

Minutes
Clayton Planning Commission Meeting
Tuesday, September 9, 2014

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

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

Present: Vice Chair David Bruzzone
Commissioner Keith Haydon
Commissioner Sandra Johnson

Absent: Chair Dan Richardson (excused)
Commissioner Gregg Manning (excused)

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

2. ADMINISTRATIVE

2.a. Review of agenda items.

2.b. Declaration of Conflict of Interest.

None.

2.c. Commissioner Keith Haydon to report at the City Council meeting of September 16, 2014.

3. PUBLIC COMMENT

None.

4. MINUTES

4.a. Approval of the minutes for the August 12, 2014 regular meeting.

Commissioner Haydon moved and Commissioner Johnson seconded a motion to approve the minutes, with minor corrections. The motion passed 3-0.

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.

The public hearing was opened.

Assistant Planner Sikela presented the staff report.

Commissioner Haydon had the following questions and comments:

- Were public hearing notices distributed? Assistant Planner Sikela responded “Yes.”
- Were any comments received after the notices were distributed? Assistant Planner Sikela responded “No.”
- The home occupation is proposed Monday through Saturday? Assistant Planner Sikela responded “Yes.”
- Add a condition of approval that, although the applicant is proposing to have a maximum of five clients per week visit the subject residence, the Clayton Municipal Code restricts a home occupation to generate up to a maximum of six clients per day.

Vice Chair Bruzzone confirmed that, although the Clayton Municipal Code allows one employee to work at the subject residence for the cottage food operation, the applicant is not proposing to have an employee. Assistant Planner Sikela indicated that was correct as no employees are proposed to work at the subject residence for the cottage food operation.

The applicant, Wendy Murphy, indicated the following:

- The name of my business is Special Treats by Wendy.
- She has been baking for many years, so she wanted to make sure she was in compliance with the cottage food operation requirements.
- Most business is done via website and she also delivers baked goods.
- The majority of the clientele base is for weddings and consultations.

Commissioner Johnson had the following questions:

- How do you advertise? The applicant indicated that she uses the internet and word of mouth.
- What if your business grows? The applicant indicated that she would look for a commercial tenant space to move the business into. Currently, the business is more of a hobby.
- Five clients per week visiting the subject residence seems a low number. The Clayton Municipal Code allows you up to six clients per day. If the number of clients exceeds five clients per week, you would have to come back before the Planning Commission to increase the number of clients.

Community Development Director Mullen clarified that, although the applicant only indicated five clients per week would visit the site, the applicant would not be restricted to the number of client visits unless the Planning Commission expressly conditioned the approval in that manner.

Commissioner Haydon indicated that the newly-added condition of approval could be worded to address the Code section and confirm that up to six clients per day are allowed.

The public hearing was closed.

Commissioner Johnson moved and Commissioner Haydon seconded a motion to approve Home Occupation Permit HOP-19-14, with the findings of approval and conditions of approval as recommended by staff, and with an additional condition of approval added by the Planning Commission addressing the maximum number of clients that may visit the site. The motion passed 3-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

Director Mullen provided a brief update on the following projects:

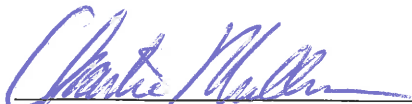
- Regarding the Silver Oak Estates project, staff distributed over 650 notices to all property owners within 1,000 feet of the project site. At the September 23, 2014 Planning Commission meeting, we will be receiving comments on the Silver Oak Estates Initial Study/Mitigated Negative Declaration (IS/MND). The comment period ends on October 6, 2014. If comments are received (either written or spoken), a Response to Comments document will be prepared. We anticipate that, at the October 28, 2014 Planning Commission meeting, review of the project itself will commence.
- Regarding the Housing Element Update, the Planning Commission will be reviewing and receiving public comment on the Initial Study/Negative Declaration for the Final Draft 2015-2023 Housing Element update at their meeting of October 14, 2014. Staff will be looking for the Planning Commission to make a recommendation to the City Council regarding the environmental document and Final Housing Element.

8.b. Commission.

Commissioner Haydon indicated he would be attending the September 11, 2014 TRANSPAC meeting.

9. ADJOURNMENT

- 9.a. The meeting was adjourned at 7:45 p.m. to the regularly-scheduled meeting of the Planning Commission on September 23, 2014.



Submitted by
Charlie Mullen
Community Development Director



Approved by
David Bruzzone
Vice Chair

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