

PLANNING COMMISSION AGENDA

Regular Meeting 7:00 P.M. on Tuesday, April 24, 2018

Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California

- 1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG
- 2. ADMINISTRATIVE
 - 2.a. Review of agenda items.
 - 2.b. Declaration of Conflict of Interest.
 - 2.c. Commissioner William Gall to report at the City Council meeting of May 1, 2018 (alternate Commissioner A. J. Chippero).
- 3. PUBLIC COMMENT
- 4. MINUTES
 - 4.a. Approval of the minutes for the March 27, 2018 Planning Commission meeting.
- 5. PUBLIC HEARINGS
 - 5.a. SPR-02-18, Site Plan Review Permit, George Pangan, 5859 Clayton Road (APN: 118-062-011). A request for approval of a Site Plan Review Permit to allow the construction of a single-story garage addition measuring approximately 700 square feet in area and 14 feet in height on an existing split-level single-family residence.

Staff Recommendation: Staff recommends that the Planning Commission receive and consider the staff report and all information provided and submitted to date, receive and consider any public testimony and, if determined to be appropriate, conditionally approve Site Plan Review Permit SPR-02-18.

6. OLD BUSINESS

None.

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7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

8.b. Commission.

9. ADJOURNMENT

9.a. The next regularly-scheduled meeting of the Planning Commission will be held on Tuesday, May 8, 2018.

Most Planning Commission decisions are appealable to the City Council within ten (10) calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in oral testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter. If you have a physical impairment that requires special accommodations to participate, please contact the Community Development Department at least 72 hours in advance of the meeting at 925-673-7300. An affirmative vote of the Planning Commission is required for approval. A tie vote (e.g., 2-2) is considered a denial. Therefore, applicants may wish to request a continuance to a later Commission meeting if only four Planning Commissioners are present.

Any writing or documents provided to the majority of the Planning Commission after distribution of the agenda packet regarding any item on this agenda will be made available for public inspection in the Community Development Department located at 6000 Heritage Trail during normal business hours.

Minutes

Clayton Planning Commission Meeting Tuesday, March 27, 2018

1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Chair Carl Wolfe called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton, California.

Present:

Vice Chair Bassam Altwal Commissioner A. J. Chippero

Commissioner Peter Cloven

Absent:

Chair Carl Wolfe

Commissioner William Gall

Staff:

Community Development Director Mindy Gentry

Assistant Planner Milan Sikela, Jr.

2. ADMINISTRATIVE

- 2.a. Review of agenda items.
- 2.b. Declaration of Conflict of Interest.
- Vice Chair Bassam Altwal to report at the City Council meeting of April 3, 2018.

3. PUBLIC COMMENT

None.

4. MINUTES

4.a. Approval of the minutes for the February 27, 2018 Planning Commission meeting.

Commissioner Cloven moved and Commissioner Chippero seconded a motion to approve the minutes, as submitted. The motion passed 3-0.

5. PUBLIC HEARINGS

5.a. **HOP-04-18, Home Occupation Permit, Jiageng Zhang,** 5121 Keller Ridge Drive (APN: 118-441-011). A request for approval of a Home Occupation Permit to allow afterschool home-based instruction of Mandarin, calligraphy, painting, paper cutting art, and other Chinese-themed activities to elementary school and middle school aged children.

Assistant Planner Sikela indicated that an email opposed to the proposed home occupation was received by staff from a concern citizen who wished to remain anonymous and that copies of the email had been distributed on the dais for the Planning Commission. Assistant Planner Sikela then presented the staff report.

Commissioner Cloven asked what enforcement options does the City have in case the applicant violates the parameters of the conditional approval of the Home Occupation Permit.

Assistant Planner Sikela provided the following responses:

- The Clayton Municipal Code allows the City the latitude to revoke a Home Occupation Permit if the home occupation is being conducted in violation of the terms of approval.
- Violations can also be conveyed to City staff through observations of those living in the neighborhood of the subject property.

