

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, October 12, 2020

A Regular Session of the Piedmont Planning Commission was held October 12, 2020, via ZOOM teleconference consistent with Executive Order Nos. N-25-20 and N-29-20 and the Alameda County Health Official's Order #20-04. In accordance with Government Code Section 54954.2(a), the agenda for this meeting was posted for public inspection on September 28, 2020.

CALL TO ORDER

Chair Alessio called the meeting to order at 5:34 p.m.

DESIGN AWARDS

Chair Alessio advised that the Design Awards program recognizes Piedmont homeowners who have done an extraordinary job of planning and designing their residential construction and landscape projects. From a list of projects that completed construction in the previous calendar year, the Commission chooses a select number of superior designs that meet the City's design and planning guidelines and exemplify the highest level of design excellence in the community. This is also an opportunity to recognize architects, landscape architects, developers, contractors, landscape contractors, and designers who provide professional skills that lead to a successful concept and completion of a project.

Commissioners announced the following recipients of the City of Piedmont's Design Awards:

- Excellent Garage with Upper Level Accessory Dwelling Unit Design for the project at 67 Sylvan Way, property owners Laura Parada and Alex Freemon, architect Graff Architects, and contractor Bay Area Design Builders.
- Outstanding Design for Aging in Place for the project at 147 Requa Road, property owner Walter Schey, architect Kelly & Abramson, and contractor Juan Carrasco.
- Outstanding Design for an Accessory Dwelling Unit within the Existing Building Envelope for the project at 1056 Park Lane, property owners Lars and Suzanne Skugstad, architect Wendi Ellen Sue Architects, contractor Chris McDermott Construction, and landscape contractor Panoramic View.
- Excellent Landscape & Outdoor Living Area Design for the project at 17 Sotelo Avenue, property owners Nicholas and Rani Batra, architect David Thorne Landscape Architecture, and contractor B&R Landscaping.
- Excellent Rear Deck & Outdoor Living Area Design for the project at 65 Crocker Avenue, property owners Robert and Jane Inch, and architect and contractor Bay Design & Build.
- Excellent Comprehensive Stylistic Transformation for the property at 74 Sea View Avenue, property owners Aric Shalev and April Gruber, architect David Thorne Landscape Architecture, and contractors Rolander Construction and Ecliptic Landscapes.
- Excellent Upper Level Addition for the project at 69 Oakmont Avenue, property owners Mark and Lisa Braver Moss, architect Betsy Goodman of John Malick & Associates, and contractor Bickel Construction and Painting.

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, Associate Planner Gopika Nair, Assistant Planner Steven Lizzarago, Planning Technician Ignacio Franco, Administrative Assistant Mark Enea

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 22-PL-20

RESOLVED, that the Planning Commission approves as presented its meeting minutes of the September 14, 2020, regular hearing of the Planning Commission.

Moved by Levine, Seconded by Batra

Ayes: Allessio, 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:

- 210 Crocker Avenue (Retaining Wall & Fence Design Review Permit).

Resolution 23-PL-20

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

Moved by Ramsey, Seconded by Batra

Ayes: Allessio, 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:

**Retaining Wall &
Fence Design Review
Permit
210 Crocker Avenue**

Resolution 194-RW/FDR-20

WHEREAS, the Property Owners are requesting permission to install new stepped retaining walls up to 4 feet tall on the west and south property lines and a wood fence up to 6 feet tall atop the 4-foot-high retaining wall on the south property line in the side and front yards, located at 210 Crocker 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 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: the wood fence material, the fence height, the retaining wall material, and the retaining wall height.

2. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light because there is sufficient vegetative screening and the height and location are appropriate relative to neighboring properties.

3. The proposed design does not adversely affect pedestrian or vehicular safety because the project proposes no changes to pedestrian and vehicular circulation patterns.

4. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: 3.08.01.1, 3.08.01.2, 3.08.02.1, 3.08.02.2, 3.08.02.4, 3.08.02.5, 3.08.02.6 (Retaining Walls), 3.09.01.1, 3.09.01.2, 3.09.02.1, 3.09.02.2, 3.09.02.3, 3.09.02.4 (Fences and Walls), and 3.11.01.1, 3.11.01.2 (Landscape and Hardscape 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 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), Design and Preservation Element Policy 29.6 (Retaining Walls).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review permit application for construction at 210 Crocker Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Defense of Legal Challenges.** If there is a third party administrative, legal or equitable action challenging the project approvals, the Applicant shall defend, indemnify, and hold harmless the City against any and all liability, fees and costs arising out of the defense, including without limitation, Applicant shall pay for all costs of City's own selected legal counsel(s). For this purpose, "City" includes the City and its elected and appointed officials, agents, officers, employees, consultants, and volunteers.

