



## AGENDA

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

**TUESDAY, February 9, 2021  
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/webinar/register/WN\\_Wj6RNXFGTUaSVBArJ4HHlw](https://us02web.zoom.us/webinar/register/WN_Wj6RNXFGTUaSVBArJ4HHlw)
  - 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:**

Welcome new Planning Commissioner Ed Miller

### **4. 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.

### **5. 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.

### **6. 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:**

October 27, 2020

November 2, 2020

November 24, 2020

December 8, 2020

December 22, 2020

January 12, 2021

#### **RECOMMENDATION:**

Approve the Planning Commission Minutes of October 27, 2020.

Approve the Planning Commission Minutes of November 2, 2020

Approve the Planning Commission Minutes of November 24, 2020

Approve the Planning Commission Minutes of December 8, 2020

Approve the Planning Commission Minutes of December 22, 2020

Approve the Planning Commission Minutes of January 12, 2021

### **7. PUBLIC HEARINGS**

**A. NONE**

**8. ACTION ITEMS**

**A. Stranahan Parking (Commissioner Altwal)**

**Recommendation: Receive, and File**

**Optional Recommendation: Draft a memorandum to the City Council**

**9. 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.

**10. ADJOURNMENT**

The next Planning Commission Regular Meeting is Tuesday, February 23, 2021.



## MINUTES

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

TUESDAY, October 27, 2020  
7:00 P.M.

CALL TO ORDER  
7:20 P.M.

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

Chair A.J. Chippero, Vice Chair Terri Denslow, Commissioner Bassam Altwal, Commissioner Peter Cloven, and Commissioner Frank Gavidia.

**3. PRESENTATION AND ANNOUNCEMENTS:**

None.

**4. ACCEPTANCE OF THE AGENDA:**

Director Feske:

- Requested that Item 7.A be withdrawn from the agenda and will be tentatively rescheduled for the December 8, 2020 Planning Commission Regular Meeting and notices will be published in the newspaper and mailed out.

Motion and Vote 5-0-0 to accept the agenda with Item 7.A. removed.

**5. PUBLIC COMMENT (Non-Agenda Items):**

Commissioner Altwal:

- Asked if Planning Commissioners are required by law to have their images appear on the screen.

Commissioner Gavidia:

- Stated that his technical issues will be resolved by the next meeting.

Director Feske:

- Not required by law because of technology issues that may arise
- It is appropriate that Planning Commissioners have live video or image on the screen when possible.

**6. CONSENT CALENDAR**

**A. MINUTES:**

Planning Commission Minutes of September 22, 2020.

Commissioner Altwal:

- Made changes to the minutes.

Vice Chair Denslow:

- made changes to the minutes.

Motion and vote 5-0-0 to approve consent calendar with amended minutes

**7. PUBLIC HEARINGS**

**A. PUBLIC HEARING TO REVIEW AND CONSIDER THE SIX-LOT RESIDENTIAL PLANNED DEVELOPMENT PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION ENV-02-16; GENERAL PLAN MAP AMENDMENT GPA-02-18; SPECIFIC PLAN MAP AMENDMENT SPA-01-18; ZONING MAP AMENDMENT ZOA-01-18; VESTING TENTATIVE RESIDENTIAL SUBDIVISION MAP MAP-01-16; DEVELOPMENT PLAN PERMIT DP-01-19; AND TREE REMOVAL PERMIT TRP-31-19.**

ITEM WAS REMOVED FROM AGENDA

**8. ACTION ITEMS**

None

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

Vice Chair Denslow:

- Asked about two public hearing items on the Advanced Agenda for December 22, 2020.

Chair Chippero:

- Requested that, if any of the Planning Commissioners wish to attend the virtual coffee, to please do so as a member of the public and not as a Planning Commissioner.

Commissioner Cloven:

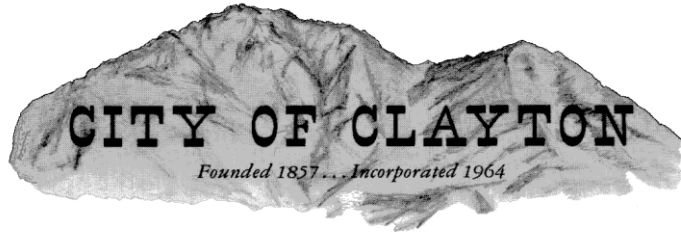
- Expressed appreciation for staff's informational updates.

Director Feske:

- Stated that the Advanced Agenda is a place holder for items for informational purposes only. If the two items remain on track, staff will work with the applicants on actual schedule.

**10. ADJOURNMENT**

Meeting adjourned at 7:28 p.m.



## MINUTES

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

Tuesday, November 10, 2020

CALL TO ORDER  
7:02P.M.

#### 1. PLEDGE OF ALLEGIANCE

#### 2. ROLL CALL

Chair A.J. Chippero, Vice Chair Terri Denslow, Commissioner Bassam Altwal, Commissioner Peter Cloven, and Commissioner Frank Gavidia.

#### 3. PRESENTATION AND ANNOUNCEMENTS:

Director Feske:

- The November 24, 2020 Planning Commission Regular Meeting is cancelled
- Virtual Coffee with the Community Development Director on October 30, 2020 was held.
- The RFP for the Downtown Property Community Engagement has been prepared and sent out to consulting firms.

#### 4. ACCEPTANCE OF THE AGENDA:

Motion and Vote 5-0-0 to accept the agenda

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

None

#### 6. CONSENT CALENDAR

None

#### 7. PUBLIC HEARINGS

A. CONTINUED PUBLIC HEARING TO REVIEW AND CONSIDER THE SIX-LOT RESIDENTIAL PLANNED DEVELOPMENT PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION ENV-02-16; GENERAL PLAN MAP AMENDMENT GPA-02-18; SPECIFIC PLAN MAP AMENDMENT SPA-01-18; ZONING MAP AMENDMENT ZOA-01-18; VESTING TENTATIVE RESIDENTIAL SUBDIVISION MAP MAP-01-16; DEVELOPMENT PLAN PERMIT DP-01-19; AND TREE REMOVAL PERMIT TRP-31-19.

Director Feske:

- Request to continue the Public Hearing to the December 22, 2020 Planning Commission regular Meeting

No public comments

Motion and vote 5-0-0 to continued to December 22, 2020 Planning Commission Regular Meeting

**8. ACTION ITEMS**

None

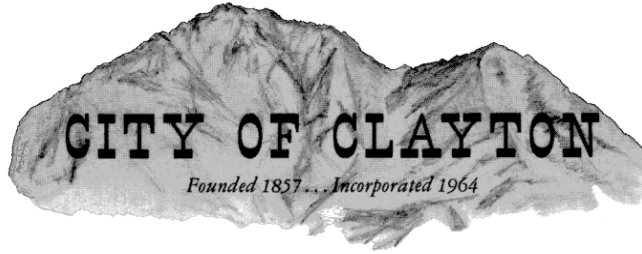
**9. PLANNING COMMISSION REQUESTS AND UPCOMING AGENDA DEVELOPMENT**

Commissioner Altwal

- Parking at Stranahan like Regency have Planning Commission Study and move forward to City Council.

