

Minutes
Clayton Planning Commission Meeting
Tuesday, September 8, 2015

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

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

Present: Chair David Bruzzone
Vice Chair Sandra Johnson
Commissioner Tuija Catalano
Commissioner Dan Richardson
Commissioner Gregg Manning (arriving at 7:01 PM)

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.

Commissioner Tuija Catalano declared a conflict of interest on Agenda Item 5.b.

2.c. Commissioner Dan Richardson to report at the City Council meeting of September 15, 2015.

3. PUBLIC COMMENT

None.

4. MINUTES

4.a. Approval of the minutes for the July 14, 2015 Planning Commission meeting.

Commissioner Manning moved and Commissioner Catalano seconded a motion to approve the minutes, as submitted. The motion passed 5-0.

5. PUBLIC HEARINGS

5.a. **SPR-03-15, Site Plan Review Permit, Edward Criado**, 973 Oak Street, APN: 119-022-006. A request for approval of a Site Plan Review Permit to allow the construction of a two-story addition measuring approximately 1,500 square feet in area and 22 feet in height on an existing two-story single-family residence. Pursuant to California Environmental Quality Act (CEQA) Guideline 15303 – New Construction or Conversion of Small Structures, the project is categorically exempt from CEQA.

Assistant Planner Sikela presented the staff report.

Commissioner Catalano inquired why there was a discrepancy between the 4,718 square-foot combined gross floor area provided on Sheet A4 of the project plans and the 4,331 square-foot proposed floor area shown in the residential floor area analysis in the staff report.

Assistant Planner Sikela responded that the 4,331 square-foot figure is based on the fact that the 387 square-foot second-story component will be demolished, so staff calculated the proposed residential floor area by subtracting the 387 square-foot second-story component from the 4,718 square-foot combined gross floor area.

Commissioner Richardson inquired about the existing on-site detached accessory structures.

Assistant Planner Sikela indicated that, of the five existing on-site detached accessory structures, three of the structures are sheds that are under 120 square feet in area and 8 feet 6 inches in height and, as a result, would not require building permits and are located in compliance with the City's accessory building requirements. One of the structures is a pavilion which is located in compliance with setback requirements, although would be excluded from the City's floor area regulations since one of the longest sides of the pavilion is unenclosed. Staff did not analyze the fourth detached accessory structure, which is the largest detached structure on the lot, although staff indicated the issue will be looked into to ensure conformity with City standards.

Commissioner Manning and Commissioner Catalano expressed support for the project.

Vice Chair Johnson indicated that the proposed design will visually improve the residence.

Chair Bruzzone concurred with Vice Chair Johnson and indicated that the proposed design fits well with the neighborhood.

The public hearing was opened.

The applicant was available for questions.

The public hearing was closed.

Commissioner Dan Richardson moved and Commissioner Manning seconded a motion to approve Site Plan Review Permit SPR-04-15, with the findings of approval and conditions of approval recommended by staff. The motion passed 5-0.

- 5.b. **UP-01-15, Use Permit, T-Mobile**, north side of Marsh Creek Road, APN: 119-070-007. A request for approval of a Use Permit to allow the installation and operation of a wireless communications facility. The proposal would involve the construction of an approximate 40-foot antenna designed as a "monopine" (appearing as a tree), a 35-foot utility pole, and a fenced-in equipment enclosure for the equipment located at the base of the antenna and utility pole. Pursuant to California Environmental Quality Act (CEQA) Guideline 15303 – New Construction or Conversion of Small Structures, the project is categorically exempt from CEQA.

Commissioner Catalano recused herself due to a proximity conflict of interest related to this public hearing item and departed the meeting chambers.

Assistant Planner Sikela presented the staff report.

Vice Chair Johnson inquired about the existing monopine already located on the subject site.

Assistant Planner Sikela responded that the other monopine is for Verizon Wireless and was installed in 2001 under the Contra Costa County jurisdiction before the property was annexed into the City in 2005.

Commissioner Richardson inquired about the history of the Verizon Wireless monopine after the property was annexed into the City.

Assistant Planner Sikela indicated that, after the property was annexed into the City, Verizon submitted a proposal to upgrade the existing antenna array in order to provide better service. Staff reviewed the proposal to ascertain whether or not the proposal would need to come before the Commission for review and approval and decided that the modification was minor in nature and, therefore, could be approved administratively.

Chair Bruzzone inquired as to how many residential properties were noticed about the project.

Assistant Planner Sikela replied that, given the more remote location of the project site relative to existing residential subdivisions in Clayton, only a few residential properties along El Pueblo Place were located within the 300-foot noticing radius.

Vice Chair Johnson asked if a public hearing notice was sent to the developer of the proposed Oak Creek Canyon subdivision since the proposed subdivision is located directly adjacent to the subject site.

Assistant Planner Sikela indicated that, yes, a public hearing notice was sent to the developer of the proposed Oak Creek Canyon subdivision, West Coast Home Builders.

Chair Bruzzone inquired what approval method was used by Contra Costa County to approve the Verizon Wireless monopine in 2001?

Assistant Planner Sikela responded that City staff is not familiar with the County's approval process.

Director Gentry indicated the following:

- Cell sites are regulated by the Federal Communications Commission, which restricts local control.
- Local jurisdictions have very limited control over newly-proposed cell sites; the City can regulate aesthetics but there are timelines above and beyond the permit streamlining act which further restricts City latitude.
- Given that there is already a Public Facility designation on this site with the Contra Costa Water District tank and the existing Verizon Wireless monopine, it is one of the least intrusive sites to locate a new cell site.

The public hearing was opened.

The applicant was available for questions.

The public hearing was closed.

Commissioner Richardson moved and Vice Chair Johnson second a motion to approve Use Permit UP-01-15, with the findings of approval and conditions of approval recommended by staff. The motion passed 4-0.

Commissioner Catalano returned to the meeting chambers.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

Director Gentry provided project status updates on the Oak Creek Canyon subdivision, Creekside Terrace mixed-use development, Silver Oak Estates subdivision, Southbrook Drive subdivision, and the High Street townhouse development. In addition, Cemex will be holding an open house meeting in Hoyer Hall on Wednesday, September 9, 2015 at 6:30 p.m. regarding modifications to their quarry site on Mitchell Canyon Road south of Clayton. Also, the East Bay Regional Park District will be holding a meeting regarding the Clayton Ranch in Hoyer Hall on Wednesday, September 16, 2015 at 6:30 p.m.

Assistant Planner Sikela provided a project status update on the Verna Way subdivision.

8.b. Commission.

None.

9. ADJOURNMENT

9.a. The meeting was adjourned at 7:49 p.m. to the regularly-scheduled meeting of the Planning Commission on September 22, 2015.



Submitted by
Mindy Gentry
Community Development Director



Approved by
David Bruzzone
Chair

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