



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, June 26, 2012
Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Chair Richardson to report at the City Council meeting on July 3, 2012.

Public Comment

Approval of Minutes

- 2. Approval of minutes from the meeting of June 12, 2012.

Public Hearing

- 3. **HOP 07-12, Home Occupation Permit, Jessica Relei**, 8140 Marsh Creek Road, APN 078-020-040. A request for a Home Occupation Permit to consider allowing a hair cutting and hair coloring business to operate in a single-family residence

Proposed Action: Approve, with conditions.

Old Business

- 4. **CDD 01-12, Solar Access Rights, City of Clayton.**

Proposed Action: Review and provide comments to staff regarding the write-up prepared by staff of this study session item from the June 12, 2012 Planning Commission meeting. The final write-up will be presented to the City Council.

New Business

- 5A. Resolution recognizing Commissioner Bob Armstrong's service on the Planning Commission.
- 5B. Appointment to TRANSPAC (Transportation Partnership and Cooperation) Committee.

Communications

- 6A. Staff.
- 6B. Commission.

Adjournment

- 7. The next meeting of the Planning Commission is scheduled for **Tuesday, July 10, 2012.**

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, June 12, 2012

Call to Order

Chair Dan Richardson called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Dan Richardson, Vice Chair Haydon, Commissioner Bob Armstrong, Commissioner Sandra Johnson, and Commissioner Gregg Manning

Absent: None

Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.

Administrative

1A. Review of agenda items.

1B. Commissioner Manning to report at the City Council meeting on June 19, 2012.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of May 22, 2012.

Commissioner Manning moved and Commissioner Johnson seconded a motion to approve the minutes, as submitted. The motion passed 5-0.

Public Hearing

3. None.

Old Business

4. None.

New Business

5. **GPA 01-12, Capital Improvement Plan (CIP) Conformity with General Plan, City of Clayton.** Review of the City of Clayton CIP projects projected to be undertaken in the coming fiscal year (FY 2012 – 2013) for conformity with the General Plan.

Director Woltering presented the staff report, noting staff identifies in the report those CIP projects that may move forward during the ensuing 2012-13 fiscal year. He indicated that, within the report, staff describes how the proposed projects conform to various policies, goals, and objectives contained within the City's General Plan. He added that staff finds the Clayton Road Median Landscape Project (CIP No. 10430) to conform to the General Plan by supporting Objective 2 of the Community Design Element "...to maintain landscape and natural vegetation found in Clayton as a means to provide greenery, open space, development buffer and rural atmosphere."

Commissioner Johnson had the following questions:

- The CIP list identifies all projects slated for completion in the next “five” fiscal years? *Director Woltering agreed and, then, indicated from the five-year project CIP list, staff identified those projects that may move forward during the next fiscal year for a determination of conformity with the City’s General Plan by the Planning Commission, as required by State law.*
- What happens to the projects that are not undertaken or not completed? *Director Woltering indicated that projects not initiated or completed would be rolled over into next year’s five-year CIP list.*
- How are projects prioritized? *Director Woltering indicated that projects go forward as funding for these projects becomes available and are given City Council authorization to proceed.*

Commissioner Armstrong had the following comment and question:

- Regarding the ADA Compliance Program (CIP No. 1039A), it seems that the \$6,000 allotment is not a very large amount for this project and would only cover the cost of possibly one new curb cut per year.
- Is the Neighborhood Street Rehab Project (CIP No. 10411) part of the Complete Streets project? *Director Woltering responded that the Neighborhood Street Rehab Project is not part of Complete Streets. Street rehabilitation involves maintenance and upkeep in the form of repaving and slurry sealing, not re-construction of the street in accordance with Complete Streets standards.*

Vice Chair Haydon had the following question and comments:

- Regarding the Cardinet Trail Restoration Project (CIP No. 10421), he noticed that funds were allocated last year; is this a rollover from last year? *Director Woltering indicated, yes, as the City will need to work with the Department of Fish and Game to address erosion of the creek bank.*
- The longer we wait to address erosion of the creek bank, the more the erosion will continue, and, as a result, more work will need to be done to mitigate erosion.
- Regarding the Lydia Lane Park Parking Rehabilitation (CIP No. 10428), a slurry seal would prolong the life of the parking lot, similar to what was done at the City Hall and Library parking lots.

