

**Minutes**  
**Clayton Planning Commission Meeting**  
**Tuesday, August 9, 2016**

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

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

Present:           Chair Dan Richardson  
                  Vice Chair Tuija Catalano  
                  Commissioner Bassam Altwal  
                  Commissioner William Gall  
                  Commissioner Carl Wolfe

Absent:           None

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

**2. ADMINISTRATIVE**

2.a.    Selection of Chair and Vice Chair of the Planning Commission.

**Commissioner Catalano moved and Commissioner Altwal seconded a motion to elect Commissioner Dan Richardson as Chair of the Planning Commission. The motion passed 5-0.**

**Chair Richardson moved and Commissioner Altwal seconded a motion to elect Commissioner Catalano as Vice Chair of the Planning Commission. The motion passed 5-0.**

2.b.    Review of agenda items.

2.c.    Declaration of Conflict of Interest.

2.d.    Commissioner Dan Richardson to report at the City Council meeting of August 16, 2016.

**3. PUBLIC COMMENT**

None

**4. MINUTES**

4.a.    Approval of the minutes for the June 28, 2016 Planning Commission meeting.

**Vice Chair Catalano moved and Commissioner Wolfe seconded a motion to approve the minutes, as amended. The motion passed 5-0.**

## 5. PUBLIC HEARINGS

- 5.a. **ENV-01-16, MAP-01-14, VAR-02-14, TRP-04-15; Initial Study/Mitigated Negative Declaration, Tentative Map, Variance, and Tree Removal Permit; Branagh Development; Verna Way at Lydia Lane; (APNs: 120-043-037 and -038).** Review and consideration of a request from Branagh Development for the approval of a Tentative Map to subdivide the subject parcels into six lots; a Variance to allow each of the six lots to have smaller lot widths than the required 100-foot minimum; and the removal of 105 trees in order to construct six single-family homes. The project is generally located south of the intersection of Verna Way and Lydia Lane. An Initial Study/Mitigated Negative Declaration with a Mitigation Monitoring and Reporting Program are also being considered for adoption.

Assistant Planner Sikela presented the staff report.

The public hearing was opened.

Vice Chair Catalano had the following questions and comments:

- Why was a Site Plan Review Permit application not submitted by the applicant with the other project entitlements? Assistant Planner Sikela indicated that there are times that an applicant may submit a Site Plan Review Permit application along with other subdivision-related entitlements. Conversely, the applicant may opt to wait to submit an application for a Site Plan Review Permit.
- I want to avoid a situation where we approve the other Verna Way entitlements and then, when the applicant submits a Site Plan Review Permit application, the location of lot lines that we approved are changed or new lots are created. Assistant Planner Sikela indicated that the approved tentative subdivision map lot line locations, lot layout, and lot dimensions would have to be complied with—along with all project-related conditions of approval and mitigation measures—when the applicant submits an application for a Site Plan Review Permit.
- If we approved the Verna Way Tree Removal Permit tonight, would the applicant be able to remove the trees after the 10-day appeal period to transpire? Assistant Planner Sikela indicated that, in a scenario where conditions of approval and mitigation measures would not be applicable to the Tree Removal Permit, then theoretically, yes, the applicant would wait for the 10-day appeal period to transpire and then the permit would be valid on Day 11. Director Gentry added that conditions of approval and mitigation measures are applicable to this particular Tree Removal Permit so those would have to be complied with, where applicable, prior to any trees being removed in addition to the in-lieu fee being paid and a tree replacement plan being submitted and approved.
- Regarding access to the on-site lots, is there any reason that four of the six lots could not be accessed from Pine Hollow Road rather than four of the six lots being access from Verna Way? Assistant Planner Sikela indicated that the Clayton Municipal Code requires that direct access to arterial streets be minimized the maximum extent practicable, so that is the reason the applicant only proposed that two of the six lots be accessed from Pine Hollow Road.

- Is the easement off of Verna Way for access to Lot 3 and Lot 4 a City-owned street or just a driveway? Assistant Planner Sikela responded that it is not a City-owned street but, rather, just an access easement, more like a private driveway but the access easement is still subject to fire access and engineering standards and requirements.
- Who performs maintenance on the access easement? Assistant Planner Sikela indicated that the Homeowners Association which will be established for the subdivision will be responsible for maintenance of the access easement.
- Gibson Lane is not located on the project site and would not be accessible to or from the project site? Assistant Planner Sikela indicated that, yes, Gibson Lane is not located on the project site, is a private road that accesses three properties adjacent to and west of the project site, and would not be accessible to or from the project site. However, the applicant is proposing to provide a sewer line and associated sewer easement across Lot 3 in case the three lots on Gibson Lane decide to abandon septic and connect to the sewer.
- Regarding the Verna Way Initial Study/Mitigated Negative Declaration, the consultant did not use VMT standards. Would there be a traffic study conducted at a later time during the Site Plan Review Permit phase of the project that would incorporate the VMT standards? Director Gentry indicated that OPR had not release the methodology to analyze VMT and, given that the General Plan utilizes LOS rather than VMT to analyze the traffic impacts, the IS/MND should be adequate to be relied upon for the Site Plan Review Permit. Further, it is anticipated that no new impacts, new information, or substantial changes will apply to the project for the Site Plan Review Permit therefore a new environmental document will not be required.

