



## PLANNING COMMISSION AGENDA

Regular Meeting

7:00 P.M. on Tuesday, May 10, 2016

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 Sandra Johnson to report at the City Council meeting of May 17, 2016 (alternate Commissioner Tuija Catalano).
3. **PUBLIC COMMENT**
4. **MINUTES**
  - 4.a. Approval of the minutes for the April 26, 2016 Planning Commission meeting.
5. **PUBLIC HEARINGS**
  - 5.a. **SPR-02-16; Site Plan Review Permit; Jason Barnes; 1470 Lydia Lane (APN: 120-051-010).** Review and consideration of a Site Plan Review Permit to allow the construction of a detached garage measuring approximately 1,152 square feet in area and 15 feet in height.  
  
**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-02-16.
6. **OLD BUSINESS**

None.

**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 24, 2016.**

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.

**Minutes**  
**Clayton Planning Commission Meeting**  
**Tuesday, April 26, 2016**

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

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

Present:           Chair David Bruzzone  
                  Vice Chair Sandra Johnson  
                  Commissioner Dan Richardson  
                  Commissioner Gregg Manning  
                  Commissioner Tuija Catalano

Absent:           None

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.
- 2.c.   Commissioner Gregg Manning to report at the City Council meeting of May 3, 2016.

**3. PUBLIC COMMENT**

None

**4. MINUTES**

- 4.a.   Approval of the minutes for the April 12, 2016 Planning Commission meeting.

**Commissioner Manning moved and Commissioner Catalano seconded a motion to approve the minutes, as submitted. The motion passed 5-0.**

**5. PUBLIC HEARINGS**

- 5.a.   **UP-03-16, Use Permit; Nick Adamson representing Village Oaks, LLC; 6200 Center Street, Suites I and J (APN: 119-620-060).** Review and consideration of a Use Permit for a dentist office (Victor Truong, DDS) to be located in a ground-floor tenant space in the Village Oaks commercial building in the Village Oaks commercial building in Clayton's Town Center.

Assistant Planner Sikela presented the staff report.

Commissioner Catalano asked which document requires a proposed ground-floor non-retail commercial use in the Town Center to obtain Planning Commission review and approval of a Use Permit, the Clayton Municipal Code or the Town Center Specific Plan.

Assistant Planner Sikela responded that both the Town Center Specific Plan and Clayton Municipal Code require a proposed ground-floor non-retail commercial use in the Town Center to obtain Planning Commission approval of a Use Permit.

Commissioner Catalano asked what are the factors listed in the Town Center Specific Plan that staff and the Planning Commission should consider when reviewing a proposal for a ground-floor non-retail commercial use in the Town Center.

Assistant Planner Sikela responded that staff and the Planning Commission would review the proposal to ensure that the use would not interfere with the pedestrian and retail orientation of the Town Center based on the proposed use's location and size.

The public hearing was opened.

Nick Adamson, the applicant, indicated the following:

- It has been difficult, if not impossible, to lease tenant spaces to retail tenants.
- Not enough retail opportunity in Clayton to support retail commercial uses in every ground-floor tenant space within the Town Center.
- Dr. Truong's dental business would be a welcome addition to the Town Center and would fit in well with the fabric of the community.

Vice Chair Johnson asked if the previous tenant in one of the tenant spaces proposed for the dentist office has moved out of the tenant space yet.

Mr. Adamson replied that Clayton Mind and Body had not yet moved out but will be vacating the tenant space soon. We put a lot of time, energy, and money into improving the tenant space for Clayton Mind and Body in order to help their business, but they always struggled to pay the rent, often only being able to pay one-half or one-quarter of the actual rent.

Commissioner Catalano inquired about the vacancy rate on the second floor of the Village Oaks building.

Mr. Adamson responded that almost all of the tenant spaces on the second floor are occupied.

Commissioner Catalano asked if Snap Fitness has been successful in the ground-floor tenant space on the southwest corner of the building.

Mr. Adamson replied that the owner of Snap Fitness has indicated that he has been marginally successful.

