



## AGENDA

### PLANNING COMMISSION REGULAR MEETING VIRTUAL PLANNING COMMISSION REGULAR MEETING

**TUESDAY, SEPTEMBER 8, 2020  
7:00 P.M.**

To protect our residents, officials, and staff, and aligned with the Governor's executive order to Shelter-at-Home, this meeting is being conducted utilizing teleconferencing means consistent with State order that that allows the public to address the local legislative body electronically.

#### **Location:**

Instructions for Virtual Planning Commission Regular Meeting

To follow or participate in the meeting:

1. Videoconference:
  - a. Follow the meeting on-line, click here to register:  
<https://us02web.zoom.us/j/87554409084>
  - b. After clicking on the URL, please take a few seconds to submit your first name, last name, and e-mail address, then click "Register" which will approve your registration and a new URL to join the meeting will appear.
2. Phone-in:
  - a. Once registered, you will receive an e-mail with instructions to join the meeting telephonically, and then dial 877-853-5257 (Toll Free) using the Webinar ID and Password found in the e-mail.
3. E-mail Public Comments:
  - a. If preferred, please E-mail Public Comments to Community Development Director Matthew Feske at [mfeske@ci.clayton.ca.us](mailto:mfeske@ci.clayton.ca.us) by 5:00 P.M. on the day of the Planning Commission meeting. All E-mailed Public Comments will be forwarded to the entire Planning Commission.

For those who choose to attend the meeting via videoconferencing or telephone shall have three minutes for public comments.

- A complete agenda packet is available for public review on the City's website at [www.ci.clayton.ca.us](http://www.ci.clayton.ca.us)
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail, Clayton; 2) Library, 6125 Clayton Road, Clayton; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at [www.ci.clayton.ca.us](http://www.ci.clayton.ca.us)
- If you have special accommodation requirements to participate, please call the Community Development Department office at least 72 hours in advance of the meeting at 925-673-7300.

## CALL TO ORDER

### 1. PLEDGE OF ALLEGIANCE

### 2. ROLL CALL

### 3. PRESENTATION AND ANNOUNCEMENTS:

#### A. Presentations:

None.

#### B. Announcements:

None.

### 4. SELECTION OF A CHAIR AND VICE CHAIR

#### A. Nominations for Chair and vote.

#### B. Nomination for Vice Chair and vote.

### 5. ACCEPTANCE OF THE AGENDA:

The Planning Commission will discuss the order of the agenda, may amend the order, add urgency items, note abstentions or "no" votes on Consent Calendar items, and request Consent Calendar items be removed from the Consent Calendar for discussion. The Planning Commission may also remove items from the Consent Calendar prior to that portion of the Agenda.

### 6. PUBLIC COMMENT (Non-Agenda Items):

This time has been set aside for members of the public to address the Planning Commission on items of general interest within the subject matter jurisdiction of the City. Although the Planning Commission values your comments, pursuant to the Brown Act, the Planning Commission generally cannot take any action on items not listed on the posted agenda. Three (3) minutes will be assigned to each speaker.

### 7. CONSENT CALENDAR

*The following routine matters may be acted upon by one motion. Individual items may be removed by the Planning Commission for separate discussion at this time or under Acceptance of the Agenda. The ordinance title is deemed to be read in its entirety and further reading waived on any ordinance listed on the Consent Calendar.*

#### A. MINUTES:

##### RECOMMENDATION:

Approve the Planning Commission Minutes of August 25, 2020.

#### B. 2021 CALENDAR SCHEDULE FOR THE PLANNING COMMISSION REGULAR MEETINGS:

##### RECOMMENDATION:

Approve the 2021 Calendar Schedule for the Planning Commission Regular Meetings.

#### C. CANCEL THE NOVEMBER 24, 2020 PLANNING COMMISSION REGULAR MEETING:

##### RECOMMENDATION:

Approve the cancellation of the November 24, 2020 Planning Commission Regular Meeting.

### 8. PUBLIC HEARINGS

#### A. None

**9. ACTION ITEMS**

A. None

**10. PLANNING COMMISSION REQUESTS AND UPCOMING AGENDA DEVELOPMENT**

This time is set aside for the Planning Commission to make requests of staff, and/or issues of concern to Planning Commissioners are briefly presented, prioritized, and set for future meeting dates.

**11. ADJOURNMENT**

The next Planning Commission Regular Meeting is Tuesday, September 22, 2020.

**Minutes**  
**Clayton Planning Commission Meeting**  
**Tuesday, August 25, 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 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. Commissioner Bassam Altwal to report at the September 1, 2020 City Council meeting.

**3. PUBLIC COMMENT**

None.

**4. MINUTES**

- 4.a. Approval of minutes from the special Planning Commission meeting of May 27, 2020.

**Commissioner Gavidia moved and Commissioner Denslow seconded a motion to approve the minutes, as amended. The motion passed 5-0.**

Commissioner Gavidia addressed tallying Planning Commission votes via roll call in the same manner as the City Council.

Chair Cloven acknowledged Commissioner Gavidia's comment and suggested that the issue be discussed with the City Manager.

