

Minutes
Clayton Planning Commission Meeting
Tuesday, October 25, 2016

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 Tuija Catalano
 Commissioner Bassam Altwal
 Commissioner Carl Wolfe

Absent: Commissioner William Gall

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.

Chair Richardson declared a conflict of interest with Item 5.a. As a result, he indicated he would be recusing himself from the meeting for that item.

2.c. Commissioner Carl Wolfe to report at the City Council meeting of November 1, 2016.

3. PUBLIC COMMENT

None.

4. MINUTES

4.a. None.

5. PUBLIC HEARINGS

5.a. **ENV-01-15, GPA-01-15, ZOA-03-15, DP-01-15, MAP-01-15, SPR-07-16, TRP-37-15; Initial Study/Mitigated Negative Declaration, General Plan Amendment, Rezone, Development Plan, Tentative Parcel Map, Site Plan Review Permit, and Tree Removal Permit; Armand Butticci; 5555 Clayton Road (APN: 118-101-022).** Review and consideration of a request from Armand Butticci for the approval of a General Plan amendment to change the land use designation of 0.41 acres of the project site from Institutional Density (ID) to Single Family Medium Density (MD); Rezone the project site Agricultural (A) District to Planned Development (PD) District; Development Plan to

establish development standards; Tentative Parcel Map to subdivide the existing 2.77-acre parcel into three lots measuring 2.36, 0.22, and 0.19 acres in size; Site Plan Review Permit for review of architecture and design; and a Tree Removal Permit to remove seven of the ten existing on-site trees. An Initial Study/Mitigated Negative Declaration with a Mitigation Monitoring and Reporting Program are also being considered for adoption.

Chair Richardson recused himself from the public hearing and left the meeting chambers.

Assistant Planner Sikela presented the staff report.

The public hearing was opened.

Commissioner Altwal requested clarification on Conditions of Approval 15 and 16 listed in the City Council Resolution for the project and had the following questions:

- How much higher are the pads of the two residences above Southbrook Drive? *Assistant Planner Sikela indicated that the residential pads were approximately eight feet higher in elevation than Southbrook Drive.*
- Are there concerns that the two proposed residences on lots of this size would be too large for these lots? *Assistant Planner Sikela responded that, although the building footprint and floor area standards were established to avoid "mansionization" of lots in Clayton, the two subject residences have building footprints and floor areas that comply with the City's residential floor area requirements.*

Commissioner Carl Wolfe asked what are the City's regulations regarding how well newly-proposed residences fit in with the existing surrounding neighborhood. *Assistant Planner Sikela indicated that Section 17.44.040.G of the Clayton Municipal Code addresses a standard of review that a new development should be complementary with adjacent existing structures in terms of materials, colors, size, and bulk. Staff analyzed both residences and determined that the residences comply with this standard of review. During a site visit, staff observed that there are existing two-story residences in the surrounding neighborhood.*

Vice Chair Catalano had the following questions:

- How would the two residential units impact the 42-unit housing unit allocation for the project site? *Director Gentry indicated that the City is required by the Association of Bay Area Governments (ABAG) to plan and accommodate for a Citywide total of 141 residential units and the Clayton General Plan Housing Element has adequate capacity and has planned for a Citywide total of 275 units. This surplus of residential units in the Housing Element above and beyond what is allocated by ABAG provides the City latitude to reduce the number of units that are planned for a particular underdeveloped site.*
- Will the remaining Church property have access through the two residential lots to Southbrook Drive? *Assistant Planner Sikela indicated that no access would be provided from the Church property to Southbrook Drive. The Church parcel, and any subsequent development proposal for the Church property, would be accessed from Clayton Road only.*

