

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, June 8, 2015

A Regular Session of the Piedmont Planning Commission was held June 8, 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 May 22, 2015 and a revised agenda was posted for public inspection on June 5, 2015.

CALL TO ORDER

Vice Chair Simpson called the meeting to order at 5:04 p.m.

ROLL CALL

Present: Commissioners Philip Chase, Louise Simpson, Tom Zhang and Alternate Commissioner Eric Behrens

Absent: Chair Tony Theophilos and Commissioner Susan Ode (both excused)

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

Council Liaison: Councilmember Tim Rood

APPROVAL OF MINUTES

Resolution 13-PL-15

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of the May 11, 2015, regular hearing of the Planning Commission.

Moved by Zhang, Seconded by Behrens

Ayes: Behrens, Chase, Simpson, Zhang

Noes: None

Recused:

Absent: Ode, Theophilos

CONSENT CALENDAR

The Commission placed the following applications on the Consent Calendar:

- 15 Lake Avenue (Design Review)
- 1111 Warfield Avenue (Variance and Design Review)
- 42 Craig Avenue (Variance and Design Review)
- 28 Lorita Avenue (Variance and Design Review)
- 87 Huntleigh Road (Design Review and Second Unit Permit with Parking Exception)

Resolution 14-PL-15

RESOLVED, that the Planning Commission approves the Consent Calendar as noted.

Moved by Zhang, Seconded by Chase

Ayes: Behrens, Chase, Simpson, Zhang

Noes: None

Recused:

Absent: Ode, Theophilos

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

Design Review 15 Lake Avenue

Resolution 326-DR-14

WHEREAS, the Property Owner is requesting permission to construct an approximately 495-square-foot second-story addition at the rear of the house

located at 15 Lake Avenue, Piedmont, California, which construction requires design review; and

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

1. The exterior design elements are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development. The distance between the second-story 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. The addition uses the same materials as the existing house, which creates consistency and harmony at the rear of the house.
2. The proposed second-story addition has been designed in a way that reasonably minimizes view and light impacts on neighboring properties, because it is within the existing envelope and is the same height as the existing house.
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 the addition is the same height as the existing house and is in harmony with the adjacent buildings in the neighborhood.
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. The existing or proposed on-site parking is appropriate to the size of the new second-story addition, and additional parking is not required to prevent unreasonable short and/or long term parking impacts on the neighborhood, because there is no impact.
5. The project complies with Design Review Guidelines II-1, II-2, 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 15 Lake 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. 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 Behrens, Seconded by Chase

Ayes: Behrens, Chase, Simpson, Zhang

Noes: None

Recused:

Absent: Ode, Theophilos

**Variance and
Design Review
1111 Warfield Avenue**

Resolution 151-V/DR-15

WHEREAS, the Property Owner is requesting permission to convert the existing basement into habitable space; make window and door modifications; and construct awnings, railings, retaining walls, and a patio at the rear of the property located at 1111 Warfield 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 in order to add an additional room eligible for use as 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 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 new bathroom can be located in existing basement space, which will not require a rear addition and will maintain the size of the rear yard and existing views.
2. The variance is compatible with the immediately surrounding neighborhood and the public welfare, because it allows the applicant to have the same number of bathrooms as neighboring properties.
3. Accomplishing the improvements without variance would cause unreasonable hardship in planning, design, or construction, due to the small size and existing views of the rear yard.

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 and harmonious with existing and proposed neighborhood development.
2. The design is appropriate, because it has no impact on neighboring properties' existing views, privacy and access to direct and indirect light.
3. The safety of residents, pedestrians, and vehicle occupants is not impacted.

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).

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 1111 Warfield Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

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

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

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. **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.

Moved by Chase, Seconded by Zhang

Ayes: Behrens, Chase, Simpson, Zhang

Noes: None

Recused:

Absent: Ode, Theophilos

**Variance and
Design Review
42 Craig Avenue**

Resolution 152-V/DR-15

WHEREAS, the Property Owner is requesting permission to construct a 104-square-foot upper-level addition; make modifications to the roof eaves; make various window and door modifications; add exterior lighting; construct a new porch and deck at the rear; and make various interior improvements located at 42 Craig 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 exceed the structure coverage 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 odd shape and non-conforming size of the lot. 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, because without the variance the applicants would not be able to construct a deck, which is a common feature in the neighborhood.
2. The variance is compatible with the immediately surrounding neighborhood and the public welfare, because it is compatible with the neighboring properties.
3. Accomplishing the improvements without variance would cause unreasonable hardship in planning, design, or construction, because the proposed location for the deck is the only logical and feasible location.

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, in that the exterior design elements are harmonious with the existing house and do not change the style of the house. The addition is intended to be seamless and will not look like an expansion when completed. The second-floor roof extends the existing roof by six feet, and the side lower roof has a false gable, matching the opposite side roof to break down the mass. Materials, details, railing, pilaster, trellis, windows, and doors match existing elements of the building.
2. The proposed upper level addition/expansion or new multi-level structure/expansion has been designed in a way that reasonably minimizes view and light impacts on neighboring properties, including consideration of the location of the new construction, lowering the height of the addition, expansions within the existing building envelope (with or without excavation), lower level excavation for new multi-level structures, and/or changing the roof slope or ridge direction: The 2nd story expansion is located on the driveway side of the property in order to minimize impacts on neighboring properties. The height is limited to the height of the existing second story, so as not to increase the bulk significantly.
3. The size and height of the addition is commensurate with the size of the lot, and is in keeping with the existing neighborhood development pattern, because the size and height of the addition is moderate and commensurate with the modest size of the lot. It is a similar or smaller scale relative to the adjacent properties.
4. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation

pattern, parking layout and points of ingress and egress. There is no proposed change to the parking or circulation pattern, so there is no impact.

5. 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).

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 42 Craig 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. **Windows.** The color scheme of the new windows shall match that of the remaining windows throughout the house.

4. **Approved Plan Set.** The approved plans are those submitted on May 7, 2015, and May 28, 2015 after notices to neighbors were mailed and the application was available for public review.

5. **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.

6. **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.

