



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, May 26, 2009
Hoyer Hall, 6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Chair Catalano to report at the June 2, 2009 City Council meeting.

Public Comment

Approval of Minutes

- 2. Approval of minutes from the joint special meeting of April 28, 2009.

Public Hearings

- 3. **ZOA 01-09, Municipal Code Amendment, City of Clayton.** Study session regarding possible amendments to Section 15.08.030 of Clayton Municipal Code (Sign Provisions) to provide greater clarity of the Sign Permit review and approval process and allow administrative approval of specified minor signage.

Proposed Action: Provide direction to staff.

Old Business

- 4. None.

New Business

- 5. None.

Communications

6A. Staff.

1. Housing Element Update Project Status Report
2. Planning Commissioner Recruitment Process Staff Report
 - ▶ Two Seats Open.
 - Vice Chair Hartley has decided not to seek reappointment.
 - Commissioner Keith Haydon has served to term limit.
 - ▶ Applications are due June 5, 2009.

6B. Commission.

Adjournment

7. The next meeting of the Planning Commission is scheduled for **Tuesday, June 9, 2009.**

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.

PLANNING COMMISSION STAFF REPORT

Meeting Date: May 26, 2009

From: Milan Sikela, Jr. MS
Assistant Planner

Subject: Study Session – Possible Consideration of Modifications to the Sign Provisions to Provide Clarification of the Sign Permit Review and Approval Process and Delegate the Review and Approval of Specified Minor Sign Permits to Staff (ZOA 01-09)

BACKGROUND

Staff has observed that Planning Commission approval of the smaller, more minor building and ground signs may be overly-burdensome to applicants. Section 15.08.030 of the Clayton Municipal Code provides guidelines regarding the review and approval process for Sign Permits (see **Exhibit A** for current regulations). More specifically, Section 15.08.030.B.2.f of the Clayton Municipal Code requires that all building and ground signs that are not part of a master sign plan must have approval of a Sign Permit by the Planning Commission prior to installation. Typically, proposed building and ground signs that are not subject to a master sign plan are minor in nature and seemingly could be approved by staff. However, the current wording in the Code does not allow for administrative approval of minor signage and, instead, requires Planning Commission review and approval. Approval of a Sign Permit by the Planning Commission requires that the applicant submit a \$1,000 deposit and project plans. In addition, the Sign Permit process involves staff preparation and presentation of a staff report. Staff believes that the current process may be overly-burdensome to applicants (in terms of time, money, and effort) who are proposing to install minor signage.

In order to avoid over-burdening applicants proposing to install minor signage, staff suggests that minor signage proposals not go before the Planning Commission but, rather, could be reviewed and approved by staff. Staff has provided draft wording of Section 15.08.030 of the Clayton Municipal Code for Planning Commission consideration (see **Exhibit B**). In crafting the modified text, staff has taken into consideration that signage proposed for corner lots and through lots would be more visible and, therefore, would still require Planning Commission review and approval of a Sign Permit. By allowing these more benign signage projects to be administratively reviewed and approved, the applicant would avoid having to go through the longer and more costly Planning Commission Sign Permit process and staff would be better able to facilitate project processing, while still assuring a thorough review of the proposal. During the review and approval of these minor signage applications, staff would be guided by the City's Sign Provisions that include standards for size, number, and location of signage. Additionally, the Town Center Specific Plan (TCSP) also provides guidance related to design and use of signage, to which all signage proposed within the TCSP area would be subject to.

RECOMMENDATION

Staff recommends that the Planning Commission provide staff with direction regarding whether the Commission is interested in modifying the City's current Sign Provisions to allow administrative review and approval of specified "minor signs". If the Commission has an interest in modifying the Sign Provisions in that manner, the Commissioners are requested to suggest what provisions they would want to consider modifying, deleting, or adding in a subsequent ordinance amendment that would be brought to them for consideration. Staff would use this information when preparing a draft ordinance amendment for consideration at a future noticed public hearing.

Alternately, if the Planning Commissioners are not interested in modifying the Sign Provisions, they should indicate that preference to staff and there would be no further follow-up on this matter.

EXHIBITS

- A Current wording for Section 15.08.030 of the Clayton Municipal Code (excerpt)
- B Proposed amendments to Section 15.08.030 of the Clayton Municipal Code

ZOA\2009\01-09.sr1

15.08.030 Permit Procedures

A. City Review – General. City review and approval is required for all signs except those specified by this Chapter as exempt and prohibited. No City review or approval is required for a change of copy on an existing sign that is in full compliance with the requirements and standards of this Chapter. In addition to meeting the requirements of this Chapter, all signs shall comply with all applicable Uniform Building Code requirements. No sign shall be constructed, placed, erected, or modified unless such construction, placement, erection, or modification is authorized by the owner, or his or her representative, for the placement of the proposed sign or signs.

