

**City of Piedmont  
California**



**Date: July 19, 2004**  
**To: City Council and Planning Commission**  
**From: Geoffrey L. Grote, City Administrator**  
**Subject: Second Story Additions**

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The attached report from Kate Black demonstrates the complexity of the policies, guidelines and goals which are used in evaluating all development applications in Piedmont, including second story additions. They also illustrate the fact that a wide variety of conclusions can be drawn from the same sources. In fact, these are discretionary guidelines. There is no exact “rule” for this subject and it is to be expected that opinions will vary.

However, in order to operate efficiently, to have clear direction for staff as they assist the public, and to minimize the number of appeals which are made each year, it is important to attempt to clarify where viewpoints differ and how to move forward. Perhaps the most important question to be answered is “when is an ‘adverse impact’ so significant that it precludes the construction of a second story addition”.

Although no commissioner or councilmember would advocate for the extremes of the spectrum, “any adverse impact is too much impact” or “no impact is so adverse as to preclude construction”, finding the comfortable middle ground will require candor and effort from all parties.

**CITY OF PIEDMONT  
JOINT CITY COUNCIL AND PLANNING COMMISSION  
AGENDA REPORT**

MEETING DATE: July 19, 2004

FROM: Kate Black, City Planner

SUBJECT: Discussion Related to Second Story Additions

INTRODUCTION:

In order to provide parameters to the discussion of the issues and impacts of second story additions to existing single-family residences, staff has compiled background information on the various City documents that are intended to guide land use decisions in Piedmont. The information has been organized to provide the documents that establish the underlying policies first, followed by the documents that are intended to implement the policies.

GENERAL PLAN:

In California, State law requires each city to adopt a General Plan, which serves as the City's "constitution" for the development and use of land within the City's boundaries. The City's General Plan was updated in 1996, and it serves as the long-term policy "road map" that defines how the City believes the physical development of the City should occur. The General Plan is divided into specific topics called elements, including the Land Use Element, the Open Space, Recreation and Conservation Element, the Safety Element, the Noise Element, the Community Design Element, the Public Utilities & Facilities Element, and the Housing Element. Each element contains general goals, policies and implementation programs. The most important elements that relate to housing development are the Land Use, Community Design and Housing Elements.

Exhibit A, page 8, provides more detailed information on the goals, policies and implementation programs of the Land Use Element. Exhibit B, page 11, provides more detailed information on the goals, policies and implementation programs of the Community Design Element.

The most important General Plan element related to residential developments is the Housing Element. It is required to be updated approximately every 5 years, and Piedmont's Housing Element was recently updated and conditionally approved by the State in November of 2002. The State's primary interest in the Housing Element - and the reason the State requires regular updates - is related to the goal of increasing the Bay Area's supply of housing. However, there are several goals, policies and programs that are related to the character and density of development. Exhibit C, page 15, is the chapter

of the Housing Element that defines all of the goals, policies, and programs of the Housing Element, but the specific goals, policies, and programs of the Housing Element that are most directly related to the issue of second story additions include the following:

### **Related Text from Housing Element**

*Goal 1 (page 16): Provide a range of new housing options in Piedmont to meet the needs of all household types in the community.*

*Goal 2 (page 21): Promote the conservation and maintenance of Piedmont's housing stock.*

*Policy 2.1: Strongly encourage private property owner reinvestment in the City's housing stock.*

*Policy 2.3: Encourage the preservation of Piedmont's existing stock of small homes and historic homes.*

*Policy 2.5: Allow the use of original materials and methods of construction when alterations to homes are proposed, unless a health or safety hazard would occur.*

*Program 2.2: Preservation of Small Homes. Maintain zoning and design review regulations that protect the existing supply of small (less than 1,800 square feet) homes in Piedmont. Explore other incentives to protect small homes, including design awards for exemplary small home improvement projects.*

*Description: The City's existing supply of small homes is currently protected by:*

- *Floor Area Ratio and Lot Coverage requirement which limit the square footage and coverage of structures.*
- *Requirements to provide conforming off-street parking in the event that bedrooms are added (creating a disincentive to the expansion of two and three bedroom homes with one-car garages).*
- *Design Review Guidelines which strive to maintain the scale and mass of existing homes.*

*(Additional text indicated on page 23)*

*Goal 4 (page 30): Minimize constraints to the development of additional housing without compromising the high quality of Piedmont's neighborhoods*

*Policy 4.2: Encourage that planning and building standards, development review procedures, and fees do not form a*

*constraint to the development, conservation, and rehabilitation of housing, or add unnecessarily to the cost of building or improving housing.*

## **CHAPTER 17: ZONING ORDINANCE:**

The Zoning Ordinance is the document that is intended to implement the goals, policies, and programs of the General Plan. It provides the “speed limits” that define acceptable parameters of development, such as minimum setbacks, maximum lot coverage limits, maximum building height and floor area ratio, and parking requirements. Several areas of the Ordinance are provided below that address the general intent of the Ordinance, the intent of development within Zone A, the intent of design review, the intent of the home expansion provisions, and the criteria and standards for design review approval.

