

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, February 13, 2017

A Regular Session of the Piedmont Planning Commission was held February 13, 2017, 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 January 30, 2017.

CALL TO ORDER

Chairman Behrens called the meeting to order at 5:00 p.m.

ROLL CALL

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

Absent: Susan Ode (excused)

Staff: Planning Director Kevin Jackson, Senior Planner Pierce Macdonald-Powell, Associate Planner Jennifer Gavin, Assistant Planner Emily Alvarez, and Planning Technician Chris Yeager

Council Liaison: Councilmember Jennifer Cavanaugh

PUBLIC FORUM

Brock Settlemier, Piedmont High School student, advocated for the creation of motorcycle parking in Piedmont. He explained that there are currently no designated spots for motorcycles in Piedmont and reported that the City's Complete Streets policy does not address motorcycles. He argued that adding motorcycle parking near Piedmont High School would modernize the City and promote cleaner transportation. In response to a question from the Commission, Mr. Settlemier reported that there are four to five individuals who ride motorcycles to school. Planning Director Jackson stated that the Director of Public Works can address questions or requests regarding motorcycle parking.

REGULAR SESSION

The Commission considered the following items of regular business:

Approval of Minutes

Resolution 3-PL-17

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of the January 9, 2017, regular hearing of the Planning Commission.

Moved by Ramsey, Seconded by Jajodia

Ayes: Behrens, Jajodia, Ramsey

Noes: None

Recused: Theophilos, Zhang

Absent: Ode

Consent Calendar

The Commission placed the following application on the Consent Calendar:

- 1106 Warfield Avenue (Variance and Design Review)

Resolution 4-PL-17

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

Moved by Theophilos, Seconded by Zhang

Ayes: Behrens, Jajodia, Ramsey, Theophilos, Zhang

Noes: None

Recused: None

Absent: Ode

At the end of the meeting, the following Resolution was approved under the Consent Calendar:

**Variance and
Design Review
1106 Warfield Avenue**

Resolution 433-V/DR-16

WHEREAS, the Property Owner is requesting permission to construct an exterior remodel including new windows and doors, rear yard deck and spa, side yard stairs, and retaining walls, located at 1106 Warfield Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, a portion of the front retaining wall would be within the public right-of-way; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary to construct new exterior stairs within the required side yard setback; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited the subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15301, Class 1(e), Existing Facilities, because the proposed project consists of exterior changes to a private residence and it is consistent with General Plan policies and programs; and

WHEREAS, regarding the 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 lot size, and the configuration of the existing building; so that 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 the proposal will replace the material of the existing stairs, and the new stairs will be code compliant.
3. Accomplishing the improvements without variance would cause unreasonable hardship in planning, design, or construction, because the lot size and building configuration make it impossible to relocate the side entry stairs to another part of the property.

WHEREAS, regarding design review, the Planning Commission finds that the proposal conforms to the criteria and standards of Section 17.20.9(a) 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: side stairs replacing existing wood stairs, a new deck and spa in the rear yard, and a new retaining wall replacing the existing. These changes are improvements to current configurations and/or materials, and are harmonious with the existing elements as a whole.

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light, because there is no impact with the proposed changes.

3. The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress, because there is no impact to the current pattern of pedestrian or vehicular traffic.

4. The project complies with Design Review Guidelines II-1, II-2, II-3, II-3(a), II-3(b), II-3(c), II-3(d), II-5, II-5(a), II-6, II-6(a), II-6(b), II-6(c), 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 1106 Warfield Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Window Material.** As specified in the plans, the building material for the new windows shall be aluminum clad wood with three dimensional simulated divided lites or wood with true divided lites.

2. **Encroachment Permit.** Before the issuance of a building permit, the Property Owner shall apply for an encroachment permit to allow for the construction within the public right-of-way or public easement or as required by the Public Works Director.

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

4. **Noise.** The noise generated by the hot tub must meet the 50 decibel (dBA) or less noise limit as required by section 5.2.31 "Appendix K" of the Piedmont Building Code. Prior to final inspection, the applicant shall provide to the City a noise report prepared by a qualified acoustical professional.

5. **C&D Compliance.** Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, is required for all phases of this project.

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

7. **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.

