



Agenda
Planning Commission Special Meeting
7:00 P.M. on Tuesday, July 29, 2008
Clayton Community Library Meeting Room
6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Election of Chair and Vice Chair.
Proposed Action: Continue to meeting of August 12, 2008.
- 1B. Review of agenda items.
- 1C. Planning Commissioner to report at the August 19, 2008 City Council meeting.

Public Comment

Approval of Minutes

- 2. Approval of minutes from the meeting of June 24, 2008.

Public Hearings

- 3A. **SPR 04-08, Site Plan Review Permit, Tom and Carol O'Neil, 333 Chardonnay Circle, APN 119-581-008.** A Site Plan Review Permit to allow the construction of single-story additions and interior remodeling measuring a total of 16 feet in height and adding approximately 700 square feet of area to the existing 2,800 square-foot, single-story, single-family residence.
Proposed Action: Approval, with a condition.
- 3B. **UP 03-08, Use Permit, Snap Fitness, 6200 Center Street, Suite G, APN 119-620-060.** A Use Permit to allow the operation of a fitness center in a ground-floor retail tenant space within the Town Center.
Proposed Action: Approval, with conditions.
- 3C. **TUP 16-08, Temporary Use Permit, Clayton Community Church.** A Temporary Use Permit to allow a soap box derby, classic car show, and inflatable children's jump house(s) on Saturday, August 30, 2008 from 7:30 a.m. to 4:30 p.m. The classic car show will be located on Main Street between Oak Street and Diablo Street, on Diablo Street between Center Street and Main Street, in the parking lots of the Clayton Community Church Offices, Kindercare childcare center, Hair By Jim, Skipolini's, and Royal Rooster. The inflatable children's jump house(s) will be located in the parking lot of the Kindercare child care

center. The soap box derby will occur on Marsh Creek Road between Clayton Road and Center Street; and on Main Street between Marsh Creek Road and Diablo Street. The event will involve the following street closures:

- Marsh Creek Road from Clayton Road to Center Street;
- Main Street from Oak Street to Marsh Creek Road; and
- Diablo Street from Main Street to Center Street.

Proposed Action: Approval, with conditions.

- 3D. **TUP 17-08, Temporary Use Permit, Clayton Community Church.** A Temporary Use Permit to allow the Clayton Community Church to hold a Christmas Eve Family Event which will be open to the public. The event will occur on Wednesday, December 24, 2008 from 2:00 p.m. to 5:00 p.m. and will involve re-enactment nativity scenes inside the Clayton Community Church office building and exterior areas on the Clayton Community Church property. The event will also involve a “hay ride” starting in the parking lot of the Clayton Community Church property going east on Main Street, south on Morris Street, west on Center Street, and north on Oak Street, circling around to the Clayton Community Church parking lot. The set-up for the event will occur on Monday, December 22, 2008. The break-down for the event will occur on Friday, December 26, 2008.

Proposed Action: Approval, with conditions.

Old Business

4. None

New Business

5. None

Communications

- 6A. Staff
6B. Commission

Adjournment

7. The next meeting of the Planning Commission is scheduled for **Tuesday, August 12, 2008.**

Most Planning Commission decisions are appealable to the City Council within ten (10) calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in oral testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter. If you have a physical impairment that requires special accommodations to participate, please contact the Community Development Department at least 72 hours in advance of the meeting at 925-673-7340.

An affirmative vote of the Planning Commission is required for approval. A tie vote (e.g., 2-2) is considered a denial. Therefore, applicants may wish to request a continuance to a later Commission meeting if only four Planning Commissioners are present.

Any writing or documents provided to the majority of the Planning Commission after distribution of the agenda packet regarding any item on this agenda will be made available for public inspection in the Community Development Department located at 6000 Heritage Trail during normal business hours.

Minutes
City of Clayton Planning Commission Meeting
Tuesday, June 24, 2008

Call to Order

Chair Haydon called the meeting to order at 7:00 p.m. at the Library Meeting Room, Clayton Community Library, 6125 Clayton Road, Clayton.

Present: Chair Keith Haydon, Vice Chair Tuija Catalano, Commissioner Bob Armstrong, Commissioner Joe Odrzywolski

Absent: Vice Chair Tuija Catalano

Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.

Administrative

1A. Review of agenda items.

By consensus, the Commission moved Item 3C before Item 3A.

1B. Vice Chair Catalano to report at the July 1, 2008 City Council meeting.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of May 13, 2008.

Commissioner Armstrong moved and Vice Chair Catalano seconded a motion to approve the minutes from the meeting of May 13, 2008, as amended. The motion passed 4-0.

Public Hearings

3A. **SPR 03-08, Site Plan Review Permit, Denise M. Lombardo**, 1829 Eagle Peak Avenue, APN 119-600-062. A Site Plan Review Permit to allow the construction of a single-story interior remodel, entry addition, and roof addition measuring 21 feet in height and adding approximately 140 square feet of area to the residence.

Vice Chair Catalano recused herself because her residence is within 300 feet of the subject property..

The public hearing was opened. Assistant Planner Sikela presented the staff report. The applicant was available for questions.

Doug Avery, representative of the applicant, indicated that the applicant agreed with the proposed conditions of approval.

The Commission commented that they liked the appearance of the proposed entry and the overall project.

Commissioner Odrzywolski moved and Commission Armstrong seconded a motion to approve Site Plan Review Permit SPR 03-08, with the findings and conditions recommended by staff. The motion passed 4-0.

Vice Chair Catalano returned to the meeting.

- 3B. **UP 01-08, Use Permit, AT&T**, 68 Nottingham Circle, APN 120-025-003. A Use Permit to allow the installation and operation of a wireless communications facility to be co-located with a previously-approved wireless communications facility. The proposal would involve the installation of an antenna array atop an approximate 112-foot tall existing PG&E tower and construction of a fenced-in equipment pad within the footprint of the PG&E tower.

Chair Haydon recused himself because he is employed by AT&T.

The public hearing was opened. Assistant Planner Sikela presented the staff report. The applicant was available for questions.

Steve Thomas, 7 Atchinson Stage Place, indicated the following:

- Has concern that if, in the future, technology rendered the PG&E tower obsolete and it were abandoned by PG&E, that the City would have to retain the tower in order for the cell companies to continue using the tower. *The representative of the applicant, Shannon McDougall, indicated that, if the PG&E tower were abandoned, the cell company would not continue to use the site.*
- Noticed that when cell companies add cage extensions and other equipment to existing towers, they appear more silver in color than the older gray finish on the tower. *Staff responded that Condition Number 1 could be revised so that all new equipment matches the finish of the tower as well as the color.*

Commission comments and questions included:

- Is Metro PCS moving forward with their project at the same site? *Assistant Planner Sikela responded that Metro PCS is prepared to submit finalized plans for building permit issuance.*
- The proposed condition for requiring radio frequency energy training is redundant since it is an industry standard.
- The condition for matching colors should be amended to include matching finishes.

Commissioner Odrzywolski moved and Commissioner Armstrong seconded a motion to approve Use Permit UP 01-08, with the findings and conditions recommended by staff and as amended by the Commission. The motion passed 4-0.

Chair Haydon returned to the meeting.

- 3C. **UP 02-08, Use Permit, Sukhdev Sandhu**, 6104 Main Street, APN 119-015-004. A Use Permit to allow two outdoor propane tank dispensing cages to be placed at the front of Village Market. Each cage measures approximately 4 feet tall, 3 feet 8 inches wide, and 2 feet 4 inches deep.

The public hearing was opened. Assistant Planner Sikela presented the staff report.

Sukhdev Sandhu, the applicant, indicated the following:

- Did not know he needed a Use Permit for the outdoor storage cages since he used to have soda machines and newspaper vending machines in front of Village Market before it was damaged by fire.
- Cannot store propane tanks inside.

Sandy Johnson, 110 El Portal Place, indicated that a bollard could be placed in front of the cages for public safety purposes, although this would add to the visual clutter.

Commission comments and questions included:

- Did staff research the requirements for propane tanks? *Assistant Planner Sikela indicated that staff had researched propane tank requirements and discovered that propane tanks must be located outside and a minimum of five feet away from any wooden structure.*
- Are there any other requirements for propane tank storage? *Assistant Planner Sikela indicated that, to staff's knowledge, no other requirements were applicable.*
- How many propane tanks do you sell a day? *The applicant, Sukhdev Sandhu, replied that approximately two or three propane tanks are sold every day. There are fourteen in each storage cage.*
- Do you accept used tanks? *Mr. Sandhu replied that used tanks are accepted and are also exchanged for newer upgrades. New tanks are also sold.*
- Are both empty and full tanks stored in the cages? *Mr. Sandhu replied "Yes."*
- What do you think of bollards being installed in front of the cages for public safety purposes? *Mr. Sandhu replied that he would support installation of bollards as long as they do not interfere with access to the cages.*
- The location of the bollards should take into account the arc of the cage doors as they are opened.
- Would staff prefer steel or concrete bollards? *Director Woltering indicated that steel would be the preferred material.*
- The storage cages are not in the same category as vending machines.
- The main concern with the cages is public safety although there are also concerns regarding aesthetic impacts.
- The cages are ugly and out-of-character.
- The cages are needed for convenience purposes. We do not want to burden the residents of Clayton with having to drive all the way down to Clayton Station or into Concord for propane tanks.
- Trying to balance convenience and demand with aesthetics and safety.
- The conditions should be amended to address the following:
 - ▶ A maximum of two cages are allowed at the project site.
 - ▶ Maximum cage dimensions should be included.
 - ▶ Cages are to remain locked at all times, unless being immediately accessed.
 - ▶ A minimum of one bollard per cage should be installed.
 - ▶ Bollard design should complement the bollard design of the bollards in the Grove Park but should be white in color.
 - ▶ Bollards should not interfere with vehicles overhanging the wheel stops.

Director Woltering indicated that staff would work with the applicant and Engineering to locate the bollards with consideration given to access, spacing, and relocating the wheel stops further away from the cages.

Chair Haydon moved and Vice Chair Catalano seconded a motion to approve Use Permit UP 02-08, with the findings as recommended by staff and the conditions as amended by the Commission. The motion passed 3-1 (Denial – Odrzywolski).

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff

Director Woltering described some of the projects that would appear before the Commission at the upcoming meetings and gave a status report on the Rivulet project.

Director Woltering indicated that he had accepted the position of Community Development Director with the City.

6B. Commission

The Commission congratulated Director Woltering on his appointment.

