



PLANNING COMMISSION

AGENDA Regular Meeting Tuesday, September 14, 2021 7:00 p.m.

***** New Location *****

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19 and the Governor's Executive Orders N-25-20 and N-29-20 that allow members of the Planning Commission, City staff, and the public to participate and conduct a meeting by teleconference, videoconference or both. To comply with public health orders, the requirement to provide a physical location for members of the public to participate in the meeting has been suspended.

Chair: Terri Denslow

Vice Chair: Ed Miller

Planning Commissioner: Bassam Altwal (excused)

Planning Commissioner: Justin Cesarin

Planning Commissioner: Frank Gavidia

A complete packet of information containing staff reports and exhibits related to each public item is available for public review on the City's website at www.ci.clayton.ca.us

Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.ci.clayton.ca.us

Any writings or documents provided to a majority of the Planning Commission after distribution of the Agenda Packet and regarding any public item on this Agenda is available for review on the City's website at www.ci.clayton.ca.us

If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at 925-673-7300. To protect our residents, officials, and staff, and aligned with the Governor's executive order to Shelter-at-Home, this meeting is being conducted utilizing teleconferencing means consistent with State order that that allows the public to address the local legislative body electronically.

Most Planning Commission decisions are appealable to the City Council within 10 calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in oral testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter.

Instructions for Virtual Planning Commission Meeting Participation

To protect our residents, officials, and staff, and aligned with the Governor's executive order to Shelter-at-Home, this meeting is being conducted utilizing teleconferencing means consistent with State order that that allows the public to address the local legislative body electronically.

To follow or participate in the meeting:

Videoconference: To follow the meeting on-line, click this link <https://us02web.zoom.us/j/85316527517>; or through the Zoom application, enter Webinar ID: 853 1652 7517. No registration or meeting password is required.

Phone-in: Dial toll free 877-853-5257. When prompted, enter the Webinar ID above.

E-mail Public Comments: If preferred, please e-mail public comments to the Interim Community Development Director at InterimCDD@ci.clayton.ca.us by 5:00 p.m. on the day of the Planning Commission meeting. All Email Public Comments received prior to 5:00 p.m. on the day of the Planning Commission meeting will be forwarded to the entire Planning Commission.

Each person attending the meeting via video conferencing or telephone and who wishes to speak on an agendized or non-agendized matter shall have a set amount of time to speak as determined by the Planning Commission Chair.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **SELECTION OF CHAIR AND VICE CHAIR**
5. **PRESENTATION AND ANNOUNCEMENTS**

None.

6. **ACCEPTANCE OF THE AGENDA:** The Planning Commission will discuss the order of the agenda, may amend the order, add urgency items, note disclosures or intentions to abstain due to conflict of interest on agendaized public hearing or action items, and request Consent Calendar items be removed from the Consent Calendar for discussion. The Planning Commission may also remove items from the Consent Calendar prior to that portion of the Agenda.
7. **PUBLIC COMMENT (Non-Agenda Items):** This time has been set aside for members of the public to address the Planning Commission on items of general interest within the subject matter jurisdiction of the City. Although the Planning Commission values your comments, pursuant to the Brown Act, the Planning Commission generally cannot take any action on items not listed on the posted agenda. At the Chair's discretion, up to three minutes will be allotted to each speaker.
8. **CONSENT CALENDAR:** The following routine matters may be acted upon by one motion. Individual items may be removed by the Planning Commission for separate discussion at this time or under Acceptance of the Agenda. The ordinance title is deemed to be read in its entirety and further reading waived on any ordinance listed on the Consent Calendar.

A. MINUTES:

Planning Commission Meeting of August 24, 2021

Staff Recommendation: Approve the minutes of the August 24, 2021 meeting.

9. PUBLIC HEARINGS

A. **Paul Regan and Angela Switzer – Request for approval of a Site Plan Review Permit to allow the construction of a second-story addition on an existing single-story residence (SPR-01-2021).**

Request by Paul Regan and Angela Switzer for approval of a Site Plan Review Permit to allow the construction of a second-story addition measuring approximately 480 square feet in area and 19 feet 6 inches in height on an existing single-story residence at 5856 Herriman Drive, Assessor's Parcel Number 119-101-002.

CEQA Status: The subject Site Plan Review Permit request is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Categorical Exemption Class 3 (New Construction or Conversion of Small Structures), Section 15303 of the State Guidelines for Implementation of CEQA.

Staff Recommendation: Staff recommends that the Planning Commission open the public hearing and accept written and spoken testimony, close the public hearing and adopt the attached Resolution approving Site Plan Review Permit application SPR-01-2021.

10. ACTION ITEMS

None.

11. **COMMUNICATIONS:** This time is set aside for the Planning Commission to make requests of staff, and/or for issues of concern to Planning Commissioners to be briefly presented, prioritized, and set for future meeting dates. This time is also provided for staff to share any informational announcements with the Commission.

12. ADJOURNMENT

The next Planning Commission Regular Meeting is Tuesday, September 28, 2021.

Minutes
City of Clayton Planning Commission
Regular Meeting
Tuesday, August 24, 2021

1. CALL TO ORDER

Vice Chair Terri Denslow called the meeting to order at 7:01 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Bassam Altwal lead the Pledge of Allegiance.

3. ROLL CALL

Present: Vice Chair Terri Denslow
Commissioner Bassam Altwal
Commissioner Justin Cesarin
Commissioner Frank Gavidia
Commissioner Ed Miller

Absent: None

4. SELECTION OF CHAIR AND VICE CHAIR

Commissioner Altwal moved and Commissioner Cesarin seconded a motion to select Vice Chair Terri Denslow as Chair and Commissioner Miller as Vice Chair. The motion passed 4-1, with Commissioner Gavidia voting no.

5. PRESENTATIONS AND ANNOUNCEMENTS

Chair Denslow welcomed Commissioner Cesarin to the Planning Commission.

6. ACCEPTANCE OF THE AGENDA

Vice Chair Miller moved and Commissioner Altwal seconded a motion to accept the agenda as presented. The motion passed 5-0.

7. PUBLIC COMMENT

None

8. CONSENT CALENDAR

A. Approval of Planning Commission Meeting Minutes.

Approval of the minutes for the June 22, 2021 Planning Commission meeting.

Vice Chair Miller moved and Commissioner Altwal seconded a motion to approve the June 22, 2021 Planning Commission meeting minutes, as amended. The motion passed 5-0.

9. PUBLIC HEARINGS

A. **Weichert, Realtors – Request for approval of a Use Permit to allow the operation of a real estate business in a ground-floor tenant space located in the Town Center (UP-02-2021).**

Weichert, Realtors, the applicant, requests approval of a Use Permit (UP-02-2021) to allow the operation of a real estate business (office uses) in a ground-floor tenant space located in the Town Center. The real estate business is proposed to operate Monday through Friday from 9:00 a.m. to 5:00 p.m. The real estate office is proposed to be located at 1028 Diablo Street (Assessor's Parcel Number 119-014-006).

CEQA Status: The subject Use Permit request is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Categorical Exemption Class 1 (Existing Facilities), section 15301 of the State Guidelines for Implementation of CEQA.

Chair Denslow recused herself from this item for conflict-of-interest reasons and left the meeting.

Vice Chair Miller took over as Acting Chair.

Assistant Planner Milan Sikela presented the item.

Commissioner Altwal asked if a permit had been issued for demolition or construction work related to the business moving into the subject tenant space. Assistant Planner Sikela indicated that he was not aware that any demolition or construction was needed as part of the business moving into the subject tenant space but that he would defer to the applicant to confirm.

Commissioner Cesarin asked whether the Use Permit application was complete given that there was no General Plan map, Zoning map, and the floor plan was not to scale. Assistant Planner Sikela responded that the Use Permit application forms list more submittal items than what is germane to this particular use. Some of the information staff already has, such as the General Plan land use designation and the Zoning classification. Other submittal items listed, such as the landscape plan and circulation plan do not pertain to the subject use permit request. Interim Director Dana Ayers added that, with such items as the General Plan and Zoning, staff would only ask for those items if the applicant was proposing to change the General Plan land use designation or Zoning classification, which was not the case with the subject Use Permit request. In this instance, staff did not require architectural drawings since there were no proposed changes to the structure or tenant space.

Commissioner Gavidia had the following questions and comments:

- The only reason this Use Permit request has been brought before the Planning Commission is because the Town Center Specific Plan encourages retail uses in ground floor locations, correct? Director Ayers responded, yes, there are requirements in the Town Center Specific Plan and Clayton Municipal Code that professional office uses are only allowed in ground-floor locations with Planning Commission approval of a Use Permit.
- When was that requirement established? Assistant Planner Sikela said that, according to the Clayton Municipal Code, the applicable Section, which is Section 17.60.030.C, was adopted in 2008.
- 2008 is when the Retail Study was conducted.

- It appears that the other existing realtor offices located in ground floor tenant spaces within the Town Center located in those tenant spaces prior to 2008 and, as a result, have been grandfathered in.

Commissioner Altwal had the following comments:

- In 2015, the Planning Commission approved a Use Permit for a dentist office to move into a ground floor tenant space in the Town Center.
- This Use Permit requirement was established to encourage non-retail uses to be located on upper floors and retail uses to be located in ground floor locations in order to enhance revenue for the City.
- Retail uses are very difficult to bring to Clayton.
- The building that Mazzei Realty is located in was not designed to be a retail building but, instead, was designed for office uses.
- There are several realtor offices located in ground floor tenant spaces in the Town Center: two in the Mazzei Realty building and one on the ground floor of the Village Oaks building.

Commissioner Cesarin indicated the windows on the front of the subject tenant space are quite large and it would be good to emphasize their size in the narrative of the application.

