

## **PIEDMONT PLANNING COMMISSION**

### **Regular Meeting Minutes for Monday, August 11, 2014**

A Regular Session of the Piedmont Planning Commission was held August 11, 2014, 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 18, 2014.

#### **CALL TO ORDER**

Vice Chairman Theophilos called the meeting to order at 5:00 p.m. He announced that Agenda Item #5 (Design Review, 218 Bonita Avenue) has been withdrawn from tonight's consideration.

#### **ROLL CALL**

Present: Commissioners Phillip Chase, Louise Simpson, Tony Theophilos, Tom Zhang and Alternate Commissioner Eric Behrens

Absent: Chairman Susan Ode (excused)

Staff: City Planner Kate Black, Assistant Planner Kevin Jackson, Planning Technicians Jennifer Gavin, Janet Chang and Lauren Seyda and Recording Secretary Chris Harbert

#### **CONSENT CALENDAR**

By procedural motion, the Commission placed the following applications on the Consent Calendar:

- 3 Craig Avenue (Fence Design Review)
- 101 Manor Drive (Fence Design Review)

At the end of the meeting, the following Resolutions were approved adopting the Consent Calendar:

#### **Fence Design Review 3 Craig Avenue**

##### **Resolution 201-DR-14**

WHEREAS, the Property Owner is requesting permission to construct a stucco fence approximately 3'8" high (maximum) on the southwest corner of the property along Craig Avenue and Highland Avenue located at 3 Craig 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 stucco wall with brick cap matches stucco detailing on the house as well as an existing fence on the north side of the residence. The new fence reflects an aesthetic upgrade and reduction in bulk from the existing picket and wire fence.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the new fence is sited 17 ft. and 18 ft., respectively, from the curb along Highland and Craig Avenues. There is no impact on neighboring properties.
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 fence is 4 to 5 ft. above street level and has no adverse impact on traffic.

4. The project complies with Design Review Guidelines V-1, V-2, V-5, V-5(a) through (c) and V-6.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application for construction at 3 Craig Avenue, 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. **Wall Location.** The new wall, including all footings and posts, shall be located completely within the applicants' property.
3. **Wall Color.** The new wall shall be painted to match the existing wall located at the driveway.

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 Behrens, Seconded by Zhang

Ayes: Chase, Simpson, Theophilos, Zhang, Behrens

Noes: None

Absent: Ode

**Fence Design Review  
101 Manor Drive**

**Resolution 207-DR-14**

WHEREAS, the Property Owner is requesting permission to replace a chain link fence with an approximately 6'10" high redwood fence and gate along the rear half of the right (north) property line located at 101 Manor 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 are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that the new fence replaces a deteriorating fence with a design that is more harmonious with the streetscape.
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 adverse impact.
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress because the project improves driveway egress and traffic sight lines.
4. The project complies with Design Review Guidelines V-1 through V-5, V-5(a) through (c), V-6, V-7, V-8, V-9, V-10 and V-11.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application for construction at 101 Manor 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. **Fence Location.** The new fence, including all footings and posts, shall be located completely within the applicants' property.

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 Zhang

Ayes: Chase, Simpson, Theophilos, Zhang, Behrens

Noes: None

Absent: Ode

**PUBLIC FORUM**

There were no speakers for the public forum.

**APPROVAL OF MINUTES**

**Resolution 17-PL-14**

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of July 14, 2014.

Moved by Chase, Seconded by Behrens

Ayes: Chase, Theophilos, Zhang

Noes: None

Absent: Ode, Simpson

**REGULAR CALENDAR**

The Commission considered the following items of regular business:

By procedural motion, the Commission reordered the sequence of tonight's agenda to place consideration of Agenda Item #6 (Fence Design Review, 304 Pala Avenue) before the presentation of the Draft Pedestrian and Bicycle Master Plan.

**Fence Design Review  
304 Pala Avenue**

The Property Owner is requesting fence design review to add a new driveway gate and fence section at the front of the property.

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

**Public testimony** was received from:

Burr Nash proposed a slight design modification to his proposed gate, requesting that the originally proposed wood lattice be replaced with vertical board slats (approximately 1 to 1-1/2 inch spacing) to provide more privacy. He submitted a drawing of this proposed design change.

The Commission supported application approval, with the requested design modification, noting that the height, location and dimensions of the wood gate remain unchanged from that originally proposed and the slight design change does not detract from the gate's artistic appearance. In addition, the Commission noted the additional aesthetic benefits of having all mechanical equipment located underground and the concealment of the gate's metal elements with wood. Commissioner Zhang requested Mr. Nash to ensure that the new gate does not shield his house number from street view. Mr. Nash agreed.

**Resolution 203-DR-14**

WHEREAS, the Property Owner is requesting permission to add a new driveway gate and fence section at the front of the property located at 304 Pala 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

proposed project's use of wood and structure matches that of previously approved property improvements on this *design award* property.

