

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, April 8, 2013

A Regular Session of the Piedmont Planning Commission was held April 8, 2013, 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 25, 2013.

CALL TO ORDER

Chairman Chase called the meeting to order at 5:00 p.m. He introduced and welcomed the Commission's newest members David Hobstetter, Tony Theophilos and Alternate Commissioner Louise Simpson.

ROLL CALL

Present: Commissioners Phillip Chase, David Hobstetter, Susan Ode, Tony Theophilos, Tom Zhang and Alternate Commissioner Louise Simpson

Staff: City Planner Kate Black, Assistant Planner Kevin Jackson, Planning Technicians Jennifer Feeley, Janet Chang and Ryan Taslim and Recording Secretary Chris Harbert

City Council Liaison: Garrett Keating

ELECTION OF OFFICERS

Resolution 4-PL-13

RESOLVED, that the Planning Commission selects Tom Zhang to serve as Commission Chair for 2013-14.

Moved by Ode, Seconded by Theophilos

Ayes: Chase, Hobstetter, Ode, Theophilos, Zhang

Noes: None

Absent: None

Resolution 5-PL-13

RESOLVED, that the Planning Commission selects Susan Ode to serve as Commission Vice Chair for 2013-14.

Moved by Chase, Seconded by Theophilos

Ayes: Chase, Hobstetter, Ode, Theophilos, Zhang

Noes: None

Absent: None

CONSENT CALENDAR

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

Fence Design Review 125 Estates Drive

Resolution 52-DR-13

WHEREAS, the Property Owner is requesting permission to replace an existing 3 ft. high front entry gate with a new 5 ft. high painted iron gate along Estates Drive located at 125 Estates Drive, Piedmont, California, which construction requires design review; and

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

1. The exterior design elements (including but not limited to height, 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 planned gate replacement includes a design that is more architecturally consistent with our home. We are using an iron design that matches existing iron work at the house. The existing gate does not look good and functions poorly. The new gate will be a great improvement.

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the planned gate will be a visual improvement. The new gate will not block any views, will not affect any privacy issues and will not cause any light blocking issues.

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 such effects on traffic or vehicle circulation. The proposed gate and lock will provide a much improved secure entry gate. We have had packages stolen at our house. Our car was stolen. Our immediate neighbor had an armed home invasion. This gate improvement will provide a more secure entrance. The taller gate will also be more secure for our dog who can leap up against the current gate.

4. The project complies with Design Review Guidelines V-1, V-2, V-4, V-5 and V-5(a)

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application for construction at 125 Estates Drive, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **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.
2. **Encroachment Permit.** Before the issuance of a building permit, the Property Owner shall apply for an encroachment permit to allow for the construction of the new gate within the public right-of-way or public easement

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.

**Fence Design Review
135 Hillside Avenue**

Resolution 67-DR-13

WHEREAS, the Property Owner is requesting permission to replace a gate enclosing the front yard along Hillside Avenue and a fence on the north side of the property with a new wood gate and fence located at 135 Hillside 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 fence is essentially the reconstruction of an existing dilapidated fence and replacement of a chain link gate with a wooden one. The design of the wood gate matches the existing details on the house.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the proposed fence and gate are modest in size and do not adversely affect the neighbor's views, privacy or access to light.
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress because the proposed improvements do not affect vehicular traffic or pedestrian passersby.
4. The project complies with Design Review Guidelines V-1, V-2, V-4, V-5, V-5(a), V-7 and V-8.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application for construction at 135 Hillside Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- **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.

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 Ode, Seconded by Chase

Ayes: Chase, Hobstetter, Ode, Theophilos, Zhang

Noes: None

Absent: None

PUBLIC FORUM

There were no speakers for the public forum.

APPROVAL OF MINUTES

Resolution 6-PL-13

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of March 11, 2013.

Moved by Ode, Seconded by Chase

Ayes: Chase, Ode, Zhang

Noes: None

Abstain: Hobstetter, Theophilos

Absent: None

REGULAR CALENDAR

The Commission considered the following items of regular business:

New House Variance and Design Review 111 Ramona Avenue

The Property Owner is requesting variance and design review for a new house. The application proposes to demolish the existing 922 sq. ft. house; construct a new 2-story house; and remodel and expand the existing 1-car garage with a new attached 1-car carport. The new house is proposed to have 1,960 sq. ft. of habitable space that includes 3 bedrooms, 2 full bathrooms, 1 half bathroom, a living-dining-kitchen great room, and office. Proposed exterior features include windows and doors throughout, skylights, exterior lighting, rear roof deck, fencing and landscape and hardscape modifications. The requested variance is from Section 17.10.7 to allow the new garage to extend to within 7 in. of the left (west) side property line in lieu of the code required minimum of a 4 ft. side yard setback.

