

Minutes
Clayton Planning Commission Meeting
Tuesday, November 13, 2012

Call to Order

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

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

Absent: None

Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela

Administrative

1A. Review of agenda items.

1B. Commissioner Johnson to report at the City Council meeting on November 20, 2012.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of October 23, 2012.

Commissioner Richardson moved and Commissioner Johnson seconded a motion to approve the minutes, as presented. The motion passed 4-1 (Vice Chair Manning abstained since he did not attend the October 23, 2012 Planning Commission meeting).

Public Hearing

3A. **SPR 04-12, Site Plan Review Permit, Toll Brothers, 3 Seminary Ridge Place, APN 119-640-017.** A site plan review permit to consider a proposed second-story balcony to be located on the exterior side and rear of a two-story single-family residence. The balcony measures approximately 600 square feet in area and the balcony is located approximately 13 feet above ground level.

Assistant Planner Sikela presented the staff report.

Vice Chair Manning asked did staff receive any comments after distributing the notice for the public hearing? *Assistant Planner Sikela answered that no comments had been received.*

Commissioner Richardson asked why was an exterior staircase was located on the rear corner of the residence? *Director Woltering answered that the exterior staircase was for ingress and egress purposes since the split-level residence was two stories in height at the rear corner of the residence.*

The public hearing was opened.

Chair Haydon asked was the balcony included in the design of the residence at the request of the homebuyer? *Chuck Templeton, representative of the developer Toll Brothers, answered "Yes."*

Commissioner Richardson had the following questions and comments:

- Why was an exterior staircase located on the rear corner of the residence? *Mr. Templeton answered that the exterior staircase was for ingress and egress purposes since the split-level residence was two stories in height at the rear corner of the residence.*
- Was there an option for a smaller balcony? *Assistant Planner Sikela answered that the originally-approved design of the residence included the exterior staircase and a much smaller balcony area that was more of a landing than a balcony. This site plan review permit request is before the Planning Commission to review the expansion of the balcony to a much larger size than was originally approved.*
- During the initial review of the Diablo Estates at Clayton subdivision, the Planning Commission raised concerns and worked hard to address potential visual impacts caused by the residences within the subdivision.

Commissioner Bruzzone requested clarification regarding the noticing for the item. *Assistant Planner Sikela indicated that public hearing notices were sent to all property owners within 300 feet of the project site—which included all properties within the Diablo Estates at Clayton subdivision—and acknowledged that, while many homes have now been completed and occupied, the majority of the homes are still under the ownership of the developer, Toll Brothers.*

Vice Chair Manning requested a clearer understanding of any potential visual impact of the proposed balcony. *Assistant Planner Sikela explained that, although the balcony would be visible from Rialto Drive, it would have a nominal visual impact on surrounding properties since adjacent lots within the Diablo Estates at Clayton subdivision are upslope with the residences and rear yard areas on these lots being generally behind the top of the slope. Other than one property at the corner of Rialto Drive and Regency Drive (which contains sufficient existing landscaping to screen any visual impacts caused by the subject property), other existing nearby properties outside of the Diablo Estates at Clayton subdivision are facing away from the subject property.*

Mr. Templeton added that the exterior colors and materials of the balcony would blend with the exterior colors and materials of the subject residence.

The public hearing was closed.

Commissioner Johnson moved and Vice Chair Manning seconded the motion to approve Site Plan Review Permit SPR 04-12, with the findings of approval and conditions of approval recommended by staff. The motion passed 5-0.

3B. ZOA 02-12, Municipal Code Amendment, City of Clayton. Consideration of a Universal Design Ordinance which would require that design features are offered in specified single-family residential units to make those units more visitable, usable, and safe for occupancy by persons with disabilities. In general, the intent and purpose of the Universal Design Ordinance is to provide greater adaptability and accessibility of housing for persons with disabilities.

Director Woltering presented the staff report.

Commissioner Johnson indicated that the brochure can also serve as a guide for those upgrading their residences.

Vice Chair Manning agreed with Commissioner Johnson and added that if a project is submitted for approval, even a project as minor as a kitchen remodel, the brochure would be a good resource for applicants to know about.

Director Woltering indicated that an example of how the Universal Design Ordinance (UDO) would apply is the proposed Silver Oaks Estates subdivision. Any single-family residences, duplexes, and triplexes within the subdivision would be subject to the design parameters of the UDO with the prospective homebuyer incurring the cost of having UDO design upgrades included in the construction of a residence.

