



PLANNING COMMISSION AGENDA

Regular Meeting

7:00 P.M. on Tuesday, January 14, 2020

Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California

1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

2. ADMINISTRATIVE

2.a. Review of agenda items.

2.b. Declaration of Conflict of Interest.

2.c. Chair Peter Cloven to report at the City Council meeting of January 21, 2020 (alternate Vice Chair A.J. Chippero).

3. PUBLIC COMMENT

4. MINUTES

4.a. Approval of the minutes for the December 10, 2019, Planning Commission meeting.

5. PUBLIC HEARINGS

5.a. **ENV-01-08, DP-01-08, MAP-02-09, Development Plan and Vesting Tentative Map Time Extensions, Creekside Terrace Mixed Use Project, City of Clayton, 1005 and 1007 Oak Street, west side of Oak Street between Center Street and High Street (APNs: 119-050-008, 119-050-009, and 119-050-034).** Review and consideration of a one-year extension of the Creekside Terrace Development Plan and Vesting Tentative Map until January 6, 2021. This request is in accordance with Sections 17.28.190 (Development Plan) and 16.06.030 (Subdivision Map) of the Clayton Municipal Code. This public hearing was continued from the December 10, 2019, Planning Commission meeting.

Staff Recommendation: Staff recommends the Planning Commission adopt Planning Commission Resolution No. 07-19, thereby extending for one year the Creekside Terrace Development Plan and Vesting Tentative Map through January 6, 2021.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

- 8.a. Staff.
- 8.b. Commission.

9. ADJOURNMENT

- 9.a. The next regular meeting of the Planning Commission is scheduled for **January 28, 2020.**

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
Clayton Planning Commission Meeting
Tuesday, December 10, 2019

1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Chair Peter Cloven called the meeting to order at 7:04 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton, California.

Present: Chair Peter Cloven
Vice Chair A.J. Chippero
Commissioner Bassam Altwal
Commissioner Frank Gavidia

Absent: None

Staff: Interim Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.
City Engineer Scott Alman
City Traffic Engineer Lynne Filson
Contract City and Regional Planning Consultant Holly Pearson
Contract Environmental Consultant Nick Pappani

2. ADMINISTRATIVE

- 2.a. Review of agenda items.
- 2.b. Declaration of Conflict of Interest.
- 2.c. Commissioner Frank Gavidia to report at the City Council meeting of December 17, 2019.

3. PUBLIC COMMENT

Commissioner Bassam Altwal praised Assistant Planner Sikela for his diligence and extra effort with working past regular business hours in order to complete and distribute the Planning Commission packet.

4. MINUTES

- 4.a. Approval of the minutes for the October 22, 2019, Planning Commission meeting.

Commissioner Altwal moved and Vice Chair Chippero seconded a motion to approve the minutes, as amended. The motion passed 4-0.

5. PUBLIC HEARINGS

- 5.a. **ENV-01-17, DBA-01-19, SPR-04-17, TRP-24-17; Environmental Review, Density Bonus, Site Plan Review Permit, Tree Removal Permit; William Jordan; 6170 High Street (APN: 119-021-063), 6450 Marsh Creek Road (APN: 119-021-055), and 6490 Marsh Creek Road (APN: 119-021-063).** Review and consideration of a request for a California Environmental Quality Act (CEQA) Infill Exemption, Density Bonus, Site Plan Review Permit, and Tree Removal Permit for a three-parcel project site measuring a combined total of approximately three acres to be developed with three, three-story buildings (one building per parcel) consisting of a combined total of 81 units of rental senior housing, a community room, fitness center, and coffee bar. Seven of the units are proposed to be deed-restricted for very low income households. The project includes approximately 86 off-street parking spaces.

The following City staff members provided the following information:

- Interim Director Woltering explained the latest developments in the project review by the Planning Commission and recent work done by City staff to provide additional information as part of the public hearing as well as reviewing the staff responses to comments received regarding the project.
- City Attorney Mala Subramanian provided an overview of the Density Bonus application.
- City Traffic Engineer Lynn Filson provided an overview of the traffic, circulation, and level-of-service analysis for the project.
- Contract Environmental Consultant Nick Pappani provided an overview of the CEQA infill exemption qualification for the project.

Chair Cloven opened the public hearing.

The applicant, William Jordan, introduced his project team Ken Alcock (civil engineer), Corey Simon (planner), and Steve Velyvis (attorney).

Mr. Velyvis, the applicant's land use attorney, explained the Housing Accountability Act and described how the project complies with the Town Center Specific Plan, General Plan Land Use Element, General Plan Housing Element, Zoning, CEQA, and Density Bonus Law.

The following comments were expressed in opposition to the project as provided by Irina Liskovich, Allison Snow, John Tashjian, Janet Easton, Joanna Welch, Dan Hummer, Brian Buddell, Kent Ipsen, Amy Goodspeed, Sonja Trauss, David Nieman, Karen Cichurski, Anthony Gianni, Rebecca Nolen, and Cristina Reyes:

- Concerns over impacts to fire safety egress from the Stranahan subdivision to Marsh Creek Road that may be caused by the project.
- Clayton is at risk for being subject to a fire similar to the Camp Fire that impacted the community of Paradise.
- Concerns over traffic congestion caused by the project.
- Regarding the age-restricted component proposed for the project, Clayton already has the Diamond Terrace senior living facility.
- There is no public benefit to this project but, instead, only a private benefit to the applicant.

- This project would urbanize Clayton.
- The size and height of the three proposed buildings do not fit with the existing structural designs throughout Clayton.
- The project would cause overflow parking issues.
- Regarding issuance of bus passes for elderly residents of the project for use of public transportation, the County Connection bus only comes through Clayton once per hour which is too infrequent for practical use by elderly people.
- The three-story design of proposed buildings would make Clayton look like Daly City.
- The proposed project name "Olivia" does not fit in with local nomenclature.
- The staff report claimed that the existing buildings on the project site do not have a historical value which is untrue since two of the existing buildings were constructed by my grandfather for my grandmother and aunt.
- It is not realistic to monitor who has disabled children.
- This project would be detrimental to the Stranahan subdivision.
- The developer should have been required to install story poles.
- There is not enough on-site parking.
- The project would block the view of the sunrise for the residences located to the west of the project site.
- Only seven units out of 81 units are not enough to have an impact on the affordable housing shortage in Clayton.
- It would be good for the City to conduct a parking study for this project as it relates to the Town Center.
- It is not realistic to expect the tenants of this project to only own one vehicle.
- Based on national vehicles-per-household data, Concord has 1.86 vehicles per household and Antioch has 2.24 vehicles per household which, since Clayton is located between both cities, would put Clayton's average at 2.05 vehicles per household. The project only anticipates one vehicle per unit which is far below the average supported by national statistics.
- The public bus system in Clayton does not travel with enough frequency to accommodate the mobility needs of the tenants.
- The parking case study referred to by the consultants analyzed an example from Pennsylvania but did not factor in parking needs based on age or whether the data was urban or rural.
- This project would negatively change the character of Clayton; the existing on-site barn and house are part of the character of Clayton.
- This project would impact the privacy of neighboring existing properties.
- The applicant is asking for too many exemptions.
- It is wrong for the developer to resist installing traffic calming devices and to reject planting replacement trees.
- Open space is a necessary amenity and the project would destroy the existing open space that benefits the community.
- This project would be better suited for Concord.
- This project defines elderly as 55 years old, and it is unrealistic that tenants of this age group, or older, would not have two or more vehicles.
- The project does not incorporate a Western theme as other buildings in the Town Center do.

- This project is in direct violation of Article 34 of the California Constitution which stipulates that no low rent housing project can be constructed without electoral approval by a majority of the voters.
- This project does not preserve the integrity of the community.
- This project would make the value of surrounding properties go down.
- This project would exacerbate the already congested traffic situation in this area, as it takes an hour to get from Walnut Creek to Clayton.

The following comments were expressed in support of the project as provided by John Nunes, Geri Phillips, Dee Vieira, Paxy Flores, Sonja Trauss, Armand Domalewski, and Phil Rooss:

- As an elderly person, I still have much to contribute to the community, and this is a good project which would facilitate senior involvement in the community.
- The Diamond Terrace senior facility is too expensive, whereas this project provides an alternative for elderly people who are on a fixed income.
- We need more affordable housing and living options, which this project provides.
- This project fills a need for elderly people who want to downsize from their single-family residence to something more manageable.
- This project addresses the housing shortage in California, and the housing needs here are tremendous.
- The homeless population is increasing and, as a result, these types of projects are needed.
- There are studies showing that issued bus passes are used especially by the elderly and help to increase ridership on public transportation.
- The applicant, Mr. Jordan, is a developer that loves this community.

The public hearing was closed.

Mr. Velyvis confirmed the number of on-site parking spaces as 86. He indicated that he researched Article 34 of the California Constitution and that it applies only to affordable housing projects constructed or funded by State or Federal public agencies, and it would not apply to this project since this project is privately funded. He stated that many of the opposition comments do not apply to this project and should have been made at the time City increased the density for the General Plan and Town Center Specific Plan land use designations to allow for 20 units per acre, and that the Diamond Terrace project has 86 units yet only provides 53 on-site parking spaces.

The Planning Commissioners had the following questions and comments for the applicant and the applicant's team:

- Why do you want the CEQA-related Conditions to be removed? Mr. Velyvis explained that the applicant is requesting the CEQA-related Conditions to be removed since they do not apply.
- Is the project being built with the intention to convert to for-sale condominiums? Mr. Jordan responded yes.
- It would be good have further economic analysis of the financial feasibility of the project.
- In the economic analysis as well as the peer review of the economic analysis, there is nothing to substantiate the conclusions provided in both documents.

The Planning Commissioners had the following questions and comments for City staff:

- Can we delete Condition 14 which is the CEQA-related Condition? Interim Director Woltering responded that, if the Planning Commission adopted the Resolution No. 05-19 supporting the infill exemption, Condition 14 could be deleted.
- What would happen if the project was approved as for-rent project and then converted to privately-sold condominiums? Interim Director Woltering responded that, if the project was converted to condominiums, it would come before the Planning Commission and, depending on the changes involved, may require additional environmental review as well as other components of the conversion necessitating further review; however, speculation regarding conversion to condominiums is not what is before the Planning Commission tonight, and the focus should remain on the project as it is currently proposed.
- Staff should research the deadline listed in Condition 18 to see if it is a one-year deadline or a two-year deadline.
- What is the zoning classification for the project site and the surrounding adjacent properties? Interim Director Woltering responded that the zoning classification for the project site is Planned Development, and Assistant Planner Sikela added that all surrounding adjacent properties are zoned Planned Development.
- Regarding amendment to the General Plan and Town Center Specific Plan land use designations to allow for higher density development at 20 units per acre, do the current property owners have to consent to this or can they resist this change? Interim Director Woltering indicated that property owners do not have to consent to this but the City ultimately has the land use authority to change land use designations or zoning classifications after extensive analysis and public review.
- There are not any “no parking signs” on Marsh Creek Road, and given that there are bike lanes on both sides, should there be “no parking” signs? Traffic Engineer Lynne Filson indicated that, generally, there would be “no parking” signs installed in those areas; however, the City would typically analyze the demand for parking in those areas prior to installing the “no parking” signs or painting the curbs red.
- A parking permit program for the Stranahan subdivision should be established and paid for by the applicant in order to prevent spillover parking in the Stranahan subdivision that may be caused by those living in, working at, or visiting the project.
- If the applicant was proposing a for-sale condominium project rather than a for-rent apartment project, would the applicant still be eligible for the concessions and waivers? City Attorney Mala Subramanian responded yes and Interim Director Woltering added that, since the project is proposed as for-rent apartments, the City cannot impose the undergrounding of utilities as well as payment of parkland dedication developer impact fees which could amount to over one million dollars; however, utility underground and payment of parkland dedication developer impact fees would be required if the project was proposed as for-sale condominiums.
- If this project was approved and the applicant sold the property as well as the entitlements that ran with the land, would the new developer have to comply with the Conditions of Approval? Interim Director Woltering responded yes.

