

PIEDMONT PLANNING COMMISSION

Special and Regular Meeting Minutes for Monday, April 12, 2010

A Special and Regular Session of the Piedmont Planning Commission was held April 12, 2010, in the City Hall Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54954.2(a) the agenda for this meeting was posted for public inspection on April 2, 2010.

SPECIAL SESSION

Chairman Kellogg called the special session to order at 5:05 p.m.

ROLL CALL

Present: Commissioners Jim Kellogg, Melanie Robertson, Bobbe Stehr
and Alternate Commissioner Michael Henn

Absent: Commissioners Jonathan Levine and Clark Thiel (both excused)

Staff: City Planner Kate Black, Assistant Planner Kevin Jackson, Planning Technician Sylvia Toruno and Recording Secretary Chris Harbert

City Council Liaison: Councilmember Jeff Wieler

The Chairman announced that the purpose of the special session is to review those projects nominated for the Commission's 2010 Design Awards and select award recipients. Presentation of the awards will be made at the May 10 Planning Commission meeting immediately following a reception held at City Hall to honor all award recipients. The Commission selected the following award recipients:

Best New Home **393 Hampton Road**
(*quality architecture, construction and materials*)

Best Contemporary Major Remodel **122 Crocker Road**
(lovely design)

Best Lower Level Expansion **53 Lakeview**
(below grade expansion with no impact on neighbor view, light or privacy)

Best Basement Addition **124 Ricardo Avenue**
(a very clever, well integrated design improvement)

Best Second Story Addition **109 Ramona Avenue**
(seamless construction with attractive detailing and amenities)

Best Small Addition **314 Pacific Avenue**
(a beautiful, unobtrusive design)

Best Deck **360 Mountain Avenue**
(perfectly placed, well detailed improvement)

Best Sustainable Design **124 Ronada Avenue**

(Great use of renewable materials, carefully controlled lighting, gravity-flow cistern and solar panel roof)

Best Dual Purpose Pavilion **212 La Salle Avenue**
(Creative solution for adding parking and entertainment areas)

Best Landscaping **48 Lakeview Avenue**
(beautifully designed improvement)

The Commission also tentatively supported honoring 3 Maxwellton Road next year in the category of "Best Steep Slope Development."

ADJOURNMENT

Chairman Kellogg adjourned the special session at 6:05 p.m.

REGULAR SESSION

CALL TO ORDER

Chairman Kellogg called the regular meeting to order at 6:10 p.m.

ROLL CALL

Present: Commissioners Jim Kellogg, Melanie Robertson, Bobbe Stehr and Alternate Commissioner Michael Henn

Absent: Commissioners Jonathan Levine and Clark Thiel (both excused)

Staff: City Planner Kate Black, Assistant Planner Kevin Jackson, Planning Technician Sylvia Toruno and Recording Secretary Chris Harbert

City Council Liaison: Councilmember Jeff Wieler

ANNOUNCEMENTS

Census -- The City Planner encouraged residents to complete and return 2010 U.S. Census Forms.

408 Linda Avenue -- The City Planner announced that a scoping session will be held on April 14 to receive public comment regarding the scope of the CEQA environmental analysis of the proposed 7-unit townhouse development at 408 Linda Avenue.

ELECTION OF OFFICERS

Resolution 4-PL-10

RESOLVED, that the Planning Commission selects Melanie Robertson to serve as Commission Chair for 2010-11.

Moved by Stehr, Seconded by Henn

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Absent: Levine, Thiel

Resolution 5-PL-10

RESOLVED, that the Planning Commission selects Bobbe Stehr to serve as Commission Vice Chair for 2010-11.

Moved by Kellogg, Seconded by Henn

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Absent: Levine, Thiel

CONSENT CALENDAR

The following Resolutions were approved under one vote by the Commission:

**Fence Design Review
123 Wildwood Gardens**

Resolution 70-DR-10

WHEREAS, Mr. Richard Nagler and Ms. Sheila Sosnow are requesting permission to modify the existing entry by constructing new stucco columns, brick steps with a metal handrail and add exterior lighting located at 123 Wildwood Gardens, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e) and the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that the improvements are in keeping with the elegant style and quality of the residence and neighborhood. The project complies with Design Review Guidelines II-3, II-3(b) through (d), V-1, V-2 and V-3. The metal handrails are a safety feature and the lighting is low voltage and directable for safety and in keeping with neighborhood conditions. The railings are consistent with the character of existing railings and fences.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because there is no adverse impact. The new pillars are appropriate for the size of the lot and the scale of the residence. The project complies with Design Review Guidelines V-5, V-5(a) through (c) and V-6.
3. 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 because there is no impact on circulation patterns.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Nagler and Ms. Sosnow for construction at 123 Wildwood Gardens, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- Prior to issuance of a building permit, the applicants shall apply and pay for an encroachment permit for the proposed construction located in the City's right-of-way.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the

project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

**Design Review
1900 Oakland Avenue**

Resolution 84-DR-10

WHEREAS, Mr. and Mrs. Richard Coffin are requesting permission to expand the second story by approximately 591 sq. ft., with an upper level addition at the east end of the residence above the existing single story part of the building, and above the existing southern first floor projection. Modifications include a hipped roof at the eastern end and a new octagonal roof extension on the south side of the house and the addition of two dormers; window changes; and various alterations to the interior located at 1900 Oakland Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that:

- The project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e) relating to "additions to existing structures provided that the addition will not result in an increase of more than 50% of the floor area of the structures before the addition, or 2,500 sq. ft., whichever is less." The project is not qualified as a historically, registered landmark; and

that the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. 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 façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment. The distance between the proposed upper level addition/expansion and adjacent residences is reasonable and appropriate due to the existing topography and neighborhood development pattern. The project complies with Design Review Guidelines II-1, II-2 and II-3(a) through (d) in that it is in keeping with the exquisite Queen Anne architecture of the existing home.

