

Minutes
Clayton Planning Commission Meeting
Tuesday, February 26, 2013

Call to Order

Chair Haydon called the meeting to order at 7:04 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Keith Haydon
Vice Chair Gregg Manning
Commissioner David Bruzzone
Commissioner Sandra Johnson
Commissioner Dan Richardson

Absent: None

Staff: Interim Community Development Director Kenneth Craig
Assistant Planner Milan Sikela, Jr.

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Commissioner Bruzzone to report at the City Council meeting on March 5, 2013.

Public Comment

None.

Approval of Minutes

- 2. Approval of minutes from the meeting of January 8, 2013.

Vice Chair Manning moved and Commissioner Richardson seconded a motion to approve the minutes, as presented. The motion passed 4-0-1 (Commissioner Johnson abstained as she did not attend the January 8, 2013 Planning Commission meeting).

Public Hearing

- 3A. **SPR 01-13, Site Plan Review Permit, Allen and Jeanine Blatter**, 113 Forest Hill Drive, APN 118-480-016. A request for a site plan review permit to consider the construction of a second-story balcony to be located on the rear of an existing two-story single-family residence. The balcony measures approximately 340 square feet in area and is located approximately 12 feet above ground level.

Chair Haydon opened the public hearing.

Assistant Planner Milan Sikela distributed a letter in opposition to the project and presented the staff report.

Commissioner Richardson had the following questions and comment:

- Did staff receive any comments or concerns from the occupants of the residences located downslope and to the rear of the subject property. *Assistant Planner Sikela indicated that, as of this date, none of the occupants of the residences located downslope and to the rear of the subject property had provided comments or concerns to staff.*
- What is the location of the property that provided the letter of opposition? *Assistant Planner Sikela indicated that the property in opposition to the project was located directly east of and adjacent to the subject property.*
- We need to look at the grade difference between the subject property and the adjacent property to the east of the subject property.

The applicant, Jeanine Blatter, provided the following comments after distributing photographs she had taken from her back yard (where the balcony is proposed to be located) looking toward adjacent properties to the east, north, and west:

- Our proposed balcony will not block the view (one of concerns raised in the letter of opposition) of the property east of and adjacent to our property.
- There are redwood trees located west of our property which will someday grow to block the view of both our property and the property east of and adjacent to our property.
- In our subdivision, many of the residences that are the same model as our residence have existing second-story balconies.

Chair Haydon indicated that, from the photographs provided by the applicant, it appears that the property east of and adjacent to the subject property is much higher in elevation than the subject property.

Commissioner Johnson indicated that, given that the subject property is much higher than the adjacent properties to the north along Pebble Beach Drive, it would seem that the balcony would be more visible to the Pebble Beach Drive properties than to the property east of and adjacent to the subject property.

Commissioner Richardson asked the applicant if, from the side window in her master bedroom, she could see into the back yard of the property located east of and adjacent to her property. *The applicant responded that there is a large tree located outside of her master bedroom's side window that screens the neighboring property's back yard from her view.*

Chair Haydon indicated that the railing of the proposed balcony could be designed to be less obtrusive visually, making the view beyond the balcony easier to see.

Commissioner Johnson asked the applicant if she would be willing to install plants on the side of the deck facing the property east of and adjacent to your property in order to address the privacy concerns raised by the adjacent homeowner in the letter of opposition. *The applicant responded that, yes, she was planning to put plants on the deck; however, more plants on the deck would create more blockage of the neighbor's views.*

Vice Chair Manning asked the applicant if there are windows located on the east side of the second story of your residence. *The applicant answered, yes, there are existing windows on the east side of the second story of our residence.*

Chair Haydon opened up the public testimony period. There were no public comments. The public testimony period was closed.

Chair Haydon indicated that the difference in elevation between the subject lot and the adjacent lot to the east actually reduces the visual impact of the balcony, in both view and privacy terms.

Chair Richardson indicated that the ability to intrude on privacy is not exacerbated with the balcony since the windows on the side of the subject residence already do.

Chair Haydon indicated that it would be a good idea to conduct a site inspection to the property east of and adjacent to the subject property to get a better idea of the potential visual impacts.

Commissioner Johnson indicated that, as the applicant explained, there are other existing second-story balconies in the area on homes that are the same model as the subject residence.

Vice Chair Manning indicated that it does not appear that the balcony will obstruct the view of the neighboring property.

Chair Haydon indicated that it important to address the neighbor's concerns.

Commissioner Richardson indicated that he would like an opportunity to look at the project vis-à-vis the concerns raised by the neighbor and give proper representation to the neighbor's concerns.