8. 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 as needed: 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 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 Jajodia, Seconded by Ramsey
Ayes: Behrens, Jajodia, Ramsey, Theophilos, Zhang
Noes: None
Recused: None
Absent: Ode

Regular Calendar

The Commission considered the following items as part of the Regular Calendar:

**Variance and
Design Review
1062 Harvard Road**

The Property Owner is requesting permission to modify a window at the front (north) of the home and to seek retroactive approval for the conversion of the basement level family room into a room eligible for use as a bedroom. A variance is required in order to supply an additional room eligible for use as a bedroom without providing conforming parking.

Written notice was provided to neighbors. **One affirmative response form** was received.

Public testimony was received from:

Wendi Sue, project architect, stated that the goal of the project is to remodel the basement bathroom. She explained that while working on the design of the remodel, it was determined that the previous owners had made two unpermitted changes to a previous approval in 2008—they had added a doorway to the family room, which resulted in an additional room eligible for use as a bedroom, and they had added a concrete landing encroaching into the parking area of the garage. Ms. Sue stated that the applicants are requesting a variance to make the changes legal. She reported on surveys conducted by the applicants, showing that 93% of the neighboring properties have nonconforming parking and that 96% of modern cars are high enough off the ground to clear the concrete landing. She pointed out that the applicants are not asking for additional square footage, and that the minor window change is necessary to comply with the building code. She added that the applicants plan to continue to use the family room as a family room. In response to questions from the Commission, Ms. Sue stated that there is no clear purpose for the stair landing.

Stephen Porter, homeowner, also discussed the goal of the project and the discrepancies found with the previously approved plans. He argued that the previous approval was awkward, in that access to the family room was only provided through the master bedroom. In response to questions from the Commission, Mr. Porter clarified aspects of the floor plan and reported on his car's ability to clear the landing in the garage. He responded to a question from Alternate Commissioner Jajodia, stating that the existing concrete landing in the garage has never posed a tripping hazard. He also responded to a question from Commissioner Zhang, stating that it would be difficult to expand the garage toward the street due to the existing steep slope of the driveway.

The Commission was generally in support of the project, but Commissioners Zhang and Jajodia expressed initial concern for the landing within the garage. They considered requiring the removal of the landing, but Commissioners Theophilos, Ramsey and Behrens were in favor of the application as proposed, arguing that the landing does not diminish the parking. The Commissioners were unanimously in support of the proposed changes to the window and floor plan. Alternate Commissioner Jajodia stated that requiring access to the family room through the master bedroom would be impractical.

Resolution 431-V/DR-16

WHEREAS, the Property Owner is requesting permission to modify a window at the front (north) of the home and to seek retroactive approval for the conversion of the basement level family room into a room eligible for use as a bedroom, located at 1062 Harvard Road, 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 supply an additional room eligible for use as a bedroom without providing 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 CEQA Guidelines Section 15301, Class 1 (e), Existing Facilities because it is a minor interior change to an existing private residence, and the project is consistent with General Plan policies and programs; and

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

1. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to: a narrow lot, with only 27 feet of frontage; a steep slope, with the house built into the hill; the age of the house and existing garage; and the location of the front stairway and side and front setbacks, which prevent expansion of the garage. 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, as shown in the applicant's survey, the garage is typical for homes in the area. Additionally, no expansion of the existing footprint is proposed and only minor modifications are proposed from what was originally approved in 2006.

3. Accomplishing the improvements without variance would cause unreasonable hardship in planning, design, or construction, because additional variances would be required that would adversely affect the adjacent properties, major construction would be required in the front yard setback, and the historic character of the home and street would be lost if the garage were expanded. Because of the narrow sloping lot, there is no space for expansion.

WHEREAS, regarding design review, the Planning Commission finds that the proposal conforms to the criteria and standards of Section 17.20.9(a) of the Piedmont City Code:

1. The exterior design elements are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development. These elements include but are not limited to: the proposed window, which matches other existing casement windows on the house.

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light, because there is no change that would affect neighboring properties, and the window faces the public way.

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 proposed changes to the circulation pattern or points of ingress and egress.

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-6(c), II-7.

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 1062 Harvard Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Window Material.** As specified in the plans, the building material for the new window shall be wood.

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

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

Moved by Ramsey, Seconded by Theophilos
Ayes: Behrens, Jajodia, Ramsey, Theophilos, Zhang
Noes: None
Recused: None
Absent: Ode

**Variance and
Design Review
110 Fairview Avenue**

The Property Owner is requesting permission to construct an approximately 1,278-square-foot, second-story addition, and to make modifications to windows throughout the house, to make modifications to hardscape, and to remove a non-permitted deck in the rear yard. A variance is required in order to construct within the front 20-foot setback.

