

Minutes
Clayton Planning Commission Meeting
Tuesday, February 22, 2011

Call to Order

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

Present: Chair Sandra Johnson, Vice Chair Dan Richardson, Commissioner Bob Armstrong, Commissioner Tuija Catalano, Commissioner Ted Meriam

Absent: None

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

Administrative

1A. Review of agenda items.

By consensus, the Planning Commission moved Item 5B before 5A.

1B. Commissioner Catalano to report at the City Council meeting on March 1, 2011.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of January 11, 2011.

Vice Chair Richardson moved and Commissioner Meriam seconded the motion to approve the minutes from the meeting of January 11, 2011, as amended. The minutes were amended to add verbatim the Planning Commission's adopted Procedures and Protocol, as suggested by Commissioner Meriam. The motion passed 4-1 (Tuija Catalano abstained since she did not attend the January 11, 2011 Planning Commission meeting).

Public Hearings

3. None.

Old Business

4. None.

New Business

5B. **GPA 01-09, City of Clayton.** A study session to review and discuss the City's status and progress in implementing its Housing Element. The purpose of this study session is to provide the Commission information as well as to assist staff with the preparation of the required Housing Element Annual Progress Report (APR) for calendar year 2010 which must be submitted to the State Department of Housing and Community Development (HCD) by April 1, 2011, to satisfy requirements of Government Code Section 65400.

Director Woltering presented the staff report, indicating the following:

- The State requires cities and counties to adopt Housing Elements as part of their General Plans. These Housing Elements are to describe the local jurisdiction's strategy to facilitate providing housing for all economic segments of their existing and anticipated future populations.
- Additionally, the regional governmental entity (i.e., the Association of Bay Area Government (ABAG) for the City of Clayton) assigns to the individual jurisdictions housing production goals by income category for specified planning periods. The City of Clayton's production goal, which is referred to as Regional Housing Needs Allocation (RHNA) is 151 units during the period of 2007 through 2014. Clayton has produced 22 of those units to date, all of which have been in the moderate- and above-moderate-income categories.
- In 2009 and 2010, the City updated its Housing Element in accordance with State law. This document was conditionally certified by the State Housing and Community Development Department (HCD). This document includes a number of Goals and Policies along with implementation measures and programs to facilitate the production of housing to attempt to achieve the RHNA assigned to the City.
- Annually, the City is to submit a Housing Element Annual Progress Report (APR) to HCD that describes its progress towards implementing the various measures and programs in the Goals and Policies section of the Housing Element.
- The Director summarized some of the progress made by the City toward implementing this current Housing Element. The efforts he described included the following:
 - In December of 2009, the City adopted two ordinances to facilitate the production of affordable housing, one was related to allowing for manufactured housing in zoning districts where single-family residences are allowed, and the other was related to granting density bonuses for affordable housing projects.
 - The Clayton Redevelopment Agency purchased and then resold three single-family residential units in the Stranahan Subdivision to low-income households, preserving those units as affordable units with 45-year deed restrictions to assure the affordability of those units over time to that income group.
 - In February of 2011, the Clayton Redevelopment Agency authorized staff to enter into a contract with a professional planning and environmental firm for the purpose of assisting with the implementation of a broad-range of measures and programs in the adopted Housing Element.

Commission comments and questions included:

- It seems appropriate to use redevelopment funds to contract for technical assistance to implement measures and programs in the City's Housing Element.
- When would the formal work of the consultants begin on the implementation work? Director Woltering indicated work will begin with initial research immediately and that he expected draft resolutions and ordinances for needed amendments for implementation beginning in about three months. Public meetings and hearings would occur thereafter.

- Director Woltering was asked to clarify the difference between the work that was done with the Housing Element update and the work anticipated with the upcoming implementation effort. Mr. Woltering indicated the Housing Element describes the strategy to facilitate the production of housing for all economic segments within the community. For example, it recommends certain rezonings to higher densities or the allowance of certain types of housing (i.e., single room occupancy housing and emergency shelters) to meet a range of anticipated housing needs. The implementation component involves the actual process, including public hearings, for the rezonings, as an example.
- Will there be additional costs? Director Woltering indicated staff anticipates extra costs will be incurred.

