

Minutes
City of Clayton Planning Commission Meeting
Tuesday, January 13, 2009

Call to Order

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

Present: Chair Tuija Catalano, Vice Chair Ed Hartley, Commissioner Bob Armstrong, Commissioner Keith Haydon, Commissioner Sandra Johnson

Absent: None

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

Administrative

1A. Review of agenda items.

Commissioner Haydon asked Director Woltering to brief the Planning Commission on the City Council's discussion and action regarding the personal property sales ordinance.

Director Woltering summarized the City Council's discussion and action as follows:

- Certain Councilmembers were concerned about mixing garage and yard sales with other types of outdoor sales, including sales of items produced or made on the premises.
- Staff and the Assistant City Attorney cautioned the Councilmembers that equal protection provisions of the law make it difficult to differentiate items that may or may not be sold.
- Councilmembers questioned whether the Planning Commission had considered restricting the number of consecutive days that personal property sales could occur, given that a total number of six days of sales could occur, as proposed, in a calendar year.
- Staff responded that the Planning Commission's discussion focused more on the total number of days in a calendar year and hours that the sales could occur and that consecutive days had not been a specific topic of discussion.
- There was some sentiment from Councilmembers that the six days in a calendar year is excessive.
- The Council voted 4-1 to approve introduction and first reading of the ordinance as proposed by the Planning Commission, with the sense that, if needed, adjustments could be made in the future.

Chair Catalano asked if there was any public testimony at the City Council public hearing.

Director Woltering indicated the following:

- Jenny Lewis spoke during the City Council public hearing and indicated support for the proposed ordinance.
- Received a call from Jon Van Brusselen who was concerned that produce sales would be allowed. In response, he explained to Mr. Van Brusselen that the matter of allowing products produced on the premises was discussed and added at the December 9, 2008 Planning Commission meeting. Mr. Van Brusselen indicated that he had not been able to attend that meeting.

- Received a call from Channel 7 News and gave them a brief overview of what transpired at the City Council public hearing.
 - A brief article appeared in the Contra Costa Times regarding the City Council public hearing.
- 1B. Vice Chair Hartley to report at the January 20, 2009 City Council meeting.

Approval of Minutes

2. Approval of minutes from the meeting of December 18, 2008.

Chair Catalano moved and Commissioner Haydon seconded a motion to approve the minutes from the meeting of December 18, 2008, as amended. The motion passed 5-0.

Chair Haydon recused himself from the meeting.

Public Hearings

3. **SPR 07-08, Site Plan Review Permit, Banducci Associates Architects**, Clayton Station, APNs 118-031-049/ -051/ -052/ -056/ -057. A Site Plan Review Permit to allow various minor modifications to the architecture, exterior colors, and awnings within the Clayton Station shopping center.

The public hearing was opened. Assistant Planner Sikela presented the staff report and explained that copies of the revised draft wording for proposed Condition 6 had been distributed to the Commissioners, applicant, and applicant's architect.

Director Woltering indicated that the revised draft wording for Condition 6 was more definitive and provided more clarity in terms of how the applicant can address the ongoing code enforcement issues related to the clean-up of Mount Diablo Creek, Cardinet Trail, and the facades of the Safeway building.

Commission questions and comments included:

- How would the revised proposed Condition 6 address the ongoing code enforcement issues? Director Woltering indicated that, by requiring the applicant to provide contractual evidence of regular clean-up to be performed by maintenance personnel, it would be a proactive way to address these ongoing issues.
- Want to avoid a situation where the City gets involved with contract enforcement. Director Woltering responded that City review of the contract is only to ensure that the maintenance work has been formally secured.
- Is there any other way to seek assurance from the applicant that the maintenance work is being done such as fines? Director Woltering indicated that there is presently a process in place involving letters being sent, then citations being issued, and then fines and penalties being assessed. However, this process generally takes weeks and months to attain results.
- Is there another way to address the ongoing code enforcement issues? Director Woltering indicated that revised proposed Condition 6 would streamline the process for attaining results and would allow for all involved parties to be more proactive in addressing these issues.

The public testimony period was opened.

Christopher Kretz, P.O. Box 580, Danville, identified himself as being part of Las Trampas Investments, property owners of Clayton Station, and indicated the following:

- I get calls from tenants at Clayton Station every day regarding the ongoing graffiti problem.
- I will talk to our property manager, Kathe Anderson, regarding the maintenance issues.
- Some of the vines planted on the rear of the Safeway building do not appear to be growing.
- The shopping carts in Mount Diablo Creek behind Safeway are a Safeway issue. I will contact Safeway about assisting in cleaning up the creek.
- The debris in Mount Diablo Creek is not necessarily caused by Clayton Station alone and, therefore, is not only our responsibility.
- We will do our best to ensure ongoing maintenance is performed with regard to removal of graffiti and clean-up of Mount Diablo Creek and Cardinet Trail.

