



**AGENDA**  
**Planning Commission**  
**Regular Meeting**  
**November 28, 2023**  
**7:00 p.m.**

**Hoyer Hall at Clayton Community Library**  
**6125 Clayton Road, Clayton, California**  
**and**  
**Via Zoom Webinar**  
**Webinar ID: 811 9155 8777**

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

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. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the teleconferencing option.

**Videoconference:** To join the meeting on-line via smart phone or computer, click on the link: <https://us02web.zoom.us/j/81191558777>; or, through the Zoom application, enter **Webinar ID: 811 9155 8777**. 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 the Community Development Director 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. **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 agendized public hearing or action 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. At the Chair's discretion, up to 3 minutes will be allotted 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:**  
Planning Commission Meeting of November 14, 2023
7. **PUBLIC HEARING**
  - A. **Recommendation on Amendments to Clayton Municipal Code Title 17 to Implement Adopted General Plan Housing Element Policy, Rezone Properties in Conformance with the Housing and Land Use Elements, Clarify Administrative Procedures, and Align with State Law**  
This is a continued public hearing to consider proposed amendments to various chapters of Title 17 (Zoning) of the Clayton Municipal Code (CMC), to: 1) implement adopted Housing Element policies and amended Land Use Element policies and land use designations; 2) clarify administrative procedures; and 3) align with provisions of certain California statutes governing land use. Amended text is proposed in multiple chapters of CMC Title 17. In addition to amendments to text of the Zoning Ordinance, eight sites (or portions thereof) in the City are proposed to be rezoned to accommodate residential land uses.  
  
Environmental Determination: On January 17, 2023, in accordance with the California Environmental Quality Act (CEQA, Public Resources Code section 21000 *et seq.*) and the State CEQA Guidelines (California Code of Regulations, section 15000 *et seq.*), the Clayton City Council certified a Final Environmental Impact Report (EIR; State Clearinghouse No. 2022030086) that analyzed the potential impacts on the environment that could occur with adoption of the Housing Element update and related

amendments to land use regulations. The housing-related Zoning amendments as summarized above are within the scope of the project analyzed in the certified EIR. Regulations governing family day care homes are exempt pursuant to CEQA Guidelines section 15274.

**8. 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.

**9. ADJOURNMENT**

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

**Minutes  
City of Clayton Planning Commission  
Regular Meeting  
Tuesday, November 14, 2023**

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

Chair Enea led the Pledge of Allegiance.

**3. ROLL CALL**

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

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**

A speaker attending the meeting in person said that he wanted to see the Planning Commission re-evaluate procedures to require the Commission to meet in the first two weeks of July following City Council appointment of Planning Commissioners for the new term, to re-organize the Commission and appoint a new chair and vice chair. He suggested that re-organizing the Commission later than that would politicize the chair/vice chair appointment process.

**6. CONSENT CALENDAR**

**A. Minutes of Planning Commission Special Meeting of November 1, 2023.**

There being no member of the public attending in person or virtually who wished to comment on the Consent Calendar, Chair Enea invited a motion. Vice Chair Shulman moved to adopt the Consent Calendar with Meeting Minutes of the November 1, 2023, special meeting, as submitted.

Commissioner Richardson seconded the motion. The motion passed by vote of 4 to 0, with Commissioner Casagrande abstaining.

## 7. PUBLIC HEARING

### A. **Recommendation on Amendments to Clayton Municipal Code Title 17 to Implement Adopted General Plan Housing Element Policy, Rezone Properties in Conformance with the Housing and Land Use Elements, Clarify Administrative Procedures, and Align with State Law**

This is a public hearing to consider proposed amendments to various chapters of Title 17 (Zoning) of the Clayton Municipal Code (CMC), to: 1) implement adopted Housing Element policies and amended Land Use Element policies and land use designations; 2) clarify administrative procedures; and 3) align with provisions of certain California statutes governing land use. Amended text is proposed in multiple chapters of CMC Title 17. In addition to amendments to text of the Zoning Ordinance, eight sites (or portions thereof) in the City are proposed to be rezoned to accommodate residential land uses.

Community Development Director Dana Ayers presented the item and shared a slide deck summarizing the proposed Zoning code amendments described in the staff report. She explained that staff recommended the Commission ask questions of staff, open the public hearing and accept written and spoken testimony, provide feedback to staff, and continue the public hearing to the regular meeting of November 28, 2023, at which time the Planning Commission will be asked to make a recommendation to the City Council on the proposed Zoning amendments.

There were no questions from Commissioners at this time.

