

Minutes
Clayton Planning Commission Meeting
Tuesday, September 23, 2014

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

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 David Bruzzone
 Commissioner Keith Haydon
 Commissioner Sandra Johnson
 Commissioner Gregg Manning

Absent: None

Staff: Community Development Director Charlie Mullen
 Environmental Consultant Nick Pappani
 Assistant Planner Milan Sikela, Jr.

2. ADMINISTRATIVE

2.a. Review of agenda items.

2.b. Declaration of Conflict of Interest.

None.

2.c. Vice Chair David Bruzzone to report at the City Council meeting of October 7, 2014.

3. PUBLIC COMMENT

None.

4. MINUTES

4.a. Approval of the minutes for the September 9, 2014 regular meeting.

Commissioner Haydon moved and Commissioner Johnson seconded a motion to approve the minutes, with a minor correction. The motion passed 4-0-1 (Commissioner Manning abstained as he was excused from the September 9, 2014 Planning Commission meeting).

5. PUBLIC HEARINGS

- 5.a. **ENV-02-10, MAP-01-10, DP-01-10, and TRP-14-14, Silver Oak Estates Planned Development, JR Peterson & Associates, 5701 Clayton Road (APN: 118-020-029).** Public hearing to consider, review, and receive public comment on an environmental analysis report in the form of an Initial Study/Mitigated Negative Declaration prepared to analyze the potential environmental impacts of the Silver Oak Estates Residential Development Plan proposal to develop the 13.96-acre Hurd Ranch property located between the northerly terminus of Lydia Lane and south of Oakhurst Drive in Clayton. The development proposal includes 7 detached single-family homes and 52 attached single-family townhomes located on approximately 5.37 acres, a neighborhood swimming pool and cabana on 0.59 acres, roadways and sidewalks on 2.10 acres, and open space on 7.84 acres. The primary vehicular access is proposed from Oakhurst Drive at Yolanda Circle (east intersection) with a restricted private access proposed from Lydia Lane.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, a detailed environmental analysis report in the form of an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared and is available for public review. The IS/MND has identified and proposes measures to mitigate and/or reduce potential adverse environmental impacts of the project to levels of less than significant. Accordingly, the IS/MND is being considered for adoption by the City of Clayton.

The public hearing was opened.

Community Development Director Mullen presented the staff report and introduced Nick Pappani, environmental consultant from Raney Planning and Management, who would provide an overview of the Initial Study/Mitigated Negative Declaration (IS/MND).

Nick Pappani, environmental consultant from Raney Planning and Management, provided an overview of the IS/MND.

Community Development Director Mullen concluded the presentation portion of the public hearing and indicated that no other action is being considered other than receiving comments during tonight's meeting as part of the public review of the IS/MND.

The public testimony period commenced.

Jennifer Gladding, 343 Alexander Place, had concerns about the following components of the IS/MND:

- Traffic and noise impacts to surrounding neighborhoods.
- Ingress and egress to the subdivision should only be from Oakhurst Boulevard.
- No vehicular traffic for the subdivision should be allowed on the Lydia Lane Bridge. She doesn't think it is safe.

- The seven single-family residences would generate at least 14 to 21 vehicle trips.
- Existing traffic and noise from the Oakhurst subdivision would be compounded by the Silver Oak Estates subdivision.
- Impacts to animals.
- There will be negative effects on the scenery and the existing Cardinet Trail.
- The subdivision will create a loss of open space areas.
- We need more time to review the IS/MND. The 30-day comment period is not enough.
- We reserve the right to refute the IS/MND document.

Bud Hedglen, 1770 Indian Wells Way, indicated that he had concerns that the subdivision would negatively impact Cardinet Trail and that these impacts need to be adequately addressed.

