

Minutes
City of Clayton Planning Commission Meeting
Tuesday, January 12, 2010

Call to Order

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

Present: Chair Bob Armstrong, Vice Chair Sandra Johnson, Commissioner Tuija Catalano, Commissioner Ted Meriam, Commissioner Dan Richardson

Absent: None

Staff: Community Development Director David Woltering

Administrative

1A. Review of agenda items.

1B. Commissioner Catalano to report at the City Council meeting on January 19, 2010.

Public Comment

None.

Approval of Minutes

2. Approval of minutes from the meeting of December 8, 2009.

Commissioner Catalano moved and Commissioner Richardson seconded the motion to approve the minutes from the meeting of December 8, 2009, as amended. The motion passed 5-0.

The amendments involved minor grammatical corrections and clarifying that, when Commissioner Richardson recused himself on an agenda item, he left the meeting chambers during the deliberation of that item.

Public Hearings

3. **SPR 07-08, Extension of a Site Plan Review Permit, Clayton Station Shopping Center, LLC, Clayton Station Shopping Center.** A request for a one-year extension of a previously-approved Site Plan Review Permit (previously approved on January 13, 2009) to allow various minor modifications to the architecture, exterior colors, and awnings within Clayton Station.

Community Development Director Woltering presented the staff report. He summarized that the request was to extend a previously-approved Site Plan Review Permit for one year. During his presentation he referred to photographs that he had distributed which depicted considerable litter and debris along the Mt. Diablo Creek corridor behind the Safeway store within the Clayton Station Shopping Center. He indicated that the litter and debris included cardboard cartons, paper, and shopping carts from the Shopping Center.

Mr. Woltering indicated that the issue of litter and debris removal from the Mt. Diablo Creek corridor was a matter of considerable discussion at the Planning Commission meeting when the Site Plan Review Permit was originally approved and that a detailed condition of approval was prepared (Condition No. 6) to require clean-up. However, the Site Plan Review Permit had not been acted upon, and, therefore, the condition of approval had not become effective. The condition required that the Shopping Center operator enter into a maintenance contract to assure regular maintenance of the creek corridor, including litter, debris, and graffiti removal. Additionally, the operator was to install vines to grow against the rear and side wall of the Safeway building to deter graffiti.

Mr. Woltering suggested that Condition No. 6 could be further modified as a condition of extending the Site Plan Review Permit approval to require regular maintenance of the creek corridor by a date certain, suggesting that March 1, 2010 as a possible target date.

Planning Commission questions and comments included:

- Could the matter of the clean up of the creek corridor be handled as a code enforcement matter? Community Development Director Woltering indicated that it could be handled in that way, but indicated the intent of the prior condition of approval (Condition No. 6) was to establish a regular maintenance program that could establish an understanding of expectations.
- Commissioner Richardson indicated that the condition depicted in the photographs was a clear concern in terms of maintaining compliance with State and regional water quality regulations and standards.
- Overall, Commissioners indicted strong concerns that, even though this matter was brought up as a significant concern previously, there appeared to have been little done to address it.

Chair Armstrong opened the public hearing and invited the property owner's representative to speak on the matter.

Kathe Anderson, Property Manager for the Clayton Station Shopping Center, acknowledged the concerns of the Planning Commissioners, and indicated that she had not been at the prior meeting, but would meet with city staff and the Shopping Center's maintenance contractor to assure an appropriate response and clean-up effort.

Chair Armstrong closed the public hearing and the Commissioners discussed the matter and provided the following comments:

- The matter of assuring the Mt. Diablo Creek corridor clean-up associated with this Shopping Center should be addressed by both a condition of approval and a code enforcement effort.
- Staff should meet with the property owner representatives to address some immediate clean-up activity before action is taken on the request for extension of the Site Plan Review Permit.
- The rewriting of Condition No.6 to require preparation and implementation of a regular maintenance and improvement plan by a specific date in the near term is a good approach to addressing this issue.
- It is to the property owner's advantage to address this matter to avoid State regulatory penalties.

Vice Chair Sandra Johnson moved and Commissioner Ted Meriam seconded a motion to continue Site Plan Review Permit SPR 07-08 to the next regularly-scheduled meeting on January 26, 2010. The motion passed 5-0. Commissioner asked Community Development Director Woltering to meet with the property owner's representatives to effect some more immediate clean up of the creek corridor and to re-write Condition No. 6 to require preparation and implementation of a maintenance and improvement plan for the affected Mt. Diablo Creek corridor by a date certain prior to and in preparation of the next meeting.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff.

Community Development Director Woltering indicated that staff work recently had involved the following:

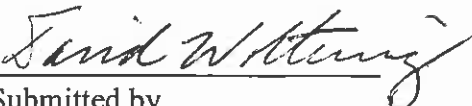
- Reactivating the former Rivulet project, which the Redevelopment Agency had decided to move forward with through the entitlement process. The initial focus of this work involved reviewing the mitigated negative declaration to determine what would be necessary to move it forward.
- Addressing comments received from the State Housing and Community Development Department on the City's Draft Housing Element Update.
- Working with the new owner of 1816 Ohlone Heights on his application to bring the retaining wall and fence into compliance with City requirements.

6B. Commission.

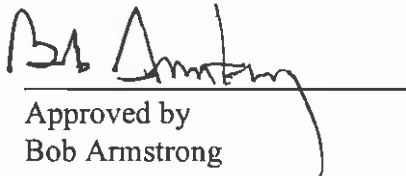
None.

Adjournment

7. The meeting was adjourned at 7:48 p.m.



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Bob Armstrong
Chair

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