Written notice was provided to neighbors. **Eleven affirmative, two negative response forms** were received. **Correspondence** was received from: Ellen Garrett; Ann & Tom Lister

Public testimony was received from:

Ed Alazraqui and his young son Davis stressed that their existing 900 sq. ft. home is no longer large enough to accommodate their growing family, the proposed new home is compatible in size and design with neighborhood

conditions given its modest increase in existing footprint and height and the proposed new home will enhance neighborhood aesthetics and property values.

Patricia Alarcon and Adam Carr, Project Architects, displayed photographs of existing homes in the neighborhood in support of their contention that the new home is well integrated into the neighborhood in terms of size and height -- there is only a modest increase in the size of the existing footprint and only a 5 ft. increase in building height. It was noted that a proposed skylight protrudes an additional 6 inches above the proposed new roof height. They also described the green technology aspects of the project and stated that while the grade of the property is being slightly lowered in order to minimize the building height, excavation of the lot was rejected because of drainage concerns. They noted that the requested variance is necessary in order to comply with the City's off-street parking requirements.

Ellen Garrett voiced her opposition to the proposed project, citing concerns over a loss of sunlight, home enjoyment and property value.

Jonah Isacc, a friend of Davis Alazraqui, urged approval of the project so that his friend can have a larger bedroom and the home's overall appearance can be improved.

The Commission opposed the design as proposed, stating that: (i) the proposed contemporary architectural style, particularly the subtractive form, is incompatible and inconsistent with the cluster of traditional bungalow residences in the immediate neighborhood and interrupts the existing coherent architectural style of the street; (ii) the new home's height imposes a significant adverse impact on the light and view of the adjacent residence at 115 Ramona (Garrett property); and (iii) alternative design options exist that would mitigate the adverse impact on 115 Ramona -- such as excavating the lot to eliminate the 5 ft. increase in existing building height, place the new home further back on the lot or expanding the home outward rather than upward. However, the Commission noted its support for a side yard variance to meet the Code's requirement for off-street parking, noting that the existing garage is located within this setback, relocating the proposed second parking space outside of the setback would detrimentally impact the usability and attractiveness of the rear yard and the existing and proposed parking structures are adjacent to the neighbor's garage. The Commission indicated that should a revised design be submitted which includes a setback variance for a second parking space, it would favorably consider refunding the variance fee associated with this resubmittal.

Resolution 49-DR-13

WHEREAS, the Property Owner is requesting permission to construct a new house located at 111 Ramona 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) but the proposal fails to conform with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements are not harmonious with existing and proposed neighborhood development. The proposed design is not the same vernacular style and its new, innovative style is not a harmonious reinterpretation of the modern context. The proposed design fails to comply with Design Review Guidelines I-1(a) & (c).
2. The proposed new multi-level structure has not been designed in a way that reasonably minimizes view and light impacts on neighboring properties (as defined in Section 17.2.70). The ridge and setback of the proposed new home do impair light, views and openness of neighboring properties, particularly with regard to 115 Ramona Avenue. The proposed design fails to comply with Design Review Guidelines I-2(d) and I-7.
3. The size and height of the proposed new home fails to reduce the appearance of visual bulk. The proposed design fails to comply with Design Review Guideline I-5.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the design review application for construction at 111 Ramona Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Chase, Seconded by Ode

Ayes: Chase, Hobstetter, Ode, Theophilos, Zhang

Noes: None

Absent: None

Resolution 49-V-13

WHEREAS, the Property Owner is requesting permission to construct a new house located at 111 Ramona 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. left (west) side yard setback; and

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

- Because there is no approved design for this project, the requested side yard variance related to the garage cannot be granted at this time.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the variance application for construction at 111 Ramona Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City; and

RESOLVED FURTHER, that should an acceptable design review application be resubmitted in connection with proposed construction at 111 Ramona Avenue, which redesigned proposal includes a variance application for garage construction within the side yard setback, the Commission will consider refunding the fee for said second variance application.

