



PLANNING COMMISSION AGENDA

Virtual Meeting at 7:00 P.M. on Tuesday, August 25, 2020

To protect our residents, officials, and staff, and aligned with the Governor's executive order to Shelter-at-Home, this virtual meeting will be conducted utilizing teleconferencing means consistent with the State order allowing the public to address the local legislative body electronically. To register in advance to participate in this meeting: https://us02web.zoom.us/webinar/register/WN_BNBFtdWuQSK630X3t0rRRA. After registering, you will receive a confirmation email containing information about joining the meeting.

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 Bassam Altwal to report at the September 1, 2020 City Council meeting (alternate Commissioner Frank Gavidia).

3. PUBLIC COMMENT

4. MINUTES

- 4.a. Approval of minutes from the special Planning Commission meeting of May 25, 2020.

5. PUBLIC HEARINGS

- 5.a. **TUP-06-2020, Temporary Use Permit Time Extension, City of Clayton.** Time extension for outdoor dining, outdoor commercial uses, and outdoor assembly services until the COVID-19 pandemic restrictions have been removed.

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 all public testimony and, if determined to be appropriate, adopt a Resolution to extend the time allowed for outdoor dining, outdoor commercial uses, and outdoor assembly services until the COVID-19 pandemic restrictions have been removed.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

8.b. Commission.

9. ADJOURNMENT

9.a. The next regular meeting of the Planning Commission is scheduled for **Tuesday, September 8, 2020.**

Minutes
Clayton Planning Commission Special Meeting
Wednesday, May 27, 2020

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

Chair Peter Cloven called the meeting to order at 7:00 p.m. using the web conferencing platform Zoom in accordance with the Governor's executive order to shelter-in-place and teleconferencing means to protect residents, officials, and staff during the Covid-19 pandemic.

Present: Chair Peter Cloven
Vice Chair A.J. Chippero
Commissioner Bassam Altwal
Commissioner Terri Denslow
Commissioner Frank Gavidia

Absent: None

Staff: Community Development Director Matthew Feske
Assistant Planner Milan Sikela, Jr.

2. ADMINISTRATIVE

- 2.a. Review of agenda items.
- 2.b. Declaration of conflict of interest.
- 2.c. Vice Chair A.J. Chippero to report at the City Council meeting of June 2, 2020.

3. PUBLIC COMMENT

None.

4. MINUTES

- 4.a. Approval of the minutes for the April 28, 2020 Planning Commission meeting.

Vice Chair Chippero moved and Commissioner Altwal seconded a motion to approve the minutes, as amended. The motion passed 4-0-1 (Abstain – Chair Cloven).

5. PUBLIC HEARINGS

None.

6. OLD BUSINESS

None.

7. NEW BUSINESS

GPA-01-20, City of Clayton. Review of the Fiscal Year 2020-2021 Capital Improvement Program Projects for Conformity with the Clayton General Plan.

City Engineer Scott Alman presented the staff report.

Commissioner questions and comments included the following:

- The word “handicap” is no longer used. The correct term is “person with disability”. When referring to a ramp that provides improved access for a person with disability, the correct term is an American With Disabilities Act (ADA) ramp.
- Elaborate on Pine Hollow Road Upgrade. Mr. Alman explained that, as a result of Green Infrastructure, Stormwater C.3 requirements, other applicable State regulations, and concerns over the existing right-of-way width on Pine Hollow Road, the cities of Concord and Clayton have entered into a joint application for a complete streets study grant to create a coordinated complete streets improvement project. Both jurisdictions are working together to install new curb, gutters, and sidewalks along Pine Hollow Road as well as a complete streets design for bicycle traffic, green stormwater infrastructure, and a new Clayton entryway sign.
- Noticed the budget amount went up from \$599,477 to \$872,360 for the Pavement Preservation project. Mr. Alman explained that there were budget adjustment which set aside more Road Maintenance and Rehabilitation Account monies for the Pavement Preservation project.
- The \$1,039,660 total capital related expenditure figure appears less than the combined amount of all the estimated Capital Improvement Program (CIP) project costs.
- For the field rehabilitation project, it appears that half of the estimated completion cost will be un-funded. Mr. Alman indicated that certain CIP projects are funded from a combination of various funding source such as fees, grants, credits, and accumulated interest earnings while others remain on hold until funding becomes available.
- The utility underground project appears to be funded on annual allocations. Mr. Alman concurred and added that the City receives \$21,000 in fund credits per year from Pacific Gas and Electric in accordance with California Public Utilities Commission requirements. The \$103,660 amount includes a five-year credit advance that is available to the City to complete the project.
- At approximately \$1,000,000 per 300 feet, it is obviously very expensive to underground utilities. Mr. Alman concurred and indicated that was the impetus for the City to participate in the Rule 20A credit program.

