



**PLANNING COMMISSION  
AGENDA  
Regular Meeting  
Tuesday, August 22, 2023  
7:00 p.m.**

**Hoyer Hall at Clayton Community Library  
6125 Clayton Road, Clayton, California  
and  
Via Zoom Webinar  
Webinar ID: 892 8861 5085**

This meeting is being held with accommodations for both in-person and virtual attendance and participation by the public. Members of the public who prefer to view or listen to the meeting and to address the Planning Commission remotely during the meeting may do so using the methods listed under “Instructions for Virtual Planning Commission Meeting Participation” below.

**Chair:** Daniel Richardson  
**Vice Chair:** Richard Enea  
**Commissioner:** Maria Shulman  
**Commissioner:** Joseph Banchemo  
**Commissioner:** Bretten Casagrande

Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; and 3) Ohm’s Bulletin Board, 1028 Diablo Street, Clayton. A digital copy of the Agenda with a complete packet of information including staff reports and exhibits related to each agenda item is available for public review on the City’s website at <https://claytonca.gov/community-development/planning/planning-commission/planning-commission-agendas/>.

Any writings or documents provided to a majority of the Planning Commission after distribution of the Agenda Packet and regarding any public item on this Agenda are available for review on the City’s website at <https://claytonca.gov/community-development/planning/planning-commission/planning-commission-agendas/>.

If you have a physical impairment that requires special accommodations to participate, please call the City Clerk’s office at least 72 hours in advance of the meeting at 925-673-7300.

Most Planning Commission decisions are appealable to the City Council within 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 spoken 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.

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### **Instructions for Virtual Planning Commission Meeting Participation**

The following options are provided as a courtesy for those who would prefer to view, listen to, or provide comments remotely for the meeting. While City staff will make every effort to facilitate virtual participation in the meeting, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time.

**Videoconference:** To join the meeting on-line via smart phone or computer, click on the link: <https://us02web.zoom.us/j/89288615085> or, through the Zoom application, enter **Webinar ID:** 8861 892 5085. No registration or meeting password is required.

**Phone-in:** Dial toll free 877-853-5257. When prompted, enter the Webinar ID above.

**E-mail Public Comments:** If preferred, please e-mail public comments to Community Development Director Dana Ayers at [danaa@claytonca.gov](mailto:danaa@claytonca.gov) by 5:00 p.m. on the day of the Planning Commission meeting. All emailed public comments received prior to 5:00 p.m. on the day of the Planning Commission meeting will be forwarded to the entire Planning Commission.

Each person attending the meeting via video conferencing or telephone and who wishes to speak on an agendized or non-agendized matter shall have a set amount of time to speak as determined by the Planning Commission Chair.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ELECTION OF CHAIR AND VICE-CHAIR**
5. **ACCEPTANCE OF THE AGENDA:** The Planning Commission will discuss the order of the agenda, may amend the order, add urgency items, note disclosures or intentions to abstain due to conflict of interest on agenda 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. At the Chair's discretion, up to three minutes will be allotted 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.
  - A. **MINUTES:**  
Planning Commission Meeting of June 13, 2023
8. **STUDY SESSION**
  - A. **Overview of Planning, Environmental and Land Use Legislation and Practice and Planning Commission Procedures**  
This is an informational presentation on planning, environmental and land use concepts, practices and laws. Topics presented will include State statutes and the bases for local agency planning authority; pertinent land use documents such as the General Plan and Zoning Code; the California Environmental Quality Act; and the process of Planning Commission decision-making. Commissioners and members of the public are invited to ask questions at the study session. No decision of the Commission is otherwise requested at this meeting.
9. **COMMUNICATIONS:** This time is set aside for the Planning Commission to make requests of staff, and/or for issues of concern to Planning Commissioners to be briefly presented, prioritized, and set for future meeting dates. This time is also provided for staff to share any informational announcements with the Commission.
10. **ADJOURNMENT**

The next Planning Commission Regular Meeting is Tuesday, September 12, 2023.

**Minutes  
City of Clayton Planning Commission  
Regular Meeting  
Tuesday, June 13, 2023**

**1. CALL TO ORDER**

Chair Daniel Richardson called the meeting to order at 7:03 p.m.

**2. PLEDGE OF ALLEGIANCE**

Chair Richardson led the Pledge of Allegiance.

**3. ROLL CALL**

Present:                   Chair Daniel Richardson  
                                  Vice Chair Richard Enea  
                                  Commissioner Justin Cesarin  
                                  Commissioner Ed Miller  
                                  Commissioner Maria Shulman

Planning Commission Secretary/Community Development Director Dana Ayers and Assistant Planner Milan Sikela were present from City staff.