Director Gentry indicated that if staff received concerns regarding the home occupation being conducted in violation of what was approved by the Planning Commission, staff would investigate the concerns and, if a violation was observed, staff would bring the Home Occupation Permit back before the Planning Commission for consideration of permit revocation, in accordance with the Clayton Municipal Code.

Vice Chair Altwal had the following questions:

- What is the proposed age range of the students that are anticipated to attend
 the Confucius Institute? Assistant Planner Sikela indicated that the applicant
 proposed to have elementary school age to middle school aged children attend
 the Confucius Institute so, from staff's perspective, that would be from
 approximately seven years old to fourteen years old.
- What is the difference between this home occupation proposal and child care? Assistant Planner Sikela indicated that the home occupation is instruction-based as opposed to actually providing care for the children. While safety and supervision would be expected as part of the home occupation, actual child care would be a much more involved endeavor. The home occupation currently being review by the Planning Commission would be something more comparable to such home-based instruction as piano lessons, learning French, or cooking classes.

Commissioner Chippero indicated that, in the home occupation "project proposal" provided as an attachment in the staff report, the applicant indicated that they are proposing to serve parents who have to work every day and need someone to look after their children after school; the term "look after their children" might imply that child care could be involved with the home occupation.

Director Gentry indicated that staff defers to the State on child care proposals and staff had checked with the State about the services being proposed under the home occupation and the State indicated to staff that, based on the services being instruction-based, the home occupation would not be classified as a child care operation.

The public hearing was opened.

The applicant, Jiageng Zhang, described the home occupation and the instruction involved with operation of the Confucius Institute including such after school activities as learning to read and write Mandarin, reading stories and poems, writing calligraphy, paper art. He added that safety is a number one objective with use of such items as child-proof scissors and that, based on concerns of the neighbors of cars speeding down Keller Ridge Drive, drivers of vehicles dropping off and picking up children will be advised to obey the posted speed limit. He concluded that the driveway for the subject residence will be used for drivers dropping off and picking up children so that there be a reduced impact to on-street parking areas.

Chair Altwal had the following questions and statements:

- Will any physical activities occur in the back yard of the subject residence as part
 of the home occupation? The applicant indicated that all aspects of the home
 occupation will occur indoors, specifically in the living room of the subject
 residence.
- Do you have a schedule of classes available? The applicant indicated that he
 had not gotten that step yet but that plan is to have the first hour being
 instruction only, and the second and third hour would involve art and
 calligraphy and other comparable activities.
- In his experience coaching children, he was required to have a Cardiopulmonary Resuscitation (CPR) training certification and wanted to be sure the applicant has a CPR training certification. The applicant indicated that he has first aid care knowledge through his CPR training; however, his certification has expired and he would be willing to renew it.
- Do you already have six students scheduled to attend the Confucius Institute?
 The applicant responded that no students have been scheduled yet as he wanted to first receive approval by the City of his Home Occupation Permit.

Commissioner Chippero indicated that he had family members in Utah that attended Chinese immersion classes that are offered through the local school district and asked the applicant if the school district here offered such services. The applicant indicated that, to his knowledge, the school district did not offer such services.

Ron Jacobs, 5118 Keller Ridge Drive, submitted a written summary of his comments in opposition to the home occupation, submitted a printed copy of an email from Holly Tillman, both of which were submitted to staff and the Planning Commission, and then he indicated the following:

- Have lived on Keller Ridge Drive since 1991.
- Concerned over the traffic that might be generated by the home occupation since Keller Ridge Drive is the only access to the subdivision where the subject residence proposed to be used for the home occupation is located.
- Vehicles speed on Keller Ridge Drive and have concerns that the home occupation will exacerbate the speeding problem.
- Concerned that students attending the Confucius Institute will create noise impacts as children typically laugh, shout, and have fun in a vocal way.
- A private home on a residential street is not the appropriate place to establish a school.
- The driveway might be insufficient in area to accommodate vehicles dropping off and picking up students.