Commissioner Gavidia moved and Vice Chair Chippero second a motion to find the City's Capital Improvement Program projects for the Fiscal Year 2020-2021 are in conformity with the Clayton General Plan and there is no possibility that this finding may have a significant effect on the environment. The motion passed 5-0.

8. COMMUNICATIONS

8.a. Staff – None.

8.b. Commission – None.

None.

9. ADJOURNMENT

9.a. The meeting was adjourned at 7:20 p.m. to the regularly-scheduled meeting of the Planning Commission on May 12, 2020.

Submitted by
Milan J. Sikela, Jr.
Assistant Planner

Approved by
Peter Cloven
Chair

PLANNING COMMISSION STAFF REPORT

Meeting Date: August 25, 2020

Item Number: 5.a.

Prepared by: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Time extension for outdoor dining, outdoor commercial uses, and outdoor assembly services until the COVID-19 pandemic restrictions have been removed.

Applicant: City of Clayton

RECOMMENDATION

It is recommended that the Planning Commission adopt a Resolution to extend the time allowed for outdoor dining, outdoor commercial uses, and outdoor assembly services until the COVID-19 pandemic restrictions have been removed.

DISCUSSION

The city is experiencing the effects of the COVID-19 pandemic, especially the businesses ("establishments") within the city boundaries. In attempts to assist our businesses to survive during this time, the city has issued Temporary Use Permits (TUP) for outdoor dining, outdoor commercial uses, and outdoor assembly services. However, the TUP has a time limitation of 45 days unless the Planning Commission grants a time extension for the TUP.

The time extension would not have a specific end date because it is not known when and if the COVID-19 pandemic restriction will be removed. The TUP end date would be determined by the removal of the COVID-19 pandemic restrictions.

If approved, the time extension would be for TUP 02-2020, TUP 03-2020, TUP 04-2020, and TUP 05-2020. The time extension would also be applied to any future approved Temporary Use Permits that would be submitted for outdoor dining, outdoor commercial uses, and outdoor assembly services.

ATTACHMENTS

- A Planning Commission Resolution No. 01-2020
- B TUP-02-2020, TUP-03-2020, TUP-04-2020, and TUP-05-2020

**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 01-2020**

**A PLANNING COMMISSION RESOLUTION TO EXTEND THE TIME ALLOWED FOR OUTDOOR DINING,
OUTDOOR COMMERCIAL USES, AND OUTDOOR ASSEMBLY SERVICES UNTIL THE COVID-19 PANDEMIC
RESTRICTIONS HAVE BEEN REMOVED
(TUP-06-2020)**

WHEREAS, the City wishes to provide establishments in Clayton the opportunity to operate at their best under current circumstances related to the COVID-19 pandemic restrictions by allowing certain Temporary Use Permits to be in effect until the COVID-19 pandemic restrictions are removed, thus allowing the establishments to operate under “normal conditions”; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, on August 25, 2020, the Clayton Planning Commission held a duly-noticed public hearing on the matter, and received and considered testimony, both oral and documentary; and

WHEREAS, the Planning Commission has determined that the proposed time extension of certain Temporary Use Permits do not conflict with and are in general conformance with the City of Clayton General Plan.

NOW, THEREFORE, the Planning Commission of the City of Clayton resolves as follows:

SECTION 1: The above recitals are true, correct, and material to this Resolution.

SECTION 2: FINDINGS

1. The Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.
2. The project is not subject to the California Environmental Quality Act (CEQA) because the project qualifies as a Class 4 categorical exemption under CEQA Guidelines Section 15304 “Minor Alterations to Land.”

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Examples include but are not limited to: Minor temporary use of land having negligible or no permanent effects on the environment because the proposed use would be temporary for a period and would not involve any permanent alterations to the site.

3. That the establishment, maintenance, or operation of the temporary use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.
4. That the temporary use is consistent with the applicable provisions of the General Plan and other applicable laws of the City
5. The use is temporary and would not have permanent aesthetic impacts and any visual impacts would be negligible and would not adversely impact the surrounding commercial area and businesses.

PASSED AND ADOPTED at a meeting of the Planning Commission of the City of Clayton, California, held on the 25th day of August, 2020.

