

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Tuesday, November 12, 2019

A Regular Session of the Piedmont Planning Commission was held November 12, 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 October 28, 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: Planning & Building Director Kevin Jackson, Senior Planner Pierce Macdonald-Powell, Assistant Planner Mira Hahn, and Planning Technician Steven Lizzarago

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 24-PL-19

RESOLVED, that the Planning Commission approves as presented its meeting minutes of the October 14, 2019, regular hearing of the Planning Commission.

Moved by Alessio, Seconded by Batra

Ayes: Alessio, Batra, Duransoy, Levine, Ramsey

Noes: None

Abstaining: None

Absent: None

CONSENT CALENDAR

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

- 54 Inverleith Terrace (Design Review Permit).

Resolution 25-PL-19

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

Moved by Ramsey, Seconded by Alessio

Ayes: Alessio, Batra, Duransoy, Levine, Ramsey

Noes: None

Abstaining: None

Absent: None

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

Resolution 278-DR-19

WHEREAS, the Property Owners are requesting permission to make the following modifications in the front yard: build a wood fence with a gate of a maximum height of 4 feet along Inverleith Avenue; construct new retaining walls; replace the existing stairs with new concrete stairs and add metal handrails; add new planters and a wood bench; repave the existing patio; and

make various other landscape and hardscape changes, located at 54 Inverleith Terrace, 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), Existing Facilities, because the proposed project is a minor change to an existing private residence, which is less than 2,500 square feet, 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:

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 materials and design for the fence, the retaining wall, the stairs, the handrail, and site features.
2. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light because the distance between the project and neighboring homes is appropriate; there is sufficient vegetative screening; the topographical differences are appropriate to preserve privacy, views, and light; and the height of the fence has been kept as low as possible.
3. The proposed design does not adversely affect pedestrian or vehicular safety because the project maintains adequate visibility for entering and exiting the driveway, and no changes are proposed within the pedestrian and vehicular right-of-way.
4. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: 3.03.02.4, 3.08.02.1, 3.08.02.2, 3.08.02.4, 3.08.02.5, 3.08.03.1, 3.09.01.1, 3.09.01.2, 3.09.02.1, 3.09.02.2, 3.09.02.3, 3.09.02.4, 3.09.03.1, 3.09.03.2, 3.09.03.3, 3.09.03.4, 3.11.01.1, 3.11.01.2, 3.11.02.1, 3.11.02.2, 3.11.02.5, 3.11.03.1, 3.11.03.2, 3.11.03.7, 3.11.03.8, 3.11.03.9, 3.11.03.10, 3.11.03.11, 3.11.03.12, 3.11.03.14, 3.13.02.2, 3.13.02.4, 3.13.03.1, 3.13.03.2, 3.13.04.1, 3.13.04.2 (Site Design), 4.04.01.1, 4.04.01.2, 4.04.02.1, 4.04.02.3, 4.04.02.4, 4.05.02.1, 4.05.02.2, 4.05.02.3, 4.05.02.4, 4.05.02.5, 4.05.02.6, 4.05.02.7, 4.05.03.1, 4.05.03.2, 4.05.03.3 (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 28.2 (Style Compatibility); Design and Preservation Element Policy 28.6 (Exterior Materials), Design and Preservation Element Policy 28.12 (Creativity and Innovation), 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 29.6 (Retaining Walls), Design and Preservation Element Policy 29.9 (Sight Obstructions).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review permit application for construction at 54 Inverleith Terrace, 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 frame inspection, and at the discretion of the Building Official, the applicant shall submit to the Building Official written verification by a licensed land surveyor stating that the construction is located at the setback dimension from the south 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 line.

3. **Final Landscape Plan.** Before issuance of a building permit, and at the discretion of the Building Official, the Property Owner shall submit for staff review and approval a Final Landscape 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. **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. **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.

- b. 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.
- c. Construction Traffic. The applicant shall provide a construction traffic management plan including limiting the amount of construction-related vehicles parked on the western side of Inverleith Terrace to no more than three at one time, shuttling, and traffic management.

