

**Minutes**  
**Clayton Planning Commission Meeting**  
**Tuesday, March 26, 2013**

**Call to Order**

Chair 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: Interim Community Development Director Kenneth Craig  
Assistant Planner Milan Sikela, Jr.

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

**Administrative**

- 1A. Review of agenda items.
- 1B. Vice Chair Manning to report at the City Council meeting on April 2, 2013.

**Public Comment**

Richard Brisbon, 5569 Morningside Drive, indicated the following:

- I have hired an attorney who is informing me of my rights. I have not hired the attorney for litigation purposes.
- We were told we could build a fence in the location that our fence is being constructed and then we were told that the fence must be re-located.
- I wanted to appeal the City's decision regarding my fence location.
- Community Development Director Kenneth Craig sent me two letters.
- The right-of-way on Morningside Drive was never dedicated.
- We have a "prescriptive right" to improve the Morningside Drive area of our property.
- Fences, trees, mailboxes, and other amenities located on other properties in the neighborhood along Morningside Drive have been placed within the Morningside Drive right-of-way.
- The City does not have the authority to enforce the right-of-way on Morningside Drive.
- I wanted to get an update from City staff regarding this issue.

Community Development Director Kenneth Craig stated the following, after reminding the Planning Commission that no action can be taken and discussion must be limited:

- Two letters have been sent to Mr. Brisbon regarding the process involved with amending the Zoning Ordinance.
- The "appeal" terminology used by Mr. Brisbon is incorrect, as Mr. Brisbon has been advised in the letter from the City Attorney. The process to amend the Zoning Ordinance would not involve an appeal but, rather, a Zoning Ordinance text amendment, as was explained in the two letters sent to Mr. Brisbon.

- Mr. Brisbon would get heard before the Planning Commission and City Council via the Zoning Ordinance text amendment process, should Mr. Brisbon choose to apply. He was provided a copy of the application as part of the letter.

Chair Haydon advised Mr. Brisbon to follow the Zoning Ordinance text amendment process in order to address his issues, as has been advised by the City Attorney and Mr. Craig.

### **Approval of Minutes**

2. None.

### **Public Hearing**

- 3A. **SPR 02-13, Site Plan Review Permit, Carmen Cordova, 428 Zinfandel Circle, APN 119-555-009.** A request for a site plan review permit to consider the construction of a two-story addition with a second-story balcony on an existing two-story residence. The addition is proposed to be approximately 728 square feet in area and 26 feet in height.

Assistant Planner Milan Sikela presented the staff report.

Chair Haydon asked the applicant, Carmen Cordova, if she would be willing to look at design options to address the concerns raised by the neighbors. *Ms. Cordova indicated that she would be willing to modify the proposed plans to address the concerns raised by the neighbors.*

Commissioner Johnson asked Ms. Cordova if she would be willing to place a screen wall on the left (west) side of the second-story balcony. *Ms. Cordova indicated that she would be willing to place a screen wall of the left (west) side of the second-story balcony.*

Marek Stoklosa, project architect, indicated that, as staff has suggested in the staff report, a screen wall could be placed on the left (west) side of the balcony and the windows on the left (west) side of the second-story addition could integrate raised sill heights and translucent glass in order to mitigate impacts to privacy. The reason the applicant wanted to have a second-story balcony is because she has two kids and wants to be able to look out over the swimming pool while her kids play in the back yard.

Leona Montoya, 434 Zinfandel Circle, indicated the following:

- I am glad the applicant is willing to amend her proposal.
- The most undesirable component of the addition is the second-story balcony which would allow people to look down into our property.

Bill De Jong, 434 Zinfandel Circle, indicated the following:

- When we moved in we did not like having a two-story residence next door; as a result, we planted trees along the side property line to provide screening and privacy.
- Now the addition is proposed to move ten feet closer to the side property line with an increase in the number of windows on the side of the subject residence that faces our property as well as a second-story balcony.

Chair Haydon indicated that the large tree on the side property line provides privacy. The tradeoff is, however, that with increased privacy comes reduced visibility.

Brian Yoakum, 420 Zinfandel Circle, indicated the following:

- I live in a single-story home with two-story residences on either side.
- The two-story residences in our subdivision were staggered purposely to provide privacy.
- The balcony component is unnecessary.

Jean Thomma, 426 Zinfandel Circle, indicated the following:

- I am one of the original owners of my home.
- The residences in our subdivision were oriented with a large amount of setback area from the property line.
- Worried about setting a precedent of increasing the sizes of existing residences so that they will be located closer to the property line and neighboring homes.

Chair Haydon indicated that the Planning Commission looks at each project individually. We are not trying to change the overall design of the subdivision.

Vice Chair Manning indicated that the lots in the Easley Estates subdivision are nearly one-third of an acre in size. Properties in this subdivision has sufficient area to allow improvements to existing residences.

Commissioner Richardson indicated that it is always a good policy to discuss major changes to an existing residence with the neighboring property owners before moving forward with a request to the City.

Chair Haydon encouraged the applicant and neighboring property owners to work together toward a solution.

By consensus, the Planning Commission indicated that they would be interested in conducting individual site visits to the subject property.

**Commissioner Richardson moved and Vice Chair Manning seconded a motion to continue the item the next regularly-scheduled Planning Commission meeting on April 9, 2013 in order to allow a re-noticing of the public hearing for the item and to allow the applicant, architect, and neighbors to work on resolving their issues. 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 specified housing for persons with disabilities.

The public hearing was opened.

Community Development Director Kenneth Craig presented the staff report.

Vice Chair Manning indicated the following:

- The “opt out” clause is very important to include with the draft Universal Design Ordinance.
- My concern is the “zero threshold” provision which would entail significant grading and engineering changes to the way a residence would be constructed and would impact the cut-and-fill of the property.

Chair Haydon indicated that the Planning Commission is moving away from the Mandatory to Install items.

Commissioner Richardson indicated the following:

- Developers should, in good faith, offer these items to a prospective homebuyer.
- The Universal Design Brochure is sufficient to inform applicants and developers about the Universal Design Ordinance.

Commissioner Johnson indicated that she does not want to force developers to provide the Universal Design features. The other Commissioners concurred with Commissioner Johnson.

Commissioner Bruzzone indicated the following:

- The Universal Design features should be optional.
- The purpose of the Ordinance and Brochure is for public outreach in order to inform people of these options.
- Mr. Craig’s discussion on emerging technologies is valid and should be considered.

By consensus, the Planning Commission directed staff to make the following modifications to the draft Universal Design Ordinance and Universal Design Brochure:

- Eliminate all Mandatory to Install features.
- Move all items to Mandatory to Offer.
- Remove the “opt out” clause.

**Commissioner Richardson moved and Commissioner Johnson seconded a motion to recommend that the City Council consider approval of the draft Universal Design Ordinance and Universal Design Brochure. The motion passed 5-0.**

#### **Old Business**

4. None.

#### **New Business**

5. None.

#### **Communications**

- 6A. Staff.

Community Development Director Kenneth Craig provided the following updates:

- Recently had a meeting with the City Engineer and Toll Brothers regarding development of the Heartland and Burgess properties.

- Held interviews with the six candidates who applied for the position of Community Development Director.
- Have finalized a Preferred Consultant List for possible future consultants that may work on projects with the City.
- The City Council approved and, subsequently, the Annual Progress Report was mailed to the State Department of Housing and Community Development.
- There will be a public hearing on April 22, 2013 for the review of the Association of Bay Area Governments' draft Bay Area plan, in accordance with Assembly Bill 32 and Senate Bill 375.

6B. Commission.

Commissioner Richardson indicated that he attended the TRANSPAC meeting on March 14, 2013.

Chair Haydon indicated the following:

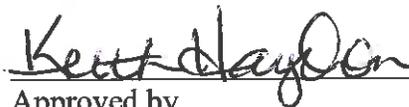
- He was on the interview panel during the interviews for the position of Community Development Director.
- He attended a presentation regarding the fourth bore on the Caldecott Tunnel.

**Adjournment**

7. The meeting was adjourned at 9:06 p.m. to the regularly-scheduled meeting of March 26, 2013.



Submitted by  
Kenneth Craig  
Interim Community Development Director



Approved by  
Keith Haydon  
Chair

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