



**PLANNING COMMISSION
REGULAR MEETING AGENDA**

TUESDAY, FEBRUARY 24, 2026

7:00 PM

**Hoyer Hall, Clayton Community Library
6125 Clayton Road, Clayton, CA 94517**

Daniel Richardson, Chair

Joseph Banchemo, Vice Chair

Maria Shulman,

Bretten Casagrande,

Nate Brzovich,

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. ACCEPTANCE OF THE AGENDA

The Planning Commission will discuss the order of the agenda, may amend the order, add urgency items, note disclosures or intentions to abstain due to conflict of interest on agenda items, and request Consent Calendar items be removed from the Consent Calendar for discussion. The Planning Commission may also remove items from the Consent Calendar prior to that portion of the Agenda.

5. PUBLIC COMMENT (Non-Agenda Items)

This time has been set aside for members of the public to address the Planning Commission on items of general interest within the subject matter jurisdiction of the City. Although the Planning Commission values your comments, pursuant to the Brown Act, the Planning Commission generally cannot take any action on items not listed on the posted agenda. At the Chair's discretion, up to 3 minutes will be allotted to each speaker.

6. CONSENT CALENDAR

- (a) Approve February 10, 2026 Planning Commission Minutes
([View](#))

- (b) Approve January 13, 2026 Planning Commission Minutes
[\(View\)](#)

7. PUBLIC HEARING

- (a) A Resolution of the Clayton Planning Commission Approving a Site Plan Review Permit (SPR-01-2026) and Height Variance (VAR-01-2026) to Allow the Construction of Detached Accessory Dwelling Unit on Lot Located at 5571 Morning Side Drive, APN 118-110-010
[\(View\)](#)

8. COMMUNICATIONS

This time is set aside for the Planning Commission to make requests of staff, and/or for issues of concern to Planning Commissioners to be briefly presented, prioritized, and set for future meeting dates. This time is also provided for staff to share any informational announcements with the Commission.

9. ADJOURNMENT

The next Planning Commission Regular Meeting is Tuesday, March 10, 2026.

Meeting Information and Access

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail and on the City's website at www.claytonca.gov
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.claytonca.gov
- Any writings or documents provided to a majority of the City Council after distribution of the agenda packet and regarding any public item on this agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours and is available for review on the City's website at www.claytonca.gov
- If you have a physical impairment requiring special accommodation to participate, please call the City Clerk's office at least 72 hours (about 3 days) before the meeting at (925) 673-7300.
- E-mail Public Comments: Public comment may also be sent to the City Clerk at cityclerk@claytonca.gov by 12:00 p.m. on the day of the meeting. All e-mailed public comments will be forwarded to the entire committee and made part of the official meeting file.

Each person attending the meeting who wishes to speak on an agendized or non-agendized matter (within the council's jurisdiction), shall have a set amount of time to speak as determined by the Mayor.



STAFF REPORT

TO: PLANNING COMMISSION

FROM: Leticia Miguel, City Clerk

DATE: February 24, 2026

SUBJECT: Approve February 10, 2026 Planning Commission Minutes

REQUEST

Approve by Minute Order

ATTACHMENTS

[Att A - DRAFT MIN PC 20260210](#)



**DRAFT - MEETING MINUTES
REGULAR MEETING
PLANNING COMMISSION**

Tuesday, February 10, 2026

7:00 PM

1. CALL TO ORDER

The meeting was called to order at 7:01 PM, by Chair Dan Richardson at Hoyer Hall, in the Clayton Community Library, 6125 Clayton Road, Clayton, California

2. ROLL CALL

COMMISSIONERS PRESENT:

Commissioner Nate Brzovich
Commissioner Bretten Casagrande
Commissioner Maria Shulman
Vice Chair Joseph Banchemo
Chair Dan Richardson

Staff Present:

City Clerk, Leticia I. Miguel
Senior Planner, Kraig Chalem

3. PLEDGE OF ALLEGIANCE

Chair Richardson led the Pledge of Allegiance.

4. ACCEPTANCE OF THE AGENDA

No changes to the agenda were requested.

5. PUBLIC COMMENT (Non-Agenda Items)

No Public comment was received.

6. CONSENT CALENDAR

No Items scheduled.

7. PUBLIC HEARING

(a) Public Hearing to Consider Approval of the Silver Oak Estates Project Environmental Impact Report, Mitigation Monitoring & Reporting Program, Vesting Tentative Subdivision Map and Development Plan for a Planned

Development located at 5701 Clayton Road (APNs: 118-020-028 and 029)
(continued from 01/13/2026)

The public hearing opened at 7:57 pm

Senior Planner, Kraig Chalem, , Consultants, Lance Lowe, and Shanna Guiler presented the item to the Planning Commission and responded to questions.

The public hearing Public Comment at 8:06 pm

Public comment was received by Michael Rothschild, Steven, Sandra Baun, and Robert Connel.

The public hearing closed at 8:13 pm

*A motion was made by Commissioner Brzovich, seconded by Commissioner Casagrande, that this item be continued to a date certain.
The motion carried by the following vote:*

Aye: 5 – Brzovich, Casagrande, Shulman, Banchero, Richardson

8. COMMUNICATIONS:

No communications reported.

9. ADJOURNMENT

The meeting was adjourned at 8:21 p.m. to the next regular meeting of the Planning Commission on Tuesday, February 24, 2026.



STAFF REPORT

TO: PLANNING COMMISSION

FROM: Leticia Miguel, City Clerk

DATE: February 24, 2026

SUBJECT: Approve January 13, 2026 Planning Commission Minutes

REQUEST

Approve by Minute Order

ATTACHMENTS

[Att A - DRAFT MIN PC 20260113](#)



**DRAFT - MEETING MINUTES
REGULAR MEETING
PLANNING COMMISSION**

Tuesday, January 13, 2026

7:00 PM

1. CALL TO ORDER

The meeting was called to order at 7:01 PM, by Chair Dan Richardson at Hoyer Hall, in the Clayton Community Library, 6125 Clayton Road, Clayton, California

2. ROLL CALL

COMMISSIONERS PRESENT:

Commissioner Nate Brzovich
Commissioner Bretten Casagrande
Commissioner Maria Shulman
Chair Dan Richardson

COMMISSIONERS ABSENT:

Vice Chair Joseph Banchemo

Staff Present:

City Clerk, Leticia I. Miguel
Senior Planner, Kraig Chalem

3. PLEDGE OF ALLEGIANCE

Chair Richardson led the Pledge of Allegiance.

4. ACCEPTANCE OF THE AGENDA

No changes to the agenda were requested.

5. PUBLIC COMMENT (Non-Agenda Items)

No Public comment was received.

6. CONSENT CALENDAR

- (a) Approve December 23, 2025 Planning Commission Minutes

- (b) Approve October 28, 2025 Planning Commission Minutes

A motion was made by Commissioner Brzovich, seconded by Commissioner Shulman to accept and approve the Consent Calendar.

The motion passed as follows:

Aye: 4 – Brzovich, Casagrande, Shulman, Richardson

Absent: 1 – Banchero

7. PUBLIC HEARING

- (a) Public Hearing to Consider Approval of the Silver Oak Estates Project Environmental Impact Report, Mitigation Monitoring & Reporting Program, Vesting Tentative Subdivision Map and Development Plan for a Planned Development located at 5701 Clayton Road (APNs: 118-020-028 and 029)

Per applicant's request, the item was continued to February 10, 2026.

8. COMMUNICATIONS:

Commissioner Shulman shared that the Institute for Local Government is offering Updates on the Brown Act workshop on Thursday, January 29, 2026.

9. ADJOURNMENT

The meeting was adjourned at 7:09 p.m. to the next regular meeting of the Planning Commission on Tuesday, January 27, 2026.



STAFF REPORT

TO: PLANNING COMMISSION

FROM: Kraig Chalem, Senior Planner

DATE: February 24, 2026

SUBJECT: A Resolution of the Clayton Planning Commission Approving a Site Plan Review Permit (SPR-01-2026) and Height Variance (VAR-01-2026) to Allow the Construction of Detached Accessory Dwelling Unit on Lot Located at 5571 Morning Side Drive, APN 118-110-010

REQUEST

See attached Staff Report

ATTACHMENTS

[Staff Report 20260224.pdf](#)

[Att A - Proposed Planning Commission Resolution No. 02-2026.pdf](#)

[Att B - Vicinity Map.pdf](#)

[Att C - Proposed Site Plan, Floor Plan, and Elevations for ADU without pitched roof.pdf](#)

[Att D - Proposed Site Plan, Floor Plan, and Elevations for ADU with pitched roof.pdf](#)

[Att E - Site Landscaping.pdf](#)

[Att F - Applicant's Statement.pdf](#)

[Att G - Excerpt of Clayton Zoning Map.pdf](#)

**PLANNING COMMISSION
AGENDA/STAFF REPORT**

To: Honorable Chair and Planning Commissioners

From: Kraig Chalem, Senior Planner

Date: February 24, 2026

Subject: Agenda Item 7.A
New Accessory Dwelling Unit – Request for Approval of Site Plan Review Permit Application SPR-01-2026; and, Variance from Height Limit VAR-01-2026; 5571 Morningside Drive, [APN] 118-110-010

SUMMARY

This is a public hearing to consider a request by Toni Guttry, for approval of a Site Plan Review Permit (SPR-01-2026) to allow for a custom, Accessory Dwelling Unit (ADU) detached from the primary structure and proposed to be constructed above an existing barn. Additionally, the applicant seeks a height variance to exceed height limit to allow for an overall building height of 21-feet nine-inches. The ADU would be located at 5571 Morningside Drive (Assessor's Parcel Number [APN] 118-110-010).

RECOMMENDATION

Staff recommend that the Planning Commission open the public hearing and accept written and spoken testimony, close the public hearing, and adopt the attached Resolution approving Site Plan Review Permit (SPR-01-2025) and deny the request for a height variance (VAR-01-2026)..

PROJECT INFORMATION

Applicant:	Toni Guttry
Property Owners:	Same As Applicant
Location:	5571 Morningside Drive Parcel (APN 118-110-010) (See Attachment B - Vicinity Map)
General Plan Designation:	Rural Estate (0 to 1.0 Units Per Acre)
Zoning Classification:	Single Family Residential (R-40-H)
Environmental Review:	The subject applications requested are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Categorical Exemption Class 3,

Section 15303 (New Construction or Conversion of Small Structures), of the State Guidelines for Implementation of CEQA.

Public Notice:

On February 20, 2026, a public hearing notice was posted at the notice boards at Clayton City Hall, Clayton Community Library, and in the Town Center and was mailed to properties located within 300 feet of 5571 Morningside Drive on or before February 14, 2026.

BACKGROUND

The subject parcel located at 5571 Morningside Drive, is a flat 41,382 square foot lot created by subdivision recorded in June 1990. The parcel is improved with a single-family residence and barn for the keeping and stabling of horses. The parcel is entirely fenced and surrounded by residential lots developed with Single-family homes. To the north is Concord Blvd and Mount Diablo Creek, an intermittent seasonal stream which lies approximately two hundred feet from the barn. The net parcel area of the property, as defined in Clayton Municipal Code (CMC) Section 17.78.060, is 36,527 square feet.

ANALYSIS

The property owner, Toni Guttry, requests approval of a Site Plan Review Permit to allow the construction of a second dwelling unit to be built above an existing barn used to stable horses at the subject site. The proposed attached accessory dwelling unit (ADU) measures approximately 611 square feet, with a height of 16 feet on the rear elevation. The proposal complies with the required 100'-wide building setback line from the Drainage and Habitat Riparian Easement (Attachment C). See Attachment D for the proposed Site Plan, Floor Plan, Roof Plan, and Elevations of the new primary residence and ADU.

Site Plan Review Permit Required

In accordance with CMC Section 17.44.020, a Site Plan Review Permit is required in any zoning district for the design of any new development, including new construction, remodeling, or additions, that meets certain criteria. Subsection B of CMC Section 17.44.020 lists, "Construction (enclosed or unenclosed) encompassing an area greater than seven hundred fifty (750) square feet" among the types of development requiring review and approval of a Site Plan Review Permit by the Planning Commission.

Architectural Review

The custom ADU on the subject parcel is proposed to be constructed above the barn. The unit would occupy a little more than half the building's footprint and set away from the property line toward the east side of the structure. The unit itself would be comprised of a living area, full kitchen with two bedrooms and three baths. The proposed unit would be accessed by a stairway on the south side of the structure adjacent to a paved area for parking at the end of the driveway accessed from Morningside Dr.

Colors, materials, and architectural character are proposed to match existing. Windows are proposed on all four sides. Any windows within thirty (30) feet of an adjacent property will be required to be clearstory and privacy glass of a type to be approved at time to building permit application.

Setback Analysis

The subject parcel is located in the Single-Family Residential R-40-H zoning district, a rural serving district to accommodate the keeping of horses with minimum lot sizes of 40,000 square feet, per CMC Section 17.16.040; and required setbacks of 40 feet for the front (CMC Section 17.16.080) and minimum 20-foot setbacks for the rear and side setbacks (CMC Section 17.16.120). The barn on top of which the accessory dwelling unit (ADU) is proposed to be established does not meet the setback requirements. Therefore, per CMC 17.47.090, the proposal may be allowed with a Site Plan Review Permit, in accordance with Chapter 17.44 (CMC).

The proposed ADU does meet the required setbacks of the Municipal code within the R-40-H zoning district as shown in the following tables below.