5. 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 Applicants 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 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 Applicants. The City may, at the Applicants' 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 Applicants fail to meet a benchmark set forth in the Approved Construction Completion Schedule, the Applicants 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 Applicants 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 Applicants 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 Applicants fail 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.

Moved by Alessio, 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:

Design Review Permit 47 Bellevue Avenue

The Property Owners are requesting permission to modify previously approved plans in order to further expand the floor area by approximately 1,800 square feet; expand the upper level at the street-facing sewing room and rear-facing master bath; extend the lawn and pool area to the west; enclose a previously approved colonnade; modify the retaining walls, loggia, and pool structure; remove trees; modify doors, windows, exterior lighting, landscape improvements, and other site changes.

Senior Planner Pierce Macdonald-Powell reported details of the proposed north property line fencing, the site stair located west of the car court, the recess of the proposed accordion doors on the lower terrace, and the location of the pool equipment were provided to the Planning Commission in the second packet and are available at the dais.

Public testimony was received from:

Marina Dreyfuss, Property Owner, advised that the proposed modifications are minor. She indicated she and her husband communicate frequently with their neighbors.

Tim Ward, project architect, related that the majority of the proposed changes affect the lower floor of the house. The swimming pool frame will be made of steel because of the amount of concrete and excavation required for the pool. On the west side of the home, three windows have been mullied together. Two windows have been added to the basement. The colonnade on the lower floor has been enclosed. Access to the home will be primarily through the garage or via the back stairs. An existing backup generator can provide power to the home and entry gate during a power outage.

Senior Planner Macdonald-Powell explained that the proposed modifications do not meet the threshold for the project to be considered construction of a new home. The applicant has agreed to construct steps along the north property line to connect the car court to the backyard. A condition of approval requires the applicant to maintain the dimensions of the original planter along the north property line in order to provide adequate space for screening plants and trees.

Commissioners generally supported approval of the project, stating the proposed modifications have little effect on the previously approved design or

neighboring properties; extending the sewing room improves the proportions of that section of the structure; the tiers of the retaining wall complement the style of the house; the stairs from the garage will be an important access point in a power outage; and the design is thoughtful and nice. Commissioner Batra expressed some concern regarding access to the front door from the driveway.

Resolution 253-DR-19

WHEREAS, the Property Owners are requesting permission to modify previously approved plans in order to further expand the floor area by approximately 1,800 square feet; expand the upper level at the street-facing sewing room and rear-facing master bath; extend the lawn and pool area to the west; enclose a previously approved colonnade; modify the retaining walls, loggia, and pool structure; remove trees; modify doors, windows, exterior lighting, landscape improvements, and other site changes, located at 47 Bellevue 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:

A. The project is categorically exempt under the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15301, Existing Facilities, because the construction consists of modifications to plans which will not increase the floor area of the residence by more than 10,000 square feet; the project is in an area where all public services and facilities are available to allow for the maximum development permissible in the General Plan; and the area in which the project is located is not environmentally sensitive;

B. The project is categorically exempt under the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15332, In-Fill Development Projects, for the following reasons:

- 1 The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations;
- 2 The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- 3 The project site has no value as habitat for endangered, rare, or threatened species;
- 4 Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
5. The site can be adequately served by all required utilities and public services;

C. For the reasons outlined in the staff report, no exceptions listed in Section 15300.2 of the CEQA Guidelines are applicable to the project. The project site is surrounded by existing lots developed with single-family residences. The project size is not significant based on other structures approved under categorical exemptions within Piedmont and surrounding jurisdictions. Existing General Plan policies, programs, and actions are sufficient to address the proposed grading, excavation, and construction. The Planning Commission determines that there are no unusual circumstances associated with the project; and furthermore that there is no reasonable possibility that there will be a significant effect on the environment due to any unusual circumstances

D. 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:

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 size and massing of the building fall within the allowable area, the size and massing of the retaining walls are appropriate for the steeply sloped site, the wall material, the window and door material and fenestration pattern, the guardrail design and material and, as conditioned, the site plan maintains sufficient vegetation and provides adequate new landscaping materials.

2. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light because, as conditioned, the distances between the project and neighboring homes are appropriate; the massing and height of the proposed building is appropriate; there is sufficient vegetative screening; and the 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 improves on-site parking conditions by providing conforming parking; the project provides adequate visibility for entering and exiting the driveway; the new pedestrian entry from the public way should improve pedestrian safety; and the new car court and driveway should improve pedestrian safety.

4. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: 3.03.01.1, 3.03.02.1, 3.03.02.2, 3.03.02.3, 3.03.02.4, 3.08.01.1, 3.08.01.2, 3.08.02.1, 3.08.02.2, 3.09.01.1, 3.09.01.2, 3.09.02.1, 3.09.02.2, 3.09.02.3, 3.11.01.1, 3.11.01.2, 3.11.02.1, 3.11.02.2, 3.11.02.3, 3.11.02.5, 3.11.03.1, 3.11.03.2, 3.11.03.3, 3.11.03.4, 3.11.03.5, 3.11.03.6, 3.11.03.7, 3.11.03.8, 3.11.03.9, 3.11.03.10, 3.11.03.11, 3.11.03.12, 3.11.03.13, 3.11.03.14, 3.12.02.1, 3.12.02.2, 3.12.02.3, 3.12.02.4 (Site Design), 4.01.01.4, 4.01.02.1, 4.02.01.1, 4.02.01.2, 4.02.01.3, 4.02.01.5, 4.02.01.6, 4.02.01.7, 4.02.01.8, 4.02.01.10, 4.03.04.1, 4.03.04.2, 4.03.04.3, 4.03.04.4, 4.03.04.5, 4.03.04.6, 4.03.04.7, 4.05.02.1, 4.05.02.2, 4.05.02.3, 4.05.02.4, 4.05.02.5, 4.05.02.6, 4.05.02.7, 4.05.03.1, 4.05.03.2, 4.05.03.3, 4.05.03.4 (Building Design), 5.01.01.1, 5.01.01.2, 5.01.02.1 (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: Land Use Element Policy 1.3 (Harmonious Development), 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), Design and Preservation Element Policy 28.7 (Hillside Home Design), Design and Preservation Element Policy 28.8 (Acoustical and Visual Privacy), Design and Preservation Element Policy 29.1 (Conserving Residential Yards), Design and Preservation Element Policy 29.2 (Landscape 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 design review permit application for construction at 47 Bellevue Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Prior conditions of approval.** Conditions of approval required by the Planning Commission in approving the design review permit #18-0202 remain in full force and in effect with this approval. Conditions of approval required by City staff in approving design review permit #19-0211 remain in full force and in effect.

2. **Stone veneer.** Plans submitted for building permit shall show consistent application of stone veneer at the retaining walls at the home and pool from grade to the pool tile or from grade to the main level stucco finish. Stone veneer shall wrap the northwest corner of the residence in the area of the main floor level sitting room for a minimum of width of 2 feet.

3. **Window and Door Material.** As specified in the plans, the building material for the new windows shall be aluminum-clad wood with three-dimensional simulated or true divided lites and entry and garage doors shall be wood. Window recess shall be a minimum of 2 1/2 inches measured from the sash to the plane of the exterior wall.

4. **Contractor's General Liability Insurance.** To ensure that the contractor doing work in the City will be responsible for damages caused by the work to City property or to neighboring property, the Property Owner shall require all contractors performing work on the Project to maintain General Liability Insurance for protection from claims for damages because of bodily injury, including death, and claims for damages, other than to the contractor's work itself, to property which may arise out of or result from the contractor's operations. Such insurance shall be written for not less than \$2,000,000 per occurrence. The insurance shall include an endorsement requiring 10 days prior notice to the City if the insurance is to be cancelled or changed, and Property Owner shall immediately arrange for substitute insurance coverage. If the contractor's insurance carrier states in writing that it is unable to provide the required endorsement, Property Owner shall be responsible for providing the City with the required notice if the insurance is to be cancelled or changed. Property Owner's failure to provide such notice shall constitute grounds for revocation of the City's design review approval and/or permit. If the Property Owner does not have a general contractor, the Property Owner shall maintain property insurance and coverage for contractors, which is substantially equivalent to the contractor's requirement of this section.