2. The proposed upper level addition/expansion has been designed in a way that reasonably minimizes view and light impacts on neighboring properties (as defined in Section 17.2.70), including consideration of the location of the new construction, lowering the height of the addition, expansions within the existing building envelope (with or without excavation), lower level excavation for new multi-level structures, and/or changing the roof slope or ridge direction. The

project complies with Design Review Guidelines II-3(c) & (d), II-6(a) through (c) and II-7. The design respects the architectural style of the residence as well as neighbor views and privacy.

3. The size and height of the addition is commensurate with the size of the lot (excluding the portions of the lot that cannot reasonably be built on), and is in keeping with the existing neighborhood development pattern. The addition replicates the existing roof design and does not extend beyond the height of the existing house. The project complies with Design Review Guidelines II-2 and II-7.
4. 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. In accordance with Sections 17.16.1 and 17.22.1, the existing or proposed on-site parking is appropriate to the size of the new upper level addition and additional parking is not required to prevent unreasonable short and/or long term parking impacts on the neighborhood. There is no change in existing circulation patterns.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Coffin for construction at 1900 Oakland Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. A comprehensive Construction Management Plan shall be developed by the applicant. The Construction Management Plan shall address noise, vibrations, traffic control, parking, debris removal, dust control, sanitary facilities, 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 shall have 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 issuance of a Certificate of Occupancy.
2. Applicant shall implement stormwater treatment Best Management Practices (BMPs) as well as Bay Area Stormwater Management Agencies Association's "Start at the Source" criteria for stormwater quality protection. City staff may impose additional requirements involving the prevention of storm water pollution during construction and permanent drainage, erosion and sediment control. These items will be reviewed as part of the applicant's Construction Management Plan.
3. Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, will be required on all phases of this project.
4. The applicant shall, pursuant to a form of agreement prepared by the City Attorney and executed by the applicant, defend, at the applicant's sole expense, indemnify and hold harmless the City of Piedmont, its elected and appointed officials, agents,

officers and employees from and against any claim, demand, loss, liability, action or proceeding relating to, resulting from, or in connection with any determination, whether through its Planning Commission, City Council, City Staff, or otherwise, regarding applicability of the California Environmental Quality Act to the applicant's project, including but not limited to any determination that a Categorical Exemption applies or that an Initial Study, a Negative Declaration or an Environmental Impact Report is or is not required for the project.

5. The new windows shall be the same color as the remaining existing windows throughout the residence.
6. The proposed divided light grids shall be true or three dimensional simulated.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Stehr, Seconded by Kellogg
Ayes: Kellogg, Robertson, Stehr, Henn
Noes: None
Absent: Levine, Thiel

PUBLIC FORUM

There were no speakers for the public forum.

APPROVAL OF MINUTES

Resolution 6-PL-10

RESOLVED, that the Planning Commission approves as submitted its meeting minutes of March 8, 2010.

Moved by Kellogg, Seconded by Stehr
Ayes: Kellogg, Robertson, Stehr, Henn
Noes: None
Absent: Levine, Thiel

REGULAR CALENDAR

The Commission considered the following items of regular business:

Design Review 19 Greenbank Avenue

Mr. Wes Lisker and Ms. Abby Cohn are requesting design review to construct a 156 sq. ft. main-level rear addition, make window and door modifications including the addition of a new side entry on the north facade, make various changes to the interior and add exterior lighting. A similar application was denied without prejudice on January 11, 2010.

Written notice was provided to neighbors. **Four affirmative, two negative response forms** were received.

Public testimony was received from:

Abby Cohn and Wes Lisker explained that the purpose of the remodel is to upgrade and enlarge the existing kitchen to make it more suitable for entertaining. They described the design changes made in response to the January meeting, noting that light, privacy and acoustical impacts on the adjacent neighbor have been mitigated by the redesign. In addition, they stated that all venting, including those in the existing laundry room, will be through the roof and that an existing fast growing hedge will be allowed to grow taller and extend farther along the property line to enhance privacy.

Bennett Christopherson, Project Architect, briefly summarized the various roof design options which were explored and noted the effort to keep the addition's roof as low as possible. He also described the placement of proposed venting and fan motors.

The Commission agreed that the redesign was responsive to Commission requests and concurred that potential privacy, light and view impacts on the adjacent neighbor have been successfully mitigated through the use of obscure glass, the elimination of the originally proposed roof deck, the revised roof design and the roof venting plan. The Commission agreed that the design elements of the proposal were attractive and well integrated into the existing architecture of the residence.

Resolution 72-DR-10

WHEREAS, Mr. Wes Lisker and Ms. Abby Cohn are requesting permission to construct a 156 sq. ft. main-level rear addition, make window and door modifications including the addition of a new side entry on the north facade, make various changes to the interior and add exterior lighting located at 19 Greenbank Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e) and that the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that the project complies with Design Review Guidelines II-1, II-2, II-3, II-3(a) through (d) and II-6(a). There is minimal change to the home's existing building envelope as a result of this small addition.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because the placement of vents and exhaust ports, the design of the roof and the use of obscure glass mitigates any impact on the north side

neighbor. The project complies with Design Review Guidelines II-6(b), II-7 and II-7(a).

