

PIEDMONT PLANNING COMMISSION

Special Session Meeting Minutes for Thursday, November 10, 2016

A Special Session of the Piedmont Planning Commission was held November 10, 2016, 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 October 27, 2016.

CALL TO ORDER

Chairman Behrens called the meeting to order at 5:05 p.m.

ROLL CALL

Present: Commissioners Eric Behrens, Susan Ode, Tony Theophilos and Tom Zhang, and Alternate Commissioner Aradhana Jajodia

Absent: Tom Ramsey (excused)

Staff: Planning Director Kevin Jackson, Senior Planner Pierce Macdonald-Powell, Associate Planner Jennifer Gavin, Assistant Planner Emily Alvarez, Planning Technician Chris Yeager, Deputy City Attorney Chad Herrington, and Legal Consultant Judith Robbins

Council Liaison: Councilmember Jonathan Levine

PUBLIC FORUM

There were no speakers for the public forum.

SPECIAL SESSION

The Commission considered the following item during this Special Session meeting:

Consideration of a Resolution to Recommend Revisions to Planning & Zoning Provisions in the City Code & City Policies

Planning Director Jackson conducted a slide presentation to provide an overview of the proposed updates to the Municipal Code and City policies. The presentation began with a summary of the results of a resident survey conducted in 2007 in preparation for the General Plan Update. Planning Director Jackson then continued with a brief history of the project. He explained that this Special Session represents the final Planning Commission meeting for Phases III and IV of the project, which include proposed modifications to the Zoning Code and reorganization of Chapter 17; and that it includes the start of Phase V through the adoption of Interim Design Guidelines. He provided a recap of the overarching goals of the project and reviewed a list of meetings that have taken place as part of the project.

Planning Director Jackson reviewed the staff recommendations to the Planning Commission, which include the adoption of a resolution that would: 1) recommend that the City Council take action to adopt an ordinance to modify the Municipal Code, adopt Interim Design Guidelines, and repeal certain policies previously adopted by the Council; 2) repeal certain policies adopted by the Planning Commission; and 3) adopt Planning Commission Rules and Procedures.

Planning Director Jackson reviewed in detail the modifications proposed for Chapter 17. He described the changes to formatting and structure that are proposed to make the code more readable, functional, and adaptable. He then reviewed the proposed revisions to Chapter 17, section by section, as outlined in the staff report. Director Jackson noted that many of these revisions were also discussed in detail at previous Planning Commission meetings.

Following a detailed presentation of Chapter 17 revisions, Planning Director Jackson discussed the creation of Interim Design Guidelines. He stated that the

goals of the Interim Design Guidelines are to reflect changes in technology and lifestyles, to clarify language, and to add new guidelines for mixed-uses, commercial uses, hillside developments, multi-family structures, non-residential signs, and wireless communications facilities. He explained that the proposed Interim Design Guidelines include: 1) the current Residential Design Review Guidelines, which were adopted in May 1988; 2) a list of General Plan policies and programs related to design; 3) other guidelines, protocols and measurements; and 4) the Planning Director's lists of projects that are exempt from a design review permit or eligible for an expedited design review permit.

Planning Director Jackson next discussed the City Council and Planning Commission policies that are no longer necessary since being incorporated into the code or Interim Design Guidelines. He suggested that the Commission repeal those policies that were adopted by the Commission and recommend that the City Council repeal those policies that were adopted by the Council. He briefly discussed the affected policies.

Planning Director Jackson explained that the final action for the Planning Commission is to consider the adoption of Planning Commission Rules and Procedures. He explained that the current code includes very few written rules and procedures for the Planning Commission, but that the proposed rules and procedures are in line with protocols that the Commission has been following for decades, and follow the procedures set forth in the City Charter and Chapter 25 of the City Code.

