

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, March 14, 2022

A Regular Session of the Piedmont Planning Commission was held on Monday, March 14, 2022, both in person and via ZOOM teleconference, in accordance with Government Code Section 54953. The agenda for this meeting was posted for public inspection on February 28, 2022, in accordance with the General Code Section 54954.2 (a).

**CALL TO ORDER** Chair Rani Batra called the meeting to order at 5:30 p.m.

**ROLL CALL** Present: Commissioners Rani Batra, Yildiz Duransoy, Jonathan Levine, Tom Ramsey, Douglas Strout, and Justin Zucker

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

**PUBLIC FORUM** There were no speakers for the public forum.

**EX PARTE COMMUNICATIONS & CONFLICTS OF INTEREST** Chairman Duransoy had a conflict of interest with the design review permit application for 777 Highland Avenue, due to having ownership interest in a property within 500 feet of the project location and was recused from the discussion.

**REGULAR SESSION** The Commission considered the following items of regular business.

**APPROVAL OF MINUTES** **Resolution 03-PL-22**  
RESOLVED, that the Planning Commission approves as presented its meeting minutes of the February 14, 2022, regular hearing of the Planning Commission.  
Moved by Duransoy, Seconded by Ramsey  
Ayes: Duransoy, Ramsey, Strout, Zucker, Batra  
Noes: None  
Abstain: Levine  
Absent: None

**CONSENT CALENDAR** By procedural motion, the Commission placed the following applications on the Consent Calendar as noted:

- **471 Mountain Avenue**, DRPC 2022-001 (Design Review Permit)
- **11 Cambridge Way**, DRPC 2022-003 (Variance and Design Review Permit)
- **49 Wildwood Gardens**, DRPC 2022-010 (Variance and Design Review Permit)
- **95 Nova Drive**, DRPC 2022-011 (Design Review Permit)

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

**Resolution 04-PL-22**  
RESOLVED, that the Planning Commission placed the following applications on the Consent Calendar as noted.

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

**Design Review Permit,  
471 Mountain Avenue,  
DRPC 2022-001**

**Resolution 001-DRPC-22**

WHEREAS, The Property Owners are requesting permission to make various landscape changes and other interior and exterior modifications throughout the residence, including: a new 141-square-foot deck with a wood and metal guardrail, new doors and exterior lighting at the rear yard of the property; construct a new stone patio area, wall and fireplace at the left side yard of the property; replace part of an existing stone retaining wall that is within the 20-foot street yard setback; and to construct a new left side property line wood fence of varying height, 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 visiting the subject property, the Piedmont Planning Commission find that the project was categorically exempt under the California Environmental Quality Act, CEQA, pursuant to CEQA Guidelines Section 15301, Class 1 (e) Existing Facilities, the project was consistent with General Plan policies and programs, and the proposal, as conditioned, conformed to the criteria and standards of Section 17.66.060 of the Piedmont City Code as follows:

1. The proposed design is consistent with the City's General Plan and Piedmont Design Guidelines. The following building features are consistent with the original architecture and neighborhood development including, the deck and guardrail material, the deck location, the patio material and location, the stone wall and fireplace material and height, the door material, and the retaining wall material and height.
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 properties is appropriate, and there is sufficient vegetative screening.
3. The proposed design does not adversely affect pedestrian or vehicular safety because the project has no effect on pedestrian and vehicular safety.
4. As conditioned, the application complies with the following Design Review Guidelines: 3.08, 3.09, 3.11, 3.12, and 3.13 (Site Design), 4.03 (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 28.5 (Garages, Decks, and Porches), Design and Design and Preservation Element Policy 29.2 (Landscape Design), Design and Preservation Element Policy 29.5 (Fence and Wall Design), Design and Preservation Element Policy 29.6 (Retaining Walls), and 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 the

improvements at 471 Mountain Avenue, 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 new doors shall be aluminum.
2. **Patch Wall.** The wall where the window is removed shall be patched and painted to match the adjacent wall.
3. **Exterior Lighting.** All new exterior wall- or soffit-mounted light fixtures shall be downward directed with an opaque or translucent shade that completely covers the light bulb.
4. **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.
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 to preserve the existing oak trees at the front and rear yard of the property. 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.

6. **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. **Optional: 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](http://cleanwaterprogram.org).
7. **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 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.

