



AGENDA
PLANNING COMMISSION
Regular Meeting

7:00 P.M. on Tuesday, August 27, 2013

Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA

- 1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG**
- 2. ADMINISTRATIVE**
 - 2.a. Review of agenda items.
 - 2.b. Declaration of Conflict of Interest.
 - 2.c. Planning Commissioner Sandra Johnson to report at the City Council meeting of September 17, 2013 (alternate: Commissioner Keith Haydon).
- 3. PUBLIC COMMENT**
- 4. MINUTES**
 - 4.a. Approval of the minutes for the July 23, 2013, regular meeting.
- 5. PUBLIC HEARINGS**
 - 5.a. **SPR-04-13, Site Plan Review Permit, Andres Gonzalez, 944 Douglas Court, APN: 119-560-007.** Public Hearing to consider a Site Plan Review Permit request to construct a detached accessory pool house/recreation structure measuring approximately 714 square feet in area and 13 feet, 6 inches in height.

Staff Recommendation: Approve subject to Conditions and find the proposal is exempt under CEQA.
 - 5.b. **ZOA-03-13, Municipal Code Amendment, City of Clayton.** Public Hearing to consider a City-initiated Ordinance to Amend the Clayton Municipal Code Title 17, Establishing Regulations for Cottage Food Operations.

Staff Recommendation: Adopt Resolution No. 05-13, recommending City Council approval of an Ordinance amending the Clayton Municipal Code Title 17, establishing regulations for cottage food operations and find there is no possibility the proposed amendment may have a significant effect on the environment under CEQA.

- 5.c. **ZOA-04-13, Municipal Code Amendment, City of Clayton.** Public Hearing to Consider a City-initiated Ordinance to Amend the Clayton Municipal Code Title 17, Establishing Regulations for Emergency Shelters.

Staff Recommendation: Adopt Resolution No. 06-13, recommending City Council approval of an Ordinance amending the Clayton Municipal Code Title 17, establishing regulations for emergency shelters and find there is no possibility the proposed amendment may have a significant effect on the environment under CEQA.

6. **OLD BUSINESS**

- 6.a. None.

7. **NEW BUSINESS**

- 7.a. **GPA-03-13, Capital Improvement Program (CIP) Conformity with General Plan, City of Clayton.** Review of City of Clayton CIP projects proposed to be undertaken in the coming fiscal year (FY 2013 – 2014) for conformity with the General Plan.

Staff Recommendation: Find the City's CIP projects for the 2013-2014 fiscal year are in conformity with the Clayton General Plan and there is no possibility this finding may have a significant effect on the environment under CEQA.

8. **COMMUNICATIONS**

- 8.a. Staff.
8.b. Commission.

9. **ADJOURNMENT**

- 9a. The next regularly-scheduled meeting of the Planning Commission will be held on **Tuesday, September 10, 2013 at 7:00 p.m.**

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, July 23, 2013

Call to Order

Chair Haydon called the meeting to order at 7:02 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Keith Haydon
Vice Chair Gregg Manning
Commissioner David Bruzzone
Commissioner Dan Richardson
Absent: Commissioner Sandra Johnson (excused)
Staff: Community Development Director Charlie Mullen
Assistant Planner Milan Sikela, Jr.

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

1A. Selection of Chair and Vice Chair.

Commissioner Richardson moved and Commissioner Bruzzone seconded a motion to elect Vice Chair Gregg Manning as Chair of the Planning Commission. The motion passed 4-0-1.

Commissioner Haydon moved and Chair Manning seconded a motion to elect Commissioner Richardson as Vice Chair of the Planning Commission. The motion passed 4-0-1.

1B. Review of agenda items.

1C. Commissioner David Bruzzone to report at the special meeting of the City Council on July 30, 2013.

Public Comment

None.

Approval of Minutes

2. Approval of the minutes from the June 25, 2013 Planning Commission meeting.

Vice Chair Richardson moved and Commissioner Haydon seconded a motion to approve the minutes, subject to minor corrections. The motion passed 4-0-1.

Public Hearing

3. **DP-01-13, Development Plan Permit, Matt Mazzei.** A request for a Development Plan Permit to establish Planned Development (PD) Zoning District standards for five (5) existing developed residential properties located on a private driveway off of Marsh Creek Road. The PD standards will establish building setback and building height standards for the principal building and accessory structures, where none currently exist. The specific property addresses include 8106, 8114, 8118, 8130, and 8140 Marsh Creek Road, with corresponding Assessor Parcel Numbers (APNs) of 078-020-041, -042, -045, -046 and -040. Pursuant to California Environmental Quality Act (CEQA) Guideline 15061(b)(3) it can be seen with certainty that there is no possibility that the proposal may have a significant effect on the environment, and therefore it is not subject to CEQA.

Director Mullen presented the staff report.

Commission questions included:

- Is the one-hour fire rating requirement included in the California Building Code that is enforced by the Contra Costa County Building Inspection Department? Director Mullen responded that was correct and added that the reason the fire-rating for the structure was not placed into the Development Plan Zoning District standards is because the Contra Costa County Building Inspection Department already ensures fire-rating compliance as part of their review and approval of the building permit.
- Why was a five-foot average minimum setback proposed? Director Mullen responded that a five-foot minimum was intended to establish some consistency with the five-foot setback standards in other Planned Development districts in Clayton.

The public hearing was opened.

Jeff Zorn, 8106 Marsh Creek Road, requested clarification regarding the five-foot average minimum setback and inquired that, if a property has several detached accessory structures located on it, would you average the total combined setbacks of all the accessory structures together?

Director Mullen responded that a separate setback analysis would occur for each structure individually, on a case-by-case basis. The five-foot average minimum setback would be applied to each individual structure and not as an aggregate for all structures combined.

Mr. Zorn inquired that, if a patio cover were attached to a residence, would the patio cover still be considered an accessory structure?

Director Mullen responded that, yes, the patio cover would be an accessory structure; however, if the patio cover were attached to the residence, the patio would cover would have to comply with the same setbacks that would be applied to the residence.

The public hearing was closed.

Commissioner Haydon moved and Commissioner Bruzzone seconded a motion to adopt Resolution No. 04-13, subject to minor typographical edits, recommending City Council approval of Development Plan Permit DP-01-13 to establish Planned Development (PD) Zoning District standards for five existing developed residential properties located on a private driveway off of Marsh Creek Road. The motion passed 4-0-1.

Vice Chair Richardson thanked staff for following up on the fire-rating requirements.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff.

Director Mullen provided updates on the City's Main Street property, Skipolini's Pizza bocce ball court proposal, appeal hearing for the illegal fence on Morningside Drive, approval of Medical Marijuana Ordinance by the City Council, Silver Oak Estates environmental consultant contract, Cottage Food Industry amendment, and cancellation of August 6, 2013 City Council meeting.

6B. Commission.

Vice Chair Richardson indicated that he attended the July 17, 2013 TRANSPAC meeting.

Adjournment

7. The meeting was adjourned at 7:45 p.m. to the regularly-scheduled meeting of August 13, 2013.

Submitted by
Charlie Mullen
Community Development Director

Approved by
Gregg Manning
Chair

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**CITY OF CLAYTON
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: August 27, 2013

Item Number: 5.a

From: Milan J. Sikela, Jr. *MS*
Assistant Planner

Subject: Public Hearing to consider a Site Plan Review Permit request to construct a detached accessory pool house/recreation structure measuring approximately 714 square feet in area and 13 feet, 6 inches in height (SPR-04-13)

Applicant: Andres Gonzalez

REQUEST

Public Hearing to consider a Site Plan Review Permit request to construct a detached accessory pool house/recreation structure measuring approximately 714 square feet in area and 13 feet, 6 inches in height.

PROJECT INFORMATION

Location: 944 Douglas Court
APN: 119-560-007

General Plan Designation: Rural Estate (0 to 1.0 units per acre).

Zoning: Single Family Residential R-40-H District (12,600 square-foot minimum lot area).

Environmental Review: Categorically exempt per Section 15303(e), Class 3 of the California Environmental Quality Act (CEQA) Guidelines.

Public Notice: On August 16, 2013, a public hearing notice was posted at the notice boards and mailed to property owners within 300 feet of the project site.

Authority: Section 17.44.020 of the Clayton Municipal Code (CMC) authorizes the Planning Commission to approve a site plan review permit in accordance with the standards of review in CMC Section 17.44.040.

DISCUSSION

The applicant is requesting Planning Commission consideration of a Site Plan Review Permit request to allow the construction of a detached accessory pool house/recreational structure (termed "subject structure") measuring approximately 714 square feet in area and 13 feet, 6 inches in height. The vicinity map is provided as **Attachment 1** and the site plan, floor plan, architectural elevations, and roof plan are provided as **Attachment 2**. The subject structure has been designed with stucco siding, composition shingle roof material, and a 4:12 roof pitch, which complements the existing design and exterior materials of the existing residence on the lot. Staff notes that the proposed location of the subject structure is set back from the street, with the front plane of the subject structure being a minimum of approximately 71 feet to a maximum of 90 feet from the front property line. This will provide minimal visual impact to off-site public areas. Existing vegetation also serves to provide further screening of the subject structure. In addition, the subject structure is setback from north side property line a minimum of 104 feet and the south side property line a minimum of 64 feet. Furthermore, the subject structure is set back 68 feet from the rear property line and a substantial upslope exists between the rear plane of the subject structure and the rear property line. This orientation provide minimization of visual impact to surrounding properties.

Setback Analysis

The project complies with the accessory building/structure standards as shown below.

