

## PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, September 10, 2018

A Regular Session of the Piedmont Planning Commission was held on September 10, 2018, 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 27, 2018.

### CALL TO ORDER

Chairman Behrens called the meeting to order at 5:01 p.m.

### ROLL CALL

Present: Commissioners Allison Alessio, Eric Behrens, Jonathan Levine, Yildiz Duransoy, and Alternate Commissioner Rani Batra

Absent: Commissioner Tom Ramsey (excused)

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

### ANNOUNCEMENTS

Chairman Behrens announced that the City Council appointed Alternate Commissioner Duransoy as Commissioner and Rani Batra as Alternate Commissioner to the Planning Commission on August 20, 2018. He congratulated both on their appointments.

Alternate Commissioner Batra introduced herself and shared her professional experience.

Planning Director Jackson reported Planning Technician Benjamin Davenport resigned his position with the City. Applications for the position are due on September 21, 2018. Brooke Edell has joined staff as Climate Corps Fellow.

Climate Corps Fellow Edell shared her educational background and interest in climate issues.

### PUBLIC FORUM

Betsy Andersen, Planning Commission Liaison to the City Council, reported she attended the public Local Hazard Mitigation Planning meeting on September 6, 2018 and was impressed with the City's consultant. Planning for hazard mitigation crosses all City departments and will be integrated with existing planning. She encouraged citizens to attending public meetings and become involved in the planning process.

### REGULAR SESSION

The Commission considered the following items of regular business:

### APPROVAL OF MINUTES

#### Resolution 27-PL-18

RESOLVED, that the Planning Commission approves as presented its meeting minutes of the August 13, 2018, regular hearing of the Planning Commission.

Moved by Levine, Seconded by Alessio

Ayes: Levine, Alessio, Duransoy

Noes: None

Recused: Behrens, Batra

Absent: Ramsey

### CONSENT CALENDAR

Planning Director Jackson reported the applicant for 52 Nace Avenue does not agree to Condition of Approval Number 2 listed in the staff report. Typically, a survey is required to determine whether a proposed fence is located within the City's right-of-way. For this project, the proposed fence location is sufficiently distant from the property line such that the condition is not needed. If the

Commission agrees to remove Condition of Approval Number 2, then the item can remain on the Consent Calendar. Otherwise, the application should be removed from the Consent Calendar.

By procedural motion, the Commission placed the following application on the Consent Calendar:

- 52 Nace Avenue (Fence Design Review).

**Resolution 28-PL-18**

RESOLVED, that the Planning Commission approves removal of Condition of Approval Number 2 for 52 Nace Avenue and approves the Consent Calendar as noted.

Moved by Levine, Seconded by Duransoy

Ayes: Alessio, Behrens, Duransoy, Levine, Batra

Noes: None

Recused: None

Absent: Ramsey

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

**Fence Design Review  
Permit  
52 Nace Avenue**

**Resolution 221-FDR-18**

WHEREAS, the Property Owner is requesting permission to construct a wooden arbor and gate at the front (north) of the property approximately 16 feet from the front property line and within the street-yard setback, located at 52 Nace Avenue, which construction requires a fence 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 15301, Class 1(e), and the project is consistent with General Plan policies and programs, and that the proposal, as conditioned, conforms to the criteria and standards of Section 17.66.060 of the Piedmont City Code as follows:

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 material used for the arbor, its height, the gate material, and the column material. The design is consistent with the property and is attractive in appearance. Given its placement at the top of the steps, it is 16 feet from the street.
2. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light because there is sufficient vegetative screening and the fence is a minor topographical feature.
3. The proposed design does not adversely affect pedestrian or vehicular safety because the project is sited at the top of the steps.
4. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: V-1, V-2, V-3, V-5, (*fences*).

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 Policy 29.2 (Landscape Design), Design and Preservation Element Policy 29.3 (Front Yard Enclosures), Design and Preservation Element Policy 29.5 (Fence and Wall Design), Design and Preservation Element Policy 29.9 (Sight Obstructions), Transportation Element Policy 12.2 (Maintaining Sight Lines).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the fence design review permit application for the improvements at 52 Nace Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

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

**2. Final Landscape Plan.** Before issuance of a building permit, the Property Owner shall submit for staff review and approval a Final Landscape Plan for the front yard and affected area. 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.

