

Minutes
Clayton Planning Commission Meeting
Tuesday, December 10, 2013

1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

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

Present: Chair Gregg Manning
Vice Chair Dan Richardson
Commissioner David Bruzzone
Commissioner Keith Haydon
Commissioner Sandra Johnson

Absent: None

Staff: Community Development Director Charlie Mullen
Assistant Planner Milan J. Sikela, Jr.

2. ADMINISTRATIVE

- 2.a. Review of agenda items.
- 2.b. Declaration of Conflict of Interest.
- 2.c. Commissioner David Bruzzone to report at the City Council meeting of December 17, 2013.

3. PUBLIC COMMENT

None.

4. MINUTES

- 4.a. Approval of the minutes for the October 22, 2013 regular meeting.

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

5. PUBLIC HEARINGS

- 5.a. **ENV-01-08, DP-01-08, MAP-02-09, TE-01-13, Development Plan Time Extension, Creekside Terrace Mixed Use Project, City of Clayton**, 1005 and 1007 Oak Street, west side of Oak Street between Center Street and High Street (APNs: 119-050-008, 119-050-009, and 119-050-034). Review and consideration of a one-year time extension of the Creekside Terrace Development Plan which was previously-approved on July 6, 2010 with subsequent one-year extensions granted on October 25, 2011 and again on December 11, 2013, extending the approval to January 6, 2014. This request is in accordance with Section 17.28.190 of the Clayton Municipal Code.

Assistant Planner Sikela presented the staff report.

Commissioner Bruzzone asked does the City have the authority to approve one-year time extensions without a limit on the number of extensions? Assistant Planner Sikela responded that, yes, the City can approve time extensions in perpetuity as the Clayton Municipal Code does not place a maximum limit on the number of time extensions. Director Mullen added that, although there is no maximum limit on the number of time extensions, issues related to the California Environmental Quality Act may become a factor over time as environmental requirements and regulations change.

In response to the Clayton Community Church letter, Commissioner Johnson confirmed that staff had used the most current mailing list as provided by the Contra Costa County Assessors Office and, as a result, had mailed the public hearing notice for this item to the current property owner of record. Assistant Planner Sikela indicated that was correct.

Vice Chair Richardson asked did the Clayton Community Church receive public hearing notices in years past at their offices on Main Street for the original public hearings approving the current Creekside Terrace entitlements? Director Mullen indicated that the Clayton Community Church office property and adjacent property on Main Street are outside of the 300-foot noticing radius for the Creekside Terrace project site. As a result, the Clayton Community Church would not have been sent a public hearing notice.

Chair Manning had the following questions:

- Is there a developer currently showing interest in the Creekside Terrace project? Director Mullen replied yes.
- Was there a developer involved when the Creekside Terrace entitlement requests were first proposed and processed? Director Mullen responded that, yes, there was developer that had first proposed and applied for the Creekside Terrace entitlements. However, due to the downturn in the economy several years ago, that developer did not see the project through so the City's Redevelopment Agency stepped in to complete the entitlements process in order to be able to market the property.

The public hearing was opened.

There were no public comments.

The public hearing was closed.

Commissioner Haydon moved and Commissioner Johnson seconded a motion to adopt Resolution No. 06-13 extending for one year the Creekside Terrace Development Plan from January 6, 2014 through January 6, 2015. The motion passed 5-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

Director Mullen provided the following updates:

- Regarding the Skipolini's Bocce Ball project, in order to assist in facilitation of the applicant's timeline, staff approved an interior remodel for Skipolini's Pizza Garden. Other modifications to the restaurant and adjacent outdoor areas include a consolidation of roof equipment, exterior detailing, and relocation of play structure. Staff provided an incompleteness letter to applicant after receiving input from the City Engineer. The project is close to being complete, but we are still ironing out some last minute details with the applicant.

Chair Manning asked if the Commission will be reviewing the Skipolini's Bocce Ball proposal in January? Director Mullen indicated that it depends on when the applicant addresses the incompleteness issues.

- Regarding Creekside Terrace, negotiations are underway between the City and a prospective developer. It is anticipated that, in January 2014, the developer will submit an application to modify the proposal. The developer is proposing to increase the number of units and add a third floor.
- Regarding Silver Oak Estates, staff continues to work with the environmental consultant to ensure that the analysis in the environmental document addresses the issues raised at the information meeting by the neighbors and is a legally defensible analysis.

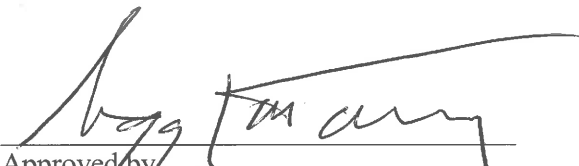
8.b. Commission.

None.

9. ADJOURNMENT

- 9.a. The next regularly-scheduled meeting of the Planning Commission on December 24, 2013 was cancelled. The meeting was adjourned at 7:25 p.m. to the regularly-scheduled meeting of the Planning Commission on January 14, 2013.


Submitted by
Charlie Mullen
Community Development Director


Approved by
Gregg Manning
Chair

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