R-40-H Setbacks:	Proposed Setback:	Project Compliant:
Front Setback 40'	>40'	Yes
Side Setback: 4'	5'	Yes
Rear Setback: 4'	5'	Yes

Residential Floor Area Analysis

Building Footprint

The proposal meets the building footprint requirements as shown below.

Lot Size:	Net Parcel Area:	Building Footprint Allowed (35%)	Building Footprint Proposed:	Proposed ADU Compliant?
41,382 sq. ft.	33,991 sq. ft.	11,897 sq. ft.	5,700 sq. ft.	Yes

Floor Area

The proposal meets the floor area requirements as shown below.

Lot Area:	Net Parcel Area:	Floor Area Allowed (25%):	Floor Area Proposed:	Proposed ADU Compliant?
41,382 sq. ft.	33,991 sq. ft.	8,498 sq. ft.	6,550 sq. ft.	Yes

Height Analysis

The proposal does not meet the height requirements for ADUs as shown below.

Maximum ADU Height	Proposed Building Height	Proposed ADU Compliant?
18'	21'9"	No

VARIANCE

The applicant seeks a variance from the eighteen (18) foot height limitation for detached accessory dwelling units that are located within one-half mile walking distance of a high-quality transit corridor, per CMC 17.47.050B.2. The same code provision allows for an additional two (2) feet in height for a maximum of twenty (20) feet if in keeping with the primary structure on the property. However, the applicant seeks an overall height of twenty-one (21) feet, nine (9) inches to accommodate taller ceilings in the unit and match the roof pitch of the primary structure.

Any application for variance to modify zoning regulations relating to building height must be consistent with CMC 17.52.030, which states that the Planning Commission shall find that the proposal meets all three of the provisos noted below. The applicant has provided responses to each, please see Attachment H.

- A. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the same respective land use district in which the subject property is located;

Staff Response: *Approval of the requested height variance would not constitute a special privilege, as similarly situated properties within the same zoning district could request variances when unique site conditions or project design needs to warrant additional height. The increase in height would be limited to accommodating architectural design features internal to the accessory dwelling unit and does not provide additional floor area that would exceed district limits or confer development rights beyond what could be considered for other properties in the vicinity. Additionally, allowance of one (1) foot nine (9) inches would be more in keeping with roof pitch of the primary structure. Granting the variance would therefore be consistent with the process available to all properties subject to the same zoning standards.*

- B. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district;

Staff Response: *The subject property's configuration and relationship to the primary residence creates design limitations that restrict the applicant's ability to construct an ADU with ceiling heights comparable to those found in newly built residential structures. The strict application of the 18-foot height limit, even with the maximum 20-foot allowance for consistency with the primary structure, would limit the applicant's ability to design a functional unit with adequate interior volume while maintaining*

compatibility with the existing development pattern on-site. These constraints are not common to all properties in the district, nor are the opportunities to utilize an existing structure on site.

- C. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.

Staff Response: *The requested variance remains consistent with the intent and purpose of the zoning district, which is to support residential uses while ensuring that accessory structures remain subordinate to the primary residence in scale and character. The proposed ADU would occupy approximately half of the existing structures footprint and would be stepped back from the adjacent property line, and the height, while exceeding the standard regulation, continues to maintain an appropriate relationship to the principal dwelling and does not introduce visual massing or intensity incompatible with the surrounding neighborhood. The project supports the City's housing goals by facilitating the development of an accessory dwelling unit while preserving the overall residential character intended by the zoning district.*

CONCLUSION

Staff has reviewed the Project relative to the Standards of Review for Site Plan Review Permits listed in Clayton Municipal Code Section 17.44.040 which include conformity with the General Plan, preservation of general safety (seismic, landslide, flooding, fire, traffic), and development that is complementary to adjacent existing structures in terms of materials, colors, size and bulk. Staff has also evaluated the project with respect to the Residential Floor Area (which includes Building Footprint) calculations listed in Chapter 17.78 of the Clayton Municipal Code and standards governing variance. As is further outlined in the recommended Findings for Approval provided in the proposed Planning Commission Resolution for the Project (See Attachment A), staff has determined that the Project, as conditioned, is in conformance with the Clayton Municipal Code and staff recommends approval of the Project subject to the Conditions of Approval provided in Attachment A.

**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 02-2026**

A RESOLUTION OF THE CLAYTON PLANNING COMMISSION APPROVING A SITE PLAN REVIEW PERMIT (SPR-01-2026) AND HEIGHT VARIANCE (VAR-01-2026) TO ALLOW THE CONSTRUCTION OF DETACHED ACCESSORY DWELLING UNIT ON LOT LOCATED AT 5571 MORNINGSIDE DRIVE, APN 118-110-010

WHEREAS, the City received an application from Toni Guttry requesting approval of a Site Plan Review Permit to allow the construction of a 1,200-square foot accessory dwelling unit (Project) consistent with Chapter 17.47 of the Clayton Municipal Code (CMC) on the subject parcel (APN: 118-110-010) at 5571 Morningside Drive; and

WHEREAS, 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; and

WHEREAS, the Clayton Municipal Code (CMC) authorizes the Planning Commission to approve application to modify zoning regulations in accordance with the standards of review in subsections A., B., and C. of CMC Section 17.52.030; and

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Categorical Exemption Class 3, Section 15303 (New Construction or Conversion of Small Structures), of the State Guidelines for Implementation of CEQA; and

WHEREAS, on February 24, 2026, the Clayton Planning Commission held a duly-noticed public hearing on the Site Plan Review Permit request (SPR-01-2026), and a Variance request (VAR-01-2026) received and considered testimony and evidence, both verbal and written.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does determine the foregoing recitals are true and correct and makes the following Findings for Approval of Site Plan Review Permit application SPR-01-2026; and, requested Variance application VAR-01-2026 based on the Site Plan Review Permit and Variance Standards of Review:

A. The use is in conformity with the General Plan and any applicable Specific Plan;

The Project is consistent with the General Plan designation and policies since the Project consists of the construction of a detached ADU, a permitted use within the Rural Estate land use designation. There is no established Specific Plan that is applicable to the Project.

B. The use is in conformity with City-adopted standards in the Zoning Ordinance as related to Site Plan Review Permits;

In accordance with Clayton Municipal Code Section 17.44.020., since the Project is comprised of structures over 16 feet in height and an area in excess of 750 square feet, and conversion of an existing nonconforming structure a Site Plan Review Permit is required for the design of all new developments in any zoning district within the City. Except for building height, the Project conforms to all development standards as required for properties within the R-40-H zoning district defined in Clayton Municipal Code Chapter 17.16 for setbacks, floor area, and building area governing single-family residential type development.

C. Shall not negatively affect the general safety (e.g., seismic, landslide, flooding, fire, traffic) of the City or surrounding area;

The Project preserves the general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards since the Project will be constructed in compliance with the Clayton Municipal Code, California Building Standards Code, and other agency regulations where applicable.

D. Shall reasonably maintain the privacy of adjacent property owners and/or occupants;

As conditioned the Project reasonably maintains the privacy of adjacent property owners and/or occupants since the Project conforms with all development standards of the Clayton Municipal Code Chapter 17.16 Single Family Residential (R-40-H), in keeping with the surrounding properties along Morningside Drive that contain large lots with ample setbacks that place existing adjacent residences away from the proposed residences on the Project Site.

E. Shall reasonably maintain the existing views of adjacent property owners and/or occupants;

The Project reasonably maintains the existing views of adjacent property owners and/or occupants since the Project Site is located downslope from and below existing surrounding ridgelines and daylight lines and would not prevent property owners and/or occupants inhabiting existing residences from continuing to see the existing surrounding contours of these existing slopes and

other attributes in and around the Mount Diablo Creek riparian corridor and the small valley surrounding the Mitchell Creek riparian corridor.

F. Shall be complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk;

The Project is complementary, although not identical, with neighboring structures in terms of materials, colors, size, and bulk since the proposed accessory dwelling unit is proposed to match the existing structure and is in keeping with the rural character with exterior colors and materials that are complementary with the natural setting as well as the colors and materials of existing adjacent residences as well as utilizing proposed designs styles that include volume and massing consistent with the size and bulk of existing adjacent residences.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission does hereby approve Site Plan Review Permit SPR-01-2026 and Variance VAR-01-2026 to allow the construction of one detached ADU located at 5571 Morningside Drive, subject to the following Conditions of Approval:

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. Prior to issuance of a building permit or final inspection for the construction of the residence and ADU, as applicable, the applicant shall pay all outstanding planning permit fees.
3. Any major changes to the project shall require Planning Commission review and approval. Any minor changes to the Project shall be subject to City staff review and approval.
4. The applicant shall obtain the necessary permits from the Building Division of the Contra Costa County Department of Conservation and Development. All construction shall comply with the California Building Code.
5. Prior to issuance of any Building Permit, the applicant shall obtain all required construction and, if applicable, fire sprinkler permits from the Contra Costa County Fire Protection District (CCCYPD), including approval of fire flow tests,

- hydrant access, and sprinkler system design. Compliance with CCCFPD standards for water supply, fire apparatus access, and NFPA codes shall be verified. No construction or occupancy shall proceed without final Fire District authorization.
6. The applicant shall obtain all necessary permits for a wastewater utility service from City of Concord Community Development Department for Central Contra Costa Sanitary District. An elevation certificate from a licensed surveyor will need to be submitted because of flood zone requirements.
 7. The applicant shall secure necessary water connections, prior to final building inspections, with Contra Costa Water District (CCWD) confirming that:
 8. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, or any other payments that are due.
 9. All construction and other work shall occur only between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, in accordance with Section 15.01.010 of the Clayton Municipal Code.
 10. All heavy load deliveries to the project site to be verified with the City Engineer for maximum road weight tolerances to minimize potential damage or cracking on Morningside Drive. Any cracks or damage to the road surface is to be restored per city standard prior to issuance of Certificate of Occupancy.
 11. Existing trees abutting access easement to be assessed and pruned/protected to limit damage from construction activity.
 12. Landscaping adjacent to the project site to be repaired/restored prior to issuance of Certificate of Occupancy, if damaged during construction.
 13. Rental Term. No Type 1 ADU or JADU may be rented for a term that is shorter than thirty (30) days.
 14. The ADU may be rented, but, except as otherwise provided in Government Code Section 65852.26, it may not be sold or otherwise conveyed separately from the lot and the primary dwelling.
 15. The ADU must be properly connected to sanitary sewer.
 16. Prior to final inspection for occupancy, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future

owners. The form of the deed restriction will be provided by the Director and must provide that:

- a. Except as otherwise provided in Government Code Section 65852.26, the ADU may not be sold separately from the primary dwelling.
- b. The ADU is restricted to the approved size and to other attributes allowed by this approval.
- c. The deed restriction runs with the land and may be enforced against future property owners.
- d. The deed restriction may be removed if the owner eliminates the ADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
- e. The deed restriction is enforceable by the Director for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU in violation of the recorded restrictions or abatement of the illegal unit.

17. In order to facilitate the City's obligation to identify adequate sites for housing in accordance with Government Code Sections 65583.1 and 65852.2, with the building permit application, the applicant must provide the City with an estimate of the projected annualized rent that will be charged for the ADU. Notwithstanding the foregoing, the requirements of this subsection shall only apply to properties for which the ADU is being built to satisfy affordable inclusionary housing requirements of a development or is subject to an affordable housing agreement between the City and the property owner.

18. Building and Safety.

- a. Compliance with building code. Subject to Subsection 17.47.050J.2, all ADUs must comply with all local building code requirements.

- b. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or code enforcement officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this Subsection 17.47.050J.2 prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

19. Architectural Requirements.

- a. The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design elements of those of the existing barn and primary structure.
- b. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
- c. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
- d. All windows and doors less than thirty (30) feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six (6) feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

20. Impact Fees. "Impact fee" are required for any ADU greater than 750 square feet must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.) and does not include any connection fee or capacity charge for water or sewer service.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton, California at a regular meeting on the 24th day of February 2026.