Moved by Chase, Seconded by Ode

Ayes: Chase, Hobstetter, Ode, Theophilos, Zhang
Noes: None
Absent: None

**Variance and
Design Review
185 Wildwood Avenue**

The Property Owner is requesting variance and design review to remove an existing wooden deck and stairs, and expand the basement and main levels on the western wing of the house (fronting Wildwood Avenue); construct a new brick and stucco deck and stairs between the western and southern wings of the house; make window and door modifications; and construct associated site improvements. The requested variance is from Section 17.22.2 to allow a floor area ratio of 57.1% in lieu of the code permitted maximum of 50% for a parcel of this size.

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

Public testimony was received from:

Ron Lopez stated that the proposed expansion of his home is to better accommodate the living arrangements for his mother-in-law, seismically upgrade as well as modernize the home and enhance the integration of the rear, least "Tudor-style" wing of the home.

Rob Kelly, Project Architect, described the major design features of this beautiful and historic 1920's Tudor residence, stressed that the slight increase in existing floor area ratio will not adversely impact neighbors nor create an appearance of "overbuilding" because of the large size of the property and noted that the project will reintroduce traditional Tudor design elements to the home's rear facade.

The Commission supported project approval, agreeing that the proposed improvements will enhance the architectural quality and appearance of the property, the project reflects a sensible and logical reconfiguration of the home and the excess in floor area ratio results from having to "count" the home's large basement area. The Commission supported variance approval because there will be no increase in the home's existing density, mass, height or bulk, there is no adverse impact on neighbors, the neighborhood has many residences with non-conforming FARs and variance approval is justified for architectural reasons and the fact that the home is located on a peninsula-shaped property.

Resolution 68-V/DR-13

WHEREAS, the Property Owner is requesting permission to remove an existing wooden deck and stairs, and expand the basement and main levels on the western wing of the house (fronting Wildwood Avenue); construct a new brick and stucco deck and stairs between the western and southern wings of the house; make window and door modifications; and construct associated site improvements located at 185 Wildwood Avenue, Piedmont, California, which construction requires variance and design review; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to exceed the allowable floor area ratio; 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 property is an unusual, triangular lot surrounded by two streets and the existing, Y-shaped home limits expansion options. 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 most homes in the neighborhood and in Piedmont have breakfast/family room areas.
4. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because it would require an entire floor of the residence to be reconfigured.
5. The proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code.
6. The exterior design elements are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development. The distance between the 235 sq. ft. addition is reasonable and appropriate due to the existing topography and neighborhood development patterns. Upper level setbacks greater than the setbacks required for the lower level have been considered and are not necessary to reduce losses of ambient and reflected light. This modest addition imposes minimal impacts on the neighborhood. The proposed improvements are consistent with the architectural style of the residence and in fact, improve and enhance the overall quality and appearance of the existing Tudor-style home.
7. The proposed 235 sq. ft. addition has been designed in a way that reasonably minimizes view and light impacts on neighboring properties because the majority of the expansion is located in the center of the house and thus has minimal impact on neighboring properties and does not create a "tacked on" appearance.
8. The size and height of the addition is commensurate with the size of the lot and is in keeping with the existing neighborhood development pattern. The property is a peninsula lot and neighboring homes have a similar configuration and compact siting.
9. 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.
10. The project complies with Design Review Guidelines II-1, II-2, II-3(a) through (d), II-4, II-5, II-5(a), II-6, II-6(a) through (c) and II-7(a).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance and design review application for construction at 185 Wildwood 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. **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. **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 an endorsement requiring notice to the City if the insurance is cancelled or changed, and Property Owner shall immediately arrange for substitute insurance coverage. 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.
4. **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.

5. **Modifications to Conditions.** Any insurance or security requirement, or related Condition of Approval, may be implemented and, if necessary modified, in a reasonable manner with the joint agreement of the Director of Public Works and the City Attorney, consistent with the intent of the condition.
6. **Approved Plan Set.** The approved plans are those submitted on March 28, 2013, after notices to neighbors were mailed and the application was available for public review.

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 Ode, Seconded by Chase

Ayes: Chase, Hobstetter, Ode, Theophilos, Zhang

Noes: None

Absent: None

The Commission recessed for dinner at 6:30 p.m. and reconvened at 6:55 p.m.