### **General Intent – Section 17.1**

*The City of Piedmont consists primarily of unique single family residences set among mature trees and other vegetation. The residents of Piedmont believe it to be in the welfare of all residents to preserve the beauty and architectural heritage of the City's housing stock, the mature vegetation, and the tranquility and privacy which now exist. The residents also desire to reduce on-street parking and traffic in the neighborhood streets and to avoid overcrowding and its detrimental effects on City schools and other services and facilities. The residents of Piedmont also wish to promote improvements to single family residences without sacrificing the goals already mentioned. The regulations which follow are designed to implement these purposes.*

### **Zone A Intent – Section 17.51**

*Zone A is established to regulate and control development in appropriate areas of single-family residential development in harmony with the character of existing and proposed development in the neighborhood and to assure the provision of light, air, privacy, and the maintenance of usable open space in amounts appropriate to the specific types and numbers of dwellings permitted.*

### **Design Review Intent – Section 17.20.1**

*Design Review is intended to*

- (a) promote orderly, attractive, safe and harmonious development;*
- (b) recognize environmental limitations on development;*
- (c) promote the general welfare by preventing development having qualities which do not meet the specific intent clauses or performance*

*standards of this Chapter, or which are not properly related to their sites, surroundings, traffic circulation, or their environmental setting;*

*(d) maintain and enhance the residential character of the City;*

*(e) preserve the architectural heritage of the City;*

*(f) protect the natural beauty and visual character by insuring that structures, signs, and other improvements are properly related to their own site and to the surrounding sites and structures with due regard to the aesthetic qualities of the surrounding area, natural terrain, and landscaping, and to the exterior appearance of the structures, signs, and other improvements;*

*(g) improve property values and prevent blighted areas; and*

*(h) uphold the aesthetic values of the community.*

*Where necessary to meet this intent, the City may impose conditions in addition to those otherwise specified in this Chapter.*

#### **Intent of Home Expansion and Construction – Section 17.22.1**

*The City of Piedmont desires to permit construction of new homes and reasonable residential expansions to adapt older homes to modern lifestyles, while at the same time preserving those elements which make Piedmont a desirable place to live: visual open space, bounteous trees and landscaping, and residential privacy and tranquility. Furthermore, the City desires to permit such improvements so long as they do not increase traffic and parking problems in the neighborhood, or increase the burden on city facilities and schools. For these reasons, any improvement to property requiring prior city approvals, permits or both under this Code shall meet the criteria set forth in section 17.22.2, unless exempt under section 17.22.3.*

##### *17.22.4: Limitation on Approval*

- (a) Legislative Intent. The City of Piedmont recognizes the diversity and historical value of existing residences and encourages improvements of such homes. The City of Piedmont recognizes that remodeling an existing residence may require variances and design compromises which would not be necessary if the parcel were undeveloped and a new residence were proposed. Findings of hardship concerning design and construction are much more likely for a remodel of an existing residence in order to (1) accommodate the existing orientation of the house on the lot, (2) preserve the architectural*

*heritage of the house and its compatibility with surrounding structures and (3) incorporate existing nonconformities into a reasonable adaptation to present-day residential patterns. On the other hand, if an undeveloped lot exists or is created by demolition, the opportunity is much greater, because of the lack of physical constraints, to design and construct a residence which will comply with existing regulations without the need for variances and design compromises.*

### **Criteria and Standards of Design Review – Section 17.20.9.**

*The Planning Commission or Director of Public Works shall not approve any projects subject to design review unless the design of the project conforms to the following criteria and standards;*

*(a) The exterior design elements are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development. These elements include but are not limited to: height, bulk, area openings, breaks in the facade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment.*

*(b) The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light.*

*(c) The safety of residents, pedestrians, and vehicle occupants and the free flow of vehicular traffic are not adversely affected, considering the circulation pattern, parking layout and points of ingress and egress.*

