



AGENDA

Planning Commission

Regular Meeting

July 8, 2025

7:00 p.m.

Hoyer Hall at Clayton Community Library

6125 Clayton Road, Clayton, California

This meeting is being held in-person with attendance and participation by the public in Hoyer Hall. Members of the public who prefer to view or listen to the meeting and to address the Planning Commission remotely during the meeting may do so on the Planning Commission Meeting page.

Chair: Maria Shulman

Vice Chair: Daniel Richardson

Commissioner: Joseph Banchero

Commissioner: Bretten Casagrande

Commissioner: Nate Brzovich

Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Clayton Library, 6125 Clayton Road; and 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton. A digital copy of the Agenda with a complete packet of information including staff reports and exhibits related to each agenda item is available for public review on the City's website at <https://claytonca.gov/community-development/planning/planning-commission/planningcommission-agendas/>.

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 are available for review on the City's website at

<https://claytonca.gov/communitydevelopment/planning/planning-commission/planning-commission-agendas/>.

If you have physical impairment that requires special accommodation to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at 925-673-7300.

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 spoken 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.

E-mail Public Comments: If preferred, please e-mail public comments to the Community Development Director at Interimcdd@claytonca.gov by 5:00 p.m. on the day of the Planning Commission meeting. All emailed 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 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. 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 agenda 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.

5. 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 3 minutes will be allotted to each speaker.

6. CONSENT CALENDAR:

A. None.

7. PUBLIC HEARING

A. Consideration of a Site Plan Review Permit (SPR-01-2025) to allow the construction of a custom, single-family residence and three-car garage, with an attached accessory dwelling unit (ADU) on a legal vacant parcel.

The proposed primary residence on the 40,467 square-foot parcel is 5,352 square feet in total floor area, with a building height of 28 feet. The proposed attached ADU is 611 square feet in area, with a roof height of 16 feet. The primary residence and ADU would be located at 5569 Morningside Drive (Assessor's Parcel Number [APN] 118-110-011).

Environmental Determination: The project is Categorically Exempt per CEQA Guidelines Section 15303, Class 3 – New construction of a small structure. (VIEW)

10. 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.

11. ADJOURNMENT

The next Planning Commission Regular Meeting is Tuesday, July 22, 2025.



PLANNING COMMISSION AGENDA REPORT

To: Honorable Chair and Planning Commissioners

From: Bryan Albini
Senior Planner

Date: July 8, 2025

Subject: Agenda Item 7.A
5569 Morningside Drive New Single-Family Residence and ADU
– Request for Approval of Site Plan Review Permit Application
SPR-01-2025.

SUMMARY

This is a public hearing on a request by Thomas Ducharme, Maison du Charme on behalf of property owners David and Melissa Calhoun, for approval of a Site Plan Review Permit (SPR-01-2025) to allow the construction of a custom, detached single-family residence and three-car garage, with an attached accessory dwelling unit (ADU) on a legal vacant parcel. The proposed primary residence on the 40,467 square-foot parcel is 5,352 square feet in total floor area, with a building height of 28 feet. The proposed attached ADU is 611 square feet in area, with a roof height of 16 feet. The primary residence and ADU would be located at 5569 Morningside Drive (Assessor's Parcel Number [APN] 118-110-011).

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-01-2025.

PROJECT INFORMATION

Applicant: Thomas Ducharme, Maison du Charme (Lic.# 736725)

Property Owners: David S. Calhoun and Melissa A. Calhoun

Location: 5569 Morningside Drive
Parcel (APN 118-110-011)
Attachment B - Vicinity Map

General Plan Designation: Rural Estate (0 to 1.0 Units Per Acre)

Zoning Classification:	Single Family Residential (R-40-H).
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, Section 15303 (New Construction or Conversion of Small Structures), of the State Guidelines for Implementation of CEQA.
Public Notice:	On June 27, 2025, 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 5569 Morningside Drive.

BACKGROUND

The subject parcel located at 5569 Morningside Drive, is a relatively flat 40,467 square-foot flag lot created by subdivision recorded under MS 400-90-1, in June 1990 (Attachment C). The parcel had been historically improved with a small barn and fencing for the keeping and stabling of horses, but has since been removed, leaving the parcel vacant. The parcel is accessed by a 20-foot-wide access easement, approximately 188 feet from the edge of pavement to the building site area. The rear of the parcel, on the north side of the property, is bounded by Mount Diablo Creek, an intermittent stream. The net parcel area of the property, as defined in Clayton Municipal Code (CMC) Section 17.78.060, is 36,527 square feet.

ANALYSIS

Thomas Ducharme of Maison du Charme, on behalf of the owners, request approval of a Site Plan Review Permit to allow the construction of a new primary residence and attached ADU at 5569 Morningside Drive. The proposed residence is a two-story home measuring 5,352 square feet in area, 28 feet in height on the front elevation, and 19 feet in height on the rear elevation, facing Morningside Drive. The proposed attached accessory dwelling unit (ADU) measures approximately 611 square feet, with a height of 16 feet on the rear elevation. The proposal complies with the required 100'-wide building setback line from the Drainage and Habitat Riparian Easement (Attachment C). See Attachment D for the proposed Site Plan, Floor Plan, Roof Plan, and Elevations of the new primary residence and ADU.