AYES:

NAYS

ABSTAINED:

ABSENT:

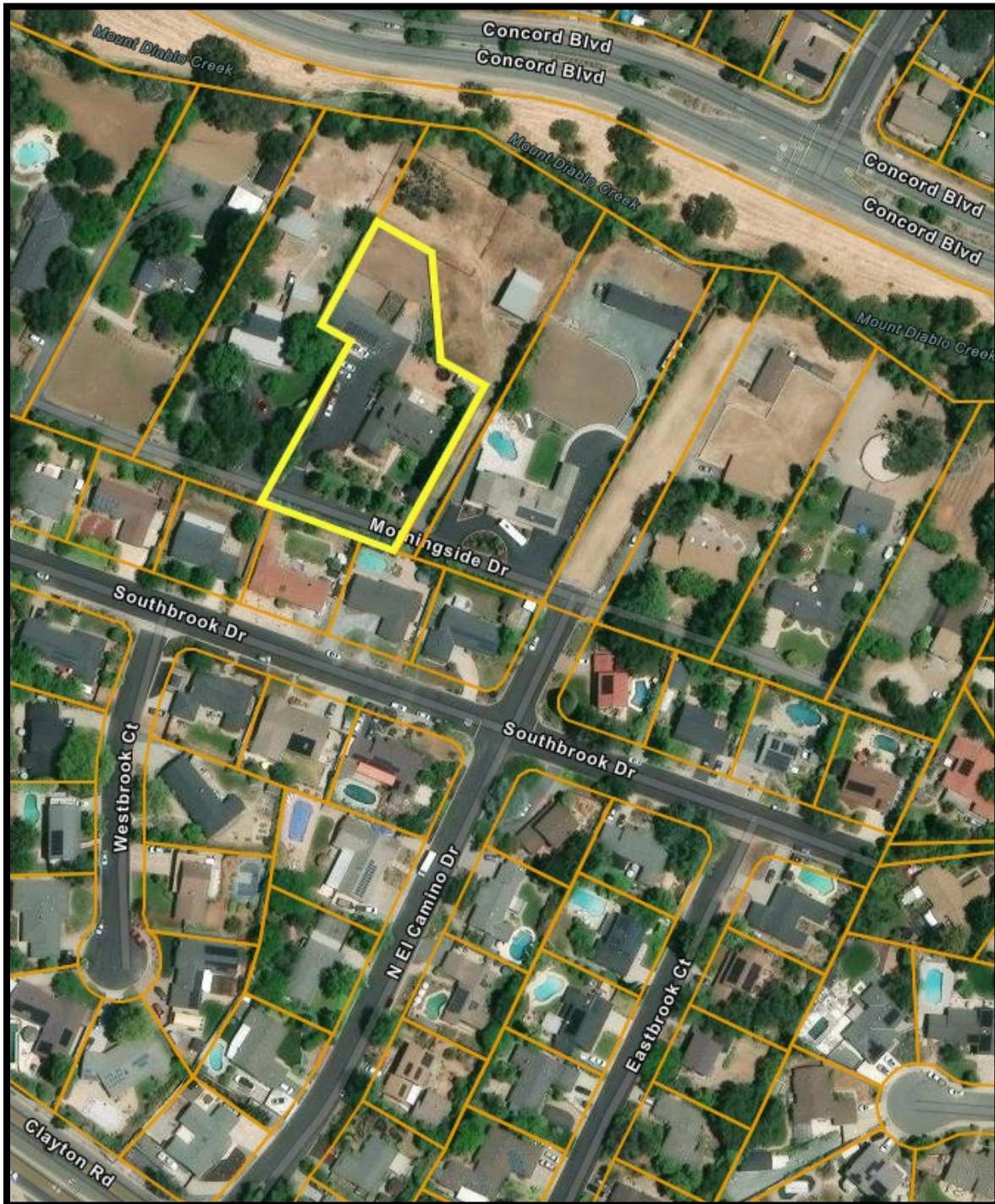
APPROVED:

Joseph Banchemo, Vice Chair

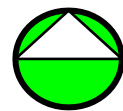
ATTEST:

Leticia I. Miguel, City Clerk

VICINITY MAP



New Accessory Dwelling Unit
SPR-01-2026, VAR-01-2026
5571 Morningside Drive
APN: 118-110-010



NORTH

ATTACHMENT B

NOTE:
ALL WORK SHALL MEET THE REQUIREMENT OF ;
1. 2022 CALIFORNIA BUILDING CODE
2. 2022 CALIFORNIA FIRE CODE
3. 2022 CALIFORNIA PLUMBING CODE
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ALONG WITH ANY OTHER LOCAL AND STATE LAWS AND
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5. All shoring is the responsibility of the Contractor . Shoring shall meet all local, state and federal design and safety regulations.
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7. The Engineer of the Record, shall monitor & confirm all excavations, proposed footing locations, size & reinforcements . Also, all structural framing elements, such as beams, posts, joists & plywood roof, wall & floor sheathings. A Min. of 24 hours advance notice is required for any site inspection.

CONCRETE;

1. REINFORCE ALL CONCRETE. INSTALL ALL INSERTS, BOLTS ANCHORES AND REINFORCING AND SECURELY TIE PRIOR TO PLACING CONCRETE.
2. STRUCTURAL CONCRETE SHALL BE MIN. 5 SACK MIX WITH 3/4” MAX. AGGREGATE AND SLUM OF 4” +/- 1” AND SHALL DEVELOP A COMPRESSIVE STRENGTH OF 2500 PSI AT 28 DAYS. CURING THE CONCRETE SHALL MEET THE REQUIREMENT OF ACI 301, CHAPTER 12

REINFORCING STEEL;

1. REINFORCING STEEL SHALL CONFORM TO ASTM 615-68 AND SHALL BE DEFORMED BARS, GRADE 60 FOR BARS #4 AND LARGER.
2. LAP SPLICE SHALL BE A MIN.
#3 1’-6”
#4 2’-0”
#5 2’-6”
#6 3’-0”
OR A MIN. OF 40 BARS DIAMETERS, UNLESS NOTED OTHER-WISE(U.N.O.)
- CONCRETE COVER OF REINFORCING SHALL BE MAINTAINED AS FOLLOWS,
- 3” FOR CONC. CAST AGAINST & PERMANENTLY EXPOSED TO EARTH
2” FOR FORMED CONCRETE EXPOSED TO EARTH OR WEATHER
1 1/2” FOR REINFORCEMET IN BEAMS AND COLUMNS
3/4” FOR REINFORCEMENT IN SLAB

REFER TO 1907.7.1 CBC FOR ADDITIONAL INFORMATION

SUITABLE DEVICES BY SIMPSON OR EQUIVALENT MUFR.,SHALL BE USED TO HOLD REINFORCEMENT BARS IN REQUIRED POSITION

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LUMBER GRADES FOR USE TO BE MINIMUM
a. POSTS AND BEAMS #1
b. HEADERS, PLATES , JOISTS #1
c. STUDS, BLOCKINGS #2
d. MUDSILLA PRESSURE TREATED (P.T.)
e. PLYWOOD SHTG. SHALL BE CDX. OR STRUCTUR 1. OSB. AS NOTED
LUMBER IN CONTACT WITH CONCRETE, MASONARY, SOIL OR PERMANENTLY EXPOSED TO WEATHER SHALL BE P.T. IN ACCORDANCE WITH AWPI STANDARDS
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G. Adhesive shall be as follows,
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SCOPE OF WORK:
NEW ADU ON TOP OF THE EXISTING BARN.

SHEET INDEX:

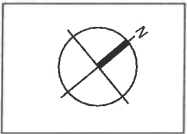
A-1	NOTES
A-2	SITE PLAN
A-3	EXIST. BARN FLOOR PLAN
A-4	NEW FLOOR PLAN
A-5	EXIST. BARN ROOF PLAN
A-6	NEW ROOF PLAN
A-7	EXIST. & NEW ELEVATIONS
A-8	EXIST. & NEW ELEVATIONS

PROJECT INFORMATION

OCCUPANCY TYPE: R-3
CONSTRUCTION TYPE: V-B
TWO STORY OVER BARN
FIRE SPRINKLER: NO

LOADS

ROOF DL=16 PSF.
ROOF LL=20 PSF.
FLOOR DL=10 PSF.
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INTR.WALL= 10 PSF.
EXTR.WALL=12 PSF.
CLG.=10 PSF.



ALLEN DADFARIN,P.E.
1872 B SUNNYVALE AVE
WALNUT CREEK, CA 94597
Tel. 925.212-8123



NEW ADU ON TOP OF THE EXIST. BARN
AT
5571 MORNINGSIDE DR,
CLAYTON,CA 94517

OWNER:

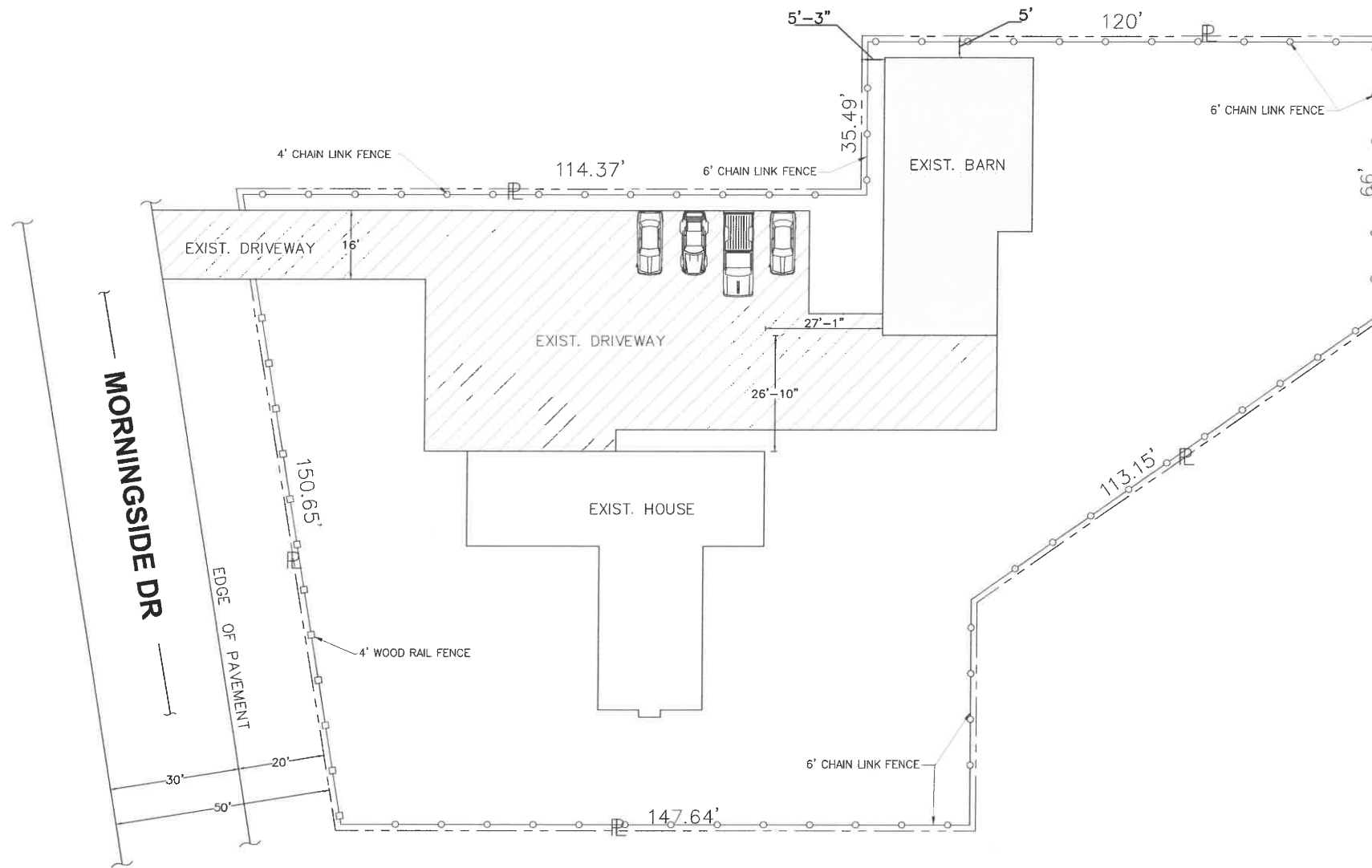
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ISSUE DATE: 11/08/2025
SPACE PLAN DATE:

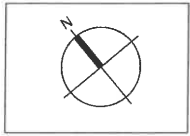
DRAWING TITLE:
NOTES

DRAWING NUMBER:
A-1

ATTACHMENT C



SITE PLAN
1/16"=1'-0"



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WALNUT CREEK, CA 94597
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NEW ADU ON TOP OF THE EXIST. BARN
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CLAYTON, CA 94517

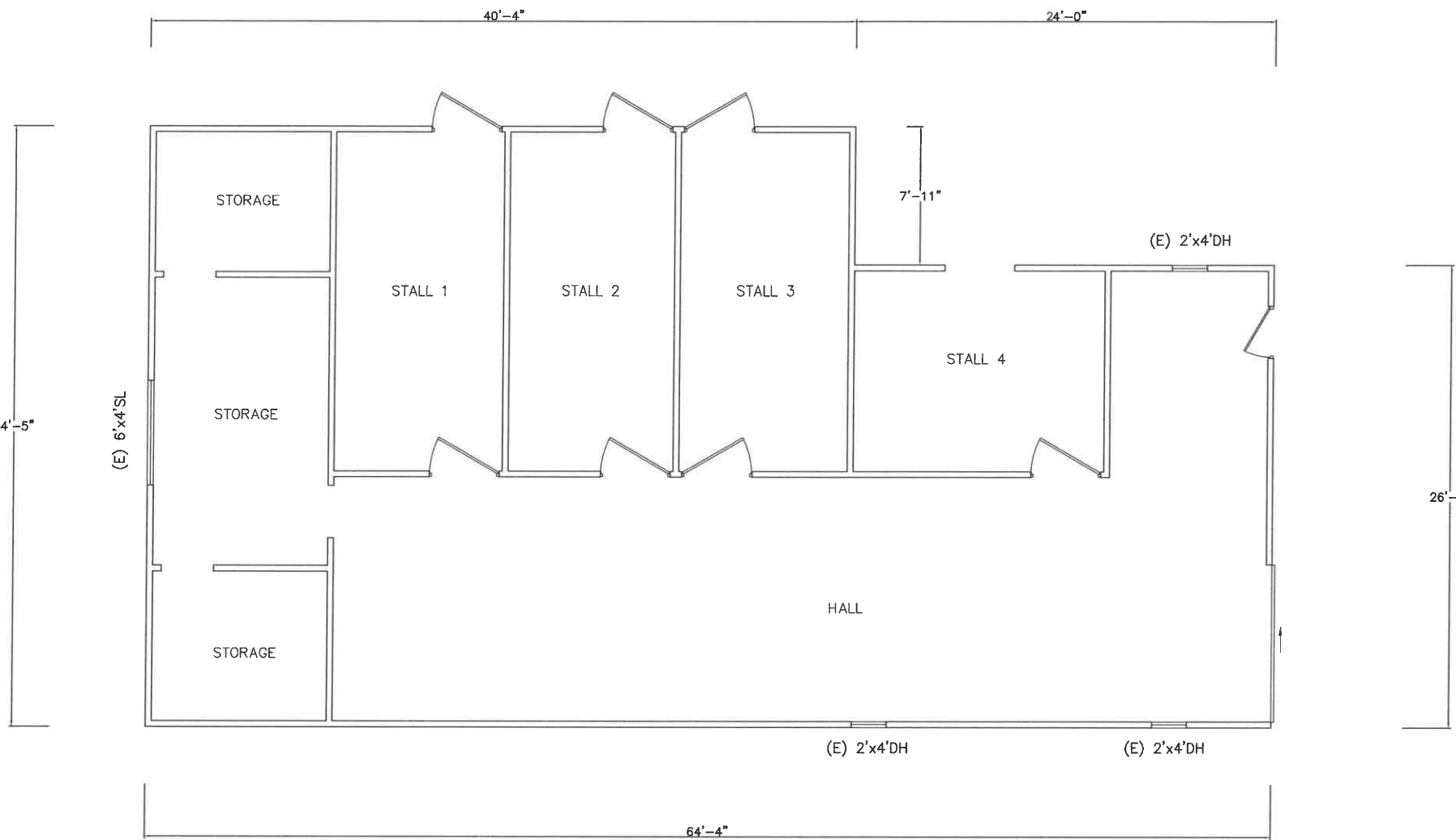
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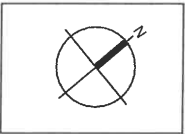
ISSUE DATE: 11/08/2025
SPACE PLAN DATE:

