



AGENDA PLANNING
COMMISSION Regular
Meeting

7:00P.M. on Tuesday, January 28, 2014

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

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. Commissioner Keith Haydon to report at the City Council meeting of February 4, 2014 (alternate Commissioner Gregg Manning).
3. PUBLIC COMMENT
4. MINUTES
 - 4.a. Approval of the minutes for the January 14, 2014 regular meeting. ([View Here](#))
5. PUBLIC HEARINGS
 - 5.a. SPR-07-13, UP-01-13, LLA-01-13, VAR-01-13, LLA-01-13, Kent Ipsen, 1033-1035 Diablo Street and 6026 Main Street (APNs: 119-013-002, -003, -004, -007, and -008). A request for consideration of a Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements, a Use Permit for four (4) bocce ball courts ancillary to the existing restaurant, a Lot Line Adjustment to five (5) existing parcels, and a Variance for the average lot width and lot size of an existing nonconforming lot. Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 and 15303, the project is categorically exempt from CEQA. *This Public Hearing was continued from the meeting of January 14, 2014.* ([View Here](#))

Staff Recommendation: Adopt Resolution No. 01-14, approving the Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements, approving the Use Permit for four (4) bocce ball courts ancillary to the existing restaurant, approving the Lot Line Adjustment to five (5) existing parcels, and approving the Variance for the average lot width and lot size of an existing nonconforming lot.
 - 5.b. ZOA-08-13, Municipal Code Amendment, City of Clayton. Consideration of a City-initiated Ordinance to amend a portion of the Clayton Municipal Code, Title 17, Chapter 17.28 Planned Development (PD) District, to establish the Site Plan Review Permit process to be used for processing of multiple-family development projects located on property designated as Multifamily High Density (MHD) on the General Plan Land Use Map.
([ViewHere](#))

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.

Staff Recommendation: Adopt Resolution No. 02-14, recommending City Council approval of an Ordinance amending the Clayton Municipal Code Title 17, Chapter 17.28 Planned Development (PD) District, to establish the Site Plan Review Permit process to be used for processing of multiple-family development projects located on property designated as Multifamily High Density (MHD) on the General Plan Land Use Map.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

8.b. Commission.

9. ADJOURNMENT

9.a. The next regularly-scheduled meeting of the Planning Commission will be held on Tuesday, February 11, 2014 at 7:00p.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, January 14, 2014

1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

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

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

Absent: None

Staff: Community Development Director Charlie Mullen
Assistant Planner Milan J. Sikela, Jr.

2. ADMINISTRATIVE

2.a. Review of agenda items.

2.b. Declaration of Conflict of Interest.

Chair Manning and Commissioner Haydon declared a conflict of interest on Agenda Item 5.b.

2.c. Commissioner Sandy Johnson to report at the City Council meeting of January 21, 2014.

3. PUBLIC COMMENT

None.

4. MINUTES

4.a. Approval of the minutes for the December 10, 2013 regular meeting.

Vice Chair Dan Richardson moved and Commissioner Haydon seconded a motion to approve the minutes, as submitted. The motion passed 5-0.

5. PUBLIC HEARINGS

5.a. **SPR-08-13, Site Plan Review Permit, John Raycraft, 50 Mountaire Place (APN: 119-290-020).** A request for consideration of Site Plan Review Permit for an 86 square-foot second-story addition and associated exterior improvements to an existing two-story residence. Pursuant to California Environmental Quality Act (CEQA) Guideline 15301, the project is categorically exempt from CEQA.

Assistant Planner Sikela presented the staff report.

The Public Hearing was opened.

Commissioner Haydon asked did staff receive any comments regarding the project? Assistant Planner Sikela responded that staff had been contacted by concerned neighbors but, once the neighbors were informed that the project was going before the Planning Commission, their concerns were addressed.

The Public Hearing was closed.

Commissioner Johnson moved and Chair Manning seconded a motion to approve Site Plan Review Permit SPR-08-13, with the findings of approval and conditions of approval recommended by staff. The motion passed 5-0.

- 5.b. **SPR-07-13, UP-01-13, LLA-01-13, VAR-01-13, LLA-01-13, Kent Ipsen, 1033-1035 Diablo Street and 6026 Main Street (APNs: 119-013-002, -003, -004, -007, and -008).** A request for consideration of a Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements, a Use Permit for four (4) bocce ball courts ancillary to the existing restaurant, a Lot Line Adjustment to five (5) existing parcels, and a Variance for the average lot width and lot size of an existing nonconforming lot. Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 and 15303, the project is categorically exempt from CEQA.

Chair Manning and Commissioner Haydon recused themselves due to conflict of interest issues related to this Item and both left the meeting chambers.

Director Mullen presented the staff report.

Commissioner Bruzzone had the following questions:

- What will happen with the gravel area in the southeast corner of the project at the intersection of Center Street and Diablo Street? Director Mullen indicated that the gravel area will remain untouched.
- Will the area of the proposal that projects into the City's right-of-way on Main Street involve establishment of an easement or approval of an encroachment permit? Director Mullen replied that the area of the proposal that projects into the City's right-of-way would involve of approval of an encroachment permit.

The Public Hearing was opened.

The representative of the applicant, Bob Staehle, indicated the following:

- The encroachment permit we seek to obtain is for the north end of the project site along Main Street.
- The gravel area in the southeast corner of the project at the intersection of Center Street and Diablo Street will remain untouched except for a storage shed we are proposing to locate there.

Commissioner Johnson had the following comment and questions:

- I think the project is beautiful.
- How will maintenance and scheduling for the bocce ball courts be addressed? Mr. Staehle indicated that the Clayton Business and Community Association (CBCA) will oversee maintenance and scheduling.

- Will the site be locked? Mr. Staehle responded that the site will not be locked. There will be a 42-inch perimeter fence that will allow visibility into the site so that law enforcement personnel can monitor any trespassing that may occur on the premises.
- Will the bocce ball court lights be on only during bocce ball games? Mr. Staehle responded that the lights will be turned on by an on-site operator during bocce ball games. The lights will either be shut off by the operator or, if there is no operator available, the lights will be on a timer and will shut off automatically.

Vice Chair Richardson had the following questions:

- Will any of the site improvements impact the existing sidewalk widths adjacent to the project? Mr. Staehle responded that there would be no change in existing sidewalk widths.
- Even with approval of the project-related encroachment permit, there would still be no impact to sidewalks? Mr. Staehle replied that the area of the project needing an encroachment permit will only entail landscaping improvements and will not affect the sidewalk widths. The landscape improvements will replace the gravel that is currently located in the proposed encroachment permit area of the project site.

Ed Hartley, 708 Anizumne Court, representative and member of the CBCA, indicated the following:

- As part of the bocce ball operation, there will be several levels of bocce ball league play.
- Organized bocce ball league play will occur Monday through Thursday nights and possibly on Sunday nights.
- Open public bocce ball play will occur during the daytime.
- On Friday and Saturday nights, the bocce ball courts will be available for rent for private events.
- Regarding security, the gates to the bocce ball courts will be locked and security cameras will be provided on-site.

Vice Chair Richardson had the following questions:

- Will bocce ball play coincide with Skipolini's Pizza Restaurant operating hours? Mr. Hartley indicated that Skipolini's Pizza Restaurant does not open until 4:00 p.m. so nighttime bocce ball play will coincide with Skipolini's Pizza Restaurant operating hours.
- Will the bocce ball courts be self-policed or will there be security personnel on-site? Mr. Hartley responded that it is the CBCA's intent to have a service person that is available to assist with issues as they arise, but it will be self-policing for the most part. There will also be a call list on-site with contact numbers included.

Director Mullen asked will the call list be posted on-site? Mr. Hartley responded, yes, the call list will be posted on-site next to the bocce ball schedule and league standings.

Commissioner Bruzzone asked if Skipolini's Pizza Restaurant employees would assist in the operation of the bocce ball courts? Mr. Hartley explained that Skipolini's Pizza Restaurant employees would not be involved in the operation of the bocce ball courts. They may participate in serving food or beverages for events at the bocce ball courts that include ordering items from Skipolini's Pizza Restaurant menu.

Vice Chair Richardson asked will Skipolini's Pizza Restaurant hours of operation be changed as a result of the bocce ball courts hours?