Chair Haydon and Vice Chair Catalano indicated that they both would not be attending the July 22, 2008 Commission meeting.

By consensus, the Planning Commission cancelled the July 8, 2008 Commission meeting to bring anticipated agenda items together at the July 22, 2008 meeting to more efficiently handle meeting times and schedules.

The Commission thanked Commissioner Odrzywolski for his service as a Commissioner.

Commissioner Odrzywolski thanked the Commission and staff for the opportunity to work as a Commissioner.

Adjournment

7. The meeting was adjourned at 8:15 p.m.

Submitted by
David Woltering, AICP
Community Development Director

Approved by
Keith Haydon
Chair

Plng Comm 2008\Minutes 0624

PLANNING COMMISSION STAFF REPORT

Meeting Date: July 29, 2008

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Tom and Carol O'Neil
Site Plan Review Permit (SPR 04-08)

REQUEST

Approval of a Site Plan Review Permit to allow the construction of single-story additions and interior remodeling measuring a total of 16 feet in height and adding approximately 700 square feet of area to the existing 2,800 square-foot, single-story, single-family residence.

PROJECT INFORMATION

Applicant / Location: Tom and Carol O'Neil
333 Chardonnay Circle
APN 119-581-008 (See **Exhibit A** for Location Map)

General Plan Designation: Low Density - Single Family Residential (1.1 to 3.0 units per acre).
This proposal complies with the *General Plan* designation.

Zoning: Single Family Residential R-12 District (12,600 square-foot minimum lot area).

Environmental Review: Categorically exempt per Section 15303(a), Class 3 of the State CEQA Guidelines.

Public Notice: On July 11, 2008, a public hearing notice was posted at the notice boards, mailed to property owners within 300 feet of the site, and faxed to the newspapers. To date, no comments have been received by staff.

Agency Referrals: Comments from the City Engineer and City Stormwater Manager have been incorporated into the advisory notes. The Contra Costa County Building Inspection Department, Contra Costa County Fire Protection District, and Contra Costa Water District did not respond.

Authority: Section 17.44.030 of the *Zoning Ordinance* authorizes the Planning Commission to approve a site plan in accordance with standards in Section 17.44.050.

BACKGROUND

On September 4, 2007, the applicants received approval from the City after the City Council upheld the Planning Commission's approval of a two-story addition that was appealed to the Council. Since that time, the applicant has decided not to pursue the originally-approved design. On July 10, 2008, the applicants submitted a Site Plan Review application for the currently-proposed project.

DISCUSSION

The applicant has requested approval of a Site Plan Review Permit to allow the construction of garage and kitchen additions and remodeling measuring a total of 16 feet in height and adding approximately 700 square feet of area to the existing 2,800 square-foot, single-story, single-family residence. The project has been designed with matching stucco and horizontal wood siding, window design styles, composition shingle roof material, and a 4:12 roof pitch. The site plan, floor plan, architectural elevations, and roof plan are provided as **Exhibit B**.

Setback Analysis

The project meets the R-12 District standards as shown below.

Required Setbacks	Existing Setbacks	Proposed Setbacks	Project Compliance
Front Setback 20'	North 22'	North 20'	Yes
Side Setback 10' minimum	West 12'	West No Change	Yes
	East 30' 7"	East No Change	Yes
25' aggregate	Aggregate 42' 7"	Aggregate No Change	Yes
Rear Setback 15'	South 35' 10"	South No Change	Yes

Residential Floor Area Analysis

Building Footprint

The proposal meets the building footprint requirements as shown below.

Lot Size	Building Footprint Allowed	Existing Building Footprint	Proposed Building Footprint	Project Compliance
14,287 sq ft	3,710 sq ft	2,824 sq ft	3,508 sq ft	Yes

Floor Area

The proposal meets the floor area requirements as shown below.

Lot Area	Floor Area Allowed	Existing Floor Area	Proposed Floor Area	Project Compliance
14,287 sq ft	5,503 sq ft	2,824 sq ft	3,508 sq ft	Yes

Design Concerns

More recent architectural styles in new residential subdivisions have evolved toward downplaying the garage component of a residence by incorporating side-loaded garages and other design alternatives. The residence was constructed at a time when garages were a prominent feature on the front elevation. Expansion of the subject garage entails an enlargement of the garage door and the orienting of the garage closer to the street. In order to break up the monolithic facade of the new garage door as well as ensuring aesthetic consistency between the new and existing garage doors, staff has provided a condition that carriage-door design styles be utilized for both the new and existing garage doors. More specifically, staff notes that the inclusion of windows along the upper portion of the garage doors would provide visual interest and serve to soften the emphasis on the garage component of the project. Windows would also enable natural light to permeate the garage space.

Conclusion

Staff has reviewed the design aspects of the proposed plans relative to the standards for Site Plan Review Permits and determined that the project, as conditioned, is in conformance with the standards. The proposed findings listed below specifically address the standards.

RECOMMENDATION

Staff recommends that the Planning Commission approve Site Plan Review Permit SPR 03-08 to allow the construction of single-story additions and interior remodeling measuring a total of 16 feet in height and adding approximately 700 square feet of area to the existing 2,800 square-foot, single-story, single-family residence.

Proposed Findings of Approval

Based upon the evidence set forth in the staff reports, which includes relevant information from the project file, as well as testimony at the public hearing, the Planning Commission makes the following findings regarding the Site Plan Review Permit for the addition:

1. Is consistent with the General Plan designation and policies.
2. Meets the standards and requirements of the Zoning Ordinance.
3. Preserves general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.
4. Maintains solar rights of adjacent properties.
5. Reasonably maintains the privacy of adjacent property owners and/or occupants.
6. Reasonably maintains the existing views of adjacent property owners and/or occupants.
7. Is complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk.
8. Is compatible with the neighborhood and surrounding land uses.

The above-stated findings assume acceptance and approval of the proposed conditions of approval listed below.

Proposed Conditions of Approval

These conditions of approval apply to the O'Neil Residence Site Plan, Floor Plan, Architectural Elevations, and Roof Plan submitted by the applicant, date stamped July 11, 2008.

1. The new and existing garage doors shall utilize a carriage-door design style or comparable equivalent that incorporates windows across the upper portion of the garage doors.
2. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgements, liens, levies, costs, and expenses of whatever nature, including attorney's fees and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, or the environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

Advisory Notes

Advisory notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; or (b) requirements imposed by other agencies. The advisory notes state requirements that may be in addition to the conditions of approval.

1. The applicant shall comply with all applicable state, county, and city codes, regulations, and adopted standards.
2. Prior to obtaining a building permit, the applicant shall prepare an erosion and stormwater control plan for review and approval by the City Engineer (CMC §13.12.050).
3. Prior to the commencement of grading, demolition, or construction activities, the applicant shall obtain City approval of a construction and demolition recycling plan (CMC § 15.80.040).
4. This site plan permit shall be used, exercised, or established within twelve months after the granting of the Permit, or a time extension must be obtained from the Planning Commission, otherwise the Permit shall be void (CMC §17.64.010-030).
5. All grading, construction, and other work shall occur only between 7:00 a.m. and 5:00 p.m. Monday through Friday. Any such work beyond these hours and days is strictly prohibited unless previously authorized in writing by the City Engineer (CMC §15.01.010) located at 1005 Oak Street, 925-672-9700.
6. The applicant shall obtain the necessary building permits from the Contra Costa County Building Inspection Department.
7. Additional requirements may be imposed by the Contra Costa County Fire Protection District. Before proceeding with the project, it is advisable to check with the Fire District located at 2010 Geary Road, Pleasant Hill, 925-930-5500.
8. If the project site is located within an area subject to covenants, conditions, and restrictions (CC&R's) administered by a homeowners' association, additional requirements and/or approvals may be required by the homeowners' association. Before proceeding with the project, it is advisable to check with the homeowners' association to ensure any applicable requirements are met.

EXHIBITS

- A Location Map
- B O'Neil Residence Site Plan, Floor Plan, Architectural Elevations, and Roof Plan submitted by the applicant, date stamped July 11, 2008

SPR 2008 04-08.sr1

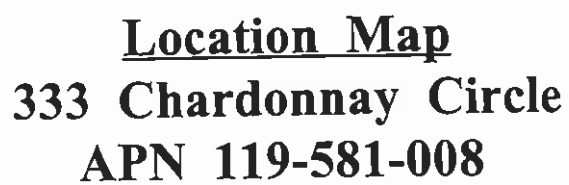


EXHIBIT A

General Design Notes

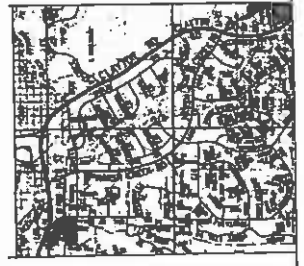
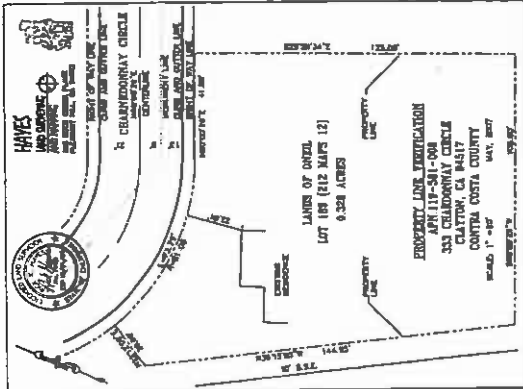
1. ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE LATEST CITY OF CLAYTON CALIFORNIA CODES & SPECIFICATIONS (PER C.A.C. 2007).
2. FIELD CHECK ALL DIMENSIONS BEFORE CONSTRUCTION.
3. ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE LATEST CITY OF CLAYTON CALIFORNIA CODES & SPECIFICATIONS (PER C.A.C. 2007).
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20. ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE LATEST CITY OF CLAYTON CALIFORNIA CODES & SPECIFICATIONS (PER C.A.C. 2007).

RECEIVED
 JUL 11 2008
 CLAYTON COMMUNITY
 DEVELOPMENT DEPT.