Following Planning Commission questions of City staff, the applicant, and the applicant's team, the Planning Commission deliberated on Resolution No. 05-19 with the following comments prior to rendering a decision:

- It would be a good idea to consider cumulative impacts based on a reasonable assumption that the lots adjoining the project site would be developed in the future.
- We need to focus on the entitlement requests before us at this moment and avoid speculating on what could be proposed for the adjacent lots at some future time.
- My initial concern with the infill exemption was the possible traffic impacts that would be caused by the project, but it appears that my concerns have been addressed.

Commissioner Altwal moved and Vice Chair Chippero seconded a motion to adopt Planning Commission Resolution No. 05-19 making the determination that the project qualifies for a Categorical Exemption, under Class 32 Infill Development Projects, pursuant to the California Environmental Quality Act. The motion passed 3-1 (Chair Cloven, Vice Chair Chippero, and Commissioner Altwal voted yes; Commissioner Gavidia voted no).

The Planning Commission deliberated on Resolution No. 06-19 with the following comments prior to rendering a decision:

- The 86 on-site parking spaces proposed for the project seems a low number that would result in parking impacts to surrounding areas such as the Stranahan subdivision and the Town Center.
- To protect the Stranahan subdivision from parking impacts, we should require the developer to establish a parking permit program in accordance with Condition 119.
- I understand the applicant's concern regarding the \$129,000 amount to install flashing crosswalk signs and speed indicator signs, but the parking impacts upon the Stranahan subdivision and the Town Center are very concerning.
- The parking comparison between the project and the Diamond Terrace senior assisted living facility is not accurate since the project would have tenants who are 55 years and older and people are still driving cars at that age, whereas an elderly person needing assistance who lives at Diamond Terrace would not have a vehicle.
- I have no problem with the project buildings being proposed with three floors as long as the structures comply with the maximum height requirements.
- This project does not appear to maintain Clayton's character.
- Given the vehicular speed concerns on Marsh Creek Road and the potential parking impacts caused by the project, I desire to protect our community and was surprised to hear the applicant's team disagree with the citizens' and Planning Commissioners' concerns over these safety issues and significance of the impacts.
- I read online that the City required the applicant to propose a three-story structure which is untrue because the City never required the project to be three floors in height.

- I am for development, but it should be smart development that does not burden the community and, given the potential parking implications, this project would perhaps fit better in San Francisco or Oakland but does not work in Clayton.

Commissioner Altwal moved to adopt Planning Commission Resolution No. 06-19 approving the Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek, an 81-unit senior residential development project, with Condition 14 removed and Condition 18 modified to read “one year” rather than “two years.” There was no second on the motion. As a result, the motion died.

The Planning Commission continued its discussion, which included the following comments:

- I feel that the State is forcing a San Francisco-like development to be constructed in Clayton.
- This project does not fit in our community, and I will not vote to approve it.
- The State is taking a one-size-fits-all approach, and we should take a stand to protect our community and send a message to the State that this project and the significant parking impacts it will cause are unacceptable.
- I understand that we need more rental apartment options, as 95 percent of Clayton’s housing stock is comprised of single-family residences, but the developer could propose a rental apartment project that would provide more on-site parking in order to reduce parking impacts to surrounding areas.
- I am also concerned that this project is being represented as a rental project but the applicant has made his intentions clear that, if approved and constructed, the project would then be converted to a for-sale condominium project.

City Attorney Mala Subramanian indicated that, given the Planning Commissioners discussing an anticipated 2-2 split in considering approval of Resolution No. 06-19, by default, a 2-2 vote would result in the Resolution not being approved. Since there is no motion to deny Resolution No. 06-19 and no finding of denial, this would result in a “no decision” by the Planning Commission.

Chair Cloven moved and Commissioner Altwal seconded a motion to adopt Planning Commission Resolution No. 06-19 approving the Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek, an 81-unit senior residential development project, with Condition 14 removed and Condition 18 modified to read “one year” rather than “two years.” The motion was not approved 2-2 (Chair Cloven and Commissioner Altwal voted yes; Vice Chair Chippero and Commissioner Gavidia voted no). By a 2-2 vote, there was no decision by the Planning Commission regarding Planning Commission Resolution No. 06-19 for Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek, an 81-unit senior residential development project, with Condition 14 removed and Condition 18 modified to read “one year” rather than “two years.”

- 5.b. **ENV-01-08, DP-01-08, MAP-02-09, Development Plan and Vesting Tentative Map Time Extensions, Creekside Terrace Mixed Use Project, City of Clayton, 1005 and 1007 Oak Street, west side of Oak Street between Center Street and High Street (APNs: 119-050-008, 119-050-009, and 119-050-034).** Review and consideration of a one-year extension of the Creekside Terrace Development Plan and Vesting Tentative Map until January 6, 2021. This request is in accordance with Sections 17.28.190 (Development Plan) and 16.06.030 (Subdivision Map) of the Clayton Municipal Code.

Assistant Planner Sikela presented the staff report.

Jerry Davis, 6000 High Street, had the following comments:

- I am opposed to the project because of the insufficient on-site parking.
- This project would negatively impact the private bridge and private driveway located beyond High Street because of congestion caused by parked vehicles of patrons of the first-floor businesses and tenants of the second floor living units.
- Students from Mount Diablo Elementary School walk on a gas line that crosses Mitchell Creek where the private bridge is located.
- The section of High Street west of Oak Street that extends to the private bridge is a private driveway.

Assistant Planner Sikela indicated that staff understood the section of High Street west of Oak Street to be public right-of-way before turning into a private access easement that traverses the bridge and allows access to the residential properties located west and southwest of the bridge.

Interim Director Woltering requested that the item be continued to the regularly-scheduled Planning Commission meeting of January 14, 2020.

Mr. Davis asked if there would be a Planning Commission meeting on December 24, 2019. Assistant Planner Sikela indicated that the Planning Commission meeting on December 24, 2019, would be cancelled and the next Planning Commission meeting would be held on January 14, 2020.

Commissioner Altwal moved and Commissioner Gavidia seconded a motion to continue the public hearing for the review and consideration of a one-year extension of the Creekside Terrace Development Plan and Vesting Tentative Map (ENV-01-18, DP-01-08, MAP-02-09) to the regularly-scheduled Planning Commission meeting on January 14, 2020. The motion passed 4-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff

Assistant Planner Sikela indicated that it has been an absolute pleasure working with David Woltering again after all these years. Interim Director Woltering worked as the Community Development Director for the City of Clayton from March 2008 until January 2013 and then, after working as the Community Development Director for the City of San Bruno from January 2013 until August 2018, returned to the City of Clayton in an interim capacity. Since his return to the City of Clayton in March 2019, he has greatly improved our work environment and our community. Interim Director Woltering has an amazing work ethic, is a person of high integrity, has been an inspiration, and is the type of boss you hope to have. Assistant Planner Sikela thanked Interim Director Woltering for all he has done and, although sad to see him depart, Assistant Planner Sikela wished him all the best.

8.b. Commission.

Chair Cloven, on behalf of the Planning Commission, thanked Interim Director Woltering for his hard work and indicated it has been a pleasure to work with him.

9. ADJOURNMENT

9.a. The meeting was adjourned at 12:36 a.m. to the regularly-scheduled meeting of the Planning Commission on January 14, 2020 with the consideration that the regularly-scheduled Planning Commission meeting on December 24, 2019 will be cancelled.


Submitted by
Milan J. Sikela, Jr.
Assistant Planner

Approved by
Peter Cloven
Chair

**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: January 14, 2020

Item Number: 5.a

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Public Hearing to consider a one-year time extension of the Creekside Terrace Mixed Use Project Development Plan and Vesting Tentative Map (ENV-01-08, DP-01-08, MAP-02-09)

Applicant: City of Clayton

REQUEST

Approve a one-year time extension of the previously-approved Creekside Terrace Mixed Use Project Development Plan and Vesting Tentative Map that allows the construction of a two-story, mixed-use commercial/residential building with approximately 7,200 square feet of commercial retail on the first floor and seven residential units on the second floor.

PROJECT INFORMATION

Location: 1005 and 1007 Oak Street, on the west side of Oak Street between Center Street and High Street
APN's: 119-050-008, 119-500-009, and 119-050-034 (**Attachment A**)

Property Owner: City of Clayton

General Plan Designation: Town Center Commercial (TC); Public Park/Open Space (PU)

Town Center Specific Plan Designation: Town Center Commercial

Zoning: Planned Developed (PD); Public Facility (PF)

Environmental: An Initial Environmental Study/Mitigated Negative Declaration was adopted for this project by the Clayton City Council on July 6, 2010 (ENV-01-08).

Public Notice: On November 28, 2019, the notice of public hearing to consider the extension of approval of the project was posted at the notice boards at Clayton City Hall, Clayton Community Library, and at the Ohm's posting board on Diablo Street at Main Street in the Town Center as well as being mailed to property owners within 300 feet of the project site.

BACKGROUND AND DISCUSSION

On July 6, 2010, the Clayton City Council adopted the Initial Environmental Study/Mitigated Negative Declaration (ENV 01-08) and approved the Creekside Terrace Mixed Use Development Plan (DP 01-08) and Vesting Tentative Map (MAP 02-09) (**Attachment B**). Section 17.28.190 of the Clayton Municipal Code (CMC) states that, “if within 18 months after the approval by the City Council of the Development Plan Permit, construction has not commenced, then the Development Plan Permit shall become null and void.” Since the July 6, 2010 approval, there have been efforts to market the project to a developer in order to initiate construction. The land owner and project sponsor is the City of Clayton. There had been an offer made by a prospective developer to purchase the subject property; however, those negotiations have fallen through and, currently, there is no interest from the development community in the property.

The City holds title to the underlying land and improvements on the three subject parcels that comprise the project site on the west side of Oak Street between Center Street and High Street in the Town Center. Two of the properties front directly onto Oak Street and were previously improved with modular buildings which have been demolished and removed (APN’s: 119-050-034 and 119-050-009). The third parcel is further west of the aforementioned two parcels, extending up the slope located west of Mitchell Creek, and is primarily in a natural, open space condition (APN: 119-050-008). Immediately adjacent to and north of the proposed project site is the largely unused right-of-way extension of Center Street. It is not anticipated that Center Street will be extended, given the location of Mitchell Creek and the hillside to the west.

The approval entailed seven residential units on the upper floor and approximately 7,200 square feet of commercial space on the ground floor. A vehicle lift system is planned for the parking spaces in the garages so that 14 parking spaces could be provided on-site in the seven garages for the seven residential units. Driveway pads are located in front of the garages to accommodate guest parking. The exterior architecture of the approved project has an “Old West” architectural style, in compliance with Town Center Specific Plan architectural design guidelines.

As part of this project, the adjacent Mitchell Creek corridor will be upgraded with creek bank restoration, removal of non-native vegetation, and installation of riparian vegetation on both sides of Mitchell Creek in the vicinity of the project site. The project also includes enhancing the presently unimproved terminus of Center Street with riparian vegetation and creating a seating area with environmental education boards describing the natural setting of Mitchell Creek. Additionally, a conservation easement is required to be created in order to maintain the upslope of the western parcel immediately adjoining and west of Mitchell Creek. Improvements associated with the project, the on-going responsibility to maintain the areas at the terminus of Center Street and the parcel west of Mitchell Creek, and active open space areas within the proposed development together serve to satisfy the City’s open space requirements.