Site Plan Review Permit Required

In accordance with 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 by the Planning Commission.

Architectural Review

The custom single-family residence on the subject parcel is proposed with the majority of

the floor area at the first story and a smaller second story for two bedrooms and two bathrooms. As a result of being built on flag lot behind an already improved parcel, the proposed residence would be screened from public views by vegetation and the buildings fronting Morningside Drive. The tallest portions of the residence, at 28 feet in height, is relegated to the back of the property facing Mount Diablo Creek, identified as the front of the home where the main entryway is located. The remainder of the home is approximately 19 feet in height, with the ADU portion of the building limited to 16 feet in height, toward the rear of the home and closest to surrounding residences. The residence is proposed with a three-coat beige (“Pebblestone”) stucco, stone veneer (“Stackstone”) architectural wall finishes, standing seam metal (“Slate grey”) roof material, and a mixture of 3:12 and 9:12 roof pitches.

Photographic samples of the exterior colors and materials for the proposed primary residence and ADU are provided as Attachment E.

Setback Analysis

The subject parcel is located in the Single-Family Residential R-40-H zoning district, a rural serving district to accommodate the keeping of horses with minimum lot sizes of 40,000 square feet, per CMC Section 17.16.040; and required setbacks of 40 feet for the front (CMC Section 17.16.080) and minimum 20-foot setbacks for the rear and side setbacks (CMC Section 17.16.120). The accessory dwelling unit (ADU) meets development standards and setback requirements (CMC Section 17.47.030) and is subject to only ministerial Building Permit review. In addition and as provided in the Analysis, the proposal complies with the required 100'-wide building setback line from the Drainage and Habitat Riparian Easement. Project compliance with development standards for the R-40-H zoning district and Accessory Dwelling Units have been included (See Attachment F). Staff has also provided an excerpt of the City's zoning map (See Attachment G) to assist the Planning Commission in understanding the surrounding zoning pattern adjacent to and within the proximity of the Project site.

The proposed primary residence meets or exceeds the required setbacks of the Municipal code for a single-family residence within the R-40-H zoning district as shown in the following tables below.

R-40-H Setbacks		Proposed Setbacks		Project Compliant?
Front Setback	40'	South	188'	Yes
Side Setback		East	20'	Yes
20' Interior		West	88'	Yes
40' Aggregate		Aggregate	108'	Yes
Rear Setback	20'	North	119'	Yes

Residential Floor Area Analysis

Building Footprint

The proposal meets the building footprint requirements as shown below.

Lot Size	Net Parcel Area	Building Footprint Allowed (35%)	Building Footprint Proposed	Proposed Residence Compliant?
40,467 sq ft	36,527 sq ft	12,784 sq ft	5,170 sq ft	Yes

Floor Area

The proposal meets the floor area requirements as shown below.

Lot Area	Net Parcel Area	Floor Area Allowed (25%)	Floor Area Proposed	Proposed Residence Compliant?
40,467 sq ft	36,527 sq ft	9,132 sq ft	5,963 sq ft	Yes

Height Analysis

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

Maximum Height	Proposed Building Height	Proposed Residence Compliant?
35 feet	28 feet	Yes

CONCLUSION

Staff has reviewed the Project relative to the Standards of Review for Site Plan Review Permits listed in Clayton Municipal Code Section 17.44.040 which include conformity with the General Plan, preservation of general safety (seismic, landslide, flooding, fire, traffic), and development that is complementary to adjacent existing structures in terms of materials, colors, size and bulk. Staff has also evaluated the project with respect to the Residential Floor Area (which includes Building Footprint) calculations listed in Chapter 17.78 of the Clayton Municipal Code. As is further outlined in the recommended Findings for Approval provided in the proposed Planning Commission Resolution for the Project (See Attachment A), staff has determined that the Project, as conditioned, is in conformance with the Clayton Municipal Code and staff recommends approval of the Project subject to the Conditions of Approval provided in Attachment A.

ATTACHMENTS

- A. Proposed Planning Commission Resolution No. 02-2025
- B. Vicinity Map
- C. Topographic Survey
- D. Proposed Site Plan, Floor Plan, Roof Plan, and Elevations for Residence
- E. Proposed Exterior Colors and Materials
- F. Proposed Project Development Standards Compliance Table
- G. Excerpt of Clayton Zoning Map

**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 02-2025**

A RESOLUTION OF THE CLAYTON PLANNING COMMISSION APPROVING A SITE PLAN REVIEW PERMIT TO ALLOW THE CONSTRUCTION OF ONE SINGLE-FAMILY RESIDENCE AND ATTACHED ACCESSORY DWELLING UNIT ON LOT LOCATED AT 5569 MORNINGSID DRIVE (SPR-01-2025)

WHEREAS, the City received an application from Thomas Ducharme requesting approval of a Site Plan Review Permit to allow the construction of a 5,352-square foot single family residence and attached 611 square foot accessory dwelling unit (Project) on the subject parcel (APN: 118-110-011) at 5569 Morningside Drive; 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, Section 15303 (New Construction or Conversion of Small Structures), of the State Guidelines for Implementation of CEQA; and