Commissioner Altwal had the following questions:

- The sewer easement proposed on Lot 3 is for the Gibson Lane properties? Assistant Planner Sikela indicated that the sewer easement is for a sewer line that will stubbed out at the western property line on Lot 3 which is adjacent to the Gibson Lane properties.
- Is the sewer easement and sewer line required by a project-related condition of approval? Assistant Planner Sikela and Director Gentry indicated that there was not a condition addressing the sewer easement and line for the Gibson Lane properties but a condition can be included. Director Gentry indicated that it is definitely within the Planning Commission's purview to add a new condition to address the sewer easement and line on Lot 3.
- Who ensures that the trees have been removed and tree mitigations have been complied with in accordance with the approved Tree Removal Permit, conditions, and mitigation measures? Assistant Planner Sikela indicated that Community Development Department staff would be responsible for ensuring project compliance with the Tree Removal Permit-related tree removals, conditions, mitigation measures, replacement trees, and payment of in-lieu fees.

Commissioner Gall had the following questions:

- What would the Tree Removal Permit-related in-lieu fees be used for? Director Gentry indicated that the in-lieu fees would go into our landscape maintenance funds for off-site plantings in such places as public parks and street medians.

- How far west along Pine Hollow Road would the right-of-way improvements of the meandering sidewalk and landscape areas extend from Pine Hollow Estates? Assistant Planner Sikela indicated that the Pine Hollow Road right-of-way improvements would extend to the east side of Gibson Lane.
- Where is Concord located in relation to the project? Assistant Planner Sikela indicated that Concord is located on the south side of Pine Hollow Road. Everything on the north side of Pine Hollow Road within immediate proximity of the project site is in Clayton.

Chair Richardson had the following comment and question:

- Regarding project-related squirrel issues, the conditions, where applicable, should be amended to make sure the on-site squirrel issues are addressed prior to tree removal. Director Gentry said that Condition of Approval 14 could be amended so that squirrel issues are addressed prior to tree removal.
- Would the hammerhead terminus at the south end of the access easement be allowed to be used for parking? Director Gentry indicated that issue would be addressed during the Site Plan Review Permit phase of the project.

The public hearing was opened.

Bob Pickett, the applicant, clarified various aspects of the proposed project, including the following selected highlights:

- We agree with all conditions of approval, mitigation measures, new conditions added, and amended wording for mitigation measures and conditions, where applicable.
- We will not be removing the trees for quite a while, several months in fact.
- The access easement for Lot 3 and Lot 4 is a private driveway or, more specifically, a private access easement.
- No parking will be allowed in the hammerhead terminus at the south end of the access easement, in accordance with Contra Costa County Fire Protection District requirements.
- Accessing all six lots off Verna Way was not ideal since it would create a situation where the rear property lines for Lot 5 and Lot 6 would back up to Pine Hollow Road creating the visual impact of a fence along Pine Hollow Road rather than having residence facing Pine Hollow Road.
- We are contributing approximately \$35,000 for habitat conservation and \$35,000 for tree replacement.

Vice Chair Catalano asked Mr. Pickett what the anticipated timeline would be for the project? Mr. Pickett responded that he anticipates, with submittal of improvement plans, putting bulldozers on the ground, and completion of the grading and improvements, everything should be finished by late Summer 2017 which is when we work start looking at home designs to submit for the Site Plan Review Permit process.

Commissioner Altwal asked what type of home designs would be proposed? Mr. Pickett replied that the home design would maintain compatibility with the existing surrounding residences but with different elevations to provide some interesting variety. We are not sure yet if they will one-story or two-story residences.

Robert Wing, 1370 Lydia Lane, expressed the following concerns:

- Lydia Lane is not wide enough to accommodate the additional traffic.
- Stormwater flowing into stormdrain. Assistant Planner Sikela indicated that each lot would have its own stormwater detention basin and stormwater runoff would be captured and treated in these detention basin.
- People drive down Lydia Lane at a high rate of speed. Would be a good idea to install speed bumps and/or a stop sign at the intersection of Lydia Lane and Verna Way.
- There will be existing wells remaining on the project site. Chair Richardson indicated that the wells would be abandoned in accordance with applicable well-abandonment requirements.

Susan Collins, 5706 Verna Way, expressed the following concerns:

- Increased traffic caused by the subdivision will impact the neighborhood.
- Would be better to have Lot 3 and Lot 4 be accessed from Pine Hollow Road, if not all six lots.
- School mornings are busy and there are many students and parents using streets adjacent to the project site.

