

Minutes
Clayton Planning Commission Meeting
Tuesday, August 28, 2018

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

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

Present: Chair Bassam Altwal
Vice Chair Peter Cloven
Commissioner A. J. Chippero
Commissioner William Gall
Commissioner Carl Wolfe

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.
- 2.c. Chair Altwal to report at the City Council meeting of September 4, 2018.

3. PUBLIC COMMENT

None.

4. MINUTES

None.

5. PUBLIC HEARINGS

- 5.a. **ENV-02-17, MAP-01-17, Parcel Map, Dan Condon, 500 Douglas Road, APN: 119-560-012.** A request for approval of a Parcel Map to subdivide an existing 1.47-acre lot into three parcels. The proposed southernmost parcel would contain the existing single-family residence and the remaining two northernmost parcels would create two single-family residential lots. Pursuant to California Environmental Quality Act (CEQA) Guidelines 15303, 15315, and 15332, the project is categorically exempt from CEQA, and pursuant to CEQA Guideline 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

Assistant Planner Sikela presented the staff report.

Commissioner Wolfe asked will the applicant be abandoning or removing the existing onsite septic tank? Assistant Planner Sikela indicated that the decision to either abandon or remove the existing onsite septic tank would be under the purview of the Contra Costa County Environmental Health Department and the City Engineer.

Commissioner Chippero had the following questions:

- Does the subject property slope upward from the north to the south? Assistant Planner Sikela responded “Yes.”
- Are the properties located west of the subject property higher or lower in elevation than the subject property? Assistant Planner Sikela responded that the properties located west of the subject property are lower in elevation than the subject property.
- Are the properties located east of the subject property higher or lower in elevation than the subject property? Assistant Planner Sikela responded that the properties located east of the subject property are higher at the north end of the subject property but, as the subject property rises in elevation, the subject property becomes similar in elevation to the properties located east of the subject property.

Commissioner Gall asked if there was an access easement from a public road to the subject property. Assistant Planner Sikela responded that Douglas Court is a public street that is accessed from the subject property by an access easement entitled Douglas Road.

Vice Chair Cloven had the following questions and comment:

- Is this a parcel map request to subdivide the subject property into three lots? Assistant Planner Sikela responded “Yes.”
- What are the proposed improvements that are slated to occur as part of the project? Assistant Planner Sikela responded that the improvements will entail installation of utilities, the widening of Douglas Road, installation of a Contra Costa County Fire Protection District hammerhead turnaround, abandonment or removal of the septic tank, installation of stormwater infrastructure, and grading.
- So these proposed improvements are more general in nature and are for preparation of possible residences that may be constructed in the future? Assistant Planner Sikela confirmed that was correct.
- Will any possible residences that may be constructed in the future come before the Planning Commission for review? Assistant Planner Sikela indicated that was correct and that future proposed residences would be brought before the Planning Commission for review.
- I have concerns about how the bioswales and bioretention facilities will work. Assistant Planner Sikela indicated that the bioretention infrastructure was initially overdesigned for higher capacity runoff but, after review by the City Engineer, the developer concurred that the bioretention facilities would be constructed in accordance with the current Stormwater C.3 Guidebook so your concerns were discussed at length between the City Engineer and developer as related to grading and impacts to off-site areas.
- It is interesting that the subject property is zoned Planned Development. Assistant Planner Sikela indicated that the unique shape of the subject property harkens back to a more rural time in Clayton’s history with many non-conforming lots, in terms of size and shape, being located in this older area of town. From staff’s perspective it would appear that Planned Development zoning was used since it is a more flexible zoning designation that allows for alternating lot sizes and shapes.

- Regarding the open space requirements, the subject property appears to be too small to provide active and passive open space areas and it would seem that paying the open space in-lieu fee would be a more viable option for the developer.
- Would the open space in-lieu be addressed in the future when the structural development portion of the project is reviewed by the Planning Commission? Director Gentry indicated that payment of the in-lieu fee would be handled at the staff level and the issue would not come back before the Planning Commission.

Chair Altwal had the following questions:

- For the three proposed lots, why did staff use comparisons to R-15 lot sizes rather than R-20 lot sizes? Assistant Planner Sikela indicated that the proposed net sizes of the three lots would be smaller than the minimum 20,000 square-foot lot area requirement for properties located in the R-20 District. Also, staff felt that the newly-created lots would be a transitional area from the smaller lots in the R-10 District to the east of the subject property and the larger R-40-H lots to the west of the subject property.
- What is the open space in-lieu fee used for? Assistant Planner Sikela indicated that the open space in-lieu fee can cover, but not be limited to, the upgrading, improving, and maintaining public open space areas such as parks, medians, and other landscape areas. Director Gentry indicated that the open space in-lieu fee would be divided between the active and passive areas and, additionally, the City Council is considering plans to use the active fees collected up to this point to upgrade the play structure in North Valley Park.
- What sort of mechanism is in place to ensure that each property owner does their part to maintain the stormwater facilities? Director Gentry indicated that the City is ultimately responsible for stormwater facility inspections in compliance with Regional Water Quality Control Board regulations and contracts with a firm that performs inspections; however, each property owner is responsible to maintain and upkeep the stormwater facilities which is ensured through inspections. If the property owner does not maintain the stormwater facilities, then it becomes a code enforcement issue.
- Who is paying for the two new fire hydrants? Assistant Planner Sikela said the developer would pay for the two new fire hydrants.
- Any residence proposed for the northernmost lot would face challenges given the steep topography of the lot. Vice Chair Cloven concurred with Chair Altwal's concern regarding the topography of the northernmost lot.