**10. ADJOURNMENT**

Meeting adjourned at 7:12 p.m.



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## **MINUTES**

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

**TUESDAY, November 24, 2020  
7:00 P.M.**

**CANCELLED**





## MINUTES

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

TUESDAY, DECEMBER 8, 2020

CALL TO ORDER  
7:01 P.M.

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

Chair A.J. Chippero, Vice Chair Terri Denslow, Commissioner Bassam Altwal, Commissioner Frank Gavidia, and VACANT

**3. PRESENTATION AND ANNOUNCEMENTS:**

None

**4. ACCEPTANCE OF THE AGENDA:**

Motion and Vote 4-0-0 to accept the agenda

**5. PUBLIC COMMENT (Non-Agenda Items):**

None

**6. CONSENT CALENDAR**

None

**7. PUBLIC HEARINGS**

**A. PUBLIC HEARING TO REVIEW AND CONSIDER THE EIGHTEEN RESIDENTIAL-LOT PLANNED DEVELOPMENT PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION ENV-01-2020; ZONING MAP AMENDMENT ZOA-02-2020; VESTING TENTATIVE RESIDENTIAL SUBDIVISION MAP MAP-01-2020; DEVELOPMENT PLAN PERMIT DP-01-2020; AND TREE REMOVAL PERMIT TRP-09-2020.**

**RECOMMENDATION:**

Staff:

- PowerPoint presentation that included the applications and description of the project and project site.

Applicant:

- PowerPoint presentation that included a more detailed description of the proposed project.

John Stice comment:

- Developer did meet with them and they worked out the concerns.
- Only concern was the retention basin and maintenance of it.

Commissioner Altwal:

- This package was different for this meeting compared to the October 27<sup>th</sup> meeting.
  - o The October 27, 2020 document was 1,074 pages
  - o The December 8, 2020 document is 1,082 pages
  - o The documents are different size
  - o There was not enough time to go through the documents to compare the differences
  - o Staff did not provide anything to show the differences
  - o Staff did not provide a comparison
  - o The differences were difficult to review because there was no comparison provided by staff.
- The package was given out on Monday and the meeting is Tuesday, there was not enough time to review such a large package.
- If the project is not built does the zone stay or go back?
  - o The zone should go back if the project is not built
- Directed question to staff if the zone goes back:
  - o Why is staff's answer different now than before?
  - o Staff said before that the zone stays with the property and not the project
  - o Staff now says that the zone goes back
- Sound Wall condition
  - o Why is the Community Development Director reviewing and approving?
  - o Not comfortable with the Community Development Director reviewing or approving, that is what Planning Commission does.
  - o Sound Wall is a major issue that does not belong to Community Development Director review, only Planning Commission.
- Indemnification
  - o Don't see any indemnification by the developer
  - o Needs to be an indemnification condition and the City Attorney needs to write it and approve it
  - o Why is the City Attorney not here for this?
  - o City Attorney should be at the meetings.
- Affordable unit is the whole house with the in-law unit, how does this count towards affordability?
- The size of the units is larger than allowed?
- Why are the lot sizes smaller than allowed?
- The setbacks are smaller than allowed by the zone.
- Condition A10
  - o Who determines the extension?
  - o Why the Community Development Director?
  - o Do not agree and should not be the Community Development Director
- Condition A11

- Indemnify – the developer should indemnify
  - Where did come from?
  - Did the City Attorney see this?
- Condition B1
  - Do not agree with the wording. Why would this be part of the code?
  - The report says that the project complies and this condition states that the code needs to be changed.
  - Who wrote the conditions?
- Condition E1
  - Why is the Community Development Director reviewing and approving the circulation? Don't agree with that.
- Why are so many conditions subject to review and approval by the Community Development Director?
- Agree with Vice Chair Denslow on access to the storm water basin that how do we assure maintenance and access.
- Agree with Vice Chair Denslow on the homes with 2<sup>nd</sup> story option need to be clearly located on the plan
- Agree with Commissioner Gavidia that this is not ready
- Too many questions and did not have enough time to compare the documents and this raises other questions
- Developer has a good project
- Good to see developer worked and reached out to the neighbors.
- No issue with the project at all
- It is a good project and that the issues are other issues.
- There is the unspoken issue and issues
- City Council needs to know the unspoken issue and issues

Vice Chair Denslow:

- How this project does or does not comply with the Housing Accountability Act.
  - Subdivision D and J of the HAA matrix
- The 2<sup>nd</sup> story homes:
  - Where are they located?
  - On what homes?
  - Do the neighbors know about this and was there outreach?
- Provide a revised plan that clearly shows where the 2<sup>nd</sup> floor option could occur
- Storm water retention ponds
  - Who maintains these?
  - How is the access to the retention ponds assured?
  - Does the City maintain?
  - Does the City have access?
- Sensitive Land
  - Does this project have sensitive land area?
  - How does the sensitive land area affect the density?
    - The density was allowed and counted in the area that can be built?
- Density
  - How was the density calculated?
  - Is the density calculated on the whole project site or by area?
  - The density was moved from the sensitive land area to the buildable area?
- Floor Area Ratio

- Does the project exceed the floor area ratio?
  - Why are allowing the floor area ratio to be exceeded? Is it to keep the homes 1 or 1 ½ story in height?
  - Does the floor area ratio exceed in all the homes? Just some of them.
- Compliment developer for reaching out to the neighbors and working with them
- There are a lot of conditions.
- What is the Community Facilities District? Why is it a condition?
- The existing fence, why are we not making them replace it?
  - Is this to keep the rural look?
- The ADU is the affordable housing unit?
  - Will this count for affordable housing unit?
  - The ADU looks like it is attached? Does it have to be?
- Why did we not get more affordable housing units?

Commissioner Gavidia:

- It looks like the Commissioners still have a lot of questions
  - Should consider tabling to have the Commissioner feel more comfortable with it
  - Echoed Commissioner Altwal concerns of a lot of questions.
- To ease concerns, suggested to continue the item and have staff bring back a clean resolution
- Pulled his second of the motion so that Commissioner Altwal could address his concerns

Chair Chippero:

- Question on the exhibits of the number of trees to be removed
  - Asked for clarification
  - Revise as needed to accurately account for the trees before going to City Council.

