

Minutes
Clayton Planning Commission Meeting
Tuesday, March 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.

1B. Commissioner Meriam to report at the City Council meeting on April 5, 2011.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of February 22, 2011.

Commissioner Catalano moved and Commissioner Meriam seconded a motion to approve the minutes, as amended. The motion passed 5-0.

Public Hearing

3. **ZOA 02-11, City of Clayton.** Amendments of Chapter 17.70 of the Clayton Municipal Code, Temporary Use Permits, including, but not limited to, addressing the number of days before an event a Temporary Use Permit application must be submitted, the number of administratively-approved Temporary Use Permits allowed in a calendar year, and the number of days an individual temporary event can be held in a calendar year.

Assistant Planner Sikela presented the staff report.

Commission had a consensus on the following amendments to Chapter 17.70:

- 45 days is an appropriate amount of time before a temporary event for an applicant to submit an application for a Temporary Use Permit to the City; this timeframe would give staff an adequate duration to process the request.
- Increase the amount of administratively-approved temporary events per calendar year from three to four to provide flexibility for Temporary Use Permit applicants and to encourage additional activity within the community.
- Collectively, the administratively-approved Temporary Use Permits should not exceed 45 days, even if a single event, such as Christmas tree sales, uses the entire 45-day period.

Vice Chair Richardson moved and Commissioner Catalano seconded a motion to direct staff to finalize the draft ordinance, based on the Planning Commission's direction, for the Planning Commission's recommendation of City Council approval for amending Chapter 17.70. The motion passed 5-0.

Old Business

4. None.

New Business

5A. **ZOA 04-11, City of Clayton.** A study session to review an amendment to Title 17 (Zoning) of the Clayton Municipal Code to increase the minimum setback allowed for a detached accessory structure to five feet.

Assistant Planner Sikela presented the study session memorandum.

The Commission reached a consensus that amending Title 17 to increase the minimum setback requirement for detached accessory buildings and detached accessory structures from three feet to five feet is necessary in order to provide consistent development standards for purposes of fire safety and fire prevention. The Commission directed staff to prepare a draft ordinance amending Title 17 and to return with the draft ordinance for their review at the next Commission meeting.

5B. **Discussion Regarding Proposed State Assembly Bill 710.** Review and discussion of proposed Assembly Bill 710 which substantially reduces minimum parking requirements for new development in "transit intensive areas". These areas are characterized by infill development, transit-oriented development, and Town Center development.

Director Woltering presented the study session memorandum.

Commission comments included:

- Commissioner Armstrong suggested that AB 710 is an unwarranted concession to developers and an inappropriate intrusion by the State into local land-use issues.
- Vice Chair Richardson indicated that AB 710 paints with too broad of a brush. It may be appropriate in higher-density urban areas, but it does not work in a suburban setting such as the City of Clayton.
- Commissioner Catalano stated that AB 710 makes sense in areas well served by transit; however, the "one-size-fits-all" legislation that AB 710 proposes does not work in Clayton. Consider one space per 1,000 square feet for a grocery store—such a circumstance would be infeasible in Clayton.
- Commissioner Meriam indicated that AB 710 appears not to appropriately consider different settings, mix of land-uses, and availability of transit options.
- Chair Johnson suggested AB 710 proposes an inappropriate "one size fits all" approach to addressing parking supply and demand in the transit intensive areas described.

The Commission reached a consensus that AB 710 attempts to cover too many different types of development patterns without flexibility in considering City-specific needs, community character, local land use patterns, and availability of transit options. AB 710 would unfairly require Clayton to adhere to San Francisco- or Oakland-style parking legislation which would be deleterious to our community.

The Commission agreed to have staff prepare a letter summarizing the Commission's position regarding AB 710 to be reviewed by Chair Johnson and forwarded to the City Council. The Commission indicated that they hoped the Commission's position on this matter would be forwarded on to the State legislature.

Communications

6A. Staff.

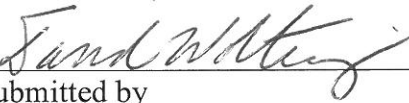
Director Woltering provided updates on the Clayton Community Church project, the proposed Diablo Estates residential subdivision, and the General Plan Growth Management Element update.

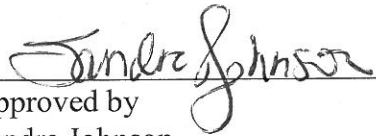
6B. Commission.

The Commission thanked staff for delivering the Planning Commission meeting packets to each of the Commissioner's homes over the last few months.

Adjournment

7. The meeting was adjourned at 8:28 p.m. to the following regularly-scheduled meeting of **April 12, 2011.**


Submitted by
David Woltering, AICP
Community Development Director


Approved by
Sandra Johnson
Chair

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Minutes
Clayton Planning Commission Meeting
Tuesday, April 26, 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.

1B. Vice Chair Richardson to report at the City Council meeting on May 3, 2011.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of March 22, 2011.

Commissioner Armstrong moved and Commissioner Catalano seconded a motion to approve the minutes, as amended. The motion passed 5-0.

