

# PLANNING COMMISSION AGENDA

## Regular Meeting

7:00 P.M. on Tuesday, April 11, 2017

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. Vice Chair Carl Wolfe to report at the City Council meeting of April 18, 2017 (alternate Commissioner William Gall).
- 3. PUBLIC COMMENT
- 4. MINUTES
  - 4.a. Approval of the minutes for the October 25, 2016 Planning Commission meeting.
  - 4.b. Approval of the minutes for the December 13, 2016 Planning Commission meeting.

#### 5. PUBLIC HEARINGS

5.a. SPR-01-17, Site Plan Review Permit, Charles and Susan Levy, 1567 North Mitchell Canyon Road, APN: 119-582-002. A request for approval of a Site Plan Review Permit to allow the construction of a single-story addition measuring approximately 1,330 square-feet in area and 21 feet in height on an existing single-story single-family residence.

**Staff Recommendation:** Staff recommends the Planning Commission receive and consider the staff report and all information provided and submitted to date, receive and consider all public testimony and, if determined to be appropriate, conditionally approve Site Plan Review SPR-01-17.

#### 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, April 25, 2017.

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 925-673-7340. 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.

Community Development\Planning Commission\Agendas\2017\0411

#### **Minutes**

# Clayton Planning Commission Meeting Tuesday, October 25, 2016

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

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

Present:

Chair Dan Richardson

Vice Chair Tuija Catalano Commissioner Bassam Altwal Commissioner Carl Wolfe

Absent:

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.

Chair Richardson declared a conflict of interest with Item 5.a. As a result, he indicated he would be recusing himself from the meeting for that item.

2.c. Commissioner Carl Wolfe to report at the City Council meeting of November 1, 2016.

#### 3. PUBLIC COMMENT

None.

#### 4. MINUTES

4.a. None.

#### 5. PUBLIC HEARINGS

5.a. ENV-01-15, GPA-01-15, ZOA-03-15, DP-01-15, MAP-01-15, SPR-07-16, TRP-37-15; Initial Study/Mitigated Negative Declaration, General Plan Amendment, Rezone, Development Plan, Tentative Parcel Map, Site Plan Review Permit, and Tree Removal Permit; Armand Butticci; 5555 Clayton Road (APN: 118-101-022). Review and consideration of a request from Armand Butticci for the approval of a General Plan amendment to change the land use designation of 0.41 acres of the project site from Institutional Density (ID) to Single Family Medium Density (MD); Rezone the project site Agricultural (A) District to Planned Development (PD) District; Development Plan to

establish development standards; Tentative Parcel Map to subdivide the existing 2.77-acre parcel into three lots measuring 2.36, 0.22, and 0.19 acres in size; Site Plan Review Permit for review of architecture and design; and a Tree Removal Permit to remove seven of the ten existing on-site trees. An Initial Study/Mitigated Negative Declaration with a Mitigation Monitoring and Reporting Program are also being considered for adoption.

Chair Richardson recused himself from the public hearing and left the meeting chambers.

Assistant Planner Sikela presented the staff report.

The public hearing was opened.

Commissioner Altwal requested clarification on Conditions of Approval 15 and 16 listed in the City Council Resolution for the project and had the following questions:

- How much higher are the pads of the two residences above Southbrook Drive?
   Assistant Planner Sikela indicated that the residential pads were approximately eight feet higher in elevation than Southbrook Drive.
- Are there concerns that the two proposed residences on lots of this size would be too large for these lots? Assistant Planner Sikela responded that, although the building footprint and floor area standards were established to avoid "mansionization" of lots in Clayton, the two subject residences have building footprints and floor areas that comply with the City's residential floor area requirements.

Commissioner Carl Wolfe asked what are the City's regulations regarding how well newly-proposed residences fit in with the existing surrounding neighborhood. Assistant Planner Sikela indicated that Section 17.44.040.G of the Clayton Municipal Code addresses a standard of review that a new development should be complementary with adjacent existing structures in terms of materials, colors, size, and bulk. Staff analyzed both residences and determined that the residences comply with this standard of review. During a site visit, staff observed that there are existing two-story residences in the surrounding neighborhood.

Vice Chair Catalano had the following questions:

- How would the two residential units impact the 42-unit housing unit allocation for the project site? Director Gentry indicated that the City is required by the Association of Bay Area Governments (ABAG) to plan and accommodate for a Citywide total of 141 residential units and the Clayton General Plan Housing Element has adequate capacity and has planned for a Citywide total of 275 units. This surplus of residential units in the Housing Element above and beyond what is allocated by ABAG provides the City latitude to reduce the number of units that are planned for a particular underdeveloped site.
- Will the remaining Church property have access through the two residential lots to Southbrook Drive? Assistant Planner Sikela indicated that no access would be provided from the Church property to Southbrook Drive. The Church parcel, and any subsequent development proposal for the Church property, would be accessed from Clayton Road only.