7. **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 Zhang, Seconded by Chase

Ayes: Behrens, Chase, Simpson, Zhang

Noes: None

Recused:

Absent: Ode, Theophilos

**Variance and
Design Review
28 Lorita Avenue**

Resolution 156-V/DR-15

WHEREAS, the Property Owner is requesting permission to make modifications at the back of the house including enlarging and making modifications to the first story and constructing a new deck; seeking retroactive approval for the creation of a second-story deck above the first-story covered entrance; and making modifications to windows, doors, and siding throughout the house located at 28 Lorita 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 in order to construct an additional room eligible for use as 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 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 upsloping lot, the existing house is set back on the property, and the existing garage cannot be expanded in a reasonable way. The existing garage is non-conforming, but can park two cars.
2. The variance is compatible with the immediately surrounding neighborhood and the public welfare, because a three-car garage located at the front of the property would be destructive to the aesthetic appearance of the neighborhood.
3. Accomplishing the improvements without variance would cause unreasonable hardship in planning, design, or construction, because the house already exists on the lot, and the addition of a 3-car garage at the back of the lot is not physically feasible.

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 appearance of the doors and deck, which are harmonious with the existing structure. The improvements do not add bulk to 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 are no impacts with respect to these issues.
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress, because there are no impacts with respect to those issues.
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-4(a), IV-5, IV-5(a), IV-6.

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 28 Lorita Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **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.

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

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

4. **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.

5. **Defense of Legal Challenges.** If there is a third party administrative, legal or equitable action challenging the project approvals, including CEQA issues, the Property Owner shall defend and indemnify the City against any liability, fees and costs arising out of the defense, including the costs of City's own counsel. If such an action is filed, the Property Owner and City shall then enter into an agreement regarding selection of counsel and other provisions related to the defense. For this purpose, "City" includes the City and its elected and appointed officials, agents, officers and employees.

6. **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.

7. **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 Chase, Seconded by Zhang

Ayes: Behrens, Chase, Simpson, Zhang

Noes: None

Recused:

Absent: Ode, Theophilos

**Design Review &
Second Unit Permit
with Parking Exception
87 Huntleigh Road**

Resolutions 158/159-DR/SUP-15

WHEREAS, the Property Owner is requesting permission to expand the existing pool house by 80 square feet to be converted to a new, 337-square-foot studio second unit and to construct a new second-story storage loft above, located at 87 Huntleigh Road, Piedmont, California, which construction requires design review; and

WHEREAS, an exception to the parking requirements of Chapter 17 of the Piedmont City Code is requested for the second unit, which is proposed as a very low-income unit with no on-site 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 project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e); and

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 the property is located at the corner of two streets with ample parking, and it has approximately 423 feet of available on-street parking.

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 the adjacent streets have very low utilization and the project has no impact on any of these criteria.

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 fact that the building is very small and the roof peak matches the kitchen roof line. The roof will barely be visible from the street, due to topography and an existing hedge. The exterior finishes have been selected to match the existing home.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light, because it is out of sight from neighboring properties.
3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress, because no changes are being made to the parking layout or circulation patterns.
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-6, II-6(a), II-6(b), II-7.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application for proposed construction at 87 Huntleigh Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Approved Plan Set.** The approved plans are those submitted on May 20, 2015 with changes submitted on May 27 and May 28 after notices to neighbors were mailed and the application was available for public 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.3.i.a, 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.3.i.b, 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. Stormwater BMPs for Construction. Applicant shall implement stormwater treatment Best Management Practices (BMPs) as well as Bay Area Stormwater Management Agencies Association's "Start at the Source" criteria for stormwater quality protection. City Staff may impose additional requirements involving the prevention of storm water pollution during construction and permanent drainage, erosion and sediment control. These items will be reviewed as part of the Applicant's Construction Management Plan.

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. 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.

- a. 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.

9. Construction Completion Schedule. Work on the Project, once commenced, shall be promptly executed with continuous good faith and reasonable progress. Since timely completion of this Project is of the essence, the Applicant 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 as they may apply:

- 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;
- xi. and of any further construction benchmarks and conditions of occupancy as may be determined by the Director of Public Works.

b. The Director of Public Works shall, before the Project commences, make a determination as to the completion dates applicable to the Project and such determination shall constitute the "Approved Schedule" and be binding on the Applicant. The City may, at the Applicant's sole cost, engage the services of a consultant to review the Applicant'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 shall have the option at any time thereafter to make claim against the Applicant's Performance Security in order to complete such benchmark.

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

PUBLIC FORUM

There were no speakers for the public forum.

REGULAR CALENDAR

The Commission considered the following items of regular business:

Variance and Design Review 136 Ronada Avenue

The Property Owner is requesting permission to demolish the existing garage at the southeast corner of the property; construct a new 2-car garage with attic above, shed dormers, windows, doors, exterior light fixtures; and make hardscape modifications in the area surrounding the garage. Three variances are required in order to construct within the 4-foot left (east) side yard setback, the 4-foot rear (south) yard setback, and the 20-foot setback from the right (west) side property line along the rear alley.

Written notice was provided to neighbors. **Nine affirmative, three negative, and one response form** indicating no position were received. **Correspondence** was received from: Ulla Smit, Toby Cozart and Helen Conroy, Susan and Kei Kodani, and Tom and Ann Lister.

Public testimony was received from:

Sundeep Grewal, Project Architect, explained that the three variances are necessary to construct a larger garage in the same location as the existing garage. He explained that the larger garage would accommodate additional storage, allow for adequate vehicular turnaround space, and maintain a usable yard. He reported that the applicants reduced the height of the proposed garage by two feet, in response to neighbor concerns. In response to questions from the Commission, Mr. Grewal argued that adequate storage space could not be found in the main house or on the ground floor of the garage, and responded to suggestions that the garage be lowered by digging down by stating that grade changes may necessitate retaining walls that may constrain the vehicle turnaround area. He explained that the proposed garage is 14 inches taller than an adjacent garage and that the proposed dormers make the attic storage space more usable and more aesthetically pleasing. He stated that he would have to talk to the owners about the possibility of removing the dormers from the proposal.

Carla Parker, homeowner, confirmed that the proposed garage has been designed to store cars and belongings and that no one will be living in the garage. She stated that the new garage will be aesthetically pleasing and will have a positive influence on property values. In response to questions from the Commission, Ms. Parker acknowledged that the original story poles looked high to her as well as the neighbors, and she explained that they subsequently reduced the proposed height of the garage. Without consulting her husband and architect, she was not able to comment about whether the project could move forward if they were required to remove the dormers or lower the slab.

