



**AGENDA
PLANNING COMMISSION
Regular Meeting**

7:00 P.M. on Tuesday, February 11, 2014

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

1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

2. ADMINISTRATIVE

- 2.a. Review of agenda items.
- 2.b. Declaration of Conflict of Interest.
- 2.c. Commissioner Keith Haydon to report at the City Council meeting of February 18, 2014 (alternate Chair Gregg Manning).

3. PUBLIC COMMENT

4. MINUTES

- 4.a. Approval of the minutes for the January 28, 2014 regular meeting.

5. PUBLIC HEARINGS

- 5.a. **LLA-02-13, David Roskelley**, 5675 Pine Hollow Road (APN: 120-043-023). A Lot Line Adjustment between an existing un-buildable 1,951 square-foot parcel (APN:120-043-023) and an existing 2.41-acre parcel (APN: 120-043-004) to create a 1.34-acre parcel and a 1.12-acre parcel. Pursuant to California Environmental Quality Act (CEQA) Guideline 15305(a), the project is categorically exempt from CEQA.

Staff Recommendation: Approval, with conditions.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

- 8.a. Staff.
- 8.b. Commission.

9. ADJOURNMENT

- 9.a. The next regularly-scheduled meeting of the Planning Commission will be held on **Tuesday, February 25, 2014 at 7:00 p.m.**

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, January 28, 2014

1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

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

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

Absent: None

Staff: Community Development Director Charlie Mullen
Assistant Planner Milan J. Sikela, Jr.

2. ADMINISTRATIVE

2.a. Review of agenda items.

2.b. Declaration of Conflict of Interest.

Chair Manning and Commissioner Haydon declared a conflict of interest on Agenda Item 5.a.

2.c. Vice Chair Richardson to report at the City Council meeting of February 4, 2014.

3. PUBLIC COMMENT

None.

4. MINUTES

4.a. Approval of the minutes for the January 14, 2014 regular meeting.

Vice Chair Dan Richardson moved and Commissioner Haydon seconded a motion to approve the minutes, with minor amendments. The motion passed 5-0.

5. PUBLIC HEARINGS

5.a. **SPR-07-13, UP-01-13, LLA-01-13, VAR-01-13, Kent Ipsen**, 1033-1035 Diablo Street and 6026 Main Street (APNs: 119-013-002, -003, -004, -007, and -008). A request for consideration of a Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements, a Use Permit for four (4) bocce ball courts ancillary to the existing restaurant, a Lot Line Adjustment to five (5) existing parcels, and a Variance for the average lot width and lot size of an existing nonconforming lot. Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 and 15303, the project is categorically exempt from CEQA. *This Public Hearing was continued from the meeting of January 14, 2014.*

Chair Manning and Commissioner Haydon recused themselves due to conflict of interest issues related to this Item and both left the meeting chambers.

Director Mullen presented the staff report.

The continued Public Hearing was re-opened.

There were no public comments.

The continued Public Hearing was closed.

Vice Chair Richardson indicated the following:

- Regarding the Resolution, please correct several typos pointed out.
- Regarding Condition of Approval 1, we just want to ensure that significant changes in the project are reviewed and approved by the Planning Commission, with the understanding that minor changes in the project would be handled by staff.
- Regarding Condition of Approval 6, the final management oversight and operations plan for the bocce ball court should come back to the Planning Commission for review and approval. Condition 6 shall be re-worded to reflect that.

Commissioner Bruzzone and Commissioner Johnson indicated that they concurred with Vice Chair Richardson's comments.

Commissioner Johnson moved and Commissioner Bruzzone seconded adoption of Resolution No. 01-14, with the findings of approval, conditions of approval, and advisory notes as recommended by staff; and with modifications to the Resolution, Use Permit findings of approval, and conditions of approval as directed by the Planning Commission. The motion passed 3-0-2 (Chair Manning and Commissioner Haydon abstained).

Chair Manning and Commissioner Haydon returned to the meeting chambers.

- 5.b. **ZOA-08-13, Municipal Code Amendment, City of Clayton.** Consideration of a City-initiated Ordinance to amend a portion of the Clayton Municipal Code, Title 17, Chapter 17.28 Planned Development (PD) District, to establish the Site Plan Review Permit process to be used for processing of multiple-family development projects located on property designated as Multifamily High Density (MHD) on the General Plan Land Use Map.

