



**AGENDA
PLANNING COMMISSION
Regular Meeting**

7:00 P.M. on Tuesday, September 9, 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 September 16, 2014 (alternate Vice Chair Dave Bruzzone).
- 3. PUBLIC COMMENT**
- 4. MINUTES**
 - 4.a. Approval of the minutes for the August 12, 2014 regular meeting.
- 5. PUBLIC HEARINGS**
 - 5.a. **HOP-19-14, Home Occupation Permit, Wendy Murphy**, 187 Mt. Wilson Way (APN: 119-412-011). A request for consideration of a Home Occupation Permit to allow a cottage food operation for baked goods to be conducted from a single-family residence. Pursuant to California Environmental Quality Act (CEQA) Guideline 15301(n), the project is categorically exempt per CEQA.

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, conditionally approve the Murphy Home Occupation Permit.
- 6. OLD BUSINESS**

None.

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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, September 23, 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, August 12, 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
City Clerk Janet Brown

2. ADMINISTRATIVE

City Clerk Janet Brown administered the Oath of Office for reappointed Commissioners Manning, Johnson, and Bruzzone.

2.b. Review of agenda items. Chair Manning made an agenda order changed to take Item 2.b. Review of Agenda Items and Item 4.a. the Minutes of June 10, 2014, prior to further items being considered.

2.a. Selection of Chair and Vice Chair.

Chair Manning moved and Commissioner Haydon seconded a motion to elect Vice Chair Dan Richardson as Chair of the Planning Commission and Commissioner Johnson moved and Commissioner Haydon seconded a motion to elect Commissioner David Bruzzone as Vice Chair of the Planning Commission. The motions passed 5-0.

Commissioner Richardson took the Chair position and began presiding over the meeting.

2.c. Declaration of Conflict of Interest.

None.

2.d. Commissioner Haydon indicated he had a conflict and could not report at the City Council meeting of August 19, 2014. Alternate Commissioner Manning confirmed he could report at this meeting.

3. PUBLIC COMMENT

None.

4. **MINUTES**

- 4.a. Approval of the minutes for the June 10, 2014 regular meeting.

Commissioner Richardson moved and Commissioner Johnson 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**

None.

8. **COMMUNICATIONS**

- 8.a. Staff.

Director Mullen provided a brief update on the following projects:

- Regarding the Silver Oak Estates project, the environmental consultant anticipates completion of the environmental review analysis for the project within the next couple weeks. Once completed, a 30-day public review period will occur and a public hearing will be scheduled before the Planning Commission in late September or early October.
- Regarding the Oak Creek Canyon project, the project continues to be on hold pending additional funding deposits being made by the applicant.
- Regarding the revised Creekside Terrace project, staff has met with project Architect and answered questions relating to the application incompleteness letter. The applicant has not resubmitted the required application materials.
- Regarding the City's Main Street property, the City's commercial broker, Transwestern, has been receiving developer interest in the vacant real property for sale but no formal purchase offers have been submitted to date.
- Regarding the existing Flora Square building, staff has had discussion with the building owners about possible tenants that would trigger a need to amend the existing Disposition and Development Agreement. Further discussion will be occurring with the building owners before formal application are submitted.
- Regarding the Housing Element update, the City has received provisional approval from HCD. The City's consultant, PMC, is preparing the IS/ND and finalizing the Housing Element for public hearing consideration before the Planning Commission and City Council in September and October.
- Regarding a PG&E Tree Removal proposal under the regional transmission lines, staff has meet with PG&E staff, has requested more detailed information, and will be reviewing possible legal issues involved.
- Staff is performing an annual Affordable Housing Ownership Certification compliance review of RDA funded home purchases and loans.
- Staff has completed and will be attending several CCTA meetings in September for the CCTA – Biennial Measure J Checklist to receive funding for local street maintenance and improvements.

- Staff is working on a CCTA/TRANSPAC Cooperative Agreement to establish allocation of funding to local transportation programs from Measure J - Line 28a funds.
- Staff is working on the creation of the TRANSPAC Joint Powers Authority for Central County member agencies.
- Staff is reviewing the draft CCTA-Central County Transportation Plan

8.b. Commission.

None.

9. **ADJOURNMENT**

- 9.a. The meeting was adjourned at 7:42 p.m. to the regularly-scheduled meeting of the Planning Commission on August 26, 2014.

Submitted by
Charlie Mullen
Community Development Director

Approved by
Dan Richardson
Chair

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PLANNING COMMISSION STAFF REPORT

Meeting Date: September 9, 2014

Item Number: 5.a

From: Milan J. Sikela, Jr.
Assistant Planner



Subject: Public Hearing to consider a Home Occupation Permit request to allow a cottage food operation for baked goods (cakes, cupcakes, cookies, and muffins) to be conducted from a single-family residence (HOP-19-14).

Applicant/Business: Wendy Murphy/Special Treats by Wendy

REQUEST

Public Hearing to consider a Home Occupation Permit request to allow a cottage food operation for baked goods (cakes, cupcakes, cookies, and muffins) to be conducted from a single-family residence.

