



Agenda

Planning Commission Meeting

7:00 P.M. on Tuesday, April 23, 2013

Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Commissioner Dan Richardson to report at the City Council meeting on May 7, 2013 (alternate Planning Commissioner: Commissioner David Bruzzone).

Public Comment

Approval of Minutes

- 2. Approval of the minutes from the April 9, 2013 Planning Commission meeting.

Public Hearing

- 3. **SPR 03-13, Site Plan Review Permit, Rob and Cristie Sheffield**, 1047 Pebble Beach Drive, APN 118-490-024. A request for approval of a site plan review permit to consider construction of a new second-story balcony proposed to replace an existing second-story balcony located on the rear elevation of a two-story single-family residence.

Recommended Action: Approval, with conditions.

Old Business

- 4. None.

New Business

- 5. None.

Communications

- 6A. Staff.
- 6B. Commission.

Adjournment

- 7. The next meeting of the Planning Commission on **Tuesday, May 14, 2013** has been cancelled. The next regularly-scheduled meeting of the Planning Commission is on **Tuesday, May 28, 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, 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 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 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.

Submitted by
Kenneth Craig
Interim Community Development Director

Approved by
Keith Haydon
Chair

Plng Comm\Minutes\2013\0409

PLANNING COMMISSION STAFF REPORT

Meeting Date: April 23, 2013

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Second Story Balcony at 1047 Pebble Beach Drive
Site Plan Review Permit (SPR 03-13)

REQUEST

A site plan review permit to consider construction of a second-story balcony proposed to replace an existing second-story balcony located on the rear elevation of a two-story single-family residence.

PROJECT INFORMATION

Applicants/Location: Rob and Cristie Sheffield
1047 Pebble Beach Drive
Clayton, California 94517
APN 118-490-024
(see **Exhibit A** for Location Diagram)

General Plan Designation: Low Density – Single Family Residential (1.1 to 3.0 units per acre).

Zoning: Planned Development (PD).

Environmental Review: Categorically exempt per Section 15303(e), Class 3 of the California Environmental Quality Act (CEQA) Guidelines.

Public Notice: On April 12, 2013, a public hearing notice was posted at the notice boards and mailed to property owners within 300 feet of the site.

Agency Referrals: The Contra Costa County Building Inspection Department, Contra Costa County Fire Protection District, and Contra Costa Water District did not respond. Comments provided by the City Engineer have been addressed in the Conditions of Approval.

Authority: Section 17.44.020 of the Clayton Municipal Code (CMC) authorizes the Planning Commission to approve a site plan review permit in accordance with the standards of review in CMC Section 17.44.040.

BACKGROUND AND ANALYSIS

The applicant is requesting Planning Commission approval of a site plan review permit to consider construction of a second-story balcony proposed to replace an existing second-story balcony located on the rear elevation of a two-story single-family residence. The proposed balcony measures 300 square feet in area and is located approximately 9 feet above ground level at the balcony deck and 13 feet above ground level at the balcony railing. The site plan and architectural elevations are provided as **Exhibit B**. Photographs submitted by the applicant are provided as **Exhibit C**.

The applicant has indicated that there is an existing second-story balcony that was installed as part of the initial construction of the residence and is now deteriorating (see **Exhibit D**). The applicant is proposing to construct the new second-story balcony using a wood balcony deck, decorative wood railing, and masonry supports. The new balcony is proposed to be similar in height and area as the existing balcony. As part of the project, the applicant is also proposing such rear yard improvements as new flatwork, hardscaping, seat walls, outdoor kitchen, and ground-level deck. However, the rear yard improvements are not under the purview of the Planning Commission unless referred to the Commission by the Community Development Director (per Clayton Municipal Code Section 17.44.020.G) as a result of the proposal not complying with the Site Plan Review purpose or standards of review. Since non-compliance is not an issue, this referral from the Director to the Commission is not necessary and, therefore, Commission review would only be related to the second-story balcony component of the project scope.

Staff notes that the masonry treatments on the support columns of the balcony as well as the decorative balcony railing provide aesthetic dynamism and articulation for the project. From staff's perspective, these proposed design components ensure complementary visual embellishment and architectural augmentation with the existing residence. In addition, the applicant has informed the neighbors of the project and no comments have been received by staff regarding the project.

