

Minutes
Clayton Planning Commission Meeting
Tuesday, June 26, 2012

Call to Order

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

Present: Chair Dan Richardson, Vice Chair Haydon, Commissioner Bob Armstrong, Commissioner Sandra Johnson, and Commissioner Gregg Manning

Absent: None

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

Administrative

1A. Review of agenda items.

1B. Chair Richardson to report at the City Council meeting on July 3, 2012.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of June 12, 2012.

Commissioner Manning moved and Commissioner Johnson seconded a motion to approve the minutes, as submitted. The motion passed 5-0.

Public Hearing

3. **HOP 07-12, Home Occupation Permit, Jessica Relei**, 8140 Marsh Creek Road, APN 078-020-040. A request for a Home Occupation Permit to consider allowing a hair cutting and hair coloring business to operate in a single-family residence.

Commissioner Johnson recused herself from participating in the consideration and action on this agenda item as her residence is within 500 feet of the site of the application. She then left the meeting chambers.

Assistant Planner Sikela presented the staff report.

The public hearing was opened.

The applicant, Jessica Relei, had no comment.

Commissioner Manning asked if any comments had been received by the City after the public hearing notices were mailed regarding this item? *Assistant Planner Sikela responded that no comments had been received by the City.*

Vice Chair Haydon asked if a requirement had been provided in the staff report that addresses the applicant obtaining a City business license. *Assistant Planner indicated that proposed Condition of Approval 10 in the staff report requires the applicant to obtain a City business license.*

Commissioner Armstrong indicated that, since the Clayton Municipal Code allows a home occupation to have a maximum of six clients per day when reviewed by the Planning Commission, the applicant should be allowed up to that maximum instead of the four clients per day that the applicant proposed. Then, if her business does well, she would not have to return to the Planning Commission to seek approval of an increase in the maximum of clients per day from four to six. *Assistant Planner Sikela indicated that, at the Planning Commission's direction, proposed Condition of Approval 2 could be modified to allow the applicant a maximum of six clients per day.*

Chair Richardson asked the applicant if she would prefer to have a maximum of six clients per day. *The applicant indicated, yes, she would prefer to have a maximum of six clients per day.*

Vice Chair Haydon indicated that, in the Notice of Decision, it may be helpful to be more specific about the home occupation being conducted in one room of the primary residence, rather than using a general reference to 8140 Marsh Creek Road.

Commissioner Manning moved and Vice Chair Haydon seconded the motion to approve Home Occupation Permit HOP 07-12 for the hair cutting and hair coloring business to operate within one room of 6,794 square-foot single-family residence (encompassing 5,797 square feet of habitable living area and a 997 square-foot garage) located at 8140 Marsh Creek Road, subject to the Findings of Approval, Conditions of Approval, and Advisory Notes recommended by staff, and subject to the Project Description and Conditions of Approval amended by the Planning Commission, as stated below. The motion passed 4-0.

Project Description

A home occupation permit to allow a hair cutting and hair coloring business to operate within one room of a 6,794 square-foot single-family residence (encompassing 5,797 square feet of habitable living area and a 997 square-foot garage) located at 8140 Marsh Creek Road, APN 078-020-040, in Clayton.

Conditions of Approval (amended)

2. A maximum of one (1) client at a time and ~~four (4)~~ six (6) clients per day are allowed on the permitted days for operating the business.

Commissioner Johnson returned to the meeting chambers.

Old Business

4. **CDD 01-12, Solar Access Rights, City of Clayton.**

Director Woltering summarized a position paper to be forwarded to the City Council. He indicated the Planning Commission reached a consensus that, based on current staffing levels and resources available to the City, existing State regulations, in the form of the California Solar Shade Control Act (CSSCA), provide sufficient guidance and violation thresholds to address solar access rights. Accordingly, the Planning Commission did not foresee a need at this time to add further regulation regarding this matter locally.

Commissioner Johnson thanked Director Woltering for his excellent work on preparing the draft position paper.