TIME EXTENSIONS

Development Plan

Section 17.28.190 of the CMC allows the Planning Commission or City Council to extend a Development Plan approval prior to its expiration, for up to one-year at a time. Since October of 2011, the Planning Commission has considered and approved yearly extensions of the entitlements in order to keep the Development Plan current for future development negotiations and opportunities. The City is seeking Planning Commission approval of another one-year extension of the Development Plan through January 6, 2021, in accordance with CMC Section 17.28.190.

Vesting Tentative Map

As with the project's Development Plan, in order to keep the Vesting Tentative Map current for future development negotiations and opportunities, the City is seeking Planning Commission approval of a one-year extension of the Vesting Tentative Map through January 6, 2021, in accordance with CMC Section 16.06.030.

REGULATORY APPLICABILITY

The Town Center Specific Plan is the primary guide for development of the subject property. There have been no changes to this Specific Plan nor to circumstances and information related to the development of this property that would warrant denying the request for an extension. The environmental findings and mitigation measures of the project Initial Environmental Study/Mitigated Negative Declaration continue to be valid, as do the overall findings for project approval and the conditions of approval in the approving City Council Resolution.

PUBLIC HEARING CONTINUANCE AND RESPONSES TO COMMENTS

At the public hearing on December 10, 2019, the Planning Commission and staff received verbal comments, which were followed by a January 6, 2020 comment letter hand-delivered to City Hall (**Attachment D**), from a property owner opposed to the project who resides southwest of the High Street Bridge. As a result of the verbal comments received during the December 10th public hearing, which necessitated staff to conduct further research, the Planning Commission continued the public hearing to their meeting on January 14, 2020. Staff has provided responses to the submitted comments below.

The written comments, which expand upon the verbal comments received, comprise two different letters simultaneously hand-delivered to City Hall. In summary, the property owner lists concerns related to High Street being a private driveway (vehicular access easement), accessibility, parking, trespassing, utilities, garbage pickup, and noise. Regarding the claim that the extent of High Street west of Oak Street and east of the High Street Bridge (an expanse measuring approximately 150 feet in length) is a private driveway, this statement is incorrect. Staff researched the matter with the Contra Costa County Conservation and Development Department and Contra Costa County Assessor's Office, and reviewed current Contra Costa County Assessor's Parcel Maps and Contra Costa County Geographic Information Systems (GIS) maps. Based on this research, staff concluded that this approximate 150-foot extent of High Street west of Oak Street is in the public right-of-way and not a private driveway. The private driveway begins at the eastern terminus of the High Street Bridge, which is located approximately 150 feet west of Oak Street. Staff has provided an excerpt of the Assessor's Parcel Maps along with a staff-annotated version of the Assessor's Parcel Maps highlighted in color to assist in understanding public areas vis-à-vis private areas.

The comments concerning accessibility have been addressed in Condition 25 in the attachment to the approving City Council Resolution No. 27-2010 (Exhibit A of **Attachment C** to this staff report) which limits delivery truck unloading/loading activity, and Condition 49 which addresses access to and over the High Street Bridge being maintained at all times for residents living west of the Bridge. Regarding the parking concerns, Condition 69.b requires parking to be prohibited on High Street to be enforced by installed signage or curbs being painted red. Concerns over trespassing issues are a Police Department matter. As for the gas line being attached to the bridge, construction of the project as well as the location of the project would not impact nor be involved with this existing utility condition. Similarly, garbage pickup for the properties west of the High Street Bridge would not be involved with nor impacted by the project. Complaints of noise in general can be directed to the Police Department; however, there is no evidence supporting the assertion that future, currently unknown patrons, tenants, or visitors of the project would generate excessively loud or disturbing noise.

RECOMMENDATION



Staff recommends that the Planning Commission adopt the attached Resolution No. 07-19, thereby extending for one year the Creekside Terrace Development Plan and Vesting Tentative Map through January 6, 2021 (**Attachment C**).

ATTACHMENTS

- A. Vicinity Map
- B. Approved Creekside Terrace Mixed Use Project Development Plan
- C. Commission Resolution No. 07-19 (with Exhibit A – City Council Resolution No. 27-2010 for the Creekside Terrace Mixed Use Project)
- D. Written comments received by staff from Jerry Davis on January 6, 2020
- E. Excerpt of Contra Costa County Assessor’s Parcel Map
- F. Staff-annotated version of Contra Costa County Assessor’s Parcel Map



VICINITY MAP

	<p>Creekside Terrace Mixed Use Project ENV-01-08, DP-01-08, MAP-02-09 1005 and 1007 Oak Street APNs: 119-050-008, 119-050-009, and 119-050-034</p>	<p>N</p>  <p>(Not to Scale)</p>
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ATTACHMENT A

Creekside Terrace Project Description

PROJECT SUMMARY:
 Creekside Terrace is a proposed multi-story residential and commercial development located at the intersection of 1005 and 1007 Oak Street in Clayton, California. The project consists of a 10-story building with a total floor area of approximately 150,000 square feet. The ground floor will be used for commercial purposes, including retail and office space, while the upper floors will be used for residential purposes, including townhomes and apartments. The project is designed to provide a mix of housing and commercial uses in a walkable, transit-oriented neighborhood.

PROJECT DESCRIPTION:
 The Creekside Terrace project is a multi-story residential and commercial development located at the intersection of 1005 and 1007 Oak Street in Clayton, California. The project consists of a 10-story building with a total floor area of approximately 150,000 square feet. The ground floor will be used for commercial purposes, including retail and office space, while the upper floors will be used for residential purposes, including townhomes and apartments. The project is designed to provide a mix of housing and commercial uses in a walkable, transit-oriented neighborhood.

Creekside Terrace Project Description

PROJECT SUMMARY:
 Creekside Terrace is a proposed multi-story residential and commercial development located at the intersection of 1005 and 1007 Oak Street in Clayton, California. The project consists of a 10-story building with a total floor area of approximately 150,000 square feet. The ground floor will be used for commercial purposes, including retail and office space, while the upper floors will be used for residential purposes, including townhomes and apartments. The project is designed to provide a mix of housing and commercial uses in a walkable, transit-oriented neighborhood.

PROJECT DESCRIPTION:
 The Creekside Terrace project is a multi-story residential and commercial development located at the intersection of 1005 and 1007 Oak Street in Clayton, California. The project consists of a 10-story building with a total floor area of approximately 150,000 square feet. The ground floor will be used for commercial purposes, including retail and office space, while the upper floors will be used for residential purposes, including townhomes and apartments. The project is designed to provide a mix of housing and commercial uses in a walkable, transit-oriented neighborhood.

Project Team:

- Architecture:**
 VZFA
 PO Box 974
 Clayton, CA 94517
 with KTSBY + Irvine, CA
- City:**
 DeBart Civil Engineering
 811 San Ramon Valley Blvd.
 Danville, CA 94526
- Landscape Architecture:**
 Green + Associates
 2671 Crow Canyon Rd.
 San Ramon, CA 94593
- Traffic Engineering:**
 Altrona Associates
 1550 Olympic Blvd.
 Walnut Creek, CA 94596
- Soils Engineer:**
 Caskey Geotechnical
 2928 Hillside Dr.
 Concord, CA 94625

Project Address:

1005 - 1007 Oak St
 Clayton, CA 94517

Project Applicant:

City of Clayton,
 Redevelopment Agency
 6000 Heritage Circle
 Clayton, CA 94517

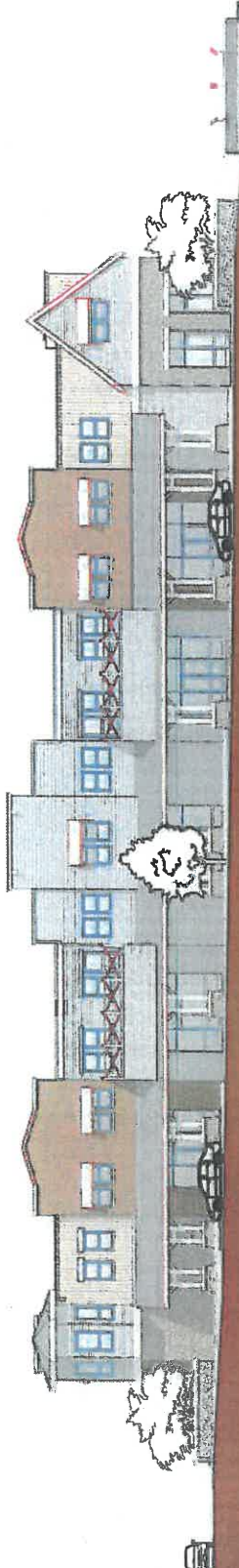
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Vicinity Map
 NOT TO SCALE

Creekside Terrace - Mixed Use Project

Land Use Entitlement Submittal Package



NOT TO SCALE

PO Box 974
 Clayton, CA 94517
 f/x

CONSULTANTS



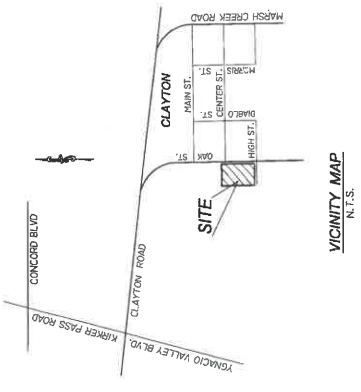
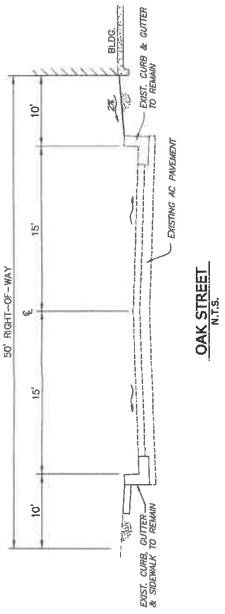
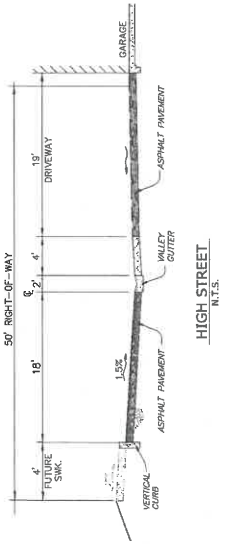
Creekside Terrace
 1005 - 1007 Oak Street, Clayton, CA
 City of Clayton, Redevelopment Agency

NO.	REVISED	DATE	DESCRIPTION
1	1	10/1/11	ISSUED FOR PERMITTING
2	2	10/1/11	ISSUED FOR PERMITTING
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The Sheet

T-1
 SHEET 1 OF 7

ATTACHMENT B



TENTATIVE MAP NOTES:

DEVELOPER: CITY OF CLAYTON
 1000 HERITAGE TRAIL
 CLAYTON, CA 94517

ENGINEER: DEBOLT CIVIL ENGINEERING
 811 SAN RAMON VALLEY BLVD.
 DANVILLE, CA 94526
 (925) 887-3789

ASSESSOR'S PARCEL NUMBER & AREA:
 119-050-008 0.30 AC
 119-050-009 0.28 AC
 CENTER ST. VACATION 0.075 AC
 TOTAL 0.655 AC

ZONING: PLANNED DEVELOPMENT

PROPOSED ZONING: TOWN CENTER
 UTILITIES: GAS & ELECTRIC - P.G.&E.
 TELEPHONE - A.T.&T.
 WATER - C.C.W.D.

