

Minutes
City of Clayton Planning Commission Meeting
Tuesday, April 8, 2008

Call to Order

Chair Haydon called the meeting to order at 7:00 p.m. at the Library Meeting Room, Clayton Community Library, 6125 Clayton Road, Clayton.

Present: Chair Keith Haydon, Vice Chair Tuija Catalano, Commissioner Bob Armstrong, Commissioner Ed Hartley, Commissioner Joe Odrzywolski

Absent: None

Staff: Interim Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.

Administrative

1A. Review of agenda items.

1B. Commissioner Hartley to report at the April 15, 2008 City Council meeting.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the regular meeting of March 25, 2008.

Commissioner Odrzywolski moved and Vice Chair Catalano seconded a motion to approve the minutes from the regular meeting of March 25, 2008, as amended. The motion passed 5-0.

Public Hearings

3A. **CDD 04-07, Large Family Day Care Permit, Shelly Alves, 6015 Golden Eagle Way, APN 118-630-001.** Review of project compliance with Conditions of Approval 1-6 as listed on the City Council resolution, Resolution No. 42-2007, for the appeal of Planning Commission's decision to approve a large family day care permit.

The public hearing was opened. Director Woltering presented the staff report and suggested that the public hearing notice was received by the recipients late, the public hearing is continued to the special meeting of April 29, 2008 to allow the recipients of the public hearing notice time to review the project. There were no public comments.

Commissioner Armstrong moved and Commissioner Odrzywolski seconded a motion to continue the public hearing for CDD 04-07 to the special meeting of April 29, 2008. The motion passed 5-0.

The meeting was recessed at 7:12 p.m. and reconvened at 7:15 p.m. to allow the applicant to set up equipment for the public hearing.

3B. **ENV 01-08, Environmental Review, Rivulet Mixed Use Project, Uzoma Nwakuche, 1005 and 1007 Oak Street (APNs 119-050-009 and 119-050-034).** A study session to discuss the status of the environmental review of the project. *Continued from the regular meeting of March 25, 2008.*

The continued study session for ENV 01-08 was re-opened.

Director Woltering indicated the following:

- Contract planner Nick Pappani is working with the sub-consultants on the environmental issues and we hope to have a schedule of Initial Environmental Study/Mitigated Negative Declaration milestones at the April 29, 2008 Commission meeting.
- It is anticipated that we will be focusing on site plan issues at the April 29, 2008 Commission meeting.
- Staff contacted Mr. Tony Bristol at Save Mount Diablo to provide an update of the project status.

There were no public comments. Commission questions and comments included:

- Have we found the area of Mitchell Creek to be to be a red-legged frog habitat? *Director Woltering indicated that no red-legged frogs have been found so far.*
- We should put the Rivulet public hearings first under public hearings on the April 29, 2008 Commission agenda.

Chair Haydon moved and Commissioner Odrzywolski seconded a motion to continue the study session for ENV 01-08 to the special meeting on April 29, 2008. The motion passed 5-0.

- 3C. **DP 01-08, Development Plan, Rivulet Mixed Use Project, Uzoma Nwakuche, 1005 and 1007 Oak Street (APNs 119-050-009 and 119-050-034).** A request for approval of a development plan to allow the construction of a two-story mixed-use commercial/residential building with approximately 7,000 square feet of commercial retail on the first floor and up to seven residential units on the second floor. *Continued from the regular meeting of March 25, 2008.*

The continued public hearing for DP 01-08 was re-opened. Assistant Planner Sikela presented the staff report.

Chair Haydon asked if there was any new information with regard to the July 1, 2008 deadline for the San Francisco Regional Water Quality Control Board's implementation of new creek setbacks. *Director Woltering responded that staff understands they may be moving the deadline later to possibly late 2008 or early 2009.*

Bob Staehle, the representative of the applicant, explained the status of the project and indicated the following:

- It is my understanding that the San Francisco Regional Water Quality Control Board has not acted on setting a deadline for implementation of creek setbacks.
- We have revised the column locations so that vehicle doors will not open into the columns.
- We have been in contact with Allied Waste regarding the project-related trash issues.
- Although staff supports inclusion of the turret on the southeast elevation, we prefer the elevation without the turret since it maintains the rhythm of the architectural design theme.
- We prefer to keep the trellis in the same location as the belly band. It would not look good to have the trellis lower on the exterior wall than the belly band.

