

Minutes
Clayton Planning Commission Meeting
Tuesday, May 24, 2011

Call to Order

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

Present: Chair Sandra Johnson, Vice Chair Dan Richardson, Commissioner Bob Armstrong, Commissioner Tuija Catalano, Commissioner Ted Meriam
Absent: None
Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.

Administrative

- 1A. Review of agenda items.
- 1B. Commissioner Armstrong to report at the City Council meeting on May 17, 2011.

Public Comment

None.

Approval of Minutes

- 2. Approval of minutes from the meeting of May 10, 2011.

Vice Chair Richardson moved and Commissioner Armstrong seconded a motion to approve the minutes, as amended. The motion passed 4-1 (Commissioner Catalano abstained because she did not attend the May 10, 2011 Planning Commission meeting).

Public Hearing

- 3. **ENV 02-09, Environmental Review, Clayton Community Church**, APNs 118-560-010 and 119-011-003. Public review of the Clayton Community Church Project Draft Environmental Impact Report (Draft EIR), prepared in accordance with the California Environmental Quality Act. This document evaluates the potential environmental impacts of the proposed project and recommends mitigation measures to reduce impacts to a less-than-significant level, as feasible. The primary objective of the proposed project is to develop a new church and associated facilities on the subject property to serve the Clayton Community Church congregation and the local community. The project would result in the demolition of the former Pioneer Inn building, which exists on the subject property, and the redevelopment of the site with four buildings, including a 500-seat sanctuary, retail and office space, and associated facilities. The proposed buildings, in total, would comprise approximately 42,000 square feet of interior space.

The proposed buildings include the following:

- Building 1, which would be located in the northwestern portion of the site, would be a two-story 22,244-square-foot sanctuary building containing up to 500 seats.

- Building 2, which would be located slightly southeast of Building 1, would be a two-story building containing a total of 8,516 square feet of interior space, including 2,261 square feet of retail space and 6,255 square feet of office space, church classrooms, and a welcome center.
- Building 3, which would be located on the site of the Pioneer Inn, would be a two-story building containing a total of 10,204 square feet of interior space, including 5,696 square feet of retail space and 4,508 square feet of office space.
- Building 4, which would be located in the northeastern corner of the project site, would be a one-story building containing a total of 1,200 square feet of space and would function as the Church's teen center.

The project would require several entitlements from the City of Clayton: a General Plan Amendment (to allow assembly uses); Specific Plan Amendment (to allow assembly uses and establish lower on-site parking requirements); Zoning Amendments (to allow assembly uses; establish a consistent zoning designation for the site; and establish lower on-site parking requirements); Use Permit Approval; Development Plan Approval; and Tentative Parcel Map Approval (to divide the site into four parcels).

PROPOSED ACTION: Receive public comments on the legal adequacy of the Draft EIR prepared for the Clayton Community Church Project. Comments should be focused on the completeness, accuracy, and clarity of the information provided in the Draft EIR. Comments submitted should be as specific as possible to facilitate responses that accurately address the comments received in a Response to Comments document to be prepared after the close of the comment period on June 25, 2011.

Director Woltering introduced the item and presented the staff report. Mr. Woltering provided written comments to the Planning Commission received on this matter from the following (See Attached):

- George & Kathleen DeBoever
- Peter Laurence
- Sue Choate-Brye
- John Trammell

Adam Weinstein, Project Manager with LSA Associates, Inc., the firm that prepared the Draft EIR, provided an overview of the Draft EIR. He indicated that potentially significant impacts were identified in the following areas: Land Use and Planning Policy; Transportation, Circulation, and Parking; Air Quality; Noise; Cultural Resources; Visual Resources; and Hydrology and Water Quality. He stated that mitigation measures had been identified in the Draft EIR to avoid or reduce the identified potentially significant impacts to a less-than-significant level.

The public hearing was opened.

Dan Foley, 131 Joscolo View, indicated the following:

- It would be helpful to have a comparison of historical membership of the Clayton Community Church, expected increases in the congregation, and anticipated total future membership.