Chair Bruzzone asked about the typical length of leases in the Village Oaks building.

Mr. Adamson indicated that retail leases are usually three to five years whereas non-retail leases are one to two years.

Commissioner Richardson indicated that, in the Village Oaks building, he has seen many different non-retail uses in ground-floor tenant spaces such as an insurance broker and newspaper publication office and has seen many businesses come and go.

Commissioner Manning expressed support for the proposal and indicated that it was an excellent use for the site.

The public hearing was closed.

**Commissioner Manning moved and Commissioner Richardson seconded a motion to conditionally approve Use Permit UP-03-16, with the findings and conditions of approval recommended by staff. The motion passed 5-0.**

Dr. Truong, the dentist proposed for the subject tenant space, expressed his gratitude to the Planning Commission for their support and looked forward to moving to Clayton where traditional American family values are cherished.

- 5.b. **ZOA-02-16; Ordinance Extending the Town Center Parking Waiver; City of Clayton.** Review and consideration of a proposed Ordinance to extend the on-site parking waiver in the Town Center area for three years, from June 30, 2016 to June 30, 2019. The purpose of the proposed extension is to provide incentive to promote development activity in the Town Center area for retail and restaurant land uses.

Director Gentry presented the staff report.

The public hearing was opened.

By consensus, the Planning Commission expressed support for the parking waiver extension.

The public hearing was closed.

**Commissioner Richardson moved and Commissioner Manning seconded a motion to adopt Resolution 02-16 recommending City Council approval to extend the parking waiver in the Town Center area to June 30, 2019. The motion passed 5-0.**

**6. OLD BUSINESS**

None.

**7. NEW BUSINESS**

None.

**8. COMMUNICATIONS**

8.a. Staff

Director Gentry indicated the following regarding the Silver Oak Estates project:

- The Notice of Preparation for the Silver Oak Estates Environmental Impact Report is being distributed this week.
- On May 9, 2016, the City is hosting a public scoping meeting at Hoyer Hall using an open house style format.
- Given the sensitivity of the project, staff distributed the Notice of Preparation to property owners within 1,000 feet of the project site as well as to local agencies.
- There will be a 45-day review and comment period for the public review draft of the Silver Oak Estates Environmental Impact Report.

Assistant Planner Sikela provided updates on the Verna Way and St. John's projects.

8.b. Commission

None.

## 9. ADJOURNMENT

- 9.a. The meeting was adjourned at 7:35 p.m. to the regularly-scheduled meeting of the Planning Commission on May 10, 2016.

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Submitted by  
Mindy Gentry  
Community Development Director

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Approved by  
David Bruzzone  
Chair

Community Development\Planning Commission\Minutes\2016\0426

**PLANNING COMMISSION  
STAFF REPORT**

**Meeting Date:** May 10, 2016

**Item Number:** 5.a.

**From:** Milan J. Sikela, Jr.   
Assistant Planner

**Subject:** Public Hearing to consider a Site Plan Review Permit to construct a detached garage on a single-family residential lot (SPR-02-16)

**Applicant:** Jason Barnes

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**REQUEST**

Jason Barnes requests approval of a Site Plan Review Permit to allow the construction of a detached garage measuring approximately 1,152 square feet in area and 15 feet in height.

**PROJECT INFORMATION**

**Location:** 1470 Lydia Lane  
APN: 120-051-010

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

**Zoning:** Single Family Residential R-20 District (20,000 square-foot minimum lot area).

**Environmental Review:** Pursuant to California Environmental Quality Act (CEQA) Guideline 15303(e) – New Construction or Conversion of Small Structures, the project is categorically exempt from CEQA.

**Public Notice:** On April 29, 2016, 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 CMC authorizes the Planning Commission to approve a Site Plan Review Permit in accordance with the Site Plan Review Permit Standards of Review in CMC Section 17.44.040.