- What was the thinking behind rezoning the entire project site to Planned Development? Assistant Planner Sikela indicated that the current Agricultural zoning of the project site is not compatible with current or proposed uses on the site as well as surrounding existing uses. Rezoning the entire site to Planned Development would allow for flexibility in land use so that different land uses, such as residential and commercial, can exist together. In this instance, the proposed Planned Development zoning would allow for the Church to continue to exist as well as the Medium Density designation for the two residential lots being proposed as part of the companion General Plan Amendment for the project.
- Is the Planned Development zoning for the two residential lots compatible with the surrounding existing R-12 zoning? Assistant Planner Sikela indicated that although the residential lots are slightly smaller in area that what would typically be found in an R-12 zone, the setbacks, building footprints, floor areas, and structural heights are compatible with and similar to the surrounding existing R-12 zoning.
- Why was an open space in-lieu fee required rather than having open space provided on the project site? Assistant Planner Sikela described the provisions in Clayton Municipal Code Section 17.28.100, which requires active and passive open space comprising of at least 20 percent of the project site. Due to site area constraints and public access concerns, the project has been conditioned so that the developer has three options and shall memorialize the selected option or a combination of options by entering into an agreement with the City; the options are either acquire the equivalent amount of land for public open space and/or the construction of open space at an off-site location, or make a payment of an in-lieu financial contribution to the City for acquisition and/or maintenance of public open space, or, if the financial contributions are based upon maintenance costs, the contributions shall be based upon reasonable maintenance costs for a 10-year period and shall be proportional to the land area that would be required if open space area was provided on-site.

The public hearing was opened.

The applicant, Armand Butticci, indicated the following:

- When we started moving forward with the project, we had an outreach meeting with neighbors to go over the design of the residences and actually made some changes to the initial design to address the neighbors' concerns.
- We proposed the single shared driveway in order to minimize the amount of curb cuts onto Southbrook Drive.

Commissioner Altwal expressed concern over the height of the proposed residences.

The applicant indicated that the orientation and design of the residences are such that the residences are located away from the existing neighboring properties and have recesses and step-ins on the second story to reduce the massing and visual impacts of the residences.

Jacklyn Connell, 4 Rachel Ranch Court, expressed concern over the height of the proposed residences and said that the zoning should be changed to R-40 instead of Planned Development.

Director Gentry indicated that Planned Development zoning allows for a mixture of land uses and allows flexibility in development.

Assistant Planner Sikela indicated that R-40 zoning would not comply with the existing or proposed General Plan land use designations.

Mark Kelson, 29 Tiffin Court, expressed concerns over the proposed zoning and General Plan land use designations, and wondered if there were any slope issues related to the project.

The public hearing was closed.

Commissioner Wolfe indicated that he was in support of rezoning the project site since the current zoning classification of Agricultural is not compatible with the existing onsite and surrounding land uses yet expressed concern over the proposed Planned Development zoning.

Director Gentry indicated that a rezoning of the property to Planned Development is not the catalyst for development. The General Plan land use designation would have to be complied with and takes precedence over the zoning classification.

Vice Chair Catalano expressed support of the proposed Planned Development zoning since any project proposed in the future would still have to go through the development review process, regardless of the zoning, and the City would analyze the compatibility of future proposals with surrounding existing land uses.

Commissioner Altwal supported most aspects of the project and appreciated the work done by the developer in reaching out to the neighborhood, but still had reservations about the height of the structures in relation to surrounding properties and to Southbrook Drive.

Assistant Planner Sikela indicated the following:

- There are other existing two-story residences in the neighborhood.
- The proposed residences are located in such a way as to follow the natural contours of the neighborhood which is a gradual decline from Clayton Road south of the project site and existing neighborhood toward a north trending downslope that culminates at a nadir at Mt. Diablo Creek.
- There is a softening of the massing of the residences provided by the setbacks and, furthermore, the recesses and step-ins on the second story. The 26-foot apex of the roof peak on each residence is stepped back approximately 20 feet from the front plane of the residence, and the front plane of the residence is stepped back another 20 feet from the front property line; this results in a roof apex which is located over 40 feet from public areas on Southbrook Drive, providing a reduction in massing for people viewing the residences from off-site locations.

Other ways the applicant has reduced the massing and visual impacts
potentially caused by the residences is by placing the garages away from the
street, screened by the first floor projections, as well as orienting the garage
toward the other proposed residence. This shows the applicant has given
consideration to the visual impacts that may occur to public streets and
sidewalks on Southbrook Drive as well as to surrounding existing properties.

Director Gentry indicated that, if the Planning Commission has concerns over the height of the residences, there are two options:

- The pad elevations could be lowered. However, this would create more grading and require increasing the height of the retaining wall in the rear yards of the residential lots adjacent to the Church parking lot.
- The residences could be reduced to single-story structures. However, this
  would constrain the buildable area of the residences as well as increasing the
  building footprints which would cause a loss of open space areas on each
  residential lot.

Commissioner Altwal asked the applicant what he thought about reducing the height of the residences to single-story structures and lowering the pad elevations by two feet.

The applicant indicated the following:

- The increased building footprint caused by a single-story structure would not allow for any yard areas on each lot.
- The residences have been located on the natural slope and contours of the existing topography which descends from Clayton Road to Mt. Diablo Creek.
- The expense of moving an extra two feet of dirt from the pads would be costprohibitive and would not be worth the effort since a two-foot lowering of the roof height would be almost visually imperceptible to someone looking at the residences from off-site areas.
- Lowering the pad elevations would necessitate increasing the retaining wall height in the rear yard and would create a much taller wall, detracting from the enjoyment of the yard areas on each lot.

Commissioner Wolfe indicated that, although he did have slight reservations about the height of the residences, he commended the applicant for reaching out to the neighborhood, holding a meeting, receiving input from the neighbors, and modifying the proposed design of the residences in order to address the neighbors' concerns. Furthermore, we have not received any complaints about the residences.

