

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, September 11, 2017

A Regular Session of the Piedmont Planning Commission was held September 11, 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 August 28, 2017.

CALL TO ORDER

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

ROLL CALL

Present: Commissioners Jonathan Levine, Susan Ode, and Tom Ramsey; and Alternate Commissioner Clark Thiel

Absent: Commissioners Eric Behrens and Aradhana Jajodia (both excused)

Staff: Planning Director Kevin Jackson, Senior Planner Pierce Macdonald-Powell, Assistant Planners Emily Alvarez and Chris Yeager, and Planning Technician Mira Hahn

Council Liaison: Councilmember Jennifer Cavanaugh

PUBLIC FORUM

There were no speakers for the public forum.

REGULAR SESSION

The Commission considered the following items of regular business:

Approval of Minutes

Resolution 23-PL-17

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of the August 14, 2017, regular hearing of the Planning Commission.

Moved by Levine, Seconded by Ode

Ayes: Levine, Ode, Ramsey, Thiel

Noes: None

Recused: None

Absent: Behrens, Jajodia

Consent Calendar

There were no applications placed on the Consent Calendar.

Regular Calendar

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

Design Review Permit 118 Bonita Avenue

The Property Owner is requesting permission to demolish the existing garage and shed in the rear (east) of the property; construct an approximately 718-square-foot, two-story addition including a two-car garage with living space above on the right (south) side of the residence; enclose the existing entry porch and construct a new entry porch; modify windows and doors throughout; modify hardscape throughout the property including a new patio, driveway, driveway approach, curb cut, and pathways; construct a new 8-foot tall (maximum) wood fence on the right property line; and construct retaining walls at the southwest corner of the property that are within the 20-foot street yard setback.

Written notice was provided to neighbors. **Seven affirmative response forms, five negative response forms, and two response forms indicating no position** were received. **Correspondence** was received from: Barbara B. Friede, Bruce M. Mowat, and Nancy Bishop.

Public testimony was received from:

Dan McLaughlin, homeowner, described the proposed project and the existing, irregularly-shaped property. He explained that the proposed addition is located as far forward as possible to limit the light impact on the adjacent neighbor at 120 Bonita Avenue and to provide better use of the limited back yard space. He indicated that the house is situated on a dangerous curve on Bonita Avenue and maintained that the proposed two-car garage would be safer than parking on the street. Mr. McLaughlin discussed the efforts made to respond to neighbors' concerns and outlined the changes that were made to the design.

Susan McLaughlin, homeowner, responded to the concerns raised by her neighbors at 120 Bonita Avenue. She maintained that the affected windows are all north-facing and are covered by shrubs, glazed with obscured glass, set back a significant distance, and/or covered with shades or shutters. She noted that the north side of her home faces an adjacent two-story structure built to the setback. Ms. McLaughlin also commented on the neighbors' concerns about the impact that the proposal would have on the neighborhood. She argued that the neighborhood already includes structures built at or within the setback and garages located within the front yard. She emphasized that the proposal does not ask for a variance and that the lot is unique.

Bruce Mowat, resident of 4 Pala Avenue, spoke in opposition to the proposed project and discussed a similar proposal on Pala Avenue that was not approved. He argued that the size and location of the addition would be out of character with the historic neighborhood. He urged the Commission to deny the application and to require that the garage be located at the rear of the property.

Mary Wood, neighbor at 119 Bonita Avenue, spoke in opposition to the project, arguing that the proposed garage is too large and imposing and that it blocks light to the house at 120 Bonita Avenue. She advocated for the garage to be placed in the rear yard, like other garages in the neighborhood. She also expressed concern that the addition could be used as an accessory dwelling unit.

Jerry Becker, adjacent neighbor at 120 Bonita Avenue, requested that the Commissioners refer to his submitted comments and indicated his agreement with Mr. Mowat and Ms. Wood. He also discussed his opposition to the removal of trees that exist between the proposed project and his property. He indicated that the trees provide a visual screen, as does the existing garage that is proposed to be removed. Mr. Becker expressed concern that the proposed addition would result in a two-story house spanning from property line to property line.

Fred Karren, project architect, outlined the changes made since the previous proposal, including a height reduction of 5 feet 4 inches. He noted that the proposed addition is located 20 feet from the front property line and 11 feet from the house at 120 Bonita Avenue. He argued that the proposed addition is no more massive than other projects approved in Piedmont, and that plenty of light would reach the windows at 120 Bonita Avenue. Mr. Karren clarified that only two trees would have to be removed between the houses, and that the removal of the other two trees is optional and subject to approval by the neighbor. He argued that placing the addition in the rear yard is not a viable option, since it would make the rear yard unusable and negatively impact neighbors at 120 Bonita Avenue and along Waldo Avenue. Mr. Karren responded to several questions from the Commission about the possibility of moving the garage to the rear yard and/or limiting the addition to one story. Mr. Karren explained how these options would not work within the desired program and existing topography. He also discussed space limitations in the rear yard. In response to

questions from the Commission, Mr. Karren also responded to questions about the bedroom count, and Planning Director Jackson explained why a parking variance is not needed.

While the Commissioners appreciated the efforts made to reduce the height of the addition, they found the project to have a continued negative impact on the adjacent neighbor's light, and they found it to be out of character with the neighborhood. Alternate Commissioner Thiel noted that while many houses span the width of their property, doing so with a 100-foot frontage would negatively impact the neighborhood. He also expressed concern that the location of the proposed garage would limit expansion of the garage in the future. Commissioner Ode was not supportive of the modified roof design and argued that the proposed structure reads as a second house on the lot. Commissioner Levine agreed, stating that the structure appears tacked on. He suggested that the location of the existing garage is a more appropriate location. Commissioner Ramsey found the proposal to be at odds with Design Guidelines 3.1 and 3.5, which call for new garages to be consistent with, and integrated into, the neighborhood. He also noted that the largest unbroken plane on the front façade would be at the garage, making the garage appear more prominent.

Resolution 89-DR-17

WHEREAS, the Property Owner is requesting permission to demolish the existing garage and shed in the rear (east) of the property; construct an approximately 718-square-foot, two-story addition including a two-car garage with living space above on the right (south) side of the residence; enclose the existing entry porch and construct a new entry porch; modify windows and doors throughout; modify hardscape throughout the property including a new patio, driveway, driveway approach, curb cut, and pathways; construct a new 8-foot tall (maximum) wood fence on the right property line; and construct retaining walls at the southwest corner of the property that are within the 20-foot street yard setback, located at 118 Bonita Avenue, Piedmont, California, which construction requires a design review permit; 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 does not conform to the criteria and standards of Section 17.66.060 of the Piedmont City Code:

1. The proposed building has too much bulk and mass, and the design of the roof does not match that of the existing house.
2. The design has a negative effect on neighboring properties' existing views, privacy, and access to direct and indirect light, because the placement of the garage is very close to the neighbor's house and blocks light. The design is out of character with the neighborhood context, because the garage spans the breadth of the available lot and is very close to the street.
3. The proposed design does not adversely affect pedestrian or vehicular safety.
4. The application does not comply with the following guidelines: II-1, II-2, II-3(c), II-3(d), II-4, II-5, II-6(b), II-6(c), II-7, II-7(a), III-1, III-1(a), III-2, III-2(a), III-3, III-5, III-5(a), III-6(a).

5. The project is not consistent with General Plan policies and programs, including: Design and Preservation Element Policies 28.1 (Scale, Height, and Bulk Compatibility), 28.3 (Additions), 28.4 (Setback Consistency), and 28.5 (Garages, Decks, and Porches).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the design review permit application for proposed construction at 118 Bonita Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Ode, Seconded by Thiel

Ayes: Levine, Ode, Ramsey, Thiel

Noes: None

Recused: None

Absent: Behrens, Jajodia

**Design Review Permit
1143 Harvard Road**

The Property Owner is requesting permission to expand the residence by 1,317 square feet and stylistically change the residence, including a new second story, doors, windows, entry feature, exterior lighting, landscaping, fence, and new multi-form roof with dormers. A portion of the fence would be located in the public right-of-way and within the street side setback for the property. The existing non-conforming garage would be rebuilt and attached to the residence, pursuant to Section 17.50.020 B of the Piedmont City Code.

Written notice was provided to neighbors. **Three negative response forms and one response form indicating no position** were received. **Correspondence** was received from: Dante and Kathleen Profumo, Louise and Bill Godfrey, Ruth Koch, and Jonathan Koch.

Public testimony was received from:

Ben Newcomb, project designer, described the project and reviewed the revisions that were made to respond to neighbors' concerns (such as a 6-foot height reduction). He explained that the project would increase the size of the house and make it more usable without adding bedrooms. He noted that the project requires no variances. Mr. Newcomb also explained how mature trees and other existing features of the landscape would help to buffer the neighbors from the addition. In response to questions from the Commission, Mr. Newcomb discussed the second-floor library nook and office and explained that both rooms would have significant openings making them not eligible for use as bedrooms; he stated that adding a two-car garage would be difficult, due to physical restrictions; and he responded to questions about the roof design, ceiling heights, and design details of a Tudor-style house.

