



AGENDA
Special Meeting
November 1, 2023
7:00 p.m.

Hoyer Hall at Clayton Community Library
6125 Clayton Road, Clayton, California
and
Via Zoom Webinar
Webinar ID: 884 1260 0088

This meeting is being held with accommodations for both in-person and virtual attendance and participation by the public. Members of the public who prefer to view or listen to the meeting and to address the Planning Commission remotely during the meeting may do so using the methods listed under “Instructions for Virtual Planning Commission Meeting Participation” below.

Chair: Richard Enea
Vice Chair: Maria Shulman
Commissioner: Joseph Banchemo
Commissioner: Bretten Casagrande
Commissioner: Daniel Richardson

Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; and 3) Ohm’s Bulletin Board, 1028 Diablo Street, Clayton. A digital copy of the Agenda with a complete packet of information including staff reports and exhibits related to each agenda item is available for public review on the City’s website at <https://claytonca.gov/community-development/planning/planning-commission/planning-commission-agendas/>.

Any writings or documents provided to a majority of the Planning Commission after distribution of the Agenda Packet and regarding any public item on this Agenda are available for review on the City’s website at <https://claytonca.gov/community-development/planning/planning-commission/planning-commission-agendas/>.

If you have a physical impairment that requires special accommodations to participate, please call the City Clerk’s office at least 72 hours in advance of the meeting at 925-673-7300.

Most Planning Commission decisions are appealable to the City Council within 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 spoken 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.

Instructions for Virtual Planning Commission Meeting Participation

The following options are provided as a courtesy for those who would prefer to view, listen to, or provide comments remotely for the meeting. While City staff will make every effort to facilitate virtual participation in the meeting, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the teleconferencing option.

Videoconference: To join the meeting on-line via smart phone or computer, click on the link: <https://us02web.zoom.us/j/88412600088>; or, through the Zoom application, enter **Webinar ID: 884 1260 0088**. No registration or meeting password is required.

Phone-in: Dial toll free 877-853-5257. When prompted, enter the Webinar ID above.

E-mail Public Comments: If preferred, please e-mail public comments to the Community Development Director at danaa@claytonca.gov by 5:00 p.m. on the day of the Planning Commission meeting. All emailed public comments received prior to 5:00 p.m. on the day of the Planning Commission meeting will be forwarded to the entire Planning Commission.

Each person attending the meeting via video conferencing or telephone and who wishes to speak on an agendized or non-agendized matter shall have a set amount of time to speak as determined by the Planning Commission Chair.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
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 or action 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:** The following routine matters may be acted upon by one motion. Individual items may be removed by the Planning Commission for separate discussion at this time or under Acceptance of the Agenda.
 - A. **Minutes:**
Planning Commission Meeting of September 26, 2023
7. **ACTION ITEMS**
 - A. **Rhine House, Minor Modification to Approved Site Plan Review Permit SPR 1-06.**
This is request for the Planning Commission to approve minor modifications to approved Site Plan Review Permit 01-06, for an existing building commonly known as "Flora Square." The proposed minor modifications include a change in paint color and addition of window awnings, operable windows and decorative railings to the exterior of the existing building. Other changes associated with the proposal include conversion of the second-floor office space to six apartment residences, and construction of a parking lot and trash enclosure on adjacent parcels to serve the remodeled building. The existing two-story commercial building is located in the Town Center at 1026 Oak Street, Assessor's Parcel Number (APN) 119-013-009.
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, November 14, 2023.

Minutes
City of Clayton Planning Commission
Regular Meeting
Tuesday, September 26, 2023

1. CALL TO ORDER

Chair Richard Enea called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Enea led the Pledge of Allegiance.

3. ROLL CALL

Present: Chair Richard Enea
 Vice Chair Maria Shulman
 Commissioner Joseph Banchemo
 Commissioner Bretten Casagrande
 Commissioner Daniel Richardson

Planning Commission Secretary/Community Development Director Dana Ayers and Assistant Planner Milan Sikela were present from City staff.

4. ACCEPTANCE OF THE AGENDA

There were no changes to the agenda as submitted.

5. PUBLIC COMMENT

There were no public comments on any item not on the agenda.

6. CONSENT CALENDAR

A. Minutes of Planning Commission Meeting of August 22, 2023.

There being no member of the public attending in person or virtually who wished to comment on the Consent Calendar, Chair Enea invited a motion. Commissioner Richardson moved to adopt the Consent Calendar with Meeting Minutes of the August 22, 2023, meeting, as submitted. Commissioner Casagrande seconded the motion. The motion passed by vote of 5 to 0.

7. PUBLIC HEARING

A. Munoz Variance (VAR-01-2023)

This is a public hearing on a request by Nina and John Munoz for approval of a Variance (VAR-01-2023) to allow an existing legal non-conforming 9.3-foot interior side yard setback to be reduced to 4 feet for purposes of constructing a bathroom addition to an existing single-family residence at 1217 Gamay Drive, Assessor's Parcel Number (APN) 119-552-011.

Commissioner Banchemo advised that he lived proximate to the property that was the subject of this request and that he would be recusing himself from this item. He left the room at this time.

Assistant Planner Milan Sikela presented the item and shared a slide deck comprised of the graphics attached to the staff report. He stated that staff recommended approval of the requested variance. There were no questions from Commissioners.

Chair Enea opened the public hearing on the item.

Applicant Nina Munoz said she and her family lived in the home in Clayton for 40 years. They liked the location of their home and hoped to stay in the home and expand the master bedroom closet and bathroom in it. She thanked the Commission for their time to consider their variance request.

There was no member of the public attending in person or virtually who wished to comment on the item. Chair Enea closed the public hearing.

Vice Chair Shulman moved to adopt proposed Resolution No. 05-2023 attached to the staff report, approving Variance Application VAR-01-2023. Commissioner Casagrande seconded the motion. The motion passed by vote of 4 to 0.

Commissioner Banchemo rejoined the meeting at this time.

8. COMMUNICATIONS

Vice Chair Shulman suggested that there be a standard set that new Planning Commissioners are sworn in within two weeks of appointment.

Director Ayers said that swearing in of new Commissioners is typically the responsibility of the City Clerk, and the Clayton City Clerk had sworn in prior years' appointees. Director Ayers did not know why the prior City Clerk had not sworn in the new Planning Commissioners after their appointment in late June and prior to her resignation effective in early September.

