

PIEDMONT PLANNING COMMISSION

Regular Meeting Minutes for Monday, April 11, 2022

A Regular Session of the Piedmont Planning Commission was held on Monday, April 11, 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 March 28, 2022, in accordance with the General Code Section 54954.2 (a).

CALL TO ORDER Vice Chair Douglas Strout called the meeting to order at 5:30 p.m.

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

Absent: Commissioner Rani Batra

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

Guests: ELS Architecture and Urban Design (ELS) President/CEO Clarence Mamuyac, Jr.

ELECTION OF CHAIR AND VICE CHAIR **Resolution 05-PL-22**
RESOLVED, that the Planning elects Commissioner Batra to serve as Commission Chair and Commissioner Strout to serve as Commission Vice Chair.

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

PUBLIC FORUM **Public Testimony** was received from:

Don Dare gave an update on the Shell Station. The on-site shipping container that was needed on-site, according to the Owner, was not approved by the Planning Commission or City Council in December 2021. It is now four months later since that meeting, and there has been no progress on the project. The unapproved, on-site shipping container is still there, and it has been on-site for ten months. After speaking to several representatives of Piedmont, Mr. Dare was told that the Owner has been notified to remove the shipping container, however it still remains on-site. Mr. Dare is requesting for the immediate removal of the shipping container.

Alison Kuehner, resident at 325 Olive Avenue, stated that last month she spoke at the Planning Commission meeting about the property at 333 Olive Avenue. She did not appreciate how the architect spoke about what the neighbors would say about the project. She also assumed that everyone in the room, at the meeting, would have the best intentions of all parties involved. Many statements by the architect and by the Owner, were inaccurate. She felt the Commissioners did not separate the statements from the facts. She did appreciate the Commissioners that acknowledged the views of the hillside.

Yoke Peng Chen, resident at 329 Olive Avenue, stated her disappointment about Jamie Taggart's remodel at 333 Olive Avenue. She is disturbed by the comments that she and her architect, Rob Kelly, made. She considers the comments inaccurate, insincere, and inconsiderate. She also stated that some neighbors were not even spoken to about the project.

Chee Keong Lin, resident at 329 Olive Avenue, stated his disappointment about Jamie Taggart's remodel at 333 Olive Avenue. He is even more disappointed by the design review process. He has worked hard building the community, but he is saddened this process did not help. During the last meeting, one Commissioner stated the circumstances were too complicated and a solution should not have been decided during the meeting. There was no discussion and therefore, it seems a decision was predetermined. Since all neighbors were against this project, the Commissioners should have taken this a serious sign. Options should have been explored some more. Also, the field process was not properly conducted, in regard to the poles. There was no time for the neighbors to consider whether to appeal or not.

**EX PARTE
COMMUNICATIONS &
CONFLICTS OF
INTEREST**

Commissioner Duransoy had a conflict of interest with the design review permit application for 804 Highland Avenue, due to having ownership interest in a property within 500 feet of the project location and was recused from the discussion.

Commissioner Ramsey had a conflict of interest with the design review permit application for 116 Fairview 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 06-PL-22

RESOLVED, that the Planning Commission approves as presented its meeting minutes of the January 10, 2022, special meeting of the Planning Commission, the meeting minutes of the March 1, 2022, special meeting of the Planning Commission, and the meeting minutes of the March 14, 2022, regular meeting of the Planning Commission.

Moved by Zucker, Seconded by Levine

Ayes: Duransoy, Levine, Ramsey, Strout, Zucker

Noes: None

Abstain: None

Absent: Batra

CONSENT CALENDAR

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

- **804 Highland Avenue**, DRFW 2022-006 (Fence Design Review Permit)

Moved by Levine, Seconded by Zucker

Ayes: Levine, Ramsey, Strout, Zucker

Noes: None

Abstain: Duransoy

Absent: Batra

Resolution 08-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.

Resolution 006-DRFW-22

WHEREAS, The Property Owners, are requesting permission to replace an existing wood fence and gate with a new wood fence and gate in the same location to the left side of the house and within the 20-foot street yard setback. The application also

proposes to construct an arched arbor at the gate, 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, gate and arbor material and design, and the fence, gate and arbor locations.
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 no impact on views, privacy, and access to light.
3. The proposed design does not adversely affect pedestrian or vehicular safety because of the location of the project.
4. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: Site Design 3.09.
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 29.5 (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 804 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.

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 804 Highland Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

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

**Piedmont
Community Pool
Presentation**

President/CEO Clarence Mamuyac, Jr., representing ELS, presented an update on the development of the design for the Piedmont Community Pool. The schematic design numbers were higher than anticipated and the project needs to be brought back into budget. Escalation in pricing needs to be considered over the next couple of years. The goal is to get to bid by end of July 2022 and that may reduce escalation pricing by five months.

The new plan was approved by City Council. The design still has two pools, and a L-shaped, single-story building. All aquatic functions remain on the pool deck level. The roof deck will have a pavilion and may be used as outdoor programable use. The facility will be all electric. The updated design is \$19.4 million, compared to the old design which was \$25 million. There may be potential in the future, to add a multi-purpose space at the second level.