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the improvements will enhance the feeling of security and privacy for the neighborhood and applicant. There is no impact on direct or indirect 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 project improves the property's ingress/egress and does not impact pedestrian or vehicle sight lines or circulation.
4. The project complies with Design Review Guidelines V-1 through V-5, V-5(a) through (c), V-6, V-7, V-8, V-9, V-10 and V-11.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application for construction at 304 Pala Avenue, 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 within the public right-of-way or public easement.
3. **Approved Plan Set.** The approved plans are those submitted on August 11, 2014, after notices to neighbors were mailed and the application was available for public review.
4. **Gate Dimensions.** All dimensions of the revised driveway gate shall be the same as those of the original design.

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 Zhang

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

### **Pedestrian and Bicycle Master Plan**

Niko Letunic of Eisen/Letunic, the transportation and planning consulting firm retained to prepare the City's Pedestrian & Bicycle Master Plan (PBMP), narrated a power-point presentation of the City's Draft PBMP, highlighting the contents of the 5-Chapter Plan. He stated that because the Draft Plan was released to the public on August 8th, tonight's presentation is merely an introduction with a more in-depth public review and discussion of the Plan's elements scheduled for the Commission's September and October meetings.

Commissioner Simpson arrived at 5:40 p.m.

**Correspondence** was received from: Garrett Keating; Deborah Leland; Neil Chadha; Tracey Woodruff; Catherine Sharpe; Hope Salzer

**Public testimony** was received from:

Margaret Ovenden complimented the Plan for its emphasis on pedestrian safety, voiced support for the proposed *road diets* for Grand and Highland Avenues, urged the City to collaborate with the School District in implementing a more consistent School Crossing Guard Program, requested that the Plan direct more attention to school drop-off zones, questioned whether the proposed Coaches Playfield crosswalk would be safe and urged that ped/bike safety funding not be used to create a landscaped traffic median along Highland Avenue.

Lori Taylor also voiced support for the Plan's attention to improving safety at Highland Avenue crosswalks, noting that currently drivers in both traffic lanes do not always stop as pedestrians are crossing the street.

The Commission complimented Mr. Letunic on the comprehensiveness and readability of his Draft Report and the attention given to promoting pedestrian safety. Some of the Commissioners' initial comments on the Draft Plan included (i) concern that improvements to Oakland Avenue bridge safety should focus more on protecting pedestrians from cars jumping the curb than from preventing pedestrians from falling into the traffic lanes; and (ii) concern over the proposed Grand Avenue *road diet* and Moraga Avenue changes.

### **Artificial Turf**

Per Commission direction of July 14th, the Commission engaged in a discussion regarding artificial turf, including the advantages, disadvantages and current technologies as well as aesthetic and environmental considerations. Staff provided samples of the various artificial turf products as well as copies of the Commission's 2012 consideration of the subject.

**Correspondence** was received from: Hope Salzer

**Public testimony** was received from:

Margaret Ovenden and Lori Taylor voiced their opposition to allowing artificial turf, citing the following reasons: (i) health impacts caused by the turf's toxic materials and chemical cleaning processes; (ii) the non-permeable nature of the surface; (iii) the likelihood over time that the product's infill material will eventually flow into the City's storm drain system; (iv) the elimination of natural

habitat for beneficial soil microbes, insects, bees, etc.; (v) the non-recyclable nature of the product; (vi) concern over product fading and disintegration over time which would negatively impact the City's aesthetics; (vii) the existence of more preferable Bay Friendly Landscape alternatives for responding to California's drought situation; and (viii) potential injuries to children who play on such surfaces.

Jon Breslaw displayed his own sample of artificial turf in emphasizing the natural grass look of the product and voiced his support of such installations in lieu of the current unattractive appearance of brown and dying lawns. He countered that there is no evidence of health issues involved with such surfaces and stated that his sample is installed over a gravel base with holes and seams to promote water permeability into the soil.

The Commission supported retaining the City's current regulations regarding artificial turf installations, believing that the Code strikes an appropriate balance with regard to such installations by considering such products as "hardscape," limiting the amount of such coverage and prohibiting artificial turf within front setbacks and parking strips. The Commission noted that given the wide range of product quality and the variation in appearance from very artificial-looking to natural grass-like, it would be very difficult to regulate/standardize front yard aesthetics and thus preserve Piedmont's natural beauty.

**Resolution 18-PL-14**

RESOLVED, that the Planning Commission provides staff with the following direction concerning artificial turf surfaces:

- retain the City's existing policy and regulations regarding artificial turf, with the acknowledgement that since advancements in product quality and technology can be expected in the future, the Commission revisit this issue in two years or when the City's Design Review Guidelines (City Code Phase III) are updated;
- during the upcoming City Code Phase III review, consideration be given to prohibiting artificial turf within front yards regardless of the setback;
- continue allowing the installation of artificial turf in rear yards that are not visible from the street, with such installations subject to the Code's hardscape limitations and building permit requirements but without requiring design review;
- retain Planning Commission full discretionary approval or disapproval over the use of artificial turf.

Moved by Chase, Seconded by Simpson

Ayes: Chase, Simpson, Theophilos, Zhang, Behrens

Noes: None

Absent: Ode

The Commission also suggested that since tonight's staff report was very informative on the issue of artificial turf, it be placed on the City's website to help educate residents and generate public input on this issue.

**ADJOURNMENT**

There being no further business, Vice Chairman Theophilos adjourned the meeting at 6:30 p.m.