- Would the Clayton Community Church be available for rental to non-denominational organizations such as Planned Parenthood or political action committees?
- Would there be any restrictions on the tenants of the proposed leasable space?

Jeanne Boyd, 308 Mountaire Parkway, indicated the following:

- Even with the story poles it is hard to evaluate the magnitude of the visual impact of the proposed project.
- The proposal incorporates a huge facility that is too large for the Town Center and does not include enough open space.
- More information is needed to evaluate the visual impact of this proposed project.
- Perhaps the size of the proposed buildings could be compared against the size of existing buildings in the Town Center.

Don Boyd, 308 Mountaire Parkway, indicated the following:

- The visual impact of the proposed project needs to be further evaluated.
- The story poles should be photographed.
- The lack of parking proposed as part of the project would be a major impact on the Town Center.
- The order of preferred options should be the Off-site alternative first, the Policy Consistency alternative second, and the Mixed Use/Church alternative third.

Paul Henshaw, 6 Rachel Ranch Court, indicated the following:

- Consider the long-term impact of a building of that size in the Town Center if the Church dissolves.
- Where will the Town Hall originally proposed for the site be relocated?
- The project overwhelms the Town Center and is too large for the property.
- Consider the impacts to current community events, including the Fourth of July Parade, the Art and Wine Festival, and Oktoberfest.
- The project objective pertaining to fulfilling a need for spiritual gatherings cannot be a City-sanctioned objective.

Joyce Atkinson, 282 Mountaire Circle, indicated the following:

- When the Clayton Community Library was built, 63 on-site parking spaces had to be provided.
- Concerned that the Church's parking shortfall would negatively impact the library parking lot.
- How will parking spaces be reserved for library staff and visitors? It should be noted that library staff arrives about 11:00 a.m. for a noon public opening time on Sundays.
- Concerned that the library parking lot may be used for weddings, funerals, and special events of the Church during hours when the library would be open.

Sonja Wilkin, 17 Mount Wilson Way, indicated the following:

- Is the Church self-funding the project?
- What happens if the Church defaults on its construction loan?
- The project is too large for the Town Center site.

Spencer Jackson, 3029 Windmill Canyon Drive, indicated the following:

- We do not want our Town Center area to become yet another high-density urban area.

Bonnie Boswell, 2 Rachel Ranch Court, asked how long the storypoles will remain on the project site. Director Woltering indicated that the storypoles would remain in place until June 19, 2011. Photographs of the storypoles have been taken and local newspapers are aware of the storypoles.

Carol Herington, 411 Mount Tamalpais Drive, asked if the project would be put to a referendum.

Janet Miyashiro, 263 Bigelow Street, indicated the following:

- A comparison should be included in the analysis that compares the size of the main assembly building to other buildings in the Town Center.
- The main assembly building appears much larger than other buildings in the Town Center.

Dan Foley, 131 Joscolo View, asked why the subject property is being subdivided into four parcels.

Richard Hosier, 1272 Easley Drive, indicated that there was concern regarding the traffic impacts caused by the project, including impacts associated with peak traffic volumes, pedestrian traffic, and access to and throughout downtown.

Beth Scroggs, 21 Mirango Court, indicated the following:

- Concerned about impacts on special events such as the Memorial Day service.
- The seating for the Memorial Day service has traditionally been located partially on the Church property.

Jim Carolan, 1030 Panadero Court, indicated the following:

- There is a possibility that, if the project is approved and the Church becomes successful, the membership may expand.
- What congregational growth rate was assumed in the Draft EIR?

The public hearing was closed.

Vice Chair Richardson indicated the following:

- It appears, given the location of the story poles, that certain trees, e.g., the oak tree across from the City's flag pole, may be adversely impacted by the proposed development, although the tree is indicated to be preserved. Review the arborist report in light of the footprint of the project.
- Concerned about the visual impacts of the proposed project to the Town Center.
- More information needs to be provided regarding the possible impact of the project on views from the west, including from the existing pathway.

