



PLANNING COMMISSION AGENDA

Regular Meeting

7:00 P.M. on Tuesday, August 23, 2016

Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California

1. **CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG**
2. **ADMINISTRATIVE**
 - 2.a. Review of agenda items.
 - 2.b. Declaration of Conflict of Interest.
 - 2.c. Vice Chair Tuija Catalano to report at the City Council meeting of September 20, 2016 (alternate Commissioner Gall).
3. **PUBLIC COMMENT**
4. **MINUTES**
 - 4.a. Approval of the minutes for the August 9, 2016 Planning Commission meeting.
5. **PUBLIC HEARINGS**
 - 5.a. **HOP-18-16, Home Occupation Permit, Kris Van Liew, 1242 Easley Drive (APN: 119-582-002).** Review and consideration of a request from Kris Van Liew for the approval of a home occupation permit to allow a cottage food operation for baked goods as well as instruction for fine arts, music, and painting to be conducted from a single-family residence.

Staff Recommendation: Staff recommends that the Planning Commission receive and consider the staff report and all information provided and submitted to date, receive and consider any public testimony and, if determined to be appropriate, conditionally approve Home Occupation Permit HOP-18-16.
6. **OLD BUSINESS**

None.

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7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

8.b. Commission.

9. ADJOURNMENT

9.a. The next regularly-scheduled meeting of the Planning Commission will be held on **Tuesday, September 13, 2016.**

Most Planning Commission decisions are appealable to the City Council within ten (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 oral 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. If you have a physical impairment that requires special accommodations to participate, please contact the Community Development Department at least 72 hours in advance of the meeting at 925-673-7340. An affirmative vote of the Planning Commission is required for approval. A tie vote (e.g., 2-2) is considered a denial. Therefore, applicants may wish to request a continuance to a later Commission meeting if only four Planning Commissioners are present.

Any writing or documents provided to the majority of the Planning Commission after distribution of the agenda packet regarding any item on this agenda will be made available for public inspection in the Community Development Department located at 6000 Heritage Trail during normal business hours.

Minutes
Clayton Planning Commission Meeting
Tuesday, August 9, 2016

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

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

Present: Chair Dan Richardson
 Vice Chair Tuija Catalano
 Commissioner Bassam Altwal
 Commissioner William Gall
 Commissioner Carl Wolfe

Absent: None

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

2. ADMINISTRATIVE

2.a. Selection of Chair and Vice Chair of the Planning Commission.

Commissioner Catalano moved and Commissioner Altwal seconded a motion to elect Commissioner Dan Richardson as Chair of the Planning Commission. The motion passed 5-0.

Chair Richardson moved and Commissioner Altwal seconded a motion to elect Commissioner Catalano as Vice Chair of the Planning Commission. The motion passed 5-0.

2.b. Review of agenda items.

2.c. Declaration of Conflict of Interest.

2.d. Commissioner Dan Richardson to report at the City Council meeting of August 16, 2016.

3. PUBLIC COMMENT

None

4. MINUTES

4.a. Approval of the minutes for the June 28, 2016 Planning Commission meeting.

Vice Chair Catalano moved and Commissioner Wolfe seconded a motion to approve the minutes, as amended. The motion passed 5-0.

5. PUBLIC HEARINGS

- 5.a. **ENV-01-16, MAP-01-14, VAR-02-14, TRP-04-15; Initial Study/Mitigated Negative Declaration, Tentative Map, Variance, and Tree Removal Permit; Branagh Development; Verna Way at Lydia Lane; (APNs: 120-043-037 and -038).** Review and consideration of a request from Branagh Development for the approval of a Tentative Map to subdivide the subject parcels into six lots; a Variance to allow each of the six lots to have smaller lot widths than the required 100-foot minimum; and the removal of 105 trees in order to construct six single-family homes. The project is generally located south of the intersection of Verna Way and Lydia Lane. An Initial Study/Mitigated Negative Declaration with a Mitigation Monitoring and Reporting Program are also being considered for adoption.

Assistant Planner Sikela presented the staff report.

The public hearing was opened.

