

## PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, April 8, 2019

A Regular Session of the Piedmont Planning Commission was held April 8, 2019, 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 March 25, 2019.

### CALL TO ORDER

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

### ROLL CALL

Present: Commissioners Allison Alessio, Yildiz Duransoy, Jonathan Levine, Tom Ramsey, Doug Strout

Absent: Alternate Commissioner Rani Batra

Staff: Planning Director Kevin Jackson, Senior Planner Pierce Macdonald-Powell, Associate Planner Chris Yeager, Assistant Planner Mira Hahn, and Planning Technician Steven Lizzarago

### ELECTION OF OFFICERS

#### **Resolution 7-PL-19**

RESOLVED, that the Planning Commission appoints Jonathan Levine to serve as Commission Chair and Allison Alessio to serve as Commission Vice Chair for one year.

Moved by Ramsey, Seconded by Duransoy

Ayes: Alessio, Duransoy, Levine, Ramsey, Strout

Noes: None

Recused: None

Absent: Batra

### 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 8-PL-19**

RESOLVED, that the Planning Commission approves as presented its meeting minutes of the March 11, 2019, regular hearing of the Planning Commission.

Moved by Alessio, Seconded by Ramsey

Ayes: Alessio, Duransoy, Levine, Ramsey

Noes: None

Recused: Strout

Absent: Batra

### REGULAR CALENDAR

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

#### **Draft Design Guidelines Update**

Consultant Barry Miller reported design review permits are required for most construction in Piedmont. Design review permits are evaluated for conformance with Design Review Guidelines that were developed in 1988. The 2009 General Plan contains a specific action item to update the design guidelines. The guidelines have been expanded over the years with supplements. The consultants, staff, and the Planning Commission's subcommittee began reviewing the existing guidelines, consulting with stakeholders, and drafting new guidelines in April 2018. The existing guidelines address single-family construction only, five construction types, three geographies for each construction type, and three review principles. Chapter 2 of the proposed guidelines is intended to explain the design review process. Chapter 3 contains

policies for design of the site. Chapter 4 contains principles and guidelines for all buildings regardless of their occupancy or use. Chapter 5 provides guidelines for single-family homes and is intended to be used with Chapter 4. Chapters 6 and 7 provide new guidelines for multifamily residential development and commercial and mixed-use development respectively. A link to an online survey was sent to more than 700 parties involved in development applications over the past 2.5 years, and 162 responses were received. 83 percent of respondents indicated excellent or good experiences with staff in the design review process, and almost 80 percent indicated excellent or good experiences with the Planning Commission. 31 percent of respondents felt the design review process improved their projects. 76 percent of respondents used the guidelines, and 85 percent found the guidelines to be extremely clear or somewhat clear. Approximately half the respondents felt the strictness of design requirements was about right. Respondents' written feedback is available for review. Any revisions to the proposed guidelines will be incorporated such that the Planning Commission at its May meeting can review and recommend the proposed guidelines for Council adoption.

**Public testimony** was received from:

Dana Fox appreciated the new format and the clarity of the guidelines.

Commissioner Duransoy appreciated the many visuals because they will help the public understand the design review process. Perhaps the number of photos depicting what not to do could be greater in the proposed guidelines.

In response to questions, Mr. Miller felt the rating of positive experiences with staff in other cities would be closer to 50 percent. The staff report contains a table correlating the existing guidelines with the proposed guidelines so that users can review new provisions and provisions carried forward. Hyperlinks to photos of what not to do can be inserted into the electronic version of the guidelines. Almost every city has some type of design guidelines.

Planning Director Jackson added that the staff report is available on the City's website, and staff has print copies available for public review at City Hall as well. The Design Review Guidelines are meant to be used in conjunction with the General Plan and the Zoning Code, but the guidelines are a separate document. Future amendments to the guidelines will be reviewed by the Planning Commission and approved by the City Council. Hopefully, the guidelines can be easily and more frequently updated. A graphic designer may be utilized in fiscal year 2020 to refine the format of the proposed Design Review Guidelines. The City of Piedmont likely applies design review to a greater scope of projects than other cities.

Commissioner Ramsey commended staff for the high rating from survey respondents. Staff and the consultants worked collaboratively and openly to update the guidelines. The document reflects the high quality of the process.

Chair Levine thanked Commissioner Ramsey and former Commissioner Behrens for participating in the update process as members of the Design Guidelines Update Subcommittee. The proposed guidelines are very thorough and contain more content and explanation.

Commissioner Strout suggested staff establish a formal cycle to update the guidelines. Some of the diagrams for retaining walls and fences in the existing

guidelines are good and may be incorporated into the proposed guidelines with the appropriate photos for clarity.

Planning Director Jackson agreed a regular cycle to update the guidelines is a good aspirational goal. With only one document, staff will feel compelled to update the guidelines rather than prepare new documents. The recent update of Chapter 17 of the Municipal Code included diagrams for fences and retaining walls and measuring for them. Council review of the proposed guidelines has been tentatively scheduled for June 3.