Roger Haserot, 5119 Keller Ridge Drive, indicated the following:

- I live next door to the subject residence.
- Not concerned with the traffic generated by the home occupation since the
 potential maximum of six vehicles dropping off and picking up students would
 not impact traffic in the neighborhood.
- My biggest concern initially was the noise generated by children playing outside, but the fact that the home occupation will be conducted inside the subject residence has addressed my concerns.
- Originally I was concerned, but had a discussion with the applicant regarding these concerns, which the applicant addressed, and am now in support of approving the Home Occupation Permit.

The public hearing was closed.

Commissioner Cloven indicated the following:

- My concerns regarding the enforcement capability of the City to revoke the Home Occupation Permit, and the public's ability to inform staff of any violations, had addressed my concerns.
- I do not see the traffic generated by the home occupation being a burden on existing traffic conditions in the neighborhood.
- Support approval of the Home Occupation Permit.

Commissioner Chippero indicated the following:

- Traffic generated by the home occupation would not be an issue.
- In the absence of our school district offering Confucius Institute-type of instruction, I think the home occupation will be very beneficial to our community.
- Support approval of the Home Occupation Permit.

Vice Chair Altwal indicated the following:

- Initially had concerns over outdoor physical activity and subsequent potential noise impacts to the neighborhood but my concerns have been addressed.
- It was good to hear that the neighbor of the subject property had his concerns addressed.
- Want to add a condition that the applicant and any individual(s) involved with conducting the home occupation obtain CPR and first aid training and certification prior to commencing with the home occupation.

Director Gentry added that a similar condition could be included that requires the applicant and any individual(s) involved to obtain Live Scan clearance.

The public hearing was re-opened.

Ron Jacobs, 5118 Keller Ridge Drive, re-iterated and re-emphasized his concerns over the potential traffic generated by the home occupation and felt that the Home Occupation Permit request should be tabled for further re-evaluation.

The public hearing was closed.

Commissioner Cloven had the following comments:

- The vehicular speeding violations on Keller Ridge Drive are a hazard but that is a
 different issue than the components we are reviewing related to the home
 occupation.
- The addition of six vehicles trips generated by the home occupation would have an extremely minor impact on existing traffic conditions in the neighborhood.

Commissioner Chippero concurred with Commissioner Cloven's comments.

Vice Chair Altwal concurred with Commissioner Cloven's comments and provided the following comments:

- Education is extremely important.
- Would be good if we had this type of instruction offered in my neighborhood.
- I feel confident that the neighbors of the subject property will monitor the conduct of the home occupation and will advise City staff of any concerns or violations.

Commissioner Chippero moved and Commissioner Cloven seconded a motion to approve Home Occupation Permit HOP-04-18, with the findings and conditions of approval recommended by staff, and with a condition of approval added that the applicant and any individual(s) involved with conduct of the home occupation obtain Cardiopulmonary Resuscitation (CPR) and First Aid training and certification as well as a Live Scan background check. The motion passed 3-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff

Director Gentry indicated that, at 7:00 p.m. on Wednesday, April 4, 2018, a prospective developer will hold a community outreach meeting at Hoyer Hall regarding a conceptual memory care and assisted living facility proposed for the City-owned Town Center parcel and that, in compliance with the Brown Act, it is recommended the Planning Commissioners should not attend the meeting; however, the Planning Commissioners should pass on the information regarding the meeting to friends, neighbors, and other community members that may be interested.

8.b. Commission

None.

9. ADJOURNMENT

9.a.	The meeting was ac	djourned at i	7:50 p.m.	to the	regularly-scheduled	meeting	of	the
	Planning Commission on April 10, 2018.							

Submitted by Approved by
Mindy Gentry Bassam Altwal

Mindy Gentry
Community Development Director

Bassam Altwal
Vice Chair

PLANNING COMMISSION STAFF REPORT

Meeting Date: April 24, 2018

Item Number: 5.a.

From: Milan J. Sikela, Jr.