Planning Director Jackson reported that the adoption of Chapter 17 is considered to be a categorically exempt project under the California Environmental Quality Act (CEQA), and that the remaining aspects of the project (including the repeal and renumbering of the chapters and sections within the Municipal Code and the adoption of Interim Design Guidelines) do not constitute projects within the meaning of CEQA, and therefore, are exempt from CEQA. Planning Director Jackson also noted that the proposed modifications to the City Code are in conformance with the City Charter, and that the City Attorney has reviewed and approved the proposed modifications to the City Code, the ordinance and resolution, the Interim Design Guidelines, and the CEQA determinations.

Lastly, Planning Director Jackson outlined a few minor typographical errors that were found in the material provided to the Commission and the public. He recommended that the Planning Commission adopt the Planning Commission Resolution with the noted corrections and any amendments that are identified during the discussion. He explained that if the Planning Commission makes a recommendation to the City Council at this meeting, it would be placed on the agenda of an upcoming City Council meeting, possibly in December or early 2017. He noted that Council will need to take action by ordinance, which requires a first and second reading, and that the revised code would go into effect 30 days after the second reading.

Correspondence was received from: Jane Klein, Patty White.

Public testimony was received from:

Joy Koletsky Jacobs, resident of 75 Nova Drive, expressed her concern that residents were not properly notified of the discussions regarding the Municipal Code modifications. She stated that, despite receiving letters when construction is proposed in her neighborhood, she received no letter for what she considers to

be more important. She suggested that more of her neighbors would have attended the meeting, had they known about it, and she urged the City to send notices to residents when important changes are being discussed. Ms. Koletsky Jacobs also expressed her concerns with parking in and around Fairview Avenue, Wildwood Avenue, and Nova Drive, especially in light of the proposed changes to the Zone D regulations. She indicated that the increased parking demands from mixed-use residents, retail employees, and retail customers would further impact parking in the area

Garrett Keating, resident of 148 Ricardo Avenue, urged the Commission to defer action on the Municipal Code modifications until the City sends letters to all residents notifying them of the proposed changes. He stated that changes proposed to the setbacks are especially impactful to all residents and should be adequately communicated. He also highlighted proposed changes to the wireless communication facilities regulations and suggested that a code provision be added to require public notification of such applications, even if only in the form of an announcement at a Planning Commission meeting. Mr. Keating spoke at length about his opposition to the changes proposed for Zone D. He stated that the proposed modifications, especially with regard to parking, go beyond the provisions of the General Plan and should not be made at the expense of the neighborhood. With regard to Zone D, he argued that Staff is focused too much on the design of the buildings and not enough on the impacts of development. He also expressed concern for the potential loss of established services, such as Ace Hardware, that are within buildings that do not maximize their development potential under the proposed code. In response to a question from Commissioner Theophilos, Mr. Keating acknowledged that the Ace Hardware property, given its size and topography, might support denser development than on the Shell Station property. He stated that a three-story building would be particularly problematic on the Shell Station property.

Rick Schiller, resident of 43 Fairview Avenue, described the proposed revisions to the Municipal Code as a “massive work [that] defines the fundamental character of Piedmont.” He stressed that the proposed changes to setbacks and building heights are especially critical to residents, and he argued that proposed use changes (such as allowing for-profit entities within city buildings) should be considered a reclassification, requiring a citywide vote. Mr. Schiller expressed concern that such a small percentage of Piedmont residents have commented on the proposed revisions. He suggested that most residents do not fully understand the complex revisions or are unaware that revisions are being proposed. He argued that the way the revisions have been presented—without highlighted changes or redlined deletions—has made the revisions more difficult to understand. Mr. Schiller acknowledged that redlining such extensive changes may not have been possible, but requested that the Commission defer action on the Municipal Code revisions until the community has had more of a chance to understand the revisions and engage in the discussion.