Commissioner Armstrong indicated the following:

- We should analyze how this project would impact ongoing vital community culture related to long-standing community events and activities in the Town Center.
- Specifically, impacts to the City's Art and Wine festival, Fourth of July parade, and Oktoberfest events need to be evaluated.
- The size of the main assembly building is similar to the size of an older Safeway store.

Commissioner Catalano indicated the following:

- On Figure III-1, the project site appears larger than it may actually be.
- Regarding Figure III-10, what is the project construction schedule, including the overall length of the construction period? What are the anticipated impacts of the proposed phasing related to traffic, parking, and other applicable impact categories?
- On Page 46, Table III-2, anticipated attendance numbers for weddings and funerals should be provided along with a discussion of impacts, as applicable.
- On Page 48, why is the proposed basis for the parking requirement 1 space per 3 fixed seats as opposed to a certain number of parking spaces per a certain number of worshippers?
- On page 74, regarding the compatibility of the project with surrounding land uses, will temporary events require a liquor license? What are the implications?
- Regarding Transportation and Circulation, the traffic analysis should include a discussion of possible queuing impacts related to ingress and egress at the project site due to Church services, events and activities.
- On page 91, what is the Church's current membership number?
- On page 103, need to better address the impacts to the Town Center as a result of the proposed project not satisfying the City's current parking standards.
- Was space other than that encompassing the 500 seats in the sanctuary building factored into the traffic and parking analysis? The analysis should factor in all space and anticipated uses to assure that the conclusions on parking adequacy are accurate.
- Were the 2,000 square feet of children's ministry space factored into the traffic and parking analysis?
- Is the number of fixed seats the appropriate metric for the calculating parking demand?
- The shared parking analysis relies on 90 parking spaces being available at the library. Is this a reasonable assumption that accounts for potential changes in library hours? Representatives at the library should be contacted regarding this assumption.
- How would the City implement and monitor the shared parking mitigation measure (i.e. how would the City require private businesses to share their private parking areas)?
- On Page 131, when evaluating health risks associated with toxic air contaminants, is the 1,000 radius around sensitive receptors consistent with Bay Area Air Quality Management District (BAAQMD) guidelines?
- Does the 10.5 in 1,000,000 cancer risk associated with the 6190 High Street diesel generator represent a significant individual and/or cumulative air quality impact? Please clarify what is the relevant significant threshold.
- What is the exact distance between the project site and the generator located at 6190 High Street?
- Why is the Church or teen center not identified as a "sensitive receptor"?
- Make sure that all applicable BAAQMD thresholds are applied accurately.
- View #2 (Figure IV.G-3) should be revised to reflect the view of a pedestrian, not a driver in a vehicle.

Commissioner Meriam indicated the following:

- Some of the site plans appear to include the vegetated knoll at the intersection of Clayton Road and the Oak Street off-ramp as part of the project site. The Draft EIR needs to clarify if the vegetated knoll is part of the proposed project.
- How would queuing at the stop sign at the bottom of the Oak Street off-ramp be affected by the proposed project, taking into account that this off-ramp is the major western entrance to the Town Center?
- Why was the Sorenson site identified as an alternative site?

Chair Johnson indicated that the visual simulations need to take into consideration the building materials used and the location of any exterior rooftop mechanical units.

The public hearing was closed.

Director Woltering indicated the following:

- The deadline for providing comments regarding the Draft EIR is June 25, 2011.
- Copies of the Draft EIR are available at City Hall and on the City's website.
- A Response to Comments (RTC) document will be prepared and included with the Draft EIR. The Final EIR will comprise the Draft EIR and the Response to Comments Document.
- Comments can be received via e-mail, normal mail, or be hand-delivered.
- Staff anticipates that the public hearings on the proposed project will occur in the fall of 2011.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff – None.

6B. Commission – None.