Vice Chair Catalano had the following questions and comments:

- Why was a Site Plan Review Permit application not submitted by the applicant with the other project entitlements? Assistant Planner Sikela indicated that there are times that an applicant may submit a Site Plan Review Permit application along with other subdivision-related entitlements. Conversely, the applicant may opt to wait to submit an application for a Site Plan Review Permit.
- I want to avoid a situation where we approve the other Verna Way entitlements and then, when the applicant submits a Site Plan Review Permit application, the location of lot lines that we approved are changed or new lots are created. Assistant Planner Sikela indicated that the approved tentative subdivision map lot line locations, lot layout, and lot dimensions would have to be complied with—along with all project-related conditions of approval and mitigation measures—when the applicant submits an application for a Site Plan Review Permit.
- If we approved the Verna Way Tree Removal Permit tonight, would the applicant have to wait for the 10-day appeal period to transpire? Assistant Planner Sikela indicated that, in a scenario where conditions of approval and mitigation measures would not be applicable to the Tree Removal Permit, then theoretically, yes, the applicant would wait for the 10-day appeal period to transpire and then the permit would be valid on Day 11. Director Gentry added that conditions of approval and mitigation measures are applicable to this particular Tree Removal Permit so those would have to be complied with, where applicable, prior to any trees being removed in addition to the in-lieu fee being paid and a tree replacement plan being submitted and approved.
- Regarding access to the on-site lots, is there any reason that four of the six lots could not be accessed from Pine Hollow Road rather than four of the six lots being access from Verna Way? Assistant Planner Sikela indicated that the Clayton Municipal Code requires that direct access to arterial streets be minimized the maximum extent practicable, so that is the reason the applicant only proposed that two of the six lots be accessed from Pine Hollow Road.

- Is the easement off of Verna Way for access to Lot 3 and Lot 4 a City-owned street or just a driveway? Assistant Planner Sikela responded that it is not a City-owned street but, rather, just an access easement, more like a private driveway but the access easement is still subject to fire access and engineering standards and requirements.
- Who performs maintenance on the access easement? Assistant Planner Sikela indicated that the Homeowners Association which will be established for the subdivision will be responsible for maintenance of the access easement.
- Gibson Lane is not located on the project site and would not be accessible to or from the project site? Assistant Planner Sikela indicated that, yes, Gibson Lane is not located on the project site, is a private road that accesses three properties adjacent to and west of the project site, and would not be accessible to or from the project site. However, the applicant is proposing to provide a sewer line and associated sewer easement across Lot 3 in case the three lots on Gibson Lane decide to abandon septic and connect to the sewer.
- Regarding the Verna Way Initial Study/Mitigated Negative Declaration, the consultant did not use VMT standards. Would there be a traffic study conducted at a later time during the Site Plan Review Permit phase of the project that would incorporate the VMT standards? Director Gentry indicated that OPR had not release the methodology to analyze VMT and, given that the General Plan utilizes LOS rather than VMT to analyze the traffic impacts, the IS/MND should be adequate to be relied upon for the Site Plan Review Permit. Further, it is anticipated that no new impacts, new information, or substantial changes will apply to the project for the Site Plan Review Permit therefore a new environmental document will not be required.

Commissioner Altwal had the following questions:

- The sewer easement proposed on Lot 3 is for the Gibson Lane properties? Assistant Planner Sikela indicated that the sewer easement is for a sewer line that will stubbed out at the western property line on Lot 3 which is adjacent to the Gibson Lane properties.
- Is the sewer easement and sewer line required by a project-related condition of approval? Assistant Planner Sikela and Director Gentry indicated that there was not a condition addressing the sewer easement and line for the Gibson Lane properties but a condition can be included. Director Gentry indicated that it is definitely within the Planning Commission's purview to add a new condition to address the sewer easement and line on Lot 3.
- Who ensures that the trees have been removed and tree mitigations have been complied with in accordance with the approved Tree Removal Permit, conditions, and mitigation measures? Assistant Planner Sikela indicated that Community Development Department staff would be responsible for ensuring project compliance with the Tree Removal Permit-related tree removals, conditions, mitigation measures, replacement trees, and payment of in-lieu fees.

Commissioner Gall had the following questions:

- What would the Tree Removal Permit-related in-lieu fees be used for? Director Gentry indicated that the in-lieu fees would go into our landscape maintenance funds for off-site plantings in such places as public parks and street medians.