James Penrod, resident of 224 Bonita Avenue, stated that he agreed with the other speakers and believed that residents should be given more notice of the proposed revisions and more time to provide input. He also suggested a number of changes to the proposed revisions. First, he expressed concern for the Planning Commission appeal process (proposed Section 17.78.010) and described an appeal hearing he attended in which new documentation and testimony was presented during the hearing. Mr. Penrod suggested that language be added to Section 17.78.010 to clarify that the appeal hearing should follow standard appellate procedure and only include evidence that was considered in

the initial hearing. Next, Mr. Penrod expressed concern for proposed Section 17.38.050, which allows for approval of an Accessory Dwelling Unit (ADU) without public notice or hearing. He argued that, despite requirements to approve ADUs that comply with all code requirements and guidelines, the public should remain part of the discussion. He suggested that all ADU applications should require review by the Planning Commission. He also noted that the 10-day appeal period for the Planning Director's action on an ADU application would not benefit a neighbor who has not been notified of the application. Next, Mr. Penrod suggested removal of proposed Section 17.04.060, which states, "the provisions of this chapter supersede all prior zoning ordinances of the city." He argued that this language implies a zoning change, which, he stated, would require a public vote. Mr. Penrod also suggested that proposed Section 17.08.030 includes a shift in terminology between "identifiable boundary line" and "property boundary line," and he recommended that the terminology remain consistent. Lastly, Mr. Penrod noted three minor typographical errors in proposed Sections 17.20.040, 17.60.010, and 17.36.070.

Miguel DeAvila, resident of 1210 Grand Avenue, spoke in opposition to the bundling of the proposed revisions into one comprehensive resolution. He urged the Commission to discuss and resolve unrelated revisions separately, making material more comprehensible and allowing for greater flexibility and compromise. Mr. DeAvila also spoke in opposition to the changes proposed for mixed-use development in Zone D. He argued that the proposed code is likely to stimulate development while undermining the rights of residents and placing them in a position in which they must defend themselves. He argued that the City should continue with the position it has held for decades—one which places the burden on developers to prove that they are not compromising Piedmont's residential character.

Dimitri Magganas, resident of 118 Woodland Way, expressed regard for the viewpoints of the preceding speakers, but stated that the issues cannot be eternally debated. He argued that the current code is hugely outdated with regard to many aspects of the community, including climate change, pricing, traffic, and parking demand. He urged the Commission to take action on the proposed revisions to the Municipal Code.

The above speakers all took time to commend Staff and thank the Commission for their efforts in revising the Municipal Code.

The Commission recessed for dinner at 6:40 p.m. and reconvened at 7:10 p.m.

Following the recess, the Commissioners began their discussion of the proposed revisions to the Municipal Code. They acknowledged the immense task of preparing such a document and commended Staff on its clarity. Commissioner Ode noted that the proposed revisions better reflect reality. The Commissioners discussed the following topics in response to either public testimony or their own questions or concerns:

Public Notification

The Commissioners discussed the concerns that were raised regarding whether residents were properly notified of the Municipal Code revisions. Planning Director Jackson stated that a citywide mailing would have cost the city a few thousand dollars, and Deputy City Attorney Herrington informed the Commission that a citywide mailing is not required by the code for this type of

project. Alternate Commissioner Jajodia suggested that notification could be made through the City's emergency alert system or similar listserv. Planning Director Jackson noted that the emergency alert system can only be used for true emergencies. He stated that the City followed the requirements outlined in the Code regarding public notification by posting notices at City Hall, on the City's website, and within local papers. He indicated that Staff also sent emails to those people who had asked to be added to an email distribution list. Planning Director Jackson stated that the Commissioners could continue the discussion to allow for additional public input, but noted that the City Council will still have at least two hearings on the matter. Commissioners Behrens and Ode expressed satisfaction with the notification process. Commissioner Behrens noted that many of the people in attendance had attended previous meetings at which the code revisions were discussed and that a citywide mailing would likely not generate more public input. Commissioner Ode added that residents have also seen meetings on KCOM.