Written notice was provided to neighbors. **Two affirmative and three negative response forms** were received. **Correspondence** was received from: Richard Sykes and Susan Jamison, Victoria and Richard Larson, Mary R. Cummings, Chester Lau, Terry London and Teri Liegler.

Public testimony was received from:

Anne Bevilacqua, homeowner, discussed the needs of her family and the goal of adding more space to her house. She stated that the neighbors who are objecting to the project all live in two-story houses of at least 2,000 square feet. She maintained that the proposal is in line with the neighbors' houses and is better integrated with the existing neighborhood. In response to comments from the neighbors and a question from Commissioner Behrens, Ms. Bevilacqua explained that adding living space within the basement or at the rear of the house is not feasible, due to the slope of the property and limited space within the backyard.

Michael Smith, homeowner, requested that the Commission reasonably evaluate the facts regarding the application. He argued that the project has no impact on any significant views, as defined by the City's zoning code. Regarding privacy concerns raised by the neighbors, Mr. Smith argued that the proposed windows will not have a greater impact on privacy than the existing windows, and that the upper windows will be less intrusive due to existing vegetation. He also discussed the massing of the proposed house as it relates to other nearby houses,

and he argued that the proposal will make the home more in keeping with the neighborhood.

Carolyn Van Lang, project architect, stated that the applicants hope to retain the existing Dutch Colonial style of the house. She explained her design decisions, reported on structural constraints, and described the Dutch Colonial features incorporated into the project, including dormers and a gambrel roofline. In response to concerns about the project being too massive, Ms. Van Lang argued that the proposal is less massive than other two-story houses in the neighborhood, especially given the varied roof plan of the Dutch Colonial style. She also commented on the proposed variance and indicated the applicants' willingness to add divided lites to the proposed windows, if necessary. In response to questions from the Commission, Ms. Van Lang stated that the proposal includes a bedroom, bathroom and playroom on the second floor, and that some of the 1,278 square feet of additional space is used for low-ceilinged storage. She also further commented on her use of Dutch Colonial features to break up the mass of the house and noted that the applicants are willing to plant screening vegetation at the rear of the yard to address privacy concerns.

Richard Larson, rear neighbor at 129 Nova Drive, spoke in opposition to the height and bulk of the addition, as well as its impacts on privacy. He stated that the story poles show the new ridge line as being higher than the other houses in the neighborhood, and that the proposal includes 17 windows on the rear facade, as opposed to the five that are existing. He expressed concern that the 12 additional windows would impact the privacy of his home and garden, and that existing screening vegetation is susceptible to damage and age. Mr. Larson also discussed a past remodel on another property in the neighborhood, in which the applicants worked with him to address his concerns. In response to a question from Commissioner Zhang, Mr. Larson indicated his willingness to discuss his concerns with the applicants further.

Ralph Tondre, project contractor, spoke about the structural details of the project. He explained that the existing framing is undersized and needs to be rebuilt as part of the second story addition. He stated that the architect had made a sincere effort to step back the second floor and reduce the size of the addition, and he finds the resulting project to be aesthetically pleasing and in keeping with the neighborhood.

Terry London, adjacent neighbor at 108 Fairview Avenue, expressed his opposition to the proposed project. He argued that the addition is too large for the small and narrow property, and that the house would loom over downhill properties, impacting their privacy and views. He indicated that the proposed addition would also block his view of the Piedmont hills. Mr. London spoke about the one-story expansion he made to his house 15 years prior, which increased his square footage by only 25%, eliminated a window facing 110 Fairview Avenue, and addressed the concerns of his neighbors. Mr. London suggested that the proposal be denied and that the applicants return with a smaller, one-story addition with fewer windows.

Colin Thompson, neighbor at 146 Dale Avenue, indicated that he was attending the meeting in support of the proposal since he had been unavailable to express his support during the public comment period.

Susan Jamison, neighbor at 131 Nova Drive, expressed her opposition to the project, especially its impact on her view of the sky and sense of openness. She

stated that the design features used to mitigate the mass of the structure on the front and sides of the house are absent at the rear of the house. She expressed concern that the proposed project would diminish the resale value of her home, and she suggested that the applicants consider using space within the existing roof frame. Ms. Jamison stated that screening vegetation that the applicants offered to plant would need to be very tall to provide adequate privacy. She also expressed concern that such vegetation would further impact her view and sense of openness.

