



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, April 9, 2013
Endeavor Hall, 6008 Center Street, Clayton
Please note alternate meeting location

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Chair Keith Haydon to report at the City Council meeting on April 16, 2013 (alternate Planning Commissioner: Commissioner Dan Richardson).

Public Comment

Approval of Minutes

- 2A. Approval of the minutes from the March 12, 2013 Planning Commission meeting.
- 2B. Approval of the minutes from the March 26, 2013 Planning Commission meeting.

Public Hearing

- 3A. **SPR 02-13, Site Plan Review Permit, Carmen Cordova, 428 Zinfandel Circle, APN 119-555-009.** A request for approval of a site plan review permit to construct a two-story addition with a second-story balcony on an existing two-story residence. The addition is proposed to be approximately 728 square feet in area and 26 feet in height. *Continued from the meeting of March 26, 2013.*

Recommended Action: Review options and approve, as conditioned.

- 3B. **ZOA 01-13, Municipal Code Amendment, City of Clayton.** Consideration of an extension of the off-street (on-site) parking waiver in the Town Center area from June 30, 2013 to June 30, 2016. 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.

Recommended Action: Recommend that the City Council amend Municipal Code Section 17.37.030.C to extend the parking waiver for another three-year period, through June 30, 2016.

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Old Business

4. None.

New Business

5. None.

Communications

- 6A. Staff.
6B. Commission.

Adjournment

7. The next meeting of the Planning Commission is scheduled for **Tuesday, April 23, 2013.**

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, March 12, 2013

Call to Order

Chair Haydon called the meeting to order at 7:00 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 Johnson to report at the City Council meeting on March 19, 2013.

Public Comment

Richard Brisbon, 5569 Morningside Drive, indicated the following:

- My comments are concerning an old fence and a new fence and public laws being enforced on private lands.
- We contacted the City regarding locating a new wrought iron fence on our property and were told it was alright to place our fence in the location where we have started to install it. A week later, we received a stop work order.
- It is my understanding that a neighbor of ours complained about us installing the wrought iron fence. My neighbor indicated that she wanted to install a fence in the same location as our wrought iron fence and was told she could not install her fence in that location.
- After I received the stop work order, I tried to file an appeal, but was told that the appeal process is not the proper way to proceed under these circumstances.
- I was subsequently told to write a letter to the City, which I did on February 20, 2013.
- I then received a letter from the City Attorney which stated that I was able to build a six-foot fence 10 feet from our front property line; however, the current location of our wrought iron fence is 30 feet from our front property line.
- I understand that there are easements along Morningside Drive—one easement is 30 feet wide and one easement is 50 feet wide.
- It is my understanding that the easements on Morningside Drive were established so that, at some future time, a City street would be installed.
- The installation of the City street never happened, yet we are being told by the City that we have to follow City street ordinances even though Morningside Drive is a private lane.

- Our neighbor recently constructed a custom residence and was approved by the City to install trees, shrubbery, and a mailbox in the same area that we are being told we cannot build a fence.
- One of my complaints is how we were treated by the City. My wife, Deena Stephens, initially called the City to get permission to build the fence in the subject location and was told that the fence could be up to six feet in height at 10 feet behind the front property line. As a result, we started to build the fence in the subject location.
- The neighbor has pit bulls and I worry about them because my grandchildren play in the front. So I wanted to construct the fence in order to protect my grandchildren.
- The location of my fence is in line with other fences on the street. If my fence is in violation, than all the other fences on the street are in violation.
- I was told that this would be brought before the Planning Commission.

Deena Stephens, 5569 Morningside Drive, indicated the following:

- My parents owned the property since I was 10 years old.
- I bought the property from my parents 15 years ago.
- There is an easement that the City owns that has a fence located at the edge of the 30-foot easement.
- My confusion stems from the fact that the City Attorney said that the item was going to be scheduled to go before the Planning Commission today.

Approval of Minutes

2. Approval of minutes from the meeting of February 26, 2013.

Vice Chair Gregg Manning moved and Commissioner Johnson seconded a motion to approve the minutes, as presented. The motion passed 5-0.

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. *Continued from the meeting of February 26, 2013.*

Chair Haydon opened the continued public hearing.

Assistant Planner Milan Sikela presented the staff report.

The applicant, Jeanine Blatter, indicated she was in agreement with the staff recommendation.

Commissioner Bruzzone asked the applicant if there were any plans to install an awning or other shade structure above the balcony. *The applicant indicated that the sun generally shines on the opposite (south) side of the residence so no shade structure would be installed over the balcony.*

Commissioner Johnson asked the applicant if any landscaping would be installed on the balcony. *The applicant indicated that no landscaping would be installed on the balcony.*

Commissioner Richardson indicated that he was comfortable with the project as proposed.

Vice Chair Manning indicated the following:

- He disagreed with the neighbors' claims that the balcony would impact views and privacy.
- The neighboring property is higher in elevation than the subject property. Someone standing in the neighboring property would be able to look down upon the subject property; as a result, he did not feel that the balcony would impact the privacy of the neighboring property.
- The view from the neighboring property is to the right of where the balcony would be located; therefore, the balcony would have negligible impacts to the views down Clayton Valley from the neighboring property.

Commissioner Johnson agreed with Vice Chair Manning that the balcony would have a nominal impact upon the views from the neighboring property.

Commissioner Bruzzone indicated the following:

- I agree with the other Planning Commissioners.
- A good analysis was provided in the staff report regarding how the view from the neighboring property changed from different locations in the back yard of the neighboring property looking out toward Clayton Valley.
- The applicant has done a good job at working with her neighbors.

Chair Haydon indicated the following:

- I conducted a site visit to the neighboring property.
- The balcony would cause a negligible impact to views from the neighboring property.
- The view from the neighboring property is massive, with the balcony only taking up a very small component of the view corridor.
- There is a secondary viewing platform in the northeast corner of the neighboring property that allows for an even bigger view down Clayton Valley.

Commissioner Richardson moved and Vice Chair Manning seconded the motion to approve Site Plan Review Permit SPR 01-13, with the findings of approval and condition of approval recommended by staff. The motion passed 5-0.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff.

Community Development Director Kenneth Craig provided updates on Toll Brothers moving forward with closing escrow on the affordable housing unit, the status of the Silver Oak Estates residential subdivision, Annual Progress Report going before the City Council, Town Center parking waiver extension, and Request For Proposals being mailed out for the upcoming 2014-2022 Housing Element Update. In addition, he reminded the Planning Commissioners that their Form 700s are due by April 1, 2013 and that Chair Haydon's and Commissioner Richardson's terms will be expiring in June 2013.

6B. Commission — None.

Adjournment

7. The meeting was adjourned at 7:47 p.m. to the regularly-scheduled meeting of March 26, 2013.

Submitted by
Kenneth Craig
Interim Community Development Director

Approved by
Keith Haydon
Chair

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Minutes
Clayton Planning Commission Meeting
Tuesday, March 26, 2013

Call to Order

Chair Haydon called the meeting to order at 7:00 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. Vice Chair Manning to report at the City Council meeting on April 2, 2013.

Public Comment

Richard Brisbon, 5569 Morningside Drive, indicated the following:

- I have hired an attorney who is informing me of my rights. I have not hired the attorney for litigation purposes.
- We were told we could build a fence in the location that our fence is being constructed and then we were told that the fence must be re-located.
- I wanted to appeal the City's decision regarding my fence location.
- Community Development Director Kenneth Craig sent me two letters.
- The right-of-way on Morningside Drive was never dedicated.
- We have a "prescriptive right" to improve the Morningside Drive area of our property.
- Fences, trees, mailboxes, and other amenities located on other properties in the neighborhood along Morningside Drive have been placed within the Morningside Drive right-of-way.
- The City does not have the authority to enforce the right-of-way on Morningside Drive.
- I wanted to get an update from City staff regarding this issue.