Moved by Levine, Seconded by Duransoy  
Ayes: Alessio, Behrens, Duransoy, Levine, Batra  
Noes: None  
Recused: None  
Absent: Ramsey

## REGULAR CALENDAR

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

### Design Guidelines Update

Barry Miller, City consultant, reported that the Municipal Code requires a design review permit for most categories of construction within the City. The existing guidelines, which were adopted in 1988, have been useful in guiding the character of construction and retaining the character, value, and quality of homes in Piedmont. However, the existing guidelines do not reflect current construction trends such as tankless water heaters and sustainability and do not cover all project types and land uses. The existing guidelines address only single-family homes, but parcels within Piedmont are zoned for multifamily housing and commercial uses. In addition, State legislation could affect properties located in Zones C and D. The guidelines have a dated look and feel and do not contain photos to illustrate desired designs. The guidelines could be organized more intuitively. The update process began in May with an evaluation of the existing guidelines and a review of best practices across the state. Hopefully, a draft of new guidelines can be presented to the Planning Commission for a public hearing in late winter or early spring of 2019 and to the City Council in April. A meeting with the Piedmont Historical Society was held,

and an architects' roundtable and meetings with the community and stakeholders are planned. The existing guidelines are organized for five types of construction: new construction, additions and remodels, garages, fences, and walls and retaining walls. For each category of construction, the guidelines provide direction for the site itself, parcels adjoining the site, and the neighborhood. For each geographic area, the guidelines discuss factors of aesthetic design, compatibility, and safety. Because of the categories and subcategories, the guidelines are somewhat cumbersome and can be more intuitive. The City also has separate planning documents for specific types of construction, which make the guidelines difficult to use. The updated guidelines will address the design review process, which is not mentioned in the existing guidelines; submittal requirements; landscape elements; accessory dwelling units; multifamily construction; commercial and mixed-use construction; signage; and green/sustainable improvements. Photographs of good designs and desired features will be included in the updated guidelines. Members of the public are encouraged to send photographs and addresses of quality projects to the Planning Director. In its next meeting, the subcommittee will review single-family dwellings. The subcommittee has discussed topics including multiple styles in a single house, placement of side-yard windows, visibility of front rooms/front doors from the street, design compatibility between a home and a garage, design of decks and porches, and optimal front setbacks. Next steps are to develop draft guidelines over the next three months, obtain photographs and public input, and return to the Planning Commission in early 2019.

Chair Behrens remarked that the guidelines are complex, and the consultants' work will be helpful. Piedmont has preserved more pre-World War II housing per capita than any other city in California, which means Piedmont is an architecturally diverse city.

No **public testimony** was received.

Commissioner Duransoy believed the new guidelines would make the Commission's job much easier. She would provide the subcommittee with detailed comments at a later time.

In response to questions from Commissioner Levine and Alternate Commissioner Batra, Mr. Miller advised that the factors of aesthetic design, compatibility, and safety will not be abandoned, but they will be interpreted more broadly and not repeated for each construction type at each geographic level. In reviewing best practices and guidelines from other communities, the consultants focused on California communities with a high percentage of older building stock due to the nature of housing within Piedmont.

Commissioner Alessio requested more specific examples and more definitive guidelines for a project's effect on the privacy, view, and light of neighboring properties.

Chair Behrens shared noted local historian Gail Lombardi's statement that the current guidelines are working well but need to be reorganized.

**Code Revisions for  
Wireless  
Communication  
Facilities**

Senior Planner Macdonald-Powell reported the use of wireless services has increased sharply over the prior ten years, and demand is expected to continue to grow in the coming years. Cities in the Bay Area and other major markets have seen exponential increases in the number of applications for distributed antenna systems (DAS) and small-cell wireless communication facilities (WCF).

Piedmont is experiencing permit activity for WCF, particularly in the public right-of-way and is at the forefront of the wireless industry's efforts to deploy WCF in predominantly single-family residential neighborhoods in the Bay Area. Existing State and Federal laws limit the City's ability to control wireless facilities. S. 3157, currently pending before Congress, will remove most of the City's control over WCF. The City Council adopted a resolution opposing S. 3157 on August 6, 2018. A lawsuit pending before the California Supreme Court could remove the City's control over the aesthetics of WCF. At an April 17, 2018, study session, the City Council directed staff to prepare amendments to the WCF ordinance to strengthen the City's local control of WCF in the public right-of-way. The City has organized a team of staff and outside experts to update the WCF ordinance under the City's existing rights to regulate WCF. The team intends to establish best practices to govern the installation of WCF within Piedmont's tree canopy, scenic views, architectural resources, and topography. The team will engage community members to exchange ideas and information through community meetings. The first open house is scheduled for October 17, 2018 in Community Hall at 6:30 p.m. Additional meetings and public hearings will be scheduled for the fall and early 2019. Staff will present informational agenda reports at City boards, commissions, and organizations to help publicize the project and the October 17 open house. The City's team has created a webpage for WCF at [www.ci.piedmont.ca.us/publicworks/wireless.shtml](http://www.ci.piedmont.ca.us/publicworks/wireless.shtml). The public can contact Senior Planner Macdonald-Powell at [pmacdonald@piedmont.ca.gov](mailto:pmacdonald@piedmont.ca.gov) to share ideas and to be added to the project's contact list. Residents are encouraged to contact their State legislators and Congressional representatives to express concerns regarding WCF.

In reply to Commissioners' questions, Senior Planner Macdonald-Powell indicated the City's team is studying best practices, hopes to compile a list of standards, and wants to work with providers to meet the standards. The team has reached out to a number of local communities to obtain their input. The court case before the California Supreme Court has not been scheduled for hearing. The team is tracking the case and Federal and State legislation.

