

Minutes
Clayton Planning Commission Meeting
Tuesday, October 23, 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 Keith Haydon, Commissioner David Bruzzone, Commissioner Sandra Johnson, Commissioner Dan Richardson

Absent: Vice Chair Gregg Manning

Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela

Administrative

1A. Review of agenda items.

1B. Commissioner Richardson to report at the City Council meeting on November 6, 2012.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of September 25, 2012.

Commissioner Richardson moved and Commissioner Johnson seconded a motion to approve the minutes, as presented. The motion passed 4-0.

Public Hearing

3A. **SPR 03-12, Site Plan Review Permit, John Lazar**, 208 El Molino Drive, APN 119-472-001. A site plan review permit to consider a proposed second-story balcony to be located on the rear of a two-story single-family residence. The balcony measures approximately 200 square feet in area and is located approximately 10 feet above ground level.

Community Development Director Woltering presented the staff report.

Commissioner Bruzzone asked if a portion of the proposed balcony would extend beyond the existing rear wall of the residence. *Director Woltering indicated that a small portion of the balcony would extend beyond the rear wall of the home approximately two to three feet and added that the proposed rear setback for the project is approximately 40 feet while the required rear setback is 20 feet.*

Chair Haydon asked if staff had received any comments in response to the public hearing notice. *Assistant Planner Sikela responded that no comments had been received.*

Commissioner Johnson asked if this was a removal or extension of the existing balcony. *Director Woltering responded that the project entailed removal of the existing balcony.*

The public hearing was opened.

Commissioner Richardson asked the following questions:

- Where will the new balcony be attached to existing residence? *The representative of the applicant, Conrad de Jesus, indicated that the balcony will extend out from the side elevation of the residence.*
- Will the new balcony be attached to the lower roof of the residence? *Mr. de Jesus responded "No."*

The Commissioners concurred that the balcony appeared appropriate at the proposed location and was complementary with the residence in terms of design and selected colors.

The public hearing was closed.

Commissioner Richardson moved and Commissioner Johnson seconded the motion to approve Site Plan Review Permit SPR 03-12, with the findings of approval and conditions of approval recommended by staff. The motion passed 4-0.

- 3B. **UP 02-12, Use Permit, Safeway Inc., 5431 Clayton Road, APN 118-031-056.** A use permit to consider a proposal to allow displays of seasonal items such as plants and other promotional merchandise, periodic sales by local charities, and placement of five vending machines in front of the Safeway store in the Clayton Station shopping center. The displays, sales, and vending machines will not interfere with the minimum path-of-travel area of 48 inches as required by the Uniform Building Code.

Assistant Planner Sikela presented the staff report.

Commissioner Bruzzone asked why the original condition of approval was established to require a use permit in the first place. *Assistant Planner Sikela responded that it was established to address concerns regarding clutter and unattractive aesthetics.*

Chair Haydon asked if any time limits were being proposed for the outdoor display areas. *Director Woltering indicated that, while various merchandise would be rotated through the outdoor display areas, the intent was that the display areas and vending machines would be permanent. From staff's perspective, we want to assign areas for displays and vending machines to be located, but we do not want to limit duration. Assistant Planner Sikela added that, while we want to provide a clean, attractive storefront, we also want to allow some flexibility for the applicant to adjust displays as needed throughout the year.*

The public hearing was opened.

The representative of Safeway, Mary Davi, indicated the following:

- The intent is to use the approved display areas and vending machines throughout the year.
- We request that the minimum 55-inch path-of-travel width being recommended by staff be reduced to 48 inches.

Chair Haydon asked if there will be any clothing for sale in the display areas. *Ms. Davi indicated that there will be no clothing for sale in the display areas.*

Commissioner Bruzzone emphasized that management of the outdoor shopping cart storage area will be important and that Safeway should be vigilant about ensuring that carts are put away. *Ms. Davi indicated that she will inform the store and local area managers regarding being thorough and diligent about putting the carts away correctly.*

Commissioner Richardson indicated the following:

- The display area to the right of the west entrance may be too close to the shopping cart storage area for customers to be able to conveniently retrieve and return carts.
- I prefer the 55-inch path-of-travel proposed by staff in order to ensure the functional movement of people and shopping carts in the areas around the displays and vending machines.

Commissioner Johnson concurred with Commissioner Richardson that the proposed outdoor display area to the right of the west entrance may interfere with the ability of customers to conveniently retrieve and return shopping carts. She suggested that this display area could be eliminated or re-located.

The public hearing was closed.

Commissioner Johnson and Chair Haydon both agreed with staff's proposal to require a minimum 55-inch path-of-travel width in order to avoid congestion.

Commissioner Bruzzone mentioned concerns about the display area to the right of the west entrance being too close to the outdoor shopping cart storage area.

Director Woltering indicated that an option for Commission consideration is to remove the display area to the right of the west entrance or re-located the display area to the left of the west entrance in order to be further away from the outdoor shopping cart storage area.

Commissioner Johnson agreed that the area to the right of the west entrance is a more spacious area but is less visible to patrons.

Chair Haydon suggested that a trial run would be appropriate to gauge the impact that locating the display area to the right of the west entrance would have upon the outdoor shopping cart storage area.

By consensus, the Commission indicated support of requiring a 55-inch path-of-travel and that the applicant would appropriately adjust the display area to the right of the west entrance to ensure safe and convenient ingress and egress for patrons to the outdoor shopping cart area.

Commissioner Richardson moved and Commissioner Bruzzone seconded the motion to approve Use Permit UP 02-12, with the findings of approval and conditions of approval recommended by staff. The motion passed 4-0.

Old Business

4. None.

New Business

5. None.

Communications

- 6A. Staff.

Director Woltering gave an update regarding revisions to the General Plan Noise Element and Municipal Code Noise Regulations. He indicated that staff has reviewed Noise Elements from Saratoga, Los Gatos, St. Helena, and Contra Costa County to look at ways of amending the General Plan and Municipal Code to take into consideration and address noise impacts in mixed-used commercial/residential areas like the Town Center. Soundproofing through construction techniques and operational characteristics are some of the mitigating mechanisms that could be analyzed as part of noise mitigation. Once staff research has been completed, options will be presented for consideration by the City Council. The options may range from no change at all to a comprehensive update of the Noise Element and Noise Regulations in the Municipal Code.

- 6B. Commission.

Commissioner Richardson indicated that, in the spirit of full disclosure, he met with Director Woltering regarding a shed that he is proposing to construct on his property.

Chair Haydon indicated that he would be missing the upcoming Clayton Business and Community Association (CBCA) meeting and asked Commissioner Johnson and Commissioner Richardson to provide the summary of tonight's Planning Commission meeting at the CBCA meeting.

Adjournment

7. The meeting was adjourned at 7:55 p.m. to the next regularly scheduled meeting of November 13, 2012.



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Keith Haydon
Chair

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