Vice Chair Haydon moved and Commissioner Manning seconded the motion to find the City’s identified CIP projects for the 2012-2013 fiscal year, as presented by staff with the indicated supporting policies, goals, and objectives from the Clayton General Plan, are in conformity with the General Plan, as stated below. The motion passed 5-0.

1. ADA Compliance Program (CIP No. 1039A) \$6,000
Each year the City sets aside \$6,000 of its annual Gas Tax revenues to build up sufficient revenues to perform handicap ramp corner cuts on public sidewalks. In addition to installing these ADA ramps where none exist, there may be revamping of existing ramps to satisfy current standards when street or sidewalk projects are installed in the adjacent area. These monies may also be used to repaint and remark existing ADA public parking spaces to current standards.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to “[p]rovide systematic upgrades of streets and roads to applicable standards.”

2. 2012 Neighborhood Street Rehab Project (CIP No. 10411) \$633,705
Merging annual Gas Tax monies and Measure J monies expected this fiscal year and residuals unused last fiscal year, the City has the opportunity to conduct another Neighborhood Street repaving and/or slurry seal project. Determination of which streets are candidates for improvement is decided by the City Council using the City’s Pavement Condition Index rating. The time schedule for performance of this Project is slated for the summer of 2013.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to “[p]rovide systematic upgrades of streets and roads to applicable standards.”

3. East Marsh Creek Road Upgrade (CIP No. 10414) \$1,081,000
Receiving additional Measure J monies from the Contra Costa Transportation Authority’s regional project fund, this capital improvement involves the widening of the roadway along east Marsh Creek Road (from Regency Drive to the City limit line) to provide two full-width travel lanes, continuity of bicycle lanes, and right-of-way shoulders and pedestrian paths.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to “[p]rovide systematic upgrades of streets and roads to applicable standards” and Policy 9b of the Circulation Element to “[s]eek State and County support for developing and support of through traffic arterials.”

4. Cardinet Trail Restoration Project (CIP No. 10421) \$50,000
Landscape Maintenance District funds were allocated last fiscal year to perform corrective work on a portion of this well-traveled trail to halt the erosion of the creek bank and elevated pathway. It is contemplated the trail restoration will be addressed this fiscal year.

These improvements conform to the General Plan by supporting Objective 2 of the Community Design Element “... to maintain landscape and natural vegetation found in Clayton as a means to provide greenery, open space, development buffer and rural atmosphere” and Objective 3 of the Community Design Element to “[p]romote use of the greenbelt system to encourage non-motorized travel throughout the city.”

5. Collector Street Rehabilitation Project (CIP No. 10425) \$361,438
The City has been informed that it will receive federal Local Streets & Roads Shortfall funding by the federal government in its adoption of a FY 2013 Budget in October. These grant funds are restricted for use on arterial or collector streets in our community. At its May 15th meeting, the City Council earmarked receipt of these federal monies (\$285,438) along with \$76,000 in local Gas Tax funds (satisfying the local match requirement) for resurfacing the entire length of Regency Drive (from Marsh Creek Road to its cul-de-sac). Due to federal budget timing and release of funds, this Project will likely take place in the spring of 2013.

The maintenance of Clayton streets conforms to the General Plan by supporting Policy 9c of the Circulation Element to “[p]rovide systematic upgrades of streets and roads to applicable standards.”

6. City Hall Parking Area Rehabilitation (CIP No. 10426) \$27,000
The public parking lot for City Hall is showing signs of deterioration and, except for crack sealing, has not received maintenance treatment since the opening of City Hall in 1998. Regular resurfacing of this infrastructure is necessary to preserve the initial capital investment. Presently, this potential project has been approved as a deductive bid item in the upcoming 2012 Neighborhood Street Rehab Project bid (CIP No. 10411), although funding has not yet been identified (likely General Fund reserves).

These improvements conform to the General Plan by supporting Policy 1g of the General Plan to “[i]dentify needs for public facilities including...library and cultural facilities.”

