



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, May 13, 2008
Clayton Community Library Meeting Room
6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Chair Haydon to report at the May 20, 2008 City Council meeting.

Public Comment

Approval of Minutes

- 2. Approval of minutes from the special meeting of April 29, 2008.

Public Hearings

- 3. **SPR 02-08, Site Plan Review, Jeannette and George Streeter**, 9 Rolan Court, APN 119-113-012. A request for a site plan review permit to allow the completion of construction of a rear-yard deck measuring approximately 1,180 square feet in area and up to 10 feet in height with a 3-foot, 7-inch tall safety railing atop and surrounding the deck.
Proposed Action: Approval, with conditions.

Old Business

- 4. None

New Business

- 5. None

Communications

- 6A. Staff
- 6B. Commission

Adjournment

The next meeting of the Planning Commission is scheduled for **Tuesday, May 27, 2008**.

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.

Minutes
City of Clayton Planning Commission Special Meeting
Tuesday, April 29, 2008

Call to Order

Chair Haydon called the meeting to order at 7:00 p.m. at the Library Meeting Room, Clayton Community Library, 6125 Clayton Road, Clayton.

Present: Chair Keith Haydon, Vice Chair Tuija Catalano, Commissioner Bob Armstrong, and Commissioner Joe Odrzywolski

Absent: Commissioner Ed Hartley

Staff: Interim Community Development Director David Woltering
Contract Planner Nick Pappani
Assistant Planner Milan Sikela, Jr.

Administrative

1A. Review of agenda items.

1B. Commissioner Odrzywolski to report at the May 6, 2008 City Council meeting.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the regular meeting of April 8, 2008.

Chair Haydon moved and Vice Chair Catalano seconded a motion to approve the minutes from the regular meeting of April 8, 2008, as amended. The motion passed 4-0.

Public Hearings

3A. **ENV 01-08, Environmental Review, Rivulet Mixed Use Project, Uzoma Nwakuche**, 1005 and 1007 Oak Street (APNs 119-050-009 and 119-050-034). A study session to receive an update regarding the status of the environmental review being prepared for the project. *Continued from the regular meeting of April 8, 2008.*

3B. **DP 01-08, Development Plan, Rivulet Mixed Use Project, Uzoma Nwakuche**, 1005 and 1007 Oak Street (APNs 119-050-009 and 119-050-034). A study session to receive an update and provide general feedback on some of the site planning aspects including parking layout, pedestrian circulation, trash collection, and stormwater conveyance for the project. *Continued from the regular meeting of April 8, 2008.*

The continued study session for ENV 01-08 and the continued public hearing for DP 01-08 were re-opened. Contract Planner Nick Pappani presented the staff report for the environmental review.

Bob Staehle, the representative of the applicant, indicated that a preliminary landscape plan will be included in the IES/MND as part of the biology report.

Commission questions included:

- When will the initial environmental study/mitigated negative declaration (IES/MND) be ready? *Mr. Pappani responded that the IES/MND should be ready within six weeks or approximately early June 2008. Director Woltering added that it has taken longer to complete the IES/MND in order to assess different ways that the project could comply with the State C.3 stormwater regulations; based on the work yet to be completed for the environmental review, staff anticipated that an IES/MND will be ready in August 2008 for consideration by the Planning Commission.*
- Any update on some of the individual reports within the IES/MND? *Mr. Pappani replied that the steelhead assessment, red-legged frog study, and traffic analysis are close to being completed.*

Mr. Pappani presented the staff report for the site plan review.

Mr. Staehle explained the status of the project and indicated the following:

- Maintenance and reporting would be required for the C.3-related stormwater project requirements.
- Retail Entry Option 1 would involve the project being one foot below the 100-year flood plain, flood gates being used at the entrances, site being graded to create four benched areas, sidewalk continuous and open to street frontage, and 17-foot distance from rear edge of pavement to entry doors.
- Retail Entry Option 2 would involve the project being one foot above the 100-year floodplain, ADA ramps at either end of the building, retaining wall along the Oak Street frontage, steps up from Oak Street, and 7-foot, 6-inch distance from rear edge of pavement to entry doors.
- He indicated his preference for Retail Entry Option 1.
- With either option, there will be no change to the second story elevation.
- We are proposing a semi-circular seat bench around a water feature at the terminus of Center Street for parents to wait for their kids to come down from Mount Diablo Elementary School.
- Looked at the potential for installing a swale along the pedestrian crossing on the south side of the project.