**4. ACCEPTANCE OF THE AGENDA**

There were no changes to the agenda as submitted.

**5. PUBLIC COMMENT**

There were no public comments on any item not on the agenda.

Chair Richardson invited the new City Manager, Bret Prebula, to introduce himself. City Manager Prebula thanked the Chair for the opportunity to speak. He reported that much work had been done recently with respect to budget, fees, and operations. He was happy to work with the team of staff already in the City and looked forward to filling the current staff vacancies for the Finance Director and Executive Assistant to the City Manager/Human Resources Manager. He recognized that there were many opportunities for modernization in the City and strategic work with the City Council. Having worked in the City of Benicia, City of Napa, and Napa County, he acknowledged the important and challenging role of the Planning Commission and expressed gratitude for the Commissioners' service. He invited the Commissioners and members of the public to meet with him at City Hall, at the Coffee with the City Manager event held twice each month, or at other events in the City.

## 6. CONSENT CALENDAR

### A. Minutes of Planning Commission Regular Meeting of February 28, 2023.

There being no member of the public attending in person or virtually who wished to comment on the Consent Calendar, Chair Richardson invited a motion.

Vice Chair Enea moved to adopt the Consent Calendar with Minutes of the Planning Commission Regular Meeting of February 28, 2023, as submitted. Commissioner Shulman seconded the motion. The motion passed by a vote of 4 to 0, with Commissioner Miller abstaining because he did not attend the February 28 meeting.

## 7. ACTION ITEMS

### A. Determination of Conformity of the Fiscal Year 2023/24 Capital Improvement Program Projects with the Clayton General Plan (GP-01-2023)

Section 65401 of the California Government Code requires the Planning Commission to determine whether projects proposed in the City's Capital Improvement Program (CIP) for planning, initiation or construction during the ensuing fiscal year are in conformity with the General Plan. The Planning Commission is requested at tonight's meeting to review the draft list of CIP projects for which funding is proposed to be identified for planning, initiation or construction during fiscal year (FY) 2023/24, and to make determinations of General Plan consistency for the projects, in accordance with the Government Code. The Planning Commission's determination will be forwarded to the City Council for their consideration prior to the City Council's adoption of the final CIP for FY 2023/24.

Director Ayers introduced the item and summarized the staff report and the recommended Planning Commission action. She introduced Larry Theis, City Engineer, who provided the Planning Commission with an overview of the six CIP projects that were identified for funding or implementation during FY 2023/24. City Engineer Theis explained that this was the first year that the CIP was a separate document from the annual budget, with a 5-year timeframe that allowed for forward planning and planning for larger scale projects for which the City could accrue funds over multiple years. In the long-term, City staff would be attempting to identify additional funding sources for CIP projects.

Chair Richardson invited questions from the Commissioners.

Commissioner Miller was impressed with the CIP. As the City's representative on the Contra Costa Transportation Authority (CCTA)

Citizens' Advisory Committee, he was aware of the potential signal timing grant funding opportunities that he hoped to inform the City Council about. He expressed interest in signal timing on major corridors in central county, and he said he was thrilled to see it on the list and that the City would potentially be participating in the larger grant for it. He then asked about the Downtown Pedestrian Improvement project and if it would be in lieu of or in addition to a crossing guard. He also asked if the raised intersection proposed at the intersection of Marsh Creek Road and Center Street had had a vehicle speed analysis, or if an incident had occurred there that indicated that improvement was necessary there, since it was not apparent to him that that intersection was unsafe.

City Engineer Theis said that this project had been identified prior to his tenure with the City. The predominant funding source for the project, Transportation for Livable Communities (TLC), tends to be awarded to projects in downtown settings like Clayton's Town Center. For the Oak Street/Center Street intersection, the location of alignment for the improvement was based on the position of the pedestrian bridge, existing parking stalls, and observed foot traffic patterns to and from Mt. Diablo Elementary School. For the second location at the intersection of Marsh Creek Road and Main Street, the planned rapid rectangular flashing beacons would alert drivers to pedestrians crossing from the trail, and the raised intersection would serve as a traffic calming measure for vehicles traveling southbound on Marsh Creek Road as they enter the Town Center.

Commissioner Miller said he misunderstood the location of the raised intersection and thought it was proposed for the intersection of Marsh Creek Road and Center Street. He said the Marsh Creek Road/Main Street intersection made more sense as the location for that improvement, as he had often observed drivers at that intersection fail to stop for pedestrians waiting to cross the street. Commissioner Miller was also thrilled to see the geographic information system (GIS) on the CIP list. City Engineer Theis explained that there would be effort in gathering and digitizing the data for the GIS but agreed it would be a very useful tool.

