

## PIEDMONT PLANNING COMMISSION

### Regular Meeting Minutes for Monday, August 10, 2015

A Regular Session of the Piedmont Planning Commission was held August 10, 2015, 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 27, 2015.

#### CALL TO ORDER

Chairman Theophilos called the meeting to order at 5:02 p.m.

#### ROLL CALL

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

Staff: Planning Director Kate Black, Senior Planner Kevin Jackson, Assistant Planners Jennifer Gavin and Emily Alvarez, and Planning Technician Sunny Chao

Council Liaison: Councilmember Tim Rood

#### APPROVAL OF MINUTES

##### **Resolution 17-PL-15**

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of the July 13, 2015 regular hearing of the Planning Commission.

Moved by Chase, Seconded by Ode

Ayes: Chase, Ode, Simpson, Theophilos, Zhang

Noes: None

Recused: Behrens

Absent: None

#### CONSENT CALENDAR

By procedural motion, the Commission placed the following applications on the Consent Calendar and added Condition #17 to the approval of 68 Lincoln Avenue:

- 585 Mountain Avenue (Variance and Design Review)
- 100 Indian Road (Design Review)
- 205 Pacific Avenue (Design Review)
- 358 Scenic Avenue (Variance, Design Review and Fence Design Review)
- 71 Lakeview Avenue (Fence Design Review)
- 68 Lincoln Avenue (Variance, Design Review and Fence Design Review)
- 201 Mountain Avenue (Design Review)

Individual votes were taken to place each item on the Consent Calendar, and individual Commissioners recused themselves when appropriate. At the end of the meeting, the following Resolutions were approved adopting the Consent Calendar:

##### **Variance and Design Review 585 Mountain Avenue**

##### **Resolution 213-V/DR-15**

WHEREAS, the Property Owner is requesting permission to remodel and expand the residence through the following alterations: upper- and lower-level rear additions; a reconfigured roof design; a main-level rear roof deck; a new rear entry awning; new exterior wall material; the relocation of the front entry; the removal of the two chimneys; window, door and skylight modifications throughout; a new garage door; new exterior light fixtures; various changes to the interior; and site and landscape improvements that include new rear patios,

and new on-grade paths and stairs with handrails, located at 585 Mountain Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, three variances from the requirements of Chapter 17 of the Piedmont City Code are required in order to construct within the front (east), left (south) and rear (west) setbacks; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited the 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

WHEREAS, with regard to variance, the Planning Commission finds that the proposal complies with the variance criteria under Section 17.21.6 of the Piedmont City Code:

1. The underlying lot and existing improvements present unusual physical circumstances, because the lot is incredibly tight and odd-shaped. The physical condition, which provides a basis for the variance, is an existing nonconformity, and there is no ability to decrease the nonconformity without demolishing the house. Strictly applying the terms of this chapter would keep the property from being used in the same manner as other properties in the zone.
2. The variance is compatible with the immediately surrounding neighborhood and the public welfare, because the existing nonconformity has been there for some time, there is no proposed change to the use of the property, and the footprint of the house is not being expanded within the setbacks.
3. Accomplishing the improvements without variances would cause unreasonable hardship in planning, design, or construction, because the project would not be possible without them.

WHEREAS, with regard to design review, the 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. The distance between the addition 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 and are not necessary to reduce losses of ambient and reflected light, because there is no impact on any neighboring house. The only increase in bulk results from the correction of the roofline, which will improve the aesthetics of the house.
2. The proposed addition has been designed in a way that reasonably minimizes view and light impacts on neighboring properties, because there is no impact.
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, because there is no request for a site coverage variance, and the house is being appropriately improved upon.

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, because there will be no impact.

5. The project complies with Design Review Guidelines II-1, II-2, II-3, II-3(a), II-3(b), II-3(c), II-3(d), II-4, II-5, II-6, II-6(a), II-6(b), II-6(c), II-7, III-1, III-1(a), III-3, III-4, III-5, III-5(a), III-7, 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 proposed construction at 585 Mountain Avenue, 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 July 16, 2015 with additional information submitted on July 28, 2015, after notices to neighbors were mailed and the application was available for public review.

2. **Approved Construction Limited to Applicant's Property.** The features approved under the scope of this application must be located within the boundaries of the property at 585 Mountain Avenue and do not include any existing or proposed features located all or in part on adjacent properties.

3. **Window Color Scheme.** All the windows on the house shall have a consistent color scheme.

4. **Garage Door.** The garage door shall be electronically operable. If design modifications are required to accomplish this, those modifications shall be subject to staff review.

5. **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 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 and coverage for contractors, which is substantially equivalent to the contractor's requirement of this section.

6. **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.

7. **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.

8. **Environmental Hazards.** Should it be required by the Chief Building Official and prior to the issuance of a building permit, the applicant shall provide a plan, including necessary testing, to verify compliance with all local, state and federal regulations regarding the disturbance and removal of hazardous materials (if any) on residential properties and/or in the proximity of schools, including lead-based paint and asbestos. Said plan for the proper removal and handling of hazardous materials shall be provided on the appropriate sheets of the construction plan sets and included in the Construction Management Plan.

9. **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.

10. **Setback from Property Line Verification.** Prior to foundation inspection for the rear additions and frame inspection for the new roof, the applicant shall submit to the Building Official written verification by a licensed land surveyor stating that the construction is located at the setback dimension from the east, west and south property lines as shown on the approved plans. The intent is to verify that the approved features are constructed at the approved dimension from the property lines.

11. **Building Height and Floor Level Verification.** Prior to frame inspection for the new roof, the applicant shall provide the Building Official written verification by a licensed land surveyor stating that the new roof of the structure is constructed at the approved height above grade.

12. **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 of Mountain Avenue. The encroachment shall be recorded with the Alameda County Recorder's Office prior to the issuance of a building permit.

13. **Final Landscape Plan.** Before issuance of a building permit, the Property Owner shall submit for staff review and approval a Final Landscape Plan for the property that shows trees proposed for retention as well as in-lieu trees required by a Certified Tree Preservation Plan. The final plan shall comply with Municipal Code Section 17.17.3, and shall not propose plants near the driveway that could obscure visibility of pedestrians on the sidewalk or vehicles on the street from drivers backing out of the driveway.