Kent Ipsen, 6061 Clayton View Lane, applicant and property owner representative of the project site, indicated the following:

- Skipolini's Pizza Restaurant hours of operation will not be changed to match bocce ball court hours.
- The owners of Skipolini's Pizza Restaurant will not be involved in rental or maintenance of the bocce ball courts; that will be assigned to the CBCA. However, even though the bocce ball courts will be opened by a maintenance person assigned by the CBCA, Skipolini's employees may assist in locking up the bocce ball courts at night.
- Skipolini's employees will bring food and drinks to people at the bocce ball courts who order pizza and other items from Skipolini's Pizza Restaurant.

Commissioner Johnson asked how will clean-up of the bocce ball courts be addressed? Mr. Ipsen indicated that there will be signs posted at the bocce ball courts that remind people to discard their trash in an appropriate manner. Skipolini's nighttime employees may also be involved in some clean-up of the bocce ball courts, as needed.

Mr. Ipsen indicated the following:

- The owners of Skipolini's Pizza Restaurant have opened expansion stores in other communities and we have seen what works and what does not work. We want to bring the best examples of all of our other restaurants to our Clayton restaurant, which is the original Skipolini's Pizza Restaurant, as well as to the bocce ball court area of the project.
- The bocce ball courts have been a longtime dream of the Clayton community.
- Even though the bocce ball courts are in a downtown setting such as the Town Center, we want to provide an intimate backyard feel to the project site.

Commission Johnson just wanted to reiterate my earlier comment that this is a beautiful project.

Vice Chair Richardson indicated the following:

- Would like to commend the sponsors of this project for their hard work. Your passion for this proposal is evident.
- I have heard from members of the community that the existing gravel area that the bocce ball courts are proposed to be located at is an underutilized space.
- This project will be a visual anchor as you drive into the Town Center at the intersection of Main Street and Oak Street.
- The project definitely has a backyard ambiance.
- I look forward to helping facilitate your vision.
- I am pleased to see that photometric lighting is being proposed for the project.
- Although I would like to see some of the details worked out prior to City approval of the project, the reality is that these details will be worked out in the future as the bocce ball courts become operational.
- Noise is not an issue as bocce ball is a very quiet sport.
- As indicated in the staff report, the technical issues are being addressed.

Tamara Steiner, from the Clayton Pioneer newspaper, indicated that, even though the project has been noticed, there appears to be no objections.

Director Mullen indicated that all comments received up to this point have been positive.

As recommended in the staff report, the Planning Commission by consensus continued the Public Hearing to the regularly-scheduled Planning Commission meeting on January 28, 2014.

Chair Manning and Commissioner Haydon returned to the meeting chambers.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

Director Mullen provided the following updates:

- Regarding the Silver Oak Estates project, staff anticipates that the environmental component of the project will come before the Planning Commission in April or May of 2014. The affordable housing units that the developer is required to provide may be located on-site rather than off-site.
- Staff is working on the 2013 Fire Code and 2013 Building Code updates.
- Staff is working on one remaining Housing Element Implementation that requires a Zoning Code text amendment to the Planned Development (PD) District.

8.b. Commission.

None.

9. ADJOURNMENT

9.a. The meeting was adjourned at 8:11 p.m. to the regularly-scheduled meeting of the Planning Commission on January 28, 2014.

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: January 28, 2014

Item Number: 5.a.

From: Charlie Mullen
Community Development Director



Subject: Continued Public Hearing to Consider a Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements, a Use Permit for four (4) bocce ball courts ancillary to the existing restaurant, a Lot Line Adjustment to five (5) existing parcels, and a Variance for the average lot width and lot size of an existing nonconforming lot (SPR-07-13, UP-01-13, LLA-01-13 & VAR-01-13).

Applicant: Skipolini's Pizza Restaurant

REQUEST

A continued Public Hearing to consider a Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements, a Use Permit for four (4) bocce ball courts ancillary to the existing restaurant, a Lot Line Adjustment to five (5) existing parcels, and a Variance for the average lot width and lot size of an existing nonconforming lot.

PROJECT INFORMATION

Location: 1033-1035 Diablo St. and 6026 Main St.
APN's: 119-013-002, 003, 004, 007 & 008

General Plan Designation: Town Center Commercial (TC) under the Clayton Town Center Specific Plan.

Zoning: Limited Commercial (LC).

Environmental Review: Categorically exempt per Sections 15301 & 15303 of the California Environmental Quality Act (CEQA) Guidelines.

Public Notice: On December 27, 2013, a public hearing notice was posted at the notice boards and mailed to property owners within 300 feet of the site, and on January 3, 2014, a public hearing notice was published in the Contra Costa Times.

Authority: The Clayton Municipal Code (CMC) authorizes the Planning Commission to review and act on the Site Plan Review Permit, Use Permit, Lot Line Adjustment and Variance in accordance with Chapters 17.44, 17.60, 16.02 and 17.52 respectively.

BACKGROUND

On January 14, 2014, the Planning Commission conducted a Public Hearing to consider the Skipolini's Pizza Restaurant request for approval of a Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements, a Use Permit for four (4) bocce ball courts ancillary to the existing restaurant, a Lot Line Adjustment to five (5) existing parcels, and a Variance for the average lot width and lot size of an existing nonconforming lot.

For the reasons and issues discussed in the analysis section of the January 14th staff report, pertaining to the Stormwater Control Plan and Lot Line Adjustment chain of title, staff recommended and the Planning Commission agreed to receive and consider the staff report, receive and consider public comment, and then continue the Public Hearing for this item to the regularly-scheduled Planning Commission meeting date of January 28, 2014.

DISCUSSION

Subsequent to the January 14th Planning Commission meeting, staff received the additional information on the Stormwater Control Plan and Lot Line Adjustment chain of title. The following analysis is provided:

Stormwater Control Plan

Staff has reviewed and found the Preliminary Stormwater Control Plan prepared for the project meets the applicable C.3 provisions in the Municipal Regional Stormwater Permit. The Planning Commission should note that this is a technical document and is reviewed by staff for technical adequacy and, therefore, is not being provided to the Commission. Staff has prepared standard conditions of approval regarding stormwater control and treatment, including the submittal of a Final Stormwater Control Plan.

Lot Line Adjustment (LLA-01-13)

The City Engineer has reviewed and found the chain of title to be complete. As a result of that review, the City Engineer has found that APN: 119-013-008 is actual two legal lots and, therefore, a Lot Merger will also need to occur in association with this Lot Line Adjustment request. Staff has prepared standard conditions of approval regarding the Lot Line Adjustment, including the requirement that the two legal lots that comprise APN: 119-013-008 be merged into one lot.

CEQA

Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 & 15303, the project is categorically exempt from CEQA.

RECOMMENDATION

Staff recommends that the Planning Commission receive and consider the staff report and all information provided and submitted to date, receive and consider any public comment and, if determined to be appropriate, adopt Resolution No. 01-14, approving the Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements, approving the Use Permit for four (4) bocce ball courts ancillary to the existing restaurant, approving the Lot Line Adjustment to five (5) existing parcels, and approving the Variance for the average lot width and lot size of an existing nonconforming lot, based on the findings of approval and subject to the conditions of approval and advisory notes.