In response to Commissioner's questions, the storage will still be up against the chain-link fence. The fence will have a landscaped, vegetation wall. The pavilion will consist of a composite wood material. It feels and looks wood-like, and the

pricing makes sense. It may be helpful to have a curfew time for certain activities, to combat noise levels. ELS does have an acoustic consultant on their team.

There was no **public testimony**.

Housing Policy Update

Senior Planner Pierce Macdonald presented an update related to the development of the City's fair housing policy. She announced the release and publication of the Draft 6th Cycle Housing Element.

The Housing Element is a required element of the General Plan. It is the only General Plan Element that must be certified by the State of California.

Ms. Macdonald reported that the following benchmarks have been completed for the 6th 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
- Housing Element Community Workshop #1 – December 2, 2021
- Housing Element EIR Scoping Meeting – March 2022
- Housing Element Community Workshop #2 – March 24, 2022
- Housing Element Seminar for City officials – March 25, 2022
- Real Estate Practices in Support of an Inclusive Community – April 7, 2022
- Release of Draft 6th Cycle Housing Element – April 8, 2022

The Draft 6th Cycle Housing Element is now available online at the following homepages: Piedmont.ca.gov and Piedmontishome.org.

The organization of the Draft Housing Element includes an executive summary, introduction, projected housing need, housing resources, and the housing plan, goals, policies and programs. The technical appendices include demographics, housing capacity, constraints, evaluation of the 2015 Housing Element, summary of public participation, and affirmatively furthering fair housing analysis.

All members of the Piedmont community are encouraged to review the Draft Housing Element and provide comments. There are many ways to provide comments including:

- Email: Piedmontishome@piedmont.ca.gov
- Use the Share Your Voice tool on the homepage at: <https://Piedmontishomeorg>
- Use the Piedmont Housing Puzzle at: <https://Piedmont.abalancingact.com/housingsim>
- Mail to: Draft Housing Element, 120 Vista Avenue, Piedmont, CA 94611
- Attend a public meeting: Housing Advisory Committee is April 19, 2022, and Planning Commission, May 12, 2022.

The Housing Puzzle is a growth simulation tool developed by City staff, hosted on Balancing Act software. This gives the opportunity for one to imagine where they

would locate 587 new housing units and challenges users to prepare a balanced housing plan. This online tool is only available until May 1, 2022.

The next steps include:

- April 19, 2022 – Housing Advisory Committee Meeting, 5:30 p.m.
- May 1, 2022 – Deadline for Piedmont Housing Puzzle Participation
- May 12, 2022 – Planning Commission Special Meeting, 5:30 p.m.
- June 2022 – City Council Public Hearing

Please send comments and ideas to Senior Planner Pierce Macdonald at: Piedmontishome@piedmont.ca.gov. More information about the 6th Cycle Housing Element is available at <https://Piedmontishomeorg>.

There was no **public testimony**.

**Variance and Design
Review Permit,
68 Huntleigh Road
DRP+V #21-0287**

The Property Owners are seeking retroactive approval for constructing a 325-square-foot wood deck with cable guardrails, a new staircase, replacement retaining walls, a new fence of varying height along the right property line and the installation of a hot tub. A variance is required in order to construct within the 5-foot right side yard setback.

Public testimony was received from:

Sebastian Sahuc, Property Owners, stated he wants to add a hot tub on a concrete slab and build a wood deck to enclose it. He will replace the wall with a concrete retaining wall and build veneer fence on existing fence.

On the whole, the Commissioners deliberated about why a variance was needed. The variance can be dismissed if the part of the deck within the 5-foot right side yard setback was lowered so that it was less than 12 inches above grade. The deck can be different heights. From a design perspective, the project can be approved. The project can also be supported since the spa is not part of the variance.

Resolution 287-V/DRP-21

WHEREAS, The Property Owners are seeking retroactive approval for constructing a 325-square-foot wood deck with cable guardrails, a new staircase, replacement retaining walls, a new fence of varying height along the right property line and the installation of a hot tub, 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 5-foot right 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 street yard setback is denied because it does not comply with the variance criteria under Section 17.70.040 because the retroactive improvements do not meet the standards for a variance, as follows:

1. The property and retroactive improvements do not present unusual physical circumstances of the property. It would be possible to achieve all improvements without a variance. Strictly implying 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 project 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

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 deck material and location, the fence design and material, the design and materials of the retaining walls, and the guardrail material.
2. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light because of the location on the property, its height, and the location and height of its neighboring property.
3. The proposed design does not adversely affect pedestrian or vehicular safety because the project does not change the property's existing conditions regarding to pedestrian and vehicular safety.
4. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: Site Design 3.08, 3.09, 3.11, 3.12, and Building Design General 4.02, 4.04.
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 29.5 (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 construction at 68 Huntleigh Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Exterior Lighting.** All new exterior light fixtures shall be downward directed with an opaque or translucent shade that completely covers the light bulb.
2. **Sound.** The proposed hot tub shall meet the sound requirements of a maximum 50 decibels at the nearest property line as prescribed in Building Code Section AK103.2. Any modifications in order to meet the sound requirements are subject to staff review and approval.
3. **Design Modification.** Any design modifications that are required in order to meet Building Code regulations shall be subject to staff review and approval.

