



**AGENDA
PLANNING COMMISSION
Regular Meeting**

7:00 P.M. on Tuesday, July 14, 2015

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

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

2. ADMINISTRATIVE

- 2.a. Selection of Chair and Vice Chair.
- 2.b. Selection of TRANSPAC representative.
- 2.c. Review of agenda items.
- 2.d. Declaration of Conflict of Interest.
- 2.e. Vice Chair Dave Bruzzone to report at the City Council meeting of July 21, 2015 (alternate Chair Dan Richardson).

3. PUBLIC COMMENT

4. MINUTES

- 4.a. Approval of the minutes for the June 9, 2015 regular meeting.

5. PUBLIC HEARINGS

- 5.a. **SPR-02-15, Site Plan Review Permit, Erik and Alexis Alden**, 14 Nottingham Circle (APN 120-032-003). A request for approval of a Site Plan Review Permit to allow the construction of a second-story closet addition measuring approximately 140 square feet in area and 20 feet in height on an existing two-story single-family residence. Pursuant to California Environmental Quality Act (CEQA) Guideline 15301 – Existing Facilities, the project is categorically exempt from CEQA.

Staff Recommendation: Staff recommends that the Planning Commission receive and consider the staff report and all information provided and submitted to date, receive and consider any public comment and, if determined to be appropriate, conditionally approve the Alden Site Plan Review Permit.

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, July 28, 2015**.

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, June 9, 2015

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

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

Present: Vice Chair David Bruzzone
Commissioner Peter Hellmann
Commissioner Sandra Johnson
Commissioner Gregg Manning

Absent: Chair Dan Richardson

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

2. ADMINISTRATIVE

2.a. Review of agenda items.

2.b. Declaration of Conflict of Interest.

Commissioner Hellman declared a conflict of interest on Agenda Item 5.a.

2.c. Commissioner Johnson to report at the City Council meeting of June 16, 2015.

3. PUBLIC COMMENT

None.

4. MINUTES

4.a. Approval of the minutes for the April 14, 2015 regular meeting.

Commissioner Manning moved and Commissioner Hellman seconded a motion to approve the minutes, as amended. The motion passed 4-0.

5. PUBLIC HEARINGS

5.a. **HOP-05-15, Home Occupation Permit, Kim Alison Grant, 105 Joscolo View (APN: 118-392-009).** A request for consideration of a Home Occupation Permit to allow an educational therapy business to operate from a single family residence. Pursuant to California Environmental Quality Act (CEQA) Guideline 15301(n), the project is categorically exempt per CEQA.

Commissioner Hellmann recused himself due to a proximity conflict of interest related to this public hearing item and departed the meeting chambers.

The public hearing was opened.

Assistant Planner Sikela presented the staff report.

Commissioner Manning requested clarification regarding the project description indicating that five off-street parking spaces exist on the subject property, but that the staff report indicated four off-street parking spaces exist on the subject property.

Assistant Planner Sikela responded that there was a typo in the project description and that staff has clarified with the applicant that four off-street parking spaces exist on the subject property—two covered in the garage of the subject residence and two uncovered in the driveway—and that the applicant will encourage clients to park in the uncovered parking spaces in the driveway.

Commissioner Manning indicated that he performed a site inspection and found the neighborhood to be well-suited to accommodate this type of home occupation.

The applicant, Kim Grant, indicated the following:

- Her proposed home occupation will entail providing educational therapy services to children with learning disabilities.
- She will work one-on-one with clients.
- Other than the client, and occasionally the parent of a client, there would rarely be more than one client at the residence at one time.
- The neighbors who provided comments possibly do not have a clear understanding of what educational therapy entails. She thinks their concerns might be based in assuming that her business is a day care or some other type of home-based business that involves working with several clients at once.
- Educational therapy is necessary for those in need of special education.
- Teachers are overworked in crowded classrooms. Educational therapy is a wonderful resource for students to receive specialized, quality educational services.

Vice Chair Bruzzone indicated that educational therapy is a resource that is much-needed in our community.

Commissioner Manning indicated that he does not see a problem with the proposed educational therapy business.

Vice Chair Bruzzone indicated that the intent of the home occupation permit process is to encourage this type of home-based business.

Commissioner Johnson indicated that she agrees with comments made by the other Commissioners and supports approval of the subject home occupation permit.

