

Minutes
Clayton Planning Commission Meeting
Tuesday, December 9, 2014

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

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

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

Absent: None

Staff: Community Development Director Charlie Mullen
 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 Bruzzone to report at the City Council meeting of March 3, 2015.

3. PUBLIC COMMENT

None.

4. MINUTES

4.a. Approval of the minutes for the October 14, 2014 regular meeting.

Commissioner Johnson moved and Vice Chair Bruzzone seconded a motion to approve the minutes, as submitted. The motion passed 3-0-1 (Commissioner Manning abstained as he had an excused absence from the October 14th Planning Commission meeting).

5. PUBLIC HEARINGS

5.a. **ENV-01-08, DP-01-08, MAP-02-09, TE-01-14, 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, December 11, 2012, and December 10, 2013, extending the approval to January 6, 2015. This request is in accordance with Section 17.28.190 of the Clayton Municipal Code.

The public hearing was opened.

Assistant Planner Sikela presented the staff report.

Vice Chair Bruzzone had the following questions:

- Can the Creekside Terrace Development Plan be extended every year in perpetuity? Assistant Planner Sikela responded that the Development Plan could be extended in perpetuity in one-year increments, in accordance with the Clayton Municipal Code. Director Mullen added that, although the Development Plan could potentially be extended in perpetuity, there is the possibility that environmental regulations could change and evolve over time and that updating of the environmental document would be necessary.
- Why have there been problems marketing the project to potential developers? Director Mullen responded that there has been some interest in the project but the economy is still recovering from the recession. As a result, there are fewer smaller developers looking for project like this right now and we have been told this project is too small for the bigger developers.

Commissioner Manning asked if the City has pursued the developer who initially showed interest in the project. Director Mullen responded that the prospective developer actually submitted an application to amend the Development Plan. However, the project application was deemed incomplete by the City and it is not clear if this developer will proceed.

Chair Richardson asked if tonight's public hearing was noticed to all property owners within 300 feet of the project site, including the Clayton Community Church. Assistant Planner Sikela responded, yes, all property owners within 300 feet of the project site were noticed, including the Clayton Community Church.

Commissioner Johnson indicated that this is desirable project. When the Development Plan was initially approved, staff and the Planning Commission put in a lot of work on processing the project.

Director Mullen indicated that the intent of the extension request is to keep the current Development Plan alive in order to continue marketing the project and encourage development in Clayton's Town Center.

Commissioner Manning moved and Commissioner Johnson seconded a motion to adopt Resolution No. 05-14, extending for one year the Creekside Terrace Development Plan from January 6, 2015 through January 6, 2016. The motion passed 4-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

Director Mullen provided the following updates:

➤ Commissioner Keith Haydon's Resignation

- Commissioner Haydon resigned from the Planning Commission and has been elected to the City Council. Commissioner Johnson requested that copies of his resignation letter be distributed to the Planning Commissioners.
- Commissioner Haydon was the Planning Commission representative who attended the Transportation Partnership and Cooperation (TRANSPAC) meetings. Now that he has resigned, would any of the Commissioners be interested in becoming the new representative that would attend the TRANSPAC meetings? Chair Richardson indicated that he would be willing to again serve as the Planning Commission representative at TRANSPAC meetings.

➤ Silver Oak Estates

- The Director will be having a conference later this week with environmental consultant Nick Pappani, from Raney Planning and Management, regarding the comments received during the environmental review period and the preparation of the response to these comments.
- We received thirty-nine comments before the environmental comment period ended and two late comments.
- The biggest comment letter came from an attorney representing an unspecified client.

Commissioner Johnson asked how will the non-environmental comments be responded to by the consultant. Director Mullen responded that the consultant will craft appropriate non-environmental responses, some as simple as "comment noted."

Commissioner Manning asked if we would carry the non-environmental comments forward during the review period for the other project-related entitlements, or would the concerned parties have to re-submit their non-environmental comments a second time. Director Mullen responded that the comments received on the environmental document will be in the public record.

Chair Richardson asked if the applicant will provide storypoles. Director Mullen responded that the topic of storypoles was discussed with the applicant and the applicant indicated they would explore how best to accomplish this given the site constraints.

Commissioner Manning asked are the trees causing difficulties for installation of the storypoles? Director Mullen responded to the affirmative.