APPROVED:

ATTEST:

Peter Cloven
Chair

Matthew Feske
Community Development Director

Prepared By:

Milan J. Sikela, Jr.
Assistant Planner



6000 Heritage Trail, Clayton, CA 94517
 Phone No. 925.673.7300 Fax No. 925.672.4917
www.ci.clayton.ca.us

Temporary Use Permit Application

As provided in the Clayton Municipal Code Title 17, Chapter 17.70

Below: Office Use Only **NOT COLLECTED**

File No: TUP 02-2020 Fee: \$195 COVID19*

Received By: R. Hoppmeier

Date: 7/1/20 Receipt No: N/A

Please clarify any questions with the Planning Staff prior to completing this form. Please print or type legibly. Attach additional sheets if necessary. Incomplete applications will not be accepted.

1. Applicant/Property Owner Contact Information: Phone Number: 672-1333

Applicant Name: Ed Moresi Applicant Email: _____
 Property Owner Name: Ingrid Hempell Property Owner Email: _____

2. Submittal Requirements:

The number of copies of each of the items below, which constitutes a complete Application Submittal Packet, will be determined by the Community Development Director. If not specified, assume only one copy is needed. If applicable, all plans and analyses shall be at scale 1"=20' for site planning and 1/8"=1' or greater for elevations and floor plans. Please submit the following information in the order in which it is outlined below. Additional items may be required by the Community Development Director.

☐ Community Development General Application

☒ Temporary Use Permit Application - use of on-site private parking lot for outdoor dining beverages due to COVID at 6115 main st. - moresi's chop house

☐ Processing Fee \$ _____ (Make check payable to the City of Clayton)

☐ Letter of Explanation Mark One: ☐ Attached ☐ Included below in Part 3 of this application

☐ Plans showing location of proposed use delineating, if applicable, parking, signage, fencing, etc- max size 11"x17"

☐ Photographs/Graphics showing the relationship of the subject parcel(s) identified to the surrounding properties. Include aerials such as Google Earth maps, and perspective photographs, as applicable.

3. Statement of Operation: Type and attach response to 3a-3d below

Dates of Temporary Use: From: _____ To: see Attached
 Hours of Temporary Use: From: _____ To: _____

In order to assure that the general health, safety and welfare of the community will be preserved with such temporary uses, conditions relating to each individual event may be imposed upon the applicant. If any of the conditions below apply to the requested Temporary Use Permit, explain how each condition will be successfully addressed.

- a. Bonding for police and maintenance services: _____
- b. Temporary parking and signing controls: _____
- c. Temporary fencing or barricades as necessary: _____
- d. Noise, dust and odor control: _____