- What was the thinking behind rezoning the entire project site to Planned Development? *Assistant Planner Sikela indicated that the current Agricultural zoning of the project site is not compatible with current or proposed uses on the site as well as surrounding existing uses. Rezoning the entire site to Planned Development would allow for flexibility in land use so that different land uses, such as residential and commercial, can exist together. In this instance, the proposed Planned Development zoning would allow for the Church to continue to exist as well as the Medium Density designation for the two residential lots being proposed as part of the companion General Plan Amendment for the project.*
- Is the Planned Development zoning for the two residential lots compatible with the surrounding existing R-12 zoning? *Assistant Planner Sikela indicated that although the residential lots are slightly smaller in area that what would typically be found in an R-12 zone, the setbacks, building footprints, floor areas, and structural heights are compatible with and similar to the surrounding existing R-12 zoning.*
- Why was an open space in-lieu fee required rather than having open space provided on the project site? *Assistant Planner Sikela described the provisions in Clayton Municipal Code Section 17.28.100, which requires active and passive open space comprising of at least 20 percent of the project site. Due to site area constraints and public access concerns, the project has been conditioned so that the developer has three options and shall memorialize the selected option or a combination of options by entering into an agreement with the City; the options are either acquire the equivalent amount of land for public open space and/or the construction of open space at an off-site location, or make a payment of an in-lieu financial contribution to the City for acquisition and/or maintenance of public open space, or, if the financial contributions are based upon maintenance costs, the contributions shall be based upon reasonable maintenance costs for a 10-year period and shall be proportional to the land area that would be required if open space area was provided on-site.*

The public hearing was opened.

The applicant, Armand Butticci, indicated the following:

- When we started moving forward with the project, we had an outreach meeting with neighbors to go over the design of the residences and actually made some changes to the initial design to address the neighbors' concerns.
- We proposed the single shared driveway in order to minimize the amount of curb cuts onto Southbrook Drive.

Commissioner Altwal expressed concern over the height of the proposed residences.

The applicant indicated that the orientation and design of the residences are such that the residences are located away from the existing neighboring properties and have recesses and step-ins on the second story to reduce the massing and visual impacts of the residences.

Jacklyn Connell, 4 Rachel Ranch Court, expressed concern over the height of the proposed residences and said that the zoning should be changed to R-40 instead of Planned Development.

Director Gentry indicated that Planned Development zoning allows for a mixture of land uses and allows flexibility in development.

Assistant Planner Sikela indicated that R-40 zoning would not comply with the existing or proposed General Plan land use designations.

Mark Kelson, 29 Tiffin Court, expressed concerns over the proposed zoning and General Plan land use designations, and wondered if there were any slope issues related to the project.

The public hearing was closed.

Commissioner Wolfe indicated that he was in support of rezoning the project site since the current zoning classification of Agricultural is not compatible with the existing on-site and surrounding land uses yet expressed concern over the proposed Planned Development zoning.

Director Gentry indicated that a rezoning of the property to Planned Development is not the catalyst for development. The General Plan land use designation would have to be complied with and takes precedence over the zoning classification.

Vice Chair Catalano expressed support of the proposed Planned Development zoning since any project proposed in the future would still have to go through the development review process, regardless of the zoning, and the City would analyze the compatibility of future proposals with surrounding existing land uses.

Commissioner Altwal supported most aspects of the project and appreciated the work done by the developer in reaching out to the neighborhood, but still had reservations about the height of the structures in relation to surrounding properties and to Southbrook Drive.

Assistant Planner Sikela indicated the following:

- There are other existing two-story residences in the neighborhood.
- The proposed residences are located in such a way as to follow the natural contours of the neighborhood which is a gradual decline from Clayton Road south of the project site and existing neighborhood toward a north trending downslope that culminates at a nadir at Mt. Diablo Creek.
- There is a softening of the massing of the residences provided by the setbacks and, furthermore, the recesses and step-ins on the second story. The 26-foot apex of the roof peak on each residence is stepped back approximately 20 feet from the front plane of the residence, and the front plane of the residence is stepped back another 20 feet from the front property line; this results in a roof apex which is located over 40 feet from public areas on Southbrook Drive, providing a reduction in massing for people viewing the residences from off-site locations.

- Other ways the applicant has reduced the massing and visual impacts potentially caused by the residences is by placing the garages away from the street, screened by the first floor projections, as well as orienting the garage toward the other proposed residence. This shows the applicant has given consideration to the visual impacts that may occur to public streets and sidewalks on Southbrook Drive as well as to surrounding existing properties.