No **public testimony** was received.

**Variance and Design  
Review Permit  
136 Moraga Avenue**

The Property Owner is requesting permission to remodel the home including construction of a new upper-level deck in the rear (south) of the property and modification of guardrails, doors, windows, and exterior lighting at the rear of the residence.

Variances are required in order to exceed the structure coverage limit and to increase the bedroom count without supplying conforming parking.

Written notice was provided to neighbors. **One affirmative response form and no negative response forms** were received.

**Public testimony** was received from:

Scott Donahue, project architect, reported conversion of the downstairs half bath to a full bath will create a legal bedroom, for which the applicant requests a variance for parking. Quite a bit of nonconformity in the neighborhood supports granting a variance for increasing the number of bedrooms without supplying additional parking. Constructing a new deck will cause the structure coverage to exceed the limit by 2.5 percent. The deck extends approximately 14 feet from the house, and the path from the door to the deck is another 3.5 feet. The deck is

large enough to accommodate a dining table. Aligning the deck size with the existing patio size would not reduce the structure coverage below the limit and would be too small to accommodate a table. The size of the existing patio is constrained by the retaining wall. The dining space is located off the kitchen and living rooms. The second chart shared with Commissioners indicates the number of bedrooms of residences in the neighborhood. The boards on the deck will have a 1/2-inch gap to provide privacy because the rear neighbor is located below the deck. The homeowner does not want the home's flow to be straight through to the deck.

Dan Thomas, Property Owner, remarked that 136 Moraga is not unique to neighborhood. One house adjacent to 136 Moraga does not have parking. He needs the additional room for his three children.

In reply to Commissioner Levine's query, Planning Director Jackson explained that the garage does not supply conforming parking. It provides one space, which is substandard in width, and cannot be accessed because of the proximity of the house. The Property Owner cannot park a vehicle on the driveway because it is shared with the neighbor. Practically, the house has no off-street parking. For a home with up to four bedrooms, two conforming parking spaces are required. A conforming parking space is covered, non-tandem, and 8.5 feet wide by 18 feet deep with 1 foot of space between the edge and a barrier.

Commissioners Levine and Duransoy and Chair Behrens opposed granting a variance for increasing the bedroom count without supplying conforming parking because the house currently provides no functional onsite parking and because the downstairs room can be used as a bedroom without converting the half bath to a full bath. In addition, granting a variance would increase the already congested parking situation on Moraga.

Commissioner Alessio and Alternate Commissioner Batra supported granting a variance for parking, stating a three-bedroom home is consistent with other homes in the neighborhood, expanding the existing garage is nearly impossible, and off-site parking would not necessarily burden the parking situation beyond the existing condition. Public transportation is available in the area.

The Commission generally supported the deck design and granting a variance for exceeding the structure coverage limit. Because of the small lot size, designing a usable deck that does not exceed the structure coverage would be difficult. The Property Owner has no other outdoor space given the down slope of the lot in the main area. A deck off the lower level would not be logical. The deck will provide outdoor space when parks and open space are not nearby. Commissioner Duransoy questioned whether the structure coverage could be reduced by opening the door to the front porch and cutting back the stretcher on the side.

In response to questions from the Commission, Planning Director Jackson advised that the upper-level deck would be considered additional structure. The deck would have to be reduced by 92 square feet to comply with the structure coverage limit.

To Alternate Commissioner Batra's inquiry, Commissioner Alessio indicated similar railings on the upper and lower decks would look nicer but are not necessary.

Chair Behrens clarified the Commission's focus on a variance's impact to the neighborhood rather than a family's individual circumstances.

**Resolution 155-V(1)-18**

WHEREAS, the Property Owner is requesting a variance to increase the bedroom count without supplying conforming parking at 136 Moraga Avenue, which conversion requires a variance 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 to increase the number of bedrooms without supplying conforming parking is not consistent with General Plan policies and procedures; and,

WHEREAS, the parking variance is not approved because it does not comply with the variance criteria under Section 17.70.040.A as follows:

1. The property and existing improvements do not present unusual physical circumstances of the property, including the property has no existing conforming parking, increasing the number of bedrooms to three would increase the nonconformity without providing any parking, and the applicant could utilize the space as a bedroom with the existing half bath, so that strictly applying the terms of this chapter would not prevent the property from being used in the same manner as other conforming properties in the zone.
2. The project's compatibility with the immediately surrounding neighborhood and the public welfare is difficult to determine because the information provided does not indicate the number of neighborhood residences that have no conforming parking and three bedrooms.
3. Accomplishing the improvement without a variance would not cause unreasonable hardship in planning, design, or construction because a bedroom and half bath currently exist.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the variance application to increase the bedroom count without supplying conforming parking for the conversion at 136 Moraga Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Levine, Seconded by Duransoy  
Ayes: Behrens, Duransoy, Levine  
Noes: Alessio, Batra  
Recused: None  
Absent: Ramsey