3. 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 because there is no change in existing circulation patterns.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Lisker and Ms. Cohn for construction at 19 Greenbank Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The new range hood vent shall have an interior-located motor and fan;
2. Due to the scope and nature of the application, a construction management plan shall be developed and approved by staff prior to obtaining a building permit. Said plan shall be comprehensive while specifically addressing the duration of the project, construction hours, the staging of materials, and parking of worker vehicles to ensure the free flow of traffic along Greenbank Avenue;

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.
Moved by Stehr, Seconded by Henn

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Absent: Levine, Thiel

**Variance and
Design Review
9 Arbor Drive**

Mr. Andy Gold and Ms. Karen Cutler are requesting variance and design review to construct a new wood overhang at the entry door, make window modifications, add a bay window at the rear, and remove an existing skylight. The requested variance is from Section 17.10.6 to allow the new overhang to extend to within 5 ft. of the front property line in lieu of the code required minimum of a 20 ft. front yard setback.

Written notice was provided to neighbors. **Two affirmative response forms** were received.

Public testimony was received from:

Karen Cutler stated that the variance situation is pre-existing in that the house is located within the front setback. She stated that the purpose of

the proposal is a quality of life issue -- there is a need to provide better protection over the front door for people entering and leaving during inclement weather.

Debbie Rush, Project Designer, described the very modest extension of the existing overhang over the front door and the proposed improvements to improve the home's internal circulation, noting that the project will not impact neighbors nor result in any change in the property's existing floor area ratio.

The Commission agreed that the proposal was appropriate and well designed and that the variance situation is pre-existing.

Resolution 78-V-10

WHEREAS, Mr. Andy Gold and Ms. Karen Cutler are requesting permission to construct a new wood overhang at the entry door, make window modifications, add a bay window at the rear, and remove an existing skylight located at 9 Arbor Drive, Piedmont, California, which construction requires variance; and

WHEREAS, a variance from the requirements of Chapter 17 of the Piedmont City Code is necessary in order to construct within the 20 ft. front yard setback; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission makes the following findings:

1. The project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e).
2. The underlying lot and existing improvements present unusual physical circumstances, including but not limited to the fact that the existing house is located within the front setback and as a consequence, any improvement to the front of the house requires variance. Because of these circumstances, strictly applying the terms of this chapter would keep the property from being used in the same manner as other properties in the zone which conform to the zoning requirements.
3. The variance is compatible with the immediately surrounding neighborhood and the public welfare because the design of the improvement is well integrated into the existing house and has no impact on adjacent residences or the neighborhood.
4. Accomplishing the improvement without a variance would cause unreasonable hardship in planning, design, or construction because the variance situation is pre-existing and the proposed extension of the front overhang is reasonable in that it will provide better protection from the weather.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the variance application of Mr. Gold and Ms. Cutler for the above variance at 9 Arbor Drive, Piedmont, California, in accordance with the plans and specifications on file with the City.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Henn, Seconded by Kellogg

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Absent: Levine, Thiel

Resolution 78-DR-10

WHEREAS, Mr. Andy Gold and Ms. Karen Cutler are requesting permission to construct a new wood overhang at the entry door, make window modifications, add a bay window at the rear, and remove an existing skylight located at 9 Arbor Drive, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements (including but not limited to height, bulk, area openings, breaks in the façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that the small addition is well integrated into the existing residence. The project complies with Design Review Guidelines II-1, II-2 and II-3(a).

2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because there is no impact from this one-story addition. The project complies with Design Review Guideline II-2.

3. 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 because there is no change to existing circulation patterns.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Gold and Ms. Cutler for construction at 9 Arbor Drive, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following condition:

- The proposed windows shall be painted to match the remaining windows throughout the residence

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Henn, Seconded by Stehr

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Absent: Levine, Thiel

Fence Design Review 10 Huntleigh Road

Mr. James Read is requesting fence design review to make various hardscape and landscape improvements throughout the property, including: the construction of new entry stairs, gates, fences and walls along Huntleigh Road.

Written notice was provided to neighbors. **One affirmative response form** was received. **Correspondence** was received from: Patricia Henshaw

Public testimony was received from:

Peter Koenig, Project Landscape Designer, described the proposed improvements intended to create a sense of entry into the property that is more consistent with the home's architecture and to expand the existing front courtyard to make it more functional since it is the only usable outdoor space on the property. The grid-style fence, to be landscaped with roses, is intended to provide privacy to this courtyard yet not be a solid barrier at the street. He added that removing the existing hedge and replacing it with the proposed new fence will improve traffic sight lines. He also explained how the fence's stepped design helps lessen streetscape massing. In response to a neighbor's concern over drainage, Mr. Koenig felt that there would be no change to the property's existing drainage situation but stated his willingness to work with the City's Building Official if drainage improvements are required.

The Commission agreed that the project is beautifully designed and appropriate for this difficult, steep sloping lot. However, the Commission felt that front yard massing could be lessened if the width of the pilasters adjacent to the front gate was reduced and the height of the fence portion next to these pilasters was lowered. The Commission also agreed that the height impacts of the deer fence along the rear property line of this corner lot were mitigated by the fact that this fence is tucked up against dense vegetation, lessening its visibility.

Resolution 80-DR-10

WHEREAS, Mr. James Read is requesting permission to make various hardscape and landscape improvements throughout the property, including: the construction of new entry stairs, gates, fences and walls along Huntleigh Road located at 10 Huntleigh Road, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e) and that proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that the proposed improvements comply with Design Review Guidelines IV-1, IV-2, IV-3, IV-5, V-1, V-2, V-3, V-5, V-5(a), V-6 and V-7.
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light because there is no material impact on neighboring properties.
3. 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 because the proposed improvements do not obstruct traffic/pedestrian sight lines. The project complies with Design Review Guidelines IV-6, V-9 and V-10.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Read for construction at 10 Huntleigh Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. Due to the scope and nature of the application, a construction management plan shall be developed and approved by staff prior to obtaining a building permit. Said plan shall be comprehensive while specifically addressing the duration of the project, construction hours, the staging of materials, and parking of worker vehicles to ensure the free flow of traffic along Huntleigh and Hampton Roads;
2. The applicant shall apply and pay for an encroachment permit for the proposed construction within the City right-of-way on Huntleigh Road;
3. The City Building shall verify that the storm drainage situation on adjoining properties is not affected by the proposed project;
4. The two pilasters adjacent to the front entry gate shall be reduced in width to a 1'4" square design matching the width

and design of the corner pilasters; said redesign subject to staff review and approval; and