Vice Chair Shulman also suggested that new Planning Commissioners should be encouraged to attend the CalCities Planning Commissioners conference, as the CalCities conference may be more beneficial than the County Planning

Commissioners conference that she mentioned at the previous Planning Commission meeting. She understood that City staff indicated that the City could pay for a Commissioner to attend one conference or the other, but not both.

Director Ayers explained that the CalCities conference is held each year in a different location around the state. When the conference location was held in a location that would require travel and lodging expenses, it was more costly for the City. She stated that Vice Chair Shulman's suggestion might necessitate an increase in the training budget for Planning Commissioners and could be part of the City Council's discussion of the City budget for next fiscal year.

9. ADJOURNMENT

The meeting was adjourned at 7:21 p.m. to the next regular meeting of the Planning Commission on October 10, 2023.

Respectfully submitted:

Dana Ayers, AICP, Secretary

Approved by the Clayton Planning Commission:

Richard Enea, Chair



PLANNING COMMISSION AGENDA REPORT

To: Honorable Chair and Planning Commissioners

From: Milan J. Sikela, Jr.
Assistant Planner

Date: November 1, 2023

Subject: Agenda Item 7.A
Rhine House, Minor Modification to Site Plan Review Approval
(SPR 01-06)

SUMMARY

This is request for the Planning Commission to approve minor modifications to approved Site Plan Review Permit 01-06, for an existing building commonly known as “Flora Square.” The proposed minor modifications include a change in paint color and addition of window awnings, operable windows, and decorative railings to the exterior of the existing building. Other changes associated with the proposal include conversion of the second-floor office space to six apartment residences, and construction of a parking lot and trash enclosure on adjacent parcels to serve the remodeled building. The existing two-story commercial building is located in the Town Center at 1026 Oak Street, Assessor’s Parcel Number (APN) 119-013-009.

PROJECT INFORMATION

Applicant: Kent Ipsen

Location: 1026 Oak Street
APN 119-013-009
See **Attachment B** for Vicinity Map

General Plan Designation: Town Center (TC) Commercial

Town Center Specific Plan Designation: Town Center (TC) Commercial

Zoning Classification: Limited Commercial (L-C) District

Environmental Review: The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Categorical Exemption Class 1 (Existing Facilities), Section 15301 of the State Guidelines for Implementation of CEQA.

BACKGROUND

The existing two-story commercial building (subject building) was conditionally approved for construction by the Planning Commission in 2006, with approval of Site Plan Review Permit (SPR) 01-06. After construction was completed and the subject building had final inspections conducted by applicable agencies, it was opened and made available to tenants in 2010. When the subject building was designed, it was representative of a community vision to, in part, have high-density, two-story, zero-lot-line commercial developments in certain areas of the Town Center to encourage a flourishing, vibrant retail sector on the first floor and commercial uses or residential uses on the second floor.

Since the time the subject building was opened and made available to tenants in 2010, and as a result of the Great Recession which punctuated the end of the first decade of the 21st century, the vision of a burgeoning retail sector in Clayton was slow to materialize and set the tone for the coming years. The first floor of the subject building, which was intended to contain retail uses, has remained mostly vacant since 2010 other than a small restaurant use (deli) and an art gallery that currently occupy two of the ground floor spaces. The COVID-19 pandemic further compromised the viability of commercial uses in brick-and-mortar tenant spaces.

Current existing uses adjacent to the lot on which the subject building is located include bocce ball courts to the north, two restaurants to the northeast (of which one lot has a “flag” configuration with the “flagpole” portion of this flag comprised of a 6-foot wide accessway extending adjacently from the northeast corner of the subject lot down to the sidewalk on Center Street), and an unimproved gravel lot to the east.

PROJECT OVERVIEW

The applicant is proposing to maintain the first floor of the subject building as commercial tenant spaces primarily occupied by retail and restaurant uses, but is proposing to convert the office spaces on the second floor to residential uses consisting of two 1-bedroom and four 2-bedroom rental apartments. Exterior changes are proposed to be made to the existing building and are further detailed and analyzed below. Off-site of the existing building, a new paved parking lot for resident parking is proposed on the currently vacant, unimproved gravel lot east of the building, and an approximately 300 square-foot trash enclosure is proposed on the parcel occupied by Skipolini’s Pizza northeast of the site and adjacent to the lot on which the new paved parking lot is proposed.

ANALYSIS

Municipal Code and Town Center Specific Plan

Clayton Municipal Code (CMC) Section 17.64.130 permits minor modifications to be approved for previous Planning Commission decisions. The Community Development Director may consider and render decision on such minor modifications. Given the prominence of the existing building at the entrance to the Town Center from Clayton Road, and given the building’s importance to realizing the vision for Town Center, the Director opted to elevate the request for minor modification of SPR 01-06 to the Planning Commission for the Commission’s consideration. Staff nonetheless believes the minor modification request meets the intent of the regulations applicable to the Town Center and supports approval of the request, as discussed below.

Architectural Changes

In addition to the interior remodeling on the first floor and conversion of the second-floor into six residential units, staff has provided a breakdown below of the exterior cosmetic changes to each façade. The existing horizontal wood siding of the subject building is proposed to be kept and painted in an off-white color. Staff has recommended a condition that, if the exterior colors and materials are to be modified from the current colors and materials shown on the project plans, the applicant shall submit the revised colors and materials to the Community Development Director for review and approval.

East Façade: The eastern façade is proposed to be augmented with decorative wall trellises and gooseneck lights on the first floor. Awnings and faux balconies are proposed for the second floor with the faux windows on the second floor remaining as they are. On the first floor, a new exterior door is proposed to access an interior hallway leading to the electrical room, elevator, and elevator maintenance closet.

As a result of the ingress/egress necessary for the proposed door as well as the projecting gooseneck lights, balconies, and awnings that will encroach over the property line and onto the neighboring property (also owned by the applicant), staff has recommended a new condition that a deed restriction be recorded against the adjacent “flag” shaped property directly adjacent to and east of the subject lot to ensure that the “flagpole” component of the adjacent lot that runs along the shared property line is not developed. This deed restriction would also be recorded against the parking lot parcel to the east to prohibit any future construction within 10 feet of the eastern property line of the subject lot in order to ensure that any new building proposed for construction on the parking lot parcel will allow adequate space for the path of travel to and from the new door as well as not impeding upon the awnings and faux balconies.

South and Western Façade: The southern and western façades will be enhanced by ground floor gooseneck lights and second story awnings. As mentioned above, the recommended deed restriction would address these minor encroachments into the City right-of-way along Center Street (south side) and Oak Street (west side).