PROJECT INFORMATION

Location: 187 Mt. Wilson Way
APN: 119-412-011

General Plan Designation: Low Density – Single Family Residential (1.1 to 3.0 units per acre).

Zoning: Single Family Residential R-10 District (10,000 square-foot minimum lot area).

Environmental Review: Categorically exempt per Section 15301(n) of the California Environmental Quality Act (CEQA) Guidelines.

Public Notice: On August 29, 2014, a public hearing notice was posted at the notice boards and mailed to property owners within 300 feet of the project site.

Authority: Section 17.71.030.A of the Clayton Municipal Code (CMC) authorizes the Planning Commission to approve a home occupation permit for a cottage food operation in accordance with the standards in CMC Section 17.71.030.B.

DISCUSSION

The applicant has requested approval of a home occupation permit to allow a cottage food operation for baked goods (cakes, cupcakes, cookies, and muffins) to be conducted from a single-family residence at 187 Mt. Wilson Way (see **Attachment 1**). According to the written supplement submitted by the applicant (see **Attachment 2**), the home-based cottage food operation would involve baked goods (cakes, cupcakes, cookies, and muffins) based on made-to-order requests along with consultations, tastings, and order pickups. A maximum of five clients per week are proposed to visit the residence and the days and hours of operation are proposed Monday through Saturday from 9:00 a.m. to 5:00 p.m.

As part of processing the home-based cottage food operation, the Contra Costa Health Services Environmental Health Division must review and approve the proposal. The Contra Costa Health Services Environmental Health Division cottage food registration form is provided as **Attachment 3**. A proposed condition has also been provided that, prior to commencing operation of the home occupation, the applicant shall provide Contra Costa Health Services Environmental Health Division permit approval to the Clayton Community Development Department. Also, the applicant's Certificate of Completion for Basic Food Handler's Course from Food Handlers for State-of-the-Art Food Handler Training & Testing is provided as **Attachment 4**.

Section 17.71.030.5 of the CMC requires that any home occupation permit request for a cottage food operation obtain Planning Commission review and approval prior to commencement, in accordance with the standards in CMC Section 17.71.020.5.a - d. Special Treats by Wendy meets these standards, which includes the applicant obtaining Contra Costa Health Services Environmental Health Division registration for the cottage food operation. Furthermore, if the home occupation generates client traffic to the subject residence—which this subject home occupation is proposing to do—Planning Commission review and approval is required, per CMC Section 17.71.030. Section 17.71.030.B.2 of the Municipal Code states:

“The home occupation shall not generate client/student traffic to the residence in excess of six (6) clients/students per day, unless the number is reduced by the Planning Commission. On Saturdays, client/student traffic may only occur between 9:00 a.m. and 5:00 p.m. Client/student traffic is prohibited on Sunday.”

Since the maximum number of clients proposed to visit the residence will not exceed five per week and the business will be conducted Monday through Friday from 9:00 a.m. to 5:00 p.m., the proposal meets the CMC requirements as related to client/student traffic and days of operation as well as the other applicable home occupation standards of approval, including the cottage food operation standards.

Parking Issues

Per Chapter 17.37 of the Clayton Municipal Code, single-family dwellings are required to have four off-street parking spaces (two covered and two uncovered) per unit. The subject single-family residence proposed for the location of the home occupation has three covered parking spaces in the garage and six uncovered parking spaces in the driveway. Sufficient off-street (on-site) parking is provided for the property owner's and clients' vehicles.

RECOMMENDATION

Staff recommends the Planning Commission consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, approve Home Occupation Permit HOP-19-14 to allow a cottage food operation for baked goods (cakes, cupcakes, cookies, and muffins) to be conducted from the single-family residence at 187 Mt. Wilson Way.

Proposed Findings of Approval

Based upon the evidence set forth in the staff report, which includes relevant information from the project file, as well as testimony at the public hearing, the Planning Commission makes the following findings that Home Occupation Permit HOP-19-14, as conditioned:

1. Is consistent with the General Plan designation and policies.
2. Meets the Home Occupation Permit standards of approval listed in Chapter 17.71 of the Clayton Municipal Code.

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

Proposed Conditions of Approval

1. Home Occupation Permit HOP-19-14 is to allow a cottage food operation for baked goods consisting of cakes, cupcakes, cookies, and muffins to be conducted from the single-family residence at 187 Mt. Wilson Way (APN: 119-412-011) in Clayton.
2. The Home Occupation shall be conducted in compliance with requirements in Chapter 17.71 of the Clayton Municipal Code.
3. Prior to commencing operation of the home occupation, the applicant shall provide Contra Costa Health Services Environmental Health Division permit approval to the Clayton Community Development Department.
4. The applicant shall obtain a Clayton Business License prior to commencing operation of the home occupation. Business license application may be obtained from the City's website www.ci.clayton.ca.us or at Clayton City Hall, 6000 Heritage Trail, Clayton, 925-673-7310.
5. Upon City determination of a violation of or failure to comply with Clayton Municipal Code Chapter 17.71 and/or these Conditions of Approval, this Home Occupation Permit HOP-19-14 may be revoked or modified in accordance with Clayton Municipal Code Sections 17.64.050 - 17.64.070.
6. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgments, liens, levies, costs, and expenses of whatever nature, including, but not limited to, attorney's fees, costs, and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, and any environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