Objections to Individual Provisions

Commissioner Theophilos expressed concern that he would have to vote against the proposed code in its entirety due to his objections to the proposed Zone D changes. He suggested that the document be broken up into smaller segments, which, he argued, would be easier for public engagement. Planning Director Jackson explained that splicing the code into pieces for approval is not feasible, due to the formatting, renumbering and restructuring that is proposed throughout. He added that the proposed code, Interim Design Guidelines, and Planning Commission Rules and Procedures, as well as the repeal of existing policies, are all intertwined and cannot be separated. He explained that the Commission could incorporate changes, such as minor corrections and items with consensus, as part of its motion. Commissioners and Staff discussed at length how to respond to individual Commissioners' disapproval of specific sections of the proposed code. Deputy City Attorney Herrington stated that individual Commissioners have the option of including an objection to a specific provision within the resolution.

Division 17.78 Appeals; Call for Review

The Commissioners discussed at length the concerns that were raised regarding the appeal process. Deputy City Attorney Herrington indicated that nothing in the appeal procedure states that an individual is allowed to present new evidence, but that the Council has no way of preventing speakers from including new evidence in their oral testimony. He outlined the grounds by which the Council can overrule a decision and explained that the appeal hearing is meant to determine whether there was a significant error made by the Planning Commission. He added that there is no language in the proposed appeal procedures that violates due process. Commissioners Theophilos and Behrens questioned whether or not the appeal procedure constitutes a de novo hearing. Deputy City Attorney Herrington referenced Subsection 17.78.040A, which states that an appeal is not a de novo hearing. Legal Consultant Robbins indicated that in most cities it would be a de novo hearing, but that Piedmont has made it a point to constrict the grounds for overruling a decision. Planning Director Jackson pointed out that the proposed language is in line with the existing code. Commissioner Theophilos suggested that new language be added to discourage new oral or written evidence as part of an appeal. Deputy City Attorney Herrington recommended against adding such language, since it would remove some of the flexibility granted to the Council. He explained that court procedures and administrative review procedures can be different, and that the City Council, not the Planning Commission, is the ultimate decision making

body. He stated that the procedure provides the Council with some flexibility to approve, modify or send a decision back to the Planning Commission if the scope of what should have been considered has drastically changed. He added that such flexibility with regard to the introduction of new evidence would not be permitted at the trial court level for an appeal of a Council decision. The Commission ultimately decided that the proposed language was appropriate and opted to keep it intact.

Accessory Dwelling Units

Alternate Commissioner Jajodia raised the concerns that Mr. Penrod expressed regarding the approval of ADUs, also known as Second Units in the current code. Planning Director Jackson explained that, per state law, an application for an ADU must be reviewed ministerially, with no public input, if the application meets all zoning requirements. He explained that proposed design changes related to an ADU would still require a design review permit, and those that require Staff Design Review or Planning Commission Design Review would include neighbor notification of the design changes. He added, however, that state law still requires that the ADU permit be approved ministerially. One exception to the ministerial review is when an application proposes an exception to an ADU zoning requirement, such as for parking or unit size. Such an application would require approval by the Planning Commission and notice to neighbors. Commissioner Behrens noted that the Planning Commission would not want to propose a provision that is not in conformance with state law.

Change to Uses within Zone B

Commissioner Theophilos responded to Mr. Schiller's concerns that a proposed provision to allow for-profit entities within the Public Facilities zone constitutes a change in use, which would require a citywide vote. Deputy City Attorney Herrington clarified that the City Charter only calls for a citywide vote for a reclassification, which is when a property is changing from one zone to another. He stated that additional uses can be added within a zone without changing the zoning designation for a property.

