

**Minutes**  
**Clayton Planning Commission Meeting**  
**Tuesday, December 11, 2012**

**Call to Order**

Vice Chair Gregg Manning called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Vice Chair Gregg Manning, Commissioner David Bruzzone, and Commissioner Sandra Johnson

Absent: Chair Keith Haydon, Commissioner Dan Richardson

Staff: Community Development Director David Woltering

**Administrative**

1A. Review of agenda items.

1B. Vice Chair Gregg Manning will report to the City Council meeting on December 18, 2012

**Public Comment**

None.

**Approval of Minutes**

2. Approval of minutes from the meeting of November 13, 2012.

**Commissioner Johnson moved and Commissioner Bruzzone seconded a motion to approve the minutes, as presented. The motion passed 3-0.**

**Public Hearing**

3A. **SPR 05-12, Site Plan Review Permit, Jenna Caldwell, 5832 Verna Way East, APN 120-012-001.** A site plan review permit to consider the proposed construction of a single-story addition on the rear of an existing single-story single-family residence. The addition is proposed at approximately 14 feet in height and 840 square feet in area.

Community Development Director David Woltering presented the staff report. Director Woltering indicated the addition is proposed at the rear of the existing residence and would not be visible from the street. He stated further that the proposed colors, exterior building materials, and architectural style of the addition would match those of the existing home. He concluded his presentation by stating that staff believed the proposed project conformed with the required Clayton Municipal Code standards for review and that staff was recommending approval of the project, subject to the recommended findings and conditions of approval listed in the staff report.

Vice Chair Manning noted that the height of the proposed rear addition wing was slightly higher than the existing wing (with the existing footprint of the home being an "L" configuration). The Vice Chair stated that he did not find that aspect of the project objectionable and, as a single story addition located on the rear of the home, it would have limited visibility from public streets and sidewalks.

Vice Chair Manning opened the public hearing.

The applicant, Jenna Caldwell, was present, but did not comment. There were no other public comments.

Vice Chair Manning closed the public hearing.

The consensus of the Commissioners was that the proposed project was compatible with the existing residence and satisfied the required Site Plan Review Permit standards for review.

**Commissioner Johnson moved and Commissioner Bruzzone seconded the motion to approve Site Plan Review Permit SPR 05-12, with the findings of approval and condition of approval recommended by staff. The motion passed 3-0.**

- 3B. **ENV 01-08, DP 01-08, MAP 02-09, Creekside Terrace Mixed Use Project, City of Clayton**, 1005 Oak Street, 1007 Oak Street, and a third non-addressed parcel west of and upslope from Mitchell Creek (APNs 119-050-009, 119-050-034, and 119-050-008). A review to consider a one-year extension on the Creekside Terrace Development Plan and Vesting Tentative Subdivision Map which were previously approved on July 6, 2010 with a subsequent one-year extension granted on October 25, 2011, extending the approval to January 6, 2013. This request is in accordance with Section 16.06.030 and Section 17.28.190 of the Clayton Municipal Code. The project site is located in the Town Center of Clayton, on the west side of Oak Street between High Street and Center Street. The project involves the redevelopment of two properties, which are currently developed, generally level, and serviced by utilities. The third parcel, located immediately to the west, is an upsloping undeveloped property with Mitchell Creek traversing the eastern edge of that parcel near the toe of slope.

The project would result in the construction of a two-story mixed-use building, incorporating a western-style architectural theme suggested for this area in the Clayton Town Center Specific Plan. The first floor is comprised of approximately 7,200 square feet of retail commercial space to be divided into approximately four to five for-sale commercial condominium units. The second floor includes seven for-sale residential condominium units. The residential units are one-bedroom and several of the units contain dens. A terrace is proposed on the creek (west) side of the second story. The project includes the previously adopted entitlements:

- Initial Environmental Study/Mitigated Negative Declaration (ENV 01-08);
- A Development Plan (DP 01-08); and
- A Vesting Tentative Subdivision Map (MAP 02-09).