4. **Defense and Legal Challenge.** 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. **Deck:** The wooden deck, within the 5-foot right side yard setback, shall be lowered in height so that it is less than 12” above existing grade. The revised design shall be subject to staff review and approval.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the variance application and approves the design review permit application for construction at 68 Huntleigh Road, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

**Design Review Permit,
331 Magnolia Avenue,
DRPC 2022-008**

The Property Owners are requesting to construct an approximately 425 square-foot-second story addition and an approximately 205 square-foot wood deck and exterior stairs in the rear (west) of the main house; install wood and cable guardrails; install exterior lighting; make window and door modifications throughout; make interior modifications on all levels; make landscape and hardscape modifications in the front (east) and rear yards; and make several other associated interior and exterior modifications.

Public testimony was received from:

Brian Armstrong, Property Owner/Designer, stated that the objective of the project is to have a house with a third bedroom, additional full bathroom and half bathroom, and more suitably sized for a family.

Kent Ferguson, neighbor at 335 Magnolia Avenue, stated that his family objects to the upper-level addition. The current proposal negatively impacts the direct and

indirect light to their home. There are alternatives, such as the unfinished crawlspace that can accommodate a master suite.

Petrina Hsi, neighbor at 150 Arbor Drive, stated that the current fence line between 150 Arbor and 331 Magnolia does not accurately reflect the property line between the two properties. There will be a loss of privacy, light and view. There will be an increased nuisance burden from debris and run-off.

In response to the Commissioners questions, the Owner's want to preserve the space of the living room and keep the roofline of ceiling space, and with the addition they wanted to mimic the roofline and architecture. They did not want to alter the interior ceiling in the living room. They are open to demolishing the roof over the kitchen and dining room spaces to allow for a lower floor elevation. The deck will be supported by wooden posts. The new door is to allow more light and air into the living room space. The height of the ceiling on the addition will be eight feet.

Commissioner Duransoy stated that the sloped roof pitch makes the addition higher. She thought the second story addition should be setback from the neighbor side and rear side, that will reduce the size and proportions. A flat roof may be a better option. The deck area needs more privacy with the adjacent neighbor and the stairs going up to the deck should be moved to the other side. A planter would create some privacy.

Commissioner Ramsey stated that three bedrooms is appropriate. There is logic to where the bedroom is located, and the addition increases the overall height to the building only by a few feet. More thought should be given to the deck design and the deck support should be shown on the drawings. The flat roof reduces the height by several feet. He would also like to see landscape plans. An analysis of other decks on the block may be helpful.

Commissioner Levine stated that they have an entire floor that is buildable within the existing envelope which is the basement space. This would eliminate the neighbor's concerns, and it would be more consistent with the general plan and policies that states to work with the slope.

Commissioner Zucker stated that the project is appropriately sized. He agrees with Ms. Duransoy with pulling it back more than a foot from the side. That would help alleviate some of the light and air concerns, while maintaining their ability to move forward with the second-floor addition. He stated this was a good use of the half-story, to build on top of that instead of a whole new story.

Vice-Chair Strout agrees with his fellow commissioners, and he sees this as a geometrical problem. The massing is more than what's needed. He agrees with the concept of the flat roof.

Resolution 008-DRPC-22

WHEREAS, the Property Owners are requesting permission to construct an approximately 425 square-foot-second story addition and an approximately 205 square-foot wood deck and exterior stairs in the rear (west) of the main house; install wood and cable guardrails; install exterior lighting; make window and door modifications throughout; make interior modifications on all levels; make landscape and hardscape modifications in the front (east) and rear yards; and make several other associated 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 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, 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 design is not consistent with the City's General Plan and Piedmont Design Guidelines. The following building features are not consistent with the original architecture and neighborhood development, including the mass of the second-floor addition is not integrated into the existing mass, the proposed addition increases the bulk of the house on the downward slope of the house, the deck design is incomplete, the second double door conflicts with the main entrance of the house, and the new entry door, window, and double door should be more consistent.

2. The design does affect neighboring properties' existing views, privacy, and access to direct and indirect light because second floor could be lowered and moved back from the perimeter, or the additional bedroom could be relocated within the existing footprint of the house at a lower level. The location of the deck within the existing corner of the building is of similar size to other decks in the neighborhood but requires more thought for its design for privacy concerns, stairs and access.

3. The proposed design does not adversely affect pedestrian or vehicular safety because the project does not change and pedestrian circulation pattern. The project improves on-site parking conditions.

4. As conditioned, the application does not comply with the following Design Review Guidelines and General Plan policies and programs including: Building Design General 4.02 and Building Design: Single-Family Residential 5.01.

5. The project is not consistent with General Plan policies and programs, including the land use element, housing element, and design and preservation element, including Design and Preservation Element Policy 28.1 (Scale, Height, and Bulk Compatibility), Design and Preservation Element Policy 28.2 (Style 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 331 Magnolia Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

**Variance and Design
Review Permit,
326 San Carlos Avenue,
DRPC+V 2022-012**

The Property Owners are requesting to make window modifications throughout the residence, construct a 25-sqaure-foot main level addition at the rear and to seek retroactive approval for the construction of a decorative wood trellis at the front of the house. A variance is required in order to exceed the maximum allowable floor area limit of 55 percent.