**Resolution 155-V(2)/DR-18**

WHEREAS, the Property Owner is requesting permission to remodel the home including construction of a new upper-level deck in the rear (south) of the property and modification of guardrails, doors, windows, and exterior lighting at the rear of the residence at 136 Moraga Avenue, which construction requires a design review permit; and,

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code are necessary to exceed the structure coverage limit; and,

WHEREAS, after reviewing the application, plans, and any and all testimony and documentation submitted in connection with such application, and after having visited the subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15301, Class 1(e), Existing Facilities, because it is a minor change to an existing private residence, which is less than 50 percent of the floor area of the structure before the addition, and the project is consistent with General Plan policies and procedures; and,

WHEREAS, the variance from structure coverage is approved because it complies with the variance criteria under Section 17.70.040.A as follows:

1. The property and existing improvements present unusual physical circumstances of the property, including the small size of the lot and the lot's downslope restricts usable outdoor space from the public living area, so that strictly applying the terms of this chapter would prevent the property from being used in the same manner as other conforming properties in the zone.
2. The deck is compatible with the immediately surrounding neighborhood and the public welfare because numerous other downslope properties have decks from the main living area in the neighborhood.
3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because it would be impossible to add outdoor living space from the main public living area without exceeding the structure coverage limit.

WHEREAS, regarding the design review permit, the Planning Commission finds that the proposal, as conditioned, conforms to the criteria and standards of Section 17.66.060 of the Piedmont City Code as follows:

1. The proposed design elements of the project, *i.e.*, guardrails, doors, windows, and exterior lighting, are 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 door material and location, the deck material, and the guardrail material. The design is uniform and consistent and consistent with the style of the house.
2. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light because the outdoor work is a modest size, the deck guardrail has been design to provide more privacy to the neighbors, the height of the project has been kept relatively low, no neighbors have objected to the plan, most of the structural changes are limited to the deck and development within the existing building envelope, and the design is appropriate to the neighborhood context for views, light, and privacy.
3. The proposed design as approved does not adversely affect pedestrian or vehicular safety because all the work is located at the rear of the house and should have no effect on the sidewalk or the street.



4. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: II-1, II-2, II-3, II-5, II-6, II-7 (*remodels*).

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 Policy 28.1 (Scale, Height, and Bulk Compatibility), Design and Preservation Element Policy 28.5 (Garages, Decks, and Porches), and Design and Preservation Element Policy 28.6 (Exterior Materials).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application to exceed the structure coverage limit and the design review permit application for the addition at 136 Moraga 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 door shall be either aluminum clad wood or fiberglass clad wood.

2. **C&D Compliance.** Compliance with Section 9.04 of the Municipal Code, which governs the recycling of construction and demolition debris, is required for all phases of this project.

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

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

5. **Construction Management Plan.** The Property Owner shall develop a comprehensive Construction Management Plan. The Construction Management Plan shall address noise, vibrations, traffic control, parking, debris removal, dust control, sanitary facilities, site safety security and other potential construction impacts, as well as other details involving the means and methods of completing the Project, including the construction route. The City Building Official has the authority to require modifications and amendments to the Construction Management Plan as deemed necessary throughout the course of the Project and until the Final Inspection.

a. **Construction Site Control of Stormwater.** The California Regional Water Quality Control Board requires all projects that disturb the site to comply with Provision C.6 of the San Francisco Bay Regional Stormwater NPDES Permit in order to prevent construction site discharges of pollutants and other regulated materials during construction. As required by the Chief Building Official and prior to the issuance of a building permit, the

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

**6. 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 Applicant shall submit for approval a Construction Completion Schedule, which will specify, in detail, the duration and percentage of the project as a whole for 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 Construction Completion Schedule and be binding on the Applicant. The City may, at the Applicant's sole cost, engage the services of a consultant to review the 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. In the event of a change in scope of the Project that would alter the benchmarks dates set forth in the Approved Construction Completion Schedule, or in the event the Applicant fails to meet a benchmark set forth in the Approved Construction Completion Schedule, the Applicant shall immediately submit a request to amend the Approved Construction Completion Schedule to the Director of Public Works. The request to amend shall be accompanied by a new proposed Construction Completion Schedule in compliance with subsection (a) of this condition of approval and the Director of Public Works shall evaluate the proposed amendments to the Approved Construction Completion Schedule in accordance with subsection (b) of this condition of approval.
- d. The failure of the Applicant to comply with the Approved Construction Completion Schedule, or any amendments to it approved in conformance with subsection (d) of this condition of approval, shall constitute a nuisance under the City of Piedmont City Code ("City Code"). The failure of the Applicant to comply with the Approved Construction Completion Schedule may result in the City pursuing administrative citations pursuant to Chapter 1 of the City Code, nuisance abatement pursuant to Chapter 6 of the City Code, or any other remedy available to the City under the law. Additionally, if the Applicant fails to comply with the Approved Construction Completion Schedule, the Director of Public Works, at his or her sole discretion, may 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, at his or her sole discretion, may refer the application to the Planning Commission for public review and direction.