Moved by Strout, Seconded by Duransoy

Ayes: Duransoy, Levine, Ramsey, Strout, Batra

Noes: None

Abstain: None

Absent: None

**Variance and Design  
Review Permit,  
11 Cambridge Way,  
DRPC 2022-003**

**Resolution 003-DRPC-22**

WHEREAS, The Property Owners are requesting permission to reconstruct the front façade of the residence, consisting of a new entry and covered porch; enclose the existing upper-level front porch; install new windows and doors; and make various interior and exterior modifications, throughout the property which construction requires a design review permit; and,

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary to construct within the 5-foot side yard setback; and,

WHEREAS, after reviewing the application, plans, and any and all testimony and documentation submitted in connection with such application and after visiting the subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, CEQA, pursuant to CEQA Guidelines Section 15301, Class 1 (e), Existing Facilities, and the project was consistent with General Plan policies and programs; and

WHEREAS, the variance from the 5-foot side yard setback is approved because it complies with the variance criteria under Section 17.70.040 as follows:

1. The property and existing improvements present unusual physical circumstances of the property, including the lot is unusually narrow, the lot has unusually steep topography, and the house is constructed within the setbacks, the main entry is at a much higher elevation than the street, the ceiling height of the existing porch and entry is lower than a standard room, and the home is a historic home. Strictly applying the terms of this chapter would not keep the property from being used in the same manner as other conforming properties in the zone.
2. The property is compatible with the immediately surrounding neighborhood and the public welfare because the proposed improvements are located within the building's existing footprint. Many neighboring homes are located within the setbacks. The application proposes to modify an existing portion of the existing historic structure by raising the ceiling height to a code conforming height.
3. Accomplishing the improvements without a variance would cause unreasonable hardship in planning, design or construction because the house would need to be partially demolished in order to be located outside of the setback. The ceiling height is not usable for a habitable space in its current configuration.

WHEREAS, regarding the design review permit, the Planning Commission finds that that the project is consistent with General Plan policies and programs, and the proposal does conform to the criteria and standards of Section 17.66.060 of the Piedmont City Code as follows:

1. The proposed design is consistent with the City's General Plan and Piedmont Design Guidelines. The following building features are consistent with the original architecture and neighborhood development as follows: the wood siding and shingle roofing materials, the metal-clad window design, and the porch column and roof design.
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, the view is significant, the topographical differences are appropriate to preserve privacy, views and light, and the development is within the existing building envelope.
3. The proposed design does not adversely affect pedestrian or vehicular safety because the project does not impact pedestrian and vehicular safety, and the design may reduce adverse impacts on pedestrian safety by eliminating the exterior stairway to outside elements.

4. The application complies with the following Design Review Guidelines and General Plan policies and programs: 3.03 and 3.05 (Site Design), 4.01, 4.02, and 4.03 (Building Design: General); and 5.01 (Building Design: Single Family Residential).

5. The project is consistent with General Plan policies and programs, including the land use element, housing element, and design and preservation element, including: Design and Preservation Element Policy 28.1 (Scale, Height, and Bulk Compatibility), Design and Preservation Element Policy 28.2 (Style Compatibility), Design and Preservation Element Policy 28.4 (Setback Consistency), Design and Preservation Element Policy 28.5 (Garage, Decks, and Porches), Design and Preservation Element Policy 28.6 (Exterior Materials), Design and Preservation Element Policy 28.8 (Acoustical and Visual Privacy), and Design and Preservation Element Policy 31.2 (Preserving Historic Resources).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance and design review permit application for the construction at 11 Cambridge Way, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Window and Door Material.** As specified in the plans, the building material for the new windows and doors shall be wood or metal-clad wood.

2. **Window Color Scheme.** All the windows on the house shall have a consistent color scheme.

3. **Window Recess.** All new windows shall be recessed approximately 2 ¼ inches from the exterior wall to the face of window sash in order to maintain consistency with the original architecture, as required by the City's Design Guidelines and Window Replacement Policy. Window details shall be submitted for review and approval at the time of building permit application.

4. **Pre-construction Inspection.** Prior to the commencement of window fabrication, the installer shall schedule a pre-construction inspection with the Building Department to review the approved installation criteria, such as the window recess, window trim if any, and windowsill projection if any.

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

6. **C&D Compliance.** Compliance with Section 9.04 of the Municipal Code, which governs the recycling of construction and demolition debris, is required for all phases of this project.

7. **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.

**8. 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](http://cleanwaterprogram.org).

**9. 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.

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

**Variance and Design  
Review Permit,  
49 Wildwood Gardens,  
DRPC 2022-010**

**Resolution 010-DRPC-22**

WHEREAS, The Property Owners are requesting permission to make exterior modifications at the rear of the property, including: extend the main-level rear yard deck rearward, change the deck guardrail design, construct a new 8.5-foot tall wood trellis located at the southeast corner of the deck, and add a 7.6-foot tall wood paneled screen at the right side of the deck; replace the garage door; make window modifications on the lower level; add new wall-mounted exterior lighting; and make various interior modifications throughout the property which construction requires a design review permit; and,

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary to create a fourth bedroom without providing the parking spaces required for single-family residences; and

WHEREAS, after reviewing the application, plans, and any and all testimony and documentation submitted in connection with such application and after visiting the subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, CEQA, pursuant to CEQA Guidelines Section 15301, Class 1 (e), Existing Facilities, and the project was consistent with General Plan policies and programs; and