Community Development Director Kenneth Craig the following, after reminding the Planning Commission that no action can be taken and discussion must be limited:

- Two letters have been sent to Mr. Brisbon regarding the process involved with amending the Zoning Ordinance.
- The "appeal" terminology used by Mr. Brisbon is incorrect, as Mr. Brisbon has been advised in the letter from the City Attorney. The process to amend the Zoning Ordinance would not involve an appeal but, rather, a Zoning Ordinance text amendment, as was explained in the two letters sent to Mr. Brisbon.

- Mr. Brisbon would get heard before the Planning Commission and City Council via the Zoning Ordinance text amendment process, should Mr. Brisbon choose to apply. He was provided a copy of the application as part of the letter.

Chair Haydon advised Mr. Brisbon to follow the Zoning Ordinance text amendment process in order to address his issues, as has been advised by the City Attorney and Mr. Craig.

Approval of Minutes

2. None.

Public Hearing

3A. SPR 02-13, Site Plan Review Permit, Carmen Cordova, 428 Zinfandel Circle, APN 119-555-009. A request for a site plan review permit to consider the construction of a two-story addition with a second-story balcony on an existing two-story residence. The addition is proposed to be approximately 728 square feet in area and 26 feet in height.

Assistant Planner Milan Sikela presented the staff report.

Chair Haydon asked the applicant, Carmen Cordova, if she would be willing to look at design options to address the concerns raised by the neighbors. *Ms. Cordova indicated that she would be willing to modify the proposed plans to address the concerns raised by the neighbors.*

Commissioner Johnson asked Ms. Cordova if she would be willing to place a screen wall on the left (west) side of the second-story balcony. *Ms. Cordova indicated that she would be willing to place a screen wall of the left (west) side of the second-story balcony.*

Marek Stoklosa, project architect, indicated that, as staff has suggested in the staff report, a screen wall could be placed on the left (west) side of the balcony and the windows on the left (west) side of the second-story addition could integrate raised sill heights and translucent glass in order to mitigate impacts to privacy. The reason the applicant wanted to have a second-story balcony is because she has two kids and wants to be able to look out over the swimming pool while her kids play in the back yard.

Leona Montoya, 434 Zinfandel Circle, indicated the following:

- I am glad the applicant is willing to amend her proposal.
- The most undesirable component of the addition is the second-story balcony which would allow people to look down into our property.

Bill De Jong, 434 Zinfandel Circle, indicated the following:

- When we moved in we did not like having a two-story residence next door; as a result, we planted trees along the side property line to provide screening and privacy.
- Now the addition is proposed to move ten feet closer to the side property line with an increase in the number of windows on the side of the subject residence that faces our property as well as a second-story balcony.

Chair Haydon indicated that the large tree on the side property line provides privacy. The tradeoff is, however, that with increased privacy comes reduced visibility.

Brian Yoakum, 420 Zinfandel Circle, indicated the following:

- I live in a single-story home with two-story residences on either side.
- The two-story residences in our subdivision were staggered purposely to provide privacy.
- The balcony component is unnecessary.

Jean Thomma, 426 Zinfandel Circle, indicated the following:

- I am one of the original owners of my home.
- The residences in our subdivision were oriented with a large amount of setback area from the property line.
- Worried about setting a precedent of increasing the sizes of existing residences so that they will be located closer to the property line and neighboring homes.

Chair Haydon indicated that the Planning Commission looks at each project individually. We are not trying to change the overall design of the subdivision.

Vice Chair Manning indicated that the lots in the Easley Estates subdivision are nearly one-third of an acre in size. Properties in this subdivision has sufficient area to allow improvements to existing residences.

Commissioner Richardson indicated that it is always a good policy to discuss major changes to an existing residence with the neighboring property owners before moving forward with a request to the City.

Chair Haydon encouraged the applicant and neighboring property owners to work together toward a solution.

By consensus, the Planning Commission indicated that they would be interested in conducting individual site visits to the subject property.

Commissioner Richardson moved and Vice Chair Manning seconded a motion to continue the item the next regularly-scheduled Planning Commission meeting on April 9, 2013 in order to allow a re-noticing of the public hearing for the item and to allow the applicant, architect, and neighbors to work on resolving their issues. The motion passed 5-0.

3B. 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.

The public hearing was opened.

Community Development Director Kenneth Craig presented the staff report.

Vice Chair Manning indicated the following:

- The “opt out” clause is very important to include with the draft Universal Design Ordinance.
- My concern is the “zero threshold” provision which would entail significant grading and engineering changes to the way a residence would be constructed and would impact the cut-and-fill of the property.

Chair Haydon indicated that the Planning Commission is moving away from the Mandatory to Install items.

Commissioner Richardson indicated the following:

- Developers should, in good faith, offer these items to a prospective homebuyer.
- The Universal Design Brochure is sufficient to inform applicants and developers about the Universal Design Ordinance.

Commissioner Johnson indicated that she does not to force developers to provide the Universal Design features. The other Commissioners concurred with Commissioner Johnson.

Commissioner Bruzzone indicated the following:

- The Universal Design features should be optional.
- The purpose of the Ordinance and Brochure is for public outreach in order to inform people of these options.
- Mr. Craig’s discussion on emerging technologies is valid and should be considered.

By consensus, the Planning Commission directed staff to make the following modifications to the draft Universal Design Ordinance and Universal Design Brochure:

- Eliminate all Mandatory to Install features.
- Move all items to Mandatory to Offer.
- Remove the “opt out” clause.

Commissioner Richardson moved and Commissioner Johnson seconded a motion to recommend that the City Council consider approval of the draft Universal Design Ordinance and Universal Design Brochure. The motion passed 5-0.

Old Business

4. None.

New Business

5. None.

Communications

- 6A. Staff.

Community Development Director Kenneth Craig provided the following updates:

- Recently had a meeting with the City Engineer and Toll Brothers regarding development of the Heartland and Burgess properties.

- Held interviews with the six candidates who applied for the position of Community Development Director.
- Have finalized a Preferred Consultant List for possible future consultants that may work on projects with the City.
- The City Council approved and, subsequently, I mailed the Annual Progress Report.
- There will be a public hearing on April 22, 2013 for the review of the Association of Bay Area Governments' draft Bay Area plan, in accordance with Assembly Bill 32 and Senate Bill 375.

6B. Commission.

Commissioner Richardson indicated that he attended the TRANSPAC meeting on March 14, 2013.

Chair Haydon indicated the following:

- He was on the interview panel during the interviews for the position of Community Development Director.
- He attended a presentation regarding the fourth bore on the Caldecott Tunnel.

Adjournment

7. The meeting was adjourned at 9:06 p.m. to the regularly-scheduled meeting of March 26, 2013.

Submitted by
Kenneth Craig
Interim Community Development Director

Approved by
Keith Haydon
Chair

P:\ng Comm\Minutes\2013\0326

PLANNING COMMISSION STAFF REPORT

Meeting Date: April 9, 2013

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Two-Story Addition at 428 Zinfandel Circle
Site Plan Review Permit (SPR 02-13)

This staff report supplements the staff report dated March 26, 2013.

BACKGROUND AND ANALYSIS

On March 26, 2013, the Planning Commission reviewed information and received public testimony regarding a Site Plan Review Permit request at 428 Zinfandel Circle. In order to allow re-noticing for the project, the Commission continued the item to the meeting of April 9, 2013.

At the March 26th meeting, concerns were raised by the neighbors regarding the project, which entails a proposal to construct a two-story addition, with a second-story balcony, on an existing two-story residence. The concerns expressed, which were provided by a letter submitted to City Hall prior to the March 26th meeting as well as testimony at the meeting, addressed impacts to privacy and views caused by the addition and second-story balcony.