Mr. Miller requested Commissioners and the public provide additional comments, if any, in writing within the next two weeks via mail to the Planning Department at City Hall or email to Planning Director Jackson, [kjackson@piedmont.ca.gov](mailto:kjackson@piedmont.ca.gov).

**Resolution 9-PL-19**

RESOLVED, that the Planning Commission continues consideration of the proposed Design Review Guidelines to the May 13, 2019 Planning Commission hearing.

Moved by Ramsey, Seconded by Alessio

Ayes: Alessio, Duransoy, Levine, Ramsey, Strout

Noes: None

Recused: None

Absent: Batra

**New House Design  
Review Permit  
22 Valant Place**

The Property Owner is requesting permission to construct a new two-story 3,418-square-foot residence above a 1,545-square-foot partially subterranean two-car garage level, new terraces, steps, exterior lighting, tree removals, and related site changes.

Written notice was provided to neighbors. **No affirmative response forms and six negative response forms** were received. Correspondence was received from Susan Stillings and Douglas Smith and Shirley and Taeku Lee.

**Public testimony** was received from:

Jason Timmons, Property Owner, reported walkability, accessibility, and the location of the property in the Piedmont community were major factors in his family's decision to purchase the property. Six months ago, he sent an introduction letter, copies of the plans, and contact information to each of the neighbors and requested a meeting to obtain feedback regarding the design. By October 2018, he had met with three of the neighbors. During those meetings, neighbors raised concerns focused on minimizing the disruption and inconvenience of construction. The proposed design addresses neighbors' concerns. Three homes within the cul-de-sac are smaller than the proposed house, and two homes are larger than the proposed house.

Robin Pennell, project architect, advised that three experts have affirmed the stability and buildability of the site. The site's orientation to the street is rotated away from the upslope of the hillside. He had developed a skewed plan concept to address the court and then turns parallel to the site contours. The home's closest point to the street is 30 feet and the farthest point is 40 feet. The home has a two-story street facade like four other homes on Valant Place. The majority of the main floor is located behind the kitchen, dining, and living spaces. The secondary spaces are set into the hillside contours and provide little

additional mass. The bedroom floor steps up and into the hill. No part of the home is more than two stories above grade. He had studied the adjacent homes' open spaces, openings, and relationships in order to maintain as much of the adjacent homes' light and privacy as possible. Once the project is approved, he will work with neighbors to provide appropriate landscape screening. The home has a contemporary style with an earth-toned stucco finish and wood accent walls, has dark clad windows and doors, and is capped with a standing-seam metal roof. Some trees will be removed in order to construct the home. Following construction, he will work with an arborist to appropriately reestablish the forest. Construction safety, hillside shoring, and noise abatement plans will be developed with geotechnical and structural engineers, the contractor, and subcontractors. He will work with adjacent neighbors to determine appropriate scheduling for materials and equipment and off-street parking for workers. Valant Place is located approximately 75 yards from a major traffic artery. The current structure is sited no higher on the hillside than the previously approved structure. The back, right corner of the previous project was dug into the steep part of the hillside, and the structure was not built to the contours of the hillside. If the house is built within the slope of the hillside, the majority of the house will face the house at 21 Valant Place rather than the street. The proposed house steps up the hill, but a large part of the floor area and volume of the house is dug into the hillside. In developing the new proposal, he focused on the elements of the previously approved application and working with the site. The earlier applications did not work with the site. The proposed home provides the rooms the property owner wants and is set into the hillside as much as possible. The increase in square footage is driven by the program. The kitchen, dining room, and terrace are located on the south side of the home because that is the sunny side of the home. The only access to the house is up the grade on the right side of the house, across the garage, and to the entry, which is central to the house. A drainage swale at the back of the house will collect stormwater runoff. Runoff from the roof will be collected and carried to the street. A debris wall will intercept stormwater runoff before it reaches the structure. Gutters will be installed with the wildfire urban interface, which includes methods to prevent debris from entering gutters. The house has a crawl space because the Code requires a minimum of 18 inches between the underside of the floor joists and the grade for wood floors. He and Planning Director Jackson had agreed that a project for a new house on a vacant lot should not request any variances unless absolutely necessary. The house at 23 Valant Place has a front setback at the garage of approximately 5 feet. The house at 21 Valant Place is probably located within the setback, and the garage is located 2.5 feet from the property line.

Chair Levine indicated applications for development of the site were submitted in 2006, 2007, and 2008. The Planning Commission approved the 2008 application, but the decision was appealed to the City Council. The City Council upheld the Planning Commission's decision.

Alan Kropp, project geotechnical engineer, related that the project is suitable for the site if the appropriate geotechnical measures are implemented. The bedrock under the site is hard and consequently stable. He did not believe the site has a mass stability problem. He emphasized the need for proper shoring and a good excavation plan. A special type of catchment fence should be placed upslope of the house in order to catch rocks rolling down the hillside. Much of the excavation for the project will extend into Franciscan bedrock.

