

City of Piedmont
COUNCIL AGENDA REPORT

DATE: March 5, 2018

TO: Mayor and Council

FROM: Paul Benoit, City Administrator

SUBJECT: Consideration of a Resolution Amending the Interim Design Guidelines section C.1 Window Replacement Guidelines, to make technical corrections and to add criteria related to the recess of windows.

RECOMMENDATION:

- Adopt a resolution (Attachment A, pages 7-8) amending the Interim Design Guidelines, and which:
- A. Determines that the adoption of revisions to the Interim Design Guidelines is not subject to the California Environmental Quality Act (CEQA) because it is not a project within the meaning of CEQA and it can be seen with certainty that there is no possibility that the adoption of Interim Design Guidelines may have a significant effect on the environment; and
 - B. Amends and replaces in its entirety Section C.1, Window Replacement Guidelines.

EXECUTIVE SUMMARY:

In 1988, the City of Piedmont adopted Residential Design Review Guidelines to be used by property owners, contractors, architects, staff and the Planning Commission when designing and reviewing additions and remodels. Guideline II-3(a) requires that “the addition/remodeling cannot be distinguished from the original structure.” To that end, the Guidelines identify windows as an important component of architecture that must be considered in the design and review of the construction of additions and remodels.

Because windows are such an important architectural feature, in 2001 the City Council adopted a Window Replacement Policy in order to give specific guidance related to new and replacement windows. The policy has since been amended to address new technologies and window products and was incorporated into the City of Piedmont Interim Design Guidelines in March 2017. The ultimate goal is to engender window construction that cannot be distinguished from the original architecture of the building, and thereby is in compliance with the City’s General Plan and Residential Design Review Guidelines.

Retrofit windows, a window replacement technology that has been available for several years, do not always result in construction that cannot be distinguished from the original architecture in that the replacement has little or no “recess” from the exterior wall. When done properly and in conformance

with the Design Guidelines, the replacement windows can appear indistinguishable from original windows. Unfortunately, it is when the Chief Building Official performs an inspection, after the windows have been ordered and installed, that it is discovered that replacement windows have not been installed as approved with a recess consistent with the original architecture. Correcting window installations that are not consistent with the Design Guidelines can be very costly for property owners. To help ensure that windows are replaced in accordance with the Design Guidelines and to mitigate the need for corrections and additional expense, the Planning Commission has recommended specific guidelines and staff has developed standard conditions of approval related to window “recess.”

The City Council is being asked to receive the recommendation of the Planning Commission and adopt revisions to the Window Replacement Guidelines – provided as Section C.1 of the Interim Design Guidelines – that add guidelines specifying that a window recess be maintained for new and replacement windows. The recommended revisions to the Window Replacement Guidelines also include various minor corrections and clarifications. The proposed revisions to the Window Guidelines do not add to the requirement that the new construction should not be distinguishable from the original architecture. Instead the revisions give specific guidance on how this criteria can be attained.

BACKGROUND:

In recent years, staff has seen an increase in the number of applications for “retrofit” window replacements. “Retrofit” window replacements are those in which the existing window sash is removed, but the existing window frame is kept in place. The replacement window package, which includes the new frame and sash, is inserted into the existing frame. This eliminates the need to remove wall material in order to remove the existing frame from the wall studs, thereby potentially saving the property owner time and money. However, this construction technique oftentimes results in windows that are not consistent with the architectural style of the house or building.

A majority of Piedmont homes were constructed prior to World War II in architectural styles common to that time period, including: Victorian, Shingle, Craftsman, Arts & Crafts, American Foursquare, Colonial Revival, Tudor Revival, Italianate, Prairie, French Eclectic, Spanish Eclectic, and Monterey Colonial. A characteristic common to these and other architectural styles is a window construction in which the window plane is set back from the exterior wall surface and surrounding trim. In addition to providing the windows protection from moisture, the intended effect is to give the exterior walls the appearance of depth or thickness.

The dimension a window sash is set back from the exterior wall surface is called a window “recess.” A recess provides for an interplay of sunlight upon the wall and shadow cast upon the window that helps define the massing of a building and the openings within that massing. Without the recess, with the window plane being flush with the exterior wall surface, the exterior wall surface tends to appear as a skin, something less substantial than the solid stateliness characteristic of the traditional architectural styles of the first half of the twentieth century.

Retrofit window replacements always bring the plane of the window sash closer to that of the exterior wall. Well-designed and manufactured retrofit window inserts minimize the reduction in the recess so that the result is largely consistent with the original architectural style. Other retrofit window products can result in the elimination of the recess, or in the worst cases, result in windows that protrude from the exterior wall surface. Photographic examples of recesses of original windows, new windows and replacement windows are provided in Attachment B, pages 9-12.

