

Minutes
City of Clayton Planning Commission Meeting
Tuesday, January 26, 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
Assistant Planner Milan Sikela, Jr.

Administrative

1A. Review of agenda items.

1B. Vice Chair Johnson to report at the City Council meeting on February 2, 2010.

Public Comment

None.

Approval of Minutes

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

Chair Armstrong moved and Commissioner Richardson seconded the motion to approve the minutes from the meeting of January 12, 2010, as amended. The motion passed 5-0.

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.*

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

Commission comments and questions included:

- Commissioner Catalano asked if proposed Condition 6 has been discussed with the applicant. Director Woltering answered yes, but one area of concern the applicant had was with the required deposit.
- Chair Armstrong asked if the deposit was kept forever. Director Woltering answered that, as written, the deposit would be kept as long as Clayton Station is in operation.
- Chair Armstrong asked if the applicant could ever get their deposit monies back. Director Woltering answered that, as long as Clayton Station exists, there will be a need to retain the deposit for assurance of maintenance.

- Commissioner Richardson indicated that cash performance bonds are not unusual, but typically you have an assigned future date when project performance can be reviewed.
- Commissioner Richardson asked if the deposit account would be interest bearing. Director Woltering answered yes.

The public testimony period was opened.

The applicant indicated the following:

- Director Woltering makes a good point that we could have done a better job at maintaining Clayton Station.
- We will agree to pay the cash bond, but, at a more personal level, we feel we should not have to pay it.
- We want to operate a first-class operation both in the front and in the back of Clayton Station.

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

- Commissioner Richardson indicated that the applicant did an excellent job at cleaning up the areas along Mount Diablo Creek behind the Clayton Station Shopping Center. He added that an organization such as "Friends of the Creek" should be established to assist in clean up of the larger Mount Diablo Creek corridor. In addition, a bond performance review should be established.
- Chair Armstrong indicated a time frame should be established on the cash bond and maybe reviewed annually.
- Commissioner Catalano indicated that she was impressed by the clean-up and that the milestone maintenance review should occur in two years. If staff feels that a serious enough violation of the maintenance agreement has occurred, the item can be brought before the Commission.
- Commissioner Meriam indicated that the rear of Clayton Station is just as important as the front. He also asked whether we wanted shrubs in addition to grasses cut to a maximum of six inches in height. Director Woltering answered yes, to provide a visual safety corridor approximately ten feet out on both sides of the path.
- Chair Catalano indicated that the last paragraph should include the word "implemented".
- Commissioner Richardson suggested that the bond deposit should be reviewed by staff annually.

Commissioner Catalano moved and Vice Chair Johnson seconded a motion to approve 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, subject to the original Notice of Decision (NOD) findings, conditions, and advisory notes, except that Condition 6 be replaced with the new Condition 6, prepared by staff, and amended to allow annual review by staff of the need to continue to require the interest bearing deposit of \$2,500. The motion passed 5-0.

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff.

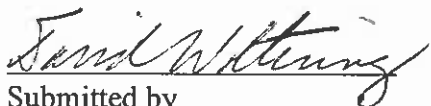
Director Woltering gave updates regarding the Landscape Water Conservation Ordinance, the City's draft housing element, and the parking waiver deadline.

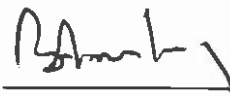
6B. Commission.

Commissioner Richardson discussed a need to review Planning Commission meeting procedures and protocol. Director Woltering indicated he would place an item on the next Planning Commission agenda for review and discussion of this matter.

Adjournment

7. The meeting was adjourned at 8:05 p.m.


Submitted by
David Woltering, AICP
Community Development Director


Approved by
Bob Armstrong
Chair

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