

Minutes
Clayton Planning Commission Meeting
Tuesday, June 12, 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 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. Commissioner Manning to report at the City Council meeting on June 19, 2012.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of May 22, 2012.

Commissioner Manning moved and Commissioner Johnson seconded a motion to approve the minutes, as submitted. The motion passed 5-0.

Public Hearing

3. None.

Old Business

4. None.

New Business

5. **GPA 01-12, Capital Improvement Plan (CIP) Conformity with General Plan, City of Clayton.** Review of the City of Clayton CIP projects projected to be undertaken in the coming fiscal year (FY 2012 – 2013) for conformity with the General Plan.

Director Woltering presented the staff report, noting staff identifies in the report those CIP projects that may move forward during the ensuing 2012-13 fiscal year. He indicated that, within the report, staff describes how the proposed projects conform to various policies, goals, and objectives contained within the City's General Plan. He added that staff finds the Clayton Road Median Landscape Project (CIP No. 10430) to conform to the General Plan by supporting Objective 2 of the Community Design Element "...to maintain landscape and natural vegetation found in Clayton as a means to provide greenery, open space, development buffer and rural atmosphere."

Commissioner Johnson had the following questions:

- The CIP list identifies all projects slated for completion in the next “five” fiscal years? *Director Woltering agreed and, then, indicated from the five-year project CIP list, staff identified those projects that may move forward during the next fiscal year for a determination of conformity with the City’s General Plan by the Planning Commission, as required by State law.*
- What happens to the projects that are not undertaken or not completed? *Director Woltering indicated that projects not initiated or completed would be rolled over into next year’s five-year CIP list.*
- How are projects prioritized? *Director Woltering indicated that projects go forward as funding for these projects becomes available and are given City Council authorization to proceed.*

Commissioner Armstrong had the following comment and question:

- Regarding the ADA Compliance Program (CIP No. 1039A), it seems that the \$6,000 allotment is not a very large amount for this project and would only cover the cost of possibly one new curb cut per year.
- Is the Neighborhood Street Rehab Project (CIP No. 10411) part of the Complete Streets project? *Director Woltering responded that the Neighborhood Street Rehab Project is not part of Complete Streets. Street rehabilitation involves maintenance and upkeep in the form of repaving and slurry sealing, not re-construction of the street in accordance with Complete Streets standards.*

Vice Chair Haydon had the following question and comments:

- Regarding the Cardinet Trail Restoration Project (CIP No. 10421), he noticed that funds were allocated last year; is this a rollover from last year? *Director Woltering indicated, yes, as the City will need to work with the Department of Fish and Game to address erosion of the creek bank.*
- The longer we wait to address erosion of the creek bank, the more the erosion will continue, and, as a result, more work will need to be done to mitigate erosion.
- Regarding the Lydia Lane Park Parking Rehabilitation (CIP No. 10428), a slurry seal would prolong the life of the parking lot, similar to what was done at the City Hall and Library parking lots.

Vice Chair Haydon moved and Commissioner Manning seconded the motion to find the City’s identified CIP projects for the 2012-2013 fiscal year, as presented by staff with the indicated supporting policies, goals, and objectives from the Clayton General Plan, are in conformity with the General Plan, as stated below. The motion passed 5-0.

1. ADA Compliance Program (CIP No. 1039A) \$6,000
Each year the City sets aside \$6,000 of its annual Gas Tax revenues to build up sufficient revenues to perform handicap ramp corner cuts on public sidewalks. In addition to installing these ADA ramps where none exist, there may be revamping of existing ramps to satisfy current standards when street or sidewalk projects are installed in the adjacent area. These monies may also be used to repaint and remark existing ADA public parking spaces to current standards.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to "[p]rovide systematic upgrades of streets and roads to applicable standards."

2. 2012 Neighborhood Street Rehab Project (CIP No. 10411) \$633,705
Merging annual Gas Tax monies and Measure J monies expected this fiscal year and residuals unused last fiscal year, the City has the opportunity to conduct another Neighborhood Street repaving and/or slurry seal project. Determination of which streets are candidates for improvement is decided by the City Council using the City's Pavement Condition Index rating. The time schedule for performance of this Project is slated for the summer of 2013.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to "[p]rovide systematic upgrades of streets and roads to applicable standards."

3. East Marsh Creek Road Upgrade (CIP No. 10414) \$1,081,000
Receiving additional Measure J monies from the Contra Costa Transportation Authority's regional project fund, this capital improvement involves the widening of the roadway along east Marsh Creek Road (from Regency Drive to the City limit line) to provide two full-width travel lanes, continuity of bicycle lanes, and right-of-way shoulders and pedestrian paths.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to "[p]rovide systematic upgrades of streets and roads to applicable standards" and Policy 9b of the Circulation Element to "[s]eek State and County support for developing and support of through traffic arterials."