Commissioner Shulman thanked City Engineer Theis for his work on the CIP and also was happy to see the GIS as a part of the plan. City Engineer Theis explained that the startup to the GIS was funded through a State grant, but that there was consensus among the City's decision-makers to continue to expend local funds to maintain the system long-term.

Commissioner Shulman also saw the benefit in having a raised crosswalk at the Marsh Creek Road/Main Street intersection and asked if that improvement was brought forth due to the approved Olivia on Marsh Creek senior housing development. City Engineer Theis stated that the main funding source for the roadway improvement was a CCTA TLC grant, and that selection of the project location was likely based on pedestrian movements that were being observed through the Town Center, including

traffic to and from the elementary school. Director Ayers added that the street improvement had been identified as a project before the senior housing project was brought forward, and she did not believe the two projects were connected. Commissioner Shulman thanked City Engineer Theis for his efforts.

Chair Richardson asked how someone could get involved in the selection of the projects in the CIP. City Engineer Theis advised that the planning process for the next fiscal year's CIP typically begins in March, and that discussions had occurred through spring with the City's Budget and Audit Subcommittee of the City Council. He suggested that those meetings would be a good opportunity to be involved in the discussion. Interested parties could also contact the City Engineer with suggestions for projects to present to decision-makers. The City Council would conduct its own meetings to review the budget and the CIP before the start of the new fiscal year, and interested parties could attend those meetings as well. Selection of projects was also based on available funds, and that some of those funds were restricted in the types of projects on which they could be spent.

Chair Richardson said that it was important for the public to understand that, even though a project may be a good idea, the funds may not be there to implement the project without some creativity. City Engineer Theis said that the City's General Fund was constrained, and there were not excess General Fund monies that could go toward CIP projects; rather, most of the projects in the CIP had restricted funding sources, such as funds for roads.

Chair Richardson invited public comment on the item. There being no member of the public attending in person or virtually who wished to comment, Chair Richardson invited a motion on the item.

Commissioner Miller made a motion to adopt proposed Planning Commission Resolution No. 04-2023 attached to the staff report. Commissioner Cesarin seconded the motion. There being no discussion on the motion, Chair Richardson called for the vote. The motion passed by a vote of 5 to 0.

## **8. COMMUNICATIONS**

Director Ayers reminded those in attendance that applications for the two upcoming vacancies on the Planning Commission were due to the City Clerk by 5:00 p.m. on June 14, 2023. She also advised that there were no items currently scheduled for the Planning Commission's June 27, 2023 Regular Meeting.

With Chair Richardson anticipating that this would be his last meeting as Planning Commission Chair, he thanked the Commissioners for their help during the past year. He acknowledged the differences in how meetings were conducted between this term and his prior term as a Commissioner but said the changes, though challenging, were good. He thanked the Commissioners for their patience and

said it was a pleasure to serve as the Chair. He stated his belief that the role of the Chair is to provide others with an opportunity to communicate, usually speaking last among the group, and to facilitate Commissioners' camaraderie and debate and not dictate the discussion. He hoped that belief came through in his leadership and said he valued all of the Commissioners.

Commissioner Miller thanked Chair Richardson for his calm, even-keel demeanor and said he was glad to have Chair Richardson's service to the Commission this past year.

## **9. ADJOURNMENT**

The meeting was adjourned at 7:37 p.m. to the next regular meeting of the Planning Commission on June 27, 2023.

Respectfully submitted:

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Dana Ayers, AICP, Secretary

Approved by the Clayton Planning Commission:

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Chair





## **PLANNING COMMISSION STAFF REPORT**

**To:** Honorable Chair and Planning Commissioners

**From:** Dana Ayers, AICP  
Community Development Director

**Date:** August 22, 2023

**Subject:** Agenda Item 8.A  
Study Session – Overview of Planning, Environmental and Land Use  
Legislation and Practice and Planning Commission Procedures

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### **SUMMARY**

This is an informational presentation on planning, environmental and land use concepts, practices and laws. Topics presented will include State statutes and the basis for local agency planning authority; pertinent land use documents such as the General Plan and Zoning Code; the California Environmental Quality Act; and the process of Planning Commission decision-making.

### **RECOMMENDATION**

Planning Commissioners and members of the public are invited to ask questions at the study session. No decision of the Planning Commission is otherwise requested at this meeting.

### **STUDY SESSION**

This is an informational study session to review and/or introduce planning concepts including:

- What is a General Plan?
- What is a Zoning Ordinance?
- What is the California Environmental Quality Act?
- What types of applications fall under the Planning Commission's authority?
- How are Planning Commission decisions made?
- What are the protocols for Planning Commission communications?

Questions are invited on any of the topics presented during the study session. No decision of the Commission is requested at this meeting.