



AGENDA
PLANNING COMMISSION
Regular Meeting

7:00 P.M. on Tuesday, June 10, 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. Vice Chair Dan Richardson to report at the City Council meeting of June 17, 2014 (alternate Commissioner Keith Haydon).
- 3. PUBLIC COMMENT**
- 4. MINUTES**
 - 4.a. Approval of the minutes for the May 13, 2014 regular meeting.
- 5. PUBLIC HEARINGS**

None.
- 6. OLD BUSINESS**

None.
- 7. NEW BUSINESS**
 - 7.a. **SPR-07-13, UP-01-13, LLA-01-13, and VAR-01-13, Skipolini's Pizza Restaurant**, 1033-1035 Diablo Street and 6026 Main Street (APNs: 119-013-002, 119-013-003, 119-013-004, 119-013-008, and 119-013-008). Review of Ipsen Family Bocce Park Management and Operations Plan in Accordance with Condition of Approval No. 6 of the Use Permit to Establish Four (4) Bocce Ball Courts Ancillary to the Existing Skipolini's Pizza Restaurant. Categorically exempt per Sections 15301 and 15303 of the California Environmental Quality Act (CEQA) Guidelines.

Staff 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, approve the Ipsen Family Bocce Park Management and Operations Plan associated with the Use Permit to establish four (4) bocce ball courts ancillary to the existing Skipolini's Pizza Restaurant.

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, June 24, 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, May 13, 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 Sikela, Jr.

2. ADMINISTRATIVE

2.a. Review of agenda items.

The Commission moved Item 7.a before Item 5.a.

2.b. Declaration of Conflict of Interest.

Chair Manning and Commissioner Haydon indicated that they would recuse themselves for Item 7.a due to a conflict of interest.

2.c. Commissioner Sandra Johnson to report at the City Council meeting of May 20, 2014.

3. PUBLIC COMMENT

None.

4. MINUTES

4.a. Approval of the minutes for the April 22, 2014 regular meeting.

Commissioner Johnson moved and Commissioner Haydon seconded a motion to approve the minutes as submitted. The motion passed 4-1 (Commissioner Bruzzone abstained as he had an excused absence from the April 22nd Planning Commission meeting).

7. NEW BUSINESS

7.a. CDD-10-14, Clayton Historical Society, 6101 Main Street (APN: 119-011-004). Review of the Clayton Historical Society's proposed garden plaza and site improvement modifications to the outdoor area adjacent to the Clayton Museum building. The

proposed new improvements include, but are not limited to, an entryway arbor, circular garden plaza (referred to as the “Wagonwheel Plaza”), decorative seatwalls, memorial bench, fencing, trellis, hardscape and walkway paths, historic tractor display, and associated water efficient landscaping. Categorically exempt per Sections 15301 and 15303 of the California Environmental Quality Act (CEQA) Guidelines.

As a result of conflict of interest issues, Chair Manning and Commissioner Haydon recused themselves and left the meeting room.

Assistant Planner Sikela presented the staff report.

Vice Chair Richardson had the following questions:

- Was the project reviewed for compliance with stormwater regulations? Assistant Planner Sikela responded that, yes, Assistant to the City Manager Laura has preliminarily reviewed the proposal and will continue to work with the applicant to ensure project compliance with stormwater regulations.
- Does the project propose utilizing a drainage system that runs into a leach field? The representative of the applicant, Steven Lane, indicated that the proposed drainage system includes a process that will capture and reuse on-site drainwater. When the catchment system fills up, overflow will drain to the curb.
- So water we be re-percolated on-site through use of a catchment system that will capture on-site drainwater and circulate it back into the soil? Mr. Lane responded “yes.”
- Which trees will remain on the project site? Mr. Lane indicated that all of the trees would remain; however, removal of the privet, penstemon, butterfly, and toyon bushes are proposed.

Commissioner Johnson asked the applicant what the anticipated start and completion dates were for the project. Mr. Lane indicated they hope to start this summer.

Commissioners Johnson, Bruzzone, and Vice Chair Richardson all expressed support of the project.

Commissioner Johnson moved and Commissioner Bruzzone seconded a motion to recommend City Council approval of the project. The motion passed 3-0.

Chair Manning and Commissioner Haydon returned to the meeting room.

