

## Interim CDD

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**From:** Glenn Miller <glennmiller44@comcast.net>  
**Sent:** Friday, May 21, 2021 7:23 PM  
**To:** Interim CDD  
**Cc:** Reina Schwartz; jdiaz@clayton.ci.us; 'Jeff Wan'; Milan Sikela; Janet Calderon; glennmiller44@comcast.net  
**Subject:** reference DBA-01019, SPR -o4-17, TRP-24-17  
**Attachments:** Jordon project comments for denial of extension.docx

To whom it may concern:

In reference to a Planning Commission items DBA-01019, SPR -o4-17, TRP-24-17 scheduled for 5/25/21

Please see the attached commentary in reference to the Agenda items noted. Please note and include this information in the official minutes and responses.

To be clear with regard to disposition on this matter I am requesting the Clayton Planning Commission find either a full denial of this request of an extension on the basis of the items raised in these comments or, as I do acknowledge a revisit by both the Planning Commission and the City Council to insure those items that are expressed in the commentary are addressed I would be in favor of proceeding as long as there is a Public hearing and transparency and consensus to address these items that I have noted.

Please note that per the applicable codes and laws that apply to this request I reserve my rights to request an appeal, pursue legal remedies, or participate in mitigation discussions should these comments as presented not be addressed.

Thank you for consideration

Respectfully

Glenn D. Miller  
1005 Pebble Beach Drive  
Clayton Ca.

Let me first state that the following are my own opinions formed and based upon 20 plus years of experience and involvement in a project approval "process" similar to this one; either as an advocate for a project (both Public and private sector), a participant in this "process" as a Planning Commissioner here in Clayton, and a builder of projects who had to comply with all of the conditions put on the project both prior to and after their completion.

Based upon my own observation and review of minutes, Public meetings some of the comments I have seen written and heard during the review of the the Jordon project "process" up to this point the efforts of review from the Planning Commission and to to some degree with Staff and Council have been lacking in their objectivity and thoroughness to put it kindly. Here are just a couple of examples:

1. We have had several iterations of this project Publicly presented and in some instances changed without proper public vetting and discussion each seemingly presented with predetermined outcomes mostly arranged between the Developer, City Management, several City Planning Department heads, a biased consultant (known from experience) and other influences by former Council members who just happen to be in the real-estate business or have had prior business relationships with the developers. You draw your own conclusions but at least these were potentially at conflict with the Public interests. I understand their have been also private threats of lawsuits (hearsay to me) but I mention as to the integrity and objectivity for this process. So was the process tainted?
2. From the start this project has been subject to inconsistent enforcement (at least when viewed against historical practice and precedent) in the matters of environmental review, application of public safety and zoning standards and ordinances. As an example of precedent, a full environmental review including traffic studies, soil and geologic studies, parking studies etc. (a review by the way the City Council "insisted" upon ) that the Church perform on their previous offering of a downtown project. This was deemed necessary for a project that supposedly had the same potential, environmental, parking, zoning, historical use, and other Public Safety issues that this project has; but were obviously due to it's scale and purpose going to have much less of a negative impact to the community than this one notwithstanding, both the perceived and the real negative social and quality of life issue that this project is bound to have on the community. The question must be asked "why is that the case"?
3. In addition to the lack of full environment review, as far as I can determine, this project has not been subject to and conditioned by the "process" to provide mitigations to several major items which impact Public Safety, equitable assessments on offsite amenities such as park use and city wide landscaping affecting the collection of adequate fees and other physical impairment items that a normal project of this scope and size would and should have been required to deal with. Some of these conditioned to being completed and in place before even a building permit could be issued. For example:

1. We all know parking will be required offsite - where are the conditions to provide the necessary improvements both to the needed current infrastructure, new infrastructure and future maintenance of these items?

2. All these new added family unit resident(s) will want to use the Public amenities such as the community parks, downtown park, trails and other open spaces yet the PC and the Council did not condition the project with fees to recover the costs of past improvements or the disproportionate use and maintenance expense per "family unit" that this project will thrust upon these amenities. Why was this?

Just an aside for perspective on this particular matter, when I was on the Planning Commission by ordinance projects of this size and even smaller were to provide on site and accessible open space and other amenities or at least, provide offsite amenities in lieu of those on-site. Was this requirement waived, amended, or just ignored?

3. Public Safety infrastructure - we know as a result of this project we will we have more people coming and going not only parking but crossing the streets. The question is, is our exiting infrastructure adequate? Of course not - who will be paying for the additional crosswalks, traffic light improvements, signage etc. ? It should be this project but it appears it is not.

4. Finally there is the issue of the overhead high voltage PG&E lines that front much of this project. As near as I can determine this was only brought up at least publicly in this forum (who knows there may have been non-public discussion). Regardless this is an issue that if it was properly addressed would have to be taken care of prior to the start of any construction in order to satisfy basic Public Safety and usually (again this from my experience on several large both private and municipal agency projects), paid for and in most instances partially performed by the Developer and not requiring the rate payers and the utilities involved to absorb the costs and in reality wait for these Public Safety mitigations to happen.

In conclusion it would appear that Mr. Jordon was given his window of opportunity to move forward in what may have been a legal but certainly questionable process. So to the point of this post and with these things stated, I believe that Mr. Jordon should be denied an extension and/or for those who argue "he owns the property", afforded an opportunity to reapply knowing that the issues and circumstances noted above will be considered in full and must either be mitigated and addressed before he is allowed to proceed.

Sorry for going on so long thanks for reading and listening.