## DISCUSSION

The applicant, Jason Barnes, is requesting a public hearing for the consideration of a Site Plan Review Permit to allow the construction of a detached garage measuring approximately 1,152 square feet in area and 15 feet in height on a single-family residential lot. The vicinity map is provided as **Attachment A** and the site plan and architectural elevations are provided as **Attachment B**. In order to provide architectural integration with the existing main residence, the detached garage will incorporate a similar ranch-style design with horizontal wood siding, composition shingle roofing material, and a 4:12 roof pitch. Two roll up doors will be located on the front (southwest) elevation with windows on the rear (northeast) elevation and one access door on the right side (southeast) elevation. Existing vegetation is located along the north side property line, wrapping around the northwest corner of the lot to the front property line, screening the structure from Clayton Road and the Lydia Lane entrance into the Fremont Village subdivision. Also, the applicant has made good use of the larger lot size by orienting the detached garage in the north-central area of the property, away from neighboring residential lots (and the residences on those lots) to the east and south.

## Setback Analysis

The project meets the R-20 District standards as shown below.

Required Setbacks	Existing Setbacks	Proposed Setbacks	Project Compliance
Front Setback 25'	West 25'	West No Change	Yes
Side Setback 15' interior 25' exterior 35' aggregate	South 72' North 70' Aggregate 142'	South No Change North 25' Aggregate 97'	Yes Yes Yes
Rear Setback 15'	East 44'	West 15'	Yes

## Residential Floor Area Analysis

### Building Footprint

The proposal meets the building footprint requirements as shown below.

Lot Area	Building Footprint Allowed	Existing Building Footprint	Proposed Building Footprint	Project Compliance
25,000 sq ft	6,250 sq ft	2,105 sq ft	3,257 sq ft	Yes



## Floor Area

The proposal meets the floor area requirements as shown below.

<b>Lot Area</b>	<b>Floor Area Allowed</b>	<b>Existing Floor Area</b>	<b>Proposed Floor Area</b>	<b>Project Compliance</b>
25,000 sq ft	8,750 sq ft	2,105 sq ft	3,257 sq ft	Yes

## **CONCLUSION**

Staff has reviewed the proposal relative to the Site Plan Review Permit Standards of Review 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.

## **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-02-16 to allow the construction of a detached garage measuring approximately 1,152 square feet in area and 15 feet in height on a single-family residential lot at 1470 Lydia Lane in Clayton.

## **PROPOSED FINDINGS**

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-02-16, 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 constructing a detached garage, 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 development standards and regulations of the Zoning Ordinance as it is not exceeding the building footprint area, height, unit size, or floor area requirements. Also, the project will be constructed in compliance with Site Plan Review 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 detached garage has been oriented away from neighboring residential lots (and the residences on those lots) and existing on-site mature trees will provide additional screening to minimize visual impacts.

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 garage complies with the setback requirements of the Clayton Municipal Code.

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 existing residence on the subject lot as well as surrounding residences. The project complies with all applicable zoning regulations and development standards for setback, building footprint, and residential floor area requirements. Also, the project will utilize the same exterior colors and materials as the existing residence, which seamlessly folds into the fabric of the neighborhood.

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

The project consists of the construction of a detached garage 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 *New Garage for Jason Barnes* plans prepared by Teresa Muscarella, date stamped April 15, 2016.

1. 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 *New Garage for Jason Barnes* plans, prepared by Teresa Muscarella, date stamped April 15, 2016.
3. 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. The 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 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 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. *New Garage for Jason Barnes Plans*

Com Dev\SPR\2016\SPR-02-16.barnes.detached.garage\SPR-02-16.barnes.sr.for.pc.mtg.5.10.16  
Community Development\Planning Commission\Final Staff Reports and Notices of Decision\2016\5.10.16\SPR-02-16.barnes.sr.for.pc.mtg.5.10.16