Director Woltering distributed at the dais a letter dated December 11, 2012 received from Save Mount Diablo and then presented the staff report. Director Woltering indicated that this City-owned project was originally approved in July of 2010 and had been previously extended for one year to January 6, 2013. As allowed by the Municipal Code, a request for a further extension to January 6, 2014 was being requested. He indicated there were no changes to the project or the proposed mitigation measures. The letter stated that “[a]s long as the one-year extension does

not involve changes to the project or the agreed upon mitigation, we (i.e., Save Mount Diablo) have no comments at this time.” Director Woltering stated it is hoped that, as the economy improves, the City will find interested buyers for the subject property and it will be developed in accordance with the approved plans. He recommended that the Planning Commission approve the requested extension.

Commissioner Bruzzone asked the definition of “construction” to understand what the threshold would be for activating this approval. *Director Woltering responded that issuance of a building permit for the project and completion of substantial work in reliance thereon is the interpretation of initiating construction to activate the approval. Director Woltering added that the interpretation of substantial work completed in reliance thereon would be made by himself in consultation with the Contra Costa County Building Inspection Department.*

Commissioner Bruzzone also asked was the City carrying any ongoing costs for this project/property. *Director Woltering indicated that the City owns the land; otherwise, he is not aware of any other significant carrying costs.*

Commissioner Johnson asked whether there has been much buyer/developer interest in the property. *Director Woltering responded that interest has been limited but that the Project Architect, Robert Staehle, is in attendance and he has been a key source in seeking prospective buyers for this property. Director Woltering suggested that Mr. Staehle could also respond to this question.*

Vice Chair Manning opened the public hearing.

Robert Staehle, Project Architect, spoke to the Commission about buyer interest in the subject project. He indicated that, with the ongoing economic downturn, interest has been limited. He indicated that there had only been two or three parties that have shown interest. None of these parties have pursued the opportunity. He was hopeful that, when the economy improves, there will be much greater interest in this opportunity.

Jerry Davis, a resident on High Street, asked the Commissioners if all the concerns of prior meetings on this project are still being considered. *Vice Chair Manning responded yes, and that the proposed extension does not involve any changes to the project (i.e., conditions of approval and/or mitigation measures).*

Vice Chair Manning closed the public hearing.

The consensus of the Commissioners was that the approved project continued to meet the goals of the community at the proposed location and that, since the time of initial project approval, the poor economy has made it difficult to market the property for development.

**Commissioner Johnson moved and Commissioner Bruzzone seconded a motion to adopt Resolution No. 05-11, thereby extending for one year the approved Development Plan for the Creekside Terrace project from January 6, 2013 through January 6, 2014. The motion passed 3-0.**

- 3C. **ZOA 02-12, Municipal Code Amendment, City of Clayton.** Consideration of a Universal Design Ordinance which would require that design features are offered in specified single-family residential units to make those units more visitable, usable, and safe for occupancy by persons with disabilities. In general, the intent and purpose of the Universal Design Ordinance is to provide greater adaptability and accessibility of specified housing for persons with disabilities.

Director Woltering presented the staff report and indicated that, as requested by Commission, he had completed additional research since the November 13, 2012 Planning Commission meeting when the item was last reviewed by the Commission. The Commission had requested information regarding the development community's sentiments about the feasibility of offering the range of design options in the draft universal design ordinance. Director Woltering indicated that he contacted Dan Hale, Project Architect for the Diablo Estates at Clayton residential subdivision (a project that was approved and is now under construction). Mr. Hale had indicated concerns about the larger-than-standard clearances for areas such as hallways, kitchens, and bathrooms. His concern related to an applicant/developer having to prepare a second set of architectural plans for all of the model types that might be offered in the subdivision in order to provide universal design options to a prospective buyer. He suggested that, as a possible alternative, a single or perhaps two plan types have specified universal design features, depending upon the number of plan types being offered in a subdivision, or that a prospective homebuyer would have the option to request the features in those plan types. In this manner, the developer and design professional would not need to prepare alternative design drawings for all of the plan types. He further indicated that, while he was concerned about the wider clearances offered in the current draft ordinance, installing such amenities such as lower doorbells and front door peep holes, rocker switches, and disabled-friendly handles and hardware would not be difficult to do.