WHEREAS, on July 8, 2025, the Clayton Planning Commission held a duly-noticed public hearing on the Site Plan Review Permit request (SPR-01-2025), 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-01-2025 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 the construction of a single-family residence and attached ADU, a permitted use within the Rural Estate 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;

In accordance with Clayton Municipal Code Section 17.44.020., since the Project is comprised of structures over 16 feet in height and an area in excess of 750 square feet, a Site Plan Review Permit is required for the design of all new developments in any zoning district within the City. The Project conforms to all development standards as required for properties within the R-40-H zoning district defined in Clayton Municipal Code Chapter 17.16 for setbacks, building height, floor area, and building area governing single-family residential development.

- 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 conforms with all development standards of the Clayton Municipal Code Chapter 17.16 Single Family Residential (R-40-H), in keeping with the surrounding properties along Morningside Drive that contain large lots with ample setbacks that place existing adjacent residences away from the proposed residences on the Project Site.

- 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 Site is located downslope from and below existing surrounding ridgelines and daylight lines and would not prevent property owners and/or occupants inhabiting existing residences from continuing to see the existing surrounding contours of these existing slopes and other attributes in and around the Mount Diablo Creek riparian corridor and the small valley surrounding the Mitchell Creek riparian corridor.

- 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 neighboring structures in terms of materials, colors, size, and bulk since the proposed residences have been designed with exterior colors and materials that are complementary with the natural setting as well as the colors and materials of existing adjacent residences as well as utilizing proposed designs styles that include volume and massing consistent with the size and bulk of existing adjacent residences.

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

The Project as proposed does not include the construction of any manufactured homes; therefore, this finding is not applicable.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission does hereby approve Site Plan Review Permit SPR-01-2025 to allow the construction of one custom single family residence with an attached ADU located at 5569 Morningside 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. Prior to issuance of a building permit or final inspection for the construction of the residence and ADU, as applicable, the applicant shall pay all outstanding development impact fees as listed below.
 - A. All balances for application permit process.
 - i. Community Facilities Development Impact Fee: \$450
 - ii. Offsite Arterial Improvement Development Impact Fee: \$1,456
 - iii. Childcare Development Impact Fee: \$205
 - iv. Parkland Dedication Development Impact Fee: \$2,569
 - v. Fire Development Protection Development Impact Fee: \$300 per unit.
 - vi. Construction and Demolition Recycling Fee: \$5,551 (\$1.00 per/sq. ft. of new area).
 - vii. Stormwater Pollution Prevention Permit and Inspection (Construction SWPPP) Fee: (Major) \$5000 minimum deposit against which inspection time is charged.
 - viii. Stormwater Operation and Maintenance Annual Inspection Fee: \$45
 - ix. Stormwater Operation and Documentation Annual Compliance Review Fee: \$45
 - x. Stormwater Operation and Maintenance Annual Report Preparation Fee: \$53
3. 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.
4. The applicant shall obtain the necessary permits from the Building Division of the Contra Costa County Department of Conservation and Development. All construction shall comply with the California Building Code.
5. Prior to issuance of any Building Permit, the applicant shall obtain all required construction and fire sprinkler permits from the Contra Costa County Fire Protection District (CCCFPD), including approval of fire flow tests, hydrant access, and sprinkler system design. Compliance with CCCFPD standards for water supply, fire apparatus access, and NFPA codes shall be verified. No construction or occupancy shall proceed without final Fire District authorization.

6. The applicant shall obtain all necessary permits for a wastewater utility service from City of Concord Community Development Department for Central Contra Costa Sanitary District. An elevation certificate from a licensed surveyor will need to be submitted because of flood zone requirements.
7. The applicant shall secure necessary water connections, prior to final building inspections, with Contra Costa Water District (CCWD) confirming that:
 - A. 6" water main extension will be installed from the existing 8" main on El Camino Drive to the subject property, with capacity for future downstream connections.
 - B. 1" service line, 1" meter, and 1" above-ground backflow assembly will be installed to serve the project.
 - C. Obtain Required Easements: Submit recorded easements to the City/County for:
 1. A permanent utility easement along the neighboring property at 5577 Morningside Drive (for the 6" main within their roadway easement).
 2. A permanent utility easement on the subject property for the service connection (1" -line, meter, and backflow).
8. To minimize impacts on protected trees, riparian vegetation, and Mount Diablo Creek, the following measures shall be implemented prior to and during all construction activities:
 - A. Protective Setbacks (No-Disturbance Zones)
 1. 25-foot undisturbed buffer shall be maintained from the top of bank (TOB) of Mount Diablo Creek.
 2. 15-foot undisturbed buffer shall be maintained around all protected trees (including heritage, native, or specimen trees)
 3. No grading, excavation, stockpiling, or construction activity is permitted within these zones.
 - B. Erosion & Sediment Control
 1. Silt fencing or straw wattles shall be installed on the upslope of the creek buffer to prevent runoff.
 2. No stockpiling of soil, debris, or materials within 50 feet of the creek.
9. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, or any other payments that are due.
10. All grading, construction, and other work shall occur only between 7:00 a.m. and 5:00 p.m. Monday through Friday, in accordance with Section 15.01.010 of the Clayton Municipal Code.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 8th day of July 2025.