Chair Richardson indicated that he felt it would be important to have storypoles installed in order to assist the Planning Commissioners in having a better understanding of the project. It would be hard to make a decision based on just two-dimensional plan sheets.

Commissioner Manning indicated that, when the Oakhurst development was proposed, there was concern from the community that it would detract from Clayton. However, you barely even notice that the development is there now.

Commissioner Johnson indicated the installation of storypoles would be crucial for the Planning Commission's decision-making process.

Chair Richardson indicated that there is a project proposed in Orinda, called the Wilder project, where they have provided storypoles which has greatly assisted in the understanding of the project.

➤ Oak Creek Canyon

Regarding Oak Creek Canyon subdivision proposal, the developer for the project has indicated that funding deposit checks have been mailed to the City in order to re-commence project processing.

➤ Mobile Food Vendors

Director Mullen indicated that he would be bringing some recommended Ordinance revisions and updates pertaining to mobile food vendors before the Planning Commission in the coming months.

➤ Residential Solar Panels

- Staff is seeking the Planning Commission's input regarding a proposal for a roof-mounted photovoltaic system (solar panels) on a residence located in the Black Diamond Planned Development.
- The project is proposing to use solar panels on a raised tilt-rack system so that the panels would protrude upward from the roof rather than being parallel with it.

- The project would be visible from off-site locations.
- Staff encourages low-profile “flush-mounted” solar panels in order to minimize visual impacts.
- Since the residence is located in a Planned Development, attributes like raised tilt-rack solar panels can detract from the neighborhood.

Chair Manning asked if the Black Diamond Homeowners Association (HOA) would allow such a project. Director Mullen indicated that the HOA had approved the project based on an HOA approval letter submitted to the City by the applicant. Assistant Planner Sikela added that, after receiving the HOA approval letter, staff had followed up with a phone call to the HOA to verify that the project had been approved by them.

Commissioner Johnson indicated that, if the City approved the ground-mounted solar array in the rear yard of one of the properties on Roundhill Place, we should be consistent in allowing them Citywide. The ground-mounted solar panels on Roundhill Place are extremely visible from Marsh Creek Road.

Director Mullen indicated that the State has passed legislation to require cities to streamline the permitting process of residential solar panel projects.

Chair Richardson indicated the following:

- He gets contacted by prospective solar panel companies at least once per week to have solar panels installed on his residence.
- He agrees with staff that Planned Development districts are more sensitive to design alterations and visual inconsistencies.
- Over time, solar panels can detract from the appearance of a neighborhood due to lack of maintenance and design flaws.

Director Mullen indicated that there are three outcomes that may occur:

- Staff can approve the project at the administrative level;
- Staff can deny the project—a decision which could be appealed to the Planning Commission; or
- Staff can refer the project directly to the Planning Commission using the Site Plan Review Permit process.

Vice Chair Bruzzone and Chair Richardson both indicated that, if the project was already approved by the HOA, their approval carries some validation weight.

By consensus, the Planning Commission indicated it would be appropriate for staff to approve such projects at the administrative level in an effort to be supportive of alternative renewable energy resources.

8.b. Commission.

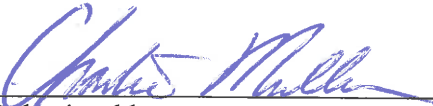
Commissioner Manning asked when are we going to fill Commissioner Haydon’s position on the Planning Commission? Director Mullen indicated that the issue would be discussed at the next City Council meeting on December 16, 2014.

Chair Richardson indicated he had communications with City Manager Gary Napper regarding the issue of replacing Commissioner Haydon.

Director Mullen indicated that, per the Clayton Municipal Code, the Mayor shall appoint term vacancies on the Planning Commission. What may transpire is that someone is appointed now to finish out Commissioner Haydon's term and then that person or someone else could be appointed to a full term in June 2015.

9. ADJOURNMENT

- 9.a. The next regularly-scheduled meeting of the Planning Commission on December 23, 2014 will be cancelled, unless an urgent matter arises. The meeting was adjourned at 8:00 p.m. to the regularly-scheduled meeting of the Planning Commission on January 13, 2015.


Submitted by
Charlie Mullen
Community Development Director
Approved by
Dan Richardson
Chair

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