ATTACHMENTS

1. Planning Commission Resolution No. 01-14, with attached:
Exhibit A – Conditions of Approval
2. Planning Commission staff report of January 14, 2014 (without attachments)

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CITY OF CLAYTON

PLANNING COMMISSION RESOLUTION NO. 01-14

APPROVAL OF A SITE PLAN REVIEW PERMIT, A USE PERMIT, A LOT LINE ADJUSTMENT AND VARIANCE ASSOCIATED WITH THE REMODELING OF THE EXISTING SKIPOLINI'S PIZZA RESTAURANT AND BOCCE BALL COURT PROJECT (SPR-07-13, UP-01-13, LLA-01-13 & VAR-01-13)

WHEREAS, the City of Clayton Planning Commission held a duly noticed public hearing at a regular meeting on January 14, 2014 to review and consider a Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements, a Use Permit for four (4) bocce ball courts ancillary to the existing restaurant, a Lot Line Adjustment to six (6) existing parcels and Lot Merger of two (2) lots, and a Variance for the average lot width and lot size of an existing nonconforming lot. The specific property addresses include 1033-1035 Diablo St. and 6026 Main St. with APN's: 119-013-002, 003, 004, 007 & 008; and

WHEREAS, on January 14, 2014 the City of Clayton Planning Commission continued the public hearing to the regular meeting of January 28, 2014; and

WHEREAS, pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 & 15303, the project is categorically exempt from CEQA; and

WHEREAS, the proposed project is consistent with the Limited Commercial (L-C) Zoning designation of the subject parcels; and

WHEREAS, the proposed project is consistent with the Town Center Commercial (TC) designation of the Clayton General Plan; and

WHEREAS, the proposed project is consistent with and implements the goals and policies of the Clayton Town Center Specific 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; and

NOW, THEREFORE, BE IT RESOLVED, that the Clayton Planning Commission does hereby find the subject project applications meet the following findings as they apply to this project:

Planning Commission
Resolution No. 01-14

Site Plan Review Permit

- A. The Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements is in conformity with the General Plan and Town Center Specific Plan.
- B. The project is in conformity with the applicable architectural and/or design standards of the Town Center Specific Plan.
- C. The project does not create general safety risk (e.g. seismic, landslide, flooding, fire, traffic).
- D. The project maintains solar rights to adjacent properties.
- E. The project reasonable maintains the privacy of adjacent property owners and/or occupants.
- F. The project reasonable maintains existing views of adjacent property owners and/or occupants.
- G. The project is complementary with the adjacent existing structures in terms of materials, colors, size, and bulk.

Use Permit

- A. Parking/Access.
 - 1. Sufficient parking in the town center exists to meet the off-street parking needs for the bocce ball court project and bicycle parking will be provided on-site.
 - 2. The project provides safe and effective access for vehicles, pedestrians, and bicycles.
- B. Traffic Congestion.
 - 1. The project is not anticipated to generate significant traffic congestion.
- C. The project is compatible with and will implement the policies and goals of the Town Center Specific Plan.
 - 1. The project use will implement the Town Center Specific Plan goals and policies of attracting and enhancing pedestrian activity in the Town Center.
 - 2. The project use will provide street visibility to enhance the exposure and viability of the existing restaurant.
 - 3. The project use is oriented toward and will be attractive to pedestrians.
 - 4. The project use will complement existing uses permitted in the Town Center?
 - 5. The project use will secure the viability of the existing restaurant use.
 - 6. The proposed project will add a use to undevelopment lot that would have otherwise remained vacant.
 - 7. The proposed use will not relocate an existing business in the Town Center.
- D. Noise.
 - 1. The project use is not anticipated to generate noise levels above the standards of the Noise Element of the General Plan.
 - 2. The project use in not anticipated to generate significant intermittent noise such as bouncing balls, announcements, grinding, sanding.

**Planning Commission
Resolution No. 01-14**

Lot Line Adjustment/Lot Merger

- A. The lot line adjustment and lot merger are in compliance with the land development and subdivision provisions of the Clayton Municipal Code and Subdivision Map Act.

Variance

- A. The variance for the average lot width and lot size of an existing nonconforming lot will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the same respective land use district in which the subject property is located.
- B. The exiting nonconforming lot width and lot size are found to be special circumstances applicable to the subject property that the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.
- C. That the requested variance substantially meets the intent and purpose of the respective land use district in which the subject property is located.

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 approve of a Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements, a Use Permit for four (4) bocce ball courts ancillary to the existing restaurant, a Lot Line Adjustment to six (6) existing parcels and Lot Merger of two (2) lots, and a Variance for the average lot width and lot size of an existing nonconforming lot, subject to the Conditions of Approval attached hereto as Exhibit A, and hereby incorporated within by reference.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a Regular meeting on the 28th day of January, 2014.

APPROVED:

ATTEST:

Dan Richardson
Vice-Chair

Charlie Mullen
Community Development Director

ATTACHMENTS

Exhibit A – Conditions of Approval for SPR-07-13, UP-01-13, LLA-01-13 & VAR-01-13.

**CITY OF CLAYTON
CONDITIONS OF APPROVAL
AND ADVISORY NOTES
SKIPOLINI'S PIZZA REMODEL & BOCCE BALL COURT PROJECT
(SPR-07-13, UP-01-13, LLA-01-13 & VAR-01-13)**

These conditions of approval apply to the following project applications:

- Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements (SPR-07-13).
- Use Permit for four (4) bocce ball courts ancillary to the existing restaurant (UP-01-13).
- Lot Line Adjustment to six (6) existing parcels and merger of two (2) existing parcels (LLA-01-13).
- Variance for the average lot width and lot size of an existing nonconforming lot (VAR-01-13).

Planning Conditions

1. These Conditions of Approval shall be adhered to unless the Community Development Director determines it is in the best interest of the City to allow or consider other practical solutions or implementation.
2. The proposed Skipolini's Pizza restaurant remodel and bocce ball court project shall generally be constructed and implemented as proposed and shown on the Project Plans, date received January 3, 2014, and/or as described in the applicant project description entitled "Ipsen Bocce Park", date received January 3, 2014, unless otherwise specifically approved or conditioned as part of this project. The site addresses and parcels under these permits include 1033-1035 Diablo St. and 6026 Main St. and APN's: 119-013-002, 003, 004, 007 & 008.
3. The applicant shall permanently remove the existing large green metal storage container from lot APN: 119-013-008, prior to the Final Inspection and/or issuance of any Certificate of Occupancy.
4. Concurrent with the Lot Line Adjustment recording the applicant shall record a Lot Merger of the two (2) legal lots that comprise APN: 119-013-008. Said Lot Line Adjustment and Lot Merger recording shall be completed prior to Building Permit issuance.
5. As a component of the Site Plan Review Permit, the applicant is granted an ancillary Parking Waiver under the waiver provisions provided for in Chapter 17.37 of the Clayton Municipal Code and the Clayton Town Center Specific Plan. The proposed project does not include any new parking and the applicant is granted a Parking Waiver for 20 parking spaces to cover the total amount of new additional parking that would otherwise be required to be provided on-site for this project. The granting of this parking waiver request for 20 parking spaces will reduce the future number of available Parking Waivers in the Town Center to 180 parking spaces.

EXHIBIT - A

6. The applicant is granted Use Permit approval for the four (4) bocce ball courts to be added as a commercial recreation use ancillary to the existing Skipolini's Pizza Restaurant. As part of this Use Permit approval the applicant shall submit a final management oversight and operations plan for the proposed bocce ball courts to the Community Development Department for approval, prior to the Final Inspection and/or issuance of any Certificate of Occupancy.
7. The applicant shall provide a copy of the State Department of Alcoholic Beverage Control (ABC) license to expand their existing Beer and Wine license to include coverage for the bocce ball courts to the Community Development Department and Police Chief, prior to the Final Inspection and/or issuance of any Certificate of Occupancy.
8. The applicant may phase construction/installation of some of the decorative features they have proposed, pending final construction cost estimates. Some potential design features that could be phased include the decorative canopy lighting at the restaurant and/or bocce courts, the fabric sail cloth at the restaurant, and the patio improvements to the entry at Canesa's Brooklyn Deli.
9. Final building elevations, floor plans, landscaping and irrigation, exterior lighting and site improvements plans and details, etc. to be submitted for and with a Building Permit application to Contra Cost County Building Inspection Division, shall be reviewed and approved by the Clayton Community Development Department and other appropriate Departments.
10. Final landscape and irrigation Plans shall be submitted with the Building Permit plans for review and approval by the Community Development Department, Engineering Department, and the Maintenance Department. These plans shall be approved prior to issuance of building, grading, or encroachment permits.
11. All landscaping and irrigation for the proposed project shall be installed and constructed in accordance with the Clayton Municipal Code and Chapter 17.80 Landscape Water Conservation Standards. Compliance with this condition shall include landscaping and irrigation plans with location, variety, irrigation, and other information necessary to determine compliance with requirements, to be submitted for review and approval by the Clayton Community Development Department prior to issuance of a Building Permit. Unless otherwise allowed, all landscaping and irrigation for this project should be installed prior to the Final Inspection and/or issuance of any Certificate of Occupancy.
12. Final lighting plans and details shall be submitted with the building permit plans for review and approval by the Community Development Department and other appropriate Departments. Unless otherwise allowed, all exterior building and site lighting for this project should be installed prior to the Final Inspection and/or issuance of any Certificate of Occupancy. City staff shall conduct a nighttime inspection to verify that lighting levels are not excessive.
13. A Sign Permit for all exterior signs shall be submitted to the Clayton Community Development Department for review and approval prior to installation. All signage must

be in accordance with the applicable standards of the Clayton Town Center Specific Plan and/or Clayton Municipal Code. All proposed signs shall also require a separate Building Permit submittal to the Contra Cost County Building Inspection Division, which shall be subject to review and approval of the Clayton Community Development Department.