7. **Lower Floor Plan.** Prior to the issuance of a building permit, a revised floor plan that does not contain a full bathroom must be submitted and approved by staff.

Moved by Levine, Seconded by Duransoy  
Ayes: Behrens, Duransoy, Levine  
Noes: Alessio, Batra  
Recused: None  
Absent: Ramsey

The Commission recessed for dinner at 6:22 p.m. and reconvened at 6:56 p.m.

**Variance and Design  
Review Permit  
166 Lake Avenue**

The Property Owner is requesting permission to remodel and expand the home including construction of an approximately 440-square-foot second-story addition and covered roof deck; excavation of the basement level to include constructing a new garage and living space, a new entry stair at the front (north) of the residence, and new retaining walls in the front street yard; modification of windows, doors, and hardscape throughout the property to include constructing a second driveway in the front street yard setback and a new patio in the rear (south) yard; and other exterior changes.

Three variances are required in order to exceed the structure coverage limit, to construct within the street-yard setback, and to exceed the floor area ratio limit.

Written notice was provided to neighbors. **Two affirmative response forms and one negative response form** were received. Correspondence was received from Larry and Chandra Miller and Kwok and Mae Cheung.

**Public testimony** was received from:

Claudia Falconer, project architect, reported that the project proposes to increase the size of the bungalow by excavating the basement and adding a second-floor addition. The existing Spanish style will remain with the use of stucco, a clay-tile roof, and matching window trim. The lot is the second smallest in the neighborhood, which makes the site unique and creates the need for variances. The floors for both garages will be on the same elevation because of the existing retaining walls on the up-hill side and because the existing foundation will be replaced. For the new garage, the driveway will slope down. Two garages are necessary due to the load-bearing wall along the dining room and to the living room being wider than the dining room. She did not believe another property in the neighborhood had two separate garages. The space between the two curb cuts for the driveways will be sufficient for one parking space. The Property Owner chose to extend both sides of the structure to create more articulation on the front of the structure. The existing garage is conforming, but it is too small for a large car. The large tree in the rear will remain. Two trees in the patio will be removed, which the neighbor at 105 Lake Avenue supports. The surface of the roof deck will be 2 inches lower than the existing roof. One roof is probably 12 feet higher than the current roof because of the cathedral ceiling in the master bedroom.

Julia Laval Lawrence, Property Owner, explained that prior to purchasing the home she received information regarding the square footage she could add to the

home that conflicts with the requirements. With a son and daughter, the family needs the additional space. She hoped the Planning Commission would consider variances for the project so that the home could fulfill the family's wishes. She did not consider locating the master suite in the basement because she needs to hear her children. Locating a play room in the lower level will reduce noise and provide privacy. Staff from the Planning Department provided her with information prior to her purchase of the home.

Generally, Commissioners did not support the project, expressing concerns regarding two garages reducing the amount of landscaping and not matching the neighborhood's character and the size of the house with the addition being too large for the size of the lot. The neighbors at 106 Greenbank Avenue and 164 Lake Avenue expressed concerns about the addition affecting their privacy and light. Two curb cuts will reduce the number of parking spaces on the street in an area where parking is already congested. Commissioner Alessio noted the existing house is located in the front setback as is neighboring properties. However, Commissioner Duransoy felt the Property Owner had sufficient room within the building envelope to park vehicles without increasing the nonconformity of the front setback.

**Resolution 185-DR-18**

WHEREAS, the Property Owner is requesting permission to remodel and expand the home including construction of an approximately 440-square-foot second-story addition and covered roof deck; excavation of the basement level to include constructing a new garage and living space, a new entry stair at the front (north) of the residence, and new retaining walls in the front street yard; modification of windows, doors, and hardscape throughout the property to include constructing a second driveway in the front street yard setback and a new patio in the rear (south) yard; and other exterior changes at 166 Lake Avenue, which construction requires a design review permit; and,

WHEREAS, variances from the requirements of Chapter 17 of the Piedmont City Code are necessary to exceed the structure coverage limit, to construct within the street-yard setback, and to exceed the floor area ratio limit; and

WHEREAS, after reviewing the application, plans, and any and all testimony and documentation submitted in connection with such application, and after having visited the subject property, the Piedmont Planning Commission finds that the project is not consistent with General Plan policies and procedures; and,

WHEREAS, regarding the design review permit, the Planning Commission finds that the proposal, as conditioned, does not conform to the criteria and standards of Section 17.66.060 of the Piedmont City Code as follows:

1. The proposed design is not consistent with the City's General Plan and Piedmont Design Guidelines in that the following building features are not consistent with the original architecture and neighborhood development: the size, mass, and two garages.
2. The design adversely affects neighboring properties' existing views, privacy, and access to direct and indirect light because the distance between the project and neighboring homes is not appropriate, the project affects the rear neighbor's access to light and privacy, and the roof deck looks into the neighboring properties.

3. The proposed design adversely affects pedestrian or vehicular safety because the curb cuts would remove existing on-street parking.