Zone D Regulations

Commissioner Theophilos expressed his strong disapproval of the proposed Zone D Regulations, arguing that they would make the Shell Station site more developable at the expense of the neighboring residential properties. He insisted that the proposed parking regulations would create additional parking problems for the nearby residents. Alternate Commissioner Jajodia suggested that it is not one property, but many commercial properties along Grand Avenue in both Oakland and Piedmont that are contributing to the existing parking problems in the neighborhood. She suggested that restricted on-street parking might help to solve the problem. Planning Director Jackson stated that Fairview Avenue currently has resident-only parking, but that residents on Wildwood Avenue and Grand Avenue have not opted for similar parking restrictions. In response to a question from Commissioner Behrens, Planning Director Jackson clarified that the intent of the Zone D revisions is to comply with General Plan policies that call for regulations that allow for a pedestrian-friendly, mixed-use zone without parking lots at the sidewalk. Commissioner Zhang spoke favorably about the proposed Zone D regulations, which he said would promote more development and more services for the surrounding neighborhoods. Commissioner Ode referred to a comment made during a previous discussion by someone in the neighborhood that indicated support for the promotion of walkable businesses.

Commissioner Theophilos suggested that the proposed code be revised to restrict development parameters on smaller properties, such as the Shell Station site, and expand them on larger properties, such as the Ace Hardware site, to comply with the General Plan. Planning Director Jackson and Deputy City Attorney Herrington advised against applying different development standards to a singular property within a zone, as it may be considered spot zoning and may be indefensible in court. Commissioner Theophilos stated that he would rather see the City have to defend the use of different development standards on different properties than to impose the proposed development standards on the neighborhood surrounding the Shell Station site.

Planning Director Jackson explained that General Plan policies call for the maintenance of the existing policies and procedures that require design review and a Conditional Use Permit (CUP). He pointed out that the Commission sometimes denies an application for a single-family residence remodel that fully complies with the zoning criteria but is found to not meet the design review criteria. He explained that the same procedures and policies are in place for the commercial and mixed-use zones, and that both the design review and CUP processes require a finding that there is no adverse impact on the surrounding neighborhood or on vehicular safety and traffic. He explained that if the Commission or Council cannot make this finding, they have the right to deny the application and require more parking than is required within the zoning code. Commissioner Zhang expressed his opinion that the Planning Commission has quite a bit of discretion, as compared with other communities, and that he is confident in the Commission's ability to successfully balance the needs for development with the needs of the residents.

Additional Questions and Minor Revisions

The Commission discussed a number of additional topics, some of which resulted in minor corrections or revisions to the proposed code:

Alternate Commissioner Jajodia asked whether a general footnote could be added to Chapter 17 that refers readers to the Definitions and Measurements sections. Planning Director Jackson and Legal Consultant Robbins recommended against multiple references to definitions, which they said would unnecessarily clutter the code, and pointed out that the Table of Contents already serves this purpose. Planning Director Jackson suggested that if users of the code are consistently confused without the reference, the Commission could address this topic at a later date.

Commissioner Behrens noted that the term *daylight plane* is only listed in 17.90.020 Measurement, and not within 17.90.010 Definitions. Planning Director Jackson suggested adding the term to Section 17.90.010 Definitions. The Commission agreed.

Alternate Commissioner Jajodia asked whether the Planning Commission Rules and Procedures should include a list of requirements, such as residency, for appointees. Planning Director Jackson and Deputy City Attorney Herrington stated that the City Charter and City Code Chapter 25 address such requirements.

Alternate Commissioner Jajodia stated that the Planning Commission Rules and Procedures are not clear on the process of appointing a chair. Planning Director Jackson agreed and suggested that the word *appoint* be changed to *elect* and that the Rules and Procedures also include the election of a vice chair.

Commissioner Behrens suggested that *significant views* be added to a list of items to preserve under the Intent section (Section 17.02.010A.1). The Commissioners briefly discussed the definition of *significant views* and decided to add it to Section 17.02.010A.1.

Commissioner Behrens asked for verification that the Severability section (page 38 of the staff report) is complete. Legal Consultant Robbins stated that the section was shortened in the process of streamlining the code, and Deputy City Attorney Herrington confirmed that nothing pertinent is missing from the section.

