

**Minutes**  
**Clayton Planning Commission Meeting**  
**Tuesday, May 25, 2010**

**Call to Order**

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

Present: Chair Bob Armstrong, Vice Chair Sandra Johnson, Commissioner Tuija Catalano, Commissioner Ted Meriam, Commissioner Dan Richardson

Staff: Community Development Director David Woltering  
Assistant Planner Milan Sikela  
Nick Pappani, Raney Planning and Management

**Administrative**

1A. Review of agenda items.

1B. Chair Armstrong to report at the City Council meeting on June 1, 2010.

**Public Comment**

None.

**Approval of Minutes**

2. Approval of minutes from the meeting of April 13, 2010.

**Commissioner Meriam moved and Commissioner Catalano seconded the motion to approve the minutes from the meeting of April 13, 2010, as amended. The motion passed 5-0.**

**Public Hearings**

3. **Creekside Terrace Mixed Use Project, City of Clayton**, 1005 Oak Street, 1007 Oak Street, and a third non-addressed parcel west of and upslope from Mitchell Creek (APNs 119-050-009, 119-050-034, and 119-050-008). The project site is located on the west side of Oak Street between High Street and Center Street. The project involves the redevelopment of two properties, which are currently developed, generally level, and serviced by utilities. The third parcel, located immediately to the west, is an up sloping undeveloped property with Mitchell Creek traversing the eastern edge of that parcel near the toe of slope. The proposed project involves the construction of a two-story mixed-use building, incorporating a western-style frontage characteristic of architectural themes suggested in the *Clayton Town Center Specific Plan*. The first floor is comprised of approximately 7,200 square feet of retail commercial space with a 20-foot ceiling. The second floor includes seven (7) residential units. The residential units are one-bedroom and several of the units contain dens. A terrace is proposed on the creek (west) side of the second story. The proposed project includes the following entitlements:

- **ENV 01-08, Environmental Review.**
- **DP 01-08, Development Plan.**
- **MAP 02-09, Tentative Map.**

Commissioner Meriam recused himself from the meeting to address a conflict of interest, given his residence is within 500 feet of the proposed project site. He then announced that, since no other items were on the agenda, he would leave the meeting chambers and not be returning.

Director Woltering introduced the agenda item and indicated that the Planning Commission was being asked to make a recommendation to the City Council on the entitlements requested for approval to allow this project to move forward. He provided a summary of the history of the project and indicated that Project Architect Robert Staehle would follow with a more detailed description of the project followed by Environmental Consultant Nick Pappani who would provide an overview of the environmental document prepared for the project

Mr. Staehle described the project thoroughly, indicating that the facade of the building was designed with offsets, a varied color palette, and a variety of architectural elements to give the appearance of a series of individual attached buildings and small storefronts. He described points of access; landscape treatments; the proposed flood proofing, given the project is within a 100 year floodplain; parking considerations; the interaction of the property owner associations, given that there is both a residential component and a commercial component to the project; and, how trash would be handled.

Mr. Pappani summarized the environmental analysis and related findings. He stated that an Initial Environmental Study/Mitigated Negative Declaration had been prepared for the proposed project and that although a potential for significant environmental impacts had been identified in the analysis, changes to the project and mitigation measures agreed to by the project sponsor, mitigated all potential impacts identified to a less than significant level. He referenced the Creekside Terrace Project Initial Environmental Study/Mitigated Negative Declaration, dated May 2010, in support of his presentation.

Commission comments and questions included:

- Would the community room on the second floor be accessible to the commercial tenants on the ground floor? Mr. Staehle responded that the CC&Rs will address accessibility to the community room, but it is anticipated that the community room will only be accessible for the use of the second floor residences.
- Will the roof-mounted mechanical equipment be visible behind the parapet? Mr. Staehle indicated that the parapets would be tall enough to shield the roof-mounted equipment from view.
- Will the combining of individual retail spaces be allowed? Mr. Staehle indicated, yes, a retailer could combine retail spaces as long as the outside facade maintains the appearance of being several storefronts in a row.
- Is the interpretive area at the end of Center Street part of the project? Mr. Staehle indicated that the interpretive area at the end of Center Street will be a part of the project but will require an encroachment permit because it will be located in an unused portion of the Center Street right-of-way.
- The location of the stairway seems hidden and may pose safety issues in terms of crime. Mr. Staehle indicated that a security gate would be installed in order to increase the safety in that area.
- The Greenhouse Gas Emission analysis was a welcome addition to the project's environmental document.

- The Greenhouse Gas Emission analysis could be broken into two distinct analyses: the first during demolition and construction; the second after the building is occupied and in operation.
- When is the parking waiver in effect until? Director Woltering indicated that the parking waiver is in effect until June 30, 2010; however, an extension of the parking waiver period until June 30, 2013 is currently being proposed.
- When all three parcels are united, will there be a lot line adjustment? Director Woltering indicated, yes, the parcels will be merged as part of the Vesting Tentative Map.
- Who will maintain the sump pump? Director Woltering indicated that the property owner(s) would maintain the sump pump.
- Will pervious concrete be used for the garage driveway aprons? Mr. Staehle indicated that percolation in the area is not good because of the close proximity of Mitchell Creek and the resulting high water table. Consequently, pervious concrete will not be used.

The Commission requested clarification on the locations of the trash enclosures and mailboxes, to which Mr. Staehle provided the requested information.