Commission questions included:

- How are you going to deal with the shopping cart issue? Mr. Kretz responded that he would contact property manager Kathe Anderson to contact Safeway and oversee the clean-up of the shopping carts.
- What mechanism are you currently using to address the graffiti issue? Mr. Kretz responded that he has hired a contractor to paint the walls that are spray-painted with graffiti. The contractor typically responds within a week. We are concerned that the graffiti clean-up costs will have to be shouldered by the tenants in Clayton Station.
- How many tenants do you have in Clayton Station? Mr. Kretz responded that approximately 35 to 40 tenants occupy Clayton Station.
- How is information distributed to the tenants in Clayton Station? Mr. Kretz responded that he tries not to bother his tenants but that he conducts monthly visits. He added that he may send individual letters to each of his tenants to inform them of the clean-up or other issues.
- Any concerns with the other conditions of approval proposed by staff? Mr. Kretz responded that he had no concerns and that he would do his best to comply with all of the conditions.

Dave Banducci, 222 Railroad Avenue, Danville, identified himself as the architect of the project, distributed photographs of asymmetrical “creek rock” examples, and indicated the following:

- We agree with all of the conditions except for Condition 1.
- We prefer to use the brick veneer shown in Photosimulation 1 on Sheet AS-6 of Exhibit B in the January 13, 2009 staff report rather than the asymmetrical “creek rock” style preferred by staff.
- It was difficult to find a veneer that incorporated the asymmetrical “creek rock” appearance.

Commission questions included:

- Are there any plans to modify the low seat walls throughout Clayton Station? Mr. Banducci responded “no”.
- Are you drastically changing the numbers on the clock face? Mr. Banducci responded that they are just doing a subtle upgrade of the clock numbers.
- What are the colors proposed for the signs at the entryway monument? Mr. Banducci responded that changes to sign colors are not part of this proposal and are a sign issue for Clayton Station to address with the City.
- Will there be a cap stone on the brick veneer? Mr. Banducci responded “yes”.

Staff questions and comments included:

- How thick is the brick veneer? Mr. Banducci replied that the brick veneer is three-quarters of an inch thick.

- The asymmetrical “creek rock” veneer would visually integrate better with the asymmetrical “creek rock” appearance of the masonry treatments on the existing seat walls throughout Clayton Station.

Mr. Banducci indicated that the brick veneer has been commonly used on their projects in Danville, San Ramon, and Dublin.

Assistant Planner Sikela indicated that staff supports design features and materials that are unique to Clayton and represent our City.

The public testimony period was closed.

Chair Catalano, Vice Chair Hartley, and Commissioners Armstrong indicated the following:

- Agrees with almost every condition—including the revised wording proposed by staff for proposed. The one exception is that they do not support Condition 1.
- We feel the brick veneer is a better design style than the asymmetrical “creek rock” treatments.
- Condition 1 should be modified to approve the brick veneer treatments.

Commissioner Johnson indicated the following:

- Agrees with the revised wording proposed by staff for Condition 6.
- Agrees with staff that Condition 1 should be worded to require the applicant to install the asymmetrical “creek rock” treatments; otherwise agrees with all proposed conditions.

Chair Catalano moved and Vice Chair Hartley seconded a motion to approve Site Plan Review Permit SPR 07-08, with the findings and conditions recommended by staff and with the following amended wording for Conditions 1 and 6. The motion passed 3-1 (No – Johnson).

- “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.**
- 6. All litter, shopping carts, and debris shall be removed from the Mount Diablo Creek corridor associated with the property 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.”**

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff.

None.

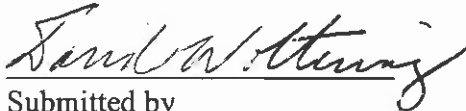
6B. Commission.

Commissioner Johnson indicated the following:

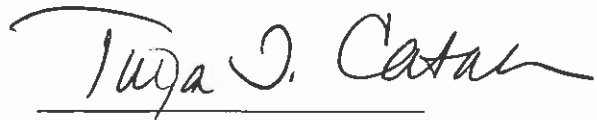
- Cannot report at the February 3, 2009 City Council meeting.
- The reason I voted against the Clayton Station Site Plan Review Permit was not because I was against the project but, rather, because I was against using the brick veneer treatments.

Adjournment

7. The meeting was adjourned at 8:28 p.m.



Submitted by
David Woltering, AICP
Community Development Director



Approved by
Tuija Catalano
Chair

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