5. PUBLIC HEARINGS

- 5.a. **GPA-02-13, City of Clayton, General Plan Housing Element Update.** Public hearing to consider the draft 2015-2023 Housing Element update for the City of Clayton. Pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15063, an Initial Study will be prepared to determine if the document may have a significant effect on the environment. It is anticipated that an Initial Study with a Negative Declaration (IS/ND) will be prepared. The IS/ND will be noticed and made available for public hearing consideration at a future meeting date concurrent with the final City of Clayton 2015-2023 Housing Element update document.

Community Development Director Mullen described the item, provided a brief overview, and introduced Jennifer Gastelum from Pacific Municipal Consultants (PMC) as the City’s consultant working on the Housing Element update.

Consultant Jennifer Gastelum made a Power Point presentation of the Housing Element update.

Commissioner Haydon asked does the overview of the Housing Element update accompany the actual report or is the overview for our use. Ms. Gastelum indicated that the overview was merely intended as a quick snapshot to assist the Commission in its understanding of the update.

Commissioner Haydon suggested the following:

- In Table 45 on Page 62, the use of the word “surplus” seemed misleading and should be removed or replaced with a different word.
- It should be emphasized in the update that the State did away with the Redevelopment Agency.
- In Table 46 on Page 63 as well as in the following narrative, the word “planned” should be replaced with the word “proposed”.

Commissioner Johnson indicated that a comment was made at the joint City Council/Planning Commission Housing Element update workshop on November 5, 2013 that the cover of the document should be changed. Director Mullen indicated that several photograph options will be presented at future meetings for the cover of the Housing Element update.

Commissioner Bruzzone asked does the reference to the City maintaining an inventory of available sites in Implementation Measure I.1.1 on Page 91 mean that City staff will maintain and monitor a site inventory to ensure that adequate sites are available to meet the City’s Regional Housing Needs Allocation? Ms. Gastelum indicated yes, City staff will need to monitor in order to ensure compliance with the commitments in the Housing Element.

Vice Chair Richardson also indicated that City staff will need to monitor opportunity sites. Director Mullen confirmed that was correct.

Chair Manning indicated that the City has been creative and flexible in establishing the higher density sites. He expressed concern that, although the State will never run out of impositions, the City will eventually run out of land to accommodate enough opportunity sites.

Commissioner Haydon indicated that the document confirms the City’s desire to encourage developers to fulfill affordable housing unit opportunities.

By consensus, the Commission indicated that they were pleased with the Housing Element update document which was well-written, fascinating, and very informative.

Vice Chair Richardson moved and Commissioner Haydon seconded a motion to recommend City Council to direct staff to submit the draft 2015-2013 Housing Element update to State Department of Housing and Community Development for review. The motion passed 5-0.

6. OLD BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

Director Mullen provided a brief update on the following:

- The Skipolini's Pizza remodel and Bocce Ball Court project is moving forward and the restaurant has had a "soft" opening and is now serving food.
- Revised plans for the Creekside Terrace project were submitted to the City and have been routed to City staff for review and comment.
- The developer of the Silver Oak Estates project is still working on providing additional information to the City.
- On the Oak Creek Canyon project, the tentative subdivision map is still valid, but the site plan review permit and use permit have expired, and the revised submittals have been deemed incomplete.

8.b. Commission.

Commissioner Haydon reported on the May 8, 2014 TRANSPAC meeting that he attended, distributed informational documents from the meeting, and described the northbound Kirker Pass Road widening project that was discussed at the meeting.

9. ADJOURNMENT

- 9.a. The meeting was adjourned at 8:12 p.m. to the regularly-scheduled meeting of the Planning Commission on May 27, 2014.

Submitted by
Charlie Mullen
Community Development Director

Approved by
Gregg Manning
Chair

Com Dev\Plng Comm\Minutes\2014\0513

**CITY OF CLAYTON
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: June 10, 2014

Item Number: 7.a.

From: Charlie Mullen
Community Development Director



Subject: Review of Ipsen Family Bocce Park Management and Operations Plan in Accordance with Condition of Approval No. 6 of the Use Permit to Establish Four (4) Bocce Ball Courts Ancillary to the Existing Skipolini's Pizza Restaurant; (SPR-07-13, UP-01-13, LLA-01-13 & VAR-01-13).

Applicant: Clayton Business and Community Assoc./Skipolini's Pizza Restaurant

REQUEST

Consider approval of the Ipsen Family Bocce Park Management and Operations Plan in accordance with Condition of Approval No. 6 of the Use Permit to establish four (4) bocce ball courts ancillary to the existing Skipolini's Pizza Restaurant.