BOUNDARY NOTE: UTILITY LOCATIONS SHOWN ARE BASED ON APPROXIMATE BOUNDARY INFORMATION SHOWN WAS COMPILED FROM AVAILABLE RECORD DATA AND DOES NOT REPRESENT AN ACTUAL FIELD BOUNDARY SURVEY.

BASIS OF BEARINGS: THE MONUMENT LINE OF OAK STREET, CENTER LINE OF HIGH STREET, CENTER LINE OF CLAYTON ROAD, CENTER LINE OF MARSH CREEK ROAD LEADING SOUTH, 30 FEET SOUTH OF THE CENTERLINE OF CLAYTON ROAD (MAIN STREET), S 4 DEGREE 10 MINUTE 30 SECOND WEST OF A WITNESS POST, AND 20 FEET SOUTHWEST OF A WITNESS POST. ELEVATION = 883.90
 THE PROPERTY LIES IN FLOOD ZONE AS SHOWN ON COMMUNITY PANEL 060207001C.

EXISTING USE: COMMERCIAL / RESIDENTIAL

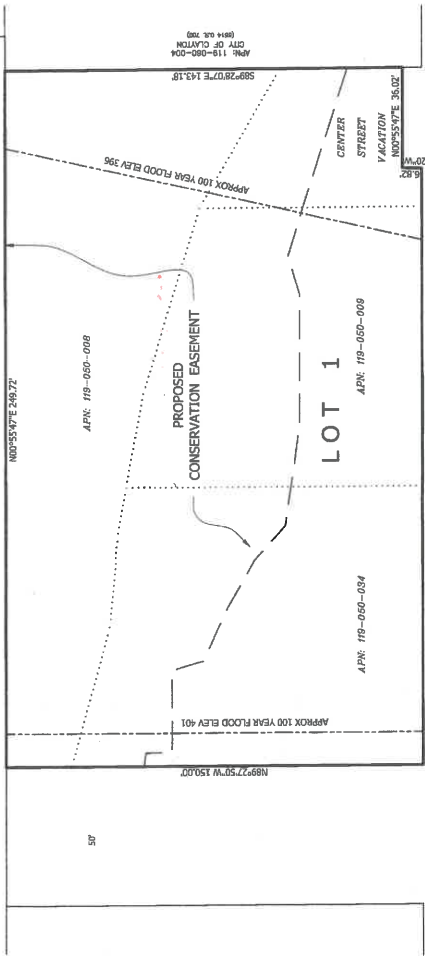
PROPOSED USE: COMMERCIAL / RESIDENTIAL

CONTOUR INTERVAL: 2 FOOT

TOPOGRAPHY: BASED UPON A TOPOGRAPHIC SURVEY PREPARED BY DEBOLT CIVIL ENGINEERING

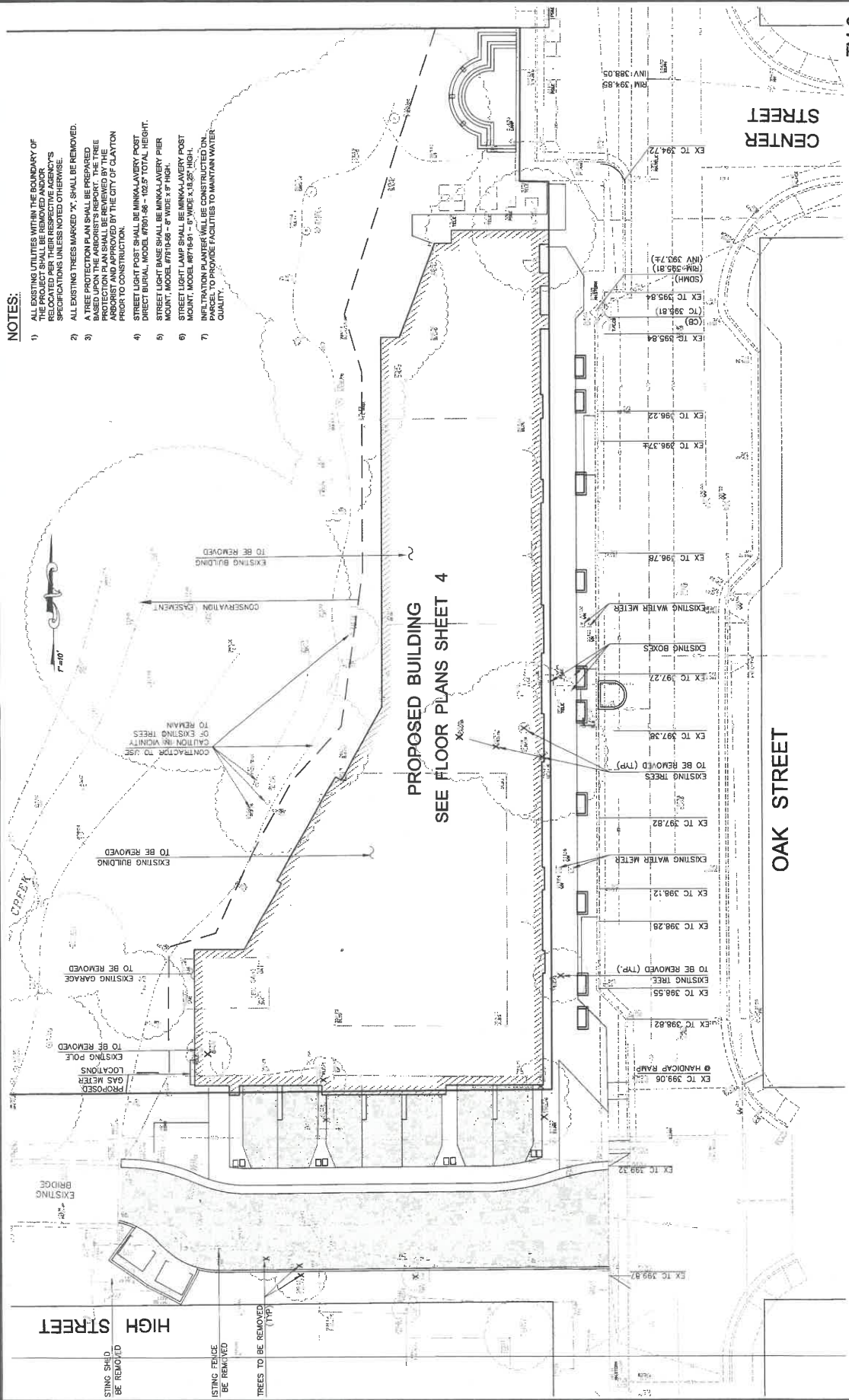
BENCHMARK: A BRONZE DISK IN THE TOP OF A CONCRETE POST, AT THE INTERSECTION OF CLAYTON ROAD AND MARSH CREEK ROAD LEADING SOUTH, 30 FEET SOUTH OF THE CENTERLINE OF CLAYTON ROAD (MAIN STREET), S 4 DEGREE 10 MINUTE 30 SECOND WEST OF A WITNESS POST, AND 20 FEET SOUTHWEST OF A WITNESS POST. ELEVATION = 883.90

FLOOD ZONE: THE PROPERTY LIES IN FLOOD ZONE AS SHOWN ON COMMUNITY PANEL 060207001C.



LEGEND AND ABBREVIATIONS

PROPOSED	EXISTING	DESCRIPTION
		BOUNDARY
		PROPERTY CENTERLINE
		STREET CENTERLINE
		RAILROAD CENTERLINE
		CONCRETE CENTERLINE
		ASPHALT CENTERLINE
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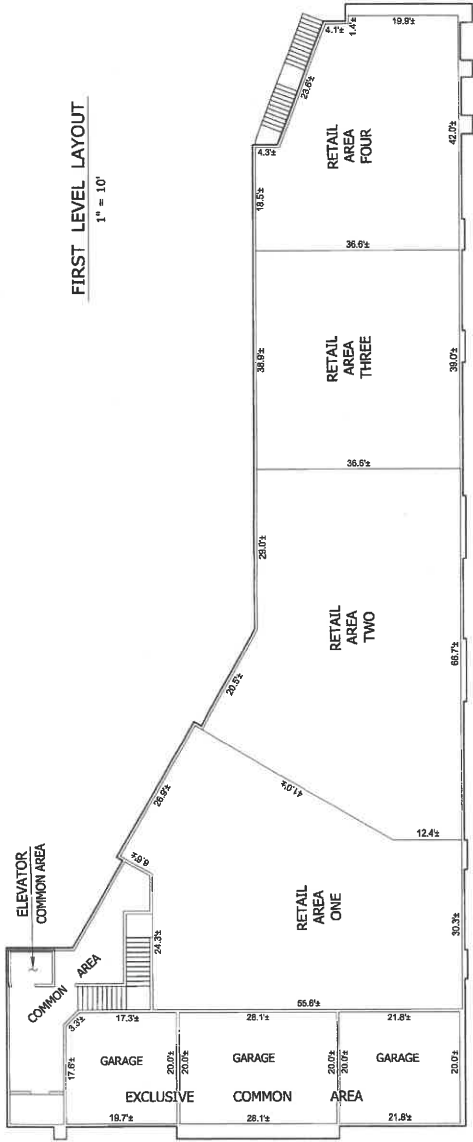
NOTES:

- 1) ALL EXISTING UTILITIES WITHIN THE BOUNDARY OF THE PROJECT SHALL BE REMOVED AND/OR RELOCATED PER THEIR RESPECTIVE AGENCY'S SPECIFICATIONS UNLESS NOTED OTHERWISE.
- 2) ALL EXISTING TREES MARKED 'X' SHALL BE REMOVED.
- 3) A TREE PROTECTION PLAN SHALL BE PREPARED AND SUBMITTED TO THE CITY OF CLAYTON ARBORIST AND APPROVED BY THE CITY OF CLAYTON PRIOR TO CONSTRUCTION.
- 4) STREET LIGHT POST SHALL BE MINIKALAVERY POST DIRECT BURIAL MODEL #7911-86 - 102.5' TOTAL HEIGHT.
- 5) STREET LIGHT BASE SHALL BE MINIKALAVERY PIER MOUNT MODEL #710-66 - 6" WIDE X 9" HIGH.
- 6) TREE PROTECTION SHALL BE MAINTAINED AT ALL TIMES. MINIMUM TREE PROTECTION SHALL BE 5' WIDE X 18" HIGH.
- 7) INFILTRATION PLANTERS SHALL BE CONSTRUCTED ON PARCEL TO PROVIDE FACILITIES TO MAINTAIN WATER QUALITY.

