

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, May 10, 2021

A Regular Session of the Piedmont Planning Commission was held May 10, 2021, 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 April 26, 2021.

CALL TO ORDER

Chair Batra called the meeting to order at 5:30 p.m.

ROLL CALL

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

Absent: None

Staff: Planning & Building Director Kevin Jackson, Senior Planner Pierce Macdonald-Powell, Associate Planner Gopika Nair, Assistant Planner Steven Lizzarago, Planning Technician Suzanne Hartman, Administrative Assistant Mark Enea

PUBLIC FORUM

Public testimony was received from:

Christine Cumbelich reported that the homeowners at 8 Parkside Drive demolished a segment of an 11-foot-tall hedge and damaged a stone wall such that her patio is no longer private. She requested construction equipment travel along the north side of 8 Parkside Drive and the homeowners be required to discuss landscape plans with her and her husband.

Richard Wrensen expressed concerns that the landscape plan for 8 Parkside Drive proposes removing fencing located on 6 Parkside Drive and mature camellias. No one has contacted him or his wife to discuss the landscape plan, contrary to the statements of Commissioners in January 2020. He requested the City require the owners of 8 Parkside Drive to cease further landscape work until ownership of landscaping along the property line is determined and a mutually acceptable landscape plan is provided.

Planning & Building Director Kevin Jackson advised that staff is working with Ms. Cumbelich, Mr. Wrensen and the owners of 8 Parkside Drive.

REGULAR SESSION

The Commission considered the following items of regular business:

APPROVAL OF MINUTES

Resolution 12-PL-21

RESOLVED, that the Planning Commission approves as presented its meeting minutes of the April 12, 2021, regular hearing of the Planning Commission.

Moved by Strout, Seconded by Levine

Ayes: Duransoy, Levine, Ramsey, Strout, Batra

Noes: None

Abstaining: None

Absent: None

CONSENT CALENDAR

No applications were placed on the consent calendar.

REGULAR CALENDAR

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

**Fence Design Review
Permit
210 Crocker Avenue**

The Property Owners are requesting permission to construct a new wood gate framed by stucco columns within the 20-foot street yard setback along Crocker Avenue.

Public testimony was received from:

Lily Liu, Property Owner, reported the gate is the final component of remodeling the home and property. Hedges have been added to the front of the property, and the proposal is to construct a gate to connect the hedges and complete the perimeter barrier. The square pattern on the gate mimics the pattern on the garage door. The stucco columns match the style of the house. Caps are not proposed for the columns because the house does not have ornamental details. The height of the gate will be the same as the height of the hedges in order to provide some security.

In general, Commissioners could not support the proposal, noting that the Piedmont Design Guidelines and General Plan discourage fencing in a front yard, an exception is provided for corner lots but the maximum allowed height of fencing is 4 feet, the proposed gate exceeds 4 feet in height, the neighborhood context does not include a gate or fencing in the front yard, and the fence design is not consistent with the home's design.

Resolution 26-FDR-21

WHEREAS, the Property Owners are requesting permission to construct a new wood gate framed by stucco columns within the 20-foot street yard setback along Crocker Avenue, located at 210 Crocker Avenue, which construction requires a fence design review permit; and,

WHEREAS, after reviewing the application, plans, and any and all testimony and documentation submitted in connection with such application, and after having visited the subject property, the Piedmont Planning Commission finds that the project is not consistent with General Plan policies and programs, and the proposal does not conform to the criteria and standards of Section 17.66.060 of the Piedmont City Code as follows:

1. The proposed design is not consistent with the City's General Plan and Piedmont Design Guidelines in that the following building features are not consistent with the original architecture and neighborhood development: the gate design and height, and the absence of fencing and gates in the front yards of neighboring properties.
2. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light given the gate's proposed location and size.
3. The proposed design does not affect pedestrian or vehicular safety because the project proposes no changes to pedestrian and vehicular circulation patterns.
4. The application does not comply with the following Design Review Guidelines and General Plan policies and programs: 3.09.01.1, 3.09.01.2, 3.09.02.1, 3.09.02.2, 3.09.02.3, 3.09.02.4 (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 29.3 (Front Yard Enclosures).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission does not approve the fence design review permit application for the improvements at 210 Crocker Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

**Variance and Design
Review Permit
275 Sea View Avenue**

The Property Owners are requesting retroactive permission to construct wood stairs within the 20-foot street setback along Sea View Avenue and install site features such as benches on the front patio (east) and a water fountain in the rear (west) yard. Variances are required to exceed the structure coverage limit and to construct within the 20-foot street yard setback.

