

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, September 9, 2019

A Regular Session of the Piedmont Planning Commission was held September 9, 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 August 26, 2019, and a revised agenda for the meeting was posted on August 30, 2019.

CALL TO ORDER

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

ROLL CALL

Present: Commissioners Allison Alessio, Rani Batra, Yildiz Duransoy, Jonathan Levine, Tom Ramsey, Alternate Commissioner Doug Strout

Absent: None

Staff: Senior Planner Pierce Macdonald-Powell, Associate Planner Dana Peak, Assistant Planner Mira Hahn, and Planning Technician Steven Lizzarago

PUBLIC FORUM

There were no speakers for the public forum.

ANNOUNCEMENTS

Chairman Levine introduced Associate Planner Dana Peak.

REGULAR SESSION

The Commission considered the following items of regular business:

APPROVAL OF MINUTES

Resolution 20-PL-19

RESOLVED, that the Planning Commission approves as presented its meeting minutes of the August 12, 2019, regular hearing of the Planning Commission.

Moved by Alessio, Seconded by Duransoy

Ayes: Alessio, Duransoy, Levine, Ramsey

Noes: None

Abstaining: Batra

Absent: None

CONSENT CALENDAR

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

- 260 Wildwood Avenue (Fence Design Review Permit).

Resolution 21-PL-19

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

Moved by Ramsey, Seconded by Batra

Ayes: Alessio, Batra, Duransoy, Levine, Ramsey

Noes: None

Recused: None

Absent: None

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

Fence Design Review Permit 260 Wildwood Avenue

Resolution 219-FDR-19

WHEREAS, the Property Owners are requesting permission to replace the existing front yard fence with a new 3-foot, 6-inch-high picket fence with pedestrian gate, wood posts, and solar cap lights in the same location and within

the street yard setback along Wildwood Avenue, located at 260 Wildwood 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 fence, cap, and gate material and light.
2. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light because the fence is replacing an existing fence of the same height and the fence is visually penetrable.
3. The proposed design does not adversely affect pedestrian or vehicular safety because there is no change to the pedestrian or vehicular patterns.
4. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: 3.05.01.1, 3.09.01.1, 3.09.01.2, 3.09.02.1, 3.09.02.2, 3.09.03.3, 3.12.01.1, 3.12.01.2, 3.12.02.1, 3.12.02.3 (Site Design).
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 28.4 (Setback Consistency), Design and Preservation Element Policy 28.6 (Exterior Materials), Design and Preservation Element Policy 29.3 (Front Yard Enclosures), Design and Preservation Element Policy 29.5 (Fence and Wall Design), Design and Preservation Element Policy 29.8 (Exterior Lighting).

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 260 Wildwood 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. **Encroachment Permit.** At the Building Official's discretion and before the issuance of a building permit, the applicants shall apply for an encroachment

permit to allow for the construction within the public right-of-way or public easement.

3. Setback from Property Line Verification/Fence Location Agreement: At the discretion of the Building Official and prior to foundation inspection, the applicants shall submit to the Building Official written verification by a licensed land surveyor stating that no portion of the proposed fence is located on the neighboring properties at 266 Wildwood Avenue and 256 Wildwood Avenue, but rather on the applicants' property at 260 Wildwood Avenue. In lieu of a survey, and at the discretion of the Building Official, the applicant shall submit to the Building Official a fence location agreement, signed by the applicant and the property owners at 266 Wildwood Avenue and 256 Wildwood Avenue.

4. Final Fence Design. The final design and construction details of the fence and light caps shall be subject to staff review and approval.

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

REGULAR CALENDAR

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

Variance and Design Review Permit 1246 Grand Avenue

The Property Owners are requesting permission to construct new windows along the southwest (right) side of the house, including the development of a bedroom on the lower level, and to make various interior modifications. A variance is required to add a third bedroom without providing the required conforming parking spaces.

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

No **public testimony** was received.