Director Mullen indicated that the Planning Commission's approval of the subject home occupation permit can be appealed to the City Council within ten days of the Planning Commission's decision.

Commissioner Manning moved and Commissioner Johnson seconded a motion to approve Home Occupation Permit HOP-05-15, with the conditions of approval recommended by staff. The motion passed 3-0.

Commissioner Hellmann returned to the dais.

6. OLD BUSINESS

None.

7. NEW BUSINESS

- 7.a. **GPA-02-15, City of Clayton.** Review of the Fiscal Year 2015-2016 Capital Improvement Program Projects for Conformity with the Clayton General Plan.

Community Development Director Mullen presented the staff report.

Commissioner Manning had the following comment and question:

- A cost of one million dollars per three-hundred feet to underground utilities seems very expensive.
- Are utilities undergrounded for new construction projects? Director Mullen responded “yes.”

Vice Chair Bruzzone inquired about Items 3 and 4. Director Mullen indicated that the goal is to bundle the improvement projects in order to maximize revenues.

By consensus, the Commissioners agreed that the improvement projects are necessary and beneficial.

Commissioner Manning moved and Commissioner Johnson seconded a motion to find the City’s CIP projects for the Fiscal Year 2015-2016 are in conformity with the Clayton General Plan and there is no possibility this finding may have a significant effect on the environment. The motion passed 4-0.

8. COMMUNICATIONS

- 8.a. Staff.

Director Mullen provided updates on the St. John’s Church Site project, Silver Oak Estates subdivision, Oak Creek Canyon subdivision, and Solar Permit Streamlining Act.

Assistant Planner Sikela provided updates on the T-Mobile Cell Site and Verna Way Parcel Map projects.

- 8.b. Commission.

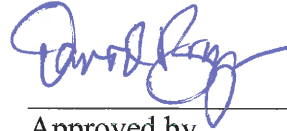
None.

9. ADJOURNMENT

- 9.a. The meeting was adjourned at 7:42 p.m. to the regularly-scheduled meeting of the Planning Commission on June 23, 2015.



Submitted by
Mindy Gentry
Community Development Director



Approved by
David Bruzzone
Vice Chair

Com Dev\Plng Comm\Minutes\2015\0609

PLANNING COMMISSION STAFF REPORT

Meeting Date: July 14, 2015

Item Number: 5.a

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Public Hearing to consider a Site Plan Review Permit request to construct a second-story closet addition on an existing two-story residence (SPR-02-15)

Applicants: Erik and Alexis Alden

REQUEST

Public Hearing to consider a Site Plan Review Permit request to construct a second-story closet addition on an existing two-story single-family residence. The addition is proposed to be approximately 140 square feet in area and 20 feet in height.

PROJECT INFORMATION

Location: 14 Nottingham Circle
APN 120-032-003

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

Zoning: Single Family Residential R-12 District (12,600 square-foot minimum lot area).

Environmental Review: Pursuant to California Environmental Quality Act (CEQA) Guideline 15301 – Existing Facilities, the project is categorically exempt from CEQA.

Public Notice: On July 2, 2015, a public hearing notice was posted at the notice boards and mailed to property owners within 300 feet of the project site.

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.

DISCUSSION

The applicant is requesting Planning Commission consideration of a Site Plan Review Permit request to allow the construction of a second-story closet addition on an existing two-story single-family residence. The addition is proposed to be approximately 140 square feet in area, 20 feet in height, and will incorporate matching stucco siding, composition asphalt roof material, and a 4:12 roof pitch. The vicinity map is provided as **Attachment 1** and the plot plan and architectural elevations are provided as **Attachment 2**.

The applicant has designed the addition to have a minimal visual impact to public areas since the addition is proposed to be located on the rear elevation of the subject residence. Also, sufficient existing on-site trees as well as existing trees in the public right-of-way on Clayton Road, adjacent to the rear property line of the subject property, will provide further softening and screening of the project. Lastly, the addition provides articulation and visual interest to the larger massing of the residence, creating a design element that provides a transitional stepped-down rhythm from the larger second-story master bedroom section to the single-story component at the western end of the residence.

Setback Analysis

The project meets the R-12 District standards as shown below.