2. **Final Landscape Plan.** Before issuance of a building permit, the Property Owner shall submit for staff review and approval of a Final Landscape Plan for the front (south) and right side (west) yards. 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.

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

4. 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.
- e. At least two weeks prior to start of construction, the Applicant shall provide written notice to property owners and residents of all adjacent properties on forms provided by the Director of Building & Planning. This notification shall include information such as the start date and scope of construction, building permit number, a copy of the Construction Completion Schedule, as well as the contact information of the property owner, designer/agent, and contractor(s). The Applicant shall sign an affidavit of said notice and provide a copy to City Building Official.

5. 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 such as the three mature trees indicated on the southwest portion of the front yard on the property. The tree preservation measures shall be on the appropriate sheets of the construction plans. The arborist shall be onsite 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 one or more of the 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.

6. Retaining Wall Height. Prior to issuance of a building permit, the plans shall be revised to show that the retaining wall height shall not exceed 4 feet as measured from the lowest adjacent grade.

7. Fence Location. The fence location shall be set back approximately 20 feet from the street yard property line along Crocker Avenue such that the fence aligns with the residences at 200, 206, and 230 Crocker Avenue. The retaining wall may be located as close as 10 feet as long as it is no higher than 4 feet tall as measured from the lowest adjacent grade and screened with landscape plantings.

Moved by Batra, Seconded by Levine
Ayes: Allesio, 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
121 Scenic Avenue**

The Property Owners are requesting permission to demolish an existing detached garage at the northwest corner of the property and remove a tennis court in the rear yard; construct a 3,864-square-foot 2-story rear addition; construct a new 616-square-foot detached garage; make various interior changes including the addition of four bedrooms; modify windows, doors, and exterior lighting throughout; add skylights; and make various site improvements in the rear yard including a sport court that also serves as a vehicle turnaround area, fence modifications, an arbor, terraced patios, retaining walls, and landscape areas.

Planning & Building Director Kevin Jackson noted the Planning Commission received documents concerning an easement providing access to the subject property from the driveway located on the neighbor's property at 555 Blair Avenue. The Planning Commission does not have the authority or ability to evaluate any claims regarding an easement. Because the project's conformance with parking requirements is contingent upon access to the detached garage from the driveway, staff recommends Condition of Approval 2 that requires the Property Owners to demonstrate to the City Attorney's satisfaction that the Property Owners legally possess the easement.

Public testimony was received from:

Serge Saxonov, Property Owner, reported the project proposes an addition to the existing house, which retains most of its original 1937 features; demolition and replacement of a detached garage; and demolition of the tennis court and replacement with a sport court, which will also provide off-street parking.

Robert Pennell, project architect, advised that the program for the project includes working with the original 1937 William Wurster design and integrating the new and existing portions of the home into the large sloped and level site. The project includes formal and informal terraces, outdoor activity spaces and gardens, and retention of the tall, mature landscape screening. The proposed addition is sited to maintain privacy between neighbors and views from the home and neighbors. The upper-level addition will provide four bedrooms and a master bedroom. The main-level addition steps 3 feet below the existing main floor to engage the site and soften the 7-foot drop from the main level to the yard. This level includes a family room, terrace, guest suite, two studies, and a music room. The total bedroom count is six because the two studies and music room are consistent with the Code definition of a bedroom. The massing, roof lines, windows, doors, and siding appropriately integrate the addition into the existing home. The new upper roofline will be 2 feet lower than the existing ridges, and an abandoned chimney will be removed. The proposed long ridge and dormer at the main level visually lower the building and create horizontality compatible with the large expanse of outdoor space. The existing detached garage will be demolished, and its replacement will be relocated to conform with zoning regulations and to increase privacy between the subject property

and the neighbor at 555 Blair Avenue. The proposed detached garage will be accessed via the shared driveway with a rolling gate eliminating the need for a car to stop on the driveway. The project proposes to match the concrete infill within the 5-foot garage setbacks or to landscape the area with matching cypress trees. The roof of the proposed garage could be lowered 1 foot. The stairs from the family room to the basement could be removed, but using the stairs in the mudroom to access the basement would turn the basement into a hallway. The egress window in bedroom 3 can be the second window. The window in the stairway will not be an egress window. In the lowest level, the 3-4-foot space between the game room and existing basement will be crawl space, and the area with no designation will be filled with dirt. The existing basement is included in the floor area, but the mechanical space is not. Windows on the south elevation face the tall landscape screen. The sill height of the windows in the guest suite are 5 feet and 4 feet. The sill height for windows in the bathroom are approximately 5 ½ feet. The existing ceiling height on the main floor is 9 feet. The ceiling height for the hallway outside the music room is 8 feet and for the family room is 11 feet. The ceiling height decreases to 9 feet in the guest suite in order to provide storage and mechanical space above the suite. The siding will match the shiplap siding and replace the aluminum siding. The proposed detached garage will be curbed to prevent water runoff onto adjacent properties. The proposed detached garage will be raised about 4 feet to accommodate a turning radius, but it will be hidden by the existing cypress trees.