- How far west along Pine Hollow Road would the right-of-way improvements of the meandering sidewalk and landscape areas extend from Pine Hollow Estates? Assistant Planner Sikela indicated that the Pine Hollow Road right-of-way improvements would extend to the east side of Gibson Lane.
- Where is Concord located in relation to the project? Assistant Planner Sikela indicated that Concord is located on the south side of Pine Hollow Road. Everything on the north side of Pine Hollow Road within immediate proximity of the project site is in Clayton.

Chair Richardson had the following comment and question:

- Regarding project-related squirrel issues, the conditions, where applicable, should be amended to make sure the on-site squirrel issues are addressed prior to tree removal. Director Gentry said that Condition of Approval 14 could be amended so that squirrel issues are addressed prior to tree removal.
- Would the hammerhead terminus at the south end of the access easement be allowed to be used for parking? Director Gentry indicated that issue would be addressed during the Site Plan Review Permit phase of the project.

The public hearing was opened.

Bob Pickett, the applicant, clarified various aspects of the proposed project, including the following selected highlights:

- We agree with all conditions of approval, mitigation measures, new conditions added, and amended wording for mitigation measures and conditions, where applicable.
- We will not be removing the trees for quite a while, several months in fact.
- The access easement for Lot 3 and Lot 4 is a private driveway or, more specifically, a private access easement.
- No parking will be allowed in the hammerhead terminus at the south end of the access easement, in accordance with Contra Costa County Fire Protection District requirements.
- Accessing all six lots off Verna Way was not ideal since it would create a situation where the rear property lines for Lot 5 and Lot 6 would back up to Pine Hollow Road creating the visual impact of a fence along Pine Hollow Road rather than having residence facing Pine Hollow Road.
- We are contributing approximately \$35,000 for habitat conservation and \$35,000 for tree replacement.

Vice Chair Catalano asked Mr. Pickett what the anticipated timeline would be for the project? Mr. Pickett responded that he anticipates, with submittal of improvement plans, putting bulldozers on the ground, and completion of the grading and improvements, everything should be finished by late Summer 2017 which is when we work start looking at home designs to submit for the Site Plan Review Permit process.

Commissioner Altwal asked what type of home designs would be proposed? Mr. Pickett replied that the home design would maintain compatibility with the existing surrounding residences but with different elevations to provide some interesting variety. We are not sure yet if they will one-story or two-story residences.

Roger Wing, 1370 Lydia Lane, expressed the following concerns:

- Lydia Lane is not wide enough to accommodate the additional traffic.
- Stormwater flowing into stormdrain. Assistant Planner Sikela indicated that each lot would have its own stormwater detention basin and stormwater runoff would be captured and treated in these detention basin.
- People drive down Lydia Lane at a high rate of speed. Would be a good idea to install speed bumps and/or a stop sign at the intersection of Lydia Lane and Verna Way.
- There will be existing wells remaining on the project site. Chair Richardson indicated that the wells would be abandoned in accordance with applicable well-abandonment requirements.

Susan Collins, 5706 Verna Way, expressed the following concerns:

- Increased traffic caused by the subdivision will impact the neighborhood.
- Would be better to have Lot 3 and Lot 4 be accessed from Pine Hollow Road, if not all six lots.
- School mornings are busy and there are many students and parents using streets adjacent to the project site.

Mr. Pickett indicated the following:

- Regarding stormwater, the detention basins will have pervious gravel fifteen feet down. When overflow happens, drainage will flow out onto Verna Way and will not exceed historical flows.
- Traffic analysis only anticipates 57 new daily trips which will cause a nominal impact to neighborhood traffic.

The public hearing was closed.

Commissioner Altwal indicated the following:

- Understand concerns over traffic but agree with the developer that 57 new daily trips will not create an impact.
- I support Lots 1, 2, 3, and 4 being accessed from Verna Way rather than Pine Hollow Road.

Commissioner Wolfe indicated the following:

- Understand concerns with added traffic.
- Maybe a stop sign should be placed at the intersection of Lydia Lane and Verna Way.
- See benefit with reducing traffic impacts to Verna Way by having Lots 3, 4, 5, and 6 being accessed from Pine Hollow Road.

Commissioner Gall indicated that, although he could see benefits to both the currently-proposed scenario as well as alternative scenarios that would allow more lots to be accessed from Pine Hollow Road, the project is reasonable.