Pursuant to the California Environmental Quality Act (CEQA) an Initial Study/Negative Declaration was previously prepared and approved for the Clayton 2009-2014 Housing Element, including its implementation measures; and whereas, pursuant to Section 15061(b)(3) it can be seen with certainty that there is no possibility that the currently proposed amendment to the Clayton Municipal Code/Zoning Ordinance may have a significant effect on the environment, it is therefore not subject to CEQA and no further environmental review is necessary.

Director Mullen presented the staff report.

Commissioner Haydon indicated that it appears this amendment would provide a more streamlined process for future developers of multi-family projects and would allow more direction and structure to be provided to the developers as they move through the development process.

Director Mullen indicated that, although there would still be public involvement through the Public Hearing process as projects are brought before the Planning Commission, the objective is to make it easier for multi-family high density projects to move forward with assurance on development standards.

The Public Hearing was opened.

There were no public comments.

The Public Hearing was closed.

Commissioner Haydon moved and Commissioner Johnson seconded adoption of Resolution No. 02-14, as recommended by staff. The motion passed 5-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

Director Mullen provided the following updates:

- At the Planning Commission meeting of February 11, 2014, a Public Hearing for a Lot Line Adjustment on the Roskelley property will be on the agenda.
- Regarding the Silver Oak Estates project, the applicant submitted additional deposit monies. Staff will be taking the amendment to the CEQA contract to the City Council. Staff anticipates the environmental component of the project to come before the Planning Commission in approximately two to three months.
- The Stanley property on the south side of High Street across the street from the Post Office was purchased in November 2013 by a developer who met with staff regarding a potential project. The applicant informed staff that they anticipate submittal of an application within one month. As part of the project, staff will be working with the City Attorney to research issues related to affordable housing on the project site.

8.b. Commission.

None.

9. ADJOURNMENT

9.a. The meeting was adjourned at 7:43 p.m. to the regularly-scheduled meeting of the Planning Commission on February 11, 2014.

Submitted by
Charlie Mullen
Community Development Director

Approved by
Gregg Manning
Chair

Com Dev\Plng Comm\Minutes\2014\0128

**CITY OF CLAYTON
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: February 11, 2014

Item Number: 5.a

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Public Hearing to consider a Lot Line Adjustment between an existing un-buildable 1,951 square-foot parcel (APN: 120-043-023) and an existing 2.41-acre parcel (APN: 120-043-004) to create a 1.34-acre parcel and a 1.12-acre parcel (LLA-02-13).

Applicant: David Roskelley

REQUEST

Public Hearing to consider a Lot Line Adjustment between an existing un-buildable 1,951 square-foot parcel (APN: 120-043-023) and an existing 2.41-acre parcel (APN: 120-043-004) to create a 1.34-acre parcel and a 1.12-acre parcel.

PROJECT INFORMATION

Location: 5675 Pine Hollow Road
APNs: 120-043-004 and 120-043-023

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

Zoning: Single Family Residential R-15 District (15,000 square-foot minimum lot area).

Environmental Review: Categorically exempt per Section 15305(a) of the California Environmental Quality Act (CEQA) Guidelines.

Public Notice: On January 31, 2014, a public hearing notice was posted at the notice boards and mailed to property owners within 300 feet of the project site.

Authority: Section 16.02.030.D of the Clayton Municipal Code authorizes the Planning Commission to approve a Lot Line Adjustment.

