

**Minutes
City of Clayton Planning Commission
Regular Meeting
Tuesday, February 27, 2024**

1. CALL TO ORDER

Chair Richard Enea called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Chair Enea led the Pledge of Allegiance.

3. ROLL CALL

Present: Chair Richard Enea
 Vice Chair Maria Shulman
 Commissioner Joseph Banchemo
 Commissioner Bretten Casagrande
 Commissioner Daniel Richardson

Planning Commission Secretary/Community Development Director Dana Ayers, Assistant Planner Milan Sikela, and Administrative Assistant Lesley Sanders were present from City staff.

4. ACCEPTANCE OF THE AGENDA

There were no changes to the agenda as submitted.

5. PUBLIC COMMENT

There were no comments from the public on any matter not on the agenda.

6. CONSENT CALENDAR

A. Minutes of Planning Commission Regular Meeting of November 28, 2023.

There being no member of the public attending in person or virtually who wished to comment on the Consent Calendar, Chair Enea invited a motion. Commissioner Richardson moved to adopt the Consent Calendar with Meeting Minutes of the November 28, 2023 meeting, as submitted. Vice Chair Shulman seconded the motion. The motion passed by vote of 5 to 0.

7. PUBLIC HEARING

A. **Extension of Approval of the Development Plan Permit (DP-01-19) for the Oak Creek Canyon Residential Development.**

This is a request by Doug Chen of West Coast Home Builders, Inc. (Applicant), for a second, one-year extension to exercise the Development Plan Permit approval granted by the Clayton City Council on June 29, 2021, for the Oak Creek Canyon Residential Development (Project). The Project encompasses grading and site preparation, removal of nine of the 21 existing trees on the property, installation of a new roadway and utilities infrastructure, and construction of six detached single-family residences ranging from approximately 3,049 to 4,488 square feet in area and between 23 to 32 feet in height, along with Project-related landscaping, drainage, fencing, lighting, and retaining walls on a 9.03-acre property located on the north side of Marsh Creek Road at its intersection with Diablo Parkway (Assessor's Parcel No. 119-070-008).

Director Ayers summarized the staff report. She also noted for the record that two items of correspondence had been received from: 1) Moita and Moita, LLP; and 2) Doug Chen of West Coast Home Builders. Copies of both items had been provided for the public and Commissioners to review. Director Ayers concluded by stating that staff recommended approval of the extension request.

In response to Commissioner Banchemo, Director Ayers advised that the Clayton Municipal Code did not limit the number of extensions that could be granted for an entitlement but did limit the length of each extension to one year.

There being no further questions from the Commissioners, Chair Enea opened the public hearing on the item.

David Fish representing West Coast Home Builders thanked the Commissioners for their time and hoped that they would support their extension request.

Commissioner Richardson referenced a gas pipeline break that happened in recent years in Walnut Creek and said that he appreciated the caution exercised by the developer in precisely locating the pipeline near this Project.

Vince Moita referenced his letter submitted in the record. He specifically noted that the detention basin designed within the Project site would have a lower holding capacity than the 7.8 acre-feet identified in the Marsh Creek Road Specific Plan (MCRSP) for detention of runoff from all of the properties in MCRSP Area A, within which the Project site was located. He

requested that the Commission delay their decision on the extension request for 60 days to allow for additional evaluation by the City Engineer. Mr. Moita referenced the increase in Clayton's allocation of housing from 141 in 2021 when the Project was approved, to 570 units for the current sixth housing cycle. He said that the Heartland and Moita property owners contributed to the cost for planning of the MCRSP area and that he believed the MCRSP was the planning mechanism for meeting the City's housing allocation as an alternative to adding density near existing homes. He anticipated that the smaller basin on the Project site would limit the developability of properties in MCRSP Area A.

There being no other member of the public attending in person or virtually who wished to comment on the item, Chair Enea closed the public hearing.

In response to the Chair, Director Ayers advised that City staff had evaluated the Project in the context of the MCRSP with review of the initial entitlement request in 2020 and 2021. Director Ayers added that stormwater regulations have changed since the 1990s when MCRSP was adopted, particularly with respect to how much water can be discharged from one property onto another. Chair Enea confirmed with Director Ayers that the matter for the Commission to deliberate at tonight's meeting was whether to extend the approved entitlement and not whether the subdivision design was adequate.

There being no further comments from Commissioners, Chair Enea invited a motion on the item. Commissioner Richardson moved to adopt the resolution attached to the staff report, approving a one-year extension on the term of approval of Development Plan Permit DP-01-19 for the Oak Creek Canyon Residential Development. Vice Chair Shulman seconded the motion. The motion passed by vote of 5 to 0.

8. COMMUNICATIONS

There were no communications from staff or Commissioners.

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9. ADJOURNMENT

The meeting was adjourned at 7:16 p.m. to the next regular meeting of the Planning Commission on March 12, 2024.

Respectfully submitted:



Dana Ayers, AICP, Secretary

Approved by the Clayton Planning Commission:



Richard Enea, Chair