Required Setbacks		Existing Setbacks		Proposed Setbacks		Project Compliance
Front Setback	65'	West	None	West	71'	Yes
Side Setback	5'	North	None	North	104'	Yes
				South	64'	Yes
Rear	5'	East	None	East	68'	Yes
From Main Residence	12'	Northwest	None	Northwest	19'	Yes

Residential Floor Area Analysis

Building Footprint

The proposal meets the building footprint requirements as shown below.

Lot Size	Building Footprint Allowed	Existing Building Footprint	Proposed Building Footprint	Project Compliance
41,480 sq ft	10,370 sq ft	2,398 sq ft	3,136 sq ft	Yes

Floor Area

The proposal meets the floor area requirements as shown below.

Lot Area	Floor Area Allowed	Existing Floor Area	Proposed Floor Area	Project Compliance
41,480 sq ft	14,518 sq ft	3,213 sq ft	3,951 sq ft	Yes

Second Dwelling Unit Issues

Staff contacted the applicant regarding possible second dwelling unit implications related to the project. The applicant verified that the subject structure would not be used as a second dwelling unit but, rather, the intent was to only use the subject structure as a pool house/recreational structure. Based on the floor plan (see **Attachment 1, Drawing Number A1**), staff observed that a kitchen and bathroom are proposed inside the subject structure. However, the west (front) elevation and north (left) elevation of the main building component of the subject structure (which is comprised of the dining, kitchen, and bar areas) is open and unwalled. Also, no bedroom is proposed in the subject structure and neither is a refrigerator in the kitchen nor shower in the bathroom. Furthermore, the bathroom is located in a room that is not directly connected by a doorway to the main building component. This design appears to not be conducive to a feasible living structure. However, future modifications could possibly occur to make the structure more livable. Given this potential, staff has provided a condition of approval that precludes the subject structure from being converted into a second dwelling unit, unless properly permitted.

Conclusion

Staff has reviewed the design aspects of the proposed plans relative to the Clayton Municipal Code standards for Site Plan Review Permits and has determined that the project, as conditioned, is in conformance with the Zoning Ordinance standards. The proposed findings of approval listed below specifically address the standards.

RECOMMENDATION

Staff recommends the Planning Commission consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, approve Site Plan Review Permit SPR-04-13 to allow the construction of a detached accessory pool house/recreation structure measuring approximately 714 square feet in area and 13 feet, 6 inches in height.

Proposed Findings of Approval

Based upon the evidence set forth in the staff report, which includes relevant information from the project file, as well as testimony at the public hearing, the Planning Commission makes the following findings that Site Plan Review Permit SPR-04-13, as conditioned:

1. Is consistent with the General Plan designation and policies.
2. Meets the standards and requirements of the Zoning Ordinance.
3. Preserves the general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.
4. Maintains solar rights of adjacent properties.
5. Reasonably maintains the privacy of adjacent property owners and/or occupants.
6. Reasonably maintains the existing views of adjacent property owners and/or occupants.
7. Is complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk.
8. Is compatible with the neighborhood and surrounding land uses.

The above-stated findings assume acceptance and approval of the proposed conditions of approval listed below.

Proposed Conditions of Approval

These conditions of approval apply to the site plan, floor plan, architectural elevations, and roof plan, prepared by Nanco Architectural Services, date stamped July 22, 2013.

1. Unless properly permitted, the detached accessory pool house/recreational structure shall remain as a pool house/recreational structure and shall not be used for living purposes or converted to a second dwelling unit, based on the following design criteria:
 - a. The west (front) and north (left) elevations of the main building component shall remain open and unwallled.
 - b. There shall be no direction doorway connection between the bathroom and the main building component.
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.

Advisory Notes

Advisory notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; and (b) requirements imposed by other agencies. The advisory notes state requirements that may be in addition to the conditions of approval.

1. The applicant shall comply with all applicable State, County, and City codes, regulations and adopted standards as well as pay all associated fees and charges.
2. Prior to obtaining a building permit, the applicant shall prepare an erosion and stormwater control plan for review and approval by the City Engineer (Clayton Municipal Code Chapter 13.12).
3. Prior to obtaining a building permit, the applicant shall prepare a construction and demolition recycling plan for review and approval by the Construction and Demolition Recycling Manager (Clayton Municipal Code Chapter 15.80).
4. This Site Plan Review Permit shall be used, exercised, or established within twelve months after the granting of the Permit, or a time extension must be obtained from the Planning Commission, otherwise the Permit shall be null and void (Clayton Municipal Code Sections 17.64.010-17.64.030).
5. All construction and other work shall occur only between 7:00 a.m. and 5:00 p.m. Monday through Friday. Any such work beyond these hours and days is strictly prohibited unless specifically authorized in writing by the City Engineer (Clayton Municipal Code Section 15.01.101) located at 5375 Clayton Road, Concord, 925-363-7433.
6. The applicant shall obtain the necessary building permits from the Contra Costa County Building Inspection Department.
7. Additional requirements may be imposed by the Contra Costa County Fire Protection District. Before proceeding with the project, it is advisable to check with the Fire District located at 2010 Geary Road, Pleasant Hill, 925-930-5500.

8. If the project site is located within an area subject to covenants, conditions, and restrictions (CC&Rs) administered by a homeowners' association (HOA), additional requirements and/or approvals may be required by the HOA. Before proceeding with the project, it is advisable to check with the HOA to ensure any applicable requirements are met.

Attachments:

1. Vicinity Map
2. Site plan, floor plan, architectural elevations, and roof plan, prepared by Nanco Architectural Services, date stamped July 22, 2013

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VICINITY MAP



Gonzalez Residence
SPR-04-13
Pool House/Rec. Building
944 Douglas Ct.
APN: 119-560-007.



CONSTRUCT A NEW CABANA OUTDOOR SWIMMING POOL. HOUSE AREA = 714 SF. THE STRUCTURE WILL BE ROOFED OVER BUT WILL BE OPEN TO THE WEATHER ON THE WEST SIDE. THE BUILDING WILL NOT BE HEATED OR HAVE AN AIR CONDITIONING SYSTEM.

(1) CONTRACTOR TO INSTALL ALL PRODUCTS AND MATERIALS AS PER MANUFACTURERS INSTRUCTIONS.

(2) UPON COMPLETION, CONTRACTOR TO PROVIDE COPIES OF ALL WARRANTIES, OPERATION INSTRUCTIONS, AND MAINTENANCE INSTRUCTIONS FOR ALL PRODUCTS AND MATERIALS TO THE OWNER

Diagram showing a cross-section of a reinforced concrete slab resting on a masonry barrier, which is supported by sand on a rock. The slab is labeled "REINFORCED CONCRETE SLAB". The barrier is labeled "MASONRY BARRIER". The sand is labeled "SAND ON MASONRY BARRIER". The rock is labeled "SAND ENRICHED ROCK".

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE
SANDAG AND CITY OF CLAYTON STANDARDS.
ALL MECHANICAL CONSTRUCTION SHALL BE IN ACCORDANCE
WITH THE 2010 CMH.
ALL PLUMBING CONSTRUCTION SHALL BE IN ACCORDANCE
WITH THE 2010 CFC.
ALL ELECTRICAL CONSTRUCTION SHALL BE IN ACCORDANCE
WITH THE 2010 CALIFORNIA ELECTRIC CODE.
TRAINING INSPECTION WILL NOT BE MADE UNLESS ELECTRICAL
MECHANICAL AND PLUMBING PERMITS HAVE BEEN ISSUED.

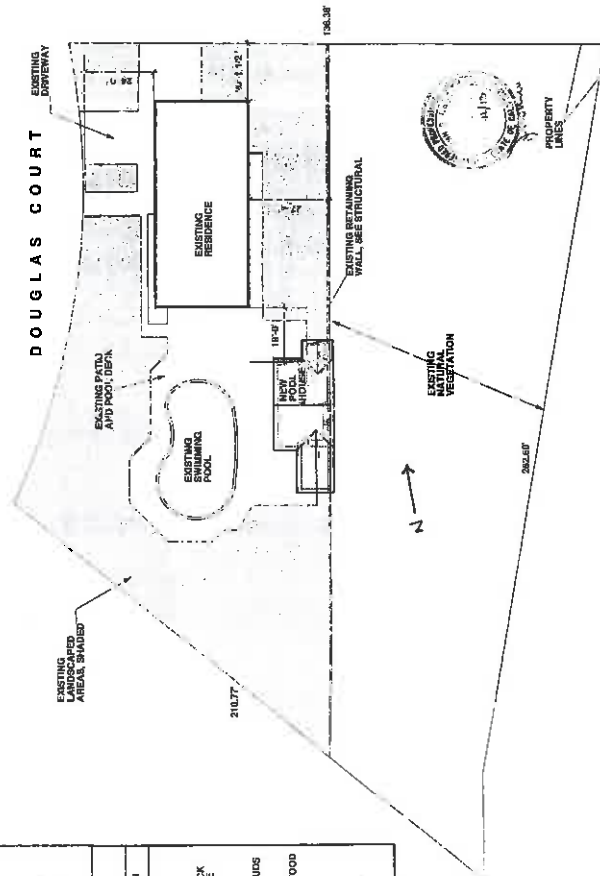
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OCCUPANCY TYPE: R-3 SINGLE FAMILY RESIDENCE

