

Minutes
Clayton Planning Commission Meeting
Tuesday, September 25, 2012

Call to Order

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

Present: Chair Haydon, Vice Chair Gregg Manning, Commissioner David Bruzzone, Commissioner Sandra Johnson, Commissioner Dan Richardson

Absent: None

Staff: Community Development Director David Woltering

Administrative

1A. Review of agenda items.

1B. Vice Chair Manning to report at the City Council meeting on October 2, 2012.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of September 11, 2012.

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

Public Hearing

3. **DP 01-05, Development Plan Amendment, Mitchell Creek Place Homeowners Association**, Mitchell Creek Place residential subdivision located at the southeast corner of High Street and Oak Street in Clayton's Town Center. An amendment to the Mitchell Creek Place Development Plan Permit landscaping and irrigation conditions of approval (Conditions of Approval 1 and 23 – 29) in City Council Resolution No. 48-2006 to allow for on-site replacement trees to be a minimum of 15-gallons instead of 24-inch box in size. *Continued from the meeting of September 11, 2012.*

Community Development Director Woltering presented the staff report and stated that the Planning Commission had indicated general support for the use of 15-gallon replacement trees at the meeting on September 11, 2012, but had requested that staff work with the applicant to bring back suggested replacement trees for Commission review and approval at the September 25, 2012 meeting. Director Woltering explained that the applicant's certified arborist had suggested tree options for the Commission to consider and that staff had reviewed these options and made recommendations in the staff report from the arborist's list.

There were no questions of clarification by the Commissioners for Director Woltering.

Chair Haydon opened the public hearing.

Karen Haas, the applicant and a resident of the Mitchell Creek Place Homeowners Association, indicated that she was satisfied with the staff report and currently had no further comments.

Chair Haydon closed the public hearing.

Commissioner Johnson indicated she is familiar with the work of the applicant's landscape contractor, Landscape Care Company, and that the firm does reputable, high quality work.

Commissioner Richardson stated that the recommendations by staff from the applicant's proposed list of trees were acceptable.

Vice Chair Manning asked Director Woltering why staff had recommended the *Carpinus Fastigiata Frans Fontaine* instead of the *Acer Platanoides Crimson Sentry* for the "A" Location. *Director Woltering indicated that this location is relatively narrow and separates the subject property from an adjoining larger lot single-family residential property to the south. He said the growing characteristics of the Frans Fontaine are that it is more narrow and dense than the Acer Platanoides Crimson Sentry; the narrowness of the Frans Fontaine would make the tree a more appropriate fit for the space while its density would provide screening between the properties.*

Commissioner Richardson moved and Vice Chair Manning seconded a motion to recommend to the City Council that pertinent conditions of approval in Resolution 48-2006 be amended to allow replacement trees in the Mitchell Creek Place residential development to be a minimum of 15-gallon in size rather than 24-inch box in size. The Commission also accepted the *Acer Platanoides Globosum* tree as the replacement tree for the "C" and "B" locations and the *Carpinus Fastigiata Frans Fontaine* as the replacement tree for the for the "A" location shown on the map submitted by the applicant's landscape contractor, Landscape Care Company.

Old Business

4. None.

New Business

5. Clayton Club recommendation to modify the City's Noise Regulations (Information Only).

Community Development Director Woltering presented the staff report. He indicted the City had received complaints about amplified music late at night (typically after 10:00 p.m.) coming from the Clayton Club. Director Woltering stated that, over the past six months, Chief of Police Dan Lawrence and he met with the operators of the Clayton Club to address these complaints. He described the provisions of the Municipal Code and General Plan Noise Element that were being violated and the monitoring that was used to help determine measures to address the complaints. He also described the staff's observations that, with increased business activity, patrons of the Club would move in larger numbers to the outdoor garden area and that the rear door would be left open for ventilation. Director Woltering said they determined that maintaining the indoor noise levels below 95 decibels and keeping the doors closed after 10:00 p.m. generally resulted in compliance with the thresholds being used. He stated that more indoor ventilation was needed with the doors closed so the operators agreed to increase the number of fans being used inside. Despite these efforts, the City subsequently received a letter from the Clayton Club operators appreciating the efforts made, but indicating concerns that the measures they agreed to created financial hardships for their business. They noted the vision for the Town Center area is a

mixed-use environment and that it would be useful for the City to update its General Plan Noise Element and Noise regulations in Chapter 9.30 of the Clayton Municipal Code to create measurable standards to fairly guide future use and development within this area. Director Woltering indicated he believed this effort would cost a minimum of \$25,000 to complete and require approximately one year of review and processing.

Vice Chair Manning indicated it is his observation that ambient noise generally decreases late at night and that individual noise incidents are then more noticeable. *Director Woltering agreed and added that most community noise regulations are more restrictive from 10:00 p.m. to 7:00 a.m. with the understanding that this is a time period when most people are sleeping and expecting less noise.*

The Commissioners generally agreed that an update to the current regulations would likely result in more restrictive standards being adopted to consider the interests of additional residents to reside in the Town Center area in the future.

Communications

6A. Staff.

Director Woltering informed the Commission that staff had been working with Ms. Jessica Relei to assure that she satisfies the conditions of her recently approved Home Occupation Permit to operate a hair salon. He indicated that staff discovered that the home business was not being run from the primary residence, as proposed by the applicant, but that the applicant had relocated the business from a secondary unit on the property to the primary unit in accordance with the approval granted by the Planning Commission.

Commissioner Johnson indicated she believes that more than the allowed six patrons a day are visiting the salon. *Director Woltering indicated that staff would follow-up and investigate that concern along with assuring the applicant complies with other conditions of approval.*

6B. Commission.

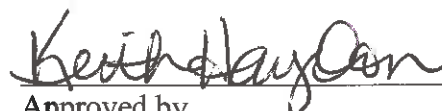
Commissioner Richardson reported that he had attended a TRANSPAC meeting recently and that the group acknowledged former Clayton representative Bob Armstrong and celebrated the 50th anniversary of the Benicia Bridge.

Adjournment

7. The meeting was adjourned at 8:14 p.m. to the next regularly scheduled meeting of October 9, 2012.



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Keith Haydon
Chair

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