Vice Chair Chippero suggested that, since the web conferencing platform Zoom was being used to conduct the meeting, in order to have a better visual confirmation, the Planning Commissioners should raise their hands when they vote.

## 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.

Assistant Planner Sikela presented the staff report.

Director Feske indicated that the intention behind the recommended time extension was to address the temporary nature of the identified land uses and that staff felt it was important to emphasize that, since the duration of the COVID-19 pandemic restrictions was currently unknown, this time extension would be temporary in nature rather than permanent until which time that the establishment could resume normal operation.

Planning Commission questions and comments included:

- Are the four Temporary Use Permits included as attachments to the staff report just examples? Director Feske indicated these four establishments have already had their Temporary Use Permits approved but their expiration will occur in the middle of September. Any similar requests from here on out would fall under the auspices of the attached Resolution should you choose to approve the Resolution.
- Why is the Planning Commission seeing these Temporary Use Permits now? Director Feske indicated that, since the Temporary Use Permits for the four establishments expire after 45 days, staff is bringing the Resolution before the Commission to ascertain if the Commission would make a determination as to whether they wish to extend the Temporary Use Permit beyond the 45-day time limit as a result of the duration of the COVID-19 pandemic regulations.
- There are concerns that the outdoor area for Moresi's Chophouse might be blocking the accessible parking space. Director Feske indicated that the owners of the establishment are responsible for maintaining adequate accessible pathways and parking spaces and that the City could perform Code Enforcement if areas subject to compliance with disability threshold requirements were being encroached upon.
- So the red squares shown on the Moresi's Chophouse site plan are for illustrative purposes only? Director Feske indicated that was correct.
- Have there been any other establishments beyond the four included as attachments to the staff report that have applied for Temporary Use Permits? Director Feske indicated that there was a fifth prospective applicant, but they have not yet submitted a formal Temporary Use Permit application.
- Went to Moresi's Chophouse and observed that the accessible parking space was being maintained in compliance with Americans With Disabilities Act requirements.
- Is my understanding correct that, if the Resolution is approved, Temporary Use Permits would be in place until the COVID-19 pandemic regulations are lifted and would apply to any new Temporary Use Permits? Director Feske indicated that was correct and that, once the COVID-19 regulations allowed for a return to indoor dining and similar indoor uses, this subject time extension would expire.
- Regarding the end dates for the Clayton Community Church and Frontier Salon, the time extension allowed by the Resolution, if approved, would still allow these establishment to continue the temporary use beyond those end dates? Assistant Planner Sikela indicated that the start and end dates on the Clayton Community Church Temporary Use Permit application form were modified since the time that the application form was submitted and that, yes, the Resolution, if approved, would still allow these establishments to continue the temporary use beyond those end dates.

- Has the City received any complaints regarding the outdoor uses? Director Feske and Assistant Planner Sikela both said had not received any complaints regarding the outdoor uses.
- Has the City considered allowing establishments to use parkettes to be used in Clayton? Director Feske indicated that, yes, the City is considering the use of parkettes and has been contacted by a local establishment about the installation of a parklette.
- In order to get a more definitive understanding of the duration of the time extension, are there specific sections of the COVID-19 pandemic regulations that would conclude while other regulatory portions would continue and, based on those regulations that come to an end, would there be a more specific date for the conclusion of the time extension? Director Feske indicated that the State and County health officials would determine the duration and applicability of the COVID-19 pandemic regulations and provide direction to the City.

The public hearing was opened.

There were no public comments.

The public hearing was closed.

By consensus, the Planning Commission concurred that the time extension is necessary and vital to assist local establishments and we should be doing everything we can to help businesses in Clayton during the course of the COVID-19 pandemic.

**Commissioner Gavidia moved and Vice Chair Chippero seconded a motion to adopt Planning Commission Resolution No. 01-2020 to extend the time allowed for outdoor dining, outdoor commercial uses, and outdoor assembly services until the COVID-19 pandemic restrictions have been removed. The motion passed 5-0.**

## 6. OLD BUSINESS

None.

## 7. NEW BUSINESS

None.

## 8. COMMUNICATIONS

8.a. Staff.

Director Feske indicated that the selection of the Chair and Vice Chair will be on the agenda for the next regularly-scheduled Planning Commission meeting of Tuesday, September 8, 2020.

8.b. Commission.

Vice Chair Chippero expressed praise to Rory Richmond who had just passed away and wanted to highlight Mr. Richmond's achievements and his commitment to local events such as the annual Clayton Barbecue Cookoff that occurred in the Town Center. Vice Chair Chippero was very thankful for all the hard work that Mr. Richmond did for the Clayton community. Mr. Richmond would often work late nights and early mornings to ensure the success of the event and emphasized that we should all strive to be more like Mr. Richmond who brought much joy to our city. Mr. Richmond will be missed.

**9. ADJOURNMENT**

- 9.a. The meeting was adjourned at 7:42 p.m. to the regularly-scheduled meeting of the Planning Commission on Tuesday, September 8, 2020.

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Submitted by  
Milan J. Sikela, Jr.  
Assistant Planner

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Approved by  
Peter Cloven  
Chair