CONSTRUCTION TYPE: TYPE V, NON RATED - - - -
NOT EQUIPPED WITH A FULLY AUTOMATIC FIRE SPRINKLER
PROTECTION SYSTEM

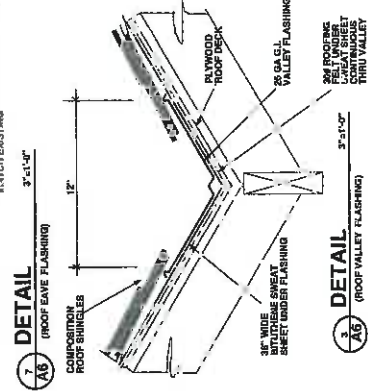
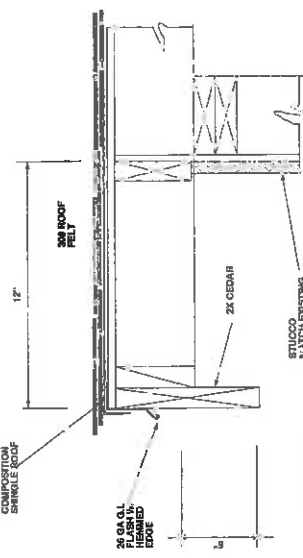
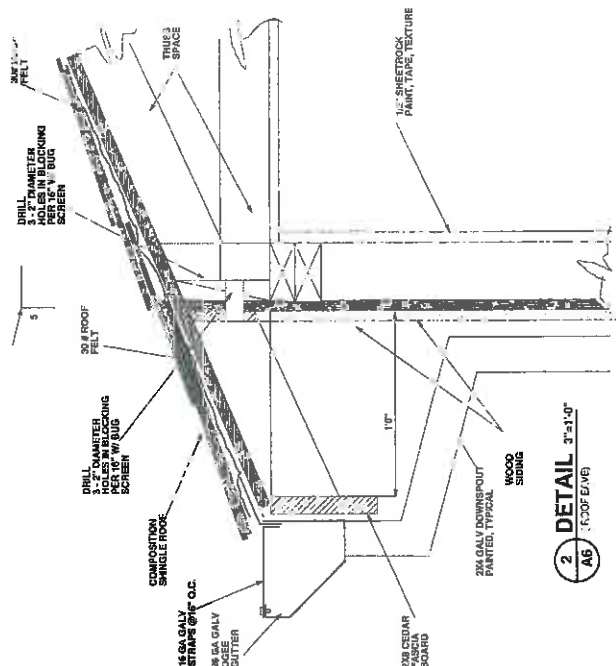
NEW CABANA OUTDOOR SWIMMING
POOL HOUSE. AREA = 714 SF.

C8	CONVERTIBLE, INKED WALL, FLOOR, ROOF ASSEMBLIES	
C9	VICINITY MAP, GENERAL, NOTES, OCCUPANCY TYPE	
CS1	SITE PLAN	
	ELEVATIONS AND FLOOR PLAN	
	ROOF PLAN	A1
	REFLECTED PLAN	A2
	SCHEDULES	A3
	WINDOW DETAILS	A4
	GENERAL NOTES AND DETAILS	
S1	FOUNDATION, WALL, FLOOR, ROOF, FRAMING PLAN	6
S2	FOUNDATION, WALL, FLOOR, ROOF, FRAMING PLAN	7
S3	FOUNDATION, WALL, FLOOR, ROOF, FRAMING PLAN	8
S4	FOUNDATION, WALL, FLOOR, ROOF, FRAMING PLAN	9
	UPPER ROOF FRAMING PLAN	



SITE PLAN





GLASS SCHEDULE

GENERAL NOTES:

ALL WINDOWS TO BE GLAZED WITH DUAL PANE LOW EMISSION GLASS. SHADING COEFFICIENT = 0.7. U FACTOR = 0.25

ANDERSON 200 OR EQUAL, AND TREK 1 DOORS TO BE ANDERSON 400 OR EQUAL

SLIDING WINDOWS: SHADING COEFFICIENT = 0.7 U FACTOR = 0.50

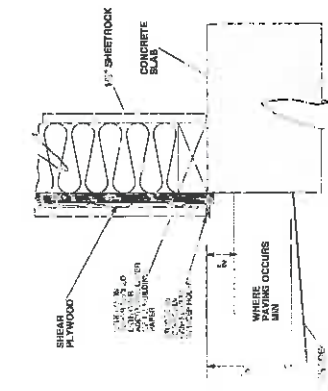
FIXED WINDOWS: SHADING COEFFICIENT = 0.7 U FACTOR = 0.40

NOTE: ALL WINDOWS HAVE 1" MIN. WIDTH AND 1' MIN. HEIGHT. TO COMPLY WITH D.C. ENERGY CODE, ALL WINDOWS MUST BE TO INTERIOR SURFACES.

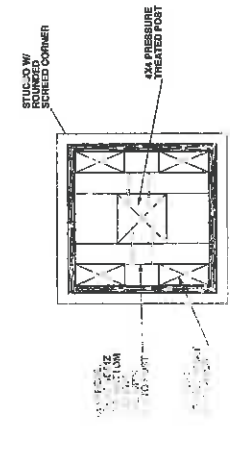
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FINISH SCHEDULE		ROOM NUMBER	ROOM NAME	FLOOR	BASE	WALLS	CEILING	TRIM	REMARKS
						FOUR	FOUR		
100		DINING	CONCRETE		WOOD	(4)	(8)	(8)	
101		KITCHEN	CONCRETE		WOOD	(6)	(6)	(6)	
102		BATH	CONCRETE		WOOD	(8)	(6)	(6)	
103		BATH	CONCRETE		WOOD	(8)	(6)	(6)	
104		STORAGE	CONCRETE		WOOD	(8)	(6)	(6)	

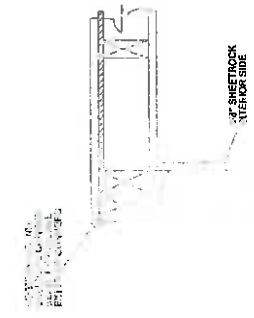
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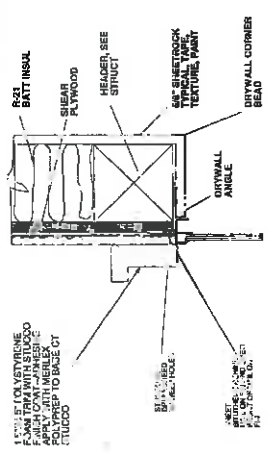
1 DETAIL SCALE 3/4"=1'-0"
(WALL AT GRADE CONDITION)



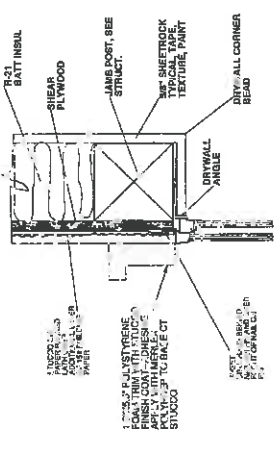
2 DETAIL NO SCALE
(CORNER AT GRADE CONDITION)



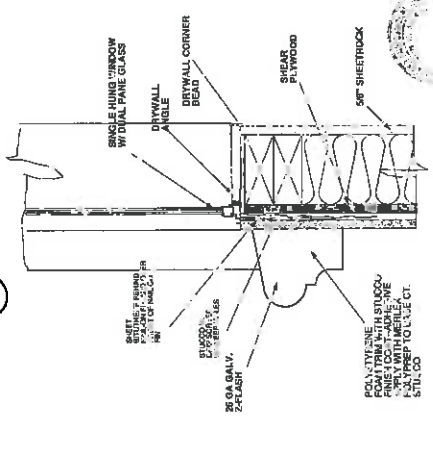
3 DETAIL SCALE 3/4"=1'-0"
(WALL AT GRADE CONDITION)



4 DETAIL SCALE 3/4"=1'-0"
(WALL AT GRADE CONDITION)



5 DETAIL SCALE 3/4"=1'-0"
(WALL AT GRADE CONDITION)



6 DETAIL SCALE 3/4"=1'-0"
(WALL AT GRADE CONDITION)

**CITY OF CLAYTON
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: August 27, 2013

Item Number: 5.b

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Public Hearing to consider a State-mandated City-initiated Ordinance amending Clayton Municipal Code Title 17, establishing regulations for Cottage Food Operations for home-based businesses in Clayton (ZOA-03-13)

Applicant: City of Clayton

REQUEST

Public Hearing to consider a State-mandated City-initiated Ordinance amending Clayton Municipal Code Title 17, establishing regulations for Cottage Food Operations for home-based businesses in Clayton.

PROJECT INFORMATION

Location: Citywide

General Plan Designation: Citywide

Zoning Classification: Citywide

Public Notice: On August 16, 2013, a public hearing notice was posted at designated locations in the City and, on August 17, 2013, a public hearing notice was published in the Contra Costa Times.

BACKGROUND AND DISCUSSION

On January 1, 2013, Assembly Bill (AB) 1616 became effective. This legislation allows individuals to prepare and/or package certain foods in private residential kitchens. AB 1616 cites, in part, the need for flexibility in accessing healthier food choices as being the impetus behind the enactment. Given that many persons have limited access to healthier food options and are subject to obesity and obesity-related diseases, allowing home-based food production would provide the opportunity for people to eat healthier, thereby reducing obesity and obesity-related diseases. Also, there has been a growing progression in California toward supporting community-based food production, sometimes referred to as "cottage food," "artisanal food," "slow food," "locally based food," or "urban agriculture." Allowing cottage food operations would serve to support such movements toward healthier food production. Furthermore, increased opportunities for entrepreneur development through microenterprises can help to

supplement household incomes, prevent poverty and hunger, and strengthen local economies. Small businesses have played an important role in helping slow economies recover as an engine of job creation. Allowing food-oriented home occupations would help to strengthen our economy as current trends show that the economy is on a course to recovery.

AB 1616 adds wording to the California Health and Safety Code that states, in part, that a city “shall not prohibit a cottage food operation” and has provided the following three options for city approval of such operations:

- Option 1
Classify a cottage food operation as a permitted use of the residential property for zoning purposes.
- Option 2
Grant a nondiscretionary permit to use a residence for any food operation that complies with local ordinances.
- Option 3
Require any cottage food operation to apply for a permit to use a residence for its operation.