Setback Analysis

The rear setback to the existing balcony is 15 feet. The proposed balcony will replace the existing balcony, thereby maintain existing setbacks. In addition, the existing side and front setbacks will not change. As a result, the project complies with the Peacock Creek Planned Development setback requirements.

Residential Floor Area Analysis

Section 17.78.030.D.3 of the Clayton Municipal Code excludes balconies from floor area calculations "where at least one of the longest dimensions is unenclosed." Since the balcony is unenclosed, it is exempt from the floor area requirements.

Conclusion

Staff has reviewed the design aspects of the proposed plans relative to the standards for Site Plan Review Permits and determined that the project, as conditioned, is in conformance with the standards. The proposed findings listed below specifically address the standards.

RECOMMENDATION

Staff recommends that the Planning Commission approve Site Plan Review Permit SPR 03-13, 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 03-13, 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 Sheffield Balcony Site Plan and Architectural Elevations, prepared by Peter Koenig Designs, date stamped April 10, 2013.

1. Prior to building permit issuance for the project, the project plans shall be reviewed and approved by the City Engineer.
2. 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 (CMC § 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 (CMC § 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.

EXHIBITS

- A Location Diagram, provided by the applicant, date stamped April 10, 2013
- B Sheffield Balcony Site Plan and Architectural Elevations, prepared by Peter Koenig Designs, date stamped April 10, 2013
- C Photographs provided by applicant, date stamped April 10, 2013
- D Supplemental narrative, provided by the applicant, date stamped April 10, 2013

SPR\2013\03-13.sr.pc.mtg.4.23.13.sheffield.balcony

Google

N

To see all the details that are visible on the screen, use the "Print" link next to the map.