DISCUSSION

The applicant is requesting Planning Commission consideration of a Lot Line Adjustment between an existing un-buildable 1,951 square-foot parcel (APN: 120-043-023) and an existing 2.41-acre parcel (APN: 120-043-004) to create a 1.34-acre parcel and a 1.12-acre parcel. The Vicinity Map is provided as **Attachment 1**. Currently, one of the subject parcels is a 2.41-acre lot at 5675 Pine Hollow Road (APN: 120-043-004) and the other subject property is a remnant property (APN: 120-043-023) on Verna Way, which because of its dimensions (10 feet wide north-to-south by 195 feet long east-to-west) is un-buildable, rendering this 0.05-acre strip infeasible for any development. An excerpt of the Assessor's Parcel Map showing the currently-existing lot lines is provided as **Attachment 2**. The proposed Lot Line Adjustment request between the un-buildable 1,951 square-foot parcel and the larger 2.41-acre parcel will create a 1.34-acre parcel on the southern portion of the project area along Pine Hollow Road and a 1.12-acre parcel on the northern portion of the project area along Verna Way. The southern parcel will retain an existing main residence, second dwelling unit, and accessory buildings, while the northern parcel is anticipated to be sold for future development. A Plat Map showing the proposed parcel configuration is provided as **Attachment 3**, a Lot Line Adjustment Exhibit showing the project area with existing structures is provided as **Attachment 4**, and photographs of the project area with a Photo Key Map is provided as **Attachment 5**.

Per Section 16.02.030.D of the Clayton Subdivision Ordinance, the review and approval of the Lot Line Adjustment by the Planning Commission is limited to a "determination of whether or not the parcels resulting from the lot line adjustment will conform to local zoning and building ordinances." The City's Lot Line Adjustment regulations allow for the Commission to place zoning and building ordinance-related conditions of approval on the project as well as requiring conditions of approval for relocation of existing utilities, infrastructure, or easements. Staff has observed, and has also confirmed with the City Engineer, that no areas of concern exist with or will arise from the Lot Line Adjustment as related to zoning and building ordinance issues or utility, infrastructure, or easement issues. The two resulting parcels will conform with the R-15 District development standards in terms of lot area, width, depth, and setback requirements and, therefore, a determination can be made that the Lot Line Adjustment conforms to local zoning ordinances. In addition, removal of the un-buildable 1,951 square-foot parcel on Verna Way will replace the non-conforming strip of property with a parcel that conforms to our Zoning Ordinance.

In accordance with the requirements listed in Section 16.02.030.D of the Clayton Municipal Code, staff has provided a condition of approval that a deed or record of survey for the Lot Line Adjustment must be recorded with proof of recordation submitted to the Community Development Department. Lastly, a condition of approval has been provided that the 1.12-acre parcel along Verna Way be assigned an address.

RECOMMENDATION

Staff recommends the Planning Commission consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, approve Lot Line Adjustment LLA-02-13, between an existing un-buildable 1,951 square-foot parcel (APN:120-043-023) and an existing 2.41-acre parcel (APN: 120-043-004) to create a 1.34-acre parcel and a 1.12-acre parcel.

Proposed Finding 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 finding that Lot Line Adjustment LLA-02-13, as conditioned, conforms with local zoning and building ordinances. This finding assumes acceptance and approval of the proposed conditions of approval listed below.

Proposed Conditions of Approval

These conditions of approval apply to the Roskelley Lot Line Adjustment Plat Map, prepared by P/A Design Resources, date stamped December 12, 2013.

1. A deed or record of survey for Lot Line Adjustment LLA-02-13 shall be recorded with proof of recordation submitted to the Community Development Department.
2. The applicant shall apply for an address to be assigned to the 1.12-acre parcel along Verna Way.
3. 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 Note

This Advisory Notes is 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.

ATTACHMENTS

1. Vicinity Map
2. Assessor's Parcel Map of APNs: 120-043-004 and 120-043-023 (excerpt)
3. Roskelley Lot Line Adjustment Plat Map, prepared by P/A Design Resources, date stamped December 12, 2013
4. Roskelley Property Lot Line Adjustment Exhibit, prepared by P/A Design Resources, date stamped December 12, 2013
5. Roskelley Property Site Photo Key Map (with Photographs 1-22), prepared by P/A Design Resources, date stamped December 12, 2013

LLA\2013\02-13.roskelley.lot.line.adjustment\02-13.sr.roskelley.lot.line.adjustment.pc.mtg.2.11.14