Vice Chair Catalano had the following questions and comments:

- For residences located in the surrounding R-12 district, what is the maximum structural height allowed by the Clayton Municipal Code? Assistant Planner Sikela responded that the maximum structural height for residences in the R-12 district is 35 feet.
- So, theoretically speaking, a property owner of a single-story residence in the R-12 district could propose a second story addition on their single-story home?
   Assistant Planner Sikela indicated that was correct.

- Although the residences are proposed at 26 feet in height, the 26-foot height is only at the very top of the roof. As a result, most of the massing is several feet below this 26-foot point.
- The residences have been sited so that they are located away from the street.

Commissioner Altwal expressed support for the design of the residences and indicated that the residences comply with all Code requirements in terms of setbacks, building footprints, floor areas, and structural heights. He also said the natural separation created by the grade differences between the Church property and the residential properties is consistent with the northward-trending descent of the terrain.

Vice Chair Catalano expressed support that the Church property and areas along Clayton Road will not be able to be accessed from Southbrook Drive and indicated the following:

- The residences are compatible with adjacent existing structures.
- Although the zoning would be changing, any new proposals would still have to go through the City process for review and approval.
- The project is compliant with City regulations in terms of setbacks, building footprints, floor areas, structural heights, and lot areas.
- The proposed design of the residences shows good use of articulation and visual interest.
- The environmental document appears to address all California Environmental Quality Act-related issues.

Commissioner Wolfe moved and Commissioner Altwal second a motion to approve Resolution No. 09-16 recommending the City Council adopt the St. John's Church/Southbrook Drive Mixed Use Planned Development Project Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (ENV-01-15). The motion passed 3-0.

Commissioner Altwal moved and Commissioner Wolfe seconded a motion approving Planning Commission Resolution No. 10-16 recommending City Council approval of a General Plan Amendment for 0.41 acres of the project site from Institutional Density (ID) to Single Family Medium Density (MD) for the St. John's Church/Southbrook Drive Mixed Use Planned Development Project (GPA-01-15). The motion passed 3-0.

Commissioner Wolfe moved and Commissioner Altwal seconded a motion to approve Planning Commission Resolution No. 11-16 recommending City Council approval of an Ordinance for a rezone of the project site from Agriculture (A) District to Planned Development District (PD) for the St. John's Church/Southbrook Drive Mixed Use Planned Development Project (ZOA-03-15). The motion passed 3-0.

Vice Chair Catalano moved and Commissioner Altwal seconded a motion to approve Planning Commission Resolution No. 12-16 recommending City Council approval of the St. John's Church/Southbrook Drive Mixed Use Planned Development Project Development Plan (DP-01-15), Tentative Subdivision Map (MAP-01-15), Site Plan Review Permit (SPR-07-16), and Tree Removal Permit (TRP-37-15) for a three-lot subdivision for two single-family homes. The motion passed 3-0.

Chair Richardson returned to the meeting chambers.

**5.b. GPA-01-16; General Plan Amendment; City of Clayton.** A study session to consider a General Plan amendment to allow net acreage density calculations on properties with physical site constraints.

Director Gentry presented the staff report and indicated that an email was received from a citizen in support of the General Plan amendment.

Chair Richardson asked how the City will determine what the "constraints" are. *Director Gentry indicated that staff will create a list of constraints once we receive feedback.* 

Commissioner Altwal indicated that it would be good to have a list of site constraints and was supportive of utilizing a tool that would allow projects to achieve compliance with applicable General Plan densities.

Vice Chair Catalano asked is staff proposing to change the General Plan definition from gross acreage to net acreage or will the City continue to use gross acreage and just allow projects with site constraints to use net acreage? Director Gentry indicated that, as currently proposed, gross acreage would continue to be used and then we would need to still determine whether this would a City-generated necessity to use net acreage or would the use of net acreage be at the request of the developer.

The public hearing was opened.

Mark Kelson, 29 Tiffin Court, expressed support for the General Plan amendment.

Jennifer Butticci, 343 Alexander Place, expressed opposition to the Silver Oak Estates project, specifically raising concerns over the impacts the development would cause to wildlife current living on the project site.

Ann Vestal, 1737 Indian Wells Way, expressed opposition to the Silver Oak Estates project, specifically raising concerns over project-generated traffic, the height of the proposed structures, and the compatibility of the project with the existing neighborhoods in Clayton.

Heather Prewitt, 1778 Indian Wells Way, expressed opposition to the Silver Oak Estates project, specifically raising concerns over the impacts the development would cause to wildlife current living on the project site, project-generated traffic, the height of the proposed structures.

Cedric Jensen, 301 Saclan Terrace, indicated that the number of units proposed for the Silver Oak Estates project should be compliant with what the neighboring property owners want.

The public hearing was closed.

By consensus, the Planning Commission expressed support for initiating the General Plan amendment process, along with associated changes to the Clayton Municipal Code to allow net acreage density calculations on properties with physical site constraints.

**5.c. ZOA-07-16; Zoning Ordinance Amendment; City of Clayton.** A public hearing to consider a City-initiated Ordinance amending Title 17 "Zoning", Chapter 17.80 of the Clayton Municipal Code in order to revise the landscape water conservation standards to comply with changes in State law.