Index:
 sheet 1: SITE PLAN
 sheet 2: FOUNDATION PLAN
 sheet 3: FLOOR PLAN
 sheet 4: ELEVATION PLAN
 sheet 5: ROOF PLAN
 sheet 6: STRUCTURAL PLAN
 sheet 7: STRUCTURAL PLAN
 sheet 8: TITLE #24

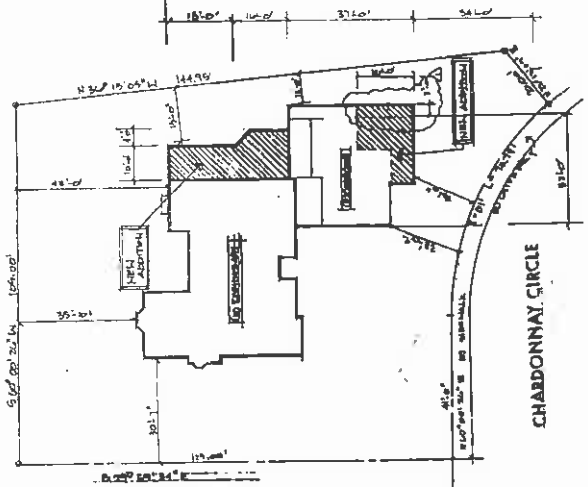
GENERAL NOTES

ALL CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE LATEST CITY OF CLAYTON CALIFORNIA CODES & SPECIFICATIONS (PER C.A.C. 2007).
 FIELD CHECK ALL DIMENSIONS BEFORE CONSTRUCTION.



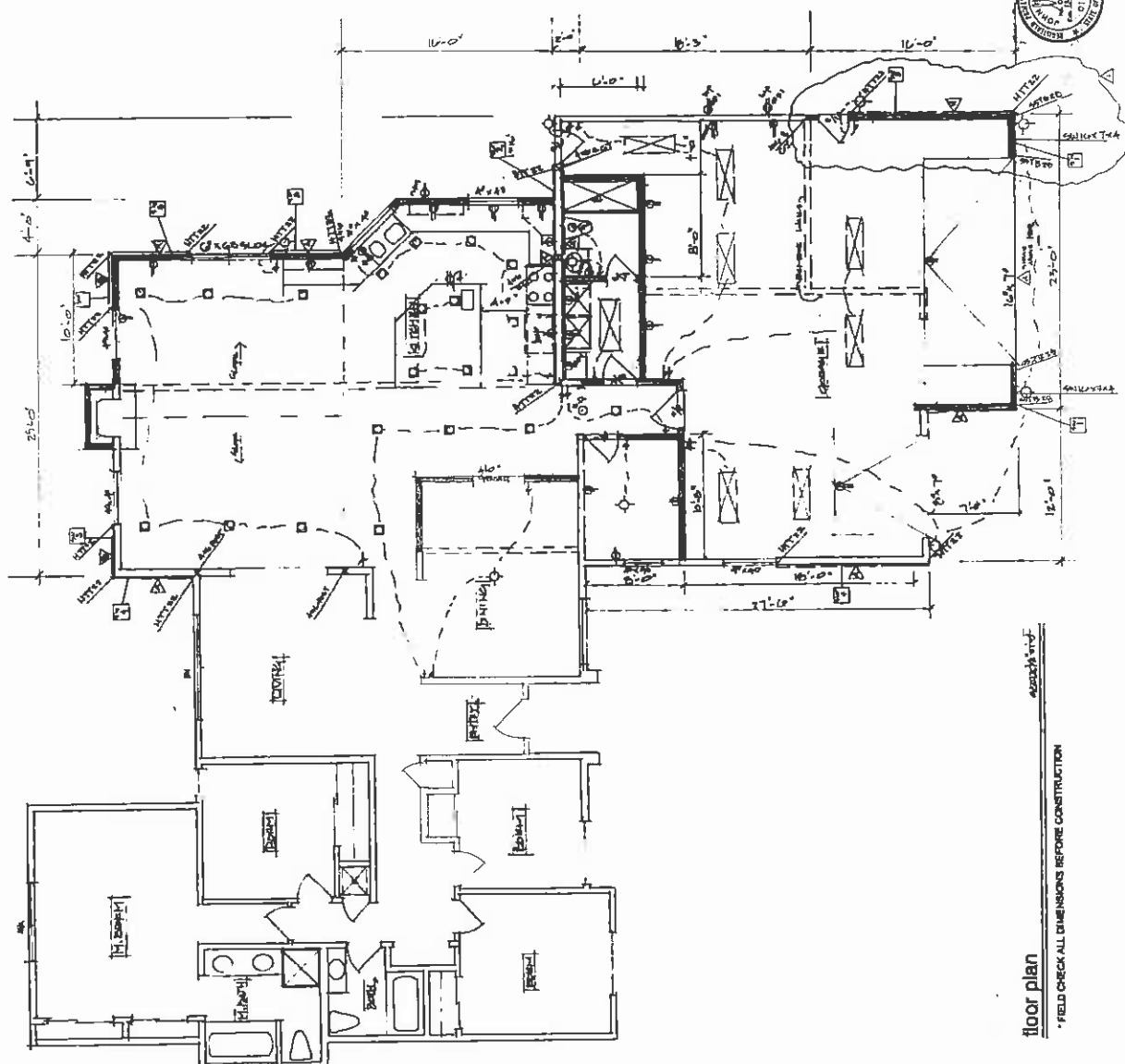
SITE MAP

EXISTING 1st FLOOR: 1,434 SQ. FT.
 EXISTING GARAGE: 400 SQ. FT.
 EXISTING 1st FLOOR: 288 SQ. FT.
 EXISTING 2nd FLOOR: 1,146 SQ. FT.
 NEW 1st FLOOR: 1,434 SQ. FT.
 NEW 2nd FLOOR: 1,146 SQ. FT.
 NEW SITE COVERAGE: 24.5 %
 LOT SIZE: 14,287 S.F.



**EXHIBIT B
(4 PAGES)**

1630 NORTH MAIN ST # 105
HANDELT C. PIONA
WALNUT CREEK CA 94586 PH (925) 935-9151



Floor plan acoustic info

FIELD CHECK ALL DIMENSIONS BEFORE CONSTRUCTION

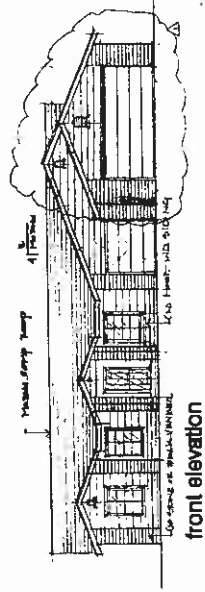
ELECTRICAL & MECHANICAL SYMBOLS

SINGLE SWITCH
 DOUBLE SWITCH
 DIM. EX. OUTLET
 DIM. EX. OUTLET - SWITCHED
 TELEPHONE CORD
 WALL MOUNTED LIGHT FIXTURE
 REFRIGERATOR
 PLUMBING
 PLUMBING TUBES PORTABLE
 PLUMBING TUBES PERMANENT
 CEMENTED FLOOR SLAB & COVER
 CEMENTED FLOOR WITH TILES
 HONEY COMB TYPHOID PREVENTION
 DIM. OUTLET
 DIM. INLET
 CEILING
 CEILING SMOKE ALARM & LIGHT
 WALL MOUNTED
 PLUMBING
 PLUMBING
 COLD AIR RETURN

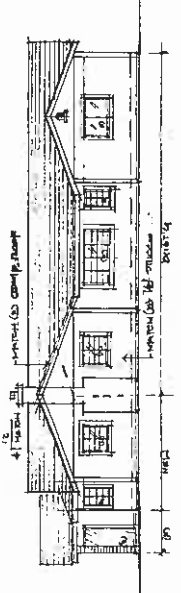
ELEVATIONS

NEW ADDITION
 FOR THE O'NEIL RESIDENCE
 333 CHARDONWAY CIRCLE
 CLAYTON, CA 94517

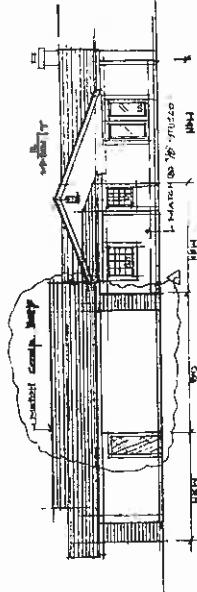
DRAWN BY
 RANDALL G. PIONA
 1630 NORTH MAIN ST. # 105
 KALNUT CREEK, CA 94598 PH (925) 935-9151



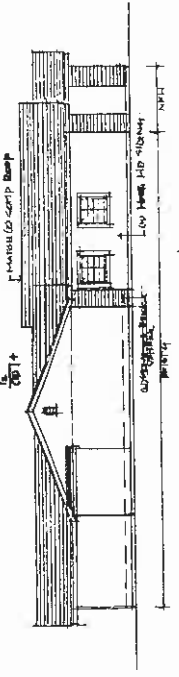
front elevation



rear elevation



right side elevation



left side elevation

PLANNING COMMISSION STAFF REPORT

Meeting Date: July 29, 2008

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Snap Fitness
Use Permit (UP 03-08)

REQUEST

A Use Permit to allow the operation of a fitness center in a ground-floor retail tenant space within the Town Center.

PROJECT INFORMATION

Applicant / Location: Michael Monahan
Snap Fitness
6200 Center Street, Suite G
Clayton, CA 94517
APN 119-620-060 (See Exhibit A for Vicinity Map)

Property Owner: Stephen J. Coates
Coates & Sowards, Inc.
1725 South Bascom Avenue #104
Campbell, CA 95008

General Plan Designation: Town Center Commercial.

**Town Center Specific
Plan Designation:** Town Center Commercial.

Zoning: Limited Commercial (L-C) District.

Environmental Review: Categorically exempt per Sections 15303(c) of the State CEQA Guidelines.

Public Notice: On July 21, 2008, a public hearing notice was posted at the notice boards, mailed to property owners within 300 feet of the site, and faxed to the newspapers. To date, no comments have been received by staff.

Agency Referrals: Comments received from the Police Department have been incorporated into the text of the staff report.

Authority: Section 17.60.030.C.7 of the Municipal Code authorizes the Planning Commission to approve a Use Permit for non-retail commercial uses in ground-floor commercial locations within the Town Center.

