 2, 2012.

CALL TO ORDER

Following a 5:00 p.m. reception honoring recipients of the 2011 Design Awards held in the City Hall Courtyard, Chairman Henn called a special session to order at 5:40 p.m.

ROLL CALL

Present: Commissioners Michael Henn, Jim Kellogg, Melanie Robertson and Alternate Commissioner Tom Zhang

Absent: Commissioners Phillip Chase and Clark Thiel (both excused)

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

DESIGN AWARD PRESENTATION

Chairman Henn summarized the Commission's review and selection process for annually recognizing superior design projects whose construction quality and design elements exemplify the City's Design Review Guidelines and enhance the aesthetics of the community. Tonight's presentation honors exceptional projects in the following categories:

- *Best Second Story Addition*
- *Best Seamless Addition*
- *Best New House Craftsman Revival*
- *Best Renovation*
- *Best New House on a Challenging Site*

Chairman Henn presented the Award for *Best Second Story Addition* to **Jeff and Tracy Machle of 128 Arbor Drive** for the elegant and unobtrusive creation of modern living spaces within a new second story addition.

Commissioner Robertson presented the Award for *Best Seamless Addition* to **Richard and Susan Coffin of 1900 Oakland Avenue** in recognition of an addition which preserved the historical character of the residence through the use of original building materials and careful attention to architectural detailing.

Commissioner Zhang presented the Award for *Best New House Craftsman Revival* to **Cory and Mimi Johnson of 198 Maxwellton Road** in recognition of a stunning new home showcasing exceptional design and construction detail.

Commissioner Kellogg presented the Award for *Best Renovation* to **Anthony Swei and Heather Chan of 10 Lorita Avenue** in recognition of a comprehensive remodel that updated the residence with elegant and functional indoor and outdoor living spaces.

Chairman Henn presented the Award for *Best New House on a Challenging Site* to **Arnie and Mary Levine of 155 Maxwellton** for the construction of a lovely new home reflecting a comprehensive design vision and skillful craftsmanship on a difficult, small, sloped lot.

CALL TO ORDER

Chairman Henn called the regular session to order at 6:05 p.m.

ROLL CALL

Present: Commissioners Michael Henn, Jim Kellogg, Melanie Robertson and Alternate Commissioner Tom Zhang

Absent: Commissioners Phillip Chase and Clark Thiel (both excused)

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

CONSENT CALENDAR

There was no consent calendar.

PUBLIC FORUM

There were no speakers for the public forum.

APPROVAL OF MINUTES

Resolution 4-PL-12

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of February 13, 2012.

Moved by Kellogg, Seconded by Zhang

Ayes: Henn, Kellogg, Robertson, Zhang

Noes: None

Absent: Chase, Thiel

REGULAR CALENDAR

The Commission considered the following items of regular business:

**Design Review
10 Dormidera Avenue**

Mr. and Mrs. Mark Gray are requesting design review for the installation of new railings on the front porch and stairs; a new garage door; and retroactive approval for an existing handrail on the eastern side of the property.

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

Public testimony was received from:

Carla Gray stated that the existing handrail on the eastern side of the property was installed in connection with her recent kitchen remodeling project as a replacement for an old handrail. She clarified that the proposed front stair handrail would be installed only on the right side of the stair, attached to the existing scalloped-shaped stucco wall bordering the stair. The handrail would partially extend above this stucco wall. The proposed garage door is a custom-made single, natural finish cedar roll-up. This door would not be painted.

The Commission acknowledged that although the application proposes very minor improvements to the home, these improvements are readily visible to the public and appear to be inconsistent with the architectural style and finishes of this 1920's-30's era bungalow, noting in particular: (1) the absence of existing similar metal elements and unpainted wood on the residence; (2) the proposed improvements' lack of any architectural detailing mimicking that found on the existing house; (3)

concern over such a large expanse of unpainted wood on the front facade; and (4) the inconsistency in terms of architectural style, materials, color, horizontal patterning and exterior finishes of the proposed improvements in relation to the existing house. The Commission felt that because of the incompleteness and lack of detail in the submitted drawings, it was difficult to ascertain if the proposed improvements will appear "tacked on" or be acceptable counterpoint architectural elements to the home. Therefore, the Commission requested the applicant to provide the following information so that a determination can be made as to the project's compliance with the City's Design Review Guidelines:

- a full front elevation indicating how the proposed *contemporary styled* improvements will be visually integrated into the 1920's-30's era home;
- how high will the proposed front handrail extend above the scalloped-shaped stucco wall;
- information related to the size, scale, trim and architectural detailing of the garage door and how this door will fit within the existing frame.

