



**AGENDA
PLANNING COMMISSION
Regular Meeting**

7:00 P.M. on Tuesday, April 22, 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 Dave Bruzzone to report at the City Council meeting of May 6, 2014 (alternate Vice Chair Dan Richardson).

3. PUBLIC COMMENT

4. MINUTES

- 4.a. Approval of the minutes for the March 11, 2014 regular meeting.

5. PUBLIC HEARINGS

- 5.a. **SP-02-14 & VAR-01-14, City of Clayton/Transwestern Property Company,** 6011 Main Street (APN: 118-560-010). A request to consider a Sign Permit Variance for the size and number of commercial real estate advertising signs on a vacant undeveloped 1.66-acre City-owned property for sale in the Clayton Town Center. Categorically exempt per Sections 15311 of the California Environmental Quality Act (CEQA) Guidelines.

Staff Recommendation: Approval.

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, May 13, 2014 at 7:00 p.m.**

Most Planning Commission decisions are appealable to the City Council within ten (10) calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in oral testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter. If you have a physical impairment that requires special accommodations to participate, please contact the Community Development Department at least 72 hours in advance of the meeting at 925-673-7340. An affirmative vote of the Planning Commission is required for approval. A tie vote (e.g., 2-2) is considered a denial. Therefore, applicants may wish to request a continuance to a later Commission meeting if only four Planning Commissioners are present.

Any writing or documents provided to the majority of the Planning Commission after distribution of the agenda packet regarding any item on this agenda will be made available for public inspection in the Community Development Department located at 6000 Heritage Trail during normal business hours.

Minutes
Clayton Planning Commission Meeting
Tuesday, March 11, 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

2. ADMINISTRATIVE

2.a. Review of agenda items.

2.b. Declaration of Conflict of Interest.

None.

2.c. Chair Manning to report at the City Council meeting of March 18, 2014.

Director Mullen noted that the next City Council meeting on March 18, 2014, will be held at Endeavor Hall and there will a celebration of Clayton's 50th year of incorporation, so all Commissioners are invited to attend.

3. PUBLIC COMMENT

Robert Staehle, VIZ f/x, representative for Skipolini's Pizza/Bocce Ball Court project, addressed the Planning Commission on the potential need for the applicant to change the approved on-site light fixture head detail for the project. After reviewing the information provided, the Commission gave direction to the Community Development Director that this was a matter that could be reviewed and approved at staff level and did not need to come back before the Commission.

4. MINUTES

4.a. Approval of the minutes for the February 11, 2014 regular meeting.

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

5. **PUBLIC HEARINGS**

None.

6. **OLD BUSINESS**

None.

7. **NEW BUSINESS**

7.a. **CDD-03-14, 2013 Housing Element Annual Progress Report, City of Clayton.**

Community Development Director Mullen presented the staff report.

Commissioner Bruzzone asked about the affordable housing unit at 204 Stranahan Circle that was sold in 2013 by the owner at market rate. Director Mullen responded that unfortunately, with the recent dissolving of Redevelopment Agencies throughout California, the City's Redevelopment Agency (RDA) no longer exists and the City has declined to purchase and maintain these affordable housing units using General Fund monies if the owner(s) choose to sell the property.

Commissioner Johnson asked if there are penalties imposed on the seller. Director Mullen responded that, in this particular case, no, but the seller did have to repay the RDA loan balance at the close of escrow.

Commissioner Hayden asked for clarification why comment details in the Annual Progress Report (APR) did not include all the staff report details. Director Mullen responded that the APR was only for the 2013 period in time, whereas the staff report went into more detail and historical background for the benefit of the Commission.

Chair Manning asked for public comment. Seeing none, the public comment period was closed.

Vice Chair Richardson moved and Commissioner Haydon seconded a motion recommending City Council approval of the 2013 Housing Element Annual Progress Report. The motion passed 5-0.

8. **COMMUNICATIONS**

8.a. **Staff.**

Director Mullen provided a brief update on the status of the Oak Creek Canyon and Silver Oak Estates subdivision projects.

Director Mullen indicated that staff anticipates that the March 25, 2014 Planning Commission meeting will be cancelled.

8.b. **Commission.**

None.

9. **ADJOURNMENT**

- 9.a. The meeting was adjourned at 7:35 p.m. to the regularly-scheduled meeting of the Planning Commission on March 25, 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: April 22, 2014

Item Number: 5.a.

From: Charlie Mullen
Community Development Director 

Subject: Public Hearing to Consider a Sign Permit Variance for the Size and Number of Commercial Real Estate Advertising Signs on a Vacant Undeveloped 1.66-acre City-Owned Property for Sale in the Clayton Town Center (SP-02-14 & VAR-01-14).

Applicant: City of Clayton/Transwestern Property Company

REQUEST

A Public Hearing to consider a Sign Permit Variance for the size and number of commercial real estate advertising signs on a vacant undeveloped 1.66-acre City-owned property for sale in the Clayton Town Center.

PROJECT INFORMATION

Location: 6011 Main Street
APN: 118-560-010

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

Zoning: Planned Development (PD).

Environmental Review: Categorically exempt per Sections 15311 of the California Environmental Quality Act (CEQA) Guidelines.

Public Notice: On April 11, 2014, a public hearing notice was published in the Contra Costa Times, posted at the notice boards, and mailed to property owners within 300 feet of the site.

Authority: The Clayton Municipal Code (CMC) authorizes the Planning Commission to review and act on the Sign Permit Variance in accordance with CMC Chapters 15.08 & 17.52 respectively.