Public Hearing

3A. **ZOA 02-11, City of Clayton.** Amendments of Chapter 17.70 of the Clayton Municipal Code, Temporary Use Permits (TUPs), including, but not limited to, addressing the number of days before an event a TUP application must be submitted, the number of administratively-approved TUPs allowed in a calendar year, and the number of days an individual temporary event can be held in a calendar year.

Assistant Planner Sikela presented the staff report.

Commission comments and questions included:

- What is the difference in cost between and temporary use permit and a use permit? Assistant Planner Sikela indicated that a temporary use permit fee is \$150 and the deposit amount for a use permit is \$1,000 for residential and \$5,000 for non-residential.
- Commissioner Catalano suggested, which was supported by the other Commissioners, to add "at the discretion of the City" in Section 2 of the draft ordinance, which addresses Section 17.70.050 of the Clayton Municipal Code. With this addition, the modified sentence would read as follows: "If the use is deemed to be a safe and appropriate temporary use of the land, at the discretion of the City, it may be approved subject to conditions as described in Section 17.70.030."
- If a proposed temporary use was brought before the Planning Commission, would it be as a temporary use permit or a use permit? Assistant Planner Sikela indicated that it would be brought before the Planning Commission as a use permit.

There was no public comment.

Commissioner Armstrong moved and Commissioner Meriam seconded a motion to recommend City Council approval of Ordinance No. 433, as amended with the language suggested by Commissioner Catalano in Section 2. The motion passed 5-0.

- 3B. **ZOA 04-11, City of Clayton.** Amendments of Section 17.36.055 of the Clayton Municipal Code, Accessory Buildings and Structures, to increase the minimum setback allowed for detached accessory buildings and detached accessory structures from three feet to five feet.

Assistant Planner Sikela presented the staff report.

Commission questions included:

- Can residences be a minimum of three feet or five feet from the property line? Assistant Planner Sikela explained that, in standard residential districts zoned R-10, R-12, R-15, R-20, or R-40, the minimum distance to a property line can be no less than ten feet (greater minimums in certain residential districts) but that residences in Planned Development districts can, in some cases, have lesser setback requirements (due to the flexible development pattern that can be allowed by Planned Development zoning [mixed densities, combinations of commercial with residential, etc.]) but would still be subject to the County fire resistance rating requirements, making lesser setbacks possible.
- Vice Chair Richardson indicated some concern about the need for the adjustment but agreed that a consistent standard between the City and County would be useful. He also acknowledged that the County standard better supports the Fire Code requirements for separation.

There was no public comment.

Commissioner Catalano moved and Vice Chair Richardson seconded a motion to recommend City Council approval of Ordinance No. 434. The motion passed 5-0.

- 3C. **GPA 01-11, City of Clayton.** Update of the Growth Management Element (Section XI) of the Clayton General Plan.

Director Woltering presented the staff report. He indicated the update was being prepared to satisfy a Measure C and Measure J biennial checklist requirement to receive street maintenance funds.

Commission comments and questions included:

- Is there a way to impose a fee on communities that impact our streets when vehicular travel generated by other communities uses our roads? Director Woltering indicated that, yes, we address these impact issues through regional impact fees.
- What times do peak hour vehicle trips occur? Director Woltering indicated 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. are the time frames typically identified.
- Where is Washington Boulevard located? Assistant Planner Sikela indicated that it is the street that travels north from the Concord side of Clayton Road and travels northward across Clayton road into Clayton and is the main southern access point to Clayton Station.
- We are fortunate to have all of our street intersections operate at LOS "A".

There were no public comments.

Commissioner Armstrong moved and Vice Chair Richardson seconded a motion to recommend City Council approval of an update to the Clayton General Plan Growth Management Element. The motion passed 5-0.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff.

Director Woltering indicated the following:

- Following the direction provided to staff from the Planning Commission regarding proposed Assembly Bill 710, a letter was prepared outlining the Commission's concerns. This letter was taken to the City Council who then approved it, and the letter was subsequently sent out to State legislature, League of California Cities, and local representatives.
- Updated the status of the Clayton Community Church project and indicated that story poles would be installed at the project site to assist in review of the project.
- The City Manager and the Community Development Director had a meeting with prospective parties who may be interested in developing the Creekside Terrace project site.

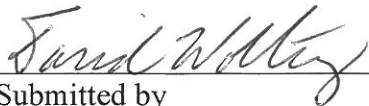
6B. Commission.

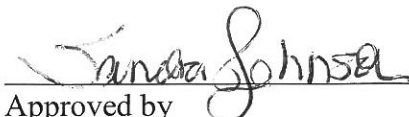
Commissioner Armstrong indicated that specified Contra Costa Transportation Authority funds received by the City could be spent on the development of paseos.

Chair Johnson indicated that incorporating public art in the form of murals may be a boon to the Town Center.

Adjournment

7. The meeting was adjourned at 8:08 p.m. to the following regularly-scheduled meeting of **May 10, 2011.**


Submitted by
David Woltering, AICP
Community Development Director


Approved by
Sandra Johnson
Chair

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