14. **Arborist's Report and Certified Tree Preservation Plan.** Before the issuance of a building permit, the Property Owner shall submit an Arborist's Report that includes a Tree Preservation Plan for the existing 24-inch oak tree in the rear yard. The tree preservation measures shall be on the appropriate sheets of the construction plans. The arborist shall be on-site during critical

construction activities, including initial and final grading, to ensure the protection of the existing tree. The arborist shall document in writing and with photographs the tree protection measures used during these critical construction phases. If the tree has been compromised, mitigation measures must be specified in writing, and implementation certified by the Project Arborist. Any trees proposed for removal, including the 24-inch oak tree, shall have an in-lieu replacement tree planted elsewhere on the property, which shall be shown on the final landscape plan. Replacement tree size is subject to staff review, and shall be commensurate with the size and numbers of trees to be removed. They shall generally be a minimum of 24" box size. Before the Final Inspection, the Arborist shall file a report to the City certifying that all tree preservation measures as recommended have been implemented to his/her satisfaction and that all retained trees have not been compromised by the construction.

**15. City Facilities Security.** The Property Owner shall provide a specific cash deposit, letter of credit, bank guarantee, or other similar financial vehicle ("City Facilities Security") in the amount of \$15,000 as established by the Director of Public Works. This financial vehicle serves as an initial sum to cover the cost of any potential damage to City property or facilities in any way caused by Property Owner, Property Owner's contractors or subcontractors, or any of their agents, employees or assigns, and related in any way to the Project. The Property Owner is responsible for the full cost of repair as determined by the City Engineer prior to final inspections. The form and terms of such City Facilities Security shall be determined by the Director of Public Works after consultation with the Property Owner. The Director may take into account any of the following factors: the cost of construction; past experience and costs; the amount of excavation; the number of truck trips; the physical size of the proposed project; the logistics of construction; the geotechnical circumstances at the site; and City right-of-way and repaving costs.

a. To provide clear baseline information to assist in determining whether damage to the City's facilities has been caused by the Property Owner or others working for or on behalf of Property Owner, the City will document such facilities (including, without limitation, nearby sidewalks, and streets and facilities along the approved construction route as specified in the Construction Management Plan, to establish the baseline condition of the sidewalks, streets and facilities. The City shall further re-document the sidewalks and streets as deemed appropriate after the Project commences until the Director of Public Works determines that further documentation is no longer warranted. As part of the documentation, the City may water down the streets to better emphasize any cracks or damage in the surface. The Property Owner is responsible for the full cost of the documentation and repair work as determined by the City Engineer, and shall reimburse the City for those costs prior to the scheduling of final inspection.

b. When the City Facilities Security is in a form other than cash deposit with the City, the proceeds from the City Facilities Security shall be made payable to the City upon demand, conditioned solely on the Director of Public Works' certification on information and belief that all or any specified part of the proceeds are due to the City.

**16. City Attorney Cost Recovery.** If there is a substantial additional commitment of City Attorney's time required to accommodate the scope and nature of the Project, the Property Owner shall, at the time of the Building

Permit Application, make a cash deposit with the City in the amount of \$5,000 to be used to offset time and expenses of the City Attorney relating to the Project. If such cash deposit has been reduced to \$2,500.00 or less at any time, the Director of Public Works may require the Property Owner to deposit additional funds to cover any further estimated additional City Attorney time and expenses. Any unused amounts shall be refunded to the Property Owner within 90 days after the Project has an approved Final Inspection by the Chief Building Official.

**17. 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, site safety security 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. Construction Site Control of Stormwater. The California Regional Water Quality Control Board requires all projects that disturb the site to comply with Provision C.6 of the San Francisco Bay Regional Stormwater NPDES Permit in order to prevent construction site discharges of pollutants and other regulated materials during construction. As required by the Chief Building Official and prior to the issuance of a building permit, the Applicant shall develop and submit a construction stormwater management plan as part of the Construction Management Plan to achieve timely and effective compliance with Provision C.6. Permit Provision C.6.c.ii provides sources for site specific, and seasonally- and phase-appropriate, effective Best Management Practices (BMPs) that may be incorporated into the stormwater management plan. Copies of the Municipal Regional Stormwater Permit are available from the Piedmont Public Works Department and on-line at [cleanwaterprogram.org](http://cleanwaterprogram.org).

b. Renovation / New Construction. Pursuant to Section 17.32.6 of the Municipal Code, if for any reason more than 70% of the physical structure (as determined by the Building Official) is demolished or destroyed, the building shall conform to new building and planning Code requirements. If this occurs during demolition, all work must stop and a new hearing and public review by the Planning Commission is required.

c. Neighboring Property Owner Permission. Should access onto a neighboring property be necessary for construction, including site improvements, the applicant shall submit, prior to the issuance of Building Permit, a written statement from the neighboring property owner granting permission for access onto his/her property for the purpose of excavation and/or construction.

**18. 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 Site Security, if one is required, in order to complete the benchmark. The Director of Public Works has the option to refer the application to the Planning Commission for public review.

Moved by Simpson, Seconded by Ode  
Ayes: Behrens, Ode, Simpson, Theophilos  
Noes: None  
Recused: Chase, Zhang  
Absent: None

**Design Review  
100 Indian Road**

**Resolution 219-DR-15**

WHEREAS, the Property Owner is requesting permission to construct two new colonnades atop previously approved seat walls located at 100 Indian 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 the 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 the design and materials that are in keeping with the existing building and the neighborhood as a whole. The proposed addition and colonnades are attractive and do not appear tacked-on. The application does not request a change in lot coverage, and no variances are required.
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 affect on neighboring 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 there is no impact.
4. The project complies with Design Review Guidelines II-1, II-2, II-3, II-3(a), II-3(b), II-3(c), II-3(d), II-6, II-6(a), II-6(b), II-6(c), II-7, II-7(a).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application for proposed construction at 100 Indian Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **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.

2. **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.

