

Minutes
Clayton Planning Commission Meeting
Tuesday, April 9, 2013

Call to Order

Chair Haydon called the meeting to order at 7:04 p.m. at Endeavor Hall, 6008 Center Street, 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

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.

Public Comment

None.

Approval of Minutes

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

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

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

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

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.*

Interim Community Development Director Kenneth Craig presented the staff report and noted that he had discussions with several neighbors and the architect just prior to the hearing regarding their progress in addressing the alternative design solutions. Some neighbors apparently agreed to support the window alternative with the window removed (an alternative not in the Planning Commission packet).

Chair Haydon opened the hearing requesting the applicant or representative speak regarding their revised proposals.

Marek Stoklosa, project architect, summarized the three alternatives proposed to address privacy concerns, including translucent glass on three of the four windows on the left (west) elevation of the second story of the subject residence.

Chair Haydon verified that the applicant was agreeable to the modified windows.

Mr. Stoklosa said they were.

Frazier "Lee" Dodd, 427 Zinfandel Circle, indicated he was directly behind the site and had deep concerns with the addition and balcony. He noted the care in the original development of the subdivision to minimize impacts on neighboring properties. He indicated that he paid extra for his lot to get views of Mt. Diablo and noted that privacy would be compromised because someone can look anywhere from the balcony. He is totally opposed to the balcony.

Chair Haydon clarified that Mr. Dodd was opposed to any balcony at all.

Mr. Dodd confirmed that was correct.

Commissioner Johnson requested clarification on Mr. Dodd's residence location vis-à-vis the applicant's property.

Commissioner Bruzzone asked where he was losing his view from.

Mr. Dodd indicated the view from the outdoor areas on his property would be impacted.

Vice Chair Manning asked about the existing vegetation and trees already obscuring views and providing a visual screen of the proposed balcony. He noted that Mr. Dodd's house cannot be seen from the applicant's backyard because of the existing vegetation.

Greg Thomma, 426 Zinfandel Circle, directly across the street from Mr. Dodd, noted that this was his first time to the Commission as he was unable to make the last meeting but he wanted to express his concern about the extensive nature of the two-story addition and the wall like appearance it would create.

Leona Montoya, 434 Zinfandel Circle, noted that she met with the applicant Commissioners Johnson and Bruzzone on the site. She noted she can live with the changes though she would prefer not to have them. She acknowledged the applicant's right to make improvements to the home and appreciated her working to minimize the impacts. She is supportive of the translucent windows and modifications, supportive of the solid wall design alternative for the balcony without the window, and discussed with the applicant the idea of installing vegetation to provide more privacy, acknowledging that installing vegetation would also create more view impacts.

Commissioner Johnson wondered if the impacts could be lessened through softening the wall by painting it another color.

Bill DeJong, 434 Zinfandel Circle, is opposed to the project. He feels like the second story addition is too close and it is making him claustrophobic. He is opposed to the balcony but is supportive of the window treatments. He discussed landscaping on the side of the balcony.

Interim Director Craig noted in response to the Commissioners request about distance to Mr. Dodd's house, that the site plan shows 53 feet from the back of house to rear property line so it could be about the same to Mr. Dodd's house (approximately 100 feet). It was also noted that, given the distance, vegetation could be installed which could provide some level of screening above the fence but that would not grow high enough to cause view blockage for Mr. Dodd.

Chair Haydon closed the public hearing.

Commissioner Bruzzone noted the importance of the issues and the difficulty in balancing the applicant's right to improve their property with the neighbors' concerns regarding impacts to privacy and views. He feels the revised wall is good mitigation. He understands Mr. Dodd's concern but believes the project should move forward. He discussed perhaps some vegetation planting on the side might be helpful, as noted by Director Craig. He was supportive of the translucent windows.

Commissioner Johnson agreed with Commissioner Bruzzone's comments and noted that you cannot see Mr. Dodd's property from the rear yard, based on her observations during her site visit, since an existing pine tree already obstructed the views. She thought some planting would help to mitigate the wall effect and privacy issues.

Vice Chair Manning indicated he had no issues with the proposal. He felt the applicant did more to address the neighbors' concerns than was even necessary or that most applicants would be willing to do.

Commissioner Richardson stated his appreciation for the applicant getting together with the neighbors. He noted that the Commission, among other things, is looking at compatibility and consensus. He liked the design efforts made in order to resolve the issues. He is supportive of the window treatments and even more so of the left (west) wall alternative for the balcony with no window in the wall. He is not interested in requiring any side yard landscaping or landscape treatment on the left wall on the balcony.

Chair Haydon acknowledged that he has some familiarity with the site because he knew the previous property owner of the subject property and had been in the house before. He understands the reason why the new owners want the balcony to be located where it is in order to be able to view the pool area. He thinks the small balcony is appropriate. Views are already blocked by existing vegetation. He is pleased with the discussion between neighbors over the proposal. He also understands the natural tendency for neighbors to not want things to change in the neighborhood but the property owners have a right to modify their house.

Commissioner Richardson moved and Vice Chair Manning seconded a motion to approve SPR 02-13 as amended with the straight wall design without the window on the left (west) elevation of the balcony and with translucent windows on the left (west) elevation of the second story of the addition. The motion passed 5-0.

- 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.

Interim Director Craig presented the staff report.

Commissioner Richardson noted that with an improving economy and new development interest, now more than ever these kinds of incentives are needed to promote downtown development.

Commissioner Richardson moved and Vice Chair Manning seconded a motion to 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. 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:

- Universal Design Ordinance is going to the City Council on April 16, 2013
- Update on the adoption of revised fees for the Habitat Conservation Plan/Agreement and issues surrounding the delay in their adoption.
- Workshop on the Draft Environmental Impact Report for the Plan Bay Area scheduled for April 16, 2013 at the Metropolitan Transportation Commission in Oakland and the Open House and Public Hearing on the Plan on April 22, 2013 at the Walnut Creek Marriott.
- Encouraged the Commission to consider free American Planning Association workshop series offered for Planning Commissioners at various locations in the Bay Area with information on workshops being provided in the April 9, 2013 Planning Commission packets
- Noted that the new Community Development Director, Charles Mullen, coming from the City of Lathrop, will begin working with the City of Clayton on April 22, 2013.
- Mr. Craig indicated that this would be his last meeting with the Commission. He thanked them for the opportunity to serve and noted his enjoyment in working with a great and supportive staff, City Manager, and community.

6B. Commission.

Commissioner Richardson indicated that he would be attending the TRANSPAC meeting on April 11, 2013 and would report back at the next Planning Commission meeting.

Adjournment

7. The meeting was adjourned at 8:11 p.m. to the regularly-scheduled meeting of April 23, 2013.



KENNETH
FOR CRAIG

Submitted by
Kenneth Craig
Interim Community Development Director



Approved by
Keith Haydon
Chair

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