B. City Review and Approval. The City shall review and approve signs according to the following procedures:

1. Code Conformance Check. The following signs shall be reviewed and approved administratively by the Community Development Department if they conform to the general sign requirements and standards of Section 15.08.060, the regulations for special signs of Section 15.08.070, and to any applicable master sign plan.
 - a. Directory signs, provided the sign does not exceed ten (10) square feet in area, nor a height of six (6) feet.
 - b. Community event signs. (Note: A temporary use permit is typically required for the community event itself.)
 - c. All building and ground signs authorized by this Chapter that do not require a sign permit pursuant to Paragraph 2 below.
2. A sign permit shall be required for the following signs and shall be processed according to the procedures set out in Chapter 17.64 of the Clayton Municipal Code:
 - a. Master sign plan.
 - b. Neighborhood/district entry signs.
 - c. Commercial center entry signs.
 - d. Subdivision marketing sign program.
 - e. Public/quasi-public institution signs.
 - f. A sign not in accordance with an approved master sign plan but conforming to the general sign requirements and standards of Section 15.08.060 or the regulations for special signs of Section 15.08.070 of this Chapter.
3. Variance. A variance shall be required from the Planning Commission for any deviations from the general sign requirements and standards of Section 15.08.060 or the regulations for special sign of Section 15.08.070 of this Chapter according to the procedures set out in Chapter 17.52 of the Clayton Municipal Code. (Ord. 328, Sec. 2, 1997)

EXHIBIT A

15.08.030 Permit Procedures

A. City Review – General. City review and approval is required for all signs except those specified by this Chapter as exempt and prohibited. No City review or approval is required for a change of copy on an existing sign that is in full compliance with the requirements and standards of this Chapter. In addition to meeting the requirements of this Chapter, all signs shall comply with all applicable Uniform Building Code requirements. No sign shall be constructed, placed, erected, or modified unless such construction, placement, erection, or modification is authorized by the owner, or his or her representative, for the placement of the proposed sign or signs.

B. City Review and Approval. The City shall review and approve signs according to the following procedures:

1. ~~Code Conformance Check~~ **Administrative Review and Approval.** The following signs shall be reviewed and approved administratively by the Community Development Department if they conform to the general sign requirements and standards of Section 15.08.060; ~~and the regulations for special signs of Section 15.08.070; and to any applicable master sign plan.~~

a. Directory signs, provided the sign does not exceed ten (10) square feet in area, nor a height of six (6) feet.

b. Community event signs. (Note: A temporary use permit is typically required for the community event itself.)

c. ~~All building and ground signs authorized by this Chapter that do not require a sign permit pursuant to Paragraph 2 below~~ **Any sign that is proposed for a property that is consistent in terms of size, number, and location with a previously-approved master sign plan.**

d. **All building and ground signs proposed for individual businesses that are located on a property that has a previous approval for similar signage, and the proposed sign(s) are consistent in terms of size, number, and location with the previous approval. (This provision does not apply to a corner lot or through lot where signage is being proposed along multiple property frontages)**

2. ~~A sign permit shall be required for the following signs and shall be processed according to the procedures set out in~~ **Planning Commission Review and Approval. The following signs shall be reviewed and approved by the Planning Commission in accordance with Chapter 17.64 of the Clayton Municipal Code.**

a. Master sign plans.

b. Neighborhood/district entry signs.

c. Commercial center entry signs.

d. Subdivision marketing sign program.

e. Public/quasi-public institution signs.

f. ~~A sign not in accordance with an approved master sign plan but conforming to the general sign requirements and standards of Section 15.08.060 or the regulations for special signs of Section 15.08.070 of this Chapter~~ **All building and ground signs for individual businesses that are located on a property that have not had previous approval for signage, involve signage on multiple frontages, and/or involve an increase in the previously-approved signage area, increase in the number of signs, or substantially change the location of a sign. (This provision does not apply to a corner lot or through lot where signage is being proposed along multiple property frontages)**

3. Variance. A variance shall be required from the Planning Commission for any deviations from the general sign requirements and standards of Section 15.08.060 or the regulations for special signs of Section 15.08.070 of this Chapter according to the procedures set out in Chapter 17.52 of the Clayton Municipal Code. (Ord. 328, Sec. 2, 1997)

EDWARD E. HARTLEY
P.O. BOX 600
CLAYTON, CA 94517

May 19, 2009

Gary Napper
City Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Received
MAY 21 2009
City of Clayton

Re: Clayton Planning Commission

Dear Gary:

With deep regret, I write to inform the City that I will not apply for reappointment to the Clayton Planning Commission for the two year term beginning July 1, 2009.

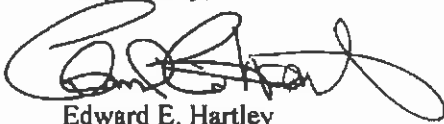
In February, I became a partner in the San Francisco litigation firm of Hassard Bonnington, LLP. My position involves substantial trial responsibilities for the firm's clients with cases venued in the Los Angeles County Superior Court and Northern California jurisdictions. Already my responsibilities have caused me to miss one of the commission's April meetings, and will cause me to miss the May 26 meeting.

If reappointed, I would have been in line to chair the commission for the period of July 1, 2009-June 30, 2010. During that time I anticipate that there will be significant issues coming before the commission, including the Rivulet project, updates to the General Plan, and possibly a development proposal for the Clayton Community Church property, regarding which there is significant community interest.

An important criterion for selection to the planning commission is the ability to regularly attend the meetings. Given my current job duties, I cannot reasonably and in good faith assure the City of Clayton of my regular attendance at planning commission meetings. The City deserves a fully committed and present Planning Commission to consider the important issues likely to come before it.

I have thoroughly enjoyed my time on the Planning Commission. I would like to thank the City Council for my initial appointment and reappointments. I will remain interested in the commission's work and plan to attend when possible and contribute where appropriate as a member of the public.

Respectfully,


Edward E. Hartley