WHEREAS, the variance to create a fourth bedroom without providing the parking spaces required for single-family residences is approved because it complies with the variance criteria under Section 17.70.040 as follows:

1. The property and existing improvements present unusual physical circumstances of the property, including the lot has unusually steep topography, and the existing house and garage were constructed within the setbacks. Strictly applying the terms of this chapter would keep the property from being used in the same manner as other conforming properties in the zone.
2. The property is compatible with the immediately surrounding neighborhood and the public welfare because a majority of neighboring properties have garages located close to the street, and a majority of neighboring properties are located in the front side yard setbacks.
3. Accomplishing the improvements without a variance would cause unreasonable hardship in planning, design or construction because expanding the garage to supply an additional conforming parking space would result in further encroachment into the setback.

WHEREAS, regarding the design review permit, the Planning Commission finds that that the project is consistent with General Plan policies and programs, and the proposal complies to the criteria and standards of Section 17.66.060 of the Piedmont City Code as follows:

1. The proposed design is consistent with the City's General Plan and Piedmont Design Guidelines. The following building features are consistent with the original architecture and neighboring development including, the wall screen location material and height, the lattice location, material and height, the wood window material and design, and the deck and guardrail material.
2. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light because the design has little effect on the neighboring properties' existing views, privacy, and access to light, and the view is not a significant view.
3. The proposed design does not adversely affect pedestrian or vehicular safety because the project has no effect on pedestrian and vehicular safety.
4. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: 3.03 (Site Design), and 4.02, 4.03 (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 28.2 (Style Compatibility), Design and Preservation Element Policy 28.5 (Garage, Decks, and Porches), and Design and Preservation Element Policy 28.6 (Exterior Materials).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance and design review permit application for the construction at 49 Wildwood Gardens, Piedmont, California, in accordance with the plans and specifications on file with the City, with the following conditions of approval:

1. **Window Material.** As specified in the plans, the building material for the new windows shall be wood.
2. **Window Color Scheme.** All the windows on the house shall have a consistent color scheme.
3. **Window Trim.** The new exterior window trim shall be consistent with the design of the existing window trims on the house.
4. **Window Recess.** All new windows shall be recessed 2 inches from the exterior wall to the face of window sash in order to maintain consistency with the original architecture, as required by the City's Design Guidelines and Window Replacement Policy. Window details shall be submitted for review and approval at the time of building permit application.
5. **Pre-construction Inspection.** Prior to the commencement of window fabrication, the installer shall schedule a pre-construction inspection with the Building Department to review the approved installation criteria, such as the window recess, window trim if any, and windowsill projection if any.
6. **Patch Wall.** The wall where the windows are removed shall be patched and painted to match the adjacent wall.
7. **Garage Door.** To facilitate vehicular access, the garage door shall be motorized. If design modifications are required to accomplish this, those modifications shall be subject to staff review. In addition and in compliance with California Health and Safety Code Section 19892, an automatic garage door opener for the garage door(s) shall have a battery backup function that is design to operate when activated in the event of an electrical outage.
8. **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.
9. **Construction Management Plan.** The Property Owner shall develop a comprehensive Construction Management Plan. The Construction Management

Plan shall address noise, vibrations, traffic control, parking, debris removal, dust control, sanitary facilities, site safety security emergency access, and other potential construction impacts, as well as other details involving the means and methods of completing the Project, including the construction route. The City Building Official has the authority to require modifications and amendments to the Construction Management Plan as deemed necessary throughout the course of the Project and until the Final Inspection.

10. **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.

11. **Deck Railing.** The existing lower-level deck railing shall be replaced to match the proposed upper-level deck railing. The design is subject to staff review and approval.

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

**Design Review Permit,  
95 Nova Drive,  
DRPC 2022-011**

**Resolution 011-DRPC-22**

WHEREAS, the Property Owner are requesting permission to construct a 1,008 square foot two-story addition at the rear of the residence, extend the existing driveway, construct new retaining walls and patios, install new windows and doors, and make various interior and exterior modifications. 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 visiting the subject property, the Piedmont Planning Commission finds that the project was categorically exempt under the California Environmental Quality Act, CEQA, pursuant to CEQA Guidelines Section 15301, Class 1(e), Existing Facilities, the project was consistent with General Plan policies and programs, and the proposal, as conditioned, conformed to the criteria and standards of Section 17.66.060 of the Piedmont City Code as follows:

1. The proposed design is consistent with the City's General Plan and Piedmont Design Guidelines. The following building features are consistent with the original architecture and neighborhood development including, the stucco wall material, the roof form and material, the aluminum clad wood window design and pattern, the terrace size and design, and handrail design, and the decorative tile niches on the north elevation.
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, the view is not a significant view, there is sufficient vegetative screening from the rear of the property, and the project is designed to limit the number of windows facing other properties to preserve privacy.
3. The proposed design does not adversely affect pedestrian or vehicular safety because the project does not negatively impact pedestrian and vehicular safety, the project improves the on-site parking conditions by providing parking spaces outside of the street yard setback, and the project improves safety by constructing handrails on new stairway.