Director Gentry presented the staff report.

Commissioner Gall asked what would happen to the City if we did not implement these amendments. Director Gentry responded that these amendments are required by the State.

Commissioner Altwal asked what is the 70% versus 55% calculation. *Director Gentry indicated that this amendment reduces the amount of high water use plants that you can have in a landscape area.* 

Chair Richardson asked that, if he were to redo his landscaping, he would have to comply with this standard. Director Gentry said that it is anticipated that, eventually, the State will become stricter so that the regulations would apply to small residential landscaping projects; but, for now, there is no catalyst requiring a homeowner to come to City Hall to get a permit. For other large projects, the City will, however, have to report the water calculations for these projects to the State.

The public hearing was opened.

There were no public comments.

The public hearing was closed.

The Commission expressed support for revising the landscape water conservation standards.

Vice Chair Catalano moved and Commissioner Altwal seconded a motion to adopt Resolution No. 13-16, recommending City Council approval of an Ordinance modifying the landscape water conservation standards, with a minor revision. The motion passed 4-0.

#### 6. OLD BUSINESS

None.

#### 7. NEW BUSINESS

None.

#### 8. COMMUNICATIONS

#### 8.a. Staff

Director Gentry indicated she attended the American Planning Association of California conference in Pasadena the previous weekend.

8.b.	Commission
	None.

#### 9. ADJOURNMENT

9.a. The meeting was adjourned at 9:47 p.m. to the regularly-scheduled meeting of the Planning Commission on November 8, 2016.

Submitted by
Mindy Gentry
Community Development Director

Approved by Dan Richardson Chair

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#### **Minutes**

# Clayton Planning Commission Meeting Tuesday, December 13, 2016

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

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

Present:

Chair Dan Richardson

Commissioner Bassam Altwal Commissioner Carl Wolfe Commissioner William Gall

Absent:

None

Staff:

Assistant Planner Milan Sikela, Jr.

#### 2. ADMINISTRATIVE

2.a. Selection of Vice Chair.

By consensus, the Commission nominated Commissioner Wolfe as Vice Chair of the Planning Commission. The motion passed 4-0.

- 2.b. Review of agenda items.
- 2.c. Declaration of Conflict of Interest.

None.

2.d. Commissioner William Gall to report at the City Council meeting of December 20, 2016.

#### 3. PUBLIC COMMENT

Molly Jackson, citizen of Concord, expressed concern over what she felt was an increased proliferation of drug use occurring in Clayton and surrounding communities.

#### 4. MINUTES

4.a. Approval of the minutes for the August 23, 2016 Planning Commission meeting.

Commissioner Gall moved and Commissioner Altwal seconded a motion to approve the minutes, as submitted. The motion passed 4-0.

#### 5. PUBLIC HEARINGS

5.a. **UP-01-15, TE-02-16, Use Permit Time Extension, T-Mobile,** north side of Marsh Creek Road, APN: 119-070-007. A request for approval of a one-year time extension of a previously-approved Use Permit to allow the installation and operation of a wireless communications facility. The proposal would involve the construction of an approximate 40-foot antenna designed as a "monopine" (appearing as a tree), a 35-foot utility pole, and a fenced-in equipment enclosure for the equipment located at the base of the antenna and utility pole.

The staff report was presented by Assistant Planner Milan Sikela, Jr.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Commissioner Altwal moved and Commissioner Gall seconded a motion to approve a one-year time extension (TE-02-16) of a previously-approved Use Permit (UP-01-15) to allow the installation and operation of a wireless communications facility located on property owned by Contra Costa Water District (APN: 119-070-007), north of Marsh Creek Road, approximately 580 feet from the intersection of Marsh Creek Road and Diablo Parkway, with the findings and conditions recommended by staff. The motion passed 4-0.

5.b. ENV-01-08, DP-01-08, MAP-02-09, TE-01-16, Development Plan and Vesting Tentative Map Time Extensions, Creekside Terrace Mixed Use Project, City of Clayton, 1005 and 1007 Oak Street, west side of Oak Street between Center Street and High Street (APNs: 119-050-008, 119-050-009, and 119-050-034). Review and consideration of a one-year time extension of the Creekside Terrace Development Plan and Vesting Tentative Map from January 6, 2017 to January 6, 2018. This request is in accordance with Sections 17.28.190 (Development Plan) and 16.06.030 (Subdivision Map) of the Clayton Municipal Code.

The staff report was presented by Assistant Planner Milan Sikela, Jr.

Chair Richardson provided a brief background description of the project, explaining that the City had worked on this project and carried the entitlements forward over the years, adding that he was on the Planning Commission at that time and remembered how the City worked closely with the architect on the design of the Creekside Terrace building.

Commissioner Altwal had the following questions and comment:

- Does the City own the three parcels that the project site is located on? Assistant Planner Sikela answered, yes, the City owns all three parcels of land.
- How many times have the project entitlements been extended? Assistant
  Planner Sikela explained that, including the Development Plan entitlement, the
  project has had five time extensions prior to tonight's meeting. If the time
  extension request is approved by the Planning Commission tonight, that would
  make a total of six time extensions, including the Development Plan entitlement.

- The City hopes that, by extending the entitlements, the project will be developed? Assistant Planner Sikela explained that, by continually extending the entitlements, the City hopes to carry the project forward to a future time when a developer purchases the three parcels and develops the subject properties.
- My concern is that the vacancies already existing in the Town Center will scare prospective developers away.