Moved by Ode, Seconded by Simpson  
Ayes: Chase, Ode, Simpson, Theophilos, Zhang  
Noes: None  
Recused: None  
Absent: None

**Design Review  
205 Pacific Avenue**

**Resolution 236-DR-15**

WHEREAS, the Property Owner is requesting permission to replace windows throughout the house and add decorative metal juliette balcony railings, located at 205 Pacific 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 the 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 the fact that the applicant is replacing all the existing windows with new, attractive, clad windows that match the size and style of the existing windows. New stucco will be painted to match existing stucco.
2. 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 will be no impact.
3. The project complies with Design Review Guidelines II-1, II-3, II-3(a), II-3(b), II-3(c), II-3(d), II-7, II-7(a).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application for proposed construction at 205 Pacific Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **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.

2. **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.

3. **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, site safety security 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.

4. **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. 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.

b. 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 Site Security, if one is required, in order to complete the benchmark. The Director of Public Works has the option to refer the application to the Planning Commission for public review.

5. **Window and Door Material.** As specified in the plans, the building material for the new windows and doors shall be aluminum clad.

6. **Window Color Scheme.** All the windows on the house shall have a consistent color scheme.

Moved by Simpson, Seconded by Chase  
Ayes: Chase, Ode, Simpson, Theophilos, Zhang  
Noes: None  
Recused: None  
Absent: None

**Variance and  
Design Review  
358 Scenic Avenue**

**Resolution 241-V/DR-15**

WHEREAS, the Property Owner is requesting permission to make significant modifications to the interior and exterior of the residence including: new stucco exterior walls with redwood accents; a standing seam metal roof; window and door modifications; the conversion of existing lower level storage space into habitable square footage; a 34 square foot expansion of the building footprint; a new lower level rear deck; and revisions to the front yard walkways, stairs, patio, fencing, guardrails and landscaping located at 358 Scenic Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, variances from the requirements of Chapter 17 of the Piedmont City Code are necessary to add a room eligible for use as a bedroom without conforming parking and to exceed the structure coverage limit of the lot; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited the 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

WHEREAS, with regard to variance, the Planning Commission finds that the proposal complies with the variance criteria under Section 17.21.6 of the Piedmont City Code:

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to: the property's extremely steep slope and narrow street frontage. 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. Most of the houses in this area are nonconforming, so without a variance the homeowners would be denied fair use of their property.
2. The variance is compatible with the immediately surrounding neighborhood and the public welfare, because it will leave the entrance to the driveway intact.
3. Accomplishing the improvements without variance would cause unreasonable hardship in planning, design, or construction, because adding conforming parking would be physically impossible.

WHEREAS, with regard to design review, the 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, the proposed siding and standing seam roof, which are harmonious with the surrounding houses. The proposed landscaping and stairs will be a vast improvement over the existing.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light, because there appears to be very minimal or no impact on neighboring properties' existing views, privacy and access to direct and 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 these elements will remain the same.
4. The project complies with Design Review Guidelines II-1, II-2, II-3(a), II-3(b), II-3(c), II-3(d), II-4, II-5, II-5(a), II-6, II-6(a), II-6(b), II-6(c), II-7, II-7(a), IV-1, IV-1(a), IV-1(b), IV-2, IV-2(a), IV-3, IV-3(a), IV-4, IV-5, IV-5(a), IV-6, V-1, V-2, V-3, V-4, V-5, V-5(a), V-5(b), V-5(c), V-6, V-7, V-8, V-9, V-10, V-11.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance and design review application for proposed construction at 358 Scenic Avenue, 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 July 30, 2015, after notices to neighbors were mailed and the application was available for public review.
2. **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 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 and coverage for contractors, which is substantially equivalent to the contractor's requirement of this section.

**3. 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.

**4. 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.

**5. 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 Site Security, if one is required, in order to complete the benchmark. The Director of Public Works has the option to refer the application to the Planning Commission for public review.

**6. 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.

**7. Setback from Property Line Verification.** Prior to the inspection of the retaining walls, the applicant shall submit to the Building Official written verification by a licensed land surveyor stating that the construction is located at the setback dimension from the northern and eastern property lines as shown on the approved plans. The intent is to verify that the approved features are constructed at the approved dimension from the property line(s).

**8. Notice of Restricted Use.** The storage room/spaces directly below the garage do not meet habitation or safety requirements of the Piedmont Municipal Code. A notice of restricted use shall be recorded with the Alameda County Recorder's office advising current and future owners that the space does not meet the safety codes for habitation/sleeping purposes.

**9. Environmental Hazards.** Prior to the issuance of a building permit as required by the Chief Building Official, the applicant shall provide a plan, including necessary testing, to verify compliance with all local, state and federal regulations regarding the disturbance and removal of hazardous materials (if any) on residential properties and/or in the proximity of schools, including lead-based paint and asbestos. Said plan for the proper removal and handling of hazardous materials shall be provided on the appropriate sheets of the construction plan sets and included in the Construction Management Plan.

**10. Double Trailer Truck Prohibition.** To reduce potential damage to the streets and to avoid traffic hazards on narrow curving city streets, no double trailers shall be used as part of the Project.

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

**12. Roof Color.** The proposed standing seam roof shall be a non-reflective medium or dark color to minimize the visual impact on upslope properties.

13. **Garage Door.** The garage door shall be mechanically operable. If design modifications are required to accomplish this, those modifications shall be subject to staff review.

14. **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, site safety security 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. Optional: Construction Site Control of Stormwater. The California Regional Water Quality Control Board requires all projects that disturb the site to comply with Provision C.6 of the San Francisco Bay Regional Stormwater NPDES Permit in order to prevent construction site discharges of pollutants and other regulated materials during construction. As required by the Chief Building Official and prior to the issuance of a building permit, the Applicant shall develop and submit a construction stormwater management plan as part of the Construction Management Plan to achieve timely and effective compliance with Provision C.6. Permit Provision C.6.c.ii provides sources for site specific, and seasonally- and phase-appropriate, effective Best Management Practices (BMPs) that may be incorporated into the stormwater management plan. Copies of the Municipal Regional Stormwater Permit are available from the Piedmont Public Works Department and on-line at [cleanwaterprogram.org](http://cleanwaterprogram.org).

b. Optional: Renovation / New Construction. Pursuant to Section 17.32.6 of the Municipal Code, if for any reason more than 70% of the physical structure (as determined by the Building Official) is demolished or destroyed, the building shall conform to new building and planning Code requirements. If this occurs during demolition, all work must stop and a new hearing and public review by the Planning Commission is required.

