

Minutes
Clayton Planning Commission Meeting
Tuesday, February 28, 2012

Call to Order

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

Present: Chair Dan Richardson, Vice Chair Keith Haydon, Commissioner Bob Armstrong, Commissioner Sandra Johnson, and Commissioner Gregg Manning

Absent: None

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

Administrative

1A. Review of agenda items.

1B. Vice Chair Haydon to report at the City Council meeting on March 6, 2012.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of January 24, 2012.

Commissioner Haydon moved and Commissioner Johnson seconded a motion to approve the minutes, as submitted. The motion passed 4-1 (Commissioner Manning abstained since he did not attend the January 24, 2012 Planning Commission meeting).

Public Hearing

3. **ENV 01-12, GPA 03-11, SPA 01-12, ZOA 06-11, Housing Element Implementation Project, City of Clayton.** The Clayton Community Development Department has scheduled a public hearing regarding the proposed Housing Element Implementation Project which includes consideration of the following:

- Adoption of an Initial Environmental Study/Mitigated Negative Declaration, prepared in accordance with the California Environmental Quality Act, which analyzes the potential impacts caused by the Housing Element Implementation Project and identifies various measures to mitigate these impacts;
- General Plan Amendment to create a Multi-Family High Density designation allowing 15.1 – 20 dwelling units per acre;
- Town Center Specific Plan Amendment to create a Multi-Family High Density designation allowing 15.1 – 20 dwelling units per acre;
- Zoning Ordinance Amendment to create a Multi-Family Residential High (M-R-H) classification allowing 15.1 – 20 dwelling units per acre;
- General Plan Amendments and Zoning Ordinance Amendments to redesignate/reclassify specified properties to a Multi-Family High Density allowing 15.1 – 20 dwelling units per acre (APNs 119-021-013, 119-021-019, 119-021-020, 119-021-054, 119-021-055, 119-021-063, and 120-015-011);

- Zoning Ordinance Amendment to add separate definitions for supportive and transitional housing and allowing supportive and transitional housing as a permitted use subject to the residential standards of the district;
- Zoning Ordinance Amendment to allow SROs (single room occupancy residential units) in the Limited Commercial zone subject to a Conditional Use Permit;
- Zoning Ordinance Amendment to only allow single-family homes in the Multi-Family residential zoning districts with a Conditional Use permit; and
- Zoning Ordinance Amendment to remove the number of persons per household limit.

The Initial Environmental Study/Mitigated Negative Declaration may be reviewed starting Tuesday, February 21, 2012, commencing the 30-day review period on the document, on the City of Clayton website at www.ci.clayton.ca.us or at the City of Clayton Community Development Department located at 6000 Heritage Trail, Clayton, California. You may also contact David Woltering, Community Development Director, at 925-673-7343. Written comments on the environmental aspects of the project must be submitted to the City of Clayton Community Development Department, Attention: David Woltering, 6000 Heritage Trail, Clayton, California, 94517, no later than 5:00 p.m. on Wednesday, March 21, 2012.

Director Woltering distributed a letter from Kenneth Frederick Byrd and Mary Josephine Byrd and presented the staff report, in which he summarized proposed text and map amendments to the City's General Plan, Town Center Specific Plan, and Zoning Ordinance to address specified implementation measures in the City's adopted and certified Housing Element. During his presentation he mentioned the following:

- Staff worked with Raney Planning and Management to prepare the Public Review Draft of the Clayton Housing Element Implementation Project Initial Environmental Study/Mitigated Negative Declaration (IES/MND) for which the 30-day review period is from February 21, 2012 to March 21, 2012.
- As explained in the Housing Element Implementation staff report, the City seeks to create a high density land use designation in the General Plan that allows a density of 15.1 to 20 units per acre to fulfill State requirements. And, in order to provide consistency with this proposed revision to the City's General Plan, complementary amendments are proposed in the Town Center Specific Plan and Zoning Ordinance. The intention of these revisions is to encourage the development of higher density multi-family projects and increase the potential for more affordable housing within the City.
- Census information in the General Plan Land Use Element will be updated using 2010 census data, replacing the presently referred to 1980 census data.
- The unrelated six-person family limit listed in the Municipal Code will be eliminated.
- Definitions for single-room occupancy units (SROs), supportive housing, and transitional housing will be added in the Municipal Code.
- Staff is requesting comments on the matters being presented at this meeting and then suggesting a continuance of this item to the Planning Commission meeting of March 13, 2012 for possible action. Staff expects to return at the March 13th meeting with formal resolutions and draft ordinances for recommending City Council approval of the item.

Commissioner Manning asked for the definitions for supportive housing and transitional housing. *Director Woltering responded that transitional housing is housing with support services which people can occupy for approximately six months while moving from a situation of having no housing to having more permanent housing. Supportive housing is similar in function but is used for a longer duration.*

Director Woltering continued:

- Amendments are proposed for the Limited Commercial (L-C) District and Use Permit chapters in the Zoning Ordinance to allow SROs as a conditionally-permitted use in the L-C District.
- The open space requirements in the Code are proposed to be modified to allow relaxation from the 20% open space requirements for affordable housing projects.
- Six redesignation sites, as identified in the staff report, are proposed for the High Density Residential designation/classification. These sites are identified as follows: the old fire station (V-5), the "Stanley" property across High Street from the Post Office (V-2), and properties west of Marsh Creek Road located just south of the Town Center Specific Plan area (P-2, P-3, P-4, and "Hoyer").
- It was determined in the IES/MND that the proposed project would not result in a significant adverse impact, assuming the implementation of seven identified mitigation measures including, but not limited to addressing biological impacts related to protection of birds nesting between the months of March and August, for cultural resource impacts to structures more than 50 years old that may need to be demolished as part of future multi-family high density and/or affordable housing developments on the redesignation sites, municipal service impacts related to offsetting police staffing costs, and possible traffic impacts.

