

Minutes
Clayton Planning Commission Meeting
Tuesday, July 11, 2017

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

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

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

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

Commissioner Cloven moved and Commissioner Chippero seconded a motion to elect Commissioner Altwal 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 Peter Cloven to report at the City Council meeting of July 18, 2017.

3. PUBLIC COMMENT

None.

4. MINUTES

4.a. Approval of the minutes for the June 27, 2017 Planning Commission meeting.

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

5. PUBLIC HEARINGS

- 5.a. **ZOA-03-17, City of Clayton.** The Clayton Planning Commission will be making a recommendation to the City Council regarding an Ordinance for the purposes of determining residential density calculations for residential parcels with sensitive land areas.

The staff report was presented by Director Gentry.

Vice Chair Altwal inquired would the power lines transecting the Old Firehouse site constitute a sensitive land area? *Director Gentry responded that, while the power lines would create a constraint on the property in terms of developable space, the power lines themselves would not be considered a sensitive land area since they are not a natural land feature such as a steep slope or a creek.*

Commissioner Cloven had the following comments and questions:

- It would be good to know the impacts that the passing of this Ordinance would cause upon development in Clayton in terms of affecting the City's compliance with required State housing numbers for our community.
- If we were to subtract the sensitive land area from a given property, which would allow for less units to be provided on that property, would the City still be able to meet the State's housing requirements? *Director Gentry indicated that the Ordinance is compliant with State law. A component of this compliance is that the Ordinance would not be applicable to properties identified to address Clayton's 2007-2014 Regional House Needs Allocation (RHNA) shortfall and, therefore, would allow the City a greater opportunity to meet the State's housing requirements.*
- In trying to evaluate the ramifications of this Ordinance on the City's housing stock, would the passing of this Ordinance create a situation where the City would fall out of compliance with State housing requirements? *Director Gentry indicated that this Ordinance is being proposed in order to achieve compliance because it would allow applicable properties to have flexibility in determining residential density calculations.*

Director Gentry explained that, as an example of applying this Ordinance to a given property, there is a property on High Street that is one acre in area but approximately 10,000 square feet of the parcel (or 25% of the once-acre parcel) would qualify as a sensitive land area. As a result, only the remaining 75% of the lot (the non-sensitive land area) would be calculated to ascertain the amount of units vis-à-vis the applicable density range for the lot and the subsequent housing numbers that could be constructed on the lot. Conversely, any lot identified to address Clayton's 2007-2014 RHNA shortfall would be exempt from the Ordinance, which allows the City to maintain compliance with State housing law by providing parcels within our community that would be earmarked as sites where units could be constructed to reduce the shortfall. While the City does not sponsor or promote privately-funded developments, we must still demonstrate to the State that we have allocated certain sites within our community where units could potentially be built and, subsequently, would provide opportunities to reduce Clayton's 2007-2014 RHNA shortfall.

Commissioner Gall inquired that, regarding the High Street properties being proposed for development by Bill Jordan, is it true what Mr. Jordan indicated about this Ordinance helping the City avoid litigation? *Director Gentry indicated that would possibly be true.*

Vice Chair Altwal inquired, if the City does not adopt this Ordinance, would we still be in compliance with State law? *Director Gentry responded that the City would be compliant because State law takes precedence over local laws and the City would still be required to apply the exemption to those parcels that were identified in the City's Housing Element in order to meet the City's 2007-2014 RHNA shortfall.*

Commissioner Cloven inquired that, regarding the High Street properties, if we subtracted 10,000 square feet of sensitive land area from a lot that is affected by steep slopes, would the pro-rata proportional allocation for residential units on the site also be compliant with State housing requirements? *Director Gentry indicated that the application of the Ordinance to the property on High Street would not be compliant with State law because the parcel has been identified in the City's Housing Element to accommodate the City's 2007-2014 RHNA shortfall. As a result of this parcel being identified to address the RHNA shortfall, the parcel would be exempt from the Ordinance. This exemption from the Ordinance would allow both the property and the City to maintain compliance with State law.*

Commissioner Gall expressed concerns that adoption of the Ordinance would cause the City to fall into non-compliance but he felt that staff had analyzed the potential implications of the Ordinance in order to assess any impacts to the City's compliance with State housing requirements.

Chair Wolfe indicated that, in accordance with the Ordinance, he wanted to be sure that projects containing sensitive land areas and were proposed with adjusted densities would still be required to come before the Planning Commission for review. *Director Gentry indicated that part of the purpose of the City's development process was to provide clarity, disclosure, and transparency for all projects. This clarity, exposure, and transparency would involve these projects being subject to public hearings before the Planning Commission.*

By consensus, the Commission expressed general support for the rationale behind the implementation of the Ordinance but wanted to ensure that the City would remain compliant with State housing requirements.

Vice Chair Altwal moved and Commissioner Gall seconded a motion to adopt Resolution No. 03-17 recommending City Council approval the revised Ordinance adding Chapter 17.22 to Title 17 "Zoning" of the Clayton Municipal Code in order to determine the methodology of residential density calculations for residential parcels with sensitive land areas. The motion passed 5-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff

Director Gentry indicated that staff anticipated canceling the next regularly-scheduled Planning Commission meeting on July 25, 2017 and so, at the Commission's pleasure, tonight's meeting could potentially be adjourned to the regularly-scheduled Planning Commission meeting on August 8, 2017.

8.b. Commission

By consensus, the Planning Commission decided to adjourn tonight's meeting to the regularly-scheduled Planning Commission meeting on August 8, 2017.

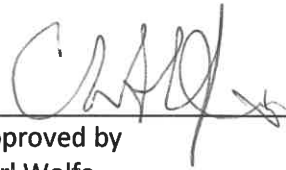
Vice Chair Altwal indicated that he would not attend the regularly-scheduled Planning Commission meeting on August 8, 2017.

9. ADJOURNMENT

9.a. The meeting was adjourned at 7:30 p.m. to the regularly-scheduled meeting of the Planning Commission on August 8, 2017.



Submitted by
Mindy Gentry
Community Development Director



Approved by
Carl Wolfe
Chair

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