North Façade: The northern façade facing the bocce ball courts is proposed to be complemented by decorative wall trellises on the first floor as well as awnings and faux balconies on the second floor. In addition, five of the eight faux windows are proposed to be modified to become functional windows to be used for light and ventilation.

As a result of the proposed modifications to the building’s north façade, staff has recommended a condition that a deed restriction be recorded against the adjacent bocce ball lots to the north and adjacent to the subject lot to ensure that, in the event of new buildings being proposed for development of these adjacent lots, the new buildings shall not be closer than 10 feet to the shared property line between the subject lot and adjacent lots to the north in order to ensure that any future structures do not block the converted windows as well as allowing the awnings and faux balconies to not be impeded upon.

Outdoor Dining

Outdoor dining is proposed as part of the new restaurant slated for the corner tenant space located in the southwest corner of the first floor of the subject building. CMC Section 17.24.020.H identifies outdoor dining as a use that is permitted by right in the Limited Commercial (L-C) District. Outdoor dining areas are proposed on the exterior of the Oak Street frontage as well as the exterior of the Center Street frontage. However, while the outdoor dining on the Oak Street

frontage will remain entirely on the private property of the subject building, the outdoor dining on the Center Street frontage is proposed to slightly encroach into the City's right-of-way. As a result, staff has recommended a condition that an encroachment permit shall be obtained from the City Engineer to allow this component of the outdoor dining to encroach into the City's right-of-way.

Parking

CMC Section 17.37.020.A states, "Required off-street parking facilities for residential uses shall be provided at the time of construction of on-site building(s) and/or addition(s), which individually or cumulatively have a floor area of five hundred (500) square feet or greater." While the project encompasses commercial-to-residential conversion of existing floor area within an existing building, it does not involve construction of a new building or building addition with a floor area greater than 500 square feet. Therefore, the residential off-street parking regulations of CMC Chapter 17.37 would not apply to the project. Although parking spaces would not be required for the new, upper floor residential uses, the 16-stall parking lot that the applicant has proposed to construct on the parcel adjacent to the existing building is proposed to be reserved for the residential tenants. It is noted that the 16 spaces to be reserved would exceed the 14 parking stalls (1.5 spaces per 1-bedroom unit, plus 2 spaces per 2-bedroom unit, plus 0.5 space per unit for guests) that would be required if CMC Chapter 17.37 were applicable to the new residential units in the project. It is further noted that the second-floor residential uses proposed to replace the commercial office spaces have a lower Municipal Code parking requirement than the equivalent area of commercial office space (one stall per 250 square feet, or 28 stalls total for the approximately 7,000 square-foot second floor).

The initial entitlement for the building did not impose any parking requirement on what was, at that time, an entirely commercial structure (Notice of Decision, Oak Center Site Plan Review, SPR 01-06, Site Plan Condition of Approval 1). For non-residential uses, CMC Section 17.37.020.B states, "Required off-street parking facilities for non-residential uses shall be provided at the time when any of the following activities would increase the required number of off-street parking spaces by ten percent (10%) or more: construction of a building, alteration of a building, expansion of existing use, or use change of a site." The ground-floor commercial (restaurant and retail) use of the building would be maintained with the project. Therefore, because the existing restaurant and retail uses initially envisioned for the site would not change, there would not be an increase in the number of parking stalls required for the commercial ground floor as a result of the project. The non-residential off-street parking regulations of CMC Chapter 17.37 would also not apply to the project and, as a result, no new parking stalls are required for the non-residential component of the project.

The proposed parking lot is consistent with guidelines of the Town Center Specific Plan (TCSP) in that it is located on the side of the building rather than between the building and the street, and it includes only one curb cut on Diablo Street with no curb cuts proposed on Center Street. Both street frontages of the parking lot are separated from the public right-of-way by a landscaped planter. To align with the TCSP guidelines for landscaping in parking lot perimeters, staff recommends a condition that a combination of at least three, equally-spaced, 15-gallon trees for shading, plus shrubs capable of achieving at least 30 inches in height, be planted in the landscaped area along the Center Street frontage to screen the parking area.

Uses Permitted

The continued use of the building's ground floor for retail and restaurant uses, the conversion of the second-floor spaces to upper floor residential uses, the accessory trash enclosure on the adjacent parcel, and the installation of a paved parking lot on the adjacent parcel are all permitted uses of lands designated Town Center Commercial in the Town Center Specific Plan, Section

2.3. The conversion of the second-floor office space to residential units would add six rental apartment units to the City's housing stock and can be counted in the annual reporting of new housing units toward achieving the City's regional housing allocation.

ATTACHMENTS

- A. Planning Commission Resolution No. 06-2023 (Proposed)
- B. Vicinity Map
- C. First Story Floor Plan and Site Plan Including Adjacent Parking Lot
- D. Second Story Floor Plan
- E. Rendering of Building Elevations
- F. First Story Conceptual Restaurant Rendering
- G. Trash Enclosure Site Plan and Elevations
- H. Topographical Survey

**CITY OF CLAYTON
PLANNING COMMISSION
PROPOSED
RESOLUTION NO. 06-2023**

A RESOLUTION APPROVING MINOR MODIFICATIONS TO APPROVED SITE PLAN REVIEW PERMIT 01-06 WHICH APPROVED CONSTRUCTION OF AN EXISTING TWO-STORY BUILDING LOCATED IN THE TOWN CENTER AT 1026 OAK STREET (SPR 01-06)

WHEREAS, on November 15, 2006, the Planning Commission approved a Site Plan Review Permit (SPR 01-06) allowing a two-story commercial building to be constructed at 1026 Oak Street (Assessor's Parcel Number 119-013-009) in the Clayton Town Center; and

WHEREAS, construction of the building was completed in 2010, but due to economic challenges resulting from the post-2008 recession and the COVID-19 pandemic, retaining commercial tenants on both floors of the building has been difficult and inconsistent; and

WHEREAS, on October 17, 2023, Kent Ipsen (applicant) submitted a request for minor modifications to the existing building at 1026 Oak Street consisting of a change in paint color and addition of window awnings, operable windows, and decorative railings to the exterior of the existing building; and

WHEREAS, other changes associated with the proposal include conversion of the second-floor office space to six apartment residences, and construction of a parking lot and trash enclosure on adjacent parcels to serve the remodeled building; and