As part of the March 26th staff report, staff provided the following design options for Commission consideration relative to the concerns over views and privacy:

- Option A
Approve the site plan review permit for the addition as it is currently being proposed.
- Option B
In order to address concerns raised regarding impacts upon the views and privacy of neighboring properties, removal of the second story balcony altogether or inclusion of a mitigating feature on the balcony such as enclosing the balcony on the left (west) side so that the view from the balcony would be only out from the rear of the residence toward the back yard of the subject property rather than from both the rear and left side of the residence where someone standing on the balcony could look into the residence and yard areas of the neighboring property to the west.
- Option C
The modifications listed in Option B above, as well as alterations to the windows on the second story of the left (west) side elevation of the residence; specifically, the proposed window on the left elevation over the tub in the master bathroom. Reduction of privacy impacts may be attained through use of translucent materials to allow light into the interior spaces but to obscure views through the window as well as requiring a reduction in the area of the window (i.e., a minimum sill height of six feet or more above the floor), in accordance with Title 24 regulations.

- Option D
A re-design of the project scope to reduce the massing of the addition as well as modifying (or removing) the balcony and/or altering the window components of the structure.

The concerns raised specifically identified the impacts to privacy caused by the four proposed second-story windows on the left (west) elevation and the proposed second-story balcony on the northwest corner (left/rear elevation) of the residence, all of which would allow views into the neighboring property located directly adjacent to and west of the subject property. Furthermore, the concerns also addressed the blocking of northeast views toward the Mount Diablo Ranch property and the hills beyond. In response to these concerns, the applicant's representative and project architect has provided revised plans, with architectural alternatives, for Commission review (see **Attachment 4**). The revised plans show the following modifications to the proposed windows and balcony:

➤ Window Modifications

On the originally-submitted plans, there were four windows proposed on the second story of the left elevation. On the revised plans, three of the four windows (one in the front bedroom and two in the master bathroom) are now proposed with translucent glass which allows light to enter interior spaces but obscures views through the windows. In addition, two of the three translucent glass windows (one in the front bedroom and one in the master bathroom) have been reduced in size with a raised sill height and smaller overall window area. Staff notes that the combination of translucent glass and reduced window dimensions would serve to reasonably mitigate impacts to privacy potentially caused by the project. A condition has been provided to address the window modifications.

➤ Balcony Modifications

The applicant has provided three architectural variations for the balcony on the revised plans (see **Attachment 4, Sheets A-402, A-403, A-404, A-502.1, A-503.2, A-503.3**), in addition to the originally-submitted version. The three alternate designs show—both in a 3-D rendering form as well as in an architectural elevation form—varying screen wall options for the left (west) elevation of the balcony using stepped-in, slanted, and window-inserted architectural styles. Staff notes that the slanted version and the window-inserted versions of the balcony screen wall provide better architectural integration. The slanted design provides cohesion with the sloping elements of the two-story addition by being visually integrated with the gabled edge of the roofline. The window-inserted alternative blends with the window patterns on the left (west) elevation of the second story. Furthermore, the window-inserted version provides additional visual interest and articulation by breaking up the exterior side of the balcony screen wall. A condition has been provided for the balcony modification.

Regarding views being blocked from the neighboring property toward the northeast, staff notes that, although the addition would encroach slightly into the existing view, the portion of the neighboring lot most affected by the addition would be the side yard area of the neighboring lot. Views from the rear yard area of the neighboring property toward the northeast would be retained. Also, staff notes that there are existing trees located on the neighboring property and the subject property that provide substantial screening of the northeast view.

Conclusion

Staff has reviewed the design aspects of the proposed revised plans relative to the Clayton Municipal Code standards for Site Plan Review Permits and has also conducted a site visit to address the concerns raised in the letter and has determined that the project, as conditioned, is in conformance with the Zoning Ordinance standards. The proposed findings listed below specifically address the standards.

RECOMMENDATION

Staff recommends that the Planning Commission:

- Review the proposed plans and receive testimony;
- Consider the design options and provide direction to staff and the applicant; and
- Approve Site Plan Review Permit SPR 02-13, based upon the findings of approval and subject to the conditions of approval outlined below.

Proposed Findings of Approval

Based upon the evidence set forth in the staff report, which includes relevant information from the project file, as well as testimony at the public hearing, the Planning Commission makes the following findings that Site Plan Review Permit SPR 02-13, as conditioned:

1. Is consistent with the General Plan designation and policies.
2. Meets the standards and requirements of the Zoning Ordinance.
3. Preserves the 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.

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 revised Cordova Addition Location Plan, Vicinity Plan, Site Plan, Floor Plan, Roof Plan, Architectural Elevations, and View Elevations, prepared by Mark Stoklosa Architect, Inc, date stamped March 29, 2013.

1. On the construction plans submitted for building permit issuance, the following second-story windows on the left (west) elevation of the residence shall use translucent glass, subject to review and approval by the Community Development Director:
 - a. Window in the front (southwestern most) bedroom;
 - b. Window in the master bedroom (above the lavatory); and
 - c. Window in the master bedroom (above the tub).
2. On the construction plans submitted for building permit issuance, the second-story windows on the left (west) elevation of the residence shall be reduced in area, as per the revised elevations, subject to review and approval by the Community Development Director.
3. The balcony screen wall option preferred by the Planning Commission shall be shown on the construction drawings submitted for building permit issuance, subject to review and approval by the Community Development Director.

4. 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, 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.

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. Prior to obtaining a building permit, the applicant shall prepare an erosion and stormwater control plan for review and approval by the City Engineer (Clayton Municipal Code Chapter 13.12).
3. Prior to obtaining a building permit, the applicant shall prepare a construction and demolition recycling plan for review and approval by the Construction and Demolition Recycling Manager (Clayton Municipal Code Chapter 15.80).
4. This 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).
5. 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.
6. The applicant shall obtain the necessary building permits from the Contra Costa County Building Inspection Department.
7. 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.
8. 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.

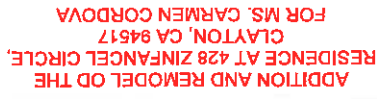
ATTACHMENTS

- 1-3 Provided in the March 26, 2013 Planning Commission Staff Report
- 4 Revised Cordova Addition Location Plan, Vicinity Plan, Site Plan, Floor Plan, Roof Plan, Architectural Elevations, and View Elevations, prepared by Mark Stoklosa Architect, Inc, date stamped March 29, 2013

SPR\2013\02-13.sr.pc.mtg.4.9.13.cordova.addition



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PLUMASANTON, CA 94117
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m.ambrosio@cs.cmu.edu