Commission comments and questions included:

- Where would the trash be located? *Mr. Staehle indicated that the trash would be located at the southwest corner of the building near the High Street bridge.*
- The recycling should be segregated from the trash for both the residential and commercial components of the project.
- You should retain curb cut onto High Street so that the different paving styles would alert pedestrians and/or drivers that the commercial component on the first floor of the project does not extend around onto High Street, thereby communicating the distinction between the commercial section of the project and the more residential nature of the High Street corridor west of Oak Street.
- We should ensure that the landscaping at the southeast corner does not become a site obstruction for southbound vehicles on Oak Street turning right onto westbound High Street.
- For this project's stormwater filtration area, we want to avoid the "big pit" appearance that happened to the stormwater filtration area of the Pine Hollow Estates subdivision. *Mr. Staehle indicated that the stormwater filtration planters will be raised.*

- Would not look good having a swale along the pedestrian crossing on the south side of the project since vehicles will destroy the swale as they drive across it.
- How would vehicles drive away from parallel parking space with landscape planter at a 90-degree angle? *Mr. Staehle indicated that the landscape planter would be re-aligned so that it was at a 45-degree angle, thereby allowing parallel-parked vehicles to pull away easier.*

The public testimony period was opened.

Jerry Davis, 6000 High Street, distributed a list of concerns about the project and indicated the following concerns:

- Adequate sight distance should be maintained along High Street.
- Impact to the High Street bridge and people walking on gas line that runs beneath the bridge should be addressed.
- Traffic and noise impacts will be considerable.
- The project promotes a "San Francisco appearance" in the Town Center by having zero setbacks.
- Property is too small to accommodate the building.

There being no further public comment, the public testimony period was closed. Commission comments and questions included:

- Please make sure the traffic analysis includes all impacts at peak times and build-out of lots located west of the High Street bridge.
- How are the trash cans for the lots west of the High Street bridge brought down to where Allied Waste can pick them up? *Mr. Davis responded that the trash cans are left by the bridge all the time.*
- Since the trash cans being left at the High Street bridge are an eyesore, it would be good to clean this area up.
- Consensus is that the presented Retail Entry Option 1 is preferred.
- Will the public be able to review the individual studies included in the IES/MND? *Mr. Pappani answered "Yes."*
- Proper sight distance, vehicular maneuverability, and adequate parking should be ensured.
- Any stall dimension standards for guest parking? *Director Woltering responded that staff would research this question.*
- Do not see the need for inclusion of a sidewalk on the south side of High Street. Rather use that space for a driveway aisle. *Director Woltering indicated that we need to keep in mind the equity issues related to the project and other properties.*
- Options for increasing the 20-foot drive aisle should be explored.
- Please provide open space calculations to clearly indicate the space used to meet City open space requirements.

By consensus, the Commission continued the study session for ENV 01-08 and DP 01-08 to an undetermined future date, with direct to staff that the study session and/or public hearing be re-noticed accordingly.

- 3C. **CDD 04-07, Large Family Day Care Permit, Shelly Alves, 6015 Golden Eagle Way, APN 118-630-001.** Review of project compliance with Conditions of Approval 1-6 as listed on the City Council resolution, Resolution No. 42-2007, denying the appeal of Planning Commission's decision to approve a Large Family Day Care permit. *Continued from the regular meeting of April 8, 2008.*

The continued public hearing was re-opened. Director Woltering presented the staff report.

Chair Haydon asked if Director Woltering had conducted a site visit un-announced or did he advise the applicant ahead of time? *Director Woltering responded that two site visits had occurred; the first visit was a drive-by with former Director Jeremy Graves and was un-announced whereas the second visit was scheduled with the applicant ahead of time. Director Woltering added that, in both cases, the subject property was clean and well-maintained and appeared to be in compliance with the conditions of approval.*

The public testimony period was opened.

Shelly Goodrich (Alves), the applicant, indicated the following:

- Current parent/clients are complying with the conditions of approval.
- No parking issues, moving violations, or accidents have occurred.
- Have had four parent/client meetings to discuss conditions of approval for continued compliance.
- Only terminated one parent/client because of lack of compliance with the conditions of approval.

Tim Schmoll, 5206 Keller Ridge Drive, indicated the following:

- The appellant referred to a convertible vehicle—that was my convertible vehicle and I was not leaving my kid in the car inappropriately unattended as suggested.
- My experience is that the applicant has provided a loving environment for the children.
- The applicant maintains constant enforcement.

Paul Graves, 6018 Golden Eagle Way, indicated the following:

- As the appellant, we tried not to be oppressive with our scrutiny of the project.
- Commend the professionalism of Director Woltering and his staff.
- Conditions of approval were a good joint effort and made the business tolerable.
- There may be more violations than we have seen.
- Staff only interviewed the applicant and not the neighbors.
- Neighbors are watching to see how the City deals with violations.