WHEREAS, Clayton Municipal Code (CMC) Section 17.64.130 allows minor modifications to be approved for previous Planning Commission approvals of Site Plan Review Permits and gives authority to the Community Development Director to consider and render a decision on such minor modifications; however, given the prominence of the existing building at the entrance to the Town Center from Clayton Road, and given the building's importance to realizing the vision for the Town Center, the Director opted to elevate the request for minor modification of SPR 01-06 to the Planning Commission for the Commission's consideration; and

WHEREAS, the requested minor modifications do not conflict with any conditions of approval previously adopted with approval of SPR 01-06; and the continued use of the building's ground floor for retail and restaurant uses, conversion of the second-floor spaces to upper floor residential uses, accessory trash enclosure on the adjacent parcel, and installation of a paved parking lot on the adjacent parcel are all permitted uses of lands designated Town Center Commercial in the Town Center Specific Plan, Section 2.3; and

WHEREAS, the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Categorical Exemption Class 1 (Existing Facilities), Section 15301 of the State Guidelines for Implementation of CEQA.; and

WHEREAS, on November 1, 2023, the Clayton Planning Commission held a Special Meeting to consider the request for minor modifications to approved Site Plan Review Permit SPR 01-06, and received and considered testimony and evidence, both spoken and documentary.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission does determine the foregoing recitals are true and correct and makes the following findings based on the Administrative Discretion for Minor Modifications criteria in Section 17.64.130 of the Clayton Municipal Code:

A. The modification complies with the intent and purpose of the applicable zoning district.

The proposed modifications will not change the retail and restaurant uses permitted on the first floor of the subject building, and the proposed new surface-level parking lot and conversion of the second-story office spaces into upper-floor residential uses also complies with the uses permitted in the Limited Commercial (L-C) District as listed in Clayton Municipal Code (CMC) Section 17.24.020, as well as the uses permitted pursuant to Section 2.3 of Town Center Specific Plan for the "Town Center Commercial" land use designation.

B. The modification is in substantial conformance and of comparable nature to the approved project and concerns of the decision-making body.

The currently-proposed modifications involving the remodeling and use of the first-floor commercial space conforms to the original land uses envisioned as part of the initial approval of SPR 01-06, which anticipated that there would be retail and restaurant uses on the first floor of the subject building. The conversion of the originally-approved second-story commercial office spaces into residential units is actively encouraged by the governing document, the Town Center Specific Plan, which is supported by the Zoning Ordinance and General Plan. Residential units are actively sought after by the City in general and particularly in second-story locations within the Town Center. With the limited amount of second-story residential above ground-floor retail available in the Town Center, the modification of second-story office spaces into residential units is in substantial conformance and of comparable nature to the initially-approved project and addresses the local housing need concerns of the Planning Commission and City Council.

C. The modification is consistent with all of the project's conditions of approval.

The project complies with all of the original conditions of approval for SPR 01-06. As a result, the modifications are consistent with all of the project's conditions of approval.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby approve the minor modifications to approved Site Plan Review Permit SPR 01-06 to allow minor modifications to the exterior of the existing building at 1026 Oak Street, plus related interior renovations and off-site improvements, subject to the following supplemental 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. No permits or approvals, whether discretionary, mandatory or ministerial, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
3. If the exterior colors and materials are proposed to be modified from the exterior colors and materials shown on the plans submitted with the request for minor modification of Site Plan Review Permit SPR 01-06, the newly-proposed exterior colors and materials shall be submitted for review and approval by the Community Development Director prior to the modifications to the exterior colors and materials being applied.
4. Prior to issuance of a building permit, deed restrictions shall be recorded with the Contra Costa County Clerk-Recorder's Office for the following adjacent lots for the following reasons with all costs for recordation of all deed restrictions incurred by the applicant:
 - a. A deed restriction shall be recorded on the adjacent lot located at Assessor's Parcel Number (APN) 119-013-003 in order to provide the pedestrian ingress and egress necessary for the proposed exterior first-story door on the east façade of the subject building as well as to allow for the gooseneck lights, balconies, and awnings proposed on the subject building to encroach into the property located at APN 119-013-003.
 - b. A deed restriction shall be recorded on the lot located at APN 119-013-008 in order to prohibit the construction of a permanent building or structure located less than 10 feet from the east property line of the subject lot and thereby prevent any hinderance upon the proposed exterior first-story door on the east façade of the subject building and minimum passageway requirements on the accessway located on APN 119-013-003, as well as to allow for the proposed gooseneck lights, balconies, and awnings to project outward from the east façade of the subject building.
 - c. A deed restriction shall be recorded on the adjacent lots located at APN 119-013-002 and APN 119-013-007 in order to prohibit the construction of a permanent building or structure located less than 10 feet from the north property line of the subject lot in order to ensure that any future structures do not block the second-story windows that will be converted from faux windows to functional windows as well as allowing the awnings and faux balconies proposed on the subject building to encroach into the properties located at 119-013-002 and APN 119-013-007.

- d. The applicant shall obtain an encroachment permit from the City Engineer to allow for the proposed gooseneck lights and second story awnings to encroach into the City's right-of-way along Center Street and Oak Street.
 - e. The applicant shall obtain an encroachment permit for the proposed outdoor dining tables and chairs and any other dining-related accoutrements associated with the outdoor dining activity to encroach into the Center Street right-of-way.
- 5. Prior to issuance of a building permit, the applicant shall obtain approval from the City Engineer of all project-related Stormwater facilities and documents including, but not limited to, and Stormwater Operations and Maintenance Plan.
 - 6. A minimum of three, equally-spaced, 15-gallon trees for shading, plus shrubs capable of achieving at least 30 inches in height, shall be planted in the landscaped area along the north side of the Center Street frontage to screen the new parking lot located on APN 119-013-008.
 - 7. The applicant shall comply with all standards, provisions, and regulations required by the City of Clayton Engineering Department, Contra Costa County Fire Protection District, Contra Costa County Department of Conservation and Development, Republic Services, as well as any other agencies whose standards, provisions, and regulations are applicable to the project.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a Special Meeting on the 1st day of November, 2023.