4. Staff Comments: [office use only] If your comments are attached, please place a check mark in the box.

☒ Chief of Police: Eusebio

☒ Maintenance Department: for JW

☐ Community Development Director: Murphy

5. Action by City Manager:

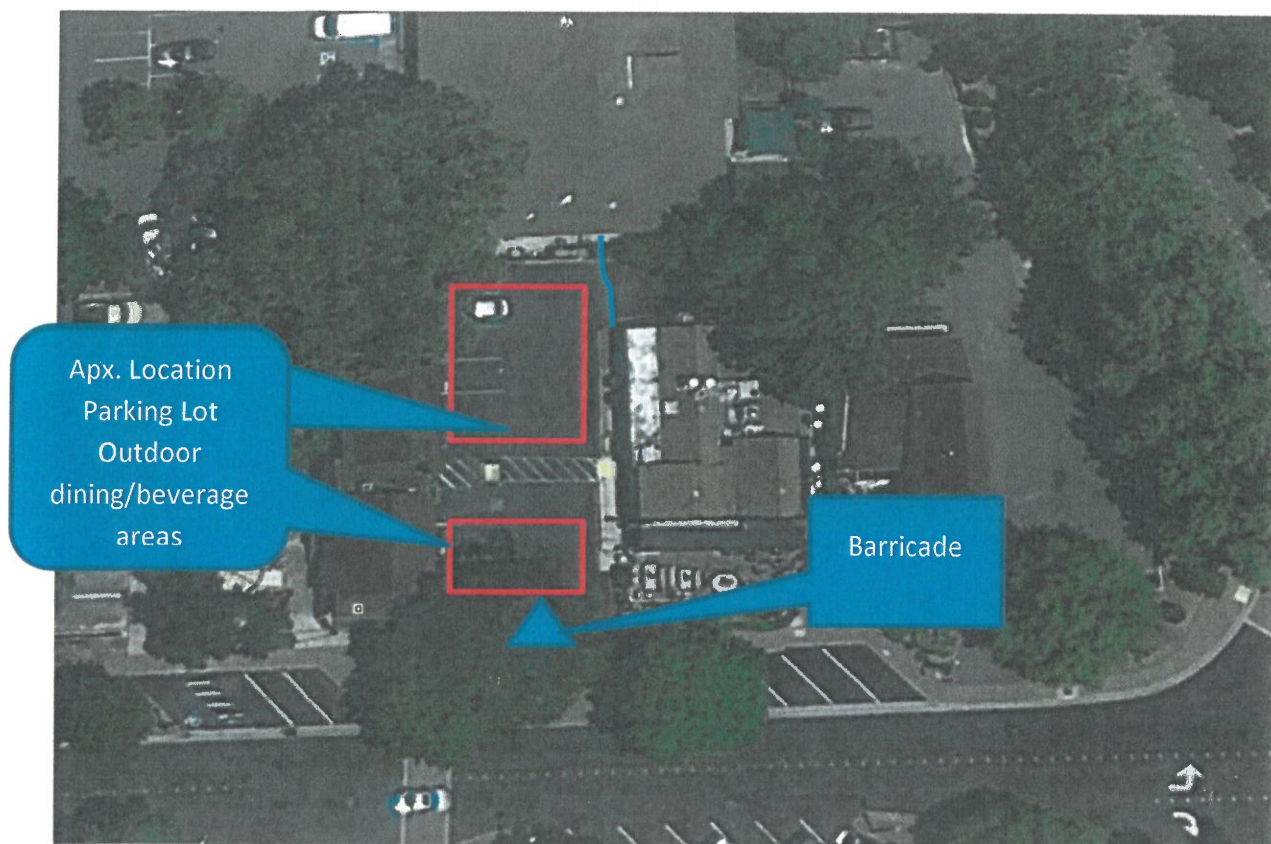
☒ Approved

☐ Denied

City Manager's Signature: Bauer/Hoppmeier

Date: 7/16/20

ATTACHMENT B



Moresi's Chophouse 6115 Main Street

Covid 19 --On site private parking lot outdoor dining/beverage diagram

All set up and operation to be in compliance with applicable County/State regulations

Moresi's Chophouse

Address: 6115 Main St, Clayton, CA 94517

Hours:

Friday 4–7:30PM

Saturday 4–7:30PM

Sunday 4–7:30PM

Monday Closed

Tuesday 4–7:30PM

Wednesday 4–7:30PM

Thursday 4–7:30PM

[Suggest an edit](#)

Mon Closed

Tue 3:30 pm - 9:00 pm

Wed 3:30 pm - 9:00 pm

Thu 3:30 pm - 9:00 pm

Fri 3:30 pm - 9:00 pm

Sat 3:30 pm - 9:00 pm

Sun 3:30 pm - 9:00 pm

[Open now](#)



6000 Heritage Trail, Clayton, CA 94517
 Phone No. 925.673.7300 Fax No. 925.672.4917
www.ci.clayton.ca.us

Temporary Use Permit Application

As provided in the Clayton Municipal Code Title 17, Chapter 17.70

Below: Office Use Only

File No: TUP 03-2020 Fee: \$195

* NOT Collected
COVID
19

Received By: R. Hoppmeier

Date: 7/7/20 Receipt No: P/A

Please clarify any questions with the Planning Staff prior to completing this form. Please print or type legibly. Attach additional sheets if necessary. Incomplete applications will not be accepted.

1. Applicant/Property Owner Contact Information: Phone Number: 524-0061

Applicant Name: ANIS MAMMOUR

Applicant Email: _____

Property Owner Name: McHugh

Property Owner Email: _____

2. Submittal Requirements:

The number of copies of each of the items below, which constitutes a complete Application Submittal Packet, will be determined by the Community Development Director. If not specified, assume only one copy is needed. If applicable, all plans and analyses shall be at scale 1"=20' for site planning and 1/8"=1' or greater for elevations and floor plans. Please submit the following information in the order in which it is outlined below. Additional items may be required by the Community Development Director.

☐ Community Development General Application

☒ Temporary Use Permit Application

use of on-site private parking lot for outdoor dining/beverages due to COVID at 6201 Center St. - LA Veranda

☐ Processing Fee \$ _____ (Make check payable to the City of Clayton)

☐ Letter of Explanation Mark One: ☐ Attached ☒ Included below in Part 3 of this application

☒ Plans showing location of proposed use delineating, if applicable, parking, signage, fencing, etc- max size 11"x17"

☒ Photographs/Graphics showing the relationship of the subject parcel(s) identified to the surrounding properties. Include aerials such as Google Earth maps, and perspective photographs, as applicable.

