



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, May 10, 2011
Hoyer Hall, Clayton Community Library, 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 City Council meeting on May 17, 2011.

Public Comment

Approval of Minutes

- 2. Approval of minutes from the meeting of April 26, 2011.

Public Hearing

- 3. **SP 01-11, Sign Permit, Toll Brothers**, northeast corner of Regency Drive and Rialto Drive, APN 119-640-007. A request for approval of one free-standing temporary ground sign for the Diablo Estates at Clayton subdivision marketing sign program.

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, May 24, 2011.**

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
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 a 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

Plng Comm\Minutes\2011\0426

PLANNING COMMISSION STAFF REPORT

Meeting Date: May 10, 2011

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Toll Brothers
Diablo Estates at Clayton Subdivision Marketing Sign Program
(SP 01-11)

REQUEST

Approval of a sign permit for the Diablo Estates at Clayton subdivision marketing sign program.

PROJECT INFORMATION

Applicant: Toll Brothers
100 Park Place, Suite 140
San Ramon, California 94583

Location: Lot 13 of the Diablo Estates at Clayton subdivision
Northeast corner of Regency Drive and Rialto Drive
APN 119-640-007

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

Zoning Single Family Residential R-10 District (10,000 square-foot minimum lot area).

Environmental Review Categorically exempt per Section 15311(a), Class 11 of the California Environmental Quality Act (CEQA) Guidelines.

Public Notice 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 Not referred.

Authority Section 15.08.030.B.3.d of the Clayton Municipal Code Sign Provisions authorizes the Planning Commission to approve a sign permit for a subdivision marketing sign program in accordance with the standards in 15.08.070.I.

BACKGROUND AND ANALYSIS

The applicant has requested a sign permit for the Diablo Estates at Clayton subdivision marketing sign program. The applicant is proposing one temporary ground sign to be located at the northeast corner of Regency Drive and Rialto Drive on Lot 13 of the Diablo Estates at Clayton subdivision (see **Attachment 1** for sign location). The sign is proposed to be a free-standing, two-sided sign measuring a maximum of 10 feet in height and 32 square feet in area. White text on a burgundy background is proposed with a black stripe background near the bottom of the sign and a silhouette of Mount Diablo at the top (see **Attachment 2** for sign elevations).

CONCLUSION

Staff has reviewed the proposed subdivision marketing sign program for the Diablo Estates at Clayton subdivision and determined that, as conditioned, the signage complies with the subdivision marketing sign program regulations as specified in Section 15.08.070.I of the Clayton Municipal Code Sign Provisions with regard to sign area, height, and placement.

RECOMMENDATION

Staff recommends that the Planning Commission approve Sign Permit SP 01-11 for the Diablo Estates at Clayton subdivision marketing sign program, based upon the following findings and subject to the following conditions.

Proposed Findings

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 the Diablo Estates at Clayton subdivision marketing sign program, as conditioned:

1. Conforms with the General Plan designation and policies.
2. Contains signs that are displayed within the boundaries of the subdivision.
3. Incorporates a sign that does not exceed 8 feet in length, 10 feet in height, nor a total area of 64 square feet.

