

Minutes
City of Clayton Planning Commission Meeting
Tuesday, December 8, 2009

Call to Order

Chair Bob Armstrong called the meeting to order at 7:02 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Bob Armstrong, Commissioner Tuija Catalano, Commissioner Ted Meriam, Commissioner Dan Richardson

Absent: Vice Chair Sandra Johnson

Staff: Community Development Director David Woltering

Administrative

1A. Review of agenda items.

1B. Commissioner Richardson to report at the City Council meeting on December 15, 2009.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of November 24, 2009.

Commissioner Richardson moved and Commissioner Meriam seconded the motion to approve the minutes from the meeting of November 24, 2009, as amended. The motion passed 4-0.

Commissioners directed amendments to 6A under Staff Communications regarding the City Council discussion of improvements to the Endeavor Hall site. These improvements could eliminate up to five parking spaces at the City parking lot next to Endeavor Hall. The Community Development Director indicated that the Planning Commission comments seemed premature at this time, given the discussion of improvements is still at a very preliminary stage with the Council requesting general cost estimates of various improvement options from the City Engineer at this time.

Commissioner Richardson recused himself from the meeting.

Public Hearings

3A. **SPR 08-08, Extension of a Site Plan Review Permit, Toni Guttry, 5571 Morningside Drive, APN 118-110-010.** A request for a one-year extension of a previously-approved Site Plan Review Permit (previously approved on December 18, 2008) to allow the construction of a custom two-story single-family residence measuring approximately 28 feet in height and 4,400 square feet in area.

Director Woltering presented the staff report.

Planning Commission questions and comments included:

- Commissioners acknowledged this agenda item involves a request to extend for one year a Site Plan Review Permit that was previously reviewed and approved by the Planning Commission. Commissioners indicated they were satisfied with the project and the prior findings and conditions of approval that would continue to apply to the project if the extension would be granted.

Commissioner Catalano moved and Chair Armstrong seconded the motion to approve the request to extend Site Plan Review Permit SPR 08-08 for one year, based on the findings and conditions of the original action and Notice of Decision. The motion passed 3-0, with Commissioner Richardson recusing himself because his primary residence is within 500 feet of the project site and, consequently, the potential for a financial conflict of interest exists. During discussion of the item, Commissioner Richardson was not in the meeting chambers.

- 3B. **SPR 04-09, Site Plan Review Permit, Noel O'Meara, 1519 North Mitchell Canyon Road, APN 118-063-004.** A request for a Site Plan Review Permit to allow the construction of a custom two-story single-family residence measuring approximately 27 feet in height and 4,809 square feet in area.

Director Woltering presented the staff report.

The public testimony period was opened.

A neighbor spoke, indicating that she liked the overall appearance of the home but was concerned about the potential for some view obstruction as a consequence of the two-story aspect of the proposed residence.

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

- Chair Armstrong noted that two-story homes exist in the surrounding area.
- Commissioner Richardson asked about the matter of evaluating view obstruction and whether story poles are used to evaluate individual projects. Community Development Director Woltering indicated that story poles are not typically used to evaluate the impact of two story construction. (It should be noted two-story homes are permitted in this zoning district per the Clayton Municipal Code). The applicants, Mr. and Mrs. O'Meara, indicated that they were proposing to construct the home more forward on the lot than the previous home to reduce the view impact on the neighbor.
- Commissioners asked if the project would involve tree removal. The applicants responded that a single tree that was dead would be removed. Otherwise, the existing trees would be retained, except that some of them would be pruned.
- Commissioners asked if the existing retaining structure at the front of the property would be removed. The applicants indicated the retaining structure would not be removed.
- Commissioners asked if the applicant agreed with the staff recommendation and condition of approval that window treatments be added to the first and second floor walls along the south elevation. The applicants responded that they agreed with the staff recommendation.

- Commissioners indicated general support for the location of the proposed home and complimented the overall design, with the addition of window treatments to the south elevation.

Commissioner Richardson moved and Commissioner Catalano seconded the motion to approve the request for approval of a Site Plan Review Permit SPR 04-09, subject to the findings and conditions presented by staff, including the conditions presented at the meeting pertaining to adding window treatments to the first and second floors of the south elevation and providing the necessary reporting information related to finding the potential for lead-based paint and asbestos in the home to removed from the subject property. The motion passed 4-0.

- 3C. **ZOA 04-09, Municipal Code Amendment, City of Clayton.** A public hearing regarding possible amendments to the Clayton Municipal Code for the purpose of implementing the requirements of Senate Bill 1818 related to granting density bonuses and incentives to support the construction of affordable housing (*Continued from the meeting of November 24, 2009*).

Director Woltering presented the staff report.

Planning Commission comments included:

- Commissioner Catalano indicated support for the proposed ordinance, but suggested that the requirement at the top of page 10 that building permits not be issued for market-rate units until all affordable units are constructed seemed onerous. Other language in the proposed ordinance that would not allow certificates of occupancy to be issued for market-rate units until affordable units are completed she believed would be sufficient to ensure an objective that affordable units be constructed concurrently with market-rate units. After some discussion about this point, the other Commissioners agreed with Commissioner Catalano, and the consensus was to remove the requirement at the top of page 10 regarding not issuing building permits for market-rate units until affordable units are constructed.

Commissioner Catalano moved and Commissioner Richardson seconded the motion to adopt Resolution No. 05-09, as amended, thereby recommending City Council approval of Ordinance No. 426, as amended. The motion passed 4-0.

Old Business

4. None.

New Business

5. None.

Communications

- 6A. Staff.

6B. Commission.

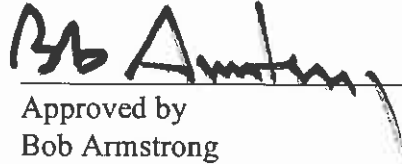
Chair Armstrong indicated that he had attended the recent TRANSPAC meeting at which there were discussions about the update to the compliance checklist for Measure J.

Adjournment

7. The meeting was adjourned at 8:02 p.m.



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Bob Armstrong
Chair

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