Director Gentry indicated that, if the Planning Commission has concerns over the height of the residences, there are two options:

- The pad elevations could be lowered. However, this would create more grading and require increasing the height of the retaining wall in the rear yards of the residential lots adjacent to the Church parking lot.
- The residences could be reduced to single-story structures. However, this would constrain the buildable area of the residences as well as increasing the building footprints which would cause a loss of open space areas on each residential lot.

Commissioner Altwal asked the applicant what he thought about reducing the height of the residences to single-story structures and lowering the pad elevations by two feet.

The applicant indicated the following:

- The increased building footprint caused by a single-story structure would not allow for any yard areas on each lot.
- The residences have been located on the natural slope and contours of the existing topography which descends from Clayton Road to Mt. Diablo Creek.
- The expense of moving an extra two feet of dirt from the pads would be cost-prohibitive and would not be worth the effort since a two-foot lowering of the roof height would be almost visually imperceptible to someone looking at the residences from off-site areas.
- Lowering the pad elevations would necessitate increasing the retaining wall height in the rear yard and would create a much taller wall, detracting from the enjoyment of the yard areas on each lot.

Commissioner Wolfe indicated that, although he did have slight reservations about the height of the residences, he commended the applicant for reaching out to the neighborhood, holding a meeting, receiving input from the neighbors, and modifying the proposed design of the residences in order to address the neighbors' concerns. Furthermore, we have not received any complaints about the residences.

Vice Chair Catalano had the following questions and comments:

- For residences located in the surrounding R-12 district, what is the maximum structural height allowed by the Clayton Municipal Code? *Assistant Planner Sikela responded that the maximum structural height for residences in the R-12 district is 35 feet.*
- So, theoretically speaking, a property owner of a single-story residence in the R-12 district could propose a second story addition on their single-story home? *Assistant Planner Sikela indicated that was correct.*

- Although the residences are proposed at 26 feet in height, the 26-foot height is only at the very top of the roof. As a result, most of the massing is several feet below this 26-foot point.
- The residences have been sited so that they are located away from the street.

Commissioner Altwal expressed support for the design of the residences and indicated that the residences comply with all Code requirements in terms of setbacks, building footprints, floor areas, and structural heights. He also said the natural separation created by the grade differences between the Church property and the residential properties is consistent with the northward-trending descent of the terrain.

Vice Chair Catalano expressed support that the Church property and areas along Clayton Road will not be able to be accessed from Southbrook Drive and indicated the following:

- The residences are compatible with adjacent existing structures.
- Although the zoning would be changing, any new proposals would still have to go through the City process for review and approval.
- The project is compliant with City regulations in terms of setbacks, building footprints, floor areas, structural heights, and lot areas.
- The proposed design of the residences shows good use of articulation and visual interest.
- The environmental document appears to address all California Environmental Quality Act-related issues.

Commissioner Wolfe moved and Commissioner Altwal second a motion to approve Resolution No. 09-16 recommending the City Council adopt the St. John's Church/Southbrook Drive Mixed Use Planned Development Project Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (ENV-01-15). The motion passed 3-0.

Commissioner Altwal moved and Commissioner Wolfe seconded a motion approving Planning Commission Resolution No. 10-16 recommending City Council approval of a General Plan Amendment for 0.41 acres of the project site from Institutional Density (ID) to Single Family Medium Density (MD) for the St. John's Church/Southbrook Drive Mixed Use Planned Development Project (GPA-01-15). The motion passed 3-0.

Commissioner Wolfe moved and Commissioner Altwal seconded a motion to approve Planning Commission Resolution No. 11-16 recommending City Council approval of an Ordinance for a rezone of the project site from Agriculture (A) District to Planned Development District (PD) for the St. John's Church/Southbrook Drive Mixed Use Planned Development Project (ZOA-03-15). The motion passed 3-0.

Vice Chair Catalano moved and Commissioner Altwal seconded a motion to approve Planning Commission Resolution No. 12-16 recommending City Council approval of the St. John's Church/Southbrook Drive Mixed Use Planned Development Project Development Plan (DP-01-15), Tentative Subdivision Map (MAP-01-15), Site Plan Review Permit (SPR-07-16), and Tree Removal Permit (TRP-37-15) for a three-lot subdivision for two single-family homes. The motion passed 3-0.