Holly Wood, 1339 Montana Drive, Concord, indicated the following:

- Shelly operates a wonderful daycare.
- Her business is in compliance with the conditions of approval.
- Her kids are well-behaved and well-taken-care-of.
- Her business is needed for our children.
- It is a wonderful opportunity have such a high-quality daycare resource within the City.

Carolyn Vargas, 1851 Eagle Peak Avenue, indicated the following:

- I started taking my child to Shelly's daycare in August 2007.
- Shelly explained to me in detail all the conditions of approval and, as her clients, we have complied with them.
- She follows up every parent/client meeting with a daycare newsletter.

Gigi Pishny, 5171 Keller Ridge Drive, indicated that Shelly made her aware of the conditions of approval and that she has complied with them.

Fernando Campos, 1722 Curletto Drive, Concord, indicated the following:

- Our two children attend the daycare.
- Shelly exemplifies the ideal of Clayton.
- The first time I violated the conditions of approval, I received a stern warning.

Brandie Kelber, 6015 Golden Eagle Way, indicated the she resides at the subject residence and complies with all the conditions of approval.

Ryan Slagle, 23 San Carlos Court, Walnut Creek, indicated the following:

- As a parent/client, we had to sign a contract.
- I drive trailers and go 20 to 30 minutes out of the way to drop the trailers off before I come to the daycare, just to ensure that I comply with the conditions of approval.

Janice Rath, 4440 Morgan Territory Road, Unincorporated Contra Costa County, indicated the following:

- Other daycare businesses do not have to go through such strict review.
- I am shocked to see what Shelly has been put through.
- Shelly runs an excellent daycare operation.

Danielle Campos, 1722 Curletto Drive, Concord, indicated the following:

- Shelly complies with all the conditions of approval.
- As a parent/client, Shelly informed us that we would be terminated if we violated the code.

Rich Goodrich, 6015 Golden Eagle Way, indicated the following:

- I invite the Commission to come visit the subject residence.
- Shelly keeps the subject residence and premises spotless.
- The vehicles shown in the photographs provided by the appellant are misleading since one vehicle belonged to the neighbor and the other vehicle belonged to another person who had nothing to do with the daycare.

Olivia Beretta, 227 Jeffry Ranch Place, indicated the following:

- I attend all of Shelly's parent/client meetings.
- We abide by the conditions of approval.

There being no further comments, the public testimony period was closed. Commission comments and questions included:

- Commend Mr. Graves for his diplomatic approach.
- If there is a significant violation, the City would know about it.
- The project is complying with the conditions of approval.
- Will the Commission be reviewing the project for compliance every six months? *Director Woltering answered that there would be no further compliance reviews before the Commission for this project. From the staff perspective, the only way the Commission would re-visit any project-related issues is for violation and/or permit revocation purposes.*
- I am satisfied that the project has adequately complied with all the conditions of approval.

Chair Haydon moved and Commissioner Armstrong seconded a motion to find that the project has demonstrated the necessary substantial compliance with Conditions 1-6 as listed in the City Council resolution, Resolution No. 42-2007. The motion passed 4-0.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff

Director Woltering indicated that the Longs Drugs store is nearing a final inspection by the Contra Costa County Building Inspection Department since the retaining wall end caps and stormwater planters have been installed.

6B. Commission

Chair Haydon indicated that the banner signs at Village Market need to be re-attached to the side of the building.

Adjournment

7. The meeting was adjourned at 10:00 p.m.

Submitted by
David Woltering, AICP
Interim Community Development Director

Approved by
Keith Haydon
Chair

Plng Comm 2008 Minutes 0429

PLANNING COMMISSION STAFF REPORT

Meeting Date: May 13, 2008

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Jeanette and George Streeter
Site Plan Review Permit (SPR 02-08)

REQUESTS

A site plan review permit to allow the completion of construction of a rear-yard deck measuring approximately 1,180 square feet in area and 10 feet in height with an approximate three-foot, seven-inch tall safety railing atop and surrounding the deck.

PROJECT INFORMATION

Applicant(s)/Location: Jeanette and George Streeter
9 Rolan Court
APN 119-113-012
(See **Exhibit A** for Location Map)

General Plan Designation: Low Density - Single Family Residential (1.1 to 3.0 units per acre).
This proposal complies with the *General Plan* designation.

Zoning: Single Family Residential R-12 District (12,600 square-foot minimum lot area).

Environmental Review: Categorically exempt per Section 15303(e), Class 3 of the State CEQA Guidelines.

Public Notice: On April 29, 2008, a public hearing notice was posted on the site and at the notice boards, mailed to property owners within 300 feet of the site, and faxed to the newspapers. Comments received have been included in the text.

Agency Referrals: Comments from the City Engineer and City Stormwater Manager are incorporated into the advisory notes. Comments from the Contra Costa County Fire Protection District are incorporated into the text and advisory notes. The Contra Costa County Building Inspection Department and Contra Costa Water District did not respond.