Hedi Gerken, neighbor at 120 Ronada Avenue, spoke in support of the application. She argued that the applicants have improved the neighborhood with their house renovation and have already compromised on the height of the garage. In response to questions from the Commission, she stated that she embraced change, and she indicated that she is not concerned if the garage has a minimal affect on her view.

Susan Kodani, neighbor at 131 Ramona Avenue, stated that the new garage would have a significant negative impact on her house and yard. She argued that the proposed dormers make the structure too imposing, and that windows in an attic storage area are impractical. She stated that she would be more accepting of the application if the dormers were removed from the plans. In response to questions from the Commission, Ms. Kodani acknowledged that there are no impacts on her light, privacy, or view, as they are defined in the City Code.

The Commissioners were in support of the garage replacement, but were unanimous in the opinion that the garage, as proposed, is too high and too bulky, and that it poses too great an impact on the neighbors. They agreed that the proposed dormers create much of the bulk and are not architecturally consistent with the garages on nearby properties. The Commissioners discussed a variety of solutions to lessen the impact of the proposed bulk on neighboring properties,

including eliminating the dormers, lowering the garage floor elevation, and lowering the roof pitch. The Commissioners also discussed the possibility of expanding the footprint of the garage to enlarge the ground-level storage and eliminate the need for attic storage, but it was determined that this solution would require a variance from the structure coverage limit. The Commissioners were in agreement that the application should be approved with a condition that eliminates the dormers and limits the height of the garage, but gives some flexibility to allow the applicants to determine how the roof height should be lowered. The Commissioners encouraged the applicants to work with the neighbors to pave the shared alley.

Resolution 82-V-15

WHEREAS, the Property Owner is requesting permission to demolish the existing garage at the southeast corner of the property; construct a new 2-car garage with attic above, shed dormers, windows, doors, exterior light fixtures; and make hardscape modifications in the area surrounding the garage, located at 136 Ronada Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, three variances from the requirements of Chapter 17 of the Piedmont City Code are necessary in order to construct within the 4-foot left (east) side yard setback, the 4-foot rear (south) yard setback, and the 20-foot setback from the right (west) side property line along the rear alley; 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, 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 fact that the proposed garage is in the same location as the existing garage and it is located along a shared alley, which is not a common feature in the City. 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 there are several other garages along the shared alley that are also within the setbacks.
3. Accomplishing the improvements without variance would cause unreasonable hardship in planning, design, or construction, because any other location for the garage would make it difficult to access.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application for proposed construction at 136 Ronada Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Zhang, Seconded by Chase

Ayes: Behrens, Chase, Simpson, Zhang

Noes: None

Recused:
Absent: Ode, Theophilos

Resolution 82-DR-15

WHEREAS, the Property Owner is requesting permission to demolish the existing garage at the southeast corner of the property; construct a new 2-car garage with attic above, shed dormers, windows, doors, exterior light fixtures; and make hardscape modifications in the area surrounding the garage, located at 136 Ronada 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 proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. As conditioned, 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, and 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, as conditioned, the height and bulk of the garage is in keeping with the neighborhood. The proposal includes aesthetically pleasing lighting, finishes and garage doors.
2. The proposed addition has been designed in a way that reasonably minimizes view and light impacts on neighboring properties, because, as conditioned, the proposed dormers will be eliminated, and the height and mass of the garage will be consistent with the height and mass of the adjacent garage.
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, as conditioned, the size of the garage is compatible with the house and the adjacent garages. The proposed garage does not require a structure coverage variance.
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. The existing or proposed on-site parking is appropriate to the size of the new additions, and additional parking is not required to prevent unreasonable short and/or long term parking impacts on the neighborhood. As conditioned, the proposal includes an improved garage, which is larger, more accessible, and safer than the existing garage. The proposal does not adversely impact the circulation pattern or safety of residents, pedestrians and vehicle occupants.
5. The project complies with Design Review Guidelines III-1, III-1(a), III-2, III-2(a), III-3, III-4, III-5, III-5(a), III-6, III-6(a), III-7, III-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 136 Ronada Avenue, Piedmont, California, in

accordance with the plans and specifications on file with the City, subject to the following conditions:

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

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

3. **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.

4. **Contractor's General Liability Insurance.** To ensure that the contractor doing work in the City will be responsible for damages caused by the work to City property or to neighboring property, the Property Owner shall require all contractors 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.

5. **BAAQMD Compliance.** The applicant shall comply with the Bay Area Air Quality Management District regulations related to any building demolition. The Demolition Notification form is available on their website at www.BAAQMD.gov/forms.

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. **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.

9. **Setback from Property Line Verification.** Prior to foundation inspection, 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.

10. Building Height and Floor Level Verification. Prior to foundation inspection, the applicant shall provide the Building Official written verification by a licensed land surveyor stating that the attic level and roof of the new structure is constructed at the approved heights above grade.

11. Sewer Main Condition and Repair. City records indicate that City storm and sewer mains and associated easement(s) may be located near the proposed construction next to the south property line. The applicant shall work with City staff to verify the location and depth of the sanitary sewer main. In addition, the City shall videotape the existing sanitary sewer main to assess its pre-construction condition in order to make a determination as to whether any repairs to or replacement of the sewer main is required prior to the commencement of excavation and/or construction. (The City is responsible for the cost of the main line, and the property owner for costs of the lateral.) As part of the final inspection the same sanitary and storm sewer lines shall be inspected as required by the Director of Public Works, who shall also determine if the sewer lines were damaged as a result of the construction and therefore must be repaired at the applicant's expense. The applicant is responsible to locate their private sewer lateral and note such location on the building permit drawings.

12. Geotechnical Report and Review. At the option 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.

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. Foundation/Shoring/Excavation Plan. At the option 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 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.

14. **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.

15. **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.

16. **Notice of Restricted Use.** The attic space in the garage does 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 purposes.

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.

b. Neighboring Property Owner Permission. Should the execution of the project require excavation into a neighboring property or if access onto the neighboring property is necessary for construction, 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 Garage;
- ix. Completion of Hardscaping and Landscaping; and
- x. 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.

19. **Garage Design.** The design of the garage shall be amended to eliminate the dormers and to reduce the overall height of the garage by 14 inches, subject to staff review and approval.