4. As conditioned, the application does not comply with the following Design Review Guidelines and General Plan policies and programs: II-1, II-2, II-3(a), II-3(b), II-3(c), II-3(d), II-6 (*remodels*), III-1, III-2, III-2(a) (*garages*).

5. The project is not consistent with General Plan policies and programs, including the land use element, housing element, and design and preservation element, including: Design and Preservation Element Policy 28.1 (Scale, Height, and Bulk Compatibility), Design and Preservation Element Policy 28.4 (Setback Consistency), Design and Preservation Element Policy 28.5 (Garages, Decks, and Porches), Design and Preservation Element Policy 28.8 (Acoustical and Visual Privacy).

WHEREAS, regarding variances from the structure coverage, street-yard setback, and the floor area ratio limit requirements, the Planning Commission in denying without prejudice the design review permit for construction at 166 Lake Avenue finds that there is no approved design for which variances are necessary.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies without prejudice the design review permit application for the construction at 166 Lake Avenue, Piedmont, California, and continues the consideration of the request for variances to a subsequent hearing at which the Commission considers a subsequent application for a design review permit submitted by the applicant for a revised design for the house.

Moved by Alessio, Seconded by Duransoy  
Ayes: Alessio, Behrens, Duransoy, Levine, Batra  
Noes: None  
Recused: None  
Absent: Ramsey

**Design Review Permit  
147 Requa Road**

The Property Owner is requesting permission to construct a detached accessory structure with habitable living space of approximately 800 square feet and to remove an existing tool shed behind the existing detached garage at the rear of the property.

Commissioner Alessio recused herself from this item as her home is located within 500 feet of the proposed project.

Written notice was provided to neighbors. **Three affirmative response forms and no negative response forms** were received.

**Public testimony** was received from:

Robert Kelly, project architect, reported the Property Owner intends to move into the second unit, and his son's family will move into the primary residence. In reviewing a design to attach the second unit to the garage, he could not determine how to waterproof the wall between the garage and the unit. Therefore, he moved the second unit away from the garage. A garage window and garage finishes would not be affected by moving the second unit away from the garage. The decision not to step the accessory unit at the rear of the property was determined by the simplicity of construction. It is possible to dig into the

hillside by the garage so that the height of the accessory unit is 2-3 feet lower, but it would add costs for retaining walls and raises a concern about waterproofing. The story poles were installed a week before the deadline, and the Property Owner met with the neighbors across the street regarding the height of the project.

Phil Chase, neighbor at 147 Regina, on behalf of the Property Owner agreed to the additional condition of approval regarding preservation of two oak trees but reserved the right to vacate the agreement should the Property Owner not agree to the condition of approval. Arborists have looked at the trees and made recommendations, and the Property Owner has fertilized the trees in an effort to preserve them. The Property Owner wants to keep the trees as long as possible.

Planning Director Jackson clarified that the additional condition of approval allows the Property Owner to choose between preserving and removing the trees. If the Property Owner chooses to preserve the trees, he will need to obtain an Arborist's Report and a Certified Tree Preservation Plan. If the Property Owner chooses to remove the trees, the Property Owner will need to replace them. Planning Director Jackson also proposed that if the project is approved with the recommended conditions of approval, Condition of Approval Number 13 for a landscape plan should state that there will be staff review and approval of a final landscape plan for the area in the vicinity of the accessory structure.

The Commission generally supported the project, referring to a nice design; the lack of objection from neighbors; and consistency between the accessory unit and the existing house with respect to roof style, exterior materials, and window type and style. In addition, stepping down the accessory unit could create access issues for a senior occupant.

**Resolution 228-DR-18**

WHEREAS, the Property Owner is requesting permission to construct a detached accessory structure with habitable living space of approximately 800 square feet and to remove an existing tool shed behind the existing detached garage at the rear of the property, located at 147 Requa Road, 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 15301, Class 1(e), 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, including the wall material matches portions of the wall at the existing house; the roof form, slope, height, and material matches the roof of the existing garage; and the window and door material and fenestration pattern.
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; the view is not a significant view;

and topographical differences are appropriate to preserve privacy, views, and light.

3. The proposed design does not adversely affect pedestrian or vehicular safety because the project has no effect on pedestrian and vehicular safety.

4. As conditioned, the application complies with the following guidelines and General Plan policies and programs: I-11 (*new construction*), 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) (*remodels*).

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 Policy 28.1 (Scale, Height, and Bulk Compatibility), Design and Preservation Element Policy 28.2 (Style Compatibility), Design and Preservation Element Policy 28.3 (Additions), Design and Preservation Element Policy 28.6 (Exterior Materials), Design and Preservation Element Policy 28.8 (Acoustical and Visual Privacy).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review permit application for construction at 147 Requa Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

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

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

3. **Window Recess.** All new windows shall be recessed approximately 2 inches from the exterior wall to the face of window sash in order to maintain consistency with the original architecture, as required by the City's Design Guidelines and Window Replacement Policy. Window details shall be submitted for review and approval at the time of building permit application.