3. Statement of Operation: Type and attach response to 3a-3d below

Dates of Temporary Use: From: _____ To: _____

Hours of Temporary Use: From: _____ To: _____

outdoor parking lot dining-on site parking lot
See attached due to COVID

In order to assure that the general health, safety and welfare of the community will be preserved with such temporary uses, conditions relating to each individual event may be imposed upon the applicant. If any of the conditions below apply to the requested Temporary Use Permit, explain how each condition will be successfully addressed.

- a. Bonding for police and maintenance services
- b. Temporary parking and signing controls
- c. Temporary fencing or barricades as necessary
- d. Noise, dust and odor control

4. Staff Comments: [office use only] If your comments are attached, please place a check mark in the box.

☒ Chief of Police: [Signature]

☒ Maintenance Department: [Signature]

☒ Community Development Director: [Signature]

5. Action by City Manager:

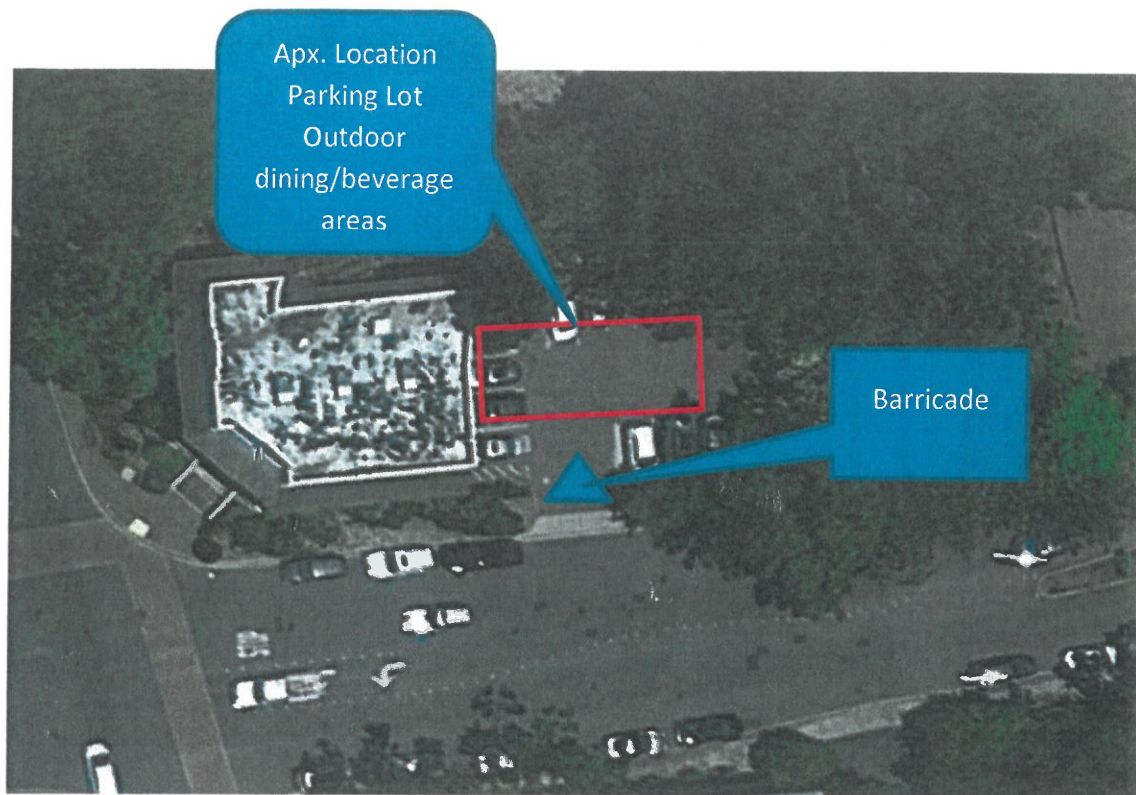
☒ Approved

☐ Denied

per TUP conditions

City Manager's Signature: [Signature]

Date: 7/16/20



La Veranda Café 6201 Center Street

Covid 19 --On site private parking lot outdoor dining/beverage diagram

All set up and operation to be in compliance with applicable County/State regulations

La Veranda :

6201 Center Street

Clayton, CA 94517

Phone: 925-524-0011

Email: laverandaclayton@hotmail.com

Hours of operation:

Monday to Friday : 11:30AM – 9PM

Saturday and Sunday : 10AM – 9PM

Happy Hours Monday to Sunday : 4 – 6PM



6000 Heritage Trail, Clayton, CA 94517
 Phone No. 925.673.7300 Fax No. 925.672.4917
www.ci.clayton.ca.us

Temporary Use Permit Application

As provided in the Clayton Municipal Code Title 17, Chapter 17.70

Below: Office Use Only

File No: TUP 04-2020 Fee: N/A COVID
 Received By: [Signature]
 Date: 6/18/20 Receipt No: N/A
323-9493

Please clarify any questions with the Planning Staff prior to completing this form. Please print or type legibly. Attach additional sheets if necessary. Incomplete applications will not be accepted.