Public testimony was received from:

Cyndi Rodriquez, Property Owner/ stated she would like to construct an addition, make window modifications, and a trellis at the garage. The small layout is very small and challenging. There is a great need to remodel the kitchen layout. She would like to create a family room space, that would be open to the kitchen area. The master closet is being used as an office and a second bathroom is needed.

Carolyn Van Lang, Designer, stated the lot is uncommonly small in comparison to the neighborhood and for a growing family. The project requests are much needed. It will not affect the neighbor's views or privacy.

Commissioners Duransoy expressed the floor area ratio (FAR) is over the required limits. She suggested that the bay could be cut in half and straightened out the back wall, and it would be more of a rectangle addition, and would still stay within the existing FAR.

Vice-Chair Strout stated there are three features for the addition, including converting the laundry room into a half-bathroom, increasing the area of the existing kitchen, taking down a wall between the family room and kitchen, and the island itself. He suggested to consider a peninsula instead of an island, and this may not require a 2,500-square foot expansion.

Ms. Van Lang responded to the Commissioner's and stated that the bay would not create enough space for the island, for all three people. They also considered a peninsula but there is a laundry room and half bathroom. The laundry room would have to be taken out and put upstairs, and the half bathroom is still needed. A peninsula is not the best concept for this kitchen, for three people.

The Commissioner's agreed that they do not support the variance but do support the design review permit. There are ways to accomplish the goals desired while maintaining the FAR.

Resolution 012- V/DRPC-22

WHEREAS, the Property Owners are requesting permission to make window modifications throughout the residence, construct a 25-sqaure-foot main level addition at the rear and to seek retroactive approval for the construction of a decorative wood trellis at the front of the house. A variance is required in order to exceed the maximum allowable floor area limit of 55 percent., 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 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 visiting the subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, CEQA, pursuant to Guidelines Section 15301, Class 1 (e), New Construction or Conversion of Small Structures, and the project was consistent with General Plan policies and programs; and

WHEREAS, the variance to exceed the 55 percent floor area ratio is denied because it does not comply with the variance criteria under Section 17.70.040 as follows:

1. The improvements do not present unusual physical circumstances of the property. Applying the terms of this chapter strictly, do not keep the property from being used in the same manner as other conforming properties in the neighborhood.
2. The improvements that are requested by the applicant can be accomplished without a variance and without causing unreasonable hardship in planning, design, or construction

WHEREAS, regarding the design review permit, the Planning Commission finds that a portion of 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 changes at the rear of the residence are denied because it requires a variance, and no variance has been granted. The decorative trellis at the front of the property and the proposed window changes are approved under the design review criteria of Section 17.66.060. The trellis and proposed window designs and materials are consistent with the City's General Plan and Piedmont Design Guidelines.
2. The following building features are consistent with the original architecture and neighborhood development, including the proposed addition of the trellis in the front part of the garage, the proposed changes to the windows on the second floor, the window and door material and design, and the trellis material and design.
3. The trellis and window designs have little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light.
4. The proposed trellis and window designs do not adversely affect pedestrian or vehicular safety because the project does not change the pedestrian and vehicular circulation patterns.
5. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: Site Design 3.12 and Building Design General 4.02.
6. The approved portion of 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 28.3 (Additions), Design and Preservation Element Policy 28.6 (Exterior Materials), 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 denies the variance application and approves the design review permit application for construction at 326 San Carlos Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Window and Door Material.** As specified in the plans, the building material for the new windows and doors shall be fiberglass, wood and 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 1½ 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. **Patch Wall.** The walls where windows are removed shall be patched and painted to match the adjacent wall.
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. **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.
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.

10. **Rear Addition.** The proposed variance from the floor area ratio limit and the proposed main level addition to the rear of the house are not approved as a part of the scope of this application.

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

Absent: Batra

**Variance and Design
Review Permit,
15 King Avenue,
DRPC+V 2022-013**

The Property Owners are requesting permission to eliminate the previously approved carport from the project. A variance is needed to reduce the number of code-conforming parking spaces for a five-bedroom house.

Public testimony was received from:

Richard Sauer, Property Owner, stated that he would like to modify the previously approved application, which included three conforming parking spaces by eliminating the approved single-car carport. Mr. Sauer requests the variance because the existing driveway is narrow and does not meet recommended driveway widths described in the Design Guidelines.

The Commissioners agreed that they do not support the project. The Commissioners stated that the originally approved plans showed that it was possible to provide code-compliant parking, and it is unusual to apply the variance to one parking space and not all three spaces on the property. The pool equipment enclosure is not in the same location of the carport. The carport is a structure but is designed to look like an arbor, and the owners may modify the carport to appear to look more like an arbor as well.