VICINITY MAP

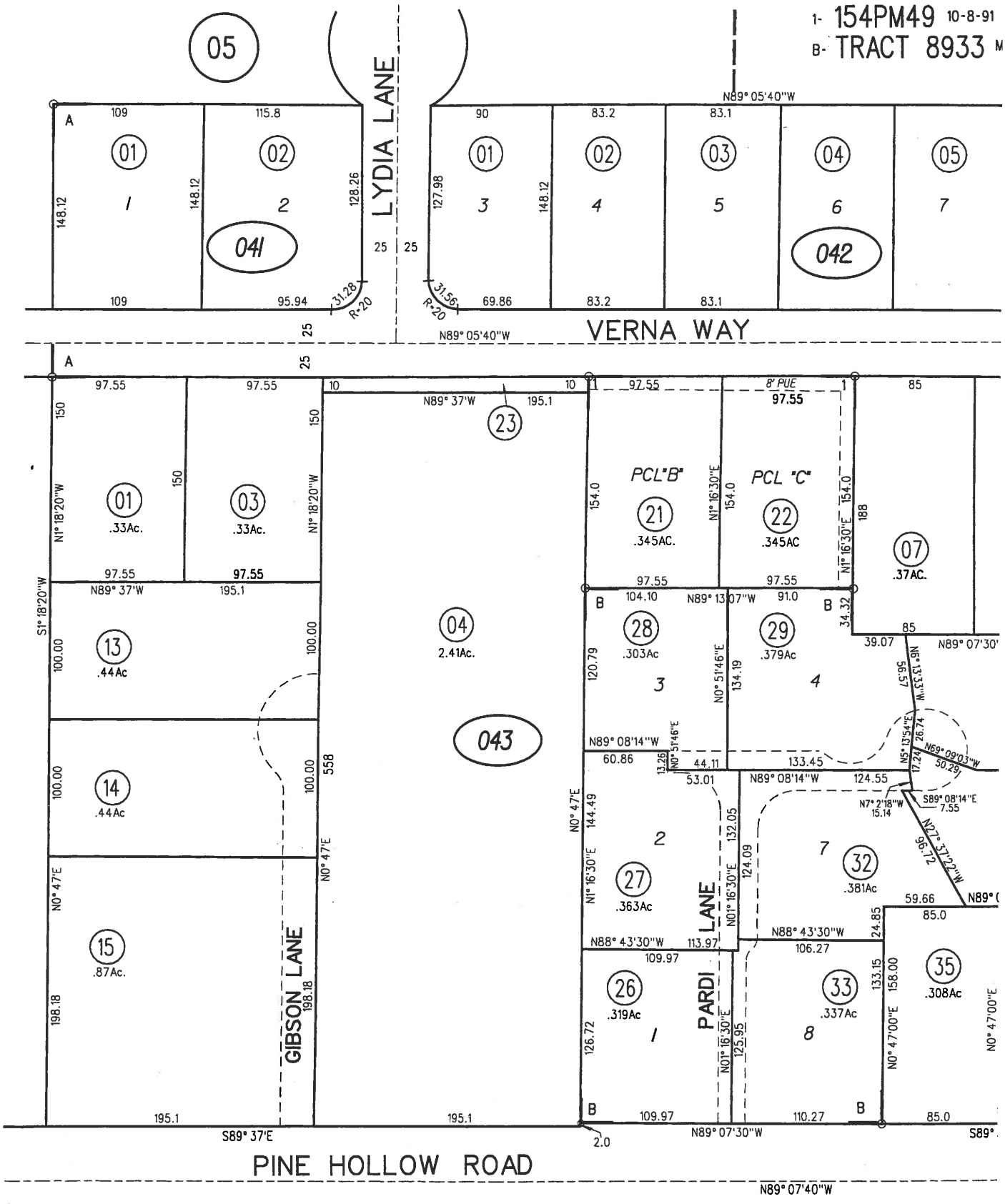
	Roskelley Lot Line Adjustment LLA-02-13 5675 Pine Hollow Road APNs: 120-043-004 and 120-043-023	N  (Not to Scale)
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POR SW 1/4 SEC 11

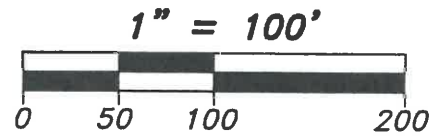
A- PINE HOLLOW

1- 154PM49 10-8-91

B- TRACT 8933 M



ASSESSMENT
S ASSUMED
FORMATION
S PARCELS
LOT SPLIT
ICES.