Commissioner Manning confirmed that the CSSCA provisions indicate that any tree planted before the installation of solar collectors is exempt. *Director Woltering indicated that Commissioner Manning's understanding of the CSSCA's regulations regarding trees planted prior to solar collector installation was correct.*

Commissioner Johnson moved and Commissioner Manning seconded the motion to approve the Planning Commission's solar access rights position paper to be presented to the City Council. The motion passed 5-0.

New Business

5A. Resolution recognizing Commissioner Bob Armstrong's service on the Planning Commission.

Director Woltering introduced Resolution No. 03-12.

Chair Richardson indicated that the Resolution speaks for itself in describing Commissioner Armstrong's exemplary service on the Planning Commission.

Vice Chair Haydon and Commissioner Manning both indicated that it was good working with Commissioner Armstrong.

Commissioner Johnson indicated that Commissioner Armstrong was inspiring, provided food for thought during review of projects, and was a great TRANSPAC representative.

Chair Richardson read Resolution No. 03-12 verbatim and thanked Commissioner Armstrong for his outstanding work as a Commissioner.

Commissioner Armstrong indicated the following:

- It has been a pleasure serving on the Planning Commission.
- My intention, in part, was to reduce the jargon used by government employees since it seems that the public is often confused by the terminology of public administrators.
- I have always tried to keep an open mind about the issues that have come before the Planning Commission.
- From my perspective, Clayton has been evolving and continues to evolve in a positive direction.
- Would like to thank Director Woltering for his professionalism, quality work, and for writing the resolution.
- Would like to thank Assistant Planner Sikela for being so helpful and for all the times he delivered the Planning Commission packets to my home.

Vice Chair Haydon moved and Commissioner Manning seconded the motion to approve Resolution No. 03-12. The motion passed 4-1 (Commissioner Armstrong abstained).

5B. Appointment to TRANSPAC (Transportation Partnership and Cooperation) Committee.

Director Woltering indicated the following:

- With Commissioner Armstrong leaving the Planning Commission and no longer serving as a Planning Commission representative to TRANSPAC, another member of the Planning Commission needs to be selected.
- Spoke to Barbara Neustadter, the administrator at TRANSPAC, and she offered to do an orientation for the next Planning Commission representative.
- The Commissioner that is appointed to TRANSPAC would attend the next TRANSPAC meeting on July 12, 2012 or begin at the following meeting on September 13, 2012.

Commissioner Armstrong conveyed the following information about TRANSPAC:

- Meets the second Thursday of each month.
- Reallocates Measure J monies.
- Established many new hiking and bike trails.
- Identified all the dangerous on-ramps and off-ramps along Highway 4 in central Contra Costa County.
- TRANSPAC packet arrives one week prior to the TRANSPAC meeting.
- Meetings generally last two hours, from 7:00 a.m. to 9:00 a.m.
- Field trips sometimes occur.
- Emphasizes the use of electric vehicles and bicycles.
- An example of projects analyzed are such proposals as the expansion of the parking lot at the Martinez ferry terminal.
- Items discussed included thickening the roadbase on Kirker Pass Road from 18 inches to 21 inches to reduce vehicle wear and tear.
- Found Barbara Neustadter's and Julie Pierce's contributions to TRANSPAC invaluable.

The Planning Commission reached a consensus that Chair Richardson would replace Commissioner Armstrong as the Planning Commission representative to TRANSPAC.

Communications

6A. Staff.

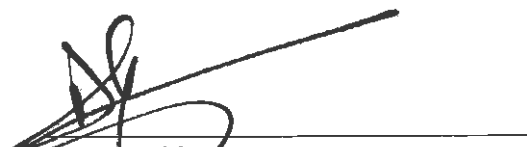
Community Development Director Woltering informed the Planning Commission about the newly appointed Commissioner, David Bruzzone, and indicated that the Clayton Community Church has requested that all work on its proposed downtown development be suspended.

6B. Commission – None.

Adjournment

7. The meeting was adjourned at 7:58 p.m. to the following regularly-scheduled meeting of July 10, 2012.


Submitted by
David Woltering, AICP
Community Development Director


Approved by
Dan Richardson
Chair