*The City Council has adopted illustrated Design Review Guidelines for residential projects, which may be amended from time to time by the City Council, subject to prior review and recommendation by the Planning Commission. The Residential Design Review Guidelines shall be made available by the City to persons proposing residential projects subject to design review. The Residential Design Review Guidelines are not mandatory requirements but shall be a source of reference for the Planning Commission in determining whether a specific project conforms to the standards and criteria set forth in section 17.20.9.*

### **RESIDENTIAL DESIGN GUIDELINES:**

Piedmont is unusual in that it is characterized by a non-regular development pattern of properties that vary significantly in size, shape and topography. Piedmont is very hilly,

was largely built-out by the 1940s, and in general, has houses that are very large in size relative to their lots. The irregular, non-grid development pattern has resulted in a large number of non-conforming properties, and the small lots often present physical barriers to providing on-site parking or new construction without one or more variance. Each house and property is different from its neighboring properties - precisely the type of development pattern not suited to one-size-fits-all zoning controls. As a consequence, Piedmont has relied heavily on the City's Residential Design Review Guidelines. It is the discretionary application of the design principles in the Guidelines, on a case-by-case basis, that provides the flexibility needed for the types of home improvement projects desired by Piedmont homeowners that would not be possible through standard development controls alone. The Guidelines give the Council, Commission and staff the ability to evaluate each proposed addition or renovation in terms of its unique relationship to the existing structures and subject site, as well as the surrounding properties and the neighborhood in general.

The Guidelines have been prepared to discuss five different categories of development. All of the categories – including the Addition and Remodeling section which is the most relevant to second story construction - are arranged to provide the following three “factors of review”:

- a. *Aesthetic Design – relating to the construction from a purely physical perspective, including architectural character, design integrity and scale;*
- b. *Compatibility – relating to the construction according to its impacts on the intended occupants of the structure, and those residents in the vicinity of the structure expressed in terms of privacy, orientation, identity, control, convenience, and visual access to significant views;*
- c. *Safety – relating to the construction from the stand-point of public safety, including emergency access, fire protection, physical security, traffic safety and earth-quake hazards.*

Each of the above factors of review is in turn addressed at the following three different levels of context:

- a. *Neighborhood – relating to the area defined by all houses from within which it is possible to view the construction. Depending on where the construction is located on the lot, e.g. front yard, rear yard, side yard, and the topography of the lot, the neighborhood may consist of many or only a handful of houses;*
- b. *Contiguous Parcels – relating to all residential parcels touching the parcel on which the construction is located; and*
- c. *On-Site – relating to the parcel on which the construction is located.*

#### CITY POLICIES:

Numerous policy documents have been approved over the years that provide further refinement of the goals and provisions of the General Plan, Zoning Ordinance, and

Design Guidelines, including the Story Pole Policy and Window Policy. Each policy was developed and approved to provide support to the discretionary decision-making process inherent in Piedmont’s design review process.

CONCLUSION:

In the past, Piedmont has relied heavily on the General Plan, Zoning Ordinance, Design Guidelines and Planning Policies to guide development decisions, and overall, the Council, Commission and staff have worked very hard to apply the discretionary criteria of the above documents in a fair and consistent manner.

Over the long term, cities are dynamic, with changing application types and levels of proposed development in response to changes in household size, lifestyles, and the regional supply and demand of housing. By the time most of Piedmont’s houses were built in 1940, the average Piedmont household had 3.7 residents compared to 2000, where the household size had declined to 2.88 residents. Despite the decline in household size (which should translate to the need for smaller houses), lifestyles have also changed, including an increase in two working-parent families, demanding more bathrooms, more bedrooms so children can have their own bedrooms, new studies/computer rooms, expanded kitchens, and new family rooms. These housing amenities resulting from lifestyle changes have also occurred concurrent with the significant increases in housing costs, and it is a likely consequence that many Piedmonters have elected to expand their existing residence rather than relocate to a larger house in a new neighborhood.

It is natural for cities to need to re-evaluate their development review procedures to address the modern amenity preferences of applicants balanced against the need to preserve light, views and privacy on adjacent properties. Given these sometimes competing objectives, it is appropriate that a discussion about how to interpret and apply the criteria in the various City documents should occur.

Attachments:

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| Exhibit A, page 8  | Land Use Element Goals, Policies and Programs         |
| Exhibit B, page 11 | Community Design Element Goals, Policies and Programs |
| Exhibit C, page 15 | Housing Element Goals, Policies and Programs          |
| Exhibit D, page 48 | Residential Design Review Guidelines                  |