Rev.	Date	Rev. reason
1.0	1/1/2014	Initial



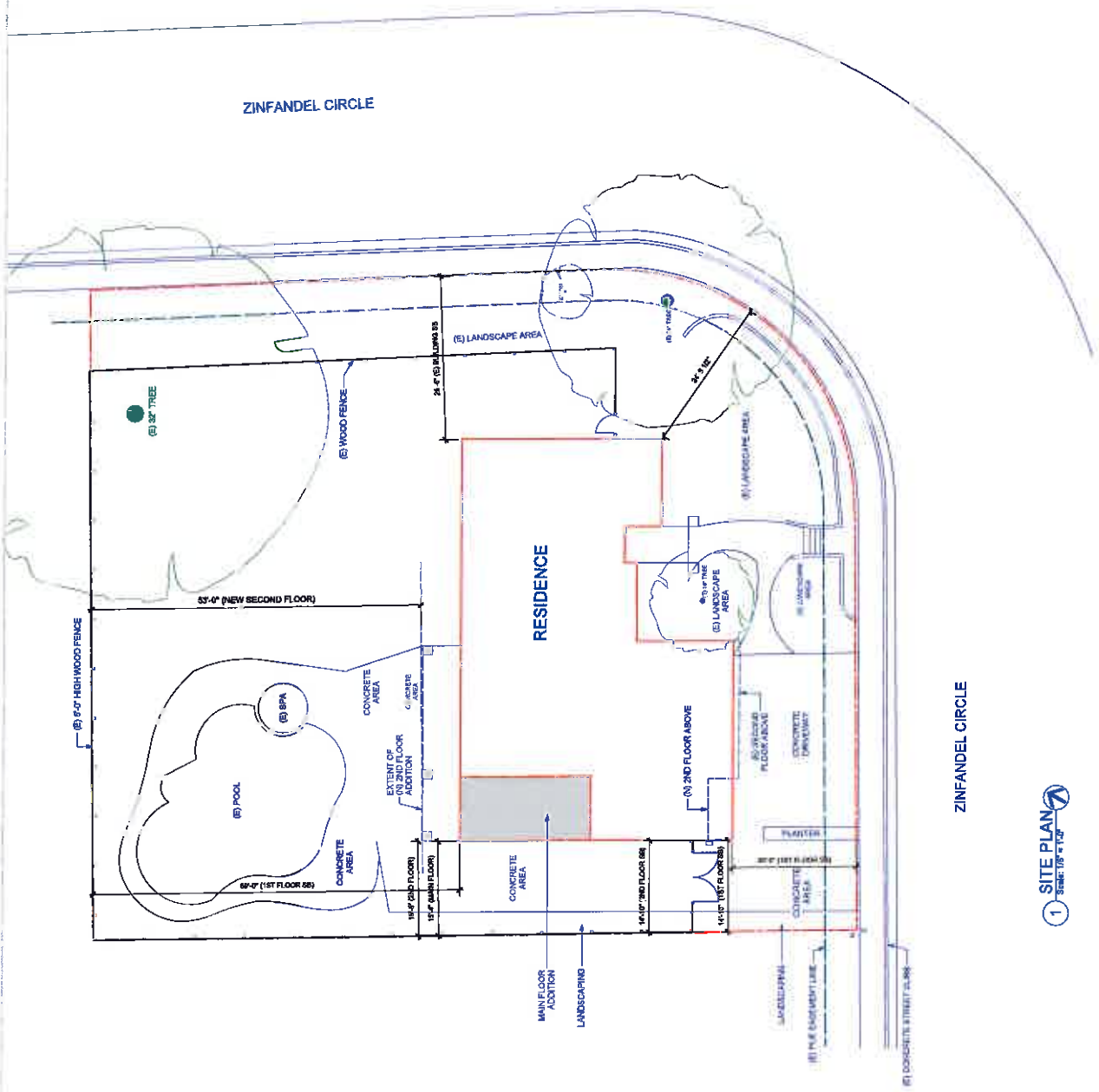
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SCOPE OF WORK:

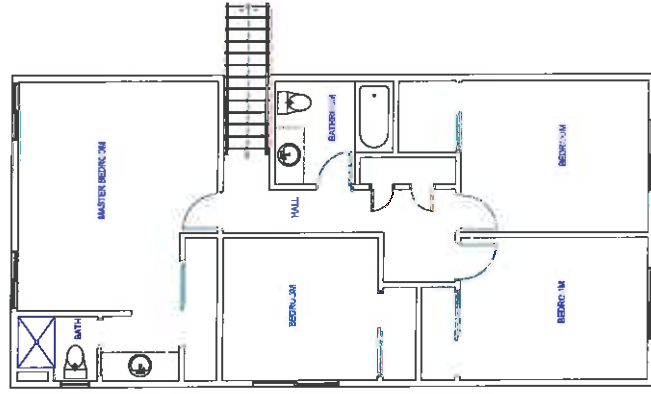
1. EXPAV AND FLOOR BEDROCKS TO THE CURB AND TO THE REAR.
2. EXPAV AND MASTER BATHROOM AND CALL SETS.
3. REMOVE EXISTING BATHROOM.
4. ADD A NEW LAUNDRY ROOM AND A POOL SHOWER AT MAIN FLOOR.
5. RELOC. EXISTING KITCHEN.
6. RELOC. EXISTING STOVE.
7. MOODY AS-568 TO THE 1ST FLOOR AND CREATE A NEW 1/2 BATH ADJACENT TO FAMILY ROOM.
8. INSTALL NEW PATTERNS CONCRETE DR. LEAVY.
9. RELOC. EXISTING FRONT ELEVATOR, (HIGHLIGHTER) AND INFILTRATE IN - STRUCT., FINISH.