Moved by Zhang, Seconded by Chase

Ayes: Behrens, Chase, Simpson, Zhang

Noes: None

Recused:

Absent: Ode, Theophilos

**Variance,
Design Review &
Fence Design Review
212 Bonita Avenue**

The Property Owner is requesting permission to demolish the existing garage and approximately 135 square feet of basement-level structure adjacent to the driveway; construct a new 2-story detached accessory structure with a 3-car garage on the ground floor and 693 square feet of habitable space on the second floor at the northeast corner of the property; construct a 465-square-foot second-story addition at the rear of the house; enlarge the front roof dormer; construct a new 1-car garage within the basement level of the house; make various interior changes to the house; remodel the roof over the main entry door; and make hardscape, grading, landscape and fencing modifications throughout the property. Proposed new and modified features include doors, garage doors, windows, skylights, exterior lighting, widened driveway, automobile turnaround court, retaining wall, guardrail, on-grade paths and stairs, relocated entry gate and path, and decorative garden posts. Also proposed is an alternate design scenario that includes the upper level addition, front dormer expansion, front entry modification and interior changes to the house; and site improvements at the front and south side yards; but proposes the retention of the existing garage, driveway and basement floor plan. Due to the lowering of grade at the northeast corner of the house for the new driveway and turnaround, a variance from the 35-foot building height limit is required.

Written notice was provided to neighbors. **Eight affirmative, four negative, and two response forms without a clear position** were received.

Correspondence was received from: Alice Creason, Jude and Richard Rowe, Annie Horton, Jean Simpson, John E. Gutierrez, James and Susan Penrod, Nancy Stewart Griffith, Jon and Maureen Allyn.

Public testimony was received from:

Fernanda Meagher, homeowner, described the needs of her family and explained that the project goals include improving the driveway and garage and increasing the livability of the house. In response to questions from the Commission, Ms. Meagher explained that she and her husband presented two alternatives, because they would like to move forward with the project even if the garage is not approved by the Commission. When asked whether she would be open to the approval of a one-story garage, she responded that she was open to all possibilities. She stated that all locations were considered for the garage, and that the proposed location was deemed the best location.

Seamus Meagher, homeowner, explained that the proposed garage will provide conforming parking and address a shortage of on-street parking on Bonita Avenue, but that the plans also present a design alternative without the garage. He argued that the proposed garage will not impact the northern neighbor's light because of mature trees that already shade her yard, and that noise from use of the garage will be no worse than the noise from use of the existing garage. He added that he plans to address neighbor concerns about drainage.

Kirk Peterson, Project Architect, explained that the goal of the project is to make the house more livable, and described the details of the project. He indicated that the proposal is designed to blend with the existing architecture, and that the proposed design details and building materials are consistent with those of the existing house. He argued that the existing driveway, which has been in that location for over 70 years, is still the best use of the property, despite the need to request a variance for excavation of the driveway for the new garage. He added that the front fence changes and proposed landscape changes will improve the entry and south-facing garden. In response to a question from the Commission, Mr. Peterson explained that the second floor of the garage is proposed to provide more living space on the property.

Michael Fung-A-Ling, neighbor at 412 Blair Avenue, spoke in support of the application. He stated that he was in full support of the modifications to the house. Adding that his main concern is privacy, he stated that for the most part his home is oriented away from 212 Bonita Avenue and that he plans to modify the upper level of his home so that it is also oriented away from the applicants' property with the result that the proposal is acceptable with regards to the privacy of his property. In response to a question from the Commission, he stated that if the garage structure were to be located on the southern half of the applicants' property the impact from such a location was unlikely to have an adverse impact on his property. He also indicated that there are no impacts on his air, light or view.

Alice Creason, neighbor at 408 Blair Avenue, spoke in opposition to the proposed three-car garage and the associated parking court. She argued that the proposed parking situation, particularly the turnaround area, is dysfunctional, unsafe and does not meet the City's parking and driveway policies, and she objected to the exhaust fumes that would enter her house and yard. She also expressed concern for her loss of privacy due to the proposed living space and its windows above the garage and explained that the nearby trees are deciduous and do not provide a consistent privacy buffer. Stating that the proposed house and garage resembled row houses found in San Francisco's Marina District, she expressed her dislike of the design. In response to Commissioners' questions, Ms. Creason suggested that the applicants move the driveway to the other side of the property and move the garage to a more central location. Ms. Creason also suggested that the existing Sequoia tree was not in good health, having been struck by lightning, noting that the removal of the tree may be necessary. Ms. Creason explained that her dispute with the applicants regarding their shared property line did not center on the location of the property line, but rather the use of her property by the applicants. Ms. Creason explained that her discussions with the applicants were limited because she did not want to impose her ideas on the owners, but that she sent them her concerns in writing. In response to questions from Commissioner Simpson, she acknowledged that she had limited verbal communication with the applicants regarding the proposed project, did not submit photographs to the Commission about the project's impact on her privacy and did not invite Commissioners to her home to see the impact. She also stated that the elimination of the second story of the garage structure would be helpful in addressing her concerns.

James Penrod, neighbor at 224 Bonita Avenue, stated that he supported the applicants' remodel of the house but that he was not in support of the proposed garage and second unit. He argued that the proposal does not comply with the City's Parking and Driveway policies, creating a scenario that will make the

garage spaces too difficult to use and thereby compounding the parking problems along Bonita Avenue. He suggested that the applicants place the garage on the southern side of the house, to make use of additional space for maneuvering and to improve the safety of pedestrians and vehicles on Bonita Avenue. In response to questions from the Commission, Mr. Penrod stated that he had had thorough conversations about the project with the applicants and that the alternative design option was acceptable to him. He acknowledged that the proposal does not impact his privacy, but expressed concern for the privacy of other neighbors.

Cross Creason, son of Alice Creason, expressed concerns that the proposed parking design does not meet the City's Parking and Driveway Policy. He argued that exceptions to the policy should not be allowed in situations where alternatives exist. Mr. Creason also commented on the communication that has occurred between Ms. Creason and the applicants, and expressed opposition to the loss of light that would be a result of the two-story garage. In response to questions from the Commission, Mr. Creason voiced his opinion that the whole neighborhood is impacted by an inadequate parking design, because the garages will remain unused.

In response to questions from the Commission, Senior Planner Kevin Jackson discussed the City's Residential Parking and Driveway Policy. Noting that the Policy does not specifically address a turnaround court with two facing garages as is proposed in the application, Mr. Jackson said it does set a standard of some 30 feet for turnaround clearance in front of a garage, which the application does not supply, particularly for the two southernmost garage spaces. He also clarified the difference between a City policy, which is meant to give guidance, and the Municipal Code, which outlines City requirements. Mr. Jackson suggested that if the Commissioners determined that the proposed parking scenario was sufficient to maneuver vehicles in and out of the garages, they could make findings to approve the project without strict adherence to the Policy, particularly if they were to add a condition of approval requiring that the retaining wall at the southern end of the turnaround court be moved southward toward the center of the property for a more generous turnaround area.