Vice Chair Catalano indicated the following:

- Traffic analysis in the Initial Study/Mitigated Negative Declaration is adequate since the trip calculations are based on statistics; as a result, there is no impact from the California Environmental Quality Act perspective.
- The cut-through traffic is not the developer's fault.
- We should avoid increasing access to arterial roads.

- We need to amend Condition of Approval 14 to address tree removal as it relates to squirrels.
- Agree with staff that we need to add a new condition to address the sewer easement and line on Lot 3.

Chair Richardson indicated the following:

- Was on the Planning Commission when we approved the lot line adjustment and had hoped that sewer access for the Gibson Lane properties would be addressed.
- Agree with the proposed lot layout so that two residences can be accessed from Pine Hollow Road.
- Support approval of the Variance.
- The project complies with the Code as well as the environmental document.
- Supportive of the tree planting plan with 48 new trees being provided.
- Agree with staff's recommendation regarding the tree replacement in-lieu fee.

Vice Chair Catalano moved and Commissioner Wolfe seconded a motion to adopt Planning Commission Resolution No. 09-16 approving the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, with the findings recommended by staff, and with errata sheet listing the following modified wording for Mitigation Measure 2. The motion passed 5-0.

"Prior to issuance of a grading permit, in accordance with the City's Tree Protection Ordinance, the applicant shall submit to the Community Development Department a Tree Replacement Plan identifying the protected trees that will be removed during project construction. Based upon the current tentative map, the arborist report indicates that 32 protected trees are proposed for removal, only three of which are rated by the Arborist Report as being in good health (Trees #6, 109, and 111). Protected trees rated as being in poor, fair, or good health shall be replaced at the ratios specified in City of Clayton Municipal Code Section 15.70.040. The Tree Replacement Plan shall be submitted for review and approval by the Planning Commission."

Commissioner Altwal moved and Vice Chair Catalano seconded a motion to adopt Planning Commission Resolution No. 10-16 approving the Tentative Map, Variance, and Tree Removal Permit for a six-lot subdivision for six single-family homes and the removal of 105 trees (MAP-01-14, VAR-02-14, and TRP-04-15), with the findings and conditions of approval recommended by staff, and with the following modifications to Condition of Approval 14 and Condition of Approval 17 and added Condition of Approval 76. The motion passed 5-0.

- "14. At least thirty (30) days prior to any demolition, groundbreaking activities, or tree removal, the applicant shall retain an exterminator who shall evaluate the site and make recommendations for the control and/or eradication of any on-site rodents. The exterminator's recommendations shall be subject to the review and approval of the Community Development Director. The applicant shall comply with the approved exterminator's recommendations prior to initiation of any demolition or groundbreaking activities."**

“17. Prior to issuance of a grading permit, in accordance with the City’s Tree Protection Ordinance, the applicant shall submit to the Community Development Department a Tree Replacement Plan identifying the protected trees that will be removed during project construction. Protected trees as being rated ~~poor~~, fair, good, or very good health shall be replaced at ratios specified in the City of Clayton Municipal Code Section 15.70.404. The Tree Replacement Plan shall be submitted for review and approval by the Planning Commission.”

“76. The applicant shall provide a sewer line to be stubbed out at the property line adjacent to Gibson Lane.”

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff

Director Gentry indicated that at the City Council meeting of July 19, 2016, the Council approved and did the first reading of the General Plan Amendment and associated Ordinances (“Housing Omnibus”) that will enable the City to be compliant with State law and implement the City’s certified 2015-2013 Housing Element. The second reading for the Housing Omnibus will occur at the City Council meeting of August 16, 2016.

Assistant Planner Sikela provided an update on the St. John’s Mixed-Use Development and Condon Parcel Map projects.

8.b. Commission

None.

9. ADJOURNMENT

9.a. The meeting was adjourned at 9:00 p.m. to the regularly-scheduled meeting of the Planning Commission on August 23, 2016.

Submitted by
Mindy Gentry
Community Development Director


Approved by
Dan Richardson
Chair

Community Development\Planning Commission\Minutes\2016\0809

**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: August 23, 2016

Item Number: 5.a

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Public Hearing to consider a Home Occupation Permit request to allow a cottage food operation as well as instruction for fine arts, music, and painting to be conducted from a single-family residence (HOP-18-16)

Applicant: Kris Van Liew

REQUEST

Kris Van Liew, the applicant, requests approval of a Home Occupation Permit to allow a cottage food operation as well as instruction for fine arts, music, and painting to be conducted from a single-family residence.