14. The project shall comply with the City of Clayton Tree Protection Ordinance (Chapter 15.70 of the Zoning Code) prior to removal of any trees on the project site.
15. All roof mounted equipment should be screened from viewpoints originating at project property lines and /or from the viewpoints of surrounding streets.
16. Applicant/property owner shall promptly remove any graffiti from project site buildings, accessory structures, walls and fences, etc.
17. Applicant/property owner shall maintain the site and all buildings, structures, parking lots, paved access roads, etc. in good condition and in substantial conformance with professional maintenance standards.
18. Applicant/property owner shall maintain all landscaping in a healthy, weed free condition in substantial conformance with professional landscape maintenance standards.
19. Outdoor vending machines (except newspaper vending machines) are prohibited.
20. Any new electrical transformer for the project shall be installed in an underground vault.
21. This Site Plan Review Permit and/or Use Permit may be modified or revoked by the Planning Commission or City Council should either body determine that the proposed use or uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.

Engineering Conditions

22. The applicant shall provide 8 1/2" x 11" plats, legal descriptions and lot closures of the new lots for inclusion with the lot line adjustment/lot merger form to be prepared by the City Engineer for recordation. If required by the Title Company, applicant shall have transfer deeds recorded.
23. The applicant shall obtain a special encroachment permit allowing the uses and improvements shown on the Site Plan Review Permit over a portion of the Main Street right-of-way, fronting on APN's: 119-013-002 & 007. The encroaching features would include, but not be limited to, a decorative entry feature trellis, two (2) tables, decorative fencing, decorative lighting, and landscaping.
24. The applicant shall obtain an encroachment permit to remove and replace curb, gutter and sidewalks in the street right-of-way in order to remove one driveway approach on Oak Street and one driveway approach on Main Street as shown on the Site Plan Review Permit (APN's: 119-013-002 & 007).

25. The applicant shall enter into an agreement with the City which ensures they permanently maintain the landscaping and trees installed in the public right-of-way on Oak Street and Main Street.
26. All work shall be designed and constructed in accordance with the Clayton Municipal Code and/or the City's Standard Plans and Specifications, to the satisfaction of the City Engineer.
27. If desired, the applicant may work with the City to relocate or remove an existing City light standard located on the rear southeast corner of APN: 119-013-002, to the satisfaction of the City Engineer.
28. Upon completion of the project improvements, the City shall be given a full size, reproducible, photo mylar copy of the improvement plans, and an electronic version in AutoCAD (v2006), annotated to reflect any changes that occurred during construction and signed by the Project Engineer.
29. The applicant shall ensure that all project contractors shall conform to the requirements of the "Best Management Practices for Construction Sites" required by the City, including detention and/or filter materials to preclude an increase in water quantity and quality impacts from debris and sediments entering the stormwater system over "non-development" conditions.
30. The applicant shall identify the Best Management Practices for protection of air quality to minimize the generation of dust during construction. Such measures shall be included within the project grading plan and shall be approved prior to issuance of project grading permits.
 - a. Earthmoving or other dust-producing activities shall be suspended during periods of high winds, (i.e., instantaneous wind gusts of 25 mph or greater);
 - b. All exposed or disturbed soil surfaces shall be watered at least twice daily on any day of high winds or when construction activities occur, including weekends and holidays;
 - c. Stockpiles of debris, soil, sand or other materials that can be blown by the wind, shall be watered with a soil stabilizer or covered;
 - d. Construction areas, adjacent streets, and routes for construction traffic shall be swept of all mud and debris by a water sweeper on a daily basis (minimum) on any day when construction activities occur, including weekends and holidays;
 - e. All trucks hauling soil, sand, or other loose materials shall be covered or maintain at least two feet of freeboard;
31. The applicant shall connect to the sanitary sewer system, obtain applicable permits, and pay applicable fees required by the City of Concord Public Works Department.
32. If archeological, historical or Native American materials are uncovered during any construction or pre-construction activities on the site, all work within 100 feet of these materials shall be immediately stopped. The Community Development Department and a qualified professional archeologist shall be notified. Work within this area shall not re-

commence until the archeologist has had an opportunity to evaluate the significance of the find, and outline appropriate mitigation measures, if they are deemed necessary.

33. Grading permits and stormwater permits shall be obtained from the City Engineer.
34. Construction sequencing and work times shall be adjusted as may be required by the City Engineer to minimize impacts and inconveniences during school drop-off and pick-up times.
35. Main Street - All improvements are to be removed and new improvements constructed generally as shown on the project plans and to the satisfaction of the City Engineer.
36. Oak Street - All improvements are to be removed and new improvements constructed generally as shown on the project plans and to the satisfaction of the City Engineer.
37. The sidewalks along Main Street and Oak Street shall be colored, stamped concrete and shall match the color and pattern of the Town Center sidewalks.
38. Any existing street, sidewalk, curb, gutter, or other existing improvement which, in the sole opinion of the City Engineer, is damaged by any party at any time, either on or adjacent to the project site, shall be repaired by the applicant, at his sole cost, to the satisfaction of, and in the manner required by, the City Engineer.

Stormwater Control and Treatment Conditions

39. Prior to issuance of any construction permits, a final Storm Water Control Plan, satisfying all of the latest requirements of the terms of the City's Stormwater Discharge Permit (i.e. Stormwater C.3 Guidebook), shall be submitted for review and approval by the City Engineer and appropriate City departments.
40. The volume and rate of stormwater runoff from the site shall be comparable to pre-development conditions to the maximum extent practicable. The project shall bear the financial responsibility of the construction and perpetual maintenance (including monitoring and reporting) of these facilities with a funding mechanism acceptable to the City that addresses costs for capital replacement, inflation, monitoring and reporting and administration.
41. The improvement plans shall reflect that all on-site storm drain inlets shall be labeled "No Dumping – Drains to Creek" using thermoplastic stenciling or equivalent permanent method, subject to City approval.
42. Any exterior building washing/cleaning, exterior window washing/cleaning or sidewalk washing/cleaning shall comply with Best Management Practices (inlets protected and water vacuumed) and be done only by a certified surface cleaner. Such certification shall be recognized by the Contra Costa Clean Water Program. In addition any contracts for such leaning by the property owner or tenants shall also include language requiring the compliance with Best Management Practices and certification. Documentation, monitoring, and reporting shall be included in the Stormwater Operation and Maintenance (OMP).

43. All pest management practices for the site and building by the property owner and or tenants shall also and done by company that is Integrated Pest Management (IPM) Certified. Such certification shall be recognized by the Contra Costa Clean Water Program. In addition any contracts for such cleaning by the property owner or tenants shall also include language requiring the compliance with Best Management Practices and certification. Documentation, monitoring, and reporting shall be included in the OMP.
44. The Property Owner shall be responsible for the perpetual maintenance of the site's storm drain system, including the monitoring of the storm drain facilities. In addition, the Property Owner shall be responsible for any future stormwater quality and quantity reporting requirements of the City by the Regional Water Quality Control Board.
45. The Mosquito and Vector Control District and its contractors shall have the right of access to conduct inspections and maintenance of all on-site drainage devices. Such rights shall be conveyed in the property owner documents and any property rental or lease documents.
46. The existing trash enclosure shall comply with Stormwater and recycling requirements including any necessary modifications to the existing enclosure, subject to City approval.

Standard Condition

47. 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; or (b) requirements imposed by other agencies. The advisory notes are not part of the conditions of approval.