#### Commissioner Gall had the following questions:

- How many residential units are proposed on the second floor? Assistant
   Planner Sikela answered that seven residential units are proposed on the second
   floor.
- Are the residential units for sale? Assistant Planner Sikela responded that the residential units would be for sale as individual condominiums. The units are not apartments.

The public hearing was opened.

There were no comments.

The public hearing was closed.

Chair Richardson had the following comments:

- I look forward to a prospective developer melding their proposal with the City's vision for the project site.
- I am encouraged that, even though there are vacancies in the Town Center, there has been some forward progress on new developments in Clayton such as the Clayton Community Church proposal on the large parcel west of and uphill from the project site.
- We seek to develop Clayton in a way that would make it more of a destination location for people from outside the community as well as for our own citizens.
- We want to show people what is possible within Clayton and hopefully generate interest for developers.
- The Ipsen Bocce Ball Courts are a good example of something that has created a
  draw for people to come to the Town Center. We hope to see an increase in the
  number of customers patronizing businesses in downtown Clayton as a result of
  these types of attractions.

Commissioner Altwal reiterated his concern that there will not be the patronage to support additional businesses in the Town Center. Assistant Planner Sikela indicated that the City's vision for the project site and for the Town Center entails striking a balance between having a vital, robust commercial district while still maintaining the tight-knit community feel and small town charm that the citizens of Clayton cherish.

Vice Chair Wolfe moved and Commissioner Gall seconded a motion to approve a oneyear time extension (TE-01-16) of the Creekside Terrace Development Plan and Vesting Tentative Map (ENV-01-08, DP-01-08, MAP-02-09) from January 6, 2017 to January 6, 2018. The motion passed 4-0.

#### 6. OLD BUSINESS

None.

#### 7. NEW BUSINESS

None.

#### 8. COMMUNICATIONS

#### 8.a. Staff

Assistant Planner Sikela provided updates on the St. John's Episcopal Church/Southbrook Drive Mixed Use Planned Development project, Verna Way Residential Subdivision project, and Silver Oak Estates project, Clayton Community Church project, and Community Development Director Mindy Gentry's processing of the City's policy toward Proposition 64 and indicated that the third floor offices of City Hall would be closed the last week of 2016 and, as a result, the December 27, 2016 Planning Commission meeting would be cancelled.

#### 8.b. Commission

Chair Richardson wished the Planning Commission and staff a Merry Christmas and Happy New Year.

#### 9. ADJOURNMENT

9.a. The meeting was adjourned at 7:37 p.m. to the regularly-scheduled meeting of the Planning Commission on December 27, 2016.

Submitted by Mindy Gentry Community Development Director Approved by Dan Richardson Chair

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## PLANNING COMMISSION STAFF REPORT

Meeting Date: April 11, 2017

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-01-17)

Applicants: Charles and Susan Levy

#### REQUEST

Charles and Susan Levy, the applicants, are requesting a public hearing for the consideration of a Site Plan Review Permit to allow the construction of a single-story addition measuring approximately 1,330 square feet in area and 21 feet in height on an existing single-story single-family residence.

#### PROJECT INFORMATION

Location: 1567 North Mitchell Canyon Road

APN: 118-081-002

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

15303 - New Construction or Conversion of Small Structures, the

project is categorically exempt from CEQA.

Public Notice: On March 10, 2017, 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 1,330 square feet in area and 21 feet in height on an existing single-story single-family residence. The addition will incorporate matching horizontal lapped siding, brick wainscoting, and composite shingle roof material. 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 addition is proposed to include two "peninsular" elements protruding out from the rear wall of the residence; one of which encompasses a new office, bathroom, and guest room while the other encompasses a new laundry room, master suite, and master bathroom. In between these two projections will be a new open covered terrace and expansion of the great room. On the front of the residence, the addition will entail expansion of the kitchen, an enhanced entry way, and an enlargement of the roofline in front of the garage.

The proposed design of the new addition will foster a dynamic structural presence for the subject property. The existing low-profile roof design will be replaced by an enhanced, built-up roof design utilizing hipped and straight gable roof ends and a 6:12 roof pitch. The front elevation will be augmented by thicker columnar elements, wainscot treatments, and a more pronounced front entryway, with the architectural theme of double-columns with brick wainscoting around both the front entryway and garage entrance providing an integrated visual rhythm. The proposed design shows that the applicant has created a balance between articulated, undulating facades on the front and rear elevations while also maintaining the side yard setbacks through extension of the existing wall line in order not to encroach closer to the neighboring properties to the north and south. The various projections and recesses of the front and rear facades lend articulation and visual interest to the proposal, with the majority of the addition being located on the rear of the existing residence, extending toward the rear property line, and not visible from public streets and sidewalks.

<u>Setback Analysis</u>
The project meets the R-15 District standards as shown below.