Moved by Chase, Seconded by Simpson  
Ayes: Chase, Ode, Simpson, Theophilos, Zhang  
Noes: None  
Recused: None  
Absent: None

**Fence Design Review  
71 Lakeview Avenue**

**Resolution 243-DR-15**

WHEREAS, the Property Owner is requesting permission to erect a new wrought iron fence and gates enclosing the northeast corner of the rear yard patio along Richardson Way, located at 71 Lakeview 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 the 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 the following: the proposed fence is attractive and has a Mediterranean style that matches architectural 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 there will be no impact. The proposed fence is light and open and is compatible with the neighborhood.
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 impact.
4. The project complies with Design Review Guidelines V-1, V-2, V-3, V-4, V-5, V-5(a), V-5(b), V-5(c), V-7, V-8, V-9, V-10, V-11.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application for proposed construction at 71 Lakeview 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. Fence Location.** The new fence, including all footings and posts, shall be located completely within the applicants' property. At the discretion of the Building Official, a licensed land surveyor may be required by the Building Department to verify and mark the location of the property lines at the time of foundation inspection to verify the approved setback dimension measured to the new fence and that it is completely within the applicants' property.

Moved by Simpson, Seconded by Chase  
Ayes: Behrens, Chase, Ode, Simpson, Zhang  
Noes: None  
Recused: Theophilos  
Absent: None

**Variance and  
Design Review  
68 Lincoln Avenue**

**Resolution 244-V/DR-15**

WHEREAS, the Property Owner is requesting permission to make garage door modifications to the existing garage on Lincoln Avenue, and excavate and construct a new attached basement-level 3-car garage at the southwest corner of the house, the building of which on Sheridan Avenue includes: a new curb cut, a

new driveway, a relocated street tree, and retaining wall modifications; a green roof terrace atop the new garage; fencing and guardrail changes in the immediate area; landscape modifications in the west side yard; new exterior lighting on the face of the new garage and atop the two columns flanking the new driveway entrance; and various interior changes on the basement level, located at 68 Lincoln Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is required in order to lower the grade level at the new garage and further exceed the 35-foot building height limit; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited the 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

WHEREAS, with regard to variance, the Planning Commission finds that the proposal complies with the variance criteria under Section 17.21.6 of the Piedmont City Code:

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to: the property is an upslope lot and the house is more than 12 feet from the street level. The garage is mostly underground to connect with the existing basement and access the house and elevator. 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.
2. The variance is compatible with the immediately surrounding neighborhood and the public welfare, because, due to the high roof form and upslope topography, the owner cannot use the property in the same manner as others in the same zone without the variance.
3. Accomplishing the improvements without variance would cause unreasonable hardship in planning, design, or construction, because it would be very difficult to construct a new garage, due to the existing nonconformity of the building height.

WHEREAS, with regard to design review, the 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 the height, bulk, area openings, breaks in the façade, line and pitch of the roof and materials. The proposed garage is attractive and is harmonious with the existing house.
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 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 proposal will improve the traffic flow in and around the neighborhood, and the applicants have addressed the neighbors' concerns about pedestrian safety by providing lighting and adequate width to the driveway.

4. The project complies with Design Review Guidelines III-2, III-3, III-4, III-5, III-5(a), III-6, III-6(a), III-7, III-7(a), IV-1, IV-1(a), IV-1(b), IV-2, IV-2(a), IV-3, IV-3(a), IV-4, IV-5, IV-5(a), IV-6, V-5, V-5(a), V-5(b), V-5(c), V-9.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance and design review application for proposed construction at 68 Lincoln Avenue, 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 July 28, 2015 after notices to neighbors were mailed and the application was available for public review.

2. **Garage Doors.** The garage door shall be electronically operable. If design modifications are required to accomplish this, those modifications shall be subject to staff review.

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 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 and coverage for contractors, which is substantially equivalent to the contractor's requirement of this section.

4. **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.

5. **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.

6. **Double Trailer Truck Prohibition.** To reduce potential damage to the streets and to avoid traffic hazards on narrow curving city streets, no double trailers shall be used as part of the Project.

**7. 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.

**8. Setback from Property Line Verification.** Prior to foundation inspection for the new garage and new retaining wall columns, the applicant shall submit to the Building Official written verification by a licensed land surveyor stating that the construction is located at the setback dimension from the west property line as shown on the approved plans. The intent is to verify that the approved features are constructed at the approved dimension from the property line(s).

**9. Street Tree Replacement.** In order to mitigate the removal of a City-owned street tree within the street right-of-way resulting from the creation of a new driveway and curb cut on Sheridan Avenue, the applicants shall cover the full cost of labor and materials for the removal of the existing street tree and the installation of a new street tree, which shall be carried out by the City or its contractor(s). Accordingly and prior to the issuance of a building permit, the applicants shall submit an initial tree replacement payment in the amount of \$750, with any further payments necessary to cover costs in excess of \$750 to be submitted prior to the scheduling of a final inspection. The location, size and species of the replacement street tree shall be determined by the Director of Public Works or his designee.

**10. Final Landscape Plan.** Before issuance of a building permit, the Property Owner shall submit for staff review and approval a Final Landscape Plan that shows trees proposed for retention as well as in-lieu trees. The final plan shall comply with Municipal Code Section 17.17.3, and shall not propose plants near the driveway that could obscure visibility of pedestrians on the sidewalk or vehicles on the street from drivers backing out of the driveway.

**11. Foundation/Shoring/Excavation Plan.** Upon the request of the Chief Building Official, the Property Owner shall submit foundation, excavation, and shoring plans prepared by a licensed civil or structural engineer that fully address issues of site shoring, fencing and hillside security issues. The plans shall not require any trespassing or intruding into neighboring properties (without prior written consent), and shall mitigate against any subsidence or other damage to neighboring or City-owned properties. Such plans shall incorporate as appropriate the recommendations of the Property Owner's geotechnical engineer and the City's geotechnical consultant, and shall be subject to approval by the City Engineer and the Chief Building Official.