Jeanine Williamson, 8 Casey Glen Court, had concerns about the following components of the IS/MND:

- Vehicular use of Lydia Lane Bridge should not be allowed to occur.
- A projection of only seven vehicle trips per hour during the AM and PM peak hours seems too low of a projection. There could be two or more vehicles per single-family residence.
- The loss of open space.
- The Rachel Ranch subdivision has already increased traffic in the neighborhood.
- Drainage issues are a concern.
- There seems to be a strong sewer smell in and around Mt. Diablo Creek as if something is draining into the creek.

Leif Johansson, 1781 Indian Wells Way, indicated the following:

- He is the president of the Black Diamond Homeowners Association and has lived in Clayton for 20 years.
- The Police analysis in the IS/MND is inadequate.
- The addition of so many new homes will compound existing problems.

Brenda Sandler, 1774 Indian Wells Way, indicated the following:

- She agrees with the comments made by previous speakers.
- Traffic study needs to be revised to include Ygnacio Valley Boulevard.
- We need more time to review the IS/MND and do follow-up research.

Tim Jonathan, 231 Southbrook Place, indicated the following:

- Transportation/Circulation in the IS/MND needs to be revised to reflect increased vehicle trips.
- Lydia Lane cannot accommodate the increased traffic.
- More photosimulations should be provided from different locations rather than just the locations shown.

Don McKenzie, 1783 Indian Wells Way, indicated that storypoles are needed to show structural massing and location since the photosimulations are not adequate to address this issue.

Nick Jury, 1788 Indian Wells Way, indicated the following:

- Concerned over the loss of habitat.
- We bought the homes in the Black Diamond subdivision with the understanding that the views and adjacent open space would be preserved.
- The Silver Oak Estates subdivision will ruin the unique surrounding that our homes currently exist in.
- The Silver Oak Estates subdivision will destroy many beautiful trees.
- Clayton is a tucked-away community and should remain that way.
- The Silver Oak Estates subdivision will create a situation like Antioch where we have Section 8 housing creating a drug-infested, crime-ridden community.
- We feel this development is being forced upon us.
- The development should be re-oriented to buffer Mt. Diablo Creek from the project.

Herb Yonge, 1844 Eagle Peak Avenue, indicated the following:

- He has an issue with the aesthetic impacts of the project.
- Height of the three-story structures will block views.
- The scale, massing, and design of the buildings do not fit in Clayton.
- The buildings look like apartments.
- We request an additional 60 days to review the IS/MND.
- Am against this type of development in Clayton.

Bob Parker, 1766 Indian Wells Way, expressed support for the comments made by previous speakers.

Meredith Yalenty, 217 Round House Place, indicated the following:

- One of the reasons she moved to Clayton was because of the access to open space.
- The wildlife corridor of Mt. Diablo Creek would be destroyed by this project.
- Quality of Mt. Diablo Creek will be degraded.
- The Cardinet Trail will be negatively impacted.
- The treeline and beautiful views of Mt. Diablo will be destroyed.
- We need to consider saving this area for open space.
- We need more time to review the IS/MND.

Cedric Jensen, 301 Saclan Terrace, indicated that he has concerns that so many units would generate too many vehicle trips and feels his neighborhood cannot handle such an increase in traffic.

Heather Prewitt, 1778 Indian Wells Way, indicated the following:

- Concerns over the density proposed for this project.
- The impacts to wildlife would be significant. Silver foxes, bobcats, wild eagles, owls, and coyote all need this area.
- Storypoles should be required for this project.

Peter Cloven, 739 Black Point Place, indicated the following:

- He understands the low-income housing requirement placed on the City by the State.
- Worried about impacts to Mt. Diablo Creek caused by the project.
- The environmental consultant for this project has had 12 months to prepare the IS/MND, yet you are only giving us 30 days. We need more time to review the document.
- Doesn't agree with the Phase I assessment. He thinks the impacts associated with this project would trigger a Phase II review.
- Existing storage tanks, wells, and septic systems were not adequately addressed in the assessment.
- Why did the City go with the lowest consultant bid?
- Concerns over the stormwater analysis and geotechnical report.
- Hopes this project won't be rubber-stamped.