Proposed Conditions of Approval

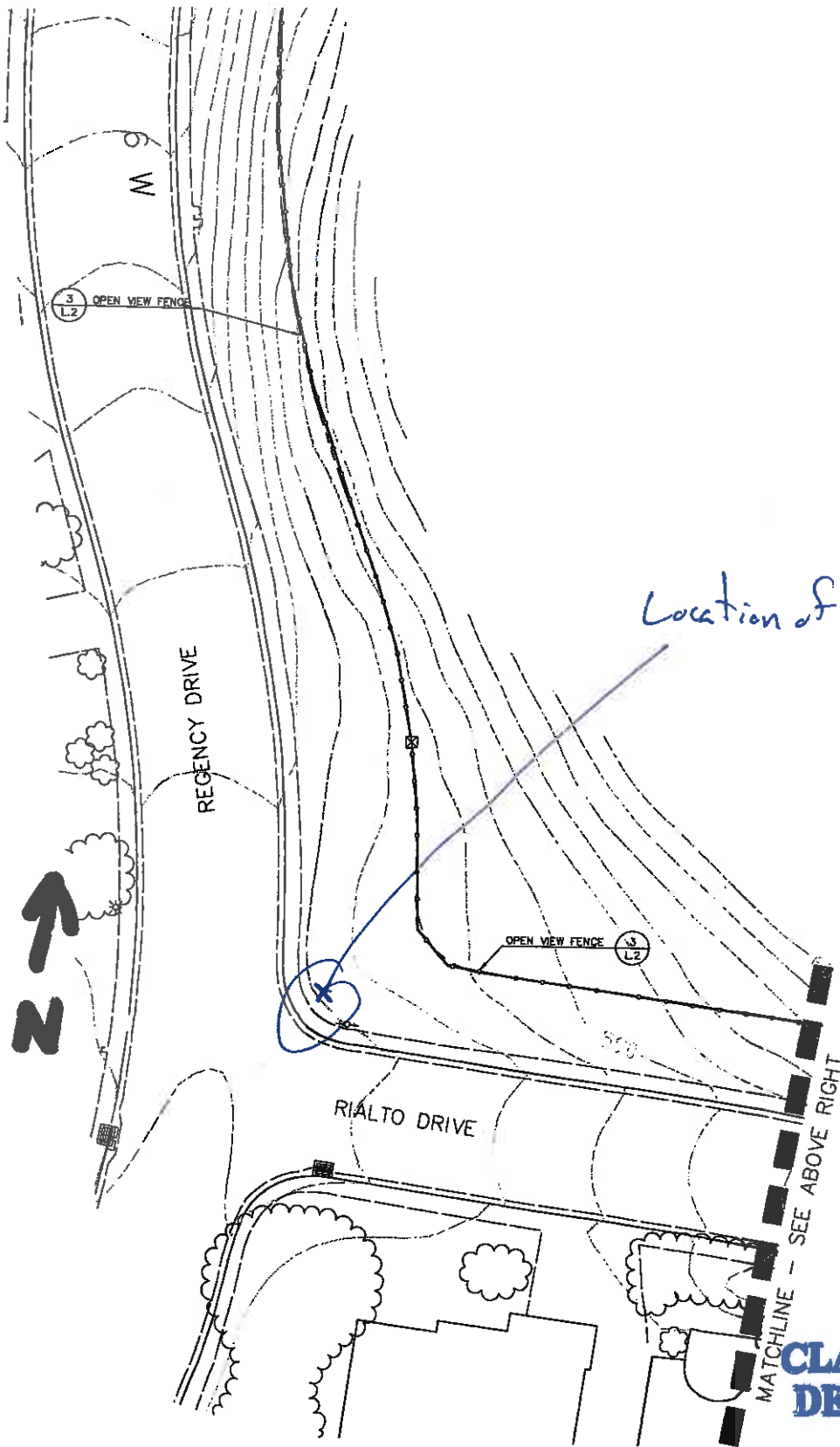
These conditions of approval apply to the sign location diagram submitted by the applicant, date stamped April 7, 2011; and the sign elevations prepared by Marketshare, Inc., date stamped April 7, 2011.

1. All signage for the subdivision marketing sign program shall be removed within thirty (30) days of opening of escrow for sale of the last home in the subdivision.
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, judgments, liens, levies, costs, and expenses of whatever nature, including, but not limited to, attorney's fees, costs, 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, and any environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

ATTACHMENTS

- 1 Sign location diagram, submitted by the applicant, date stamped April 7, 2011
- 2 Sign elevations, prepared by Marketshare, Inc., date stamped April 7, 2011

ATTACHMENT
1



RECEIVED

APR 07 2011

**CLAYTON COMMUNITY
DEVELOPMENT**
SEE SHEET L2 FOR
NOTES AND DETAILS
MESH GATE DETAIL

2001 TARBOR COURT MILPITAS CA 95035 PHONE: (408) 262-0877 FAX: (408) 262-0877 / ROSEVILLE OFFICE PHONE: (916) 773-7460 FAX: (916) 773-7250 By sending this proof, it is our intent to improve the turnaround and accuracy of your order. Prompt response is required to avoid any delays or rescheduling. Please note: colors as displayed on this drawing are for presentation purposes only. Actual colors of final product will vary due to production limitations. All Rights Reserved By Marketshare, Inc. No Unauthorized Reproduction Allowed

Marketshare, Inc. Project Name: Diablo Estates Client: Toll Brothers Work Order: need wo Line Item: 4x8 Sign Structural Item: VB Safety: ☐ Onsite ☐ Offsite		Scale: 1/2"=1' Qty: 1 Print Substrate Determined By: ☐ Production ☐ Artist Description: Mounting/Structure Det. By: ☐ Production ☐ Artist Description:	Production Color Instructions: ☐ Color is Arbitrary ☐ Match The Proof ☐ Match Previous Color Configuration ☐ Match Attached ☐ Match Colors Below Specific Colors Used: PMS 000 ☐ PMS 000 ☐ PMS 000 ☐ PMS 000 ☐ PMS 000 ☐ PMS 000 ☐ PMS 000 ☐ PMS 000 ☐ PMS 000 ☐	Date: 02/25/11 04/05/11 MH Artist: Signed Approval:
--	--	---	---	--

FRONT VIEW

BACK VIEW

TO BE DIGITAL PRINTED E-PANEL MOUNTED TO FRAME

3X12 POST

RECEIVED

APR 07 2011

File Name: 4x8 Sign Structural_Diablo Estates_need wo.ai

Date Printed:

Printed By:

Production Notes:

CLAYTON COMMUNITY
 DEVELOPMENT DEPT



Marketshare, Inc.