APR 10 2013

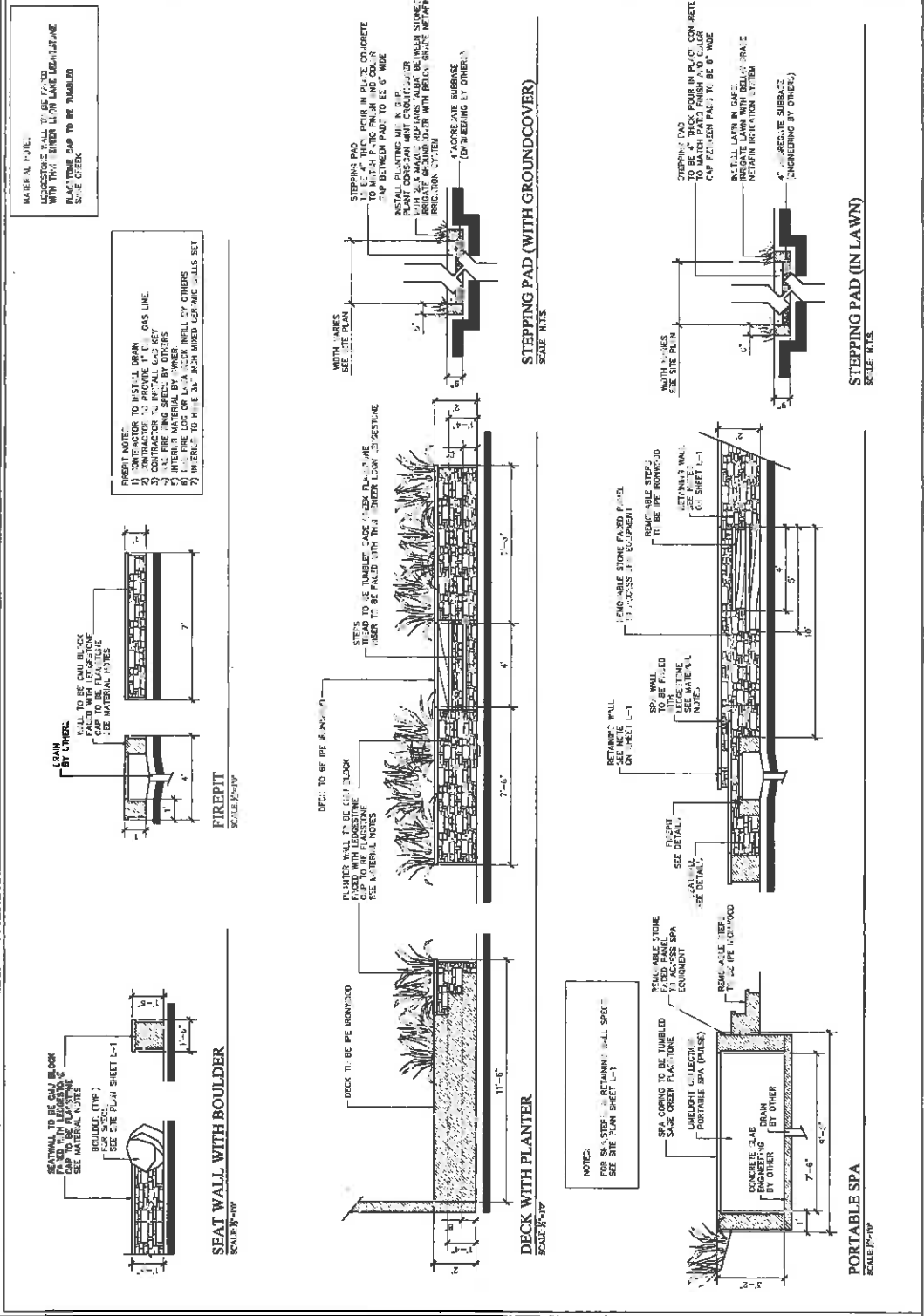
SHEFFIELD

1047 Pebble Beach Drive
Clayton, CA 94517

4/8/2013

<http://maps.google.com/>

**CLAYTON COMMUNITY
DEVELOPMENT DEPT**

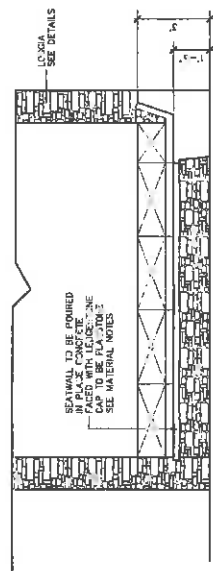


Peter Koenig Designs
 LANDSCAPE DESIGN & PLANNING
 1451 DUNWICH BLVD, SUITE 108
 ALHAMBRA, CA 94507
 (925) 743-9509
 FAX (925) 743-9270

ROB & CRISTIE
 SHEFFIELD RESIDENCE
 1047 PERDUE DR.
 CLAYTON, CA 94720-0630

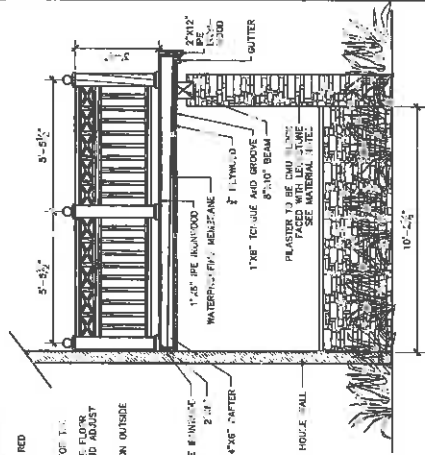
REVISIONS	07/26/2015
SCALE	AS SHOWN
DATE	10/12/2012
DESIGN	P.K.K.
DRAWN	R.F.F.
SHEET	L-5
OF	5

MATERIAL NOTE:
 LOGGIA WALL TO BE FACED
 WITH 1 1/2" CUBIC LAGUNA LIME-STONE
 FLAQTONE C/P TO BE TUMBLED
 LOGGIA CUTLER



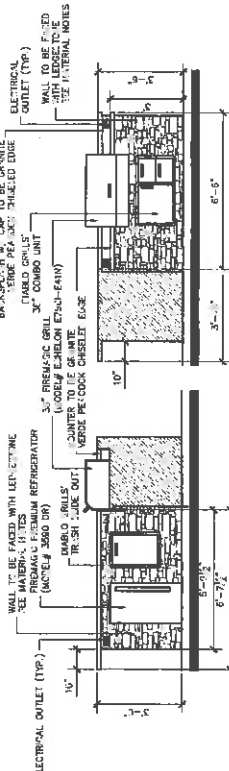
BUILT-IN SEATWALL WITH CUSHION
 SCALE: 3/4"=1'-0"