PROJECT INFORMATION

Location: 1242 Easley Drive
APN: 119-582-002

General Plan Designation: Low Density – Single Family Residential (1.1 to 3.0 units per acre).

Zoning: Single Family Residential R-12 District (12,600 square-foot minimum lot area).

Environmental Review: Categorically exempt per Section 15301 – Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines.

Public Notice: On August 12, 2016, a public hearing notice was posted at the notice boards and mailed to property owners within 300 feet of the project site.

Authority: Section 17.71.030.A of the Clayton Municipal Code (CMC) authorizes the Planning Commission to approve a home occupation permit for a cottage food operation in accordance with the standards in CMC Section 17.71.030.B.

DISCUSSION

The applicant has requested approval of a home occupation permit to allow a cottage food operation for baked goods as well as instruction for fine arts, music, and painting to be conducted from a single-family residence located at 1242 Easley Drive (see **Attachment A**). According to the written supplement submitted by the applicant (see **Attachment B**), the home-based cottage food operation would involve in-house classes as well as instruction at students' and clients' residences. In addition, lessons for music and painting would also be offered. Lessons are proposed from 30 minutes to three hours in length. Ten students are proposed to visit the residence per week, with one to eight clients/students at a time proposed to visit the residence. Section 17.71.030.B.2 of the CMC allows for a maximum of six clients/students per day (see **Attachment C**). As a result, since only six students would be allowed rather than the proposed eight, staff has provided a condition that a maximum of six clients shall be allowed to visit the residence per day (whether it be at one time or distributed throughout the day). The days and hours of operation are proposed Monday through Saturday from 8:00 a.m. to 8:00 p.m. Section 17.71.030.B.2 of the CMC allows clients/students to visit the residence between 9:00 a.m. and 5:00 p.m. on Saturdays. As a result, staff has provided a condition that the proposed Saturday hours of operation shall be 9:00 a.m. to 5:00 p.m. This condition would apply to client/student visitation only regarding pre-arranged pickup of cottage food items, but would not restrict the actual preparation of food (baking, cooking, etc.) that would occur inside the residence.

Section 17.71.030.B.5 of the CMC requires that any home occupation permit request for a cottage food operation obtain Planning Commission review and approval prior to commencement, in accordance with the standards in CMC Section 17.71.020.5.a - d. The proposed home occupation business meets these standards, which includes the applicant obtaining Contra Costa Health Services Environmental Health Division registration for the cottage food operation. Furthermore, if the home occupation generates client traffic to the subject residence, which this subject home occupation is proposing to do, Planning Commission review and approval is required, per CMC Section 17.71.030. Section 17.71.030.B.2 of the Municipal Code states:

“The home occupation shall not generate client/student traffic to the residence in excess of six (6) clients/students per day, unless the number is reduced by the Planning Commission. On Saturdays, client/student traffic may only occur between 9:00 a.m. and 5:00 p.m. Client/student traffic is prohibited on Sunday.”

As conditioned, since the number of clients proposed to visit the subject residence will not exceed the maximum allowable visits of six per day and the home occupation business will be conducted Monday through Friday from 8:00 a.m. to 8:00 p.m., on Saturday from 9:00 a.m. to 5:00 p.m., with no business operation proposed on Sunday, the proposal meets the CMC requirements as related to client/student traffic and days of operation as well as the other applicable home occupation standards of approval, including the cottage food operation standards.

Regarding the cottage food operation component of the home occupation proposal, the home-based cottage food operation would involve the teaching and preparation of baked goods which will be displayed and sold at such locations as farmers markets, craft fairs, and tea houses. Also, pre-ordered requests will be made online and over the phone and will be available for pickup at the subject residence or would be delivered to the client. There will be no “drop-in” business as each order is custom baked with clients making appointments at selected times. Staff contacted Contra Costa Environmental Health Department personnel and spoke with the County staff member who oversees the cottage food operation review and approval process. The cottage food operation process is intended by the State to allow pre-order pickups from the residence where the cottage food operation is being conducted or delivery to clients. Shipping, mailing, freight forwarding, and other methods of distribution (other than delivery) would not be allowed, in accordance with County-mandated cottage food regulations.