DRAWING TITLE:
SITE PLAN

DRAWING NUMBER:
A-2



EXISTING BARN FLOOR PLAN
1/4"= 1' - 0"



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NEW ADU ON TOP OF THE EXIST. BARN
AT
5571 MORNINGSIDE DR,
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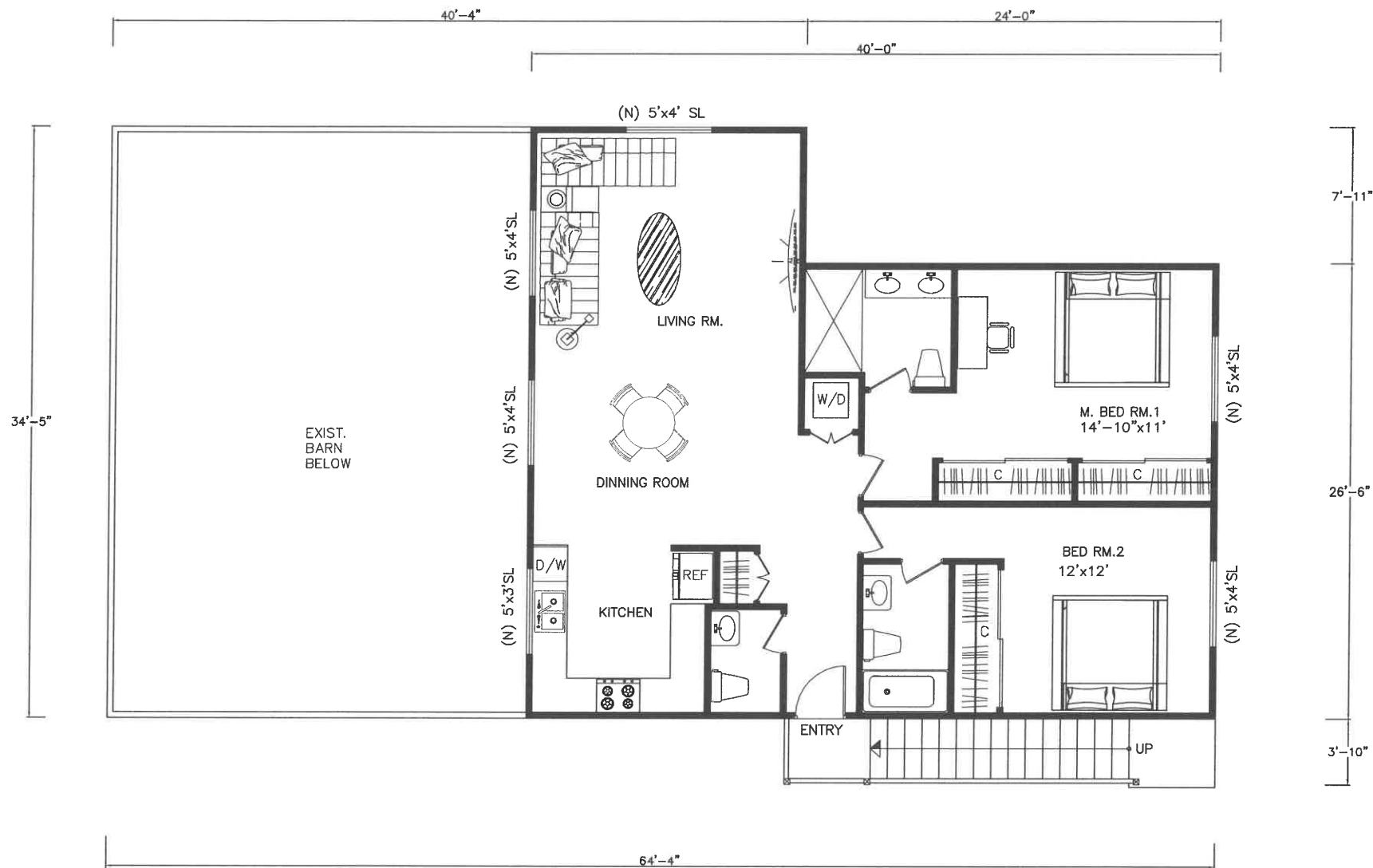
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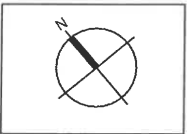
ISSUE DATE: 11/08/2025
SPACE PLAN DATE:

DRAWING TITLE:
(E) FLOOR PLAN

DRAWING NUMBER:
A-3



NEW SECOND FLOOR ADU FLOOR PLAN
1/4"= 1' - 0"



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NEW ADU ON TOP OF THE EXIST. BARN
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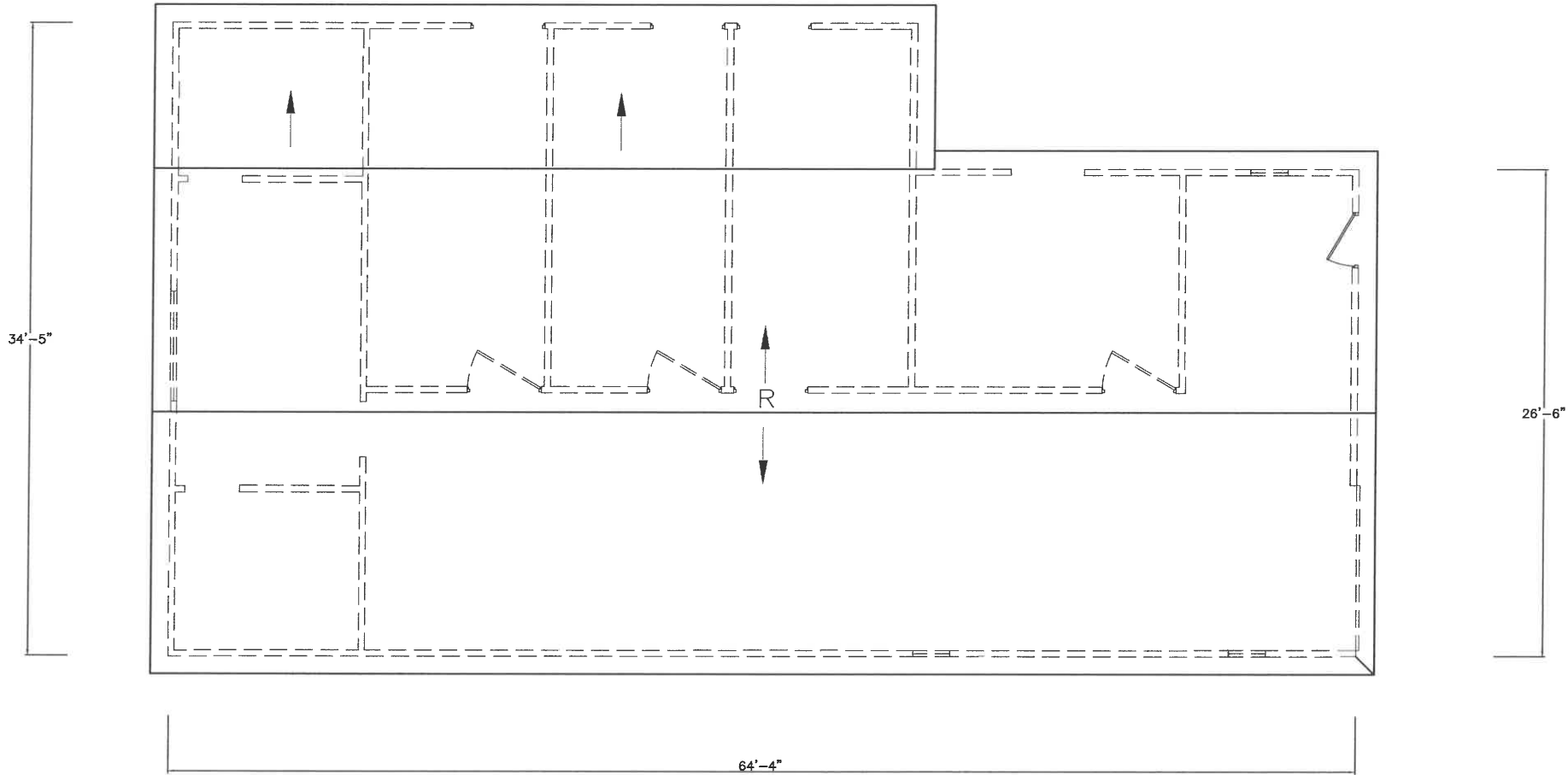
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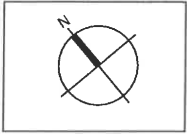
ISSUE DATE: 11/08/2025
SPACE PLAN DATE:

DRAWING TITLE:
NEW ADU FLOOR
PLAN

DRAWING NUMBER:
A-4



EXIST. BARN ROOF PLAN
1/4"= 1' - 0"



NEW ADU ON TOP OF THE EXIST. BARN
AT
5571 MORNINGSIDE DR,
CLAYTON, CA 94517

OWNER:

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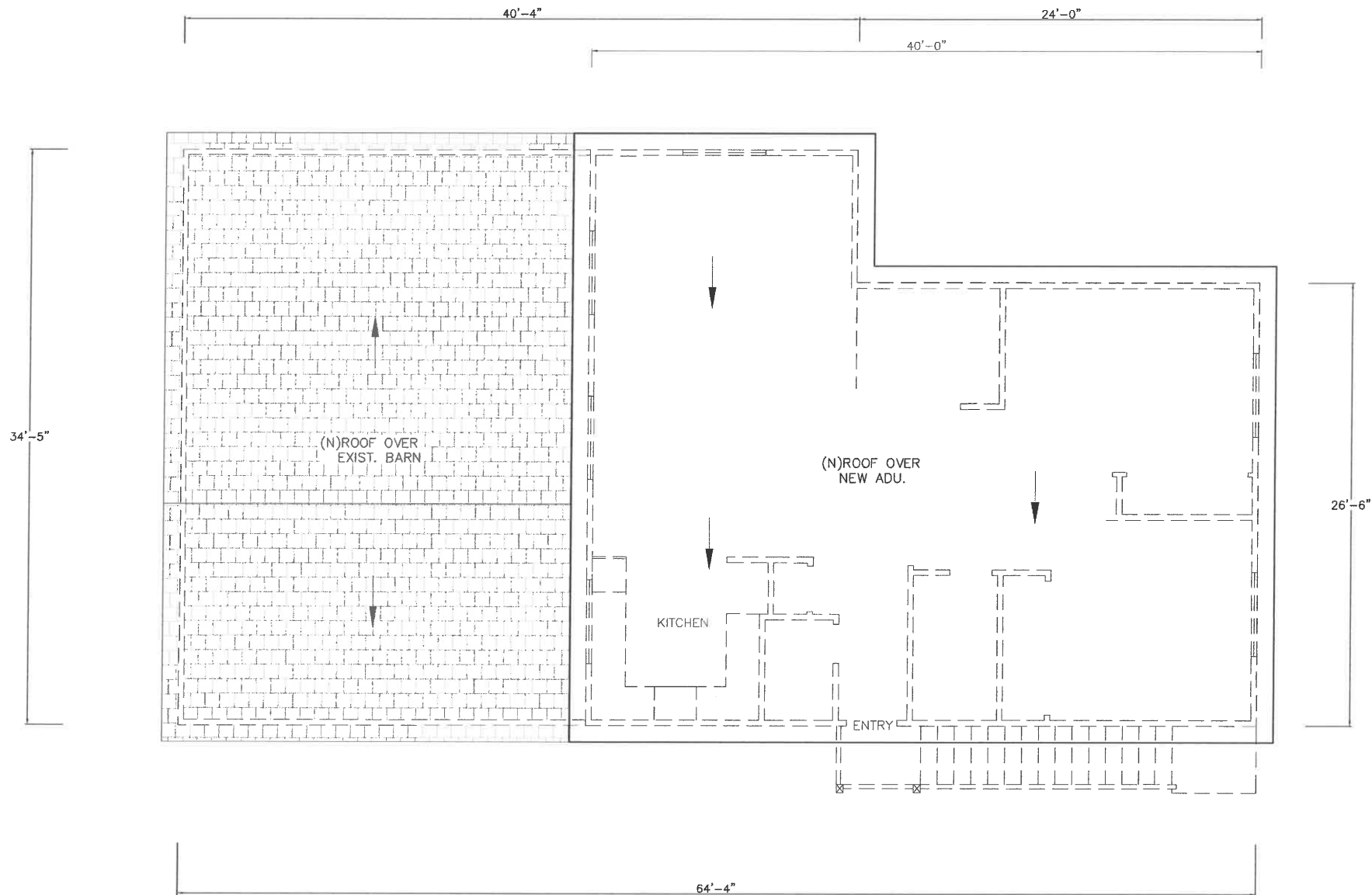
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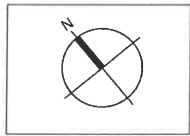
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A-5