Julie Rogers, the applicant, introduced herself and had the following comments:

- She moved from a tenant space in Clayton Station to the subject tenant space on Diablo Street but was not aware of the ground floor retail limitations of the Town Center Specific Plan until after she started moving furniture and boxes into the subject tenant space.
- She has already gotten out of the lease from her Clayton Station tenant space and, as a result, was committed to moving into the subject tenant space but, given the Use Permit requirements for non-retail ground floor locations, has not conducted any business.
- She has operated Weichert, Realtors for 16 years.
- Her business will bring clients and customers to the Town Center who will patronize other businesses in downtown Clayton.
- No demolition or construction will occur in the subject tenant space.

Commissioner Altwal had the following questions and comments:

- Will you be applying for a permit to perform demolition or construction? Ms. Rogers responded no, there will be no demolition or construction and that she had only painted the interior walls.
- According to the floor plans, it appears that there are walls and bathrooms inside the subject tenant space. Ms. Rogers indicated that the walls and bathrooms are existing and will not be altered.

Commissioner Gavidia had the following questions and comments:

- Why do you need an office as it seems that the trends are toward real estate businesses moving on-line? Ms. Rogers responded that there are clients that want to come to an office, and there would be a mortgage brokerage in the office, as well. Two to three clients per day typically come into an office. She would not feel comfortable without an office space.
- Do you think office uses will still be relevant in three to five years? Ms. Rogers responded yes, there is still a need to meet people face to face.

Commissioner Cesarin had the following questions:

- Only three or four clients per day are anticipated to come to the office? Ms. Rogers responded that some days there may be no clients coming to the office and other days there may be five clients that come to the office.

- Is there a certain demographic that patronizes the realty office? Ms. Rogers responded that she has clients from all demographics.
- How do you think your business would complement other Town Center businesses? Ms. Rogers indicated her business will bring in people that would normally not come into downtown Clayton, and those people will patronize the other businesses in the Town Center.

Debra Pryor, owner of the property, joined the meeting and was invited by the Acting Chair to speak on the item.

Commissioner Cesarin had the following questions:

- How long was Royal Rooster located in the subject tenant space? Ms. Pryor responded 13 years.
- When did Royal Rooster provide notification that they were moving out? Ms. Pryor responded that Royal Rooster notified her in April 2021.
- When did you list the property for lease? Ms. Pryor indicated that the owner of the Royal Rooster formally advised her that she was vacating the tenant space about a month before moving out at the end of June.
- How long after Royal Rooster moved out did Ms. Rogers contact you? Ms. Pryor responded that Ms. Rogers contacted her approximately one week later.
- Did any other businesses contact you? Ms. Pryor responded that the Clayton Farmhouse contacted her but she was not comfortable with the short time the Clayton Farmhouse had been in business compared to the 16 years that Weichert, Realtors has been in business.

Commissioner Altwal had the following questions:

- Did any other businesses show interest in leasing the tenant space? Ms. Pryor responded that one other person contacted her who owned a coffee business, but the tenant space is already next door to a coffee shop, Cup O' Jo.
- Ms. Rogers made contact regarding leasing the tenant space within one week after the tenant space was listed for lease? Ms. Pryor responded that was correct.

The public hearing was opened.

Mike Kavanaugh had the following comments:

- He is the broker of Town and Country realtor who has been located on the second floor of Flora Square since 2009.
- He stated he was denied a permit when he initially tried to move in to the tenant space behind Village Market.
- The ground floor tenant space underneath his second floor tenant space has been vacant since the Flora Square building was opened over 12 years ago.
- He would like to move into a ground floor tenant space in the Flora Square building or another ground floor tenant space within the Town Center.
- The subject tenant space only being vacant for one week does not constitute a hardship, especially when a viable retail tenant such as Clayton Farmhouse was ready to lease the property.

Pastor Shawn Robinson from the Clayton Community Church had the following comments:

- We support approval of the Use Permit.
- Weichert, Realtors are good people who want to invest in our community.
- Retail uses are almost impossible to have move into Clayton.

- The Town Center Specific Plan was well-intentioned when it was first enacted, but maybe it is time for a change, and the requirement for non-retail uses to obtain a Use Permit could be removed from the Town Center Specific Plan.
- The revenue that the City is receiving from retail sales tax is nominal.

There being no one else present requesting to speak on the item, the Acting Chair closed the public hearing.

Acting Chair Miller had the following comments:

- We are currently in a very depressed economic time due to the pandemic.
- There are many vacant tenant spaces in the Town Center and that number appears to be growing.
- He noticed that Snap Fitness has vacated their tenant space in the Village Oaks building.

Commissioner Cesarin had the following comments:

- Weichert, Realtors is moving from one location in Clayton to another, so there is not really a new business being added to the City.
- We have to ascertain would Weichert, Realtors add pedestrian activity to the Town Center.
- As Commissioner Gavidia indicated, a lot of real estate businesses are moving on-line.
- The Royal Rooster was located in the subject tenant space for 13 years, and it took the first year of a global pandemic to force it to go out of business.
- Weichert, Realtors does not appear to complement the Town Center given the existing realty companies that are already located in downtown Clayton.
- By leaving Clayton Station and moving to the Town Center, the applicant is merely filling one vacancy and creating another.

Commissioner Gavidia had the following comments:

- I have been in Clayton for 20 years and have seen business come and go in the subject tenant space.
- Clayton cannot support the retail that is envisioned in the Town Center Specific Plan.
- The requirement that non-retail businesses need a Use Permit to be located in a ground floor tenant space in the Town Center is obsolete.
- By keeping the Use Permit requirement for non-retail uses to be located in ground floor tenant spaces, we will be seeing more and more vacant buildings in the Town Center.
- I do not want to see a building owner go out of business.

Commissioner Gavidia moved to approve the Use Permit. There was no second so Commissioner Gavidia withdrew his motion.

Commissioner Altwal had the following questions and comments:

- The requirement that non-retail businesses need a Use Permit to locate in a ground floor tenant space in the Town Center had been established to regulate the uses in the Town Center.
- Without the requirement that non-retail businesses need a Use Permit to be located in a ground floor tenant space in the Town Center, we would be inundated with non-retail business, and the vision and character of the Town Center would be lost.
- Mr. Kavanaugh indicated that he was rejected by the City several times when he proposed to move into a ground floor tenant space.

- Having the subject tenant space be vacant for only one week does not constitute a hardship.
- The Clayton Farmhouse would have been a better use for the subject tenant space.
- However, we need businesses in Clayton which is better than having vacant tenant spaces in the Town Center.
- None of the rationales provided warrant Weichert, Realtors moving into the subject tenant space.

Acting Chair Miller inquired what constitutes an economic hardship? Director Ayers responded that none of the required Use Permit findings was based on economic hardship. She noted that staff's analysis and recommendation to approve the Use Permit was based on the physical characteristics of the subject building which has only three windows approximately six feet wide each and a large blank wall that does not promote merchandise visibility important for retail, and the location of the subject building which is not bookended by other retail businesses.

Assistant Planner Sikela indicated that, regarding the claim that there have been previous rejections by the City of Use Permit applications for a non-retail use to located in a ground floor tenant space, in his 20 years with the City, he did not recall any formal Use Permit application that had been denied. Rather, every Use Permit application that he recalled seeing come before the Planning Commission for office, massage, dental, or fitness uses on the ground floor had been approved. Since being employed by the City in 2001, there had not been a recommendation of denial by staff for these types of uses, and the Planning Commission had not denied a Use Permit request for these types of uses.

Director Ayers indicated that Use Permits are site-specific. It should be noted that the Flora Square building has a different set of circumstances and requirements based on the fact the City was involved in the development of the Flora Square building through the Redevelopment Agency which resulted in that building being more constrained in its uses. The subject building is privately-owned and, therefore, is not subject to some of the same site-specific requirements as the Flora Square building.

Commissioner Altwal inquired that, if the subject Use Permit request was for a tenant space located on Main Street or Center Street, would staff's recommendation be different? Director Ayers responded that quite possibly that could have been the case. Staff would analyze the circumstance of each structure and tenant space on a case-by-case basis. The subject structure is on a side street which was one of the factors staff considered in developing a recommendation for this Use Permit request.

Commissioner Altwal indicated that, based on staff's clarifications, approval of this Use Permit would not be setting a precedent for ground floor real estate businesses to receive automatic approval of future Use Permit requests.

Director Ayers indicated the following:

- The analysis staff provided for this Use Permit request is not generic to the entire Town Center Specific Plan area.
- Staff only looked at this particular building which is located on a side street and not on one of the two main corridors in the Town Center: Main Street and Center Street.
- The subject building is not bookended by other retail buildings.

- If one stands on the southeast corner of Main Street and Diablo Street and looks down the east side of Diablo Street, there is very little of interest to draw a pedestrian down Diablo Street.
- There is only a parking lot and a field beyond and no retail development that would entice people to walk down Diablo Street.
- Staff considered at the challenges this building would face with a retail tenant.
- Not to say that a retail business would struggle to survive, but there is not other retail around this building.

Commissioner Cesarin expressed concern that we are continuing down a path that is not sustainable for the City if we are going to fill up all of our ground floor tenant spaces in the Town Center with office uses.

Acting Chair Miller moved and Commissioner Gavidia seconded a motion to conditionally approve a Use Permit (UP-02-2021) to allow Weichert, Realtors to operate a real estate business (office use) in a ground-floor tenant space located in the Town Center at 1028 Diablo Street. The motion passed 3-1, with Commissioner Cesarin voting no.

Chair Denslow returned to the meeting at 8:46 p.m.

10. ACTION ITEMS

None.

11. COMMUNICATIONS

Vice Chair Miller inquired to Director Ayers if, in accordance with the Brown Act, it would be possible to have a closed session discussion during Planning Commission meetings in the future for matters pertaining to legal issues. Director Ayers indicated that she would consult with the City Attorney for direction on this query and respond to the Planning Commission accordingly.

