



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, March 25, 2008
Clayton Community Library Meeting Room
6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Commissioner Armstrong to report at the April 1, 2008 City Council meeting.

Public Comment

Approval of Minutes

- 2. Approval of minutes from the regular meeting of March 11, 2008.

Public Hearings

- 3A. **GPA 01-07, Town Center General Plan Update, City of Clayton.** An amendment of the *General Plan* Land Use Element, Circulation Element, and Community Design Element to make additions, revisions, and deletions of various goals, policies, objectives, standards, permitted uses, guidelines, text, and figures regarding development in the Town Center as well as other miscellaneous minor revisions and updates. *Continued from the regular meeting of March 11, 2008.*

Proposed Action: Table Discussion to Future Meeting

- 3B. **SPA 01-07, Town Center Specific Plan Update, City of Clayton.** An amendment of the *Town Center Specific Plan* including, but not limited to, Chapters 1 (Introduction), 3 (Municipal Services), 4 (Urban Design), 5 (Circulation), and 6 (Financial Implementation) to make additions, revisions, and deletions of various goals, policies, objectives, standards, permitted uses, guidelines, text, and figures. *Continued from the regular meeting of March 11, 2008.*

Proposed Action: Table Discussion to Future Meeting

- 3C. **ENV 01-08, Environmental Review, Rivulet Mixed Use Project, Uzoma Nwakuche,** 1005 and 1007 Oak Street (APNs 119-050-009 and 119-050-034). A study session to discuss the status of the environmental review of the project.

Proposed Action: Receive a status report on the environmental aspects of the project (this is an informational item only). Following a report from staff and the applicant's representative and related discussion, continue to the meeting of April 8, 2008.

- 3D. **DP 01-08, Development Plan, Rivulet Mixed Use Project, Uzoma Nwakuche**, 1005 and 1007 Oak Street (APNs 119-050-009 and 119-050-034). A request for approval of a development plan to allow the construction of a two-story mixed-use commercial/residential building with approximately 7,000 square feet of commercial retail on the first floor and up to seven residential units on the second floor. *Continued from the regular meeting of March 11, 2008.*

Proposed Action: Receive a status report on the site plan aspects environmental aspects of the project. Following a report from staff and the applicant's representative and related discussion, continue to the meeting of April 8, 2008.

Old Business

4. None

New Business

5. None

Communications

- 6A. Staff
6B. Commission

Adjournment

7. The next meeting of the Planning Commission is scheduled for **Tuesday, April 8, 2008.**

Most Planning Commission decisions are appealable to the City Council within ten (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. If you have a physical impairment that requires special accommodations to participate, please contact the Community Development Department at least 72 hours in advance of the meeting at 925-673-7340.

An affirmative vote of the Planning Commission is required for approval. A tie vote (e.g., 2-2) is considered a denial. Therefore, applicants may wish to request a continuance to a later Commission meeting if only four Planning Commissioners are present.

Minutes
City of Clayton Planning Commission Special Meeting
Tuesday, March 11, 2008

Call to Order

Chair Haydon called the meeting to order at 7:00 p.m. at the Library Meeting Room, Clayton Community Library, 6125 Clayton Road, Clayton.

Present: Chair Keith Haydon, Commissioner Bob Armstrong, Commissioner Ed Hartley, Commissioner Joe Odrzywolski

Absent: Vice Chair Tuija Catalano

Staff: Community Development Director Jeremy Graves
Assistant Planner Milan Sikela, Jr.
Assistant to the City Manager Laura Hoffmeister

Administrative

1A. Review of agenda items.

1B. Commissioner Odrzywolski to report at the March 18, 2008 City Council meeting.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the regular meeting of February 26, 2008.

Chair Haydon moved and Commissioner Hartley seconded a motion to approve the minutes from the regular meeting of February 26, 2008, as amended. The motion passed 4-0.

Public Hearings

3A. **SP 06-05, Sign Permit, Focus Realty**, Lots 1 and 8 in the Pine Hollow Estates residential subdivision adjacent to Pine Hollow Road, APNs 120-043-026 and -033. A request for a nine-month extension on a previously-approved subdivision marketing sign program for the Pine Hollow Estates residential subdivision.