- LOGGIA NOTES
- WOOD TO BE WESTERN RED CEDAR
- COLOR AND STAIN T.B.D.
- LOGGIA TO BE INSTALLED 2" OUT LUSH LIGHTS AT EACH COLUMN
- INSTALL 8 LOW VOLTAGE DOWN LIGHTS
- MEASUREMENTS TO INSTALL (C) SOUTHERN RED CEDAR IN PLACE
- CEILING TO BE TONGUE AND GROOVE WESTERN RED CEDAR (COLOR T.B.D.)
- CEILING TO BE PRE-SEE ELECTRICAL WIRING FOR THE ACTUAL HEIGHT OF LOGGIA IS TO BE ON UPPER FLOOR AS NEEDED
- CURTAIN CLO TO BE INSTALLED UNDER BEAM ON OUTSIDE BEAM OF LOGGIA

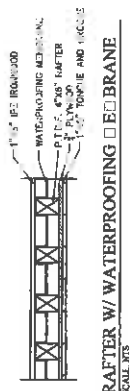


LOGGIA
 SCALE: 3/4"=1'-0"

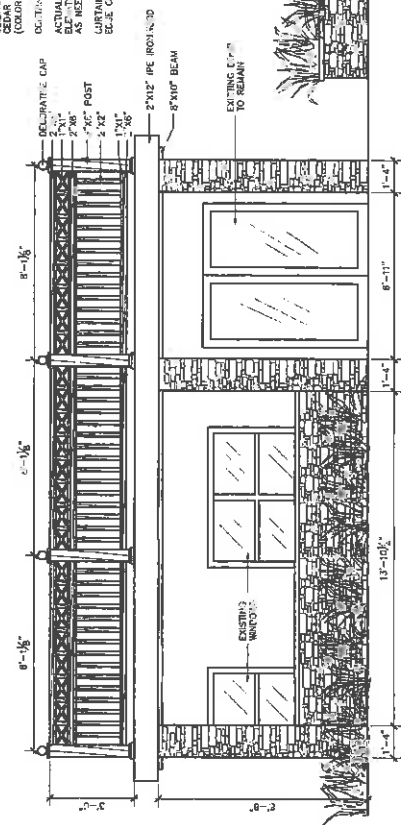
CURB CUT ATTENTION NOTE:
 PROVIDE GAS LINE TO BBQ AND
 ELECTRIC TO OUTDOOR KITCHEN
 TO BE SEALED AND FINISHED WITH PLASTER
 BY OTHERS



OUTDOOR KITCHEN
 SCALE: 3/4"=1'-0"



RAFTER W/ WATERPROOFING & BRANE
 SCALE: 3/4"=1'-0"





View across backyard at ground level from left to right



**View from existing master bedroom balcony to kitchen deck below.
Picture taken looking toward neighbor on left (1045 Pebble Beach Dr)**