# ATTACHMENT A



## VICINITY MAP

	<p><b>Barnes Residence</b> <b>Site Plan Review Permit SPR-02-16</b> <b>1470 Lydia Lane</b> <b>APN: 120-051-010</b></p>	<p><b>N</b></p>  <p><b>(Not to Scale)</b></p>
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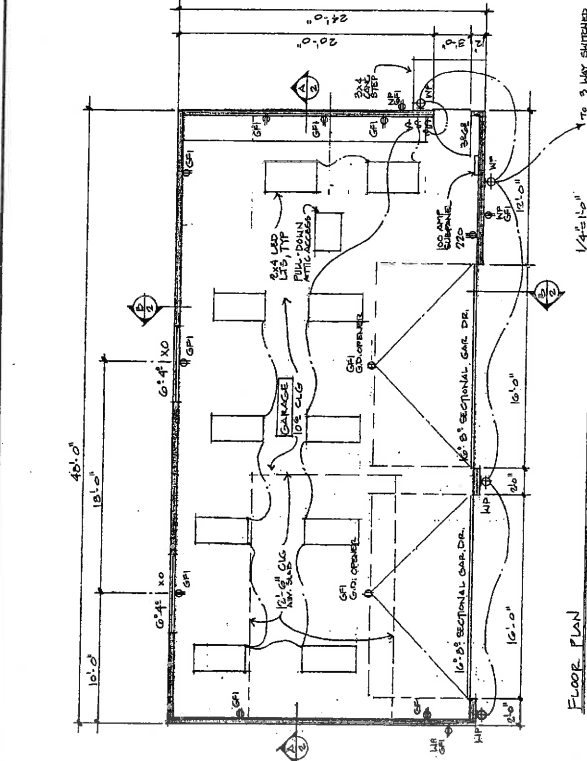


REVISIONS BY	
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2	ADDED
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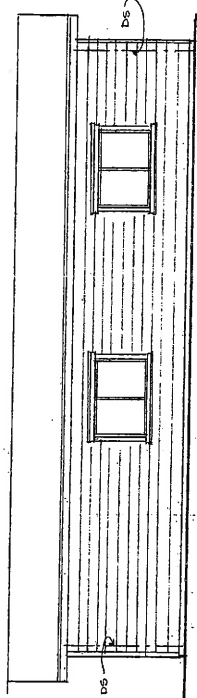
Block Wall  
 4" Concrete  
 1/2" Gypsum Board  
 1/2" Sheetrock

NEW GARAGE  
 DRAWN AND DESIGNED BY: TERRY, MERRILL & ASSOCIATES, INC.  
 1805 STRAUBER  
 CLAYTON, CA  
 JASON KERR  
 3870 TAYLOR AVE  
 CLAYTON, CA  
 DATE: 3/11/16  
 SHEET NO: 11  
 SHEET TOTAL: 14  
 SEE DRAWING 2

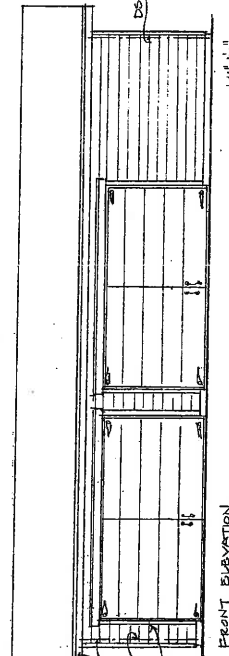
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 SHEET NO: 11  
 SHEET TOTAL: 14  
 SEE DRAWING 2