**12. Geotechnical Report and Review.** Upon the request of the Chief Building Official, the Property Owner shall submit a report prepared by a geotechnical engineer of the Property Owner's choice that fully assesses the existing site conditions, and addresses all issues regarding excavation and grading, foundations and their construction, drainage, retaining wall systems, periodic on-site observations, and other related items involving the Project.

a. Peer Review. The City, at the Property Owner's sole expense, shall retain an independent geotechnical consultant to perform a peer-review of the Property Owner's geotechnical report and advise the City in connection with the Property Owner's proposals. The City Engineer shall select this independent geotechnical consultant, whose services shall be provided for the sole benefit of the City and whose reports and recommendations can be relied upon only by the City. The independent geotechnical consultant shall also review the building plans during the permit approval process, and may provide periodic on-site observations during excavation and construction of the foundations as deemed necessary by the City Engineer. The Property Owner shall provide payment for this at the time of the Building Permit submittal.

**13. Consultant Cost Recovery.** In order to accommodate the scope and nature of the Project proposed by the Property Owner, if the Director of Public Works deems it necessary to retain independent consultants with specialized expertise, including the City Engineer, the Property Owner shall make a cash deposit with the City at the time of the Building Permit Application in the amount of \$5,000 to be used to pay for the fees and expenses of such City consultants, or in any way otherwise required to be expended by the City for professional consultant assistance. If the cash deposit has been reduced to \$2,500 or less at any time, the Director of Public Works may require the Property Owner to deposit additional funds to cover any further estimated fees and expenses associated with consultants retained by the City on a regular basis or specifically for the Property Owner's Project. Any unexpended amounts shall be refunded to the Property Owner within 90 days after the Project has an approved Final Inspection by the Chief Building Official.

**14. City Attorney Cost Recovery.** If there is a substantial additional commitment of City Attorney's time required to accommodate the scope and nature of the Project, the Property Owner shall, at the time of the Building Permit Application, make a cash deposit with the City in the amount of \$5,000 to be used to offset time and expenses of the City Attorney relating to the Project. If such cash deposit has been reduced to \$2,500.00 or less at any time, the Director of Public Works may require the Property Owner to deposit additional funds to cover any further estimated additional City Attorney time and expenses. Any unused amounts shall be refunded to the Property Owner within 90 days after the Project has an approved Final Inspection by the Chief Building Official.

**15. 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, site safety security 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. Construction Site Control of Stormwater. The California Regional Water Quality Control Board requires all projects that disturb the site to comply with Provision C.6 of the San Francisco Bay Regional Stormwater NPDES Permit in order to prevent construction site discharges of pollutants and other regulated materials during

construction. As required by the Chief Building Official and prior to the issuance of a building permit, the Applicant shall develop and submit a construction stormwater management plan as part of the Construction Management Plan to achieve timely and effective compliance with Provision C.6. Permit Provision C.6.c.ii provides sources for site specific, and seasonally- and phase-appropriate, effective Best Management Practices (BMPs) that may be incorporated into the stormwater management plan. Copies of the Municipal Regional Stormwater Permit are available from the Piedmont Public Works Department and on-line at [cleanwaterprogram.org](http://cleanwaterprogram.org).

**16. 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 Site Security, if one is required, in order to complete the benchmark. The Director of Public Works has the option to refer the application to the Planning Commission for public review.

17. **Fence Design.** The chain link fence shall be replaced with fencing that is consistent with the design and materials of the house. Said new fencing shall be subject to staff review and approval.

Moved by Behrens, Seconded by Simpson  
Ayes: Behrens, Chase, Ode, Simpson, Theophilos  
Noes: None  
Recused: Zhang  
Absent: None

**Design Review  
201 Mountain Avenue**

**Resolution 245-DR-15**

WHEREAS, the Property Owner is requesting permission to remodel and expand the existing 1,531-square-foot 2-bedroom house through: the construction of a 369-square-foot rear addition; the reconfiguration of the front entry porch and path; window, door, skylight and exterior lighting modifications; various changes to the interior including the addition of a third bedroom; the installation of a new fence enclosing the right side yard and handrails along the front entry steps; and hardscape and landscape changes throughout the property, including a widened driveway, located at 201 Mountain Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited the 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: the bulk is reduced by breaks in the façade and roof pitch; material selection is to match existing wood siding and roof shingles; and all windows are proposed to be high quality clad wood windows for aesthetic, function and efficiency. There will be no exposed mechanical and electrical equipment.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light, because prior neighbor concerns were addressed, and there are no impacts.
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 impact.
4. The project complies with Design Review Guidelines II-1, II-2, II-3, II-3(a), II-3(b), II-3(c), II-3(d), II-5, II-5(a), II-5(b), II-5(c), II-6, II-7, II-7(a).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application for proposed construction at 201 Mountain Avenue, 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 July 17, 2015 with additional materials submitted on July 28, 2015, after notices to neighbors were mailed and the application was available for public review.

2. **Window and Door Material.** As specified in the plans, the building material for the new windows shall be aluminum-clad wood.

3. **Window Color Scheme.** All the windows on the house shall have a consistent color scheme.

4. **Exterior Lighting.** All new exterior light fixtures shall be downward directed with an opaque or translucent shade that completely covers the light bulb.

5. **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.

6. **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.

7. **Final Landscape Plan.** Before issuance of a building permit, the Property Owner shall submit for staff review and approval a Final Landscape Plan that shows trees proposed for retention as well as in-lieu trees required by a Certified Tree Preservation Plan. The final plan shall comply with Municipal Code Section 17.17.3, and shall not propose plants near the driveway that could obscure visibility of pedestrians on the sidewalk or vehicles on the street from drivers backing out of the driveway.

8. **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, site safety security 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. Construction Site Control of Stormwater. The California Regional Water Quality Control Board requires all projects that disturb the site to comply with Provision C.6 of the San Francisco Bay Regional Stormwater NPDES Permit in order to prevent construction site discharges of pollutants and other regulated materials during construction. As required by the Chief Building Official and prior to the issuance of a building permit, the Applicant shall develop and submit a construction stormwater management plan as part of the Construction Management Plan to achieve timely and effective compliance with Provision C.6. Permit Provision C.6.c.ii provides

sources for site specific, and seasonally- and phase-appropriate, effective Best Management Practices (BMPs) that may be incorporated into the stormwater management plan. Copies of the Municipal Regional Stormwater Permit are available from the Piedmont Public Works Department and on-line at [cleanwaterprogram.org](http://cleanwaterprogram.org).

b. Renovation / New Construction. Pursuant to Section 17.32.6 of the Municipal Code, if for any reason more than 70% of the physical structure (as determined by the Building Official) is demolished or destroyed, the building shall conform to new building and planning Code requirements. If this occurs during demolition, all work must stop and a new hearing and public review by the Planning Commission is required.

c. Neighboring Property Owner Permission. Should the erection of the new fencing along the property line require access onto the neighboring property, the applicant shall submit, prior to the issuance of Building Permit, a written statement from the neighboring property owner granting permission for access onto his/her property for the purpose of excavation and/or construction.

