



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, January 26, 2010
Hoyer Hall, 6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Vice Chair Johnson to report at the City Council meeting on February 2, 2010.

Public Comment

Approval of Minutes

- 2. Approval of minutes from the meeting of January 12, 2010.

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. *Continued from the meeting of January 12, 2010.*

Proposed Action: Approval.

Old Business

- 4. None.

New Business

- 5. None.

Communications

- 6A. Staff.
- 6B. Commission.

Adjournment

- 7. The next regular meeting of the Planning Commission is scheduled for **Tuesday, February 9, 2010.**

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
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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PLANNING COMMISSION STAFF REPORT

Meeting Date: January 26, 2010

From: David Woltering, AICP *DW*
Community Development Director

Subject: Clayton Station
Site Plan Review Permit (SPR 07-08) – Time Extension

This staff report supplements the staff report dated January 12, 2010.

BACKGROUND AND DISCUSSION

At its meeting of January 12, 2010, the Planning Commission reviewed a request for a one-year extension of Site Plan Review Permit SPR 07-08 to allow various minor modifications to the architecture, exterior colors, and awnings within the Clayton Station Shopping Center. After reviewing the request, the Commission continued the item based primarily on the following concerns:

- Assuring the immediate and on-going removal of litter and debris associated with the operation of the Clayton Station Shopping Center from the Mt. Diablo Creek corridor generally coterminous with the Clayton Station property.
- Assuring planting and on-going maintenance of vines on the walls at the rear of the Clayton Station Safeway building facing the Mt. Diablo Creek corridor to discourage graffiti and maintain an aesthetically pleasing appearance.

In response to the concerns related to litter and debris in and around the project site, the applicant has performed a clean-up of the area. Staff conducted site inspections both before (Friday, January 15, 2010) and after (Wednesday, January 20, 2010) the clean-up was performed. Staff has provided photographs of the area (please see **Attachment A** for “before” photograph and **Attachment B** for “after”). In addition, the backside of the Clayton Station has exterior walls that are not adequately landscaped (see **Attachment C** for photograph). The applicant has indicated that vines will be planted to grow over the sections of the wall.

In response to the Commission’s concerns about assuring an initial clean-up of the Mt. Diablo Creek corridor, the on-going maintenance of this creek corridor, and the planting and regular maintenance of vines on the rear exterior walls of the Safeway, staff has drafted a revised Condition No. 6 for consideration. This revised condition is provided immediately below:

“6. The owner/applicant shall complete an initial clean-up of the Mount Diablo Creek corridor located generally coterminous to the Clayton Station Shopping Center to the satisfaction of the Community Development Director as a prerequisite for considering approval of a one-year extension of the Site Plan Review Permit (SPR 07-08) previously approved by the Planning Commission. This

initial clean-up shall include, but not be limited to, removal of litter, shopping carts, and debris from the creek corridor, including the Cardinet Trail, coterminous to and/or directly related to Shopping Center activities.

Subsequent to and as a condition of approval, the owner/applicant shall submit a Maintenance and Improvement Plan to be reviewed and approved by March 1, 2010 to the satisfaction of the Community Development Director. This Maintenance and Improvement Plan shall be supported by evidence of a Maintenance and Improvement Contract by a qualified contractor to conduct regular maintenance and improvement work. It is expected the Maintenance and Improvement Plan will address, at a minimum, the following:

- a. removal of litter and debris (at a minimum of once a week);
- b. removal of shopping carts (daily);
- c. removal of graffiti (as needed and within 72 hours of official notice);
- d. cutting of grasses and shrubs to a height not to exceed six (6) inches within ten (10) feet of the Cardinet Trail (as needed); and,
- e. installation and successful establishment of clinging vines to the rear and side walls of the Safeway building to fill gaps where prior plantings have not been successful (installation by March 15, 2010).

To ensure that the Maintenance and Improvement Plan is completed in a timely manner, the applicant/owner shall submit a \$2500 deposit with the City of Clayton at the time of approval of the Maintenance and Improvement Plan. These funds may be used by the City to complete work described in the approved Plan in the event the work is not completed as required following notice by the City. Said deposit shall be promptly replenished by the owner/applicant to its full amount of \$2,500 following each occasion the City has drawn upon said funds to accomplish maintenance and improvement work in accordance with this condition."

The applicant/owner has satisfactorily completed the initial clean-up as confirmed in the attached photographs.

RECOMMENDATION

Base on the information provided above, including the substitution of the above-written condition No. 6, staff recommends that the Planning Commission approve the one-year extension for Site Plan Review Permit SPR 07-08 to allow various minor modifications to the architecture, exterior colors, and awnings within the Clayton Station shopping center. The one-year extension would be based upon and extend the originally approved findings, conditions of approval, as amended to substitute the revised condition No. 6, and advisory notes.

ATTACHMENTS

- A Photographs of project site, taken by staff January 15, 2010
- B Photographs of project site, taken by staff January 20, 2010
- C Photograph of project site, taken by staff January 20, 2010
- D January 14, 2009 Notice of Decision

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ATTACHMENT
A



ATTACHMENT
B

ATTACHMENT
C





ATTACHMENT D
(3 PAGES)

6000 Heritage Trail • Clayton, California 94517
925-673-7300 • Fax 925-672-4917

PLANNING COMMISSION NOTICE OF DECISION

DATE: January 14, 2009

TO: Banducci Associates Architects Inc.
222 Railroad Avenue, Suite D
Danville, CA 94526

RE: Site Plan Review Permit (SPR 07-08)

Following a public hearing, the Clayton Planning Commission approved the following project on January 13, 2009. The project was approved based on the findings and conditions listed below.