Authority: Section 17.44.020 of the *Zoning Ordinance* authorizes the Planning Commission to approve a site plan review permit in accordance with standards in Section 17.44.040.

BACKGROUND AND DISCUSSION

The applicant has requested approval of a site plan review permit to allow the completion of a partially-constructed deck measuring approximately 1,180 square feet in area and up to approximately 10 feet in height from finished grade. A three-foot, seven-inch safety railing along the outer perimeter of the deck will be included as part of the project.

A previously-existing deck, which was located in the same area of the subject property, was demolished to allow for construction of the new deck. The new deck starts slightly above grade level beyond the existing pool in the rear yard, then protrudes out over the downward slope that extends toward the rear property line. The new deck is a replacement and improvement upon what existed previously, with the current deck being approximately 200 square feet larger in area. A site plan and cross section have been provided as **Exhibit B**.

Setback Analysis

Section 17.36.055.E of the Zoning Ordinance requires that any accessory structure (such as a deck) be a minimum of three feet from all property lines. In this case, the subject deck is a minimum of three feet, two inches at its closest point to the property line. Therefore, the project meets the setbacks for accessory structures.

Residential Floor Area Analysis

Section 17.78.030.D.3 of the Zoning Ordinance excludes decks “where at least one of the longest dimensions in unenclosed.” Since the entire deck is unenclosed, it would qualify for this exemption. Hence, the project complies with City standards by being excluded from the residential floor area requirements.

Structural Integrity

Staff has received a letter expressing concern over the project (see **Exhibit C**). As part of the review and permitting of the structure, it is staff’s understanding that the Contra Costa County Building Inspection Department will assess the structural integrity, stability, and safety of the structure and any other structures (e.g., retaining walls) that are associated with the project. Therefore, these issues will be addressed prior to issuance of a building permit.

Project Visibility

The letter received also identified concerns regarding the visibility of the project. Staff also was contacted in person by the concerned neighbor and was informed that, during construction of the new deck, previously-existing landscaping was removed which provided screening. Staff also conducted a site inspection to assess the visual impacts of the project. As a result, staff has provided a condition that requires the applicant to submit a landscape plan for review and approval by the Community Development Director prior to issuance of a building permit. Staff will be reviewing the landscape plan for the planting of a minimum of three trees in the rear yard area east of the bedroom portion of the deck.

Fire Considerations

Staff contacted the Contra Costa County Fire Protection District regarding fire safety issues related to the project. Per the Fire District transmittal (see **Exhibit D**), weed abatement requirements are applicable to any residential property. An advisory note has been provided to notify the applicant that they must comply with all Contra Costa County Fire Protection District requirements, including any applicable weed abatement requirements.

Conclusion

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

RECOMMENDATION

Staff recommends that the Planning Commission approve site plan review permit SPR 02-08 to allow the finalization of construction for a rear-yard deck measuring approximately 1,180 square feet in area and up to approximately 10 feet in height from finished grade, with an approximate three-foot, seven-inch tall safety railing atop and surrounding the deck.

Proposed Findings

Based on the evidence set forth in the staff report, which includes all relevant information from the project file, as well as testimony at the hearing, the Planning Commission finds the site plan, as conditioned:

1. Is consistent with the *General Plan* designation and policies.
2. Meets the standards and requirements of the *Zoning Ordinance*.
3. Preserves general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.
4. Maintains solar rights of adjacent properties.
5. Reasonably maintains the privacy of adjacent property owners and/or occupants.
6. Reasonably maintains the existing views of adjacent property owners and/or occupants.
7. Is complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk.
8. Is compatible with the neighborhood and surrounding land uses.
9. Is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15303 (e), Class 3 of the State CEQA Guidelines.

Proposed Condition of Approval

This condition of approval applies to the Streeter Residence Deck Plan, prepared by Gilbert A. Fitch & Associates, Inc., date-stamped April 9, 2008.

1. Prior to building permit issuance, the applicant shall submit a landscape plan for review and approval by the Community Development Director. The landscape plan shall show the planting of an additional three trees in the rear yard area directly east of the bedroom portion of the deck.