Chair Enea opened the public hearing on the item.

Jim Moita said he lived southeast of Clayton for 30 years and had hoped that the Commission was going to discuss his property which was just outside City limits. He said that after being denied a minor subdivision by the County in 1988, he worked with the City and other property owners to create the Marsh Creek Road Specific Plan between 1990 and 1995. His property was planned for 106 houses, but the County did not allow annexation to the City because of the Urban Limit Line. He hoped his property could be part of the discussion about how the City could meet its housing needs and requirements from the State.

Vince Moita thanked staff for their work on the Housing Element and zoning code changes to keep the City in compliance. He believed that the increases in downtown densities identified in the Housing Element to achieve the City's regional housing needs allocation resulted from the City's limitations on expanding its boundary to encompass properties in the Marsh

Creek Road Specific Plan area. He saw the Specific Plan properties as opportunities for 290 new housing units similar to the Peacock Creek and Eagle Peak developments. He suggested a legislative piece to the zoning amendments that would preclude reducing planned densities of properties in the Specific Plan area. He thanked the Commission for their time, and concluded by acknowledging that land use decisions to increase housing can come with conflict, but that the additional units were needed, as many people are priced out of the market, especially given current interest rates.

There was no member of the public attending in person or virtually who wished to comment on the item. Chair Enea invited additional comments or questions from the Commission.

Chair Enea asked about a housing development that had recently been approved on Marsh Creek Road. Director Ayers said that that was the Oak Creek Canyon development, a six-unit single-family residential project next to the eastern municipal boundary and north of Marsh Creek Road. In response to the Chair, Director Ayers confirmed that the Oak Creek Canyon property was adjacent to the speakers' property.

At the request of the Chair and Commissioner Casagrande, Jim Moita and Vince Moita provided additional history on the development of the Marsh Creek Road Specific Plan and shared maps of the properties in the Specific Plan area.

Chair Enea confirmed with staff the proposed amendments would reduce the off-street requirement for single-family houses from four spaces to two spaces, at least one of which must be covered. Director Ayers added that the requirement was a minimum requirement, and a developer of a residential project could opt to provide more parking for their marketing reasons.

Vice Chair Shulman questioned the removal of the guest parking requirement for multifamily developments and thought it might present a problem for guests and visitors to those developments.

Director Ayers explained that the proposed amendment to eliminate the guest parking requirement implemented specific policy language in the City's adopted Housing Element. She re-iterated that a developer could opt to provide more than the minimum required off-street parking if it made their units more marketable. She acknowledged that the minimum per-unit requirements for multifamily development was not proposed to be changed. She suggested that some units in a multifamily development might be occupied by households that owned fewer cars than the codified requirement, resulting in excess unused stalls, and she noted that occupants of multifamily properties tend to have lower rates of vehicle ownership than occupants of single-family residences. She explained that

eliminating the guest parking requirement would free up land to be developed with more housing units or more landscaping for better preservation of stormwater quality.

Vice Chair Shulman said she understood those points but believed that the State was walking a fine line with the reduction, since a visitor might have a disability and would need accessible and available parking. She restated that she was concerned about loss of parking, and what she understood to be State mandates to reduce or eliminate vehicle parking over-assumed that people would walk, ride a bicycle or take transit.

Director Ayers said that she could request from the City Engineer data from the Institute of Transportation Engineers' *Trip Generation* manual, which was a compilation of actual observed parking demands at existing multifamily residential developments.

Vice Chair Shulman added that she traveled to people's homes as part of her job. During the holidays, she said she struggled to find parking where parking was limited, and not all locations were accessible by bicycle or transit.

Chair Enea asked if the proposed amendment to parking requirements was a State requirement. Director Ayers advised that State legislation and policy supported moving away from single-occupant vehicle travel to reduce greenhouse gas emissions and preserve air quality globally. However, the specific policy to eliminate guest parking for multifamily residential developments was a local program that the City Council adopted in the City's Housing Element.

Chair Enea then asked if the zoning regulations could be amended in the future if the State's housing element requirements went away. Director Ayers advised that generally, zoning regulations could be amended and re-amended.

Chair Enea announced that the public hearing would remain open and was continued to November 28, 2023.

## **8. COMMUNICATIONS**

There were no communications from staff or Commissioners.

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**9. ADJOURNMENT**

The meeting was adjourned at 7:40 p.m. to the next regular meeting of the Planning Commission on November 28, 2023.

Respectfully submitted:

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Dana Ayers, AICP, Secretary

Approved by the Clayton Planning Commission:

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Richard Enea, Chair