As part of processing the home-based cottage food operation, the Contra Costa Health Services Environmental Health Division must review and approve the proposal. The Contra Costa Health Services Environmental Health Division cottage food registration form is provided as **Attachment D**. A proposed condition has also been provided that, prior to commencing operation of the home occupation, the applicant shall provide Contra Costa Health Services Environmental Health Division permit approval to the Clayton Community Development Department.

Parking Issues

Per Chapter 17.37 of the Clayton Municipal Code, single-family dwellings are required to have four off-street parking spaces (two covered and two uncovered) per unit. The subject single-family residence proposed for the cottage food home occupation has two covered parking spaces in the garage and three uncovered parking spaces in the driveway for a total of five on-site parking spaces (see **Attachment E** for front view of subject property). As a result, sufficient off-street parking is provided for the property owner’s and students’/clients’ vehicles.

Staff received a comment letter from the public that has been provided as **Attachment F**.

RECOMMENDATION

Staff recommends the Planning Commission consider all information provided and submitted, take and consider all public testimony and, if determined to be appropriate, conditionally approve Home Occupation Permit HOP-18-16 to allow a cottage food operation for baked goods as well as instruction for fine arts, music, and painting to be conducted from a single-family residence located at 1242 Easley Drive.

Proposed Conditions of Approval

1. The Home Occupation shall be conducted in compliance with requirements in Chapter 17.71 of the Clayton Municipal Code.
2. Prior to commencing operation of the cottage food home occupation, the applicant shall provide Contra Costa Health Services Environmental Health Division permit approval to the Clayton Community Development Department.

3. The on-site client/student visitation generated by the home occupation shall be conducted in compliance with the standard listed in Section 17.71.030.B.2 of the Clayton Municipal Code. This condition would apply to client/student visitation only regarding pre-arranged pickup of cottage food items, but would not restrict the actual preparation of food (baking, cooking, etc.) that would occur inside the residence.
4. The applicant shall obtain a Clayton Business License prior to commencing operation of the home occupation. Business license application may be obtained from the City's website www.ci.clayton.ca.us or at Clayton City Hall, 6000 Heritage Trail, Clayton, 925-673-7310.
5. Upon City determination of a violation of or failure to comply with Clayton Municipal Code Chapter 17.71 or these Conditions of Approval, this Home Occupation Permit HOP-01-15 may be revoked or modified in accordance with Clayton Municipal Code Sections 17.64.050 - 17.64.070.
8. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgments, liens, levies, costs, and expenses of whatever nature, including, but not limited to, attorney's fees, costs, and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, and any environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

Advisory Notes

Advisory notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; and (b) requirements imposed by other agencies. The advisory notes state requirements that may be in addition to the conditions of approval.

1. This Home Occupation Permit shall be used, exercised, or established within twelve (12) months after the granting of the Permit, or a time extension must be obtained from the Planning Commission, otherwise the Permit shall be null and void (Clayton Municipal Code Sections 17.64.010-17.64.030).
2. If the project site is located within an area subject to covenants, conditions, and restrictions (CC&Rs) administered by a homeowners' association (HOA), additional requirements and/or approvals may be required by the HOA. Before proceeding with the project, it is advisable to check with the HOA to ensure any applicable requirements are met.



ATTACHMENTS

- A. Vicinity Map
- B. Written supplement with project description
- C. Clayton Municipal Code Chapter 17.71— Home Occupation Permits
- D. Cottage Food Registration from the Contra Costa Health Services Environmental Health Division
- E. Front view of the subject property
- F. Public comment received by staff

ATTACHMENT A



VICINITY MAP

| | | |
|---|---|--|
|  | <p>Van Liew Residence Home Occupation Permit HOP-18-16 1242 Easley Drive APN: 119-583-002</p> | <p>N</p>  <p>(Not to Scale)</p> |
|---|---|--|

ATTACHMENT B

Van Liew's View

The Arts Through God's Perspective

We are founding a business partnership with the purposes of creating, teaching, and selling the fine arts of music, painting, and culinary. We seek business and home based occupation licensing because some of the business activities will take place within our residence. Fine arts creations of watercolor paintings and baked goods will be produced and sold out of the home as well as taken to other venues, such as farmer's markets, craft fairs, and tea houses, for display and sale. We are concurrently seeking Cottage Food Operations licensing and approvals from Contra Costa County and the CA Department of Public Health. We will provide individual and small group instruction in all these fine arts; various musical instruments, watercolor painting, and/or baking and pastry making. Some of the lessons will take place in our home and others will be 'off-site' in client's/student's homes or other venues. Lessons will range from 1/2 hour to 3 hours in length.

