

**Minutes
City of Clayton Planning Commission
Regular Meeting
Tuesday, September 14, 2021**

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Commissioner Justin Cesarin led the Pledge of Allegiance.

3. ROLL CALL

Present: Chair Terri Denslow
Vice Chair Ed Miller
Commissioner Justin Cesarin

Excused: Commissioner Bassam Altwal
Commissioner Frank Gavidia

4. SELECTION OF CHAIR AND VICE CHAIR

Chair Denslow confirmed with staff that this item was erroneously retained from the prior meeting's agenda.

5. PRESENTATIONS AND ANNOUNCEMENTS

Chair Denslow welcomed new Finance Director Katherine Korsak, who would be joining the City of Clayton staff on October 4, 2021 from the Kensington Police Protection and Community Services District. Chair Denslow also announced that Interim Community Development Director Dana Ayers would be joining City staff permanently as the Community Development Director starting September 27, 2021.

Vice Chair Ed Miller and Interim Director Ayers announced that the next meeting of the Clayton Planning Commission on September 28, 2021 would be a virtual special joint meeting with the Clayton City Council to discuss the regional housing needs allocation (RHNA) for Clayton and to kick off the General Plan Housing Element Update process.

6. ACCEPTANCE OF THE AGENDA

By consensus, the Planning Commission accepted the agenda as submitted.

7. PUBLIC COMMENT

None.

8. CONSENT CALENDAR

A. Minutes of Planning Commission Meeting of August 24, 2021.

Commissioner Cesarin moved and Vice Chair Miller seconded a motion to approve the minutes, as amended. The motion passed 3-0.

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.

Assistant Planner Milan Sikela presented the staff report.

Chair Denslow asked if any of the neighboring houses had a second story.

Commissioner Cesarin reported that he had visited the subject property and observed that a house to the east of the property and another house across the street were two-story residences. He indicated that he also observed that the subject residence appeared to visually fall into a "saddle" of the ridgeline of Mt. Diablo and, as a result, would not obstruct any views of the mountain. Assistant Planner Sikela added that another house across the street, to the northwest of the subject property, was also two stories tall. Vice Chair Miller further added that views of the nearby peaks of Mt. Diablo from 5859 Herriman Drive, the property across the street from the subject property, would be partially occluded, but he observed that that house had a second-story balcony that would afford views over the project residence.

Chair Denslow then asked if the window in the proposed stairwell would be frosted glass, or if there were other measures planned to ensure privacy for the residence next door to the west. Assistant Planner Sikela suggested deferring the question to the applicant for response.

Chair Denslow asked when construction was expected to start. She also inquired why the recommended conditions of approval did not include a

condition limiting hours of construction. Assistant Planner Sikela responded that staff used to identify construction hours as advisory notes on previous approvals. Generally, staff was of the opinion that, if something was already a requirement of Clayton Municipal Code, the requirement was not normally then made a condition of approval. Advisory notes had previously been used to inform applicants of codified regulations. Assistant Planner Sikela advised that the applicant intended to apply for a building permit if no appeal was received after the 10-day appeal period had expired on the Commission action, assuming the Commission approved the Site Plan Review Permit request. Interim Director Ayers added that the Clayton Municipal Code contained general noise control regulations in Sections 9.30.020 and 9.30.040 that the City could enforce if construction of the project became bothersome to neighbors.

Chair Denslow asked why sheets A4 and A5, which had been referenced on the plan set, were not in the agenda packet. Assistant Planner Sikela advised that the information on those sheets consisted of construction-level details that were more relevant to the County's review of the building permit application.

Chair Denslow opened the public hearing.