1. Prior to obtaining a building permit, the developer shall prepare an erosion and stormwater control plan for review and approval by the City Engineer (CMC § 13.12.050).
2. Prior to commencement of grading, demolition or construction activities the developer shall obtain City approval of a construction and demolition recycling plan (CMC § 15.80.040).
3. Prior to performing any work in the public right of way, the developer shall obtain an encroachment permit from the City Engineer.

4. Prior to any grading or construction, the developer shall obtain a Stormwater Permit from the City Engineer.
5. A sign permit must be approved by the Community Development Department prior to installation of any signage.
6. A tree removal permit is required prior to removing any trees with a single or multiple trunk diameter of six inches or greater (CMC §15.70.020).
7. All grading, 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 previously authorized in writing by the City Engineer (CMC §15.01.010) located at 1005 Oak Street, 925-672-9700.
8. The applicant shall obtain the necessary building permits from the Contra Costa County Building Inspection Department.
9. The applicant shall obtain applicable sewer system permits required by the City of Concord Public Works Department.
10. The applicant shall obtain the necessary restaurant permits from the Contra Costa County Environmental Health Department.
11. The applicant shall obtain the necessary water service permits from the Contra Costa Water District (CCWD).
12. The applicant shall comply with all applicable state, county, and city codes, regulations, and adopted standards.
13. The applicant shall obtain the necessary permits from the Contra Costa County Fire Protection District.
14. The applicant shall obtain written approval from Allied Waste Services that the facility can be serviced and the waste container options that would be acceptable given the range of tenant occupancies within the project and submit such written documentation to the Community Development Department.
15. The applicant is responsible for ensuring refuse and recycling pickup services are provided as often as necessary in order to ensure refuse and recycling receptacles do not overflow.
16. Development impact and related fees (including, but not limited to, community facilities development, off-site arterial improvement, childcare, parkland dedication, open space in-lieu, and habitat conservation fees) shall be paid per applicable City Code regulations and resolution.

**CITY OF CLAYTON
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: January 14, 2014

Item Number: 5.b.

From: Charlie Mullen
Community Development Director



Subject: Public Hearing to Consider a Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements, a Use Permit for four (4) bocce ball courts ancillary to the existing restaurant, a Lot Line Adjustment to five (5) existing parcels, and a Variance for the average lot width and lot size of an existing nonconforming lot (SPR-07-13, UP-01-13, LLA-01-13 & VAR-01-13).

Applicant: Skipolini's Pizza Restaurant

REQUEST

A Public Hearing to consider a Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements, a Use Permit for four (4) bocce ball courts ancillary to the existing restaurant, a Lot Line Adjustment to five (5) existing parcels, and a Variance for the average lot width and lot size of an existing nonconforming lot.

PROJECT INFORMATION

Location: 1033-1035 Diablo St. and 6026 Main St.
APN's: 119-013-002, 003, 004, 007 & 008

General Plan Designation: Town Center Commercial (TC) under the Clayton Town Center Specific Plan.

Zoning: Limited Commercial (LC).

Environmental Review: Categorically exempt per Sections 15301 & 15303 of the California Environmental Quality Act (CEQA) Guidelines.

Public Notice: On December 27, 2013, a public hearing notice was posted at the notice boards and mailed to property owners within 300 feet of the site, and on January 3, 2014, a public hearing notice was published in the Contra Costa Times.

Authority: The Clayton Municipal Code (CMC) authorizes the Planning Commission to review and act on the Site Plan Review Permit, Use Permit, Lot Line Adjustment and Variance in accordance with Chapters 17.44, 17.60, 16.02 and 17.52 respectively.

BACKGROUND

Nearly 40 years ago Skip Ipsen opened the first of six Skipolini's Pizza Restaurant at this location in the City of Clayton. Since that time Skipolini's Pizza Restaurant has established itself as a prominent restaurant business in Clayton's Town Center. This past summer Skip Ipsen and his son Kent Ipsen approached the City of Clayton with their ideas for remodeling and improving their well-established restaurant in order to update and expand their kitchen facility and improve the overall restaurant productivity and customer dining experience. In addition, the Ipsen family wanted to include a recreational feature that has long been desired in the Clayton community, and thus they incorporated four (4) bocce ball courts as a recreational amenity to be ancillary to the restaurant. The Ipsens have coordinated with the Clayton Business and Community Association (CBCA) to oversee the management and maintenance components of the bocce ball courts.

In order to help facilitate the applicant's desired timeline and construction schedule the Community Development Director recently administratively approved the Skipolini's Pizza Restaurant interior remodel, refrigeration unit addition, and roof equipment consolidation improvement plans. These improvement plans are currently undergoing Building Permit and Environmental Health Permit review by the respective Contra Costa County permitting departments.

PROJECT DESCRIPTION

The applicant, Skipolini's Pizza Restaurant, is requesting approval of a Site Plan Review Permit to remodel the existing Skipolini's Pizza Restaurant and associated exterior improvements, a Use Permit for four (4) bocce ball courts ancillary to the existing restaurant, a Lot Line Adjustment to five (5) existing parcels, and a Variance for the average lot width and lot size of an existing nonconforming lot. The proposed project improvements would include the existing addresses of 1033-1035 Diablo St. and 6026 Main St. on five (5) existing parcels (APN's: 119-013-002, 003, 004, 007 & 008). An applicant project description is attached entitled "Ipsen Bocce Park" to assist with an overall understanding of the project. A description of the project applications and project components is provided below.

Site Plan Review Permit (SPR-07-13)

In association with the Skipolini's Pizza Restaurant interior remodel, refrigeration unit addition, and roof equipment consolidation improvement plans recently administratively approved by the Community Development Director, the applicant is also proposing the following exterior site improvements to the restaurant that are subject to Planning Commission review:

Children's Play Structure

The applicant proposes to remove an existing children's play structure in the restaurant courtyard area and to relocate and place a new children's play structure in the southeast corner of the courtyard area. This new play structure would remove existing exterior restaurant seating and occupy an area of approximately 18' x 16' and be nearly 10' high. Details of the play structure are provided and shown on sheets A-103 and A-301 of the project plans.

Exterior Fireplace/Big Screen TV

In the location of the current children's play structure the applicant proposes to install a new decorative exterior double-sided natural gas fireplace with a big screen TV on each side. The fireplace structure would be approximately 9' wide x 13' high and would be sided with

decorative earth tone colored stones and ledger stones. Details of the fireplace structure are provided and shown on sheets A-103 and A-301 of the project plans.

Courtyard Seating Area Modifications

In the location of the current children's play structure the applicant proposes to add new courtyard seating for the pizza restaurant. This new courtyard area seating area would have an earth tone colored pervious concrete paver to allow for stormwater drainage and filtration. A new accessible ramp and decorative raised landscape planter will be added to the east and south flanks of this new seating area in order to access an existing raised seating area and provide a transition in the grade differential. Details of the courtyard seating area are provided and shown on sheets A-103 and A-301 of the project plans.

Courtyard Canopies and Lighting

In order to enhance the customer dining experience and comfort the applicant proposes to add canopy sail cloth over the exterior courtyard seating areas. The canopies are proposed to be supported by high strength steel airplane cables strung in between 12' high metal poles located on the perimeter of the exterior seating areas. The canopies can be retracted like an accordion on the cables, and may include a summer shade canopy and a winter canopy. Strung between the metal poles are additional cables to allow for decorative accent lighting to be suspended. Photometrics and details of the courtyard canopies and lighting are shown on sheets A-105 and A-301 of the project plans.

Restaurant Seating (Indoor/Outdoor)

The existing Skipolini's Pizza Restaurant currently has 44 indoor seats and 230 outdoor seats for a total of 274 seats. The proposed project improvements would cause Skipolini's to lose 20 existing indoor seats and 82 existing outdoor seats, but will add 78 new and/or reconfigured outdoor seats for a net loss of 24 seats. The existing Canesa's Brooklyn Deli has 4 outdoors seats and proposes to add 8 additional outdoor seats. These modifications would result in a total net loss reduction of 16 seats for the project as a whole. Details of the existing and proposed seating are provided and shown on sheets A-001, A-003, A-101, A-102, and A-103 of the project plans.