**New House
Design Review
361 La Salle Avenue**

The Property Owner is requesting design review for a new house. The application proposes to demolish the existing 2,373 sq. ft. house, garage and site features and construct a new 2-story house and 2-car garage with a change in architectural style. The new house is proposed to have 2,292 sq. ft. of habitable space that includes 2 bedrooms, 1 full bathroom, 1 half bathroom, and a living-dining-kitchen great room. Proposed exterior features include windows and doors throughout, new exterior lighting, a covered breezeway connecting the house and garage, a new shade structure at the northeast corner of the property, new fencing and retaining walls, a new underground rainwater cistern and related sub-grade mechanical equipment in the front yard and landscape and hardscape modifications.

Written notice was provided to neighbors. **One affirmative, six negative response forms** were received. **Correspondence** was received from: William & Christy Steiner; Louis & Wendy Gerhardy; Marcia Redford; Herb & Marianne Friedman

Commissioners Hobstetter and Simpson recused themselves from discussion and action on this application and left the chambers.

Public testimony was received from:

Hadley and Ben Williams described the on-going renovation of their home at 212 Lafayette Avenue and their intent to demolish and reconstruct their other home at 361 La Salle so as to convert this residence into a guest house for 212 Lafayette. They acknowledged the concerns and complaints by neighbors over the prolonged disruption caused by their 212 Lafayette renovation project and noted their efforts toward addressing and mitigating these concerns.

Andrew Mann, Project Architect, described the proposed New England Colonial architectural style proposed for the new home at 361, noted that there is no predominate architectural style in the neighborhood and stated that the new home will be built essentially on the same footprint of the existing house. He displayed photographs in support of his contention that the new home will be architecturally compatible with the neighborhood.

Scott Lewis, Project Landscape Architect, displayed renderings of the proposed landscaping plan for 361, noting emphasis on preserving/enhancing the property's existing Live Oak tree in the design and proposing a landscape composed of a mix of native and semi-native plants. He also described the proposed capture and utilization of storm water via a cistern system located under the driveway.

Michael McCutcheon and Alex Hodgkinson, Project Contractors, acknowledged that construction activity at 212 Lafayette has been long and complicated, noted the steps taken to reduce impacts on neighbors and explained how proposed construction at 361 will be much easier and faster because of better property access.

Bill Wilson, Project Engineer, described the proposed underground cistern system and the measures taken to insure seismic stability, pest/mosquito avoidance and no noise impacts.

Michael Roth, Project Manager, stated that proposed construction at 361 is anticipated to begin in late August and be completed within 12 months. The noisiest period of construction will be the first 12 to 14 weeks.

Michael Barricks read a letter from Herb & Marianne Friedman summarizing their opposition to the project, emphasizing that the constant noise and parking congestion caused by the prolonged construction at 212 Lafayette has adversely impacted the neighborhood's quality of life, stressed that the existing home at 361 is lovely and is being replaced by an unattractive box that is inappropriate in terms of quality and style for the La Salle streetscape/neighborhood and the neighborhood requests that before additional construction activity is initiated, the neighborhood be given a "break" from such non-stop disruptions.

Marcia Redford, Alison Avagliano and Wendy Gerhardy all strongly opposed the creation of a "double-whammy" blow from two, on-going construction projects, emphasizing the incessant jackhammering that has been endured for months, the clogged streets from construction vehicles which pose a public safety hazard and the inability of the neighborhood to tolerate 12 more months of the same. They also strongly opposed the transformation of an existing, beautiful single-family home into a very plain, unattractive, boxy secondary structure for 212 Lafayette, underscoring that such a project will decrease neighborhood property values as well as the City's housing stock inventory.

The Commission opposed the project as currently designed, noting: (i) the architectural style of the new home is too boxy and plain and lacks sufficient architectural detail to fully reflect the New England salt-box colonial style architecture being proposed, (ii) the new house fails to create an attractive presence on the street nor does it provide a clear and prominent entry from La Salle Avenue as required by the City's Design Review Guidelines; and (iii) the home's architecture bears no relationship to other homes along La Salle and is not compatible within the neighborhood context of large gracious homes. The Commission further expressed concern that it eliminates an existing single-family residence and replaces this housing unit with essentially a secondary structure for 212 Lafayette that does not look like a single-family house from the street. In discussing the project, the Commission noted its support for the proposed landscaping plan and the cistern water capture design.