AYES:

NOES:

ABSTAINED:

ABSENT:

APPROVED:

ATTEST:

Maria Shulman
Chair

Farhad Mortazavi
Interim Community Development Director



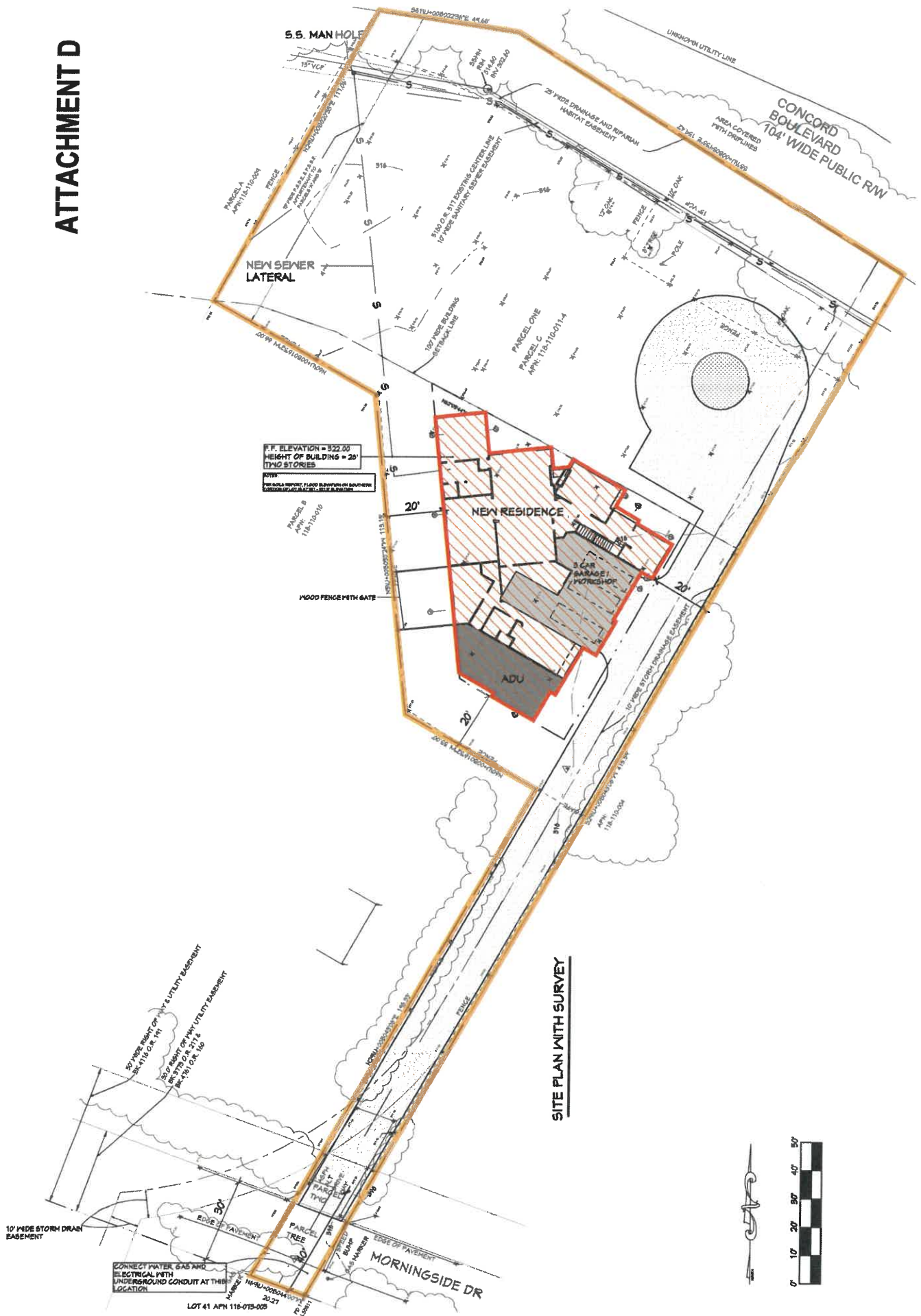
VICINITY MAP

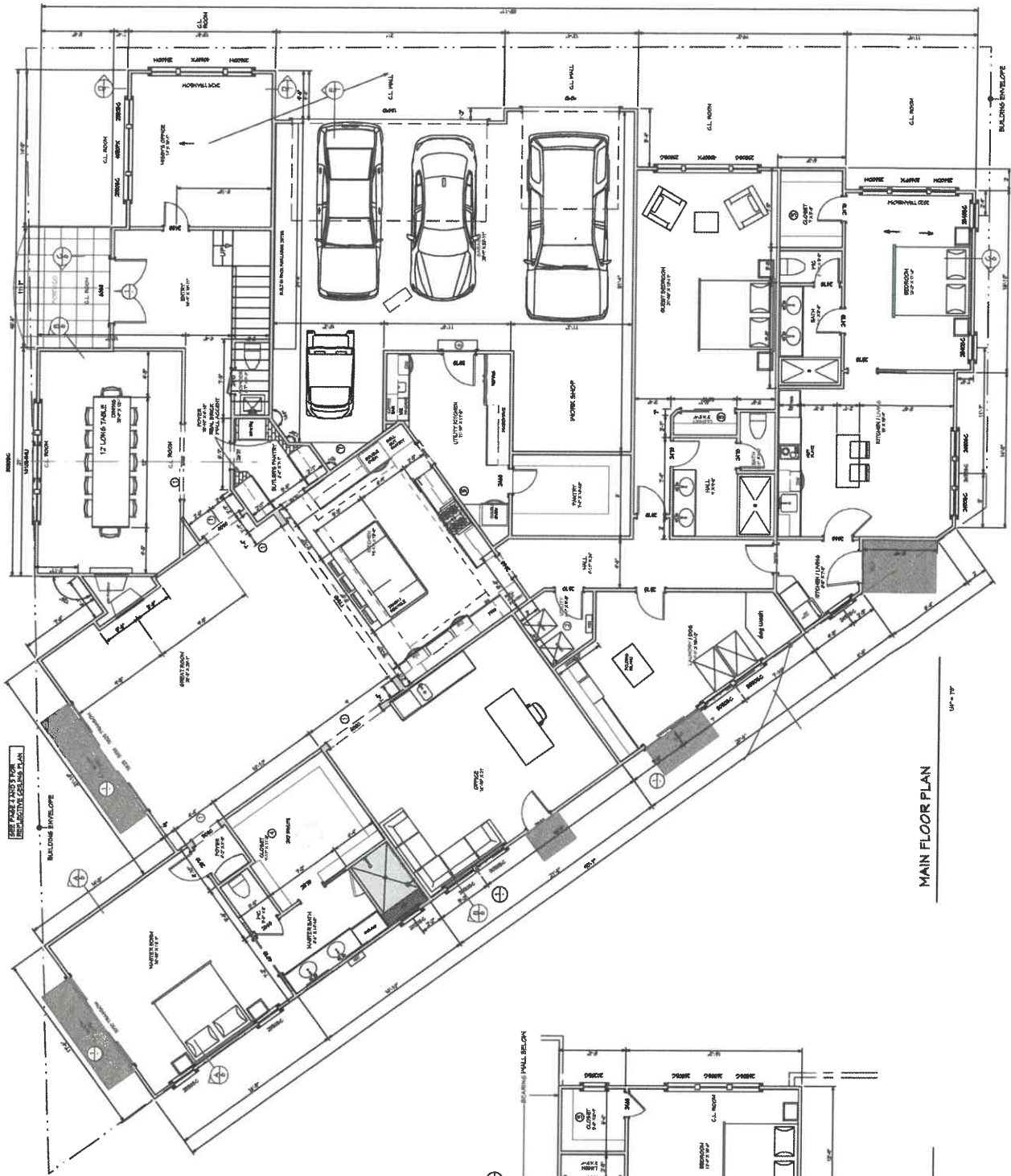
	<p>New Single-Family Residence and Accessory Dwelling Unit Site Plan Review Permit SPR-01-2024 5569 Morningside Drive Assessor's Parcel Number 118-110-011</p>	 NORTH
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(Not to Scale)