The Commission unanimously indicated that they did not support inclusion of the turret.

Commissioner Armstrong distributed pictures of the architectural corbel-and-bracket detailing of the roofline of Moresi's Chophouse as possible considerations to improve the appearance of the southeast corner.

Director Woltering indicated that, in lieu of the turret, staff supported the addition of a cornice feature which should be a minimum of two feet in width.

Commissioner Odrzywolski asked the applicant what the proposed distance is between the belly band and the bottom of the windows. *Mr. Staehle responded that the distance is approximately eight to nine feet.*

The public testimony period was opened.

Jerry Davis, 6000 High Street, indicated the following:

- The southeast corner appears stark and ugly.
- How wide is the High Street right-of-way? *Mr. Staehle responded that the High Street right-of-way is 52 feet in width.*
- Not enough room on the site to fit a building of this size.
- Has concerns that members of the public may drive across the High Street bridge.
- The building would reduce the visibility of vehicles heading east on High Street trying to make a left turn onto Oak Street.
- Bridge is co-owned by City and property owners.
- Construction of this project would invite increased activity on the High Street bridge. Has concerns that kids would be walking on existing two-inch gas line that runs beneath the bridge.
- Traffic is a concern.
- Very rushed nature of the project is a concern.

Rich Batchelder, 983 Oak Street, indicated the following:

- Has been living at 983 Oak Street for 30 years.
- The project appears as if a one-quarter block of San Francisco has been dropped into downtown Clayton.
- Should use the project site for a park.
- Should not be building this type of project along Mitchell Creek.
- This project will impact the aesthetics and quality of life in the Town Center.

Gloria Utey, 5950 High Street, indicated the following:

- Not sure if the design of the project incorporates a western design theme only or a mix of craftsman and western.
- Where will trash be located?
- Concerns about access to garage impacting High Street.

Lanny Utey, 5950 High Street, indicated the following:

- Is this building part of the Town Center? *Chair Haydon responded that it is part of the Town Center.*
- There is not enough parking to accommodate the needs of the first-floor commercial units and second-floor residential units.

Rich Batchelder, 983 Oak Street, asked if the property had been purchased by the developer. *Mr. Staehle indicated that the issues related to project financing are a City Council matter and that the property was still owned by the City.*

Director Woltering explained the timeline for the anticipated milestones for the project.

There being no further comments, the public testimony period was closed. Commission questions included:

- Did you remove the "wraparound" design style of the northernmost and southernmost support columns for the walkway canopy along Oak Street? *Mr. Staehle responded "Yes."*
- What is the design style proposed for the sidewalk that wraps around the west side of the building near the creek? *Mr. Staehle indicated that the design team is working with a civil engineer to explore options for a pervious walkway that will also be ADA compliant.*

Chair Haydon moved and Commissioner Hartley seconded a motion to continue the public hearing for DP 01-08 to the special meeting of April 29, 2008. The motion passed 5-0.

Old Business

4. None.

New Business

5. None.

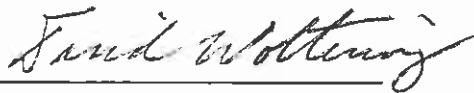
Communications

6A. Staff – None.

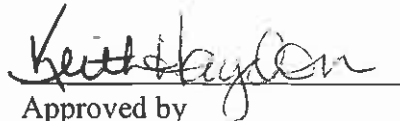
6B. Commission – None.

Adjournment

7. The meeting was adjourned at 9:00 p.m.



Submitted by
David Woltering, AICP
Interim Community Development Director



Approved by
Keith Haydon
Chair

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Minutes
City of Clayton Planning Commission Special Meeting
Tuesday, April 29, 2008

Call to Order

Chair Haydon called the meeting to order at 7:00 p.m. at the Library Meeting Room, Clayton Community Library, 6125 Clayton Road, Clayton.