The public hearing was opened.

Gloria Utley, 5950 High Street, indicated the following:

- I live directly west of the project site.
- When is construction of the project scheduled to begin? Director Woltering indicated a construction date is not known at this time because the project still has to be taken through the entitlement process and a developer has to be found to build the project if the entitlements are approved.
- Will there be a problem with commercial/retail customers parking on the driveway aprons of the garages? Mr. Staehle indicated the driveway aprons will be properly signed to alert those customers that parking on the driveway aprons is for the residences only and, additionally, there should be adequate on-street parking available in the surrounding area.
- How would deliveries to the commercial/retail tenants be handled? Mr. Staehle indicated that hours of delivery would be restricted so as not to interfere with Mt. Diablo Elementary School student pickup and delivery times. Restrictions would allow delivery vehicles to only park on Oak Street.

Bob Jorgenson, 6026 Mitchell Creek Place, indicated the following:

- Support the project.
- Would be nice to see this project replace the existing modular buildings on the project site.
- There is public benefit to the project being constructed which includes the restoration of Mitchell Creek and the establishment of an interpretive area at the west end of Center Street.
- Will the car lifts go below the ground level? Mr. Staehle indicated that the lifts will not be subterranean.
- Will there be any area for barbecuing to occur? Mr. Staehle indicated that there is an outdoor patio adjacent to the community room where gas barbecues would be allowed.

During the public hearing, the Commission acknowledged receiving, for the record, an e-mail regarding the project from Norma Caro and Kevin Beyrodt at 6008 High Street.

There being no further public comment, the public hearing was closed.

Commission comments and questions included:

- Who reviews the CC&Rs for the project? Director Woltering indicated that staff and the City Attorney review that document.
- There should be restrictions on what can take place on the two balconies facing Oak Street since they are highly visible and to ensure appropriate use.
- Commissioner Richardson concurred that the encroachment permit is the best mechanism for establishing the interpretive area.
- Will the CC&Rs cover ongoing landscaping and maintenance? Director Woltering indicated that, yes, the CC&Rs will cover landscaping and maintenance. Mr. Staehle added that there will be three aspects of the CC&Rs: CC&Rs that apply to the entire project, CC&Rs that apply only to the commercial/retail component of the project, and CC&Rs that apply to the residential component of the project.
- There should be a review of the different references within the Conditions of Approval regarding applicant, property owner, project sponsor, and successor of interest to assure these terms accurately represent the intent of the condition and that they are accurately and consistently applied.
- Condition 1 should be modified so that the City Engineer is not responsible for implementation.
- Conditions 3 and 12 should be amended to state "prior to construction commencement".
- Condition 5a should be amended to include pruning frequencies and pruning deadlines. Mr. Pappani indicated that the primary intent of Condition 5a is to take some weight off the existing trees and to establish ongoing maintenance of the trees.
- Condition 13 should specify a timeframe for implementation.
- Condition 17 should specify a timeframe for implementation.
- Condition 25 should be amended to cover owners/operators of the property.
- Condition 30 should be clarified as to whether the condition refers to the developer or property owner and should list the timing and deadlines required.
- The wording in Condition 49 should be clarified.
- If affordable housing is applicable to the project, please add a condition that addresses this requirement. Director Woltering indicated that, yes, one affordable housing unit will be required.
- Would like to see the southeast corner modified. It appears somewhat modular and lacking of visual interest, architectural presence, and curb appeal. Mr. Staehle indicated that belly banding, dental molding, and trellises were added to soften and embellish the southeast corner.
- Staff and Mr. Staehle should work together to provide some southeast corner design options for Commission review at the next meeting.
- There was support for modifying the criterion under the Parking Waiver provision in the Code that a building permit be obtained within two years of approval rather than within one year of approval.
- Important that the property owners/lessees receive full disclosure regarding their responsibilities.

Commissioner Richardson moved and Commissioner Catalano seconded the motion to:

1. Support recommending that the Clayton City Council adopt the Creekside Terrace Project Initial Environmental Study/Mitigated Negative Declaration (IES/MND), dated May 2010, and approve the Development Plan and Vesting Tentative Map, based on the Creekside Terrace Mixed Use Project Land Use Entitlement Submittal Package and based on the findings and subject to the Creekside Terrace Draft Conditions of Approval and Advisory Notes presented in the staff as amended by the Commission; and,
2. Continue the item to the next regularly scheduled meeting on June 8, 2010, to enable staff to prepare the necessary resolutions and ordinances to support the Commission's action.

The motion passed 4-0.

**Old Business**

4. None.

**New Business**

5. None.

**Communications**

- 6A. Staff.

Director Woltering indicated that the Flora Square building had been sold for \$1.7 million, although the unpaid debt together with costs had been estimated at approximately \$2.8 million. The bidder was New Urban Community Partners, LLC.

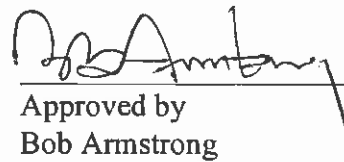
- 6B. Commission – None.

**Adjournment**

7. The meeting was adjourned at 9:00 p.m. The next regular meeting of the Planning Commission is scheduled for **Tuesday, June 8, 2010.**



Submitted by  
David Woltering, AICP  
Community Development Director



Approved by  
Bob Armstrong  
Chair

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