Commissioner Bruzzone indicated that it would be appropriate to conduct a site visit to the neighboring property to show due diligence in addressing the neighbor's concerns.

Commissioner Richardson moved and Vice Chair Manning seconded a motion to continue the public hearing to the next regularly-scheduled meeting of the Planning Commission on March 12, 2013. The motion passed 5-0.

3B. GPA 01-13, City Property Acquisition Conformity with General Plan, City of Clayton, APN 118-560-010. Review of City's Real Property Acquisition for conformity with the General Plan

Chair Haydon opened the public hearing.

Director Craig presented the staff report.

Commissioner Bruzzone had the following questions:

- What is the Planning Commission's role in this process? *Director Craig indicated that the decision-making body—which, in Clayton's case, is the City Council—has the power to delegate General Plan conformity review of the City's real property acquisition to the Planning Commission (or other decision-making body).*

- Government Code Section 65402 regulates this requirement, correct? *Director Craig responded yes, Government Code Section 65402 requires that the Planning Commission review the City's real property acquisition in order to determine whether or not the real property acquisition conforms with the goals, policies, and objectives of the General Plan. Tonight's review of this item is not unlike the Planning Commission's review of CIP conformity with the General Plan.*
- I just want to make sure we did not need further analysis of this item.

Chair Haydon indicated that, typically, the analysis that is provided in the General Plan conformity review staff report is sufficient enough. *Director Craig indicated that he analyzed the General Plan conformity review using the General Plan goals, policies, and objectives. These citations support the City Council adoption of the resolution to purchase one parcel of unimproved real property in the Town Center Specific Plan Area from the Clayton Community Church.*

Commissioner Johnson confirmed that the Planning Commission's review is more general in nature rather than specific. *Director Craig indicated Commissioner Johnson's statement was correct. There is great latitude for the City Council and Planning Commission with regard to legislative decisions made by the Planning Commission and City Council. During your review of this item, you are interpreting your legislation through use of the General Plan.*

Commissioner Richardson indicated that it is only the purchase of the property that is being assessed. There is no analysis of any project associated with the property. Actual analysis of any project associated with the property would occur during project review and processing.

Vice Chair Manning asked if there were a minimum number of General Plan goals, policies, and objectives that should be used. *Director Craig indicated that there is case law requiring consistency with General Plan elements but the Commission does not have to go through every single element in the General Plan. The review is for general conformity and general compliance.*

Chair Haydon opened up the public testimony period. There were no public comments. The public testimony period was closed.

By consensus, the Commission determined that the City's Real Property Acquisition is in conformity with the goals, policies, and objectives of the Clayton General Plan.

The public hearing was closed.

Vice Chair Manning moved and Commissioner Richardson seconded to determine that the City's Real Property Acquisition is in conformity with the goals, policies, and objectives of the Clayton General Plan. The motion passed 5-0.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff.

Director Craig introduced himself as the new Interim Community Development Director and provided a brief history of his career starting as an intern for the San Francisco Port Commission during his college years at UC Berkeley before moving on to a private planning firm in Berkeley followed by tenures with the City of Madera, City of Livermore, Livermore Area Recreation and Park District, City of Modesto, and the City of Ceres. After the introduction, Director Craig provided updates on the Marsh Creek Road Specific Plan, Silver Oak Estates project, Keith Bradburn dentist office expansion, Toll Brothers having the Diablo Estates below market rate unit falling out of escrow, the Housing Element update, and Lenox Homes—the developers of the Mitchell Creek Place subdivision in the Town Center—contacting City staff for possible future residential developments in Clayton.

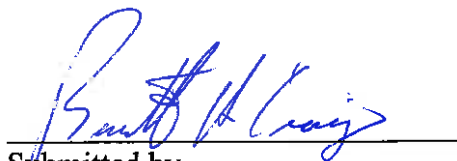
6B. Commission.

Commissioner Richardson indicated that, at the most recent TRANSPAC meeting he attended on February 14, 2013, they discussed metering on Highway 4 on-ramps.

Chair Haydon indicated that he, during his report at the City Council meeting on January 15, 2013, he sought feedback from the Councilmembers regarding the Universal Design Ordinance and was informed by City Attorney Malathy Subramanian that such feedback could not be sought from the City Council without proper noticing.

Adjournment

7. The meeting was adjourned at 8:20 p.m. to the regularly-scheduled meeting of March 12, 2013.



Submitted by
Kenneth Craig
Interim Community Development Director



Approved by
Keith Haydon
Chair

Plng Comm\Minutes\2013\0226