RECEIVED

JUN 23 2016

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT

ATTACHMENT C

Chapter 17.71

HOME OCCUPATION PERMITS

Sections

| | |
|-----------|----------------------------|
| 17.71.010 | Purpose |
| 17.71.020 | Administrative Review |
| 17.71.030 | Planning Commission Review |

17.71.010 Purpose. The purpose of the home occupation permit is to allow residents in residential districts to conduct limited commercial activities within the dwelling unit. The limited commercial activities must be subordinate and incidental to the residential use of the property.

17.71.020 Administrative Review.

A. Review Procedure. The Community Development Director may approve, approve with conditions, or deny a home occupation permit upon receipt of a completed application form and payment of a fee established by resolution of the City Council, provided that any approval of a proposed home occupation shall meet the standards set forth in subsection B. Decisions of the Community Development Director shall be documented in a notice of decision. The notice of decision shall be mailed on the day of the decision to the applicant and all owners of real property, as shown on the latest equalized assessment roll, within 300 feet of the subject site.

The Community Development Director shall refer any application to the Planning Commission for a decision if, in the judgment of the Community Development Director, the application may potentially have an adverse effect on the neighborhood residents.

B. Standards of Approval. Home occupation permits approved by the Community Development Director shall meet the following standards at all times.

1. The home occupation shall be subordinate and incidental to the primary use of the dwelling unit for residential-purposes.

2. The home occupation shall be compatible with and not change the character of adjacent residential areas.

3. The dwelling unit shall be located in an Agricultural, Residential, or Planned Development (Residential) District.

4. The home occupation shall not use more than one (1) room, or twenty-five percent (25%) of the habitable floor area of the principle structure, whichever is greater. Garage areas and living areas within accessory structures and secondary dwelling units shall not be considered as part of the habitable floor area of the principal structure.

5. No persons shall be employed, except the applicant and members of the resident family, in the conduct of the home occupation.

6. There shall be no merchandise or services for sale, except that produced or made on the premises, and which can be shipped directly, electronically, or sold at another location.

7. There shall be no signage or exterior indication of the home occupation.

8. There shall be no outside display or storage of goods or materials.

9. The home occupation shall not create any noise, odor, dust, fumes, vibrations, electrical interference, or other interference with the residential use of adjacent areas.

10. There shall be no use of utilities or community facilities beyond that normal to the residential use of the property.

11. The home occupation shall not decrease the number or size of parking spaces below that needed to meet the minimum off-street parking requirements for the residence.

12. Delivery vehicles shall be limited to those types of vehicles, which typically make deliveries to residential neighborhoods, such as postal service, parcel deliveries, pickup trucks, and light vans. A maximum of four deliveries per day is allowed.

13. The home occupation shall not generate client/student traffic to the residence.

14. Any chemicals or hazardous materials used or stored on the property shall not exceed that associated with normal household activities or hobby uses.

15. Any use of materials or mechanical equipment shall not exceed that associated with normal household activities or hobby uses.

C. Appeal Procedure. Any decision of the Community Development Director regarding a home occupation permit may be appealed to the Planning Commission within ten days of the notice of decision.

17.71.030 Planning Commission Review

A. Review Procedure. In accordance with the provisions of section 17.64.110, the Planning Commission may approve, approve with conditions, or deny a home occupation permit upon receipt of a completed application form and payment of a fee established by resolution of the City Council, provided that any approval of a proposed home occupation shall meet the standards set forth in subsection B. Decisions of the Planning Commission shall be filed in accordance with the provisions of section 17.68.010.

B. Standards of Approval. Home occupation permits approved by the Planning Commission shall meet the following standards at all times.

1. Standards listed in subsection 17.71.020.B.1 through 17.71.020.B.12.

2. The home occupation shall not generate client/student traffic to the residence in excess of six (6) clients/students per day, unless the number is reduced by the Planning Commission. On Saturdays, client/student traffic may only occur between 9:00 a.m. and 5:00 p.m.) Client/student traffic is prohibited on Sundays.

3. Any chemicals or hazardous materials used or stored on the property, beyond that associated with normal household activities or hobby uses, shall not create a hazard for the applicant or neighborhood residents.