The Commission discussed the application at length. The Commission was in support of the changes proposed to the main house, complimenting Mr. Peterson on the improvements to the house and garden. Commissioner Chase, however, opposed the proposed building height variance for the house. The Commissioners agreed on the benefits and importance of having on-site parking, but differed in their views of how compliant parking and driveway access should be achieved. Commissioner Chase was not in favor of the proposed location for the garage and suggested that the driveway and garage be relocated to the south side of the property where there is ample room for these features. Commissioner Zhang thought the proposal to remove part of the basement and cantilever the upper levels was a clever way to achieve adequate vertical and horizontal clearance for the driveway. After recognizing that the historical precedent is for the driveway and garage to be on the northern side of the property and considering the relocation of the driveway and garage to the southern half of the property, Commissioners Behrens, Zhang and Simpson rejected the southern location scenario because the garage would be visible from the street, the proposed garden would be eliminated, the neighboring property at 218 Bonita would be negatively impacted, and the result would be a more suburban garage-prominent design that would be inconsistent with the historical nature of the neighborhood. They were, however, concerned about the maneuverability of the

proposed vehicular turnaround court and discussed several options, such as expanding the turnaround court by relocating the retaining wall southward, relocating one of the garage parking spaces to the basement level of the house, or tucking a garage under the garden. The Commissioners noted that the Sequoia tree is not in good health and will likely be removed, so they were in favor of requiring that the vehicular turnaround court be expanded.

Commissioner Zhang stated that the addition to the house intensifies the use of the property to a level that necessitates that the existing nonconforming parking be improved. The Commission also discussed whether the garage should be constructed with a second story, in light of potential impacts on the neighbors. The Commissioners noted that the most impacted neighbor, at 412 Blair Avenue, finds the proposed level of privacy to be acceptable and is not concerned about any potential impacts to his light or view. After discussing the options, Commissioners Behrens, Zhang and Simpson were in favor of approving a two-story garage.

Resolution 132(1)-V/DR-15

WHEREAS, the Property Owner is requesting permission to demolish the existing garage and approximately 135 square feet of basement-level structure adjacent to the driveway; construct a new 2-story detached accessory structure with a 3-car garage on the ground floor and 693 square feet of habitable space on the second floor at the northeast corner of the property; construct a 465-square-foot second-story addition at the rear of the house; enlarge the front roof dormer; construct a new 1-car garage within the basement level of the house; make various interior changes to the house; remodel the roof over the main entry door; and make hardscape, grading, landscape and fencing modifications throughout the property. Proposed new and modified features include doors, garage doors, windows, skylights, exterior lighting, widened driveway, automobile turnaround court, retaining wall, guardrail, on-grade paths and stairs, relocated entry gate and path, and decorative garden posts located at 212 Bonita Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, a variance from the 35-foot building height limit, a requirement of Chapter 17 of the Piedmont City Code, is necessary due to the lowering of grade at the northeast corner of the house for the new driveway and turnaround; 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 fact that the existing grade needs to be lowered to allow the driveway to be widened without encroaching on the neighbor's property and to provide the desired vertical clearance for passage of cars. The existing driveway does not allow sufficient space for the passage of cars, so 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 driveway has existed for a long time, and it would

be very disruptive to the neighborhood to change the driveway to the other side of the property. The proposal will improve the usability of the driveway and improve the parking situation on Bonita Avenue. Additionally, the height of the house is an existing non-conformity and will not be increasing.

2. The variance is compatible with the immediately surrounding neighborhood and the public welfare, because it allows for the addition of three off-street parking spaces that will be located at the rear of the property and will not be visible from the street. The existing condition is that the house has a building height that is already over the building height limit and the proposed change in average height with no change to the existing roof ridge height.

3. Accomplishing the improvements without variance would cause unreasonable hardship in planning, design, or construction, because the proposed scenario is the best possible scheme and relocating the driveway and garage to the southern half of the property would eliminate much of the existing garden area.

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. The proposed location of the garage at the back of the house has the least impact on the neighbor to the south of the property and the neighbor to the rear who is most impacted and has stated his full support of the project. The proposed garage is not visible from the street and its design is consistent with the existing architecture of the house. The proposed fence is aesthetically pleasing and will be an improvement.

2. The proposed addition has been designed in a way that reasonably minimizes view and light impacts on neighboring properties, because the proposed location of the garage is not directly next to any of the neighbors. The adjacent residence to the rear of the property indicated that his privacy has been maintained and that there will be no adverse effect on his light or view. There is not sufficient evidence to show that any of the other neighbors are significantly impacted by the proposal.

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 the proposed garage is architecturally compatible with the house and is not visible from the street. The proposed garage provides much-needed off-street parking.

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. The proposed on-site parking is appropriate to the size of the new additions, and additional parking is not required to prevent unreasonable short and/or long term parking impacts on the neighborhood, because the proposal will provide off-street parking at the rear of the property that, as conditioned, will have adequate access and vehicle

maneuverability without strict adherence to the City's Parking and Driveway Policy. There is no effect to street circulation and traffic, since the driveway entry has been used safely for many years.

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-5(a), II-5(b), II-5(c), II-6, II-6(a), III-1, III-1(a), III-2, III-2(a), 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-3, IV-5, 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-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 212 Bonita Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Approved Construction Limited to Applicants' Property.** The features approved under the scope of this application must be located within the boundaries of the property at 212 Bonita Avenue and do not include any existing or proposed features located all or in part on adjacent properties.

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

3. **Window Color Scheme.** All the windows on the house and garage 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. **Garage Doors.** The garage doors shall be electronically operable. If design modifications are required to accomplish this, those modifications shall be subject to staff review.

6. **Environmental Hazards.** Should it be 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.

7. **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.

8. **BAAQMD Compliance.** The applicant shall comply with the Bay Area Air Quality Management District regulations related to any building demolition. The Demolition Notification form is available on their website at www.BAAQMD.gov/forms.

9. **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.

10. **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.

11. **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.

12. **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.