Bocce Ball Courts and Associated Improvements

The proposed Skipolini's Pizza Restaurant project improvements would add four (4) new outdoor bocce ball courts on the unimproved gravel lots located at the southeast corner of Main and Oak Streets (APN's: 119-013-002 & 007). The applicant indicates that the bocce courts are proposed to be designed to meet Bocce Federation standards for official league play and tournament use. Each bocce ball court would be 14' wide x 91' long and have a decomposed granite surface. In the middle of the bocce courts are proposed to be two (2) decorative trellis structures. The decorative trellises would provide shade, seating, and include accent lighting. The decorative wood trellises are proposed to be 10' wide x 30' long x 10' high. The applicant proposes six (6) decorative light standards to serve as primary nighttime lighting for the bocce ball courts. These light standards are proposed to be 15' in height. The bocce courts would include eight (8) tables (with bench seats) and eight (8) benches to accommodate both league team players and recreational players, along with a limited number of observers.

A decorative entry trellis is proposed on the Main Street frontage and would serve as a focal point and entry feature to the bocce ball courts. This decorative entry trellis would be 5' wide x 14' long x 10' high and include decorative stone base column supports, decorative gates, and a

suspended sign reading “Ipsen Family Bocce Park.” A 42-inch high decorative metal fence is proposed to be installed around the perimeter of the bocce court area along Oak and Main Streets and as a separation to the seating area of restaurant. Access gates would also be located at the rear corners of the bocce area and at the restaurant seating area. The bocce courts are also proposed to include decorative accent lights suspended from metal airplane cables strung from and between the perimeter metal poles, light standards, and decorative trellises. The pedestrian walking areas in the bocce court area are proposed to be decomposed granite to allow for pervious surfacing drainage of stormwater. A small 10’ x 10’ storage shed for the bocce ball equipment is proposed to be located directly adjacent to the existing Skipolini’s trash enclosure area. Details of the bocce ball courts and associated improvements are provided and shown on sheets A-001, A-101, A-104, A-105, A-203, A-204, A-302, and L2 of the project plans.

Landscaping

The applicant proposes to add decorative accent landscaping in the courtyard seating area of the restaurant and select perimeter locations of the bocce ball court area. The landscape planting would include groundcover, shrubs and accent trees. The landscape planters would also provide stormwater filtration treatment. Details of the landscaping are provided and shown on sheet L1 of the project plans.

Parking Waiver

As part of the Site Plan Review Permit, the applicant is requesting an ancillary Parking Waiver under the waiver provisions provided for in Chapter 17.37 of the Clayton Municipal Code and the Clayton Town Center Specific Plan. The proposed project does not include any new parking and the applicant is requesting a Parking Waiver for 20 parking spaces to cover the total amount of new additional parking that would otherwise be required to be provided on-site for this project.

Encroachment Permit

As part of the Site Plan Review Permit, the applicant is requesting an ancillary Encroachment Permit to allow the installation of decorative site features associated with the bocce ball courts along the Main Street frontage street right-of-way. The encroaching features would include the decorative entry feature trellis, two (2) tables, decorative fencing, decorative lighting, and landscaping. The subject street right-of-way area is currently not utilized for any public improvements or purposes. The encroachment permit is also needed to remove and replace two (2) existing curb, gutter, and sidewalk sections in order to remove an existing driveway approach on Oak Street and another on Main Street.

Alcoholic Beverage Control Permit

The Skipolini’s Pizza Restaurant has applied to the State Department of Alcoholic Beverage Control (ABC) to expand their existing Beer and Wine license to include coverage for the bocce ball courts.

Project Phasing

The applicant has stated in their project description that they may have to phase construction/installation of some of the decorative features they have proposed, pending final construction cost estimates. Some potential design features that could be phased include the decorative canopy lighting at the restaurant and/or bocce courts, the fabric sail cloth at the restaurant, and the patio improvements to the entry at Canesa’s Brooklyn Deli.

Use Permit (UP-01-13)

The applicant is requesting a Use Permit for the bocce ball courts to be added as a commercial recreation use ancillary to the existing Skipolini's Pizza Restaurant, under the provisions of the Clayton Town Center Specific Plan.

Lot Line Adjustment (LLA-01-13)

The applicant is requesting to make property lot line adjustments to each of the five (5) existing parcels (APN's: 119-013-002, 003, 004, 007 & 008) in association with and/or to facilitate the proposed project improvements.

Variance (VAR-01-13)

In association with the lot line adjustment request, the applicant is also requesting a Variance to reduce the average lot width and lot size of one existing nonconforming parcel (APN: 119-013-007). The existing parcel has a nonconforming average lot width of approximately 45', where 50' is required, and an existing nonconforming lot size of 4,572 s.f., where 5,000 s.f. is required. The applicant indicates that the proposed lot line adjustment to this parcel is necessary to accommodate the installation of the decorative bocce ball court trellises and would result in the subject parcel having an average lot width of approximately 43' where 50' is required and result in a lot size of 4,378 s.f. where 5,000 s.f. is required.

ANALYSIS

Skipolini's Pizza Restaurant has been a prominent anchor restaurant business in Clayton's Town Center for nearly 40 years and staff is extremely excited and pleased to see the Ipsen family reinvesting in their flagship restaurant and in our community, with their interior restaurant remodeling plans and with the subject proposed project improvements and applications. In general, the proposed project improvements are consistent with and fully supported by the policies, implementation measures, and standards of the Clayton General Plan, Clayton Town Center Specific Plan and Clayton Municipal Code. Furthermore, staff believes this project will help create a high quality aesthetic entry statement to our Town Center and may even serve as a vital economic catalyst to support and generate further economic investment in the Town Center.

Regarding the specifics of each project application component the following analysis is provided:

Site Plan Review Permit (SPR-07-13)

Staff has reviewed the proposed exterior site improvements described above and find them to be consistent with and meet the standards and provisions of the applicable Zoning Codes and in the Clayton Town Center Specific Plan. Staff believes the proposed project improvements, including but not limited to, the children's play structure, exterior fireplace/big screen TV, new court yard seating and improvements, canopy sail clothes, primary and decorative lighting, bocce ball courts, and associated improvements and landscaping, are quality improvements and features that will be enjoyed and appreciated by the restaurant customers and patrons, along with the entire Clayton community. Staff further believes the proposed project improvements will enhance Skipolini's Pizza Restaurant as a focal visitor destination spot in Clayton's Town Center and bring in additional patronage from surrounding communities.

Parking Waiver

Staff has reviewed the proposed Parking Waiver request for 20 parking spaces and finds the request to be appropriate and supported by the waiver provisions provided for in Chapter 17.37

of the Clayton Municipal Code and the Clayton Town Center Specific Plan. The purpose of offering the waiver of required on-site parking is to provide an incentive to develop certain land uses and promote overall development activity in the Town Center area. The adopted parking waiver provisions are intended to encourage and promote retail, restaurant, office and personal service uses. The basis for the recommended changes were born out of the Town Center Parking Study developed in May 2006.

This is the first private development application to request a full Parking Waiver in the Town Center since establishment of these waiver provisions in 2007. Based on the parking waiver provisions, up to 200 parking spaces may be waived for qualifying projects in the Town Center. The granting of this parking waiver request for 20 parking spaces would reduce the future number of available Parking Waivers in the Town Center to 180 parking spaces. The Parking Waivers are considered on a first come first serve basis, and staff fully supports the granting of a Parking Waiver for this Skipolini's Pizza Restaurant improvement project.

Stormwater Control Plan

Due to a delayed submittal of a complete Preliminary Stormwater Control Plan by the project applicant, staff was unable able to review and verify the project stormwater calculations and plan prior to the drafting of this report, as mandated by the C.3 provisions in the Municipal Regional Stormwater Permit. Unfortunately, this is a critical piece of technical information that the City is charged with reviewing and verifying as part of the project entitlement review process.

For this reason staff must, unfortunately, request that the Planning Commission delay taking action on the subject project applications, as the applications are all inter-related and contingent upon the Preliminary Stormwater Control Plan calculations being provided and verified.

The project applicant hopes to submit a complete Preliminary Stormwater Control Plan to the City prior to the January 14, 2014, meeting. If that is accomplished, staff will provide a verbal update to the Planning Commission at the meeting.

Encroachment Permit

The City Engineer and staff have reviewed the Encroachment Permit request and find the request to be appropriate and have determined that the proposed improvements do not conflict with any current or future right-of-way improvement plans or needs along the Main Street or Oak Street frontages.