ANALYSIS

Snap Fitness is proposing to operate a fitness center in an existing 2,100 square-foot ground-floor commercial space within the Village Oaks commercial building. According to Section 2.3 of the Town Center Specific Plan, any non-retail commercial use proposed for a ground-floor location within the Town Center requires approval of a Use Permit. This Use Permit requirement for non-retail ground-floor commercial uses in the Town Center was implemented in order to encourage retail uses in ground-floor commercial spaces and, thereby, support the establishment of a strong retail district in the Town Center. The property owner has provided a letter describing the difficulties in leasing the subject ground-floor tenant space to retail businesses (see **Exhibit B**). Staff concurs that, given the current economic conditions and the challenges with leasing the subject commercial space to a retail business, leasing the tenant space to a non-retail business would be a greater benefit to the City than a vacant tenant space or leasing to a retail tenant that would be unsuccessful at that location.

The fitness center is proposed to operate from 5:00 a.m. to 11 p.m. seven days a week. Initially, the center was proposed as a 24-hour operation. Staff had indicated concerns to the applicant related to land use compatibility, public nuisance, and public safety issues associated with the proposed 24-hour operation. The concerns related to the impacts of lighting and noise upon the Stranahan residential subdivision located adjacent to and south of the project site. Given the absence of on-site staff during late evening and early morning hours, staff also had concerns regarding public safety. The Police Chief provided comments regarding these issues (see **Exhibit C**). In response to these preliminary concerns, the applicant agreed to revise the hours of operation to 5:00 a.m. to 11:00 p.m. for which a condition has been provided to clarify and confirm this understanding.

The conversion of the ground-floor tenant space will involve installation of standard fitness center items such as exercise equipment and television monitors as well as construction of two changing rooms/bathrooms. On-site security will be provided from approximately 9:00 a.m. to 7:00 p.m. by two owners, two personal trainers, and a front-desk employee. Supplemental security devices such as surveillance cameras and “panic” button systems (both wall-mounted and installed on necklaces worn by members) will also be provided. The applicant has submitted a Statement of Operation describing the parameters of the project (see **Exhibit D**).

Parking impacts are anticipated to be minimal as a maximum of about 12 members are expected during peak hours (5:00 a.m. to 7:00 a.m. and 5:00 p.m. to 7:00 p.m.) with a maximum of approximately four to six members expected during off-peak hours. It should be noted that the City’s off-street parking space requirements in Chapter 17 of the Municipal Code are the same for “retail” and “fitness studio” at one space per 250 square feet of floor area. The parking lot at the Village Oaks commercial center has adequate parking to accommodate the anticipated demand for project-related parking spaces.

RECOMMENDATION

Staff recommends that the Planning Commission approve Use Permit UP 03-08 to allow the operation of a fitness center in a ground-floor retail tenant space within the Town Center.

Proposed Findings for Approval

Based on the evidence in the staff report and project file, as well as testimony at the hearing, the Planning Commission finds the project, as conditioned:

1. Is consistent with the General Plan designation and policies and Town Center Specific Plan designation and policies.
2. Meets the standards and requirements of the Zoning Ordinance.
3. Preserves general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.
4. Imposes no significant negative impacts upon the health or general welfare of residents or employees of the City.
5. Incorporates a permit that will be in accord with the purpose of Use Permits as stated herein.
6. Is not negatively influential to minors.
7. Will not present any impacts upon the Town Center with regards to increased crime, loitering, or large concentrations of people.

Proposed Conditions of Approval

1. The hours of operation shall be 5:00 a.m. to 11:00 p.m.
2. The project shall be operated in accordance with the submitted "Statement of Operation" dated July 18, 2008 (Exhibit D of this staff report).
3. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgements, liens, levies, costs, and expenses of whatever nature, including attorney's fees and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, or the environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

Advisory Notes

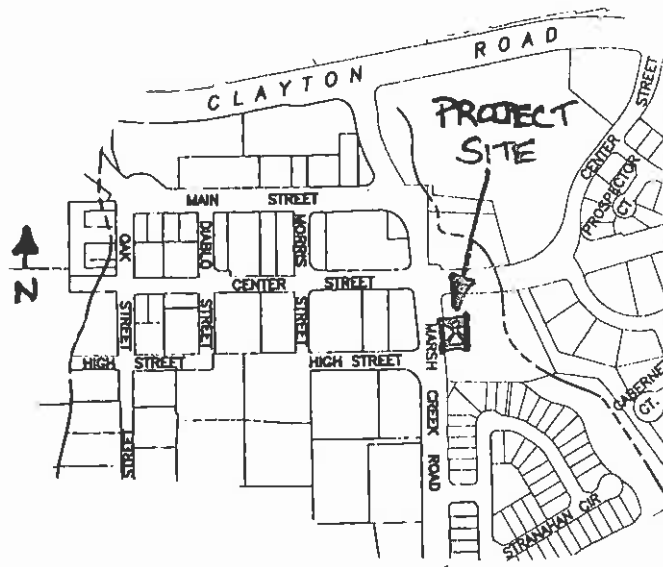
Advisory notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; or (b) requirements imposed by other agencies. The advisory notes state requirements that may be in addition to the conditions of approval.

1. Comply with all applicable State, County, City, and fitness center codes, regulations, and adopted standards.
2. This permit shall be used, exercised, or established within twelve months after granting of the permit or a time extension must be obtained from the Planning Commission otherwise the permit shall be null and void (CMC § 17.64.010-030).

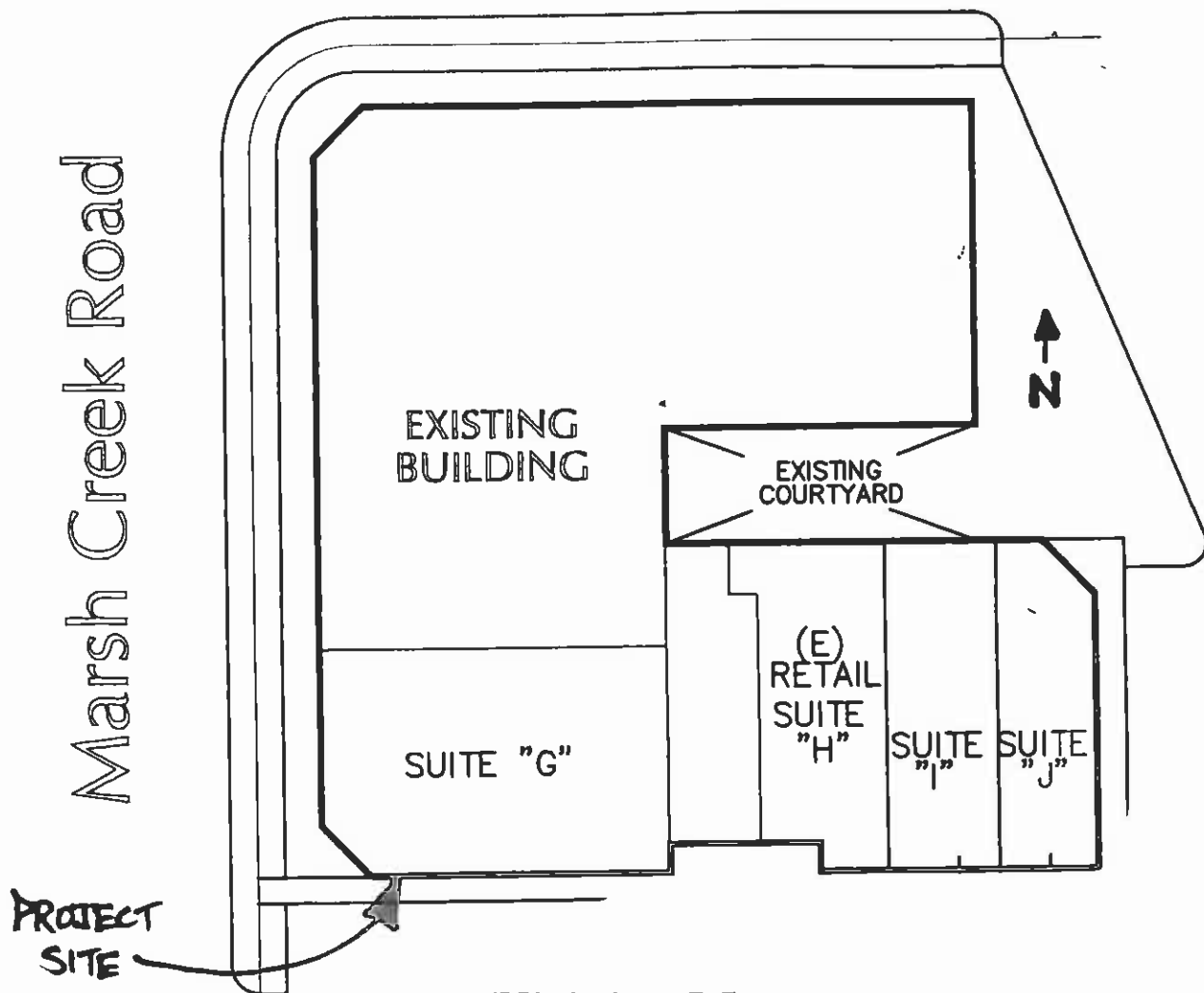
EXHIBITS

- A Location Map
- B Letter from Stephen J. Coates, date stamped July 11, 2008
- C Clayton Police Department Memorandum, provided by the Police Chief, date stamped July 11, 2008
- D Statement of Operation, submitted by the applicant, date stamped July 18, 2008
- E Snap Fitness Floor Plan and Fact Sheet, submitted by the applicant, date stamped June 24, 2008

UP\2008\03-08.sr1



Center Street



Vicinity Map

6200 Center Street, Suite G

APN 119-620-060

RECEIVED

JUL 11 2008

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

July 11, 2008

Mr. Milan Sikela
Assistant Planner
City of Clayton
6000 Heritage Trail
Clayton, California 94517-1250

Re: Current Leasing Status Report
Village Oaks, 6200 Center Street

Dear Milan:

I thought it would be a good idea to keep you informed about how we are doing with leasing our vacant spaces at Village Oaks. I have been Managing and Leasing this property for over five years. Almost all our tenants live in Clayton and that is the primary reason that they have leased space in our building. We rarely have a request for retail tenants. I believe the primary reason for this is that there are not enough customers in the surrounding community to support a retail business. This may change over time but right now all requests for space seems to be for office or service uses.

The retail tenants that we have had in our building have not been successful. During the past five years a toy store vacated, a quilt shop has come and gone, and the western wear shop has had four different owners in five years and finally closed up. We worked with each of the businesses to succeed by providing attractive rental rates, and free rent to get started. We understand that the City of Clayton would like to see additional retail tenants to obtain sales tax revenues and we have no problem with leasing to retail tenants if they are available.