Public comments:

Bruce Albert, 102 Salazar Court, had the following comments and questions:

- What if the City just resisted the affordable housing requirements? Director Woltering explained that the City has a conditionally-certified Housing Element. If the City does not make reasonable progress toward implementing the measures and programs in the Housing Element, the City could jeopardize the certification of the Housing Element. Certain funding programs that the City may want to participate in require the City to have a certified Housing Element. An example is the transportation funding the City receives from the Contra Costa Transportation Authority which is approximately \$200,000.00 annually at this time. Additionally, if the City does not have a legally adequate Housing Element, then its General Plan could be found to be legally inadequate which could make the City's actions on land-use matters subject to legal challenge. Finally, HCD requires annual reporting and monitoring of a community's efforts to implement its Housing Element. With HCD monitoring the City's progress, we need to demonstrate a good-faith effort to HCD that we can meet their requirements.
- The character and integrity of Clayton are being eroded by these housing requirements. Vice Chair Richardson responded that, in the last 20 years, Clayton has become a small town with some big city problems. Nevertheless, there is a need for affordable housing which must be addressed.

Commissioners acknowledged the implementation component will be challenging but a necessary part of the Housing Element process.

- 5A. **ZOA 02-11, City of Clayton.** A study session to review Section 17.70.040 of the Clayton Municipal Code, Temporary Use Permits (TUPs), to determine the possible need to update or modify this Code Section. Areas for review and discussion will include whether the following should be considered for modification through a formal, subsequent Code amendment process: a) the maximum number of administratively-approved TUPs be increased from the current three (3) in a calendar year, and b) the maximum total number of days for the combined, allowed TUPs to a single applicant/property owner be reduced from 45 days in a calendar year.

Assistant Planner Sikela presented the study session staff report.

Vice Chair Richardson indicated the following:

- When I represented the Clayton Business and Community Association (CBCA) and filed a Temporary Use Permit (TUP) application with the City, I was surprised by how much the City had to do to process the application. There were many components to the process. Based on my experience, I agree that there needs to be adequate time allowed for the City to process Temporary Use Permits (TUPs).
- 45 days prior to the event should be the minimum required for submitting a standard TUP application.
- The maximum number of TUPs allowed in one year should not be aligned with the maximum number of annual events allowed by the Alcohol Beverage Control (ABC). We should separately discuss the issue of the ABC allowing four events per year. However, I am open to further consideration of whether we should allow three or four administratively-approved temporary events per calendar year.
- Maybe we should provide different submittal time frames depending on the event. Festivals that close off areas of the Town Center would be subject to the 45-day requirement while the smaller block parties could have less time to submit applications. Perhaps there could be some distinction between a major and a minor TUP event.

Commissioner Catalano indicated the following:

- General agreement with Vice Chair Richardson.
- I do not see a connection between TUP regulations and ABC regulations.
- 48 hours prior to the event is not enough time to submit an application.
- By increasing the time before the event that an application has to be submitted, I do not want to discourage event holders from applying. Conversely, we need to give staff enough time to process the applications.
- Other clean-up items for amendment consideration include such outdated references as "Secretary to the Planning Commission".
- It may be helpful to also review the Noise Permit requirements to ascertain whether the regulations need updating. Review of Chapter 9.30 in the Municipal Code may be necessary since the Chapter utilizes outdated language.

Chair Johnson indicated that she would be in favor of increasing the maximum number of Temporary Use Permit applications allowed annually per individual application to four.

Director Woltering indicated that the item would be brought back before the Planning Commission as a formal amendment to the Municipal Code. Staff would consider the comments received from the Commissioners in preparing the draft ordinance.

Communications

6A. Staff.

Director Woltering indicated that staff had been receiving comments of concern from neighbors that the fencing around the Oakhurst Country Club is in need of repair at certain locations. He clarified that the maintenance of the fence is the responsibility of the Oakhurst Country Club. Mr. Woltering stated further that representatives of the Country Club have been contacted by City staff and those representatives have agreed to begin making repairs to the fence.

6B. Commission.

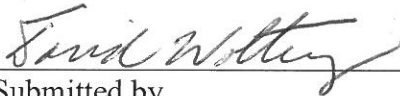
Commissioner Meriam indicated that he has been in contact with the Fair Political Practices Commission (FPPC) regarding his possible Commission participation on the Clayton Community Church project. Representatives of the FPPC had requested additional information from him which he had provided.

Commissioner Catalano inquired about the status of the Environmental Impact Report (EIR) for the Clayton Community Church. Director Woltering indicated work continues on that report and that information from the fiscal economic study would be needed to complete that report. He indicated the fiscal/market study is to be completed in early April.

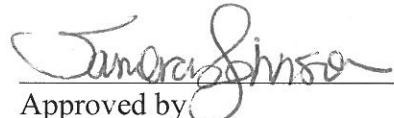
Chair Johnson indicated that she has attended the January 31, 2011 TRANSPAC meeting and that SB 375 (reduction of greenhouse emissions) and the Sustainable Community Strategy were discussed.

Adjournment

7. The meeting was adjourned at 9:17 p.m. to the following regularly-scheduled meeting of **March 8, 2011.**



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Sandra Johnson
Chair

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