4. As conditioned, the application complies with the following Design Review Guidelines: 3.03, 3.08, 3.11 (Site Design), 4.01, 4.02, 4.03, (Building Design: General), and 5.01 (Building Design: Single-Family Residential).

5. The project is consistent with General Plan policies and programs, including the land use element, housing element, and design and preservation element, including: Design and Preservation Element Policy 28.1 (Scale, Height, and Bulk Compatibility), Design and Preservation Element Policy 28.3 (Additions), Design and Preservation Element Policy 28.6 (Exterior Materials), Design and Preservation Element Policy 28.8 (Acoustical and Visual Privacy), Design and Preservation Element Policy 28.12 (Creativity and Innovation), Design and Preservation Element Policy 29.6 (Retaining Walls), Design and Preservation Element Policy 29.7 (Driveway and Parking Location), Design and Preservation Element Policy 29.8 (Exterior Lighting), and 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 the improvements at 95 Nova Drive, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Window and Door Material.** As specified in the plans, the building material for the new windows and doors shall be aluminum-clad wood.
2. **Window Color Scheme.** All the windows on the house shall have a consistent color scheme.
3. **Window Recess.** All new windows shall be recessed 1.5 inches from the exterior wall to the face of window sash in order to maintain consistency with the original architecture, as required by the City's Design Guidelines and Window Replacement Policy. Window details shall be submitted for review and approval at the time of building permit application.
4. **Pre-construction Inspection.** Prior to the commencement of window fabrication, the installer shall schedule a pre-construction inspection with the Building Department to review the approved installation criteria, such as the window recess, window trim if any, and window sill projection if any.
5. **Skylight Flashing.** The metal flashing around the new skylight(s) shall be painted to match the adjacent roof color.
6. **Exterior Lighting.** All new exterior light fixtures shall be downward directed with an opaque or translucent shade that completely covers the light bulb.
7. **C&D Compliance.** Compliance with Section 9.04 of the Municipal Code, which governs the recycling of construction and demolition debris, is required for all phases of this project.
8. **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.

9. **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 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.
10. **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 Protection Plan for the three trees in the rear yard. 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.
11. **Foundation/Shoring/Excavation Plan.** The Property Owner shall submit foundation, excavation, and shoring plans prepared by a licensed civil or structural engineer that fully address issues of site shoring, fencing and hillside security issues. The plans shall not require any trespassing or intruding into neighboring properties (without prior written consent), and shall mitigate against any subsidence or other damage to neighboring properties. Such plans shall incorporate as appropriate the recommendations of the Property Owner's geotechnical engineer and the City's geotechnical consultant, and shall be subject to approval by the City Engineer and the Chief Building Official.
12. **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](http://cleanwaterprogram.org).
13. **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.
- f. 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.
  - g. 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.
  - h. 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.
  - i. 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.

- j. 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.

14. **California's Water Efficient Landscape Ordinance:** If over 2,500 square feet of area is disturbed, the 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.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review permit application for the improvements at 95 Nova Drive, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

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

**Housing Policy Update** Senior Planner Pierce Macdonald presented an update related to the development of the City's fair housing policy. Planning Technician Suzanne Hartman forwarded the slides for the accompanying PowerPoint presentation.

Important upcoming dates are as follows:

- March 15, 2022 – Housing Advisory Committee Meeting and new Piedmont housing programs including,
  - ADU incentives
  - Objective design standards for multi-family and mixed-use development
- March 18, 2022 – Deadline for comments on the scope of the Housing Element Environmental Impact Review (EIR)
- March 24, 2022 – Housing Element Virtual Community Workshop #2: Sites
- March 25 – Zoom Seminar for Planning Commission, Housing Advisory Committee, and City Council, hosted by ABAG
- April 7, 2022 – Fair Housing Seminar
- April 11, 2022 – Planning Commission regular meeting and housing reports
- April 2022 – Release of Draft 6<sup>th</sup> Cycle Housing Element

Ms. Macdonald reported that the Measure A-1 Housing Bond has \$2.2 million in funding for affordable housing, in Piedmont. On November 18, 2021, the City of Piedmont sent a request for an extension of the deadline for Measure A-1 funding. City staff met with Supervisor Keith Carson in January 2022. An Alameda County Board of Supervisor’s public hearing on the requested extension is expected by April 2022.

In regard to proposed new housing programs funded by SB 2, Ms. Macdonald reported that the City and LWC are reviewing public comments received after the October 21, 2021, community workshop. The Housing Advisory Committee will review revisions at a public meeting on March 15, 2022. The new housing programs consist of incentives for accessory dwelling units (ADUs) and objective design standards for multifamily and mixed-use development.