5. **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.

6. 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 at the setback dimension from the north, south, west and east property lines 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.

7. 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 trees proposed for retention as well as in-lieu trees required by a Certified Tree Preservation Plan. The final plan shall comply with Municipal Code Section 17.17.3, 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. Plans approved for building permit shall show a landscape planter along the north property line that is a minimum of 12 feet wide and 60 feet long. Landscape plan shall be consistent with architectural site plan and shall remove the patio adjacent to tree #5 (Gingko).

8. 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 for the trees designated to remain on the final landscape plan and a survey of any nesting birds in compliance with the U.S. Migratory Bird Treaty Act of 1918. 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. The Director shall determine the number of in-lieu replacement trees that are required to replace trees proposed for removal, 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.

9. North Property Line Fence. Prior to the issuance of a building permit, the applicant shall submit for staff review and approval plans showing the design of the new fence and retaining wall along the north property line. Plans for the fence and retaining wall shall show that the construction is located in its entirety on the property at 47 Bellevue Avenue; shall show the height of the fence with a maximum height of 6 feet above grade on the uphill side; show the combined height of the fence and retaining wall measured from the lowest adjacent grade; and shall include the signatures of adjacent property owners.

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

**Design Review Permit
5 Glen Alpine Road**

The Property Owners are requesting permission to construct a new fence and driveway gate in the front yard, modify the front porch, make window and door changes at the rear facade, construct a retaining wall to create a lawn and patio in the rear yard, enlarge the existing swimming pool, install a sport court at the rear, make various landscape changes throughout the property, add exterior lighting, install air conditioning units, and make other exterior modifications.

Planning Technician Steven Lizzarago reported staff proposes additional conditions of approval regarding the use of colored concrete or pavers for the driveway and removal of the column lanterns along the front entry steps.

Public testimony was received from:

Brian Kim, Property Owner, advised that most of the backyard is not usable because of the sloping terrain, and the irrigation system and pool need repairs and updating. The proposed project will allow the family to enjoy the backyard and will make the area safe for his children. The lot slopes down from the street to the home, and pedestrians can look into the home from the street. The hedge at the front of the property provides privacy, and 6-foot gates will provide security.

Carolyn Van Lang, project architect, indicated she modified the entry with thinner columns spaced further apart, ornamental railings, and shutters. The folding door system for the playroom will provide a better transition from the indoors to the outdoors and improve the use of the rear porch. The architectural details of the modifications will match the style of the existing home.

David Thorne, landscape architect, related that the finials and lanterns along the entry steps will be removed, and low-level safety lighting will be installed. The ornamental iron gates will enhance the entry and provide security. The proposed driveway gate will be set back approximately 20 feet to avoid conflicts with pedestrians and traffic and impacts to onsite parking. The columns at the street and the gate columns will be 6 feet tall. Plantings in the front yard will be updated. To create a usable rear yard, the retaining walls will be relocated and guardrails installed. The pool will be enlarged and upgraded. The landscape setback between the rear property line and the retaining walls will be substantial. A few trees will be removed to accommodate modifications to the pool, but the proposed landscaping should compensate for their removal. The proposed basketball court will be located at the rear of the property, adjacent to the adjoining neighbor's tennis court. The court will be graded so that rainwater runs onto the subject property and into a rain garden rather than onto neighbors' properties. The details of drainage will be developed during the permitting phase. Plantings and pavers should address a neighbor's concern about mud. In response to a neighbor's request, he advised that he will retain the existing hedge at the rear of the property and fill in the bare spots in the hedge. If the neighbor agrees, he indicated he will replace the hedge with new 15-gallon shrubs. The front fencing will not extend the entire length of the street frontage. The location of the pedestrian gate will not change. The exterior lighting will backlight the shrubbery and will not be up-lighting.

Director Kevin Jackson clarified that property owners may construct fencing with a maximum height of 6 feet outside the 20-foot front setback without obtaining approval through a design review application or building permit.

