

Minutes
Clayton Planning Commission Meeting
Tuesday, April 26, 2016

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

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

Present: Chair David Bruzzone
Vice Chair Sandra Johnson
Commissioner Dan Richardson
Commissioner Gregg Manning
Commissioner Tuija Catalano

Absent: None

Staff: Community Development Director Mindy Gentry
Assistant Planner Milan Sikela, Jr.

2. ADMINISTRATIVE

- 2.a. Review of agenda items.
- 2.b. Declaration of Conflict of Interest.
- 2.c. Commissioner Gregg Manning to report at the City Council meeting of May 3, 2016.

3. PUBLIC COMMENT

None

4. MINUTES

- 4.a. Approval of the minutes for the April 12, 2016 Planning Commission meeting.

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

5. PUBLIC HEARINGS

- 5.a. **UP-03-16, Use Permit; Nick Adamson representing Village Oaks, LLC; 6200 Center Street, Suites I and J (APN: 119-620-060).** Review and consideration of a Use Permit for a dentist office (Victor Truong, DDS) to be located in a ground-floor tenant space in the Village Oaks commercial building in the Village Oaks commercial building in Clayton's Town Center.

Assistant Planner Sikela presented the staff report.

Commissioner Catalano asked which document requires a proposed ground-floor non-retail commercial use in the Town Center to obtain Planning Commission review and approval of a Use Permit, the Clayton Municipal Code or the Town Center Specific Plan.

Assistant Planner Sikela responded that both the Town Center Specific Plan and Clayton Municipal Code require a proposed ground-floor non-retail commercial use in the Town Center to obtain Planning Commission approval of a Use Permit.

Commissioner Catalano asked what are the factors listed in the Town Center Specific Plan that staff and the Planning Commission should consider when reviewing a proposal for a ground-floor non-retail commercial use in the Town Center.

Assistant Planner Sikela responded that staff and the Planning Commission would review the proposal to ensure that the use would not interfere with the pedestrian and retail orientation of the Town Center based on the proposed use's location and size.

The public hearing was opened.

Nick Adamson, the applicant, indicated the following:

- It has been difficult, if not impossible, to lease tenant spaces to retail tenants.
- Not enough retail opportunity in Clayton to support retail commercial uses in every ground-floor tenant space within the Town Center.
- Dr. Truong's dental business would be a welcome addition to the Town Center and would fit in well with the fabric of the community.

Vice Chair Johnson asked if the previous tenant in one of the tenant spaces proposed for the dentist office has moved out of the tenant space yet.

Mr. Adamson replied that Clayton Mind and Body had not yet moved out but will be vacating the tenant space soon. We put a lot of time, energy, and money into improving the tenant space for Clayton Mind and Body in order to help their business, but they always struggled to pay the rent, often only being able to pay one-half or one-quarter of the actual rent.

Commissioner Catalano inquired about the vacancy rate on the second floor of the Village Oaks building.

Mr. Adamson responded that almost all of the tenant spaces on the second floor are occupied.

Commissioner Catalano asked if Snap Fitness has been successful in the ground-floor tenant space on the southwest corner of the building.

Mr. Adamson replied that the owner of Snap Fitness has indicated that he has been marginally successful.

Chair Bruzzone asked about the typical length of leases in the Village Oaks building.

Mr. Adamson indicated that retail leases are usually three to five years whereas non-retail leases are one to two years.

Commissioner Richardson indicated that, in the Village Oaks building, he has seen many different non-retail uses in ground-floor tenant spaces such as an insurance broker and newspaper publication office and has seen many businesses come and go.

Commissioner Manning expressed support for the proposal and indicated that it was an excellent use for the site.

The public hearing was closed.

Commissioner Manning moved and Commissioner Richardson seconded a motion to conditionally approve Use Permit UP-03-16, with the findings and conditions of approval recommended by staff. The motion passed 5-0.

Dr. Truong, the dentist proposed for the subject tenant space, expressed his gratitude to the Planning Commission for their support and looked forward to moving to Clayton where traditional American family values are cherished.

- 5.b. **ZOA-02-16; Ordinance Extending the Town Center Parking Waiver; City of Clayton.** Review and consideration of a proposed Ordinance to extend the on-site parking waiver in the Town Center area for three years, from June 30, 2016 to June 30, 2019. The purpose of the proposed extension is to provide incentive to promote development activity in the Town Center area for retail and restaurant land uses.

Director Gentry presented the staff report.

The public hearing was opened.

By consensus, the Planning Commission expressed support for the parking waiver extension.

The public hearing was closed.

Commissioner Richardson moved and Commissioner Manning seconded a motion to adopt Resolution 02-16 recommending City Council approval to extend the parking waiver in the Town Center area to June 30, 2019. The motion passed 5-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff

Director Gentry indicated the following regarding the Silver Oak Estates project:

- The Notice of Preparation for the Silver Oak Estates Environmental Impact Report is being distributed this week.
- On May 9, 2016, the City is hosting a public scoping meeting at Hoyer Hall using an open house style format.
- Given the sensitivity of the project, staff distributed the Notice of Preparation to property owners within 1,000 feet of the project site as well as to local agencies.
- There will be a 45-day review and comment period for the public review draft of the Silver Oak Estates Environmental Impact Report.

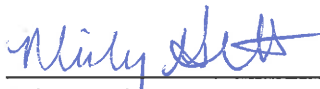
Assistant Planner Sikela provided updates on the Verna Way and St. John's projects.

8.b. Commission

None.

9. ADJOURNMENT

- 9.a. The meeting was adjourned at 7:35 p.m. to the regularly-scheduled meeting of the Planning Commission on May 10, 2016.



Submitted by
Mindy Gentry
Community Development Director



Approved by
David Bruzzone
Chair

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