



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, June 23, 2009
Hoyer Hall, 6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Commissioner Armstrong to report at the special meeting of the City Council on June 30, 2009.

Public Comment

Approval of Minutes

- 2. Approval of minutes from the meeting of June 9, 2009.

Public Hearings

- 3. **ZOA 01-09, Municipal Code Amendment, City of Clayton.** An amendment of Section 15.08.030.B (City Review and Approval of Sign Permits) of the Clayton Municipal Code to allow for administrative review and approval of specified minor signs.

Proposed Action: Recommend City Council approval.

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, July 14, 2009.**

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.

Draft

Minutes

City of Clayton Planning Commission Meeting Tuesday, June 9, 2009

Call to Order

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

Present: Chair Tuija Catalano, Commissioner Bob Armstrong, Commissioner Keith Haydon, Commissioner Sandra Johnson

Absent: Vice Chair Ed Hartley

Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.
Consultant Jennifer Gastelum, Pacific Municipal Consultants (PMC)

Administrative

1A. Review of agenda items.

1B. Commissioner Johnson to report at the June 16, 2009 City Council meeting.

Approval of Minutes

2. Approval of minutes from the meeting of May 26, 2009.

Commissioner Haydon requested a change in the word order to the fifth bullet from the bottom of Page 2.

Commissioner Haydon moved and Commissioner Johnson seconded a motion to approve the minutes from the meeting of May 26, 2009, with the amendment suggested by Commissioner Haydon. The motion passed 4-0.

Public Hearings

3. **GPA 01-09, Clayton General Plan Housing Element Update, City of Clayton.** An amendment of the Housing Element of the Clayton General Plan initiated by the City of Clayton to update the City's current Housing Element as required by State law.

Community Development Director David Woltering gave a brief introduction and Consultant Jennifer Gastelum presented the staff report.

Planning Commission comments and questions included:

- Please define "emergency shelter". Consultant Jennifer Gastelum indicated that an emergency shelter is housing with limited supportive services for a period of up to six months for homeless people.
- Would the City have to re-zone to allow the construction of an emergency shelter? Ms. Gastelum answered that the City will have to designate zones that allow for the development of emergency shelters, but the applicants would have to comply with the stated standards for development.
- Is there a prototype for halfway houses that the City could use? Ms. Gastelum responded that the City could set up specific criteria that have to be met prior to a development approval. However, Ms. Gastelum indicated that the City does not currently have a large homeless population and there are services in the region to meet their needs.

- On page 25 of the document, accurate counts in certain categories of household types may be difficult to determine because of divorces and joint custody circumstances associated with some of these households. Ms. Gastleum indicated that the concern had merit since both divorced parents could be counted as separate heads of households that share joint custody of their children.
- On Page 7, the description for the City's jobs and housing imbalance should be reworded to be less negative. Clayton is largely a residentially-oriented community, so it would be difficult to achieve a jobs and housing balance.
- On Page 41, there should be clarification made regarding the mitigation of the high cost of constructing second dwelling units that the City could specifically offer.
- The City should be developing a method to assist in mitigating the cost of water service hookups for those wishing to construct second dwelling units.
- Where are the two affordable housing opportunity sites located? Director Woltering answered that the affordable housing opportunity sites are located at the old fire station property on the southeast corner of Clayton Road and Mitchell Canyon Road and the Stanley property behind the Post Office in the Town Center.
- On Page 87, the end-of-term date for the Clayton Redevelopment Agency to make annual \$200,000 low-income and moderate-income fund payments should be stated.

The public testimony period was opened.

John Roskelley, 5675 Pine Hollow Road, indicated the following:

- Language should be added to the document that, where appropriate, new residences should be developed and built to be readily adaptable to receive universal design features and modifications to improve accessibility for the physically challenged.
- Does not support requiring a Use Permit for single-family residential units in multi-family residential districts.
- Is pleased that no new affordable housing opportunity sites have been proposed.
- Requested further clarification distinguishing between the proposed implementation measures that are State requirements (mandates) as opposed to those that are discretionary.
- The State should not be telling the City of Clayton how to implement its housing programs.
- If we establish "halfway houses" in the City, there is no guarantee these houses will be well-managed or well-maintained. Emergency shelters would threaten public safety because these types of facilities attract individuals that will likely be problematic.
- We do not want our property to be an affordable housing site.
- We should not have a consultant from southern California representing a northern California city such as Clayton. Director Woltering indicated that Pacific Municipal Consultants had offices throughout northern California, some of which are located in the cities of Sacramento, Davis, and Oakland. Moreover, the Director indicated that the staff from the Sacramento office is taking the lead on this project.