Front of home: 1047 Pebble Beach Drive



View from existing kitchen deck to behind house



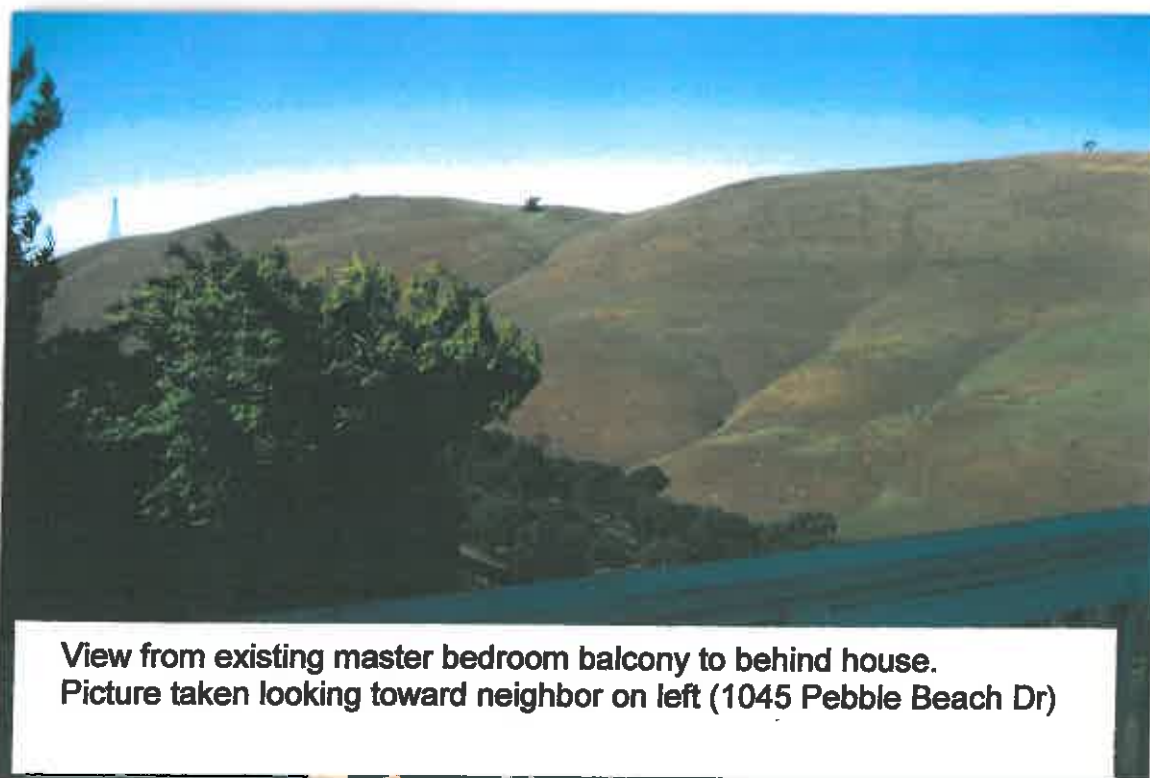
View from existing master bedroom balcony to neighbor on right (1049 Pebble Beach Dr)



View from existing master bedroom balcony to neighbor on right. Picture taken looking toward front of house (our side yard)



View from existing master bedroom balcony to neighbor on left (1045 Pebble Beach Dr)



**View from existing master bedroom balcony to behind house.
Picture taken looking toward neighbor on left (1045 Pebble Beach Dr)**

1047 Pebble Beach Drive
Clayton, CA 94517
April 9, 2013

City of Clayton
Site Plan Review Permit
6000 Heritage Trail, Clayton, CA 94517

RECEIVED

Additional Information for Site Plan Review Permit

APR 10 2013

RE: Rob and Cristie Sheffield
1047 Pebble Beach Drive
925-672-0630
Csheffield@sbcglobal.net

**CLAYTON COMMUNITY
DEVELOPMENT DEPT**

Project Description: Backyard renovation at our home. After almost 15 years in our home, we are renovating our backyard. We have an existing kitchen deck and master bedroom balcony that we are replacing with similar. The original master bedroom balcony built by Presley Homes (and required by the city when our home was newly constructed) is falling apart and we are unable to sit under it without water dripping on our heads in inclement weather. It is our understanding that the replacement of the balcony requires the approval of the Planning Commission, and notice to our neighbors.

As part of our backyard renovation, we are also replacing an existing kitchen deck, again with similar (but a more durable wood than the existing redwood). Other renovations include: replacing the existing retaining walls (under 3 feet in height) along the right side of the house with similar; replacing existing hot tub with similar; adding a new outdoor bbq with kitchen island and fire pit (including new gas line and related electrical); and adding 1,310 sq feet of new walkway / backyard patio concrete. See attached plans. All mature redwoods and maple trees will remain in place.

Impervious Area Worksheet. Per instructions from Clayton city employees, plans are attached. New concrete walkway/patio hardscape in backyard will measure approximately 1,310 sq feet.

Processing Deposit: \$1,000 deposit attached

Photographs/Graphics: See attached Google maps for house location, as well as eight labeled photos of backyard and existing deck and balcony, in relation to neighbors.

Site/Development Plan: See attached as prepared by Peter Koenig Designs. Please note that address on plans is missing "Beach" in our address. Full address should be "1047 Pebble Beach Drive". (12 copies included)

Architectural Design: See attached as prepared by Peter Koenig Designs. (12 copies)

Please let us know if there is any additional information necessary. We are anxious to get this matter scheduled before the Planning Commission.

Regards,

Cristie Sheffield
925-672-0630