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).

Authority: The Clayton Municipal Code (CMC) authorizes the Planning Commission to review and act on the matters regarding Use Permits, in accordance with Chapter 17.60.

BACKGROUND

On January 14 and 28, 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.

On January 28, 2014 the Planning Commission adopted Resolution No. 01-14, approving the project applications, based on findings and Conditions of Approval. The following Condition of Approval No. 6 of the Use Permit (UP-01-13) required the applicant to submit a management oversight and operations plan to the Planning Commission for review and approval:

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 Planning Commission for approval, prior to the Final Inspection and/or issuance of any Certificate of Occupancy.

DISCUSSION

The Clayton Business and Community Association (CBCA) in association with Skipolini's Pizza Restaurant have submitted the Management Oversight and Operations Plan (see attached) in accordance with Condition of Approval No. 6 for the Ipsen Family Bocce Park to be operated and managed by the CBCA. The plan provides information on: day and evening contact information for management staff; days and hours of operation; facility maximum occupancy; provisions regarding alcoholic beverages; and provisions for security.

In addition, CBCA has provided wording for informational on-site signs that are proposed to be posted in the bocce ball court area. These signs will cover: house rules; play etiquette; open public play; alcohol restriction; and prohibitions.

City staff, including the Police Chief, have reviewed the Management Oversight and Operations Plan proposed for the bocce ball courts and support the plan as submitted. Staff believe the plan covers those areas of interest typically associated with a conditional Use Permit. Staff further supports the wording for the informational on-site signs. These signs will help clarify and cover player conduct, which is not an area regulated by the Use Permit.

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, approve the Ipsen Family Bocce Park Management and Operations Plan associated with the Use Permit to establish four (4) bocce ball courts ancillary to the existing Skipolini's Pizza Restaurant.

ATTACHMENTS

1. Bocce Park Management Oversight and Operations Plan, date received 5/28/14
2. Wording for information on-site signs

X:\Com Dev\SP R\2013\SPR-07-13 - Skipolinis Exp.-Bocce Ball Ct\SPR-07-13.sr.pc.6.10.14.Skipolini's.Exp.&Bocce-COA#6.docx

RECEIVED

MAY 28 2014

**CITY OF CLAYTON
COMMUNITY DEVELOPMENT DE**

**Ipsen Family Bocce Park
Operated and Managed By
Clayton Business & Community Association (CBCA)
Management Oversight and Operations Plan - 2014**

1. Contact Information and List of Management Staff (24/7)

- a. During Open Hours
 - i. Keith Haydon (925-858-1887)
 - ii. Ed Hartley (925-698-4191)
 - iii. claytonbocceleague@gmail.com
- b. During Closed Hours
 - i. Ed Hartley (925-698-4191)
 - ii. Keith Haydon (925-858-1887)
 - iii. claytonbocceleague@gmail.com

2. Days and Hours of Operation - Signs will be posted

- a. Open Public Play
 - i. During Seasonal League Play (Generally May to October)
 - 1. Mon – Fri & Sun 10 AM until courts are groomed for league use
 - 2. Sat – 10 AM until Skipolini's Pizza closes
 - ii. During Non-League Play Periods
 - 1. Daily - 10:00 AM until Skipolini's Pizza closes
- b. League Play (May – October)
 - i. Sunday: 2:00 PM – 9:00 PM
 - ii. Monday – Thursday: 6:30 PM – 9:30 PM
 - iii. Friday: 7:00 PM – 10:00 PM

3. Facility Maximum Occupancy

- a. Up to 90 persons per night

4. Alcoholic Beverages:

- a. ABC License: Type 41, authorizing beer and wine held by Skipolini's Pizza.
- b. League/Tournament/Rental Play: Attendees may bring their own beer or wine, or be served from Skipolini's Pizza.
- c. Open Public Play: Attendees are prohibited from bringing their own alcohol into the Bocce Park. They may be served beer or wine from Skipolini's Pizza.