Director Feske:

- Planning Commission had removed this item from the October 27<sup>th</sup> agenda
- The packet for this meeting is the information that should be reviewed and not the October 27<sup>th</sup> packet.
- The agenda packet for this meeting was posted on November 25<sup>th</sup>.
- The agenda packet has been available electronically since that date.
- Due to COVID-19 restrictions, City Hall building has been closed
  - Staff did enter City Hall building to print out a copy of the agenda packet as requested.
- Sound wall is not required, the noise mitigation could be many things including landscape, swells, other methods.
  - Any sound mitigation should be heard by the Planning Commission.
- Should an extension be requested, the Community Development Director typically reviews and typically goes before the Planning Commission
  - If the Planning Commission feels that any extension should go directly to Planning Commission, the condition can be modified to reflect that.
- The final improvement plans that include the circulation are reviewed by both the Community Development Director and City Engineer prior to approval.
- Staff drafted the conditions. However, the Planning Commission can accept a condition, modify it, delete it, or write their own.
  - Staff provides recommended conditions for consideration.

- The retention basin has an access easement that the City can use at anytime.
  - o HOA is responsible for maintenance of basin and access
- Sensitive Land is preserved
  - o The density is for entire project site
  - o The buildable area is where the density determines the number of units.
- This application is not an affordable housing project and does not follow subdivision D of the HAA
- The applicant designed the development to be mostly one-story or one and one-half – story homes to keep the height as low as possible in respect to the neighboring properties.
- Floor Area Ratio
  - o Some of the units meet the FAR and some exceed
  - o The FAR is exceeded to maintain a low height
  - o Staff felt it was appropriate to exceed the FAR and keep the height low.
- ADU unit is allowed and would be included as the affordable unit.
  - o ADU units can be attached or detached per State law, the applicant opted for attached as a better design.
- The CFD is to be formed, but not activated
  - o This is in case the HOA fails, then the CFD would be activated
  - o The CFD would place an assessment on each property to cover the costs of the HOA responsibilities – maintenance.
  - o It is an upfront cost for the applicant
  - o The condition ensures that the City will not be burdened with the maintenance responsibilities and cost should the HOA fail.
  - o This is a new condition and will be included in future applications where appropriate.
- The perimeter fence is kept to keep the rural look and feel.
- The applicant has complied with Clayton Municipal Code for including affordable housing units as a part of their development.
  - o The applications are not for an affordable housing development
  - o Applicant has not requested the use of the State Law of affordable housing development because it does not apply here.
  - o This is a private housing development that meets the local ordinance for including affordable housing units as a part of the private housing development.
- The tree removal and replacement will be revised to clarify.
- The lots are smaller than the R-15 zone requirement however the Zoning code amendment to Planned Development allows for the smaller lots and reduced setbacks
- Staff takes in the application, analyzes, and recommends conditions.
  - o Staff provides their professional opinions and recommendations based upon the laws, municipal code, and experience.
- It is at the Planning Commission discretion to take all testimony, including staff reports, draft conditions, applicant presentation, and public comment to deliberate and act.
  - o Action is to approve, deny, or continue
  - o If approve, then what are the conditions of approval.
  - o If approve, what are the findings

Planning Consultant:

- Indemnification comes from Governmental Code and was not modified.

- The Planned Development zoning needs to be codified into the Clayton Municipal Code. Precedence already set with the other Planned Developments.
- The Sensitive Land is part of the Clayton Municipal Code and the applicant designed the development around the sensitive land.
  - o The density was moved to the area that could be developed and that was the cause for the Zoning Amendment.
  - o The density allowed is 19 units and proposed is 18 units.
- 2<sup>nd</sup> – story element is an option that is being provided to potential buyers
  - o 2<sup>nd</sup>-story element is limited and has been located on limited lots in response to neighboring property concerns.
- The fence is to keep the rural feel
  - o Applicant and neighboring property owners agreed that the fence will remain

#### City Engineer

- Stormwater basin design is preliminary and the details are worked on from tentative to final map
- Retention basin has 24-hour access and the City can access anytime

#### Applicant

- Designed the project around the sensitive land
- Designed the housing types to be respectful of the neighboring properties
  - o Keep the roof line as low as possible
  - o Keep as much setbacks that are directly next to the neighbors as much as possible
  - o Designed homes to ‘fit’ the Clayton neighborhoods
  - o Provide interior guest parking along with the garage and driveway parking
- The retention basins will be maintained by the HOA and there will be an access easement that the City can access anytime for inspections
- 2<sup>nd</sup>-story homes are not full 2<sup>nd</sup>-story, there is a 2<sup>nd</sup>-story element but the height stays well below the allowed 35 feet
  - o Worked with neighbors to locate the optional 2x (2<sup>nd</sup>-story element) homes
  - o Located the 2x models in areas of least impact
  - o Want to give the potential buyer an option
- Outreach with the neighboring property owners to address concerns
- Worked with the Stice’s on their concerns
- The affordable housing unit includes an ADU and both are rentals with separate renters
  - o Their non-profit foundation will maintain ownership and rent out
    - Main house is moderate affordable
    - ADU is low income affordable
- There are plans for trails in the open space, have not identified yet but will continue to work with staff on location of trails.
- The CFD was a new condition to us also, however after it was explained and it is understood as to protect the City and agreed to.

Motion and vote 4-0-0 to recommend approval with the edits to the resolutions and conditions.

**8. ACTION ITEMS**

NONE

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

Planning Commissioners discussed who was going to report to the City Council:

Commissioner Altwal

- Whoever reports needs to report the unspoken issues and issues here
- Wanted to be sure that the unspoken issue and issues were told to the City Council
- Volunteered to report to City Council.

**10. ADJOURNMENT**

Meeting adjourned at 10:52PM



## MINUTES

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

TUESDAY, DECEMBER 22, 2020  
7:00 P.M.

CALL TO ORDER  
7:00 P.M.

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

Chair A.J. Chippero, Vice Chair Terri Denslow, Commissioner Bassam Altwal, Commissioner Frank Gavidia, and VACANT

**3. PRESENTATION AND ANNOUNCEMENTS:**

None

**4. ACCEPTANCE OF THE AGENDA:**

Consent Approval

**5. PUBLIC COMMENT (Non-Agenda Items):**

No Public Comment

**6. CONSENT CALENDAR**

None

Commissioner Altwal

- Used to seeing minutes at next meeting
- If having to wait for minutes, lose the corrections that are needed
- Why there are no minutes

**7. PUBLIC HEARINGS**

**A. CONTINUED - PUBLIC HEARING TO REVIEW AND CONSIDER THE SIX-LOT RESIDENTIAL PLANNED DEVELOPMENT PROJECT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION ENV-02-16; GENERAL PLAN MAP AMENDMENT GPA-02-18; SPECIFIC PLAN MAP AMENDMENT SPA-01-**



**18; ZONING MAP AMENDMENT ZOA-01-18; VESTING TENTATIVE RESIDENTIAL SUBDIVISION MAP MAP-01-16; DEVELOPMENT PLAN PERMIT DP-01-19; AND TREE REMOVAL PERMIT TRP-31-19.  
RECOMMENDATION:**

Call for conflict

Commissioner Altwal

- Lives in neighboring neighborhood
  - o Lives within 500' of project site
  - o Looked up and declared no conflict
- Questioned if Commissioner Gavidia can recuse himself from Planning Commission procedure
- Asked Director to repeat the continuation
- Asked if the public cannot speak
- Feel the public should be able to speak
  - o Take a vote on it
- There are important people that I want to hear from
- Disagree with the speaker only once
  - o The project information is changing
  - o If repeat then yes
  - o Information is changing and could cause new comments
  - o Public should be able to speak
  - o Information changed and I have changed comments
- Allow the public to speak
- Echoed Vice Chair and Chair about the revised plans
- Plans need to reflect what is being working on
  - o 48-foot right-of-way
- Don't want to vote on plans that are not accurate
- 48 foot changes a lot
- Letters received recently
  - o Did not receive the letter timely
- Letter by Moita
  - o Brings a lot valid good points
- Wants to see letters prior
- As a previous Architect plans were submitted with revisions
  - o Revisions are not conditions
  - o The plans need to be revised
- Director Feske – Condition #4
  - o Discussion about what you approve and what you do not
  - o Sound Wall is significant enough and not left to the Director to review
  - o I thought this was to be corrected and it is not
- I have a lot of questions for this project and want see a clean set
- Public deserves see what is approved
- I will not approve anything that is not clear regardless of effort
- I will not approve anything based on promises that we have no chance to directly follow on by us

Commissioner Gavidia

- Declared recusal
  - o Family owns property in the area and oversee the finances

- Added conversations with Council puts him in a conflict position
- Perception is everything
- Commissioner Gavidia decided to exit the meeting

#### Vice Chair Denslow

- Asked Director if the public speaks this time, then they cannot speak at the continued date.
- Did the speaking only once happen with a previous project that carried over
- Is allowing the public to speak at Planning Commission discretion
- Echoed request for revised plans to reflect the right-of-way and setback

#### Chair Chippero

- Asked Director if Commissioner Gavidia needs to leave the meeting or what the next step is
- Asked Director about recusal
  - o Echoed Commissioner Gavidia financial interest – family interest – in the property nearby
- Granted Commissioner Gavidia recusal
- Is the public going to speak?
- See neighbor is in attendance
- Stated that is what Planning Commission had started this and keep the consistency
- Yes, different from the previous project
  - o Speakers spoke multiple times and got a lot of repeats
- Echoed Commissioner Altwal that the information is changing and that what we see today might be different than what we see the next time
- Yes, allowing public to speak at discretion of Planning Commission
- Called for public comment and closed public comment
- Request revised plans with the new information

#### Director Feske

- Conflict of Interest is direct financial interest
- Commissioners can recuse themselves if they feel there is a conflict real or perceived
- Option to move Commissioner Gavidia to attendee
- Request for continuation to a date uncertain and a notice will be sent out with the Planning Commission meeting date.
  - o New notice to make sure public is aware of this item
  - o Requesting no public comment
- Repeated request – clarified this a request but it is up to the Planning Commission
- Applicant is not present tonight
- Clarify that the public comments is closed, not the public hearing

Motion and vote 3-0-1 (Gavidia) to continue to a date uncertain with a notice to be sent out.

#### Vice Chair Denslow

- Should a new Planning Commissioner come on board, can they participate?

#### Director Feske

- If there is a new Planning Commissioner, they can participate. However, it would

be their responsibility to come up to speed and decide if they are able to can participate

**8. ACTION ITEMS**

None

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

Vice Chair Denslow

- Videos November 10<sup>th</sup> and December 8<sup>th</sup> not posted
- Minutes posting
- Request for Housing Accountability Act (HAA) discussion on future agenda

Chair Chippero

- Request that any Commissioner that has an issue with another Commissioner to address that with the City Council.
- Requested that the City post the agenda on the City Facebook and Nextdoor
- Requested that the Commissioners consider a rotation to report to the City Council
  - o To be discussed at next meeting with all the Commissioners present

**10. ADJOURNMENT**

Meeting adjourned at 7:36PM



## MINUTES

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

TUESDAY, January 12, 2021  
7:00 P.M.

CALL TO ORDER  
7:00 P.M.

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

Chair Chippero, Vice Chair Denslow, Commissioner Atlwal, Commissioner Gavidia, and vacant seat

**3. PRESENTATION AND ANNOUNCEMENTS:**

Community Development Director:

- Announced the Planning Commission Vacancy Recruitment

**4. ACCEPTANCE OF THE AGENDA:**

Acceptance by consensus (4-0-0)

**5. PUBLIC COMMENT (Non-Agenda Items):**

None

**6. CONSENT CALENDAR**

**A. MINUTES:**

Planning Commission Minutes of October 27, 2020.

Planning Commission Minutes of November 2, 2020

Planning Commission Minutes of November 24, 2020

Planning Commission Minutes of December 8, 2020

Planning Commission Minutes of December 22, 2020

Commissioner Atlwal

- Why do we have minutes from 4 meetings at same time
- How can the minutes be corrected from 2 months ago
  - o Can only remember from the 22<sup>nd</sup>
- December 22<sup>nd</sup> minutes

- Minutes do not accurately reflected what was said and ignored what I said
  - Package was different
  - Made a comment on the affordable unit
    - The whole house and in-law unit
- December 8<sup>th</sup> minutes
  - Size of units being more than allowed
  - If this is looked at in future the public will not know what was talked about
  - There was three and half hours of discussion
  - As presented now, they won't even think about what happened in the meeting
- The comments submitted are very superficial and not correct
- Detailed minutes and highlights are two different things
- I have been in 30 million dollar projects where consultants were fired for minutes
- These minutes don't reflect what was there
- Agrees with City Council as Terri explained it
- Not asking for detailed minutes of every point
- Accept bullet point of what was discussed ... this is far away from detailed
  - Example retaining wall was discussed
  - Not to mention discussion is vague
- 1 page or 1 ½ page is not correct
- This not a City Council issue, this is an issue to the Director and City Manager
- There is not consistency between our minutes and those of the Council
- This is beyond reduced, this nothing ... not even representing
- 

#### Commissioner Gavidia

- City Council voted to have shortened minutes and refer to videos
- I believe in detailed minutes, but Council voted
- Would like stenographer, but probably not feasible
- Would like some consistency
  - City Council decided for shortened minutes
- A couple of the Council sit on other Boards and they do not do any minutes
- Many objected to the condensed minutes
- Echoed Commissioner Altwal concern with the condensed minutes
- Believes in very detailed minutes or stenographer
- Suggested that one or all the Planning Commissioners request the City Council go back to way the minutes used to be done
- Understands that there are not staff resources to do the detailed minutes or verbatim minutes
- Who is the arbiter of the details?
  - How Commissioner Altwal feels about the minutes is the same I feel about the Council minutes
- There needs to be consistency set by Council
- Pulled second so Commissioner Altwal could address his concerns

#### Vice Chair Denslow

- December 8<sup>th</sup> minutes
  - A lot of detailed questions
  - Would like to see details, not all the details
  - Not okay with the methodology with these minutes
  - More detail

- States comments but not what the question was or answer
- The section about Commissioner Altwal questions and mine re-written
- Even with notes, hard to recall what was asked
- No specifics and questions about the method
- Revert back to how it was done in the past
- Not suggesting that detailed minutes, just clarification on the bullet points
  - Comment on access to retention pond does reflect the comments about the retention pond
- Use same format as City Clerk
- Agree not enough staff resource to do the detailed minutes
- Agree with consistency
- Minutes are lacking that consistency of City Council minutes

Chair Chippero

- Decmber 8<sup>th</sup> minutes - Clarification of which number was correct
- December 22<sup>nd</sup> minutes – Clarify that the City post the agendas to City Facebook and Nextdoor City sites.

MOTION: Table the minutes and vote 3-0-1 (Abstain Commissioner Altwal)

## 7. PUBLIC HEARINGS

None

## 8. ACTION ITEMS

None

## 9. PLANNING COMMISSION REQUESTS AND UPCOMING AGENDA DEVELOPMENT

- A. Planning Commission request to bring the Housing Accountability Act (HAA) for discussion.** Does the Planning Commission want a presentation and report or an open forum discussion?

Commissioner Altwal

- I made request for parking at Stranahan in November and Denslow made in December, over 40 days ago. Why?
- How come my request is over 40 days and tabled somewhere and why is Terri's up for action?

Director Feske

- This is not for action, just clarification on discussion for a future agenda
  - Open forum or presentation
- All Planning Commission requests will be on a future agenda

Vice Chair Denslow

- There is a subdivision D and J. What is the difference?
- Clarification of when it applies
- Either a presentation or report, no preference

Chair Chippero

- Discussion on Planning Commission rotation for reporting to City Council
  - Would like to go back to rotation

- o Good for public to see the Planning Commissioners and good for the Council
- Cannot force a Commissioner to report if they don't want to
- Rotate between Chair and Vice Chair
- Asked Commissioner Altwal to be back-up
- Move this along to help keep the peace and asked Vice Chair Denslow to report at next meeting

Commissioner Gavidia

- The ones in leadership should be the ones reporting
- If you want to be in leadership then you take on that role (not directed at anyone)
- Decorum and protocol have been thrown out in this body and the Council
- It cannot be stated that this is how we used to do it
- Consistency – Either we do as we used to or not
- Like the new format of Chair and Vice Chair do the report and it is formal
- Decline to do the reporting
- Decorum and protocol are no longer
- 

Commissioner Altwal

- It should be rotation
- It should not be all left to you two (Chair and Vice Chair)
- Commissioner should report and Commissioner is backup
- Part of the duties of the Planning Commissioners
- Statement that Commissioner Gavidia not politicize this Commission
- No protocol of re-vote that is Democracy
- (Commissioner Gavidia) He lost and does not stop doing his duty as a Commissioner
  - o If Planning Commissioner requires or votes on that we represent then you need to step up and represent like everybody
  - o Everybody's time is just as important as your Commissioner Gavidia
  - o We took a vote and you lost and that is fine
  - o It's what Democracy is and if don't agree with Democracy then we have another issue
- If Chair you want a vote, lets take a vote right now (rotation)
- I will do whatever the Commissioner want

Vice Chair Denslow

- Good either way
- Agreed to report

**10. ADJOURNMENT**

7:57PM



# AGENDA REPORT

**TO: HONORABLE CHAIR AND PLANNING COMMISSIONERS**

**FROM: MATTHEW FESKE, COMMUNITY DEVELOPMENT DIRECTOR**

**DATE: FEBRUARY 9, 2021**

**SUBJECT: STRANAHAN PARKING**

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## **RECOMMENDATION**

It is recommended that the Planning Commission receive, discuss, and file.

## **OPTIONAL RECOMMENDATION**

To draft memorandum to the City Council

## **DISCUSSION POINTS**

At the request of Commissioner Altwal, the discussion of parking for the residents in the Stranahan neighborhood is before the Planning Commission. The following are suggested discussion points:

- Discuss current parking issues within Stranahan
- Discuss future parking issues within Stranahan
- Options to Stranahan parking

## **ATTACHMENTS**

- A. Draft Parking code for discussion
- B. Sample Memorandum that the Planning Commission could use to forward a request to City Council



Chapter xxxxxx Neighborhood preferential permit parking Sections:

- xx.xx.010 Legislative purpose.
- xx.xx.020 Legislative findings.
- xx.xx.030 Definitions.
- xx.xx.040 Designation of neighborhood permit parking areas.
- xx.xx.050 Designation and annexation criteria.
- xx.xx.060 Designation process of a neighborhood permit parking zone or area.
- xx.xx.070 Modification.
- xx.xx.080 Issuance of vehicle parking permits.
- xx.xx.090 Visitor permits.
- xx.xx.100 Permit parking zone.
- xx.xx.110 Display of permit.
- xx.xx.120 Residential permit parking terms of use.
- xx.xx.130 Application for and duration of permit.
- xx.xx.140 Permit fees.
- xx.xx.150 Penalty provisions.
- xx.xx.160 Revocation of permits.
- xx.xx.170 Applicability of parking control vehicles.
- xx.xx.180 Deletion of streets from neighborhood permit parking areas.
- xx.xx.190 Specific Stranahan permit parking hours.

Chapter xx.xx Neighborhood preferential permit parking

xx.xx.010 Legislative purpose.

This chapter is enacted in response to the serious future adverse effects caused in Stranahan Neighborhood by potential future motor vehicle congestion, particularly the long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents who do not live in this neighborhood. In order to protect these areas and neighborhoods, it is necessary to enact parking regulations restricting parking by nonresidents, while providing the opportunity for residents to park near their homes. In these situations, uniform parking regulations restricting residents and nonresidents alike would not serve the public interest. Rather such regulations would contribute to neighborhood decline while ignoring alternatives to automobile travel available to nonresidents who park in these areas. For that reason and pursuant to the authority of California Vehicle Code Section 22507, a system of preferential neighborhood permit parking is enacted for the city.

xx.xx.020 Legislative findings.

A. General Findings. The City Council finds, as a result of public testimony, evidence generated by city staff and derived from other sources, that serious adverse effects in certain areas and neighborhoods of the city result from motor vehicle congestion, particularly long-term parking of motor vehicles on the streets of such areas and neighborhoods by nonresidents who do not visit or conduct business with residents. The neighborhood permit program established by this chapter will relieve these serious adverse effects by:

1. Reducing potential hazardous traffic conditions resulting from the long-term parking of commuter vehicles in neighborhoods;
2. Protecting such areas and neighborhoods from polluted air, excessive noise, trash and refuse caused by the entry and exit of such motor vehicles;
3. Protecting the residents of such areas and neighborhoods from unreasonable burdens in obtaining parking near their residences and in gaining access to their residence;
4. Preserving the character of such areas and neighborhoods as residential; promoting the efficiency of the maintenance of the streets of such areas and neighborhoods in a clean and safe condition;

5. Preserving the value of property in such areas and neighborhoods;
6. Preserving the safety of children and other pedestrians;
7. Promoting traffic safety and the peace, good order, comfort, convenience and general welfare of the inhabitants of the neighborhood.

B. Specific Findings. The following specific legislative findings of the City Council in support of preferential neighborhood parking are set forth as illustrations of the need compelling the enactment of this chapter. These findings do not exhaust the subject of the factual basis supporting the enactment of this preferential neighborhood parking program.

1. The safety, health, and welfare of the residents of the neighborhood can be greatly enhanced by maintenance of the attractiveness of the neighborhood;
2. A large number of area and future residents possess automobiles and, as a result, are daily faced with the need to store these automobiles at or near their residences;
3. Stranahan neighborhood could be burdened by the future parking of motor vehicles owned by nonresidents which compete for the available on-street parking spaces; specifically at night.
4. Unnecessary vehicle miles, noise, pollution, and strain on interpersonal relationships caused by the conditions set forth herein create unacceptable hardships on residents of the Stranahan by causing the deterioration of air quality, safety, tranquility, and other values of the urban residential environment;
5. In the future, these adverse effects on the residents of the neighborhood will contribute to a decline of the living conditions therein, a reduction in the attractiveness of residing within the area, and consequent injury to the general public welfare; and, enacting this chapter will serve to promote the safety, health and welfare of all the residents of Stranahan by reducing unnecessary personal motor vehicle travel, noise and pollution, and by promoting improvement in air quality, the convenience and attractiveness of urban residential living, and the increased use of public mass transit facilities available now and in the future. The public welfare will also be served by preserving a more stable and valuable property tax base in order to generate the revenues required to provide essential public services.

xx.xx.030 Definitions.

A. "Designated neighborhood parking permit area" means any contiguous area upon which the Council imposes parking limitations pursuant to the authority granted by this chapter.

B. "Nonresidential vehicle" means a motor vehicle not eligible to be issued a residential parking permit, pursuant to the terms and conditions of this chapter, for the specific area in which it is parked. However, it could be eligible for any other parking permit the council shall designate.

C. "Neighborhood parking permit" (NPP) means a permit issued under this chapter which, when registered to or when displayed upon a vehicle or, as described herein, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.

D. "Parking permit" means a permit issued under this chapter which, when registered to or displayed upon a motor vehicle, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.

E. "Director" Community development director

F. "Transportation" means staff responsible for transportation issues with the City of Clayton.

F "Parking Services" means the Parking Services Division and staff.

G. "Local business parking permit" means a permit issued under this chapter which, when displayed upon or registered to a motor vehicle, shall exempt said vehicle from parking time restrictions established pursuant to this chapter.

H. "Visitor permit" means a parking permit issued pursuant to this chapter or an ordinance enacted pursuant to authority granted herein, which shall exempt the vehicle from parking time restrictions pursuant to this chapter, for the date(s) indicated upon the face of said permit.

I. "Motor vehicle" shall be an automobile, truck, motorcycle or other self-propelled form of transportation not in excess of 8,000 pounds gross weight and not in excess of 20 feet in length.

A trailer, trailer coach, utility trailer, motor home/RV, or any other type of vehicle as defined in the California Vehicle Code that is not self-propelled, is not eligible for an NPP permit.

J. "Controlled curb parking" means any on-street parking with existing parking limitations, such as meters, time restrictions, red zone, disabled zone, etc.

xx.xx.040 Designation of neighborhood permit parking areas.

The City Council, by resolution, may consider for designation any residential area in the City as a neighborhood permit parking area. The resolution shall state the boundaries of the area, applicable parking regulations, and fees, if any, to be charged upon permit issuance. The requirements governing the manner in which persons qualify for visitor permits, and local business permits in each residential permit parking area shall be established by the Transportation Department and may include, but not be limited to, current California Department of Motor Vehicle registration and proof of current residency or business license, each which shall reflect the address of the resident or the business to whom the permit is issued.

xx.xx.050 Designation and annexation criteria. In determining whether a residential area may be designated as a neighborhood permit parking area, City Staff shall take into account factors which include, but are not limited to:

A. Whether a majority of the residents residing in the proposed impacted area show a desire and need of at least 51% of the adult residents are for neighborhood permit parking; and

B. The extent that motor vehicles are parked in the residential area during the period proposed for parking regulations.

xx.xx.060 Designation process of a neighborhood permit parking area.

A. There shall be three alternative processes by which City Council may consider any area for designation as a neighborhood permit parking area:

1. Residents petition. The City Council may consider any proposed area for which an application and a petition has been submitted and which satisfies the following requirements:

a. The application contains a description or a map showing the proposed permit parking area; and

b. The application includes a petition signed by a majority of the residents that reside in the proposed parking area. The petition shall include the following statement: *"We, the undersigned, are residents and/or business owners of the proposed preferential residential permit parking area described in this petition. We understand that, if this area is designated as a neighborhood permit parking (NPP) area, certain restrictions will be placed upon on-street parking within the designated parking area; and residents of the area will be eligible to obtain permits exempting them from such parking restrictions; that the annual fee for a neighborhood parking permits shall be charged by the City of Clayton in accordance with the Master Fee Schedule; that a neighborhood parking permit may be issued to a resident of the same address, but not more than two parking permits shall be issued to any one address, except in areas where it appears that the number of permits issued would exceed the number of legal on-street parking spaces where the initial sale would be possibly limited to one permit per resident; that no more than one NPP permit shall be issued to each motor vehicle owned or leased for which an application is made; and that annual fees for residential parking, reserved disabled parking, and visitor permits shall be in accordance with the Master Fee Schedule per vehicle. We, the undersigned, hereby request that the City Council of the City of Clayton consider this application for establishment of the above described area as a "neighborhood permit parking area."*

c. The statement shall be followed by a signature, printed name, address, phone number, email address, and date of signing of the application by a majority of the adult residents residing in the proposed parking area.

2. City Council initiation. City Council may consider for designation as a neighborhood permit

parking area any area for which the following requirements have been met:

A. City Council initiates an area as neighborhood permit parking area.

B. In the proposed neighborhood permit parking area at least 75% of the block fronts with unlimited on street parking must be residentially zoned, and 75% of all unlimited on-street parking spaces within the proposed area must be occupied during any two one hour periods between 4:00 p.m. and 6:00 a.m. or unlimited on-street parking is projected to be impacted by parking spillover.

3. Recommendation by the Staff. Staff may recommend an area for neighborhood permit parking designation.

a. After Parking determines that a petition contains signatures from at least 51% of the residents of neighborhood in favor of a designation as a residential permit parking area, Transportation shall recommend by written report to the City Council, to designate the residential area under consideration as a neighborhood permit parking area.

b. The report of the Parking Services Division shall set forth the results of the parking field study, the signed petition, and the proposed boundaries and regulations of the residential permit parking area.

c. Upon receipt by the City Council of the staff's recommendation as described in subsection A of this section, the Council may, by resolution, after public hearing:

1. Establish a neighborhood parking area based upon application and adopt any regulations and time restrictions determined by City Council to be reasonable and necessary in the area.

d. Notice of the hearing shall be posted at least ten days prior to the hearing on all blocks proposed to be included in the neighborhood permit parking area.

xx.xx.070 Modification.

After public hearing with notice as described in Section xx.xx.060 the Council may, by resolution, modify a designated neighborhood permit parking area.

xx.xx.080 Issuance of vehicle parking permits.

A. Vehicle parking permits shall be issued by the City of Clayton. Each permit shall state the specific neighborhood permit parking area, the license number of the motor vehicle for which it is issued, and any additional information required by Parking Services to enforce the provisions of this chapter. Only one parking permit shall be issued for each motor vehicle. The requirements governing the manner in which persons qualify for vehicle parking permits in each neighborhood permit parking area shall be established by the City Staff and may include, but not be limited to, current California Department of Motor Vehicle registration and proof of current residency, both of which shall reflect the address of the resident or owner to whom the permit will be issued.

B. Vehicle parking permits may be issued for motor vehicles only upon application of the following persons:

1. A resident of the residential permit parking area who owns a motor vehicle registered with the California Department of Motor Vehicles at the address where the resident lives;

2. A resident of the residential permit parking area who has a company leased or company owned vehicle regularly parked in the area;

3. A resident of the residential permit parking area on active military duty with the United States Armed Forces who maintains a separate vehicle registration address.

xx.xx.090 Visitor permits.

The requirements governing the manner in which persons shall qualify for visitor permits in each residential permit parking area shall be established by City Staff and may include, but are not be limited to, current California Department of Motor Vehicle registration and proof of current residency, both of which shall reflect the address of the resident or owner to whom the permit is

issued.

xx.xx.100 Permit parking zone.

(a) The City Council shall conduct a public hearing on any proposal to establish a permit parking zone. Not less than (10) ten days prior to the date of the public hearing, there shall be mailed notice of said hearing to the property owners of record abutting the streets, or portions thereof, of the proposed permit parking zone. The City Council may establish a permit parking zone if it finds:

- (1) that a shortage of reasonably available parking spaces
- (2) that the zone is necessary to provide reasonable available and convenient parking for the benefit of a residence(s), or business(es);
- (3) that the proposed permit parking zone will not adversely affect residents and businesses within and adjacent to said zone; and
- (4) that no alternative solution is feasible or practical. If, following the public hearing, the City Council determines that a permit parking zone should be created, the City Council shall adopt a resolution establishing the boundaries of the zone and any parking regulations, fees, or other appropriate provisions.

(b) All parking permits shall be issued by Parking Services. Parking Services is authorized to issue such rules and regulations, consistent with this section and any resolution adopted by the City Council, governing the manner in which permits shall be issued and used. Parking Services is authorized to deny or revoke the parking permit of any person who does not conform with or violates said rules and regulations or any provision of this section. Prior to the denial or revocation of a permit, the Parking Services shall give the person at least a (10) ten day written notice of the impending denial or revocation and the reasons therefor. Within said (10) ten day period, the person may request a hearing before the Director. Such request for a hearing must be in writing, setting forth the reasons why the permit should not be denied or revoked. The Director shall conduct a hearing on the proposed denial or revocation. The decision of the Director shall be final and conclusive. Upon revocation of a permit, the permittee shall surrender the permit to Parking Services.

(c) Upon adoption by the City Council of a resolution designating a permit parking zone, the Director of Public Works shall cause appropriate signs and/or markings to be erected in the zone, indicating prominently thereon the parking regulations.

(d) A parking permit shall not guarantee or reserve to the holder thereof an on-street parking space within the designated permit zone.

(e) It shall be unlawful for any person to falsely represent himself as eligible for a parking permit or to furnish false information in an application therefor to Transportation.

(f) It shall be unlawful for any person to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit in order to evade parking regulations applicable in the permit parking zone.

(g) Nothing contained in Section xx.xx.080 shall constitute an exemption from or supersede the provision of Article 1 of Chapter 5 of Division 13 of the California Vehicle Code (Section 31303 et seq.).

xx.xx. 110 Display of permit.

Permits shall be displayed in a manner as determined by Parking Services.

xx.xx. 120

Residential permit parking terms of use. A motor vehicle displaying a valid neighborhood parking permit may park in the residential permit parking area for which the permit has been issued and within two city blocks from the end of the city block of the address to which the permit is issued without being limited by parking regulations established pursuant to this

chapter. The motor vehicle shall not be exempt from parking restrictions or prohibitions established pursuant to authority other than this chapter. All other motor vehicles parked within a residential permit parking area shall be subject to the parking regulations established pursuant to this chapter. With exception to a permit issued for reserved disabled parking, a residential parking permit shall not guarantee or reserve to the holder an on-street parking space within the designated residential permit parking area.

xx.xx.130

Application for and duration of permit. Except as otherwise provided, each vehicle parking permit or visitor parking permit issued by the Parking Services shall be valid for no more than one year based on the permit renewal cycle. Permits may be renewed upon reapplication in the manner required by the Parking Services. Each application or reapplication for a neighborhood parking permit shall contain information sufficient to identify the applicant, his or her residence or business address or address of real property owned or leased within permit parking area, the license number of the motor vehicle for which application is made (for vehicle parking permits), and such other information that may be deemed relevant to the Parking Services.

xx.xx. 140 Permit fees.

The fee, if any, for eligible residents or businesses within the neighborhood permit parking area for a parking permit shall be established by resolution of the City Council.

xx.xx. 150 Penalty provisions.

A. It is a violation of this chapter, unless expressly provided to the contrary, for any person to stand or park a motor vehicle contrary to the parking regulations established by this chapter. A violation shall be subject to civil penalty as specified in the resolution by the city council pursuant to Section xx. xx.080 of this title.

B. It is unlawful and a violation of this chapter for a person to falsely represent him or herself as eligible for a neighborhood parking permit or to furnish false information in order to obtain a permit. Any such violation shall subject the violator(s) to a parking penalty and revocation of the residential permit(s) until the next renewal cycle for that permit area provided that the proper documentation is submitted to obtain any renewal permits at the time of application.

C. It is a violation of this chapter, unless expressly provided to the contrary, for a person holding a valid neighborhood parking permit issued pursuant to this chapter, to permit the use or display of the permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute a violation of the chapter both by the person holding the valid neighborhood parking permit and the person who uses or displays the permit on a motor vehicle other than that for which it is issued. This violation shall be subject to civil penalty as specified in the resolution adopted by the city council pursuant to Section xx.xx.080(b) of this title.

D. It is a violation of this chapter to use, or allow to be used, any neighborhood parking permit for commuter parking. Use of any neighborhood parking permit for commuter parking shall mean:

(1) use of a neighborhood parking permit more than two city blocks from the address for which it is issued; or

(2) use of a neighborhood parking permit for the purpose of parking to go to one's place of employment or educational institution. Use of a neighborhood parking permit for commuter parking shall constitute a violation of this chapter both by the person to whom the parking permit was issued and by the registered owner of the vehicle upon which the parking permit is displayed. This violation shall be subject to civil penalty as specified in the resolution adopted by the city council pursuant to Section xx.xx.080 (a) of this title.

E. It is unlawful and a violation of this chapter for a person to copy, produce or otherwise create a facsimile or counterfeit parking permit in order to evade parking regulations applicable in a neighborhood permit parking area. It is also a violation to sell, transfer, exchange or assign any vehicle, visitor or temporary permit. Any such violation shall subject the violator(s) to a parking penalty and revocation of the neighborhood parking permit(s) until the next renewal cycle for that permit area provided that the proper documentation is submitted to obtain any renewal permits at the time of application.

xx.xx.160 Revocation of permits.

In the event a neighborhood parking permit is being used in a manner which violates this chapter, the Parking Services may cancel the permit by issuing a written notice to the holder of the permit. In addition to canceling any neighborhood parking permit used in violation of this chapter, the Parking Services may deny any further application for a neighborhood parking permit by any person who has used a parking permit in violation of this chapter or any application for a neighborhood parking permit by any person for the residence or business in which such person resides or works as long as that person who used a neighborhood parking permit resides there. Any person aggrieved by such a determination made by the Parking Services shall have the right to appeal to the Director within ten (10) days of such determination.

xx.xx.170 Applicability to parking control vehicles.

The provisions of this chapter shall not be construed to prohibit the stopping, standing or parking of parking control vehicles while such vehicles are being used in parking control enforcement, provided, however, that this section shall not supersede provisions of this title, which expressly refer to or regulate parking control vehicles. As used in this section the term "parking control vehicles" means any vehicle used by an authorized official of the city during the enforcement of parking and registration regulations pursuant to the chapters of this code and the California Vehicle Code.

xx.xx.180 Deletion of streets from neighborhood permit parking areas.

A. Persons desiring the deletion of a neighborhood permit parking area or portion of a neighborhood permit parking area shall consult with the Parking Services to tentatively establish the boundaries of the area proposed for deletion.

B. If Parking Services determines there is a significant show of interest by the residents in a neighborhood permit parking area for deletion of the area as a permit parking area, the Parking Services shall undertake a parking study to determine whether deletion of the area is appropriate. In the event that the parking study demonstrates an occupancy rate of more than fifty (50) percent, the Parking Services shall decline a request to delete the neighborhood area or a substantial portion of that area, for a period of one year following determination of the occupancy rate unless there is a substantial change in the character of the residential area that impacts the need and desire for deletion of the neighborhood permit parking area or a portion thereof.

C. If the parking study shows a fifty (50) percent or less occupancy rate, the Parking Services shall undertake voting surveys to determine support or opposition to the proposed deletion by property owners of the properties located on the blockface(s) for the area proposed for deletion. Unless a majority of voting surveys are returned with at least two-thirds voting in favor of the deletion, the area shall not be deleted as a neighborhood permit parking area.

D. After determining that a majority of the voting surveys are returned with at least two-thirds voting in support of deletion of the area as a neighborhood permit parking area, the Parking Services shall mail notices to the residents of the neighborhood permit parking area. The notices shall set forth the proposed location and boundaries of the area to be deleted.

E. If it appears, based on the parking study and the voting survey, that the general consensus

within the proposed neighborhood permit parking area is in favor of deleting an area as a neighborhood permit parking area, Transportation shall provide recommendations by written report to the city council, whether to delete the area under consideration as a neighborhood permit parking area.

xx.xx.190 Specific Stranahan permit parking hours

Based on future neighborhood developments and parking study it is suggested that the parking hours for this particular neighborhood is not affected during the day and mainly affected during night time, so, the suggested hours of parking is established by the City Council based on the application by residents petition based on xx.xx060, and such hours shall be between the hours of 4 P.M. and 6 P.M. 7 days a week.





## City of Clayton Planning Commission

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### Memorandum

DATE: February 9, 2021  
TO: Honorable Mayor and Members of the City Council  
FROM: City of Clayton Planning Commission  
RE: Stranahan neighborhood parking

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We the Clayton Planning Commission would request that the Clayton City Council discuss the Stranahan neighborhood parking on a near future agenda. The Planning Commission, on February 9, 2021, discussed the Stranahan neighborhood parking situation and came up with options that should be considered.

The Stranahan neighborhood has expressed interest in discussing options for the current and future parking issues. Specifically, parking issues that might arise from the future development of the properties in close proximity to the Stranahan neighborhood.

#### ISSUES IDENTIFIED

- Street parking is limited currently due to the physical layout of the street and homes.
- Increased housing in close proximity, with limited parking, will cause vehicles to seek parking in nearby neighborhood streets. Specifically, the Stranahan neighborhood as this is the closet neighborhood to the currently approved housing development.
- Overall increased traffic and visitors to Clayton has put pressure on the street parking available and as such the seeking of parking has led vehicles into neighborhoods for street parking.
- Street parking in the Stranahan neighborhood is already limited and any other vehicles beside current residents will severely limit the ability of the residents to have family and friends visit.

#### OPTIONS IDENTIFIED

1. Limit parking hours (example: no parking from 6pm to 6am)
2. Limit parking time (example: 2-hour limit)
3. Permit parking
4. Any combination of above