4. Cardinet Trail Restoration Project (CIP No. 10421) \$50,000
Landscape Maintenance District funds were allocated last fiscal year to perform corrective work on a portion of this well-traveled trail to halt the erosion of the creek bank and elevated pathway. It is contemplated the trail restoration will be addressed this fiscal year.

These improvements conform to the General Plan by supporting Objective 2 of the Community Design Element "... to maintain landscape and natural vegetation found in Clayton as a means to provide greenery, open space, development buffer and rural atmosphere" and Objective 3 of the Community Design Element to "[p]romote use of the greenbelt system to encourage non-motorized travel throughout the city."

5. Collector Street Rehabilitation Project (CIP No. 10425) \$361,438
The City has been informed that it will receive federal Local Streets & Roads Shortfall funding by the federal government in its adoption of a FY 2013 Budget in October. These grant funds are restricted for use on arterial or collector streets in our community. At its May 15th meeting, the City Council earmarked receipt of these federal monies (\$285,438) along with \$76,000 in local Gas Tax funds (satisfying the local match requirement) for resurfacing the entire length of Regency Drive (from Marsh Creek Road to its cul-de-sac). Due to federal budget timing and release of funds, this Project will likely take place in the spring of 2013.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to "[p]rovide systematic upgrades of streets and roads to applicable standards."

6. City Hall Parking Area Rehabilitation (CIP No. 10426) \$27,000
The public parking lot for City Hall is showing signs of deterioration and, except for crack sealing, has not received maintenance treatment since the opening of City Hall in 1998. Regular resurfacing of this infrastructure is necessary to preserve the initial capital investment. Presently, this potential project has been approved as a deductive bid item in the upcoming 2012 Neighborhood Street Rehab Project bid (CIP No. 10411), although funding has not yet been identified (likely General Fund reserves).

These improvements conform to the General Plan by supporting Policy 1g of the General Plan to "[i]dentify needs for public facilities including...library and cultural facilities."

7. Library Parking Lot Rehabilitation (CIP No. 10427) \$51,000
Similar to above project's circumstance, the public parking lot for the Clayton Community Library is also displaying signs of deterioration and except for crack sealing it has not received maintenance treatment since the Library's opening in 1995. Presently, this potential project has been approved as a deductive bid item in the upcoming 2012 Neighborhood Street Rehab Project bid (CIP No. 10411), although funding has not yet been secured (likely General Fund reserves).

These improvements conform to the General Plan by supporting Policy 1g of the General Plan to "[i]dentify needs for public facilities including...library and cultural facilities."

8. Lydia Lane Park Parking Rehabilitation (CIP No. 10428) \$11,000
Akin to the above two projects' circumstances, this public park's parking lot is in poor condition and has never received maintenance treatment since the Park's opening in 1988. Presently, this potential project has been approved as a deductive bid item in the upcoming 2012 Neighborhood Street Rehab Project bid (CIP No. 10411), although funding has not been secured yet (likely General Fund reserves).

These improvements conform to the General Plan by supporting Objective 3 of the Community Facilities Element to "provide cultural and sports facilities for the community."

9. 2012 Trail Repaving Project (CIP No. 10429) \$50,000
Several years ago with the last Neighborhood Street Rehab Project, the City (through the Trails and Landscape Maintenance District) resurfaced the Bruce Lee Trail from north of Regency Drive to Grenache Circle. Last fiscal year the Trails and Landscape District set aside \$50,000 in its approved Budget to finish resurfacing of the remaining segment of this trail (from Grenache Circle to Center Street), and it is contemplated this work will be implemented in conjunction with CIP No. 10411 (2012 Neighborhood Street Project).

These improvements conform to the General Plan by supporting Objective 2 of the Community Design Element "... to maintain landscape and natural vegetation found in Clayton as a means to provide greenery, open space, development buffer and rural atmosphere" and Objective 3 of the Community Design Element to "[p]romote use of the greenbelt system to encourage non-motorized travel throughout the city."

10. Clayton Road Median Landscape Project (CIP No. 10430) \$320,000
Recommended by the citizens' Trails and Landscaping Maintenance District Oversight Committee and approved by the City Council at its May 1st meeting, a bid has been awarded and work is already underway to implement the landscaping design, install plants and landscape features, and upgrade the irrigation system efficiency of the Clayton Road median from the Clayton Fountain to the intersection at Mitchell Canyon Road. Included in this Project is landscaping and irrigation system for the vacant terraced walls on Clayton Road east of the CVS/Pharmacy. Project is expected for completion by mid-August 2012.