7. Library Parking Lot Rehabilitation (CIP No. 10427) \$51,000
Similar to above project’s circumstance, the public parking lot for the Clayton Community Library is also displaying signs of deterioration and except for crack sealing it has not received maintenance treatment since the Library’s opening in 1995. Presently, this potential project has been approved as a deductive bid item in the upcoming 2012 Neighborhood Street Rehab Project bid (CIP No. 10411), although funding has not yet been secured (likely General Fund reserves).

These improvements conform to the General Plan by supporting Policy 1g of the General Plan to “[i]dentify needs for public facilities including...library and cultural facilities.”

8. Lydia Lane Park Parking Rehabilitation (CIP No. 10428) \$11,000
Akin to the above two projects’ circumstances, this public park’s parking lot is in poor condition and has never received maintenance treatment since the Park’s opening in 1988. Presently, this potential project has been approved as a deductive bid item in the upcoming 2012 Neighborhood Street Rehab Project bid (CIP No. 10411), although funding has not been secured yet (likely General Fund reserves).

These improvements conform to the General Plan by supporting Objective 3 of the Community Facilities Element to “provide cultural and sports facilities for the community.”

9. 2012 Trail Repaving Project (CIP No. 10429) \$50,000
Several years ago with the last Neighborhood Street Rehab Project, the City (through the Trails and Landscape Maintenance District) resurfaced the Bruce Lee Trail from north of Regency Drive to Grenache Circle. Last fiscal year the Trails and Landscape District set aside \$50,000 in its approved Budget to finish resurfacing of the remaining segment of this trail (from Grenache Circle to Center Street), and it is contemplated this work will be implemented in conjunction with CIP No. 10411 (2012 Neighborhood Street Project).

These improvements conform to the General Plan by supporting Objective 2 of the Community Design Element “... to maintain landscape and natural vegetation found in Clayton as a means to provide greenery, open space, development buffer and rural atmosphere” and Objective 3 of the Community Design Element to “[p]romote use of the greenbelt system to encourage non-motorized travel throughout the city.”

10. Clayton Road Median Landscape Project (CIP No. 10430) \$320,000
Recommended by the citizens’ Trails and Landscaping Maintenance District Oversight Committee and approved by the City Council at its May 1st meeting, a bid has been awarded and work is already underway to implement the landscaping design, install plants and landscape features, and upgrade the irrigation system efficiency of the Clayton Road median from the Clayton Fountain to the intersection at Mitchell Canyon Road. Included in this Project is landscaping and irrigation system for the vacant terraced walls on Clayton Road east of the CVS/Pharmacy. Project is expected for completion by mid-August 2012.

These improvements conform to the General Plan by supporting Objective 2 of the Community Design Element “... to maintain landscape and natural vegetation found in Clayton as a means to provide greenery, open space, development buffer and rural atmosphere.”

11. Daffodil Hill Beautification Project (CIP No. 10431) \$ 44,500
In partnership with the Clayton Business and Community Association (CBCA), the City through a negotiated Change Order on CIP No. 10430 above will be completing the approved landscape plan for this prominent sloped corner at the intersection of Clayton Road and old Marsh Creek Road. Each party has agreed to equally share the improvement expense, and the project is scheduled for completion by mid-August 2012.

These improvements conform to the General Plan by supporting Objective 2 of the Community Design Element “... to maintain landscape and natural vegetation found in Clayton as a means to provide greenery, open space, development buffer and rural atmosphere.”

5B. CDD 01-12, Solar Access Rights, City of Clayton. Study session to consider methods for addressing the impact of vegetation on solar access rights.

Director Woltering presented the staff report, and indicated that, in summary, the focus of the study session is two competing objectives: the planting of trees and vegetation for, among other reasons, their aesthetic value and shading benefits; and, the increased use of solar collectors to generate electricity and, thereby, reduce dependency on non-renewable resources, in accordance with the California Green Code (Building Code). He stated, as an example, that the City of Berkeley uses a mediation system to balance the two interests and some communities are even more involved. He concluded by stating that existing State regulation, the California Solar Shade Control Act (CSSCA), which regulates trees installed after installation of solar collectors, is the City of Clayton's basic guide for resolving these matters.

