

Minutes
Clayton Planning Commission Meeting
Tuesday, June 27, 2017

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 Carl Wolfe
 Commissioner Bassam Altwal
 Commissioner Peter Cloven
 Commissioner William Gall

Absent: None

Staff: Community Development Director Mindy Gentry
 Assistant Planner Milan Sikela, Jr.

2. ADMINISTRATIVE

2.a. Review of agenda items.

2.b. Declaration of Conflict of Interest.

 None.

2.c. Commissioner Peter Cloven to report at the City Council meeting of July 18, 2017.

3. PUBLIC COMMENT

None.

4. MINUTES

4.a. Approval of the minutes for the April 25, 2017 Planning Commission meeting.

Commissioner Cloven moved and Commissioner Gall seconded a motion to approve the minutes, as amended. The motion passed 5-0.

5. PUBLIC HEARINGS

5.a. **VAR-01-17, SPR-02-17; Variance, Site Plan Review Permit; Castle Companies; Verna Way at Lydia Lane; (APNs: 120-043-037 and 120-043-038).** Review and consideration of a request from Castle Companies for the approval of the Verna Way Residential Subdivision Variance (VAR-01-17) and Site Plan Review Permit (SPR-02-17). The Variance request involves consideration of a reduction in the side setbacks from the edge of the shared vehicular shared access easement off of Pine Hollow Road for the residences on Lot 5 and Lot 6. The Site Plan Review Permit request involves

consideration of the architecture, front yard landscaping, lighting, and fencing proposed for the construction of six detached single-story single-family residences. One single-story residence is proposed on each of the six lots that were created by the previously-approved six-lot tentative subdivision map for the Verna Way Residential Subdivision.

The staff report was presented by Assistant Planner Sikela.

Commissioner Altwal had the following questions:

- What was the initial Variance approval (VAR-02-14) granted by the Planning Commission and approved on August 9, 2016? *Assistant Planner Sikela indicated that the Variance entitlement (VAR-02-14) that was conditionally approved by the Planning Commission on August 9, 2016 along with the Tentative Map (MAP-01-14) allowed all six lots within the Verna Way Residential Subdivision to have smaller lots widths than the required 100-foot minimum lot width requirement for properties located within the R-15 District.*
- Was the requirement for a shared vehicular access easement for Lots 5 and 6 a condition of approval? *Assistant Planner Sikela indicated that, yes, the shared vehicular access easement was a condition of the Tentative Map approval.*
- Why are the setbacks for the residences measured from the edge of the vehicular access easement, where applicable, rather than the property line? *Assistant Planner Sikela indicated that is a regulation required by the Clayton Municipal Code and the rationale for establishing this in the Code would be, in part, to ensure that residences are not constructed inside of or dangerously close to vehicular access easements.*
- Is there adequate room in the shared vehicular access easement on Lots 5 and 6 for other vehicles to park near each residence and for vehicles to safely enter and exit the garages of each residence while these vehicles are parked there? *Assistant Planner Sikela indicated that the driveway extends well beyond (north of) the shared vehicular access easement, allowing ample room for vehicles to park and for other vehicles to maneuver safely around parked vehicles.*
- Where is the sewer line connection for Gibson Lane located on the landscape plan? *Assistant Planner Sikela indicated that the sewer line connection is shown on the landscape plan crossing Lot 3 and being stubbed out on Gibson Lane.*

Vice Chair Wolfe had the following questions:

- Is there adequate space in the vehicular access easements for fire safety and life safety vehicles to enter and exit? *Assistant Planner Sikela indicated that, yes, there is adequate space for fire safety and life safety vehicles to enter and exit and this ingress/egress issue was reviewed by the Contra Costa County Fire Protection District.*
- Who will maintain the stormwater biofiltration swales and basins? *Assistant Planner Sikela indicated that a homeowners association would be established for the subdivision which would maintain the stormwater biofiltration swales and basins.*

