

Minutes
City of Clayton Planning Commission Meeting
Tuesday, August 11, 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 Sandra Johnson, Commissioner Ted Meriam, Commissioner Dan Richardson

Absent: None

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

Administrative

1A. Review of agenda items.

1B. Chair Catalano to report at the City Council meeting on September 1, 2009.

Approval of Minutes

2. Approval of minutes from the meeting of July 14, 2009.

Commissioner Richardson moved and Chair Catalano seconded a motion to approve the minutes from the meeting of July 14, 2009, as amended. The motion passed 5-0.

Public Hearings

3. **ZOA 02-09, Municipal Code Amendment, City of Clayton.** A public hearing regarding amendments to Clayton Municipal Code Section 17.36.020 (Building Height Restrictions) to consider removing specified outdated building height references and to clarify the purpose of this Section.

Director Woltering and Assistant Planner Sikela presented the staff report. Director Woltering explained that staff had contacted the City Attorney who indicated that Government Code Section 53091 requires that the structures and buildings listed in Section 17.36.020 be either permitted by right or conditionally permitted with a Use Permit as a pre-requisite to the application of Section 17.36.020. If the structures and buildings listed did not comply with either threshold, then the exemption to height limitations allowable by Section 17.36.020 would not apply. Director Woltering further indicated that staff would recommend taking Commission comments and direction on this current version of the ordinance amendment, but then staff would recommend the matter be continued to the next Commission meeting to allow staff time to modify the ordinance as presently drafted to reflect the City Attorney's comments. At the very least, staff anticipated needing to add amendments to other sections of the City's Municipal Code to permit or conditionally permit windmills (including wind chargers and other wind-harnessing structures) in the Agricultural (A) District and other districts, assuming a minimum lot size of 40,000 square feet.

Planning Commission comments and questions included:

- Supported considering further amendments to the Municipal Code to allow structures and buildings listed in Section 17.36.020 to be permitted by right or conditionally permitted with a Use Permit.
- How do we ensure compatibility with surrounding properties for windmills proposed on lots that are 40,000 square feet in area but not located in an Agricultural District? Director Woltering indicated that the Use Permit process would ensure that any windmill proposals would be reviewed for compatibility with surrounding properties.

- Are there any City regulations addressing “mechanical appurtenances”? Assistant Planner Sikela indicated that the Town Center Specific Plan had a requirement that rooftop equipment be screened from off-site locations. Staff indicated that they would review provisions of the Code pertaining to mechanical appurtenances to make sure that there would be no conflicts with the proposed Code amendment.
- Chair Catalano requested that the wording of the proposed provision that gives the Community Development Director the authority to refer applications to the Planning Commission for consideration refer to “standards and buildings” similar to other provisions being recommended.
- Generally supported the amendments proposed by staff.
- Supported continuing the item to the next regularly-scheduled Planning Commission meeting, given the additional input from the City Attorney.

Commissioner Johnson moved and Commissioner Richardson seconded a motion to continue Municipal Code Amendment ZOA 02-09 to the next regularly-scheduled Planning Commission meeting on August 25, 2009. The motion passed 5-0.

Old Business

4. None.

New Business

5. None.

Communications

- 6A. Staff

Director Woltering indicated the following:

- Rivulet
As a result of City concerns regarding the financial capability of the developer to complete the project, a City Council sub-committee has been formed to seek out other entities that may be interested in developing the project through to fruition. The environmental document is basically complete; however, the environmental consultant is in a holding pattern until additional monies are received to fund the completion of the environmental document. Additionally, staff is still awaiting submittal of a complete tentative map for the project.

Planning Commission questions and comments included:

- Is the environmental consultant awaiting funds from the developer for past work already completed? Director Woltering indicated that the environmental consultant has been paid in a timely manner throughout the process and is currently paid in full.
- If a new developer undertook completion of the project, what would the impact be to the creek setback issue? Director Woltering indicated that, if the new developer maintained the currently-proposed setback, there would be no change. The current creek setback has been evaluated in the project’s environmental document and received preliminary approval from the California Department of Fish and Game. Modifying the setback to be closer to the creek would be problematic.
- The developer should be aware of the typical moratorium on construction between October 15 and April 15 in areas where stormwater runoff and degraded water quality may be a concern.

- Flora Square
Ground-floor occupancies will not occur until the required floodgates are made available and ready to install. The project is located in a 100-year flood plain.
 - Complete Streets
Director Woltering indicated that he contacted the Contra Costa Transportation Authority regarding this issue. The intent of the “complete streets” program is to ensure that, as development occurs, new streets are conducive to all modes of transportation—pedestrian, bicycle, public transit, and vehicular. The requirements of the complete streets program would also pertain to existing streets that are being re-constructed. The intent is for all streets—new or re-constructed—become “multi-modal”.
- Planning Commission questions and comments included:
- Could staff provide an example of a complete street? Director Woltering indicated that an example of a complete street would be provided to the Planning Commission at its next meeting.
 - Adding sidewalks and bicycle lanes to a street during a construction project is an example of the type of improvements associated with a complete street project.
- 1816 Ohlone Heights
The property has a new owner who has submitted an application request for a twelve-month extension on the previously-approved Site Plan Review Permit for the site to allow more time to complete the required improvements.

6B. Commission

Commissioner Armstrong indicated that no TRANSPAC meeting was held this month.

Adjournment

7. The meeting was adjourned at 7:50 p.m.



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Tuija Catalano
Chair

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