Ashk Naraghi, the project contractor, was present to speak on behalf of the applicant. Mr. Naraghi confirmed that the neighborhood included a mix of single-story and two-story residences, and that he and his client had decided to keep the roofline of the addition low with only a 5-foot increase in height over the existing height of the subject residence so as not to obstruct others' views. He reported that the window proposed on the stairwell wall would be a standard, vinyl, double-hung window with clear glass and that there were existing large shrubs on that side of the house that would prevent visibility of the neighbor's house from the proposed window. In response to Chair Denslow, Mr. Naraghi stated that the wall of the neighbor's house closest to the addition was the side of the neighbor's garage, and he did not recall there being a window on that wall of the neighbor's house. He believed that with the shrubs being 12 to 16 feet tall, it would be very difficult to see from his client's house into the neighbor's house. Also in response to Chair Denslow, he estimated that construction would start in about four months but would be dependent on weather and on how much time would be needed to complete the City's permit review and the County's plan check process. Lastly, Mr. Naraghi advised that his construction crew typically started work no earlier than 7:30 a.m. and did not work beyond 6:00 p.m., but that they honor whatever construction hours are defined by the jurisdiction in which the job is located.

Assistant Planner Sikela shared an aerial perspective of the neighboring residence, which showed the garage wall and a single window on that

elevation. He also noted that none of the existing trees visible in the aerial view were proposed to be removed for the project.

Chair Denslow closed the public hearing.

Vice Chair Miller stated that he was initially concerned about occlusion of views, but with the information he now had, he believed the project would fit into the neighborhood and would not block views. Regarding the stairwell window, he referred back to the aerial perspective of the neighboring house and surmised that the window observed on the neighbor's wall was not a bedroom or bathroom but rather a living area because of the chimney he had also observed in the aerial image. With that, he did not see that the project would cause privacy issues.

Vice Chair Miller asked Interim Director Ayers about the requirement for a permit to build an addition over 16 feet tall when the zoning code allowed up to 35-foot building heights, and whether that permit requirement was common. Interim Director Ayers replied that, in her experience with other jurisdictions, a proposal like the subject project did not need a public hearing provided that the structure complied with maximum building heights and minimum setbacks. If such projects were compliant with jurisdictional development regulations, those projects would be subject to administrative review by staff as part of the building permit plan check. Assistant Planner Sikela added that the Clayton Municipal Code requirement for a Site Plan Review Permit for these types of projects facilitated consideration of standards for complementary development of projects in terms of their colors, materials, size and bulk.

Commissioner Cesarin confirmed with staff that staff sent notices of the project and the public hearing to neighbors of the project site. He and Vice Chair Miller asked if anyone had communicated with staff about the project. In response, Interim Director Ayers advised that staff had received a late email after the September 14, 2021 at 5:00 p.m. comment deadline. The email contained questions about the setback of the addition from the rear property line and whether any trees would be removed. Interim Director Ayers reiterated that the addition would be over 50 feet from the rear property line and that no trees would be removed for the project. Assistant Planner Sikela added that the residence on the other side of the rear property line was itself approximately 40 feet from the rear property line, so there would be approximately 90 or more feet between the rear walls of the two residences. Assistant Planner Sikela also reported that staff had mailed public hearing notices to owners of properties that fell fully or partially within a 300-foot radius from the boundaries of the subject parcel, and that staff posted the copies of the notices on the posting boards at City Hall, Clayton Community Library, and the Ohm's Bulletin Board in the Town Center across the street from Skipolini's Pizza.

Chair Denslow stated that her concerns had been addressed but suggested that the Commission add a condition of approval regarding acceptable times and days of construction, consistent with other projects' conditions of approval.

Vice Chair Miller moved and Commissioner Cesarin seconded a motion to 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 an additional condition of approval that construction of the project be limited to normal hours of construction for noise abatement purposes. The motion passed 3-0.

10. ACTION ITEMS

None.

11. COMMUNICATIONS

None.

12. ADJOURNMENT

The meeting was adjourned at 7:51 p.m. to the special joint meeting of the Planning Commission and City Council on September 28, 2021.

Respectfully submitted:



Dana Ayers, AICP, Interim Secretary

Approved by the Clayton Planning Commission:



Chair Terri Denslow