Resolution 013- V/DRP-22

WHEREAS, the Property Owners are requesting permission to eliminate the previously approved carport from the project. A variance is needed to reduce the number of code-conforming parking spaces for a five-bedroom house, which construction requires a variance and design review permit; and

WHEREAS, the variance from the parking code requirement is denied because it does not comply with the variance criteria under Section 17.70.040 as follows:

1. The property and existing driveway do not present unusual physical circumstances of the property. 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 project is not compatible with the immediately surrounding neighborhood and the public welfare because it would not provide sufficient off-street parking.
3. Accomplishing the improvements without a variance would not cause unreasonable hardship in planning, design or construction because it was found to be possible before, approximately one year ago.
4. As conditioned, the application does not comply with the following Design Review Guidelines and General Plan policies and programs: Site Design Ch. 3.
5. The project is not consistent with General Plan policies and programs, including the location of site features including: Design and Preservation Element Policy 29.7 (Driveway and Parking Location).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the variance application for construction at 15 King Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

Moved by Zucker, Seconded by Duransoy
Ayes: Duransoy, Levine, Ramsey, Strout, Zucker

Noes: None
Abstain: None
Absent: Batra

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 15303, Class 1 (1) (4), Existing Facilities, and CEQA Guidelines Section 15303, Class 3 (e), New Construction or Conversion of Small Structures, and the project was consistent with General Plan policies and programs; and

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 pool equipment enclosure location and the landscape 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 carport being removed will not impact access to light, views, or privacy. There is sufficient vegetative screening.
3. The proposed design does not adversely affect pedestrian or vehicular safety because the project does not change the property's existing conditions regarding to pedestrian and vehicular safety.
4. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: Site Design 3.11, 3.13, and Building Design 4.04.
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 29.1 (Conserving Residential Yards), and Design and Preservation Element Policy 29.2 (Landscape Design).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review permit application for construction at 15 King Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Sound.** The proposed pool equipment shall meet the sound requirements of a maximum 50 decibels at the nearest property line as proscribed in Building Code Section AK103.2. Any modifications to meet the sound requirements are subject to staff review and approval.
2. **Defense of Legal Challenges.** The Property Owner shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization,

including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Property Owner's project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Property Owner's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Property Owner, City, and/or parties initiating or bringing such Proceeding. If the Property Owner is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Property Owner of any Proceeding and shall cooperate fully in the defense.

3. **Final Landscape Plan.** Before issuance of a building permit, the Property Owner shall submit for staff review and approval a Final Landscape Plan. The final plan shall comply with City Code Division 17.34 and Section 17.33.30, and shall not propose plants near the driveway that could obscure visibility of pedestrians on the sidewalk or vehicles on the street from drivers backing out of the driveway. Upon the determination of the Director, minor differences in the number, size and/or species of vegetation between those shown on the approved landscape plan and those installed at the time of final inspection that do not involve an increase in hardscape or structure coverage may be subject to staff review and approval. Significant differences between the vegetation installed at the time of final inspection and vegetation shown on the approved landscape plan are subject to a design review permit.
4. **Construction Management Plan.** The Property Owner shall develop a comprehensive Construction Management Plan. The Construction Management Plan shall address noise, vibrations, traffic control, parking, debris removal, dust control, sanitary facilities, site safety security emergency access, and other potential construction impacts, as well as other details involving the means and methods of completing the Project, including the construction route. The City Building Official has the authority to require modifications and amendments to the Construction Management Plan as deemed necessary throughout the course of the Project and until the Final Inspection.
 - a. Construction Site Control of Stormwater. The California Regional Water Quality Control Board requires all projects that disturb the site to comply with Provision C.6 of the San Francisco Bay Regional Stormwater NPDES Permit in order to prevent construction site discharges of pollutants and other regulated materials during construction. As required by the Chief Building Official and prior to the issuance of a building permit, the Applicant shall develop and submit a construction stormwater management plan as part of the Construction Management Plan to achieve timely and effective compliance with Provision C.6. Permit Provision C.6.c.ii provides sources for site specific, and seasonally- and phase-appropriate, effective Best Management Practices (BMPs) that may be incorporated into the stormwater management plan. Copies of the Municipal Regional Stormwater Permit are available from the Piedmont Public Works Department and on-line at cleanwaterprogram.org.
5. **Construction Completion Schedule.** Work on the Project, once begun, shall be promptly executed with continuous good faith and reasonable progress. Since

timely completion of this Project is of the essence, the 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.

6. **Carport.** The proposed variance from the parking requirements and the removal of the previously approved carport are not approved as a part of the scope of this application.
7. **Pool Equipment Enclosure.** Any siting modifications for the pool equipment enclosure are subject to staff review and approval.

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

**Design Review Permit,
83 Sea View Avenue,
DRPC 2022-014**

The Property Owners are requesting to make various modifications to the property including to: demolish existing walls, retaining walls, fencing, and trash enclosure; construct a 435-square-foot, detached studio at the northeast corner of the property; construct new retaining walls, freestanding walls, and fencing; construct a new entry canopy at the front of the home; install new windows and doors; construct a new trash and utilities enclosure; install new paths, patios, exterior lighting and landscaping; and make various interior changes.

Public testimony was received from:

Frederic Kerrest, Property Owner, stated the three main components of the project include a studio, a mudroom, and interior work that will improve his family's daily life.