Commissioner Manning had the following questions and comment:

- Does the term "neighboring property" mean the property directly adjacent or could it be a property that is located in close proximity whose trees could impact solar collectors on the impacted property? *Director Woltering indicated the interpretation would be that "neighboring property" typically refers to the adjacent property. However, if vegetation on another property would be determined to meet the CSSCA's threshold for adverse impact (i.e., the 10% threshold), a case could be made that the property owner would need to modify his/her trees/vegetation in order to comply with the requirements of the CSSCA.*
- Is the 10% coverage applicable any time of year, either winter or summer? *Director Woltering responded "Yes."*
- We have dealt with issues related to construction blocking the views of Mt. Diablo through the site plan review permit process.
- Has the City Council expressed interest in this issue? *Director Woltering responded that the City Council has not expressed interest in this issue at this time and added that this matter originated as a Code Enforcement complaint.*

Commissioner Johnson had the following questions and comments:

- Does the 10% coverage apply to all trees? *Director Woltering indicated that trees planted before the installation of solar collectors are exempt. Furthermore, a replacement tree planted in place of a removed tree that was planted before the solar collectors were installed is also exempt.*
- Did the property owner with the trees present a site plan? *Director Woltering indicated, yes, and that the site plan showed shrubs where trees are now planted; however, the trees are not in violation of CSSCA standards.*
- It seems to boil down to whichever was there first (trees or solar collectors) has the right.
- The CSSCA appears sufficient to address this issue.
- Does not want the City to get into the business of being a direct arbitrator regarding this issue.

Chair Richardson had the following comments:

- It has been my experience with working to preserve views, whoever is first in constructing or planting has the stronger position.

- With matters related to tree plantings that would impact neighboring properties, in my line of work the City often became the arbitrator. What I noticed during these arbitrations is how much time the City spent on dealing with these issues. With regard to the City of Clayton, I want to avoid burdening the City with being the arbitrator. Individuals often look to local agencies and jurisdictions to resolve conflicts. We do not need more legislation. We already have the CSSCA guidelines in place to govern these types of issues. *Director Woltering suggested that, during reviews of landscape plans or tree planting plans, the City could look more closely that proper trees are planted which would not, at some future time, impact existing solar collectors. He cautioned, though, that property owners of the 4,000 or so properties in the community will be installing plant materials over the course of time, making City monitoring of this issue extremely difficult.*

Commissioner Armstrong commented that a memorandum outlining the Planning Commission's consensus that the CSSCA sufficiently addresses the issues related to trees and solar collectors would be useful. *Director Woltering indicated that a draft summary of Planning Commission comments related to this issue could be prepared for a position paper for Commission review. Once comments are received from the Commission regarding the position paper, the position paper could be finalized and formally presented to the City Council.*

The Planning Commission reached a consensus that staff prepare a draft position paper for Commission review and, once finalized, have the position paper formally presented to the City Council.

Communications

6A. Staff.

Community Development Director Woltering provided updates on the current status of the Silver Oak Estates subdivision project and the Clayton Community Church project.

6B. Commission – None.

Adjournment

7. The meeting was adjourned at 7:45 p.m. to the following regularly-scheduled meeting of June 26, 2012.


Submitted by
David Woltering, AICP
Community Development Director

Approved by
Dan Richardson
Chair

Plng Comm\Minutes\2012\0612

PLANNING COMMISSION STAFF REPORT

Meeting Date: June 26, 2012

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Relei Home Occupation Permit (HOP 07-12)

REQUEST

A request for consideration of a home occupation permit to allow a hair cutting and hair coloring business to operate in a single-family residence.

PROJECT INFORMATION

Applicant/Location: Jessica Relei
8140 Marsh Creek Road
Clayton, California 94517
APN 078-020-040
(See **Attachment 1** for Location Map)

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

Zoning: Planned Development.

Environmental Review: Categorically exempt per Sections 15305 of the California Environmental Quality Act (CEQA) Guidelines.

Public Notice: On June 15, 2012, a public hearing notice was posted at the notice boards and mailed to property owners within 300 feet of the site.

Agency Referrals: Comments received from the Department of Consumer Affairs Board of Barbering and Cosmetology have been integrated into the staff report.