Assistant Planner

Subject: Public Hearing to consider a Site Plan Review Permit request to

construct a single-story addition on an existing single-story

residence (SPR-02-18)

Applicant: George Pangan

REQUEST

George Pangan, the applicant, is requesting a public hearing for the consideration of a Site Plan Review Permit to allow the construction of a single-story addition measuring approximately 700 square feet in area and 14 feet in height on an existing split-level single-family residence.

PROJECT INFORMATION

Location: 5859 Clayton Road

APN: 118-062-011

General Plan Designation: Low Density – Single Family Residential (1.1 to 3.0 units per acre).

Zoning: Single Family Residential R-15 District (15,000 square-foot

minimum lot area).

Environmental Review: Pursuant to California Environmental Quality Act (CEQA) Guideline

Section 15303(e) - New Construction or Conversion of Small

Structures, the project is categorically exempt from CEQA.

Public Notice: On April 13, 2018, a public hearing notice was posted at the notice

boards and mailed to property owners within 300 feet of the

project site.

Authority: Section 17.44.020 of the Clayton Municipal Code (CMC)

authorizes the Planning Commission to approve a Site Plan Review Permit in accordance with the standards of review in CMC

Section 17.44.040.

DISCUSSION

The applicant is requesting Planning Commission consideration of a Site Plan Review Permit to allow the construction of a single-story addition measuring approximately 700 square feet in area and 14 feet in height on an existing split-level single-family residence. The applicant is proposing to convert the existing garage into conditioned living space that will encompass a new bedroom, bathroom, laundry room, closet, and hall areas. A new garage is proposed to be located at the front of the converted area that will be formerly the garage. The addition has been proposed with matching stucco siding on the left (west) side elevation and complementary vertical wood siding on the front and right (east) side of the elevation. The addition has also been proposed with matching asphalt shingle roof material and a 3:12 roof pitch. The vicinity map is provided as **Attachment A** and the site plan, floor plan, roof plan, and architectural elevations are provided as **Attachment B**.

The existing residence incorporates a split-level design and is located at the top of a slope along the north side of Clayton Road. From the front (south) side facing Clayton Road, the residence appears more as a single-story residence. From the rear (north) side facing the rear yard of the subject property, the residence appears as a second-story residence. However, the garage addition is proposed for the front of the residence and will not alter the existing profile of the residence in terms of height and massing. Also located on the east side of the subject property is an existing PG&E easement for overhead power lines. The garage addition is located on the opposite (west) side of the subject property and will not impact the existing PG&E easement.

Staff would also like to note that the subject property is unique in that the only residence within close proximity to the area of work is west of the subject residence and would be screened from the addition by a substantial amount of existing trees and vegetation. The proposed addition would be relatively inconspicuous, especially to those traveling along Clayton Road, more specifically, vehicles traveling westbound on Clayton Road (the closer side of Clayton Road to the project) because of the screening provided by existing foliage as well as a slight upslope in topography creating a visual impediment.

The applicant is proposing matching and complementary exterior colors and materials, providing both integration as well as a more varied composition of materials with the inclusion of vertical wood siding mixed with the existing stucco and horizontal wood siding. The proposed garage addition is comprised of a three-car garage, similar to the existing three-car garage that will be converted into living space. The proposed three-car garage will provided enhanced visual interest and undulation by breaking up the existing monolithic façade of the residence, benefitting the overall design of the front elevation.

In order to integrate and continue the complementary nature of the existing brick wainscot on the front elevation of the existing garage, staff has provided a condition that the applicant utilize a stone veneer treatment on the front of the garage to accentuate the project which would match the location of the existing brick wainscot on the front of the existing garage.

Setback Analysis

The proposed addition is well within the required setbacks of the Municipal Code with the expansion of the new garage addition projecting only toward the street less than 20 feet and still maintaining a 36-foot front setback from the front property line along the Clayton Road right-of-way.

The project meets the R-15 District standards as shown below.