Commissioners generally supported granting the requested variance and approving the project, noting the area has a mixture of commercial and residential uses, which is unique in Piedmont; the paved area in front of the garage could accommodate an off-street parking space for a small car; the lot is small and irregularly shaped; the project will not increase the building footprint; the home is near public transit; most homes in the area have single-car garages; and according to the applicant's survey, most homes in the area have more bedrooms and bathrooms than the subject home.

Resolution 191-V/DR-19

WHEREAS, the Property Owners are requesting permission to construct new windows along the southwest (right) side of the house, including the development of a bedroom on the lower level, and to make various interior modifications at 1246 Grand 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 add a third bedroom without providing the required conforming parking spaces; 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, and the project is consistent with General Plan policies and procedures; and,

WHEREAS, the variance from the conforming parking requirement 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 lot is small and unusually shaped; construction of a conforming garage would require variances to construct within the setback; other conforming properties in the zone are quite a bit larger than the subject house 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 project is compatible with the immediately surrounding neighborhood and the public welfare because the majority of neighboring properties have no more than a one-car garage.
3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because expanding the garage to supply conforming parking spaces would likely require additional variances.

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 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 window 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 proposed windows face the gas station and not a residence.
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: 4.03.03.1, 4.03.03.2, 4.03.03.6 (Building Design: General).
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 28.6 (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 variance application and the design review permit application for the construction at 1246 Grand Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Window Material.** As specified in the plans, the building material for the new windows shall be aluminum clad wood.
2. **Window Color Scheme.** All the windows on the house shall have a consistent color scheme.
3. **Window Recess.** All new windows shall be recessed 1 5/8 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. **Garage Door.** To facilitate vehicular access, the garage door shall be motorized. If design modifications are required to accomplish this, those modifications shall be subject to staff review.
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. **Window Operation and Location.** The proposed windows shall be awning windows as shown in the window schedule and the headers shall align with the existing windows on the west side of the house.

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

**Variance and Design
Review Permit
15 Bonita Avenue**

The Property Owner is requesting permission to change the pitch of the existing garage roof to match the main residence, construct a new covered trellis on the rear deck and a trellis with a solar roof at the pool area, and make various interior and exterior modifications. Two variances are required to construct the new garage within the 20-foot street yard setback and the 5-foot left side yard setback.

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

Public testimony was received from:

Lisa Kaplan, Property Owner, reported the Planning Commission previously approved a similar project for the property; however, she did not obtain a building permit prior to the expiration of the design review permit. The roof over the rear deck has been modified to be consistent with the main house and with similar structures on neighboring properties. She wants to complete the project within three months of the building permits being issued, weather permitting. The majority of the original scope of work has been completed, and she does not anticipate any delays in completing the remaining work.

In general, the Planning Commission liked the proposed design because the hipped roof on the garage matches the home's roof and the transition from the main roof to the porch roof is better than in earlier versions. However, Commissioners expressed concern regarding the new and existing columns at the rear deck appearing to be offset when they should align. Commissioner Batra expressed some concern in that the existing tall fence and garage will seem to wall off the house from the street, which is not consistent with other properties on the street.

In response to Chairman Levine's question about the appropriateness of the braces for the porch, Commissioner Ramsey advised that the braces are a traditional detail and the brackets in the overhang play off the braces. Commissioner Duransoy was not concerned about the braces because they are not located on the front facade.

Assistant Planner Pierce Macdonald-Powell noted the fence has been in existence for quite some time. In reviewing the history of building permits issued for 15 Bonita Avenue, staff learned that previous design review approvals did not include conditions of approval requiring the applicant to submit construction completion schedules. One of the proposed conditions of approval requires the applicant to submit a construction completion schedule.

After some discussion of the appearance of the new and existing columns and Assistant Planner Macdonald-Powell's proposal to reduce the size of the roof, the Planning Commission agreed that the roof should not increase in size and that staff should work with the applicant to modify the design such that the columns align.

