

Minutes
Clayton Planning Commission Meeting
Tuesday, September 22, 2015

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 Tuija Catalano
 Commissioner Dan Richardson
 Commissioner Gregg Manning

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 Gregg Manning to report at the City Council meeting of October 6, 2015.

3. PUBLIC COMMENT

None.

4. MINUTES

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

Commissioner Manning moved and Commissioner Richardson seconded a motion to approve the minutes, as amended. The motion passed 5-0.

5. PUBLIC HEARINGS

- 5.a. **SPR-04-15, CDD-13-15, Site Plan Review Permit and Reasonable Accommodation Request, Peter Bibeau, 964 Oak Street, APN: 119-021-038.** A request for approval of a Site Plan Review Permit and a Reasonable Accommodation to allow the construction of a 520 square-foot garage addition and 539 square-foot second-story addition (including a balcony) measuring a total of approximately 1,059 square feet in area and 22 feet in height on an existing two-story single-family residence. The Reasonable Accommodation is for an encroachment in to the rear setback in order to enlarge the master bathroom for increased mobility and access due to a disability. Pursuant to California Environmental Quality Act (CEQA) Guideline 15303 – New Construction or Conversion of Small Structures, the project is categorically exempt from CEQA.

Assistant Planner Sikela presented the staff report.

The public hearing was opened.

The applicant was available for questions.

The public hearing was closed.

Commissioner Richardson indicated that this was an improvement for the residence as well as being good for the family.

Commissioner Manning expressed support for approval of the reasonable accommodation and indicated that the addition fits in with the neighborhood.

Vice Chair Johnson inquired about the existing second-story bathroom projection already encroaching into the setback.

Assistant Planner indicated that the existing second-story bathroom projection would qualify as a "legal non-conforming" structure since it was constructed prior to the current development standards being established for the subject zoning district.

Vice Chair Johnson indicated that she supported approval of the project.

Commissioner Catalano asked about rationale behind using the reasonable accommodation process for the second-story bathroom expansion rather than the variance process to bring the proposal before the Planning Commission.

Assistant Planner Sikela responded that, regarding the second-story bathroom expansion, two different entitlements could have been applied for by the applicant: a reasonable accommodation or a variance. The reasonable accommodation process was established by the City to address this specific type of situation where a modification to a residential unit was necessary to accommodate an applicant's disability. Alternatively, a variance involves a physical attribute on the applicant's lot creating a situation where the applicant cannot improve his or her property in a manner similar to their neighbor's property because of the constraint on the applicant's lot caused by the physical attribute. From staff's perspective, it appeared that the reasonable accommodation process was the more appropriate vehicle since the variance findings might be more difficult to achieve based on the fact that the second-story bathroom expansion is needed for interior mobility purposes to accommodate the applicant's disability rather than because of a physical attribute constraining the subject property. Furthermore, the reasonable accommodation request would be more affordable since applying for a variance entails submittal of a minimum \$1,000 deposit. Staff was supportive of the applicant choosing a mechanism for Planning Commission review that might not be as potentially cost-prohibitive.

Commissioner Catalano indicated that she felt the addition was compatible with the surrounding neighborhood.

Chair Bruzzone indicated support for approval of the site plan review permit and reasonable accommodation.

Commissioner Richardson moved and Commissioner Manning seconded a motion to approve Site Plan Review Permit SPR-04-15 and Reasonable Accommodation CDD-13-15, with the findings of approval and conditions of approval recommended by staff. The motion passed 5-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

Commissioner Richardson gave an overview of the open house meeting held by CEMEX regarding the expansion of their quarry located south of Clayton on Mitchell Canyon Road. He indicated the following:

- The open house meeting was well-attended with one attendee protesting the expansion.
- CEMEX did not give a formal presentation but, instead, had poster boards depicting the expansion.
- CEMEX is looking for approval of a 30-year extension on their current permit which expires in approximately three years.
- As part of their 30-year extension, CEMEX is proposing to dig down further without expanding their current footprint outward.

Director Gentry indicated the following:

- The next step in the process for the CEMEX expansion is the County releasing the environmental document in 2016, which the City will review and comment on.
- CEMEX has not been successful with plantings due to the scale of the benches since the trees are approximately 40 feet in height whereas the benches are 60 feet in height, and there are concerns over the stability of the benches since they had a landslide on the northern side a few years ago; as a result, CEMEX is looking to modify their reclamation plan.

Commissioner Catalano asked how the City is involved in commenting on the expansion.

Director Gentry responded that the project will have to inevitably go through the County's review and approval process but, as a responsible agency under CEQA, the City has the ability to provide comments on the environment document.

Vice Chair Johnson asked if CEMEX is expecting a "rubber stamp" approval.

Director Gentry indicated that she has not heard about a rubber stamp expectation and it would be hard to predict what the County will decide although they might look favorably at such project components as job creation and revenue generation.

Vice Chair Johnson asked how long ago was the quarry established.

Director Gentry replied that the quarry was established in the early 20th Century so the benches have existed for quite some time. CEMEX has the right to mine their entire property but has not done so. The City has asked that CEMEX look at relocating the overburdened fill area to grassland areas rather than in areas that would require removal of heritage oak trees. In addition, the City will be looking for mitigation of dust generation as it would go a long way toward addressing the concerns of those living in neighboring residential districts.

8.b. Commission.

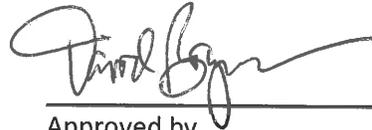
Commissioner Richardson gave an update on the recent TRANSPAC meeting that he attended.

9. ADJOURNMENT

9.a. The meeting was adjourned at 7:35 p.m. to the regularly-scheduled meeting of the Planning Commission on October 13, 2015.



Submitted by
Mindy Gentry
Community Development Director



Approved by
David Bruzzone
Chair

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