Adjournment

7. The meeting was adjourned at 8:25 p.m. to the following regularly-scheduled meeting of **June 14, 2011.**



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Sandra Johnson
Chair

Attachments: Letters from DeBoevers; Laurence; Choate-Brye; and Trammell

Plng Comm\Minutes\2011\0524

GEORGE & KATHLEEN DEBOEVER

505 Raven Place
Clayton, CA 94517
925-324-0981

RECEIVED

May 24, 2011

MAY 24 2011

Clayton City Manager
Clayton City Planning Director

**CLAYTON COMMUNITY
DEVELOPMENT DEPT**

Re: Proposed Site for Clayton Community Church

To Whom It May Concern:

We write this letter due to our concern for the continued development and growth of the Clayton commercial/retail district. We feel very strongly that the proposed site of the new Clayton Community Church is not appropriate for the reasons below.

First, the size of the site is completely inadequate. One look at the mock up of the proposed structure and it is obvious that the massive structure is being shoehorned into an inadequately sized space. Its size will literally and figuratively overshadow the downtown area of Clayton. The City of Clayton would transform into the City/Church of Clayton for all appearances.

Second, the City has worked to make Clayton into a wonderful destination location where families can enjoy a small town atmosphere with appropriate restaurants and retail businesses. All of the years of effort toward this goal would be lost. A goal circumvented by a group who knowingly purchased a property not zoned for their intended use.

Third, in a time of fiscal austerity, it is prudent to look forward and plan to maximize retail businesses in downtown Clayton in an effort to increase the long term revenue stream to the City. The planned use by the church runs counter to this.

The Clayton City Council and Planning Commission have done a fine job to this point with the downtown redevelopment. But they must not be strong armed and allow an obvious misuse of space which would cause irreparable and everlasting harm to the Clayton downtown area.

We wish the Clayton Community Church well in their efforts to expand, however their choice for the new church site is not in the best interests of our Clayton community.

Sincerely,

George V. DeBoever

Kathleen S. DeBoever

David Woltering

From: Pete Laurence [pete@palaurence.com]

Sent: Tuesday, May 24, 2011 4:17 AM

To: Gary Napper

Cc: dwoltering@ci.clayton.ca.us; Gregg Manning; Jim & Maryann Lawrence; jim bradt; JoAnn Caspar; Mark Cutler; Sierragirl; UNKTED@aol.com

Subject: Opposition to the City Changing it's existing Commercial/retail Zoning within our Town Center **RECEIVED**

To: City Planning Commission and Commissioners
City Council and Councilpersons & Mayor

MAY 24 2011

Re: Agenda Item regarding the Church Application & EIR for the 5/24/11 Public Meeting
5/23/2011

**CLAYTON COMMUNITY
DEVELOPMENT DEPT**

Dear Planning Commissioners,

While I will not be able to attend the above referenced Meeting, I send this letter to go on record as a citizen of Clayton and former Mayor, that nothing in this 255 page document makes it in Clayton's and it's citizens interests, to change the General Plan, the Town Center Specific Plan, the long held goals of former Clayton City Councils and Planning Commissions, the architectural requirements or the Parking requirements from the very clear Goals and requirements for our Town Center to have as much Retail/Commercial construction and businesses as we can attract over time.

The City has expended millions of Clayton taxpayer dollars on undergrounding electric wiring, new sewers and water mains, new sidewalks and streets, drainage, diagonal parking, old fashioned streetlights, the new Town Center Park, and the Clayton Road By-pass to make this area able to attract a decent Town Center. And, we've built our City Hall and Library to be close not within, this crucial small section of land that is meant to be Clayton's true "Town Center", a downtown that makes Clayton a unique City, not just a collection of neighborhoods next to Concord.

Whether the applicant be a Walmart big store, a veterans VFW Hall, a Masonic Lodge or a Church, this key piece of commercial property, should NOT be sacrificed for any other usage. Small Retail and Commercial, offices and affordable housing are what's needed to give 7 day a week vitality and shoppers to enhance our commercial goal. So to consider then at the appropriate meeting reject this different usage proposal seems to be what's in Clayton's best interests. It's too bad that they are spending so much money and time to try to have their dream of a Church take away Clayton's dream of someday having a bustling Down Town, but the decision should be made on what's best for all Clayton, not what's desired by an applicant.