Project Name
Diablo Estates
Client
Toll Brothers
Work Order
need wo
Salesperson
VB
Line Item
Item
4x8 Sign Structural
Onsite ☐ Offsite ☐

Single Face ☒ Double Face
Scale
1/2"=1'
Qty
1

Print Substrate Determined By:
☐ Production ☐ Artist
Description:

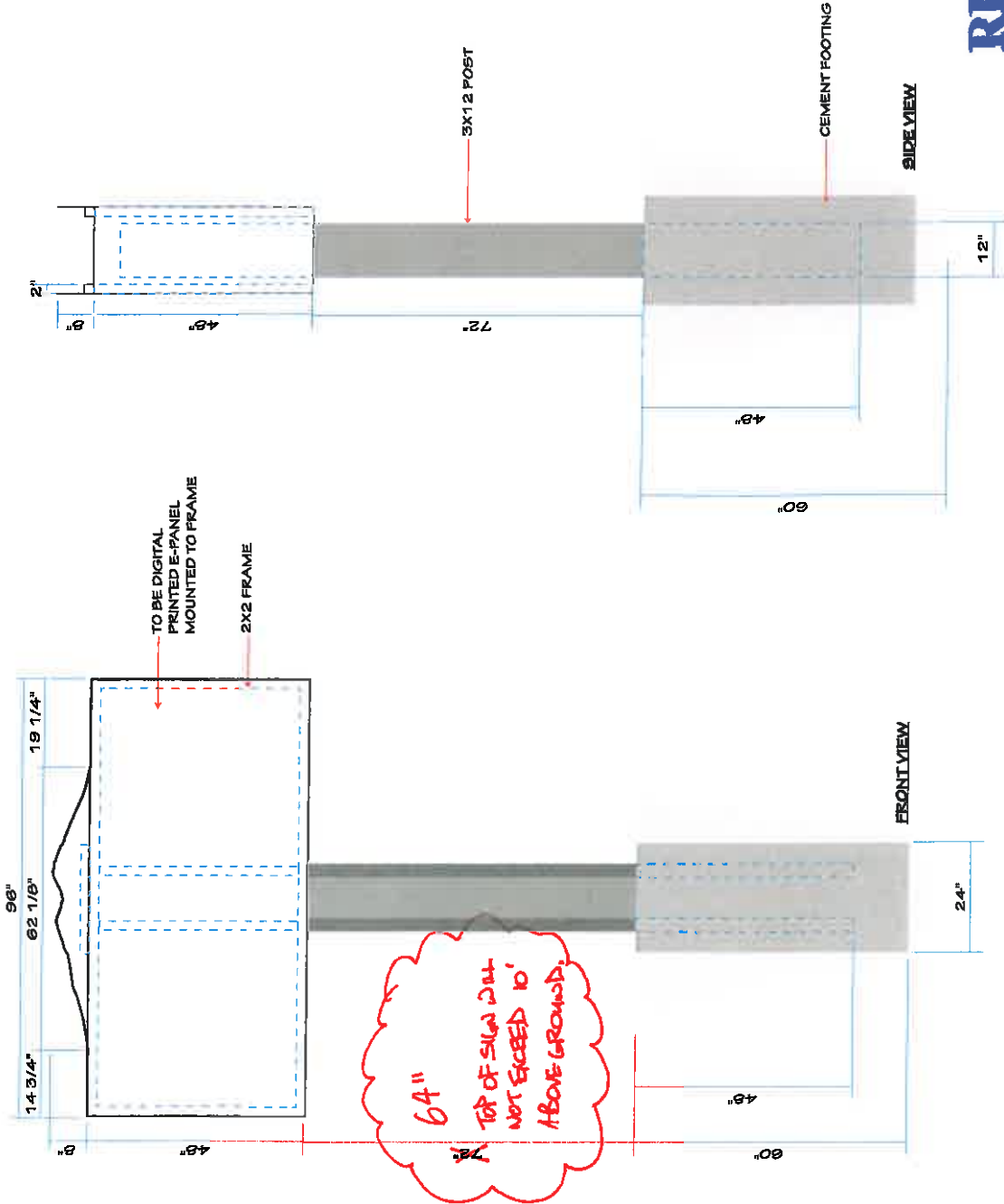
Mounting/Structure Det. By:
☐ Production ☐ Artist
Description:

Production Color Instructions:
☐ Color is Arbitrary
☐ Match This Proof
☐ Match Previous Color Configuration
☐ Match Attached
☐ Match Colors Below

Specific Colors Used
PMS 000 ☐ PMS 000 ☐ PMS 000 ☐
PMS 000 ☐ PMS 000 ☐ PMS 000 ☐
PMS 000 ☐ PMS 000 ☐ PMS 000 ☐

Date
02/25/11
04/05/11MH
Artist
J. R.

Approved/By
Signed Approval



RECEIVED

APR 07 2011

File Name:
4x8 Sign Structural_Diablo Estates_need wo.ai

Date Printed
Printed By
Production Notes

**CLAYTON COMMUNITY
DEVELOPMENT DEPT**

2001 TAYLOR COURT MILPITAS CA 95035 PHONE: (408) 282-0877 FAX: (408) 282-0877
By sending this proof, it is our intent to improve the turnaround and accuracy of your order. Prompt response is required to a valid any delays or rescheduling. Please note: colors as displayed on this drawing are for presentation purposes only. Actual colors of final product will vary due to production limitations. All Rights Reserved by Marketshare, Inc. No Unauthorized Reproduction Allowed