R-15 Setbacks	Existing Setbacks		Proposed Setbacks		Project Compliance
Front Setback 20'	South	54.83'	South	36'	Yes
Side Setback 10' interior	West East	10.73' 40'	West East	No Change No Change	Yes Yes
25' aggregate	Aggregate	50'	Aggregate	No Change	Yes
Rear Setback 15'	North	54'	West	No Change	Yes

Residential Floor Area Analysis

Building Footprint

The proposal meets the building footprint requirements as shown below.

Lot Size	Building Footprint Allowed	Existing Building Footprint	Proposed Building Footprint	Project Compliance
20,909 sq ft	5,227 sq ft	1,981 sq ft	2,686 sq ft	Yes

Floor Area

The proposal meets the floor area requirements as shown below.

Lot Area	Floor Area Allowed	Existing Floor Area	Proposed Floor Area	Project Compliance
20,909 sq ft	7,318 sq ft	2,685 sq ft	3,390 sq ft	Yes

CONCLUSION

Staff has reviewed the design aspects of the proposed plans relative to the standards for Site Plan Review Permits and has determined that the project, as conditioned, is in conformance with the Clayton Municipal Code. The proposed findings listed below specifically address the standards of review.

RECOMMENDATION

Staff recommends that the Planning Commission receive and consider the staff report and all information provided and submitted to date, receive and consider any public testimony and, if determined to be appropriate, conditionally approve Site Plan Review Permit SPR-02-18 to allow the construction of a single-story addition measuring approximately 700 square feet in area and 14 feet in height on an existing split-level single-family residence located at 5859 Clayton Road (APN: 118-062-011).

PROPOSED FINDINGS OF APPROVAL

Based upon the evidence set forth in the staff report, which includes relevant information from the project application, as well as testimony at the public hearing, the Planning Commission makes the following findings that Site Plan Review Permit SPR-02-18, as conditioned:

1. Is consistent with the General Plan designation and policies.

The project is consistent with the General Plan designation and policies since the project consists of an enlargement of a single family home, an allowed use, within the Single Family Low Density land use designation.

2. Meets the standards and requirements of the Zoning Ordinance.

The project meets the standards and requirements of the Zoning Ordinance and will be constructed in compliance with Site Plan Review Permit requirements, findings, and conditions of approval.

3. Preserves the general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.

The project preserves the general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards since the project will be constructed in compliance with the Clayton Municipal Code, California Building Standards Code, and other agency regulations where applicable.

4. Maintains solar rights of adjacent properties.

The project will not block adjacent properties from direct sunlight from any angle of the ecliptic.

Reasonably maintains the privacy of adjacent property owners and/or occupants.

The project reasonably maintains the privacy of adjacent property owners and/or occupants since the project complies with the setback requirements of the Clayton Municipal Code and maintains a single-story design.

6. Reasonably maintains the existing views of adjacent property owners and/or occupants.

The project reasonably maintains the existing views of adjacent property owners and/or occupants since the project complies with the setback requirements of the Clayton Municipal Code and maintains a single-story design that will not block views from adjacent properties.

7. Is complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk.

The project is complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk since the addition has been designed with exterior colors and materials that architecturally complement the surrounding residences and the massing of the project complies with all applicable zoning regulations and development standards for setback, building footprint, and residential floor area requirements.

8. Is in accordance with the design standards for manufactured homes per Section 17.36.078.

The project consists of the expansion of an existing single-family home and is not considered a manufactured home; therefore, this finding is not applicable.

The above-stated findings assume acceptance and approval of the proposed conditions of approval listed below.

PROPOSED CONDITIONS OF APPROVAL

These conditions of approval apply to the "Pangan Residence" Site Plan, Floor Plan, Roof Plan, and Architectural Elevations, prepared by FRS Engineering LLC, date stamped April 13, 2018.