**9. 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 Site Security, if one is required, in order to complete the benchmark. The Director of Public Works has the option to refer the application to the Planning Commission for public review.

Moved by Simpson, Seconded by Ode  
Ayes: Behrens, Chase, Ode, Simpson, Theophilos  
Noes: None  
Recused: Zhang  
Absent: None

## REGULAR CALENDAR

The Commission considered the following items of regular business:

### **Staff Design Review Deferral 55 Cambrian Avenue**

The Property Owner is requesting permission to construct a 472 square-foot trellis that is 9'3" high, and a 13' high outdoor chimney and fireplace adjacent to an existing stucco wall 4' from the property line shared with the vacant property at 53 Cambrian Avenue. This application has been referred to the Planning Commission for review.

Written notice was provided to neighbors. **Three affirmative and one negative response forms** were received. **Correspondence** was received from: Jerome and Susan Herrick.

**Public testimony** was received from:

Shanti Brien, homeowner, described the proposed project and expressed her desire to work with the neighbors regarding their concerns. In response to questions from the Commission, Ms. Brien stated that she is amenable to retaining the three existing Mayten trees, but she expressed her concern that the trees are unhealthy. She also explained that they reduced the height of the proposed chimney from 17 feet to 13 feet.

Catherine Chang, Project Landscape Designer, described the poor health of the existing screening vegetation and suggested a successive planting strategy, which would allow the existing screening to remain while newer, healthier plants are introduced. In response to questions from the Commission, Ms. Chang confirmed that the applicants propose to remove the diseased Ulnus tree once the new plants have grown taller, and that she is willing to collaborate with the neighbors' arborist on the removal of the tree. She discussed her recommendation that the applicants conduct a soil test to better understand the conditions of the site.

Esther Suzuki Arnold, Project Architect, discussed the design of the pergola and the height of the fireplace chimney. In response to questions from the Commission, she explained that the height of the chimney is related to architectural proportions, and that the chimney is not needed for venting the gas fireplace. She stated that she is willing to consider lowering the chimney, but would have to discuss the height with the homeowners.

Susan Herrick, neighbor at 8 Croydon Circle, discussed her concerns with regard to noise and privacy impacts of the proposed project, and she expressed

her desire to retain the existing landscape screening. In response to questions from the Commission, Ms. Herrick stated that she is amenable to the removal of the diseased Ulnus tree, as long as her tree professional can be present to observe its removal and to assure that other plants on her property are not damaged. She also confirmed that she is amenable to the installation of new screening plants, as long as their height matches the height of the existing Maytens at installation. She requested that the proposed fireplace chimney be lowered.

Jerry Herrick, neighbor at 8 Croydon Circle, described his property and explained that space is extremely limited for planting trees or other screening vegetation. He requested that any new screening plants be equal in height to the existing Maytens at the time of installation.

The Commissioners were in favor of the overall design of the project, but they agreed that the current level of vegetative screening should be maintained to limit the impact of the project on the neighbors at 8 Croydon Circle. Commissioner Simpson suggested that a 5-year landscape maintenance plan be submitted as part of the approval. Several of the Commissioners also expressed concern for the height of the pergola and/or fireplace chimney, and recommended lowering one or both of these structures. Commissioner Zhang, however, was in favor of making no changes to the height of these structures. The Commission ultimately decided to approve the pergola as proposed, but require that the height of the chimney be lowered by one foot.

**Resolution 114-DR-15**

WHEREAS, the Property Owner is requesting permission to construct a 472 square-foot trellis that is 9'3" high, and a 13' high outdoor chimney and fireplace adjacent to an existing stucco wall 4' from the property line shared with the vacant property at 53 Cambrian Avenue, located at 55 Cambrian 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 the 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, the proposed stucco fireplace, which is aesthetically pleasing and consistent with the Spanish colonial architecture of the house. As conditioned, the size and height of the pergola and fireplace chimney are non-confining and in harmony with the house and garden. The proposed structures are at an adequate distance from the neighboring structures and the street.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy, and access to direct and indirect light, because, as conditioned, the applicant has agreed to either maintain the three existing Mayten trees adjacent to the patio at 8 Croydon Circle or replace these trees with vegetation of similar height and screening capability. The proposed chimney, as conditioned, will be lowered by one foot, which will reduce any impacts it has on the neighbors.

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 impact.

4. The project complies with Design Review Guidelines II-1, II-2, II-3, II-3(a), II-3(b), II-3(c), II-3(d), II-6, II-6(a), II-6(b), II-6(c).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application for proposed construction at 55 Cambrian Avenue, 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 July 16, 2015 and the landscape plan which was submitted August 6, 2015, after notices to neighbors were mailed and the application was available for public review.

2. **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.

3. **Removal of Ulnus.** If it is determined that the large Ulnus tree needs to be removed, an agreement between the applicant and neighbor at 8 Croydon Circle shall be submitted, subject to staff review and approval. The agreement shall determine the date and time for the removal of the tree, so that a tree professional representing the neighbor at 8 Croydon Circle can observe the tree removal and protect their property and existing vegetation from damage.

4. **Vegetative Screening.** If the three existing Mayten trees are to be removed, they shall be replaced with plants of similar height and screening capability, so that the current level of screening is maintained at all times. The plant selection shall be agreed upon by both the applicant and the neighbor at 8 Croydon Circle, subject to staff review and approval.

5. **Vegetation Maintenance Plan.** A five-year limited maintenance plan shall be submitted for the screening vegetation along the property line shared with 8 Croydon Circle, subject to staff review and approval.

6. **Chimney Height.** The chimney shall be reduced in height by one foot, subject to staff review and approval.