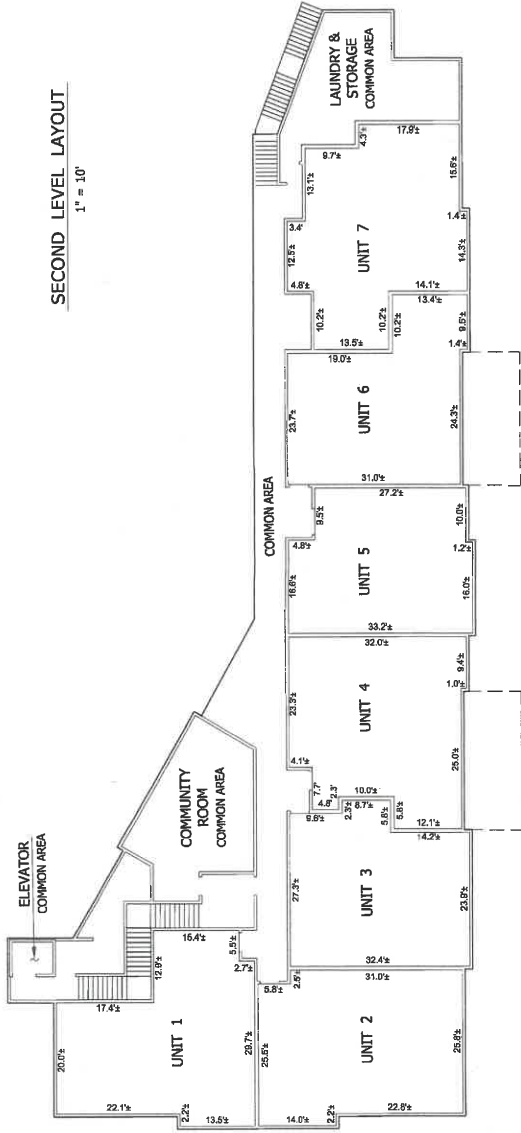
TM 2

<p>VESTING TENTATIVE MAP</p> <p>TENTATIVE MAP 01-08</p> <p>CREEKSIDE COMMONS</p> <p>1005 & 1007 OAK STREET</p> <p>CONTRA COSTA COUNTY</p>		<p>CITY OF CLAYTON</p> <p>CALIFORNIA</p> <p>JAMES E. WOODS RENEWAL DATE COMPT</p> <p>RCE 2818</p>	<p>DeBolt Civil Engineering</p> <p>811 San Ramon Valley Boulevard Danville, California 94526 Tel: 925/837-3780 Fax: 925/837-4378</p>	<p>Date: 4/29/2010</p> <p>Drawn by: [Signature]</p> <p>By: [Signature]</p> <p>Job No: 08133</p>										
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>#</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>		#	DATE									<p>DATE</p>		
#	DATE													

FIRST LEVEL LAYOUT
1" = 10'



SECOND LEVEL LAYOUT
1" = 10'



TM 4

Date: 4/29/2009
Scale: 1/8" = 10'
By: JCS
CJ

DeBolt Civil Engineering
811 San Ramon Valley Boulevard
Danville, California 94526
Tel: 925/837-5780
Fax: 925/837-4578

D

#	REVISIONS	DATE

JULIE S. DODDS
REVISION DATE: 02/12/09

CALIFORNIA
CITY OF CLAYTON
CONTRA COSTA COUNTY

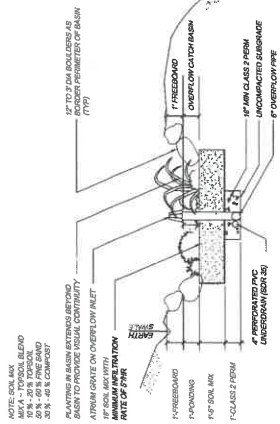
TENTATIVE MAP 01-08
CREEKSIDE COMMONS
1005 & 1007 OAK STREET
CONTRA COSTA COUNTY

PRELIMINARY
UNIT LAYOUT

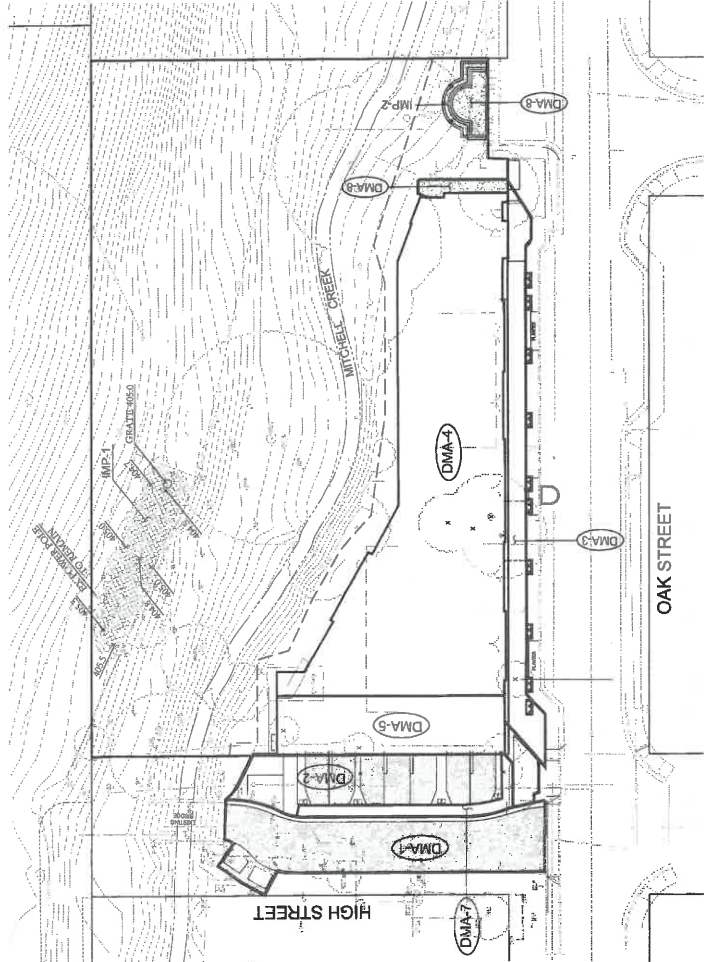
UNDERGROUND STORAGE REQUIREMENTS

THE SIZING OF THE FLOW-BASED TREATMENT FACILITIES IN CONTRA COSTA COUNTY IS BASED ON THE ASSUMPTION THAT THE TREATMENT FACILITIES WILL BE OPERATING OFF STORAGE OF RUNOFF FOR THE INITIAL FLOW SHOULD THE GUMP PUMP MALFUNCTION. THE AMOUNT OF STORAGE IS SUMMARIZED AS FOLLOWS:

24 HOURS STORAGE = 578 CFS
 24 HOURS STORAGE @ 30% DIAMETER PIPE = 578 CFS
 TOTAL STORAGE = 578 CFS



FILTRATION PLANTER
N.T.S.



Project Name: Oak Street
 Project Location: Clayton
 APN: 118-050-034
 Drainage Area: 19455 sf
 Mean Annual Precipitation: 17.5 in

IV. Areas Draining to IMPs

IMP Name: IMP1 (Soil Type: D)
 IMP Type: Bioretention Facility
 Soil Type: D

DMA Name (sq ft)	DMA Area (sq ft)	Project Type	Runoff Factor	Factor	IMP Sizing
DMA-1	2,280	Asphalt	0.50	1,140	IMP 1 Rain Sizing Adjusted Area of Volume Factor
DMA-2	1,775	Asphalt	0.50	887.5	
DMA-3	1,400	Roof	0.75	1,050	
DMA-4	2,000	Roof	0.75	1,500	
DMA-5	175	Concrete	0.50	87.5	
DMA-6	600	Concrete	0.50	300	
DMA-7	180	Concrete	0.50	90	
DMA-8	15,880	Concrete	0.50	7,940	
TOTAL	20,040			10,020	352

Software Tool Warnings
 No warnings to report.

DMA	AREA	SURFACE
DMA-1	2,280 SF ²	ASPHALT
DMA-2	1,775 SF ²	ASPHALT
DMA-3	1,400 SF ²	ROOF
DMA-4	2,000 SF ²	ROOF
DMA-5	175 SF ²	CONCRETE
DMA-6	600 SF ²	CONCRETE
DMA-7	180 SF ²	CONCRETE
DMA-8	15,880 SF ²	CONCRETE
TOTAL	20,040 SF²	

IMP	SIZE
1	600 SF
2	80 SF

- LEGEND**
- BRO-SWALE / PLANTERS
 - CATCH BASINS
 - STORM DRAIN LINE
 - EARTH SWALES
 - DMA (DENOTES AREA (DMA) DRAINAGE MANAGEMENT AREA)
 - IMP (INTEGRATED MANAGEMENT PRACTICE)

STORM WATER CONTROL PLAN EXHIBIT

TENTATIVE MAP 01-08
 1005 & 1007 OAK STREET
 CONTRA COSTA COUNTY

CITY OF CLAYTON

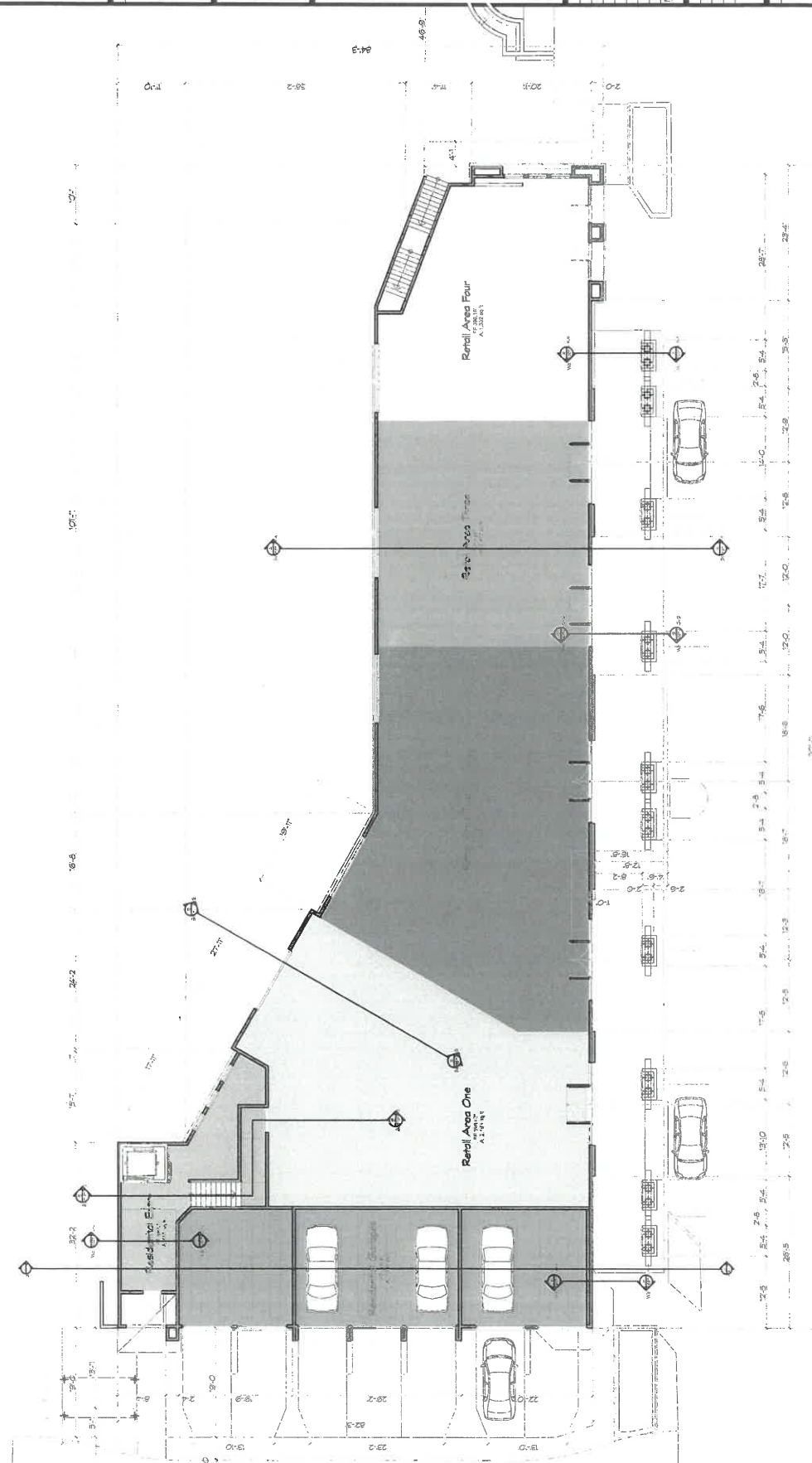
JAMES E. GORDON
 RENEWAL DATE: 00/00/00
 S.C.E. 27111