Chair Richardson returned to the meeting chambers.

- 5.b. GPA-01-16; General Plan Amendment; City of Clayton.** A study session to consider a General Plan amendment to allow net acreage density calculations on properties with physical site constraints.

Director Gentry presented the staff report and indicated that an email was received from a citizen in support of the General Plan amendment.

Chair Richardson asked how the City will determine what the “constraints” are. *Director Gentry indicated that staff will create a list of constraints once we receive feedback.*

Commissioner Altwal indicated that it would be good to have a list of site constraints and was supportive of utilizing a tool that would allow projects to achieve compliance with applicable General Plan densities.

Vice Chair Catalano asked is staff proposing to change the General Plan definition from gross acreage to net acreage or will the City continue to use gross acreage and just allow projects with site constraints to use net acreage? *Director Gentry indicated that, as currently proposed, gross acreage would continue to be used and then we would need to still determine whether this would a City-generated necessity to use net acreage or would the use of net acreage be at the request of the developer.*

The public hearing was opened.

Mark Kelson, 29 Tiffin Court, expressed support for the General Plan amendment.

Jennifer Buttici, 343 Alexander Place, expressed opposition to the Silver Oak Estates project, specifically raising concerns over the impacts the development would cause to wildlife current living on the project site.

Ann Vestal, 1737 Indian Wells Way, expressed opposition to the Silver Oak Estates project, specifically raising concerns over project-generated traffic, the height of the proposed structures, and the compatibility of the project with the existing neighborhoods in Clayton.

Heather Prewitt, 1778 Indian Wells Way, expressed opposition to the Silver Oak Estates project, specifically raising concerns over the impacts the development would cause to wildlife current living on the project site, project-generated traffic, the height of the proposed structures.

Cedric Jensen, 301 Saclan Terrace, indicated that the number of units proposed for the Silver Oak Estates project should be compliant with what the neighboring property owners want.

The public hearing was closed.

By consensus, the Planning Commission expressed support for initiating the General Plan amendment process, along with associated changes to the Clayton Municipal Code to allow net acreage density calculations on properties with physical site constraints.

- 5.c. **ZOA-07-16; Zoning Ordinance Amendment; City of Clayton.** A public hearing to consider a City-initiated Ordinance amending Title 17 "Zoning", Chapter 17.80 of the Clayton Municipal Code in order to revise the landscape water conservation standards to comply with changes in State law.

Director Gentry presented the staff report.

Commissioner Gall asked what would happen to the City if we did not implement these amendments. *Director Gentry responded that these amendments are required by the State.*

Commissioner Altwal asked what is the 70% versus 55% calculation. *Director Gentry indicated that this amendment reduces the amount of high water use plants that you can have in a landscape area.*

Chair Richardson asked that, if he were to redo his landscaping, he would have to comply with this standard. *Director Gentry said that it is anticipated that, eventually, the State will become stricter so that the regulations would apply to small residential landscaping projects; but, for now, there is no catalyst requiring a homeowner to come to City Hall to get a permit. For other large projects, the City will, however, have to report the water calculations for these projects to the State.*

The public hearing was opened.

There were no public comments.

The public hearing was closed.

The Commission expressed support for revising the landscape water conservation standards.

Vice Chair Catalano moved and Commissioner Altwal seconded a motion to adopt Resolution No. 13-16, recommending City Council approval of an Ordinance modifying the landscape water conservation standards, with a minor revision. The motion passed 4-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff

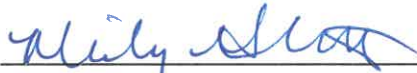
Director Gentry indicated she attended the American Planning Association of California conference in Pasadena the previous weekend.

8.b. Commission

None.

9. ADJOURNMENT

9.a. The meeting was adjourned at 9:47 p.m. to the regularly-scheduled meeting of the Planning Commission on November 8, 2016.



Submitted by
Mindy Gentry
Community Development Director



Approved by
Dan Richardson
Chair

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