There being no further public comments, the public testimony period was closed. Commission comments and questions included:

- Goal VI regarding regional planning should be expanded to acknowledge the City's work with TRANSPAC and other similar regional efforts and involvement by the City.
- We need to ensure that Implementation Measure I.2.1, pertaining to inclusionary housing requirements, would not be more restrictive than neighboring communities' inclusionary housing requirements which could pose a constraint to future housing production in Clayton. Both Project Manager Gastelum and Director Woltering indicated that the proposed

implementation measure offers considerable flexibility and a variety of approaches to include affordable housing in residential projects involving two or more units.

- The end-of-term date should be added to Implementation Measure III.1.4, associated with the Clayton Redevelopment Agency providing \$200,000 annually in set-aside funds for the continued affordability of subsidized residential units at Diamond Terrace through 2019.
- We do not want inclusionary housing to be a deterrent for new housing projects in the City.
- We need to further strengthen Goal V pertaining to energy conservation by offering design assistance through the Community Development Department. Director Woltering indicated that this section currently suggests providing education and information to promote energy conservation. He indicated that, presently, the Community Development Department does not specifically have actual design expertise; however, perhaps design templates or samples could be provided to offer a higher level of service.
- Does the term “manufactured homes” include trailers? Ms. Gastelum indicated that, no, manufactured homes have to be built on permanent foundations.
- The Commissioners indicated general support for recommending each others’ suggested modifications for approval by the City Council.

Commissioner Armstrong moved and Commissioner Haydon seconded a motion to recommend City Council authorization for staff and the Housing Element consultant to submit the Draft City of Clayton 2009-2014 Housing Element Update, as amended to include the Commissioners described modifications, to the California Department of Housing and Community Development for the standard 60-day review. The motion passed 4-0.

Old Business

4. None.

New Business

5. None.

Communications

- 6A. Staff

Director Woltering indicated that the application period for the two seats on the Planning Commission had closed and that eight applications had been received. He indicated further that it was expected the City Council would interview the candidates prior to the next Planning Commission meeting.

- 6B. Commission

Adjournment

7. The meeting was adjourned at 8:55 p.m.

Submitted by
David Woltering, AICP
Community Development Director

Approved by
Tuija Catalano
Chair

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PLANNING COMMISSION STAFF REPORT

Meeting Date: June 23, 2009

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Amendments to the City of Clayton Sign Provisions to Delegate the Review and Approval of Specified Minor Sign Permits to Staff (ZOA 01-09)

BACKGROUND AND DISCUSSION

At its meeting of May 26, 2009, the Planning Commission provided direction to staff after reviewing possible amendments to Section 15.08.030.B of the Municipal Code to allow administrative review and approval of specified “minor” signs. The Commission’s direction regarding the possible amendments included the following comments:

- Under the proposed Planning Commission Review and Approval section of the Permit Procedures, a reference should be made to directory signs that exceed ten square feet in area and six feet in height.
- Remove the parenthetical reference that this provision does not apply to Corner Lots and Through Lots from the Planning Commission Review and Approval section of the Permit Procedures.
- Make sure the terms “Corner Lot” and “Through Lot” are defined in the Code and are capitalized when referenced in the Sign Provisions.
- A provision should be included so that staff has the discretion to refer a “minor sign” application to the Planning Commission for consideration.
- A more expedient review and approval process for minor sign permits would be more business-friendly and staff would be able to use appropriate controls and safeguards already established by the City.
- Finally, the Commissioners indicated general agreement in being supportive of streamlining the sign permit process by allowing staff to administratively review and approve specified minor signs.

Based on this direction, staff modified the draft wording presented to the Commission at the May 26th meeting. A draft ordinance and associated resolution are provided as an **Attachment**.