As the EIR states on page 80, "the project would conflict with the designation of the Town Center as a primarily commercial area and this conflict would result in a substantial adverse physical impact associated with the area's parking supply and the future viability of the Town Center as a commercial hub". And as the EIR further states; "the project on the whole could hinder future commercial development of the Town Center, which is considered a significant physical environmental impact".

There is NO reason to have this usage which has a breakdown on page #29 of 34,207 square feet going to Church and Admin/offices usage, but only 7,957 sq feet going to retail usage. This amount is only about 20% of the project and is about the size of the Pioneer Inn which we already have on that parcel. That is especially a low amount when this Key "anchor site" at this end of Town is needed for the success of our entire Town Center. If the Planning Commission and City Council STAY WITH OUR HISTORIC AND CURRENT PLANS & ZONING it is calculated in the EIR on page #213 as giving Clayton citizens 40,000 sq ft of retail space downstairs, and upstairs 20,000 sq ft of commercial Office Space, and 20,000 sq ft of affordable housing space. And the EIR also shows that the way it is zoned now also would provide ALL OF ITS OWN PARKING ON SITE. These maximum usages would require approximately 140 parking spaces, totally eliminating the

need for any "shared parking" arrangements that would kill the viability for our other parcels.

Also, with the requirement of our Western style buildings to all be up front along Main Street, it leaves the parking lot as a green, landscaped buffer behind, clearly attracting drivers from Clayton Road to a beautiful shopping, dining and exploring experience. This would be much more attractive and inviting for Clayton, rather than the oversized Spirit poles that right now are up against Clayton Road and covering much of what should be this parcel's future Parking Lot. Also on the subject of parking, such a large lot will still be needed if CBCA and our Community are to still have our Weekend celebration events of the Art & Wine, 4th of July, Oktoberfest, Farmers Markets, etc. If this change in zoning were approved, on all Sundays and some Saturdays they'd be using their lot and flooding our Town Center parking with cars, probably stopping these type events from being able to occur.

Added to this, the applicant claims it would benefit our town to have their church take this Town Center parcel, but we already have many Churches serving Clayton just fine, who do so without wanting to take our prime commercially zoned parcel, and this Church itself serves the community just fine, without having it's services where it would take up our Town Center.

And in this EIR on page #234 under "Significant Irreversible Changes" the consultants point out that the "expansion of religious assembly uses into areas designated "Town Center Commercial" would conflict with the policy impetus of the General Plan, Zoning Ordinance, and the Town Center Plan, which seeks to insure that the Town Center will be predominantly commercial in nature". And it states that the proposed project "could hinder future development of retail uses by nature of the location of the project on Main Street and the disproportionate use of public parking." And it further makes the excellent point that "the proposed project would commit the City and future generations to a change in land use that would conflict with the policy impetus of the General Plan, Zoning Ordinance, and Town Center Specific Plan."

To wait for a better project when the economy finally returns takes patience, but we only get ONE Chance to develop our Town Center right so we should stick with our well thought out and high standards. As we've now spent many millions of taxpayer dollars to prepare our Town Center and before the recent downturn had many projects about to occur, they will come back again when the economy comes back. So we shouldn't panic for short term or partial gain, and compromise our wonderful Town Center potential for the rest of time. Whoever would vote that way will probably be remembered for their shortsightedness.

As to the zoning and Town Center Plan's requirements affecting all Main Street parcels, they were well known and in the written Plan for many years as to have a viable commercial Town Center that ALL Main Street parcels were to have commercial usage with the buildings up front by the street and the parking lots in the rear. This should not have been any surprise to the people of this church, plus we all tried to tell them that long before they ever Closed Escrow. This whole issue isn't being against churches or even this church, it's just that our tiny Town Center has been zoned for, and needs all the commercial/retail that it can get, especially on our largest and key remaining commercial parcel on Main Street.