Given the potential impacts of cottage food operations, staff notes that Option 3 would be the appropriate method of reviewing and approving this type of use in a residence since Option 3 provides the highest level of review by the City and the public. Furthermore, staff is proposing to place the threshold for review and approval of cottage food operations at the Planning Commission level, which would afford the City the highest level of scrutiny for such proposals. Since a permitting process already exists in the form of the City’s home occupation permit process which allows review of home-based businesses, staff is proposing to amend the home occupation permit regulations in Chapter 17.71 of the Clayton Municipal Code to allow for review and approval of cottage food operations in accordance with the cottage food operations standards in the Health and Safety Code.

Previously, the City has used the home occupation permit process to approve a food-oriented home-based business, although the term “cottage food operation” was not used to describe the business at the time. In August 2010, the Planning Commission reviewed and approved a home occupation permit (HOP 14-10) to allow cooking classes to be conducted from a single-family residence. Although the home occupation was more instructional in nature, the Commission had discussed the food generated by the classes and the fact that the food could potentially be taken from the subject residence and distributed elsewhere. Now that AB 1616 exists, the City will now have a process that directly allows for food-oriented home-based businesses once the necessary amendments are made to the Clayton Municipal Code.

In compiling information to bring this matter forward to the Planning Commission, staff researched documentation prepared by the Pleasant Hill Community Development Department and Contra Costa County Environmental Health Department in order to facilitate this State-mandated amendment.

Staff has highlighted some additional key components of AB 1616 for Commission consideration:

- Use of a residence for purposes of a cottage food operation shall not constitute a change of occupancy for the State Housing Law, or for purposes of local building and fire codes.
- Cottage food operations shall be considered residences for the purposes of the State Uniform Building Standards Code and local building and fire codes.
- A cottage food operation may have a maximum of one full-time cottage food employee not including a family member or household member of the cottage food operator.
- A cottage food operation shall not be open for business unless it is registered with the local enforcement agency and has submitted a completed, self-certification checklist approved by the local enforcement agency. The self-certification checklist shall verify that it conforms with the requirements of AB 1616, including the following requirements:
 - No cottage food preparation, packaging, or handling may occur in the home kitchen with any other domestic activities, such as family meal preparation, dishwashing, clothes washing or ironing, kitchen cleaning, or guest entertainment.
 - No infants, small children, or pets may be in the home kitchen during the preparation, packaging, or handling of any cottage food products.
 - Kitchen equipment and utensils used to produce cottage food products shall be clean and maintained in a good state of repair.
 - All food contact surfaces, equipment, and utensils used for the preparation, packaging, or handling of any cottage food products shall be washed, rinsed, and sanitized before each use.
 - All food preparation and food and equipment storage areas shall be maintained free of rodents and insects.
 - Smoking shall be prohibited in the portion of a private home used for the preparation, packaging, storage, or handling of cottage food products and related ingredients or equipment, or both, while cottage food products are being prepared, packaged, stored, or handled.
- A cottage food product shall not be a potentially hazardous food. The State Public Health Officer may add or delete food products to or from the following list. The list of nonpotentially hazardous foods shall include, but not be limited to, all of the following:
 - Baked goods without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas.
 - Candy, such as brittle and toffee.
 - Chocolate-covered nonperishable foods, such as nuts and dried fruit.
 - Dried fruit.
 - Dried pasta.
 - Dry baking mixes.
 - Fruit pies, fruit empanadas, and fruit tamales.
 - Granola, cereals, and trail mixes.

- Herb blends and dried mole paste.
- Honey and sweet sorghum syrup.
- James, jellies, preserves, and fruit butter that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations.
- Nut mixes and nut butters.
- Popcorn.
- Vinegar and mustard.
- Roasted coffee and dried tea.
- Waffle cones and pizelles.

As part of the self-certification checklist approval and enforcement of a cottage food operation, staff is proposing to require that any applicant submitting a home occupation permit request for a cottage food operation would need to submit a self-certification checklist as part of the application materials. If a home occupation permit for a cottage food operation were approved by the Planning Commission, staff would also provide a condition of approval that the applicant obtain Contra Costa County Environmental Health Department (CCCEHD) approval of the self-certification checklist and cottage food operation and provide documentation of CCCEHD approval to the City, to the satisfaction of the Community Development Director. Regarding enforcement, if complaints were received regarding the cottage food operation, the Clayton Code Enforcement Officer would refer the matter to CCCEHD in order to rectify any violations committed by the cottage food operation. The Code Enforcement Officer would coordinate with the CCCEHD to implement corrective actions in order to ensure compliance or to initiate discontinuance of the cottage food operation.

PROPOSED AMENDMENTS

In order to implement the State-mandated AB 1616 statutes, staff has prepared the following proposed amendments to the Clayton Municipal Code:

Section 17.04.070

No definition of cottage food operations is currently provided in the Clayton Municipal Code. Staff is proposing the following additional wording in newly-proposed Section 17.04.070 (proposed wording provided in underline):

“Cottage Food Operation. “Cottage Food Operation” means an enterprise that is operated by a cottage food operator and may have a maximum of one (1) full-time cottage food employee, not including a family member or household member of the cottage food operator, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct or indirect sale to consumers, pursuant to all applicable regulations, standards, definitions, and requirements of Assembly Bill 1616 and the California Health and Safety Code.”

Section 17.71.030.B

Section 17.71.030.B does not currently address cottage food operations. Staff is proposing the following additional wording in newly-proposed Section 17.71.030.B.5 et al. to be added to Section 17.71.030.B (proposed wording is provided in underline):

“Any home occupation permit request for a cottage food operation shall also comply with the following standards:

- a. A maximum of one (1) cottage food employee, not including a family member or household member, is allowed in the conduct of the cottage food operation.
- b. Approval by the Contra Costa County Environmental Health Department of the self-certification checklist for the cottage food operation as well as the cottage food operation itself is required as part of the application materials.
- c. The cottage food operation shall comply with all applicable regulations, standards, definitions, and requirements of Assembly Bill 1616 and the California Health and Safety Code.”

These proposed amendments would show City compliance with the Health and Safety Code, as prescribed by AB 1616, while still allowing Planning Commission review and approval of cottage food operations as well as associated public review of such home-based business uses.

CEQA

Pursuant to California Environmental Quality Act (CEQA) Guideline 15061(b)(3) it can be seen with certainty that there is no possibility that these zoning amendments to Title 17 of the Clayton Municipal Code may have a significant effect on the environment, and therefore are not subject to CEQA.

RECOMMENDATION

Staff recommends the Planning Commission consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, adopt Resolution No. 05-13, recommending City Council approval of an Ordinance amending the Clayton Municipal Code Title 17, establishing a review and approval process for proposed cottage food operations as home-based businesses within the City of Clayton.

Attachment:

1. Planning Commission Resolution No. 05-13, with attachment:
Exhibit A – Draft Ordinance Establishing Regulations for Cottage Food Operations

ZOA\2013\Cottage Food Operations - ZOA-03-13\03-13.sr.pc.mtg.8.27.13

**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 05-13**

**RECOMMENDING CITY COUNCIL APPROVAL OF
AN ORDINANCE AMENDING THE CLAYTON MUNICIPAL CODE
ESTABLISHING A DEFINITION AND REGULATIONS FOR
HOME-BASED COTTAGE FOOD OPERATIONS
(ZOA-03-13)**

WHEREAS, the Planning Commission held a duly-noticed public hearing on August 27, 2013 to address the matters described herein of amending Clayton Municipal Code Title 17; and

WHEREAS, Assembly Bill 1616 became effective on January 1, 2013; and

WHEREAS, Assembly Bill 1616 amends the California Health and Safety Code to allow for home-based cottage food operations; and

WHEREAS, Assembly Bill 1616 and the California Health and Safety Code require that cities not prohibit home-based cottage food operations; and

WHEREAS, currently no provisions exist in the Clayton Municipal Code for home-based cottage food operations; and

WHEREAS, the home occupation permit process listed in Clayton Municipal Code Title 17 is the process administered by the City to review and approve home-based businesses; and

WHEREAS, Clayton Municipal Code Title 17 does not have a definition and regulations for and does not address home-based cottage food operations; and

WHEREAS, pursuant to Assembly Bill 1616 and the California Health and Safety Code, amendments to Clayton Municipal Code Title 17 are proposed in order to provide a definition and regulations for home-based cottage food operations; and

WHEREAS, the Planning Commission determined that, pursuant to California Environmental Quality Act (CEQA) Guideline 15061(b)(3), it can be seen with certainty that there is no possibility that these amendments to Clayton Municipal Code Title 17 may have a significant effect on the environment and, therefore, is not subject to CEQA; and

WHEREAS, the Planning Commission determined that the proposed amendments to the Clayton Municipal Code are in general conformance with the Clayton General Plan; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the Planning Commission has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Clayton, based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby recommend City Council approval of the proposed Ordinance to amend Clayton Municipal Code Title 17 for the purpose of addressing home-based cottage food operations.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 27th day of August, 2013.