4. **Pre-construction Inspection.** Prior to the commencement of window fabrication, the installer shall schedule a pre-construction inspection with the Building Department to review the approved installation criteria, such as the window recess, window trim if any, and window sill projection if any.

5. **Exterior Lighting.** All new exterior light fixtures shall be downward directed with an opaque or translucent shade that completely covers the light bulb, subject to review and approval of City Staff.

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

7. **C&D Compliance.** Compliance with Section 9.04 of the Municipal Code, which governs the recycling of construction and demolition debris, is required for all phases of this project.

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

9. **Construction Management Plan.** The Property Owner shall develop a comprehensive Construction Management Plan. The Construction Management Plan shall address noise, vibrations, traffic control, parking, debris removal, dust control, sanitary facilities, site safety security and other potential construction impacts, as well as other details involving the means and methods of completing the Project, including the construction route. The City Building Official has the authority to require modifications and amendments to the Construction Management Plan as deemed necessary throughout the course of the Project and until the Final Inspection.

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

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 Applicant shall submit for approval a Construction Completion Schedule, which will specify, in detail, the duration and percentage of the project as a whole for 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 Construction Completion Schedule and be binding on the



Applicant. The City may, at the Applicant's sole cost, engage the services of a consultant to review the 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. In the event of a change in scope of the Project that would alter the benchmarks dates set forth in the Approved Construction Completion Schedule, or in the event the Applicant fails to meet a benchmark set forth in the Approved Construction Completion Schedule, the Applicant shall immediately submit a request to amend the Approved Construction Completion Schedule to the Director of Public Works. The request to amend shall be accompanied by a new proposed Construction Completion Schedule in compliance with subsection (a) of this condition of approval and the Director of Public Works shall evaluate the proposed amendments to the Approved Construction Completion Schedule in accordance with subsection (b) of this condition of approval.
- d. The failure of the Applicant to comply with the Approved Construction Completion Schedule, or any amendments to it approved in conformance with subsection (d) of this condition of approval, shall constitute a nuisance under the City of Piedmont City Code ("City Code"). The failure of the Applicant to comply with the Approved Construction Completion Schedule may result in the City pursuing administrative citations pursuant to Chapter 1 of the City Code, nuisance abatement pursuant to Chapter 6 of the City Code, or any other remedy available to the City under the law. Additionally, if the Applicant fails to comply with the Approved Construction Completion Schedule, the Director of Public Works, at his or her sole discretion, may 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, at his or her sole discretion, may refer the application to the Planning Commission for public review and direction.

**11. Concurrent ADU permit application.** Prior to issuance of a building permit, the property owner shall obtain an accessory dwelling unit permit for the accessory structure, approved herein, or the property owner shall remove the bathroom from the floor plan or obtain a parking variance from the Planning Commission.

**12. 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 two existing mature oak trees at the rear yard to the southeast of the proposed accessory structure. The tree preservation measures shall be on the appropriate sheets of the construction plans. The arborist shall be on site during critical construction activities, including initial and final grading, to ensure the protection of the existing trees that are intended to be retained. The arborist shall document in writing and with photographs the tree protection measures used during these critical construction phases. If some trees have been compromised, mitigation measures must be specified in writing and implementation certified by the Project Arborist. Trees proposed for removal shall have an in-lieu replacement tree planted elsewhere on the property, which shall be shown on the final landscape plan. Replacement tree size is subject to staff review and shall be commensurate with the size and numbers of trees to be removed. They shall generally be a minimum of 24" box size. Before the Final Inspection, the arborist shall file a report to the City certifying that all tree preservation measures as recommended have been implemented to his/her

satisfaction and that all retained trees have not been compromised by the construction.

13. **Final Landscape Plan.** Before issuance of a building permit, the Property Owner shall submit for staff review and approval a Final Landscape Plan for the area in the vicinity of the accessory structure that shows trees proposed for retention as well as in-lieu trees required by a Certified Tree Preservation Plan. The final plan shall comply with City Code Division 17.34 and Section 17.32.30, 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. Upon the determination of the Director, minor differences in the number, size, and/or species of vegetation between those shown on the approved landscape plan and those installed at the time of final inspection that do not involve an increase in hardscape or structure coverage may be subject to staff review and approval. Significant differences between the vegetation installed at the time of final inspection and vegetation shown on the approved landscape plan are subject to a design review permit.

Moved by Duransoy, Seconded by Levine  
Ayes: Behrens, Duransoy, Levine, Batra  
Noes: None  
Recused: Allesio  
Absent: Ramsey

**Fence Design Review  
Permit  
55 Crocker Road**

The Property Owner is requesting permission to construct a stucco wall along the front property line ranging from approximately 4 feet tall along Crocker Avenue and 6 feet tall along the Hall Fenway and to construct a wood gate, all within the 20-foot street-yard setback.

Written notice was provided to neighbors. **One affirmative response form and no negative response forms** were received. Correspondence was received from a Piedmont citizen.