#	REVISIONS	DATE

DeBoit Civil Engineering
 811 San Ramon Valley Boulevard
 Danville, CA 94526
 Tel: 925/837-3380
 Fax: 925/837-4378

Date: 05/26/2010
 Scale: 1" = 30'
 Job No: 1005 & 1007
 Job Name: STORM WATER CONTROL PLAN EXHIBIT

TM 5



1 First Floor Plan

 SCALE: 1/8" = 1'-0"

h2o f/x
 PO Box 974
 Clayton, CA 94517

CONSULTANTS



City of Clayton, Redevelopment Agency
 1005 - 1007 Oak Street, Clayton, CA
Creekside Terrace

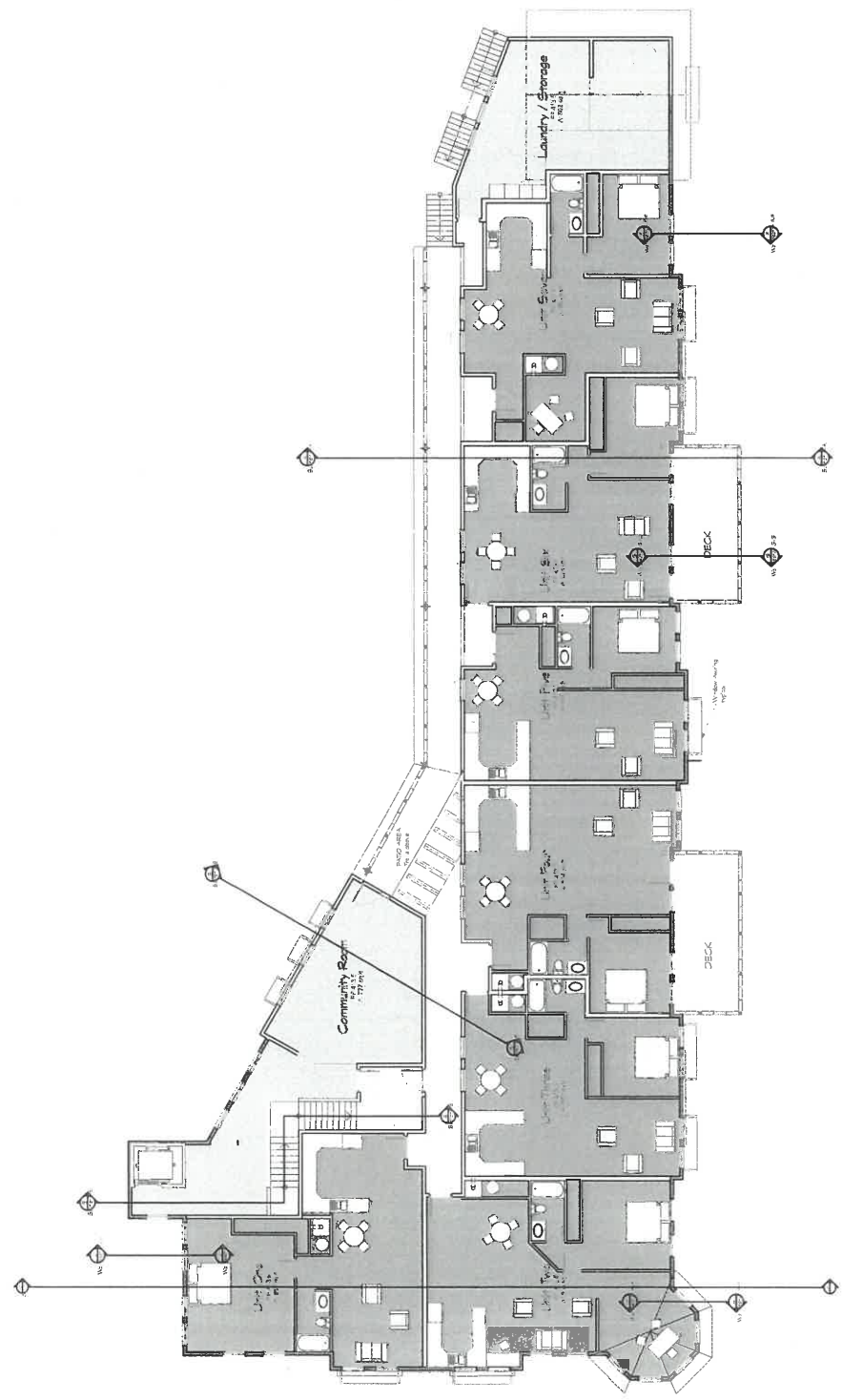
NO.	DATE	DESCRIPTION
1/6	6/27/0	Rev. Submitted
1/6	4/23/0	Sign Submitted
1/6	3/6/0	PC Submitted

PROJECT NO: 200216
 MODEL FILE:
 DRAWN BY: rps
 CHKD BY: rps
 COPYRIGHT: 2010 H2O

SHEET TITLE

2nd Floor Plan

A-1.3
 SHEET 10 OF 17



1 **2nd FLOOR PLAN**
 SCALE: 1/8" = 1'-0"



CONSULTANTS



City of Clayton, Redevelopment Agency
 1005 - 1007 Oak Street, Clayton, CA
Creekside Terrace

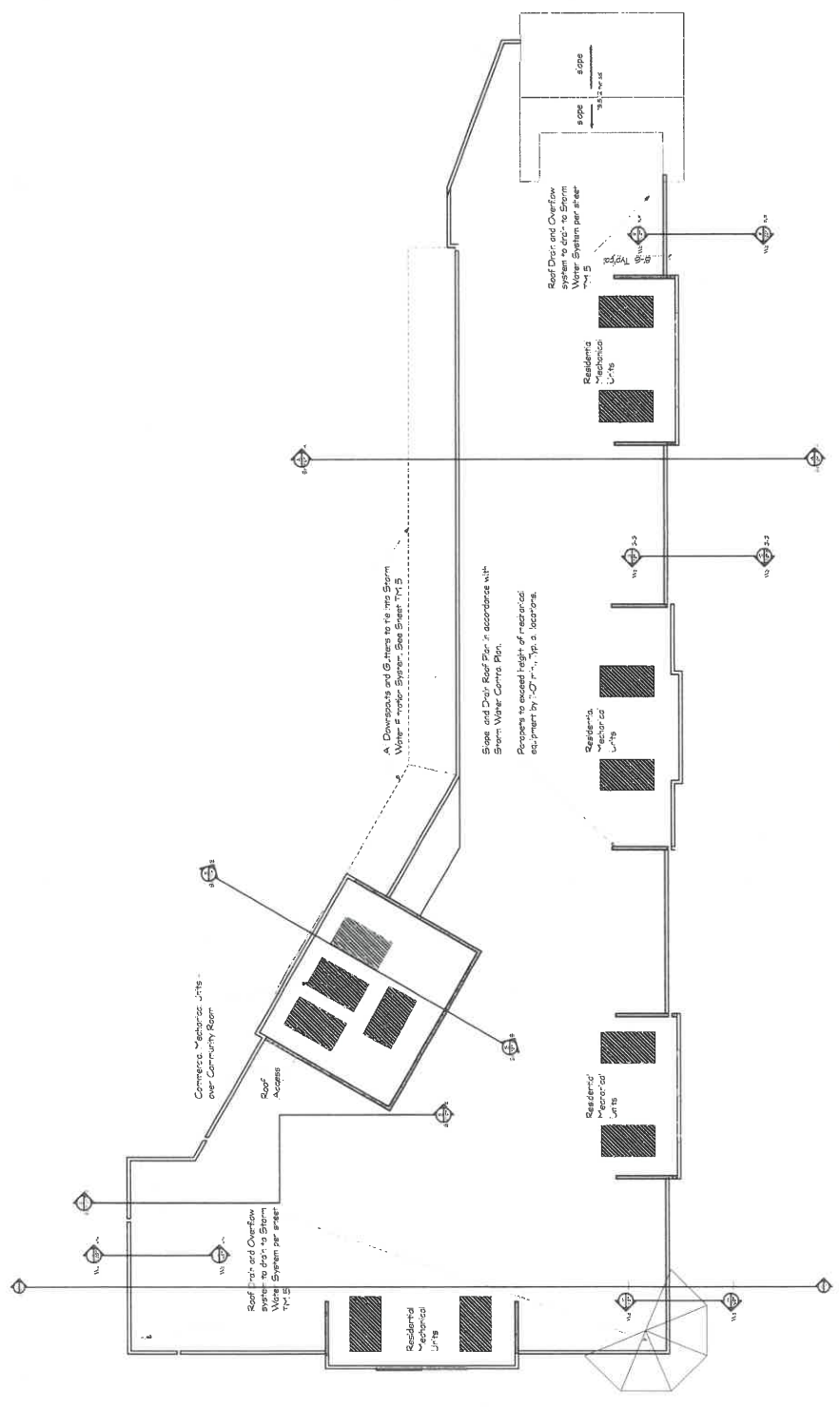
NO.	DATE	DESCRIPTION
06	6/20/10	Rev. Submittal
05	4/29/10	Sign Submittal
04	3/8/10	PC Submittal

PROJECT NO: 200016
 MODEL FILE:
 DRAWN BY: rns
 CHECK BY: rns
 COPYRIGHT: 2009 VIZIX

SHEET TITLE

Roof Plan

A-1.4
 SHEET 11 OF 17



1 Roof Plan
 SCALE: 1/8" = 1'-0"

PC Box 974
Clayton, CA 94517

CONSULTANTS



City of Clayton, Redevelopment Agency
1005 - 1007 Oak Street, Clayton, CA
Creekside Terrace

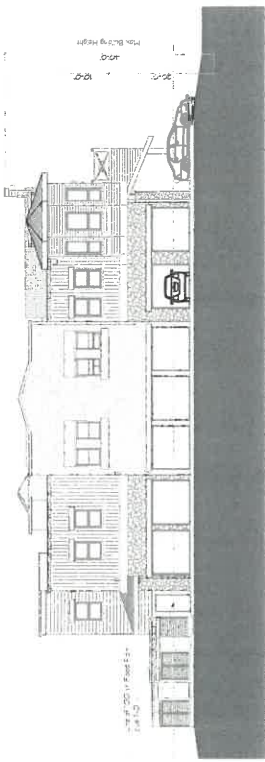
NO.	DATE	DESCRIPTION
016	6/21/01	Rev. Submittal
015	4/29/01	Sign Submittal
014	3/8/01	PC Submittal