5. Security

- a. Multi-camera security posted around courts
- b. DVD recording capability
- c. Motion sensor activation for security cameras
- d. Remote access to security cameras by Clayton Bocce League management and Clayton Police Department
- e. Non-loitering signage to be posted

MAY 28 2014

**Ipsen Family Bocce Park
CBCA Clayton Bocce League
House Rules**

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT

The history and process by which these courts even exist is unique. These courts are the result of the combined efforts of the Ipsen family, Skipolini's Pizza, and the Clayton Business & Community Association (CBCA) to construct and operate bocce courts for the benefit of Clayton residents and the surrounding community. The courts are an extension of CBCA's charitable purpose of promoting community involvement for all. The courts are intended to be, and will be operated as, a community asset on private property whereby organized, fee based, and open play can be accommodated. Play on these courts is a privilege and not a right. Because these courts are on private property, each player or observer will be expected to abide by a code of conduct that will ensure that the courts will be used, cared for, and maintained for use by and for the community in an enjoyable, friendly, safe, and responsible manner consistent with these purposes.

In order to accomplish this, the following Rules shall apply:

- A. Any person present on the courts who is found to be acting in an irresponsible, violent, unsportsmanlike, or otherwise inappropriate manner will be asked to leave and will be subject to having their future use privileges denied;
- B. These courts are NOT a playground. While the presence of children and families is allowed and encouraged, all children must be accompanied and supervised by an adult. Running, playing, and rough-housing will not be tolerated under any circumstances. Bikes, scooters, skateboards, roller blades/skates, and cleats are not permitted in the Bocce Park at any time;
- C. All persons who use the Bocce Park and consume food and beverages (whether brought onto the premises themselves or ordered and served by Skipolini's Pizza or any other food establishment) will be expected to clean up after themselves and to leave their use area in as clean, or better, condition than how they found it. The failure to do so will subject such persons to having their future use privileges denied;
- D. All persons participating in organized play (e.g., league, tournament or rental) may be required to fill out and sign a Waiver and Release of Liability in a form approved by CBCA. The failure or refusal of persons to execute and deliver these forms to an authorized CBCA representative will result in a denial of use of the courts; and
- E. All posted signs are incorporated into these Rules as if fully set forth. All persons using these courts must abide by all posted signs applicable to their use. Failure or refusal to do so may result in a denial of use of the courts.

IPSEN FAMILY BOCCE COURTS

OPEN PLAY ETIQUETTE

To ensure enjoyment of the courts for as many people as possible, please observe the following during open public play:

1. No alcohol from a source other than Skipolini's Pizza may be brought onto the courts during open public play (No BYOB);
2. Unless bocce balls are provided by Canesa's or Skipolini's, you must supply your own bocce balls;
3. No outdoor or amplified music is allowed;
4. Court usage is based on "First Come – First Serve", unless the court is reserved.
5. If people are waiting to play on the court you are using, please limit play to completing your current game or 45 minutes;
6. Please place all trash in the appropriate receptacles.
7. Call the Clayton Police Dept. (925-673-7350) to report observed vandalism.

**IPSEN FAMILY BOCCE COURTS
OPEN PUBLIC PLAY**

During Seasonal League Play (Generally May to October)

Daily: 10:00 a.m. until closed for league use

Note: League use begins when the courts are blocked off for grooming.
Times will vary depending upon the day of the week

During Non-League Play Periods

Daily: 10:00 a.m. until Skipolini's Pizza closes

Note: Court conditions permitting. Courts are subject to closure due to weather conditions or other conditions rendering the courts unplayable. Appropriate signage will be posted under these circumstances.

The use of the courts for open public play are also subject to closure for tournaments or where a court(s) have been reserved for private use.

TO INQUIRE ABOUT RENTING THESE COURTS FOR YOUR EVENT, CONTACT (EMAIL ONLY PLEASE):

claytonbocceleague@gmail.com

FOR FURTHER INFORMATION PLEASE CONTACT:

E-Mail: claytonbocceleague@gmail.com (preferred)
Ed Hartley (925-698-4191)
Keith Haydon: (925-858-1887)

All E-Mail inquiries will be promptly returned!

IPSEN FAMILY BOCCE COURTS

NO

ALCOHOL

CONSUMPTION

BEYOND

THIS

POINT

PLEASE READ!

The assistance of everyone who uses this park is needed to keep it clean for everyone's benefit. Please observe the following:

- NO LOITERING
- NO PETS ALLOWED (except service animals)
- NO SMOKING
- DO NOT SPIT CHEWING TOBACCO ONTO THE GROUNDS
- BICYCLES, SCOOTERS, SKATEBOARDS, ROLLER BLADES/SKATES, AND CLEATS ARE NEVER ALLOWED

This Park is under camera surveillance 24 hours a day.

If you witness any vandalism, please call the Clayton Police Department at 925-673-7350.