

Minutes
Clayton Planning Commission Meeting
Tuesday, March 27, 2018

1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Vice Chair Bassam Altwal called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton, California.

Present: Vice Chair Bassam Altwal
Commissioner A. J. Chippero
Commissioner Peter Cloven

Absent: Chair Carl Wolfe
Commissioner William Gall

Staff: Community Development Director Mindy Gentry
Assistant Planner Milan Sikela, Jr.

2. ADMINISTRATIVE

- 2.a. Review of agenda items.
- 2.b. Declaration of Conflict of Interest.
- 2.c. Vice Chair Bassam Altwal to report at the City Council meeting of April 3, 2018.

3. PUBLIC COMMENT

None.

4. MINUTES

- 4.a. Approval of the minutes for the February 27, 2018 Planning Commission meeting.

Commissioner Cloven moved and Commissioner Chippero seconded a motion to approve the minutes, as submitted. The motion passed 3-0.

5. PUBLIC HEARINGS

- 5.a. **HOP-04-18, Home Occupation Permit, Jiageng Zhang**, 5121 Keller Ridge Drive (APN: 118-441-011). A request for approval of a Home Occupation Permit to allow after-school home-based instruction of Mandarin, calligraphy, painting, paper cutting art, and other Chinese-themed activities to elementary school and middle school aged children.

Assistant Planner Sikela indicated that an email opposed to the proposed home occupation was received by staff from a concern citizen who wished to remain anonymous and that copies of the email had been distributed on the dais for the Planning Commission. Assistant Planner Sikela then presented the staff report.

Commissioner Cloven asked what enforcement options does the City have in case the applicant violates the parameters of the conditional approval of the Home Occupation Permit.

Assistant Planner Sikela provided the following responses:

- The Clayton Municipal Code allows the City the latitude to revoke a Home Occupation Permit if the home occupation is being conducted in violation of the terms of approval.
- Violations can also be conveyed to City staff through observations of those living in the neighborhood of the subject property.

Director Gentry indicated that if staff received concerns regarding the home occupation being conducted in violation of what was approved by the Planning Commission, staff would investigate the concerns and, if a violation was observed, staff would bring the Home Occupation Permit back before the Planning Commission for consideration of permit revocation, in accordance with the Clayton Municipal Code.

Vice Chair Altwal had the following questions:

- What is the proposed age range of the students that are anticipated to attend the Confucius Institute? Assistant Planner Sikela indicated that the applicant proposed to have elementary school age to middle school aged children attend the Confucius Institute so, from staff's perspective, that would be from approximately seven years old to fourteen years old.
- What is the difference between this home occupation proposal and child care? Assistant Planner Sikela indicated that the home occupation is instruction-based as opposed to actually providing care for the children. While safety and supervision would be expected as part of the home occupation, actual child care would be a much more involved endeavor. The home occupation currently being review by the Planning Commission would be something more comparable to such home-based instruction as piano lessons, learning French, or cooking classes.

Commissioner Chippero indicated that, in the home occupation "project proposal" provided as an attachment in the staff report, the applicant indicated that they are proposing to serve parents who have to work every day and need someone to look after their children after school; the term "look after their children" might imply that child care could be involved with the home occupation.

Director Gentry indicated that staff defers to the State on child care proposals and staff had checked with the State about the services being proposed under the home occupation and the State indicated to staff that, based on the services being instruction-based, the home occupation would not be classified as a child care operation.

The public hearing was opened.

The applicant, Jiageng Zhang, described the home occupation and the instruction involved with operation of the Confucius Institute including such after school activities as learning to read and write Mandarin, reading stories and poems, writing calligraphy, paper art. He added that safety is a number one objective with use of such items as child-proof scissors and that, based on concerns of the neighbors of cars speeding down Keller Ridge Drive, drivers of vehicles dropping off and picking up children will be advised to obey the posted speed limit. He concluded that the driveway for the subject residence will be used for drivers dropping off and picking up children so that there be a reduced impact to on-street parking areas.

Chair Altwal had the following questions and statements:

- Will any physical activities occur in the back yard of the subject residence as part of the home occupation? The applicant indicated that all aspects of the home occupation will occur indoors, specifically in the living room of the subject residence.
- Do you have a schedule of classes available? The applicant indicated that he had not gotten that step yet but that plan is to have the first hour being instruction only, and the second and third hour would involve art and calligraphy and other comparable activities.
- In his experience coaching children, he was required to have a Cardiopulmonary Resuscitation (CPR) training certification and wanted to be sure the applicant has a CPR training certification. The applicant indicated that he has first aid care knowledge through his CPR training; however, his certification has expired and he would be willing to renew it.
- Do you already have six students scheduled to attend the Confucius Institute? The applicant responded that no students have been scheduled yet as he wanted to first receive approval by the City of his Home Occupation Permit.