BUILDING DEPARTMENT

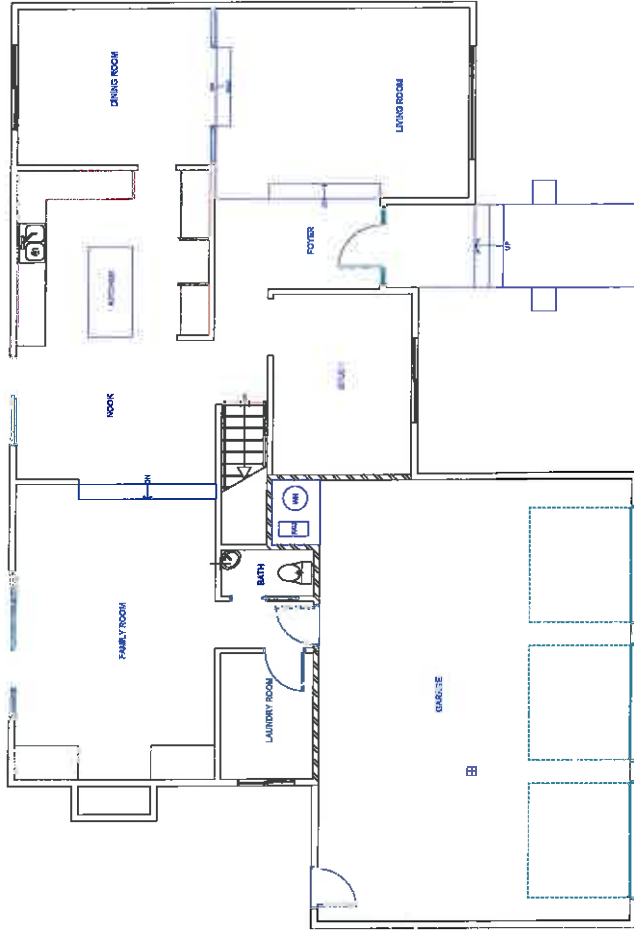




1 SITE PLAN
Scale: 1/8" = 1'-0"



2 EXISTING 2ND FLOOR
Scale: 1/8" = 1'-0"



1 EXISTING 1ST FLOOR
Scale: 1/8" = 1'-0"

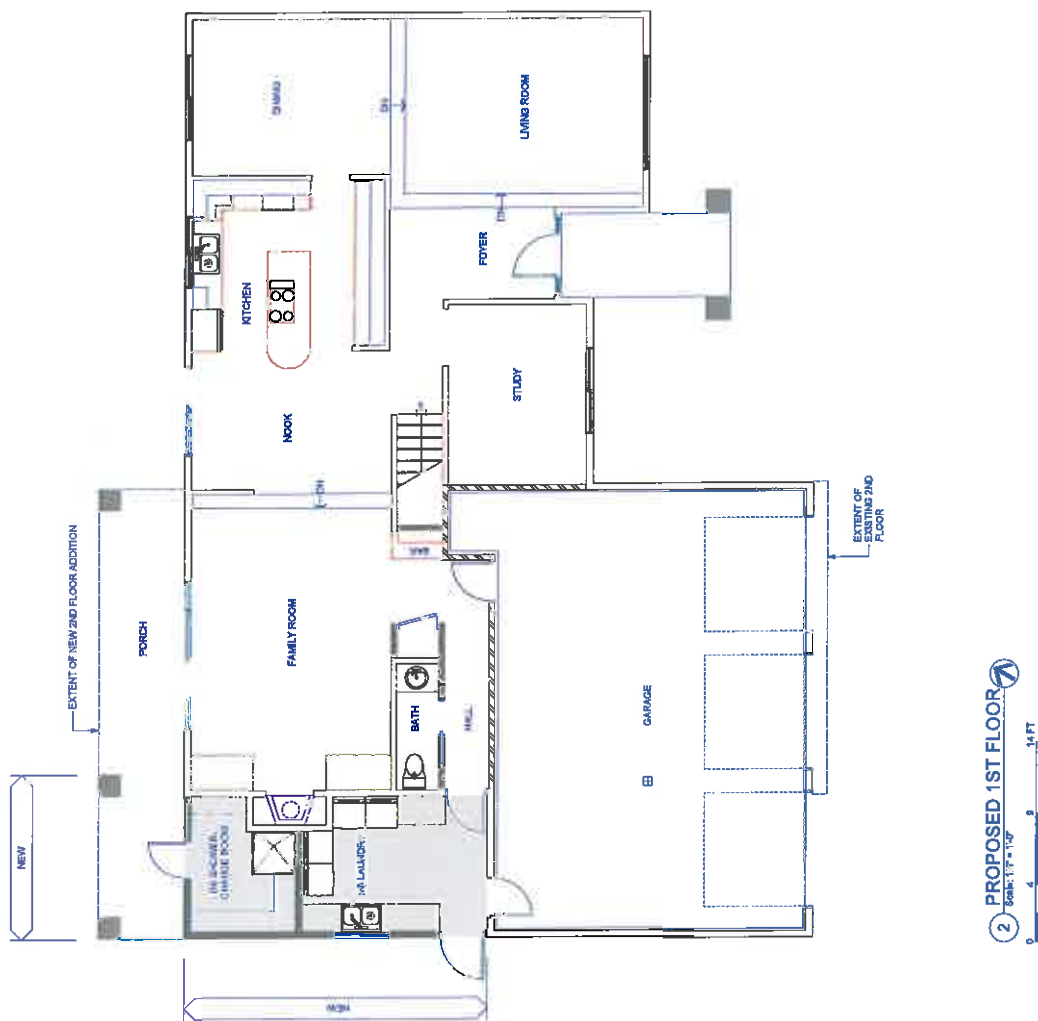
400 SOUTH JEFFERSON STREET
SUITE 240
PLEASANTON, CA 94566
925-464-2664
925-464-8972 FAX
925-464-6262 E-MAIL

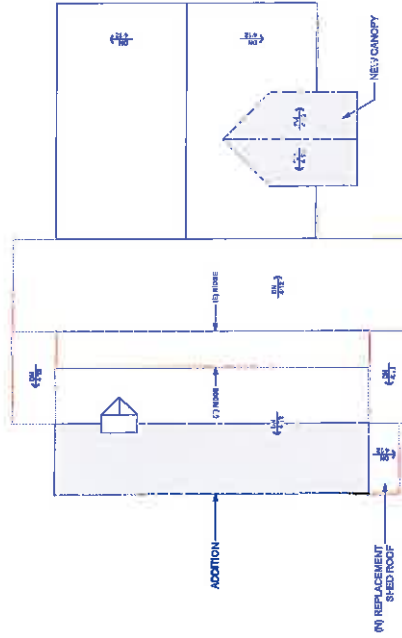
ADDITION AND REMODEL OF THE
RESIDENCE AT 428 ZINFANCL CIRCLE,
CLAYTON, CA 94517
FOR MS. CARMEN CORDOVA

File	Depth	Barcode Number
File	154142	
Project	13-001	
Entity Name	NACLS - JCS	
Origin By	MB	
Reviewed By	EJC	
Date	2/16/13	
Copyright		
Main * Address * Project * EJC		
second * Date		
PHOTO GALLERY		

EXISTING FRONT VIEWS FROM ZINFANDEL CIRCLE

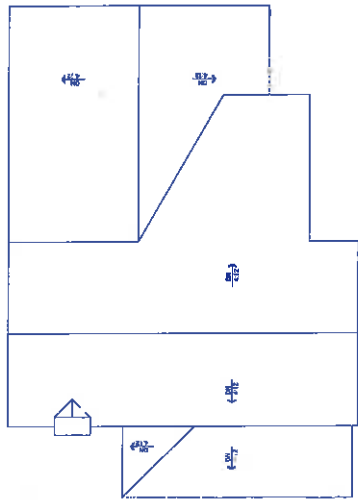






1 PROPOSED ROOF PLAN
Scale: 1/8" = 1'-0"

ROOF MATERIALS:
EXISTING = ASPHALT SHINGLES (COMPOSITION SHINGLES)
PROPOSED = EITHER ASPHALT SHINGLES OR CONCRETE TILES
ROOF PITCH:
EXISTING = 4:12
PROPOSED = 4:12