1. Applicant/Property Owner Contact Information: Phone Number: 925-673-9060

Applicant Name: Clayton Community Church

Applicant Email: info@claytoncc.com

Property Owner Name: Shawn Robinson

Property Owner Email: srobinson@claytoncc.com

2. Submittal Requirements:

The number of copies of each of the items below, which constitutes a complete Application Submittal Packet, will be determined by the Community Development Director. If not specified, assume only one copy is needed. If applicable, all plans and analyses shall be at scale 1"=20' for site planning and 1/8"=1' or greater for elevations and floor plans. Please submit the following information in the order in which it is outlined below. Additional items may be required by the Community Development Director.

☐ Community Development General Application

☒ Temporary Use Permit Application

☒ Processing Fee \$ N/A (Make check payable to the City of Clayton)

☒ Letter of Explanation Mark One: ☒ Attached ☐ Included below in Part 3 of this application

☒ Plans showing location of proposed use delineating, if applicable, parking, signage, fencing, etc- max size 11"x17"

☐ Photographs/Graphics showing the relationship of the subject parcel(s) identified to the surrounding properties. Include aerials such as Google Earth maps, and perspective photographs, as applicable.

3. Statement of Operation: Type and attach response to 3a-3d below

Dates of Temporary Use: From: Sunday, July 5th To: Sunday, July 26th

Hours of Temporary Use: From: 8:00am To: 1:00pm

In order to assure that the general health, safety and welfare of the community will be preserved with such temporary uses, conditions relating to each individual event may be imposed upon the applicant. If any of the conditions below apply to the requested Temporary Use Permit, explain how each condition will be successfully addressed.

- a. Bonding for police and maintenance services
- b. Temporary parking and signing controls
- c. Temporary fencing or barricades as necessary
- d. Noise, dust and odor control

RECEIVED
JUN 18 2020
 CITY OF CLAYTON
 COMMUNITY DEVELOPMENT DEPT.

4. Staff Comments: [office use only] If your comments are attached, please place a check mark in the box.

☒ Chief of Police: [Signature]

☒ Maintenance Department: [Signature] FOR MAINTENANCE SUPERVISOR JIM WAREHOUT.

VERBAL OK FOR ME TO AUTHORIZE PROVIDED AUG 7, 2020.

☒ Community Development Director: [Signature] FOR COMMUNITY DEVELOPMENT DIRECTOR MATTHEW FESKE.

VERBAL AUTHORIZATION FOR ME TO SIGN PROVIDED ON AUG 7, 2020.