DISCUSSION:

In order to help ensure that window replacements, and new windows, are consistent with the original architecture of the building, the Planning Commission is recommending revisions to the City's Window Replacement Guidelines. In addition, the Commission has directed staff to revise the Window and Door Design Review Permit application and to the standard conditions of approval to address this design and construction issue.

Window Replacement Guidelines

In addition to some clarifications and technical revisions, the recommended revisions to the Window Replacement Guidelines would expressly permit new and replacement windows, including retrofit replacement windows, upon the condition that the recess of the new or replacement window shall be a minimum 75% of the recess of the original windows on the building. The 75% proportion is the result of a review of recent retrofit window installations resulting in an architecturally consistent recess. The recommended revisions are designed to help ensure window construction meets all relevant aspects of the City's Design Guidelines and the Design and Preservation Element of the Piedmont General Plan. These guidelines will be provided to property owners, contractors and design professionals at the public works counter, in the Window and Door Design Review Permit application, and through the City's website. The recommended revised Window Replacement Guidelines are provided in Exhibit A to Attachment A, page 8.

Design Review Permit Application

The guidelines are housed within the Interim Design Guidelines and are attached to the application for Window and Door Design Review Permit, which is revised so that the applicant must initial that he or she has read and understand the Window Replacement Guidelines. The application form also requires the submittal of existing recess dimensions and a proposed window section specific to the building rather than a generic section from the manufacturer specifications. This information will assist the reviewing body, either staff or the Commission, in determining if the application meets the criteria of the Window Replacement Guidelines.

Standard Conditions of Approval

In addition to revising the Window Replacement Guidelines, staff has developed two standard conditions that will be applied to permit applications that include new and/or replacement windows, as follows:

1. **Window Recess.** All new and replacement windows shall have a minimum recess of [project specific dimension to be inserted] inches measured from the exterior wall surface or surrounding window trim to the face of window sash in order to maintain consistency with

the original architecture, as outlined in the City's Design Guidelines and Window Replacement Policy. Window construction details shall be submitted for review and approval at the time of building permit application.

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

While the Window Replacement Guidelines are proposed to include a standard that the new recess be at least 75% of the original recess, the standard condition of approval (#1) will include an exact dimension for the new recess that is based on the 75% standard and the specific building being modified. The planner reviewing the application will ensure that the information in the application is complete and, prior to taking action on the application, will inspect conditions during a site visit. The condition of approval also provides the Building Official a measurable point of inspection.

Normally, a window replacement project requires only one inspection during the construction process: the final inspection, a point after which construction has already been completed. To help ensure that construction is completed in accordance with the approved plans and all conditions of approval, planning staff has worked with the Chief Building Official to draft the second condition of approval listed above. This condition requires that the window installer meet with the Building Official prior to the ordering of the window product in order to help prevent construction that is not in compliance with the approved plans, the conditions of approval, and ultimately the City's Design Guidelines. The intent is to solve problems up front and save property owners the hassle and cost of fixing windows that were not installed as approved.

The conditions of approval are always included in decision letters mailed to property owners and their design professionals, and attached to the approved permit drawings.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The adoption of revised Interim Design Guidelines is not subject to the California Environmental Quality Act (CEQA) because it is not a project within the meaning of CEQA and it can be seen with certainty that there is no possibility that the adoption of revised Interim Design Guidelines may have a significant effect on the environment. (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Sections 15061(b)(3), 15378.) Additionally, to the extent that the adoption of revised Interim Design guidelines may be considered a project under CEQA, the adoption of such Interim Design Guidelines is exempt under Section 15301 of the CEQA Guidelines, because the Design Guidelines concern the permitting, repair, and alteration of existing public or private structures, and such permitting, repair, and alteration involves negligible or no expansion of an existing use.

REVIEW BY CITY ATTORNEY:

The proposed modifications to the Interim Design Guidelines, and the CEQA determinations have been reviewed and approved by the City Attorney.

PLANNING COMMISSION RECOMMENDATION:

On February 12, 2018, staff provided the Planning Commission a report recommending revisions to the Window Replacement Guidelines, changes to the application for Window and Door Design Review Permit, and two additional standard conditions of approval, all of which are described above. As noted in the draft minutes for the meeting, Commissioner Ramsey felt that this information had been missing from the Window Guidelines for far too long and Commissioner Jajodia suggested using the term “recess” rather than “reveal,” and a clarification as to how a recess is measured. In conclusion, the Commission was in full support of the proposed revisions to the Window Replacement Guidelines and unanimously recommended that the City Council approve these changes.