Louise Godfrey, adjacent neighbor at 1147 Harvard Road, stated that her primary concern was for the mass of the proposed house. She acknowledged, however, that the applicants had reduced the height considerably, which lessened her concern. She was supportive of the house being renovated, but indicated that the two-story breezeway and garage would be uncomfortably close to her house and would obscure some of her light. She also questioned the need for 16-foot ceiling heights.

Ruth Koch, neighbor at 1130 Harvard Road, stated that she was not opposed to the addition of a second story, but found the proposal to have too much bulk, mass, and height. She questioned the dormer designs and stated that the roof seems overly complicated for such a small house. She also questioned the use

and design of the breezeway, the number of rooms eligible for use as bedrooms, and the impact that the addition would have on the rear yard. Ms. Koch suggested that the addition would impact the neighbors on either side.

Jay Koch, neighbor at 1130 Harvard Road, spoke in opposition to the project. He discussed the history of second-story additions on the street and stated that this is the first second-story proposal that he has opposed. He expressed concern for the mass of the proposed addition and the complexity of its roof. He also suggested that the designer include perspective drawings so that the neighbors could better understand how the proposed addition would fit in with the neighborhood context.

In response to questions from the Commission, Planning Director Jackson clarified that the Planning Commission has ruled in the past that additional parking is necessary to address an increase in the intensity of use of a property, particularly when the size of the house is being doubled, and regardless of whether or not additional bedrooms are proposed.

The Commission was generally in support of the addition and found the proposal to be consistent with other houses in the neighborhood that have added second stories. Commissioner Ramsey commented favorably about the proposal's stepped-down design, materials, and window detailing. The Commissioners also found no significant impacts on the neighbors' views, light and privacy. Commissioners Levine, Ramsey, and Thiel, however, expressed concern for the significant increase in the intensity of the use without adequately addressing parking. They stated that a single nonconforming parking space is not adequate for a proposal that more-than-doubles the size of the house, pushes the regulatory limits, and includes two rooms that could easily be turned into bedrooms. Commissioner Thiel noted that given the proposed 39.3% structure coverage, a variance would be required to add conforming parking in the future. He suggested that the project include a nonconforming two-car garage, at a minimum. Commissioner Ode was less concerned about the garage and the increase in the intensity of use. She did, however, feel that the roof design was a bit complicated.

Resolution 98-DR-17

WHEREAS, the Property Owner is requesting permission to expand the residence by 1,317 square feet and stylistically change the residence, including a new second story, doors, windows, entry feature, exterior lighting, landscaping, fence, and new multiform roof with dormers; a portion of the fence would be located in the public right-of-way and within the street side setback for the property; the existing non-conforming garage would be rebuilt and attached to the residence, located at 1143 Harvard Road, Piedmont, California, which construction requires a design review permit; 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 does not conform to the criteria and standards of Section 17.66.060 of the Piedmont City Code:

1. While the house project by itself generally meets the design review guidelines and the design review criteria (in terms of its architectural consistency, its effect on neighboring properties, and its effect on pedestrian safety), the proposed

nonconforming garage does not comply with the design review guidelines, in that it could be redesigned to reduce or eliminate the nonconformity.

2. The proposed design will have an adverse effect on vehicular safety, because the proposal does not attempt to reduce or eliminate the existing nonconforming parking situation by augmenting on-site parking spaces, despite maximizing the use of the property.

3. The application does not comply with the following guidelines: III-1, III-2, III-4, III-5, III-6, III-7.

4. The project is not consistent with the following General Plan policies and programs, including: Design and Preservation Element Policies 28.5 (Garages, Decks, and Porches) and 29.7 (Driveway and Parking Location).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies, without prejudice, the design review permit application for proposed construction at 1143 Harvard Road, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Levine, Seconded by Ode

Ayes: Levine, Ode, Ramsey, Thiel

Noes: None

Recused: None

Absent: Behrens, Jajodia

**Design Review Permit
218 Bonita Avenue**

The Property Owner is requesting permission to construct a detached structure in the southeast portion of the lot that includes approximately 790 square feet of habitable space, an unfinished attic, a porch, and a deck; and to make various landscape and hardscape modifications to the rear (east) yard.

Written notice was provided to neighbors. **Four affirmative response forms** were received. **Correspondence** was received from: Jim and Sue Penrod.