13. **Notice of Restricted Use for the Main-Level Utility Room.** The main-level utility room does not meet requirements of the Piedmont Municipal Code for emergency egress from bedrooms. A notice of restricted use shall be recorded with the Alameda County Recorder's office advising current and future owners that the room does not meet the safety codes for sleeping purposes.

14. **Notice of Restricted Use for the Attic Level.** The attic level does 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 attic level does not meet the safety codes for habitation purposes.

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.

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.

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. Setback from Property Line Verification. Prior to foundation inspection, the applicant shall submit to the Building Official written verification by a licensed land surveyor stating that the construction for the new garage structure is located at the setback dimension from the north and east property lines as shown on the approved plans. The intent is to verify that the approved Accessory Structure is constructed at the approved dimensions from the property lines.

18. Building Height and Floor Level Verification. Prior to foundation inspection, the applicant shall provide the Building Official written verification by a licensed land surveyor stating that the floor level(s) and roof of the new Accessory Structure containing the garage and habitable second level are constructed at the approved height(s) above grade.

19. Stormwater Design. The California Regional Water Quality Control Board requires all projects, or a combination of related projects, that create and/or replace 2,500 square feet or more of impervious surface to comply with Provision C.3.i of the Municipal Regional Stormwater NPDES Permit. As required by the Chief Building Official, the Property Owner shall verify the total area of impervious surface to be created and/or replaced within the scope of this project, or this project combined with other related projects and/or permits, and incorporate the site design measure(s) required under Provision C.3.i into the plans submitted for a building permit. Copies of the Municipal Regional Stormwater Permit are available from the Piedmont Public Works Department and on-line at cleanwaterprogram.org.

20. Arborist’s Report and Certified Tree Preservation Plan. Before the issuance of a building permit, the Property Owner shall submit an Arborist’s Report for the existing Sequoia Gigantea in the rear yard and a Tree Preservation Plan for the tree that incorporates tree preservation measures recommended in the Arborist’s Report. 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. Trees proposed for removal 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.

21. Amendments to the Turnaround Court. The applicants shall move the retaining wall and stairs a minimum of 6 feet to the south, so that there is adequate turnaround space for the proposed parking.

Moved by Behrens, Seconded by Zhang

Ayes: Behrens, Simpson, Zhang

Noes: Chase

Recused:

Absent: Ode, Theophilos

Resolution 132(2)-DR-15

WHEREAS, the Property Owner is requesting permission to construct an alternate design scenario that includes the upper level addition, front dormer expansion, front entry modification and interior changes to the house; and site improvements at the front and south side yards; but proposes the retention of the existing garage, driveway and basement floor plan located at 212 Bonita 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 proposal does not conform with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development. These developments include but are not limited to height, bulk, area openings, breaks in the facade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment. 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. The proposed changes to the house will be aesthetically pleasing and consistent with the existing neighborhood, because the design vocabulary (including the roof slope, shingle siding, double-hung wood windows, and moldings) will be similar to the existing house as well as many nearby homes of similar age.

2. The proposed upper level addition has been designed in a way that reasonably minimizes view and light impacts on neighboring properties (as defined in Section 17.2.77), including consideration of the location of the new construction, lowering the height of the addition, and expansions within the

existing building envelope (with or without excavation). The proposed upper level expansion is similar to earlier additions to the house.

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 the existing ridge height is retained and the additions are located atop existing first floor rooms. New roofs have been designed with a lower pitch and lower height than the existing roof of the main house.

4. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, however, the one existing non-conforming parking space is not adequate for the intensity of the proposed project, which includes the improvement of a six-bedroom house. Due to the intensity of use resulting from the proposed addition to the house and the location of the house in close proximity to the school and carpool, the applicants need to provide more off-street parking (pursuant to Sections 17.16.1 and 17.22.1).

5. The project does not comply with Design Review Guideline III-6.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the design review application for alternative design proposal 2 at 212 Bonita Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Zhang, Seconded by Behrens

Ayes: Behrens, Simpson, Zhang

Noes: None

Abstain: Chase

Absent: Ode, Theophilos

The Commission recessed for dinner at 7:41 p.m. and reconvened at 8:10 p.m.

**Variance,
Design Review &
Fence Design Review
36 Monticello Avenue**

The Property Owner is requesting permission to renovate the residence. Design Alternative A proposes to expand the first and second story at the front of the house along Monticello Avenue, expand the first story at the rear of the house, and construct a new two car garage along the Lorita Avenue frontage. New exterior lights and modifications to the windows, doors, and rooflines are proposed. A new landscape plan is proposed with an 8'8" high arbor and 3' high picket fence along Lorita Avenue and part of the Monticello Avenue frontage. Variances to construct above the existing entry porch on Monticello Avenue and to construct the garage within the Lorita Avenue and northern property setbacks are requested.

The Property Owner is also requesting approval of an alternate design (Design Alternative B) to expand the first and second story at the front of the house along Monticello Avenue, expand the first story at the rear of the house, and construct a new two-car garage along the Monticello Avenue frontage. New exterior lights and modifications to the windows, doors, and rooflines are proposed. A new landscape plan is proposed with an 8'8" high arbor and gate and a 3' high picket fence along Lorita Avenue and part of the Monticello Avenue frontage. Variances are necessary to construct within the setbacks on both Monticello Avenue and Lorita Avenue.

Written notice for Design Alternative A was provided to neighbors (it is noted that Design Alternative B was submitted after neighbors were notified). **Two affirmative, seven negative, and three response forms without a clear position** were received. **Correspondence** was received from: Heather Chan, Holly Lloyd, Janet S. Cobb, Lois Wachner Solomon and John Solomon, Valerie Villanueva and Paul Jahn, Dave and Annie Reilly, Laura Katter, Esther Rogers and Robert DeBare, Marianne and John Poppas, Danya Solomon, John and Deborah Rego, April Joseph, Maggie Spencer, Barry and Margaret Reis, Bradford W. Yip, William S. Yip, and various neighbors on Monticello Avenue, Lorita Avenue and Park Way. A letter supporting Alternative Design B signed by 9 neighbors on Monticello Avenue and Lorita Avenue was submitted at the meeting.