Public testimony was received from:

Steven Chan, Property Owner, reported the entry to the primary residence is located on Sea View Avenue, and the entry to the accessory dwelling unit is located on La Salle Avenue. Frequently, delivery services approach the wrong entry and utilize the outside stairs to reach the correct entry. The prior stairs were a trip hazard. Because of criminal activity in the area, he preferred to park in the driveway and utilize the front entry to the home. The interior stairway, which is lined with glass, is hazardous. The primary residence is located in the street yard setback. The path is contoured away from the house to facilitate plantings. Every third step measures 3 feet by 3 feet to prevent tripping. The house exceeds the allowed lot coverage. The stairs add 78 square feet to lot coverage, which is less than 1% of the total lot coverage. The lot slopes up 11 feet from the driveway to the front door and has many terraces. The wood used in the stairs matches that used in decks and accent walls. Landscape plantings obstruct the view of the stairs from the street. He stated he was not aware that the steps would increase lot coverage when he constructed the steps.

Director Jackson related that structures are anything measuring 12 or more inches above the existing or proposed grade. Soil cannot be added to the site to raise the grade in order to evade this regulation. Any structure greater than 12 inches in height is subject to design review. The lot coverage exceeded the allowed maximum of 40% prior to construction of the stairs. The prior application included new concrete steps from the driveway to the front yard.

Associate Planner Gopika Nair related that the fountain does not increase the structure coverage because a site feature is not calculated in the lot coverage if (1) the feature is not more than 7 feet height and (2) the total of all site features is 400 square feet or less.). Site features located in setbacks are subject to design review.

Commissioners Duransoy and Ramsey generally supported approval of the application because the prior application appears to address the stairway connection between the driveway and the entry even though the stairway was not implemented, the Code requires stairs for safe movement from one level to

another, and construction in the front setback is required for a pathway to an entrance.

Commissioners Strout and Levine and Chair Batra discussed the Property Owner's knowledge of the need for review and approval of the stairs and determined that his knowledge is not a factor in their decision. They could not support approval of the project because, while the stairs are beautiful, they increase an existing overage in lot coverage, and the Property Owner can reduce the amount of structure to offset the addition of the stairs or build stairs that do not increase the existing nonconformity. Chair Batra noted the step to the patio does not comply with code requirements.

Resolution 105-DR-21(1)

WHEREAS, the Property Owners are requesting retroactive permission to construct wood stairs within the 20-foot street setback along Sea View Avenue and install site features such as benches on the front patio (east) and a water fountain in the rear (west) yard at 275 Sea View 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 fountain and bench components of the project are categorically exempt under the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15301, Class 1(e), Existing Facilities, because they are a minor change to an existing private residence, which is less than 50 percent of the floor area of the structure before the addition (or 2,500 square feet, whichever is less), and the project components are consistent with General Plan policies and procedures; and,

WHEREAS, the Planning Commission finds that the proposal for the fountain and benches, as conditioned, conforms to the criteria and standards of Section 17.66.060 of the Piedmont City Code as follows:

1. The proposed design of the fountain and benches 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 location of the water fountain and benches
2. The design of the fountain and benches 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 the topographical differences are appropriate to preserve privacy, views, and light.
3. The proposed design for the fountain and benches does not adversely affect pedestrian or vehicular safety because the project does not affect pedestrian and vehicular circulation patterns.
4. As conditioned, the application for the fountain and benches 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, 3.11.01.1, 3.11.01.2, 3.11.02.1, 3.11.02.2, 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).

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), , and Design and Preservation Element Policy 29.2 (Landscape Design).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review permit application for construction of a fountain and benches at 275 Sea View Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Electrical Conduits.** All exposed electrical circuits or wiring in the front (east) yard of the property shall be hidden under a cover or an enclosure. Any modifications in order to meet these requirements are subject to staff review and approval.

2. **Defense of Legal Challenges.** The Property Owner shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Property Owner's project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Property Owner's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities, and expenses incurred in connection with such proceeding whether incurred by the Property Owner, City, and/or parties initiating or bringing such Proceeding. If the Property Owner is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Property Owner of any Proceeding and shall cooperate fully in the defense.

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

Resolution 105-V/DR-21(2)

WHEREAS, the Property Owners are requesting retroactive permission to construct wood stairs within the 20-foot street setback along Sea View Avenue and install site features such as benches on the front patio (east) and a water fountain in the rear (west) yard at 275 Sea View Avenue, which construction requires a design review permit; and,

WHEREAS, variances from the requirements of Chapter 17 of the Piedmont City Code are necessary to exceed the structure coverage limit and to construct within the 20-foot street 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 stairs component of the project is not consistent with General Plan policies and procedures; and,

WHEREAS, variances for exceeding the structure coverage limit and constructing in the 20-foot street setback are not approved because they do not comply with the variance criteria under Section 17.70.040.A as follows:

1. The property and existing improvements do not present unusual physical circumstances of the property, so that strictly applying the terms of this chapter would not prevent the property from being used in the same manner as other conforming properties in the zone.
2. The stairs component of the project is not compatible with the immediately surrounding neighborhood and the public welfare because the existing lot coverage exceeds the maximum allowed limit, and the stairs component of the project increases the nonconformity.
3. Accomplishing the improvement without the variances would not cause unreasonable hardship in planning, design, or construction because the stairs can be constructed without any variances.