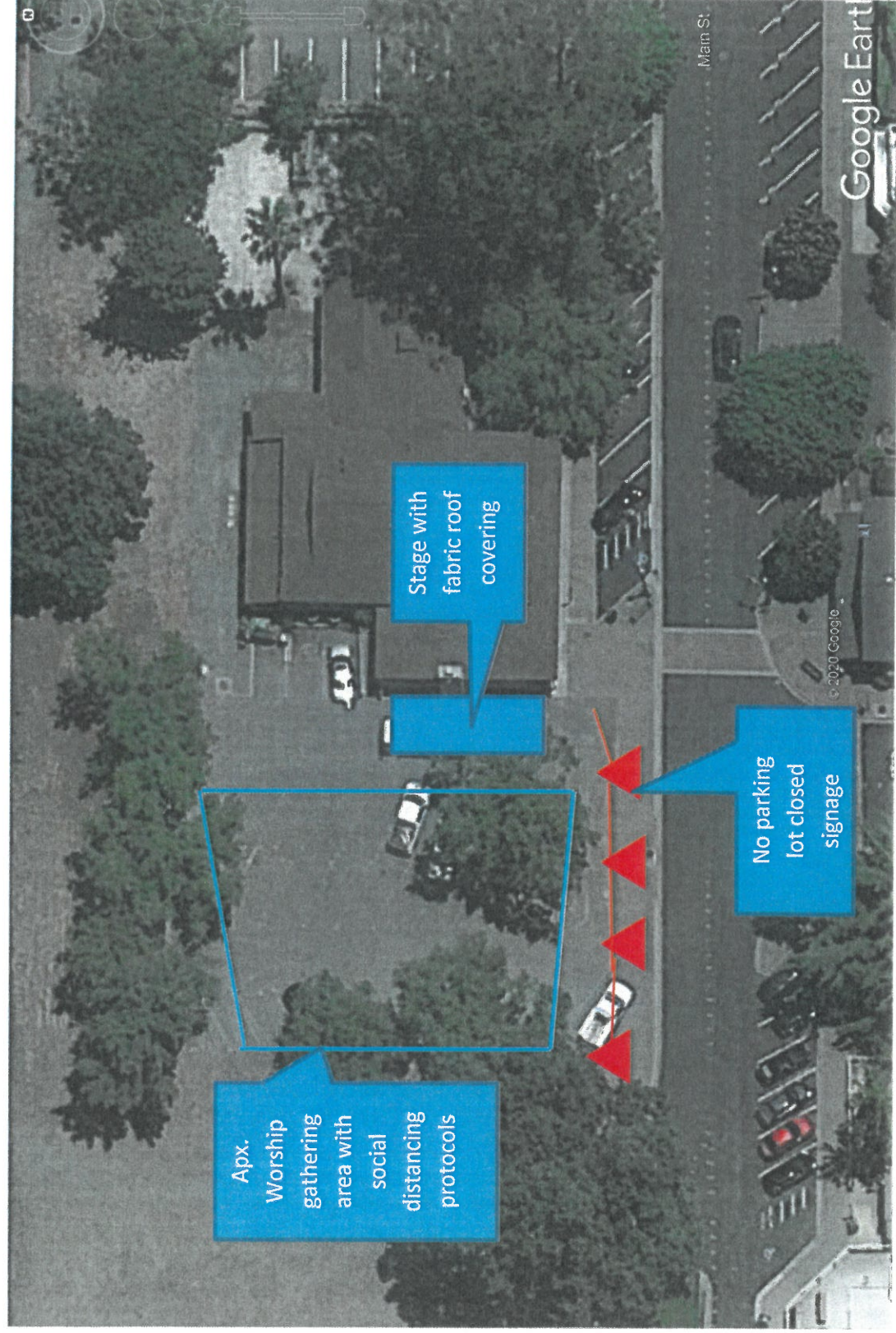
5. Action by City Manager:

☒ Approved

☐ Denied

Francis M. Roberto
 City Manager's Signature:

Date: 8/7/2020



Clayton Community Church Outdoor worship at on site Church Office Parking Lot due to Covid restrictions – 6055 Main Street

Stage next to building with audience in parking lot socially distanced by family with masks and other protocol as required by County and or State Health



6000 Heritage Trail, Clayton, CA 94517
 Phone No. 925.673.7300 Fax No. 925.672.4917
www.ci.clayton.ca.us

Temporary Use Permit Application

As provided in the Clayton Municipal Code Title 17, Chapter 17.70

Below: Office Use Only

File No: TUP-05-2020 Fee: N/A Covid 19

Received By: A. Hoppmeister

Date: 7/25/20 Receipt No: N/A Covid 19

Please clarify any questions with the Planning Staff prior to completing this form. Please print or type legibly. Attach additional sheets if necessary. Incomplete applications will not be accepted.

1. Applicant/Property Owner Contact Information: Phone Number: 672-6900

Applicant Name: Shelly Baker

Applicant Email: shelly@frontiersalon.com

Property Owner Name:

Property Owner Email:

2. Submittal Requirements:

Frontier Salon - 6064 Main St.

The number of copies of each of the items below, which constitutes a complete Application Submittal Packet, will be determined by the Community Development Director. If not specified, assume only one copy is needed. If applicable, all plans and analyses shall be at scale 1"=20' for site planning and 1/8"=1' or greater for elevations and floor plans. Please submit the following information in the order in which it is outlined below. Additional items may be required by the Community Development Director.

☐ Community Development General Application

☒ Temporary Use Permit Application

☒ Processing Fee \$ N/A (Make check payable to the City of Clayton)

☐ Letter of Explanation Mark One: ☒ Attached ☐ Included below in Part 3 of this application

☒ Plans showing location of proposed use delineating, if applicable, parking, signage, fencing, etc- max size 11"x17"

☐ Photographs/Graphics showing the relationship of the subject parcel(s) identified to the surrounding properties. Include aerials such as Google Earth maps, and perspective photographs, as applicable.

