Minutes
Clayton Planning Commission Meeting
Tuesday, August 24, 2010

Call to Order
Chair Sandra Johnson called the meeting to order at 7:02 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Sandra Johnson, Commissioner Bob Armstrong, Commissioner Tuija Catalano, Commissioner Ted Meriam
Absent: Vice Chair Dan Richardson
Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela

Administrative
1A. Review of agenda items.
1B. Commissioner Armstrong to report at the City Council meeting on September 7, 2010.

Public Comment
None.

Approval of Minutes
2. Approval of minutes from the meeting of August 10, 2010.

Commissioner Armstrong moved and Commissioner Meriam seconded the motion to approve the minutes from the meeting of August 10, 2010, as amended. The motion passed 3-0 (Abstain – Catalano).

Public Hearings
3A. **HOP 14-10, Home Occupation Permit, James and Carol Rackel,** 106 El Portal Place, APN 119-610-034. A home occupation permit to allow cooking classes to be conducted from a single-family residence. The cooking classes will occur twice a month and be approximately two (2) to four (4) hours in length per class. The classes will occur no earlier than 10:00 a.m. or later than 5:00 p.m. on any given Monday through Saturday with a maximum of six (6) students per class. The classes will consist of cooking demonstrations and hands-on instruction.

Chair Johnson recused herself from the meeting because she resides within 500 feet of the project site. By consensus, the Planning Commission elected Commissioner Armstrong as acting Chair.

Acting Chair Armstrong opened the public hearing. Assistant Planner Sikela presented the staff report.

The applicant, Carol Rackel, indicated the following:
- Wanted to open an expanded business in the Town Center, but she and her husband could not find affordable tenant space.
- She and her husband discussed moving into the Flora Square building with the original property owners of that building, but they lost possession of the building and the new property owner was going to charge considerably more for the tenant space.

Commission comments and questions included:

- Commissioner Catalano requested clarification on whether the applicants had requested only two days a month for the cooking classes. Assistant Planner Milan Sikela responded, yes, the request was for two classes a month.
- What age group are you targeting for your cooking classes? Mrs. Rackel responded that she was targeting children aged 8 through 12, and adults.
- What happened with Flora Square? Mrs. Rackel clarified that the increased costs requested by the new owner for the tenant space made the space beyond their financial means.
- Are there other commercial buildings in the area that you could move into? Mrs. Rackel indicated that they had considered purchasing Johnny's International Deli, but found the asking price was considerably out of their price range.
- Acting Chair Armstrong asked why Sundays were excluded from the days of the week when the home business could occur. Assistant Planner Sikela indicated the Sunday exclusion is specified in the Municipal Code. Mr. Armstrong then asked if the exclusion might have a religious base. The Assistant Planner indicated he was not familiar with the original intent, but pointed out this limitation is consistent with the limitation on construction activities on Sundays in the Municipal Code.
- Commissioner Catalano requested clarification about health and parking concerns related to this home occupation application. Community Development Director Woltering clarified that staff had received some verbal comments primarily internally among staff about how parking for the students would be handled and applicable health department requirements. Those concerns were addressed with conditions of approval – parking is encouraged on the applicant's driveway pad and the sale of food is not permitted per County Health Department requirements.

Commissioner Catalano moved and Commissioner Meriam seconded a motion to approve Home Occupation Permit HOP 14-10, with the findings and conditions of approval recommended by staff. The motion passed 3-0 (Recused – Johnson).

Chair Johnson returned to the meeting.

3B. **ZOA 05-09, Municipal Code Amendment, City of Clayton.** A public hearing to consider recommending City Council approval of a Landscape Water Conservation Ordinance to implement the Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881, Laird). *Continued from the meeting of August 10, 2010.*

The continued public hearing was re-opened. Director Woltering presented the staff report, summarizing the changes cited in the report made to the Landscape Water Conservation Ordinance directed by the Planning Commission at its August 10, 2010 meeting. Additionally, he brought to the Commission's attention that he modified a provision, based on comments from the Maintenance Department Supervisors, that there be no overhead irrigation in planting areas less than 8'0", "unless demonstrated that water waste will not occur." He clarified that the language added was "unless demonstrated that water waste will not occur".

Commission comments and questions included:

- Commissioner Meriam requested clarification whether water conservation educational resources would be available to the public in the form of hard copies at City Hall as well as by way of links on the City's website. Director Woltering indicated, yes, the educational resources would be available to the public by links on the City's website as well as relevant hard copy information at the kiosk on the third floor of City Hall.
- Commissioner Meriam asked when the information might be available on the City's website. Director Woltering indicated this effort would be part of implementing the Landscape Water Conservation Ordinance which likely would not become effective for approximately 60 days. Consequently, he estimated that the link on the City's website would be available before the end of the year.
- Commissioners directed it should be clarified in the Ordinance that the thresholds are cumulative for a project, not that one could segment a project into smaller areas to avoid the requirements of the Ordinance.
- Under *Water-Efficient Landscape Standards*, Commissioners directed the introductory paragraph to clarify that "the recent acceptable best management practices" would be as determined by the City.
- Commissioners directed that examples should be given under *Provisions for Existing Landscapes* when irrigation systems should be adjusted to avoid water waste, such as in response to changes in weather (e.g., when snow fell in Clayton in December of 2009) or seasonal changes.

Commissioner Armstrong moved and Commissioner Catalano seconded a motion to recommend City Council approval of Municipal Code Amendment ZOA 05-09, as amended to include the changes made by staff and the additional recommendations of the Commission at this meeting. The motion passed 4-0.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff.

Director Woltering indicated the following:

- The City will be holding Clayton Community Church Environmental Impact Report Scoping Sessions on Thursday, August 26, 2010, for public agency representatives and the general public.
- The T-Mobile Use Permit applications will need to comply with the Habitat Conservation Plan mitigation fee requirements. The applicant is presently working with County staff to determine mitigation fee requirements. It is not expected that this application will come forward to the Commission for approximately 60 days.

6B. Commission.

None.

Adjournment

7. The meeting was adjourned at 7:47 p.m. The next regular meeting of the Planning Commission is scheduled on **Tuesday, September 14, 2010.**

Submitted by
David Woltering, AICP
Community Development Director

Approved by
Sandra Johnson
Chair

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