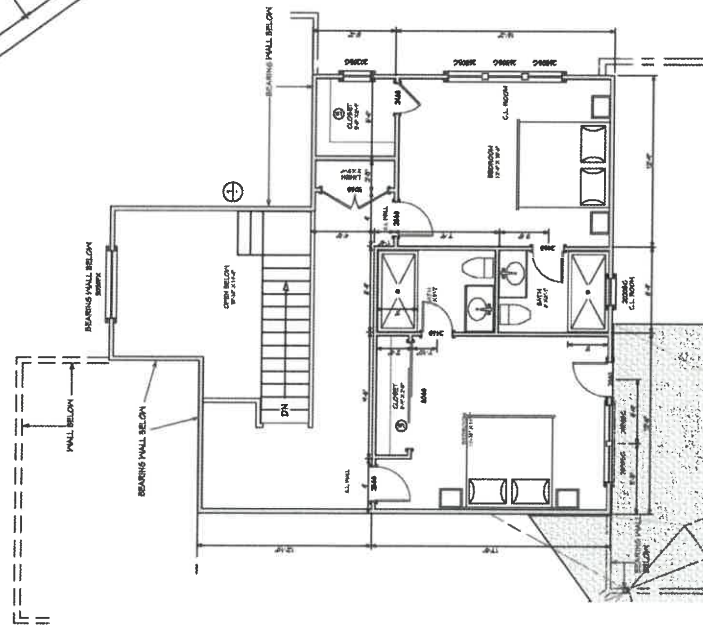
ATTACHMENT B

SITE PLAN WITH SURVEY

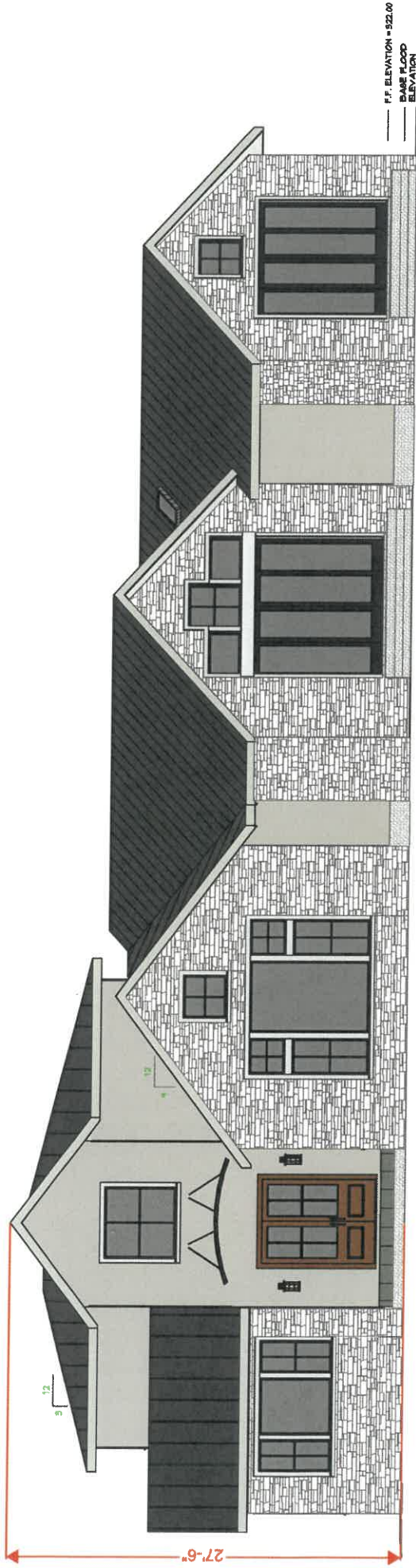




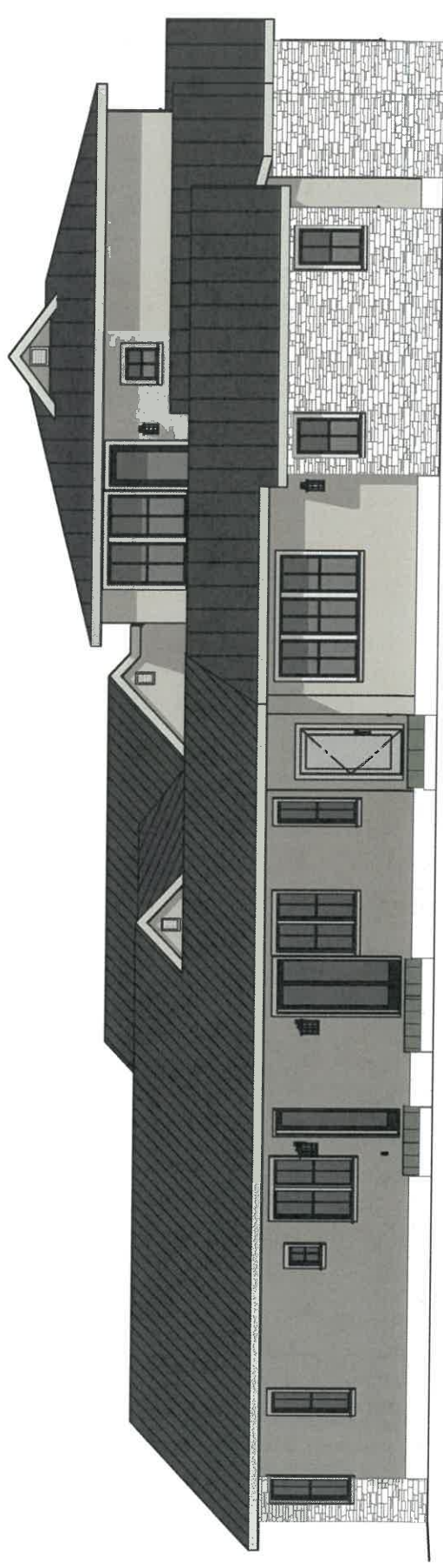
MAIN FLOOR PLAN



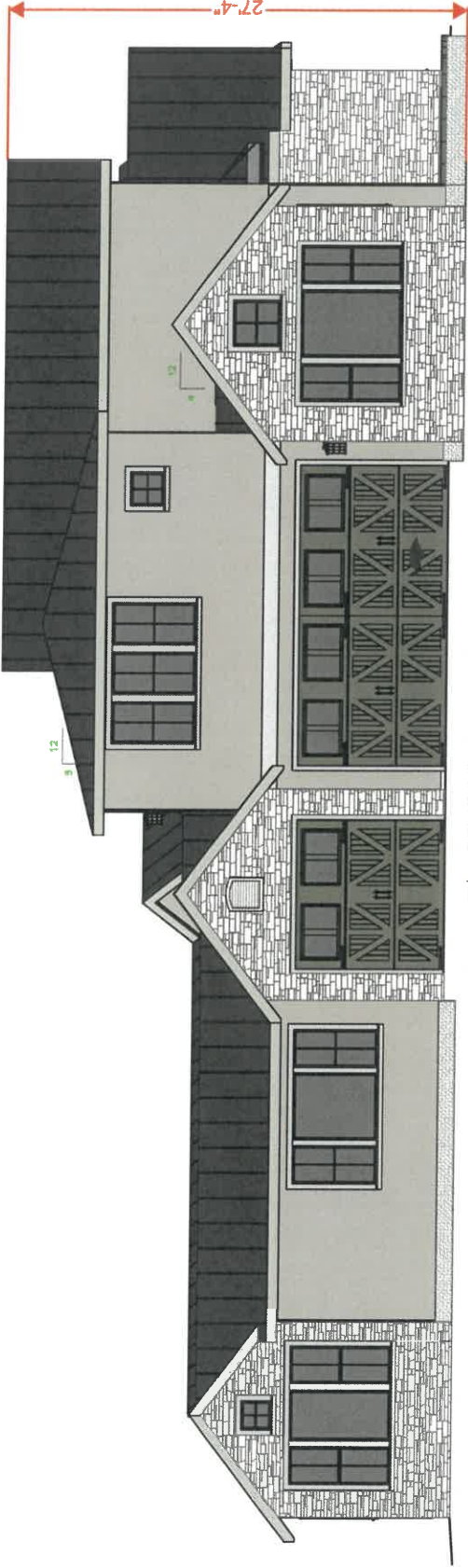