12. ADJOURNMENT

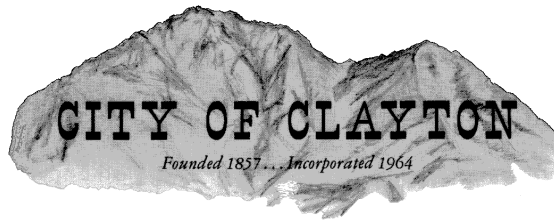
The meeting was adjourned at 8:49 p.m. to the regularly-scheduled meeting of the Planning Commission on September 14, 2021.

Respectfully submitted:

Dana Ayers, AICP, Interim Secretary

Approved by the Clayton Planning Commission:

Chair Terri Denslow



AGENDA REPORT

To: Honorable Chair and Planning Commissioners

From: Milan J. Sikela, Jr.
Assistant Planner

Date: September 14, 2021

Subject: Agenda Item 9.A.
Paul Regan and Angela Switzer – Request for approval of a Site Plan Review Permit to allow the construction of a second-story addition on an existing single-story residence (SPR-01-2021).

SUMMARY

This is a public hearing on a request by Paul Regan and Angela Switzer for approval of a Site Plan Review Permit (SPR-01-2021) to allow the construction of a second-story addition measuring approximately 480 square feet in area and 19 feet 6 inches in height on an existing single-story residence at 5856 Herriman Drive, Assessor's Parcel Number (APN) 119-101-002.

RECOMMENDATION

Staff recommends that the Planning Commission open the public hearing and accept written and spoken testimony, close the public hearing and adopt the attached Resolution approving Site Plan Review Permit application SPR-01-2021.

PROJECT INFORMATION

Applicants/Property Owners: Paul Regan and Angela Switzer

Location: 5856 Herriman Drive
APN 119-101-002
See **Attachment B** for Vicinity Map

General Plan Designation: Low Density – Single Family Residential (1.1 to 3.0 units per acre)

Zoning Classification: Single Family Residential R-12 District (12,600 square-foot minimum lot area)

Environmental Review: The subject Site Plan Review Permit request is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Categorical Exemption Class 3 (New Construction or Conversion of Small Structures), Section 15303 of the State Guidelines for Implementation of CEQA.

Public Notice:

On September 3, 2021, a public hearing notice was posted at the notice boards at Clayton City Hall, Clayton Community Library, and in the Town Center as well as being mailed to the owners of real property located within 300 feet of 5856 Herriman Drive.

ANALYSIS

Paul Regan and Angela Switzer, the applicants, request approval of a Site Plan Review Permit to allow the construction of a second-story addition measuring approximately 480 square feet in area and 19 feet 6 inches in height on an existing single-story residence at 5856 Herriman Drive (See **Attachment C** for proposed Site Plan, Floor Plan, Roof Plan, and Elevations).

Site Plan Review Permit Required

In accordance with Clayton Municipal Code (CMC) Section 17.44.020, a Site Plan Review Permit is required in any zoning district for the design of any new development, including new construction, remodeling, or additions, that meets certain criteria. Subsection A of CMC Section 17.44.020 lists construction of a single-story or a multi-story single-family residence over 16 feet in height among the types of development requiring review and approval of a Site Plan Review Permit before the Planning Commission.

Architectural Review

The second story addition has been proposed with matching stucco siding, composition shingle roof material, and a 3.75:12 roof pitch. The second-story addition has been designed with a lower profile roof so as to be complementary with the existing single-story subject residence while also minimizing impacts to views of Mount Diablo to the south/southeast from other properties in the neighborhood. The low-profile roof section of the addition is proposed to increase the height of the structure from the existing 14 feet 2 inches to 19 feet 6 inches in height, an increase in height of only approximately 5 feet 4 inches. Additionally, the limited number of windows and distance of windows from neighboring properties proposed for the addition reduces impacts to privacy by including only one window on the west side elevation of the stairwell component of the addition which is the closest exterior wall of the addition to the property line of an adjoining property (10 feet). Furthermore, the windows on the east side and south (rear) side of the addition are each 53 feet away from east side and rear property lines, respectively.

Setback Analysis

The proposed addition is well within the required setbacks of the Municipal Code with only the west side setback changing to accommodate the proposed stairwell component of the addition.

The Project meets the R-12 District standards as shown below.

R-12 Setbacks	Existing Setbacks	Proposed Setbacks	Project Compliant?
Front Setback 20'	North 21' 5"	North No Change	Yes
Side Setback 10' Interior 25' Aggregate	West 12' East 20' 9" Aggregate 32' 9"	West 10' East No Change Aggregate No Change	Yes Yes Yes
Rear Setback 15'	South 45' 9"	South No Change	Yes

Residential Floor Area Analysis

Building Footprint

The proposal meets the building footprint requirements as shown below.

Lot Size	Building Footprint Allowed	Existing Building Footprint	Proposed Building Footprint	Project Compliant?
12,000 sq ft	3,600 sq ft	2,154 sq ft	2,232 sq ft	Yes

Floor Area

The proposal meets the floor area requirements as shown below.

Lot Area	Floor Area Allowed	Existing Floor Area	Proposed Floor Area	Project Compliant?
12,000 sq ft	5,200 sq ft	2,154 sq ft	2,634 sq ft	Yes

Height Analysis

The proposal meets the height requirements for single-family residences as shown below.

Maximum Height	Existing Height	Proposed Height	Project Compliant?
35 feet	14 feet 2.5 inches	19 feet 5.5 inches	Yes

CONCLUSION

Staff has reviewed the design aspects of the Project relative to the Standards of Review for Site Plan Review Permits and has determined that the Project, as conditioned, is in conformance with the Clayton Municipal Code.

ATTACHMENTS

- A. Proposed Planning Commission Resolution No. 07-2021
- B. Vicinity Map
- C. Proposed Site Plan, Floor Plan, Roof Plan, and Elevations

**CITY OF CLAYTON
PLANNING COMMISSION
PROPOSED
RESOLUTION NO. 07-2021**

**A RESOLUTION OF THE CLAYTON PLANNING COMMISSION APPROVING A
SITE PLAN REVIEW PERMIT TO ALLOW THE CONSTRUCTION OF A SECOND-STORY
ADDITION MEASURING APPROXIMATELY 480 SQUARE FEET IN AREA AND 19 FEET 6 INCHES
IN HEIGHT ON AN EXISTING SINGLE-STORY RESIDENCE AT 5856 HERRIMAN DRIVE
(SPR-01-2021)**

WHEREAS, the City received an application from Paul Regan requesting approval of a Site Plan Review Permit to allow the construction of a second-story addition measuring approximately 480 square feet in area and 19 feet 6 inches in height on an existing single-story residence at 5856 Herriman Drive ("Project"); and

WHEREAS, Section 17.44.020 of the Clayton Municipal Code (CMC) authorizes the Planning Commission to approve a Site Plan Review Permit in accordance with the standards of review in CMC Section 17.44.040; and

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Categorical Exemption Class 3 (New Construction or Conversion of Small Structures), Section 15303 of the State Guidelines for Implementation of CEQA; and

WHEREAS, on September 14, 2021, the Clayton Planning Commission held a duly-noticed public hearing on the Site Plan Review Permit request (SPR-01-2021), and received and considered testimony and evidence, both spoken and documentary.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does determine the foregoing recitals are true and correct and makes the following Findings for Approval of Site Plan Review Permit application SPR-01-2021 based on the Site Plan Review Permit Standards of Review:

A. The use is in conformity with the General Plan and any applicable Specific Plan;

The Project is consistent with the General Plan designation and policies since the Project consists of an enlargement of a single-family home, a permitted use within the Single Family Low Density land use designation. There is no established Specific Plan that is applicable to the Project.

B. The use is in conformity with City-adopted standards in the Zoning Ordinance as related to Site Plan Review Permits;

The Project is compliant with minimum yard and maximum building height, lot coverage, and floor area ratio regulations prescribed in the Zoning Ordinance for properties located in the Single-Family Residential R-12 District, and it will be constructed in compliance with Site Plan Review Permit requirements, findings, and conditions of approval.

C. Shall not negatively affect the general safety (e.g., seismic, landslide, flooding, fire, traffic) of the City or surrounding area;

The Project preserves the general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards since the Project will be constructed in compliance with the Clayton Municipal Code, California Building Standards Code, and other agency regulations where applicable.

D. Shall maintain solar rights of adjacent properties;

The Project will not block adjacent properties from direct sunlight from any angle of the ecliptic.

E. Shall reasonably maintain the privacy of adjacent property owners and/or occupants;

The Project reasonably maintains the privacy of adjacent property owners and/or occupants since the Project complies with the Single-Family Residential R-12 District setback requirements of the Clayton Municipal Code and uses a minimal amount of windows on the addition's west and east side elevations, which are the closest exterior walls of the addition to the shared property lines of the subject property and neighboring properties.

F. Shall reasonably maintain the existing views of adjacent property owners and/or occupants;

The Project reasonably maintains the existing views of adjacent property owners and/or occupants since the Project complies with the setback requirements of the Clayton Municipal Code and only increases the height of the subject residence by 5 feet 4 inches, from the existing 14-foot 2-inch height to 19 feet 6 inches in height. In addition to being well within the maximum 35-foot building height for properties located in the Single-Family Residential R-12 District (CMC Section 17.16.070), the less than 6-foot increase in overall building height will maintain the low profile of the residence and will not block views from adjacent properties.

G. Shall be complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk;

The Project is complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk since the addition has been designed with exterior colors and materials that match the existing residence and complement architectural materials used on surrounding residences, and the massing of the Project complies with all applicable zoning regulations and development standards for setback, building footprint, and residential floor area requirements.