Authority: Section 17.44.020 of the Clayton Municipal Code (CMC) authorizes the Planning Commission to approve a home occupation permit in accordance with the standards of review in CMC Section 17.70.030.B.

DISCUSSION

The applicant is requesting approval of a home occupation permit to provide hair cutting and hair coloring services from a single-family residence that involves clients visiting the subject residence. A written home occupation description has been provided by the applicant (see **Attachment 2**). The proposed home occupation would be conducted from 9:00 a.m. to 5:00 p.m. from Tuesday through Saturday, with a maximum of one client at a time receiving services for a total maximum of four clients per day. The applicant and the applicant's mother would be the only on-site employees. Services would be provided by appointment only. Staff has provided conditions for the above-mentioned operating parameters of the proposed home occupation.

According to the written supplement, the subject property contains a large single-family residence measuring 6,794 square feet in area (5,797 square-foot habitable living area and 997 square-foot garage). One of rooms in the residence will be used to provide services. Plentiful off-street parking will be provided on the 0.75-acre subject site. Given the ample on-site area and minimal amount of clients receiving service at any given time, there will be no parking impact to public areas or adjacent properties.

OUTSIDE AGENCY COMMENTS

Staff contacted the Department of Consumer Affairs Board of Barbering and Cosmetology (DCABBC) regarding the proposed home occupation. In summary, staff was informed that the applicant would need to obtain a cosmetology license—which the applicant indicated she has already acquired—and an establishment license. Staff has provided a condition that, prior to commencing the home occupation, the applicant obtain approval from the DCABBC and provide documentation of DCABBC approval to the Community Development Director.

In order to ensure ongoing compliance with City standards, staff has provided a condition that, if other changes occur to DCABBC regulations that would in any way allow the home occupation to operate in a manner that would violate City standards, the applicant would be required to cease the home occupation and return to the Planning Commission for additional review.

ANALYSIS AND CONCLUSION

Staff has reviewed the proposal and found that the home occupation, as conditioned, would comply with the Home Occupation Permit Standards of Approval listed in Clayton Municipal Code (CMC) Sections 17.71.020.B.1 through 12 and 17.71.030.B.2 through 4. The home occupation would use only one room in the residence; provide sufficient off-street parking; would not create noise, odor, dust, fume, vibration, or interference impacts to adjacent residential properties and public areas; would have no signage or exterior indication of the home occupation; and would have no outside display or storage of goods and materials. As a result, the home occupation would be compatible with and not change the character of the adjacent residential areas in the neighborhood. Furthermore, CMC Section 17.71.030.B.2 allows a maximum of six clients per day; the applicant is proposing a maximum of four. Based on the proposed business parameters, applicable compliance requirements, and established regulatory mechanisms, the proposed home occupation, as conditioned, complies with City standards.

RECOMMENDATION

Staff recommends that the Planning Commission approve Home Occupation Permit HOP 07-12 to allow hair cutting and hair coloring services to be provided at 8140 Marsh Creek Road, based upon the following Findings of Approval and subject to following Conditions of Approval.

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 07-12, 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, assuming conformance with the proposed Conditions of Approval.

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

PROPOSED CONDITIONS OF APPROVAL

1. The applicant shall comply with the Home Occupation Permit Standards of Approval listed in Clayton Municipal Code Sections 17.71.020.B.1 through 12, and 17.71.030.B.2 through 4.
2. A maximum of one (1) client at a time and four (4) clients per day are allowed on the permitted days for operating the business.
3. All client appointments shall be scheduled. No walk-ins are allowed.
4. The business shall operate 9:00 a.m. to 5:00 p.m. from Tuesday through Saturday.
5. Prior to commencing the home occupation, the applicant shall obtain approval from the Department of Consumer Affairs Board of Barbering and Cosmetology and shall submit documentation of this approval to the Community Development Director.
6. At all times during conduct of the home occupation, the applicant shall obtain and maintain any required Department of Consumer Affairs Board of Barbering and Cosmetology permits as a condition of operating the home occupation, to the satisfaction of the Community Development Director.
7. The applicant shall conduct the home occupation in compliance with all applicable City, County, State, Federal, and other pertinent agency codes, regulations, and/or requirements.
8. In the circumstance that any codes, regulations, and/or requirements of the Department of Consumer Affairs Board of Barbering and Cosmetology, other County agencies, State, Federal, and/or other governing bodies of the home occupation precludes the applicant from conforming with City standards and/or Conditions of Approval, the use shall cease until and unless the Planning Commission allows, or allows with satisfaction of conditions, the home occupation to continue operating, to the satisfaction of the Community Development Director.
9. If future changes occur to Department of Consumer Affairs Board of Barbering and Cosmetology or other outside agency regulations that would in any way allow the home occupation to operate in a manner that would violate City standards, the applicant shall inform the Community Development Director, in accordance with Condition of Approval 8 above.