Chair Haydon confirmed that the prospective homebuyer who requests that the UDO design upgrades be included in the construction of the residence would then fund the construction of design upgrades, correct? *Director Woltering indicated that was correct.*

Chair Haydon and Vice Chair Manning suggested that the wording in the UDO brochure be clarified so it is understood by whoever is reading the brochure that the costs of the design upgrades selected by the homebuyer are the responsibility of the homebuyer.

Commissioner Johnson suggested that the brochure could also include language about the design features presented in the brochure being useful for consideration by all individuals contemplating residential construction work.

Commissioner Richardson indicated the following:

- The UDO is a wonderful addition to the City's Municipal Code.
- The language in the UDO should avoid implying that existing homes within Clayton are not "visitable."
- It is important that the design options be offered to the homebuyer well in advance of the sale of the home.

Commissioner Bruzzone suggested and the Planning Commission agreed that the language used in Section 15.92.140 of the UDO under "New Construction—Not Mandatory to Install" under Subsection A should be modified to be more clear and understandable.

The Planning Commission reached consensus on the following example for Section 15.92.060.A or a guide for modifying Subsection A throughout:

“Specified installation related to primary entrance in a visitable dwelling as described below in Subsection B.”

Commissioner Bruzzone noted that Subsections A and B under Section 15.92.140 seem somewhat vague with regard to describing when exactly the design features would be offered to a homebuyer and that clarification of the proposed language could be useful. Under Subsection A, it states that the offer of design features to a homebuyer be “at the earliest feasible time after the prospective purchaser is identified.” The Commission agreed that “prior to the sale of the dwelling” would be acceptable replacement language.

Commissioner Bruzzone further suggested that, under Subection B, the wording should indicate that “the developer or builder shall construct or install any requested features identified in the Chapter unless inclusion of the features causes unreasonable delay in construction or significant unreimbursable costs.”

The Commission agreed that it would be important to add language regarding who would make the determination of whether or not there is an “unreasonable” delay or “significant” unreimbursable costs. To address this concern, Director Woltering proposed the language “...as verified and determined by the Community Development Director.”

Commission and staff discussion continued regarding methods of assuring that the developer and/or builder would indeed be able to offer the options listed in Chapter 15.92.

Director Woltering indicated that the UDO would be adopted and the related requirements would be part of a developer/builder due diligence in preparing an application and discussion topic at any pre-application meeting. Accordingly, the objective would be that the developer/builder would need to consider how to offer the design options, even as early as when the pre-application meeting with City staff occurs.

Director Woltering suggested that the item be continued in order to allow staff time to review proposed design options with local builders and developers to determine if any of the proposed options are overly-difficult, infeasible, or cost-prohibitive to offer to a prospective homebuyer. He would advise the Commissioners of his findings at the continued meeting and suggest any appropriate modifications to Chapter 15.92. He added that he would also incorporate the modifications provided by the Commission and provide an updated version of Chapter 15.92 at the continued meeting.

Commissioner Richardson moved and Vice Chair Manning seconded a motion to continue the item to a date uncertain to allow staff to conduct additional research and report back to the Planning Commission. The motion passed 5-0.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff.

Director Woltering indicated the following:

- The regular Planning Commission meeting of November 27, 2012 would be cancelled and the next meeting of the Planning Commission would be December 11, 2012.
- At the December 11th meeting, the Creekside Terrace extension would be brought before the Planning Commission.

6B. Commission.

Commissioner Richardson indicated that he attended the November 8, 2012 TRANSPAC meeting and described the following discussions at that meeting:

- A consultant gave a presentation regarding the 680 freeway.
- An inventory and condition assessment of local highways and freeways was provided.
- There is a grant for van transportation available.

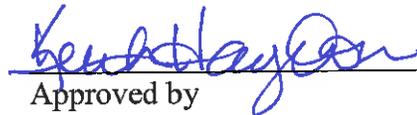
Chair Haydon asked if there were any updates on the Caldecott Tunnel. *Commissioner Richardson indicated that there were no Caldecott Tunnel updates provided at the TRANSPAC meeting.*

Adjournment

7. The meeting was adjourned at 8:41 p.m. to the regularly-scheduled meeting of December 11, 2012.



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Keith Haydon
Chair

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