Resolution 220-V/DR-19

WHEREAS, the Property Owner is requesting permission to change the pitch of the existing garage roof to match the main residence, construct a new covered trellis on the rear deck and a trellis with a solar roof at the pool area, and make various interior and exterior modifications at 15 Bonita 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 construct within the 20-foot street yard setback and the 5-foot left side yard setback; and,

WHEREAS, after reviewing the application, plans, and any and all testimony and documentation submitted in connection with such application, and after having visited the subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental

Quality Act, pursuant to CEQA Guidelines Section 15301, Class 1(e), Existing Facilities, and the project is consistent with General Plan policies and procedures; and,

WHEREAS, the variances from the street yard and left side yard setbacks are approved because they comply 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 existing garage is built within the setbacks, the lot is unusually shaped, relocating the garage outside the setbacks would require demolition of the existing house, and rebuilding the roof is an improvement that does not encroach further into the setback, 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 project is compatible with the immediately surrounding neighborhood and the public welfare because other properties in the neighborhood have garages located close to the street and within side yard setbacks.
3. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because the roof of the garage would need to be modified to avoid pooling water and reconstruction of the garage outside the setback would require demolition of the existing house for access.

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 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 roof form and eave overhang of the garage, the roof material of the garage, the window and door material and fenestration pattern, the roof form and material of the deck roof, and as conditioned the design of the posts will align with the supporting posts below.
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 and existing vegetation and fencing provide adequate screening.
3. The proposed design does not adversely affect pedestrian or vehicular safety because there are no changes in the existing conditions related to pedestrian and vehicular safety.
4. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: 4.02.01.2, 4.02.01.3, 4.02.01.6, 4.02.01.7, 4.02.01.8, 4.02.01.10, 4.03.03.1, 4.03.03.2, 4.03.03.3, 4.03.03.4, 4.03.03.5, 4.03.03.6 (Building Design: General), 5.02.01.1, 5.02.01.2, 5.02.02.2, 5.02.02.3, 5.02.02.5, 5.02.02.6 (Building Design: Single-Family Residential).

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 28.4 (Setback Consistency), Design and Preservation Element Policy 28.5 (Garages, Decks, and Porches), 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 and the design review permit application for the construction at 15 Bonita Avenue, 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 composite.

2. **Window Color Scheme.** All the windows on the house 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. **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.

5. **Garage Door.** To facilitate vehicular access, the garage door shall be motorized. If design modifications are required to accomplish this, those modifications shall be subject to staff review.

6. **Roof Water Runoff.** Water runoff will not be permitted to drain onto neighboring properties. If design modifications are required to address this requirement, they shall be subject to staff review.

7. **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.

8. **Construction Completion Schedule.** Work on the Project, once begun, shall be promptly executed with continuous good faith and reasonable progress. Since timely completion of this Project is of the essence, the 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 Planning and Building.
- b. Before the Project begins, the Director of Planning and Building 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 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 Planning and Building 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 Planning and Building. 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 Planning and Building 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 Planning and Building, 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 Planning and Building, at his or her sole discretion, may refer the application to the Planning Commission for public review and direction.

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, emergency access, 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. Neighboring Property Owner Permission. Should the execution of the Foundation/Shoring/Excavation Plan require excavation into a neighboring property or if access onto the neighboring property is necessary for construction, the applicant shall submit, prior to the issuance of Building Permit, a written statement from the neighboring property owner granting

permission for access onto his/her property for the purpose of excavation and/or construction.

- b. **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 Planning and Building Department and on-line at cleanwaterprogram.org.

10. **Column Detail of Rear Deck.** Prior to issuance of a building permit, the applicant shall work with staff to resolve the column detail at the rear deck, subject to staff review and approval.

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

**Design Review Permit
778 Kingston Avenue**

The Property Owners are requesting permission to remove the existing playhouse structure and gravel patio at the rear of the property; to construct a detached accessory structure with habitable space of approximately 658 square feet; and to make landscape and hardscape modifications and other exterior changes.