Required Setbacks	Existing Setbacks		Proposed Setbacks		Project Compliance	
Front Setback 20'	East	34'	East	27′	Yes	
Side Setback 10' interior	North South	13.17' 13.67'	North South	11.33' No Change	Yes Yes	
25' aggregate	Aggregate	26.84'	Aggregate	25'	Yes	
Rear Setback 15'	West	59'	West	25.94'	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	
14,960 sq ft	3,740 sq ft	2,410 sq ft	3,740 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	
14,960 sq ft	5,550 sq ft	2,410 sq ft	3,740 sq ft	Yes	

#### CONCLUSION

Staff has reviewed the design aspects of the proposed plans relative to the standards for Site Plan Review Permits and development standards for the zoning district 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-01-17 to allow the construction of a single-story addition measuring approximately 1,330 square feet in area and 21 feet in height on an existing single-story single-family residence at 1567 North Mitchell Canyon Road (APN: 118-081-002).

#### 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-01-17, 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 designation site.

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.

5. 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 condition of approval listed below.

#### PROPOSED CONDITIONS OF APPROVAL

These conditions of approval apply to the "Levy Residence Addition" Site Plan, Floor Plan, Roof Plan, and Architectural Elevations, prepared by Arete, Inc., date stamped March 29, 2017.

- 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. The project shall be constructed in accordance with the approved plans, prepared by Arete, Inc., date stamped March 29, 2017, and as conditionally approved by the Clayton Planning Commission on April 11, 2017.
- 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.
- 4. 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.
- 5. 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 City Engineer (Clayton Municipal Code Section 15.01.101) located at 5375 Clayton Road, Concord, 925-363-7433.
- 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 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 Fire District located at 2010 Geary Road, Pleasant Hill, 925-930-5500.
- 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. Levy Residence Addition Site Plan, Floor Plan, Roof Plan, and Architectural Elevations, prepared by Arete, Inc., date stamped March 29, 2017

### ATTACHMENT A



**VICINITY MAP** 



Levy Residence
Site Plan Review Permit SPR-01-17
1567 North Mitchell Road
APN: 118-081-002



## ATTACHMENT B LEVY RESIDENCE ADDITION



#### RECEIVED

MAR 2 9 2017

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT

### 1567 NORTH MITCHELL CANYON ROAD

CLAYTON, CALIFORNIA



OVER SHEET NOTES:	=
The state of the s	D HY
CONTRACTOR & SUSCONTRACTORS ARE TO REPER TO ALL SHEETS DRAWINGS PRIOR TO COMMERCEMENT OF MORE TO ELEMENATE POSSIBLE FUTURE ERRORS & OMNISSIONS, IF, IN THE OFMINION OF CONTRACTOR ANY SUSCONTRACTOR, INSTRUCTIONS, OCTALLS OR INFORMATION CONTAINED IN THESE DRAWINGS OR	ITB R OR





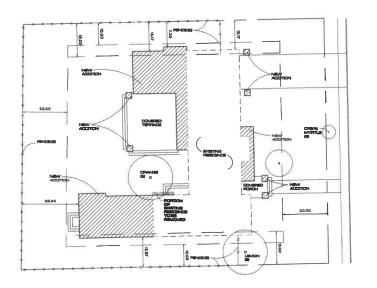
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SHEET INDEX:



## AREAS:

EXISTING RESIDENCE		
TOTAL CONDITIONED	1921	S.F.
GARAGE/STORAGE	489	S.F.
TOTAL EXISTING RESIDENCE	2410	S.F.
NEW ADDITION		
NEW CONDITIONED	1330	S.F.
NEW GARAGE/STORAGE	0	S.F.
TOTAL CONDITIONED	3251	S.F.
TOTAL GARAGE/STORAGE	489	S.F.
TOTAL RESIDENCE	3740	S.F.
LOT AREA	14960	S.F.

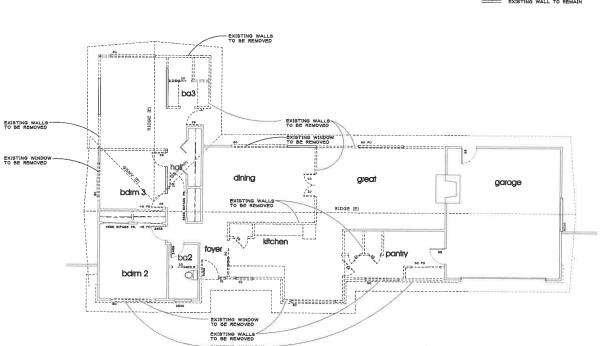


MICHELL CANYON RD.



site plan





#### DEMOLITION & CONSTRUCTION NOTES

- CONTRACTOR SHALL OSTAIN DEMOLITION PERMITS & INC.
- 6 PREVENT DUST & DEBRUS PROM EMANA: DEMOLITION CONSTRUCTION AREA. KEEP
- IF ANY QUESTIONS ARISE AS TO THE REMOVAL OF ANY MATERIAL, THE CONTRACTOR SHALL CLARRY THE POINT IS

#### CONSTRUCTION AREAS SHALL BE LEP CONDITION ALL REPUSED MATERIALS PLUGRESCENT PIXTURES, GELING TIL PEOESTALS; MUST BE CLEAN & PRES