Project Description

Approval of a Site Plan Review Permit to allow various minor modifications to the architecture, exterior colors, and awnings within the Clayton Station shopping center (APNs 118-031-049/ -051/ -052/ -056/ -057).

Findings of Approval

Based upon the evidence set forth in the staff reports, which includes relevant information from the project file, as well as testimony at the public hearing, the Planning Commission makes the following findings regarding the Site Plan Review Permit for the addition:

1. Is consistent with the General Plan designation and policies.
2. Meets the standards and requirements of the Zoning Ordinance.
3. Preserves general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.
4. Maintains solar rights of adjacent properties.
5. Reasonably maintains the privacy of adjacent property owners and/or occupants.
6. Reasonably maintains the existing views of adjacent property owners and/or occupants.
7. Is complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk.
8. Is compatible with the neighborhood and surrounding land uses.

The above-stated findings assume acceptance and approval of the proposed condition of approval listed below.

Conditions of Approval

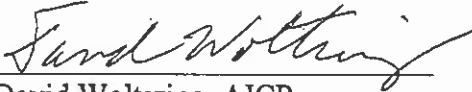
These conditions of approval apply to the Exterior Renovation for Clayton Station Shopping Center (Planning Department Submittal Package), prepared by Banducci Associates Architects Inc., date stamped December 3, 2008.

1. The proposed masonry treatments shall utilize the design style as shown in Photosimulation 1 on Sheet AS-6 of Exhibit B in the January 13, 2009 staff report.
2. The trellis above the entryway to Safeway shall be constructed of wood with a painted metal channel on the perimeter, as shown in Photosimulation 1 on Sheet AS-6 of Exhibit B in the January 13, 2009 staff report.
3. The Clayton Station Master Sign Program shall be amended to allow sign returns to be painted black as proposed in the current application.
4. The Clayton Station shopping center shall comply with all State regulations as related to recycling. This may include, but not be limited to, alterations and/or additions to existing recycling enclosures as well as possible modifications to recycling service. Any required modifications shall be done in compliance with City development regulations.
5. All on-site drainage inlets shall be marked with the words "no dumping drains to creek" in thermoplastic stenciling.
6. All litter, shopping carts, and debris shall be removed from Mount Diablo Creek on a regular basis. Additionally, all graffiti shall be removed from the property, including the walls of the Safeway building, above-ground transformer boxes, etc. In order to facilitate maintenance of the Mount Diablo Creek corridor (including the Cardinet Trail) associated with this property and the removal of graffiti, prior to issuance of a building permit the property owner shall provide evidence to the Community Development Director of an on-going maintenance contract to ensure the regular clean-up of the Creek corridor and the removal of graffiti. Moreover, within forty-eight (48) hours notice by the City of a concern regarding needed Creek clean-up or graffiti removal, the property owner shall address the matter to the satisfaction of the Community Development Director. To further address the prevention of graffiti at the property, prior to issuance of a building permit the property owner shall prepare for review, approval, and installation a planting plan for adding clinging vines to the rear and side walls of the Safeway building to fill gaps where prior plantings have not been successful to the satisfaction of the Community Development Director.
7. 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, judgements, liens, levies, costs, and expenses of whatever nature, including attorney's fees 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, or the 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; or (b) requirements imposed by other agencies. The advisory notes state requirements that may be in addition to the conditions of approval.

1. The applicant shall comply with all applicable State, County, and City codes, regulations, and adopted standards.
2. Prior to obtaining a building permit, the applicant shall prepare an erosion and stormwater control plan for review and approval by the City Engineer (CMC §13.12.050).
3. This Site Plan Review Permit shall be used, exercised, or established within twelve months after the granting of the Permit, or a time extension must be obtained from the Planning Commission, otherwise the Permit shall be void (CMC §17.64.010-030).
4. All grading, construction, and other work shall occur only between 7:00 a.m. and 5:00 p.m. Monday through Friday. Any such work beyond these hours and days is strictly prohibited unless previously authorized in writing by the City Engineer (CMC §15.01.010).
5. The applicant shall obtain the necessary building permits from the Contra Costa County Building Inspection Department.
6. Additional requirements may be imposed by the Contra Costa County Fire Protection District. Before proceeding with the project, it is advisable to check with the Fire District.



David Woltering, AICP
Community Development Department

1-13-09

Date

INSTRUCTIONS TO APPLICANT: Please sign and return one copy of this Notice of Decision to the Community Development Department, 6000 Heritage Trail, Clayton, 94517; and retain the other copy for your files. If you have any questions, please call 925-673-7340.

I (We) agree to comply with the above conditions.

_____, this ____ day of _____, 20 ____
Applicant's Signature

All actions of the Planning Commission are subject to appeal to the City Council as provided in Chapter 17.68 of the *Clayton Municipal Code*. Any appeal must be made in writing to the City Clerk within 10 days from the date of this Notice of Decision and must be accompanied by an appeal fee. An appeal form is available at the Community Development Department.

cc: Christopher Kretz, P.O. Box 580, Danville, 94526
Kathy Anderson, Clayton Station Shopping Center, LLC c/o Anderson and Associates, P.O.
Box 1695, Folsom, 95763
City Engineer
Contra Costa County Building Inspection Department
Contra Costa County Fire Protection District

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