H. Shall be in accordance with the design standards for manufactured homes per Section 17.36.078 of the Clayton Municipal Code;

The Project consists of the expansion of an existing single-family home and is not considered a manufactured home; therefore, this finding is not applicable.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission does hereby approve Site Plan Review Permit SPR-01-2021 to allow the construction of a second-story addition measuring approximately 480 square feet in area and 19 feet 6 inches in height on an existing single-story residence at 5856 Herriman Drive, subject to the following Conditions of Approval:

1. The applicant shall indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgments, liens, levies, costs, and expenses of whatever nature, including, but not limited to, attorney's fees, costs, and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, and any environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.
2. The project shall be constructed in accordance with the approved plans, prepared by K. Naraghi for Gemini Construction Group, date stamped September 9, 2021, and as conditionally approved by the Clayton Planning Commission on September 14, 2021.
3. The applicant shall obtain the necessary permits from the Contra Costa County Department of Conservation and Development. All construction shall conform to the California Building Code.
4. Any major changes to the project shall require Planning Commission review and approval. Any minor changes to the project shall be subject to City staff review and approval.
5. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
6. An encroachment permit shall be required for all work in the public right-of-way.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 14th day of September, 2021.

AYES:

NOES:

ABSTAINED:

ABSENT:

APPROVED:


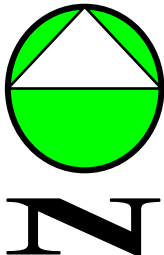
ATTEST:

Terri Denslow
Chair

Dana Ayers, AICP
Interim Community Development Director



VICINITY MAP

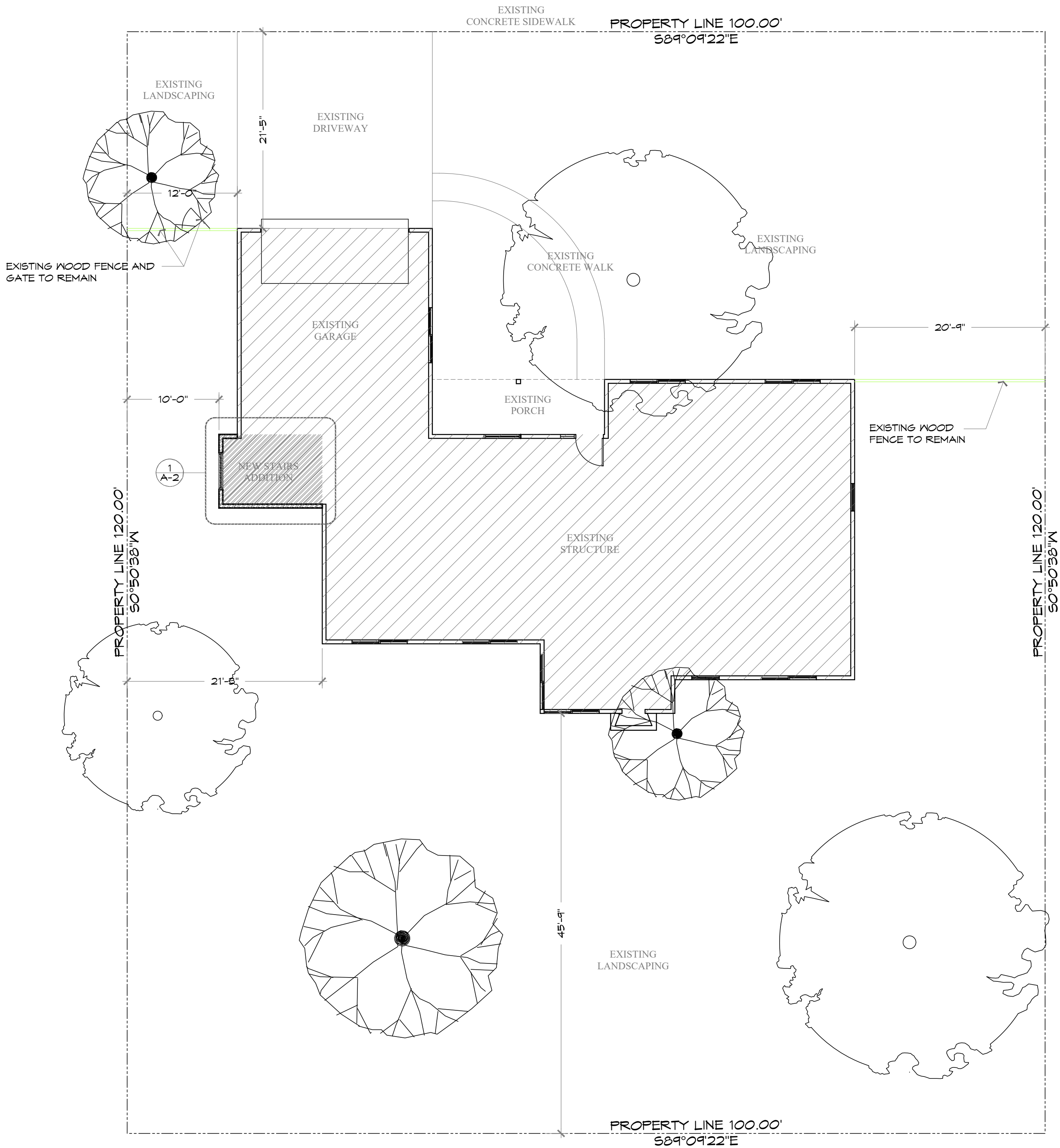
 <p>CITY OF CLAYTON Founded 1957 - Incorporated 1964</p>	<p>Regan and Switzer Residence Site Plan Review Permit SPR-01-2021 5856 Herriman Drive APN 119-101-002</p>	
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(Not to Scale)

RECEIVED

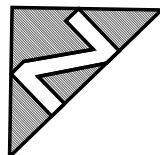
SEPTEMBER 9, 2021

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT



1 SITE PLAN

SCALE: 1/8"=1'-0"



Switzer and Regan Residence

5856 HERRIMAN DRIVE,
CLAYTON, CA

APN. 119-102-002

ZONING: R-12

LOT AREA: 12,000 sq.ft.

EXISTING BLDG. AREA: 1,677 sq.ft.

EXISTING GARAGE AREA: (477) sq.ft.

NEW STAIRS 78 sq. ft.

NEW 2ND FLOOR ADDITION: 402 sq.ft.

TOTAL NEW CONSTRUCTION: 480 sq.ft.

TOTAL NEW HOUSE INCL. GARAGE: 2,634 sg. ft.

SHEET INDEX

A-1	SITE PLAN, PROJECT DATA, SHEET INDEX & NOTES
A-2	FLOOR PLANS, RCP, ROOF PLAN & NOTES
A-3	EXTERIOR ELEVATIONS, WINDOWS, DOORS & NOTES
A-4	CROSS SECTIONS & INT. ELEVATIONS
A-5	DETAILS

STRUCTURAL DRAWINGS INDEX

SN1	GENERAL NOTES AND DESIGN CRITERIA
SN2	GENERAL STRUCTURAL SPECIFICATIONS & NOTE
S1	STRUCTURAL FOUNDATION & HOLDOWN PLAN
S2	STRUCTURAL FLOOR FRAMING & SHEAR WALL
S3	STRUCTURAL ROOF FRAMING & SHEAR WALL
SD1	SHEARWALL SCHEDULE & TYPICAL DETAILS
SD2	HOLDOWN SCHEDULE & TYPICAL DETAILS
SD3	TYPICAL CONCRETE DETAILS
SD4	TYPICAL CARPENTRY DETAILS
SD5	FOUNDATION DETAILS
SD6	FLOOR FRAMING DETAILS
SD7	ROOF FRAMING DETAILS

SCOPE OF WORK

ADD NEW MASTER SUITE ON THE SECOND FLOOR +
REQUIRED STAIRS.

NOTES:

1. PROVIDE ATTIC VENTILATION AT EAVES TO MEET THE CODE REQUIREMENTS
2. PROVIDE 22"x30" ATTIC ACCESS (30"x30" WITH ATTIC EQUIPMENT). PROVIDE 30" MIN. CLEAR HEADROOM.
3. PROVIDE CROSS VENTILATION FOR ATTIC AND VAULTED CEILING BAYS. PROVIDE 1" MINIMUM AIR SPACE ABOVE INSULATION.
4. FIREBLOCK CONCEALED SPACES.
5. GALVANIZED BOX NAILS FOR EXTERIOR PLYWOOD NAILING SHALL BE HOT-DIPPED OR TUMBLER.
6. EXPOSED WOOD FRAMING SHALL BE PRESSURE TREATED OR DECAY RESISTANT.
7. ALL GLASS SUBJECT TO HUMAN IMPACT SHALL BE SAFETY GLASS.
8. EGRESS: OPENABLE MIN. 5.7 sq.ft. AREA, MIN. 24" HEIGHT, MIN. 20" WIDTH AND MAX. 44" SILL HEIGHT.
9. ANY DUCT PENETRATION OF THE COMMON WALLS TO THE HOUSE AND GARAGE SHALL BE MADE WITH MIN. 26 GAGE METAL.