Generally, the Planning Commission appreciated the overall design of the project, indicating the design is beautiful and thoughtful, maximizes the usable area of the backyard, and preserves the garden-like setting; and the modifications to the front facade create harmony among the architectural elements.

However, Commissioner Ramsey raised a concern about the applicant's proposal to increase the height of the front fencing from 4 feet to 6 feet. Commissioners Alessio and Duransoy indicated they could support the applicant's proposal because a height of 6 feet would align with the top of the existing hedge and other properties along the street have 6-foot fences in the front. Chairman Levine noted the Design Guidelines allow for a maximum height of 4 feet for fencing in a front yard under some circumstances, and he could not support the applicant's proposal as the fencing height exceeds 4 feet. Commissioners discussed precedent in actions the Commission has taken on front yard fences. Commissioner Alessio proposed reducing the height of the pedestrian gate to 4 feet and maintaining the existing height of the driveway gate.

After Director Jackson articulated that the Design Guidelines allow an entry gate to exceed 4 feet in height in order to attract attention to the entry, Commissioner Ramsey suggested Commissioners consider a condition of approval that allows a maximum height of 6 feet for the driveway and entry path pilasters and a maximum height of 4 feet for the fencing between the pilasters and parallel to the street.

Resolution 281-DR-19

WHEREAS, the Property Owners are requesting permission to construct a new fence and driveway gate in the front yard, modify the front porch, make window and door changes at the rear facade, construct a retaining wall to create a lawn and patio in the rear yard, enlarge the existing swimming pool, install a sport court at the rear, make various landscape changes throughout the property, add exterior lighting, install air conditioning units, and make other exterior modifications, located at 5 Glen Alpine 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), Existing Facilities, 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:

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 front porch design, the fence height and design as conditioned, the retaining wall material and design, the guardrail material and design, and the door material.
2. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light because the distances between the project and neighboring homes are appropriate and unchanged; there is sufficient vegetative screening; and the 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 maintains adequate visibility for entering and exiting the driveway, the new handrails should improve pedestrian safety, and the design allows a vehicle to idle off-street prior to activation of the driveway gate.

4. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: 3.08.02.1, 3.08.02.2, 3.08.02.3, 3.08.02.4, 3.08.02.5, 3.08.02.6, 3.09.01.1, 3.09.01.2, 3.09.02.1, 3.09.02.2, 3.09.02.3, 3.09.02.4, 3.09.03.1, 3.09.03.2, 3.09.03.3, 3.09.03.4, 3.11.01.1, 3.11.01.2, 3.11.02.1, 3.11.02.2, 3.11.02.3, 3.11.02.5, 3.11.03.1, 3.11.03.2, 3.11.03.3, 3.11.03.4, 3.11.03.5, 3.11.03.6, 3.11.03.7, 3.11.03.8, 3.11.03.9, 3.11.03.10, 3.11.03.11, 3.11.03.12, 3.11.03.13, 3.11.03.14, 3.12.01.1, 3.12.01.2, 3.12.02.1, 3.12.02.2, 3.12.02.3, 3.12.02.4, 3.13.02.1, 3.13.02.2, 3.13.02.3, 3.13.02.4, 3.13.03.1, 3.13.03.2, 3.13.04.1, 3.13.04.2 (Site Design), 4.02.01.2, 4.02.01.6, 4.02.01.7, 4.02.01.8, 4.02.01.10, 4.04.01.1, 4.04.01.2, 4.05.02.1, 4.05.02.2, 4.05.02.3, 4.05.02.4, 4.05.02.5, 4.05.02.6, 4.05.02.7 (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 28.1 (Scale, Height, and Bulk Compatibility), Design and Preservation Element Policy 28.6 (Exterior Materials), Design and Preservation Element Policy 29.2 (Landscape Design), Design and Preservation Element Policy 29.3 (Front Yard Enclosures), Design and Preservation Element Policy 29.4 (Maintaining Privacy), Design and Preservation Element Policy 29.5 (Fence and Wall Design) as conditioned, Design and Preservation Element Policy 29.6 (Retaining Walls), Design and Preservation Element Policy 29.8 (Exterior Lighting), Design and Preservation Element Policy 29.9 (Sight Obstructions), Design and Preservation Element Policy 31.3 (Context-Sensitive Design).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review permit application for construction at 5 Glen Alpine Road, 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 doors shall be aluminum.