1 EXISTING ROOF PLAN
Scale: 1/8" = 1'-0"



FRONT VIEW-2



REAR VIEW-2



FRONT VIEW-1



REAR VIEW-1



FRONT VIEW-1



FRONT VIEW-2



REAR VIEW-1



REAR VIEW-2



FRONT VIEW-2



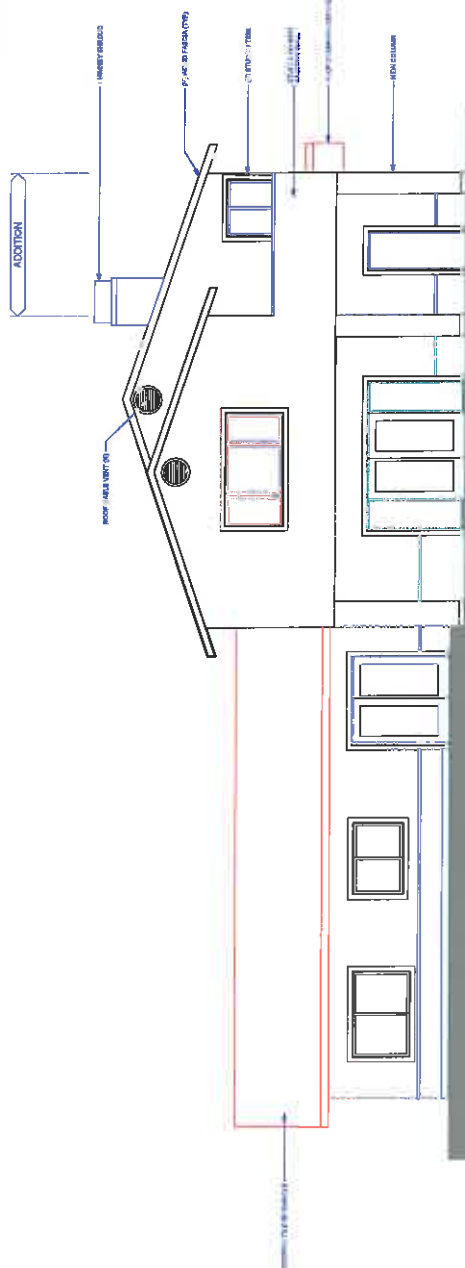
REAR VIEW-2



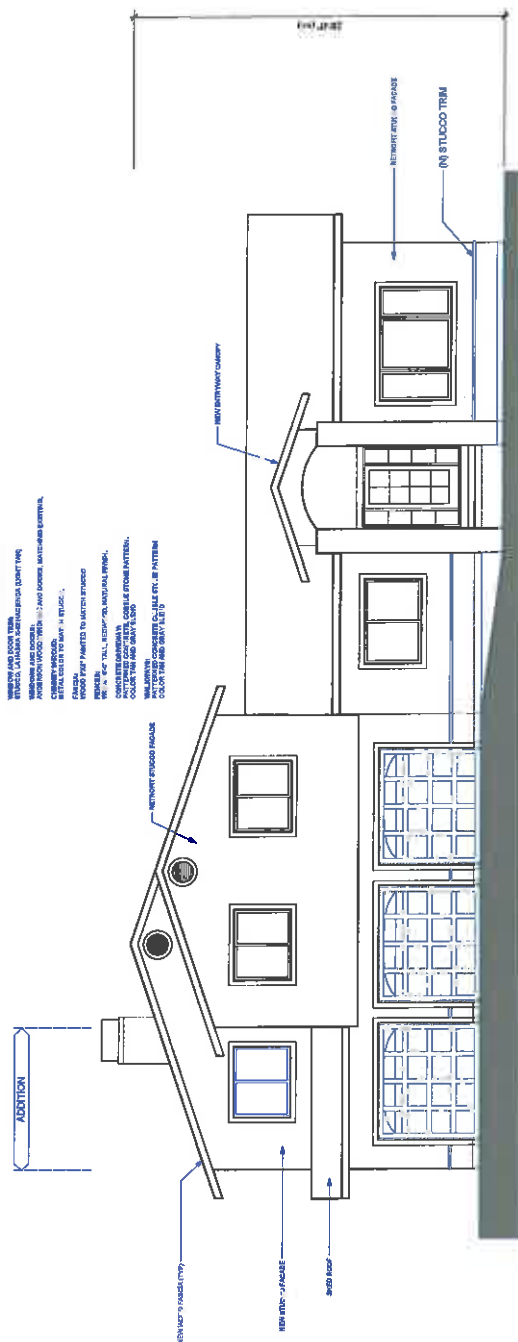
FRONT VIEW-1



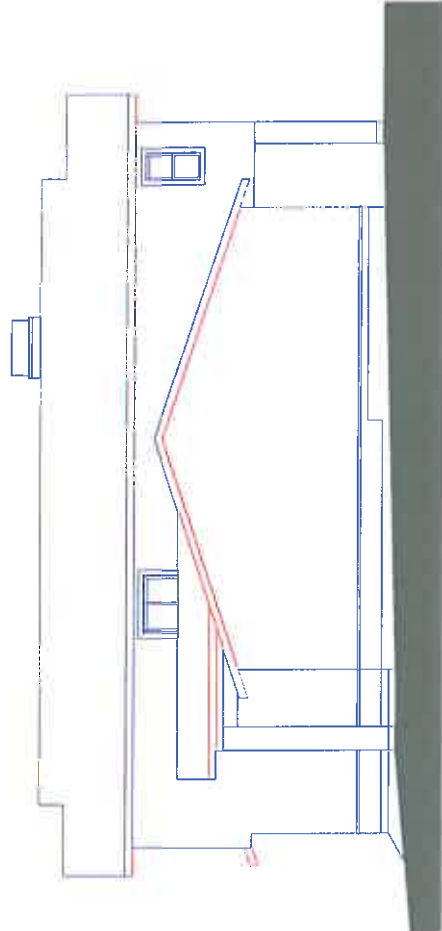
REAR VIEW-1



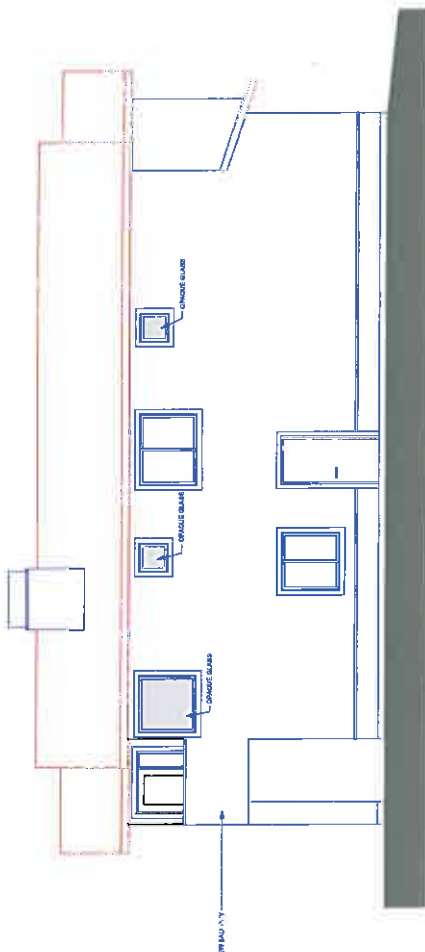
2 PROPOSED REAR ELEVATION Scale: 1/4" = 1'-0"

[illegible]

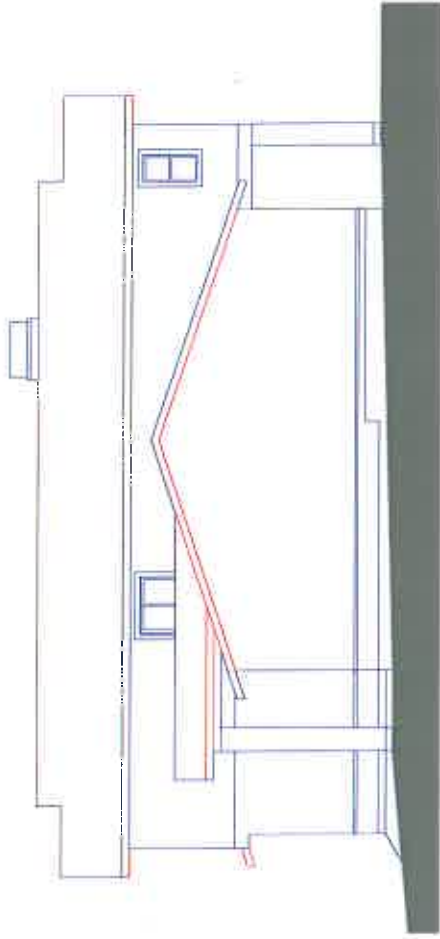
1 PROPOSED FRONT ELEVATION
Scale: 1/4" = 1'-0"



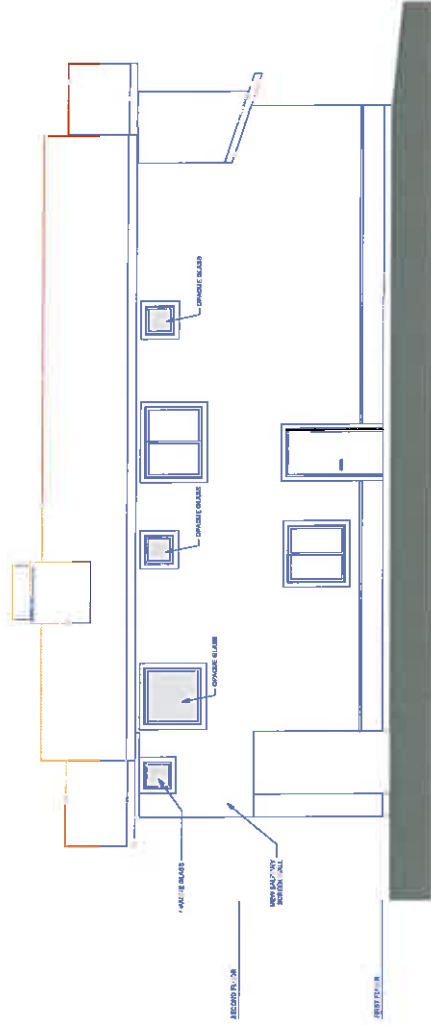
2 RIGHT ELEVATION-EAST
Scale: 1/4" = 1'-0"



1 PROPOSED LEFT ELEVATION-WEST
Scale: 1/4" = 1'-0"



2 RIGHT ELEVATION-EAST
Scale: 1/4" = 1'-0"



1 PROPOSED LEFT ELEVATION-WEST
Scale: 1/4" = 1'-0"

PLANNING COMMISSION STAFF REPORT

Meeting Date: April 9, 2013

From: Kenneth Craig 
Interim Community Development Director

Subject: Extension of Off-Street (On-Site) Parking Waiver in the Town Center Area (ZOA 01-13)

REQUEST

City-Initiated Proposal to Extend Off-Street (On-Site) Parking Waiver Provisions of Municipal Code Chapter 17.37, Off-Street Parking and Loading Requirements, in the Town Center Area.