ALLEN DADFARIN, P.E.
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NEW FLAT ROOF PLAN
1/4"= 1' - 0"



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AT
5571 MORNINGSIDE DR,
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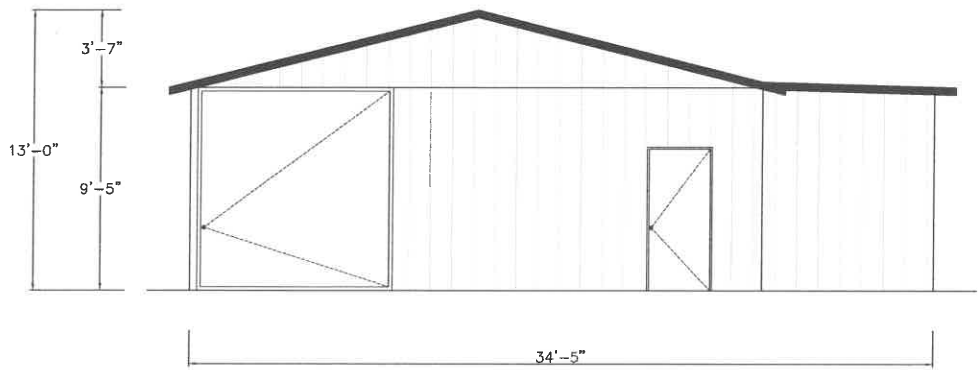
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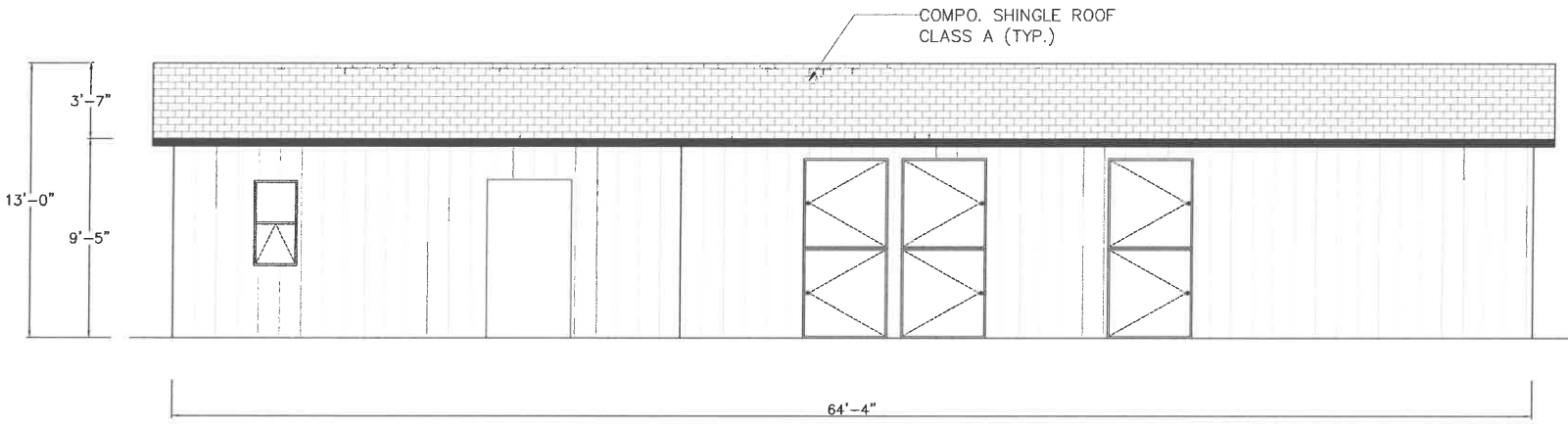
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SPACE PLAN DATE:

DRAWING TITLE:
NEW ROOF PLAN

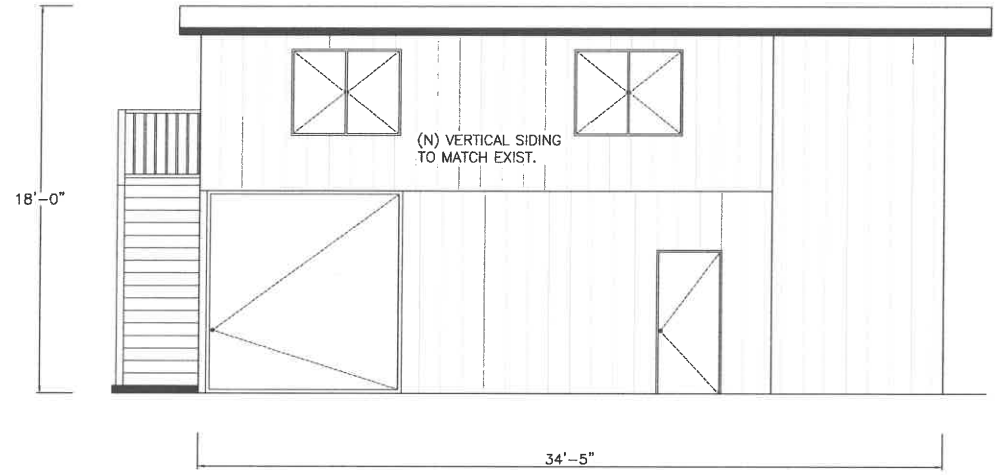
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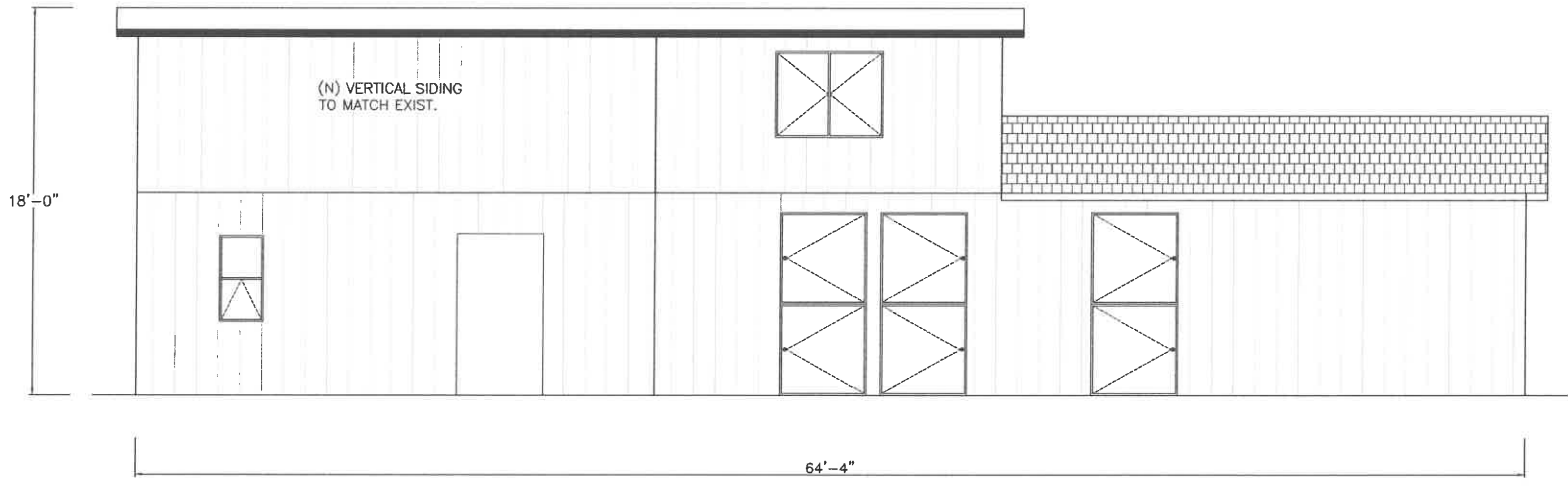
EXIST. FRONT ELEVATION
1/4"= 1' - 0"



EXIST. RIGHT-SIDE ELEVATION
1/4"= 1' - 0"



NEW FRONT ELEVATION
1/4"= 1' - 0"



NEW RIGHT-SIDE ELEVATION
1/4"= 1' - 0"

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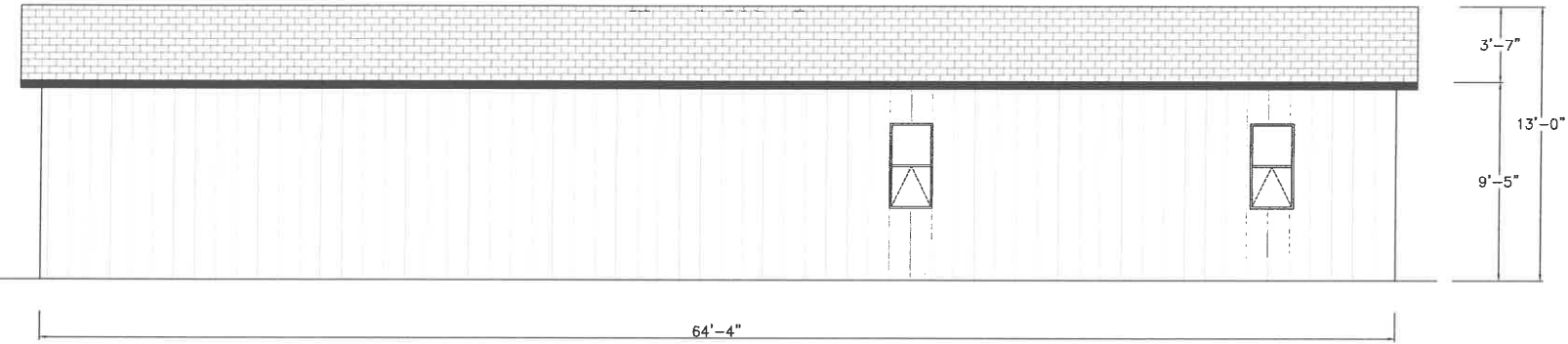
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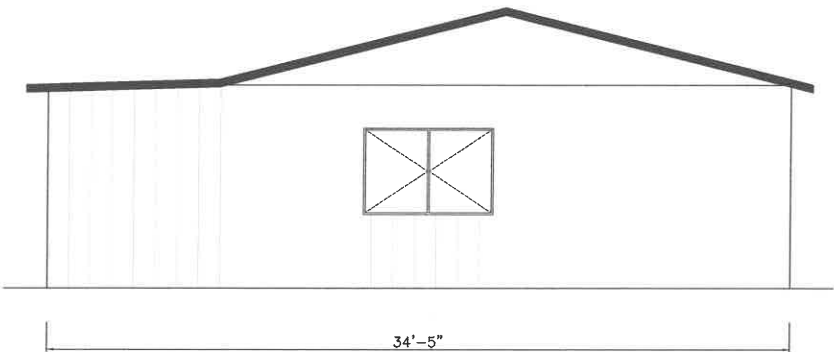
ISSUE DATE: 11/08/2025
SPACE PLAN DATE:

DRAWING TITLE:
(E)&(N) ELEVATIONS

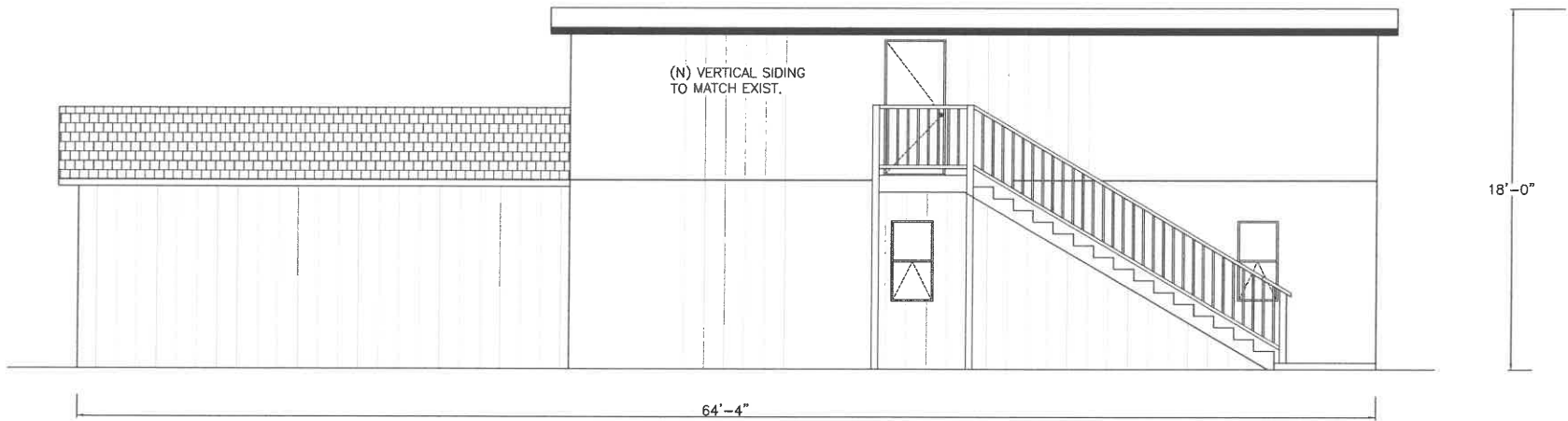
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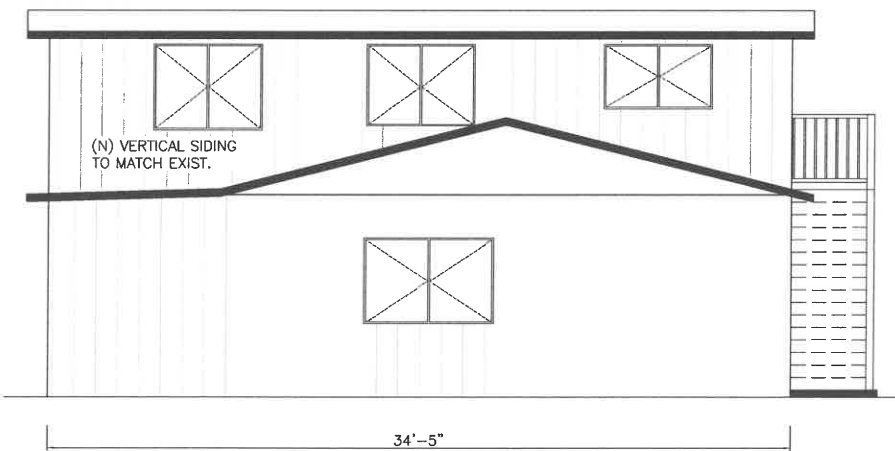
EXIST. LEFT-SIDE ELEVATION
1/4" = 1' - 0"



EXIST. REAR ELEVATION
1/4" = 1' - 0"



NEW LEFT-SIDE ELEVATION
1/4" = 1' - 0"



NEW REAR ELEVATION
1/4" = 1' - 0"

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DRAWING TITLE:
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DRAWING NUMBER:
A-8

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SCOPE OF WORK:
NEW ADU ON TOP OF THE EXISTING BARN.

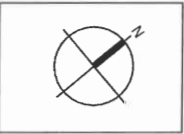
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A-2	SITE PLAN
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WALNUT CREEK, CA 94597
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NEW ADU ON TOP OF THE EXIST. BARN
AT
5571 MORNINGSIDE DR,
CLAYTON,CA 94517

OWNER:

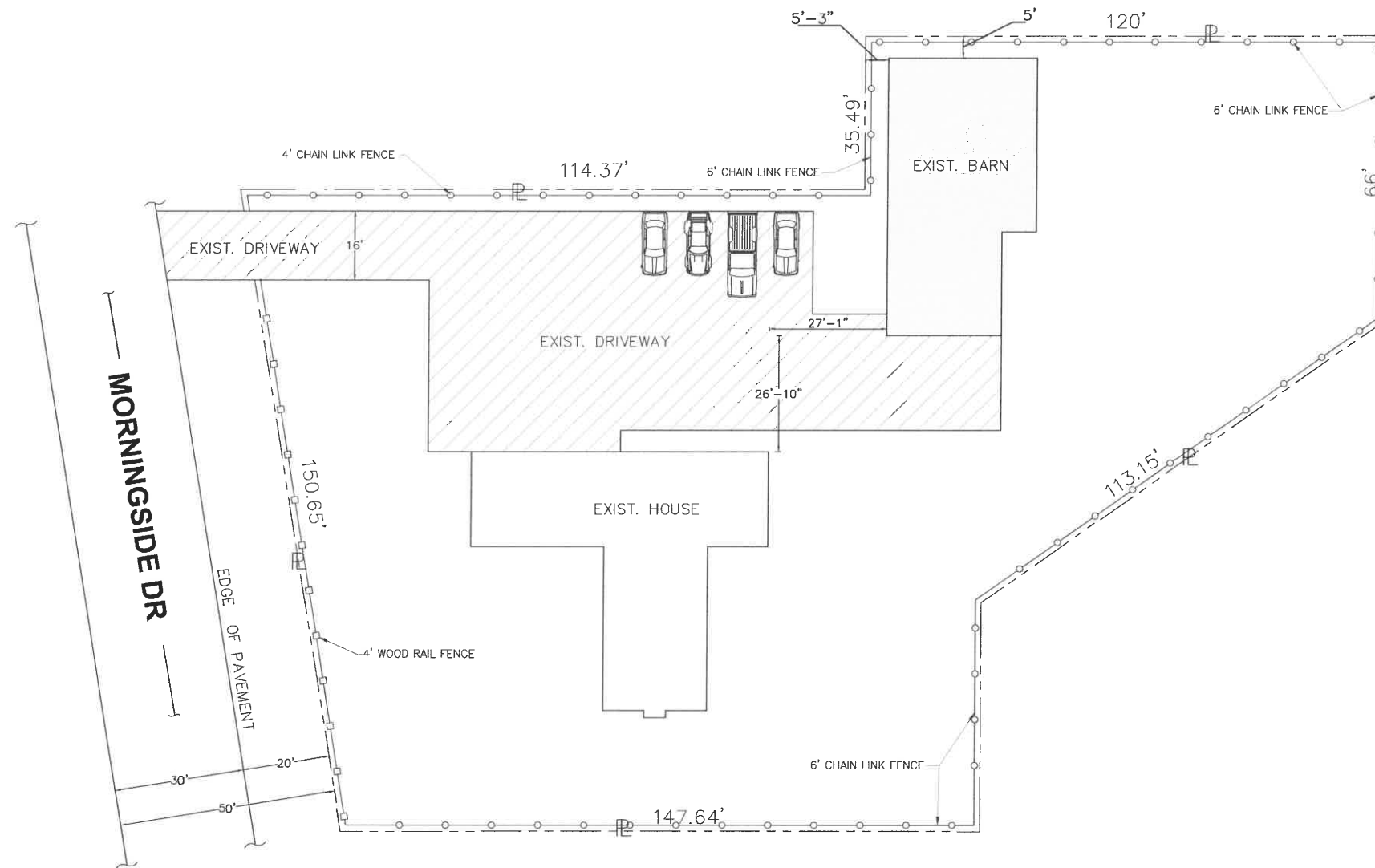
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ISSUE DATE: 11/08/2025
SPACE PLAN DATE:

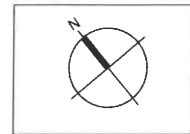
DRAWING TITLE:
NOTES

DRAWING NUMBER:
A-1

ATTACHMENT D



SITE PLAN
1/16"=1'-0"



ALLEN DADFARIN, P.E.
1872 B SUNNYVALE AVE
WALNUT CREEK, CA 94597
Tel. 925.212-8123



NEW ADU ON TOP OF THE EXIST. BARN
AT
5571 MORNINGSIDE DR,
CLAYTON, CA 94517

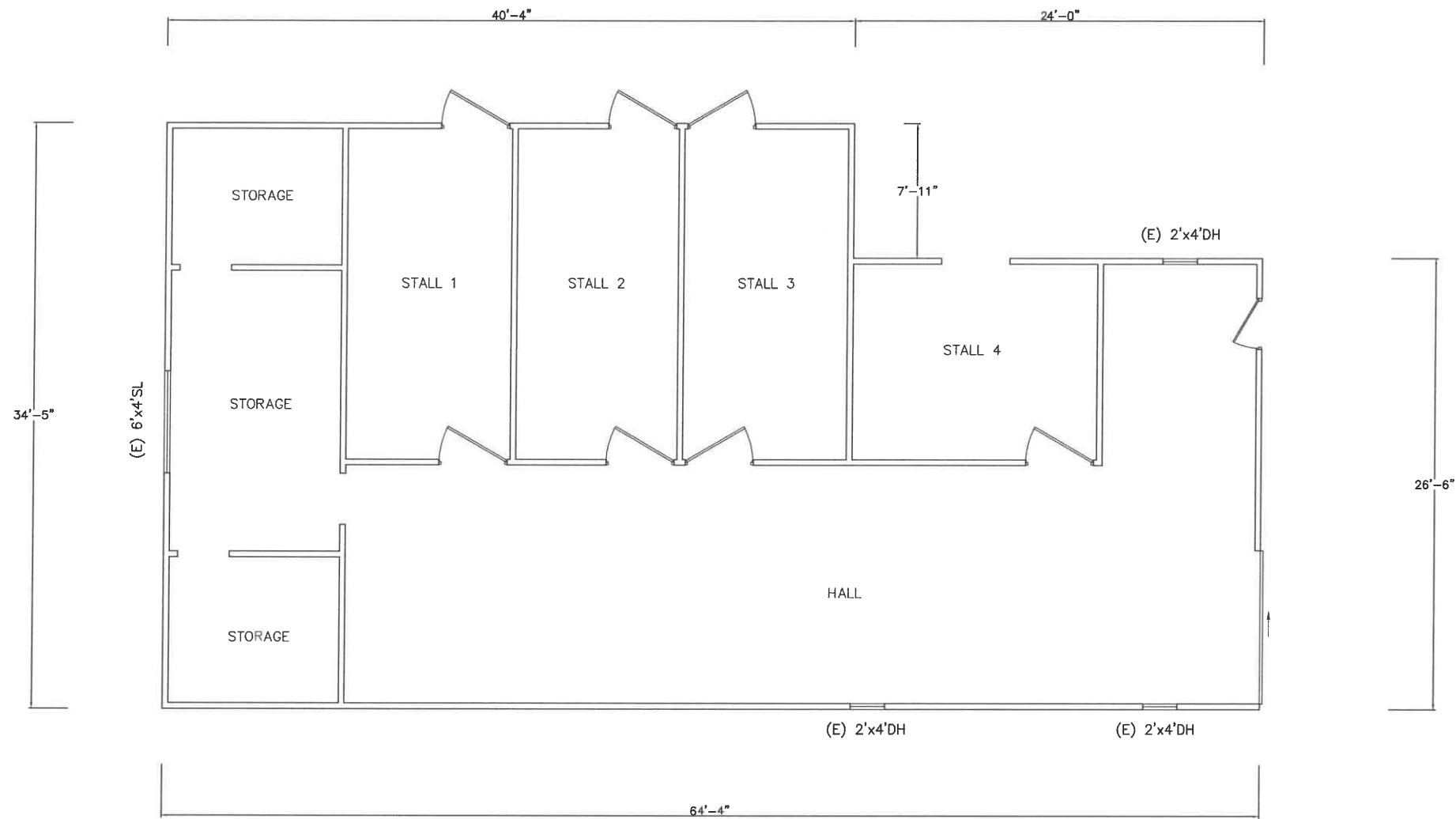
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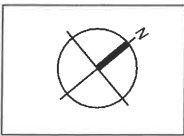
ISSUE DATE: 11/08/2025
SPACE PLAN DATE:

DRAWING TITLE:
SITE PLAN

DRAWING NUMBER:
A-2



EXISTING BARN FLOOR PLAN
1/4"= 1' - 0"



ALLEN DADFARIN, P.E.
1872 B SUNNYVALE AVE
WALNUT CREEK, CA 94597
Tel. 925.212-8123

NEW ADU ON TOP OF THE EXIST. BARN
AT
5571 MORNINGSIDE DR.,
CLAYTON, CA 94517

OWNER:

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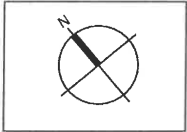
ISSUE DATE: 11/08/2025
SPACE PLAN DATE:

DRAWING TITLE:
(E) FLOOR PLAN

DRAWING NUMBER:
A-3



NEW SECOND FLOOR ADU FLOOR PLAN
1/4" = 1' - 0"