I have contacted the Broker handling the new building at 1026 Oak Street to keep her informed of our spaces available. Our rental rates would be considerably less than a new building so there is a real incentive to locate at Village Oaks. We have also had our spaces listed on LoopNet which is the largest electronic listing service in the nation. I can no remember a single call from a retailer. Almost all our calls for space have come from people living in Clayton who want to relocate or open a business in our building. Right now our only possible tenant is Snap Fitness who would take one of five spaces that we currently have available. If we are unable to finalize a Lease with this business then we may be sitting with a vacant space for some time. This business would be paying us several thousand dollars per month so we are quite concerned about not being able to lease Snap Fitness.

EXHIBIT B
(2 PAGES)

We will continue to seek out and work with retail tenants should they show any interest in our building.

Sincerely yours,
Coates & Sowards, Inc.
Managing Agent for Village Oaks

Stephen J. Coates, Manager

**CLAYTON POLICE DEPARTMENT
MEMORANDUM**

RECEIVED

DATE: July 13, 2008

TO: David Woltering,
Community Development Director

FROM: Dan Lawrence,
Police Chief

SUBJECT: Snap Fitness Proposal

JUL 11 2008
CLAYTON COMMUNITY
DEVELOPMENT DEPT.

Although I'm happy to hear that Snap Fitness has a proposal to open a fitness center in the downtown area, I have some concerns if the hours of operation are approved for 24/7. I feel that a business that operates 24/7 may not be a compatible operation when compared to the other businesses that are already established in the downtown area. In addition, there are several residential areas located nearby. The potential for excessive lighting and noise emanating from the operation could pose nuisance issues and annoy neighbors living in close proximity to the fitness center.

In addition, I feel that this proposed operation could pose a public safety issue for several reasons. An unsupervised fitness operation during the night hours could place a person at risk if a medical emergency or criminal situation arose. For example, if the only person working out had a medical emergency he/she might not be able to call for help. When this operation (if approved) became well known to the regional area, there might be an unwanted attraction to the area when police staffing is reduced to its lowest level. The City of Clayton enjoys a low crime rate, especially during the night hours when all businesses are closed and residents are asleep.

With that being said, I would not oppose this applicant from opening a fitness operation in the downtown area where the hours of operation were similar to what other business offer nearby. I would support 5am to 11pm hours as a time frame for the applicant's hours of operation.

EXHIBIT C



RECEIVED

JUL 18 2006

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

**Statement of Operation
Snap Fitness—Clayton California**

Type of Activity: SNAP Fitness operates state-of-the-art fitness centers in neighborhood settings. It provides a convenient and affordable exercise alternative to the “big box” fitness centers, without the burden of contracts. The center is intended to appeal to those looking for a friendly, non-competitive environment in which to improve their health.

Hours of Operation: The center will be open to its members from 5:00 a.m. to 11:00 p.m., 365 days/year. During unstaffed hours, members access the center via a card-lock system.

Staffing: In addition to the two owners, the center will typically have a front-desk employee and two personal trainers. It is anticipated that the center will be staffed from 9:00 a.m. to 7:00 p.m. daily. These hours may vary based on membership levels and member requirements(personal training appointments, etc).

Parking: As there are no fitness classes at this facility, parking impact is minimal. Based on activity at other clubs, one could expect 4-6 members on site throughout the day with two peak periods—very early morning(5:00 to 7:00 a.m.) and early evening (5:00 – 7:00 p.m).—where this number may rise to 10 or 12 members. The members arrive/depart at staggered times, so the number of parking spaces affected is even lower.

Security: The facility is monitored by 4-6 surveillance cameras. A panic button system (wall buttons and necklaces) is also installed that provides a direct connection to a monitoring company in the event of a health or security concern. As it is a private club, experience has shown that the members also monitor the facility and report any issues.

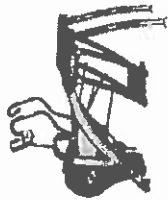
Other Services: Snap Fitness also sells nutritional products and apparel through its centers. The center also maintains a vending system to provide its members with beverages and light food items(protein bars, etc).

Benefit to the Community: The benefits to Clayton make SNAP Fitness a great fit for the community. These benefits include:

- Customer Attraction to Downtown Area: Members are likely to include a visit to the Village Market, the Coffee Shop, and other downtown merchants as part of their visit to the gym.

- Discount Cards: SNAP has a program to create a discount card for use at businesses in the immediate area of the center. The intent is to provide increased customer traffic for SNAP's neighbors.
- Reciprocity With Other SNAP Centers: While the members feel like they are a part of a local, private fitness club, their membership entitles them to use any of the more than 900 centers across the country (with 700 more on the way!). This is an outstanding benefit for the business traveler or even the long commuter, as they can continue their fitness program when away from home.
- Promotion of Clayton as A Healthy Community: The fitness center, when added to the YMCA programs, parks, and trails, further establishes Clayton's reputation as a healthy, active community.
- Attraction of Other Successful Merchants: SNAP's success in Clayton will attract the attention of other retail/commercial prospects. While giving the appearance of a local gym, it is backed by a solid corporate entity operating in 43 states, a fact that will not go unnoticed by other potential tenants. The increased foot traffic in the downtown area along with the existing household income/density demographics will make the center area more attractive as a profit-producing location.

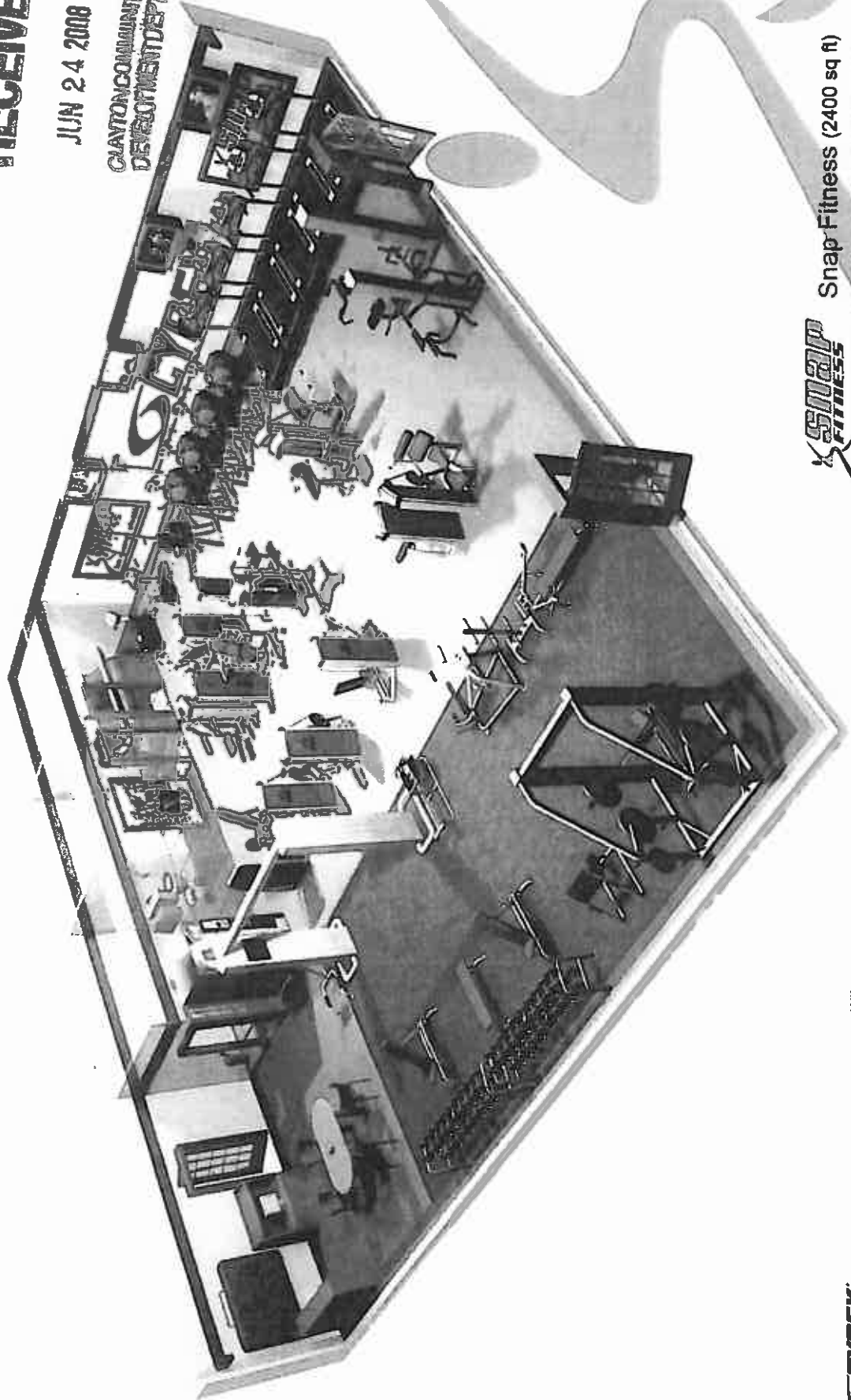
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RECEIVED

JUN 24 2008

CLAYTON COMMUNITY
DEVELOPMENT DEPT.