In response to this request for additional information, Mrs. Gray requested an extension of the Permit Streamlining Act in order for her application to be continued. This request was mutually agreed to by Mrs. Gray and the Commission.

Resolution 5-PL-12

RESOLVED, that the Planning Commission continues until April 9, 2012, further consideration of Mr. and Mrs. Mark Gray's design review application pertaining to proposed construction at 10 Dormidera Avenue.

Moved by Kellogg, Seconded by Robertson

Ayes: Henn, Kellogg, Robertson, Zhang

Noes: None

Absent: Chase, Thiel

**Design Review
33 Tyson Circle**

Mr. and Mrs. Jacky Li are requesting design review to increase the height of the northern section of the previously approved lower lawn area by 6.5 ft. through the retention of fill on-site and the relocation and modification of retaining walls, on-grade stairs, exterior lighting and landscaping. Related applications were approved by staff on April 15, 2010 and March 4, June 29 and November 16, 2011 and by the Planning Commission on August 9 and October 11, 2010.

Written notice was provided to neighbors. **One negative response form** was received. **Correspondence** was received from: Audrey Stansbury; Bindoo Rellan

Public testimony was received from:

Stefan Menzi, Project Architect, explained the purpose of the proposed changes, noting in particular the objective of redistributing fill on the property given the difficulty in removing this excess fill from the site.

Sara Gumquest, Project Landscape Architect, submitted new drawings indicating the placement of landscaping and retaining walls related to the upper and lower level lawn areas. She also discussed with the Commission tree plantings on the site, including proposed, previously existing and newly planted.

The Commission voiced its objection to the addition of more retaining walls and hardscape on the site, its concern that the proposed changes will further negatively impact the bordering La Salle properties by bringing the lower lawn area, and the associated activities that could be expected on this lawn, closer to 9 and 11 La Salle, and its belief that the property is not being screened so as to protect/preserve the privacy of these La Salle neighbors as originally envisioned. The Commission noted that addition of more retaining walls, and associated guardrails, would place these structures almost at eye-level with the only outdoor areas of La Salle neighbors, negatively impacting their privacy and property enjoyment. The Commission felt that better alternative solutions to the excess fill problem are available, suggesting that rather than construct more retaining walls, the area between the upper lawn to the property line be sloped so as to be more consistent with the natural topography and that this area be more heavily landscaped with dense vegetation. As to other elements of the proposal, the Commission voiced support for the approval of the accessory structure (half-bath and storage room) and modified approval of proposed lighting of the olive court. Instead of the uplighting proposed for the olive court, the Commission requested that this lighting be downward-directed and shielded so as to minimize light spill impacts on adjacent properties. There was uncertainty as to whether the olive court uplighting had been previously approved by staff. Therefore, the Commission agreed that the change to downward-directed lighting would only occur if in fact, uplighting had not been previously approved.

Resolution 6-PL-12

WHEREAS, Mr. and Mrs. Jacky Li are requesting permission to construct an accessory structure/restroom and install exterior lighting in the olive court located at 33 Tyson Circle, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e) and the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that the proposed improvements comply with Design Review Guidelines II-1, II-2 and II-3.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the proposed improvements are located within the center of the applicants' property, far removed from neighboring homes. The proposed improvements comply with the above-cited 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.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves Mr. and Mrs. Li's request for the construction of an accessory structure/restroom and the installation of exterior lighting in the olive court at 33 Tyson Circle, 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 March 1 and 2, 2012, after neighbors were notified of the project and the plans were available for public review;
2. The accessory building floor plan on Sheet A1.9 shall be modified to show the storage room door and side light shown on the accessory building north elevation on Sheet A1.9;
3. Compliance with the conditions of approval specified as part of the prior approvals on the residence at 33 Tyson Circle under Design Review Applications #10-0159 and #10-0264 shall extend to this application;
4. 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.
5. The proposed exterior lighting of the olive court shall be downward-directed and shielded so there is no light spill onto the neighboring La Salle properties to the southeast, unless court lighting has already been approved by staff.

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: Henn, Kellogg, Robertson, Zhang

Noes: None

Absent: Chase, Thiel

Resolution 35-DR-12

WHEREAS, Mr. and Mrs. Jacky Li are requesting permission to increase the height of the northern section of the previously approved lower lawn area by 6.5 ft. through the retention of fill on-site and the relocation and modification of retaining walls, on-grade stairs, exterior lighting and landscaping located at 33 Tyson Circle, 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) but that the proposal does not conform with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements are not aesthetically pleasing as a whole nor harmonious with existing and proposed neighborhood development in that they would have a very negative impact on La Salle Avenue neighboring properties because of their close proximity and size to the La Salle properties. The proposed improvements do not comply with Design Review Guidelines II-7, II-7(a), IV-1, IV-1(b), IV-2, IV-3 and IV-4.
2. The design is not appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the proposed retaining walls and minimal vegetation screening would result in a major loss of privacy to the properties at 9 and 11 La Salle Avenue. The proposed improvements do not comply with the above-cited 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.