2. The applicant agrees to 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 attorney's fees 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, or the environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

Advisory Notes

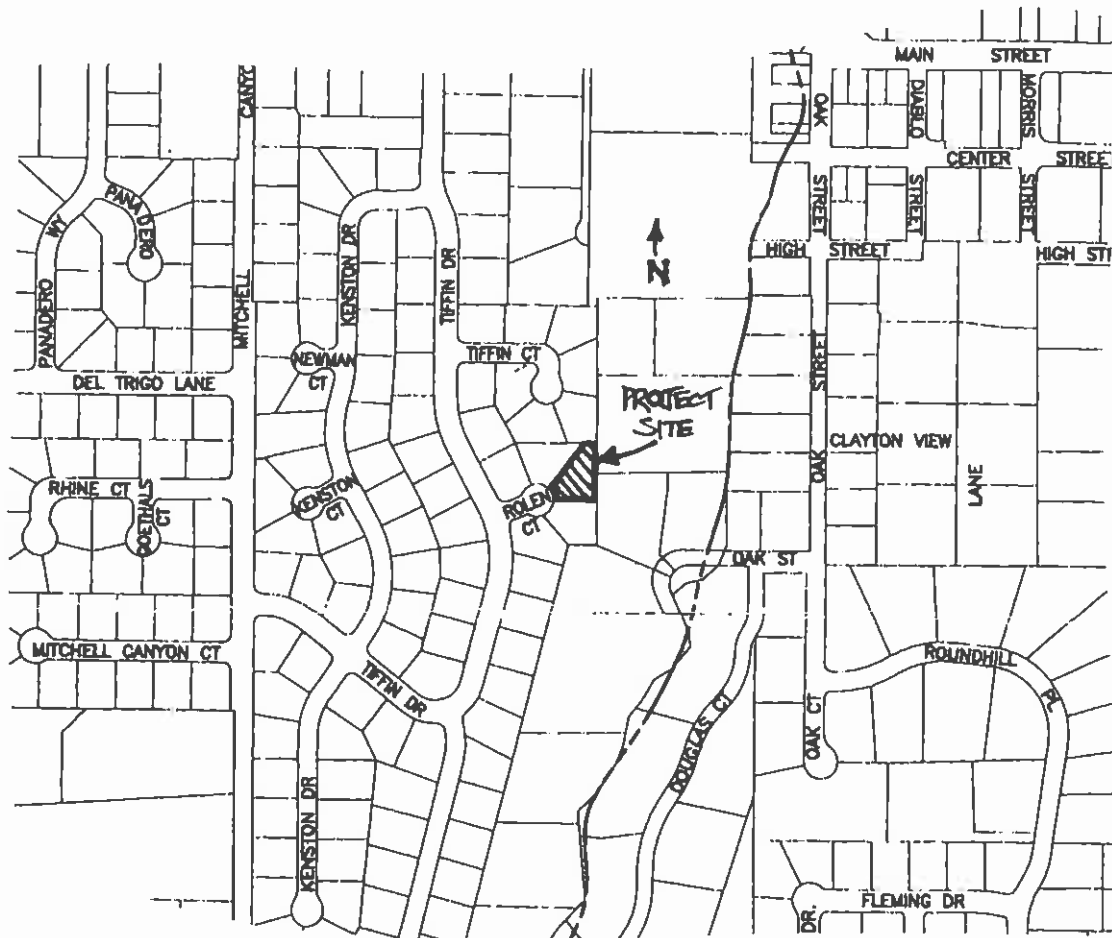
Advisory notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; or (b) requirements imposed by other agencies. The advisory notes are not part of the conditions of approval.

1. Prior to obtaining a building permit, the applicant shall prepare an erosion and stormwater control plan for review and approval by the City Engineer (CMC §13.12.050).
2. Prior to the commencement of grading, demolition, or construction activities, the applicant shall obtain City approval of a construction and demolition recycling plan (CMC § 15.80.040).
3. The applicant shall comply with all applicable state, county, and city codes, regulations, and adopted standards.
4. This site plan 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 void (CMC §17.64.010-030).
5. All grading, 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 previously authorized in writing by the City Engineer (CMC §15.01.010) located at 1005 Oak Street, 925-672-9700.
6. The applicant shall obtain the necessary building permits from the Contra Costa County Building Inspection Department.
7. The applicant shall comply with all Contra Costa County Fire Protection District requirements (including weed abatement requirements). Please contact the Contra Costa County Fire Protection District, located at 2010 Geary Road, Pleasant Hill, 925-930-5500.
8. If the project site is located within an area subject to covenants, conditions, and restrictions (CC&R's) administered by a homeowners association, additional requirements and/or approvals may be required by the homeowners association. Before proceeding with the project, it is advisable to check with the homeowners association to ensure any applicable requirements are met.