Richard Sykes, neighbor at 131 Nova Drive and husband of Ms. Jamison, added that they would be happy to work with the applicants on solutions to address their concerns. In response to a question from Commissioner Behrens, Mr. Sykes acknowledged that screening vegetation could be part of an acceptable solution, but that a large tree would be necessary.

The Commissioners were not in support of the project as proposed, commenting on the bulk of the rear façade and the impacts that the addition would have on the neighbors' privacy, light and views. Commissioner Theophilos suggested that the applicants reduce the size of the addition and use clearstory windows to address the privacy concerns of the neighbors. Commissioners Zhang and Behrens suggested that all or part of the addition be relocated at the rear of the house on the first level. Commissioner Zhang added that the massing of the second-story addition could be mitigated by sloping the rear wall. Alternate Commissioner Jajodia was in favor of the addition being placed on the second floor and commended the architect on her ability to reduce the massing at the front of the house, but she expressed concern for the bulk of the rear façade. She suggested that design features similar to those used at the front of the house be used at the rear of the house to reduce its bulk. Commissioners Zhang and Jajodia also suggested that the design of the existing and proposed windows should be more cohesive.

Resolution 2-V/DR-17

WHEREAS, the Property Owner is requesting permission to construct an approximately 1,278-square-foot, second-story addition, and to make modifications to windows throughout the house, to make modifications to hardscape, and to remove a non-permitted deck in the rear yard, located at 110 Fairview 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 construct within the front 20-foot setback; and

WHEREAS, regarding design review, the Planning Commission finds that the current proposal does not conform to the criteria and standards of Section 17.20.9(b) 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 upper level addition and adjacent residences is reasonable and appropriate due to the existing topography and neighborhood development pattern. Except for the massing of the addition at the rear of the house, the design of the addition with appropriate setbacks and rooflines allows the massing of the building to be in proportion with the site and the neighborhood context.

2. The proposed upper level addition has been designed in a way that has considerable impact on the privacy of the neighbors on the south and east sides.
3. Except for its massing at the rear of the house, the size and height of the addition are commensurate with the size of the lot (excluding the portions of the lot that cannot reasonably be built on), and are in keeping with the existing neighborhood development pattern, because the neighborhood is a mix of smaller and larger homes, and the design of the addition, with its setbacks and low roof line, is commensurate with the development pattern of 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 upper level addition, and additional parking is not required to prevent unreasonable short and/or long term parking impacts on the neighborhood. The addition does not impact the safety of pedestrian or vehicular traffic.
5. The project does not comply with Design Review Guideline II-2, which states that the scale and mass of the proposed project should not overpower or dominate adjacent properties. The three-story massing of the addition at the rear is not appropriate. The project does not comply with Design Review Guideline II-7, which states that the siting of an addition and the exterior location of its windows should respect the privacy of adjacent residences.
6. The project complies with Design Review Guidelines II-1, II-3, II-3(a), II-3(b), II-3(c), II-3(d), II-6, II-6(a), II-6(b), II-6(c), II-7(a).
7. Action on the variances is not necessary for this application, because there is no approved design requiring a variance.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies without prejudice the variance and design review application for proposed construction at 110 Fairview Avenue, Piedmont, California.

Moved by Jajodia, Seconded by Zhang
Ayes: Behrens, Jajodia, Theophilos, Zhang
Noes: None
Recused: Ramsey
Absent: Ode

The Commission recessed for dinner at 6:30 p.m. and reconvened at 7:15 p.m.

2016 Design Awards

During the dinner break, the Commission met in the City Hall Conference Room for a Special Session, in which they reviewed projects completed in 2016 for the City's annual Design Awards program. Presentation of the awards will be made at the March 13, 2017, Planning Commission meeting immediately following a reception held at City Hall to honor all award recipients. The Commission selected the following award recipients:

Excellent Major Remodel in Modern Style	109 King Avenue
Excellent Major Remodel in Traditional Style	36 Monticello Avenue
Excellent New Garage	136 Ronada Avenue
Excellent Detached Studio	30 Prospect Road

Excellent Detached Second Unit
Excellent Retaining Wall

137 Greenbank Avenue
42 Calvert Court

**Design Review
415 Moraga Avenue**

The Property Owner is requesting permission to construct an approximately 740-square-foot, two-story addition at the rear (west) of the house and to remove two unpermitted skylights.