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

1. The proposed design of the stairs 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 location, material, and design of the front stairs.
2. The design of the stairs 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 the topographical differences are appropriate to preserve privacy, views, and light.
3. The proposed design of the stairs does not adversely affect pedestrian or vehicular safety because the project improves the onsite pedestrian safety.
4. 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 29.1 (Conserving Residential Yards).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission does not approve the variance application for construction of the stairs component of the proposed project at 275 Sea View Avenue, Piedmont, California.

Moved by Strout, Seconded by Levine
Ayes: Levine, Strout, Batra
Noes: Duransoy, Ramsey

Recused: None
Absent: None

**New House Design
Review Permit
58 York Drive**

The Property Owners are requesting permission to demolish the primary residence and construct a new approximately 2,790-square-foot two-story house with an attached three-car garage; the new single-family residence is proposed to have four bedrooms, four bathrooms, one half bath, laundry room, kitchen, great room, living room, dining room, and study.

Public testimony was received from:

Stacey Isaacs, Property Owner, reviewed prior improvements to the property. The existing 1,600-square-foot home is dilapidated and has only one bathroom. Demolishing the existing house and constructing a new one will be less expensive and less disruptive to neighbors and will require less time than trying to renovate it. In consideration of neighbors' light, privacy, and views, the new home will have a low-pitch hipped roof and no windows facing the neighbors. The new home's square footage will be less than either adjacent home.

Ahmad Mohazab, project architect, remarked that the existing home is too chopped up to remodel. The homeowners want the new house's mass, size, and style to be consistent with the neighborhood and the accessory dwelling unit (ADU). The new house's height, lot coverage, and floor area ratio (FAR) are less than the maximum allowed. He noted the City received letters of support from ten neighbors. The complex second-floor roof is necessary to achieve the desired floor plan. The proportions for the ground and second floors and the different window types are deliberate.

Tansy Robinson, project manager, advised that the second floor has been pulled back to reduce massing. Only a minor portion of the center of the structure is close to the setback along the north side of the property. The new home harmonizes with the accessory unit, and windows and doors on the two are the same. The style of the new home is a contemporary version of the Prairie style. The modern interpretation of the Prairie style occurs more in the interior of the house. The color of the porcelain tile is dove gray. The on-grade path and a single planter will be constructed from concrete. Different materials on the facades balance the mass and materiality of the new house. The driveway may be constructed with concrete in a tile pattern or with concrete permeable pavers. The curb along the driveway will divert rainwater runoff away from the driveway and delineate the driveway from landscaping for vehicular traffic. The metal post near the steps is a structural support for the deep eave. The opening measures 30 inches wide. Horizontality is expressed in the eave lines running across the house. The eave lines lower wall elevations, especially on the south side of the house. To provide the required covered parking and a reasonable floor plan for the first floor, the house is located near the setbacks.

Dan White, neighbor at 54 York Drive, expressed dismay about the size and scope of the project. The height of the proposed house will be at least 2 feet taller than the existing house. The eaves in the front and back make the house appear larger. The view from one of his bedroom windows will be a house where it previously was the sky and house. Perhaps the second story can be moved slightly toward the south. Most homes along the street are 100 years old.

Darlene Jang, neighbor at 64 Manor Drive, commented that the mass of the new house, especially in comparison to the size of the lot, is not consistent with the

neighborhood context. Much of the open space and vegetation has been eliminated. With the accessory unit, seven to ten people can live there. She questioned whether the narrow staircase and side yards are adequate for emergency escape. The depth of the rear balcony is not sufficient for seating. The windows are awkward.

Ms. Robinson replied to neighbors' comments, stating special attention was given to the roof to ensure it remained low. A hipped roof allows more light to pass over it and reach adjacent properties. The proposed house is lower than the house to the north and smaller than neighboring houses. The second floor is stepped back to reduce massing. The front walls of the existing house and the proposed house are in the same location but have slightly different heights.

In general, the Commission could not support approval of the project and indicated that the program for the house appears too large for the available space, garages along York Drive are set back from the main home, the garage does not need to be 10 feet tall, the garage door opening is not proportional to the house, the design guidelines encourage a separate door for each parking space in the garage, the window sizes and placement are not consistent throughout the house, the exterior finishes are busy, the tile does not blend with other materials, the style of the house is neither Prairie nor modern, the massing is not appropriate for the context of Piedmont, the second floor appearing larger than the first floor throws the composition out of balance, the three-car garage emphasizes the large size of the footprint, the house will have a materially adverse impact on the light, views, and privacy of the neighbor to the north, the design is not consistent with the neighborhood development pattern or the style of any house in the immediate area, and the relationship between the accessory unit and the main residence does not make sense. Commissioner Ramsey noted the applicants requested no variances, and the project complies with FAR regulations.