Moved by Simpson, Seconded by Chase  
Ayes: Chase, Ode, Simpson, Theophilos, Zhang  
Noes: None  
Recused: None  
Absent: None

**Variance and  
Design Review  
951 Kingston Avenue**

The Property Owner is requesting permission to construct a 917-square foot upper level addition; make window and door modifications; make interior improvements; install new skylights; install a fireplace insert cap; and seek retroactive approval for railing modifications and various secondary structures in the rear yard including a play structure, planters, bee hive, and chicken coop. A variance is required to add a bedroom without supplying conforming parking.

Written notice was provided to neighbors. **Three affirmative, two negative, and one response form indicating no position** were received.

**Correspondence** was received from: Jan and Akashi Matsuno, Lynda Ong, Louise and Will Corson, Stephanie and Barry Rudolph, and Stacey Isaacs.

**Public testimony** was received from:

Robert Kelly, Project Architect, explained how the applicants have reached out to the neighbors throughout the yearlong development of the project and only recently received negative feedback regarding their proposal. He stated that the project fits in with the existing neighborhood, which has a mix of one and two-story houses. Mr. Kelly reported on the concerns of the neighbors and explained the significant changes that were made to the height of the addition and the design of the roof to address the neighbors' concerns. With regard to the parking variance, Mr. Kelly described the characteristics of the neighborhood and stated that the variance would be in keeping with the other houses on the block. In response to questions from the Commission regarding parking alternatives, Mr. Kelly explained that the cost of a two-car garage would make the project infeasible. He also responded to questions about the proposed basement storage area.

Brett Hondorp, homeowner, explained the transparency they had with neighbors throughout the design process. He reported that the neighbor at 947 Kingston preferred a second story addition to a rear addition, and that the neighbor at 955 Kingston showed no concern for their plans until recently. He described the different design alternatives that were initially considered and explained how the design of the project significantly changed in response to the neighbors' concerns. In response to questions from the Commission, Mr. Hondorp explained that the proposal includes improving the storage area in the basement so that the garage can be used for parking instead of storage. He also explained that the application proposes retroactive approval of a chicken coop, play structure and bee hives.

Susan Fizzell, homeowner, explained that the goals of the project are to add a third bedroom, improve the functionality of the floor plan, and improve the access to the back yard, all while limiting the impacts on neighbors. She also discussed the importance of their backyard for growing and raising food, and explained that expanding the house toward the back would impact the use of their yard. She described the character of the neighborhood and stated that while one and two-story houses are characteristic of the neighborhood, conforming parking is not. She explained that adding a two-car garage would require a complete redesign of the front façade and front landscaping and would be infeasible. Ms. Fizzell also responded to questions about the existing basement.

Lynda Ong, neighbor at 955 Kingston Avenue, expressed regret for not indicating her concern for the design earlier, but she explained that she was not able to visualize the impact of the proposal until the story poles were constructed. She reported that the proposal would block light to her dining room

and kitchen and would block her view of the sky. She suggested that the applicants expand in the back yard instead of adding a second story.

The Commission was divided in its support of the project. Commissioners Zhang, Ode, Chase, and Theophilos all expressed concern for the proposal, including the parking variance, the tacked-on appearance of the addition, and the impacts the addition would have on the light and views of the neighbors at 941 and 955 Kingston Avenue. They discussed alternative designs that would address these concerns. Commissioners Zhang, Chase and Theophilos were in favor of expanding into the unusually deep back yard. Commissioners Zhang and Chase also expressed support for adding a two-car garage in the basement. Commissioner Ode was not completely opposed to adding height to the house, but stated that she would prefer a more cohesive design and one with less impact on the adjacent neighbor. On the other hand, Commissioner Simpson expressed her support for the proposal. She argued that the addition does not have a significant impact on the neighbors and that the proposed parking variance is consistent with the neighborhood. She indicated her opinion that it would be unduly burdensome to require the applicant to further dig out the basement and expressed her desire to preserve the back yard as is. The Commission also discussed the existing shed in the back yard and encouraged the applicants to remove it.

**Resolution 150-V/DR-15**

WHEREAS, the Property Owner is requesting permission to construct a 917-square foot upper level addition; make window and door modifications; make interior improvements; install new skylights; install a fireplace insert cap; and seek retroactive approval for railing modifications and various secondary structures in the rear yard including a play structure, planters, bee hive, and chicken coop located at 951 Kingston Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary to add a bedroom without supplying conforming parking; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited the subject property, the Piedmont Planning Commission finds that the current proposal does not comply with the variance criteria under Section 17.21.6 of the Piedmont City Code:

1. There was no evidence put forth with this application that would persuade the commission to approve the variance.
2. There appears to be sufficient property size for the applicants to create additional parking structures that would obviate the need for a variance.
3. There is no reason that the variance proposed under this application should be granted, because compatibility with the surrounding neighborhood is not an issue.
4. There is no evidence that accomplishing the improvements without variance would cause unreasonable, non-financial hardship.

WHEREAS, with regard to design review, the Planning Commission finds that the current proposal does not comply with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements have an adverse impact on neighboring properties' light and views.
2. The proposed upper level addition has not been designed in a way that reasonably minimizes view and light impacts, because it is too high.
3. The proposed on-site parking is not appropriate to the size of the new upper level addition, because the application proposes three bedrooms, which requires two parking spaces.
4. The project does not comply with Design Review Guidelines II-2, II-3, II-3(a), II-3(b), II-7.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the current variance and design review application for proposed construction at 951 Kingston Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Chase, Seconded by Ode

Ayes: Chase, Ode, Theophilos, Zhang

Noes: Simpson

Recused: None

Absent: None

The Commission recessed for dinner at 6:50 p.m. and reconvened at 7:10 p.m.

**Variance and  
Second Unit Permit  
with Parking Exception  
612 Magnolia Avenue**

The Property Owner is requesting permission to gain retroactive approval for a 698-square-foot second unit located within the basement level of the house, and an exception to the parking requirements for the second unit, which is proposed as a very low income unit. No exterior changes are proposed. A variance is required in order to develop a second unit without supplying the required number of parking spaces for the main house.

Written notice was provided to neighbors. **One affirmative and one negative response forms** were received. **Correspondence** was received from: Steve Silver.