ELECTRICAL LEGEND:

- PHONE JACK/MODEM
- DUPLEX RECEPTACLE
- CABLE OUTLET
- EXTERIOR WALL MOUNTED LIGHT FIXTURE
- CEILING MOUNTED LIGHT FIXTURE
- SMOKE DETECTOR

GEMINI
CONSTRUCTION GROUP

1575 TREAT BLVD., SUITE 101
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Fax: 925 944 5360
Web: www.gemini-construction.com
Email: ashk@gemini-construction.com

Remodeling and Addition
5856 Herriman Drive
Clayton, California

Prepared for:
Mr. & Mrs Paul Regan
5856 Herriman Drive
Clayton, California

In association with:

DP Advanced Engineering
Structural Engineering Solutions
3381 Walnut Blvd., Suite 220
Brentwood, CA 94513

Key Plan

No.	Issue Description	Date
1	Plan Check	07/30/2021
2	Back Check	09/09/2021

Drawn by: K.NARAGHI Reviewed by: M.NARAGHI

Project No: 070521-03ARN

CD-A-1-SitePlan & Notes-R1.dwg

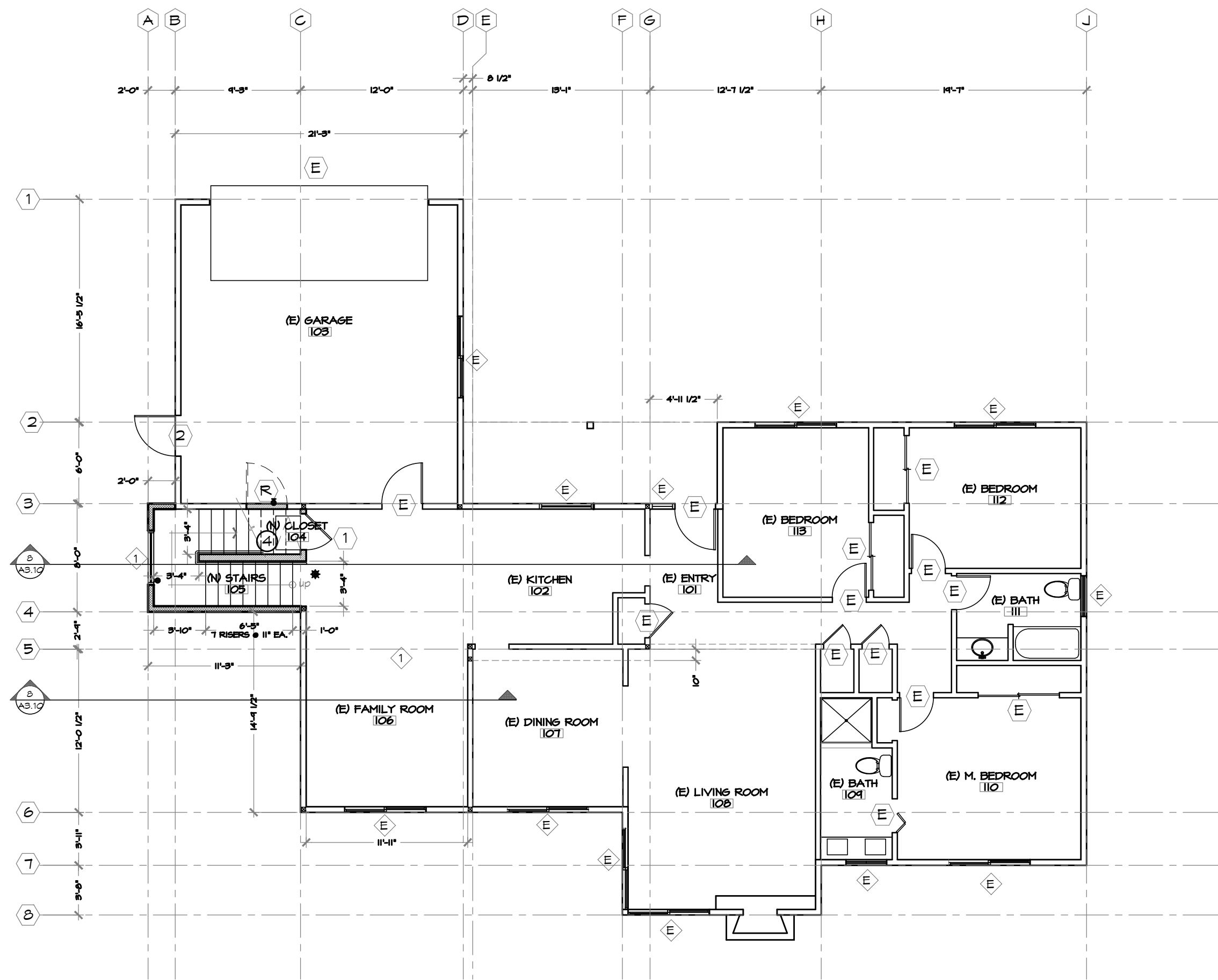
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EXISTING SITE PLAN
PROPOSED
FLOOR PLAN

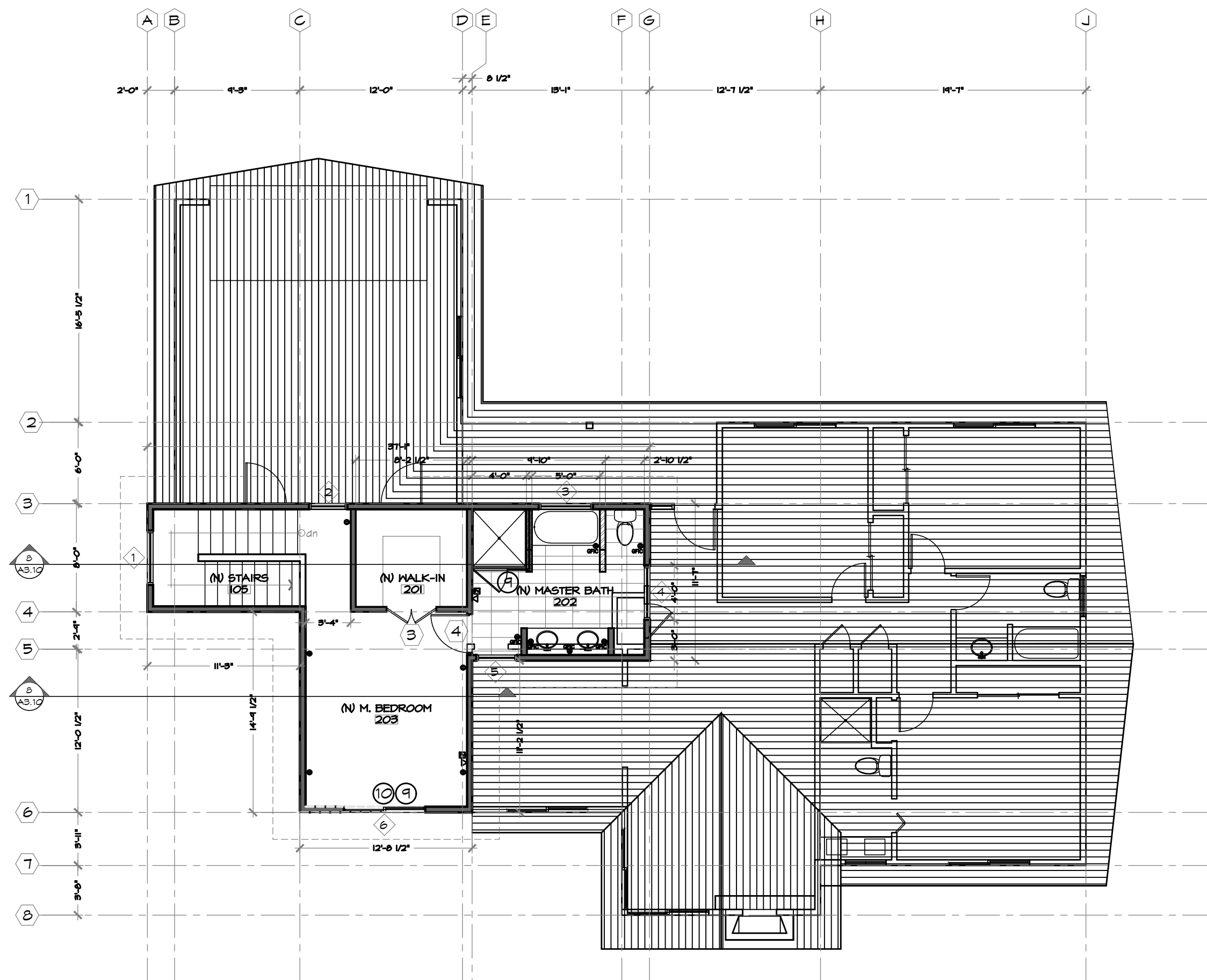
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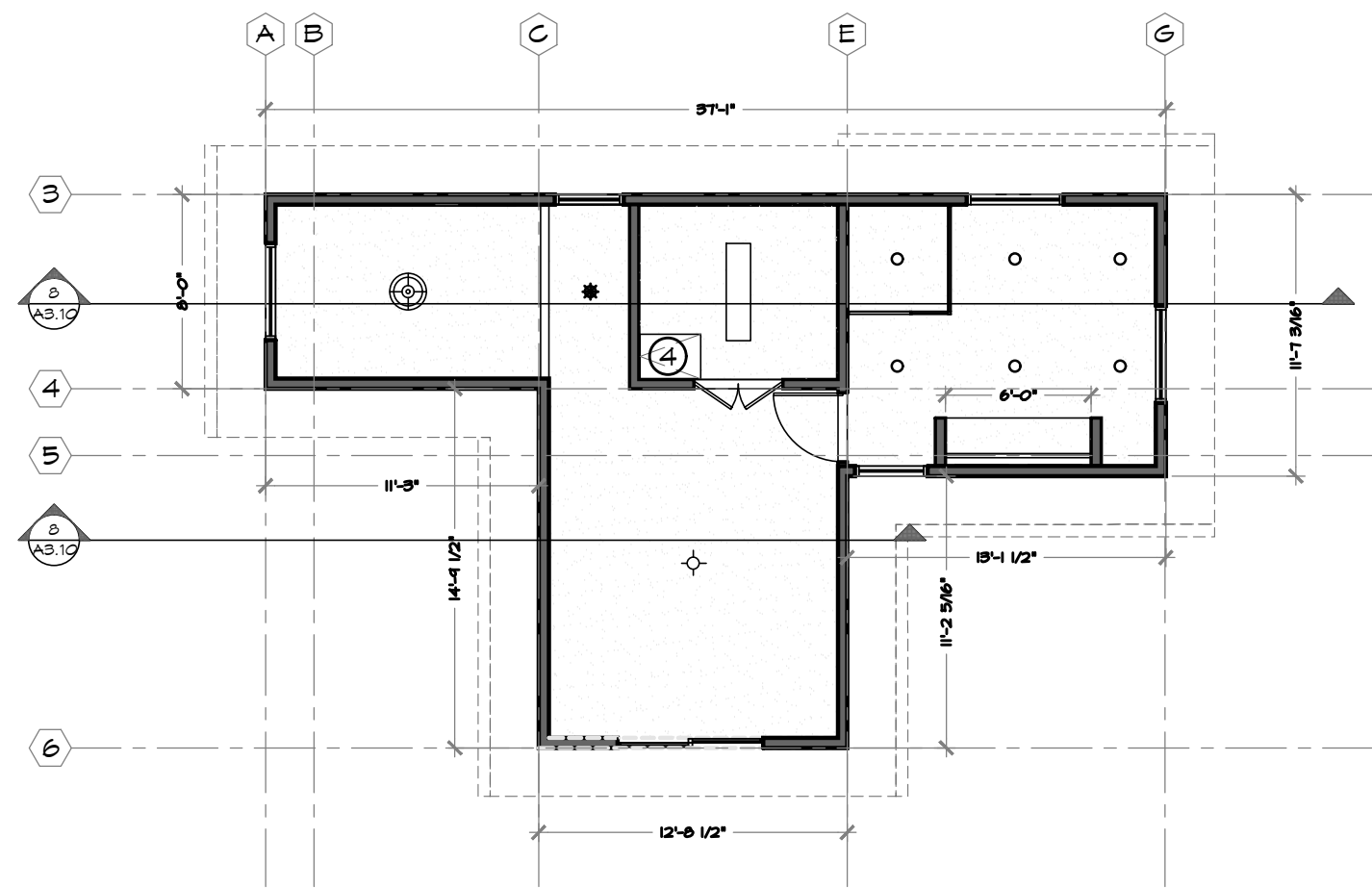
A-1