3. Statement of Operation: Type and attach response to 3a-3d below

Dates of Temporary Use: From: 7/27/20 To: 9/30/20 Tues - SAT

Hours of Temporary Use: From: 9 AM To: 9 PM

In order to assure that the general health, safety and welfare of the community will be preserved with such temporary uses, conditions relating to each individual event may be imposed upon the applicant. If any of the conditions below apply to the requested Temporary Use Permit, explain how each condition will be successfully addressed.

a. Bonding for police and maintenance services

b. Temporary parking and signing controls N/A

c. Temporary fencing or barricades as necessary

d. Noise, dust and odor control

4. Staff Comments: [office use only] If your comments are attached, please place a check mark in the box.

☒ Chief of Police: [Signature]

☒ Maintenance Department: [Signature]

☒ Community Development Director: [Signature] 07-29-2020

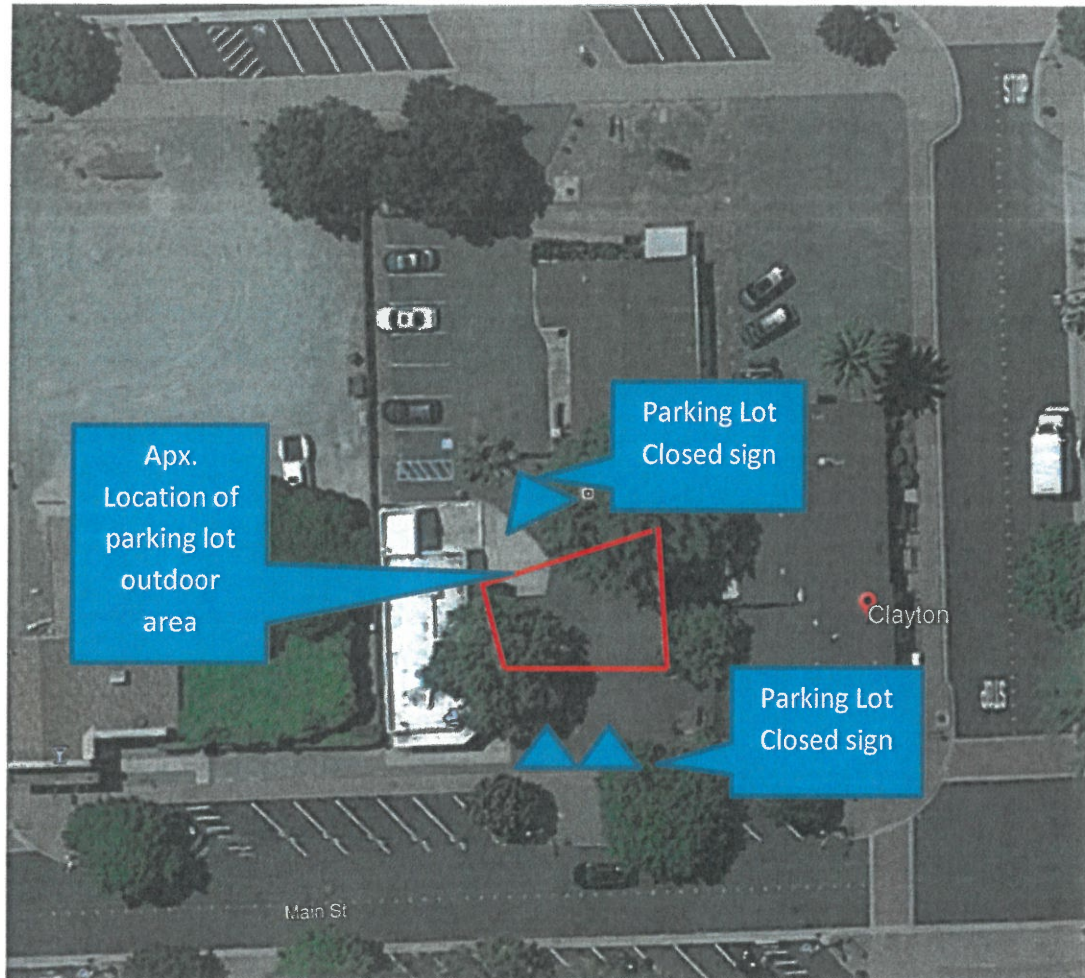
5. Action by City Manager:

☒ Approved

☐ Denied

City Manager's Signature: Francis M. Roberts

Date: 7/29/20



Frontier Salon Outdoor on-site parking lot use for Hair services as allowed under County and or State Health regulation's due to Covid – 6064 Main Street



Frontier Salon Outdoor on-site parking lot use for Hair services as allowed under County and or State Health regulation's due to Covid – 6064 Main Street