Mr. Pickett indicated the following:

- Regarding stormwater, the detention basins will have pervious gravel fifteen feet down. When overflow happens, drainage will flow out onto Verna Way and will not exceed historical flows.
- Traffic analysis only anticipates 57 new daily trips which will cause a nominal impact to neighborhood traffic.

The public hearing was closed.

Commissioner Altwal indicated the following:

- Understand concerns over traffic but agree with the developer that 57 new daily trips will not create an impact.
- I support Lots 1, 2, 3, and 4 being accessed from Verna Way rather than Pine Hollow Road.

Commissioner Wolfe indicated the following:

- Understand concerns with added traffic.
- Maybe a stop sign should be placed at the intersection of Lydia Lane and Verna Way.
- See benefit with reducing traffic impacts to Verna Way by having Lots 3, 4, 5, and 6 being accessed from Pine Hollow Road.

Commissioner Gall indicated that, although he could see benefits to both the currently-proposed scenario as well as alternative scenarios that would allow more lots to be accessed from Pine Hollow Road, the project is reasonable.

Vice Chair Catalano indicated the following:

- Traffic analysis in the Initial Study/Mitigated Negative Declaration is adequate since the trip calculations are based on ITE statistics; as a result, there is no impact from the California Environmental Quality Act perspective.
- The cut-through traffic is not the developer's fault.

- We should avoid increasing access to arterial roads, consistent with what the Clayton Municipal Code requires.
- We need to amend Condition of Approval 14 to address tree removal as it relates to squirrels.
- Agree with staff that we need to add a new condition to address the sewer easement and line on Lot 3.

Chair Richardson indicated the following:

- Was on the Planning Commission when we approved the lot line adjustment and had hoped that sewer access for the Gibson Lane properties would be addressed.
- Agree with the proposed lot layout so that two residences can be accessed from Pine Hollow Road.
- Support approval of the Variance.
- The project complies with the Code as well as the environmental document.
- Supportive of the tree planting plan with 48 new trees being provided.
- Agree with staff's recommendation regarding the tree replacement in-lieu fee.

Vice Chair Catalano moved and Commissioner Wolfe seconded a motion to adopt Planning Commission Resolution No. 09-16 approving the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, with the findings recommended by staff, and with errata sheet listing the following modified wording for Mitigation Measure 2. The motion passed 5-0.

**"Prior to issuance of a grading permit, in accordance with the City's Tree Protection Ordinance, the applicant shall submit to the Community Development Department a Tree Replacement Plan identifying the protected trees that will be removed during project construction. Based upon the current tentative map, the arborist report indicates that 32 protected trees are proposed for removal, only three of which are rated by the Arborist Report as being in good health (Trees #6, 109, and 111). Protected trees rated as being in poor, fair, or good health shall be replaced at the ratios specified in City of Clayton Municipal Code Section 15.70.040. The Tree Replacement Plan shall be submitted for review and approval by the Planning Commission."**

Commissioner Altwal moved and Vice Chair Catalano seconded a motion to adopt Planning Commission Resolution No. 10-16 approving the Tentative Map, Variance, and Tree Removal Permit for a six-lot subdivision for six single-family homes and the removal of 105 trees (MAP-01-14, VAR-02-14, and TRP-04-15), with the findings and conditions of approval recommended by staff, and with the following modifications to Condition of Approval 14 and Condition of Approval 17 and added Condition of Approval 76. The motion passed 5-0.

**"14. At least thirty (30) days prior to any demolition, groundbreaking activities, or tree removal, the applicant shall retain an exterminator who shall evaluate the site and make recommendations for the control and/or eradication of any on-site rodents. The exterminator's recommendations shall be subject to the review and approval of the Community Development Director. The applicant shall comply with the approved exterminator's recommendations prior to initiation of any demolition or groundbreaking activities."**

"17. Prior to issuance of a grading permit, in accordance with the City's Tree Protection Ordinance, the applicant shall submit to the Community Development Department a Tree Replacement Plan identifying the protected trees that will be removed during project construction. Protected trees as being rated ~~poor~~, fair, good, or very good health shall be replaced at ratios specified in the City of Clayton Municipal Code Section 15.70.404. The Tree Replacement Plan shall be submitted for review and approval by the Planning Commission."

"76. The applicant shall provide a sewer line to be stubbed out at the property line adjacent to Gibson Lane."

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff

Director Gentry indicated that at the City Council meeting of July 19, 2016, the Council approved and did the first reading of the General Plan Amendment and associated Ordinances ("Housing Omnibus") that will enable the City to be compliant with State law and implement the City's certified 2015-2013 Housing Element. The second reading for the Housing Omnibus will occur at the City Council meeting of August 16, 2016.

Assistant Planner Sikela provided an update on the St. John's Mixed-Use Development and Condon Parcel Map projects.

8.b. Commission

None.

9. ADJOURNMENT

9.a. The meeting was adjourned at 9:00 p.m. to the regularly-scheduled meeting of the Planning Commission on August 23, 2016.



Submitted by  
Mindy Gentry  
Community Development Director



Approved by  
Dan Richardson  
Chair