For more information and to review drafts of the new housing programs, video of the October 21, 2022, virtual workshop is available on KCOM; [www.Piedmontishome.org/Resources](http://www.Piedmontishome.org/Resources) under SB 2; and send comments and ideas to [Piedmontishome@piedmont.ca.gov](mailto:Piedmontishome@piedmont.ca.gov).

Ms. Macdonald reported that following benchmarks have been completed for the 6<sup>th</sup> Cycle Housing Element update:

- Citywide Housing Survey and Housing Website – March 2021
- Stakeholder Interviews – July 2021
- Initial Technical Assessment – Summer 2021
- Pop-up Information Tables – September 2021
- Joint Planning Commission – HAC Meeting – September 2021
- Development of Preliminary Technical Finding, Sites Inventory Criteria, and General Plan Amendments Recommendations – Winter 2021
- Updated Frequently Asked Questions (FAQs) – July – December 2021
- Housing Element Community Workshop #1 – December 2, 2021
- Housing Element EIR Scoping Meeting – March 1, 2022 (Comments due by March 18, 2022)

Ms. Macdonald noted that the release of the public review draft of the Housing Element will be in April 2022.

The Housing Element’s next steps include:

- March 24, 2022 – Housing Element Virtual Community Workshop #2
  - Programs Report
  - Sites Inventory Consideration
  - Interactive Online Community Planning Tool: Piedmont Puzzle
- March 25 – Housing Element Seminar for Planning Commission, Housing Advisory Committee, and City Council, hosted by (ABAG)
- April 2022 – Release of Draft 6<sup>th</sup> Cycle Housing Element and start of 60-day public review before City Council hearing.

For more housing information and resources visit [www.Piedmontishome.org](http://www.Piedmontishome.org).

Lastly, Ms. Macdonald presented a slide summary of the Homekey Grant program. The State of California’s Homekey Grant Program Notice of Funding Availability (NOFA) (2021) provides \$2.75 billion to acquire, rehabilitate, or master lease a variety of housing types including hotels, motels, single-family homes, and others, for the purpose of housing for people experiencing homelessness.

On January 18, 2022, the Piedmont City Council authorized the submission of a grant application for up to \$20 million in coordination with the Bay Area Community Services (BACS), the County of Alameda, Hayward, Livermore, and Union City.

If the grant application is successful, it could be used by BACS, to purchase up to two single-family homes in Piedmont to provide transitional and supportive housing for up to twelve individuals.

Please send comments and ideas to Senior Planner Pierce Macdonald at: [Piedmontishome@piedmont.ca.gov](mailto:Piedmontishome@piedmont.ca.gov).

There was no **public testimony**.

**Variance and Design  
Review Permit,  
333 Olive Avenue  
DRP+V #21-0292**

The Property Owners are requesting permission to enlarge the residence by 734 square feet by constructing a second-story addition, making stylistic architectural changes throughout the residence, constructing new windows and doors, and making other various exterior modifications. A variance is required in order to construct within the 20-foot street yard setback.

**Public testimony** was received from:

Rob Kelley, designer, stated the home is the smallest house on the street and the owners want to renovate to make stylistic architectural changes. He also stated that many neighbors may be against the project, but their objections aren’t substantiated because there is minimal effect on neighboring properties’ existing views and privacy. Some concerns from the Commissioners included the roof, the massing, reduce master bedroom, the ceiling height, and the windows. Mr. Kelley stated they are open to making some changes to address the Commissioners concerns.

Jamie Taggart, Property Owner, stated her family needs this proposed remodel to accommodate the basic needs of her family. A lot of homes are very close together in the neighborhood, and they need much more space.

Chee Keong Lin, neighbor at 329 Olive Avenue, stated that it is unfortunate that they do not support the project. Some concerns are the diminishing daylight and tight street parking.

Andrew Slotnick, neighbor at 160 Olive Avenue, stated his concerns are that he was not consulted about the project, and the construction will directly impact the view, light and the environment of the house.

David Brown, neighbor at 325 Olive Avenue, stated they love the views from their house. The proposed project would block their views and they would see a wall if the project was approved.

Alison Kuehner, neighbor at 325 Olive Avenue, stated they are appreciative the Commissioners came to her home and could see what they see. The views they have provide light, greenery, a sense of airy open space and the add monetary value to the house.

Kathleen Womac, neighbor at 160 Olive Avenue, stated that they have a front window and bedroom that they can have open without any drapes. This project would block their light and effect their privacy.

On the whole, the Commissioners concurred that the architectural design of the remodel and stylistic change was attractive and appropriate for the neighborhood. The Commissioners discussed whether or not the views from neighboring homes met the definition of significant view in the Piedmont City Code. Commissioner Batra stated that the addition was in the neighbor's view but did not block it. Commissioners in favor of the project felt that some changes in the project should include: reducing massing by reducing the height, reducing impact on privacy by making adjustments to windows, and maintain views as much as possible.