EXHIBITS

- A Location Map
- B Streeter Residence Deck Plan, prepared by Gilbert A. Fitch & Associates, date-stamped April 9, 2008
- C Letter from Dennis and Paulette Webb, date-stamped May 9, 2008
- D Transmittal from the Contra Costa County Fire Protection District, date-stamped May 9, 2008
- E Photographs of the deck, provided by the applicant, date-stamped April 9, 2008 [to be distributed at the May 13, 2008 Planning Commission meeting]

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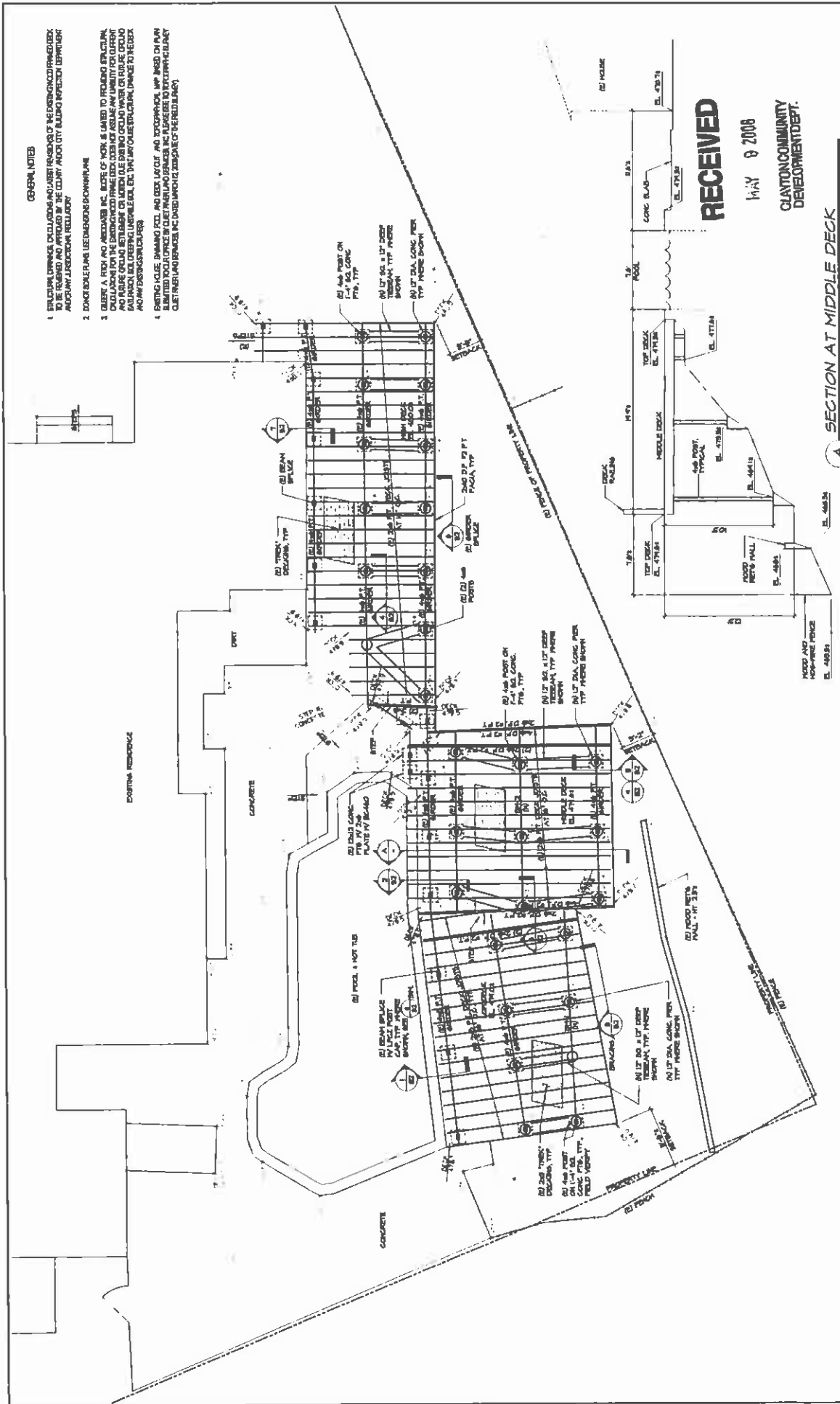


