

ORINDA LIBRARY
AUDITORIUM



26 ORINDA WAY
ORINDA, CA 94563
(925) 253-4210

**PLANNING COMMISSION
AGENDA
Tuesday, July 11, 2017
7:00 PM - REGULAR MEETING**

ALL DOCUMENTS RELATING TO THE FOLLOWING AGENDA ITEMS AND STAFF REPORTS ARE AVAILABLE FOR PUBLIC REVIEW AT THE ORINDA CITY HALL IN THE PLANNING DEPARTMENT OFFICE, LOCATED AT 22 ORINDA WAY, AS WELL AS IN THE GOVERNMENT SECTION OF THE ORINDA PUBLIC LIBRARY, LOCATED AT 26 ORINDA WAY. **AGENDA AND STAFF REPORTS ARE ALSO AVAILABLE FOR PUBLIC REVIEW ON THE CITY'S WEBSITE AT WWW.CITYOFORINDA.ORG. SELECT CITY MEETINGS AND SCROLL DOWN TO PLANNING COMMISSION.**

ANY PERSON INTERESTED IN ADDRESSING THE PLANNING COMMISSION SHOULD COMPLETE A "REQUEST TO SPEAK" FORM AND PLACE IT IN THE SPEAKER CARD TRAY ON THE STAFF TABLE. THESE FORMS ARE PLACED NEXT TO THE AGENDAS AT THE REAR OF THE MEETING ROOM. WHEN YOUR NAME IS CALLED, PLEASE GO TO THE SPEAKER'S PODIUM AND STATE YOUR NAME BEFORE MAKING YOUR COMMENTS. AS A COURTESY TO ALL, COMMENTS MADE FROM THE AUDIENCE DURING TESTIMONY OR COMMISSION DELIBERATION ARE NOT PERMITTED AND ARE NOT INCLUDED AS PART OF THE PUBLIC RECORD. A CUMULATIVE TIME LIMIT OF 10 MINUTES PER SPEAKER FOR ALL AGENDA ITEMS, EXCEPT PUBLIC HEARINGS, WILL BE OBSERVED.

1. **CALL TO ORDER**
2. **ADOPTION OF AGENDA**
3. **PUBLIC FORUM**

This section of the agenda is provided for the public to express comments on items for which there is no other opportunity for public comment on this agenda and for items which do not appear on the agenda. Comments should be restricted to items of interest to the public that are within the subject matter jurisdiction of the Commission. Public comment offered during the public forum which are addressed to an agendaized public hearing item will be considered by the Commission and made part of the public hearing record only if the comments are also offered at the time and place scheduled for the public hearing or submitted in writing prior to the close of the public hearing. Public speakers are encouraged to summarize their comments and limit presentations to three (3) minutes.

4. **CONSENT CALENDAR**

The Consent Calendar section of the agenda consists of items that are acted on in one motion; unless a Commissioner or a member of the public requests that the Commission remove an item from the consent calendar for discussion. By approval of the consent calendar, the Staff recommendation will be adopted. If this item is removed from the consent calendar, the Commission will follow the procedures described in the agenda for new public hearings.

- A. **Adopt Draft Action Minutes of June 13, 2017**
- B. **Adopt Draft Action Minutes of June 27, 2017**

5. CONTINUED PUBLIC HEARINGS

Following a project report by staff, interested members of the public are encouraged to comment. The project applicant will speak first and will be allocated up to ten (10) minutes to present the project, including any time he or she wishes to reserve for rebuttal. The applicant shall inform the Chair at the outset of his or her presentation of the amount of time to be allocated for rebuttal. Following the applicant's presentation, speakers in favor of the project may speak, followed by speakers in opposition to the project. Speakers are asked to summarize their comments and limit their presentations to three (3) minutes. After all other speakers make their presentations; the applicant will be allowed to present a rebuttal in the amount of time he or she requested at the outset of his or her presentation.

6. NEW PUBLIC HEARINGS

Following a project report by staff, interested members of the public are encouraged to comment. The project applicant will speak first and will be allocated up to ten (10) minutes to present the project, including any time he or she wishes to reserve for rebuttal. The applicant shall inform the Chair at the outset of his or her presentation of the amount of time to be allocated for rebuttal. Following the applicant's presentation, speakers in favor of the project may speak, followed by speakers in opposition to the project. Speakers are asked to summarize their comments and limit their presentations to three (3) minutes. After all other speakers make their presentations; the applicant will be allowed to present a rebuttal in the amount of time he or she requested at the outset of his or her presentation.

- A. The Planning Commission will hold a Public Hearing to review and make recommendations to the City Council on the adoption of a proposed ordinance that, Pursuant to the Control, Regulate, and Tax, Adult Use of Marijuana Act (Proposition 64), the City of Orinda proposes to (1) ban all commercial marijuana land uses within the city, and (2) ban all outdoor marijuana cultivation in all zoning districts.