**Resolution 292-V/DRP-21**

WHEREAS, The Property Owners are requesting permission to enlarge the residence by 734 square feet by constructing a second-story addition, making stylistic architectural changes throughout the residence, constructing new windows and doors, and making other various exterior modifications. The construction includes stylistic change from a minimal-traditional style into a Spanish colonial architectural style; features stucco walls, clay tile roofing, flat and pitched roofs, and metal clad wood windows and doors; the existing chimney will be extended with an ornamental top, and decorative vents on the top of the structure, and new iron guardrails for the stairway; new exterior lights and a new metal garage door; and in the rear yard, a portion of the existing deck will be demolished and converted into on-grade landing; and the existing entry porch will be expanded by approximately 13 square feet, which construction requires a variance and design review permit; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary 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 visiting the subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, CEQA, pursuant to CEQA Guidelines Section 15301, Class 1 (e), Existing Facilities, and the project was consistent with General Plan policies and programs; and

WHEREAS, the variance from the 20-foot street yard setback is approved because it complies with the variance criteria under Section 17.70.040 as follows:

1. The property and existing improvements present unusual physical circumstances of the property including. The lot has unusually steep topography, the lot is

unusually narrow, and the existing home was constructed with the setbacks. Strictly implying the terms of this chapter would keep the property from being used in the same manner as other conforming properties in the zone.

2. The project is compatible with the immediately surrounding neighborhood and the public welfare because many neighboring homes are located in the front setback and most homes in the neighborhood are similar in size to what is being proposed.

3. Accomplishing the improvements without a variance would cause unreasonable hardship in planning, design or construction because the existing house is already located within the setbacks and would need to be partially demolished to be outside of the street yard setback.

WHEREAS, regarding the design review permit, the Planning Commission finds that the proposal as conditioned, conforms to the criteria and standards of Section 17.66.060 of the Piedmont City Code as follows:

1. The proposed design is consistent with the City's General Plan and Piedmont Design Guidelines. The following building features are consistent with the original architecture and neighborhood development, including the Spanish style stucco walls, clay tile roofing, and metal guardrails; the metal-clad window design; and the ornamental details such as the chimney and decorative vents.

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. The view is not a significant view. 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 does not impact pedestrian and vehicular safety and the code compliant guardrail will improve safety on the new entry porch.

4. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: Site Design 3.03, 3.05, Building Design General 4.01, 4.02, 4.03, and Building Design Single-Family Residence 5.01 and 5.02.

5. The project is consistent with General Plan policies and programs, including the land use element, housing element, and design and preservation element, including: Design and Preservation Element Policy 28.1 (Scale, Height, and Bulk Compatibility), Design and Preservation Element Policy 28.2 (Style Compatibility), Design and Preservation Element Policy 28.3 (Additions), 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 28.11 (Design Review), Design and Preservation Element Policy 28.12 (Creativity and Innovation), and 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 variance application and the design review permit application for construction at 33 Olive Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Window and Door Material.** As specified in the plans, the building material for the new windows and doors shall be steel and metal-clad wood.
2. **Window Color Scheme.** All the windows on the house shall have a consistent color scheme.
3. **Window Recess.** All new windows shall be recessed approximately 1.5 inches from the exterior wall to the face of window sash in order to maintain consistency with the original architecture, as required by the City's Design Guidelines and Window Replacement Policy. Window details shall be submitted for review and approval at the time of building permit application.
4. **Pre-construction Inspection.** Prior to the commencement of window fabrication, the installer shall schedule a pre-construction inspection with the Building Department to review the approved installation criteria, such as the window recess, window trim if any, and windowsill projection if any.
5. **Roof Color.** The proposed flat roof shall be a non-reflective medium or dark color to minimize the visual impact on upslope properties.
6. **Skylight Flashing.** The metal flashing around the new skylight(s) shall be painted to match the adjacent roof color.
7. **Garage Door.** To facilitate vehicular access, the garage door shall be motorized. If design modifications are required to accomplish this, those modifications shall be subject to staff review. In addition, and in compliance with California Health and Safety Code Section 19892, an automatic garage door opener for the garage door(s) shall have a battery backup function that is design to operate when activated in the event of an electrical outage.
8. **Exterior Lighting.** All new exterior light fixtures shall be downward directed with an opaque or translucent shade that completely covers the light bulb.
9. **C&D Compliance.** Compliance with Section 9.04 of the Municipal Code, which governs the recycling of construction and demolition debris, is required for all phases of this project.
10. **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.

