

Minutes
Clayton Planning Commission Meeting
Tuesday, October 14, 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 the First Floor Conference Room, Clayton City Hall, 6000 Heritage Trail, Clayton, California.

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

Absent: Commissioner Gregg Manning (excused)

Staff: Community Development Director Charlie Mullen
Housing Element Consultant Jennifer Gastelum, PMC
Assistant Planner Milan Sikela, Jr.

2. ADMINISTRATIVE

2.a. Review of agenda items.

2.b. Declaration of Conflict of Interest.

None.

2.c. Commissioner Sandra Johnson to report at the City Council meeting of October 21, 2014

3. PUBLIC COMMENT

Bruce Albert, 102 Salazar Court, had the following questions and comments:

- Since the comment period for the Silver Oak Estates Initial Study/Mitigated Negative Declaration (IS/MND) is underway, why is IS/MND not on tonight's agenda? Chair Richardson provided the following response:
 - In accordance with the California Environmental Quality Act (CEQA), a public hearing regarding the IS/MND was held at the September 23, 2014 Planning Commission meeting.
 - At the September 23rd meeting, the 30-day public comment period was extended 45 more days for total public comment period of 75 days.
 - Comments provided orally at the September 23rd meeting or in writing anytime during the public comment period will be collected and then responded to in a Response to Comments (RTC) document.
 - The RTC document will then be included as part of the Final IS/MND for the Silver Oak Estates project.

- The next public hearing we will have on the Silver Oak Estates project will be for review of the proposed project entitlements. The project review involves phases; first, the environmental review is conducted and, after the environmental review is complete, we then move to on to the next phase of project entitlement review.
- My concerns are that written comments sent in during the public comment period will not be part of the public record and that the public will not have the last word. Chair Richardson provided the following response:
 - Written comments received during the public comment period are part of the public record.
 - The RTC document will include responses to both oral and written comments received during the public comment period.
 - We receive and thoroughly review comments received in accordance with CEQA and State planning law. We take comments very seriously.
 - Our intent is to ensure that all concerned parties have a chance to comment on the project and all the comments are taken into consideration.
 - We extended the public review period for IS/MND in order to allow the public more time to review the document. We want the community to be aware and involved.
- He questioned the methodology used for the traffic study since the analysis seems to fall short of accurately representing actual traffic impacts caused by the project.

Director Mullen added that Mr. Albert could mail or email comments to the City and the comments would be forwarded directly to the environmental consultant.

4. MINUTES

- 4.a. Approval of the minutes for the September 23, 2014 regular meeting.

Commissioner Haydon moved and Commissioner Johnson seconded a motion to approve the minutes, with minor corrections. The motion passed 4-0.

5. PUBLIC HEARINGS

- 5.a. **ENV-02-14, GPA-02-13, Clayton 2015-2023 Housing Element Update, City of Clayton.** 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 Clayton 2015-2023 Housing Element Update.

Pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15063, an Initial Study/Negative Declaration (IS/ND) was prepared and made available for public review. The IS/ND has concluded that there is no substantial evidence to suggest that the Housing Element document may have a significant effect on the environment. Accordingly, the Initial Study with a Negative

Declaration determination is being considered for adoption by the City of Clayton. The 30-day comment period on this IS/ND began on September 12, 2014 and ends on October 14, 2014.

The public hearing was opened.

Community Development Director Mullen presented the staff report and introduced Jennifer Gastelum, with Pacific Municipal Consultants, who would provide an overview of the IS/MND and Final Draft 2015-2023 Housing Element.

Commissioner Haydon asked the following clarifications and questions:

- Regarding the Housing Element, Page 69, Table 47, Site V-4, under “Max. Density (units/acre)” it references the unit calculation is based on a density of 20 units per acre. Director Mullen responded that the density numbers could end up being less than 20 units per acre based on individual site constraints.
- Regarding the Housing Element, Page 94, Implementation Measure V.1.3, under “Accomplishments” should a reference to future Building Code amendments be made? Director Mullen responded not in this context as it is only referring to accomplishments completed to date.
- Regarding the Housing Element, Page 100, Policy I.3, Implementation Measure I.3.1, it references “the City will aim to approve two second dwelling units per year during the planning period.” Ms. Gastelum indicated that Senate Bill 375 seeks to have jurisdictions quantify the data in the document as much as possible so, as we prepared this document, we wanted the numbers to be more measurable; however, the City will not be held accountable for the exact number of two units.