AYES:

NOES:

ABSTAINED:

ABSENT:

APPROVED:

ATTEST:

Rich Enea, Chair

Dana Ayers, AICP, Secretary



VICINITY MAP

	<p>Rhine House Project Site Plan Review Permit SPR 01-06 1026 Oak Street APN 119-013-009</p>	
---	--	---

(Not to Scale)

REVISION:

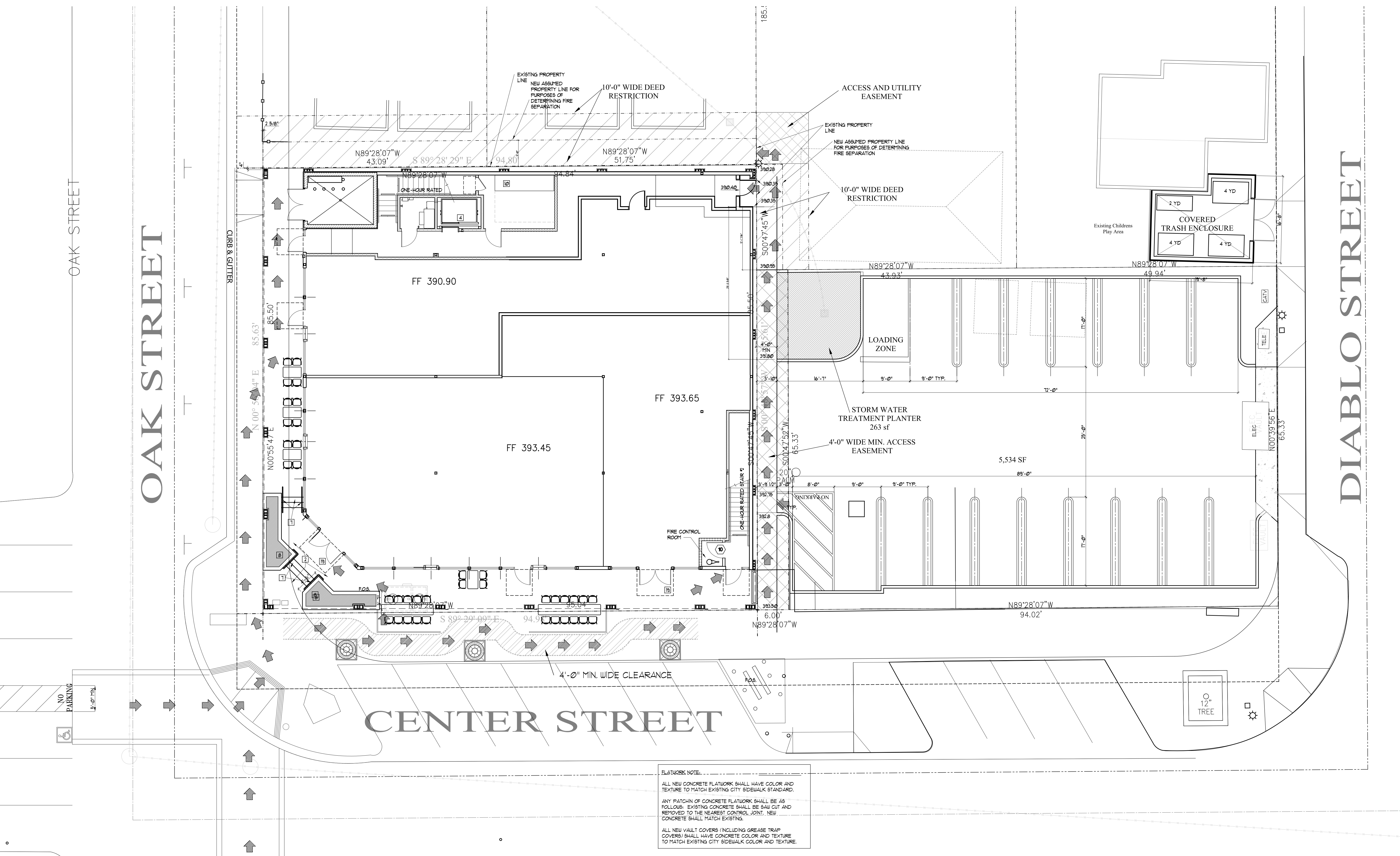
JOB TITLE: REMODEL FOR: APN #119-013-009
RHINE HOUSE
CLAYTON, CALIFORNIA
1026 OAK STREET

OWNER:
Kent A. Ipsen
President, Skiplin's Inc.
1535 Glamora Dr.
Walnut Creek, CA 94596
kent@skiplins.com

SHEET TITLE:
**PROPOSED
SITE PLAN**

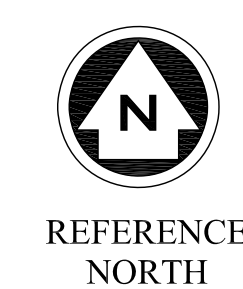
CHK BY:
DATE: 10/17/23
SHEET:

10/19/23
SW-1



SITE PLAN LEGEND

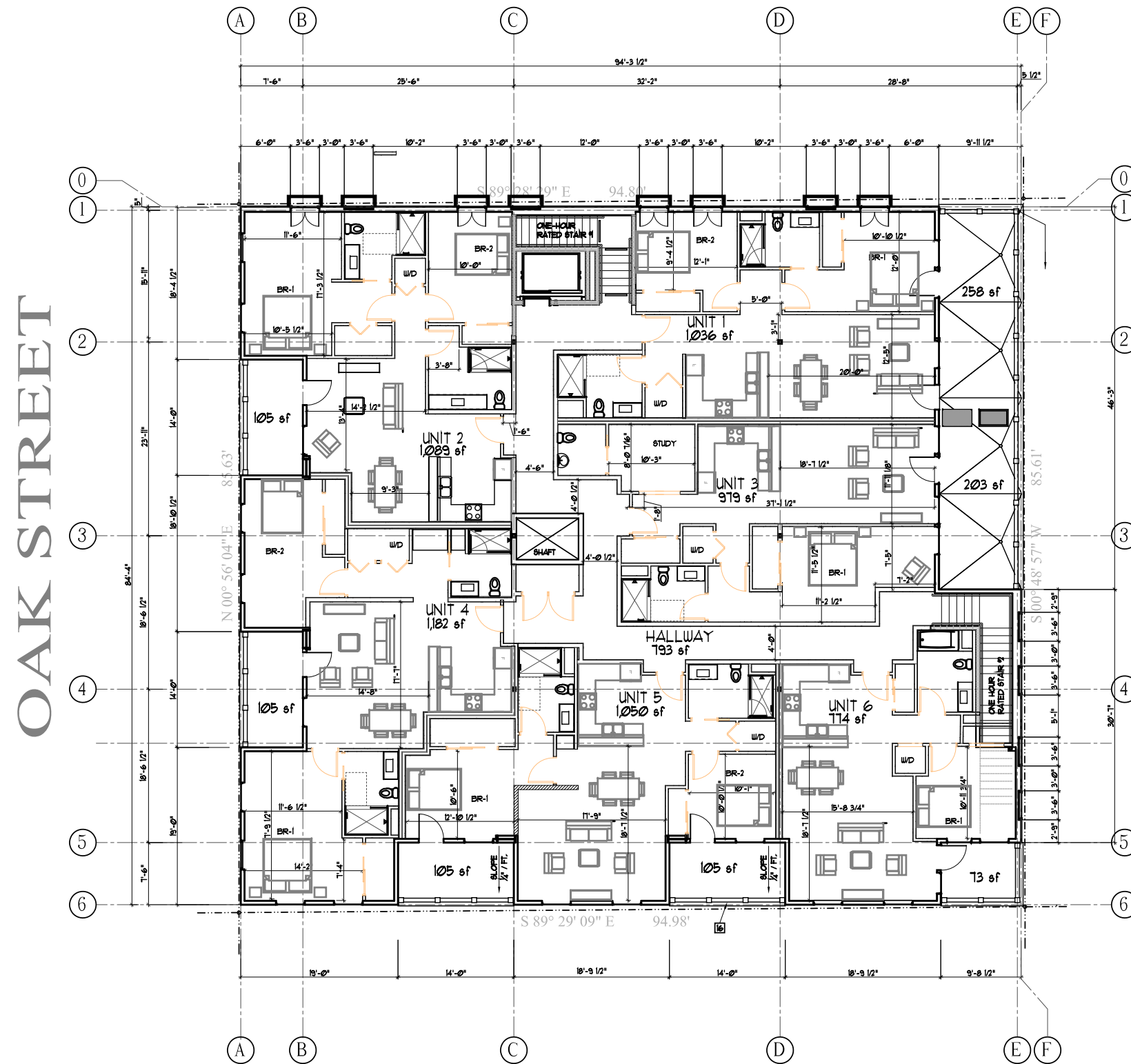
- ➡➡➡➡➡ ACCESSIBLE PATH OF TRAVEL: 1% MAX SLOPE, 2% MAX CROSS SLOPE, CONTINUOUS, UNINTERRUPTED NON-SLIP SURFACE
- ▨ C-3 STORM WATER TREATMENT PLANTER 4% MIN. OF INTERVIOUS AREA
- ▨ DEED RESTRICTION ON NEIGHBORING PROPERTY FOR PURPOSE OF CREATING PERMANENT FIRE SEPARATION
- ▨ ACCESS AND/OR UTILITY EASEMENT ON NEIGHBORING PROPERTY
- ▨ 4'-0" MINIMUM WIDE CLEAR PATH OF TRAVEL AROUND OUTDOOR DINING AREA



SITE PLAN

FLATWORK NOTE:
ALL NEW CONCRETE FLATWORK SHALL HAVE COLOR AND TEXTURE TO MATCH EXISTING CITY SIDEWALK STANDARD.
ANY PATCHES OF CONCRETE FLATWORK SHALL BE AS FOLLOWS: EXISTING CONCRETE SHALL BE SAW CUT AND REMOVED TO THE NEAREST CONTROL JOINT. NEW CONCRETE SHALL MATCH EXISTING.
ALL NEW VAULT COVERS (INCLUDING GREASE TRAP COVERS) SHALL HAVE CONCRETE COLOR AND TEXTURE TO MATCH EXISTING CITY SIDEWALK COLOR AND TEXTURE.

1/8" = 1'-0"



OAK STREET

CENTER STREET

LEASE PLAN
RHINE HOUSE SECOND FLOOR
8-24-23







Ñ



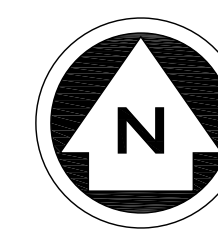
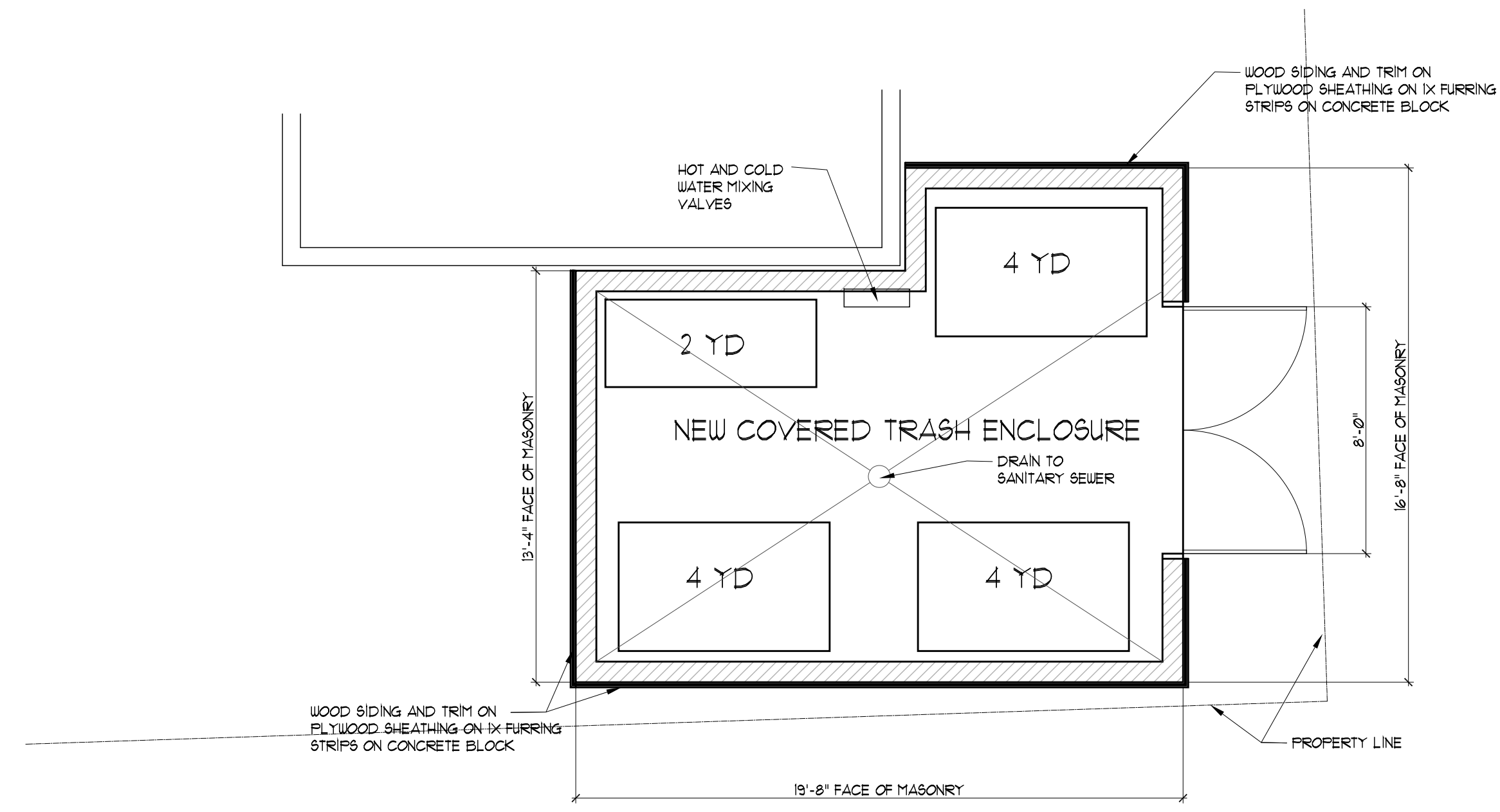
Ñ