Written notice was provided to neighbors. **One affirmative and three negative response forms** were received.

Public testimony was received from:

Helen Greenwood, neighbor at 412 Moraga Avenue, spoke in opposition to the proposed project and the impact it would have on traffic and parking on Moraga Avenue. She discussed at length the history of traffic incidents along Moraga Avenue, including numerous times in which her car or house had been hit by cars driving downhill on Moraga Avenue. She reported seeing frequent traffic violations along her block and indicated that the congestion is compounded by unusable garages and steep driveways in the area. Ms. Greenwood stated that the owner of 415 Moraga Avenue has numerous tenants with many vehicles, some of which have been abandoned for weeks or months. She explained that the house was built with two bedrooms and has grown over the years, and she reported on past expansion requests at 415 Moraga Avenue and adjacent houses.

The Commissioners spoke at length about the difficulty in acting on the proposal without having a representative present to answer questions. They also spoke at length about the use of the property and whether it is being legally rented. Planning Director Jackson explained that the Commission's decision must be based on the proposed plans, not on the occupant or rental situation. He added that City staff is tasked with enforcing laws about rentals and occupancies, and that such issues are not subject to Commission review. Commissioner Behrens referred to the applicant's previous proposal, which the Commission denied due to an unintended second unit that was found to increase the intensity of use of the property and exacerbate the vehicular safety concerns along Moraga Avenue. He questioned whether the intensity of use is adequately decreased by removing the previously proposed kitchen, despite maintaining the same additional square footage. Commissioners Jajodia and Ramsey agreed that questions remain about whether the addition would exacerbate or improve the traffic concerns, but stated that, otherwise, the proposal appears to be appropriate. Commissioner Theophilos argued that the removal of the kitchen is not enough to decrease the intensity of the use, and he expressed concern that the multiple tenants alleged to be living in the house worsen the parking and traffic situation. The Commissioners also discussed the floor plan and the bedroom count, and Commissioner Behrens commented on the frustration of receiving plans just prior to the meeting. The Commission was also vexed that for this application and the similar application previously considered by the Commission on June 13, 2016, neither the owner or anyone representing the owner chose to attend the Planning Commission meeting to advocate for the project and respond to the Commission's questions. The Commission decided to continue the application to the March meeting to give the applicant or the applicant's representative a chance to appear before the Commission and respond to Commissioners' questions.

Resolution 3-DR-17

RESOLVED, that, based on the late submittal of the documents and the inability of the homeowner to answer critical questions regarding the application, the Piedmont Planning Commission continues the consideration of the application for Design Review at 415 Moraga Avenue to the March 13, 2017, regular meeting.

Moved by Ramsey, Seconded by Zhang

Ayes: Behrens, Jajodia, Ramsey, Theophilos, Zhang

Noes: None

Recused: None

Absent: Ode

**Design Review and
Fence Design Review
108 King Avenue**

The Property Owner is requesting permission to replace and modify windows and doors throughout the house; to add a new railing at the existing flat roof on the west side of the property; and to construct a new 6-foot-tall metal fence and gates along the entire west and north property lines.

Written notice was provided to neighbors. **One response form indicating no position** was received.

Public testimony was received from:

Lucy Ling, project architect, outlined the scope of the project. She explained that an existing hedge will remain in front of the proposed fence along King Avenue, and that a new hedge will be planted in front of the proposed fence on Hampton Road. She presented the Commission with photographs showing precedents of front yard fences along Farragut and King Avenues. Regarding the windows, Ms. Ling explained that the proposal includes replacing all the original, single-pane windows with new aluminum-clad, double-pane windows to improve thermal insulation. She stated that, despite the new windows being deeper in profile than the existing windows, they would be positioned in such a way to preserve the wood detailing on the exterior of the house. Ms. Ling also commented on the new deck railings and fielded numerous questions from the Commission. When asked about the intent of the fence, Ms. Ling indicated that the applicants would like the fence for security reasons and as a buffer to the traffic on Hampton Road. She also noted that an iron gate already exists at the corner of the property. In response to questions regarding the deck railing, Ms. Ling stated that the concrete balustrades are proposed to match the existing railing above the garage, but that the applicants are open to other materials and designs. Ms. Ling responded to questions about the window details, and explained that she is searching for windows with a thin profile to best match the existing windows. She stated that the goal is to make minimal changes to the exterior, even if it means losing some of the interior window sill.