11. **Setback from Property Line Verification.** Prior to frame 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 and east 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 lines.
12. **Building Height and Floor Level Verification.** Prior to foundation and/or frame inspection, the applicant shall provide the Building Official written verification by a licensed land surveyor stating that the floor levels and roof of the new structure are constructed at the approved heights above grade.
13. **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.
  - b. Construction Site Control of Stormwater. The California Regional Water Quality Control Board requires all projects that disturb the site to comply with Provision C.6 of the San Francisco Bay Regional Stormwater NPDES Permit in order to prevent construction site discharges of pollutants and other regulated materials during construction. As required by the Chief Building Official and prior to the issuance of a building permit, the Applicant shall develop and submit a construction stormwater management plan as part of the Construction Management Plan to achieve timely and effective compliance with Provision C.6. Permit Provision C.6.c.ii provides sources for site specific, and seasonally- and phase-appropriate, effective Best Management Practices (BMPs) that may be incorporated into the stormwater management plan. Copies of the Municipal Regional Stormwater Permit are available from the Piedmont Public Works Department and on-line at [cleanwaterprogram.org](http://cleanwaterprogram.org).
  - c. Renovation / New Construction. Pursuant to Section 17.32.6 of the Municipal Code, if for any reason more than 70% of the physical structure (as determined by the Building Official) is demolished or destroyed, the building shall conform to new building and planning Code requirements. If this occurs during demolition, all work must stop and a new hearing and public review by the Planning Commission is required.
14. **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.
  - k. 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.

1. 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.
- m. 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.
- n. 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.
- o. 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.

15. **Building Height.** The ceiling height of the upper level shall be reduced to 8 feet 4 inches so that the overall height of the addition is reduced. The modified design shall be subject to staff review and approval.

16. **Window Design.** Upper-level rear bedroom windows 307 and 308 on the left façade shall be reduced in size. The design shall be subject to staff review and approval.

Moved by Ramsey, Seconded by Duransoy



Ayes: Duransoy, Ramsey, Batra  
Noes: Levine, Strout  
Abstain: None  
Absent: None

**Variance and Design  
Review Permit,  
302 Magnolia Avenue,  
DRP+V #21-0356**

The Property Owners are requesting to construct a 1,124 square foot second story addition, construct new windows and doors, construct a rear balcony, and make various exterior changes. Variances are required in order to: 1) construct within the 20-foot street-yard setback; 2) construct within the 5-foot side yard setback; and 3) exceed the maximum allowable floor area limit of 55 percent.

**Public testimony** was received from:

Wendi Sue, Property Owner/Architect, stated that working from home has created a need for more space for a home office. The proposed addition keeps within the existing footprint. The new roof is a design improvement and will allow a greater area for solar panels. Most floor area ratios (FAR) in the neighborhood, exceeds code allowance per information from Zillow. Most of their floor area ratio is hidden by the area of the basement. The 99% FAR variance hardship is due to the triangular shape of the lot, and it will be hard to get the additional FAR for the office space. The lot is down sloped, and the grade is higher on the north side than the south side.

The Commissioners expressed their admiration for the design of the upper-level addition, but expressed concerns included, that the house is 4 bedrooms and already exceeds the FAR. This seems to be a program desire to have all the bedrooms and offices for the homeowner and this is not allowed per code. Several Commissioners stated they would be unable to make findings to approve the request for multiple variances.

**Resolution 356- V/DRP-21**

WHEREAS, the Property Owners are requesting permission to make the following modifications: construct a 1,124 square foot second story addition, construct new windows and doors, construct a rear balcony, and make various exterior changes, which construction requires a variance and design review permit; and

WHEREAS, variances from the requirements of Chapter 17 of the Piedmont City Code are necessary to 1) construct within the 20-foot street yard setback, 2) to construct within the 5-foot side yard setback; and 3) exceed the maximum allowable floor area limit of 55 percent 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 that the project is not inconsistent with General Plan policies and programs; and,

WHEREAS, a variance from the requirements of Section 17.20.040 of the Piedmont City Code is not approved because it do not comply with the variance criteria under Section 17.70.040 as follows:

1. The property and existing improvements do not present unusual physical circumstances of the property, even though the lot is unusually small and unusually shaped, the existing FAR exceeds the maximum that the City requires, and the proposed 99% FAR is not approved.
2. The variance is not compatible with the immediately surrounding neighborhood and the public welfare.

3. Accomplishing the improvements without a variance would not cause unreasonable hardship in planning, design or construction, because the purpose of using the bedroom as an office is something the owner can do without making these additions.

WHEREAS, regarding the design review permit, the Planning Commission finds that that the project is inconsistent 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 construction is completely dependent upon the three requested variances. Without the variances there is no design for an upper-level addition that can be approved.
2. As conditioned, the application does not comply with the following Design Review Guideline and General Plan policies and programs: 3.03 (Site Design).
3. 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).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the variance application and the design review permit application for construction at 302 Magnolia Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

**Fence Design Review  
Permit,  
369 Hampton Road,  
DRFW 2022-002**

The Property Owners are seeking retroactive approval for the installation of a 5-foot-tall wood fence that is located along the property's driveway and an 8-foot-tall wood arbor and gate entryway and proposes to extend the wood fence to both front corners of the property, enclosing the front yard; all within the 20-foot street yard setback.