The public hearing was opened. Assistant Planner Sikela presented the staff report. The representative of the applicant was available for questions.

The Commission asked how many units are still available in the Pine Hollow Estates subdivision. *Dan Freeman, the representative of the applicant, responded that four units are still available.*

There being no further comments, the public testimony period was closed.

Commissioner Hartley moved and Commissioner Armstrong seconded a motion to approve sign permit SP 06-05, with the findings and conditions of approval recommended by staff. The motion passed 4-0.

- 3B. **SP 02-08, Sign Permit, Focus Realty**, proposed Lots 1 through 5 in the Mitchell Creek Place residential subdivision adjacent to High Street, APNs 119-021-070, -071, -072, -073, and -074. A request for approval of a subdivision marketing sign program for the Mitchell Creek Place residential subdivision.

The public hearing was opened. Assistant Planner Sikela presented the staff report. The representative of the applicant was available for questions.

The Commission directed staff to add a condition of approval that all footings and anchors for the temporary ground sign and pole pennants shall be removed by close of last escrow.

There being no further comments, the public testimony period was closed.

Commissioner Hartley moved and Commissioner Odrzywolski seconded a motion to approve sign permit SP 02-08, with the findings and conditions of approval recommended by staff and with the condition of approval added by the Commission. The motion passed 4-0.

- 3C. **MAP 01-08, Lot Line Adjustment, JoAnn Caspar**, 945 Oak Street (APNs 119-040-036 and 119-040-037). A lot line adjustment to transfer approximately 1,000 square feet of land from APN 119-040-036 to APN 119-040-037. *Continued from the regular meeting of February 26, 2008.*

- 3D. **SPR 01-08, Site Plan Review Permit, JoAnn Caspar**, 945 Oak Street (APN 119-040-036). A site plan review permit to allow the construction of a custom single-family residence measuring approximately 3,000 square feet in area and 29 feet in height. *Continued from the regular meeting of February 26, 2008.*

The public hearings were opened. Director Graves distributed an e-mail from Vice Chair Catalano to the Commission and applicant. Assistant Planner Sikela presented the staff reports.

The Commission asked if the proposed contour lines are required by the *Municipal Code* for site plan review permits? *Assistant Planner Sikela responded that staff would research the issues and ensure that all future applications are consistent with the Municipal Code requirements.*

Bob Kendall, the representative of the applicant, explained the proposed contours for the lot on which the proposed custom residence was located and indicated that the lot line adjustment would be recorded within several days.

The Commission commented that the project looks fine. There being no further comments, the public testimony period was closed.

Commissioner Odrzywolski moved and Commissioner Armstrong seconded a motion to approved lot line adjustment MAP 01-08, with the findings and conditions of approval recommended by staff. The motion passed 4-0.

Commissioner Odrzywolski moved and Commissioner Hartley seconded a motion to approve site plan review permit SPR 01-08, with the findings and conditions of approval recommended by staff and with the condition of approval added by the Commission. The motion passed 4-0.

- 3E. **DP 01-08, Development Plan, Komgold**, 1005 and 1007 Oak Street (APNs 119-050-009 and 119-050-034). A request for approval of a development plan to allow the construction of a two-story mixed-use commercial/residential building with approximately 7,000 square feet of commercial retail on the first floor and up to eight residential units on the second floor. *Continued from the regular meeting of February 26, 2008.*

The continued public hearing was re-opened. Assistant Planner Sikela presented the staff report.

Commissioner Hartley asked if modular and utilitarian buildings present in the old West? *Assistant Planner Sikela responded "yes."*

Bob Staehle, the representative of the applicant, showed the Commission options for the southeast of the building including a balcony on the second-story unit with full-size doors opening onto the balcony. Mr. Staehle also showed the Commission photographs of a Victorian tower and other architectural design styles in Point Richmond.

Commission questions and comments included:

- Is there was a way to break-up the roofline on the southeast corner?
- Could the south end of the first-story sidewalk overhang on Oak Street be modified from a hipped gable end to a straight gable end.
- Like the trellis and what you have done on the first floor of the southeast corner, but the second floor of the southeast corner still needs work.
- Do not like second-story balcony.
- How about adding a false facade that is setback from the southeast corner?
- The southeast corner of the second story is still an issue; a bay window or hipped roof may be options.
- Trellis height could be changed to provide visual interest.
- Still have trouble with the straight-line roof on the southeast corner; it needs to be broken up.
- Regarding the materials board, what kind of stucco are you using? *Mr. Staehle indicated that a "dash" texture would be used on the stucco.*

Mr. Staehle indicated the following:

- We agree with the staff recommendation to prepare an initial environmental study/mitigated negative declaration for the project.
- The biologists are working for planning consultant Nick Pappani from Raney Planning and Management under the direction of the Community Development Department staff.
- The design team is going to focus on the environmental and site plan aspects of the project and table the discussion regarding the architecture.

Director Graves indicated that Raney Planning and Management has signed the contract to prepare the initial environmental study/mitigated negative declaration for the project.

Assistant to the City Manager Hoffmeister gave a report on the Regional Water Quality Control Board meeting held earlier today and indicated that creek setback issues did not come up at the meeting.

There being no further comments, the public testimony period was closed.

Commissioner Hartley moved and Commissioner Armstrong seconded a motion to continue the public hearing for development plan DP 01-08 to the next regular meeting of March 25, 2008. The motion passed 4-0.

The meeting was recessed at 9:05 p.m. and reconvened at 9:10 p.m.

- 3F. **GPA 01-07, Town Center General Plan Update, City of Clayton.** An amendment of the *General Plan* Land Use Element, Circulation Element, and Community Design Element to make additions, revisions, and deletions of various goals, policies, objectives, standards, permitted uses, guidelines, text, and figures regarding development in the Town Center as well as other miscellaneous minor revisions and updates. *Continued from the regular meeting of February 26, 2008.*

The continued public hearing was re-opened. There was no staff report.

Chair Haydon moved and Commissioner Hartley seconded a motion to continue the public hearing for general plan amendment GPA 01-07 to the next regular meeting of April 8, 2008. The motion passed 4-0.

- 3G. **SPA 01-07, Town Center Specific Plan Update, City of Clayton.** An amendment of the *Town Center Specific Plan* including, but not limited to, Chapters 1 (Introduction), 3 (Municipal Services), 4 (Urban Design), 5 (Circulation), and 6 (Financial Implementation) to make additions, revisions, and deletions of various goals, policies, objectives, standards, permitted uses, guidelines, text, and figures. *Continued from the regular meeting of February 26, 2008.*

The continued public hearing was re-opened. Director Graves distributed suggested wording for Page 17 regarding the repainting of buildings. The Commission also requested rewording of the listing of acceptable building materials.

Commissioner Odrzywolski moved and Chair Haydon seconded a motion to approve Resolution 03-08, which recommends City Council approval of an amendment of Chapter 4 (Urban Design) of the *Town Center Specific Plan* with the additional changes discussed by Commission. The motion passed 4-0.

Commissioner Odrzywolski moved and Chair Haydon seconded a motion to continue the public hearing for specific plan amendment SPA 01-07 to the next regular meeting of April 8, 2008. The motion passed 4-0.

Old Business

4. None.

New Business

5. None.

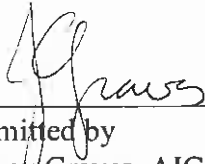
Communications

6A. Staff – None.

6B. Commission – None.

Adjournment

7. The meeting was adjourned at 9:30 p.m.



Submitted by
Jeremy Graves, AICP
Community Development Director

Approved by
Keith Haydon
Chair

Plng Comm 2008 Minutes 0311

MEMORANDUM

Date: March 21, 2008
To: Planning Commission
From: Jeremy Graves, Community Development Director
Subject: Town Center General Plan Update (GPA 01-07)
Town Center Specific Plan Update (SPA 01-07)



Staff recommends that the public hearings for Town Center General Plan Amendment GPA 01-07 and Town Center Specific Plan amendment SPA 01-07 be tabled to a future undetermined meeting date. This will allow staff to focus on the Rivulet, Sorensen annexation, and Leal annexation projects. When a future date is set for GPA 01-07 and SPA 01-07, staff will re-notice the public hearings accordingly.

SPA 2007 01-07.memo3

PLANNING COMMISSION STAFF REPORT

Meeting Date: March 25, 2008

From: Nick Pappani, Planning Consultant
Milan J. Sikela, Jr., Assistant Planner 

Subject: The Rivulet Mixed Use Project
(DP 01-08 and ENV 01-08)

This staff report supplements the staff report dated March 11, 2008.

BACKGROUND

On March 11, 2008, the Planning Commission reviewed the architecture for the project and requested that the applicant to provide some optional architectural treatments for the southeast corner of the building. The applicant indicated that a site plan would be brought before the Commission at the March 25, 2008 meeting. Analyses of the environmental review and site plan issues are provided below; the applicant is continuing to work on the architectural treatments which are expected to be ready for the April 8, 2008 Commission meeting.

ENVIRONMENTAL REVIEW

On January 29, 2008, the City Council and Planning Commission held a joint study session to review the "Rivulet" project. Since the Rivulet project is an infill project within the Town Center and is consistent with the Clayton *General Plan*, *Town Center Specific Plan*, and *Zoning Ordinance* designations for the project site, a possibility exists for the project to be exempt from California Environmental Quality Act (CEQA) review under Section 15332 of the CEQA Guidelines. However, it was indicated that this determination would not be made until additional information was provided by the applicant demonstrating whether the project site has any value as a habitat for endangered, rare, or threatened species, and, if so, whether the project could adversely impact the on-site habitat.

Since the January 29th study session, Raney Planning & Management has contracted with Environmental Collaborative to conduct a Biological Resources Assessment for the project site to determine the extent of riparian habitat along the banks of Mitchell Creek and the potential habitat value of the site for special-status species. Raney has also contracted with HortScience to conduct a Tree Evaluation of the on-site trees. These studies were commissioned in part to determine whether or not the infill exemption could be applied to the project site and the related question of whether or not project improvements would require a Streambed Alteration Agreement from the California Department of Fish and Game (CDFG). Also since the January 29th study session, staff received a letter from Save Mount Diablo, dated January 30, 2008 (see **Exhibit F**), which stated the organization's concerns about the project's potential to impact Mitchell Creek, which is known to be California red-legged frog habitat. In order to fully address these concerns, Raney worked with Environmental Collaborative to bring a California red-legged frog expert on the team. Environmental Collaborative has contracted with Rana Resources to conduct an assessment of the potential for the project site to provide habitat for California red-legged frog as well as steelhead.

Though the project site is not likely to adversely impact special-status species and/or riparian habitat, staff believes that, based in part on the level of public concern, it would be most prudent to prepare a CEQA Initial Environmental Study/Mitigated Negative Declaration (IES/MND) to evaluate all of the potential environmental impacts of the proposed project.

The total list of studies that are being prepared for the IES/MND analysis include:

1. Biological Resources Assessment - Environmental Collaborative
2. California Red-Legged Frog/Steelhead Assessment - Rana Resources
3. Tree Evaluation - HortScience
4. Geomorphic and Engineering Assessment of Mitchell Creek - Balance Hydrologics
5. Traffic and Parking Analysis - Abrams Associates

Raney is in the process of preparing the portions of the IES/MND that can be completed without the aid of the above-identified technical studies.

SITE PLAN ANALYSIS

Since the presentation of the conceptual site plan at the January 29th study session, the Rivulet site plan has undergone several adjustments. **Exhibit G** represents two iterations of the site plan: the prior version and the current version. Sheet 1 of 2 of **Exhibit G** shows a site plan that depicts how the project was originally envisioned, dating back to the initial concept from early January 2008. Sheet 2 of 2 of **Exhibit G** shows the current layout based on telephone conversations between the project biologist and the local contact for the CDFG.

Sheet 1 of 2 (Prior Site Plan)

The major adjustment to this version from the site plan shared at the January 29th joint study session is the deletion of one of the eight garages along High Street. That adjustment to the plan was necessary based on boundary survey data collected by the civil engineer. On the prior site plan the proposed building envelope is shown in orange and angled parking is shown in pink.

The constraints on the prior site plan are the top of bank for Mitchell Creek on the western edge of the property and maintaining six feet from the front of parked vehicles to the face of building. The resulting footprint of the building yields 7,000 square feet of net leasable space with the seven upper level residential units. The site plan also yields seven full size parking stalls and one handicap stall with a five-foot aisle. There are two additional large areas, one of which is large enough to accommodate a compact car, while the second could be used for landscape and C3 stormwater filtration requirements.

Sheet 2 of 2 (Current Site Plan)

The Oak Street frontage of the project site is currently striped for seven parallel parking spaces. The applicant is reviewing the frontage to determine if there is adequate curb length to add an eighth parallel space by reconfiguring the striping. The Environmental Collaborative biologist initiated an informal discussion with the local CDFG representative. On the basis of this informal discussion, staff understands CDFG is interested in ensuring the proposed building footprint does extend closer to the creek bank than the existing on-site buildings and structures. In addition, CDFG is interested in project mitigation to revegetate the creek banks utilizing native plant materials and removal of non-native invasive plant species such as the Tree of Heaven.

Based upon this information from CDFG, the project architect worked with the biologist to prepare a site plan consistent with CDFG's feedback. One major modification the biologist felt was necessary to retain the open and positive dialog with CDFG that currently exists is to set the building back from the top of bank. Based on input from the biologist, the architect has worked to create a buffer that will allow light and air to penetrate the banks of Mitchell Creek and thus should improve the overall health of the riparian vegetation. While making these minor modifications to the site plan, it became obvious that there was little net gain associated with the proposed angled parking. Additionally, the distance between automobile wheel bumpers and the proposed building is almost doubled by using the existing parallel parking.

Some of the advantages of this plan over the earlier plan include reduction of impervious surface to less than 10,000 square feet (after anticipated credit from reduction of asphalt paving on High Street) and increased width of sidewalk to exceed the 5 feet 6 inches called for Oak Street in the *Town Center Specific Plan*. The resulting plan has net leasable space of 6,900 square feet.

The following site plan issues are still being considered:

- Emergency egress requirements for the building may necessitate the door currently shown at the southwest corner of the building. If that exit is required, it will also be required to meet ADA standards for access from the doorway to High Street. Said requirement will introduce paving between the building and the top of bank.
- There are ongoing discussions between the applicant and staff in reference to guest parking requirements for the residential units. The outcome of those discussions may impact the layout and architecture of the High Street garages.
- The upper level unit plans presented earlier will not conform to the site plan shown on Sheet 2 of 2 of **Exhibit G**. There may be some adjustments to the lower level plan to conform to the necessary revisions to the upper level unit plans.

COMMISSIONER SITE VISITS

The project applicant has installed blue stakes at the project site to depict the corners of the proposed building footprint. The applicant omitted two stakes on the backside of the seventh garage space since the proposed corners are currently occupied by the existing detached garage. The Staff requested this in order that Commissioners could individually visit the project site before the March 25th Commission meeting to facilitate their understanding of the site and building layout.

ARCHITECTURAL ANALYSIS

The applicant has informed staff that revised architectural renderings will be available at the April 8, 2008 Planning Commission meeting. According to the applicant, these revisions will include modifications to the southeast corner of the building as well as any design changes that result from adjustments to the site plan.

RECOMMENDATION

Staff recommends that the Commission:

- Receive a status report on the environmental and site plan aspects of the project (this is an informational item only);
- Provide comments to the applicant and staff;
- Continue the public hearing to the next regular meeting of April 8, 2008.

EXHIBITS

- A-D Provided with the February 26, 2008 staff report
- E Provided with the March 11, 2008 staff report
- F Letter from Save Mount Diablo, dated January 30, 2008
- G Prior and Current Site Plans, date stamped March 20, 2008

DP 2008 01-08.sr-4



save MOUNT DIABLO

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Tel: (925) 947-3535
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Website

www.savemountdiablo.org

Founders

Arthur Bonwell
Mary L. Bowerman

January 30, 2007

Gary Napper, City Manager
City of Clayton
6125 Clayton Road
Clayton, CA 94517

Re: **January 15 City Council agenda**

9. ACTION ITEMS (a) Presentation and consideration of two (2) concept development proposals submitted in response to the City's limited Request for Proposals to purchase and construct ground-floor retail commercial developments on City-owned property located at 1005 and 1007 Oak Street (APNs 119-050-034 & -009). (City Manager), 1. PERMCO Engineering & Management mixed-use concept proposal, 2. Uzoma Nwakuche, LLB, mixed-use concept proposal.

Dear Mr. Napper,

We were concerned in reading the staff reports for this item at your January 15 Council meeting and subsequent January 29 joint study session, and the newspaper report about the first meeting. There was no suggestion in the staff report that an independent appraisal had been conducted to guide the city.

The parcels in question back up to Mitchell creek. Save Mount Diablo preserved the creek's headwaters in Mt. Diablo State Park and we're concerned about proposals that would affect the creek downstream. Mitchell Creek is a tributary to Mt. Diablo creek, which is currently receiving a great deal of consideration at the Concord Naval Weapons Station, and both creeks are confirmed habitat for the threatened California red-legged frog upstream and downstream of the proposed downtown Clayton project.

We're especially concerned when the proposal is cast as an attempt to avoid pending regulatory agency policy shifts, which were also misstated to suggest that no setback from the creek is currently required.

The new project could have significant impacts on Mitchell Creek, and redevelopment of creek properties offers the opportunity to correct mistakes from the past. The project is likely under the jurisdiction not just of the Regional Water Quality Control Board but also the Dept. of Fish & Game, Army Corps, etc.

Received

JAN 31 2008

City of Clayton

EXHIBIT F
(2 PAGES)

We would be happy to discuss our concerns. Although we're not yet aware of the full scope of impacts, certainly there might be possible offsite mitigations which could address our concerns.

Please place me on the notice list for this project, applications for development, and any consideration pertaining to it, especially CEQA review, which should consider adequate mitigation for impacts of a new project on Mitchell Creek.

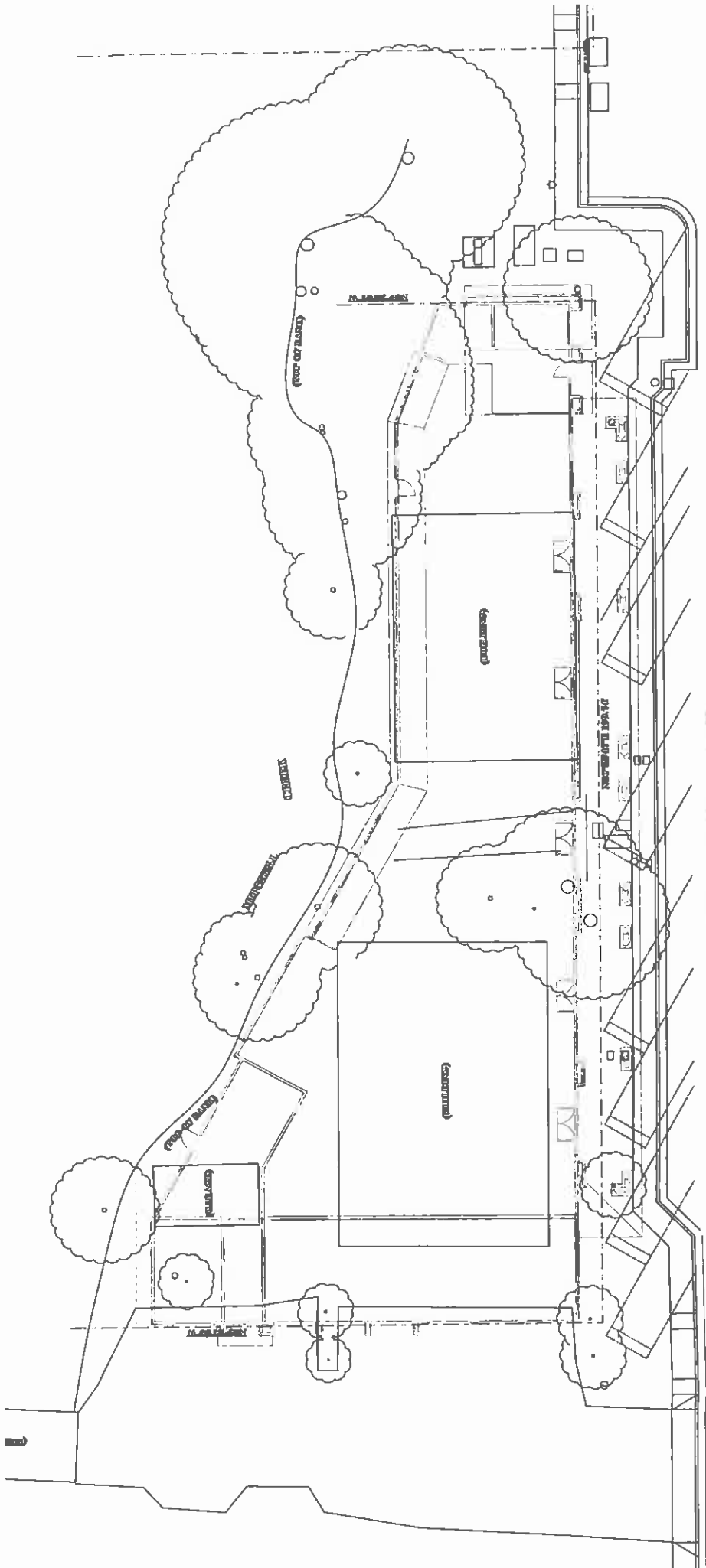
Thanks for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Seth Adams". The signature is fluid and cursive, with the first name "Seth" and last name "Adams" clearly distinguishable.

Seth Adams
Director of Land Programs

Cc: Laura Hoffmeister, Asst. City Manager

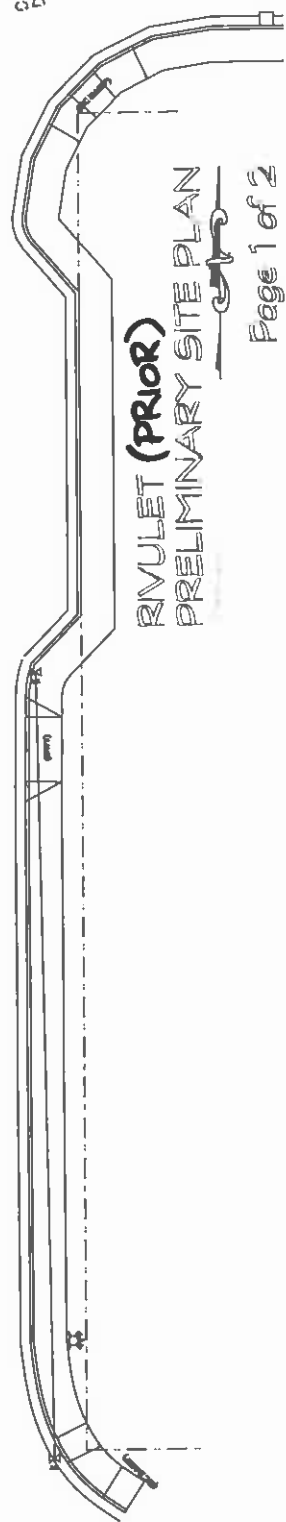


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MAR 20 2008

CLAYTON COMMUNITY
DEVELOPMENT DEPT

CENTER STREET

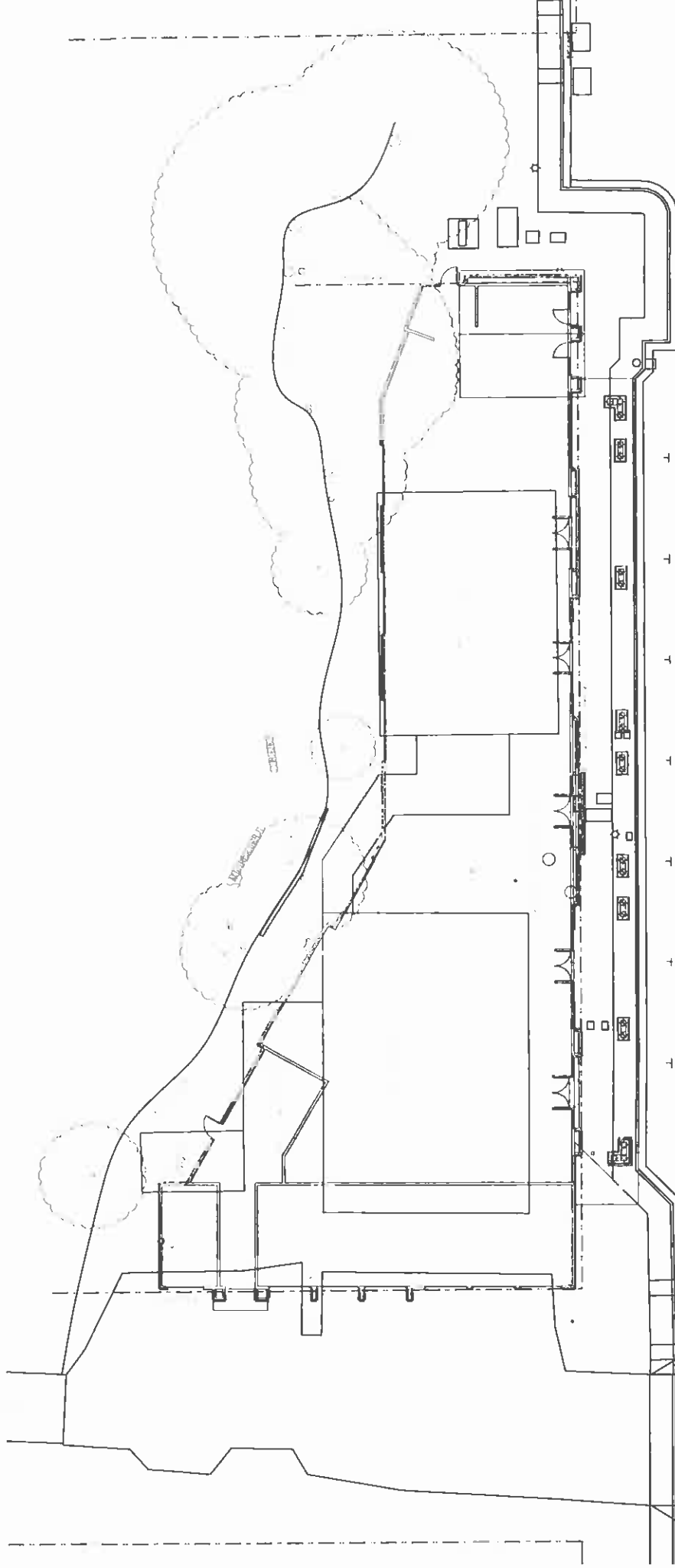


RIVULET (PRIOR)
PRELIMINARY SITE PLAN

Page 1 of 2

HIGH STREET

EXHIBIT G
(2 PAGES)



RECEIVED

MAR 20 2008
CLAYTON COMMUNITY
DEVELOPMENT DEPT.

CENTER STREET

RIVULET (CURRENT)
PRELIMINARY SITE PLAN
1/16/08 N. 200

Page 2 of 2

HIGH STREET