Andrew Mann, Architect, stated that all the architectural elements have been designed to be simple, quiet and nestled into garden spaces. The brickwork is intended to mimic existing forms on the house, and the studio is designed to be tucked away into the existing landscape and hidden from public view. The design maintains an overarching period feel to building forms, materials, and the preservation to the project's estate-like grounds.

Scott Lewis, Landscape Architect, stated that in regard to site planning, there has been a seamless integration of the new buildings and existing landscape. It is a high priority to preserve the existing mature trees, which provide overhead canopy and the existing perimeter hedging which provides a dense screen from the street and neighbors. The goal is to take the new structures and blend them into the existing landscape.

Commissioner Ramsey expressed his concerns that much of the screening is in the public right-of-way and that the freestanding wall and retaining walls come very close to the front property line. Although he admired the design, Commissioner Ramsey stated his preference that the walls be moved at least 5 feet from the property line and the freestanding wall be reduced in height.

Commissioner Duransoy stated her concern about the 6-foot chain-link fence that doesn't comply with guidelines and should be a maximum of 4-feet.

The Commissioners agreed it is sophisticated design, very well thought out and integrated, and areas around the property line need to be of the same quality. No front yard fences allowed, except for the existing chain-link fence. The design is supported.

Resolution 014-DRP-22

WHEREAS, the Property Owners are requesting permission to make various modifications to the property including to: demolish existing walls, retaining walls, fencing, and trash enclosure; construct a 435 square foot detached studio at the northeast corner of the property; construct new retaining walls, freestanding walls, and fencing; construct a new entry canopy at the front of the home; install new windows and doors; construct a new trash and utilities enclosure; install new paths, patios, exterior lighting and landscaping; and make various interior changes, which construction requires a variance and 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, and 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 location design, and materials of the accessory structure, the design of the entryway addition and canopy, and as conditioned the design and height of the retaining walls.
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 from the street. The topographical differences are appropriate to preserve privacy, views and light. The height of the project has been kept as low as possible and the accessory structure is built into the hillside.
3. The proposed design does not adversely affect pedestrian or vehicular safety because project does not change on-site safety conditions.
4. As conditioned, the application complies with the following Design Review Guidelines and General Plan policies and programs: Site Design 3.03, 3.05, 3.08, 3.09, 3.11, 3.12, and 3.13, Building Design: General 4.01, 4.02, 4.03, 4.04, 4.05 and Building Design: Single-Family Residential 5.01, 5.04.
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 28.6 (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 29.1 (Conserving Residential Yards), Design and Preservation Element Policy 29.2 (Landscape Design), Design and Preservation Element Policy 29.3 (Front Yard Enclosures), Design and Preservation Element Policy 29.4 (Maintaining Privacy), Design and Preservation Element Policy 29.5 (Fence and Wall Design), Design and Preservation Element Policy 29.6 (Retaining Walls), and Design and Preservation Element Policy 29.8 (Exterior Lighting), and Design and Preservation Element Policy 31.9 (Recent Past).

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 83 Sea View 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 aluminum and 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 at least flush 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. **Roof Color.** The proposed flat roof shall be a non-reflective medium or dark color.
6. **Mechanical Equipment.** The location of exterior mechanical equipment for the accessory structure is subject to staff review and approval. Mechanical equipment is not permitted to be located in the 20-foot street yard setback and equipment proposed in the street yard setback is subject to a design review permit.
7. **Sound.** Any mechanical equipment shall meet the sound requirements of a maximum 50 decibels at the nearest property line as proscribed in Building Code Section AK103.2. Any modifications to meet the sound requirement are subject to staff review and approval.
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. **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.

10. **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 and east property lines as shown on the approved plans. The intent is to verify that the approved features are constructed at the approved dimension from the property lines.
11. **Stormwater Design.** The California Regional Water Quality Control Board requires all projects, or a combination of related projects, that create and/or replace 2,500 square feet or more of impervious surface to comply with Provision C.3.i of the Municipal Regional Stormwater NPDES Permit. As required by the Chief Building Official, the Property Owner shall verify the total area of impervious surface to be created and/or replaced within the scope of this project, or this project combined with other related projects and/or permits, and incorporate the site design measure(s) required under Provision C.3.i into the plans submitted for a building permit. Copies of the Municipal Regional Stormwater Permit are available from the Piedmont Public Works Department and on-line at cleanwaterprogram.org.
12. **Final Landscape Plan.** Before issuance of a building permit, the Property Owner shall submit for staff review and approval a Final Landscape Plan that shows trees proposed for retention as well as in-lieu trees required by a Certified Tree Preservation Plan. The final plan shall comply with City Code Division 17.34 and Section 17.33.30 and shall not propose plants near the driveway that could obscure visibility of pedestrians on the sidewalk or vehicles on the street from drivers backing out of the driveway. Upon the determination of the Director, minor differences in the number, size and/or species of vegetation between those shown on the approved landscape plan and those installed at the time of final inspection that do not involve an increase in hardscape or structure coverage may be subject to staff review and approval. Significant differences between the vegetation installed at the time of final inspection and vegetation shown on the approved landscape plan are subject to a design review permit.
13. **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.
14. **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.

15. **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.

16. 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.

