

**Minutes**  
**Clayton Planning Commission Meeting**  
**Tuesday, January 26, 2016**

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

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

Present:       Chair David Bruzzone  
                  Vice Chair Sandra Johnson  
                  Commissioner Dan Richardson  
                  Commissioner Gregg Manning  
                  Commissioner Tuija Catalano

Absent:         None

Staff:          Community Development Director Mindy Gentry  
                  Assistant Planner Milan Sikela, Jr.

**2. ADMINISTRATIVE**

2.a.    Review of agenda items.

2.b.    Declaration of Conflict of Interest.

Commissioner Manning indicated he would recuse himself from the meeting chambers during Item 5.a due to a conflict of interest.

2.c.    Commissioner Tuija Catalano to report at the City Council meeting of February 2, 2016.

**3. PUBLIC COMMENT**

None

**4. MINUTES**

4.a.    Approval of the minutes for the December 8, 2015 Planning Commission meeting.

**Commissioner Manning moved and Vice Chair Johnson seconded a motion to approve the minutes, as amended. The motion passed 4-0-1 (Commissioner Catalano abstained as she did not attend the December 8, 2015 Planning Commission meeting).**

## 5. PUBLIC HEARINGS

- 5.a. **CDD-02-16, SPR-01-16, Second Dwelling Unit Permit, Site Plan Review Permit, Vicki Sexton**, 1133 Easley Drive (APN: 119-542-013). Review and consideration of a Second Dwelling Unit Permit and Site Plan Review Permit to allow the construction of an 882-square-foot second-story attached second dwelling unit addition along with a 308-square-foot first-story gym addition and associated remodel work measuring a total of 1,190 square feet in area and 24 feet in height. Pursuant to California Environmental Quality Act (CEQA) Guideline 15303 – New Construction or Conversion of Small Structures, the project is categorically exempt from CEQA.

Commissioner Manning recused himself from the item and left the meeting chambers due to a conflict-of-interest.

Assistant Planner Sikela presented the staff report.

Commissioner Catalano inquired about the rationale behind the deed restriction that requires the property owner to live in the second dwelling unit, principal dwelling unit, or on the residential lot sharing side property lines as the subject property.

Assistant Planner Sikela responded that the reason this requirement was established was to ensure that the property owner would be able to keep an eye on the second dwelling unit in order to mitigate impacts caused by unruly tenants.

Chair Bruzzone asked if the 24-foot height proposed for the project was consistent with the height of other two-story residences in the surrounding neighborhood.

Assistant Planner indicated he observed that existing two-story residences in the neighborhood were comparable in height to the proposed project.

The public hearing was opened.

Max King, 607 Pinot Court, indicated that he had concerns the second-story second dwelling unit would impact the privacy of residential properties located on Pinot Court.

Assistant Planner Sikela indicated that he had conducted a site inspection and observed many two-story residences located in the same neighborhood (Easley Estates) as the subject property.

Joyce Kelly, 620 Pinot Court, indicated the following concerns:

- Approval of this project will set a precedent for two-story additions on other single-story residences in the neighborhood.
- The Monterey Pine which provides the most screening for the project is aging and will be removed someday.

Karen Shackleton, 615 Pinot Court, indicated the following:

- Request that the Planning Commission delay their decision until her husband can review the project.
- The sightlines affected by the project should be analyzed.
- Hope the Monterey Pine is there for a long time in order that screening is provided for the project in an ongoing fashion.

Commissioner Richardson asked Mrs. Shackleton what part of the subject residence can she currently see from her property.

Mrs. Shackleton responded that she can see the subject residence's roofline and roof-mounted solar panels.

Commissioner Richardson asked Mrs. Shackleton if her home was a single-story or two-story residence.

Mrs. Shackleton responded that her home is a two-story residence.

John Campbell, project architect, indicated the following:

- The reason Mrs. Shackleton can see the applicant's residence is because her residence is two stories.
- The project was designed so that the second dwelling unit would have minimal impacts to neighboring properties' privacy and visibility.

Vicki Sexton, the applicant, indicated the following:

- She gets up on her roof often and, from that height, she cannot see into the residences on neighboring properties.
- Sufficient landscaping exists on her property to screen the project.
- She wants to be a good neighbor and would be willing to have concerned neighbors come to her property, take a look at the property in order to address privacy and screening issues, and feel comfortable with the project.