5. The height of the left side trellis to the front entry gate shall be constructed in a horizontal or rectangular shape to reduce the overall size and height of the fence; said redesign subject to staff review and approval

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Kellogg, Seconded by Stehr

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Absent: Levine, Thiel

**Design Review and
Fence Design Review
74 Sandringham Road**

Mr. Horacio Woolcott is requesting design review and fence design review to abandon the 2009 previously approved design to expand and remodel the house and instead to stylistically alter and enlarge the existing 2,143 sq. ft., 2-story residence by adding approximately 1,622 sq. ft. of habitable space through the excavation and additions. The resulting 2-story residence with basement garage is proposed to have 4 bedrooms, 3 full baths, a family room, laundry room, living room, dining room, kitchen, game room and conforming 2-car garage. Proposed site improvements include: new landscaping and exterior lighting, a new excavated and enlarged driveway, new entry steps and posts, new front yard retaining walls and fence, new driveway gate, and new fencing along the side and rear property lines. A similar application was denied without prejudice on March 8, 2010.

Written notice was provided to neighbors. **Two negative response forms** were received.

Public testimony was received from:

Horacio Woolcott summarized the design changes made in response to the Commission's requests at the March meeting.

Humberto Oliver, Project Contractor, responded to Commission questions concerning various aspects of the project, including the reasons why the originally proposed elevator was dropped from the current design. The Commission clarified that at the March meeting, the Commission did not request that this elevator be eliminated, only that its design treatment be modified to create a better overall integrated appearance with the house.

David Birnbaum continued to oppose the proposed project, citing concerns over loss of light and views. He felt that the addition was too

tall and close to the shared property line and reiterated his preference for a rearward expansion design.

The Commission agreed that the redesign was responsive to Commission requests, provided a more cohesive use of materials, minimized vertical mass and reflected a reasonable expansion plan. The Commission felt that Mr. Birnbaum's existing filtered views and light were not significantly affected by the project -- existing redwood trees and dense vegetation between the two properties will essentially screen the addition from view, there is a 45 ft. separation distance between the two homes and the addition's height is no greater than the height of the home's existing roof. However, the Commission felt that the height of the retaining wall and front fence along the driveway should be lowered, although the proposed 6 ft. height of the gate could remain. It was suggested that the height of the retaining wall be 12 inches, with a 4 ft. fence height atop. The Commission also requested that if the applicant later desires to modify his plans to restore the elevator, such design modification be resubmitted for Commission review and action.

Resolution 83-DR-10

WHEREAS, Mr. Horacio Woolcott is requesting permission to abandon the 2009 previously approved design to expand and remodel the house and instead to stylistically alter and enlarge the existing 2,143 sq. ft., 2-story residence by adding approximately 1,622 sq. ft. of habitable space through the excavation and additions. The resulting 2-story residence with basement garage is proposed to have 4 bedrooms, 3 full baths, a family room, laundry room, living room, dining room, kitchen, game room and conforming 2-car garage. Proposed site improvements include: new landscaping and exterior lighting, a new excavated and enlarged driveway, new entry steps and posts, new front yard retaining walls and fence, new driveway gate, and new fencing along the side and rear property lines located at 74 Sandringham Road, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e) and conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. 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 façade, line and pitch of the roof, materials, arrangements of structures on the parcel, and concealment of mechanical and electrical equipment. The distance between the proposed upper level addition/expansion and adjacent residences is reasonable and appropriate due to the existing topography and neighborhood development pattern. The proposed improvements are well integrated and consistent with the new architectural style of the residence and the placement and hip roof design of the addition mitigates its size and bulk. The project complies with Design Review Guidelines II-1, II-2, II-3(a) through (d) and II-5(a) & (b).

2. The proposed upper level addition/expansion has been designed in a way that reasonably minimizes view and light impacts on neighboring properties (as defined in Section 17.2.70), including consideration of the location of the new construction, lowering the height of the addition, expansions within the existing building envelope (with or without excavation), lower level excavation for new multi-level structures, and/or changing the roof slope or ridge direction. There is no addition to the west and the small addition to the southeast does not significantly impact neighboring property in terms of light, privacy and view. The ridge height and roof of the addition is no higher than the existing roof on the home. The addition is screened from view by existing vegetation and will not block any material views of the neighbor in terms of skyline, hills or open spaces. The project complies with Design Review Guidelines II-5(a) & (b), II-6 and II-6(a) & (b).

3. The size and height of the addition is commensurate with the size of the lot (excluding the portions of the lot that cannot reasonably be built on), and is in keeping with the existing neighborhood development pattern. There is no material change in existing bulk and massing. The proposed addition over the garage is only 2-1/2 stories relative to street frontage and impacts are mitigated because of the hip roof and step-backs of the living and family rooms as well as the careful use of Mission-style ornamentation and detailing. The project complies with Design Review Guidelines II-2, II-3(a) & (b), IV-2 and, as conditioned, V-6.

4. 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. In accordance with Sections 17.16.1 and 17.22.1, the existing or proposed on-site parking is appropriate to the size of the new upper level addition, and additional parking is not required to prevent unreasonable short and/or long term parking impacts on the neighborhood. The project does not affect existing curb-cuts but rebuilds the driveway and improves its slope to the garage to make ingress/egress safer and the garage more functional and usable for off-street parking.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Woolcott for construction at 74 Sandringham Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Construction Management Plan.** A comprehensive Construction Management Plan shall be developed by the applicant. The Construction Management Plan shall address noise, vibrations, traffic control, parking, debris removal, dust control, sanitary facilities, 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 shall have 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 issuance of a Certificate of Occupancy.