APPROVED

ATTEST

Gregg Manning
Chair

Charlie Mullen
Community Development Director

Attachment:

Exhibit A – Draft Ordinance Establishing Regulations for Home-Based Cottage Food Operations

ORDINANCE NO. ____

**AN ORDINANCE AMENDING THE CLAYTON MUNICIPAL CODE
ESTABLISHING A DEFINITION AND REGULATIONS FOR
HOME-BASED COTTAGE FOOD OPERATIONS
(ZOA-03-13)**

**THE CITY COUNCIL
City of Clayton, California**

**THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS
FOLLOWS:**

WHEREAS, Assembly Bill 1616 became effective on January 1, 2013; and

WHEREAS, Assembly Bill 1616 amends the California Health and Safety Code to allow for home-based cottage food operations; and

WHEREAS, Assembly Bill 1616 and the California Health and Safety Code require that cities not prohibit home-based cottage food operations; and

WHEREAS, currently no provisions exist in the Clayton Municipal Code that address home-based cottage food operations; and

WHEREAS, the home occupation permit process listed in Clayton Municipal Code Title 17 is the process administered by the City to review and approve home-based businesses; and

WHEREAS, Clayton Municipal Code Title 17 does not have a definition and regulations for home-based cottage food operations; and

WHEREAS, pursuant to Assembly Bill 1616 and the California Health and Safety Code, amendments to Clayton Municipal Code Title 17 are proposed in order to provide a definition and regulations for home-based cottage food operations; and

WHEREAS, the Clayton Planning Commission held a duly-noticed public hearing on August 27, 2013, at which they adopted Resolution No. 05-13 recommending City Council approval of the proposed Ordinance to amend Clayton Municipal Code Title 17, establishing regulations for home-based cottage food operations; and

WHEREAS, the Planning Commission determined that the proposed amendments to the Clayton Municipal Code are in general conformance with the Clayton General Plan; and

WHEREAS, the Clayton City Council, at regular meetings on [month] [day], 2013 and [month] [day], 2013, held duly-noticed public hearings to review and consider an Ordinance amending the Clayton Municipal Code Title 17, establishing a definition and regulations for home-based cottage food operations; and

WHEREAS, the City Council determined that, pursuant to California Environmental Quality Act (CEQA) Guideline 15061(b)(3), it can be seen with certainty that there is no possibility that these amendments to Clayton Municipal Code Title 17 may have a significant effect on the environment and, therefore, is not subject to CEQA; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the Clayton City Council has reviewed all written evidence and oral testimony presented to date on this matter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. Section 17.04.070 of the Clayton Municipal Code, entitled “Building Height” is hereby renumbered as Section 17.04.062.

Section 3. Section 17.04.075 of the Clayton Municipal Code, entitled “Building – Main or Principal” is hereby renumbered as Section 17.04.064.

Section 4. Section 17.04.070 of the Clayton Municipal Code is hereby added to read in full as follows:

“17.04.070 Cottage Food Operation. “Cottage Food Operation” means an enterprise that is operated by a cottage food operator and may have a maximum of one (1) full-time cottage food employee, not including a family member or household member of the cottage food operator, within the registered or permitted area of a private home where the cottage food operator resides and where cottage food products are prepared or packaged for direct or indirect sale to consumers, pursuant to Assembly Bill 1616 and the California Health and Safety Code, and is subject to all applicable regulations, standards, definitions, and requirements of Assembly Bill 1616 and the California Health and Safety Code.”

Section 5. Section 17.71.030.B.5 of the Clayton Municipal Code is hereby added to read in full as follows:

- “5. Any home occupation permit request for a cottage food operation shall also comply with the following standards:
- a. A maximum of one (1) cottage food employee, not including a family member or household member, is allowed in the conduct of the cottage food operation.
 - b. Approval by the Contra Costa County Environmental Health Department of the self-certification checklist for the cottage food operation as well as the cottage food operation itself is required as part of the application materials.
 - c. The cottage food operation shall comply with all applicable regulations, standards, definitions, and requirements of Assembly Bill 1616 and the California Health and Safety Code.”

Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

Section 7. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

Section 8. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause Sections 2-5 of this Ordinance to be entered into the City of Clayton Municipal Code.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton held on [month] [day], 2013.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular meeting thereof held on [month] [day], 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Julie K. Pierce, Mayor

ATTEST

Laci J. Jackson, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on [month] [day], 2013, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on [month] [day], 2013.

Laci J. Jackson, City Clerk

ZOA\2013\Cottage Food Operations - ZOA-03-13\03-13.draft.ordinance.pc.mtg.8.27.13

**CITY OF CLAYTON
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: August 27, 2013

Item No.: 5.c.

From: Charlie Mullen
Community Development Director 

Subject: Public Hearing to Consider a City-initiated Ordinance to Amend the Clayton Municipal Code Title 17, Establishing Regulations for Emergency Shelters; (ZOA-04-13).

Applicant: City of Clayton

REQUEST

Public Hearing to consider a State-mandated City-initiated Ordinance amending the Clayton Municipal Code Title 17, establishing regulations for emergency shelters, and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District, establishing an emergency shelters definition and establishing development and management standards for emergency shelters.

PROJECT INFORMATION

Location: Public Facilities Zoning District

General Plan Designation: Public/Quasi-Public (PQ)

Zoning Classification: Public Facilities (PF)

Public Notice: On August 16, 2013, a public hearing notice was posted at designated locations in the city and on August 17, 2013, a public hearing notice was published in the Contra Costa Times.

BACKGROUND

On April 20, 2010 the Clayton City Council adopted Resolution No. 12-2010 approving an Initial Study/Negative Declaration prepared for the Clayton 2009-2014 Housing Element pursuant to the provisions of the California Environmental Quality Act (CEQA) and approving the Clayton 2009-2014 Housing Element.

On July 15, 2010 the State Department of Housing and Community Development (HCD) conditionally certified the state-mandated Clayton 2009-2014 Housing Element based on the City enacting over 30 categories of implementation measures.

Some of the implementation measures require on-going voluntary City actions and commitments while other implementation measures are mandatory and require actual Zoning and General Plan amendments. Over the past several years' former city staff has brought forth most of the mandatory Zoning and General Plan amendments to the Planning Commission and City Council for consideration and approval.

However, under Goal II, Implementation Measure II.1.1. of the Clayton 2009-2014 Housing Element (see attached excerpts) and pursuant to State Senate Bill 2 (2007), the City committed to amending the Zoning Ordinance to allow emergency shelters by right and only subject development and management standards, as required by applicable state law. The State's purpose behind this emergency shelter requirement is to make every community responsible for addressing their homeless person needs, regardless if it has any documented homeless persons, even though according to the "Homeless" section of our 2009-2014 Housing Element (see attached excerpts) there were no documented homeless individuals identified as residents of Clayton in the 2009 survey conducted by the Contra Costa County Homeless Program.

Recently, Pacific Municipal Consultants (PMC), the City's 2014-2022 Housing Element update consultant, identified the emergency shelter provision as the one remaining unresolved item that is still required to be completed before we can move forward with the mandatory 2014-2022 Housing Element update cycle.

This remaining outstanding implementation measure is a State mandate pursuant to Senate Bill 2, and requires all California cities (including Clayton) to amend their Zoning Ordinance to allow "Emergency Shelters" by right as a permitted use in at least one zoning district. The Bill also requires that "Emergency Shelters" be subject to the same base development standards of that zone; except that cities may, if they wish, establish objective development and management standards for emergency shelters.

While the issue of a "Zoning Ordinance Amendment to allow an emergency shelter by right in a zoning designation (to be determined)" was listed as a bulleted discussion item on the agenda for the December 13, 2011 Planning Commission meeting, the actual staff report and meeting minutes are absent and silent of any discussion on the matter. Current staff can only assume that it was the intent to revisit this item at a later date, which is now upon us.

DISCUSSION

In order to comprehensively address this issue and establish local control and regulation to the maximum extent permitted by State law, staff has reviewed State Law (SB 2; 2007 statute), our current Housing Element and previous city staff reports and files. In addition staff has researched what other communities have done in regards to emergency shelters. Specifically, staff has researched the local and regional communities of Concord, Mountain View, Pittsburg, Pleasant Hill, Santa Cruz, and Walnut Creek, and statewide the communities of Costa Mesa, Laguna Hills, Mission Viejo, Orange, Red Bluff, and Ventura.

Based on that research staff has prepared the attached Ordinance amending the Clayton Municipal Code Title 17, establishing regulations for emergency shelters, and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District,

establishing an emergency shelters definition and establishing development and management standards for emergency shelters. The following are the proposed new sections in their entirety.

PROPOSED EMERGENCY SHELTER ORDINANCE

Clayton Municipal Code under Chapter 17.04 Definitions, Section 17.04.089 is proposed to be added as follows:

“17.04.089 Emergency Shelter. As defined by the California Health and Safety Code Section 50801(e) “emergency shelter” is housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter in this facility because of an inability to pay. However, emergency shelter providers are not obligated to accept individuals if the shelter is at maximum capacity.”

Clayton Municipal Code under Chapter 17.33 Public Facility (PF) District, Section 17.33.020 Permitted Uses, Subsection F. is proposed to be added as follows:

“F. Emergency Shelter facility (subject to standards in Section 17.36.082).”

Clayton Municipal Code under Chapter 17.36 General Provisions, Section 17.36.082 is proposed to be added as follows:

“17.36.082 Emergency Shelters Standards.

Emergency shelters are only permitted in the Public Facilities (PF) zoning district subject to the development standards of the zone. In accordance with the authority granted to cities under State law (SB-2; 2007), emergency shelters must also meet the following objective development and management standards:

- A. An emergency shelter building shall be located a minimum distance of at least 300 feet from any residential use building or public or private K-12 school.
- B. An emergency shelter shall be located a minimum distance of at least 300 feet from another emergency shelter.
- C. The maximum number of beds or persons permitted to be served nightly by the facility shall not exceed ten (10).
- D. The maximum length of stay by an individual shall not exceed one hundred and eighty (180) consecutive days in a consecutive 12-month period.
- E. Off-street parking shall be provided in the ratio of one (1) space for every three (3) beds, plus one (1) parking space for each staff member on the largest shift. Provisions for bicycle parking shall also be made.
- F. An on-site interior client intake and waiting area shall be provided that is at least 200 square feet in area. A client intake and waiting area less than 200 square feet in size may be considered if it can be demonstrated that the size of the intake and waiting area is sufficient to accommodate the demand.
- G. On-site parking lot lighting and security lighting shall be provided in accordance with City standards.