Received
DEC 12 2013
City of Clayton



Mark E. Woods
MARK E. WOODS
R.C.E. 29851
EXPIRES 3/31/15

DATED 11-25-2013

PINE HOLLOW ROAD

80' WIDE
R/W

N89°37'00"W 195.10'

**NEW
PARCEL 1
1.34 ACRES±**

P.O.B. NEW
PARCEL 1
AND
P.O.C. NEW
PARCEL 2

NEW
LOT LINE

P.O.B. NEW
PARCEL 2

**NEW
PARCEL 2
1.12 ACRES±**

EXISTING
LOT LINE

PARCEL B
(154 PM 49)

SUBDIVISION 8933
(485 M 34)

ROSHELLEY
(16506 OR 283)

GIBSON
(857 OR 229)

OLLILA
(2121 OR 430)

DESIGNATED
REMAINDER
(154 PM 49)

VERNA WAY

S89°37'00"E 195.10'

548.18'(T)
240.00'

10.00'

10.00'

240.00'

548.18'(T)

S00°47'00"W

298.18'

298.18'

GIBSON LANE

N00°47'00"E

298.18'

DATE: 10-17-13

SCALE: 1" = 100'

SHEET 1 OF 1

PROJ. NO. 11010-10

EXHIBIT 'B'