2. **Construction Completion Schedule.** Work on the Project,

once commenced, 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 complete of each phase.

- a. The Construction Completion Schedule with associated construction values for each benchmark shall set forth completion dates for the following benchmarks:
 1. Completion of Excavation;
 2. Completion of Retaining Walls;
 3. Completion of Foundation;
 4. Completion of Rough Framing;
 5. Completion of Electrical;
 6. Completion of Plumbing;
 7. Completion of Mechanical;
 8. Completion of Fire Sprinklers;
 9. Completion of Home;
 10. Completion of Hardscaping and Landscaping;and of any further construction benchmarks and conditions of occupancy as may be determined by the Director of Public Works.
 - b. The Director of Public Works shall, before the Project commences, make a determination as to the completion dates applicable to the Project and such determination shall constitute the "Approved 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 Applicant's 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. If the work for any specific benchmark has not been completed within 90 days after the completion date set forth in the Approved Schedule, and the delay in completion has not been caused by force majeure, the Director of Public Works shall have the option at any time thereafter to make claim against the Applicant's Performance Security in order to complete such benchmark.
3. **Stormwater BMPs for Construction.** Applicant shall implement stormwater treatment Best Management Practices (BMPs) as well as Bay Area Stormwater Management Agencies Association's "Start at the Source" criteria for stormwater quality protection. City Staff may impose additional requirements involving the prevention of storm water pollution during construction and permanent drainage, erosion and sediment control. These items will be reviewed as part of the Applicant's Construction Management Plan.
 4. **C&D Compliance.** Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, is required for all phases of this project.
 5. **Renovation / New Construction.** Pursuant to Section 17.32.6 of the Municipal Code, if for any reason more than 70% of the physical

structure (as determined by the Building Official) is demolished or destroyed, the building shall conform to new Code requirements, including, but not limited to, the installation of a fire sprinkler system. Should this occur during demolition without the prior approval of the Chief Building Official, a new hearing and public review by the Planning Commission may be required.

6. **Geotechnical Report and Review.** The Applicant shall submit a report prepared by a geotechnical engineer of the Applicant's choice that fully assesses the existing site conditions, and addresses all issues regarding excavation and grading, foundations and their construction, drainage, retaining wall systems, periodic on-site observations, and other related items involving the Project.

a. **Peer Review.** The City, at the Applicant's sole expense, shall retain an independent geotechnical consultant to perform a peer-review of the Applicant's geotechnical report and advise the City in connection with the Applicant's proposals. The City Engineer shall select this independent geotechnical consultant, whose services shall be provided for the sole benefit of the City and whose reports and recommendations can be relied upon only by the City. Said independent geotechnical consultant shall also review the building plans during the permit approval process, and may provide periodic on-site observations during excavation and construction of the foundations as deemed necessary by the City Engineer. Payment for this shall be provided by the applicant at the time of the Building Permit submittal.

7. **City Attorney Cost Recovery.** Should there be substantial additional commitment of City Attorney's time required to accommodate the scope and nature of the Project proposed by the Applicant, the Applicant shall, prior to commencement of construction, make a cash deposit with the City in the amount of \$5,000 to be used to offset time and expenses of the City Attorney relating to the Project. If such cash deposit has been reduced to \$2,500.00 or less at any time, the Director of Public Works may require the Applicant to deposit additional funds to cover any further estimated additional City Attorney time and expenses. Any unused amounts shall be refunded to the Applicant within 90 days after the Project has an approved Final Inspection by the Chief Building Official.

8. **Professional Liability Insurance.** The Applicant shall require its architect, any structural engineer, soils engineer, geotechnical engineer and other engineers and professional consultants retained to perform work relating to the Project to procure and maintain for a period of no fewer than 5 years after completion of the Project, professional liability insurance with coverage limits of no less than \$1,000,000.00 per claim.

9. **Property Insurance.** The Applicant shall purchase and maintain property insurance on an "all-risk" policy form, including builder's risk, in the amount of the initial total expected costs to complete the Project, plus the value of subsequent modifications and revisions, comprising total value for the entire Project on a replacement cost basis without optional deductibles. Such property insurance shall include interests of the Applicant, its contractor, subcontractors and

sub-subcontractors in the Project, and shall be maintained until the entire Project has been completed and has an approved Final Inspection by the Chief Building Official.

10. **Contractor's General Liability Insurance.** The Applicant shall require all contractors and subcontractors performing work on the Project to maintain General Liability Insurance for protection from claims for damages because of bodily injury, including death, and claims for damages, other than to the contractor's work itself, to property which may arise out of or result from the contractor's operations. Such insurance shall be written for not less than \$1,000,000 per occurrence.

11. **Creditors' Claims.** All security, funds or financial vehicles set forth in any of these Conditions of Approval shall be earmarked or dedicated so that they are not subject to creditors' claims.

12. **Insurance Cancellation Notice.** The Applicant shall require that all insurance policies obtained to satisfy any specific Condition of Approval provide the City with at least 10 days prior written notice from the insurance company of the cancellation of or change to any insurance coverage provided therein. Applicant shall immediately arrange for substitute insurance coverage to replace any such cancellation or change, subject to the approval of the City Attorney.

13. **CEQA Agreement.** The Applicant shall, pursuant to a form of agreement prepared by the City Attorney and executed by the Applicant, defend, at Applicant's sole expense, indemnify and hold harmless the City of Piedmont, its elected and appointed officials, agents, officers and employees from and against any claim, demand, loss, liability, action or proceeding relating to, resulting from, or in connection with any determination, whether through its Planning Commission, City Council, City Staff, or otherwise, regarding applicability of the California Environmental Quality Act to the Applicant's Project, including but not limited to any determination that a Categorical Exemption applies or that an Initial Study, a Negative Declaration or an Environmental Impact Report is or is not required for the Project.

14. **Final Landscape Plan.** The Applicant shall provide a Final Landscape Plan that shows trees proposed for retention as well as any in-lieu trees. Such final plan shall also comply with the provisions of Section 17.17.3 of the Municipal Code, 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. The Final Landscape Plan shall be subject to staff review and approval prior to the issuance of a building permit.

15. **California's Water Efficient Landscape Ordinance:** Applicants shall comply with the requirements of California's Model Water Efficient Landscape Ordinance that went into effect January 1, 2010. Should the project meet the ordinance compliance thresholds, the applicant shall submit 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 shall be subject to staff review and approval prior to the issuance of a building permit.

b. Once a building permit has been issued, the applicant 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, a Certificate of Completion, including an irrigation schedule, an irrigation maintenance schedule, and an irrigation audit report shall be submitted to the City and the local water purveyor for review. This Certificate of Completion may be approved or denied by the City.

16. **Modifications to Conditions.** Any bonds, financial vehicles, insurance requirements or related Conditions of Approval may be modified in a reasonable manner with the joint agreement of the Director of Public Works and the City Attorney, provided that such modified Conditions of Approval continue to satisfy the general intent of the Condition as originally set forth herein.

17. Any corrections to the proposed roof design must be resolved to the satisfaction of the Chief Building Official prior to the issuance of a building permit. Said design corrections are subject to staff review and approval.

18. The applicant shall submit a building permit application with distinct conditions separate from the building permit application, #B09-00370, submitted for the previously approved design for a remodeled and enlarged house. The applicant shall agree that upon the issuance of a building permit for the construction approved in this application, the building permit, #B09-00370, for the previously approved design for a remodeled and enlarged house shall become void.

19. The applicant shall work with City staff to verify the location and depth of the sanitary sewer main and easement at the front of the property prior to the issuance of a building permit and any excavation and construction of the new driveway, entry steps and retaining walls.

20. Prior to the issuance of a building permit, the applicants shall apply and pay for an encroachment permit for the construction of any portion of new retaining walls or other new improvements located in the City's street right-of-way and/or any sewer easement at the front of the property.

21. The new driveway gate and new garage door shall be electronically operated.

22. All new exterior wall- and eave-mounted light fixtures shall be downward-directed with an opaque or translucent shade.

23. The driveway treatment color and texture shall be integrated with the materials of the house and shall not be cast-in-place concrete. Said treatment shall be subject to staff review and approval.

24. The location of the gas meter shall be reexamined so as not to be visually obtrusive. Said relocation or screening shall be subject to staff review and approval.

25. The front fence along the driveway and steps to the north of the garage leading around the side of the property shall be constructed so that the retaining wall to the stairs is no greater than 12 inches in height from the nose of the stairs and the fence is 4 ft. in height from the nose of the stairs or driveway. The proposed stone wall to the left of the entry steps shall be eliminated and the 4 ft. fence continued to the front gate. The height of the front gate shall remain at 6 ft. as proposed in the plans. Said redesign shall be subject to staff review and approval.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.
Moved by Kellogg, Seconded by Stehr
Ayes: Kellogg, Robertson, Stehr, Henn
Noes: None
Absent: Levine, Thiel

**Design Review
1078 Annerley Road**

Mr. and Mrs. Jack Caldwell are requesting design review to add a new upper level story of approximately 586 sq. ft. for a master bedroom suite; remodel the interior of the existing and main and lower levels; make window and door modifications; eliminate the chimney extension above the roofline; and demolish the existing roof dormer. A similar application was denied without prejudice on March 8, 2010.

Written notice was provided to neighbors. **Five affirmative, three negative response forms** were received. **Correspondence** was received from: Tom & Julie Fenske, April 1

Public testimony was received from:

Jenna & Jack Caldwell described the design changes made in response to the March meeting, noting that the addition of new garage doors and an automatic door opener will be made if the project is approved. They submitted photographs indicating that their car can maneuver the driveway and enter the existing garage.

Scott Donahue, Project Architect, summarized the design changes, described the alternative design schemes considered and felt that the proposed reduction in addition height minimizes blockage of the seasonal, filtered views of Harvard properties. He emphasized that

only a very small portion of existing views from Harvard properties will be obstructed.

Billy Allen supported project approval, agreeing that the addition is attractively designed and the applicants have made significant effort to minimize impacts on neighboring property.

Tom & Jule Fenske and Cynthia Gorman strongly opposed project approval, citing concerns over the loss of property value and enjoyment because their views of Lake Merritt will be totally obstructed and other views will be greatly diminished. They felt that the redesign failed to mitigate their concerns and impacts and reiterated their preference for rearward expansion or that the second story addition be significantly reduced in size and located more forward on the existing home. The Fenske's also stressed that the applicant has failed to address the driveway and garage accessibility issues raised at the March meeting.

Royce and Cheryl Charney also felt that the redesign was unresponsive to requests made at the March meeting and that the size, height, bulk and placement of the proposed second story was unacceptable. They urged that a smaller, more symmetrical and centered second story addition be proposed. They also insisted that the applicants be required to provide a usable driveway and garage.