PROJECT INFORMATION

Applicant/Location: City/Town Center

General Plan Designation: Town Center Commercial

**Town Center Specific
Plan Designation:** Town Center Commercial

Zoning Classification: Limited Commercial (L-C) and Planned Development (PD)

Public Notice: On March 29, 2013, a public hearing notice was mailed to property owners within 300 feet of the site and posted on the project site.

BACKGROUND

In 2007, the City of Clayton amended Chapter 17.37, the City's Off-Street Parking and Loading Regulations, to, along with other changes, reduce the on-site parking requirements for specified land uses in the City's Town Center. The waiver provisions are covered in several locations, including in Section 17.37.030.C and Schedule 17.37.030.D (see attached excerpt of Chapter 17.37 of the Municipal Code).

The purpose of offering the waiver of required on-site parking was to provide incentive to develop certain land uses and promote overall development activity in the Town Center area. The adopted parking waiver provisions primarily promote retail and restaurant land uses, though some parking reductions were all provided for other office uses. The basis for the recommended changes were born out of the Town Center Parking Study developed in May 2006.

The original amendment to Chapter 17.37 provided a waiver period to June 30, 2010. Since that time, the Planning Commission considered, and the City Council approved on July 20, 2010, an extension of the parking waiver allowances until June 30, 2013. In addition to the parking waiver time extension, the City Council also approved various entitlements associated with the Creekside Mixed Use Project along with a change to Section 17.37.030.C.3 establishing the requirement for executing use of the parking waiver provisions to be reliant upon obtaining a building permit within one year (as opposed to the previous requirement of two years) of project approval. The Creekside Mixed Use Project was the first project to take advantage of the parking waiver provisions.

DISCUSSION

The purpose of the City offering the parking waiver and associated provisions in 2007 was primarily to encourage and provide incentive to potential development for retail and restaurant uses in the Town Center. This action supported Town Center Specific Plan policy to “Maintain and enhance retail and restaurant uses in the Town Center in order to sustain similar uses in the Town Center...” (Goal II, Page 9) as well as Town Center Policy I.5 to “Encourage developers to seize incentives provided in the General Plan for increased structural coverage of smaller parcels in the Town Center.” Increasing structural coverage of smaller parcels is greatly enhanced when parking waiver provisions are provided. The purpose at the time was also to “jump start” commercial development in the Town Center area and assist in generating the “critical mass” needed to establish the Town Center as a competitive commercial location.

When the City Council originally approved the parking waiver provisions, as suggested in the 2006 Parking Study, the parking waiver was intended to be in effect for three years or until a pre-determined on-street and off-street parking threshold was reached. The City Council set the threshold for reconsideration of the parking waiver provisions when 200 parking spaces that normally would have been required with development had been waived (Section 17.37.030.D). The purpose of this provision was to ensure that existing conditions in the Town Center area were not compromised with respect to the availability of public parking, patterns of utilization, and parking needs of future commercial. To date, only seven parking spaces have been waived through the payment of in-lieu fees per Section 17.37.070, for the Creekside Terrace Mixed Use Project located on the west side of Oak Street and north of High Street (Flora Square project was found exempt and therefore the parking was not waived). The Community Development Director is responsible for monitoring this threshold and reporting back to the Planning Commission. The Planning Commission, in turn, is responsible for reviewing the Director’s report and making a recommendation to the City Council. No written reports to date have been provided to the Planning Commission given the low level of development activity which have resulted in a limited number of parking waivers (seven) being applied toward the 200 parking space threshold.

The potential development and generation of the “critical mass” was dealt a significant setback with the onset of the Great Recession of 2008. As of late, based on developer inquiries for Town Center properties, a turnaround could be on the horizon. Developer interest is supported by slowing rising land and real estate values in the area, according to the developers who have made inquiries. Staff believes that the same reasons exist in 2013 that did in 2007 to incentivize potential commercial development in the Town Center. The tools chosen to accomplish this task also appear to continue to be supportive and effective for these efforts.

If the Planning Commission continues to agree with this determination, then the Commission could recommend another three-year extension of the parking waiver until June 30, 2016 to the City Council.

If the Planning Commission does not agree with this determination, then several alternatives could be considered:

- A. Recommend allowing the parking waiver provision to expire on June 30, 2013 wherein, the City would have the option of only permitting payment of in-lieu fees for projects that cannot meet their parking requirements under the City Parking Ordinance, per Section 17.37.070; or
- B. Recommend extending the parking waiver period for a lesser time.

RECOMMENDATION

Staff recommends the Planning Commission recommend that the City Council amend Municipal Code Section 17.37.030.C to extend the parking waiver for another three-year period, through June 30, 2016.

ATTACHMENT

- A Planning Commission Resolution No. 02-13
- B Chapter 17.37, Off-Street Parking and Loading Regulations (Excerpt)

ZOA\2012\02-12.sr.pc.universal.design.3.26.13

**CITY OF CLAYTON PLANNING COMMISSION
RESOLUTION NO. 02-13**

**RECOMMENDING CITY COUNCIL APPROVAL OF
AN ORDINANCE AMENDING SECTION 17.37.030.C (WAIVER PERIOD) OF THE
CLAYTON MUNICIPAL CODE FOR THE PURPOSE OF EXTENDING FROM
JUNE 30, 2013 THROUGH JUNE 30, 2016 THE PARKING WAIVER PROVISION IN
THE TOWN CENTER AREA
(ZOA 01-13)**

WHEREAS, Ordinance No. 408 was adopted by the Clayton City Council on June 26, 2007, which provided a waiver period to allow specified reductions for on-site parking for development projects satisfying stated criteria as an incentive for development and redevelopment to occur in Clayton's Town Center area; and

WHEREAS, the waiver period contained within Ordinance No. 408 and reflected in 17.37.030.C of the Clayton Municipal Code expired on June 10, 2010; and

WHEREAS, the Planning Commission and City Council held duly-noticed public hearings and on July 20, 2010 the City Council extended the expiration date to June 30, 2013 on the recommendation of the Planning Commission; and

WHEREAS, only limited development has occurred in the Town Center area since the adoption of Ordinance No. 408 and its 2010 amendment; and

WHEREAS, the circumstance of continuing to provide incentives to encourage general development and redevelopment in the Town Center area to projects which conform with the Clayton Town Center Specific Plan continue to be desirable; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on April 9, 2013 to consider a three-year extension of the Town Center parking waiver from June 30, 2013 to June 30, 2016; and

WHEREAS, on April 9, 2013 the Planning Commission recommended City Council approval of a three-year extension of the Town Center parking waiver from June 30, 2013 to June 30, 2016; and

WHEREAS, the Planning Commission, based on the information it received and considered, determined that the proposed amendments to Sections 17.37.030.C of the Municipal Code would be in conformance with the General Plan; the public necessity, convenience, and general welfare would require adoption of the amendments; the adoption of the amendments would not result in a significant adverse environmental impacts as the general environmental setting and anticipated impacts have not changed nor is there new information that would alter the findings of the adoption of the Town Center and Vicinity Planning Amendments Initial Environmental Study/Negative Declaration (ENV 01-06) prepared in accordance with Section 15070 et seq. of the California Environmental Quality Act (CEQA) Guidelines; and found there was no evidence that the amendment will have the potential for any individual or cumulative adverse effects on fish and wildlife resources or their habitat, as defined in Section 711.2 of the Fish and Game Code.

Resolution No. 02-13

Page 2

Now, Therefore, Be it further Resolved That:

Section 1. The Planning Commission recommends that the City Council approve Ordinance No. ____ (ZOA 01-13), thereby amending Section 17.37.030.C (Waiver Period) of the Clayton Municipal Code for the purpose of extending from June 30, 2013 through June 30, 2016 the Parking Waiver provision in the Town Center area.

Adopted by the Planning Commission on April 9, 2013.