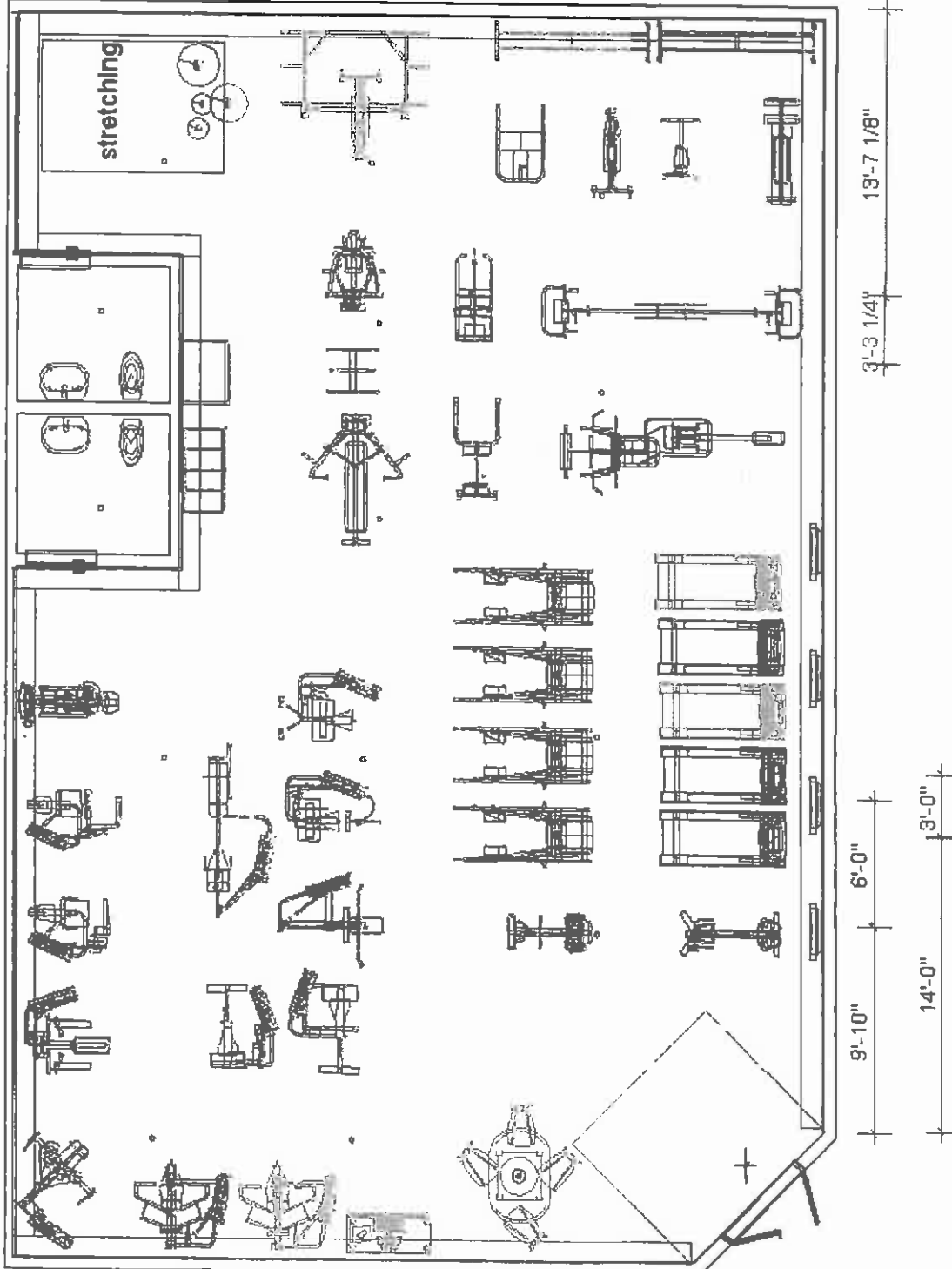
Snap Fitness
fast • convenient • affordable

Snap Fitness (2400 sq ft)

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SCYBEX® Designed By Ruzwan Ahmad/Myra Cybex International UK

**EXHIBIT E
(3 PAGES)**



SNAP- Clayton, CA

2400 Standard

Five Treadmill outlets

3' O.C. 14' from coner wall

NEMA-5 Plug Dedicated

110V 20 AMP

Four 32" flat screen TVs

7' from floor, 9'10" from Corner wall, 6' OC

Rubber Flooring Throughout

2132.2 ft²



FACT SHEET

Contact: —

MIKE MONAHAN
925-349-9335

The Snap Fitness System

Compact in stature, yet full of everything an active individual needs to get fit, all Snap Fitness facilities are open for member access anytime 24 hours a day, 365 days a year. Memberships start at [REDACTED] and provide a convenient, affordable exercise alternative in a neighborhood setting.

Security

Often the first concern in considering a 24/7 health club, security is one of the most important features of all Snap Fitness facilities. Locations are not only convenient, but also safe. All Snap Fitness clubs operate on a 24-hour card-key locking system that ensures safety and allows members and owners to supervise club usage. In addition, there are surveillance cameras continuously monitoring facilities and providing added security to the club.

Equipment

A variety of state-of-the-art exercise equipment is used in all Snap Fitness facilities and provides members with the latest in fitness advances, including:

- Treadmills
- Stair climbers
- Exercise bikes
- Elliptical machines
- Arc trainers
- Cardio theater – watch TV during workouts
- Free weights
- Strength equipment
- Personal trainers (for additional cost)

In addition, all Snap Fitness facilities contain:

- Tanning bed for members (provided at additional membership cost) (M/A CLAYTON)
- Electronic exercise program aids
- Large restroom/changing facilities
- Free equipment orientation

Membership

Members of all ages enjoy Snap Fitness clubs due to their friendly, non-competitive atmosphere.

Additional membership benefits include:

- No contracts
- 30-day risk-free guarantee
- "Freeze" membership at anytime (put on hold if not used)
- Membership discount with accepted health insurance programs
- Snap Rewards Program allowing members to exercise and win prizes
- Discount card for use at local businesses

PLANNING COMMISSION STAFF REPORT

Meeting Date: July 29, 2008

From: Milan J. Sikela, Jr. *MS*
Assistant Planner

Subject: Soap Box Derby and Classic Car Show
Temporary Use Permit (TUP 16-08)

REQUEST

Approval of a Temporary Use Permit to allow the Labor Day Soap Box Derby to occur in the Town Center, consisting of the following activities:

- Soap Box Derby;
- Classic Car Show; and
- Inflatable children's "jump rooms".

PROJECT INFORMATION

Applicant: Mike Fossan
Clayton Community Church
6055 Main Street
Clayton, CA 94517

Location: Marsh Creek Road from Clayton Road to Center Street; Main Street from Oak Street to Marsh Creek Road; Diablo Street from Main Street to Center Street; and in the parking lots of the Clayton Community Church offices, Kindercare childcare center, Hair By Jim, Skipolini's, and Royal Rooster.
(See **Exhibit A** for Vicinity Map)

General Plan Designation: Town Center Commercial. This proposal complies with the General Plan designation.

**Town Center Specific
Plan Designation:** Town Center Commercial. This proposal complies with the Town Center Specific Plan designation.

Zoning: Limited Commercial District (L-C) and Planned Development (PD).

Environmental Review: Categorically exempt per Section 15304(e), Class 4 of the State CEQA Guidelines.

Public Notice: On July 11, 2008, a public hearing notice was posted at the notice boards, mailed to property owners within 300 feet of the site, and faxed to the newspapers. No comments have been received by staff.

Agency Referrals: The Police Department and Maintenance Department reviewed and approved the event. Since the event does not involve authorization of new construction but, instead, entails a Temporary Use Permit for a temporary use in the Town Center, referrals to the Engineering Department, Fire Protection District, and other agencies were not necessary.

Authority: Section 17.70.040 of the *Zoning Ordinance* authorizes the Planning Commission to approve a Temporary Use Permit for a temporary use if more than three Temporary Use Permits have been obtained by the same applicant during the same calendar year.

BACKGROUND

The Clayton Community Church is proposing to sponsor the annual Labor Day Soap Box Derby, which consists of the following activities in the Town Center:

- Soap Box Derby;
- Classic Car Show; and
- Inflatable children's "jump rooms".

The Clayton Community Church has sponsored this event in the Town Center on Labor Day weekend since 2004. In the past, the applicant has obtained an administratively-approved Temporary Use Permit to hold the event. However, the Municipal Code requires that any applicant that has obtained more than three Temporary Use Permits per year must obtain Planning Commission approval of additional Temporary Use Permits. Since the applicant has already obtained three Temporary Use Permits from the City in 2008, the item has been brought before the Commission.

ANALYSIS

Including street closures, set-up time, and break-down time, the Soap Box Derby will occur on Saturday, August 30, 2008 from 7:30 a.m. to 4:30 p.m. A map showing the location of each activity is provided as **Exhibit B**; a map showing the street closures is provided as **Exhibit C**; and a map showing the locations of the show cars is provided as **Exhibit D**. The event will involve the following street closures:

- Marsh Creek Road from Clayton Road to Center Street;
- Main Street from Oak Street to Marsh Creek Road; and
- Diablo Street from Main Street to Center Street;

The following information about each activity is provided as follows:

- Soap Box Derby
The Soap Box Derby will involve a staging area on Marsh Creek Road between Clayton Road and Center Street. The ramp for the starting point of the Derby will be located at the eastern end of Main Street. The soap box "race cars" will then race westward down Main Street to the finish line near the intersection of Main Street and Diablo Street.

- Classic Car Show
The Classic Car Show will be held on Main Street between Oak Street and Diablo Street; on Diablo Street between Main Street and Center Street; and in the parking lots of the Clayton Community Church, Kindercare childcare center, Hair By Jim, Skipolini's, and Royal Rooster.
- Inflatable Children's Jump Rooms
Three inflatable children's jump rooms will be located in the parking lot of Kindercare Learning Center.

The Police Department and Maintenance Department have reviewed and approved the event. The Police Department will be staffing the event with police interns and the Maintenance Department will make available the barricades, cones, railings involved with the street closures.

During the event, the on-street parking along the affected streets will be temporarily unavailable to the public. A noise permit has been issued by the City for the event, including use of a public address sound system. Litter generated by the event has been addressed by a condition requiring the applicant to restore the area to pre-event conditions, including the removal of all items, refuse, and materials related to the event.

Sections 17.70.030 and 17.70.060 of the Municipal Code reference the preservation of the "general health, safety, and welfare" of the community as well as whether or not the use is a "safe and appropriate use" of the land. Since the event is community-oriented and family-oriented in nature, includes the sponsorship of local businesses, will be properly barricaded, will be staffed by Police Officers, and involves clean-up of the event area to pre-event conditions, staff concludes that the event meets the requirements for Temporary Use Permits as stated in Chapter 17.70 of the Municipal Code.

RECOMMENDATION

Staff recommends that the Planning Commission approve Temporary Use Permit TUP 16-08 to allow the Soap Box Derby, Classic Car Show, and inflatable children's jump rooms in the Town Center on Saturday, August 30, 2008, based upon the following findings and subject to the following conditions.

Proposed Findings of Approval

Based upon the evidence set forth in the staff reports, which includes relevant information from the project file, as well as testimony at the public hearing, the Planning Commission finds that, as conditioned, the temporary use:

1. Is consistent with the General Plan designation and policies and Town Center Specific Plan designation and policies.
2. Meets the standards and requirements of the Municipal Code.
3. Preserves the general safety of the community since the event will be properly barricaded and staffed with Police Officers.
4. Preserves the health of the community since the event involves clean-up of the event area to pre-event conditions.
5. Preserves the general welfare of the community since the event includes the sponsorship of local businesses and is community-oriented and family-oriented in nature.