PROJECT NO.: 210016
MODEL FILE:
DRAWN BY: rps
CHKD BY: rps
COPYRIGHT: 2001 VESK

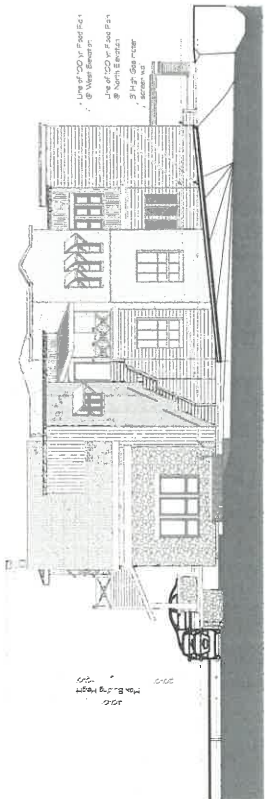
SHEET TITLE

Elevations

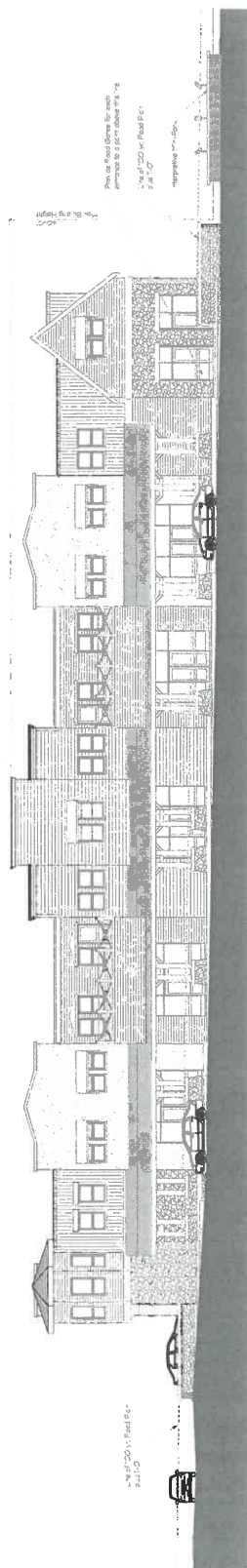
A-2.1
SHEET 13 OF 17



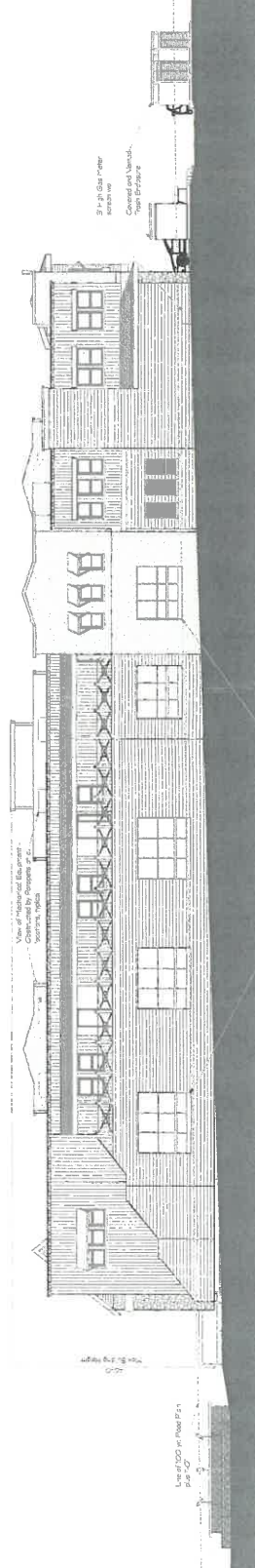
North Elevation
SCALE: 3/8\"/>



South Elevation
SCALE: 3/8\"/>



East Elevation
SCALE: 3/8\"/>

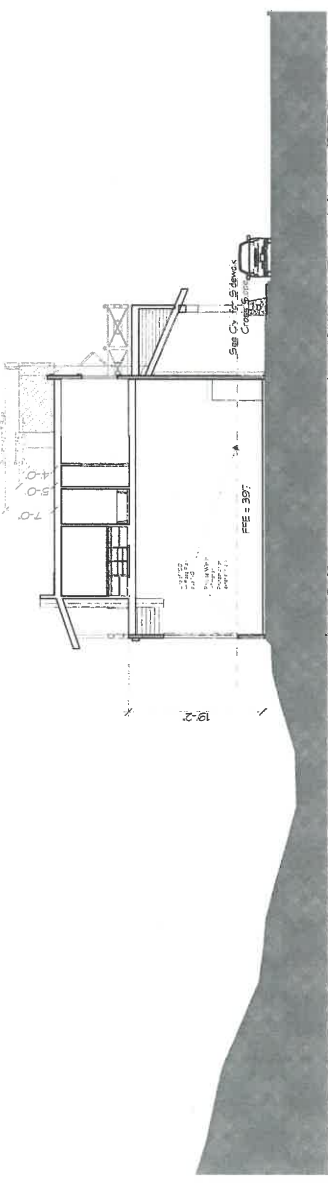


West Elevation
SCALE: 3/8\"/>

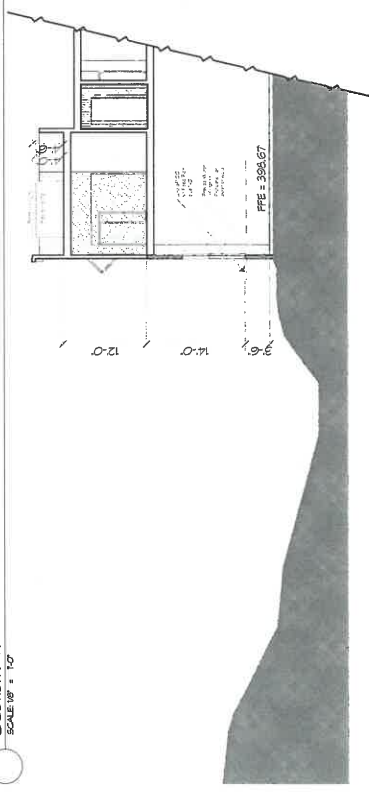
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1/6	6/21/0	Rev. Submitted
1/6	4/29/0	Sljn. Submitted
1/6	3/8/0	PC Submitted

PROJECT NO.: 200016
 MODEL FILE
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 CHECKED BY: ms
 COPYRIGHT: 2000 WFF/x

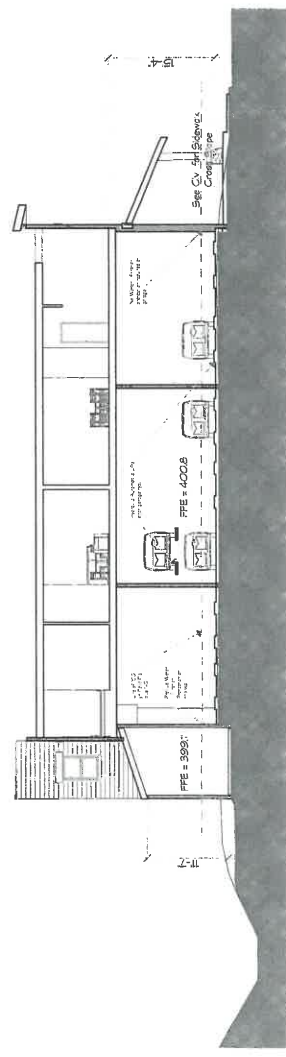
SHEET TITLE
 Sections



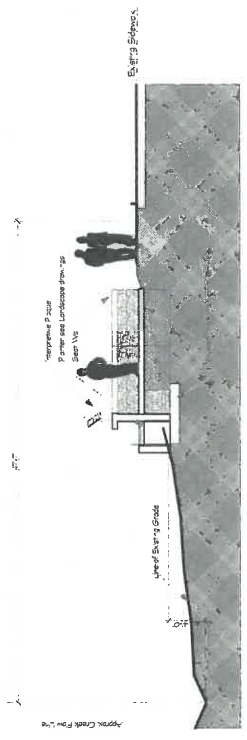
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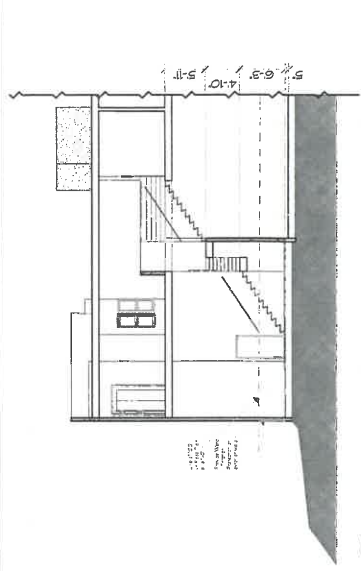
Partial Section B-B
 SCALE: 1/8" = 1'-0"



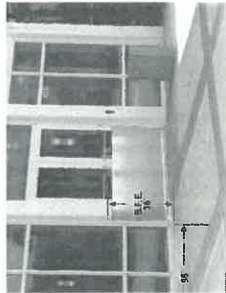
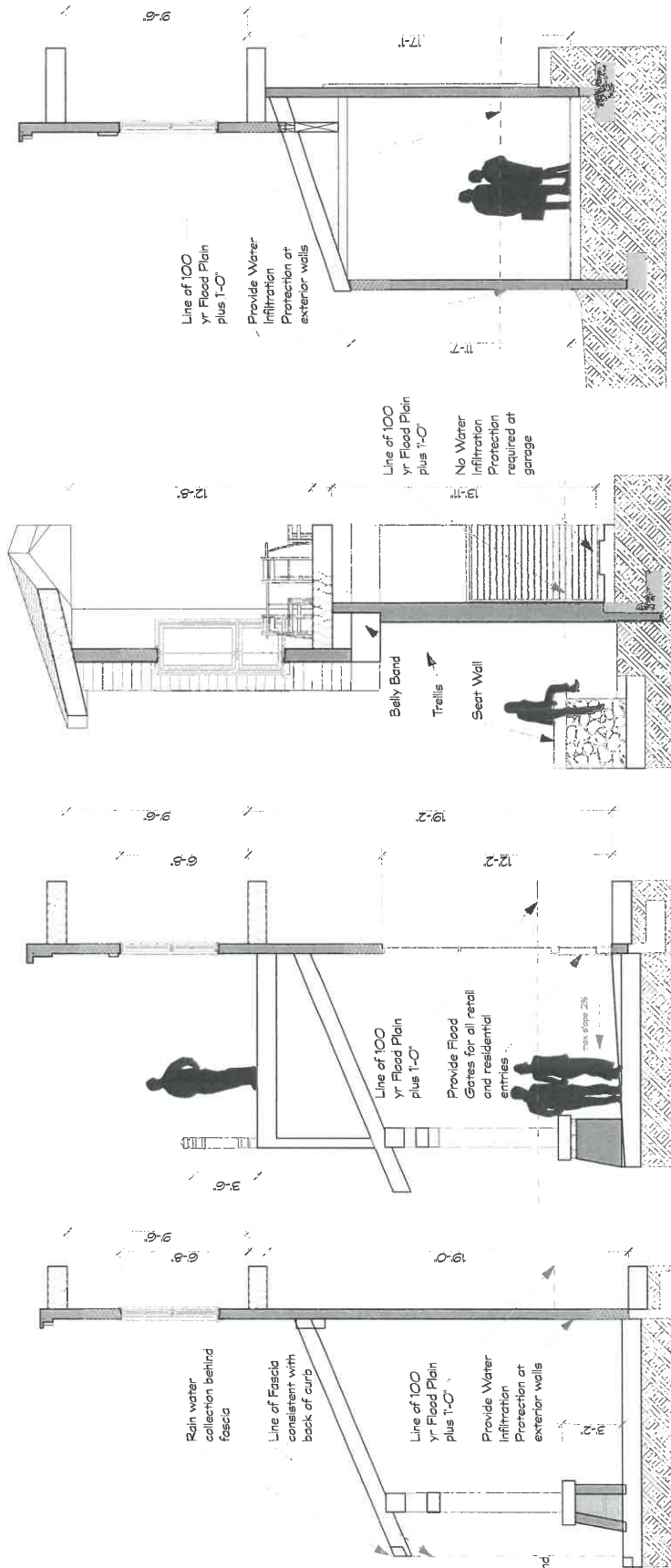
Section C-C
 SCALE: 1/8" = 1'-0"



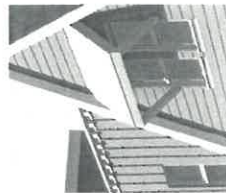
Section D-D
 SCALE: 3/8" = 1'-0"



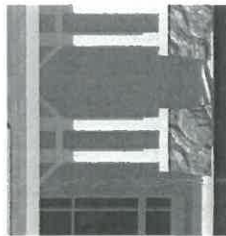
Partial Section E-E
 SCALE: 1/8" = 1'-0"



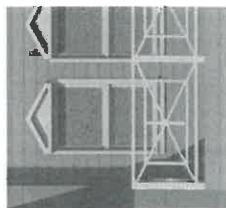
Flood Gates



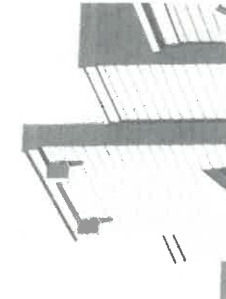
Window Awning



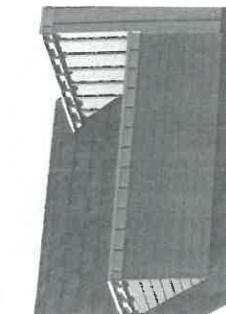
Retail Columns



Railing Detail



Parapets



Dental Molding

BRICK AND BAYTON



2 OAK ST. CEMENT PLASTER



3 LAP SIDING - RICHWOOD



4 LAP SIDING - CENTER



5 HIGH ST. CEMENT PLASTER



6 TRUSS/ASCERT



7 LAP SIDING - GARLIC END



8 STONE



Cultured stone - Old Country Fields same coverage texture, Chardonnay color.