Present: Chair Keith Haydon, Vice Chair Tuija Catalano, Commissioner Bob Armstrong, and Commissioner Joe Odrzywolski

Absent: Commissioner Ed Hartley

Staff: Interim Community Development Director David Woltering
Contract Planner Nick Pappani
Assistant Planner Milan Sikela, Jr.

Administrative

1A. Review of agenda items.

1B. Commissioner Odrzywolski to report at the May 6, 2008 City Council meeting.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the regular meeting of April 8, 2008.

Chair Haydon moved and Vice Chair Catalano seconded a motion to approve the minutes from the regular meeting of April 8, 2008, as amended. The motion passed 4-0.

Public Hearings

3A. **ENV 01-08, Environmental Review, Rivulet Mixed Use Project, Uzoma Nwakuche**, 1005 and 1007 Oak Street (APNs 119-050-009 and 119-050-034). A study session to receive an update regarding the status of the environmental review being prepared for the project. *Continued from the regular meeting of April 8, 2008.*

3B. **DP 01-08, Development Plan, Rivulet Mixed Use Project, Uzoma Nwakuche**, 1005 and 1007 Oak Street (APNs 119-050-009 and 119-050-034). A study session to receive an update and provide general feedback on some of the site planning aspects including parking layout, pedestrian circulation, trash collection, and stormwater conveyance for the project. *Continued from the regular meeting of April 8, 2008.*

The continued study session for ENV 01-08 and the continued public hearing for DP 01-08 were re-opened. Contract Planner Nick Pappani presented the staff report for the environmental review.

Bob Staehle, the representative of the applicant, indicated that a preliminary landscape plan will be included in the IES/MND as part of the biology report.

Commission questions included:

- When will the initial environmental study/mitigated negative declaration (IES/MND) be ready? *Mr. Pappani responded that the IES/MND should ready within six weeks or approximately early June 2008. Director Woltering added that it has taken longer to complete the IES/MND in order to assess different ways that the project could comply with the State C.3 stormwater regulations; based on the work yet to be completed for the environmental review, staff anticipated that an IES/MND will be ready in August 2008 for consideration by the Planning Commission.*
- Any update on some of the individual reports within the IES/MND? *Mr. Pappani replied that the steelhead assessment, red-legged frog study, and traffic analysis are close to being completed.*

Mr. Pappani presented the staff report for the site plan review.

Mr. Staehle explained the status of the project and indicated the following:

- Maintenance and reporting would be required for the C.3-related stormwater project requirements.
- Retail Entry Option 1 would involve the project being one foot below the 100-year flood plain, flood gates being used at the entrances, site being graded to create four benched areas, sidewalk continuous and open to street frontage, and 17-foot distance from rear edge of pavement to entry doors.
- Retail Entry Option 2 would involve the project being one foot above the 100-year floodplain, ADA ramps at either end of the building, retaining wall along the Oak Street frontage, steps up from Oak Street, an 7-foot, 6-inch distance from rear edge of pavement to entry doors.
- He indicated his preference for Retail Entry Option1.
- With either option, there will be no change to the second story elevation.
- We are proposing a semi-circular seat bench around a water feature at the terminus of Center Street for parents to wait for their kids to come down from Mount Diablo Elementary School.
- Looked at the potential for installing a swale along the pedestrian crossing on the south side of the project.

Commission comments and questions included:

- Where would the trash be located? *Mr. Staehle indicated that the trash would be located at the southwest corner of the building near the High Street bridge.*
- The recycling should be segregated from the trash for both the residential and commercial components of the project.
- You should retain curb cut onto High Street so that the different paving styles would alert pedestrians and/or drivers that the commercial component on the first floor of the project does not extend around onto High Street, thereby communicating the distinction between the commercial section of the project and the more residential nature of the High Street corridor west of Oak Street.
- We should ensure that the landscaping at the southeast corner does not become a site obstruction for southbound vehicles on Oak Street turning right onto westbound High Street.
- For this project's stormwater filtration area, we want to avoid the "big pit" appearance that happened to the stormwater filtration area of the Pine Hollow Estates subdivision. *Mr. Staehle indicated that the stormwater filtration planters will be raised.*

- Would not look good having a swale along the pedestrian crossing on the south side of the project since vehicles will destroy the swale as they drive across it.
- How would vehicles drive away from parallel parking space with landscape planter at a 90-degree angle? *Mr. Staehle indicated that the landscape planter would be re-aligned so that it was at a 45-degree angle, thereby allowing parallel-parked vehicles to pull away easier.*

The public testimony period was opened.