There being no further public comment, the public hearing was closed.

Commissioner Catalano inquired about the distance from the rear edge of the second-story balcony to the rear property line.

Assistant Planner Sikela indicated that the existing subject residence is approximately 42 feet from the rear property line. The second-story balcony is proposed to be further away—approximately 45 to 47 feet—from the rear property line.

Commissioner Catalano asked if all the residences located in Easley Estates are subject to the same height and rear-yard setback regulations as the subject residence.

Assistant Planner Sikela responded that, yes, all residences are subject to the same 35-foot height limit and 15-foot rear-yard setback.

Commissioner Richardson indicated that, during a site inspection, he noticed that the sidewalk near the front left corner of the subject property was damaged by an existing tree on the applicant's lot and asked staff if the Planning Commission could include a condition of approval requiring the applicant to repair the sidewalk.

Assistant Planner Sikela indicated that a condition of approval could be added requiring the applicant to repair the sidewalk.

Vice Chair Johnson requested clarification regarding access to the exterior doorway for the second dwelling unit.

The applicant responded that there is a gate on the existing fence located to the left of the garage that she would use to gain access to the exterior doorway for the second dwelling unit.

Commissioner Richardson indicated the following:

- Given the increase in second-story windows proposed as part of the project, he understands the concerns over the existing on-site trees continuing to provide adequate screening since Monterey Pines are not native to this area and are subject to drought conditions and beetle infestations.
- He also understands the need for second dwelling units as people age and want to stay in their home and near their family.

Commissioner Catalano indicated the following:

- The City encourages the development of Code-compliant second dwelling units.
- The subject property is located in a zoning district that allows residential heights up to 35 feet, which is greater than the 24-foot height proposed for the project.
- The attached second dwelling unit has been appropriately located on the site, especially given the large lot sizes and greater distance of the addition from the rear property line.
- Whenever projects are approved by the Planning Commission, a precedent is not set as projects are considered on a case-by-case basis.

Vice Chair Johnson indicated that the standards were established because second dwelling units enable families to stay together and allow for increases in the number of residential units within the community.

Chair Bruzzone asked, since it appears that residences on the same side of Easley Drive as the subject residence are all single-story, are there conditions of approval established during approval of the Easley Estates subdivision that may have precluded the construction of two-story residences on the same side of the street as the subject residence.

Assistant Planner Sikela responded that staff would research the Easley Estates conditions of approval to see if there were restrictions on two-story residences or on single-story residence adding a second floor and then report back to the Planning Commission on this issue.

Chair Bruzzone indicated that he concurred with Vice Chair Johnson's comment regarding the impetus behind establishing second dwelling unit standards.

**Commissioner Richardson moved and Commissioner Catalano seconded a motion to approve Second Dwelling Unit Permit CDD-02-16 and Site Plan Review Permit SPR-01-15, with the findings of approval and conditions of approval recommended by staff, and with a condition of approval added addressing sidewalk repair in front of the subject residence. The motion passed 4-0.**

Commissioner Gregg Manning returned to the meeting chambers.

- 5.b. **ZOA-01-16, Zoning Ordinance Amendment, City of Clayton.** Review and consideration of a City-initiated Ordinance amending the Clayton Municipal Code Title 17, prohibiting cannabis testing laboratories and delivery of cannabis. This ordinance is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

Director Gentry recommended continuance of the item to the next regularly-scheduled Planning Commission meeting on February 9, 2016.

**Commissioner Catalano moved and Vice Chair Johnson seconded a motion to continue the item to the next regularly-scheduled Planning Commission meeting on February 9, 2016. The motion passed 5-0.**

**6. OLD BUSINESS**

None.

**7. NEW BUSINESS**

None.

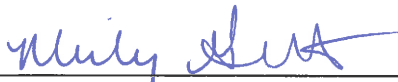
**8. COMMUNICATIONS**

8.a. Staff – None.

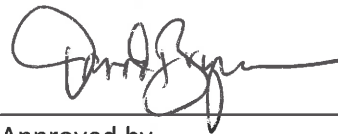
8.b. Commission – None.

**9. ADJOURNMENT**

- 9.a. The meeting was adjourned at 7:50 p.m. to the regularly-scheduled meeting of the Planning Commission on February 9, 2016.



Submitted by  
Mindy Gentry  
Community Development Director



Approved by  
David Bruzzone  
Chair