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

- Doesn't think the comments provided by the public at the Silver Oak Estates informational outreach meeting during at the October 8, 2013 Planning Commission meeting were addressed in the IS/MND.
- The road to the Lydia Lane Bridge goes through Lydia Lane Park. Through traffic would cause impacts to the Park. In addition, the Bridge would not be adequate to allow vehicles such as garbage trucks.
- The number of vehicle trips calculated in the IS/MND is too low.
- Impacts to wildlife such as herrings, foxes, coyotes, turkeys, hawks, and rabbits would be tremendous.
- Concerned about any retaining walls proposed. Concrete walls reminds me of Los Angeles where he used to live.
- Need more time to review the IS/MND.

Isabella Carranza, 1843 Eagle Peak Avenue, indicated the following:

- Concerns over the low number of projected vehicle trips and impacts on Lydia Lane.
- Regarding aesthetics, was surprised to see the claim that the project would not substantially affect scenic views.
- The project is way too large and needs to be downsized.
- The project does not maintain the character of Clayton.
- We need more time to review the IS/MND.

Sandy Berg, 1776 Indian Wells Way, indicated the following:

- Agrees with previous speakers.
- Concerned over the impacts to views that this project would cause.
- She is opposed to this development.

Laura Albert, 102 Salazar Court, indicated that she agreed with the comments provided by the previous speakers.

Robert Connel, 1 Rachel Ranch Court, indicated the following:

- Concerned over using Lydia Lane for access to project site.
- Using a sign to warn people about vehicular traffic crossing the Lydia Lane Bridge will not work. There are kids, joggers, bikers, and horses that use the park. Using the Bridge for access to the project site will create an unsafe situation.
- He thinks the number of vehicle trips generated by the single-family residences will be higher than the numbers stated in the IS/MND.
- He is opposed to the project.

Debbie Wittneben, 1772 Indian Wells Way, indicated the following:

- She agrees with the comments made by the previous speakers.
- She is opposed to the project.

Ann Stanaway, 1503 Haviland Place, indicated the following:

- Concerns that the development will absorb heat and cause a “heat island” effect.
- The developer should be aware of the “albedo”—or light glare effect—that may be caused by the project.

Dennis Romano, 302 Diablo Creek Court, indicated the following:

- As currently proposed, Silver Oak Estates will negatively impact the quality of life in Clayton.
- The development should be done responsibly.
- The project does not fit in with the character of the surrounding neighborhood.
- We need more time to review the IS/MND. The comment period should be extended another 60 to 90 days.
- There will be impacts to Lydia Lane Park with an anticipated increase of 150 people using the park who live in Silver Oak Estates.
- The IS/MND does not adequately address the project-related issues.

There being no further public comment, the public testimony period was closed.

Commissioner Haydon had the following comments and questions:

- Regarding Mitigation Measure 7, it needs to be explained how payment of HCP fees would actually mitigate the impacts of the development.
- Regarding the Biological Survey for the California red-legged frog, he was seeing a possible conflict.
- Regarding aesthetics, the term “visual consistency” should be explained and what exactly is “verification of visual consistency”?
- Regarding hawks being studied and protected during project construction, we also wanted to know if hawks are protected after construction is completed.
- Regarding removal of trees, the Planning Commission will have to establish replacement methods and ratios that would be acceptable so the Commission will be looking to staff for direction on the replacement trees.