- H. Laundry and Refuse areas. The plan shall include provisions for indoor laundry facilities and an exterior enclosed refuse area.
- I. An operational plan shall be provided prior to the issuance of a Certificate of Occupancy or commencement of use, for the review and approval of the Community Development Director. At a minimum the plan shall contain provisions addressing the following:
- a. Security and Safety. The plan shall include provisions of 24-hour on-site management/security, facility rules, and procedures for maintaining a safe environment within and outside the shelter and addresses loitering.
 - b. Prohibited activities. The plan shall include provisions that clearly discourage and prohibited the consumption or use of alcohol, narcotics, illegal drugs, etc. and prohibits smoking (including but not limited to tobacco, marijuana, etc.).
 - c. Management of outdoor areas. The plan shall describe procedures for admittance and discharge of clients, and describe measures aimed at minimizing the congregation of clients outside the shelter when not accepting clients.
 - d. Staff training. The plan shall describe the staffing required for the shelter and outline required training programs that provide staff with the knowledge and skills to assist clients in obtaining permanent shelter.
 - e. Referral services. The plan shall include provisions of a kiosk providing information on other programs available to clients for obtaining permanent shelter, mental and health counseling, job placement, educational, legal, and other supportive services.
 - f. Transportation services. The plan shall include provisions for public and/or private transportation services to assist clients.”

In the Clayton Municipal Code under Chapter 17.37, Off-Street Parking and Loading Regulations, Section 17.37.030 Parking and Loading Space Requirements, Schedule 17.37.030.A Off-Street Parking Space Requirements is proposed to be amended as follows:

Emergency Shelter	As specified by use permit Section 17.36.082.
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It is the opinion of staff and the City Attorney the proposed Ordinance language does not conflict with the requirements or intent of SB 2 and will achieve compliance with this State mandate.

PF Zoning District Selection Analysis

Staff is recommending the Public Facilities (PF) District as the location to establish emergency shelters as a permitted use for a number of reasons. The first reason being that owners of private property along the Kirker Pass Road corridor as candidate locations for emergency shelter zoning expressed serious concern and opposition in previous public forums regarding Housing Element implementation measures aimed at providing such temporary or affordable housing in that area for the community.

Secondly, the City has a limited number of commercial sites for economic development opportunities and it does not seem prudent to burden those existing commercial sites or few remaining undeveloped commercial sites with this non-economic producing use.

Lastly, staff believes it is more appropriate for the City of Clayton to take on the responsibility of addressing this State mandated Emergency Shelter provision, rather than place this responsibility on our local business and/or private property owners, and thus the selection of the PF Zoning District.

PF Zoning District Land Availability Analysis

The State law (SB-2; 2007) also requires that cities perform a land availability analysis in order to verify that there is potential land available to accommodate an Emergency Shelter. Upon analyzing all the properties with a PF Zoning District designation, the only site that has sufficient land available for a potential emergency shelter, and which can also meet the locational perimeters of the proposed Ordinance, is the City's 4.73 acre Community/Library property located at 6125 Clayton Rd. (APN: 118-370-006), please see attached site diagram. The northern portion of this property includes the historically significant Keller Ranch House, as identified in the Clayton Heritage Preservation Task Force Report, 1994. The former Keller House residence is currently boarded-up, secured from vandalism and is not being utilized. No City, public or private financing or funding sources are currently available to renovate or restore the Keller House. The Clayton Heritage Preservation Task Force Report identified the Keller House as a possible site for community uses, including but not limited to offices for the former Clayton Community Services Commission or a Senior Citizens' Center, or for possible weddings, receptions, retreats, and other functions.

Given this City owned property is the only suitable Public Facilities District site, it will actually optimize the City's discretion over a potential emergency shelter, because any potential emergency shelter operator would have to make a proposal to the City and the City would be in a position to consider the overall merits of the project proposal. For example, we could consider a number of factors including but not limited, to economic considerations, the type of organization or business and their operational practices, whether they have a non-profit status, their current or past community involvement, etc. If the right organization and right opportunity presented itself, it may be possible to achieve a win-win.

Site Plan Review Requirements Still Apply

It should be noted that while the emergency shelter use would be listed at a permitted use, this fact would not prohibit or limit the City's Site Plan review process from occurring to ensure the physical reuse and development of the site are improved to city standards. The Site Plan Review process would be required to review physical exterior changes to the site and building, including but not limited to architectural elevation changes, painting, window and door modifications, parking lot paving, pedestrian access, landscaping and irrigation, storm water drainage and treatment, etc. *"The purpose of the Site Plan Review is to ensure that the design of all new development is compatible with Clayton's character and that the design and location of new development does not impose significant negative impacts on neighboring property owners and/or occupants".*

GENERAL PLAN - HOUSING ELEMENT

Under Goal II, Implementation Measure II.1.1. of the Clayton 2009-2014 Housing Element and pursuant to State Senate Bill 2, the City committed to amending the Zoning Ordinance to allow emergency shelters by right and only subject development and management standards (see attached excerpts). Approval of the proposed Ordinance would complete this implementation measure, comply with State law, and allow the City of Clayton to proceed with the 2014-2022 Housing Element update cycle. By not doing so, the State HCD will not entertain the City's 2014-2022 draft Housing Element for necessary certification according to the City's Housing Element consultant (PMC).

CEQA

Pursuant to the California Environmental Quality Act (CEQA) an Initial Study/Negative Declaration was previously prepared and approved for the Clayton 2009-2014 Housing Element, including its implementation measures; and whereas, pursuant to Section 15061(b)(3) it can be seen with certainty that there is no possibility that the currently proposed amendment to the Clayton Municipal Code/Zoning Ordinance may have a significant effect on the environment, it is therefore not subject to CEQA and no further environmental review is necessary.

RECOMMENDATION

Staff recommends the Planning Commission consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, adopt Resolution No. 06-13, recommending City Council approval of an Ordinance amending the Clayton Municipal Code Title 17, establishing regulations for emergency shelters, and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District, establishing an emergency shelters definition and establishing development and management standards for emergency shelters.

Attachments:

1. Planning Commission Resolution No. 06-13, with attachment:
Exhibit A – Draft Ordinance Establishing Regulations for Emergency Shelters
2. p. 15, 16, 115, 116 of Clayton 2009-2014 Housing Element
3. Site Diagram Identifying Possible location for and Emergency Shelter

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**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 06-13**

**RECOMMENDING CITY COUNCIL APPROVAL OF
AN ORDINANCE AMENDING THE CLAYTON MUNICIPAL CODE
ESTABLISHING REGULATIONS FOR EMERGENCY SHELTERS AND
SPECIFICALLY ESTABLISHING EMERGENCY SHELTERS AS A
PERMITTED USE IN THE PUBLIC FACILITIES (PF) ZONING DISTRICT
(ZOA-04-13)**

WHEREAS, the Clayton Planning Commission at a regular meeting on August 27, 2013, held a duly noticed public hearing to review and consider recommending City Council approval of the proposed Ordinance to amend the Clayton Municipal Code Title 17, establishing regulations for emergency shelters, and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District, establishing an emergency shelters definition and establishing development and management standards for emergency shelters; and

WHEREAS, the Clayton City Council on April 20, 2010, adopted Resolution No. 12-2010 approving an Initial Study and Negative Declaration prepared for the Clayton 2009-2014 Housing Element pursuant to the provisions of the California Environmental Quality Act (CEQA) and approving the Clayton 2009-2014 Housing Element; and

WHEREAS, on July 15, 2010 the State Department of Housing and Community Development (HCD) conditionally certified the Clayton 2009-2014 Housing Element based on City of Clayton making a good faith effort toward enacting over 30 categories of implementation measures; and

WHEREAS, under Goal II, Implementation Measure II.1.1. of the Clayton 2009-2014 Housing Element and pursuant to State Senate Bill 2, the City committed to amending the Zoning Ordinance to allow emergency shelters by right and only subject to development and management standards; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) an Initial Study and Negative Declaration was prepared and approved for the Clayton 2009-2014 Housing Element, including its implementation measures, and whereas, pursuant to Section 15061(b)(3) it can be seen with certainty that there is no possibility that the proposed amendment to the Clayton Municipal Code/Zoning Ordinance may have a significant effect on the environment, and therefore it is not subject to CEQA and no further environmental review is necessary; and

WHEREAS, the Planning Commission has determined that the proposed amendments to the Clayton Municipal Code are in general conformance with the Clayton General Plan; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the Planning Commission has reviewed all written evidence and oral testimony presented to date.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Clayton based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby recommend City Council approval of the proposed Ordinance to amend the Clayton Municipal Code Title 17, establishing regulations for emergency shelters, and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District, establishing an emergency shelters definition and establishing development and management standards for emergency shelters.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 27th day of August, 2013.