Advisory Notes

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

1. This Home Occupation Permit shall be used, exercised, or established within twelve (12) months after the granting of the Permit, or a time extension must be obtained from the Planning Commission, otherwise the Permit shall be null and void (Clayton Municipal Code Sections 17.64.010-17.64.030).
2. If the project site is located within an area subject to covenants, conditions, and restrictions (CC&Rs) administered by a homeowners' association (HOA), additional requirements and/or approvals may be required by the HOA. Before proceeding with the project, it is advisable to check with the HOA to ensure any applicable requirements are met.

ATTACHMENTS

1. Vicinity Map
2. Written supplement with project description, submitted by the applicant, date stamped August 13, 2014
3. Cottage Food Registration from the Contra Costa Health Services Environmental Health Division, submitted by the applicant, date stamped August 20, 2014
4. Certificate of Completion for Basic Food Handler's Course from Food Handlers for State-of-the-Art Food Handler Training & Testing, submitted by the applicant, date stamped August 20, 2014

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VICINITY MAP

	Murphy Residence HOP-19-14 Cottage Food Home Occupation 187 Mt. Wilson Way APN: 119-412-011	N  (Not to Scale)
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ATTACHMENT - 1

Special Treats By Wendy - Business Description

Special Treats By Wendy is a home based business focused on providing fresh, delicious cakes, cupcakes, and cookies for any occasion. All items are baked from scratch using only high-quality ingredients. All items are made to order and special requests are encouraged. Customer satisfaction is of utmost importance - we will do everything we can to meet your needs.

^{AND HOURS *}
The days of operation are from ^{MONDAY *} ~~Sunday~~ to Saturday ^{FROM 9:00 AM TO 5:00 PM. *} and hours are by appointment.

Scheduled appointments would be for consultations, tastings and order pickups. The average number of clients visiting the residence will vary depending on the season and holidays, but probably not more than five per week. The types of activities conducted at the residence would be baking and consultations.

* PER DISCUSSION W/APPLICANT ON 8/29/14,
BUSINESS HOURS ARE PROPOSED FROM 9:00 AM TO 5:00 PM,
AND BUSINESS DAYS ARE MONDAY THROUGH SATURDAY.



8/29/14

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AUG 13 2014

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT



ENVIRONMENTAL HEALTH DIVISION

2120 DIAMOND BLVD. SUITE 200, CONCORD, CA 94520-5704
(925) 692-2500 FAX (925) 692-2502 www.cchealth.org/eh/

COTTAGE FOOD REGISTRATION

THIS FACILITY IS NOT SUBJECT TO ROUTINE INSPECTION
BY CONTRA COSTA COUNTY ENVIRONMENTAL HEALTH.

Registration Valid 01/01/2014 thru 12/31/2014
REGISTRATION IS NON-TRANSFERABLE

This is to certify that the owner and establishment shown have been granted permission to operate subject to compliance with all applicable laws and regulations. This registration is valid for the period shown unless revoked or suspended for violation of applicable laws and/or regulations.

FACILITY:

FA ID # FA0035726
Wendy Leigh Murphy
Special Treats by Wendy
187 Mt. Wilson Way
Clayton, CA 94517

OWNER OF RECORD:

Wendy Leigh Murphy

General Health Program

COTTAGE FOOD CLASS A
Program Record # PR0063353
Program Element # 0809

Registration #

63353

Fee Amt.

\$ 439.00

Conditions:

Notify Contra Costa County Environmental Health Division and obtain approval from your local city or county planning department if there are any changes to occur regarding change of ownership, billing address, name of business, type of foods produced or type of distribution by calling (925) 692-2500. Failure to notify Environmental Health may result in late penalties, registration denial or revocation and business closure. Registrations are not transferable and become void on change of ownership. New owner must apply and pay for a new registration prior to beginning operation or penalties will be assessed at three (3) times the registration fee.

A representative of Contra Costa County Environmental Health may access, for inspection purposes, the registered area of a private home where a Cottage Food Operation is located only if the representative has, on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the Cottage Food Operation or that the Cottage Food Operation has violated applicable regulations.

Registered Class A operations may only engage in *direct* sales of cottage food products from the Cottage Food Operation or other direct sales venues. They may not vend their products indirectly or through a third party.

THIS IS NOT AN INVOICE

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AUG 20 2014

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT

ATTACHMENT - 3

FoodHandlers

for State-of-the-Art Food Handler Training & Testing

grants a

Certificate of Completion

to

WENDY MURPHY

In recognition for completing With Honors the

Basic Food Handler's Course

CALIFORNIA Version

Certificate ID: 2014-1209039 Issued: 6/24/2014 Expires: 6/24/2017

Official Issuer: *RAX*

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AUG 20 2014

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ATTACHMENT – 4