- The applicant shall indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgments, liens, levies, costs, and expenses of whatever nature, including, but not limited to, attorney's fees, costs, and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, and any environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.
- 2. A stone veneer treatment shall be installed on the front of the new garage, subject to review and approval by City staff.
- 3. The project shall be constructed in accordance with the approved plans, prepared by FRS Engineering LLC, date stamped April 13, 2018, and as conditionally approved by the Clayton Planning Commission on April 24, 2018.

- 4. Any major changes to the project shall require Planning Commission review and approval. Any minor changes to the project shall be subject to City staff review and approval.
- 5. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
- 6. An encroachment permit shall be required for all work in the public right-of-way.

ADVISORY NOTES

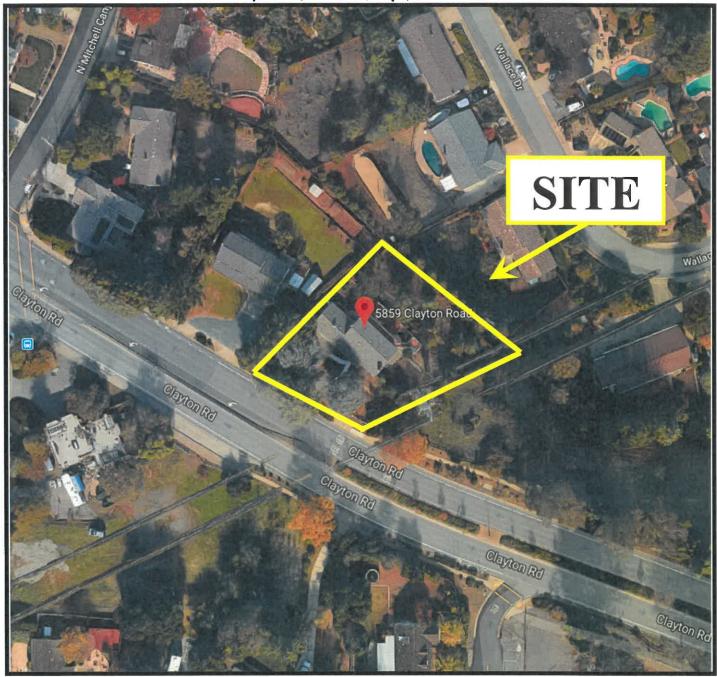
Advisory notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; and (b) requirements imposed by other agencies. The advisory notes state requirements that may be in addition to the conditions of approval.

- 1. The applicant shall comply with all applicable State, County, and City codes, regulations and adopted standards as well as pay all associated fees and charges.
- 2. This Site Plan Review Permit shall be used, exercised, or established within twelve months after the granting of the Permit, or a time extension must be obtained from the Planning Commission, otherwise the Permit shall be null and void (Clayton Municipal Code Sections 17.64.010-17.64.030).
- 3. All construction and other work shall occur only between 7:00 a.m. and 5:00 p.m. Monday through Friday. Any such work beyond these hours and days is strictly prohibited unless specifically authorized in writing by the Clayton City Engineer (Clayton Municipal Code Section 15.01.101).
- 4. The applicant shall obtain the necessary building permits from the Contra Costa County Building Inspection Department. All construction shall conform to the California Building Standards Code.
- 5. Additional requirements may be imposed by the Contra Costa County Fire Protection District. Before proceeding with the project, it is advisable to check with the Contra Costa Fire Protection District located at 4005 Port Chicago Highway, Suite 250, Concord, 925-941-3300.
- 6. If the project site is located within an area subject to covenants, conditions, and restrictions (CC&Rs) administered by a homeowners' association (HOA), additional requirements and/or approvals may be required by the HOA. Before proceeding with the project, it is advisable to check with the HOA to ensure any applicable requirements are met.

ATTACHMENTS

- A. Vicinity Map
- B. "Pangan Residence" Site Plan, Floor Plan, Roof Plan, and Architectural Elevations, prepared by FRS Engineering LLC, date stamped April 13, 2018.

ATTACHMENT A



VICINITY MAP



Pangan Residence
Site Plan Review Permit SPR-02-18
5859 Clayton Road
APN: 118-062-011