Public testimony was received from:

Debra Yau, Project Architect, explained the scope of the project and the different design iterations. She explained the differences between Design Alternative A and B, and explained how changes were made in response to the neighbors' concerns. Ms. Yau indicated the importance of working with the neighbors, since the peninsula property is at such a prominent location in the neighborhood. She reported that several neighbors are in full support of the project. Ms. Yau indicated that she prefers Design Alternative B, given its cohesive, collaborative design and its greater retention of mature landscaping, and she asked the Commission to consider at least a partial approval of the main level rear extensions to the house for the kitchen and dining room at this time. In response to questions from the Commission, Ms. Yau and Project Contractor Juan Perez confirmed that the large cedar tree will need to be removed due to disease, but they confirmed that they plan to replace it with a large tree.

Paul Jahn, neighbor at 42 Monticello Avenue, explained how his adjacent property would be impacted by Design Alternative A, which includes a two-story structure at the rear of the house and removal of significant trees, including a large oak tree. He discussed the design changes that Ms. Yau made in response to his concerns and indicated that Design Alternative B is a good compromise. Mr. Jahn stated that he was not opposed to the rear kitchen and living room additions, as proposed in Design Alternative B, as long as the cantilevered portion in front was pulled back to be flush with the first floor powder room. He commented on the massing of the front expansion, but acknowledged that his concerns were strictly aesthetic in nature. Mr. Jahn also indicated that he has no objections to the garage at the front (proposed under Alternative B). In response to questions from the Commission, Mr. Jahn indicated that Design Alternative B minimizes the impact on his light, privacy and views.

Neighbors Lois Wachner Solomon, David Reilly, Maggie Spencer, Esther Rogers, and Suzanne Tipton were generally in favor of the house being renovated, but indicated continued concerns with both design alternatives. The neighbors spoke in opposition to the mass and scale of the proposed project, especially as it relates to the front façade and the garage. Ms. Wachner Solomon suggested an alternative design for the front of the house and encouraged the Commission to allow for renovation of the house without requiring on-site parking. Mr. Reilly expressed his concerns with the garage proposal in Design Alternative B, siting issues with safety, the removal of large trees, and its visual impact on the neighborhood. Ms. Rogers and Ms. Tipton suggested that the applicants not be allowed to add a fourth bedroom to the house; and Ms. Spencer requested that the Commission wait to approve a design until everyone

has a chance to review the most-recent plans. In response to questions from the Commission, the neighbors acknowledged that their concerns about the front façade were aesthetic in nature and not related to a loss of light, views or privacy.

Planning Director Black spoke to clarify the status of the application. She explained that the original submittal (Design Alternative A) had proper neighbor notification and story-pole verification, but that the subsequent submittal (Design Alternative B), was submitted on May 28, 2015, after notice to the neighbors had been mailed, and thus did not have proper notification. She noted that story poles had been installed for Alternative B, but they did not have story-pole verification. She explained that the main level rear kitchen bump-out is part of Design Alternative A. The adjacent rear dining room bump-out is part of Design Alternative B; however, the applicants collected signatures of approval from neighbors regarding this portion of Design Alternative B.

The Commissioners discussed the project at length and were generally in agreement with regards to the application. They were complementary of the property developers for their flexibility and willingness to work with the neighbors, and agreed that their design changes were moving in the right direction. They were in agreement that the main level rear kitchen and dining room bump-outs were acceptable. However, they unanimously opposed the two-story garage near Lorita Avenue in Design Alternative A, which they said had too great an impact on the adjacent neighbor. They were also concerned about the gable roof on the front façade that cantilevers beyond the entry porch below, which they argued was too massive, too imposing, and not in keeping with the architectural style of the house. They suggested that the applicants redesign the front façade to mitigate its bulk and mass, and offered several suggestions, including pulling back the cantilevered wall to be flush with the clinker brick wall and replacing the gable with a flat roof, similar to the roof above the sleeping porch, and pulling back the proposed upper level gable projection further than the powder room wall below. The Commission was generally in favor of the garage option presented in Design Alternative B and noted that it or another garage option in front or in back may be approvable after proper neighbor notification. After a lengthy discussion, the Commission decided to approve a portion of the project that they found acceptable and that had neighbor support.

Resolution 157(1)-V-15

WHEREAS, the Property Owner is requesting permission to renovate the residence. Design Alternatives A and B include proposals to expand the kitchen and dining room, respectively, on the first story at the rear of the house. New exterior lights and modifications to the windows, doors, and rooflines are proposed at 36 Monticello 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 construct the additions within the Lorita Avenue 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 the setback variance on Lorita Avenue, 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 slope of the property and its unusual triangular-shape. The property is bounded on two sides by streets, which results in a significant portion of the property located within a street-facing, 20-foot setback.
2. The variance is compatible with the immediately surrounding neighborhood and the public welfare, because the appearance of the kitchen and dining room bump-outs will be a benefit enjoyed by other properties in the neighborhood.
3. Accomplishing the improvements without variance would cause unreasonable hardship in planning, design, or construction, because of the odd triangular-shaped property, which becomes very narrow at its southern end.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the setback variance along Lorita Avenue for the dining room bump-outs at 36 Monticello Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Chase, Seconded by Zhang

Ayes: Behrens, Chase, Simpson, Zhang

Noes: None

Recused:

Absent: Ode, Theophilos

Resolution 157(2)-DR-15

WHEREAS, the Property Owner is requesting permission to renovate the residence. Design Alternatives A and B include proposals to expand the kitchen and dining room, respectively, on the first story at the rear of the house. New exterior lights and modifications to the windows, doors, and rooflines are proposed at 36 Monticello Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited the subject property, the Piedmont Planning Commission finds that the design of the proposed main level rear kitchen and dining room bump-outs conform 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 kitchen and dining room bump-outs and adjacent residences is reasonable and appropriate due to the existing topography. The height and bulk of these bump-outs are not substantial, the shed roof provides a break in the façade, and the roof and siding materials are consistent with the existing house.
2. The proposed kitchen and dining room bump-outs have been designed in a way that reasonably minimizes view and light impacts on neighboring

properties, because the view, light and privacy of the neighboring properties will not be affected.

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 the design of the kitchen and dining room bump-outs is consistent with the existing architectural style of the house, and the neighbors have voiced no opposition to the proposed kitchen and dining room bump-outs.

4. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, because the kitchen and dining room bump-outs do not impact pedestrian and vehicular safety.

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

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application for the proposed kitchen and dining room bump-outs at 36 Monticello Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. 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.

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. 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.

4. 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.

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.

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. Geotechnical Report and Review. At the option of the Building Official, the property owner may be required to 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.

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.