Location Map
9 Rolen Court
APN 119-113-012

EXHIBIT A

GENERAL NOTES

1. STRUCTURAL DRAWINGS AND SPECIFICATIONS OF THE EXISTING CONCRETE FRAME DECK, 1" THICK, ARE SHOWN IN THE CLAYTON CITY BUILDING DEPARTMENT RECORD DRAWING, 1980, 1" SCALE, 1" = 1'.
2. DO NOT SCALE PLANS. USE DIMENSIONS SHOWN IN PLAN.
3. CLAYTON CITY AND ASSOCIATES, INC. NOTES OF WORK IS LIMITED TO PROVIDING STRUCTURAL DRAWINGS FOR THE EXISTING CONCRETE FRAME DECK. DOES NOT ASSUME ANY LIABILITY FOR CURRENT AND FUTURE CRACKS, SETTLEMENTS OR WATER (SEE EXISTING CRACKS AND WATER CRACKS) OCCURRING IN THE EXISTING CONCRETE FRAME DECK. THE STRUCTURAL DRAWINGS TO THE DECK ARE FOR INFORMATION ONLY.
4. EXISTING HOUSE, INHABITANT, AND DECK LAYOUT AND TOPOGRAPHY, SHOWN ON PLAN, ARE LIMITED TO THE EXISTING CONCRETE FRAME DECK. DOES NOT ASSUME ANY LIABILITY FOR CURRENT AND FUTURE CRACKS, SETTLEMENTS OR WATER (SEE EXISTING CRACKS AND WATER CRACKS) OCCURRING IN THE EXISTING CONCRETE FRAME DECK. THE STRUCTURAL DRAWINGS TO THE DECK ARE FOR INFORMATION ONLY.



RECEIVED

MAY 9 2008

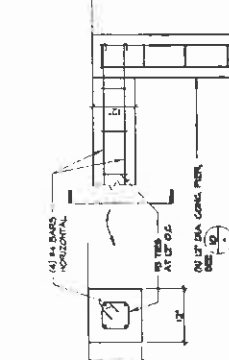
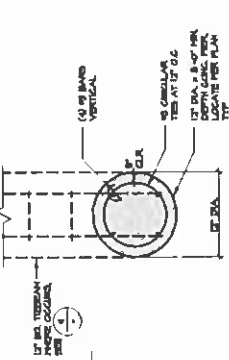
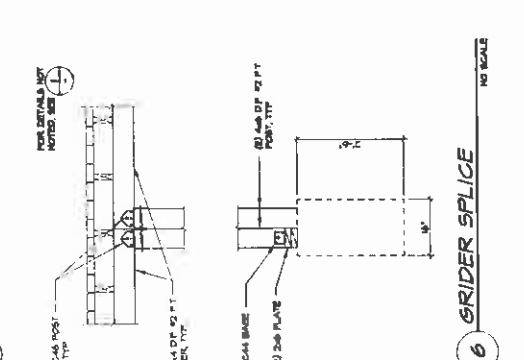
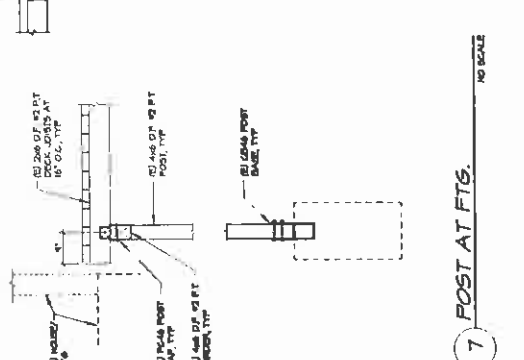
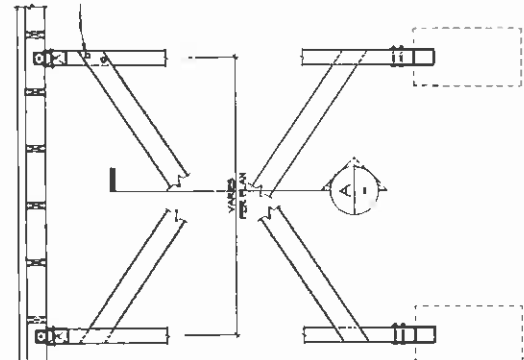
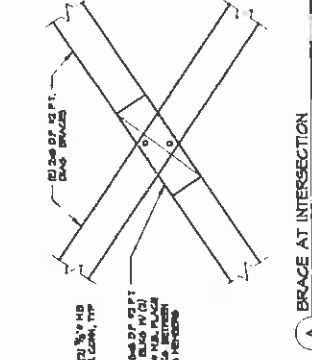
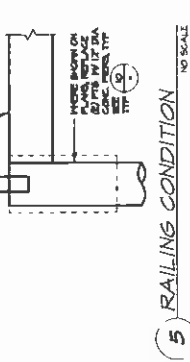
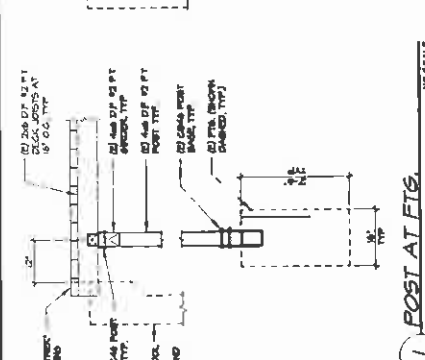
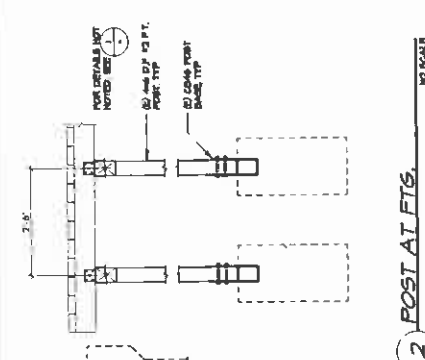
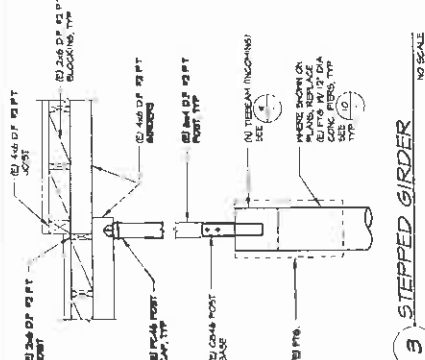
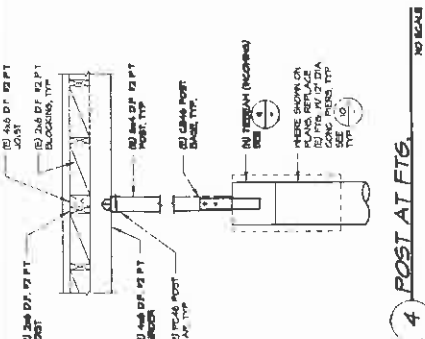
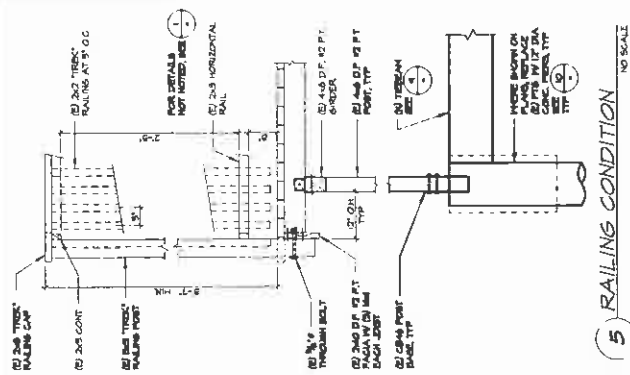
CLAYTON COMMUNITY DEVELOPMENT DEPT.

