

**Minutes**  
**Clayton Planning Commission Meeting**  
**Tuesday, August 23, 2016**

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

Chair Richardson 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.    Review of agenda items.
- 2.b.    Declaration of Conflict of Interest.
- 2.c.    Vice Chair Catalano 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 August 9, 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.    **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.

Assistant Planner Sikela presented the staff report.

The public hearing was opened.

The applicant, Kris Van Liew, indicated the following:

- His children are proficient at baking, pastry preparation, music, painting, water color art.
- His son can play up to 15 instruments, works at a music shop, teaches grade school bands at five local schools, and supervises “art camps”, and has taught water color art at the Diamond Terrace senior living facility.
- His daughter plans to prepare food items and deliver elsewhere, in accordance with the Class B requirements of the cottage food operation regulations, and already has her food handling certification.
- Considered trying to operate from a commercial space but it would have cost \$8,000 to \$9,000 per month to lease.
- Will comply with all applicable cottage food operation requirements.

Vice Chair Catalano had the following questions:

- How many people will be involved in the operation of the cottage food home occupation? The applicant indicated that he would be working as a family unit with himself, his son, and his daughter as the only people involved in the cottage food operation.
- What are the different types of musical instruments that will have instructional classes provided for? The applicant indicated the musical lessons given would pertain to the instruments of piano, trumpet, tuba, clarinet, violin, cello, and ukulele. There would be no drum lessons occurring on-site.

Commissioner Gall asked if there would be any marching band lessons given as part of the home occupation. The applicant responded that marching band lessons would not occur on-site.

Commissioner Wolfe asked if the cottage food operation would be relocated from the subject residence to a commercial location. The applicant responded that, currently, there are no plans to relocate the proposed home occupation-related activities from the subject residence to a commercial location. However, all of the City’s home occupation permit requirements will be complied with.

Commissioner Altwal had the following questions:

- Have any concerns been expressed by the neighbors regarding your proposed home occupation? The applicant indicated that no concerns have been expressed by the neighbors.
- What is the maximum number of students/clients you will have on-site during the week. The applicant indicated that a maximum number of six students/clients would be on-site during the week.
- Do you have home insurance that covers the proposed uses? The applicant indicated that they are currently working on finalizing the home insurance policy.

Chair Richardson indicated that the cottage food operation will be subject to inspections and, if violations occur, also complaints enable the City to enforce the home occupation permit requirements.

The applicant indicated that all applicable requirements will be complied with.

The public hearing was closed.

Commissioner Gall indicated that the applicant provided a good description of and information about the proposed cottage food operation.

Vice Chair Catalano indicated that she understood how there could be concerns over this type of use; however, there is a distinction between home occupation permits and commercial businesses. Given the specificity of the Clayton Municipal Code requirements regarding home occupations, approval of a home occupation permit does not turn residential areas into commercial areas.

Commissioner Altwal indicated that, as conditioned and regulated, the home occupation permit and cottage food operation activities are legal, within the law, and within the applicant's rights.

Chair Richardson indicated that he appreciated the applicant being so candid and that all concerns have been addressed.

**Commissioner Wolfe moved and Commissioner Gall seconded a motion to 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, with the findings and conditions recommended by staff. The motion passed 5-0.**

**6. OLD BUSINESS**

None.

**7. NEW BUSINESS**

None.

**8. COMMUNICATIONS**

**8.a. Staff**

Director Gentry indicated the following:

- At the August 16, 2016 City Council meeting, funding was approved for upgrades to the City's website and for modernizing office operations.
- Clayton Community Church submitted development applications to the City so the project applications will be reviewed for completeness and routed accordingly.

8.b. Commission

Vice Chair Catalano indicated she will not be attending the September 13, 2016 Planning Commission meeting.

9. **ADJOURNMENT**

9.a. The meeting was adjourned at 9:00 p.m. to the regularly-scheduled meeting of the Planning Commission on September 13, 2016.



Submitted by  
Mindy Gentry  
Community Development Director



Approved by  
Dan Richardson  
Chair

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