So without yet reading the EIR closely, it seems that the large Bulk of the story poles overwhelming the Town Center, the changing of zoning on these parcels for hardly any additional retail, the possibly killing of our Town Center potential with shopping close by for our citizens, the complexity of even trying to mitigate the lack of parking, all seems to pretty clearly favor NOT changing our existing zoning and our Town Center and General Plans. This is NOT anything against churches or this church, it's a "land usage" issue, so we hope they'll find a different parcel.

So I'm sorry I can't attend the Meeting, but hope that this letter will become part of the Record, and part of the EIR Responses whether it is just referred to or read into the record by the Chair, whichever is more appropriate.

Thank-You, - Pete Laurence, a Former Mayor. 1120 Oakwood Circle, Clayton, CA 94517. Cell: 890-6004.

Sue Choate-Brye

(925) 672-1127

Fax: 672-8376

RECEIVED

MAY 24 2011

FAX

**CLAYTON COMMUNITY
DEVELOPMENT DEPT**

To: City of Clayton

Gary Napper

(David Worthington)

From:

Sue

Fax: (925) 672-4917

Pages:

2

Phone:

Date:

5/24/2011

**Re: Proposed Clayton Community
Church Site**

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:

May 24, 2011

City of Clayton

Gary Napper, City Manager

David Woltering, Community Development Director

RE: Proposed Clayton Community Church Site

Dear Mr. Napper and Mr. Woltering:

I am writing you regarding the proposed site for Clayton Community Church. I am very concerned about the size of the proposed building along with parking problems that will come along with this plan. I wonder what other city services will be taxed with all the traffic and people this will bring to town. Clayton Community Church has grown in leaps and bounds over the last 15 years and has continued to grow. Who's to say that in another 10 years they will outgrow this current proposal. I love the church – but I believe that having such a large project will take more away from our quaint town than enhance it.

as under the impression that the church purchased land outside our city to build a church. It makes more sense to build a facility of this magnitude in vacant land surrounding our town than right in the heart of it.

I have coffee three times a week at Cup O Joe's and sit outside and enjoy the simplicity and quiet of our town. I don't see many people spending their money in our town – they are all at Starbucks. It will be a sad day for Clayton if the old Pioneer Inn is torn down.

Sincerely,



Sue Choate-Brye

19 Atchinson Stage Rd

Clayton, Ca. 94517

(925) 672-1127

David Woltering

From: Gary Napper [gnapper@ci.clayton.ca.us]

Sent: Tuesday, May 24, 2011 3:16 PM

To: 'David Shuey (E-mail)'; 'Hank Stratford'; 'Howard Geller'; 'Joe Medrano'; 'Julie Pierce (E-mail)'; 'Bob Armstrong'; 'Dan Richardson'; 'Sandy Johnson'; 'Ted Meriam'; 'Tuija Catalano'

Cc: dwoltering@ci.clayton.ca.us

Subject: Opposition to changing the Town Center Plan

Unsure if each of you received this email message as well, so it is forwarded to its intended audience.

Gary A. Napper
City Manager
6000 Heritage Trail
Clayton, CA 94517
925.673-7300
gnapper@ci.clayton.ca.us



RECEIVED

MAY 24 2011

**CLAYTON COMMUNITY
DEVELOPMENT DEPT**

From: John Trammell [mailto:jptrammell@yahoo.com]

Sent: Tuesday, May 24, 2011 2:30 PM

To: gnapper@ci.clayton.ca.us

Subject: Opposition to changing the Town Center Plan

The Planning Commission and the City Council

I would like to add my name to those who oppose the change in the Town Center Plan and the construction of the church structure where the Story Poles now rise.

After all the money and time spent by the city and those who worked to develop the Plan, I think it is ill advised just to toss it aside. After studying the site and the structure's outline, it reminds why we have a term such as "Sore Thumb". It is too big and no matter how far it is moved toward Main Street, it will still be obnoxious from Clayton Road - as well as Main Street - ruining the small-town view to passersby.

I would like you to stick with the plan to have retail and professional spaces only, helping our tax base and making Clayton the town others have so carefully planned.

Thank you for your time.

John Trammell
7 Mt. Eden Place
Clayton, CA 94517
672-3022 hm
207-6889 cell