Commissioner Johnson asked if during the next eight-year period of the Housing Element, is there a State oversight board that monitors progress being made to fulfill the goals and policies stated in the document. Director Mullen responded that the City prepares and submits an annual Housing Element progress report to the California Department of Housing and Community Development to document our accomplishments.

The public testimony period was opened.

Bruce Albert, 102 Salazar Court, had the following comments:

- He is concerned the environmental analysis for the Housing Element is referencing possible projects that are not in front of the public and for which no specific environmental analysis on these future projects has been prepared.
- The Clayton General Plan and Municipal Code requires that new developments should be complementary and integrated with the existing character of our community, and he does not believe the City Council and the Planning Commission have made efforts to comply with these requirements.
- He does not believe the higher density zoning designations allowing twenty units an acre are in keeping with the existing development patterns.

- He believes other communities such as Hillsborough were able to approve their updated Housing Elements without having to increase zoning densities.
- He is concerned that Clayton is turning into Concord.

Chair Richardson thanked him for his comments.

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

Commissioner Haydon asked the following:

- Regarding the Draft Initial Study/Negative Declaration, he believes a thorough analysis of the impacts was provided, but wanted to confirm on Page 34 under the Discussion/Conclusion section, Item “a,b” that the discussion of the slight permissible density in the Multifamily High Density land use designation was adequate. Director Mullen and Ms. Gastelum responded to the affirmative.

Commissioner Johnson, Vice Chair Bruzzone, and Chair Richardson indicated that a wonderful job was done preparing the documents.

Commissioner Haydon moved and Vice Chair Bruzzone seconded a motion to adopt Resolution No. 04-14 recommending City Council approval of the Initial Study/Negative Declaration and the Final Draft 2015-2023 Housing Element update for the City of Clayton, with minor correction revisions noted and handed out by staff. The motion passed 4-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

- 7.a. **GPA-01-14, Capital Improvement Program (CIP) Conformity with General Plan, City of Clayton.** Review of City of Clayton CIP projects proposed to be undertaken in the coming fiscal year (FY 2014-2015) for conformity with the General Plan.

Director Mullen presented the staff report.

Commissioner Johnson asked if the City has adequate funds to complete the CIP projects. Director Mullen responded yes and no. These projects are expensive and take time to accomplish. The City often collects money over time until there is enough funding for the project to be completed.

Vice Chair Bruzzone asked how does the funding for undergrounding of utilities work. Director Mullen responded that undergrounding is not economical to underground utilities in small increments since it is so expensive to do, costing approximately one million dollars per quarter mile.

Commissioner Johnson asked if there are any areas of town where undergrounding of utilities has been done. Director Mullen responded that it has been done in all newer subdivisions, such as Oakhurst and Diablo Estates. The funding for this improvement would be more aimed at the Town Center area or older neighborhoods.

Commissioner Haydon asked if the \$21,000 for Item 2 goes into a special reserve account. Director Mullen responded to the affirmative.

Commissioner Johnson moved and Commissioner Haydon seconded a motion to find the City's CIP projects for the Fiscal Year 2014-2015 are in conformity with the Clayton General Plan and there is no possibly this finding may have a significant effect on the environment. The motion passed 4-0.

8. COMMUNICATIONS

8.a. Staff.

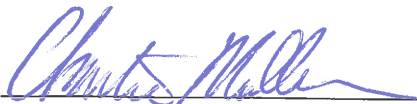
Director Mullen presented various housing photos to the Planning Commission in order to decide which photo could be used on the front cover of the Housing Element.

8.b. Commission.

The Commissioners discussed that they felt it was important to use storypoles for the Silver Oak Estates project, possibly using environmentally-safe paint on the ground to depict the footprints of the buildings. Director Mullen indicated that he would discuss this with the applicant.

9. ADJOURNMENT

- 9.a. The meeting was adjourned at 8:34 p.m. to the regularly-scheduled meeting of the Planning Commission on October 28, 2014.



Submitted by
Charlie Mullen
Community Development Director



Approved by
Dan Richardson
Chair

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