1 1st FLOOR PLAN SCALE: 1/8"=1'-0"



2 2ND FLOOR PLAN SCALE: 1/8"=1'-0"

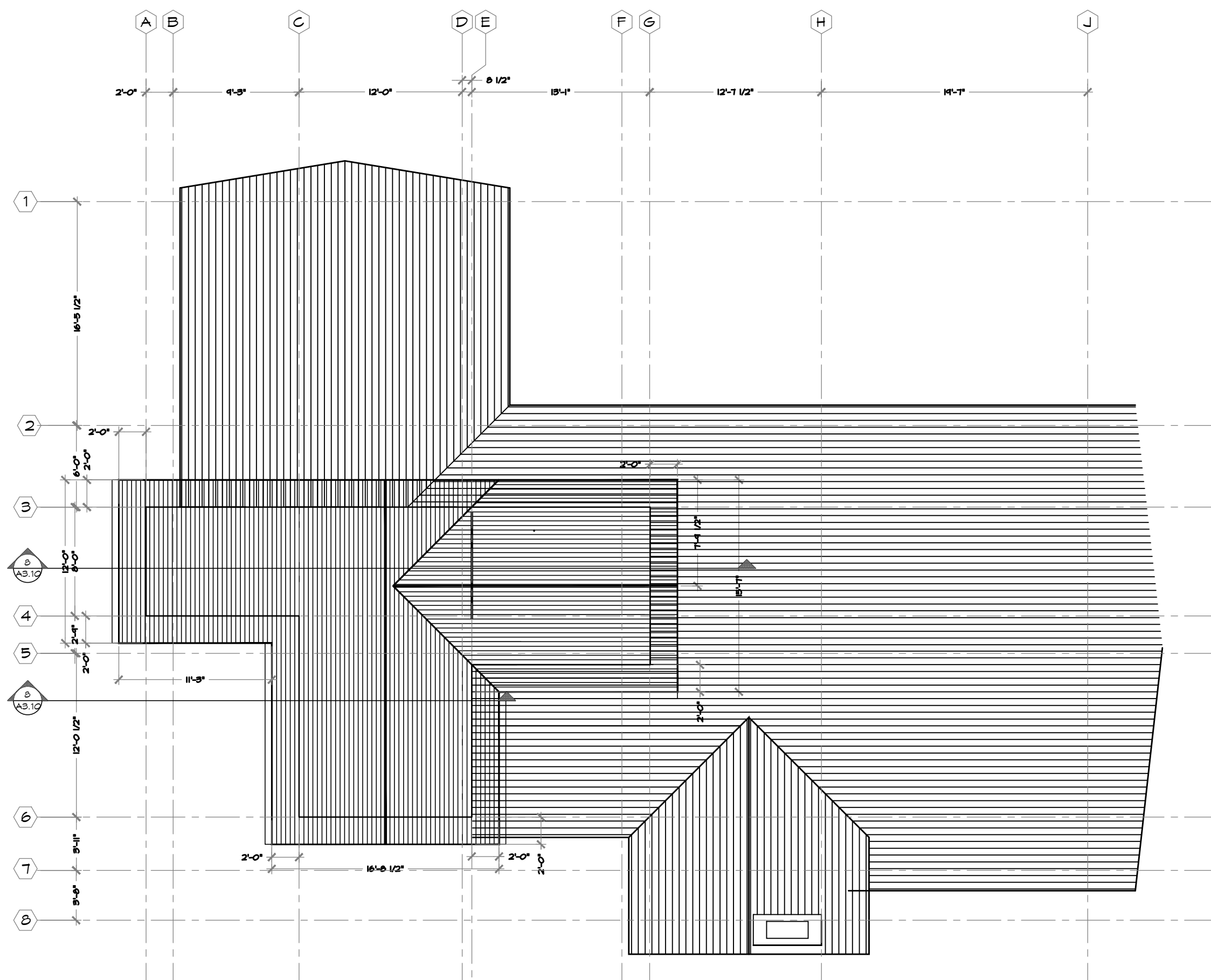


3 2nd FLOOR RCP SCALE: 1/8"=1'-0"

RCP LEGEND:

- GYP. BD. CEILING
- PENDANT LIGHT FIXTURE
- 12 X 48 SURFACE MOUNTED, LED LIGHT FIXTURE
- 6" DOWN-LIGHT, RECESSED LIGHT FIXTURE, TYP. OF 6,
- CEILING MOUNTED LIGHT/FAN FIXTURE.
- SMOKE DETECTOR, TYP.

NOTE: ALL LIGHT FIXTURES SHALL BE PURCHASED BY THE OWNER. TYPICAL.



4 ROOF PLAN SCALE: 1/8"=1'-0"

LEGEND:

- PHONE JACK/MODEM
- DUPLEX RECEPTACLE
- CABLE OUTLET
- SMOKE DETECTOR

SHEET NOTES:

- NEW INTERIOR WALLS 2X4 STUDS @ 24" O.C. UNLESS OTHERWISE SPECIFIED IN STRUCTURAL DRAWINGS. TYPICAL.
- NEW EXTERIOR WALL TO MATCH EXISTING. 2X4 STUDS @ 16" O.C. TYPICAL.
- PROVIDE CRAWL SPACE VENTILATION AT NEW STAIRS AND ATTIC VENTILATION AT NEW SECOND FLOOR PER VENTILATION CALCULATIONS.
- PROVIDE 22"x30" ATTIC AND CRAWL SPACE ACCESS (30"x30" WITH ATTIC EQUIPMENT). PROVIDE 30" MIN. CLEAR HEADROOM.
- PROVIDE CROSS VENTILATION FOR ATTIC AND VAULTED CEILING BAYS, PROVIDE 1" MINIMUM AIR SPACE ABOVE INSULATION.
- FIRE BLOCK CONCEALED SPACES.
- GALVANIZED BOX NAILS FOR EXTERIOR PLYWOOD NAILING SHALL BE HOT-DIPPED OR TUMBLER.
- EXPOSED WOOD FRAMING AND SILL PLATES SHALL BE PRESSURE TREATED OR DECAY RESISTANT.
- ALL GLASS SUBJECT TO HUMAN IMPACT SHALL BE SAFETY GLASS. GLASS SHOWER ENCLOSURE AND DOOR SHALL BE SAFETY GLASS. TYP.
- EAGRESS: OPENABLE MIN. 5.7 sq.ft. AREA, MIN. 24" HEIGHT, MIN. 20" WIDTH AND MAX. 44" SILL HEIGHT.
- ANY DUCT PENETRATION OF THE COMMON WALLS TO THE HOUSE AND GARAGE SHALL BE MADE WITH MIN. 26 GAGE SHEET METAL.
- PROVIDE 8" TYPE "X" GYP. BD. AT THE GARAGE SIDE OF THE WALL SEPARATING THE GARAGE AND THE LIVING AREA. TYPICAL.

VETILATION REQUIREMENTS:

ATTIC VENTILATION @ 2ND FLOOR:

ATTIC AREA: 442 S.F. / 150 = 2.95 S.F. / 144 = 2.05 S.F. X 144 = 295 S.F. ATTIC VENTILATION IS REQUIRED

PROVIDE 75% EFFICIENCY EAVE VENTS
PROVIDE (10) 2' X 18" VENTS AT THE EAVES = 360 S.F.
360 X 75% EFFICIENCY = 270 S.F. OF FREE VENTILATION
PROVIDE (3) GABLE END ATTIC VENTILATION WITH 50% EFFICIENCY. 3 X 391 S.F. X 50% = 586 S.F. OF FREE VENTILATION.

TOTAL AREA OF VENTILATION REQUIRED: 425 S.F.
TOTAL AREA OF VENTILATION PROVIDED: 856 S.F.

CRAWL SPACE VENTILATION @ STAIRS:

CRAWL SPACE AREA: 78 S.F. / 150 = .52 S.F. / 144 = .36 S.F. X 144 = 52 S.F. VENTILATION IS REQUIRED

PROVIDE 50% EFFICIENCY VENTS
PROVIDE (3) 4' X 14" VENTS AT THE RAISED FLOOR = 168 S.F.
168 X 50% EFFICIENCY = 84 S.F. OF FREE VENTILATION
TOTAL CRAWL SPACE VENTILATION REQUIRED: 75 S.F.
TOTAL CRAWL SPACE VENTILATION PROVIDED: 84 S.F.