Commissioner Manning had the following question and comments:

- Is the environmental checklist used in the IES/MND provided by the State? *Director Woltering indicated that, yes, the environmental checklist is provided by the State in accordance with the California Environmental Quality Act.*
- There could be potentially significant discoveries of human artifacts in the area, given that evidence of these artifacts has been found previously during environmental (e.g., archaeological) studies conducted for past developments in Clayton.

Commissioner Armstrong asked if future developers of multi-family high density and/or affordable housing projects could use traffic data already provided in recent studies conducted previously for adjacent sites? *Director Woltering indicated that, yes, recent, up-to-date information provided in traffic studies for nearby projects could be used for subsequent future developments.*

Vice Chair Haydon asked what is the status of the conceptual plan referred to for the former fire station site, given that it depicts 20 residential units on that site? *Director Woltering indicated that, since it is a conceptual plan, with no formal reviews or analysis supporting it, and no actions taken on it by the City, it has no formal status at this time. The information was provided about the concept plan only to give an indication of what the property owner believes may be achievable on the site.*

Commissioner Johnson had the following questions:

- Will issues related to SROs in the Kirker Pass Corridor area be tabled at this point and addressed later on? *Director Woltering indicated, yes, that consideration of allowing for SROs and an emergency shelter in the Kirker Pass Corridor will be addressed in the future, likely sometime later this year, and not as part of this process.*
- Can the City use the Kirker Court Apartments to show compliance with State housing requirements for SROs? *Director Woltering indicated that would not be possible because the City has in the past already used those housing units in the category of very low income units.*

The public hearing was opened.

There was no public comment.

The public hearing was closed.

Commissioner Armstrong had the following question and comment:

- Regarding the removal of the maximum number of people for the definition of “family”, would Uniform Building Code (UBC) capacity regulations establish maximum occupancy allowances? *Director Woltering indicated that, yes, the UBC would be used to enforce maximum occupancy requirements for public health and safety purposes.*
- The 35-foot building height maximum listed in Appendix C should be changed to be consistent with the 40-foot building height maximum specified in the Town Center Specific Plan. *Director Woltering concurred and indicated that would be done.*

Chair Richardson indicated he understands the State is requiring the City to provide multi-family high density land-use designations at an adequate number of sites to facilitate the anticipated need for affordable housing within the community. *Director Woltering concurred with that representation.*

Vice Chair Haydon commented that the analysis of project-related impacts as well as showing how the project-related impacts would be mitigated were excellent.

Chair Richardson moved and Commissioner Manning seconded a motion to continue the public hearing for ENV 01-12, GPA 03-11, SPA 01-12, ZOA 06-11 to the next regularly-scheduled Planning Commission meeting on March 13, 2012. The motion passed 5-0.

Communications

6A. Staff.

Director Woltering indicated that the City continues to be in a hold position with respect to the Clayton Community Church project until the City is contacted by the Church (i.e., applicant) to provide the needed funds and written authorization to move forward with the project environmental analysis.

6B. Commission.

Chair Richardson asked if the Diablo Estates at Clayton project was reaching the threshold unit count for triggering affordable housing requirements and the dedication of Lot 25. *Director Woltering indicated that, yes, currently the developer of the Diablo Estates at Clayton project, Toll Brothers, has 17 of the 24 units with deposits and/or contracts established for prospective homebuyers. The trigger for affordable housing and Lot 25 dedication is the 20th unit within the subdivision. He indicated that Toll Brothers has moved forward with affordable housing compliance by acquiring a residence on Chert Place and is negotiating a purchase agreement with a family that is interested in purchasing the property. Additionally, Toll Brothers is currently working on acquiring a residence located in the Marsh Creek Park Villas in order to satisfy the last affordable housing requirements associated with development of their subdivision.*

Regarding Lot 25, Toll Brothers is currently in discussions with Save Mount Diablo regarding that organization's acceptance of Lot 25. State Parks has indicated that they are not interested in accepting that property. Currently, Toll Brothers has completed some improvements on the lot including planting approximately 125 new oak trees, demolishing an existing structure, removing non-native species, and performing remedial grading work. Once an entity agrees to the acceptance of Lot 25, Toll Brothers will then come forward to the City Council to initiate the processing of a formal acceptance of the lot.

Commissioner Armstrong asked if there was any word from Clayton Produce regarding moving into the Flora Square Building. *Director Woltering indicated that there has been no contact made by Clayton Produce, so there is no new information.*

Adjournment

7. The meeting was adjourned at 7:50 p.m. to the following regularly-scheduled meeting of March 13, 2012.



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Dan Richardson
Chair

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