The Commissioners discussed the proposed fence at length. Alternate Commissioner Jajodia asked about compliance with Design Guideline V-7 and whether the new fence would be limiting emergency access to the house. The Commissioners and Staff concluded that the project complies with Design Guideline V-7, since the proposed gates would meet fire code requirements and allow access by emergency personnel. Commissioner Behrens stated that the proposed fence is attractive, but that the preference in Piedmont is to refrain from fencing off front yards with tall fences. Commissioners Ramsey and Jajodia added that the proposed fence calls attention to itself and therefore does not comply with Design Guideline V-2. Commissioner Ramsey also argued that the proposed fence does not comply with Design Guidelines V-6 or V-5(a),

because the fence is greater than four feet in height and does not promote a feeling of openness. He added that the proposal does not qualify for the exception listed in Design Guideline V-6, since a private yard exists to the rear of the house. Commissioner Theophilos had no concerns with the proposed fence and noted that there is no limit on the height of the hedges.

The Commission also discussed in detail the proposed deck railing and windows. Regarding the deck railing, Commissioner Ramsey expressed concern, both visually and structurally, for the choice of heavy concrete balustrades on the wood roof. He also noted that the porch roof appears to be too thin to support a new deck, and indicated that the proportions of the roof deck are likely to change dramatically once the structural needs are considered. Regarding the proposed windows, Commissioner Ramsey noted that the window details presented are not to scale and do not show how the new windows' sash and profile compare with those of the existing windows. He indicated that the new windows could change the look of the historic house significantly, and that accurate window dimensions are necessary to determine the appropriateness of the change. Commissioners Jajodia and Behrens agreed with Commissioner Ramsey about the importance of the window details. Commissioner Theophilos indicated that he had no concerns regarding the proposed railing or windows. He abstained from voting on the motion, since he was unfamiliar with the technical details related to the roof deck and windows.

Resolution 7-DR-17

WHEREAS, the Property Owner is requesting permission to replace and modify windows and doors throughout the house; to add a new railing at the existing flat roof on the west side of the property; and to construct a new 6-foot-tall metal fence and gates along the entire west and north property lines, located at 108 King Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited the subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15301, Class 1(e), but that the proposal does not conform to the criteria and standards of Section 17.20.9(b) of the Piedmont City Code:

1. The exterior design elements of the cast iron fence, aluminum-clad wood windows, and cast concrete balustrades are not aesthetically pleasing as a whole or harmonious with existing and proposed neighborhood development. The distance between the upper level deck 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 fence does not conform to Design Guidelines V-2, V-5(a), or V-6. There is not enough information in the application to determine whether the proposed windows are consistent with the type, proportions and details of the original windows. While the new deck railing is proposed to be consistent with the existing deck railing, the applicant needs to confirm that the roof can be used as a deck with no change in the design or proportions of the structure.

2. The proposed addition has been designed in a way that reasonably minimizes view and light impacts on neighboring properties, because the deck is well placed on an existing roof location.
3. The size and height of the addition are commensurate with the size of the lot (excluding the portions of the lot that cannot reasonably be built on), and are in keeping with the existing neighborhood development pattern, because the deck is located over an existing porch and does not increase the footprint of the structure.
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, and additional parking is not required to prevent unreasonable short and/or long term parking impacts on the neighborhood. The points of ingress and egress are not proposed to change.
5. The project does not comply with Design Review Guidelines V-2, V-5(a), or V-6 (which limits front-yard fences greater than four feet in height). There is not enough information in the application to determine whether the proposed windows and roof railing meet Design Guideline II-3(b), which calls for consistency with respect to architectural styles, including type, proportions and details. Additional information must be provided to determine compliance with Design Guideline II-3(b), including dimensions of the existing and proposed window details and information to determine if the existing roof can be used without altering the proportions of the structure.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies without prejudice the design review application for proposed construction at 108 King Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Ramsey, Seconded by Jajodia

Ayes: Behrens, Jajodia, Ramsey

Noes: None

Abstain: Theophilos

Recused: Zhang

Absent: Ode

ADJOURNMENT

There being no further business, Chairman Behrens adjourned the meeting at 8:30 p.m.