Jerry Davis, 6000 High Street, distributed a list of concerns about the project and indicated the following concerns:

- Adequate sight distance should be maintained along High Street.
- Impact to the High Street bridge and people walking on gas line that runs beneath the bridge should be addressed.
- Traffic and noise impacts will be considerable.
- The project promotes a "San Francisco appearance" in the Town Center by having zero setbacks.
- Property is too small to accommodate the building.

There being no further public comment, the public testimony period was closed. Commission comments and questions included:

- Please make sure the traffic analysis includes all impacts at peak times and build-out of lots located west of the High Street bridge.
- How are the trash cans for the lots west of the High Street bridge brought down to where Allied Waste can pick them up? *Mr. Davis responded that the trash cans are left by the bridge all the time.*
- Since the trash cans being left at the High Street bridge are an eyesore, it would be good to clean this area up.
- Consensus is that the presented Retail Entry Option 1 is preferred.
- Will the public be able to review the individual studies included in the IES/MND? *Mr. Pappani answered "Yes."*
- Proper sight distance, vehicular maneuverability, and adequate parking should be ensured.
- Any stall dimension standards for guest parking? *Director Woltering responded that staff would research this question.*
- Do not see the need for inclusion of a sidewalk on the south side of High Street. Rather use that space for a driveway aisle. *Director Woltering indicated that we need to keep in mind the equity issues related to the project and other properties.*
- Options for increasing the 20-foot drive aisle should be explored.
- Please provide open space calculations to clearly indicate the space used to meet City open space requirements.

By consensus, the Commission continued the study session for ENV 01-08 and DP 01-08 to an undetermined future date, with direct to staff that the study session and/or public hearing be re-noticed accordingly.

- 3C. **CDD 04-07, Large Family Day Care Permit, Shelly Alves, 6015 Golden Eagle Way, APN 118-630-001.** Review of project compliance with Conditions of Approval 1-6 as listed on the City Council resolution, Resolution No. 42-2007, denying the appeal of Planning Commission's decision to approve a Large Family Day Care permit. *Continued from the regular meeting of April 8, 2008.*

The continued public hearing was re-opened. Director Woltering presented the staff report.

Chair Haydon asked if Director Woltering had conducted a site visit un-announced or did he advise the applicant ahead of time? *Director Woltering responded that two site visits had occurred; the first visit was a drive-by with former Director Jeremy Graves and was un-announced whereas the second visit was scheduled with the applicant ahead of time. Director Woltering added that, in both cases, the subject property was clean and well-maintained and appeared to be in compliance with the conditions of approval.*

The public testimony period was opened.

Shelly Goodrich (Alves), the applicant, indicated the following:

- Current parent/clients are complying with the conditions of approval.
- No parking issues, moving violations, or accidents have occurred.
- Have had four parent/client meetings to discuss conditions of approval for continued compliance.
- Only terminated one parent/client because of lack of compliance with the conditions of approval.

Tim Schmoll, 5206 Keller Ridge Drive, indicated the following:

- The appellant referred to a convertible vehicle—that was my convertible vehicle and I was not leaving my kid in the car inappropriately unattended as suggested.
- My experience is that the applicant has provided a loving environment for the children.
- The applicant maintains constant enforcement.

Paul Graves, 6018 Golden Eagle Way, indicated the following:

- As the appellant, we tried not to be oppressive with our scrutiny of the project.
- Commend the professionalism of Director Woltering and his staff.
- Conditions of approval were a good joint effort and made the business tolerable.
- There may be more violations than we have seen.
- Staff only interviewed the applicant and not the neighbors.
- Neighbors are watching to see how the City deals with violations.