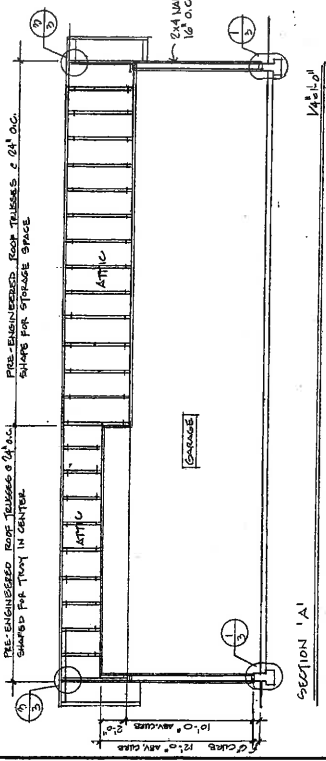
FLOOR PLAN



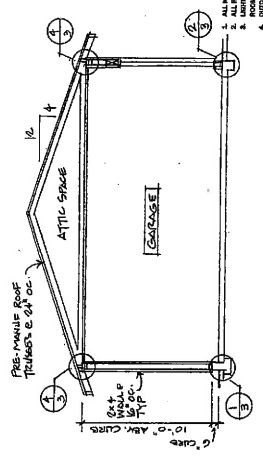
REAR ELEVATION



FRONT ELEVATION



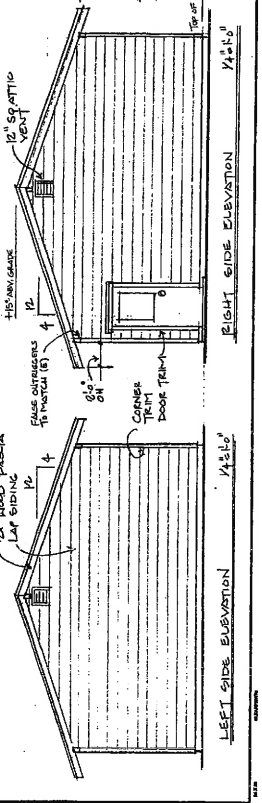
SECTION 'A'



SECTION 'B'

- NOTES
1. ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
  2. ALL EXTERIOR WALLS SHALL BE CONCRETE BLOCK WITH A MINIMUM OF 8\"/>