2. **Roof Color.** The proposed flat roof shall be a non-reflective medium or dark color to minimize the visual impact on upslope properties.

3. **Encroachment Permit.** Before the issuance of a building permit, the Property Owner shall apply for an encroachment permit to allow for the construction within the public right-of-way or public easement.

4. **Sound.** Prior to the issuance of a building permit, the applicant shall provide documentation that the sound emanating from the three proposed air conditioning units meets the Piedmont Building Code requirement of 50 decibels or less at the nearest property line.

5. **Exterior Lighting.** All new wall and ceiling mounted exterior light fixtures shall be downward directed with an opaque or translucent shade that completely

covers the light bulb. All landscape lighting shall be directed so that they do not shine onto neighboring properties.

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. Stormwater Design. The California Regional Water Quality Control Board requires all projects, or a combination of related projects, that create and/or replace 2,500 square feet or more of impervious surface to comply with Provision C.3.i of the Municipal Regional Stormwater NPDES Permit. As required by the Chief Building Official, the Property Owner shall verify the total area of impervious surface to be created and/or replaced within the scope of this project, or this project combined with other related projects and/or permits, and incorporate the site design measure(s) required under Provision C.3.i into the plans submitted for a building permit. Copies of the Municipal Regional Stormwater Permit are available from the Piedmont Public Works Department and on-line at cleanwaterprogram.org.

8. 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 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.

9. 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 trees with trunks that are proposed to be retained within 20 feet of construction areas. 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.

10. 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. 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.

11. 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.

12. California's Water Efficient Landscape Ordinance: Property Owner shall comply with the requirements of California's Model Water Efficient Landscape Ordinance that went into effect December 1, 2015, by submitting the following required information to the Building Department:

- (a) Landscape Documentation Package that includes the following 6 items: i) Project Information; ii) Water Efficient Landscape Worksheet; iii) Soil Management Report; iv) Landscape Design Plan; v) Irrigation Design Plan; and vi) Grading Design Plan.
The Landscape Documentation Package is subject to staff review and approval before the issuance of a building permit.
- (b) Once a building permit has been issued, the Property Owner shall submit a copy of the Water Efficient Landscape Worksheet, to the local water purveyor, East Bay Municipal Utility District.
- (c) After completion of work, the Property Owner shall submit to the City and East Bay Municipal Utility District a Certificate of Completion, including an irrigation schedule, an irrigation maintenance schedule, and an irrigation audit report. The City may approve or deny the Certificate of Completion.

13. Driveway Paving. Plans submitted for building permit shall show concrete driveway color and materials consisting of stone or integral color concrete pavers in a non-reflective color. Driveway material shall be subject to staff review and approval. Applicant shall work with staff to better define the concrete driveway material and color to conform to Design Guideline 3.11.03.14, which states "... on-site driveway and walkway solid white concrete paving should be discouraged. Colored concrete or pavers are recommended for on-site driveways and walkways."

14. Column Lanterns. In order to maintain architectural consistency, the lanterns located atop the columns along the entry steps shall be removed and columns capped to match the proposed columns next to the entry gate and driveway. The required modifications, including modifications to lighting, shall be subject to staff review and approval.

15. **Front Yard Fence.** The fence parallel and adjacent to the sidewalk shall be modified so that the metal fencing shall have a maximum height of 4 feet measured from sidewalk grade. Terminal columns to this fencing shall be lowered to a height appropriate for the 4-foot fencing. The required modifications shall be subject to staff review and approval.

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

ANNOUNCEMENTS

Director Jackson brought up the subject of the regular meeting start time, noting that Commissioners have recently shown interest in changing the meeting start time from 5:00 p.m. to 5:30 p.m. If Commissioners wish to do so, staff will present an item to amend the Planning Commission's rules and procedures at a future meeting.

ADJOURNMENT

There being no further business, Chairman Levine adjourned the meeting at 6:23 p.m.