The Commission was divided in its support for application approval. Those in favor of the project noted that: (1) a rearward expansion proposal would require a floor area ratio variance which can be avoided by the upward proposal; (2) the views of Harvard neighbors are distant and only a very small portion (1 to 2 degrees) of the existing 180 degree panoramic view would be obstructed -- most of the views that would be blocked are of roofs; (3) the height of the addition is low profile and below the height limit permitted by code; (4) existing City street trees and privately owned trees will block Harvard's Lake Merritt views in the near future; and (5) the height of the proposed addition is lower than the ridge height of other Annerley Road homes. Those opposed to the project as currently designed noted: (1) the undesirable, asymmetrical design of the addition; (2) the overly generous size of the proposed rooms in the addition; and (3) the fact that design modifications can be made that would mitigate view impact on Harvard properties yet still provide the applicants with expanded living space. Commissioners Kellogg and Robertson suggested that if second story room sizes were reduced by 20%, the addition's south side wall moved 4 to 5 ft. to the north and a realignment/reconfiguration of the existing stairway, a more symmetrical, architecturally compatible and centered second story would be created that would have less adverse impact on Harvard views. Commissioners Stehr and Henn felt that such design modifications would have only a very miniscule effect, if any, on Harvard views because of the over 200 ft. distance between the properties.

Resolution 85-DR-10

WHEREAS, Mr. and Mrs. Jack Caldwell are requesting permission to add a new upper level story of approximately 586 sq. ft. for a master bedroom suite; remodel the interior of the existing and main and lower levels; make window and door modifications; eliminate the chimney extension above the roofline; and demolish the existing roof dormer

located at 1078 Annerley Road, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e) and the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. 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 façade, line and pitch of the roof, materials and arrangements of structures on the parcel. The distance between the proposed upper level addition/expansion and adjacent residences is reasonable and appropriate due to the existing topography and neighborhood development pattern. The upper story has been pulled away from the street and rear and presents a low profile away from the east neighbor for light. The neighborhood is a mix of architectural styles and one and two story homes and the proposed improvements are consistent with this neighborhood condition. The project complies with Design Review Guidelines II-1, II-2, II-3, II-3(a) through (d) and II-6(a).
2. The proposed upper level addition/expansion has been designed in a way that reasonably minimizes view and light impacts on neighboring properties (as defined in Section 17.2.70), including consideration of the location of the new construction by lowering the height of the addition and changing the roof slope. The project complies with the above-cited Design Review Guidelines as well as II-7 and II-7(a).
3. The size and height of the addition is commensurate with the size of the lot and is in keeping with the existing neighborhood development pattern. As proposed with the lower roof height, this roof height is still below the roof height of the house to the west. The project complies with the above cited guidelines.
4. 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. In accordance with Sections 17.16.1 and 17.22.1, the existing on-site parking is appropriate to the size of the new upper level addition, and additional parking is not required to prevent unreasonable short and/or long term parking impacts on the neighborhood. There is no change to existing ingress and egress and the applicants have indicated that they can get a car down the driveway and also have use of a front yard parking pad.
5. Alternative design options have been considered by the applicant and their architect.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. and Mrs. Caldwell for construction at 1078 Annerley

Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. **Construction Management Plan.** A comprehensive Construction Management Plan shall be developed by the applicant. The Construction Management Plan shall address noise, vibrations, traffic control, parking, debris removal, dust control, sanitary facilities, 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 shall have 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 issuance of a Certificate of Occupancy.

2. **Construction Completion Schedule.** Work on the Project, once commenced, 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 complete of each phase.

a. The Construction Completion Schedule with associated construction values for each benchmark shall set forth completion dates for the following benchmarks:

- 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 of any further construction benchmarks and conditions of occupancy as may be determined by the Director of Public Works.

b. The Director of Public Works shall, before the Project commences, make a determination as to the completion dates applicable to the Project and such determination shall constitute the "Approved 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 Applicant's 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. If the work for any specific benchmark has not been completed within 90 days after the completion date set forth in the Approved Schedule, and the delay in completion has not been caused by force majeure, the Director of Public Works shall have the option at any time thereafter to make claim against the Applicant's Performance Security in order to complete such benchmark.

3. **Stormwater BMPs for Construction.** Applicant shall implement stormwater treatment Best Management Practices (BMPs) as well as Bay Area Stormwater Management Agencies Association's "Start at the Source" criteria for stormwater quality protection. City Staff may impose additional requirements involving the prevention of storm water pollution during construction and permanent drainage, erosion and sediment control. These items will be reviewed as part of the Applicant's Construction Management Plan.

4. **C&D Compliance.** Compliance with Chapter 9 Article III of the Municipal Code, which governs the recycling of construction and demolition debris, is required for all phases of this project.

5. **Renovation / New Construction.** Pursuant to Section 17.32.6 of the Municipal Code, if for any reason more than 70% of the physical structure (as determined by the Building Official) is demolished or destroyed, the building shall conform to new Code requirements, including, but not limited to, the installation of a fire sprinkler system. Should this occur during demolition, a new hearing and public review by the Planning Commission may be required.

6. **Property Insurance.** The Applicant shall purchase and maintain property insurance on an "all-risk" policy form, including builder's risk, in the amount of the initial total expected costs to complete the Project, plus the value of subsequent modifications and revisions, comprising total value for the entire Project on a replacement cost basis without optional deductibles. Such property insurance shall include interests of the Applicant, its contractor, subcontractors and sub-subcontractors in the Project, and shall be maintained until the entire Project has been completed and has an approved Final Inspection by the Chief Building Official.

7. **Insurance Cancellation Notice.** The Applicant shall require that all insurance policies obtained to satisfy any specific Condition of Approval provide the City with at least 10 days prior written notice from the insurance company of the cancellation of or change to any insurance coverage provided therein. Applicant shall immediately arrange for substitute insurance coverage to replace any such cancellation or change, subject to the approval of the City Attorney.