17. Fencing and Walls. The area between the new accessory structure and the street shall be redesigned as follows:

- a. The stone veneer retaining wall (item 27 on Plan Sheet L1.0) shall be set back a minimum 5 feet from the property line;
- b. The freestanding brick site wall (item 22 on Plan Sheet L1.0) between the front yard and the accessory structure wall shall have a maximum height of 6 feet and shall terminate at 5 feet from the front property line, where it intersects with the retaining wall (item 27); and
- c. No new fencing is approved alongside the streetside property line. The applicant may retain the existing 4-foot-tall fence.
- d. All modifications are subject to staff review and approval.

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

**Design Review Permit,
116 Fairview Avenue,
DRPC 2022-015**

The Property Owners are requesting permission to make a stylistic change to the exterior of the house, to make interior modifications on the main level and several other modifications to hardscape and landscape throughout the property, including: altering the profile of the front (west) facade and roof, modifying exterior siding on all sides and the main entry alcove, removing the existing chimney, making window and door modifications throughout, constructing a wood deck and wood and steel trellis in the front (west) and rear (east) of the house, constructing retaining walls and on-grade site stairs, adding skylights, installing guardrails, installing a wood fence within the 20-foot street yard setback, installing one roof mounted air conditioning unit within a wood slatted enclosure, and adding exterior lighting.

Public testimony was received from:

Dinesh Perera, architect, stated the Owner's want to make a stylistic change to contemporary style. They want to make modifications to the front entry, façade, roof, exterior siding, trellis, and rear façade

The Commissioners expressed concerns that the modern style of architecture does not conform to the existing the neighborhood development pattern. There was also concern that the slat vertical trellis was applied to the stucco wall rather than being integrated into the wall plane.

Mr. Perera stated that the existing neighborhood has an eclectic style, and this home does stick out like a sore thumb, however, they did try to incorporate some elements the neighbors have. The trellis will be projected (applied on) and not flush with the stucco wall.

Jeremy Fisher, Property Owner, stated that the motivation for the project is with their growing family they have outgrown the kitchen, and to create a more welcoming and functional entry.

The Commissioners stated there is not much change from the previously design that the Commission denied. The neighborhood doesn't have a defined context or cohesive style; there are homes with modern architecture located in the neighborhood and throughout Piedmont, however this design does not fit in on this street of traditional homes as proposed because of the form and massing.

Resolution 015-DRPC-22

WHEREAS, The Property Owners, are requesting permission to make a stylistic change to the exterior of the house, to make interior modifications on the main level and several other modifications to hardscape and landscape throughout the property, including: altering the profile of the front (west) facade and roof, modifying exterior siding on all sides and the main entry alcove, removing the existing chimney, making window and door modifications throughout, constructing a wood deck and wood and steel trellis in the front (west) and rear (east) of the house, constructing retaining walls and on-grade site stairs, adding skylights, installing guardrails, installing a wood fence within the 20-foot street yard setback, installing one roof mounted air conditioning unit within a wood slatted enclosure, and adding exterior lighting, which construction requires a design review permit, and,

WHEREAS, after reviewing the application, plans, and any and all testimony and documentation submitted in connection with such application, and after having visited the subject property, the Piedmont Planning Commission finds that that the project is inconsistent with General Plan policies and programs; and,

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 design is not consistent with the City's General Plan and Piedmont Design Guidelines. The following building features are not consistent with the original architecture and neighborhood development including, the roof form, the overall style and messaging, and the front door location and orientation.
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 no impact on views, privacy, and access to light.
3. The proposed design does not adversely affect pedestrian or vehicular safety because the project does not alter existing vehicular circulation patterns.
4. As conditioned, the application does not comply with the following Design Review Guidelines and General Plan policies and programs: Building Design 4.01.
5. The project is not consistent 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), and Design and Preservation Element Policy 28.2 (Style Compatibility).

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission denies the design review permit application for the improvements at 116 Fairview Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City.

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

**Design Review Permit,
510 Magnolia Avenue,
DRPC 2022-016**

The Property Owners are requesting permission to make window and door modifications, convert 367 square feet of the existing garage and outdoor entryway area into additional living space, make various changes to the interior, relocate the garage door and driveway, and make landscape and hardscape modifications at the front of the property including the construction of retaining walls and free-standing walls.

Public testimony was received from:

Yuning Zhang, Property Owner, stated they want to relocate their driveway. They have made modifications to their original request after receiving comments from the Commissioners at the February 2022 meeting.

Carolyn Van Lang, designer, stated the Owner's have moved the front wall back 1-foot from the sidewalk, and the planting strip is 6-feet from the sidewalk. The driveway relocation takes the car away from the existing handicap ramp. The existing driveway needs to be removed due to the invasive bamboo. In the line of sight, more

than five car lanes can be seen approaching the driveway and can also see up the street.