- ELEVATION NOTES
1. PROVIDE CLASS 1 ROOF MATERIAL OVER 1/2\"/>



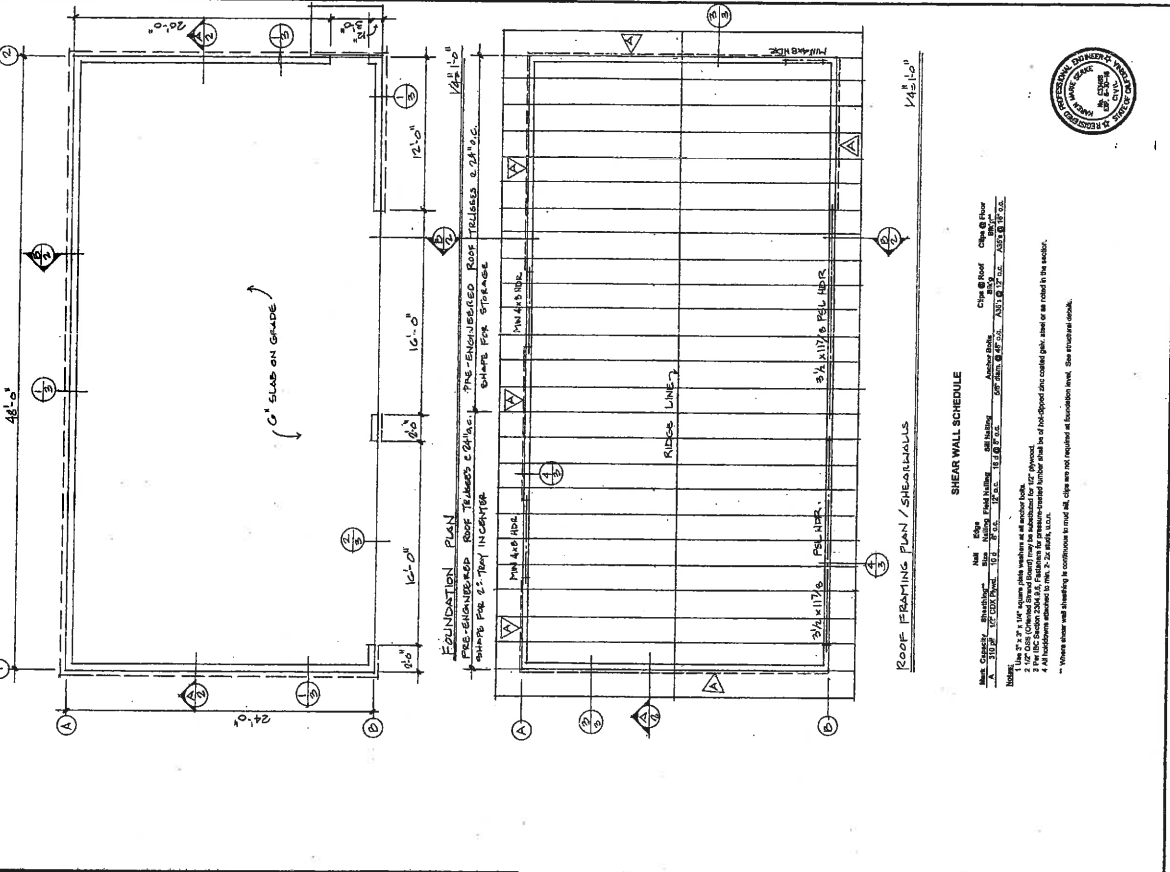
LEFT SIDE ELEVATION

RIGHT SIDE ELEVATION

REVISIONS BY	
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3	ELECTRICAL
4	Mechanical
5	Plumbing
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10	Mechanical
11	Plumbing
12	Electrical
13	Mechanical
14	Plumbing
15	Electrical

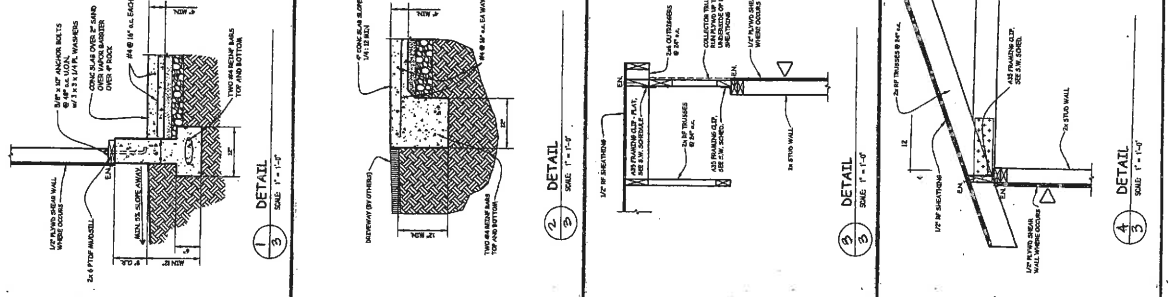
DESIGNED AND DRAWN BY: VERNA J. HERRERA, P.E. VERNA J. HERRERA & ASSOCIATES, INC. 2180 W. WASHINGTON ST. CHANDLER, AZ 84904  
CHECKED BY: JASON MARRAS, P.E. JASON MARRAS & ASSOCIATES, INC. 400 S. WILSON ST. CHANDLER, AZ 84904

NEW GARAGE  
Date: 01/14/19  
Sheet No: 1 of 3  
Revision: 1



### SHEAR WALL SCHEDULE

Item	Quantity	Unit	Description
1	1	Lineal Feet	8" x 10" Shear Wall
2	1	Lineal Feet	8" x 12" Shear Wall
3	1	Lineal Feet	8" x 14" Shear Wall
4	1	Lineal Feet	8" x 16" Shear Wall



### STRUCTURAL NOTES

**CONCRETE**

- Concrete shall be 4000 psi compressive strength concrete.
- Formwork shall be 1/2" thick minimum and shall be stiff enough to prevent bulging.
- Formwork shall be braced and supported to prevent tipping and buckling.
- Formwork shall be braced and supported to prevent tipping and buckling.
- Formwork shall be braced and supported to prevent tipping and buckling.

**FOUNDATION WALLS**

- Foundation walls shall be 8" thick.
- Foundation walls shall be 10' high above grade.
- Foundation walls shall be 10' high below grade.
- Foundation walls shall be 10' high above and 10' high below grade.