BACKGROUND

On April 1, 2014, the Clayton City Council approved an exclusive sales listing agreement with Transwestern Property Company to list and market for sale and development City-owned real properties in the Clayton Town Center.

In order to properly market the vacant undeveloped 1.66-acre City-owned property at 6011 Main Street, Transwestern Property Company has requested approval to install real estate advertising signage that exceeds what the current sign provisions allow and would require the granting of a Sign Permit Variance to increase the size and number of signs.

PROJECT DESCRIPTION

This is a request to consider a Sign Permit Variance for the size and number of commercial real estate advertising signs on a vacant undeveloped 1.66-acre City-owned property for sale in the Clayton Town Center located at 6011 Main Street. Specifically, the sign proposal is for a “V” shaped sign to be placed on the Clayton Road frontage with each sign face measuring 4’ high by 8’ wide (see attached diagrams). Each sign face would be 32 s.f. in area for a sign area totaling 64 s.f. The sign height would be 6’ high and meets the sign standards. Another advertising sign would be placed on the Main Street frontage and meets the sign standards.

The Sign Permit Variance is requested to exceed the real estate sign size provision of 12 s.f. in area per sign. The Variance is also requested to allow two (2) real estate signs on one frontage where the sign provisions only allow one (1) real estate sign on a street frontage. The “V” shaped sign technically counts as two (2) signs because it has two sign sections or legs, although a single sign could actually be double-sided and still have the same total sign area.

The applicant believes there are special and unusual site conditions applicable to the subject property that warrant and support a Sign Permit Variance for the number and size of the real estate signs. These special and unusual site conditions include the following: Clayton Road is a major arterial with a high vehicle speed limit of 40 mph in this segment; there is a street curvature of Clayton Road just prior to the property in both travel directions; there is the presence of landscaping in the Clayton Road street median and along the property street frontage; and the size of this vacant undeveloped commercial property is relatively large (1.66 acres) in comparison to other remaining vacant undeveloped commercial properties in the Town Center. The additional sign face and larger sign area are necessary to allow the sign graphics on the proposed commercial real estate advertising signs to be adequately and safely viewed and read by passing motorists.

ANALYSIS

Staff has reviewed the Sign Permit Variance request to allow an increased real estate advertising sign size and increased number of signs and believes the Variance request meets the findings required under Chapter 17.52 of the Zoning Code.

CEQA

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15311, the project is categorically exempt from CEQA.

RECOMMENDATION

Staff recommends that the Planning Commission receive and consider this staff report, receive and consider any public comment and, if determined to be appropriate, adopt the attached Resolution approving the requested Sign Permit Variance for the size and number of commercial real estate advertising signs for the subject property, based on the findings of approval.

ATTACHMENTS

1. Planning Commission Resolution No. 03-14
2. Vicinity Map
3. Sign Plan Diagrams

X:\Com Dev\VAR\2014\VAR-01-14 - Real Estate Sign for City Prop\VAR-01-13.sr.pc.2.22.14.SignCityProp.docx

CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 03-14

**APPROVAL OF A COMMERCIAL REAL ESTATE SIGN PERMIT VARIANCE
FOR CITY-OWNED PROPERTY
(SP-02-14 & VAR-01-14)**

WHEREAS, the City of Clayton Planning Commission held a duly noticed public hearing at a regular meeting on April 22, 2014 to review and consider a Sign Permit Variance for the size and number of commercial real estate advertising signs on a vacant undeveloped 1.66-acre City-owned property for sale in the Clayton Town Center. The subject property address is 6011 Main Street (APN: 118-560-010); and

WHEREAS, pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15311, the project is categorically exempt from CEQA; and

WHEREAS, the Sign Permit Variance does not conflict with the Planned Development (PD) Zoning designation of the subject parcel; and

WHEREAS, the Sign Permit Variance does not conflict with the Town Center Commercial (TC) designation of the Clayton General Plan; and

WHEREAS, the Sign Permit Variance does not conflict and is consistent with and implements the goals and policies of the Clayton Town Center Specific Plan; and

WHEREAS, the Sign Permit Variance does not conflict with the purpose or intent of the Clayton Municipal Code, Chapter 15.08 Sign Provisions; 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 Sign Permit Variance application meets the following findings as they apply to this project:

Variance

- A. The Variance for the size and number of commercial real estate advertising signs 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.

**Planning Commission
Resolution No. 03-14**

- B. The following are found to be special circumstances applicable to the subject property such that the strict application of the sign regulations would deprive the property of rights enjoyed by other properties in the vicinity and within the identical land use district: the fact that Clayton Road is a major arterial with a high vehicle speed limit of 40 mph in this segment; the street curvature of Clayton Road just prior to the property in both travel directions; the presence of landscaping in the Clayton Road street median and along the property street frontage; and the size of this vacant undeveloped commercial property is relatively large (1.66 acres) in comparison to other remaining vacant undeveloped commercial properties in the Town Center. The additional sign face and larger sign area are necessary to allow the sign graphics on the proposed commercial real estate advertising sign to be adequately and safely viewed and read by passing motorists.
- 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 Variance for the size and number of commercial real estate advertising signs as proposed for the subject property.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 22nd day of April, 2014.

APPROVED:

ATTEST:

Greg Manning
Chair

Charlie Mullen
Community Development Director



VICINITY MAP

	Sign Permit Variance For Real Estate Signs on City-Owned Property SP-02-14 & VAR-0-14 6011 Main Street APN: 018-560-010	N  (Not to Scale)
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ATTACHMENT - 2



**Transwestern Prop. Co.
Real Estate Sign for
6011 Main St.**

ATTACHMENT - 3

8'



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