- ALL DOORS PRAMES, HARDWARE, NECHANIGAL ITEMS, PLUMBING PIXTURES, LIGHT PIXTURES & SPECIAL SOUPPMEN TO BE REMOVED SHALL BE PROTECTED, SAVED, & REUSED
- REMOVE & CAP ALL OUTLETS, SWITCHES, THERMOSTATS, PLUMBING PITTINGS, ETC. IN PARTITIONS TO BE REMOVED
- 7. DO NOT REMOVE EXISTING CONDUITS & WIRES ASSOCIAT
  WITH THE LIPE SAPETY SYSTEM WHERE SUCH SYSTEMS
- 4. REMOVE & STORE EXISTING WALL PINESHES, BLINDS, DRAP
- 8. REMOVE EXISTING TELEPHONE & ELECTRICAL OUTLETS AS
- 10. REMOVE ALL EXISTING WALLS, POORS, GLASS & HARDWA
- NEMOVE ALL EXISTING INTEGULAR MATERIALS WHICH WILL CAUSE RISES OR DEFRESSIONS IN FLOORING SURFACE SM AS PASTENERS, DUTLET CORES, MOUNTED COVER PLATES, CAPPET, CAUPET PAD, PLASH FATCH, CONCRETE FILL ETC.
- DEMOLITION IS NOT LIMITED TO WHAT IS SHOWN ON DRAWINGS. THE INTENT IS TO INDICATE THE GENERAL SCOPE OF DEMOLITION REQUIRED TO COMPLETE THE PROJ.
- IN ACCORDANCE W/ THE CONSTRUCTION DRAWINGS.

  13. EXISTING SPACES TO REMAIN SHALL BE PROTECTED TO
- AYOID DAMASE.

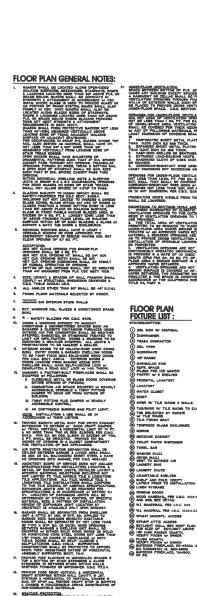
  M. CONTRACTOR SHALL MAINTAIN A "SAFE" JOBSTE & SHALL PROVIDE DARRICADES AS REQUIRED TO DIRECT NON-CONSTRUCTION TRAFFIC.