Required Setbacks	Existing Setbacks	Proposed Setbacks	Project Compliance
Front Setback 20'	South 25' 6"	South No Change	Yes
Side Setback 10' interior	East 22' 3"	East No Change	Yes
	West 27'	West No Change	Yes
25' aggregate	Aggregate 49' 3"	Aggregate No Change	Yes
Rear Setback 15'	North 56' 4"	North No Change	Yes

Residential Floor Area Analysis

Building Footprint

The proposal meets the building footprint requirements as shown below.

Lot Size	Building Footprint Allowed	Existing Building Footprint	Proposed Building Footprint	Project Compliance
12,000 sq ft	3,600 sq ft	1,761 sq ft	1,761 sq ft	Yes

Floor Area

The proposal meets the floor area requirements as shown below.

Lot Area	Floor Area Allowed	Existing Floor Area	Proposed Floor Area	Project Compliance
12,000 sq ft	3,600 sq ft	2,800 sq ft	2,940 sq ft	Yes

CONCLUSION

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

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 Site Plan Review Permit SPR-02-15 to allow the construction of a second-story closet addition measuring approximately 140 square-feet in area and 20 feet in height on an existing two-story single-family residence at 14 Nottingham Circle (APN 120-032-003).

Proposed Findings of Approval

Based upon the evidence set forth in the staff report, which includes relevant information from the project application, as well as testimony at the public hearing, the Planning Commission makes the following findings that Site Plan Review Permit SPR-02-15, 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 condition of approval listed below.

Proposed Conditions of Approval

These conditions of approval apply to the Plot Plan and Architectural Elevations, prepared by Smith and Company Remodeling Inc., date stamped July 1, 2015.

1. The applicant shall 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.
2. The project shall be constructed in accordance with the approved plans, prepared by Smith and Company Remodeling Inc., date stamped July 1, 2015, and as conditionally approved by the Clayton Planning Commission on July 14, 2015.
3. In order to provide project integration, the project shall be constructed with the same stucco siding and composition asphalt roof material that exists on the residence.

4. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
5. An encroachment permit shall be required for all work in the public right-of-way.

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. 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).
3. 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.
4. The applicant shall obtain the necessary building permits from the Contra Costa County Building Inspection Department. All construction shall conform to the California Building Code.
5. 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.
6. 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

- A. Vicinity Map
- B. Plot Plan and Architectural Elevations, prepared by Smith and Company Remodeling Inc., date stamped July 1, 2015

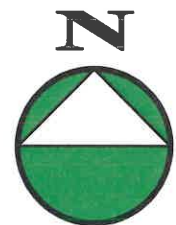
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Com Dev\Planning Commission\Final Staff Reports\2015\7-14-15



VICINITY MAP



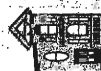
Alden Residence
Site Plan Review Permit SPR-02-15
14 Nottingham Circle
APN 120-032-003