**ROOFING**

- Roofing shall be 1/2" PS sheetrock on 2x8 trusses.
- Roofing shall be 1/2" PS sheetrock on 2x4 purlins.
- Roofing shall be 1/2" PS sheetrock on 2x4 purlins.

**CEILING**

- Ceiling shall be 1/2" PS sheetrock on 2x4 joists.
- Ceiling shall be 1/2" PS sheetrock on 2x4 joists.

**FRAMING**

- Framing shall be 2x4 PTIP studs on 8" x 10" foundation walls.
- Framing shall be 2x4 PTIP studs on 8" x 12" foundation walls.
- Framing shall be 2x4 PTIP studs on 8" x 14" foundation walls.
- Framing shall be 2x4 PTIP studs on 8" x 16" foundation walls.

**GENERAL**

- Refer to the notes on other sheets for details.
- Refer to the notes on other sheets for details.
- Refer to the notes on other sheets for details.

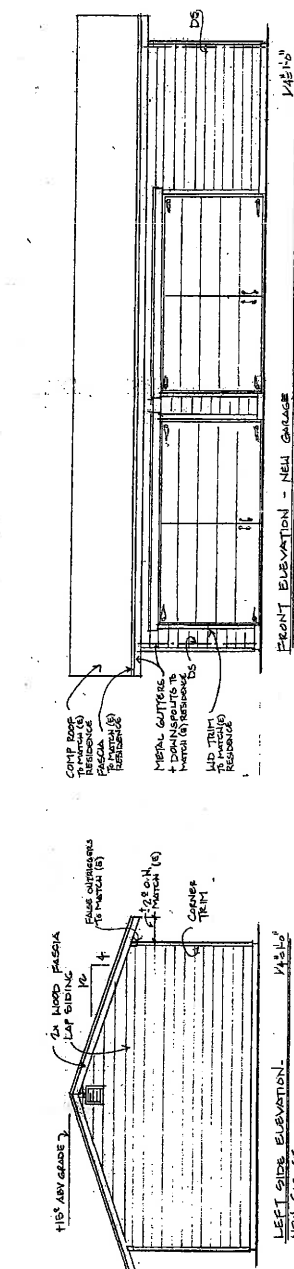
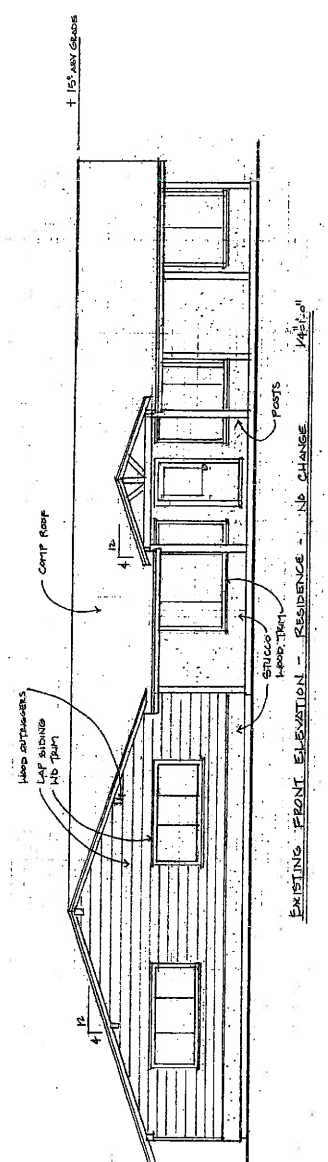


REVISIONS BY	

(NAME)  
 ARCHITECT  
 1000 LAMAR BLVD  
 SUITE 100  
 DALLAS, TX 75202  
 PHONE (214) 742-1234  
 FAX (214) 742-5678  
 WWW.ABCARCHITECT.COM

DRAWN AND DESIGNED BY: TRACY BROWN, AIA  
 CHECKED BY: JAMES SMITH, AIA  
 DATE: 10/20/2010  
 PROJECT: NEW GARAGE

SHEET NO. A  
 OF 4 SHEETS



B-4