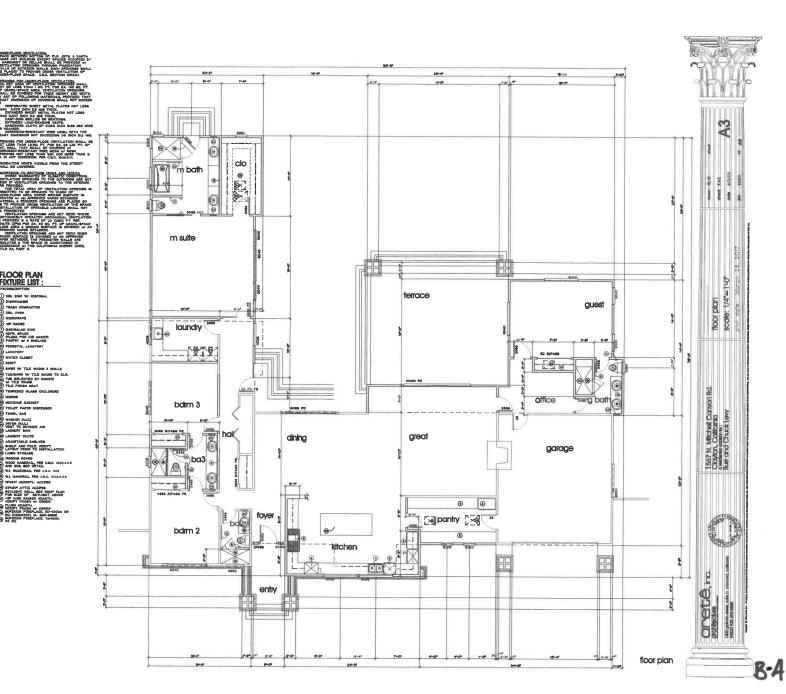
#### DEMOLITION PLAN LEGEND

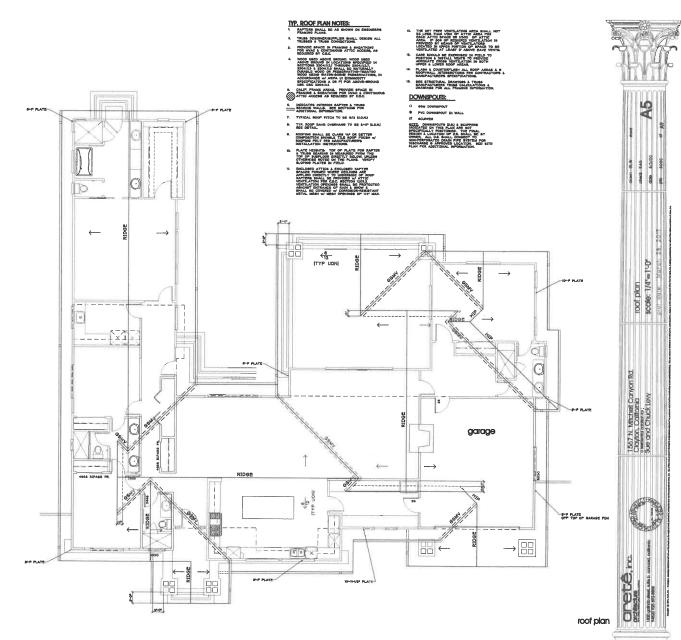
EXISTING WALL TO BE REMOVED

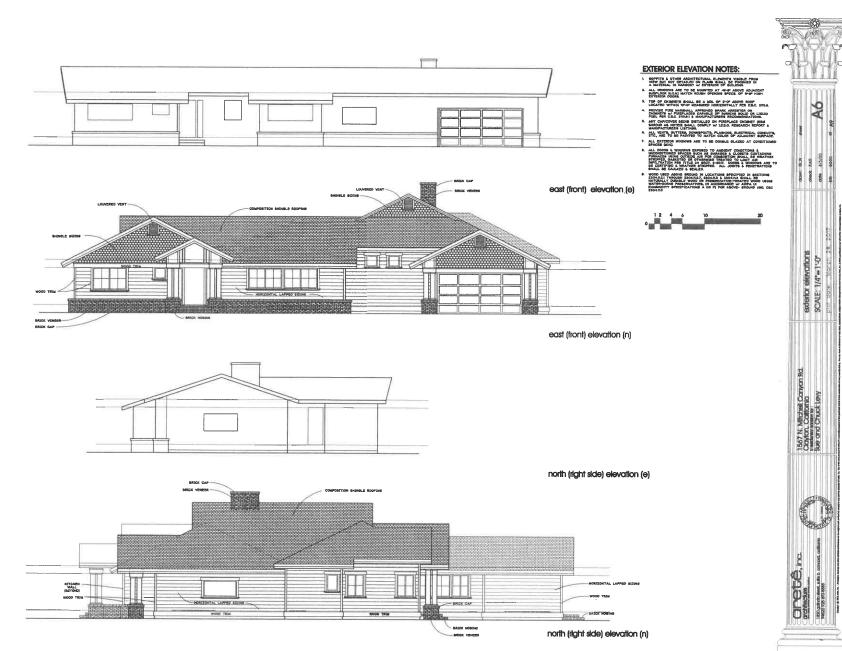
EXISTING WALL TO REMAIN

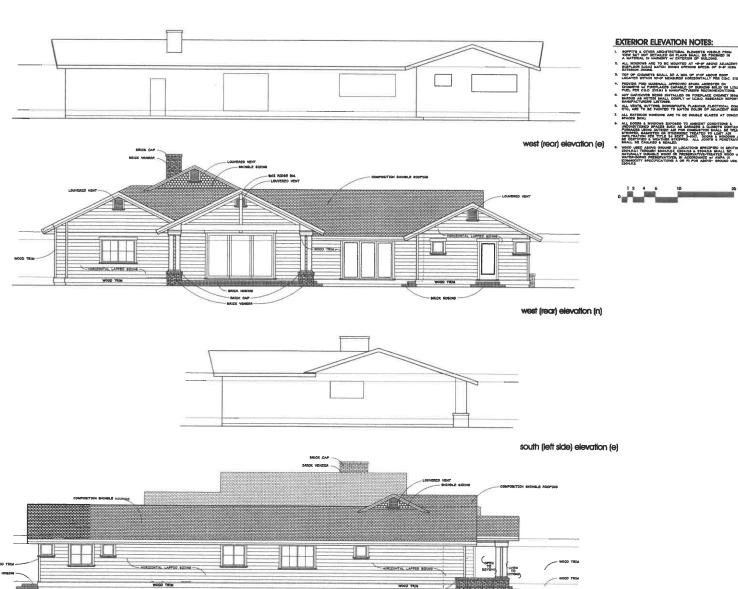
1567 N. Miltonell Conyon Rd. Cicylon, California energe conents: Sue and Chuck Levy













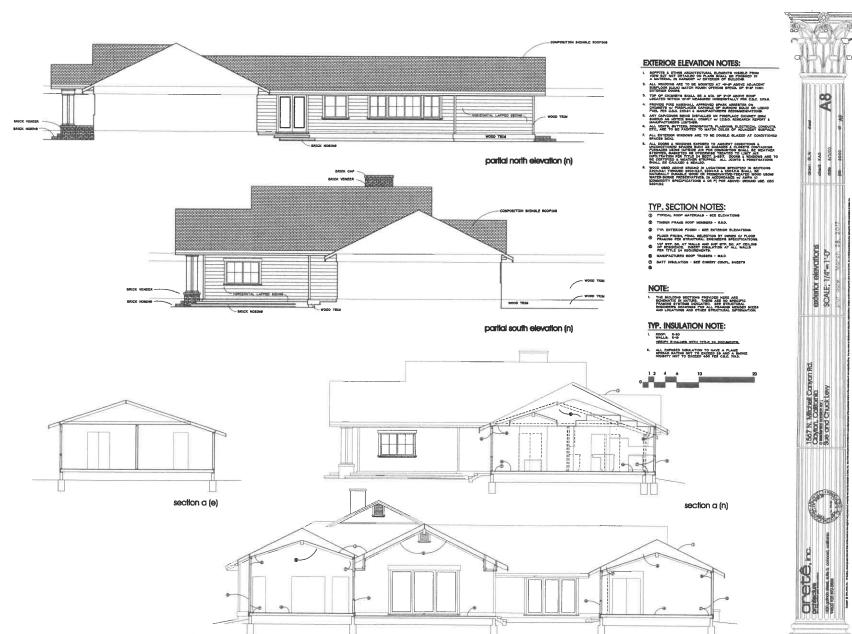
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1567 N. Mitchell Canyon Rd. Cloyfon, Collionid amones ocean tri: Sue and Chuck Levy



Orete, nc.

south (left side) elevation (n)



section b (n)