APPROVED:

ATTEST:

Gregg Manning
Chair

Charlie Mullen
Community Development Director

ATTACHMENTS:

Exhibit A – Draft Ordinance Establishing Regulations for Emergency Shelters

ORDINANCE NO. XXX

**AN ORDINANCE AMENDING THE CLAYTON MUNICIPAL CODE
ESTABLISHING REGULATIONS FOR EMERGENCY SHELTERS AND
SPECIFICALLY ESTABLISHING EMERGENCY SHELTERS AS A
PERMITTED USE IN THE PUBLIC FACILITIES (PF) ZONING DISTRICT
(ZOA-04-13)**

**THE CITY COUNCIL
City of Clayton, California**

**THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS
FOLLOWS:**

WHEREAS, on April 20, 2010 the Clayton City Council adopted Resolution No. 12-2010 approving an Initial Study and Negative Declaration prepared for the Clayton 2009-2014 Housing Element pursuant to the provisions of the California Environmental Quality Act (CEQA) and approving the Clayton 2009-2014 Housing Element; and

WHEREAS, on July 15, 2010 the State Department of Housing and Community Development (HCD) conditionally certified the Clayton 2009-2014 Housing Element based on City making a good faith effort toward enacting over 30 categories of implementation measures; and

WHEREAS, under Goal II, Implementation Measure II.1.1. of the Clayton 2009-2014 Housing Element and pursuant to State Senate Bill 2, the City committed to amending the Zoning Ordinance to allow emergency shelters by right and only subject development and management standards, as required by applicable state law; and

WHEREAS, the Clayton Planning Commission held a duly-noticed public hearing on August 27, 2013, at which they adopted Resolution No. 06-13 recommending City Council approval of the proposed Ordinance to amend the Clayton Municipal Code Title 17, establishing regulations for emergency shelters, and specifically establishing emergency shelters as a permitted use in the Public Facilities (PF) Zoning District, establishing an emergency shelters definition and establishing development and management standards for emergency shelters; and

WHEREAS, the Clayton City Council at a regular meeting on XXXX, 2013, held a duly noticed public hearing to review and consider an Ordinance amending the Clayton Municipal Code Title 17, establishing regulations for Emergency Shelters, and specifically establishing Emergency Shelters as a permitted use in the Public Facilities (PF) Zoning District; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) an Initial Study and Negative Declaration was prepared and approved for the Clayton 2009-2014 Housing Element, including its implementation measures; and whereas, pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that there is no possibility that the proposed amendment to the Clayton Municipal Code/Zoning Ordinance may have a significant effect on the environment, it is therefore not subject to CEQA and no further environmental review is necessary; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, the Clayton City Council has reviewed all written evidence and oral testimony presented to date on this matter, expressly including evidence demonstrating that there is sufficient acreage within the City's Public Facilities zoning district to accommodate an emergency shelter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. Section 17.04.089 of the Clayton Municipal Code, Chapter 17.04 Definitions is hereby added to read in full as follows:

"17.04.089 Emergency Shelter. As defined by the California Health and Safety Code Section 50801(e) "emergency shelter" is housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter in this facility because of an inability to pay. However, emergency shelter providers are not obligated to accept individuals if the shelter is at maximum capacity."

Section 3. Subsection F. of the Clayton Municipal Code, Chapter 17.33 Public Facility (PF) District, Section 17.33.020 Permitted Use, is hereby added to read in full as follows:

"F. Emergency Shelter facility (subject to standards in Section 17.36.082)."

Section 4. Section 17.36.082 of the Clayton Municipal Code, Chapter 17.36 General Provisions is hereby added to read in full as follows:

"17.36.082 Emergency Shelters Standards.

Emergency shelters are only permitted in the Public Facilities (PF) zoning district subject to the development standards of the zone. In accordance with the authority granted to cities under State law (SB-2; 2007), emergency shelters must also meet the following objective development and management standards:

- A.** An emergency shelter building shall be located a minimum distance of at least 300 feet from any residential use building or public or private K-12 school.
- B.** An emergency shelter shall be located a minimum distance of at least 300 feet from another emergency shelter.
- C.** The maximum number of beds or persons permitted to be served nightly by the facility shall not exceed ten (10).
- D.** The maximum length of stay by an individual shall not exceed one hundred and eighty (180) consecutive days in a consecutive 12-month period.
- E.** Off-street parking shall be provided in the ratio of one (1) space for every three (3) beds, plus one (1) parking space for each staff member on the largest

shift. Provisions for bicycle parking shall also be made.

- F. An on-site interior client intake and waiting area shall be provided that is at least 200 square feet in area. A client intake and waiting area less than 200 square feet in size may be considered if it can be demonstrated that the size of the intake and waiting area is sufficient to accommodate the demand.
- G. On-site parking lot lighting and security lighting shall be provided in accordance with City standards.
- H. Laundry and Refuse areas. The plan shall include provisions for indoor laundry facilities and an exterior enclosed refuse area.
- I. An operational plan shall be provided prior to the issuance of a Certificate of Occupancy or commencement of use, for the review and approval of the Community Development Director. At a minimum the plan shall contain provisions addressing the following:
 - a. Security and Safety. The plan shall include provisions of 24-hour on-site management/security, facility rules, and procedures for maintaining a safe environment within and outside the shelter and addresses loitering.
 - b. Prohibited activities. The plan shall include provisions that clearly discourage and prohibited the consumption or use of alcohol, narcotics, illegal drugs, etc. and prohibits all smoking (including but not limited to tobacco, marijuana, etc.).
 - c. Management of outdoor areas. The plan shall describe procedures for admittance and discharge of clients, and describe measures aimed at minimizing the congregation of clients outside the shelter when not accepting clients.
 - d. Staff training. The plan shall describe the staffing required for the shelter and outline required training programs that provide staff with the knowledge and skills to assist clients in obtaining permanent shelter.
 - e. Referral services. The plan shall include provisions of a kiosk providing information on other programs available to clients for obtaining permanent shelter, mental and health counseling, job placement, educational, legal, and other supportive services.
 - f. Transportation services. The plan shall include provisions for public and/or private transportation services to assist clients.

Section 5. Schedule 17.37.030.A Off-Street Parking Space Requirements of the Clayton Municipal Code, Chapter 17.37, Off-Street Parking and Loading Regulations, Section 17.37.030 Parking and Loading Space Requirements is hereby amended to read in full as follows:

Emergency Shelter	As specified by use permit Section 17.36.082.
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Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such

provisions and clauses of the Ordinance are declared to be severable.

Section 7. Conflicting Ordinances Repealed. Any ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

Section 8. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause Sections 2-5 of this Ordinance to be entered into the City of Clayton Municipal Code.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton held on XXXX, 2013.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular public meeting thereof held on XXXX, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Julie K. Pierce, Mayor

ATTEST

Laci J. Jackson, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

DRAFT

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on **XXXX**, 2013 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on **XXXX**, 2013.

Laci J. Jackson, City Clerk

X:\Com Dev Z O A\2013\Emergency Shelters - ZOA-04-13\ZOA-04-13 - final draft Ordinance EmergencyShelters - pc mtg 8-27-13.docx

Often with only one source of income, single-headed households have more difficulties finding adequate, affordable housing than families with two adults. Also, single-parent households with small children may need to pay for child care, which further reduces disposable income. This special needs group would benefit generally from expanded affordable housing opportunities. More specifically, the need for dependent care also makes it important that housing for single-headed families be located near childcare facilities, schools, youth services, medical facilities, or senior services.



Homeless

It is very difficult to quantify the homeless population in a given community due to the lack of current census data. However, the Contra Costa County Homeless Program completed its biannual point-in-time homeless count on January 28, 2009. The count was conducted in 5 districts comprising 31 areas within the county and identified 1,872 persons without shelter. Of the identified persons, no persons were identified as residents of Clayton. According to City staff, on occasion one or two homeless persons appear in the community, but they soon move to areas where there are needed services. Overall, the count will assist in the implementation of the County's ten-year plan to end homelessness. Specifically, the count will inform the County regarding its progress in accomplishing goals related to ending homelessness.

The most notable findings of the homeless count for the county as a whole are:

- An 8 percent decrease in homeless persons.
- Fifty-seven (57) percent of homeless persons live in encampments.
- The number of single adults accessing services increased by roughly 20 percent.
- The number of homeless individuals in alcohol and drug treatment programs doubled.
- The number of homeless individuals utilizing food programs increased.

In addition to the County's plan, "Ending Homelessness in Ten Years," the County also completed the "Contra Costa Homeless Continuum of Care Plan 2001-2006." The five-year plan is a good source of information on homelessness and available programs. The following information is from the five-year plan.

Contra Costa County community members are not immune from the threat of homelessness. Rather, at least 14,757 people in the county experience homelessness each year. More than two-thirds of them are members of a family, including almost 7,000 children. On any given night, more than 4,800 people are homeless, living on the streets or in temporary accommodations, such as in an emergency shelter, a motel, or on a relative's couch. In addition, many others are at risk of becoming homeless, such as the nearly 17,000 extremely low-income households in the county who are paying over 30 percent of their income for rent and struggling to make ends meet.

As elsewhere in the nation, homelessness is usually the end result of multiple factors that converge in a person's life. The combination of loss of employment, inability to find a job because of the need for retraining, and the high housing costs in Contra Costa County lead to some individuals and families losing their housing. For others, the loss of housing is due to chronic health problems, physical disabilities, mental health disabilities, or drug and alcohol addictions along with an inability to access the services and long-term support needed to address these conditions.

The plan identifies three primary causes of homelessness as follows:

- Shortage of affordable housing,
- Lack of access to support services, and
- Low incomes.

The Homeless Continuum of Care Advisory Board (CoCB) and the Contra Costa County Office of Homeless Programs held a series of community meetings between October 2000 and January 2001 to identify unmet service and housing needs and obtain feedback about ongoing programs. Unmet needs continue into 2010. The needs for all segments of the homeless population included the following:

- Affordable Housing – Rental units in the county are not affordable to people with extremely low incomes, such as those who depend on General Assistance, Temporary Assistance to Needy Families, or SSI. Over 2,000 households are on the waiting list for Section 8 assistance. In addition, many cannot come up with the money required to move into an apartment (first and last months rent plus security deposit).
- Employment at a Living Wage – The high cost of housing makes it difficult to find housing that is affordable for those working minimum wage jobs.
- Dignity – Participants expressed their desire to be treated with respect when accessing services.
- Transportation – Lack of transportation makes it difficult for people to get to jobs as well as services.
- Early Intervention: Timely Prevention and Emergency Services – Providers stressed the importance of identifying people at risk of homelessness early and then providing services to them immediately.
- Community Education, Involvement, and Advocacy – Providers and community members felt that community education is an important way to increase the public's understanding of homelessness and build support for programs that prevent and alleviate homelessness.