**ROSHELLEY LOT LINE ADJUSTMENT
NEW PARCELS 1 & 2**

**CITY OF CLAYTON
CONTRA COSTA COUNTY, CALIFORNIA**

PA Design Resources, Inc.
Planning ■ Engineering ■ Surveying

2700 Ygnacio Valley Road, Suite 100
Walnut Creek, California 94598-3462

TEL (925) 210-9300

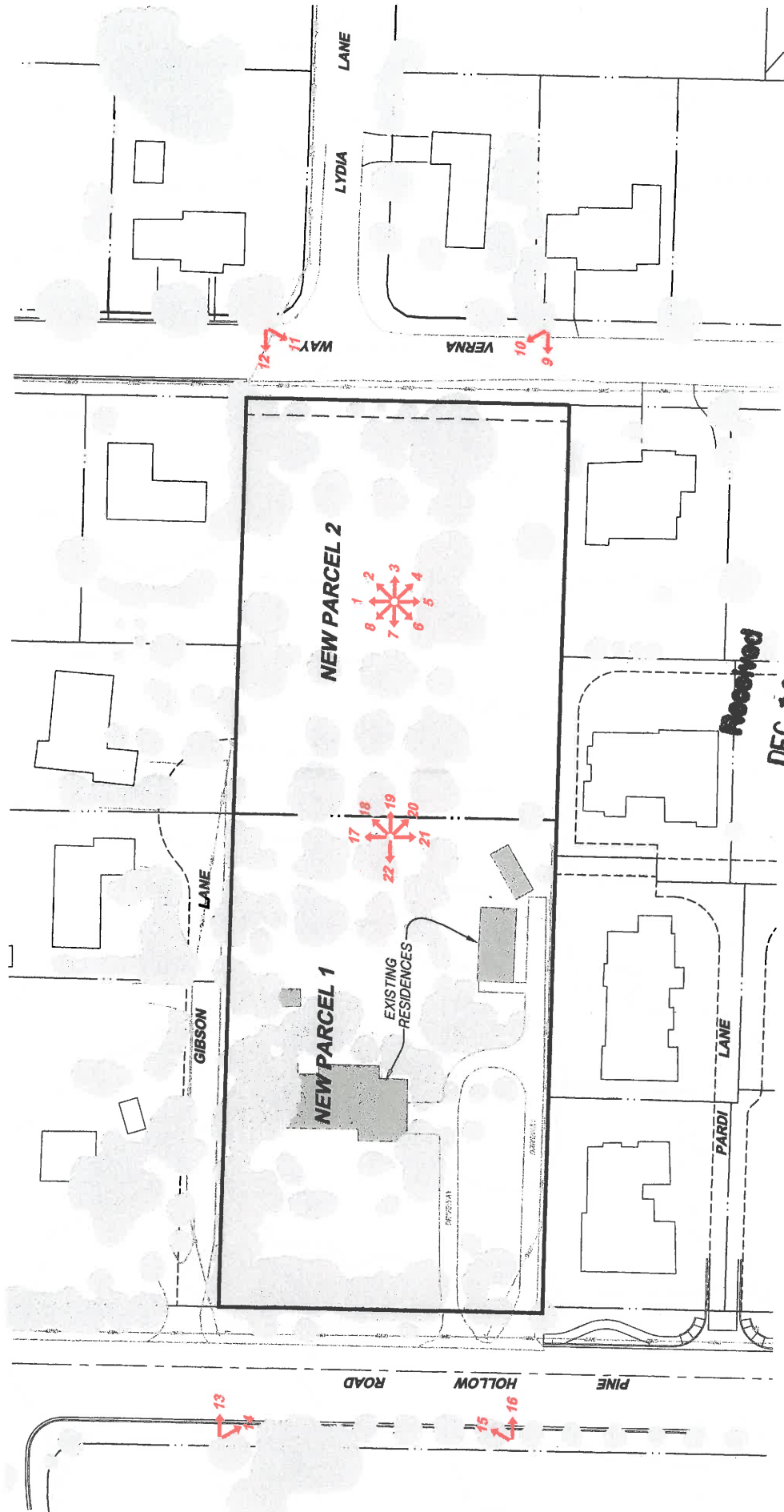
ATTACHMENT - 3

ROSKELEY PROPERTY

CITY OF CLAYTON, CALIFORNIA

SITE PHOTO KEY MAP

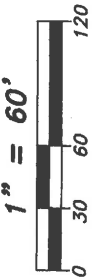
DECEMBER 9, 2013



Revised

DEC 12 2013

City of Clayton



P/A Design Resources, Inc.
Planning • Engineering • Surveying

3021 Citrus Circle, Suite 150
Walnut Creek, California 94598-2635
TEL (925) 210-8300



#1 – Looking W from center of New Parcel 2



#2 – Looking NW from center of New Parcel 2



#3 – Looking N from center of New Parcel 2



#4 – Looking NE from center of New Parcel 2



#5 – Looking E from center of New Parcel 2



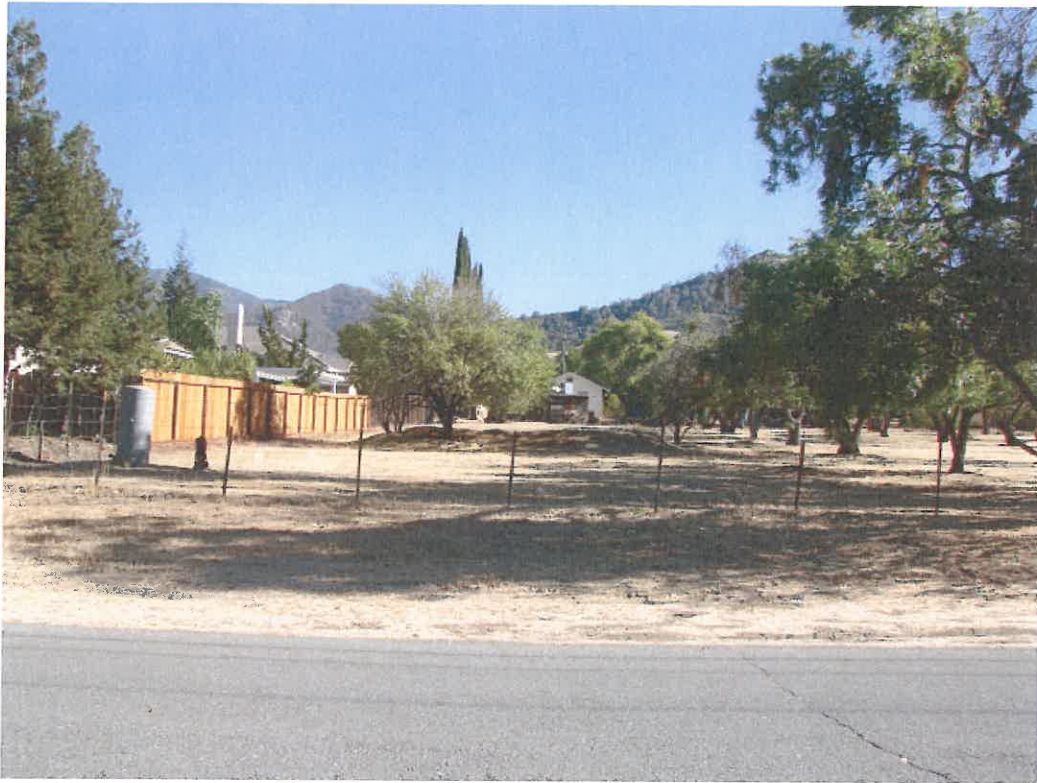
#6 – Looking SE from center of New Parcel 2