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3381 Walnut Blvd., Suite 220
Brentwood, CA 94513

Key Plan

No.	Issue Description	Date
1	Plan Check	07/30/2021

Drawn by: M.NARAGHI Reviewed by: M.NARAGHI

Project No: 070521-03ARN

CD-A-2-FloorPlans.dwg

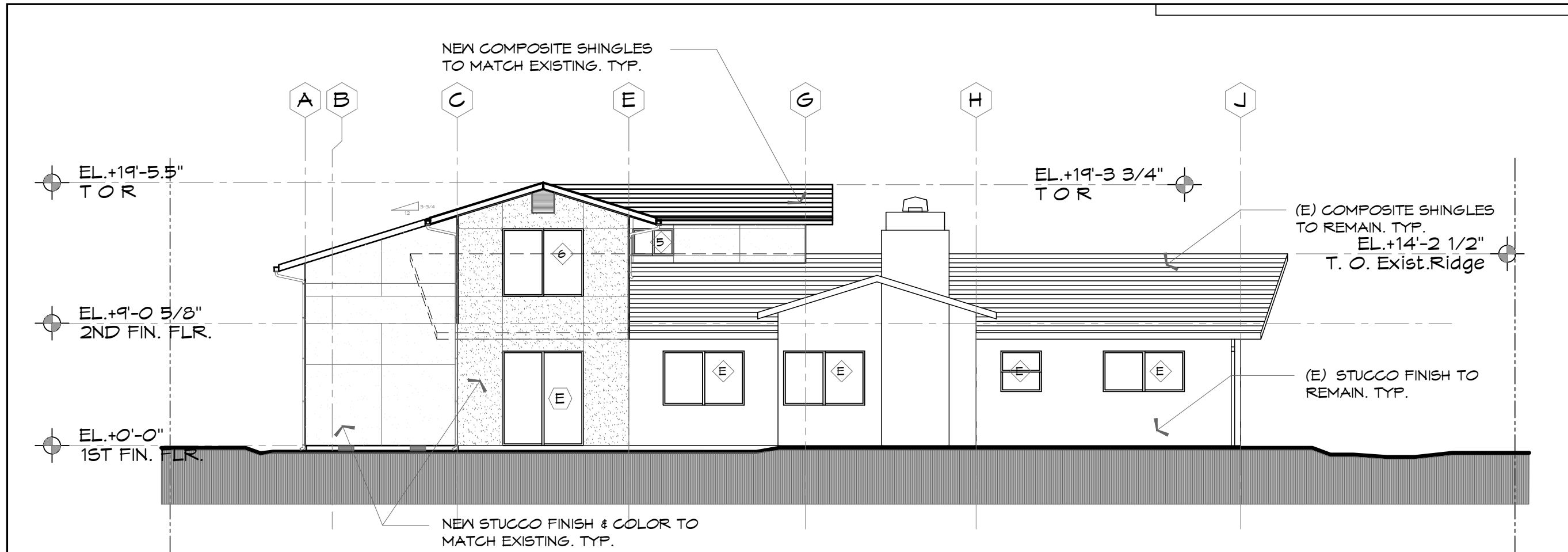
Sheet Titles:

**FLOOR PLANS, RCP,
ROOF PLAN & NOTES**

Original drawing is 24" x 36". Scale entities accordingly if reduced.

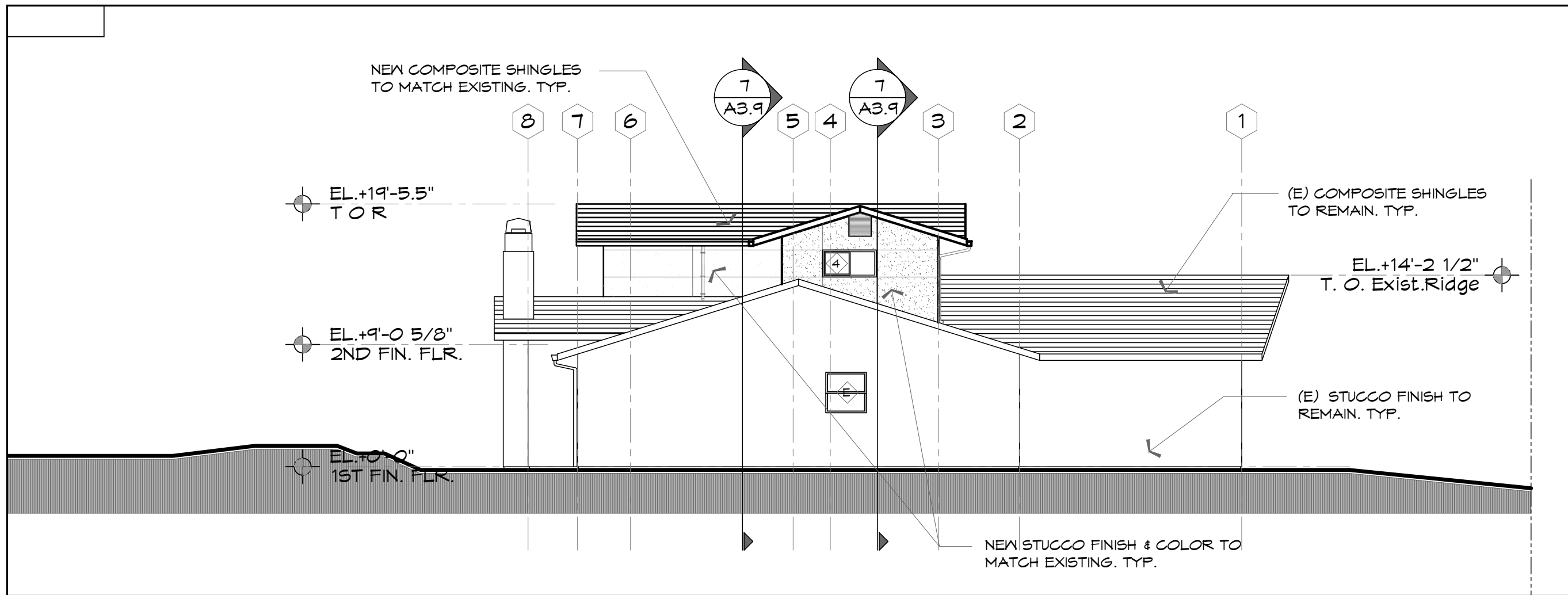
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A-2



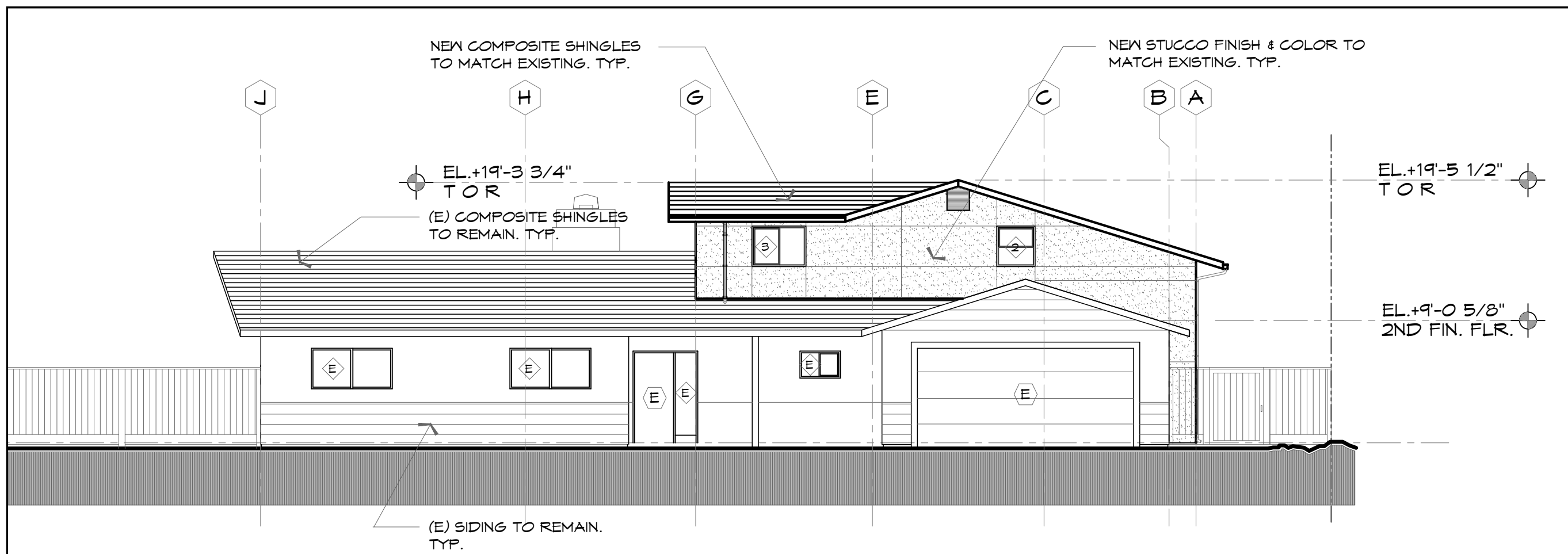
1 SOUTH ELEVATION

SCALE: 1/8"=1'-0"