Commissioner Ramsey expressed his appreciation for the window consistency. On the proposed elevation, there is stucco, exposed block, and vertical wood. He suggested to consider continuing the water table or put stucco over the existing block on the main part of the house, to tie that together and have matching material. He requested a letter from a traffic consultant, addressing the line of site study

Resolution 016-DRPC-22

WHEREAS, The Property Owners, are requesting permission to make window and door modifications, convert 367 square feet of the existing garage and outdoor entryway area into additional living space, make various changes to the interior, relocate the garage door and driveway, and make landscape and hardscape modifications at the front of the property including the construction of retaining walls and free-standing walls, 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 wall material and design, the location of the new driveway, the window and door material, the landscape modification, and the design and material of the gates.
2. The design has little or no effect on neighboring properties' existing views, privacy, and access to direct and indirect light because the distance between the project and neighboring homes is appropriate. There is sufficient vegetative screening. The topographical differences are appropriate to preserve privacy, views, and light.
3. The proposed design does not adversely affect pedestrian or vehicular safety because the project maintains adequate visibility for entering and exiting the proposed driveway and has adequate visibility for both pedestrians and vehicles.
4. As conditioned, the application complies with the following Design Review Guidelines: Site Design 3.09, 3.11, 3.12, 3.13, Building Design: General 4.02, 4.03, and Building Design: Single-Family Residential 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 28.5 (Garages, Decks, and Porches), Design and Preservation Element Policy 28.6 (Exterior Materials), Design and Preservation Element Policy 29.1 Conserving Residential Yards), Design and Preservation Element Policy 29.2 (Landscape Design), Design and Preservation Element Policy 29.3 (Front Yard Enclosures), Design and Preservation Element Policy 29.5 (Fence and Wall Design), Design and Preservation Element Policy 29.7 (Driveway and Parking Locations), and Design 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 510 Magnolia Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Window and Door Material.** As specified in the plans, the building material for the new windows and doors shall be fiberglass and 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 1 inch 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. **Exterior Lighting.** All new exterior light fixtures shall be downward directed with an opaque or translucent shade that completely covers the light bulb.
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. **Landscaping in the Street Yard Setback.** So that the provisions of City Code section 17.34.040 are met, the area of the upper terrace that is within the 20-foot street yard setback shall be planted with living plant material and other organic material. The area shall be irrigated. The revised landscape plan shall be subject to staff review and approval.
9. **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.

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

a. Construction Site Control of Stormwater. The California Regional Water Quality Control Board requires all projects that disturb the site to comply with Provision C.6 of the San Francisco Bay Regional Stormwater NPDES Permit in order to prevent construction site discharges of pollutants and other regulated materials during construction. As required by the Chief Building Official and prior to the issuance of a building permit, the Applicant shall develop and submit a construction stormwater management plan as part of the Construction Management Plan to achieve timely and effective compliance with Provision C.6. Permit Provision C.6.c.ii provides sources for site specific, and seasonally- and phase-appropriate, effective Best Management Practices (BMPs) that may be incorporated into the stormwater management plan. Copies of the Municipal Regional Stormwater Permit are available from the Piedmont Public Works Department and on-line at cleanwaterprogram.org.

11. **Construction Completion Schedule.** Work on the Project, once begun, shall be promptly executed with continuous good faith and reasonable progress. Since timely completion of this Project is of the essence, the Applicants shall submit for approval a Construction Completion Schedule, which will specify, in detail, the duration and percentage of the project as a whole for each phase.

a. The Construction Completion Schedule with associated construction values for each benchmark shall set forth completion dates for the following benchmarks as needed: i) Completion of Excavation; ii) Completion of Retaining Walls; iii) Completion of Foundation; iv) Completion of Rough Framing; v) Completion of Electrical; vi) Completion of Plumbing; vii) Completion of Mechanical; viii) Completion of Fire Sprinklers; ix) Completion of 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 Applicants. The City may, at the Applicants' sole cost, engage the services of a consultant to review the proposed Construction Completion Schedule and, to the extent the period allocated for any work appears unjustifiable, recommend to the Director of 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 Applicants fails to meet a benchmark set forth in the Approved Construction Completion Schedule, the Applicants shall immediately submit a request to amend the Approved Construction Completion Schedule to the Director of 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 Applicants to comply with the Approved Construction Completion Schedule, or any amendments to it approved in conformance with subsection (d) of this condition of approval, shall constitute a nuisance under the City of Piedmont City Code (“City Code”). The failure of the Applicants to comply with the Approved Construction Completion Schedule may result in the City pursuing administrative citations pursuant to Chapter 1 of the City Code, nuisance abatement pursuant to Chapter 6 of the City Code, or any other remedy available to the City under the law. Additionally, if the Applicants fail to comply with the Approved Construction Completion Schedule, the Director of 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.
12. **Sight Lines from Driveway.** Prior to the issuance of a building permit and to ensure pedestrian and vehicular safety, the applicant shall submit written verification from a licensed traffic engineer that under the proposed plans vehicles entering and exiting the driveway have adequate sight lines for visibility of pedestrians and vehicles. Any design modifications recommended by the licensed traffic engineer shall be subject to staff review and approval.
 13. **Building Finishes.** The applicant shall modify the building finishes at the front of the house to make the finishes at the modified garage consistent with the main house. Options include adding a water table or adding stucco onto the exposed concrete blocks. The final design shall be subject to staff review and approval.
 14. The proposed new mulch bed shall be replaced with planted living material, subject to staff review and approval.

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

ADJOURNMENT

There being no further business, Vice-Chair Strout adjourned the meeting at 9:15 p.m.