The basic rationale behind the proposed ordinance is to streamline the Sign Permit process for minor sign proposals, while still assuring an appropriate level of review in order to achieve the intent of the Sign Provisions. The suggested changes by the Planning Commission support the rationale for considering the amendments because proposed wording will allow applicants to obtain fast approval for specified minor signs, thereby, saving the applicant time, money, and effort. Additionally, the changes allow staff to facilitate project approval for minor signs, thereby, saving City time, money, and effort as well.

RECOMMENDATION

Staff recommends that the Planning Commission approve Resolution No. 02-09 which recommends City Council approval of an ordinance to amend Section 15.08.030.B of the Municipal Code to allow for administrative approval of specified “minor” signs.

ATTACHMENT

Clayton Planning Commission Resolution 02-09 with draft ordinance.

ZOA\2009\01-09.sr2

**CITY OF CLAYTON PLANNING COMMISSION
RESOLUTION NO. 02-09**

**AMENDMENT OF SECTION 15.08.030.B (CITY REVIEW AND APPROVAL)
OF THE CLAYTON MUNICIPAL CODE ALLOWING GREATER ADMINISTRATIVE
REVIEW AND APPROVAL OF SPECIFIED “MINOR” SIGNS
(ZOA 01-09)**

Whereas, the Planning Commission held a duly-noticed study session on May 26, 2009 to review the administration and processing of specified “minor” sign applications to identify and consider possible measures to improve the administration and facilitate the processing of these “minor” sign applications; and

Whereas, the Planning Commission identified certain measures, including the delegation to staff of the review and approval of specified “minor” sign applications, to improve the administration and facilitate the processing of applications for the related “minor” sign permits; and

Whereas, the Planning Commission following its review of this matter at its May 26, 2009 meeting directed staff to prepare a draft ordinance amendment, which staff has completed, to modify the City’s Sign Provisions to include the measures it identified to improve the administration and facilitate the processing of specified “minor” sign applications; and

Whereas, the Planning Commission held a duly-noticed public hearing on June 23, 2009 on the amendments to the wording in Section 15.08.030.B of the Clayton Municipal Code, including amendments related to the delegation to staff the review and approval of specified “minor” signs; and

Whereas, the Planning Commission considered the public testimony and staff reports received at the June 23, 2009 meeting; and

Whereas, the amendments to the wording in Section 15.08.030.B of the Clayton Municipal Code to address administratively-approved minor signs satisfying the required sign criteria as stipulated in the Sign Provisions (Chapter 15.08 of the Clayton Municipal Code) are exempt from the California Environmental Quality Act (CEQA) in accordance with Sections 15305 of the CEQA Guidelines.

Now, Therefore, Be it Resolved That:

Section 1. The Planning Commission determines that the proposed amendments of the Clayton Municipal Code regarding administrative review and approval of minor signs described in the **Attachment** would be in general conformance with the General Plan, including any affected implementation programs, and would be in the public interest as well as support the public necessity, convenience, and general welfare.

Section 2. The Planning Commission recommends that the City Council approve the proposed amendments of the Clayton Municipal Code regarding administrative review and approval of minor signs described in the **Attachment**.

ATTACHMENT

Resolution No. 02-09

Page 2

Adopted by the Planning Commission on _____.

APPROVED

ATTEST

Tuija Catalano
Chair

David Woltering, AICP
Community Development Director

Attachment: Draft ordinance for amending Section 15.08.030.B of the Municipal Code.

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAYTON
AMENDING SECTION 15.08.030.B OF THE CLAYTON MUNICIPAL CODE
(CITY REVIEW AND APPROVAL)
(ZOA 01-09)**

**THE CITY COUNCIL
City of Clayton, California**

THE CITY COUNCIL OF THE CITY OF CLAYTON FINDS AS FOLLOWS:

WHEREAS, Section 15.08.030.B of the Municipal Code does not currently allow for administrative review and approval of “minor” signs; and

WHEREAS, it is determined to be beneficial to streamline the Sign Permit process to allow administrative review and approval for more routine (e.g., “minor”) sign installation applications, while still assuring an adequate level of review in accordance with the Permit Procedures stipulated in the Municipal Code; and

WHEREAS, an amended version of 15.08.030.B has been prepared to modify the review and approval process for minor signs; and