4. Any use of materials or mechanical equipment beyond that associated with normal household activities or hobby uses, shall not create a nuisance for neighborhood residents.

5. Any home occupation permit request for a cottage food operation shall also comply with the following standards:

a. A maximum of one (1) full-time equivalent cottage food employee, not including a family member or household member, is allowed in the conduct of the cottage food operation. No more than one (1)

- employee may work at the cottage food operation at any one time.
- b. Approval by the Contra Costa County Environmental Health Department of the self-certification checklist for the cottage food operation and its approval of the cottage food operation itself are required as part of the application materials.
 - c. The cottage food operation shall comply with all applicable regulations, standards, definitions, and requirements of the California Health and Safety Code.
 - d. The cottage food operation shall not be subject to 17.71.020.B.4 and 17.71.020.B.5. (Ord. 450, 2013).
- C. Appeal Procedure. Any decision of the Planning Commission regarding a home occupation permit may be appealed to the City Council in accordance with the provisions of section 17.68.020. (Ordinance 357, 2001)



ATTACHMENT D

Environmental Health Division

2120 Diamond Boulevard, Suite 200, Concord, CA 94520
 (925) 692-2500 FAX (925) 692-2502 (www.cchealth.org/eh)



COTTAGE FOOD OPERATIONS (CFOs – Class A/B) SELF CERTIFICATION CHECKLIST

The following requirements are outlined in the Cottage Food Operations (CFO) regulations and are provided as minimum standards of health and safety for the preparation of approved cottage foods in the home.

| | | | |
|---|-----------|--|--------------------------|
| CFO Business Name: VAN LIEWS VIEW dba LYNNsAE'S | | CFO Owner Name: LYNNsAE VAN LIEW | |
| CFO Physical Address: 1242 EASLEY DRIVE | | CFO City: CLAYTON | CFO ZIP: 94517 |
| Phone: 925-323-4020 | FA | PR | PE |

Above bold boxes for office use only.

Facility Requirements:

| | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1. The CFO is located in a private dwelling where the CFO operator currently resides | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. All CFO food preparation will take place in the private kitchen within that home. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Additional storage used for the CFO will be within the home. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| a. If YES, is the room used exclusively for storage? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Specify the room(s) that will be used for storage? _____ | | |
| 4. Sleeping quarters are excluded from areas used for CFO food preparation or storage. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Zoning Requirements:

| | Yes | No |
|---|-------------------------------------|--------------------------|
| 5. I have complied with the applicable zoning requirements for the CFO. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. I have attached documentation from the Planning office (If required) | <input type="checkbox"/> | <input type="checkbox"/> |

Employee and Training Requirements:

| | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 7. Have all persons preparing or packaging CFO products completed the CDPH food processor course? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| a. If YES, copies of certificates are attached. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. If NO, complete course within 3 months of CFO registration. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 8. The CFO has no more than 1 full-time equivalent employee? (Immediate family or household members are not included.) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

RECEIVED

JUN 23 2016

Google Maps Easley Dr



ATTACHMENT E

E-1

Image capture: May 2011 © 2016 Google

ATTACHMENT F
Judith & William McHugh
1218 Easley Drive
Clayton, CA 94517

RECEIVED

AUG 18 2016

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT

Clayton Planning Commission:

Relative to your notice of a public hearing to allow a cottage food operation for baked goods as well as instruction for fine arts, music and painting from the single family home at 1242 Easley Drive, our written comment is ABSOLUTELY NO.

Easley Drive is obviously a residential location and should remain as such. There are ample commercial locations for such activities in the downtown center which is in walking distance of 1242 Easley Drive and additional commercial space will be available through proposed downtown development. The downtown center already provides appropriate parking and traffic options which are currently not available on Easley Drive.

Allowing commercial activity on Easley Drive would only add to traffic and safety concerns. There are already too many people racing along Easley Drive as it is.

Also, it appears that the requestor is hedging their bets with requests for multiple functions: baked goods, music instructions, painting instructions and instructions in fine arts – whatever that means. Approving this request is a slippery slope.

What's next? An after-hours card club?

Please vote to leave Easley Drive the residential area that it is and reject this request. Commercial activities belong in the downtown center.

Thank you for your consideration on this matter.

Judith McHugh
William McHugh
8/18/16