Alcoholic Beverage Control Permit

The Police Chief and Community Development Director have reviewed and administratively approved the Skipolini's Pizza Restaurant application submitted to the State Department of Alcoholic Beverage Control to expand their existing Beer and Wine license to include coverage for the bocce ball court area.

Use Permit (UP-01-13)

Staff has reviewed the Use Permit request for the bocce ball courts to be added as a commercial recreation use ancillary to the existing Skipolini's Pizza Restaurant, and fully supports the request and finds the request to be consistent with and meet the standards and provisions of the applicable Zoning Codes and the Clayton Town Center Specific Plan. Staff further believes the bocce ball court use to be a compatible and complimentary use to the existing Skipolini's Pizza Restaurant and to the surrounding Town Center businesses and uses.

Lot Line Adjustment (LLA-01-13)

The City Engineer and staff have reviewed the property lot line adjustment application and information submitted to date by the applicant and, with the exception of a complete chain of title being provided, staff is in support of the request. The applicant indicates that their Title Company has been delayed in the production of this information. Unfortunately, the chain of title information is a critical piece of information that the City Engineer is charged with reviewing and verifying as part of the technical review of a Lot Line Adjustment application.

Without a complete chain of title, the City Engineer and staff cannot complete our review and therefore, staff is unable to recommend that a decision on the Lot Line Adjustment be taken by the Planning Commission at this time. For this reason staff must, unfortunately, request that the Planning Commission delay taking action on the subject project applications, as the applications are all inter-related and contingent upon the lot line adjustment request.

The applicant hopes to submit the complete chain of title to the City Engineer prior to the January 14, 2014 meeting. If that is accomplished, staff will provide a verbal update to the Planning Commission at the meeting.

Variance (VAR-01-13)

Staff has reviewed the Variance request to reduce the average lot width and lot size of one existing nonconforming parcel (APN: 119-013-007) associated with the Lot Line Adjustment application, and are in support of the request. Staff believes variance request meets the findings required under Chapter 17.52 of the Zoning Code, particularly because the existing parcel is already a nonconforming lot.

CEQA

Pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 & 15303, the project is categorically exempt from CEQA.

RECOMMENDATION

For the reasons and issues discussed above in the analysis section pertaining to the Stormwater Control Plan and Lot Line Adjustment chain of title, staff recommends that the Planning Commission receive and consider this staff report, receive and consider any public comment and then continue the Public Hearing for this item to the next regularly-scheduled Planning Commission meeting date of January 28, 2014.

However, staff would encourage the Planning Commission to consider providing comments and/or feedback on the project applications, plans, and information at this time. Staff would ask the Planning Commission to retain this report, plans, and information for future use and reference.

It is staff's hope that the current technical information that is still missing will be provided to and verified by staff prior to the January 14th meeting. If that is accomplished, staff will provide a verbal update to the Planning Commission at the meeting. If not, staff will prepare a subsequent summary report for the January 28th meeting. In the subsequent report, staff would anticipate including a Resolution with appropriate findings of approval, conditions of approval, and advisory notes.

ATTACHMENTS

1. Vicinity Map
2. Project Description entitled "Ipsen Bocce Park", date received January 3, 2014
3. Project Plans, date received January 3, 2014

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**CITY OF CLAYTON
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: January 28, 2014

Item No.: 5.b.

From: Charlie Mullen
Community Development Director



Subject: Public Hearing to Consider a City-initiated Ordinance to amend a portion of the Clayton Municipal Code, Title 17, Chapter 17.28 Planned Development (PD) District, to establish the Site Plan Review Permit process to be used for processing of multiple-family development projects located on property designated as Multifamily High Density (MHD) on the General Plan Land Use Map (ZOA-08-13).

Applicant: City of Clayton

REQUEST

Public Hearing to consider a State-mandated City-initiated Ordinance to amend a portion of the Clayton Municipal Code, Title 17, Chapter 17.28 Planned Development (PD) District, to establish the Site Plan Review Permit process to be used for processing of multiple-family development projects located on property designated as Multifamily High Density (MHD) on the General Plan Land Use Map.

PROJECT INFORMATION

Location: Citywide

General Plan Designation: Multifamily High Density (MHD)

Zoning Classification: Planned Development Zoning District (PD)

Public Notice: On January 17, 2014, a public hearing notice was published in the Contra Costa Times and a public hearing notice was posted at designated locations in the city.

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 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, on November 5, 2013, at a joint Planning Commission/City Council workshop for the City of Clayton 2014-2022 Housing Element Update, the City's consultant, Pacific Municipal Consultants (PMC) identified one remaining implementation action that needed to occur in order to satisfy the State Department of Housing and Community Development (HCD). The required action is necessary to meet the City's required commitment to the Regional Housing Needs Allocation (RHNA) and requires the subject Zoning Code text amendment to the Planned Development (PD) District to facilitate allowing multi-family housing projects to accommodate the RHNA.

The need for this text amendment is further founded in our 2009-2014 Housing Element under Goal I, to "Provide for adequate sites and promote the development of new housing to accommodate Clayton's fair share of housing allocation" (also see attached excerpts).

DISCUSSION

In order to address this outstanding Housing Element implementation issue, staff identified an amendment to the text of the PD District as a potentially efficient solution. Staff then submitted this approach to our consultant PMC who then received preliminary support from HCD. It should be noted that former staff did partially implement this requirement by completing some General Plan Land Use Map amendments and thereby designating identified properties as Multifamily High Density (MHD) to allow for 15.1 to 20 units per acre. At that time the City choose to leave the subject properties with their PD Zoning District designation rather than rezone them to Multiple Family High Density (M-R-H), which could have also be done. Staff believes the proposed text amendments are the most efficient solution available at this time.

The proposed text amendments will establish the Site Plan Review Permit as the process to be used and the Multiple Family Residential (M-R-H) District as the default standards to be used for the processing of multiple family development projects with a MHD General Plan Land Use Map designation. Alternatively, applicants could choose to process a Development Plan under the PD provisions if desired. The reason for this approach is to satisfy HCD's direction to eliminate the more discretionary review process contained in the PD provisions and provides a less discretionary review process.

The following are the proposed redlined amendments to the PD District.

PROPOSED ORDINANCE

Clayton Municipal Code under Chapter 17.28 Planned Development (PD) District, Section 17.28.050 is proposed to be amended as follows:

17.28.050 Land Use Permit Required. For all areas zoned Planned Development District, a land use permit is required as follows:

- A. For residential uses of four (4) lots or less and containing four (4) dwelling units or less, a Site Plan Review Permit is required pursuant to Chapter 17.44.
- B. For multiple family development projects located on property designated as Multifamily High Density (MHD) on the General Plan Land Use Map, the development standards for Multiple Family Residential (M-R-H) Districts shall apply pursuant to Chapter 17.20 and the Site Plan Review Permit process shall be used for processing purposes pursuant to Chapter 17.44. Alternatively, applicants may choose to process a Development Plan under the provision of this PD District Chapter if desired.
- ~~B.~~C. For residential uses of five (5) lots or more or containing five (5) dwelling units or more, a Development Plan Permit is required as specified below.
- ~~C.~~D. For commercial or mixed use development on parcels less than 15,000 square feet in area (subject Subsection E below), a Site Plan Permit and/or a Use Permit is required pursuant to Chapters 17.44 and/or 17.60, respectively.
- ~~D.~~E. For commercial or mixed use development on parcels 15,000 square feet or greater in area (subject Subsection E below), a Development Plan Permit is required as specified below.
- ~~E.~~F. The applicable parcel areas for Subsections ~~C~~D and ~~D~~E above, are those shown on the Assessor's Maps of the Contra Costa County Assessor's Office as of January 1, 2007 (termed Original Parcels). Development projects located on parcels created by any subsequent division of the Original Parcels must comply with the requirements applicable to the parcel areas of the Original Parcels. (Ord. 402, 2007)

It is the opinion of staff and the City Attorney the proposed Ordinance language will achieve compliance with State mandates.

