

Minutes
City of Clayton Planning Commission Meeting
Tuesday, March 24, 2009

Call to Order

Chair Catalano called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Tuija Catalano, Commissioner Bob Armstrong, Commissioner Keith Haydon,
Commissioner Sandra Johnson

Absent: Vice Chair Ed Hartley

Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.

Administrative

1A. Review of agenda items.

1B. Commissioner Armstrong to report at the April 7, 2009 City Council meeting.

Approval of Minutes

2. Approval of minutes from the meeting of March 10, 2009.

Director Woltering indicated that a revised set of minutes was provided at the dias and that the revised minutes included sections amended by City Attorney Dan Adams. Commissioners requested additional minor edits.

Chair Catalano moved and Commissioner Haydon seconded a motion to approve the minutes from the meeting of March 10, 2009, as amended. The motion passed 4-0.

Public Hearings

3A. **SPR 02-09, Site Plan Review Permit, Julie Pierce**, 1028 Tiffin Drive, APN 119-122-003. A Site Plan Review Permit to allow the construction of two single-story additions on an existing single-story residence. The entire project measures approximately 760 square feet in area and 13 feet in height.

TRP 03-09, Tree Removal Permit, Julie Pierce, 1028 Tiffin Drive, APN 119-122-003. A Tree Removal Permit to allow the removal of seven trees.

Assistant Planner Sikela presented the staff report.

Commission questions included:

- If the additions were a combined total of less than 750 square feet in area, would this project have qualified for administrative review and approval? Assistant Planner indicated that the project would not qualify for administrative review and approval since one of the additions is located on the front elevation of the residence.
- Would staff normally bring a Tree Removal Permit request such as this to the Planning Commission? Assistant Planner Sikela indicated that a Tree Removal Permit project such as this would normally be noticed to the neighbors—(termed “administrative review with notice” in the Clayton Municipal Code)—without taking the item to the Planning Commission. However, since the Tree Removal Permit request was related to the Site Plan Review Permit, both items were brought before the Planning Commission for review and approval.

- Regarding tree removals in general, does staff find that citizens of Clayton comply with the tree protection standards in the Clayton Municipal Code and, more importantly, do citizens know that they have to obtain a Tree Removal Permit prior to removing a tree? Assistant Planner Sikela indicated that there are occasions when either the Community Development Director or he will receive a code enforcement call regarding someone removing a tree without obtaining a Tree Removal Permit. In those cases, the Director or he will conduct a site visit to inform those removing the tree that they need to obtain a Tree Removal Permit. In general, however, the citizens of Clayton comply with the Tree Removal Permit requirements.
- Do you approve Tree Removal Permits administratively? Assistant Planner Sikela indicated that it depends on the size of the trees and/or the number of the trees. If there are a great number of trees proposed for removal or if the tree is large and its removal would cause a significant impact—as in the case of a heritage oak tree—then staff would bring the Tree Removal Permit before the Planning Commission. Small trees, typically, would be approved for removal administratively.
- Would a small crape myrtle tree proposed for removal require approval of a Tree Removal Permit? Assistant Planner Sikela indicated that any tree proposed for removal, regardless of the species of tree, would require approval of a Tree Removal Permit if the tree was larger than six inches in diameter at four feet six inches above the ground.

The public testimony period was opened.

The applicant, Julie Pierce, distributed photographs of the project site and indicated the following:

- She requested that staff take the Tree Removal Permit to the Planning Commission.
- Her family will be adding some more landscape trees in the front yard to replace the removed trees.
- The existing cedar shake facade will be replaced with stucco.
- There are a high number of trees on our property.
- The neighbors are in support of the proposed improvements.

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

- Agree that an adequate number of trees exist on-site which will compensate for the removal of the subject trees.
- The proposed circular driveway will increase the safety of vehicular ingress and egress to the project site, supporting the proposed tree removal in that area.
- In support of having the diseased trees removed.

Commissioner Armstrong moved and Commissioner Johnson seconded a motion to approve Site Plan Review Permit SPR 02-09 and Tree Removal Permit TRP 03-09, with the findings and condition of approval recommended by staff. The motion passed 4-0.

3B. SPR 03-09, Site Plan Review Permit, Debbie Butler, 3038 Miwok Way, APN 118-424-012. A Site Plan Review Permit to allow the construction of a second-story balcony on an existing two-story residence. The project measures approximately 238 square feet in area and 13 feet in height.

Assistant Planner Sikela presented the staff report. The public testimony period was opened. The applicant was available for questions.

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

- What kind of material will be used for construction of the balcony? Assistant Planner Sikela indicated that the balcony would be constructed of a wood-appearing material.
- Will the balcony railing have a plexiglass feature that is fastened to the balustrades? Assistant Planner Sikela responded that there would only be the balustrades themselves without any other architectural components. He stated further that the spacing of the balustrades and height of the railing would need to conform with requirements of the Uniform Code.

Commissioner Haydon moved and Commissioner Johnson seconded a motion to approve Site Plan Review Permit SPR 03-09, with the findings and conditions of approval recommended by staff. The motion passed 4-0.