10. The applicant shall obtain a City business license.
11. 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 NOTE

This Advisory Note is provided to inform the applicant of Clayton Municipal Code 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).

ATTACHMENTS

- 1 Location Map
- 2 Written project description supplement, submitted by the applicant, date stamped June 21, 2012

HOP\2012\07-12.sr.pc.6.26.12.relei

Written Description of the Relei Home Occupation

I am proposing to provide hair cutting and hair coloring services from my residence at 8140 Marsh Creek Road. The hours and days of my home occupation will be 9:00 a.m. to 5:00 p.m. from Tuesday through Saturday. I will have a maximum of one client receiving services at one time, for a total maximum of four clients per day. There will be two on-site employees: myself and my mother.

The subject property contains a single-family residence measuring 6,794 square feet in area (5,797 square-foot habitable living area plus a 997 square-foot garage). The services will be provided in one of the rooms within the home. As a result, only a very small portion of the total habitable floor area on the property will be used for the home occupation.

In the room, I will have a shampooing sink, a shampooing chair, a mirror, and a "rollabout" which will be used for storing combs, brushes, clips, curling irons, blow dryers, scissors, styling products, and hair spray. All my color, developer, gloves, and foil will be stored in a cabinet on another wall with drawers that have space for more towels. I will use an air purifier to assist with removal of any fumes.

Parking will not impact adjacent residential areas or public areas at all since all parking will be provided on-site. The subject property is 0.75 acres in size with plentiful off-street parking space for clients to park their vehicles.

There will be no exterior signage or exterior indication of the home occupation. There will be no outside display or storage of goods or materials. There will be no impacts whatsoever to exterior areas, neighboring properties, or public areas. The home occupation will be compatible with the residential use of the property and to adjacent residential areas. The home occupation will not change the residential character of the site and will not change the character of adjacent residential areas.

RECEIVED
JUN 21 2012
**CLAYTON COMMUNITY
DEVELOPMENT DEPT**

Draft
Memorandum

To: Honorable Mayor Geller and Councilmembers
City Manager Gary Napper

From: Chair Richardson and Planning Commissioners

Date: June 26, 2012

Subject: Solar Access Rights (CDD 01-12)

At the Planning Commission's May 22, 2012 meeting, staff brought to the Commission's attention a code enforcement complaint related to vegetation potentially shading solar collectors on an adjoining property. Staff indicated that State regulations exist to address this matter and that, generally, these matters are addressed privately between neighbors or, if necessary, through the courts. The Commission requested this issue be placed on a future regular agenda to obtain more information on the matter from staff and to determine if the City should be taking a more proactive role in resolving these matters.

The item came back to the Planning Commission at its June 12, 2012 meeting as a Study Session under New Business. Staff provided a number of background materials, including an ordinance from the City of Berkeley wherein Berkeley provides detailed guidance on dispute resolution for matters involving vegetation and related loss of views or solar access. Staff also provided a copy of the California Solar Shade Control Act (CSSCA) which provides specific parameters and thresholds for violation of solar rights.

The threshold for violation in Section 25982 of the CSSCA is that "it prohibits certain tree owners from planting or allowing a newly planted tree or shrubs to cast a shadow over more than ten percent of a solar collector on a neighboring property at any one time during the hours between 10:00 a.m. and 2:00 p.m." However, the CSSCA, as amended in 2008, exempts all trees and shrubs planted prior to the time of the installation of a solar collector.

