

**Minutes**  
**Clayton Planning Commission Meeting**  
**Tuesday, June 14, 2016**

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

Chair 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.
- 2.c. Commissioner Tuija Catalano to report at the City Council meeting of June 21, 2016.

**3. PUBLIC COMMENT**

None

**4. MINUTES**

- 4.a. Approval of the minutes for the May 10, 2016 Planning Commission meeting.

**Commissioner Manning moved and Commissioner Catalano seconded a motion to approve the minutes, as submitted. The motion passed 4-0-1 (Chair Bruzzone abstained as he did not attend the May 10, 2016 Planning Commission meeting).**

**5. PUBLIC HEARINGS**

- 5.a. **SPR-03-16; Site Plan Review Permit; Erik Adams; 226 Bigelow Street (APN: 119-472-027).** Review and consideration of a Site Plan Review Permit to allow the construction of a second-story balcony on an existing two-story single-family residence.

Assistant Planner Sikela presented the staff report.

The public hearing was opened.

Chris Dunagan, 220 Bigelow Street, submitted a letter to the Planning Commission in opposition to the project and expressed concerns over the balcony's impact to his privacy as well as to his views of the hills around Clayton.

Bruce Ballentine, project architect, indicated the following:

- In order to address Mr. Dunagan's concerns, the privacy screen and pergola could be removed and only the balcony deck and railing could be constructed.
- We are willing to work with the neighbors on changes.
- However, the subject two-story residence is already existing so Mr. Dunagan's view would not be affected further by the addition of the balcony.

Commissioner Richardson asked the following questions:

- The two existing windows looking out toward the balcony are bedroom windows? Mr. Ballentine answered "yes."
- How far out is the balcony proposed to extend? Mr. Ballentine answered "14 feet."
- Why is the balcony proposed to be so large in area? Mr. Ballentine answered that the property owner is hoping to place a table and chairs on the balcony.

Bruce Williams, 1862 Renee Way, Concord, expressed opposition to the project.

Heather Adams, wife of the applicant, indicated the following:

- The balcony is proposed to be large so that we can waterproof the balcony and provide protection for items placed underneath the balcony on the ground floor.
- We have relatively small bedroom that will connect with the balcony so the larger design of the balcony will provide a greater amount of living space for that particular bedroom.

Commissioner Richardson asked if the balcony area could be reduced in size.

Mrs. Adams indicated that, if the balcony were reduced in size, we would not be able to fit anything underneath the balcony on the ground floor.

Commissioner Manning indicated the following:

- I do not have any issues with the balcony.
- There are already existing second-story windows on the subject residence which people can look out of, so privacy is already being impacted.
- Without a view protection easement established, the applicants could plant redwood trees and the views would be blocked to a much greater degree than a balcony would cause views to be blocked.

Commissioner Catalano indicated the following:

- I concur with Commissioner Manning on issues related to privacy and view impacts.
- The balcony has been centered in the middle of the property so that it is located far away from the rear property line and both side property lines.

Vice Chair Johnson indicated the following:

- I do not have any issues with the balcony.
- I concur with Commissioner Manning and Commissioner Catalano on issues related to privacy and view impacts.

Commissioner Richardson indicated that, although it is a large balcony, it is good that there has been some communication between the applicant and the applicant's neighbors.

Chair Bruzzone indicated the following:

- Construction of a balcony can sometimes be a touchy issue in balancing between impacts to privacy and views and a property owner's right to improve their property.
- I encourage the applicant to work with their neighbors on the design and to continue communicating.

The public hearing was closed.

**Commissioner Richardson moved and Commissioner Manning seconded a motion to conditionally approve Site Plan Review Permit SPR-03-16, with the findings and conditions of approval recommended by staff. The motion passed 5-0.**

## 6. OLD BUSINESS

None.

## 7. NEW BUSINESS

- 7.a. **GPA-02-15, City of Clayton.** Review of the Fiscal Year 2016-2017 Capital Improvement Program Projects for Conformity with the Clayton General Plan.

Director Gentry presented the staff report.

Commissioner Richardson asked if the requirements to improve City infrastructure to comply with the Americans With Disabilities Act (ADA) is in addition to the CIP improvements already slated for the City.

Director Gentry said "yes."

Commissioner Catalano asked how the City decides which projects get included on the Capital Improvement Project (CIP) list.

Director Gentry indicated that streets are graded every year as to their condition and then, based on need, the streets in most need of repairs are selected for the CIP list. The City also looks at where the funding is coming from for the improvements; it could be from gas tax funds, which are dedicated to street improvements, or the funds could be from another source such as Measure J. For instance, the City of Clayton may utilize City of Concord enterprise sewer funds to improve the El Molino sewer line. Different money sources and availability can impact what projects are included in the CIP.

Vice Chair Johnson asked what about the CIP projects for this year.

Director Gentry indicated the following:

- The ADA project and the PG&E undergrounding project will not include any work this fiscal year and it is essentially a year to accumulate funds.
- The other four programs do have specific projects associated with them, such as the El Molino Sewer project and the repaving of Keller Ridge Drive.
- The neighborhood street program does not have any specific projects identified yet but there is funding available as a placeholder.

Vice Chair Johnson asked if the \$6,000 gas tax monies from Fiscal Year (FY) 2015-2016 will be rolled into FY 2016-2017.

Director Gentry answered "yes."

Chair Bruzzone asked how the sewer monies are generated by the City of Concord.

Director Gentry indicated that Clayton residents pay fees to the City of Concord enterprise fund as part of the sewer service they receive.

Commissioner Manning asked that, since there are no new problems in the area and no new developments being constructed, am I correct in thinking that these funds are earmarked for an "in case something happens" type of situation?

Director Gentry answered "yes."

Chair Bruzzone indicated he was aware that City of Concord personnel come out to Clayton to clean the sewer line weekly so I assume they will be able to forego this service.

Director Gentry said that her understanding is that the El Molino sewer line is undersized for the neighborhood but is to be expanded to accommodate additional flow.

**Commissioner Catalano moved and Commissioner Manning seconded a motion to find City's Capital Improvement Program Projects for the Fiscal Year 2016-2017 are in conformity with the Clayton General Plan and there is no possibility this finding may have a significant effect on the environment. The motion passed 5-0.**

## 8. COMMUNICATIONS

### 8.a. Staff

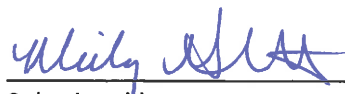
Assistant Planner Sikela provided updates on the Verna Way subdivision project and St. John's mixed-use planned development project.

### 8.b. Commission

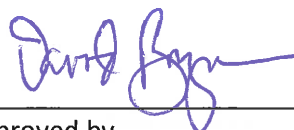
Commissioner Manning congratulated Dan Richardson on the great job he did on Measure H.

## 9. ADJOURNMENT

9.a. The meeting was adjourned at 7:45 p.m. to the regularly-scheduled meeting of the Planning Commission on June 28, 2016.



Submitted by  
Mindy Gentry  
Community Development Director



Approved by  
David Bruzzone  
Chair