Art Shartsis, neighbor at 555 Blair Avenue, indicated the Property Owners' use of his driveway is subject to litigation and expressed concern regarding the Property Owners' proposed use of his driveway for construction staging. The structure described as a detached garage is not a garage but a shed. The shed is not suitable for automobiles and does not allow a turning radius, and its doors do not function for a car. He expressed concern about drainage from and the height of the proposed garage. The height of the proposed garage could be lower.

Sean Lewis, neighbor at 561 Blair Avenue, expressed concern that the southwest corner of the proposed addition will loom over his property and that the bay window will provide views into his kitchen, family room, master bath, and rear yard. He indicated the Property Owner has agreed to install landscaping to screen views. He preferred removal of the windows from the rear wall, replacement of the bay window with a standard window, or the rear wall be moved further away from the property line.

In general, Commissioners appreciated the design of the addition, its integration with the existing home, and the addition stepping down with the grade and screening outdoor activities from neighbors. However, Commissioners expressed concerns regarding the overall size and bulk of the addition of the project, its impact on the properties to the south, the opaque fencing along the north property line that limits visibility and could have an adverse impact on vehicular and pedestrian safety, the height of the detached garage, the reliance on vegetation to provide privacy and screening, window locations on the south facade, and the addition being too close to the south and rear property lines. Commissioners Duransoy and Ramsey stated they could approve the project with additional conditions of approval that address concerns and staff approval of responsive modifications, but Commissioners Levine and Batra and Chair Alessio believed the applicants should have the chance to propose a design that addresses the Commission's concerns and submit that for the Commission's review.

Resolution 195-DR-20

WHEREAS, the Property Owners are requesting permission to demolish an existing detached garage at the northwest corner of the property and remove a tennis court in the rear yard; construct a 3,864-square-foot 2-story rear addition; construct a new 616-square-foot detached garage; make various interior changes including the addition of four bedrooms; modify windows, doors, and exterior lighting throughout; add skylights; and make various site improvements in the rear yard including a sport court that also serves as a vehicle turnaround area, fence modifications, an arbor, terraced patios, retaining walls, and landscape areas, located at 121 Scenic 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 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 not consistent with the City's General Plan and Piedmont Design Guidelines in that the following building features are not consistent with the original architecture and neighborhood development: the massing and location of the addition relative to the properties to the south and west.
2. The design adversely affects existing views, privacy, and access to direct and indirect light for neighboring properties to the south and west because the distances between the project and neighboring homes are not appropriate and because of the potential for the existing vegetative screening to die or be removed.
3. The proposed design may adversely affect pedestrian or vehicular safety because the Property Owners may not have the right to use the driveway to the detached garage.
4. The application does not comply with the following Design Review Guidelines and General Plan policies and programs: 3.03.02.1, 3.03.02.2, 3.03.02.3, 3.03.02.4, 3.09.01.1, 3.09.01.2, 3.09.02.1, 3.09.03.1, 3.09.03.2, 3.09.03.3, 3.09.03.4, 3.11.01.1, 3.11.01.2, 3.11.03.1, 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 (Site Design), 4.03.03.1, 4.03.03.3, 4.03.03.6, 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 (Building Design: General), 5.01.01.1, 5.01.01.2, 5.01.02.1, 5.02.01.1, 5.02.01.2, 5.02.02.1, 5.02.02.2, 5.02.02.3, 5.02.02.4, 5.02.02.5, 5.02.02.6, 5.02.03.1, 5.02.03.2 (Building Design: Single-Family Residential).
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 28.3 (Additions), Design and Preservation Element Policy 28.8 (Acoustical and Visual Privacy), Design and Preservation Element Policy 31.3 (Context-Sensitive Design), and possibly Design and Preservation Element Policy 29.7 (Driveway and Parking Location).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies without prejudice the design review permit application for construction at 121 Scenic Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Levine, Seconded by Batra

Ayes: Alessio, Batra, Levine

Noes: Duransoy, Ramsey

Recused: None

Absent: None

ANNOUNCEMENTS

Director Jackson announced that the Pedestrian and Bicycle Advisory Committee will meet on October 13, 2020, and invited the public to provide comments.

ADJOURNMENT

There being no further business, Chair Alessio adjourned the meeting at 7:15 p.m.