Proposed Conditions of Approval

1. Insurance shall be provided in the amount of one-million dollars which includes the City of Clayton as an additional insured. The insurance documents shall be submitted by August 17, 2007.
2. The Soap Box Derby, Classic Car Show, and inflatable children's jump rooms shall be held in accordance with description of event provided by the applicant.
3. At the end of the event, the applicant is responsible for restoring the area to pre-event conditions, including the removal of all items, refuse, and materials related to the event.
4. The City's approval of this event is not precedent-setting for similar or identical future temporary events, including future soap box derbies, classic car shows, and inflatable children's jump rooms.
5. Applicant shall be responsible for set-up and removal of all street closure items (barricades, cones, no parking signage, etc.). All items shall be obtained from and returned to the City Corporation Yard. No parking signage along Main Street shall be placed at least one day prior to the event date. Please contact Maintenance Supervisor John Johnston at 925-250-5804 for coordination of the street closure.
6. The following fees shall be paid prior to the event:
 - a. \$181.44 Police Intern Cost Fee (non-refundable).
 - b. \$100 Street Closure Fee (non-refundable).
 - c. \$35 Barricade/Cone Use Fee (non-refundable) [Please Note: If maintenance staff is used to pre-deploy and pick-up the street closures, an additional cost of \$567.18 is needed].
 - d. \$500 Clean-Up Deposit (refundable).
7. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgements, liens, levies, costs, and expenses of whatever nature, including attorney's fees and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, or the environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

Advisory Note

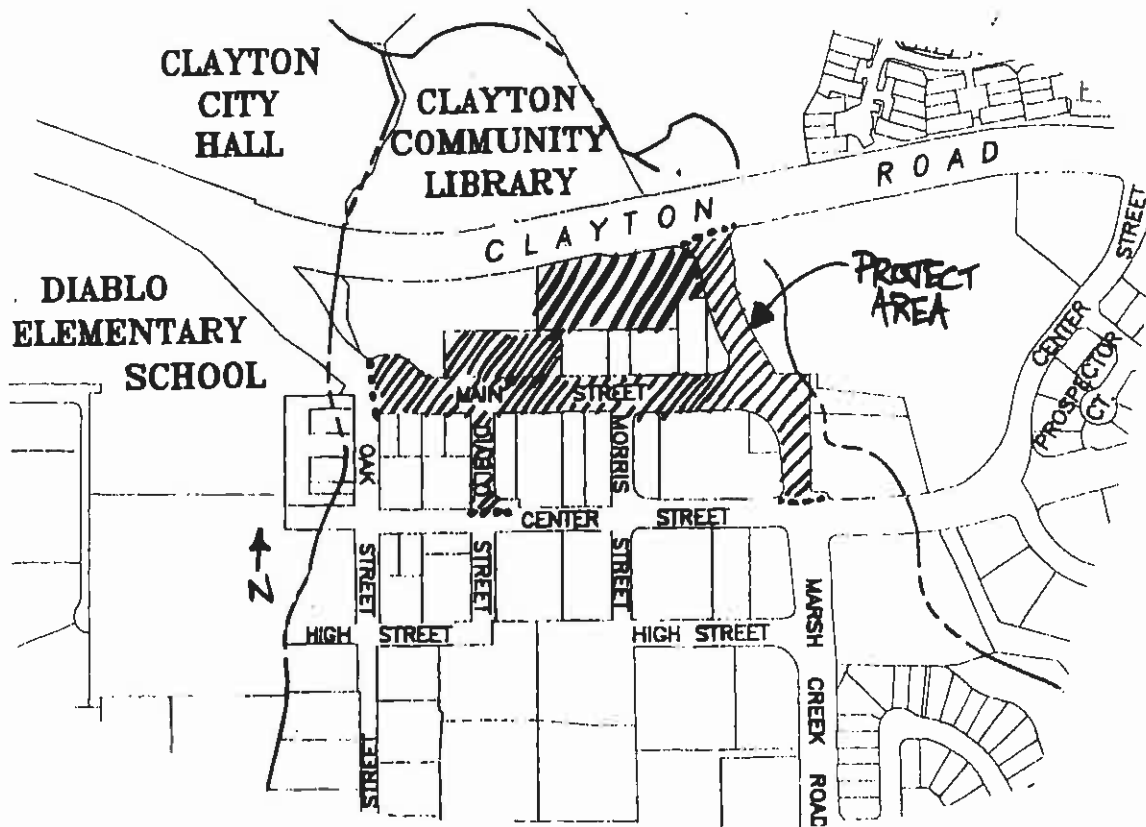
Advisory notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; or (b) requirements imposed by other agencies. The advisory notes state requirements that may be in addition to the conditions of approval.

1. This permit shall be used, exercised, or established within twelve months after granting of the permit, or a time extension must be obtained from the Planning Commission otherwise the permit shall be null and void (CMC § 17.64.010-030).

EXHIBITS

- A Vicinity Map
- B Activity Location Map, submitted by the applicant, date stamped July 1, 2008
- C Street Closure Map, submitted by the applicant, date stamped July 1, 2008
- D Show Car Parking Plan, submitted by the applicant, date stamped July 1, 2008

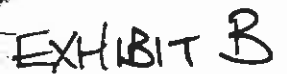
TUP\2008\16-08.sr1



Vicinity Map
Soap Box Derby
Classic Car Show
Inflatable Children's Jump Rooms

EXHIBIT A

**CLAYTON COMMUNITY
DEVELOPMENT**



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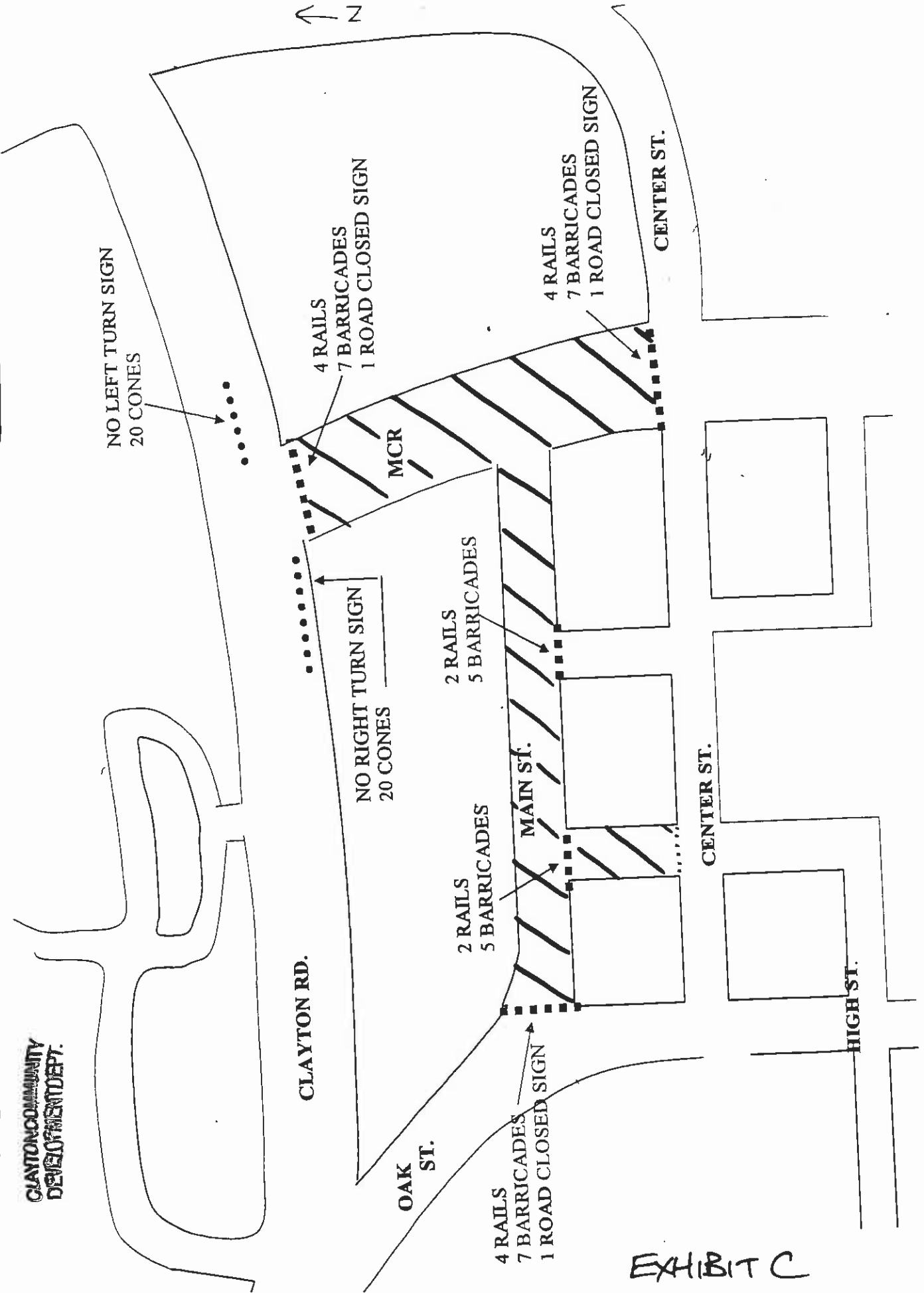
JUL 1 2008