Commissioner Cloven asked how would the stormwater biofiltration swales and basins be maintained. *Assistant Planner Sikela indicated that, in addition to the maintenance of the stormwater biofiltration swales and basins being the responsibility of the homeowners association, a stormwater operation and maintenance plan would be established for the subdivision which would involve, in part, monitoring of the stormwater biofiltration swales and basins by the City Engineering Department.*

Chair Richardson had the following questions:

- Would the current Variance request for the residences of Lots 5 and 6 only be for the side setbacks from the residences to the shared vehicular access easement? *Assistant Planner Sikela indicated that was correct.*
- Where are the locations of the existing trees to be retained? *Assistant Planner Sikela indicated that there are existing trees to be retained in the southwest and west sides of Lot 5 and along the east side of Lot 4.*

The representative of the applicant, Steve Garrett with Castle Companies, indicated the following:

- We are in agreement with the recommendations and conditions proposed by staff.
- The residences have been designed to fit in with the existing surrounding neighborhood by proposing single-story homes.
- The shared driveway apron on Lots 5 and 6 extends far beyond the northernmost edge of the vehicular access easement in order to allow adequate space for vehicles to park and maneuver.
- We have provided a stubbed-out sewer line for a possible future subdivision that may be developed along Gibson Lane.
- Regarding project-related stormwater drainage, State law requires that the stormwater biofiltration swales and basins shall be inspected by a qualified inspection company and they will be maintained by the homeowners association.
- We have chosen landscaping within the stormwater detention basins that is adequate for filtration purposes.
- We request deletion of proposed Condition of Approval 4 requiring that concrete tile roof material shall be used on all residences. The reason for this requested deletion is that, while concrete tile roof material is complementary with the Mediterranean plan, it would be too heavy of a roof material for the Craftsman and Farmhouse plans whereas the composition shingle roof material would be much more complementary with the architecture for the Craftsman and Farmhouse plans. Also, concrete tile roofs are more prone to being cracked and damaged in the instance that someone may need to walk on the roof.

The public hearing was opened.

Brent Wakefield, 7 Pardi Lane, had the following comments and questions:

- I live in the Pine Hollow Estates subdivision directly adjacent to and east of the Verna Way subdivision.
- I am in support of having only two detention basins on the project site instead of a detention basin on each lot like we do in the Pine Hollow Estates subdivision.
- Will the storm drainage system be open or closed?
- What is the paving surface proposed for the vehicular access easement and will this paving surface be maintained by the homeowners association?
- What are the hours and days that construction will be allowed on the project site?

Jeanine Wakefield, 7 Pardi Lane, asked what the price point of the proposed residences is.

The public hearing was closed.

The representative of the applicant, Steve Garrett, had the following responses to the public's inquiries:

- The stormwater drainage system is a closed system. We chose this design since an open design, which usually involves a ditch, allows water to increase in velocity as it travels downslope which may create flooding problems.
- The vehicular access easements will be surfaced with asphalt or concrete and will be maintained by the homeowners association.
- The price point for the residences is approximately 1.1 million dollars.

Assistant Planner Sikela responded to the question regarding hours and days of construction indicating that the allowable times and days of construction are provided as Advisory Note 8 appearing on Page 17 of the staff report and states that, in accordance with Clayton Municipal Code Section 15.01.101, all construction and other work shall occur only between 7:00 a.m. and 5:00 p.m. Monday through Friday with any such work beyond these hours and days being strictly prohibited unless specifically authorized by the City Engineer.