APPROVED

ATTEST

Keith Haydon
Chair

Kenneth H. Craig
Interim Community Development Director

Attachment: Ordinance

Com Dev\Plng Comm\Resolutions\2013\02-13.parking.waiver.extension

ORDINANCE NO. XXX

**AN ORDINANCE
AMENDING SECTION 17.37.030.C (WAIVER PERIOD) OF THE CLAYTON
MUNICIPAL CODE FOR THE PURPOSE OF EXTENDING FROM JUNE 30, 2013
THROUGH JUNE 30, 2016 THE PARKING WAIVER PROVISION IN THE TOWN
CENTER AREA
(ZOA 01-13)**

**THE CITY COUNCIL
City of Clayton, California**

THE CITY COUNCIL OF THE CITY OF CLAYTON FINDS AS FOLLOWS:

WHEREAS, Ordinance No. 408 was adopted by the Clayton City Council on June 26, 2007, which provided a waiver period to allow specified reductions for on-site parking for development projects satisfying certain stated criteria as an incentive for development and redevelopment to occur in Clayton's Town Center area; and

WHEREAS, the initial waiver period contained within Ordinance No. 408 and reflected in 17.37.030.C of the Clayton Municipal Code expired on June 10, 2010 and then was amended again by Ordinance No. 428 and expires on June 30, 2013; and

WHEREAS, the Planning Commission held duly-noticed public hearings on April 9, 2013, to consider an amendment to the Parking Waiver provision in the Clayton Municipal Code to extend the Parking Waiver allowance reflected in Section 17.37.030.C from June 30, 2013 to June 30, 2016; and

WHEREAS, because only limited development has occurred in the Town Center area since the adoption of Ordinances No. 408 and 428, continuing to provide incentives to encourage general development and redevelopment in the Town Center area to projects which conform with the Clayton Town Center Specific Plan remains desirable; and

WHEREAS, on April 9, 2013 the Planning Commission recommended City Council approval of a three-year extension of the Town Center parking waiver from June 30, 2013 to June 30, 2016; and

WHEREAS, the Planning Commission, based on the information it received and considered has determined the proposed amendment to Sections 17.37.030.C of the Municipal Code would be in conformance with the General Plan; the public necessity, convenience, and general welfare would require adoption of the amendment; the adoption of the amendment would not result in a significant adverse environmental impact as the general environmental setting and anticipated impacts have not changed nor is there new information that would alter the findings of the adoption of the Town Center and Vicinity Planning Amendments IES/ND (ENV 01-06) prepared in accordance with Section 15070 et seq. of the California Environmental Quality Act (CEQA) Guidelines; and has found there was no evidence that the amendment will have the potential for any individual or cumulative adverse effects on fish and wildlife resources or their habitat, as defined in Section 711.2 of the Fish and Game Code.

WHEREAS, on **XXXX**, 2013 the City Council held duly-noticed public hearings and gave due consideration to all testimony, comments, and documents received pertaining to the amendment to Section 17.37.030.C of the Municipal Code; and

WHEREAS, at the duly-noticed public hearing on **XXXX**, 2013 the City Council received the recommendation of the Planning Commission, the related staff report and other documents and public testimony concerning the amendment and determined that the amendment would be in conformance with the General Plan; determined that the public necessity, convenience, and general welfare would require adoption of the amendment; the adoption of the amendment would not result in a significant adverse environmental impact as the general environmental setting and anticipated impacts have not changed nor is there new information that would alter the findings of the adoption of the Town Center and Vicinity Planning Amendments Initial Environmental Study/Negative Declaration (ENV 01-06) prepared in accordance with Section 15070 et seq. of the California Environmental Quality Act (CEQA) Guidelines; and has found there was no evidence that the amendment will have the potential for any individual or cumulative adverse effects on fish and wildlife resources or their habitat, as defined in Section 711.2 of the Fish and Game Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 17.37.030.C of the Municipal Code is amended to read as follows:

“C. Waiver Period. In order to encourage development of retail, restaurant, office, and personal service uses in the Town Center before June 30, 2013, a waiver period extending through June 30, 2016 is established during which the number of off-street parking and loading spaces required for projects meeting all of the criteria listed in subsections 1-4 below is reduced in accordance with Schedule 17.37.030.D.”

SECTION 2. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

SECTION 3. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

SECTION 4. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause Section 1 of this Ordinance to be entered into the City of Clayton Municipal Code.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on XXXX, 2013.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular meeting thereof held on XXXX, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON

Julie Pierce, Mayor

ATTEST

Laci J. Jackson, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on XXXX, 2013 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on XXXX, 2013.

Laci J. Jackson, City Clerk

- I. Administrative Relief. Subject to the following requirements, administrative relief from the terms of this chapter may be granted for matters regarding dimensions and square footage, as well as design standards for parking spaces, loading spaces, and parking lots.
 1. The Director makes express written findings that the requirements of this chapter are impractical as applied to the project; and
 2. Measures are incorporated into the project and the Director expressly finds in writing that the measures advance the purposes of this chapter; and
 3. The City Attorney reviews and approves the Director's action as complying with all applicable laws.

17.37.030 Parking and Loading Space Requirements.

- A. Parking and Loading Space Schedules. Off-street parking spaces shall be provided in accordance with Schedule 17.37.030A. Off-street loading spaces shall be provided for non-residential uses in accordance with Schedule 17.37.030B or as required by the Planning Commission. References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, and mechanical equipment or maintenance areas, but shall exclude area for vertical circulation (e.g., stairs, elevators).
- B. Parking Schedule with Public Parking Easement. In lieu of the parking space requirements provided in Schedule 17.37.030A, the number of off-street parking spaces required for projects meeting all of the criteria listed in subsections 1-3 below shall be in accordance with Schedule 17.37.030C.

1. The parcel is located within the planning area of the Town Center Specific Plan (as amended).
2. The project involves new construction and/or addition(s) of retail, restaurant, service, or office uses.
3. The City Council accepts an offer of a public parking easement from the property owner. The public parking easement allows the general public to park in the off-street parking facility when any business establishment operating on the property is not open for business.



- C. Waiver Period. In order to encourage development of retail, restaurant, office, and personal service uses in the Town Center before June 30, 2013, a waiver period extending through June 30, 2013 is established during which the number of off-street parking and loading spaces required for projects meeting all of the criteria listed in subsections 1-4 below is reduced in accordance with Schedule 17.37.030.D." (Ord. 428).

1. The parcel is located within the planning area of the Town Center Specific Plan (as amended).
2. The project involves construction, establishment, and/or addition(s) of retail, restaurant, office, or personal services uses.

3. A building permit (if required) for the project has been issued within two (2) years of project approval. Construction and a final building permit inspection are completed within one (1) year of the issuance of the building permit. These time periods may be extended once up to six (6) months by the Planning Commission upon a showing of good cause (Ord. 428).
 4. City Council approval is granted for any individual project in which the requirement for more than seventy-five (75) parking spaces is waived.
- D. Monitoring of Spaces During Waiver Period. The Director shall monitor the amount of retail, restaurant, office, and personal service development within the planning area of the Town Center Specific Plan (as amended) during the waiver period. The Director shall determine the number of parking spaces which would have been required in accordance with Schedule 17.37.030A. Upon determining that new retail, restaurant, office, and personal service development has occurred or has been proposed, or other reductions in parking space requirements have been granted for which the aggregate number exceeds 200 reduced spaces, a report shall be presented to the Planning Commission. The Planning Commission shall review the report and make any appropriate recommendations for consideration by the City Council. This report shall include an assessment of the existing parking conditions in the planning area of the Town Center Specific Plan with respect to the availability of public parking, patterns of utilization, and parking needs of future commercial development in Town Center.
- E. Director Determination. Where the proposed use classification is not specified herein, the Director shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Director may require the submission of survey or other data from the applicant or have data collected at the applicant's expense.