**Public testimony** was received from:

Barbara Barza, Property Owner, stated they replaced the fence due to safety concerns. The existing fence along the sidewalk on both sides of the driveway, front gate entrance to their property, and the fence alongside the driveway was replaced with a new, beautiful design. The redwood fence is consistent with the design of their detached garage.

The Commissioners expressed that there is a need for fencing on this property due to the drop offs and the fence needs to be as low as possible. It was suggested the fence should be at 4 feet but not 5 feet. The "window" feature on the fence could also be removed. This is an attractive design and when the front yard functions as a main yard, there is a right for privacy to allow fences.

**Resolution 002-DRFW-22**

WHEREAS, The Property Owners, are seeking retroactive approval for the installation of a 5-foot-tall wood fence that is located along the property's driveway and an 8-foot-tall wood arbor and gate entryway, and proposes to extend the wood fence to both front corners of the property, enclosing the front yard; all within the 20-foot street yard setback, 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 visiting the subject property, the Piedmont Planning Commission finds that the project was categorically exempt under the California Environmental Quality Act, CEQA, pursuant to CEQA Guidelines Section 15303, Class 3 (e) New Construction or Conversion of Small Structures, the project was consistent with General Plan policies and programs, and the proposal, as conditioned, conformed to the criteria and standards of Section 17.66.060 of the Piedmont City Code as follows:

1. The proposed design is consistent with the City's General Plan and Piedmont Design Guidelines. The following building features are consistent with the original architecture and neighborhood development including, the arbor height and material, the arbor location, the fence and gate height and material, and the fence and gate location.
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, 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 it has no effect on pedestrian and vehicular safety and it maintains adequate visibility for entering and exiting the driveway.
4. As conditioned, the application complies with the following Design Review Guidelines: 3.09 (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 29.3 (Front Yard Enclosures), and Design and Preservation Element Policy 29.5 (Fence and Wall Design).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review permit application for the improvements at 369 Hampton Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **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.

2. **Fence and Gate Height.** The fencing and gate shall have a maximum height of 4 feet measured from the adjacent grade at the sidewalk or driveway. The "window" feature for the fence is optional within the 4-foot height limit. The height of the arbor shall remain at 8 feet.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review permit application for the improvements at 369 Hampton Road, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

**Fence Design Review  
Permit,  
777 Highland Avenue,  
DRFW 2022-005**

The Property Owners are requesting permission to make exterior modifications at the front of the residence, including the construction of a 40-inch-tall wood fence located within the 20-foot street yard setback, which construction requires a design review permit.

**Public testimony** was received from:

Brian Whyte, designer, stated he is redesigning the front garden. There is a preexisting double driveway, which has a lot of foot traffic that enters the garden. There has been trash complaints. The owners want a short fence that aligns with the Tudor architecture. The design is permeable enough to see inside the garden and a gate is not needed. The owners have a need for safety and protection.

Except for Commissioner Levine, the Commissioners agreed that they support this project as designed.

**Resolution 005-DRFW-22**

WHEREAS, The Property Owners, are requesting permission to make exterior modifications at the front of the residence, including the construction of a 40-inch-tall wood fence located within the 20-foot street yard setback, 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 visiting the subject property, the Piedmont Planning Commission finds that the project was categorically exempt under the California Environmental Quality Act, CEQA, pursuant to CEQA Guidelines Section 15303, Class 3 (e) New Construction or

Conversion of Small Structures, the project was consistent with General Plan policies and programs, and the proposal, as conditioned, conformed to the criteria and standards of Section 17.66.060 of the Piedmont City Code as follows:

1. The proposed design is consistent with the City's General Plan and Piedmont Design Guidelines. The following building features are consistent with the original architecture and neighborhood development including, the fence material and height, and fence location.
2. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light because the distance between the project and neighboring homes is appropriate and there is sufficient vegetative screening. There is transparency with the fence.
3. The proposed design does not adversely affect pedestrian or vehicular safety because it has no effect on pedestrian and vehicular safety. The pedestrians can see through the fence due to the transparency.
4. As conditioned, the application complies with the following Design Review Guidelines:3.09 (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 29.3 (Front Yard Enclosures), and Design and Preservation Element Policy 29.5 (Fence and Wall Design).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review permit application for the improvements at 777 Highland 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.** 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.
2. **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](http://cleanwaterprogram.org).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review permit application for the improvements at 777 Highland Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

**ADJOURNMENT**

There being no further business, Chair Batra adjourned the meeting at 7:35 p.m.