Public testimony was received from:

Tim Wooster, project designer, commented on the interior and exterior design of the proposed guest cottage. He stated that it's subtle design is compatible with the existing garage and consistent with the architectural style of regional cottages. In response to a question from Commissioner Ode, Mr. Wooster explained that an existing driveway and foot path would provide access to the cottage.

Jude Rowe, homeowner, outlined her efforts to engage her neighbors in the process of designing the cottage and the landscape. She noted that the foot path would be paved for easy access to the cottage.

Fernanda Meagher, adjacent neighbor at 212 Bonita Avenue, expressed her support for the proposed project. She stated that the Rowes were thoughtful in their efforts to reach out to the neighbors and have been very considerate of neighbors' concerns. She stated that her light, privacy, and views would not be negatively impacted by the project.

The Commissioners were in full support of the project and commended the applicants for consulting with neighbors and for presenting a well-designed project that does not negatively impact the neighbors. Commissioner Ramsey

suggested a condition of approval that would require an arborist's report and tree preservation plan to protect the redwood trees on the neighboring property.

Resolution 263-DR-17

WHEREAS, the Property Owner is requesting permission to construct a detached structure in the southeast portion of the lot that includes approximately 790 square feet of habitable space, an unfinished attic, a porch, and a deck; and to make various landscape and hardscape modifications to the rear (east) yard, located at 218 Bonita Avenue, Piedmont, California, which construction requires a design review permit; 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 15303, Class 3(a), and that the proposal, as conditioned, conforms to the criteria and standards of Section 17.66.060 of the Piedmont City Code:

1. The proposed design is consistent with the City's General Plan and Piedmont Design Guidelines, in that the following building features are consistent with the original architecture and neighborhood development: the wall material, the roof form, the roof material, the window and door material and fenestration pattern, the eave overhang dimension, and the size and massing of the detached structure. The bulk, height, and openings are consistent with the neighborhood and Piedmont's cottage style; and the pitch of the roof, materials, and arrangement of structures on the parcel are all consistent with the guidelines and good design practice.
2. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light, because the distance between the project and neighboring homes is appropriate, there are no significant views affected, there is sufficient vegetative screening, and the height of the project has been kept as low as possible.
3. The proposed design does not adversely affect pedestrian or vehicular safety, because it does not increase on-site traffic or parking, and the pedestrian paths provide access to the new structure.
4. The application complies with the following 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, II-7(a).
5. The project is consistent with General Plan policies and programs, including the land use element, housing element, and design and preservation element, including: Design and Preservation Element Policies 28.1 (Scale, Height, and Bulk Compatibility), 28.6 (Exterior Materials), 28.8 (Acoustical and Visual Privacy), and 28.11 (Design Review).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review permit application for proposed construction at 218 Bonita Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

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

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

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

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

5. **C&D Compliance.** Compliance with Chapter 5 Article I 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. **Building Height and Floor Level Verification.** Prior to foundation and/or frame inspection, the applicant shall provide the Building Official written verification by a licensed land surveyor stating that the floor levels and roof of the new structure are constructed at the approved height above grade.

8. **Final Landscape Plan.** Before issuance of a building permit, the Property Owner shall submit for staff review and approval a Final Landscape Plan. The final plan shall comply with Municipal Code Section 17.34, and shall not propose plants near the driveway that could obscure visibility of pedestrians on the sidewalk or vehicles on the street from drivers backing out of the driveway.

9. **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.

10. 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.

11. Arborist's Report and Certified Tree Preservation Plan. Before the issuance of a building permit, the Property Owner shall submit an Arborist's Report and Certified Tree Preservation Plan that includes tree preservation measures to preserve the multi-trunk redwood tree(s) located on the property at 224 Bonita Avenue that have root zones and limbs that are in close proximity to the planned construction. The tree preservation measures shall be on the appropriate sheets of the construction plans. The Project Arborist shall be on-site during critical construction activities, including grading and clearance pruning.

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. Before the Final Inspection, the Project 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 the neighbor's redwood tree(s) have not been compromised by the construction.

Moved by Thiel, Seconded by Levine
Ayes: Levine, Ode, Ramsey, Thiel
Noes: None
Recused: None
Absent: Behrens, Jajodia

ANNOUNCEMENTS

Planning Director Jackson announced that Assistant Planner Emily Alvarez and Recording Secretary Robin Stark will both be leaving their positions to follow new opportunities. He also announced that Civic Spark Fellow Olivia Ashmore's term ended last week and that she will be replaced next week by the new Civic Spark Fellow, Cody Ericksen.

ADJOURNMENT

There being no further business, Chairman Ramsey adjourned the meeting at 6:40 p.m.