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. Li for construction at 33 Tyson Circle, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Robertson, Seconded by Kellogg

Ayes: Henn, Kellogg, Robertson, Zhang

Noes: None

Absent: Chase, Thiel

**Consideration of
Possible Changes
to Chapter 17 and
Residential Design
Guidelines**

In accordance with recommendations and program objectives contained in the City's Climate Action Plan as well as recommendations by the City's Environmental Task Force, the City Planner requested the Commission to initiate a series of public hearings and discussions on possible revisions to Chapter 17 and the City's Residential Design Guidelines to bring these regulations into compliance with the aforementioned recommendations. She suggested that tonight's consideration focus on new "green" construction

technologies that are not specifically addressed under the current code or design guidelines. The Commission provided the following input:

Grey Water & Rain Water Systems

- should be encouraged;
- such installations would be visibly unobtrusive if they are located within setbacks or visible to neighbors;
- should be screened from view;
- if rain collection devices are located and screened under deck areas, they should be exempt from design review;
- a minimum size threshold should be set wherein no City approvals are necessary, e.g., 50 gallons or less;
- treat such installations like accessory structures;
- front yard locations should be prohibited;

Light Colored & Reflective Roofs

- don't encourage light colored roofs since evidence indicates that there are no energy saving benefits in climates similar to Piedmont and they can be visually intrusive to neighbors;
- don't require rubberized roof material to be painted a dark color because of maintenance issues;
- exempt PVC type roofing on flat and low-sloping roofs from design review, provided that the roof is a dark color and there is visual concealment, e.g., behind a parapet;
- don't allow rubberized roof surfaces to be applied to sloped roofs;
- examine the feasibility/desirability of establishing a standard reflectivity percentage or number by which to quantitatively differentiate between what constitutes "light" and "dark" colored roofs;

Tankless Water Heaters & EV/CNG Vehicle Charging Stations

- existing tankless water heating regulations are fine as written;
- encourage EV chargers to be located within garages;
- don't allow EV chargers within front setbacks or in-ground within public right-of-ways;
- differentiate between EV and CNG chargers

Artificial Turf & Permeable Non-Vegetative Surfaces

- continue to count both as hardscape

There was on **public testimony** on this matter. **Correspondence** was received from: Margaret Ovenden; Chip Upshaw; Shannon Bloemker

**Proposed Changes
to the City's Story
Pole Policy**

The City Planner requested Commission review and approval of proposed modifications to the City's Story Pole Policy and Procedures to require a *Story Pole Certification Form* to be completed by an applicant's licensed land surveyor or civil engineer. The intent of this form is to standardize the story pole verifications being submitted to the City as well as provide guidance to surveyors and engineers as to what information the City requires. The City Planner also briefed the Commission on the discretion staff exercises in certain rare incidents wherein staff allows story pole measurements to be indicated by measuring tapes or yard sticks. In these instances, the applicant is required to submit a letter with accompanying photographs attesting to

the accuracy of the pole measurements, which are also physically confirmed by staff. It was uncertain whether City Council approval of the revised policy is required or whether policy approval was within the purview of the Commission.

There was no **public testimony** or **correspondence** received on this issue.

Resolution 7-PL-12

RESOLVED, that the Planning Commission adopts and/or recommends City Council approval of the proposed *Story Pole Certification* form and amended Story Pole Policy.

Moved by Robertson, Seconded by Zhang

Ayes: Henn, Kellogg, Robertson, Zhang

Noes: None

Absent: Chase, Thiel

OLD BUSINESS

9 Alta Avenue -- the Commission acknowledged receipt of a letter from Rosalie Marshall, dated March 6, 2012, requesting Commission affirmation regarding certain issues pertaining to her proposed application for a Second Unit Permit. Ms. Marshall originally voiced concern regarding this matter at the Commission's February 13th meeting during the discussion of proposed changes to the City's Second Unit Code. The City Planner advised that she and the City Attorney will respond to Ms. Marshall's letter and apprise the Commission of the outcome.

ADJOURNMENT

There being no further business, Chairman Henn adjourned the meeting at 9:00 p.m.