8. Foundation/Shoring/Excavation Plan. At the option of the Building Official, the property owner may be required to 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 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.

9. 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.

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 required for any tree proposed for removal. The final plan shall comply with Municipal Code Section 17.17.3, and shall not propose plants near the driveway or intersection at Monticello or Lorita Avenue that could obscure visibility of pedestrians on the sidewalk or vehicles on the street from drivers backing out of the driveway or travelling on either street.

11. Setback from Property Line Verification. Prior to foundation inspection the applicant shall submit to the Building Official written verification by a licensed land surveyor stating that the construction is located at the setback dimensions from the Monticello and Lorita Avenue property lines as shown on the approved plans, and the setback from the northern property line adjacent to 42 Monticello Avenue. The intent is to verify that the approved features are constructed at the approved dimension from the property lines.

12. Arborist's Report. Before the issuance of a building permit, the Property Owner shall submit an Arborist's Report that includes tree preservation measures to preserve existing trees proposed to remain on-site. 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 trees. The arborist shall document in writing and with photographs the tree protection measures used during these critical construction phases. If some trees have been compromised, mitigation measures must be specified in writing, and implementation certified by the Project Arborist. Trees proposed for removal shall have an in-lieu replacement tree planted elsewhere on the property, which shall be shown on the final landscape plan. 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.

The Arborist's Report shall also address the health of any tree within or partially within the City right-of-way that is proposed for removal, or that might be affected by the construction of the proposed garage and driveway on Lorita Avenue. This report shall be provided to the Parks and Projects Manager, and may be subject to review by the Park Commission. The removal of the tree, if approved, may be subject to additional conditions of approval which may include the requirement to 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.

13. Approved Plan Set. The approved plans are those submitted on May 18 and 21, 2015.

Moved by Chase, Seconded by Zhang

Ayes: Behrens, Chase, Simpson, Zhang

Noes: None

Recused:

Absent: Ode, Theophilos

Resolution 157(3)-V-15

WHEREAS, the Property Owner is requesting permission to renovate the residence. Design Alternative A includes a proposal to construct a new two-car garage along the Lorita Avenue frontage, located at 36 Monticello 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 construct the garage within the Lorita Avenue and northern property 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 proposal does not comply with the variance criteria under Section 17.21.6 of the Piedmont City Code. The variances for the garage, as proposed in Design Alternative A, are denied with prejudice, because:

1. There are no unusual physical circumstances that preclude the garage from being located elsewhere on the property.
2. The variances are not compatible with the immediately surrounding neighborhood and the public welfare, because the proposed garage would require removal of a mature oak, and the two-story structure would not be enjoyed by other properties in the neighborhood.
3. There is no unreasonable hardship in planning, design, or construction that would cause the proposed garage to be the only acceptable solution for a garage structure.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies with prejudice the variance application for the new garage proposed in Design Alternative A at 36 Monticello Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Chase, Seconded by Zhang

Ayes: Behrens, Chase, Simpson, Zhang

Noes: None

Recused:
Absent: Ode, Theophilos

Resolution 157(4)-DR-15

WHEREAS, the Property Owner is requesting permission to renovate the residence. Design Alternative A proposes to expand the first and second story at the front of the house along Monticello Avenue, expand the first story at the rear of the house, and construct a new two-car garage along the Lorita Avenue frontage. New exterior lights and modifications to the windows, doors, and rooflines are proposed. A new landscape plan is proposed with an 8'8" high arbor and 3' high picket fence along Lorita Avenue and part of the Monticello Avenue frontage, located at 36 Monticello Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited the subject property, the Piedmont Planning Commission finds that Design Alternative A does not comply with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements are too close to the neighboring properties. They have a massive impact on the neighbor to the north, including a loss of ambient and reflected light.
2. The proposal has not been designed in a way that reasonably minimizes view and light impacts, and instead has a substantial impact on neighboring properties.
3. The size and height of the addition is not commensurate with the size of the lot and is not appropriate to the neighborhood context.
4. The safety of residents is potentially affected on Lorita Avenue.
5. The project does not comply with Design Review Guidelines II-3, II-3(a), II-3(b), II-3(c), II-6, II-6(b), II-6(c).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies without prejudice the design review application for Design Alternative A at 36 Monticello Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Chase, Seconded by Zhang

Ayes: Behrens, Chase, Simpson, Zhang

Noes: None

Recused:

Absent: Ode, Theophilos

Resolution 157(5)-V/DR-15

WHEREAS, The Property Owner is requesting approval of an alternate design (Design Alternative B) to expand the first and second story at the front of the house along Monticello Avenue, expand the first story at the rear of the house, and construct a new two-car garage along the Monticello Avenue frontage. New exterior lights and modifications to the windows, doors, and rooflines are proposed. A new landscape plan is proposed with an 8'8" high arbor and gate and a 3' high picket fence along Lorita Avenue and part of the Monticello

Avenue frontage. Variances are necessary to construct within the setbacks on both Monticello Avenue and Lorita Avenue.

WHEREAS, variances from the requirements of Chapter 17 of the Piedmont City Code are necessary for Design Alternative B to construct within the setbacks on both Monticello Avenue and Lorita Avenue; 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 Design Alternative B does not comply with the variance criteria under Section 17.21.6 of the Piedmont City Code, in that the variances cannot be approved because the design of the proposal does not meet the City's Design Guidelines. Additionally, approval of the project is procedurally not appropriate because Design Alternative B was submitted after the neighbor notification and story-pole verification deadlines.

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 Design Alternative B does not comply with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The height, bulk, breaks in the façade, and line and pitch of the roof are not in keeping with the original architecture of the house and are not congruent with the neighborhood. This existing long-standing, historic house requires careful thought to create a design that is in harmony with the existing architecture and its prominent location in the neighborhood. The cantilevered portion of the proposed front façade is not in line with the other houses on the street, and the proposed gable is not harmonious with the existing architecture.
2. The project does not comply with Design Review Guidelines II-1, II-2, II-3, II-3(a), II-3(b), II-3(c), II-6, II-6(b), II-6(c).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies without prejudice the design review and variance application for Design Alternative B at 36 Monticello Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Chase, Seconded by Zhang

Ayes: Behrens, Chase, Simpson, Zhang

Noes: None

Recused:

Absent: Ode, Theophilos

ADJOURNMENT

There being no further business, Vice Chair Simpson adjourned the meeting at 10:15 p.m.