Commissioner Gall confirmed that a stubbed-out sewer line will be available for residential properties located on Gibson Lane. *Steve Garrett indicated that is correct and the details of the sewer line would be provided on the improvement plans.*

Commissioner Atwal asked who makes sure that the on-site pest control is implemented. *Director Gentry indicated that, prior to issuance of their building permit or tree removal permit; staff would ensure that the developer had addressed this issue by requesting the appropriate evidentiary documentation.*

Commissioner Gall asked if there were any public comments received after the public hearing notice was sent out. *Assistant Planner Sikela indicated that no comments were received by staff after the public hearing notice was distributed.*

Chair Richardson initiated discussion on and Vice Chair Wolfe concurred with removal of proposed Condition of Approval 4 requiring that concrete tile roof material shall be used on all residences. *Director Gentry indicated that the condition was proposed in order to incorporate more durable, longer-lasting roof materials for the residences which the concrete tile roofing would provide.*

The Commission concurred that, since there is no safety aspect of the concrete tile roof material and staff proposed the condition only for durability purposes, the concrete tile roof material would not integrate visually with the Craftsman and Farmhouse plans and, as a result, requested that staff delete the condition.

Commissioner Gall indicated that the differing plan elevations proposed for Lots 1 and 2 on Verna Way as well as Lots 5 and 6 on Pine Hollow Road would provide a beneficial look for the respective streetscapes.

Commissioner Atwal explained that he did not support approval of the Variance since he felt the Variance request did not meet the required findings since the residences of Lots 5 and 6 could have adhered to the required setbacks from the edge of the shared vehicular access easement had they been designed with smaller footprints or sited further back on the lots.

Commissioner Cloven asked if the requirement for a shared vehicular access easement for Lots 5 and 6 is required as a result of a condition of Tentative Map approval. *Assistant Planner Sikela indicated that the shared vehicular access easement was a condition of the Tentative Map approval.*

Vice Chair Wolfe indicated that he was in support of the Site Plan Review Permit and Variance with deletion of proposed Condition of Approval 4 and noted that there was no neighborhood opposition to the Site Plan Review Permit and Variance requests.

Chair Richardson indicated this subdivision will be a beneficial addition to the community and he was in support of the relocated stormwater detention basins, residential elevations and finishes, landscaping, shared vehicular access easement on Lots 5 and 6, lighting, and conditional approval of the Variance and Site Plan Review Permit, with deletion of Condition of Approval 4.

Commissioner Cloven indicated the proposed residences incorporate designs that are consistent with existing residences on Verna Way and Pine Hollow Road and is in support of conditionally approving the Variance and Site Plan Review Permit, with deletion of Condition of Approval 4.

Commissioner Gall indicated that he supported staff's recommendation for the Variance and Site Plan Review Permit, with proposed Condition of Approval 4 still included, and made a motion to conditionally approve the Verna Way Residential Subdivision Site Plan Review Permit (SPR-02-17) with the finding the Variance and Site Plan Review Permit were considered and evaluated in the previously-adopted Verna Way Residential Subdivision Initial Study/Mitigated Negative Declaration. The motion was not seconded.

Commissioner Altwal indicated that he did not support the Variance but supported conditional approval of the Site Plan Review Permit, with deletion of Condition of Approval 4.

Vice Chair Wolfe moved and Commissioner Gall seconded a motion to adopt Planning Commission Resolution No. 03-17 approving the Verna Way Residential Subdivision Variance (VAR-01-17). The motion passed 4-1 (Denial – Commissioner Altwal).

Commissioner Gall moved and Commissioner Altwal seconded a motion to conditionally approve the Verna Way Residential Subdivision Site Plan Review Permit (SPR-02-17), with the finding the Variance and Site Plan Review Permit were considered and evaluated in the previously-adopted Verna Way Residential Subdivision Initial Study/Mitigated Negative Declaration, and with deletion of Condition of Approval 4. The motion passed 5-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

- 7.a. **GPA-01-17, City of Clayton.** Review of the Fiscal Year 2017-2018 Capital Improvement Program Projects for Conformity with the Clayton General Plan.

The staff report was presented by Director Gentry.