Dana Fox, neighbor at 25 Valant Place, recalled that the owners of 21 Valant Place owned the lot at 22 Valant Place at one time; therefore, the setback at the garage was likely not an issue when the garage was constructed. The project design does not comply with Code requirements. The house has not been designed to reduce the physical bulk of the structure or to integrate it into the neighborhood. Other homes in the cul-de-sac are more modest than the proposed home. The proposed home could potentially be converted to a seven-bedroom house because of the number of accessory rooms. She requested the Planning Commission consider imposing conditions of approval requiring a detailed construction plan, a plan for cleaning the site, access for residents, and the applicant to maintain residents' current quality of life during construction.

Justin Smutko, neighbor at 21 Valant Place, felt building the proposed project on the site will be extremely challenging. He did not receive the property owner's letter requesting feedback regarding the project. He hoped the project could be more harmonious with the neighborhood. After looking at the story poles, he felt the project will be imposing.

Robert Berger, neighbor at 24 Valant Place, remarked that the house should be placed closer to the street so that it is integrated into and harmonious with the neighborhood. Siting the home higher on the hillside will impact the view from his master bedroom and living room.

Kathleen Quenneville, neighbor at 294 Indian Road, noted that the property owners submitted their plans prior to speaking with neighbors. The plans do not address the concerns of neighbors located above the project. She would have supported the project if it had been similar in size and orientation as the previously approved project. The structure inclusive of the auxiliary unit contains more than 4,100 square feet and is being built on a relatively small lot. She asked the Planning Commission to consider imposing the conditions of approval imposed in 2008.

Diane Allen, neighbor at 294 Indian Road, stated the house is massive, and the amount of excavation will be more than the amount denied previously. The rock foundation of the site is not homogeneous. Altering the drainage of the site could lead to landslides. She requested the Planning Commission deny the current proposal and ask the applicant to propose a project that is compatible with the neighborhood and mitigates risks.

Chair Levine noted the proposed conditions of approval are similar to those imposed in 2008. By State law, the Planning Commission cannot consider the accessory dwelling unit or related parking and floor area issues. The Planning Commission can consider whether the bulk of the house, which includes the accessory dwelling unit, complies with City standards.

Generally, the Planning Commission did not support the project and expressed concerns about the bulk, mass, and scale of the structure, the siting of the structure, the compatibility of the house with the neighborhood and the two adjacent houses, and the house's relationship to the topography of the hillside. Commissioners felt the project could be redesigned such that the Planning Commission could approve it. Commissioner Duransoy had no concerns regarding the buildability of the project based on the geotechnical expert's opinion. Commissioner Alessio indicated the project is not compliant with Guideline I-5 regarding construction on a steep slope taking advantage of the topography of the slope and designing a project that reduces the effective visual

bulk of the structure. Commissioner Ramsey felt the architectural style and proposed materials are appropriate; however, the siting of the structure further up the hill and the wrapping of the structure around the adjacent home will overpower the adjacent home. Commissioner Strout noted the structure appears to respect the scale of the house at 23 Valant Place but not the scale of the house at 21 Valant Place. Chair Levine advised that the house does not follow the curve of the cul-de-sac and is square to the hill, unlike the other houses in the neighborhood. Some Commissioners commented that they would be open to considering a variance to allow the home to encroach closer than 20 feet to the front property line in order for the design to be more consistent with the neighborhood development.

**Resolution 62-NH-DR-19**

WHEREAS, the Property Owner is requesting permission to construct a new two-story 3,418-square-foot residence above a 1,545-square-foot partially subterranean two-car garage level, new terraces, steps, exterior lighting, tree removals, and related site changes, located at 22 Valant Place, 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 design is not consistent with the City's General Plan and Piedmont Design Guidelines in that the following building features are not consistent with neighborhood development: the relationship of the proposed residence to the site, the existing topography, and the neighboring residences; the mass and size of the home is not compatible with other homes in the neighborhood and is greater than the previously approved project; and the house is located on the steepest portion of the lot and dominates the adjacent home.
2. The design affects the neighboring properties' existing views, privacy, and access to direct and indirect light because the topographical differences between properties are maximized by building on the steepest portion of the property; and the topographical differences do not preserve views, privacy, and light.
3. The proposed design does not adversely affect pedestrian or vehicular safety because the project provides conforming parking.
4. The application does not comply with the following guidelines: I-1(a), I-1(c), I-2, I-5, I-5(a), I-5(c) (*new construction*).
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 28.7 (Hillside Home Design), Land Use Element Policy 1.3 (Harmonious Development).

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 proposed new house at 22 Valant Place, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

**ANNOUNCEMENTS**

Planning Director Jackson announced a public meeting regarding the Hazard Mitigation Plan is scheduled for April 10 at 6:00 p.m. in the Emergency Operations Center. Tasting a Sustainable Future: Piedmont Climate Action Fair and Reception is planned for April 24 at 7:00 p.m.

**ADJOURNMENT**

There being no further business, Chairman Levine adjourned the meeting at 6:44 p.m.