SECTION AT MIDDLE DECK

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EXHIBIT B
(2 PAGES)



POST OFFICE BOX 235
CLAYTON, CA 94517
May 8, 2008

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MAY 9 2008

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

Mr. David Woltering
Interim Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Subject: 9 Rolan Court – Deck Project – APN 119-113-012

We are concerned about the safety and visibility of this project which, from our property, appears to actually be completed. We invite any members of the Planning Commission to view the project from our home.

Safety Issues

Built out over approximately a 30 degree slope and is approximately 15'+ high and 20' out from the crest at its furthest point.

Property is 50'+ high to my property and is in direct line to our home in the event of failure.

The southern part of the deck is supported by an old wood retaining wall (4' x 15' long) estimated at 25+ years of age used to hold back dirt.

Below the northern half of the deck most of the vegetation in the form of bushes and trees were removed to the property line during the construction.

Visibility Issues

The deck looms over our home and deck approximately 50' to 70' in the air and diminishes the privacy of our deck and yard.

Recommendations

The deck should be cut back to a more reasonable height reaching over the ridge line by 6' to 8' or whatever the code permits.

Landscaping should be replaced with somewhat mature plants so as to make an immediate impact.

Safety issues need to be addressed; e.g. depth of footings, upgrade of the retaining wall and any other strengthening requirements stipulated by the building code.

We appreciate your interest in our concerns. Again, if any members would like to view the structure from our perspective, please call us at 672-7703.

Sincerely,

Dennis & Paulette Webb

EXHIBIT C



FAX COVER SHEET

CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT
ADMINISTRATIVE OFFICES

2010 Geary Road
Pleasant Hill, CA 94523-4694
(925) 941-3300

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Number of Pages including Cover Sheet: 2

TO: CITY of CLAYTON

MAY 9 2008

ATTN: MILAN

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

FAX #: 672-4917

FROM: TED LEACH

TEL #: 941-3547

SUBJECT: 9 ROLAN COURT

DATE: 5/9/08

COMMENTS: WE HAVE NO COMMENT ON THIS APPLICATION.
WEED ABATEMENT REQUIREMENTS ARE APPLICABLE TO ANY
RESIDENCE. WEED OR GROWTH CAPABLE OF BEING IGNITED ARE
REQUIRED TO BE CUT DOWN OR REMOVED.

FAX Nos.:

(925) 941-3309 Administration/Fire Prevention

(925) 941-3319 Fire Chief/Personnel Officer