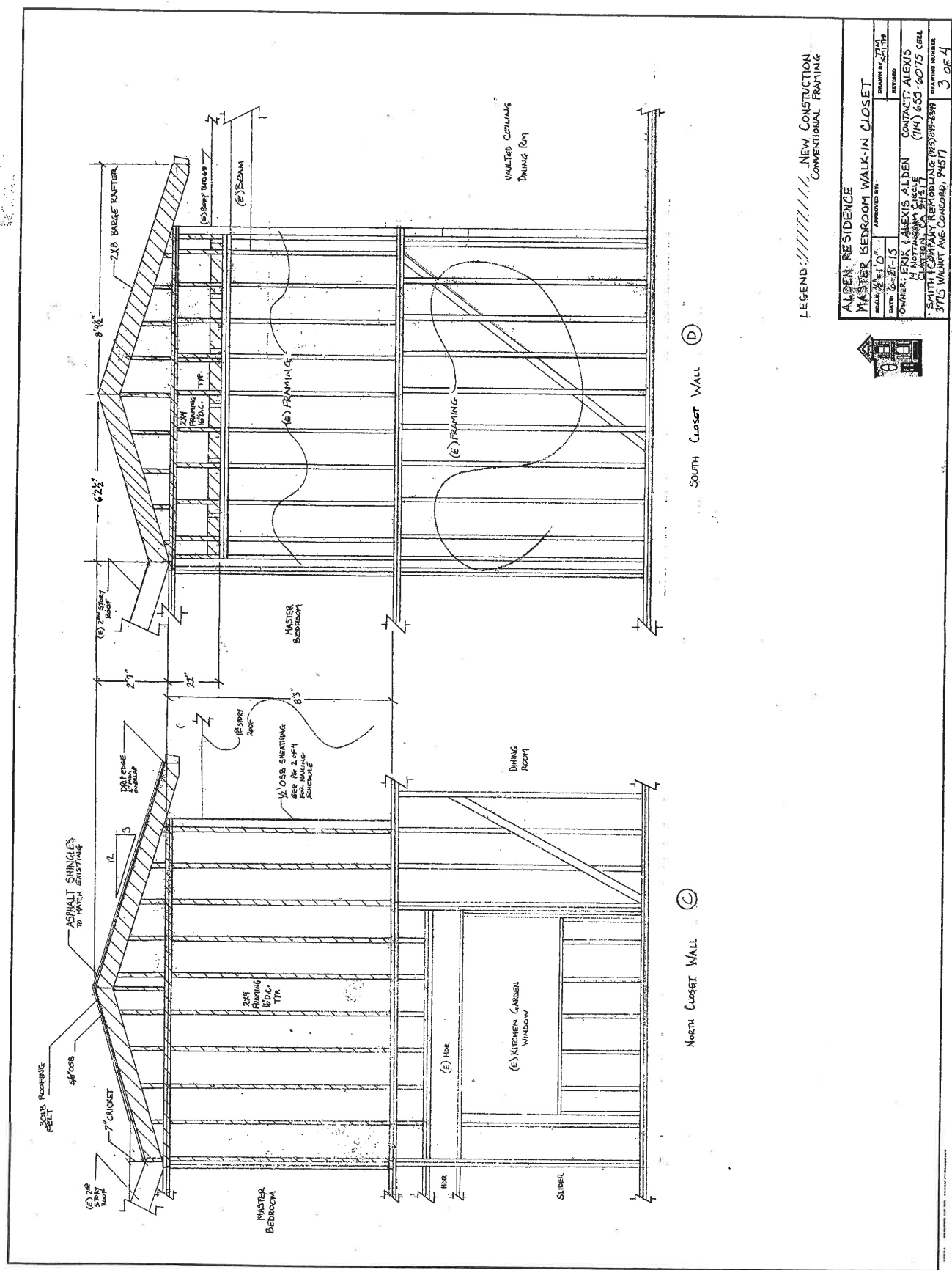


(Not to Scale)