Commissioner Behrens inquired about the enforceability of the following statement on page 101 of the staff report: “The failure of any person or entity to receive notice does not constitute grounds for any court to invalidate the actions of the city for which the notice was given.” Legal Consultant Robbins confirmed that the statement was taken from state law. Commissioner Behrens suggested that the law be cited.

Commissioner Behrens asked Staff about the Planning Commission Rules and Procedures, Abstention from Voting (pages 246 to 247 of the staff report). He stated that proximity to an application under review is the predominate reason for a Commissioner to be disqualified from acting on an application, and he suggested that this information be included. Deputy City Attorney Herrington cautioned against adding this language to the Rules and Procedures, since the California Fair Political Practices Commission regularly changes the regulations. Planning Director Jackson stated that a change to the Rules and Procedures could be made in the future if additional clarity is found necessary.

Commissioner Behrens raised Mr. Penrod’s question about the difference between the terms *boundary line* and *property line* in Section 17.08.030B.2 (page 40 of the staff report). Planning Director Jackson explained that the term *identifiable boundary line* is used when the line could be a city boundary line, as well as a property line. Staff made several suggestions on how to clarify the language, but did not receive consensus from the Commission. Planning Director Jackson stated that Staff would review the language for clarification and monitor its effectiveness, should the proposed revisions be implemented.

The Commission discussed additional minor typographical corrections.

Commissioner Zhang made a motion to adopt the resolution below and incorporate the following corrections recommended by Staff, Commissioners, and the public:

- Typographical edits outlined in the Staff Memo dated November 9, 2016:
 - Planning Commission Resolution, correct exhibit numbers (as corrected in the resolution below)
 - City Council Ordinance, correct exhibit number on page 3
 - Part D, Interim Design Guidelines, delete duplicate text, renumber exemptions
 - Section 17.90.020, fix building height formula: “ $A+B/2 = \textit{Building height}$ ”
- Section 17.02.010B.1 (staff report page 35) to read, “preserve the architectural heritage and beauty of the city’s homes, the mature vegetation, the tranquility and privacy that now exist, and significant views;”

- Section 17.02.010B (staff report page 35), fix numeration to eliminate two “6’s” and add “7”
- Exhibit B to City Council Ordinance (staff report page 31), add hyphen to Bay-Friendly in title
- Section 17.32.020A.3 (staff report page 57), change “an dup” to “and up”
- Section 17.20.040 (staff report page 12), change “lost” to “lot” in floor area ratio requirements
- Section 17.28.040 (staff report page 21), change “lost” to “lot” in floor area ratio requirements
- Section 17.36.070B (staff report page 66), change “n” to “In” in 7th line, beginning of 4th sentence
- Section 17.62.010 (staff report page 101), cite government code in third paragraph
- Section 17.90.010 (staff report page 131): add *Daylight Plane* to Definitions, referencing its listing in Measurements
- Planning Commission Rules and Procedures, Election of Officers, replace the word *appoint* with the word *elect* and include the election of a vice chair

Resolution 30-PL-16

WHEREAS, the City Staff has undertaken a reorganization and updating of the City's zoning regulations, at City Code Chapter 17; and

WHEREAS, the Planning Commission has held noticed public hearings on portions of the proposed update on November 9, 2015, March 14, 2016, April 11, 2016, June 13, 2016, July 11, 2016, July 26, 2016, August 8, 2016, August 30, 2016, and on the entire Chapter 17 on November 10, 2016, all consistent with Government Code sections 65854 and 65855 and existing City Code section 17.36; and

WHEREAS, the adoption of Chapter 17 is a project within the meaning of the California Environmental Quality Act (CEQA), however, because it is largely a reorganization and renumbering of existing zoning regulations and an implementation of the City’s previously studied and approved General Plan and Housing Element, it is categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of Chapter 17 may have a significant effect on the environment. (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Sections 15061(b)(3), 15378.) The repeal of Chapters 16 and 17C, the renumbering of Chapters 17A, 17B, 17F, 17G and Section 17.11.10, the adoption of Planning Commission Rules and Procedures, and the repeal of policies do not constitute projects within the meaning of CEQA, and therefore, are exempt from CEQA. (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Section 15378.); and