CONCLUSION:

There are many benefits to replacing existing windows including the improvement of functionality and/or insulation. There are many window products on the market that both enable owners to improve their homes and buildings while providing compliance with the City’s Design Guidelines, particularly those guidelines that call for new construction to be consistent with the original architecture. Retrofit windows are technology that has been available for several years and that is favored by many property owners when considering convenience and cost. However, evidence indicates that not all retrofit window products and installations result in a project that is in compliance with the City’s Design Guidelines. To ensure that windows are installed so that they are consistent with the existing guidelines, and to mitigate the need for owners to correct noncompliant window installations, staff and the Planning Commission recommend revisions to Interim Design Guidelines section C.1, Window Replacement Guidelines. In addition, staff has developed and will employ two standard conditions of approval for window installations and changes to the application for Window and Door Design Review Permit that correlate to the revised Guidelines.

Prepared by Kevin Jackson, Planning Director

ATTACHMENTS:

- A Pages 7-8 Proposed Resolution No. __ amending Interim Design Guidelines section C.1, Window Replacement Guidelines
- B Pages 9-12 Photograph Examples of Original, New and Replacement Windows
- C Pages 13-15 Abridged Draft Minutes for February 12, 2018 Planning Commission Meeting

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RESOLUTION No. _____**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PIEDMONT, STATE OF CALIFORNIA, AMENDING THE INTERIM DESIGN GUIDELINES SECTION C.1, WINDOW REPLACEMENT;**

WHEREAS, in May of 2001, the City Council adopted the City's Window Policy as a way of providing guidance to the Planning Commission and staff in the design review approval of replacement windows. The policy, updated by the City Council on July 7, 2003, was developed as a way of augmenting the Residential Design Review Guidelines in order to respond to new window technologies; and

WHEREAS, the City's Window Policy was incorporated as section C.1, Window Replacement, into the City of Piedmont Interim Design Guidelines, which were adopted by the City Council on March 20, 2017; and

WHEREAS, the City intends to update and expand its design guidelines in 2018; presently, the Interim Design Guidelines serve as the Design Guidelines for the City and are an essential part of implementing Chapter 17, Planning and Land Use; and

WHEREAS, construction technologies related to window installations and replacements have evolved and revisions to the City's policies giving guidance on how such technologies might meet the City's Design Guidelines will benefit property owners, their design and construction professionals, City staff and the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing on the proposed revisions to the Interim Design Guidelines section C.1 on February 12, 2018, and voted to recommend that the City Council adopt the revised Interim Design Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine, and order as follows:

SECTION 1. The above recitals are correct and are incorporated into this Resolution as findings of the City Council.

SECTION 2. Section C.1, Window Replacement, of the Interim Design Guidelines adopted on March 20, 2017 and amended on June 19, 2017, is further amended as set forth in Exhibit A, attached.

SECTION 3. The adoption of the proposed revisions to the Interim Design Guidelines is not subject to the California Environmental Quality Act (CEQA) because it is not a project within the meaning of CEQA, as it can be seen with certainty that there is no possibility that the adoption of revised Interim Design Guidelines may have a significant effect on the environment. (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Sections 15061(b)(3), 15378.). To the extent that the adoption of revised Interim Design guidelines may be considered a project under CEQA, the adoption of such Interim Design Guidelines is exempt under Section 15301 of the CEQA Guidelines, because the Design Guidelines concern the permitting, repair, and alteration of existing public or private structures, and such permitting, repair, and alteration involves negligible or no expansion of an existing use.

SECTION 4. All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

[END OF DOCUMENT]

**CITY OF PIEDMONT
SUPPLEMENTAL DESIGN GUIDELINES**

SUBJECT: Window Replacement

PURPOSE: The following guidelines are intended to provide direction to the Planning Commission and staff when reviewing window replacement projects, and to provide guidance to owners and their designers in preparing plans for the replacement of windows. *The intended result is that windows that are consistent with the original architecture of the building.*

GUIDELINES: The City of Piedmont has provided criteria in the Residential Design Review Guidelines concerning the design of new and replacement windows of projects that are proposing additions or remodeling. However, the following additional guidelines are intended to provide the ~~p~~Planning ~~e~~Commission and staff direction when considering window replacement projects:

1. Consideration shall be given to the compatibility of design and long-term quality and durability rather than actual material composition of replacement windows as the primary focus in applications requesting window replacements.
2. Permit new windows that have the same or greater architectural compatibility to the design of the ~~residence~~ *building* and the existing windows. Window hierarchy shall be considered, including differences of design between primary windows that may have a greater level of detail (divided lights, increased size, and special treatments such as arches) and secondary windows. These differences in design should reflect consistency in window proportions, operation, trim, and the use of materials that appear to be the same.
3. *Permit new and replacement windows, including retrofit replacement windows, upon the condition that the recess of the new or replacement window shall be a minimum 75% of the recess of the original windows on the building. Retrofit windows are a replacement window in which the existing window sash is removed and a new window frame and sash is inserted into the original window frame. A window recess is the dimension between the window sash and the exterior wall surface or surrounding trim, whichever is greater.*
4. Permit window replacements in applications where there is a mix of windows, provided that the window materials and designs are consistent on ~~any all~~ elevations that ~~is are~~ visible from a private or public street, and all of the windows on the ~~house~~ *building* are painted ~~the same with a similar~~ color *scheme*; and the difference in window treatments is not readily visible and the resulting overall appearance is not a “hodge-podge.”
5. Permit window replacements in applications where there is already a mix of windows, provided that the windows that are proposed to be replaced are non-original windows and that the proposed windows more closely replicate or simulate the original window on the ~~house~~ *building*.
6. Prohibit the use of vinyl window products unless they are paintable.
7. Support the use of energy efficient windows.
8. Simulated divided-light-grilles are acceptable if they are three-dimensional.

PROCEDURE: Review all window replacement applications in accordance with the Criteria and Standards of Section 17.66.060 of the City Code, the Residential Design Review Guidelines, and this policy.

measurement from the exterior wall surface or trim, whichever is greater. The revision pertains to original windows rather than existing windows, which may not have been installed in an architecturally consistent manner. Because the current guidelines do not provide such a hierarchy for other building features, the Director would rather not allow a different standard for front windows simply because they are more visible from the street.

Chair Ramsey agreed that matching windows is an important issue and that this information has been missing from the guidelines for far too long. He also requested that window information specific to proposed projects be included in the application materials provided to the Planning Commission.

Commissioner Ode made a motion to adopt the resolution below and incorporate the revisions suggested by Commissioner Jajodia: to replace the term “reveal” with “recess,” and to define the measurement of the recess from the exterior wall surface or trim, whichever is greater.

Resolution 5-PL-18

WHEREAS, in May of 2001, the City Council adopted the City's Window Policy as a way of providing guidance to the Planning Commission and staff in the design review approval of replacement windows. The policy was developed as a way of augmenting the Residential Design Review Guidelines in order to respond to new window technologies. The Policy was updated by the City Council on July 7, 2003; and

WHEREAS, the City's Window Policy was incorporated as section C.1 into the City of Piedmont Interim Design Guidelines, which were adopted by the City Council on March 20, 2017; and

WHEREAS, the City intends to update and expand its design guidelines in 2018; presently, the Interim Design Guidelines serve as the Design Guidelines for the City; and

WHEREAS, these Guidelines are an essential part of implementing Chapter 17, Planning and Land Use; and

WHEREAS, construction technologies related to window installations and replacements have evolved and revisions to the City's policies giving guidance on how such technologies might meet the City's design guidelines evolving will benefit property owners, their design and construction professionals, City staff and the Planning Commission; and

WHEREAS, the adoption of the proposed revisions to the Interim Design Guidelines is not subject to the California Environmental Quality Act (CEQA) because it is not a project within the meaning of CEQA, as it can be seen with certainty that there is no possibility that the adoption of revised Interim Design Guidelines may have a significant effect on the environment. (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Sections 15061(b)(3), 15378.). To the extent that the adoption of revised Interim Design guidelines may be considered a project under CEQA, the adoption of such Interim Design Guidelines is exempt under Section 15301 of the CEQA Guidelines, because the Design Guidelines concern the permitting, repair, and alteration of existing public or private structures, and such permitting, repair, and alteration involves negligible or no expansion of an existing use.

NOW, THEREFORE, the Planning Commission of the City of Piedmont resolves that:

SECTION 1. Recitals. The above recitals are correct and are incorporated into this Resolution as findings of the Planning Commission.

SECTION 2. Recommendation -- Interim Design Guidelines. The Planning Commission recommends that the City Council adopt the revisions to Interim Design Guidelines section C.1, Window Replacement, as detailed in the Planning Commission Staff Report dated February 12, 2018, and amended by the Commission.

SECTION 3. All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

Moved by Ode, Seconded by Behrens
Ayes: Behrens, Jajodia, Levine, Ode, Ramsey
Noes: None
Recused: None
Absent: Thiel

ADJOURNMENT

There being no further business, Chairman Ramsey adjourned the meeting at 8:37 p.m.