WHEREAS, the Planning Commission held a duly-noted public hearing on June 23, 2009 on amending Section 15.08.030.B of the Municipal Code to address this matter of minor signs; determined that the amendment of the Municipal Code involves minor alterations of land use limitations which would not result in any changes in land use or density and would qualify for categorical exemptions from the California Environmental Quality Act (CEQA) in accordance Section 15305 of the State CEQA Guidelines; determined that the amendment would be in conformance with the General Plan; determined that the public necessity, convenience, and general welfare would require adoption of the amendment; and recommended City Council approval of the amendment; and

WHEREAS, on [month] [day], 2009 and [month] [day], 2009, the City Council held duly-noticed public hearings and gave due consideration to all testimony, comments, and documents received; and

WHEREAS, the City Council determined that the amendment of the Municipal Code involves minor alterations of land use limitations which would not result in any changes in land use or density and would qualify for categorical exemptions from the California Environmental Quality Act (CEQA) in accordance Section 15305 of the State CEQA Guidelines; and

WHEREAS, the City Council determined that the following amendment would be in general conformance with the General Plan; and

WHEREAS, the City Council determined that the public necessity, convenience, and general welfare would require adoption of the amendment; and

WHEREAS, there is no evidence that the amendments will have the potential for any individual or cumulative adverse effects on fish and wildlife resources or their habitat, as defined in Section 711.2 of the Fish and Game Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 15.08.030.B of the Municipal Code is amended to read as follows:

“B. City Review and Approval. The City shall review and approve signs according to the following procedures:

1. ~~Code Conformance Check~~ **Administrative Review and Approval.** The following signs shall be reviewed and approved administratively by the Community Development Department if they conform to the general sign requirements and standards of Section 15.08.060; and the regulations for special signs of Section 15.08.070; ~~and to any applicable master sign plan.~~

a. Directory signs, provided the sign does not exceed ten (10) square feet in area, nor a height of six (6) feet.

b. Community event signs. (Note: A temporary use permit is typically required for the community event itself.)

c. ~~All building and ground signs authorized by this Chapter that do not require a sign permit pursuant to Paragraph 2 below~~ **Any sign that is proposed for a property that is consistent in terms of size, number, and location with a previously-approved master sign plan.**

d. ~~All building and ground signs proposed for individual businesses that are located on a property that has a previous approval for similar signage, and the proposed sign(s) are consistent in terms of size, number, and location with the previous approval. (This provision does not apply to a Corner Lot or Through Lot where signage is being proposed along multiple property frontages)~~

2. ~~A sign permit shall be required for the following signs and shall be processed according to the procedures set out in Planning Commission Review and Approval. The following signs shall be reviewed and approved by the Planning Commission in accordance with Chapter 17.64 of the Clayton Municipal Code.~~

a. Master sign plans.

b. Neighborhood/district entry signs.

c. Commercial center entry signs.

d. Subdivision marketing sign program.

e. Public/quasi-public institution signs.

f. ~~A sign not in accordance with an approved master sign plan but conforming to the general sign requirements and standards of Section 15.08.070 of this Chapter~~ **Directory signs that exceed ten (10) square feet in area and six (6) feet in height.**

g. ~~All building and ground signs for individual businesses that are located on a property that have not had previous approval for signage, involve signage on multiple frontages, and/or involve an increase in the previously-approved signage area, increase in the number of signs, or substantially change the location of a sign.~~

h. ~~Any sign proposal that, in the judgement of the Community Development Director, does not comply with the purpose of this Chapter.~~

3. Variance. A variance shall be required from the Planning Commission for any deviations from the general sign requirements and standards of Section 15.08.060 or the regulations for special signs of Section 15.08.070 of this Chapter according to the procedures set out in Chapter 17.52 of the Clayton Municipal Code. (Ord. 328, Sec. 2, 1997)”

SECTION 2. If any provision of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinance and public notices.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on [month] [day], 2009.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular meeting thereof held on [month] [day], 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON

Gregory J. Manning, Mayor

ATTEST

Laci J. Jackson, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Dan Adams, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on [month] [day], 2009, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on [month] [day], 2009.

Laci J. Jackson, City Clerk

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