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. 02-14, recommending City Council approval of an Ordinance amending the Clayton Municipal Code Title 17, Chapter 17.28 Planned Development (PD) District, to establish the Site Plan Review Permit process to be used for processing of multiple-family development projects located on property designated as Multifamily High Density (MHD) on the General Plan Land Use Map.

ATTACHMENTS

1. Planning Commission Resolution No. 02-14, with attachment:
Exhibit A – Draft Ordinance Amending PD District
2. Pages 109 and 110 of Clayton 2009-2014 Housing Element

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**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 02-14**

**RECOMMENDING CITY COUNCIL APPROVAL OF
AN ORDINANCE AMENDING THE CLAYTON MUNICIPAL CODE
CHAPTER 17.28 PLANNED DEVELOPMENT DISTRICT
TO ESTABLISH THE SITE PLAN REVIEW PROCESS
FOR MULTIPLE FAMILY DEVELOPMENT PROJECTS
(ZOA-08-14)**

WHEREAS, the Clayton Planning Commission at a regular meeting on January 28, 2014, 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, Chapter 17.28 Planned Development (PD) District, to establish the Site Plan Review Permit process to be used for processing of multiple-family development projects located on property designated as Multifamily High Density (MHD) on the General Plan Land Use Map; 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 I, of the Clayton 2009-2014 Housing Element, the City committed to "Provide for adequate sites and promote the development of new housing to accommodate Clayton's fair share of housing allocation"; 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, 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

**Planning Commission
Resolution No. 02-14**

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, Chapter 17.28 Planned Development (PD) District, to establish the Site Plan Review Permit process to be used for processing of multiple-family development projects located on property designated as Multifamily High Density (MHD) on the General Plan Land Use Map. The Ordinance is attached hereto as Exhibit A and incorporated herein by this reference.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 28th day of January, 2014.

APPROVED:

ATTEST:

Gregg Manning
Chair

Charlie Mullen
Community Development Director

ATTACHMENTS

Exhibit A – Draft Ordinance Amending PD District

ORDINANCE NO. XXX

**AN ORDINANCE AMENDING THE CLAYTON MUNICIPAL CODE
CHAPTER 17.28 PLANNED DEVELOPMENT DISTRICT
TO ESTABLISH THE SITE PLAN REVIEW PROCESS
FOR MULTIPLE FAMILY DEVELOPMENT PROJECTS
(ZOA-08-14)**

**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 I, of the Clayton 2009-2014 Housing Element, the City committed to “Provide for adequate sites and promote the development of new housing to accommodate Clayton’s fair share of housing allocation”; and

WHEREAS, the Clayton Planning Commission held a duly-noticed public hearing on January 28, 2014, at which they adopted Resolution No. 01-14 recommending City Council approval of the proposed Ordinance to amend the Clayton Municipal Code Title 17, Chapter 17.28 Planned Development (PD) District, to establish the Site Plan Review Permit process to be used for processing of multiple-family development projects located on property designated as Multifamily High Density (MHD) on the General Plan Land Use Map; and

WHEREAS, the Clayton City Council at a regular meeting on XXXX, 2014, held a duly noticed public hearing to review and consider an Ordinance amending the Clayton Municipal Code Title 17, Chapter 17.28 Planned Development (PD) 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.

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 17.28.050 of the Clayton Municipal Code is hereby amended to read in full as follows:

17.28.050 Land Use Permit Required. For all areas zoned Planned Development District, a land use permit is required as follows:

- A. For residential uses of four (4) lots or less and containing four (4) dwelling units or less, a Site Plan Review Permit is required pursuant to Chapter 17.44.
- B. For multiple family development projects located on property designated as Multifamily High Density (MHD) on the General Plan Land Use Map, the development standards for Multiple Family Residential (M-R-H) Districts shall apply pursuant to Chapter 17.20 and the Site Plan Review Permit process shall be used for processing purposes pursuant to Chapter 17.44. Alternatively, applicants may choose to process a Development Plan under the provision of this PD District Chapter if desired.
- ~~B.~~C. For residential uses of five (5) lots or more or containing five (5) dwelling units or more, a Development Plan Permit is required as specified below.
- ~~C.~~D. For commercial or mixed use development on parcels less than 15,000 square feet in area (subject Subsection E below), a Site Plan Permit and/or a Use Permit is required pursuant to Chapters 17.44 and/or 17.60, respectively.
- ~~D.~~E. For commercial or mixed use development on parcels 15,000 square feet or greater in area (subject Subsection E below), a Development Plan Permit is required as specified below.
- ~~E.~~F. The applicable parcel areas for Subsections ~~C~~D and ~~D~~E above, are those shown on the Assessor's Maps of the Contra Costa County Assessor's Office as of January 1, 2007 (termed Original Parcels). Development projects located on parcels created by any subsequent division of the Original Parcels must comply with the requirements applicable to the parcel areas of the Original Parcels.

Section 3. 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 4. 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 5. 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**, 2014.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular public meeting thereof held on **XXXX**, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST

Janet Brown, Interim City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

DRAFT

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**, 2014 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on **XXXX**, 2014.

Janet Brown, Interim City Clerk

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GOALS AND POLICIES

ADEQUATE SITES AND NEW CONSTRUCTION

Goal I	Provide for adequate sites and promote the development of new housing to accommodate Clayton's fair share housing allocation.
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Policy I.1. The City shall designate and zone sufficient land to accommodate Clayton's projected fair share housing allocation as determined by the Association of Bay Area Governments.

Implementation Measure (I.1.1) The City will promote the development of the Affordable Housing Opportunity sites identified in Table 42, Vacant Residential Land (i.e., High Street parcel (Site V-2) and Old Fire Station site (Site V-5)) by creating a General Plan Multi-family High Density designation to allow for 15.1 to 20 units per acre and create a new Zoning District Multi-Family Residential High (M-R-H) to allow up to 20 units per acre.

Based on the Vacant and Underutilized Residential Land Tables (Table 42 and 43, 44 and 45) the City has a shortfall of land available to extremely low-, very low-, and low-income households. The City needs enough land to accommodate 50 additional units on sites that allow for 20 units per acre. To address this shortfall, the City will rezone the following site within one year of adoption of the Housing Element.

- Redesignate a portion of Site U-6 (Easley Ranch, APN 119-080-009, 13.52 acres) from SF (LD) to the newly created MF (HD) and rezone to M-R-H (allows 20 units per acre) to meet the City's 50-unit RHNA shortfall. The City will rezone 3.5 acres of this site to accommodate at least 50 units without physical or environmental constraint. Single family and multifamily units will be allowed by right and would typically require a tentative map and site plan review approval.
- The City will also consider redesignating/rezoning Site P-2 (APN 119-021-013, .87 acres) and/or Site P-3 (APN 119-021-054, 1.16 acres), and/or Site P-4 (APN 119-021-055, .95 acres) (see Table 45) to add to the City's future RHNA needs. The redesignation/

rezoning of these sites is not needed to meet the City's 50-unit RHNA shortfall.

- If it is determined that rezoning any of the identified sites is not feasible, the City will identify another site or group of sites that will accommodate the City's 50-unit RHNA shortfall. The site(s) will accommodate at least 16 units per state law requirements and not have any physical or environmental constraints. This rezone will occur within one year of adoption of this Housing Element. Single family and multifamily units will be allowed by right and would typically require a tentative map and site plan review approval.

Responsibility: City Council, Planning Commission, Community Development Department

Time Frame: Rezone sites to meet the RHNA shortfall by March 2011.

Funding: General Fund, RDA funds

Policy I.2 The City shall actively support and participate in the development of extremely low-, very low-, low-, and moderate-income housing to meet Clayton's fair share housing allocation and Redevelopment Agency housing requirements. To this end, the City shall help facilitate the provision of affordable housing through the granting of regulatory concessions and available financial assistance.

Implementation Measure (I.2.1) For residential projects of two or more units, developers will be required to develop an Affordable Housing Plan that requires a certain percentage of units be built as affordable housing units to very low- and low-income households. The City has established the following guidelines to provide direction for the review of Affordable Housing Plans associated with individual development projects and to provide direction for the preparation of an Affordable Housing Plan.

The Plan shall be approved in conjunction with the earliest stage of project entitlement, typically with the City Council approval of the Development Agreement or other primary land use entitlement.

The Affordable Housing Plan shall specify and include the following: