

**Minutes
City of Clayton Planning Commission
Regular Meeting
Tuesday, June 28, 2022**

1. CALL TO ORDER

Chair Denslow called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Vice Chair Miller led the Pledge of Allegiance.

3. ROLL CALL

Present: Chair Terri Denslow
 Vice Chair Ed Miller
 Commissioner Justin Cesarin
 Commissioner Amy Hines-Shaikh

Absent: Commissioner Frank Gavidia

Planning Commission Secretary/Community Development Director Dana Ayers was present from City staff.

4. PRESENTATIONS AND ANNOUNCEMENTS

There were no presentations or announcements.

5. ACCEPTANCE OF THE AGENDA

There were no changes to the agenda as submitted.

6. PUBLIC COMMENT

There were no public comments.

7. CONSENT CALENDAR

A. Minutes of Planning Commission Meeting of June 14, 2022.

Commissioner Hines-Shaikh requested two corrections to pages 9 and 11 of the draft meeting minutes. On page 9, she asked that her comments regarding \$49 million in California state funds be corrected to note "\$49 billion in state surplus general fund monies, a portion of which might become available for affordable housing development to help with construction costs." On page 11, she clarified that her comment regarding

the increase in accessory dwelling units from three to five was specific to Site B of the draft Housing Element site inventory.

Commissioner Cesarin moved to approve the submitted minutes, including the two changes Commissioner Hines-Shaikh requested to pages 9 and 11. Commissioner Hines-Shaikh seconded the motion. The motion passed by a 3 to 0 vote (Commissioner Gavidia was absent, and Vice Chair Miller abstained from the vote because he did not attend the June 14 meeting).

8. ACTION ITEMS

A. **Request for Initiation of a Zoning Code Study Pertaining to Mobile Food Vendors (ZOA-01-2022).**

This is a request for the Planning Commission to initiate a study of potential amendments to Clayton Municipal Code Title 17 (Zoning) pertaining to mobile food vendors. Initiation of the study will allow staff to identify necessary changes to the zoning code to comply with recent changes in California state law. Any amendments staff identifies will be presented to the Planning Commission at a future public hearing, requesting a recommendation to the City Council.

Community Development Director Dana Ayers introduced and briefly explained the item.

Vice Chair Miller asked if the potential amendments would apply to hot and cold food vendors. Director Ayers said that Clayton Municipal Code (CMC) did not differentiate between the two. She was unaware of state statutes that distinguished them, but if differences were spelled out in state law, the draft amendments to CMC would capture them.

Chair Denslow requested clarification on the scope of the study and whether consultant support would be necessary. Director Ayers advised that the potential amendments were limited to text in certain sections of the CMC and that staff would likely be able to draft the amendments with the City Attorney's support. She said that the amendments intended to bring the Clayton's regulations in line with the state's regulations and that any draft amendments would be presented to decision-makers at noticed public hearings.

In response to Chair Denslow, Director Ayers advised that recent changes to state law dictated how local jurisdictions could regulate mobile food vendors. She anticipated that the study would include an evaluation of whether the use permit required by CMC was the most appropriate mechanism for regulation of mobile food vendors and whether it was appropriate to have regulations contained in the CMC Title 17 (Zoning) for vendors that operate in the public right-of-way. State law also contained provisions limiting how jurisdictions could regulate mobile food vendors.

Any potential code amendments would need to ensure that the City did not overreach beyond what state law allows the City to regulate.

Commissioner Cesarin confirmed with Director Ayers that if a conflict between local and state regulations arose, the state's regulations would supersede local code. Director Ayers said it was still a good idea for the local code to be written in a manner consistent with state law to avoid confusion on the part of the public and City staff. She reiterated that she had not thoroughly evaluated the extent of the changes that might be needed to the CMC.

Commissioner Hines-Shaikh said that new legislation was moving through state decision-making bodies, and that the legislation might result in additional changes to state law pertaining to mobile food vendors. She thought the bill would likely be approved and anticipated that to occur in September 2022. She wanted to avoid a situation where the City amended the CMC and then would have to do it again if state law changed. Director Ayers advised that the amendments would be written with the support of the City Attorney and that there was no specific timeframe within which the potential amendments would need to be brought back to the Commission. She thanked Commissioner Hines-Shaikh for the information.

Chair Denslow invited comments from the public on this item. No one in attendance requested to speak.

Chair Denslow expressed hope that the potential amendments did not impact local businesses.

Vice Chair Miller motioned to adopt Resolution No. 03-2022, initiating a study of potential zoning code amendments pertaining to mobile food vendors. Commissioner Hines-Shaikh seconded the motion. The motion passed by a vote of 4 to 0 (Commissioner Gavidia was absent).

9. PUBLIC HEARINGS

There were no public hearings.

10. COMMUNICATIONS

Commissioner Hines-Shaikh thanked Chair Denslow for her service as Chair and said she appreciated her. Vice Chair Miller said that Chair Denslow kept meetings orderly, civilized, and wonderful to attend. Commissioner Cesarin added that Chair Denslow exercised great leadership. He said it had been an honor to work with Chair Denslow during the past year, and he looked forward to continuing to work with her in the community. Vice Chair Miller agreed and added that there seemed to be no organization in the City that Chair Denslow was not already helping in some way. Commissioner Cesarin commended Chair Denslow for her efforts in

organizing the recent Clayton Pride Parade and said he was happy to be a part of it and the positive energy of the event.

Commissioner Cesarin thanked Commissioner Hines-Shaikh for her time on the Commission and said he enjoyed working with her. Vice-Chair Miller appreciated her expertise, perspective, and awareness of legislative happenings at the state level.

Chair Denslow expressed gratitude for the kind words from Commissioners. She appreciated the opportunity to have worked with Assistant Planner Milan Sikela, Director Ayers, the current Commissioners, and prior Commissioners Bassam Altwal, A.J. Chippero, and Peter Cloven. She explained that things in her life's professional and personal aspects differed from when she joined the Commission two and a half years ago. Speaking to the Housing Element, she said that the plan was the most important thing that the Commission would work on, and she felt it would be a disservice to Clayton if she could not focus fully on her role as a Commissioner during the process. Still, she anticipated remaining engaged through public comment during the process. She said this was an important time for the city, there was a lot of division, and the housing planning process would be difficult. She urged the current and incoming Commissioners to stay objective, apolitical, and focused on what was within the land use authority of the Planning Commission and the best interest of Clayton. She reiterated her thanks to the other Commissioners and said it had been a pleasure to serve with them.

Vice Chair Miller and Commissioner Cesarin echoed Chair Denslow's sentiments about working with her and Commissioner Hines-Shaikh and said it had been a privilege.

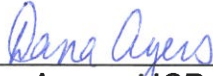
Director Ayers expressed her gratitude to all of the Commissioners and shared that she has enjoyed working with them.

11. ADJOURNMENT

The meeting was adjourned at 7:32 p.m. to the next regular meeting of the Planning Commission on July 12, 2022.

[Remainder of this page left blank. Signatures on the following page.]

Respectfully submitted:



Dana Ayers, AICP, Secretary

Approved by the Clayton Planning Commission:



Daniel Richardson, Chair