The Commission reviewed the CSSCA at the June 12, 2012 meeting as well as the City of Berkeley approach of offering detailed guidance on dispute resolution with respect to this issue. The consensus of the Commission after its study and discussion of this matter was that there already exist sufficient regulations at the State level to enable guidance and enforcement of solar access rights. Staff and the Planning Commission should give due consideration to those landscape plans it currently reviews to help avoid, as practicable, loss of solar access rights in the future. However, given staffing levels, available resources, and priorities, the Planning Commission reached a consensus that there is not a need to take an otherwise more proactive role in addressing this issue at this time.

**CITY OF CLAYTON PLANNING COMMISSION
RESOLUTION NO. 03-12**

**RECOGNIZING COMMISSIONER BOB ARMSTRONG'S EXEMPLARY SERVICE
ON THE PLANNING COMMISSION**

WHEREAS, Bob Armstrong was duly appointed by the Clayton City Council to its Planning Commission and attended his first official meeting as a Commissioner on July 11, 2006; and

WHEREAS, Commissioner Armstrong served three consecutive, two-year terms through June of 2012; and

WHEREAS, during his tenure on the Planning Commission, Commissioner Armstrong deliberated on many important public policy matters as a member of the Planning Commission, including comprehensive updates to Elements of the City's General Plan, including the Housing Element and the Growth Management Element, comprehensive updates to the Town Center Specific Plan, and comprehensive updates to the Zoning Ordinance; and

WHEREAS, Commissioner Armstrong also participated in many deliberations on private development applications, including actions related to improvement's at the Clayton Station Shopping Center, the Mitchell Creek Housing Development, and the Diablo Estates at Clayton Subdivision; and

WHEREAS, Commissioner Armstrong also served during his tenure on the Planning Commission as the Commission's representative to TRANSPAC (Transportation Partnership and Cooperation), the Regional Transportation Planning Committee (RTPC) for Central Contra Costa; and

WHEREAS, in addition, Commissioner Armstrong served as Chair of the Commission from August 25, 2009 through July 13, 2010, offering his leadership and guidance to the Commission during this period; and

WHEREAS, Commissioner Armstrong, throughout his tenure on the Planning Commission, was known by his colleagues to assure that, in their deliberations, a broad range of perspectives would be considered, that outcomes would be tempered with common sense and reasonableness, and that the context and vision for Clayton as a "small town" would not to be forgotten.

NOW, THEREFORE, BE IT RESOLVED THAT:

The Planning Commission recognizes Commissioner Bob Armstrong for his exemplary service on the Commission and thanks him for his collegial spirit, good humor, hard work, and friendship.

Adopted by the Planning Commission on _____.

APPROVED

ATTEST

Dan Richardson
Chair

David Woltering, AICP
Community Development Director

TRANSPAC

About Us

TRANSPAC (Transportation Partnership and Cooperation) is the Regional Transportation Planning Committee (RTPC) for Central Contra Costa. It is composed of elected representatives, planning commissioners and technical staff from the six Central Contra Costa jurisdictions including the cities of Clayton, Concord, Martinez, Pleasant Hill, Walnut Creek and the unincorporated area of Central Contra Costa County. TRANSPAC is responsible for the development of transportation plans, projects and programs for the Central County areas as well as the appointment of two representatives to the Contra Costa Transportation Authority who serve alternating two-year terms.

Contra Costa County Regional Map



The TRANSPAC Transportation Demand Management Program implements vehicle trip reduction programs using the '511 Contra Costa' brand. Programs include Employer Outreach to assist employers with development of trip reduction programs, bicycle programs, carpool and transit incentive programs and other projects to encourage commuters and students to try an alternative to driving alone. Visit 511contracosta.org for more details.

TRANSPAC Member Jurisdictions

TRANSPAC member jurisdictions include the cities of Clayton, Concord, Martinez, Pleasant Hill, Walnut Creek and unincorporated areas of Central Contra Costa County.

Meeting Schedules

TRANSPAC usually meets the second Thursday of every month at 9:00 a.m. The Technical Advisory Committee (TAC) meets every fourth Thursday at 9:00 a.m. Meetings are held at the City of Pleasant