Alternate Commissioner Strout recused himself from the item as he has an ownership interest in real property located within 500 feet of the subject property.

Written notice was provided to neighbors. **Three affirmative response forms and no negative response forms** were received. Correspondence was received from William and Joyce Ahern.

Public testimony was received from:

Sundeep Grewal, project architect, reported the homeowner proposes to build an accessory structure for his mother's residence. The size of the accessory structure has been reduced from 793 square feet to 658 square feet, and the overall height has been lowered by 1 foot and 7 inches. The story poles at the site represent the original proposal. The proposal is consistent with development standards. The accessory structure utilizes exterior finishes, roof profiles, and a window design that are similar to the main residence. The accessory structure is located at the rear of the lot to retain as much yard as possible and to provide privacy between the accessory structure and the main residence. Mr. Grewal advised that he twice spoke with the resident of 41 Lake Avenue and informed the resident that two windows at the rear of the accessory structure would face her home but would not have a direct view into her daughter's bedroom. He had

not spoken with the neighbor directly behind the subject property. Two of the accessory structure's windows would face the existing fence, and the rear neighbor would have a view of the existing fence rather than the accessory structure. The roof plate has been lowered from 9 feet to 8 feet 6 inches, and the reduced size of the accessory structure lowered the roof ridge as well. He did not model a flat roof over the deck because architecturally the structure would appear broken up with a flat roof. The deck is located approximately 10 feet from the rear property line. Mr. Grewal indicated he discussed moving the covered deck from the side to the front of the accessory structure, but the homeowner's mother wants a space separate and private from the main residence. The accessory structure will be built at grade so that it is easily accessible for the occupant. Landscaping can be added to the rear of the property in order to increase privacy.

David Karol, Property Owner, related that his mother will be the sole occupant of the accessory structure. His mother wants to have her own space and wants her home to feel like a cottage rather than an apartment. He indicated he met at length with the Wus of 780 Kingston Avenue and the Kwans of 41 Lake Avenue. He explained that he did not contact the Aherns of 37 Lake Avenue because he thought the 12-foot fence and the accessory structure would provide the Aherns with sufficient privacy from the main residence and yard. Landscaping can be added along the fence to increase privacy for the neighbors.

In general, the Planning Commission found the proposed design attractive and complementary to the main residence. However, Commissioners believed the accessory structure's location will impact neighbors' privacy and recommended the applicant increase landscaping along the fence lines. With the exception of Commissioner Ramsey, Commissioners also suggested the applicant relocate the covered porch from the side of the accessory structure to the front in an effort to reduce the impact of noise and light on neighbors. The Planning Commission with the exception of Commissioner Ramsey also felt the structure's height would impact neighbors' views. Commissioner Alessio suggested the ceiling height could be reduced by 1-1.5 feet.

Resolution 224-DR-19

WHEREAS, the Property Owners are requesting permission to remove the existing playhouse structure and gravel patio at the rear of the property, to construct a detached accessory structure with habitable space of approximately 658 square feet, and to make landscape and hardscape modifications and other exterior changes, located at 778 Kingston Avenue, 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 not consistent with General Plan policies and programs, and that the proposal does not conform 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 shingle siding, roof form and material, the window and door material and fenestration pattern, and the guardrail material.

2. The design affects neighboring properties' existing views, privacy, and access to direct and indirect light because the accessory structure's covered porch is located too close to neighboring properties such that it will visually impact the neighbors adjacent and to the rear of the subject property.
3. The proposed design does not adversely affect pedestrian or vehicular safety.
4. The application does not comply with the following Design Review Guidelines and General Plan policies and programs: 3.03.02 (Site Design).
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 28.8 (Acoustical and Visual Privacy).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies without prejudice the design review permit application for construction at 778 Kingston Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

ADJOURNMENT

There being no further business, Chairman Levine adjourned the meeting at 6:08 p.m.