Resolution 108-NH-DR-21

WHEREAS, the Property Owners are requesting permission to demolish the primary residence and construct a new approximately 2,790-square-foot two-story house with an attached three-car garage; the new single-family residence is proposed to have four bedrooms, four bathrooms, one half bath, laundry room, kitchen, great room, living room, dining room, and study, located at 58 York Drive, 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 not consistent with the City's General Plan and Piedmont Design Guidelines in that the following building features are not consistent with the architectural style and neighborhood development: the proposed design uses materials in a way that does not reinforce the architectural style, the design approach is not consistent, the complex roof form and second-floor massing, proportion, and window placement are not consistent with the lower floor, and the prominence of the garage is out of character with the neighborhood.

2. The design affects neighboring properties' existing views, privacy, and access to direct and indirect light in that the offset of the second floor impacts the north part of the property. The height of the proposed house is consistent with other houses on York Drive, and there are no significant views from neighboring properties.

3. The proposed design does not adversely affect pedestrian or vehicular safety because the project provides the required parking.

4. The application does not comply with the following Design Review Guidelines and General Plan policies and programs: 4.02.01, 4.03.04 (Building Design: General), 5.01 (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 28.2 (Style Compatibility).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission does not approve the new house design review permit application for the proposed construction at 58 York Drive, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

**Wireless Design
Guidelines Update**

Assistant Planner Steven Lizzarago reported the primary goal of the Wireless Design Guidelines is to provide objective aesthetic standards for wireless communication facilities (WCF) that also meet state and federal regulations. These guidelines should help streamline the application process and provide easy to understand guidelines for residents' reference. In developing the guidelines, staff has collaborated with the City Attorney and telecommunication law experts, developed much of the guidelines after recent court decisions and Rule 6409, and researched guidelines from jurisdictions throughout California.

The City has sought public input through a gallery walk event, booths at local events, survey distribution and participation, updates via local media, the City website, email blasts, and presentations at the Planning Commission, City Council, PUSD Board of Education, Park Commission, Recreation Department, Public Safety Department, Finance Committee, and the PADC. Responses to public engagement confirmed residents' value of high-quality design in a compact form. Protecting significant views, maintaining an attractive streetscape and neighborhood, facility noise, and the amount, number, and visibility of facilities are residents' primary concerns.

Mr. Lizzarago reviewed a pole-mounted facility and stealth design and its benefits. Survey results and public outreach showed that residents prefer a stealth design. Telecommunication law advisors recommend that the guidelines require a stealth design to the maximum extent possible.

Objective standards are applicable to all facilities. The guidelines will address visibility, height, volume and size, material and color, location, and collocation. The guidelines will provide separate objective design standards for wireless facilities located both inside and outside the right-of-way, standards for optimal design of facilities located within the right-of-way, and standards for the construction of macro towers.

A draft framework of guidelines will be ready for Planning Commission review later in the summer. By the end of the year, public hearings at the Planning Commission and City Council will be held for adoption of the guidelines. Staff anticipates that the regulatory landscape will continue to evolve at the federal and state levels and will update the guidelines accordingly.

Public testimony was received from:

Darlene Jang understood that 5G wireless communication requires five times more poles and inquired whether a stealth design can incorporate more poles.

In response to Commissioner Ramsey's question, Director Jackson explained that a WCF application that conforms to the optimized design will be subject to a streamlined approval process rather than the usual public hearing process.

Commissioner Zucker noted that objective standards are important. Visibility, height, volume and size, and location standards have the most value.

Senior Planner Pierce Macdonald-Powell advised that that the guidelines anticipate small cell facilities in the right-of-way, which has been the 5G solution for densification. The optimal design category in the design guidelines anticipates future small cell facilities for 5G. The telecommunication experts have encouraged staff to plan for both macro sites and small cell facilities.

Chair Batra requested the next update address 5G specifically. Director Jackson related that the design guidelines will address all generations of wireless communication. Commissioner Duransoy wanted to understand the effect of 5G on facilities.

ANNOUNCEMENTS

Senior Planner Macdonald Powell announced Housing Advisory Committee meetings are scheduled for May 19 and June 15, 2021. Lisa Wise Consulting will present the results of the fair housing survey and mapping tools, introduce sites analysis, and discuss plans to affirmatively further fair housing. Director Jackson added that the Planning Commission will receive regular briefings about the Housing Element Update over the next few years.

ADJOURNMENT

There being no further business, Chair Batra adjourned the meeting at 8:09 p.m.