Enye





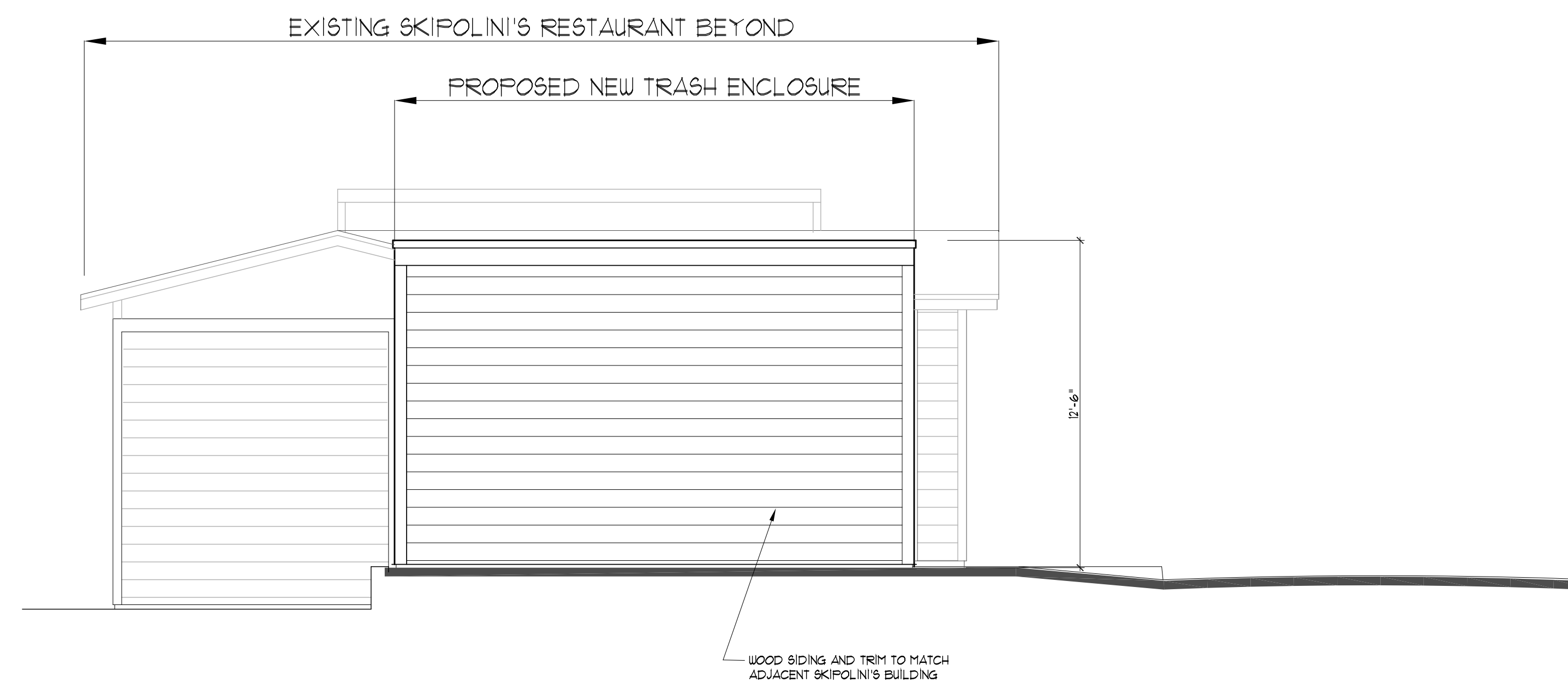
FLOOR PLAN

1/4" = 1'-0"

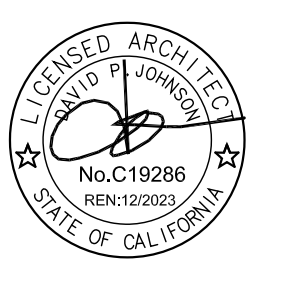


EAST ELEVATION

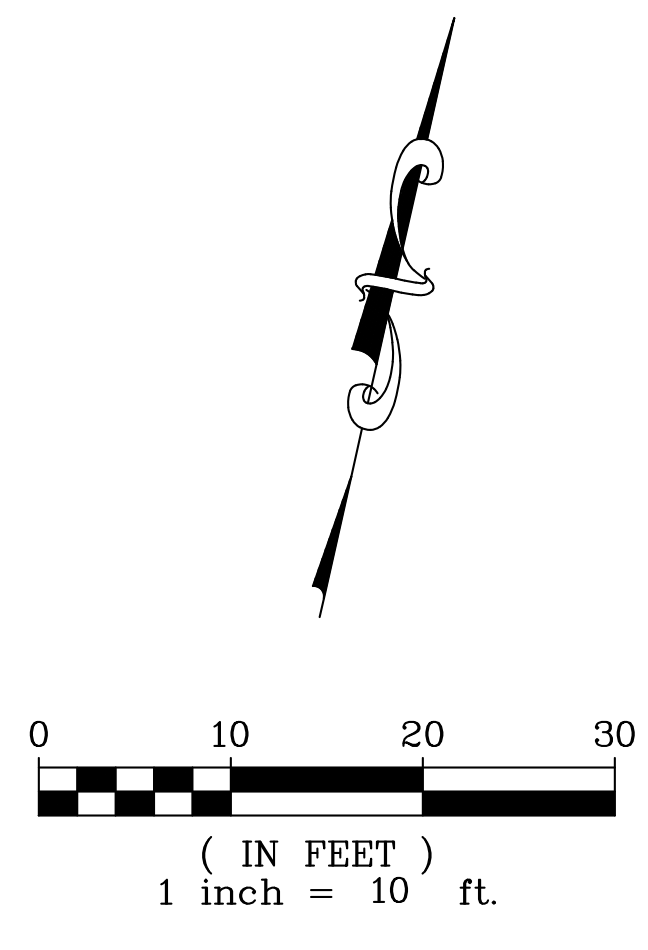
1/4" = 1'-0"