#7 – Looking S from center of New Parcel 2



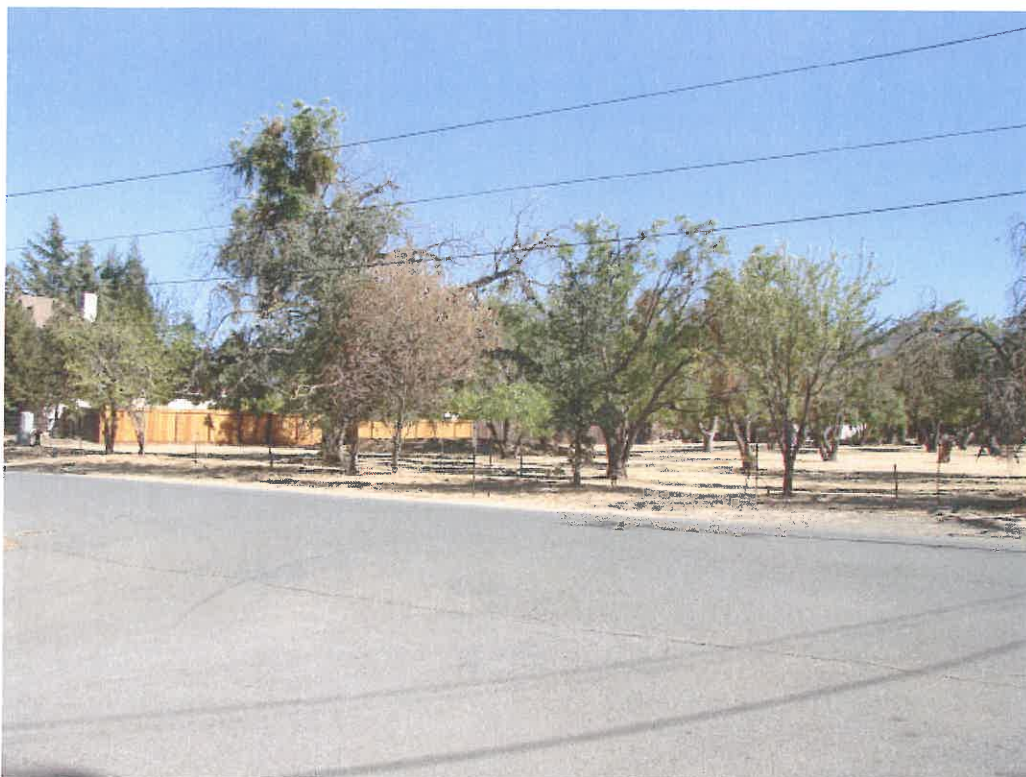
#8 – Looking SW from center of New Parcel 2



#9 – Along Verna Way looking S toward NE corner of New Parcel 2



#10 – Along Verna Way looking WSW toward NW corner of New Parcel 2



#11 – Along Verna Way looking ESE toward NE corner of New Parcel 2



#12 – Along Verna Way looking S toward NW corner of New Parcel 2



#13 - Along Pine Hollow Road looking N toward SW corner of New Parcel 1



#14 - Along Pine Hollow Road looking NE toward SE corner of New Parcel 1



#15 - Along Pine Hollow Road looking NW toward SW corner of New Parcel 1



#16 - Along Pine Hollow Road looking N toward SE corner of New Parcel 1



#17 – Looking W from rear of New Parcel 1



#18 – Looking NW from rear of New Parcel 1



#19 – Looking N from rear of New Parcel 1



#20 – Looking NE from rear of New Parcel 1



#21 – Looking E from rear of New Parcel 1



#22 – Looking S from rear of New Parcel 1 toward existing main residence.