Old Business

4. **SPR 01-09, Site Plan Review Permit, Pete Wiesendanger, 5511 Southbrook Drive, APN 118-102-002.** An update regarding the existing on-site shed complying with codes that were in effect at the time of shed construction. Verbal presentation to be provided at meeting.

Assistant Planner Sikela provided an update to the Planning Commission regarding Commission concerns that the existing shed at the project site did not comply with City codes for detached accessory structures. Assistant Planner Sikela indicated the following to the Commission:

- The applicant provided documentation showing that the shed was constructed in 2002.
- Current City codes for detached accessory structures were established in 2004.
- Prior to the current City codes for detached accessory structures being established in 2004, detached accessory sheds measuring less than 120 square feet in area and 12 feet in height (which are the dimensions of the subject shed) could be located anywhere on a residential lot other than in the front setback.
- Since the shed was built in compliance with the City code in 2002, the shed is a legal non-confirming structure.

New Business

5. None.

Communications

- 6A. Staff.

Director Woltering provided the following updates to the Commission:

- **Rivulet Project Update**
 - ▶ Comment period on the Initial Environmental Study/Mitigated Negative Declaration (IES/MND) ends on April 2, 2009.
 - ▶ Staff will include the minutes from the March 10, 2009 Planning Commission meeting in the comments received for the IES/MND.
 - ▶ Staff is awaiting submittal of a tentative map for the project.
 - ▶ Staff anticipates that the public hearing for the project will be brought before the Commission approximately 60 days after the close of the comment period for the IES/MND.

- Housing Element Update
 - ▶ City Council selected Pacific Municipal Consultants (PMC) to update the Housing Element.
 - ▶ The target date for completion of the Final Draft Housing Element is late June 2009.
 - ▶ Staff will be holding a kickoff meeting with PMC.
 - ▶ PMC will work with the City to develop housing programs and measures to attempt to achieve established housing goals for the community for 2009 through 2014.
 - ▶ The City's goal is 151 new housing units, with 117 of those units being for very-low, low, and moderate income households.
 - ▶ In the last Housing Element update in 2005, 52 units were projected to be provided in the form of second dwelling units but that goal was never reached.
 - ▶ The City is looking at the potential sites for construction of new residential units on Clayton Road, the end of Lydia Lane, and behind the Post Office in the Town Center.
 - ▶ We have been discussing the housing challenges with a variety of builders that are familiar with constructing units for very-low, low, and moderate income households.
 - ▶ The City's objective will be to receive certification of its Final Draft Housing Element from the Department of Housing and Community Development (HCD).

Commission comments and questions regarding the Housing Element Update included:

- Can the mobile home park located east of Clayton on Marsh Creek Road be used to count toward the goal of 151 residential units? Director Woltering indicated that only properties located within the City can be used to meet the goal. The mobile home park is located in unincorporated Contra Costa County, outside of Clayton.
- What is the intent of the 151 units? Director Woltering indicated that the Association of Bay Area Governments (ABAG) looks at realistic goals for the City and this number was seen as a realistic goal. ABAG assesses current trends and how development is occurring to set the goals for construction of new housing to meet the anticipated needs of all economic segments of a community.
- A goal of 117 units for very-low, low, and moderate income households seems unrealistic given the small amount of vacant land available within the City.
- Are we going to tell property owners with vacant land that they have to construct affordable housing on their property? Presently, the City does not have an inclusionary housing ordinance. However, the City will need to look at measures to attempt to achieve the housing goals.
- Will any of the residential units in the Rivulet project be available for affordable housing? Director Woltering indicated that one of the seven units would be available for affordable housing.
- What would happen if the City could not meet the housing goals set by ABAG? Director Woltering responded that the State could cut off its funding to the City. Also, the City's General Plan could be legally challenged. However, the Director indicated that HCD takes into account a community's efforts to achieve the goals.
- If we make a good-faith effort, HCD needs to take that into account.
- Have developers used density bonuses for building affordable housing in the past? Director Woltering indicated that he did not have the history to know if that had occurred. However, he indicated that State law does not make available density bonuses for affordable housing.

- Flora Square
 - ▶ PG&E has started service to the building.
 - ▶ There are still items that need to be completed by the property owner and fees that need to be paid to the City.

6B. Commission.

Commissioner Armstrong indicated he would not be attending the April 28, 2009 Planning Commission meeting.

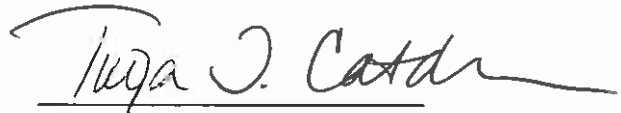
Commissioner Haydon said that he may not be able to attend certain future Planning Commission meetings if there is a strike at his place of employment, because, as a management employee, he would need to fill in for striking employees in Salinas.

Adjournment

7. The meeting was adjourned at 7:55 p.m.



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Tuija Catalano
Chair

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