

Minutes
Clayton Planning Commission Meeting
Tuesday, July 23, 2013

Call to Order

Chair Haydon called the meeting to order at 7:02 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Keith Haydon
Vice Chair Gregg Manning
Commissioner David Bruzzone
Commissioner Dan Richardson
Absent: Commissioner Sandra Johnson (excused)
Staff: Community Development Director Charlie Mullen
Assistant Planner Milan Sikela, Jr.

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

1A. Selection of Chair and Vice Chair.

Commissioner Richardson moved and Commissioner Bruzzone seconded a motion to elect Vice Chair Gregg Manning as Chair of the Planning Commission. The motion passed 4-0-1.

Commissioner Haydon moved and Chair Manning seconded a motion to elect Commissioner Richardson as Vice Chair of the Planning Commission. The motion passed 4-0-1.

1B. Review of agenda items.

1C. Commissioner David Bruzzone to report at the special meeting of the City Council on July 30, 2013.

Public Comment

None.

Approval of Minutes

2. Approval of the minutes from the June 25, 2013 Planning Commission meeting.

Vice Chair Richardson moved and Commissioner Haydon seconded a motion to approve the minutes, subject to minor corrections. The motion passed 4-0-1.

Public Hearing

3. **DP-01-13, Development Plan Permit, Matt Mazzei.** A request for a Development Plan Permit to establish Planned Development (PD) Zoning District standards for five (5) existing developed residential properties located on a private driveway off of Marsh Creek Road. The PD standards will establish building setback and building height standards for the principal building and accessory structures, where none currently exist. The specific property addresses include 8106, 8114, 8118, 8130, and 8140 Marsh Creek Road, with corresponding Assessor Parcel Numbers (APNs) of 078-020-041, -042, -045, -046 and -040. Pursuant to California Environmental Quality Act (CEQA) Guideline 15061(b)(3) it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment, and therefore it is not subject to CEQA.

Director Mullen presented the staff report.

Commission questions included:

- Is the one-hour fire rating requirement included in the California Building Code that is enforced by the Contra Costa County Building Inspection Department? Director Mullen responded that was correct and added that the reason the fire-rating for the structure was not placed into the Development Plan Zoning District standards is because the Contra Costa County Building Inspection Department already ensures fire-rating compliance as part of their review and approval of the building permit.
- Why was a five-foot average minimum setback proposed? Director Mullen responded that a five-foot minimum was intended to establish some consistency with the five-foot setback standards in other Planned Development districts in Clayton.

The public hearing was opened.

Jeff Zorn, 8106 Marsh Creek Road, requested clarification regarding the five-foot average minimum setback and inquired that, if a property has several detached accessory structures located on it, would you average the total combined setbacks of all the accessory structures together?

Director Mullen responded that a separate setback analysis would occur for each structure individually, on a case-by-case basis. The five-foot average minimum setback would be applied to each individual structure and not as an aggregate for all structures combined.

Mr. Zorn inquired that, if a patio cover were attached to a residence, would the patio cover still be considered an accessory structure?

Director Mullen responded that, yes, the patio cover would be an accessory structure; however, if the patio cover were attached to the residence, the patio would cover would have to comply with the same setbacks that would be applied to the residence.

The public hearing was closed.

Commissioner Haydon moved and Commissioner Bruzzone seconded a motion to adopt Resolution No. 04-13, subject to minor typographical edits, recommending City Council approval of Development Plan Permit DP-01-13 to establish Planned Development (PD) Zoning District standards for five existing developed residential properties located on a private driveway off of Marsh Creek Road. The motion passed 4-0-1.

Vice Chair Richardson thanked staff for following up on the fire-rating requirements.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff.

Director Mullen provided updates on the City's Main Street property, Skipolini's Pizza bocce ball court proposal, appeal hearing for the illegal fence on Morningside Drive, approval of Medical Marijuana Ordinance by the City Council, Silver Oak Estates environmental consultant contract, Cottage Food Industry amendment, and cancellation of August 6, 2013 City Council meeting.

6B. Commission.

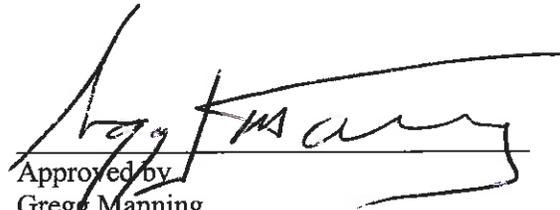
Vice Chair Richardson indicated that he attended the July 17, 2013 TRANSPAC meeting.

Adjournment

7. The meeting was adjourned at 7:45 p.m. to the regularly-scheduled meeting of August 13, 2013.



Submitted by
Charlie Mullen
Community Development Director



Approved by
Gregg Manning
Chair

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