**Public testimony** was received from:

Nhu Tran, homeowner, explained the application and reported that parking is difficult on the street during school hours but not at all difficult during non-school hours. He stated that he had rented out the unit before realizing that it needed to be approved by the City and that the unit is currently vacant. In response to questions from the Commission, Mr. Tran confirmed that the house has a total of four bedrooms, including the bedroom in the rental unit, and that it is in close proximity to casual carpool and public transportation. He stated that adding a two-car garage would negatively impact the aesthetics of the neighborhood. Mr. Tran confirmed that the unit will be rented at a very low income rate and that he is not interested in attempting to prove that the unit is an exempt second unit.

Planning Director Black answered Commissioner questions regarding exempt second units and the parking requirements of second units.

The Commissioners were unanimously in support of the project and stressed the importance of adding very low-income units to the City's housing inventory. They were in favor of approving the parking variance, since the parking on the property is an existing nonconformity, nearby residences also had nonconforming parking scenarios, and no significant changes were being made to the structure. The Commissioners considered the difficulties with parking on the street during school hours, but noted the close proximity of public transportation and agreed that a two-car garage would negatively impact the property.

**Resolution 193-V/SUP-15**

WHEREAS, the Property Owner is requesting permission to gain retroactive approval for a 698-square-foot second unit located within the basement level of the house, and an exception to the parking requirements for the second unit, which is proposed as a very low-income unit, located at 612 Magnolia Avenue, Piedmont, California. No exterior changes are proposed; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary to develop a second unit without supplying the required number of parking spaces for the main house; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited the 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

WHEREAS, with regard to variance, the Planning Commission finds that the proposal complies with the variance criteria under Section 17.21.6 of the Piedmont City Code:

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to a steep downslope from the street level. The only possible location for additional parking on the property would have a major impact on the light and use of the house and existing deck. 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. The parking situation is an existing nonconformity and there are other houses in the neighborhood with nonconforming parking. The proposal reduces the existing nonconformity by reducing the number of bedrooms in the main house from four to three.
2. The variance is compatible with the immediately surrounding neighborhood and the public welfare, because it allows for a second unit with easy access to public transportation and car sharing.
3. Accomplishing the improvements without variance would cause unreasonable hardship in planning, design, or construction, because to build a second garage structure over the deck would be difficult and unsafe and would eliminate street parking.

WHEREAS, with regard to the parking exception, the Planning Commission finds that the proposal conforms with the criteria and standards of Section 17.40.7(c)(ii) of the Piedmont City Code:

1. In looking at the totality of circumstances, there is sufficient street parking available to accommodate the parking exception, including proximity to public transit services, because it is a short walk to casual carpool, AC Transit, and Transbay buses.
2. The exception will not negatively impact traffic safety or emergency vehicle access to residences, or create hazards by obstructing views to or from adjoining sidewalks, driveways and streets, because there will be no changes.

WHEREAS, the application complies with the following General Plan Goals and Policies: Policy 1.5 (Second Units), Goal 3 (Affordable Housing Opportunities), Policy 3.1 (Rent-Restricted Second Units), Policy 3.3 (Conversion of Unintended Units to Rentals), Policy 3.4 (Legalization of Suspected Units), Policy 3.5 (Second Unit Building Regulations).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance and second unit permit with a parking exception for the second unit at 612 Magnolia Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

**1. Handrail on Exterior Stairs.** Handrailing shall be installed as required by the California Building Code at exterior stairs along the path from the sidewalk to the basement entrance to the second unit. The design of the handrail(s) shall be subject to Administrative Design Review.

**2. Second Unit Declaration.** In compliance with §17.40.6.g, prior to the issuance of a building permit, the completed, signed and notarized *Declaration of Restrictions - Property with Approved Second Dwelling Unit* form shall be recorded.

**3. Declaration of Rent Restriction.** In compliance with §17.40.7.c.iii.a.i, a *Declaration of Rent Restriction* (in a form provided by the City) shall be recorded stating that the unit is rent-restricted as a very low income unit. The rent-restriction shall be recorded in the County Recorder's Office, and shall remain in effect for ten years. The ten-year period of rent restriction begins either: (a) on the date of recordation or date of final building inspection, whichever is later; or (b) according to the terms of the conditions of approval or a recorded declaration. If, after ten years, the termination of the recorded declaration is not automatic (by its terms), the City shall record a document terminating the declaration of rent restrictions, upon the written request of the property owner.

**4. Affordable Rent Certification.** In compliance with §17.40.7.c.iii.a.ii, prior to the occupancy of the rent-restricted unit, an owner who has executed a Declaration of Rent Restriction shall submit to the City a Second Unit Affordable Rent Certification (in a form provided by the City), and thereafter (i) on an annual basis, by each December 31 and as part of the annual City business license application and renewal; and (ii) upon any change in occupancy of the second unit. The second unit affordable rent certification shall be on a form provided by the City and shall specify whether or not the second

unit is being occupied; the rent charged; the utilities that are included in the cost of rent; the household size of the second unit; the names and ages of the second unit occupants; the gross household income of the second unit household; and other information as determined appropriate by the City.

**5. Building Code Compliance.** Building Official shall make a thorough inspection of the unit to determine compliance with the current Building Code, and with any other building requirements determined by the Piedmont Building Official to be related to the safety of occupants. All building Code requirements for habitation as a second unit must be met. Related modifications to the exterior, if any, shall be subject to Administrative Design Review.

**6. Construction Management Plan.** A comprehensive Construction Management Plan shall be developed by the applicant. The Construction Management Plan shall address noise, vibrations, traffic control, parking, debris removal, dust control, sanitary facilities, and other potential construction impacts, as well as other details involving the means and methods of completing the Project including the construction route. The City Building Official shall have the authority to require modifications and amendments to the Construction Management Plan as deemed necessary throughout the course of the Project and until the final issuance of a Certificate of Occupancy.

**7. Elimination of Interior Access to Second Unit.** As required by Section 17.40.7.c.iii.b, there shall be no direct access between the primary unit and the second unit, and there must be a permanently constructed barrier to interior access.

Moved by Chase, Seconded by Simpson  
Ayes: Chase, Ode, Simpson, Theophilos, Zhang  
Noes: None  
Recused: None  
Absent: None

## ADJOURNMENT

There being no further business, Chairman Theophilos adjourned the meeting at 8:13 p.m.