**Public testimony** was received from:

Ilana Friedkin, Property Owner, reported the fence is intended to provide privacy for the side yard, which is adjacent to the Hall Fenway walking path. All neighbors support the project as an upgrade to the neighborhood and because all nearby homes have some type of privacy screening.

Tim Wooster, project architect, proposed a 6-foot height along the side yard only, which faces a park, in compliance with Design and Preservation Policy 29.3. The proposed gate exceeds the previously recommended height but is proportional to the scale of the wall.

In response to Commissioner Levine's query, Planning Director Jackson noted the lot is not rectangular such that the right side yard is significant in relation to the left side yard. To a certain degree, the side yard provides an outdoor living area that is similar to the side yard of a corner lot. The side yard does fall along the skewed property line and the street-side property line. The Commission can consider whether the outdoor living area calls for a privacy fence.

Chair Behrens noted Russell Griffith's letter supports the project.

The Commission generally liked the revised design, referring to the softening effect of vegetation on the wall, the tiered design, and the contrast of the wood with the stucco.

Commissioner Duransoy suggested the height of the fence remain at 4 feet at the corner where the fence angles toward Hall Fenway.

Commissioner Alessio, Alternate Commissioner Batra, and Chair Behrens supported approval of the project as proposed in that it is consistent with the 6-foot wooden fence on the other side of Hall Fenway and the size of the gate announces the entrance.

Commissioner Levine opposed the proposed design and felt the fence should be 4 feet tall with a gate no higher than 5 feet 2 inches. The fence could extend to 4 feet 8 inches at the bend. A 6-foot fence is not consistent with the neighbor's fence, which is 4 feet 8 inches tall. Typically, the Commission allows taller fences where a property has no other private outdoor space; however, the property has a large private terrace at the back.

**Resolution 230-FDR-18**

WHEREAS, the Property Owner is requesting permission to construct a stucco wall along the front property line ranging from approximately 4 feet tall along Crocker Avenue and 6 feet tall along the Hall Fenway and to construct a wood gate, all within the 20-foot street-yard setback, located at 55 Crocker Avenue, which construction requires a fence 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 15301, Class 1(e), Existing Facilities, because it is a minor change to an existing private residence, and the project is consistent with General Plan policies and programs, and the proposal, as conditioned, conforms to the criteria and standards of Section 17.66.060 of the Piedmont City Code as follows:

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 wall height, and the lot is a through-lot with limited outdoor private space.
2. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light because the view is not a significant view, the distance between the project and neighboring homes is appropriate, and the height of the project has been kept as low as possible for privacy.
3. The proposed design does not adversely affect pedestrian or vehicular safety because the project has no effect on pedestrian and vehicular safety.
4. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: V-1, V-2, V-3, V-4, V-5, V-5(a), V-5(b), V-5(c), V-6, V-7, V-8, V-9, V-10, V-11 (*fences*).

5. The project is consistent with General Plan policies and programs, including the land use element, housing element, and design and preservation element, including: Natural Resources and Sustainability Element Policy 14.4 (Retention of Healthy Native Trees), Design and Preservation Element Policy 27.1 (Streets as Public Space), Design and Preservation Element Policy 28.6 (Exterior Materials), Design and Preservation Element Policy 29.3 (Front Yard Enclosures), Design and Preservation Element Policy 29.4 (Maintaining Privacy), Design and Preservation Element Policy 29.5 (Fence and Wall Design).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the fence design review permit application for the improvements at 55 Crocker Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

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

2. **Setback from Property Line Verification.** Prior to foundation inspection, the applicant shall submit to the Building Official written verification by a licensed land surveyor stating that the construction is located on the property line as shown on the approved plans. The intent is to verify that the approved features are constructed at the approved dimension from the property lines and that an encroachment permit will not be necessary.

3. **Final Landscape Plan.** Before issuance of a building permit, the Property Owner shall submit for staff review and approval a Final Landscape Plan that shows vegetation in the planting strip between the wall and the sidewalk and trees proposed for retention as well as in-lieu trees required by a Certified Tree Preservation Plan. The final plan shall comply with City Code Division 17.34 and Section 17.33.30, 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. Upon the determination of the Director, minor differences in the number, size and/or species of vegetation between those shown on the approved landscape plan and those installed at the time of final inspection that do not involve an increase in hardscape or structure coverage may be subject to staff review and approval. Significant differences between the vegetation installed at the time of final inspection and vegetation shown on the approved landscape plan are subject to a design review permit.

4. **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 existing oak tree near the east property line. The tree preservation measures shall be on the appropriate sheets of the construction plans. The arborist shall be on-site during critical construction activities, including initial and final grading, to ensure the protection of the existing trees that are intended to be retained. The arborist shall document in writing and with

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

Moved by Alessio, Seconded by Batra  
Ayes: Alessio, Behrens, Batra  
Noes: Duransoy, Levine  
Recused: None  
Absent: Ramsey

**ADJOURNMENT**

There being no further business, Chairman Behrens adjourned the meeting at 7:56 p.m.