The public hearing was opened.

Dan Condon, the applicant/developer, indicated the following:

- The existing house on the project site was constructed in 1951, many years before Clayton was incorporated in 1964, so that is the reason for the unique attributes associated with the project site.
- The City Engineer also raised the same concerns regarding the stormwater detention basin, so I made sure to over-engineer the basin and have worked with the City Engineer to ensure compliance.
- The septic tank will be abandoned or removed in accordance with applicable State requirements.

Chair Altwal had the following questions:

- How long have you lived in the house? Mr. Condon responded that he and his family have lived in the house for 14 years.
- Have you had any previous issues with runoff or drainage negatively impacting off-site areas? Mr. Condon responded that he has never had any issues with runoff or drainage negatively impacting off-site areas.

Julie Todd, 938 Douglas Court, expressed concerns that extreme care be taken while installing project-related improvements, especially the stormwater detention basin, since there is a steep slope between the project site and her property and she wants to ensure that the integrity of the slope is maintained.

Mr. Condon indicated that the stormwater detention basin would be designed with shotcrete and would only be a conveyer of water during specific storm events and not just be filled with ponding water the entire time.

Vice Chair Cloven indicated that the purpose of the stormwater detention basin, as required by the Regional Water Quality Control Board, is to capture runoff and filter it slowly out so that pollutants are removed from the water before it percolates back into the creek. Furthermore, installation of the stormwater detention basin would actually reduce the drainage that occurs now and, therefore, provide a mitigation of runoff impacts to the existing slope.

Ms. Todd had the following questions:

- How deep is the stormwater detention basin? Mr. Condon indicated that the stormwater detention basin is approximately three to four feet deep.
- Given the Planned Development zoning for the project site, is there any way high density development or something like a strip club could be built at the project site? Director Gentry indicated that, in accordance with the Single Family Low Density Residential General Plan land use designation, only low density residential development ranging from 1.1 to 3 units per acre would be allowed. In addition, deed restrictions would be recorded against the three subject lots prohibiting further subdivision of the lots so, as a result, the lots would not be able to be reduced in size or have new lots added.

Chair Altwal asked Ms. Todd if she has experienced any issues related to runoff and drainage? Ms. Todd responded, no, but, in the five years she has lived in the house, is has not rained hard enough to ascertain impacts related to runoff and drainage.

Rick Ludlow, 938 Douglas Court, indicated that the slope has been stable up to this point and just wanted to make sure that, even though the stormwater infrastructure has been designed for a 50-year flood, the stability of the slope is not impacted by the stormwater infrastructure.

Mr. Condon indicated that the stormwater infrastructure has been over-engineered above and beyond the State stormwater regulations.

Bill Jantzen, 932 Douglas Court, indicated he had concerns with garbage trucks being able to access the project site.

Mr. Condon indicated that the existing 12-foot road would be widened to 16-feet within the 20-foot access easement and a paved hammerhead turnaround would be installed to allow for such vehicles as garbage trucks, fire safety vehicles, and ambulances to have better access as well as a place to turn the vehicles around.

Mr. Jantzen also indicated he was concerned about project-related impacts to two existing oak trees located along the shared property line between his property and the project site.

Mr. Condon indicated that he did not foresee any impacts occurring to the two existing oak trees.

Director Gentry indicated that the Planning Commission has the option to add a condition that requires the applicant to procure the services of an arborist to be on-site in order to ensure the protection of the two existing oak trees.

Julie Rogers, 550 Douglas Court, indicated she owns the property directly adjacent to and south of the project site and supports approval of the project.

Ms. Todd asked how long the construction component of the project would take.

Mr. Condon replied that, once all the necessary approvals and permits are obtained from the applicable agencies, his estimate that installation of the improvements would take approximately six weeks.

The public hearing was closed.

Commissioner Chippero asked if the two oak trees were large enough to be considered heritage oak trees.

Mr. Condon replied that the two oak trees were small and would not be considered as heritage oak trees.

Assistant Planner Sikela indicated that there is a tree removal permit process administered by the City wherein trees that are greater than six inches in diameter at 4.5 feet above the ground would require the issuance of a permit to be removed unless the trees were planted for mitigation or other project-related purposes, in which case even trees smaller than the standard threshold would require a permit to be removed. Regarding the two existing oak trees, the standard threshold would apply for removal of the trees.

Vice Chair Cloven indicated that he was satisfied with the basic improvements being proposed as part of the parcel map but was interested in seeing what would be proposed in the future as the project site is developed further.

Commissioner Wolfe indicated that he concurred with Vice Chair Cloven's comments and added that it appears that, given the fact that over the years the slope has not experienced destabilization or negative impacts related to runoff and drainage, the engineering proposed as part of the stormwater infrastructure would not create any impacts to the slope.

Chair Altwal indicated that he concurred with Vice Chair Cloven's comments.

Vice Chair Cloven moved and Commissioner Wolfe seconded adopt Planning Commission Resolution No. 04-18 approving the Douglas Road Parcel Map, with the findings and conditions recommended by staff. The motion passed 5.0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff

None.

8.b. Commission

Commissioner Gall indicated he would not be attending the regularly-scheduled Planning Commission meeting of September 25, 2018.

9. ADJOURNMENT

9.a. The meeting was adjourned at 8:15 p.m. to the regularly-scheduled meeting of the Planning Commission on September 11, 2018.



Submitted by
Mindy Gentry
Community Development Director



Approved by
Bassam Altwal
Chair