SOUTH ELEVATION



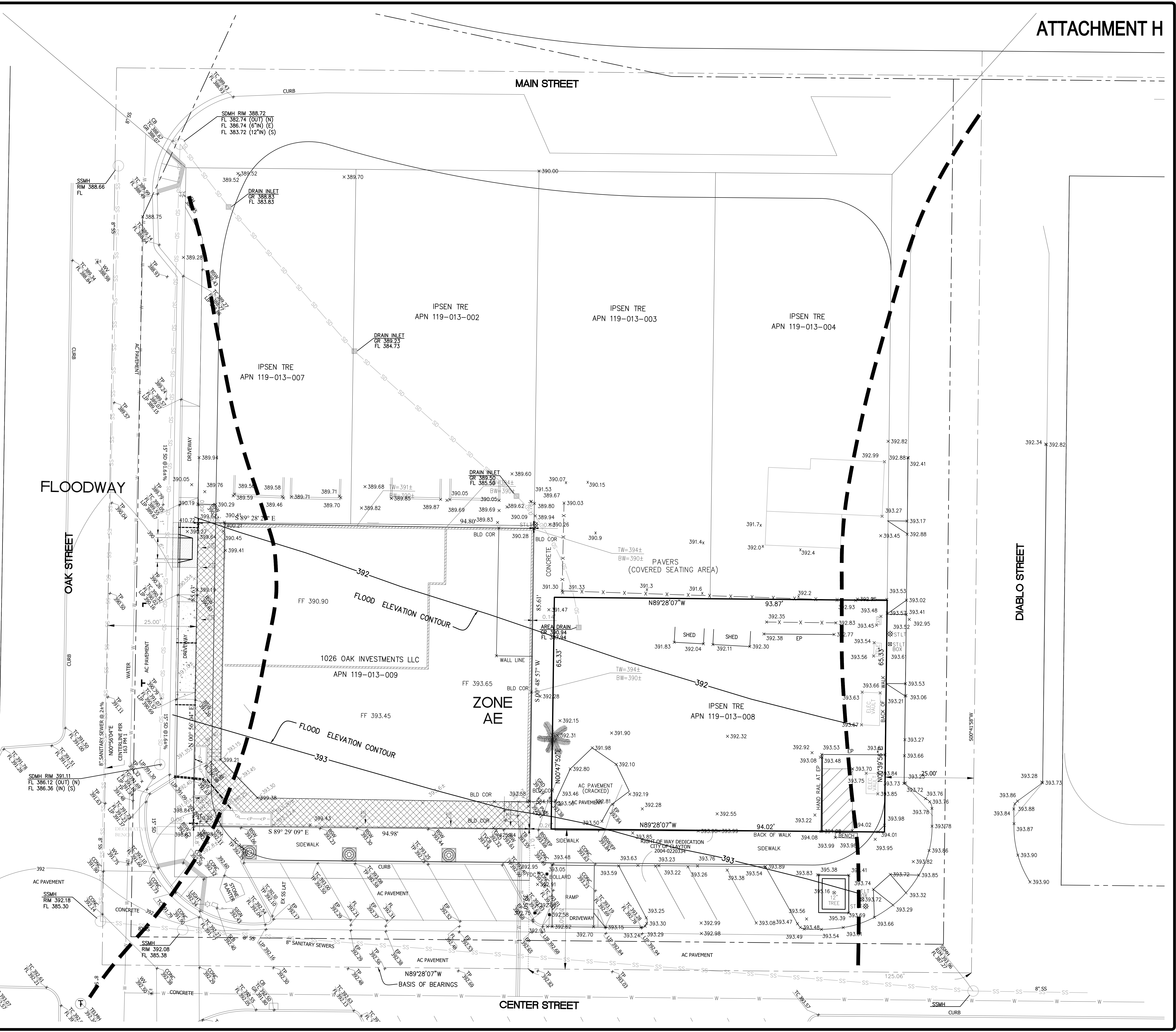
REVISION:



BASIS OF BEARINGS:
THE BEARING OF THE CENTERLINE OF CENTER STREET AS SHOWN ON THE RECORD OF SURVEY RECORDED IN 81 LSM 35, TAKEN AS N 89°28'07" W.

BENCHMARK:
USC&GS BRONZE DISK AT THE INTERSECTION OF MARSH CREEK ROAD AND CLAYTON ROAD.
ELEVATION: 393.90 FEET MEAN SEA LEVEL DATUM (NGVD 1929)

ELEVATION NOTE:
ELEVATIONS SHOWN ARE NGVD 1929.
TO OBTAIN NAVD 1988 ELEVATIONS, ADD 2.776 FEET.



Z:\Projects\070203\070203-1041-out-2310101.dwg SAVE DATE: 10/10/2023 1:08:05 PM PLOT DATE: 10/10/2023 1:09:10 PM

REVISIONS
SCALE 1" = 10'
DATE 10/10/23
DRAWN PFE
CHECKED IN
JOB NO. 070203

TOPOGRAPHIC SURVEY
 THE PROPERTY OF THE KENT A. IPSEN AND YVETTE M. IPSEN REVOCABLE TRUST DATED JULY 22, 1999
 LOCATED AT THE CORNER OF CENTER STREET AND DIABLO STREET (APN 119-013-008)
 CLAYTON CONTRA COSTA COUNTY CALIFORNIA

HUMANN COMPANY INC.
 ENGINEERING - SURVEYING
 PH (925) 932-5000 FAX (925) 932-5078

SHEET 1
 OF 1 SHEET

JOB NO. 070203