8. **CEQA Agreement.** The Applicant shall, pursuant to a form of agreement prepared by the City Attorney and executed by the Applicant, defend, at Applicant's sole expense, indemnify and hold harmless the City of Piedmont, its elected and appointed officials, agents, officers and employees from and against any claim, demand, loss, liability, action or proceeding relating to, resulting from, or in connection with any determination, whether through its Planning Commission, City Council, City Staff, or otherwise, regarding applicability of the California Environmental Quality Act to the Applicant's Project, including but not limited to any determination that a Categorical Exemption applies or that an Initial Study, a Negative Declaration or an Environmental Impact Report is or is not required for the Project.

9. **Modifications to Conditions.** Any bonds, financial vehicles, insurance requirements or related Conditions of Approval may be

modified in a reasonable manner with the joint agreement of the Director of Public Works and the City Attorney, provided that such modified Conditions of Approval continue to satisfy the general intent of the Condition as originally set forth herein.

10. **Garage Modifications.** The applicant shall either remove the existing driveway gate or install an electronically operated opener to this gate and shall install an electronically operated opener to the garage doors.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Stehr, Seconded by Henn

Ayes: Stehr, Henn

Noes: Kellogg, Robertson

Absent: Levine, Thiel

MOTION CARRIED -- APPLICATION APPROVED

The Commission took a brief recess at 9:30 p.m. and reconvened at 9:40 p.m.

**Design Review
151 Sandringham**

Mr. Robert Anderson and Ms. Kimberley Guillen are requesting design review to make modifications to a previously approved (March 8, 2010) Planning Commission design review so that no variance is required as requested by the Planning Commission. The proposed improvements include: to construct an approximately 199 sq. ft. main level deck in the rear yard, make window and door modifications, and add new exterior lighting. This application is being deferred to the Commission for review and action.

Written notice was provided to neighbors. **Three affirmative, one negative response forms** were received. **Correspondence** was received from: Reed Bennett-Eisen, April 8; John & Alexis Hacker, April 11

Public testimony was received from:

Frank Bergamaschi, Project Architect, responded to Commission questions by clarifying that: (1) wood rather than steel support posts will be used; (2) the proposed bulkhead lights are unobtrusive, low wattage, soft light and compatible with the home's architecture; (3) a privacy screen was not added to the west side of the deck for architectural incompatibility and massing reasons; and (4) the dimension from the corner of the house to the deck is 1 foot 3 inches.

Kimberly Guillen displayed a colored rendering of the proposed improvements, noted that this is the 4th application since September

2008 for this deck. She submitted photographs of the existing, non-invasive 30 ft. tall bamboo vegetation screen planted to provide privacy to the adjacent neighbor. She added that this neighbor, Reed Bennett-Eisen, is impossible to satisfy despite her best efforts to do so.

The Commission responded to the issues raised in Mr. Bennett-Eisen's letter, noting in particular: (1) staff determined that the modified story poles indicating changes in deck design were sufficient to allow visualization of the deck's new dimensions and therefore, pole recertification by a licensed professional was deemed unnecessary; (2) staff determined that a variance was not required for this redesigned project; and (3) the location and vegetation screening of the proposed deck is consistent with many other deck situations in Piedmont. The Commission noted that the deck at its closest point is 26 ft. away from the property line and 39 ft. away from Mr. Bennett-Eisen's house and that the existing bamboo privacy screen is adequate to provide and preserve privacy between these two properties.

The Commission agreed that the project was beautifully designed, responsive to Commission requests and well integrated into the house. The Commission further agreed that no neighbor privacy issues are involved given the considerable separation distance and dense vegetation between properties.

Resolution 91-DR-10

WHEREAS, Mr. Robert Anderson and Ms. Kimberley Guillen are requesting permission to make modifications to a previously approved (March 8, 2010) Planning Commission design review so that no variance is required as requested by the Planning Commission. The proposed improvements include: to construct an approximately 199 sq. ft. main level deck in the rear yard, make window and door modifications, and add new exterior lighting located at 151 Sandringham Road, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the project is categorically exempt under the California Environmental Quality Act, pursuant to Section 15301, Class 1(e) and the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The exterior design elements (including but not limited to height, materials and arrangements of structures on the parcel) are aesthetically pleasing as a whole and harmonious with existing and proposed neighborhood development in that the revised design is responsive to Commission requests, matches the original design and architectural components of the existing house and complies with Design Review Guidelines II-1, II-2, II-3, II-3(a) & (b).
2. The design is appropriate, considering its effect on neighboring properties' existing views, privacy and access to direct and indirect light. While it is a tall structure due to the topography of the site, the attention to the detail of the columns and railings and the location have been designed to minimize any adverse impacts on neighboring

property, particularly to the house to the west at 93 Cambrian. The project complies with Design Review Guidelines II-5, II-5(a), II-6, II-6(a) & (b) and II-7.

3. 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 because there is no change to existing circulation patterns.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of Mr. Anderson and Ms. Guillen for construction at 151 Sandringham Road, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. Due to the scope and nature of the application, a construction management plan shall be developed and approved by staff prior to obtaining a building permit. Said plan shall be comprehensive while specifically addressing the duration of the project, construction hours, the staging of materials, and parking of worker vehicles to ensure the free flow of traffic along Sandringham Road and Cambrian Avenue;
2. The applicants shall maintain the existing vegetation along the right (west) side property line for 10 years to preserve and enhance privacy between 151 Sandringham Road and 93 Cambrian Avenue;
3. The new deck guardrail shall be designed and painted to match the existing deck guardrail;
4. The deck support system shall be wood;
5. The tree to be planted in the rear corner to screen deck view from the St. James Drive neighbor shall be specified and subject to staff review and approval.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

Moved by Stehr, Seconded by Henn

Ayes: Kellogg, Robertson, Stehr, Henn

Noes: None

Absent: Levine, Thiel

ADJOURNMENT

There being no further business, Chairman Kellogg adjourned the meeting at 10:20 p.m.