WHEREAS, as part of the zoning update, the City Staff has created Interim Design Guidelines, which include the following components: General Plan references to design; Residential Design Guidelines adopted May 16, 1988; Other Guidelines, Protocols and Measurements; Design Review Permit, Director's lists; and

WHEREAS, the City intends to update and expand its design guidelines in 2017; in the interim, the proposed Interim Design Guidelines will serve as the Design Guidelines for the City. Having these Guidelines is an essential part of implementing Chapter 17, Planning and Land Use; and

WHEREAS, the Planning Commission held a public hearing on the Interim Design Guidelines on November 10, 2016; and

WHEREAS, the adoption of Interim Design Guidelines is not subject to the California Environmental Quality Act (CEQA) because it is not a project within the meaning of CEQA and it can be seen with certainty that there is no possibility that the adoption of Interim Design Guidelines may have a significant effect on the environment. (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Sections 15061(b)(3), 15378.); and

WHEREAS, over thirty-five years, the Planning Commission has recommended and the City Council adopted various policies related to land use. These policies are now out-of-date, have been incorporated over the years into the current Chapter 17, or are to be incorporated into the proposed new Chapter 17 or the Interim Design Guidelines; and

WHEREAS, over thirty-eight years, the Planning Commission has adopted various policies related to land use. These policies are now out-of-date, have been incorporated over the years into the current Chapter 17, or are to be incorporated into the proposed new Chapter 17 or the Interim Design Guidelines; and

WHEREAS, the Planning Commission wishes to incorporate the City Charter requirements and other procedures into *Planning Commission Rules and Procedures*.

NOW, THEREFORE, the Planning Commission of the City of Piedmont resolves that:

Section 1. Recitals. The above recitals are correct and are incorporated into this Resolution as findings of the Planning Commission.

Section 2. Recommendation -- Chapter 17 and related changes. The Planning Commission recommends that the City Council adopt a new Chapter 17, Planning and Land Use, and related changes, as detailed in the Planning Commission Staff Report dated November 10, 2016, and amended by the Commission., with the exception that Commissioner Theophilos objects to the Zone D regulations (section 17.26.050).

Section 3. Recommendation -- Interim Design Guidelines. The Planning Commission recommends that the City Council adopt Interim Design Guidelines, as detailed in the Planning Commission Staff Report dated November 10, 2016, and amended by the Commission .

Section 4. Recommendation - Repeal Certain City Council Policies. The Planning Commission recommends that the City Council repeal certain previously-adopted policies, as follows:

Policy	Approval date
Notification procedure - Design Review and Variance	1979
Proposed Exterior Changes to Previously-Approved Planning Permits	1985
Window Replacement	July 7, 2003

Site Visits	March 7, 2005
Residential Parking and Driveways	December 5, 2005
Tankless Water Heater	January 17, 2006

Section 5. Repeal - Planning Commission Policies. The Planning Commission repeals the previously-adopted policies, as detailed in the Planning Commission Staff Report dated November 10, 2016, subject to the City Council's adoption of the Interim Design Guidelines. This SECTION 5 will take effect on the date the Interim Design Guidelines are adopted by the Council.

Section 6. Adoption -- Planning Commission Rules and Procedures. The Planning Commission adopts the *Planning Commission Rules and Procedures*, as detailed in the Planning Commission Staff Report dated November 10, 2016, and amended by the Commission .

Section 7. All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

Moved by Zhang, Seconded by Ode

Ayes: Behrens, Jajodia, Ode, Theophilos, Zhang

Noes: None

Recused: None

Absent: Ramsey

ADJOURNMENT

There being no further business, Chairman Behrens adjourned the meeting at 8:40 p.m.