- Regarding the determination that neither the remains of the burned main residence nor the remaining buildings are eligible for inclusion on the California Register, he wants this to be confirmed. What methodology was used to arrive at this determination? We need to ensure the accuracy of the determination is correct in order to protect the historical significance of any on-site structures.
- Regarding public safety, fire protection is provided by a nearby Fire Station that is one mile from the project site; however, the Station only has part-time personnel which is a concern. If the station does not come up to full staffing or staffing is reduced further, is there a contingency plan that can be established in order to ensure that fire protection is provided for the development.
- Regarding on-site density, development is proposed to be concentrated in a certain area of the site so I am not sure how this ties into the overall gross-acre calculation. The overall density allowed for the site should be further explained.
- Regarding the impacts of high school-aged children living in Silver Oak Estates attending local schools, the IS/MND indicates that these children could attend any high school in the district which implies that the impact of students attending local schools would be spread out across the whole district. Since good schools are one of the qualities of Clayton that attracts families to our community, direct impacts to the nearest high school to the project site, Clayton Valley Charter High School, should be addressed.
- Regarding Mitigation Measure 38, although a professional environmental consultant shall be retained during construction, he is concerned about impacts after construction. We need to ensure that we follow-up on long-term impacts.
- Regarding vehicle trips generated by the subdivision, the analysis seems to downplay the number of vehicles turning left from westbound Concord Boulevard onto southbound Kirker Pass Road. He questions the accuracy of that conclusion.
- Regarding the analysis indicating that the westbound cue on Concord Boulevard may block streets and would have no impact on safety, it would seem that, by default, the blocking of two streets would have an impact on safety.

Commissioner Manning had the following comments and questions:

- Did not see Seeno mentioned anywhere in the IS/MND even though Callida Development, which is owned by Seeno, is the property owner of the project site.
- The project site address should be changed from 5701 Clayton Road to a more accurate address since the project site is adjacent to Oakhurst Drive and is nowhere near Clayton Road.
- We need to ensure that our replacement tree ratio adequately offsets the loss of the existing on-site trees. It would be good to know how many of the trees proposed for removal are native species.
- We need to ensure upkeep and ongoing maintenance is performed for the bio-retention areas, landscaping, and trees, whether through an HOA or some other mechanism.
- Regarding the detention basins, will there be standing water, will water percolate back into the soil, or will the water flow into Mt. Diablo Creek?
- Stop signs placed at Lydia Lane Bridge may not be sufficient enough to provide safety from vehicles crossing the Bridge for those who are walking or bicycling on Cardinet Trail.

- Regarding the ten-ton limit on the Lydia Lane Bridge, a sign should be placed at the Bridge to inform people of this weight limit.
- Concerned over the maximum height proposed for the townhomes. We need to ensure that compliance with established height limits is taken into consideration.
- Regarding the listing of proposed Mitigation Measures in the IS/MND, it would be better if the Mitigation Measures were consolidated into one portion of the environmental document rather than listed in two separate places on Pages 17 through 29 and again on Page 37 through 137.

Chair Richardson entered into the record that three written correspondences were received from Glenn D. Miller, Ed Grutzmacher, and Sandra R. Bohn. He had the following comments and questions:

- Agrees with the previous Commission comments.
- An explanation should be provided addressing how the Lydia Lane Bridge will be used to enter and exit the subdivision. How will ingress and egress work through the parking lot of Lydia Lane Park to gain access to and from the Bridge? A more detailed discussion of this issue needs to be provided.
- Can the Planning Commission extended the public comment period beyond the 30-day time limit? Director Mullen consulted with Consultant Nick Pappani and then indicated that the public comment period could be extended at the direction of the Planning Commission.
- Support extending the public comment period another 45 days beyond the October 6, 2014 deadline.

Commissioner Bruzzone and Commissioner Johnson stated they agreed with extending the public comment period.

By consensus, the Planning Commission approved a 45-day time extension of the public comment period to 5:00 p.m. on November 20, 2014.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

None.

8.b. Commission.

None.

9. ADJOURNMENT

- 9.a. The meeting was adjourned at 8:50 p.m. to the regularly-scheduled meeting of the Planning Commission on October 14, 2014.



Submitted by
Charlie Mullen
Community Development Director



Approved by
Dan Richardson
Chair

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