SECOND FLOOR PLAN



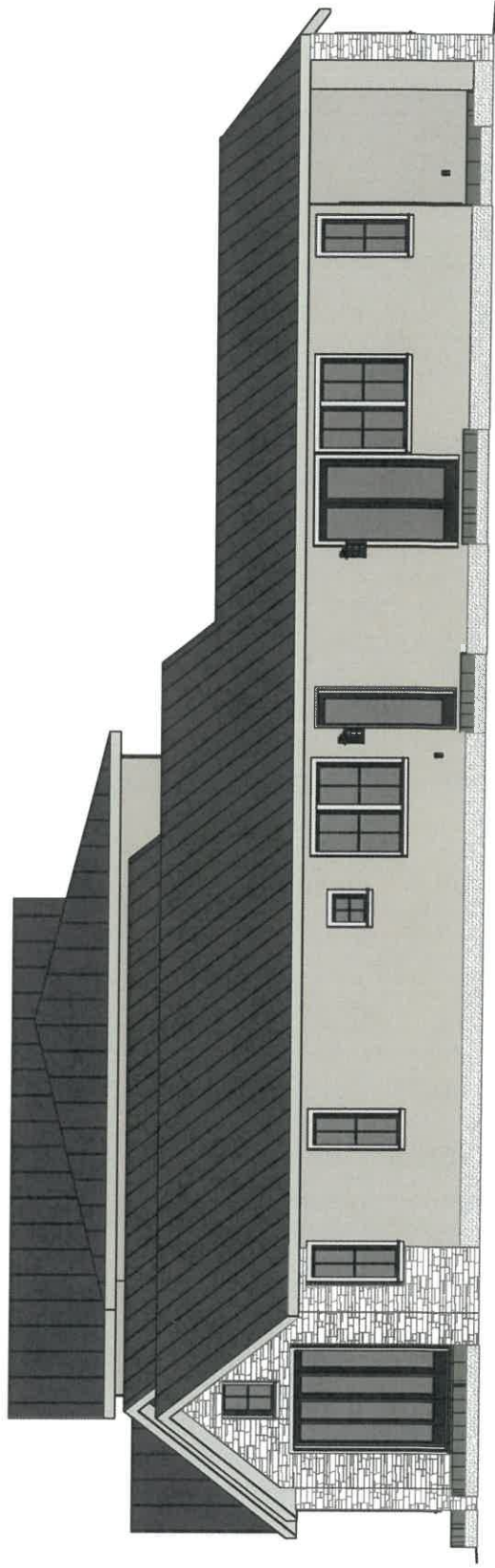
FRONT ELEVATION



BACK ELEVATION



RIGHT (EAST) ELEVATION



RIGHT (WEST) ELEVATION



ROOF
METAL STANDING SEAM INSTALLED TO
MNFRC SPECS.