Holly Wood, 1339 Montana Drive, Concord, indicated the following:

- Shelly operates a wonderful daycare.
- Her business is in compliance with the conditions of approval.
- Her kids are well-behaved and well-taken-care-of.
- Her business is needed for our children.
- It is a wonderful opportunity have such a high-quality daycare resource within the City.

Carolyn Vargas, 1851 Eagle Peak Avenue, indicated the following:

- I started taking my child to Shelly's daycare in August 2007.
- Shelly explained to me in detail all the conditions of approval and, as her clients, we have complied with them.
- She follows up every parent/client meeting with a daycare newsletter.

Gigi Pishny, 5171 Keller Ridge Drive, indicated that Shelly made her aware of the conditions of approval and that she has complied with them.

Fernando Campos, 1722 Curletto Drive, Concord, indicated the following:

- Our two children attend the daycare.
- Shelly exemplifies the ideal of Clayton.
- The first time I violated the conditions of approval, I received a stern warning.

Brandie Kelber, 6015 Golden Eagle Way, indicated the she resides at the subject residence and complies with all the conditions of approval.

Ryan Slagle, 23 San Carlos Court, Walnut Creek, indicated the following:

- As a parent/client, we had to sign a contract.
- I drive trailers and go 20 to 30 minutes out of the way to drop the trailers off before I come to the daycare, just to ensure that I comply with the conditions of approval.

Janice Rath, 4440 Morgan Territory Road, Unincorporated Contra Costa County, indicated the following:

- Other daycare businesses do not have to go through such strict review.
- I am shocked to see what Shelly has been put through.
- Shelly runs an excellent daycare operation.

Danielle Campos, 1722 Curletto Drive, Concord, indicated the following:

- Shelly complies with all the conditions of approval.
- As a parent/client, Shelly informed us that we would be terminated if we violated the code.

Rich Goodrich, 6015 Golden Eagle Way, indicated the following:

- I invite the Commission to come visit the subject residence.
- Shelly keeps the subject residence and premises spotless.
- The vehicles shown in the photographs provided by the appellant are misleading since one vehicle belonged to the neighbor and the other vehicle belonged to another person who had nothing to do with the daycare.

Olivia Beretta, 227 Jeffry Ranch Place, indicated the following:

- I attend all of Shelly's parent/client meetings.
- We abide by the conditions of approval.

There being no further comments, the public testimony period was closed. Commission comments and questions included:

- Commend Mr. Graves for his diplomatic approach.
- If there is a significant violation, the City would know about it.
- It appears that the project is complying with the conditions of approval.
- Will the Commission be reviewing the project for compliance every six months? *Director Woltering answered that there would be no further compliance reviews before the Commission for this project. From the staff perspective, the only way the Commission would re-visit any project-related issues is for violation and/or permit revocation purposes.*
- I am satisfied that the project has adequately complied with all the conditions of approval.

Chair Haydon moved and Commissioner Armstrong seconded a motion to find that the project has demonstrated the necessary substantial compliance with Conditions 1-6 as listed in the City Council resolution, Resolution No. 42-2007. The motion passed 4-0.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff

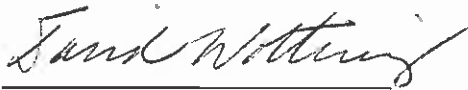
Director Woltering indicated that the Longs Drugs store is nearing a final inspection by the Contra Costa County Building Inspection Department since the retaining wall end caps and stormwater planters have been installed.

6B. Commission

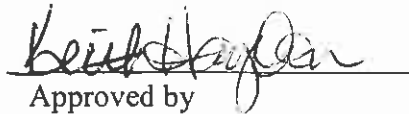
Chair Haydon indicated that the banner signs at Village Market need to be re-attached to the side of the building.

Adjournment

7. The meeting was adjourned at 10:00 p.m.



Submitted by
David Woltering, AICP
Interim Community Development Director



Approved by
Keith Haydon
Chair

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