Time Frame: Ongoing, 2009–2014

Funding: General Fund, RDA funds

Regulatory Relief and Incentives

Goal II To the extent feasible, remove governmental constraints for affordable and special needs housing.

Policy II.1 The City shall ensure that locations are available within the City to accommodate any future need for facilities to serve City residents in need of emergency shelter.

Implementation Measure (II.1.1) California Health and Safety Code (Section 50801) defines an emergency shelter as “housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or households may be denied emergency shelter because of an inability to pay.”

Pursuant to Senate Bill 2, the City will amend the Zoning Ordinance to allow emergency shelters by right and only subject to the same development standards allowed in this Zone. This area is currently designated Kirker Corridor in the City’s General Plan and classified as Planned Development (PD) in the City’s Zoning Ordinance. This corridor is close to services and public transportation. The City will create an overlay zone with specific development standards for emergency shelters in this 5-acre area. In addition, the City will evaluate adopting development and managerial standards that will be consistent with Government Code Section 65583(a)(4). These standards may include such items as:

- Lighting
- On-site management
- Maximum number of beds or persons to be served nightly by the facility
- Off-street parking based on demonstrated need
- Security during hours that the emergency shelter is in operation

Responsibility: City Council, Planning Commission, Community Development Department.

Time Frame: March 2011. The City will create an overlay zone that will provide development standards for emergency shelters in the Kirker Corridor.

Funding: General Fund

Implementation Measure (II.1.2) Transitional and supportive housing provides temporary housing, often with supportive services, to formerly homeless persons for a period that is typically between six months and two years. The supportive services, such as job training, rehabilitation, and counseling, help individuals gain life skills necessary for independent living.

Pursuant to Senate Bill 2, the City must explicitly allow both supportive and transitional housing types in all residential zones. The City shall update its Zoning Code to include separate definitions of transitional and supportive housing as defined in Health and Safety Code Sections 50675.2 and 50675.14. Both transitional and supportive housing types will be allowed as a permitted use subject to only the same restrictions on residential uses contained in the same type of structure.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: March 2011

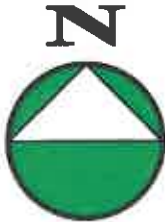
Funding: General Fund

Implementation Measure (II.1.3) Assembly Bill 2634 requires the quantification and analysis of existing and projected housing needs of extremely low-income households and requires Housing Elements to identify zoning to encourage and facilitate supportive housing and single-room occupancy units (SROs).

The City shall update its Zoning Code to allow for the development of single-room occupancy units (a type of residential hotel offering one-room units for long-term occupancy by one or two people; SROs may have a kitchen or bath facilities (but not both) in the room) with a conditional use permit in the L-C (Limited Commercial) District and in the area that is currently designated Kirker Corridor. The Kirker Corridor is classified as PD (Planned Development) in the



VICINITY MAP

	Emergency Shelter Ord. ZOA-04-13 Possible Emergency Shelter Site Location 6125 Clayton Road APN: 118-370-006	 (Not to Scale)
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**CITY OF CLAYTON
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: August 27, 2013

Item No.: 7.a.

From: Charlie Mullen
Community Development Director 

Subject: Review of the 2013/14 – 2017/18 Capital Improvement Program for
Conformity with the Clayton General Plan; (GPA-03-13).

Applicant: City of Clayton

DISCUSSION

Section 65401 of the California Government Code requires that the Planning Commission determine if projects proposed in the City's Capital Improvement Program (CIP) for the upcoming fiscal year are in conformity with the General Plan. Projects in the City's 2013/14-2017/18 CIP that may be undertaken during the 2013-2014 fiscal year are listed below. Additionally, citations from the Clayton General Plan are provided related to the particular project's conformity with the General Plan.

1. ADA Compliance Program (CIP No. 10394A) \$6,000
Each year the City sets aside \$6,000 of its annual Gas Tax revenues to build up sufficient revenues to perform handicap ramp corner cuts on public sidewalks. In addition to installing these ADA ramps where none exist, federal standards as to ramp specifications were modified in July 2008 requiring revamping of existing ramps when street or sidewalk projects are installed in the adjacent area. These monies may also be used to repaint and remark existing ADA public parking spaces to current standards.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to "Provide systematic upgrades of streets and roads to applicable standards."

2. 2014 Neighborhood Street Rehab Project (CIP No. 10418) \$45,822
The City consciously advanced funds from this year's Gas Tax and Measure J monies (for local transportation purposes) to the 2013 Neighborhood Street Repaving Project to address more streets with favorable unit pricing (ref. \$110,000 in CIP No. 10417). Consequently, limited funds remain in the FY 2013-14 to perform any meaningful street contract work. Available monies are accumulated in this CIP account for another street improvement project in calendar year 2014.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to "Provide systematic upgrades of streets and roads to applicable standards."

3. Diablo View Middle School Traffic Safety Signage (CIP No. 10433) \$40,000
This pedestrian safety and traffic calming project involves the installation of two (2) solar-powered traffic speed devices on Marsh Creek Road adjacent to the Diablo View Middle School. The funds are actually grant monies awarded to the middle school and the City by the Contra Costa 511 Program, under its "Street Smarts Infrastructure Program". Installation is expected early this fiscal year.

These improvements conform to the General Plan by supporting Objective 7 of the Circulation Element "To enhance the City's system of pedestrian, equestrian and bicycling paths and trails." and Policy 7b "Identify pedestrian routes to school from different neighborhoods to make sure a safe route exists."

For the fiscal year 2013/2014, the proposed CIP projects for represent a total investment of \$91,822 in public's monies to maintain and improve the infrastructure of this community.

As a result of the above projects and related General Plan review and analysis, staff concludes that the CIP projects that may proceed in fiscal year 2013/2014 are consistent and in conformity with the General Plan.

CEQA

Pursuant to the California Environmental Quality Act (CEQA), Section 15061(b)(3) it can be seen with certainty that there is no possibility that finding the Capital Improvement Program in conformance with the General Plan may have a significant effect on the environment, it is therefore not subject to CEQA, and additionally, since this is a consistency finding the previous environmental documentation for the General Plan is adequate CEQA documentation.

RECOMMENDATION

Staff recommends that the Planning Commission find the City's CIP projects for the 2013-2014 fiscal year are in conformity with the Clayton General Plan and there is no possibility this finding may have a significant effect on the environment.

Attachments:

1. Excerpts from 2013/2014 – 2017/18 City of Clayton Capital Improvement Program

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CITY OF CLAYTON

2013/14 – 2017/18

Capital Improvement Program

Adopted by the City Council on

Clayton, CA

July XX, 2013

Resolution No. XX-2013

City Council

Julie K. Pierce, Mayor
Hank Strafford, Vice Mayor
David T. Shuck
Howard Geller
James Diaz

Staff

Gary Napper
Rick Angrisani
Charlie Mullen
Laci Jackson
Merry Pelletier

City Manager
City Engineer
Community Development Director
City Clerk
Finance Manager

2013/14-2017/18 Capital Improvement Program

Category	Project Number	Project
Streets	10394A	ADA Compliance Program

DESCRIPTION - LOCATION

Construction of various improvements.

COMMENTS

As needed to comply with ADA standards
as determined by City's transition plan

City-Wide

Estimated Cost	Prior Yrs.	2013-14	2014-15	2015-16	2016-17	2017-18	Future	TOTAL
Preliminary Design								
Final Design							\$500,000	\$500,000
Construction								
CM/Inspection								
RDW Acquisition								
Other							\$500,000	\$500,000
TOTAL							\$500,000	\$500,000

Funding (Sources)	Prior Yrs.	2013-14	2014-15	2015-16	2016-17	2017-18	Future	TOTAL
Gas Tax	\$16,190	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$435,810	\$500,000
TOTAL	\$16,190	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$435,810	\$500,000

City of Clayton

2013/14-2017/18 Capital Improvement Program

Category	Project Number	Project
Streets	10418	2014 Neighborhood Street Project

DESCRIPTION - LOCATION

Pavement resurfacing and treatment on various streets throughout City.

Various Locations

COMMENTS

Estimated Cost	Prior Yrs.	2013-14	2014-15	2015-16	2016-17	2017-18	Future	TOTAL
Preliminary Design								\$10,000
Final Design			\$10,000					\$20,000
Construction			\$90,000					\$110,000
CM/Inspection			\$15,000					\$25,000
Signage								
Other								
TOTAL			\$115,000					\$145,000

Funding (Sources)	Prior Yrs.	2013-14	2014-15	2015-16	2016-17	2017-18	Future	TOTAL
Gas Tax		\$15,000	\$10,000					\$25,000
Measure J			\$205,000					\$205,000
TOTAL		\$15,000	\$215,000					\$230,000

City of Clayton

2013/14-2017/18 Capital Improvement Program

Category	Project Number	Project
Streets	10433	DVMS Safety Signing

DESCRIPTION - LOCATION

Install flashing beacons, signs and radar speed readout on Marsh Creek/Clayton Road, north and south of DVMS entry.



COMMENTS

Estimated Cost	Prior Yrs.	2013-14	2014-15	2015-16	2016-17	2017-18	Future	TOTAL
Preliminary Design								
Final Design								\$40,000
Construction		\$40,000						
CM/Inspection								
ROW Acquisition								
Other								
TOTAL		\$40,000						\$40,000

Funding (Sources)	Prior Yrs.	2013-14	2014-15	2015-16	2016-17	2017-18	Future	TOTAL
ST Grant		\$40,000						\$40,000
Total		\$40,000						\$40,000

City of Clayton