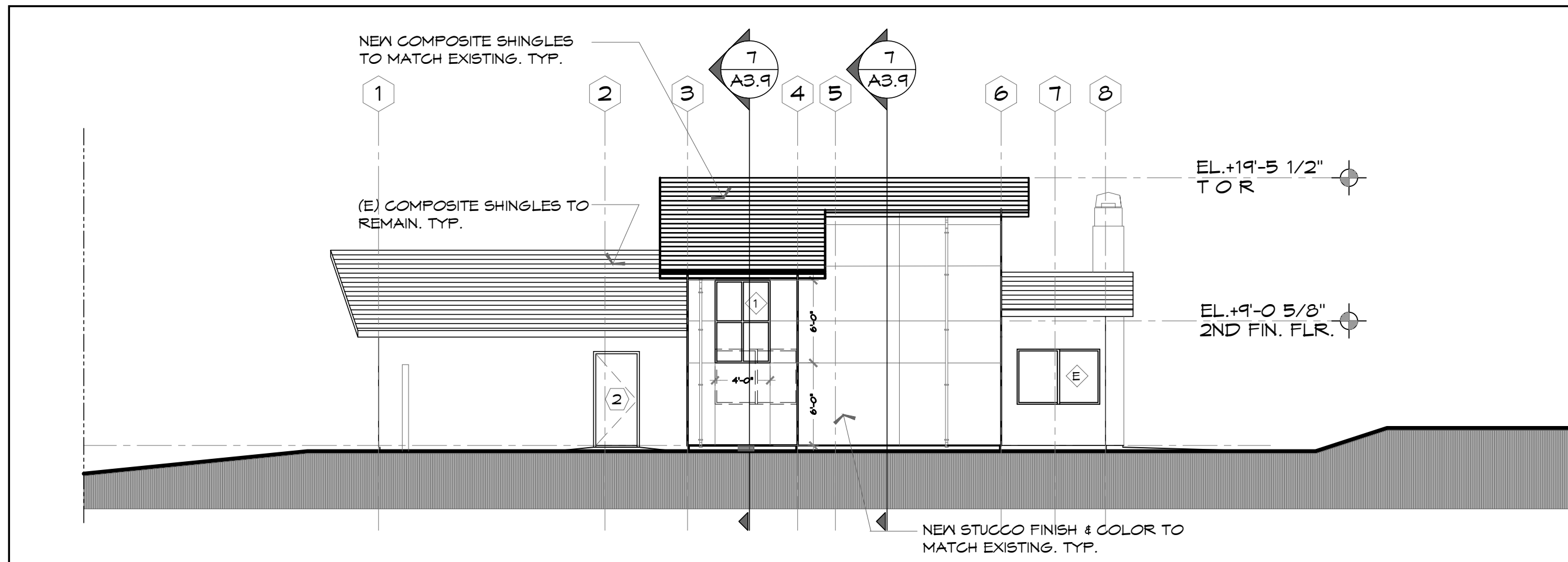
2 EAST ELEVATION

SCALE: 1/8"=1'-0"



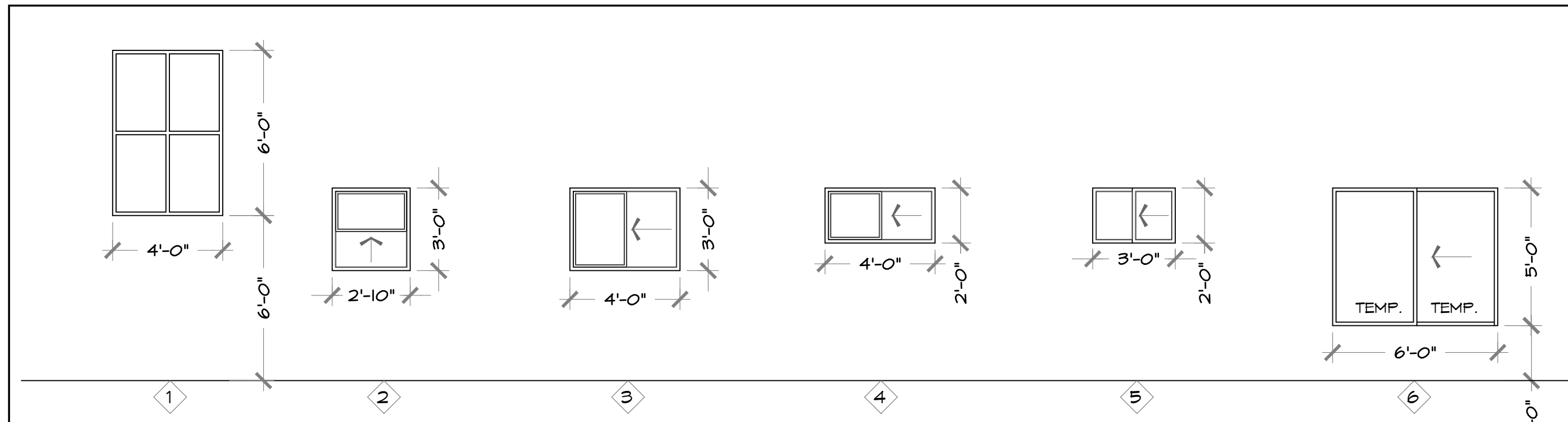
3 NORTH ELEVATION

SCALE: 1/8"=1'-0"



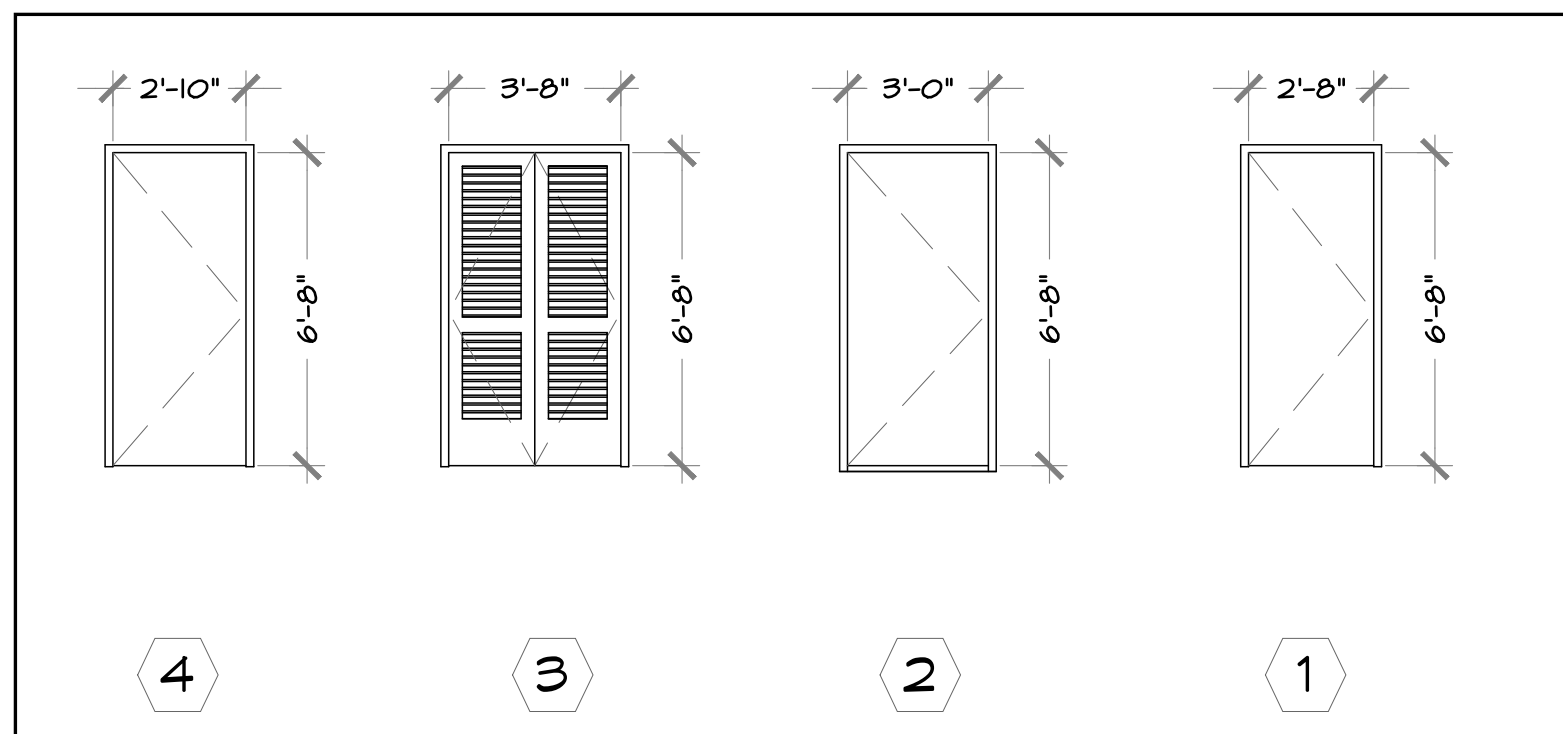
4 WEST ELEVATION

SCALE: 1/8"=1'-0"



5 WINDOW TYPES

SCALE: 1/4"=1'-0"



6 DOOR TYPES

SCALE: 1/4"=1'-0"

SHEET NOTES:

1. NEW EXTERIOR WALL TO MATCH EXISTING. THREE COATS CEMENT PLASTER (STUCCO) OVER METAL LATH, OVER TWO (2) LAYERS OF TYPE 'D' BUILDING PAPER, OVER 1/2" EXT. TYPE PLYWOOD SHEATHING (S.S.D.) OVER 2X4 STUDS @ 16" O.C. W/ R-15 BATT INSULATION. EXTERIOR STUCCO TO PAINTED W/ WATER REPELLENT PAINT AS REQUIRED. TYPICAL.
2. ALL NEW WINDOWS SHALL COMPLY WITH T24 CALCULATIONS REQUIREMENTS. U FACTOR OF 0.30 AND SHGC OF 0.23.
3. WINDOW #6 SHALL COMPLY WITH EGRESS REQUIREMENTS: OPERABLE MIN. 5.7 sq.ft. AREA, MIN. 24" HEIGHT, MIN. 20" WIDTH AND MAX. 44" SILL HEIGHT.
4. ALL INTERIOR DOORS TO BE MIN. OF 6'-8" HIGH, HOLLOW CORE WOOD DOORS WITH THE MIN. WIDTH AS SHOWN ON DOOR TYPES. EXTERIOR DOOR, DOOR #3, TO BE SOLID CORE WOOD DOOR.
5. DOOR HARDWARE SHALL BE SELECTED BY THE OWNER.

No.	Issue Description	Date
1	Plan Check	07/30/2021
2	Back Check	09/09/2021