PROJECT SITE:	All Properties in the City of Orinda
APN:	N/A
APPLICATIONS:	N/A
ZONING DESIGNATION:	All Zoning Districts in the City of Orinda
OWNER/APPLICANT:	N/A
PROJECT PLANNER:	Drummond Buckley
CEQA STATUS:	The proposed code amendments are categorically exempt from CEQA under CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations), Section 15060(c)(2) (No Physical Change), and Section 15061(b)(3) (Review for Exemption, General Rule). The changes made will prohibit marijuana land uses in Orinda. This will result in a reduction of marijuana facilities and cultivation that would be allowed under the currently applicable state laws regarding marijuana land uses.

STAFF RECOMMENDATION:	Staff recommends the Commission review the draft ordinance and approve Resolution 17-06 to recommend approval of this ordinance to City Council.
------------------------------	--

- B. The Planning Commission will hold a public hearing, in the Auditorium at the Orinda Library, to consider Design-Review, Exception-Permit, Elevated-Deck Permit, and Tree-Removal Permit applications to construct a new 3,666 square-foot (4,066 gross) single-family residence that will replace an existing 1,767 square feet (2,176 gross) single-family residence on a 39,879 square-foot lot located in the Ridgeline and Environmental Preservation Overlay Zone (R Overlay)

PROJECT SITE:	117 Hillcrest Drive
APN:	268-320-011
APPLICATIONS:	DRA-2017-011; EXC-2017-022; EDP-2017-007
ZONING DESIGNATION:	RL-20
OWNER/APPLICANT:	Nathan & Chodon Hyun
PROJECT PLANNER:	Mayank Patel
CEQA STATUS:	Categorically exempt, CEQA Guidelines §15303(a) – Single family residence on a property zoned for residential use.
STAFF RECOMMENDATION:	Approve Design-Review, Exception Permit, and Elevated-Deck Permit applications to construct a new 3,666 square-foot (4,066 gross) single-family residence that will replace an existing 1,767 square feet (2,176 gross) single-family residence on a 39,879 square-foot lot located in the Ridgeline and Environmental Preservation Overlay Zone (R Overlay).

- C. The Planning Commission will hold a public hearing to consider a Design Review application for a new 5,618 adjusted square-foot single-family residence and 781 square foot pool house, Elevated Deck Permit for proposed 656 square-foot elevated deck, and Tree Removal Permit for the removal of one 12” diameter valley oak.

PROJECT SITE:	40 Valley View Road
APN:	261-160-014
APPLICATIONS:	Design Review Permit (DRA-2017-009) Elevated Deck Permit (EDP-2017-006) Tree Removal Permit (TRP-2017-010)
ZONING DESIGNATION:	RL-40 – Residential Low Density, min. lot 40,000 sf
OWNER/APPLICANT:	Steve and Betsy Baus/Swatt Miers Architects
PROJECT PLANNER:	Derek Farmer, Senior Planner
CEQA STATUS:	Categorically Exempt, CEQA Guidelines Sec. 15303(a) – One single-family residence in a residential zone.
STAFF RECOMMENDATION:	Adopt the Statement of Official Action approving the

	Design Review, Elevated Deck, and Tree Removal Permits for a 5,618 adjusted square-foot single-family residence and 781 square-foot pool house, 656 square-foot elevated deck, and removal of one 12" diameter valley oak.
--	--

- 7. **OTHER COMMISSION MATTERS**
- 8. **PLANNING COMMISSIONER'S REPORTS**
- 9. **PLANNING DIRECTOR'S UPDATE**

Planning Director's announcements or brief updates and status of appealed projects.

10. **ADJOURNMENT**

I, Tiffany Fabiani, declare under penalty of perjury under the laws of the State of California that this agenda has been posted at least 72 hours in advance at the Orinda City Offices to include: Orinda City Hall, Orinda Community Center and Orinda Public Library. Additional copies of Agendas and Staff Reports, are available in the Orinda Planning Department, the Orinda Public Library (government section) and on the City's website at www.cityoforinda.org.



Tiffany Fabiani, Senior Administrative Assistant to the Planning Department

If you wish to provide any document longer than 3 pages to the Planning Commission for its consideration, you must submit fifteen (15) copies to the Planning Department no later than 4:30pm, three business days prior to the meeting. Documents containing 3 or fewer pages may be submitted to the Planning Department by noon, the day of the meeting, prior to the meeting or at the meeting (15 copies required).

In compliance with the Americans with Disabilities Act, the City of Orinda will provide special assistance for disabled citizens. If you have a request for a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the Planning Department's Sr. Administrative Assistant, Tiffany Fabiani at (925) 253-4261 or tfabiani@cityoforinda.org. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28CFR 35.102-35.104 ADA Title II]

APPEALS: A decision of the Planning Commission is final unless a written notice of appeal, specifying the grounds for appeal, is submitted to the City Clerk during normal business hours (Monday through Friday, 8:00 AM – 12:00PM and 1:00PM - 5:00 PM) within ten (10) calendar days, with appropriate fees. The appeal will be considered by the City Council. If you challenge any actions on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. The time to file action to challenge the decision is governed by the Code of Civil Procedure, Section 1094.6.