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

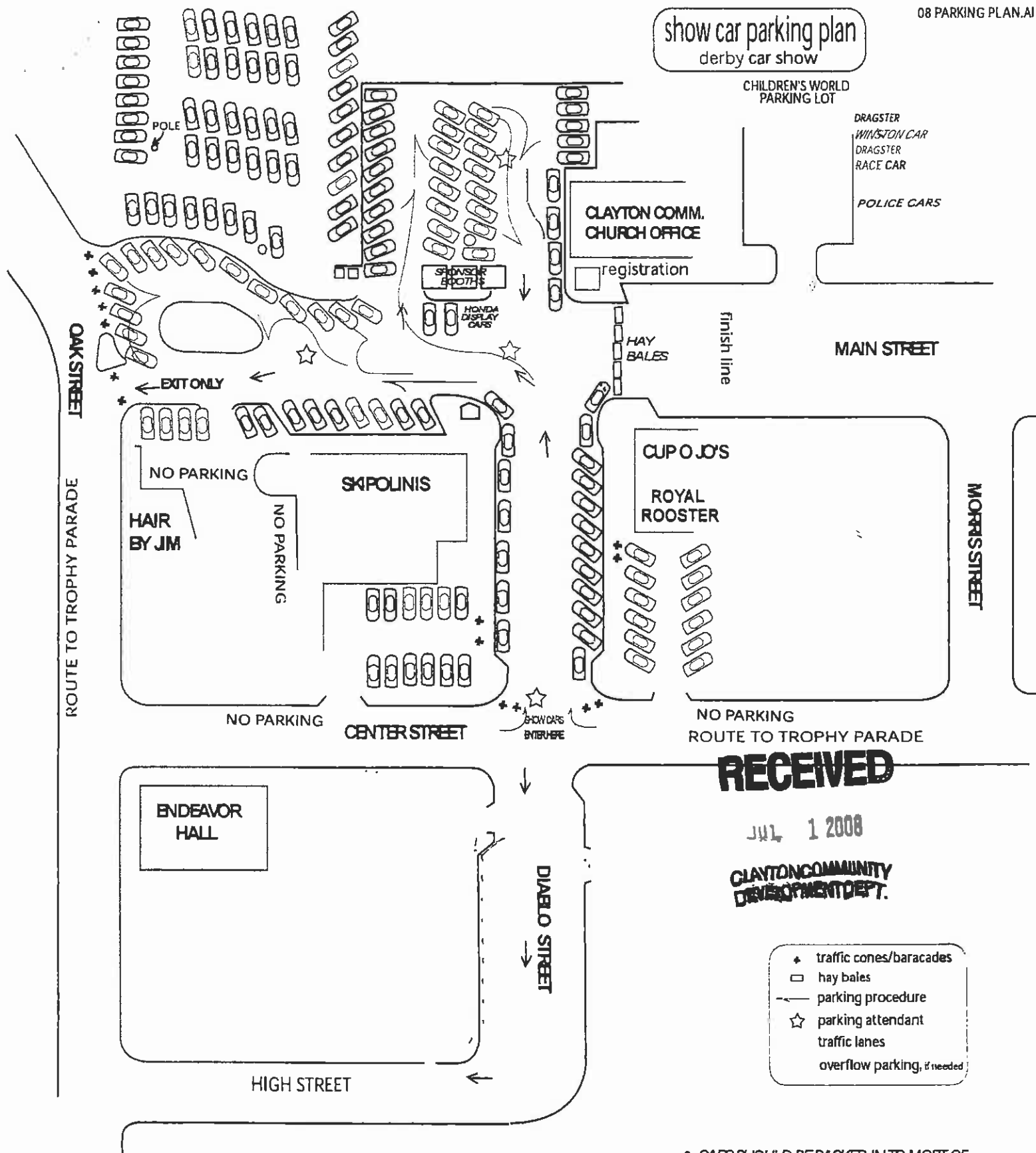
SOAP BOX DERBY



= STREET CLOSURE



show car parking plan
derby car show



Drivers can save a spot for a friend as long that spot is not needed for arriving cars

Cars may leave at any time if necessary via the Oak Street exit.

There are not enough spaces available to allow chairs, ice chests, or canopys to occupy parking.

Cars may be admitted as long as there is parking available.

- CARS SHOULD BE BACKED IN TO MOST OF THE SPACES OR FACE TRAFFIC LANES
- ALL CARS MUST BE ABLE TO LEAVE FOR THE TROPICAL PARADE

- DIRECT DRIVERS TO THE REGISTRATION BOOTH AFTER THEY HAVE PARKED

EXHIBIT D

PLANNING COMMISSION STAFF REPORT

Meeting Date: July 29, 2008

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Clayton Community Church Christmas Eve Family Event
Temporary Use Permit (TUP 17-08)

REQUEST

A Temporary Use Permit to allow the Clayton Community Church to hold a Christmas Eve Family Event in the Town Center (including hay rides) on December 24, 2007.

PROJECT INFORMATION

Applicant / Location: Mike Fossan
Clayton Community Church
6055 Main Street
APN 119-011-003

General Plan Designation: Town Center Commercial. This proposal complies with the General Plan designation.

**Town Center Specific
Plan Designation:** Town Center Commercial. This proposal complies with the Town Center Specific Plan designation.

Zoning: Limited Commercial District (L-C)

Environmental Review: Categorically exempt per Section 15304(e), Class 4 of the State CEQA Guidelines.

Public Notice: On July 11, 2008, a public hearing notice was posted at the notice boards, mailed to property owners within 300 feet of the site, and faxed to the newspapers. No comments have been received by staff.

Agency Referrals: The Police Department and Maintenance Department had no comments. Comments from the City Stormwater Manager have been incorporated into the conditions of approval. Since the event does not involve authorization of new construction but, instead, entails a Temporary Use Permit for a temporary use in the Town Center, referrals to the Engineering Department, Fire Protection District, and other agencies were not necessary.

Authority: Section 17.70.040 of the *Zoning Ordinance* authorizes the Planning Commission to approve a Temporary Use Permit for a temporary use if more than three Temporary Use Permits have been obtained by the same applicant.

BACKGROUND AND ANALYSIS

The Clayton Community Church has requested a Temporary Use Permit to hold a Christmas Eve Family Event on December 24, 2008 (see **Exhibit** for location map and “hay ride” route). The Clayton Community Church has sponsored this event in the Town Center on Christmas Eve since 2007. The Municipal Code requires that any applicant that has obtained more than three Temporary Use Permits per year must obtain Planning Commission approval of additional Temporary Use Permits. Since the applicant has already obtained three Temporary Use Permits from the City in 2008, the item has been brought before the Commission.

ANALYSIS

The event will include the following activities at the following times:

- Monday, December 22, 2008 (approximately 9:00 a.m. to 12:00 p.m.)
Set-up of nativity scenes inside the Clayton Community Church offices and outside on the Clayton Community Church property.
- Wednesday, December 24, 2008 (approximately 2:00 p.m. to 5:00 p.m.)
Event will commence. This will involve a walk-through nativity course inside the Clayton Community Church offices and outside on the Clayton Community Church property. This will also involve “hay rides” starting in the parking lot of the Clayton Community Church property going east on Main Street, south on Morris Street, west on Center Street, and north on Oak Street, circling around to the Clayton Community Church parking lot.
- Friday, December 26, 2008 (approximately 10:00 a.m. to 12:00 p.m.)
Break-down of nativity scenes inside the Clayton Community Church offices and outside on the Clayton Community Church property.

Other than the set-up and break-down for the event, the entire event will take place between approximately 2:00 p.m. and 5:00 p.m. on Wednesday, December 24, 2008 including the delivery and removal of the proposed animals. A re-enactment of nativity scenes will be provided along a pedestrian “walk-through” course that will alternately wind through the inside of the Clayton Community Church offices and outside on the exterior grounds of the Clayton Community Church property. As part of the nativity scene, the applicant has proposed to keep sheep and a donkey inside an enclosed pen in the parking lot of the Clayton Community Church. The animals will be delivered after 2:00 p.m. and removed before 5:00 p.m. on December 24, 2008. Staff has provided conditions for the location and clean-up of the animals.

A “hay ride” has also been proposed as part of the event. A flatbed truck filled with hay will be used to carry people to and from the Clayton Community Church property in a loop through the Town Center. The proposed route for the hay ride will go east on Main Street, south on Morris Street, west on Center Street, and north on Oak Street to reconnect with Main Street. The flatbed truck will drive at a gradual pace in compliance with the speed limits for the Town Center.

The set-up and break-down of the event will not occur anywhere outside of the Clayton Community Church property. Therefore, it is anticipated that the set-up and break-down of the event will have no impact on adjacent properties.

RECOMMENDATION

Staff recommends that the Planning Commission approve Temporary Use Permit TUP 17-08 to allow the Clayton Community Church to hold the Christmas Eve Family Event in the Town Center (including hay rides), based upon the following findings and subject to the following conditions.

Proposed Findings of Approval

Based upon the evidence set forth in the staff reports, which includes relevant information from the project file, as well as testimony at the public hearing, the Planning Commission finds that, as conditioned, the temporary use:

1. Is consistent with the General Plan designation and policies and Town Center Specific Plan designation and policies.
2. Meets the standards and requirements of the Municipal Code.
3. Preserves the general safety of the community since the nativity scene animals will be located in secured areas and the flatbed truck used for the “hay ride” will travel at a gradual pace and observe the speed limits within the Town Center.
4. Preserves the health of the community since the event involves clean-up of the event area to pre-event conditions.
5. Preserves the general welfare of the community since the event is community-oriented and family-oriented in nature.

Proposed Conditions of Approval

1. The Christmas Eve Family Event shall be held in accordance with description of event provided by the applicant.
2. At the end of the event, the applicant is responsible for restoring the area to pre-event conditions, including the removal of all items, refuse, and materials related to the event. This includes clean-up of any hay from the public right-of-way and other off-site locations.
3. Any temporary signage employed for the event shall be in compliance with the Clayton Municipal Code.
4. The City’s approval of this Christmas Eve Family Event is not precedent-setting for similar or identical future temporary events.
5. The sheep and donkey proposed as part of the event shall be subject to the following:
 - a. All event-related animals shall remain on the Clayton Community Church property between drop-off and pick-up of the animals.
 - b. Any waste caused by the animals shall be picked up and removed prior to the conclusion of the event. Waste disposal or runoff shall not be allowed to enter the storm drains.
6. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgements, liens, levies, costs, and expenses of whatever nature, including attorney’s fees and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, or the environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

Advisory Notes

Advisory notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; or (b) requirements imposed by other agencies. The advisory notes state requirements that may be in addition to the conditions of approval.

1. The event shall be held in accordance with all applicant State humane laws, Contra Costa County Health Department requirements, and California Vehicle Code requirements.
2. This permit shall be used, exercised, or established within twelve months after granting of the permit, or a time extension must be obtained from the Planning Commission otherwise the permit shall be null and void (CMC § 17.64.010-030).

EXHIBIT

Location Map and Hay Ride Route, provided by staff

TUP2008\17-08.sr1

CLAYTON
CITY
HALL

CLAYTON
COMMUNITY
LIBRARY

ROAD

CLAYTON

LOCATION of
EVEST

BLO
MENTARY
SCHOOL

2

DIABLO

STREET

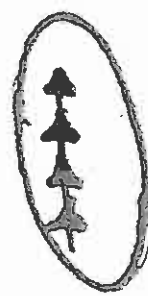
STREET

STREET

STREET

HIGH STREET

MARSH



ROUTE
of
HAY
RIDE

EXHIBIT