These improvements conform to the General Plan by supporting Objective 2 of the Community Design Element "... to maintain landscape and natural vegetation found in Clayton as a means to provide greenery, open space, development buffer and rural atmosphere."

11. Daffodil Hill Beautification Project (CIP No. 10431) \$ 44,500
In partnership with the Clayton Business and Community Association (CBCA), the City through a negotiated Change Order on CIP No. 10430 above will be completing the approved landscape plan for this prominent sloped corner at the intersection of Clayton Road and old Marsh Creek Road. Each party has agreed to equally share the improvement expense, and the project is scheduled for completion by mid-August 2012.

These improvements conform to the General Plan by supporting Objective 2 of the Community Design Element "... to maintain landscape and natural vegetation found in Clayton as a means to provide greenery, open space, development buffer and rural atmosphere."

5B. CDD 01-12, Solar Access Rights, City of Clayton. Study session to consider methods for addressing the impact of vegetation on solar access rights.

Director Woltering presented the staff report, and indicated that, in summary, the focus of the study session is two competing objectives: the planting of trees and vegetation for, among other reasons, their aesthetic value and shading benefits; and, the increased use of solar collectors to generate electricity and, thereby, reduce dependency on non-renewable resources, in accordance with the California Green Code (Building Code). He stated, as an example, that the City of Berkeley uses a mediation system to balance the two interests and some communities are even more involved. He concluded by stating that existing State regulation, the California Solar Shade Control Act (CSSCA), which regulates trees installed after installation of solar collectors, is the City of Clayton's basic guide for resolving these matters.

Commissioner Manning had the following questions and comment:

- Does the term "neighboring property" mean the property directly adjacent or could it be a property that is located in close proximity whose trees could impact solar collectors on the impacted property? *Director Woltering indicated the interpretation would be that "neighboring property" typically refers to the adjacent property. However, if vegetation on another property would be determined to meet the CSSCA's threshold for adverse impact (i.e., the 10% threshold), a case could be made that the property owner would need to modify his/her trees/vegetation in order to comply with the requirements of the CSSCA.*
- Is the 10% coverage applicable any time of year, either winter or summer? *Director Woltering responded "Yes."*
- We have dealt with issues related to construction blocking the views of Mt. Diablo through the site plan review permit process.
- Has the City Council expressed interest in this issue? *Director Woltering responded that the City Council has not expressed interest in this issue at this time and added that this matter originated as a Code Enforcement complaint.*

Commissioner Johnson had the following questions and comments:

- Does the 10% coverage apply to all trees? *Director Woltering indicated that trees planted before the installation of solar collectors are exempt. Furthermore, a replacement tree planted in place of a removed tree that was planted before the solar collectors were installed is also exempt.*
- Did the property owner with the trees present a site plan? *Director Woltering indicated, yes, and that the site plan showed shrubs where trees are now planted; however, the trees are not in violation of CSSCA standards.*
- It seems to boil down to whichever was there first (trees or solar collectors) has the right.
- The CSSCA appears sufficient to address this issue.
- Does not want the City to get into the business of being a direct arbitrator regarding this issue.

Chair Richardson had the following comments:

- It has been my experience with working to preserve views, whoever is first in constructing or planting has the stronger position.

- With matters related to tree plantings that would impact neighboring properties, in my line of work the City often became the arbitrator. What I noticed during these arbitrations is how much time the City spent on dealing with these issues. With regard to the City of Clayton, I want to avoid burdening the City with being the arbitrator. Individuals often look to local agencies and jurisdictions to resolve conflicts. We do not need more legislation. We already have the CSSCA guidelines in place to govern these types of issues. *Director Woltering suggested that, during reviews of landscape plans or tree planting plans, the City could look more closely that proper trees are planted which would not, at some future time, impact existing solar collectors. He cautioned, though, that property owners of the 4,000 or so properties in the community will be installing plant materials over the course of time, making City monitoring of this issue extremely difficult.*

Commissioner Armstrong commented that a memorandum outlining the Planning Commission's consensus that the CSSCA sufficiently addresses the issues related to trees and solar collectors would be useful. *Director Woltering indicated that a draft summary of Planning Commission comments related to this issue could be prepared for a position paper for Commission review. Once comments are received from the Commission regarding the position paper, the position paper could be finalized and formally presented to the City Council.*

The Planning Commission reached a consensus that staff prepare a draft position paper for Commission review and, once finalized, have the position paper formally presented to the City Council.

Communications

6A. Staff.

Community Development Director Woltering provided updates on the current status of the Silver Oak Estates subdivision project and the Clayton Community Church project.

6B. Commission – None.

Adjournment

7. The meeting was adjourned at 7:45 p.m. to the following regularly-scheduled meeting of June 26, 2012.



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Dan Richardson
Chair

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