Commissioner Chippero indicated that he had family members in Utah that attended Chinese immersion classes that are offered through the local school district and asked the applicant if the school district here offered such services. The applicant indicated that, to his knowledge, the school district did not offer such services.

Ron Jacobs, 5118 Keller Ridge Drive, submitted a written summary of his comments in opposition to the home occupation, submitted a printed copy of an email from Holly Tillman, both of which were submitted to staff and the Planning Commission, and then he indicated the following:

- Have lived on Keller Ridge Drive since 1991.
- Concerned over the traffic that might be generated by the home occupation since Keller Ridge Drive is the only access to the subdivision where the subject residence proposed to be used for the home occupation is located.
- Vehicles speed on Keller Ridge Drive and have concerns that the home occupation will exacerbate the speeding problem.
- Concerned that students attending the Confucius Institute will create noise impacts as children typically laugh, shout, and have fun in a vocal way.
- A private home on a residential street is not the appropriate place to establish a school.
- The driveway might be insufficient in area to accommodate vehicles dropping off and picking up students.

Roger Haserot, 5119 Keller Ridge Drive, indicated the following:

- I live next door to the subject residence.
- Not concerned with the traffic generated by the home occupation since the potential maximum of six vehicles dropping off and picking up students would not impact traffic in the neighborhood.
- My biggest concern initially was the noise generated by children playing outside, but the fact that the home occupation will be conducted inside the subject residence has addressed my concerns.
- Originally I was concerned, but had a discussion with the applicant regarding these concerns, which the applicant addressed, and am now in support of approving the Home Occupation Permit.

The public hearing was closed.

Commissioner Cloven indicated the following:

- My concerns regarding the enforcement capability of the City to revoke the Home Occupation Permit, and the public's ability to inform staff of any violations, had addressed my concerns.
- I do not see the traffic generated by the home occupation being a burden on existing traffic conditions in the neighborhood.
- Support approval of the Home Occupation Permit.

Commissioner Chippero indicated the following:

- Traffic generated by the home occupation would not be an issue.
- In the absence of our school district offering Confucius Institute-type of instruction, I think the home occupation will be very beneficial to our community.
- Support approval of the Home Occupation Permit.

Vice Chair Altwal indicated the following:

- Initially had concerns over outdoor physical activity and subsequent potential noise impacts to the neighborhood but my concerns have been addressed.
- It was good to hear that the neighbor of the subject property had his concerns addressed.
- Want to add a condition that the applicant and any individual(s) involved with conducting the home occupation obtain CPR and first aid training and certification prior to commencing with the home occupation.

Director Gentry added that a similar condition could be included that requires the applicant and any individual(s) involved to obtain Live Scan clearance.

The public hearing was re-opened.

Ron Jacobs, 5118 Keller Ridge Drive, re-iterated and re-emphasized his concerns over the potential traffic generated by the home occupation and felt that the Home Occupation Permit request should be tabled for further re-evaluation.

The public hearing was closed.

Commissioner Cloven had the following comments:

- The vehicular speeding violations on Keller Ridge Drive are a hazard but that is a different issue than the components we are reviewing related to the home occupation.
- The addition of six vehicles trips generated by the home occupation would have an extremely minor impact on existing traffic conditions in the neighborhood.

Commissioner Chippero concurred with Commissioner Cloven's comments.

Vice Chair Altwal concurred with Commissioner Cloven's comments and provided the following comments:

- Education is extremely important.
- Would be good if we had this type of instruction offered in my neighborhood.
- I feel confident that the neighbors of the subject property will monitor the conduct of the home occupation and will advise City staff of any concerns or violations.

Commissioner Chippero moved and Commissioner Cloven seconded a motion to approve Home Occupation Permit HOP-04-18, with the findings and conditions of approval recommended by staff, and with a condition of approval added that the applicant and any individual(s) involved with conduct of the home occupation obtain Cardiopulmonary Resuscitation (CPR) and First Aid training and certification as well as a Live Scan background check. The motion passed 3-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff

Director Gentry indicated that, at 7:00 p.m. on Wednesday, April 4, 2018, a prospective developer will hold a community outreach meeting at Hoyer Hall regarding a conceptual memory care and assisted living facility proposed for the City-owned Town Center parcel and that, in compliance with the Brown Act, it is recommended the Planning Commissioners should not attend the meeting; however, the Planning Commissioners should pass on the information regarding the meeting to friends, neighbors, and other community members that may be interested.

8.b. Commission

None.

9. ADJOURNMENT

9.a. The meeting was adjourned at 7:50 p.m. to the regularly-scheduled meeting of the Planning Commission on April 10, 2018.



Submitted by
Mindy Gentry
Community Development Director



Approved by
Bassam Altwal
Vice Chair