Commissioner Altwal had the following comment and questions:

- My experience is that the word “handicap” is no longer used and has been replaced with the term “person(s) with disabilities”.
- Do we have a transitional Americans With Disabilities Act (ADA) plan in Clayton? *Director Gentry indicated that, yes, Clayton has a transitional ADA plan.*
- Who reviews ADA compliance within the City? *Director Gentry indicated that that, depending on the project, generally speaking the City Engineer would review Capital Improvement Program (CIP) Projects for ADA compliance.*
- Regarding Item 6, the Field 1 Rehabilitation Project, what type of material are they using to resurface Field 1? *Director Gentry indicated that Field 1 would be resurfaced with grass.*

Commissioner Richardson indicated the projects contained within the CIP were already adopted by the City Council and the Planning Commission’s role was merely to determine the project’s conformance with the City’s General Plan.

Commissioner Altwal moved and Vice Chair Wolfe seconded a motion to find the City’s Capital Improvement Program Projects for the Fiscal Year 2017-2018 are in conformity with the Clayton General Plan (GPA-01-17) and there is no possibility this finding may have a significant effect on the environment. The motion passed 5-0.

- 7.b. **ZOA-02-17, City of Clayton.** The City of Clayton is requesting a hearing to seek direction from the Planning Commission regarding the City Council’s proposed modifications to a City-initiated Ordinance amending Title 15 “Building and Construction”, Chapter 15.08 – Sign Provisions of City of Clayton Municipal Code, which was previously heard by the Planning Commission on April 25, 2017.

The staff report was presented by Director Gentry.

Commissioner Cloven asked for clarification regarding the maximum area allowance of thirty (30) square feet versus the City Council’s recommended three (3) square feet for temporary noncommercial signs. *Director Gentry indicated the Council’s direction was to limit campaign signs to three (3) square feet to avoid visual clutter during campaign season, which would result in the allowable square footage for temporary noncommercial signs being reduced from thirty (30) to three (3) square feet. Temporary noncommercial signs, which encompass campaign, community event signs, and nonprofit organizations, would all then be limited to three (3) square feet under the Council’s proposed modifications. However, the Council’s direction of limiting temporary noncommercial signs will have an unintended consequent by also limiting community event signs due to the required content neutrality of the City’s sign code in order to be compliant with Reed vs. Town of the Gilbert, Arizona. However, Reed vs. Town of Gilbert, AZ does not limit government speech; therefore due to the impact to community event signs by lowering the allowable square footage of temporary noncommercial signs, staff is proposing language to allow temporary event signage to be a maximum of twenty-four (24) feet in area.*

Commissioner Cloven asked if anyone has requested approval of a variance to have a larger sign than what was allowed. *Director Gentry indicated that the Sign Provisions in the Clayton Municipal Code would not allow approval of a variance for larger signage area.*

Commissioner Cloven moved and Commissioner Gall seconded a motion to approve the City Council's proposed modifications to the Ordinance amending the City's Sign Provisions (ZOA-02-17). The motion passed 5-0.

8. COMMUNICATIONS

8.a. Staff

Director Gentry indicated the following:

- Regarding the Ordinance for the calculation of net acreage for properties with physical constraints, one issue has been flagged regarding the Ordinance's compliance with State law as it relates to the Clayton General Plan Housing Element. As a result, this item will be brought back before the Planning Commission for further review.
- A big thank you to Chair Richardson for all his years of hard work on the Planning Commission and Trails and Landscape Committee.
- A new Planning Commissioner, A.J. Chippero, has been appointed to the Planning Commission by the City Council.
- Commissioner Cloven was also reappointed to a full term on the Planning Commission.

Assistant Planner Sikela also thanked Chair Richardson for all his years of hard work on the Planning Commission.

8.b. Commission

Chair Richardson passed along his insight, advice, and input about the role of the Planning Commission.

Commissioner Gall and Commissioner Altwal both indicated they would be absent from the July 25, 2017 Planning Commission meeting.

9. ADJOURNMENT

- 9.a. The meeting was adjourned at 8:57 p.m. to the regularly-scheduled meeting of the Planning Commission on July 11, 2017.



Submitted by
Mindy Gentry
Community Development Director



Approved by
Dan Richardson
Chair

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