B-1



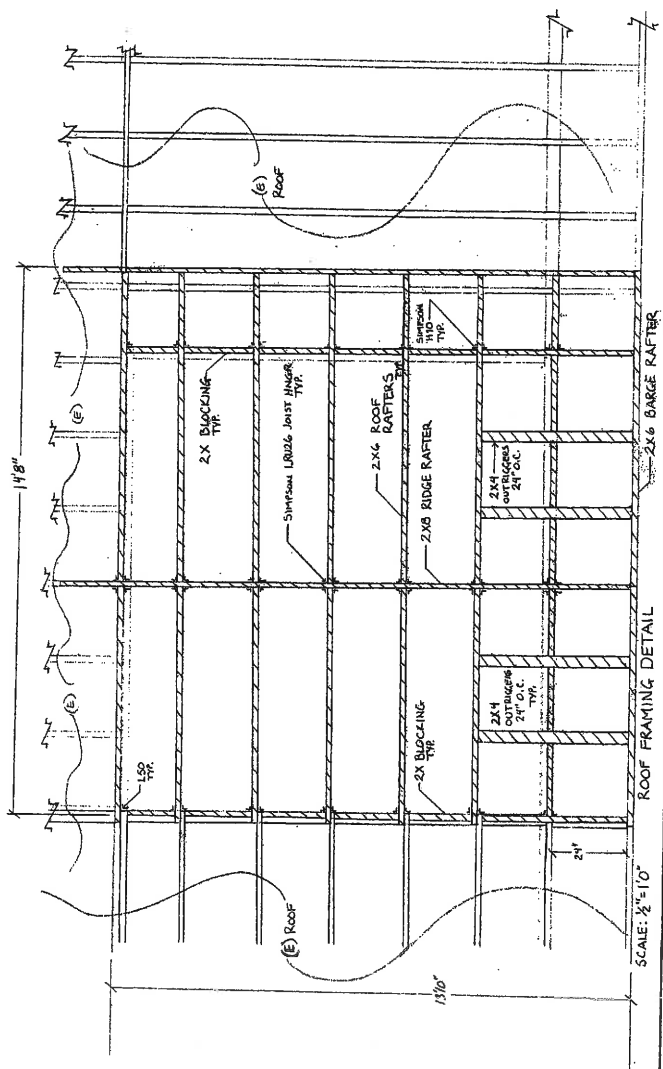
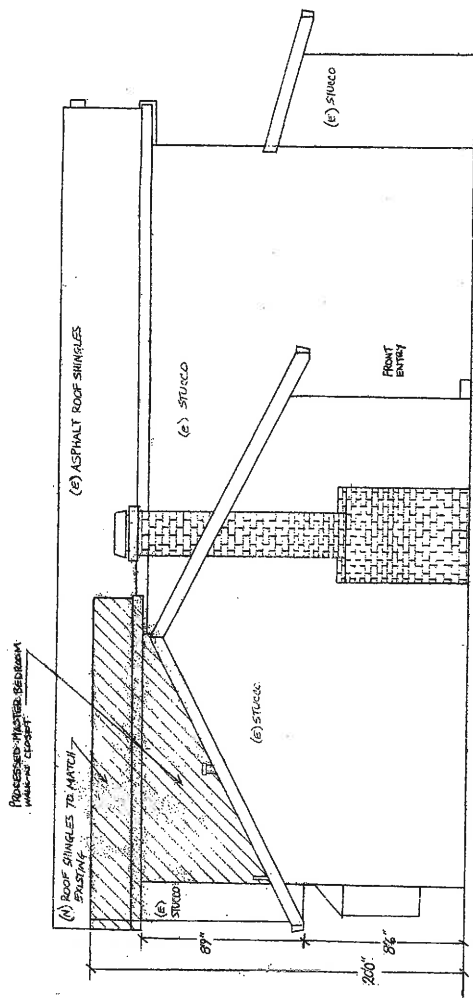
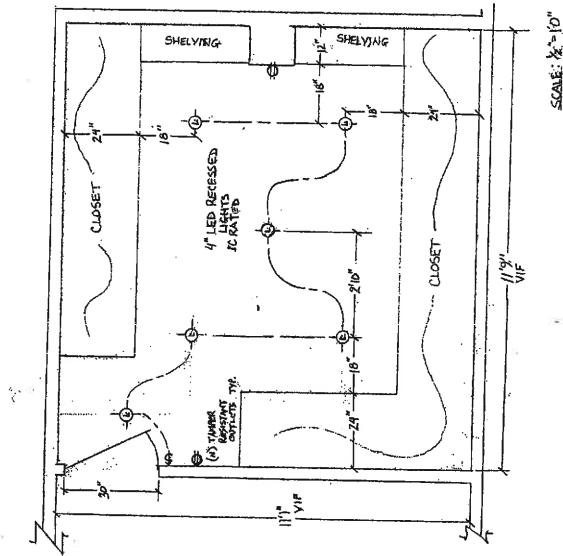




LEGEND: // NEW CONSTRUCTION
// CONVENTIONAL FRAMING



ALDEN RESIDENCE	
MASTER BEDROOM WALK-IN CLOSET	
SCALE: 1/8" = 1'-0"	APPROVED BY: [Signature]
DRAWN BY: J. H. [Signature]	REVIEWED BY: [Signature]
DATE: 06-27-13	OWNER: ERIK & ALEXIS ALDEN
PROJECT: 14100 ALDEN DRIVE	CONTACT: ALEXIS
LOCATION: CLAYTON, MA 01921	PHONE: (508) 653-6075 CELL
DESIGNED BY: [Signature]	DATE: 06-27-13
3715 WALTON AVE CONCORD, MA 01746	DRAWING NUMBER: 3 OF 4



LEGEND: // // // // NEW CONSTRUCTION
// // // // CONVENTIONAL FRAMING

ALDEN RESIDENCE	
MASTER BEDROOM WALK-IN CLOSET	
DATE: 4-11-18	APPROVED BY:
DATE: 6-21-15	REVIEWED:
OWNER: ERIC & ALEXIS ALDEN	
11 ANDERSON CIRCLE	
SMITH & COMPANY ENGINEERS (P.S.) 949-2389	
3775 WALNUT AVE., CA 94519	
DRAWING NUMBER: 4 OF 4	