Mr. Woltering indicated that he also spoke with Gregory Schreeve, the Chief Building Official for the City of Dublin. Mr. Schreeve had helped draft the City of Dublin universal design ordinance and, since the time of the ordinance's adoption, has worked with Dublin's development community on the implementation of that ordinance. Mr. Schreeve indicated that, initially, there was strong developer opposition to the Dublin's proposed universal design ordinance. He indicated, however, that Dublin included a threshold of applicability that only residential development projects in excess of 20 units would be required to conform to the requirements of Dublin's universal design ordinance. He also mentioned that developers of projects that meet the threshold typically design their projects to satisfy clearance thresholds in order to avoid having to prepare a second set of architectural plans or prevent having to modify a structure later in the development pipeline. Lastly, Mr. Schreeve had mentioned that homebuyer acceptance of the wider clearance has been good.

Mr. Woltering indicated also that he had incorporated the changes suggested by the Commissioners at the November 13, 2012 meeting into the most recent iteration of the Clayton draft universal design ordinance.

Vice Chair Manning opened the public hearing.

There were no public comments.

Vice Chair Manning closed the public hearing.

Commissioner Johnson indicated that she was interested in the idea of establishing a threshold, but that the threshold should be lower for Clayton than what was put in place in the City of Dublin. She also indicated support for developers incorporating the clearance requirements into the residential plan early in the design process.

Vice Chair Manning indicated he had visited a manufactured home in Healdsburg, California, earlier this year. The manufactured home had wider clearances and felt spacious and quite comfortable. He said that he could imagine that there would be favorable buyer acceptance of the wider clearances, as Mr. Schreeve had indicated.

Vice Chair Manning indicated that he found the City of Dublin website helpful as well as sources cited in the City of Dublin universal design brochure that staff had provided as an attachment to the staff report. He indicated the Dublin approach was to place less information directly into their brochure and provide references (i.e., citations) for additional information.

Commissioner Johnson indicated she liked the thoroughness of the draft Clayton universal design brochure.

Commissioner Bruzzone agreed with Commissioner Johnson that addressing the clearance requirements during the initial stage of design would be helpful.

Commissioner Bruzzone and the other Commissioners asked Director Woltering about the importance of completing this particular Housing Element implementation measure to adopt and implement a universal design ordinance? *Director Woltering indicated that, as one of the listed implementation measures in the adopted Housing Element, it should be implemented, if deemed feasible. However, assuring an adequately-designated and appropriately-classified amount of acreage to accommodate multi-family housing is an even higher priority. The City has already redesignated and reclassified certain properties to high density multi-family, which is helpful.*

The Commission indicated the following:

- We have an interest in obtaining additional information including a listing of projects in the City of Dublin that were designed to satisfy the wider clearances and that may have been built and could be visited.
- We would like to know if other communities in Contra Costa County have also adopted and implemented universal design ordinances.
- We would like an opportunity to speak with the Dublin Building Official, buyers of universal design homes, and developers working with the City of Dublin.
- We like to obtain more information on other communities in Contra Costa County that may have adopted and implemented universal design ordinances.

*Director Woltering indicated that he would attempt to obtain the additional information being requested by the Commission.*

Commissioner Johnson moved and Commissioner Bruzzone seconded the motion to continue this item to a date to be determined to enable staff to conduct further research on this matter and report back to the Commission with its findings. The motion passed 3-0.

**Old Business**

4. None.

**New Business**

5. None.

**Communications**

6A. Staff — None.

6B. Commission — None.

**Adjournment**

7. The meeting was adjourned at 8:21 p.m. The next meeting of the Planning Commission on **December 25, 2012 is cancelled.** The next regularly-scheduled meeting is on **January 8, 2013.**



Submitted by  
David Woltering, AICP  
Community Development Director

Plng Comm\Minutes\2012\1211



Approved by  
Keith Haydon  
Chair