STUCCO
3 COAT STUCCO SYSTEM OVER 2
LAYERS TYPE "D" PAPER, USE SELF-
FURRING NAILS
COLOR - BEIGE



STONE WORK
REAL STONE VENEER OVER 2 COAT
STUCCO SYSTEM OVER 2 LAYERS OF
TYPE "D" PAPER

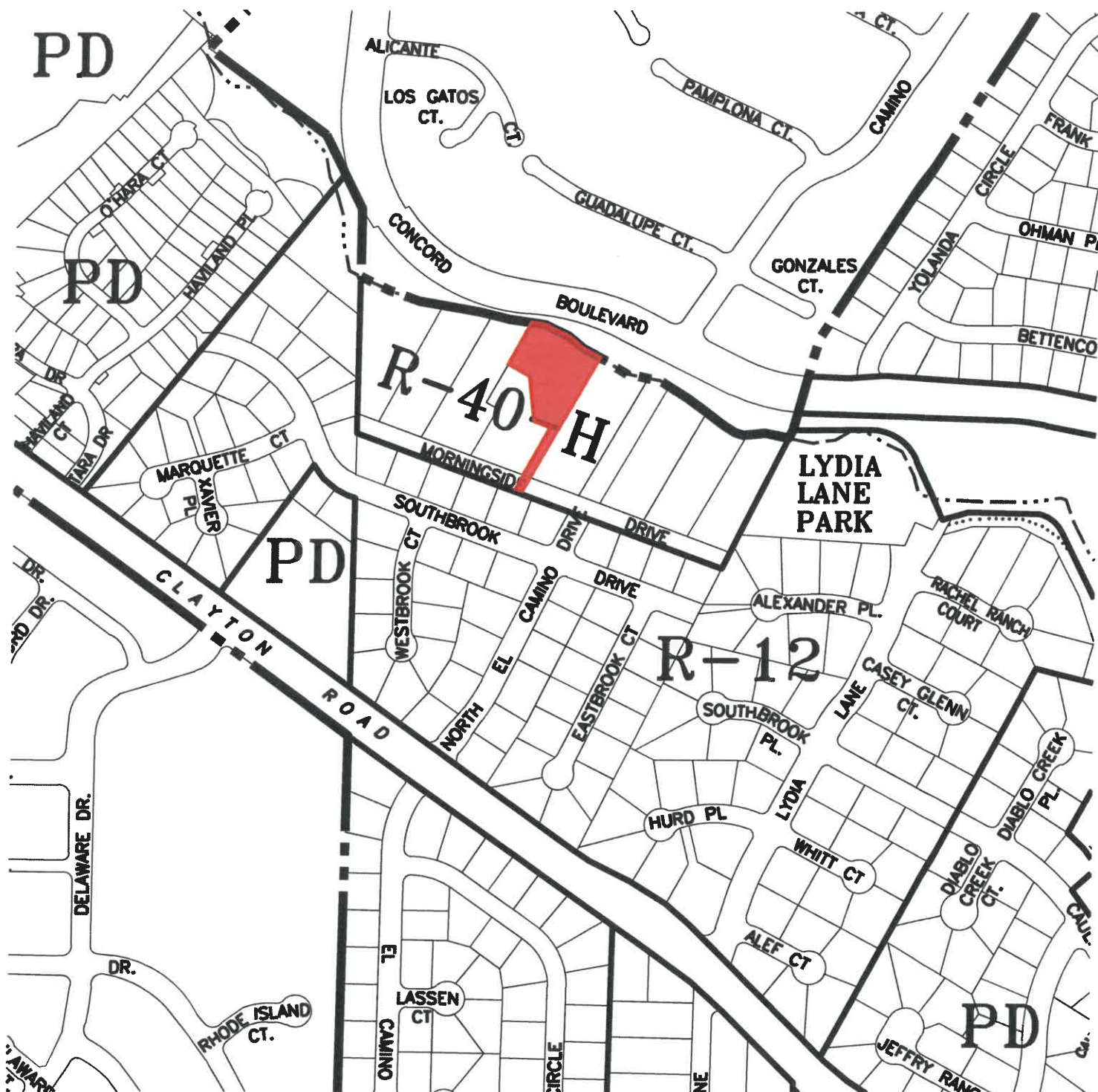


ATTACHMENT E

5569 MORNINGSID DRIVE
Ch. 17.16 - SINGLE FAMILY RESIDENTIAL (R-40-H) DEVELOPMENT STANDARDS

Parcel R-40-H	Front Setback R-40-H	Interior Side Setback R-40-H	Exterior Side Setback R-40-H	Rear Setback R-40-H	Accessory Dwelling Units Area	Principal Building Height	Accessory Dwelling Units Height
40,000 square feet minimum area 140-foot minimum lot width 140-foot minimum lot depth Clayton Municipal Code Sections 17.16.040, 17.16.050, 17.16.060	40 feet Clayton Municipal Code Section 17.16.080	20-foot minimum 40-foot aggregate Clayton Municipal Code Section 17.16.090	<i>Not Applicable</i> Clayton Municipal Code Section 17.16.100	20-foot minimum Clayton Municipal Code Section 17.16.110, 17.16.120	1,200 square feet maximum Clayton Municipal Code Section 17.47.060	35 feet (Max.) Clayton Municipal Code Section 17.16.070	25-foot maximum Clayton Municipal Code Section 17.47.050(B)(4)
APN: 118-110-011 Attachment C	168 feet Attachment D, Sheet 1	20 feet (Right) 20 feet (Left) Attachment D, Sheet 1	<i>Not Applicable</i>	119 feet Attachment D, Sheet 1	611 square feet Attachment D, Sheet 2	28 feet Attachment D, Sheet 8	16 feet Attachment D, Sheet 8
Complies	Complies	Complies	Complies	Complies	Complies	Complies	Complies

ATTACHMENT F



5569 MORNINGSIDE DRIVE

ATTACHMENT G