ALLEN DADFARIN, P.E.
1872 B SUNNYVALE AVE
WALNUT CREEK, CA 94597
Tel. 925.212-8123



NEW ADU ON TOP OF THE EXIST. BARN
AT
5571 MORNINGSIDE DR.,
CLAYTON, CA 94517

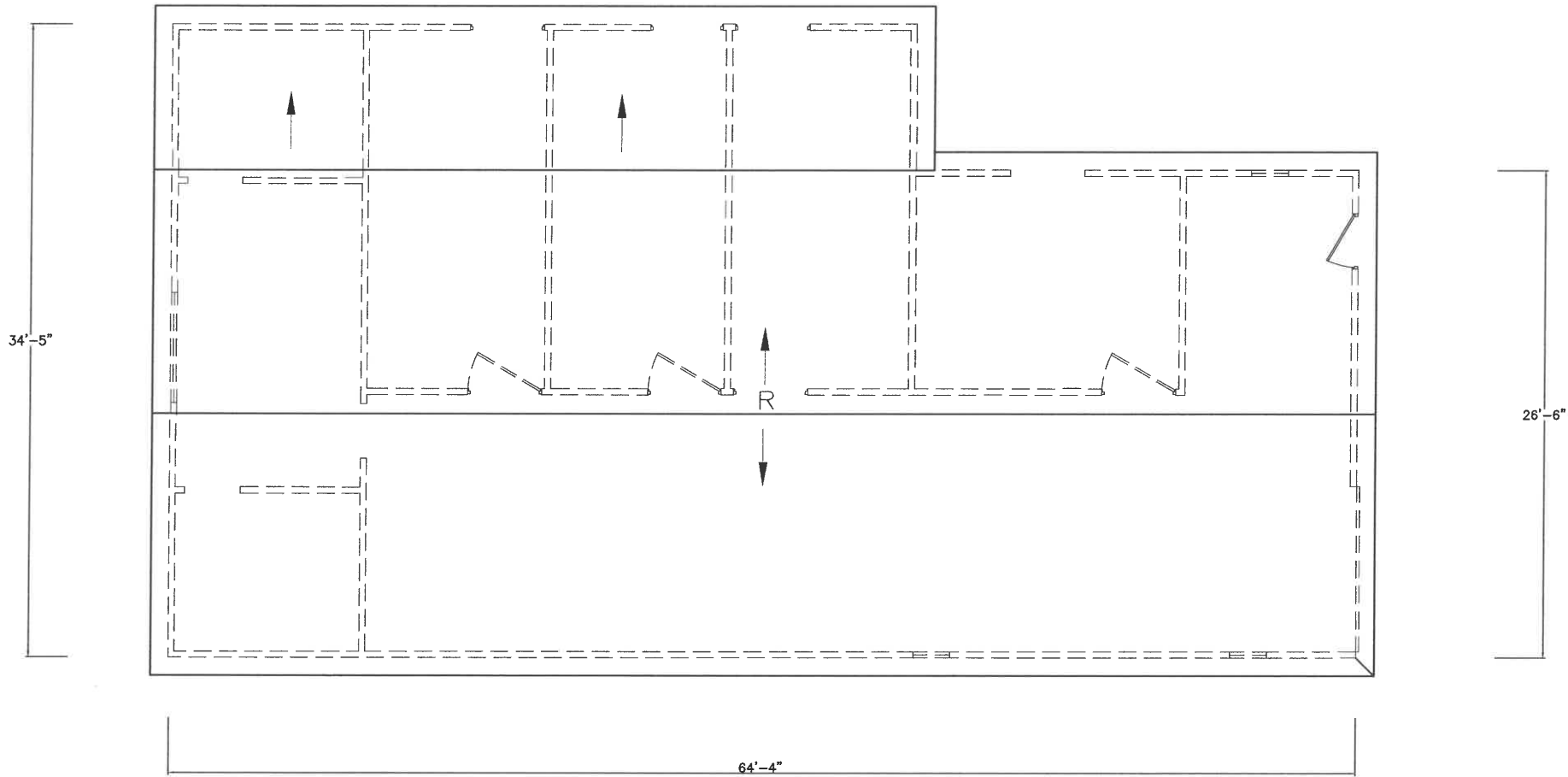
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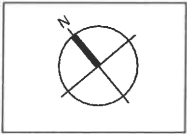
ISSUE DATE: 11/08/2025
SPACE PLAN DATE:

DRAWING TITLE:
NEW ADU FLOOR
PLAN

DRAWING NUMBER:
A-4



EXIST. BARN ROOF PLAN
1/4"= 1' - 0"



NEW ADU ON TOP OF THE EXIST. BARN
AT
5571 MORNINGSIDE DR,
CLAYTON, CA 94517

OWNER:

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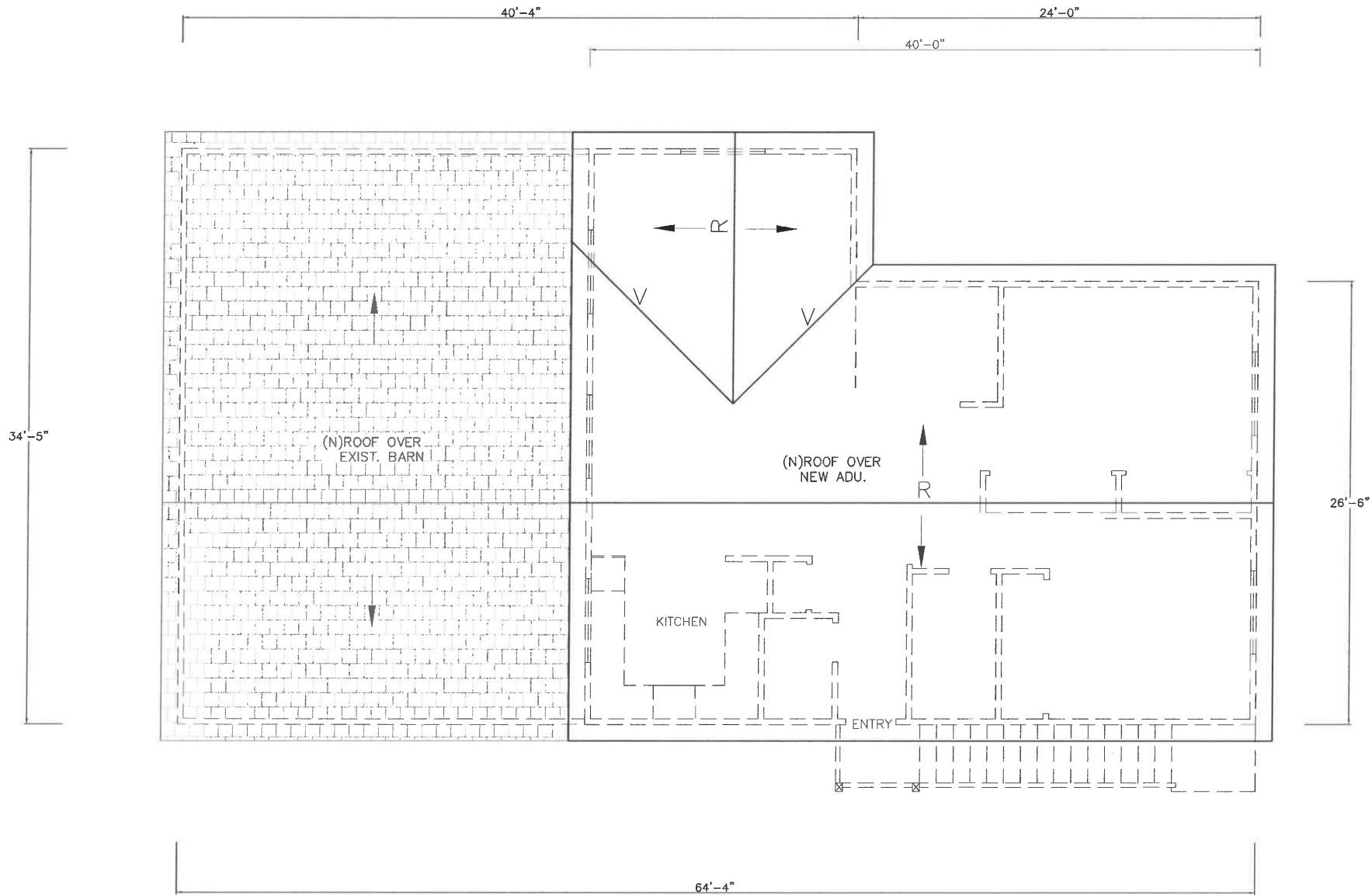
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SPACE PLAN DATE:

DRAWING TITLE:
(E) ROOF PLAN

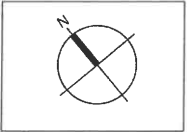
DRAWING NUMBER:
A-5

ALLEN DADFARIN, P.E.
1872 B SUNNYVALE AVE
WALNUT CREEK, CA 94597
Tel. 925.212-8123





NEW ROOF PLAN
1/4"= 1' - 0"



ALLEN DADFARIN, P.E.
1872 B SUNNYVALE AVE
WALNUT CREEK, CA 94597
Tel. 925.212-8123

NEW ADU ON TOP OF THE EXIST. BARN
AT
5571 MORNINGSIDE DR,
CLAYTON, CA 94517

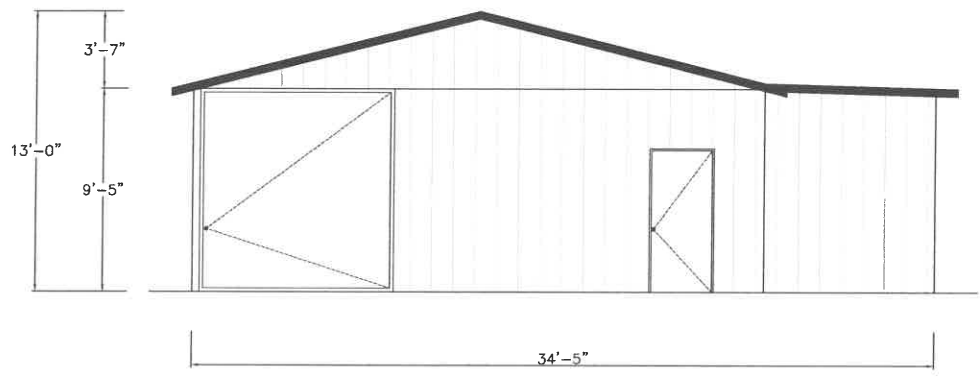
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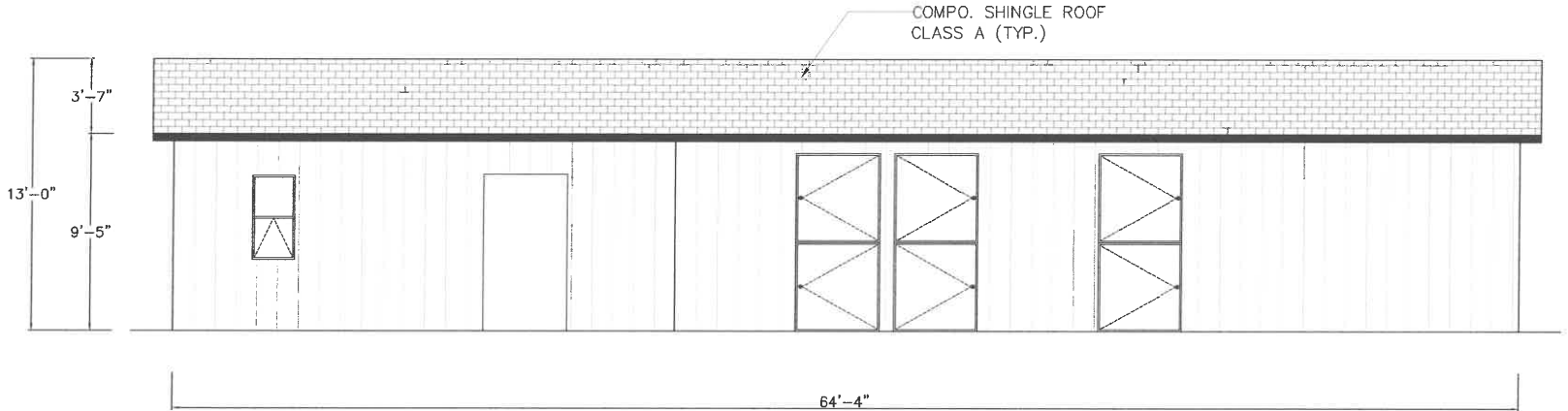
ISSUE DATE: 11/08/2025
SPACE PLAN DATE:

DRAWING TITLE:
NEW ROOF PLAN

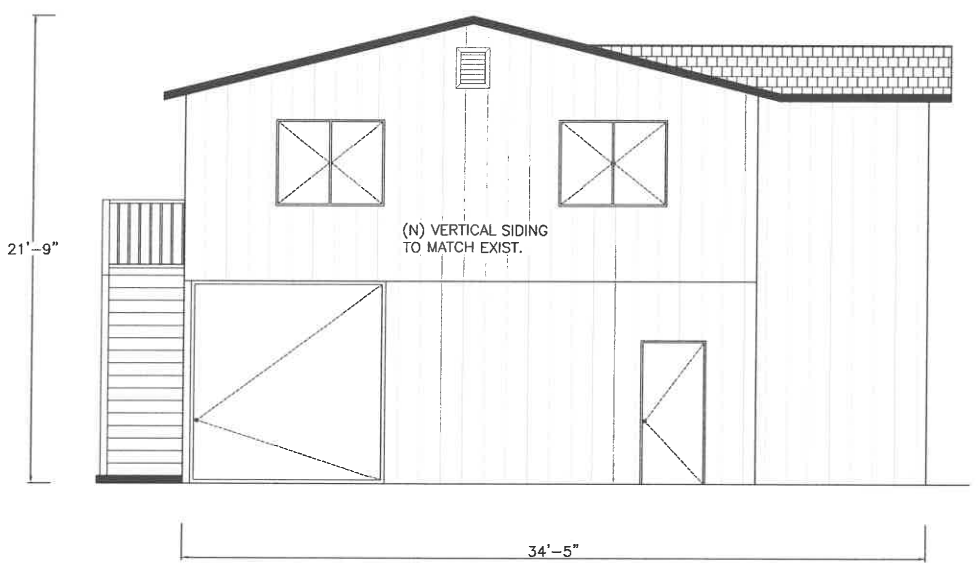
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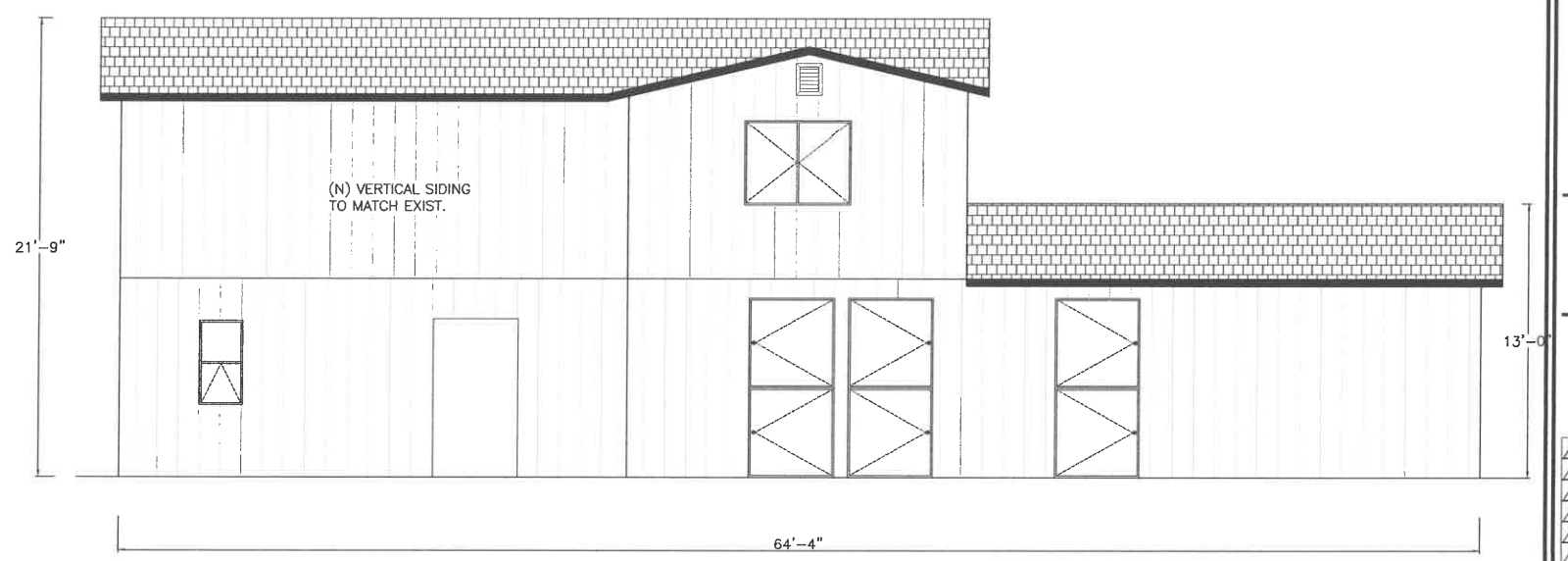
EXIST. FRONT ELEVATION
1/4"= 1' - 0"



EXIST. RIGHT-SIDE ELEVATION
1/4"= 1' - 0"



NEW FRONT ELEVATION
1/4"= 1' - 0"



NEW RIGHT-SIDE ELEVATION
1/4"= 1' - 0"

ALLEN DADFARIN, P.E.
1872 B SUNNYVALE AVE
WALNUT CREEK, CA 94597
Tel. 925.212-8123



NEW ADU ON TOP OF THE EXIST. BARN
AT
5571 MORNINGSIDE DR,
CLAYTON, CA 94517

OWNER:

NO.	REVISIONS:	DATE:

ISSUE DATE: 11/08/2025
SPACE PLAN DATE:

DRAWING TITLE:
(E)&(N) ELEVATIONS

DRAWING NUMBER:
A-7

ALLEN DADFARIN, P.E.
1872 B SUNNYVALE AVE
WALNUT CREEK, CA 94597
Tel. 925.212-8123



NEW ADU ON TOP OF THE EXIST. BARN
AT
5571 MORNINGSIDE DR,
CLAYTON, CA 94517

OWNER:

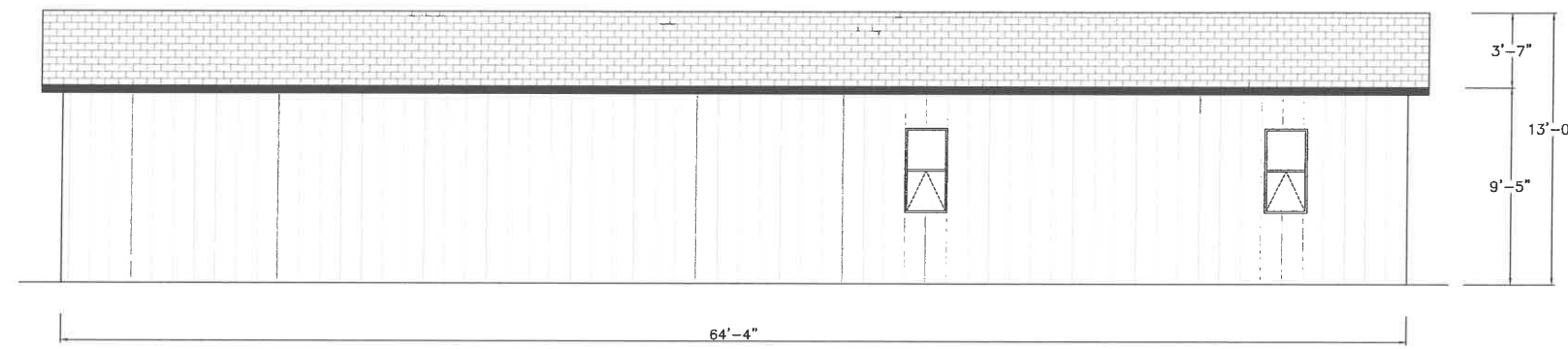
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ISSUE DATE: 11/08/2025
SPACE PLAN DATE:

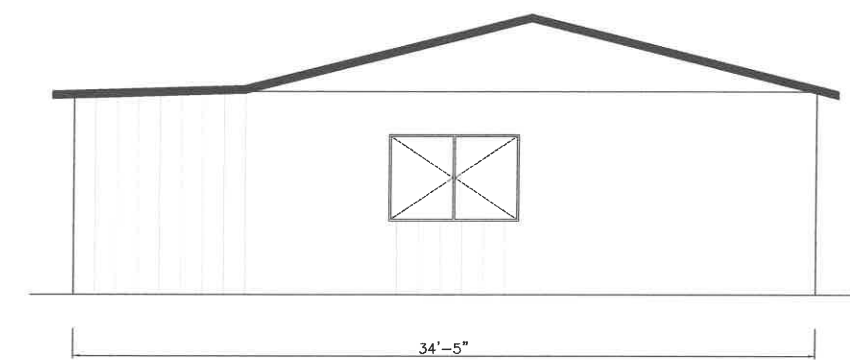
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(E)&(N) ELEVATIONS

DRAWING NUMBER:

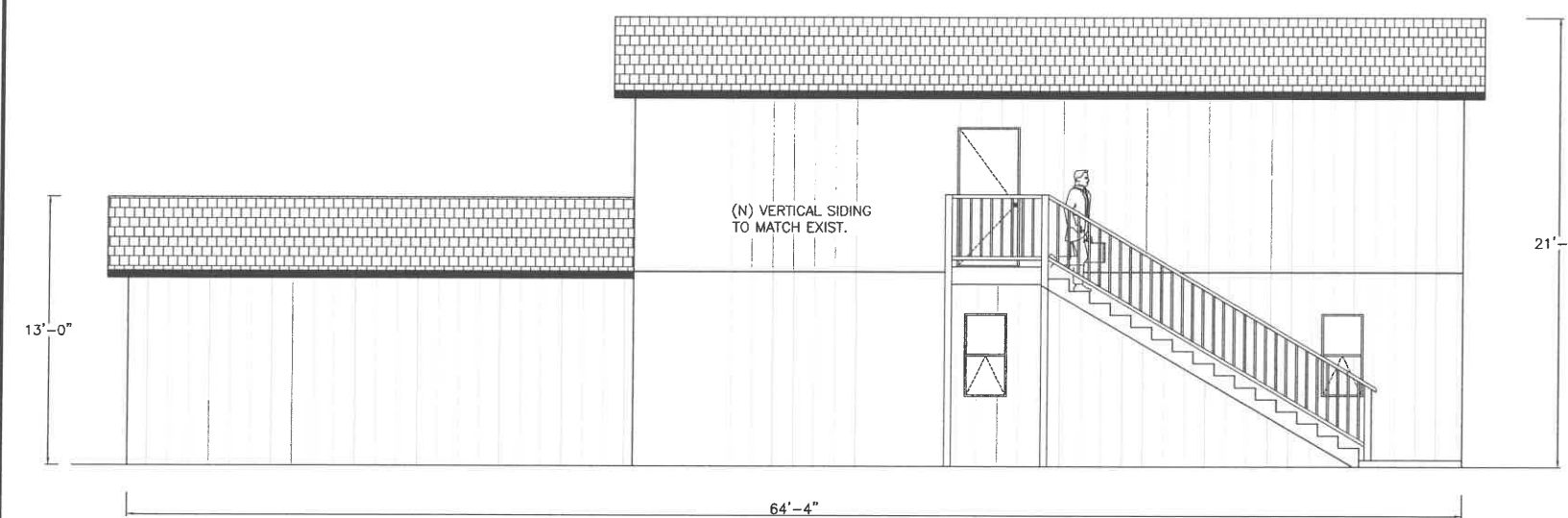
A-8



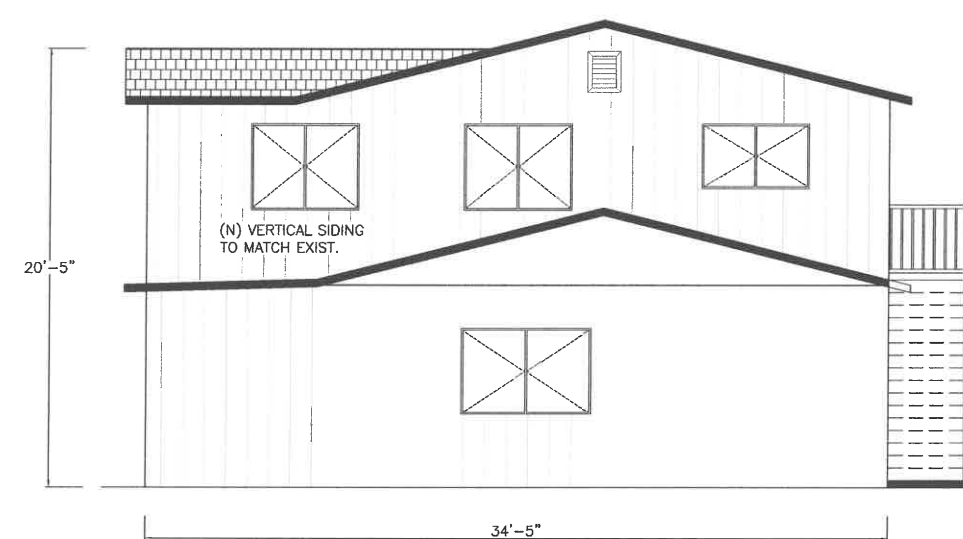
EXIST. LEFT-SIDE ELEVATION
1/4" = 1' - 0"



EXIST. REAR ELEVATION
1/4" = 1' - 0"

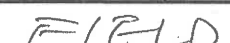


NEW LEFT-SIDE ELEVATION
1/4" = 1' - 0"



NEW REAR ELEVATION
1/4" = 1' - 0"





Date: December 24, 2025\

To: City of Clayton Planning Department / Zoning Board

From: Toni Guttry

Address: 5571 Morningside Drive Clayton, CA 94517

Subject: Request for Variance to Allow Construction of an Accessory Dwelling Unit (ADU) on Existing Barn Structure

Dear Members of the Planning Department,

I am writing to respectfully request a variance to allow the construction of an accessory dwelling unit (ADU) on top of my existing barn located at 5571 Morningside Drive Clayton, CA 94517. This variance is needed because the existing barn structure does not fully meet current zoning and setback requirements for a new dwelling unit.

The intent of this project is to create a small living space for my adult son so that he may reside close by and assist me as I manage a terminal cancer diagnosis. Building the ADU above the existing barn allows for efficient use of the property without adding additional structures or increasing the overall footprint. This approach preserves open space and maintains the rural and residential character of the neighborhood.

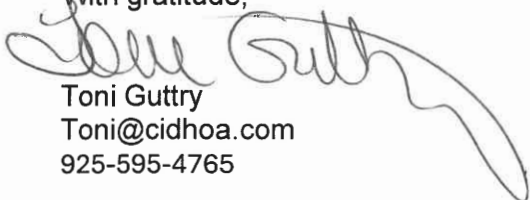
Approval of this variance would not constitute a special privilege, as many nearby properties with the same zoning already have secondary units or accessory structures used for family housing. The requested variance simply allows the ADU to be integrated into an existing structure rather than constructing an entirely new building, which aligns with the intent of the zoning code.

There are also special circumstances related to the property itself. The barn was built prior to current zoning standards, and its location makes strict compliance with modern setback and height requirements impractical without unnecessary hardship or demolition. Without this variance, I would be deprived of the same ability that other property owners in the area have to provide family housing on their property.

Granting this variance would still substantially meet the intent and purpose of the zoning regulations. The project supports family care, preserves neighborhood character, and utilizes an existing structure rather than increasing density or land use impact.

Thank you for your time and thoughtful consideration of my request. This variance would allow me to remain in my home and ensure I have the support and care I need from my son while maintaining the integrity of our neighborhood and community.

With gratitude,



Toni Guttry
Toni@cidhoa.com
925-595-4765

RECEIVED

JAN 13 REC'D

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT.

ATTACHMENT F