Resolution 74-DR-13

WHEREAS, the Property Owner is requesting permission to construct a new house located at 361 La Salle 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 fails to conform with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

- The exterior design elements are not aesthetically pleasing as a whole nor harmonious with existing and proposed neighborhood development in terms of fenestration and front entry as well as breeze-way/main entrance openings which are not consistent with the gracious entry styles pervasive in the neighborhood. The proposed project fails to meet the requirements of the following Design Review Guidelines: I-1, I-1(a) through (c), I-3(c) & (d), I-4(b), (c) & (d), I-5 and I-6.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the design review application for construction at 361 La Salle Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Chase, Seconded by Theophilos

Ayes: Chase, Ode, Theophilos, Zhang

Noes: None

Recused: Hobstetter, Simpson

Absent: None

**Variance and
Design Review
58 Lake Avenue**

The Property Owner is requesting variance and design review to make various modifications to a previously approved application (#12-0099 May 14, 2012) including: increasing the height and modifying the design of the front parapet; making window and door modifications; replacing the approved garage door; adding a roof with eave atop the approved front yard garage; making railing modifications; constructing a covered porch atop the approved front yard garage; and making exterior lighting modifications. The requested variance is from Section 17.10.6 to allow the garage eave to extend 6 in. from the front property line and the new covered front porch to extend 16' 2" from the front property line in lieu of the code required minimum of a 20 ft. front yard setback.

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

Public testimony was received from:

Lexin Shan explained that the proposed changes to his previously approved design are intended to improve the livability and appearance of the front of his property, add more architectural interest to the front of the home and garage and increase the integration of the garage with the house. He reiterated that the variance situation is pre-existing and variance approval is needed in order to continue existing building lines and create a seamless addition.

The Commission, with the exception of Commissioner Ode, supported project approval, agreeing that the proposed changes improve the originally approved design, especially in terms of roof treatment and privacy creation.

Commissioner Ode voiced concern that the proposed front porch over the garage could be intrusive on the streetscape, preferring that an awning cover be utilized to provide weather protection for the front door.

Resolution 77-V/DR-13

WHEREAS, the Property Owner is requesting permission to make various modifications to a previously approved application (#12-0099 May 14, 2012) including: increasing the height and modifying the design of the front parapet; making window and door modifications; replacing the approved garage door; adding a roof with eave atop the approved front yard garage; making railing modifications; constructing a covered porch atop the approved front yard garage; and making exterior lighting modifications located at 58 Lake Avenue, Piedmont, California, which construction requires variance and design review; and

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

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

1. The project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e)
2. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to: the front of the garage structure right on the property line and the fact that the existing garage which is being replaced was located within the setback and a front yard setback variance was previously approved by the Commission for this property. 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 many properties within the neighborhood are non-conforming in terms of front yard setback encroachment and variance

approval increases the sense of privacy for the property without creating any additional massing.

4. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because the variance situation is pre-existing and consistent with a previous variance for front setback encroachment which was granted by the Commission for this property.

5. The project conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code.

6. The exterior design elements are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in terms of its Mission-style architectural elements and its greater consistency with neighboring residences' tile roof surfaces and shapes.

7. The project complies with Design Review Guidelines II-1, II-2, II-3(a) through (d), II-4, II-5, II-5(a), II-6(a) through (c), II-7, II-7(a), III-1, III-1(a), III-2(a), III-3, III-4, III-5, III-5(a), III-6, III-6(a), III-7 and III-7(a).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance and design review application for construction at 58 Lake Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- Compliance with the conditions of approval specified as part of the prior approval on the residence at 58 Lake Avenue under Variance and Design Review Application #12-0099 shall extend to this application.

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

Moved by Chase, Seconded by Theophilos

Ayes: Chase, Hobstetter, Theophilos, Zhang

Noes: Ode

Absent: None

**Ped/Bike/SR2S Plan
Grant Application
Update**

The City Planner stated that on March 14, 2013, the City submitted its final grant application to the Alameda County Transportation Commission for funding of Piedmont's proposed Pedestrian and Bicycle Plan with a Safe Routes to School Component (Ped/Bike/SR2S Plan). It is anticipated that the City will learn of the preliminary recommendation on its grant request in May and the final recommendation in June. If granted, the City should receive funding in the fall. The Planner particularly thanked Piedmont residents for their outstanding participation in the grant application preparation process, stating that over 120 letters of support were received and included in the City's final application

package. She added that these letters included 55 letters from Piedmont Middle School students and overall were well-articulated comments containing many useful solutions and proposals for improving pedestrian/bicycle traffic routes in Piedmont.

ADJOURNMENT

There being no further business, Chairman Zhang adjourned the meeting at 8:35 p.m.