9 ROOFING



Oxens Company's Duration Premium Shingles, Teak color.

10 AWAITING



Color and Materials - East Elevation

CONSULTANTS



Creekside Terrace
1005 - 1007 Oak Street, Clayton, CA
City of Clayton, Redevelopment Agency

NO.	REV.	DATE	DESCRIPTION
14	05/20/20		Rev. Shingles
16	11/23/20		Rev. Shingles
16	3/26/21		PC Shingles

PROJECT NO: 200016
MODEL FILE: r08
DRAWN BY: r08
CHECK BY: r08
COPYRIGHT: 2010 VIZIA

Color and Materials Board
SHEET TITLE

A-4.1
SHEET 16 OF 17



View from Flora Square

View From Flora Square

A-4.2

SHEET 17 OF 17

SHEET TITLE

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CHKD BY: oae

DRAWN BY: oae

PROJECT NO: 210016

DATE: 08/21/10

NO. 14/25/10

NO. 08/21/10

NO. 08/21/10

NO. 08/21/10

NO. 08/21/10

NO. 08/21/10

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NO. 08/21/10

NO. 08/21/10

Creekside Terrace
1005 - 1007 Oak Street Clayton, CA
City of Clayton, Redevelopment Agency



CONSULTANTS

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Clayton, CA 94517

W&P
f/x
PO Box 974
Clayton, CA 94517

CONSULTANTS



Creekside Terrace
1005 - 1007 Oak Street, Clayton, CA
City of Clayton, Redevelopment Agency

NO.	DATE	DESCRIPTION
1	6/21/06	Rev. Submittal
2	7/20/06	Site Submittal
3	8/20/06	Final
4	8/20/06	Final
5	8/20/06	Final

PROJECT NO: 210216
 DRAWN BY: oae
 CHECKED BY: oae
 COPYRIGHT: 2010 W&P

SHEET TITLE
View From High Street

A-4.3
SHEET 15 OF 17



View from High Street

City of Clayton, Redevelopment Agency
 1005 - 1007 Oak Street Clayton, CA



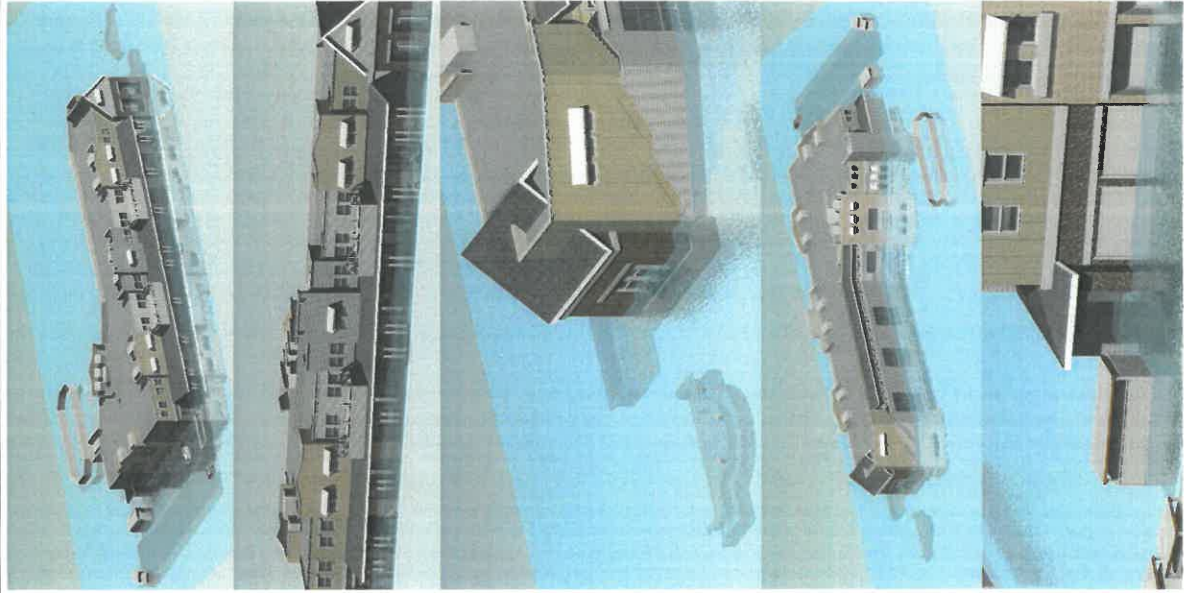
CREEKSIDE TERRACE
 City of Clayton, Redevelopment Agency

NO.	DATE	DESCRIPTION
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2	02/27/19	Rev. Submitted
3	03/15/19	Rev. Submitted
4	03/20/19	Rev. Submitted
5	03/27/19	Rev. Submitted
6	04/02/19	Rev. Submitted
7	04/02/19	Rev. Submitted
8	04/02/19	Rev. Submitted
9	04/02/19	Rev. Submitted
10	04/02/19	Rev. Submitted
11	04/02/19	Rev. Submitted
12	04/02/19	Rev. Submitted
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14	04/02/19	Rev. Submitted
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99	04/02/19	Rev. Submitted
100	04/02/19	Rev. Submitted

PROJECT NO.: 210016
 SCALE: AS SHOWN
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 COPYRIGHT: 2019 VIZEX

SHEET TITLE
 Flood Data

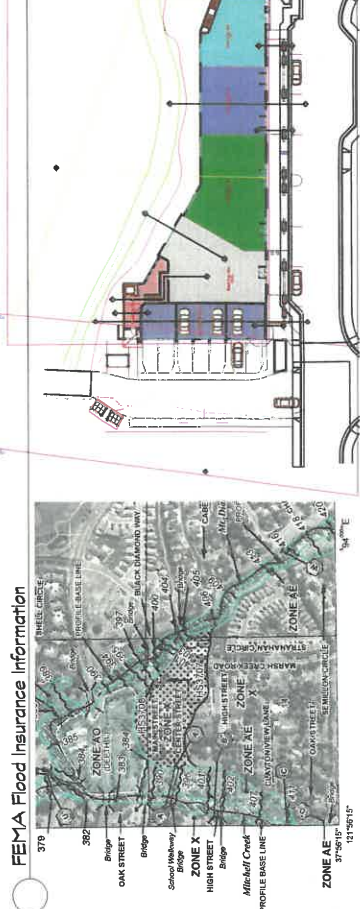
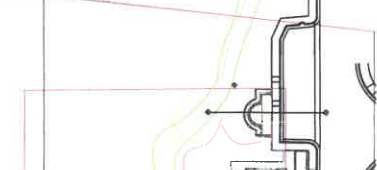
A-5.1
 SHEET 19 OF 17



Estimated 100 yr. Flood plus 1'

NOTES TO USERS
 1. THE FLOOD DATA IS BASED ON THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) DATA FOR THE AREA. THE FLOOD DATA IS NOT A GUARANTEE OF THE ACCURACY OF THE FLOOD DATA.

LEGEND
 1. FLOOD DATA
 2. FLOOD INSURANCE RATE MAP (FIRM)
 3. FLOOD INSURANCE RATE MAP (FIRM) - SPECIAL STUDY AREA
 4. FLOOD INSURANCE RATE MAP (FIRM) - SPECIAL STUDY AREA - FLOOD INSURANCE RATE MAP (FIRM) - SPECIAL STUDY AREA



Flood Contours

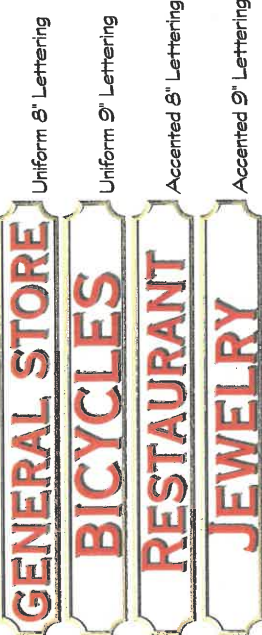
FEMA Detail



NO	DATE	DESCRIPTION
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2	4/23/10	Sign Submitted
3	3/30/10	PC Submitted
4	3/30/10	PC Submitted

PROJECT NO:	210016
MODEL FILE:	
DRAWN BY:	FRP
CHECK BY:	FRP
COPYRIGHT:	2010 VIZ fx

SHEET TITLE	
Building Signage	



Stenciled Lettering
 Rust colored to match wood signs, typical

4" High Store Name
 Centered, 40% of Glazed Area Max. or average 10.9 sf / glazed panel

4" Suite Label

1" High Hours and Emergency Contact Info

Lettering Styles - Font = Copper Plate Gothic
 NOT TO SCALE

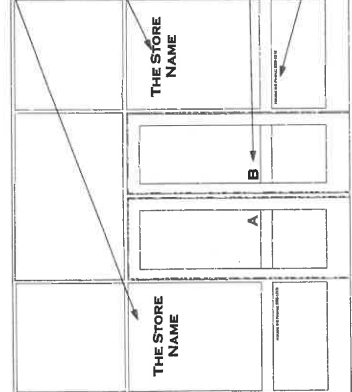
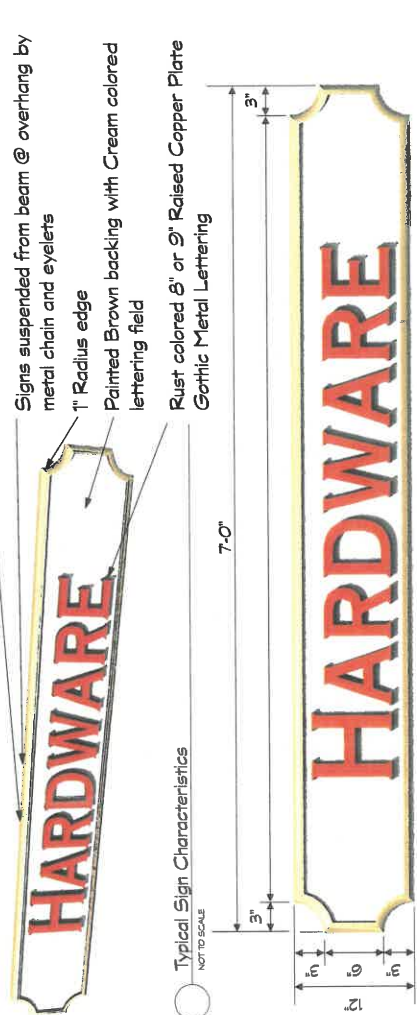
2" Deep Wood Sign with 1/2" recessed face

Signs suspended from beam @ overhang by metal chain and eyelets

1" Radius edge

Painted Brown backing with Cream colored lettering field

Rust colored 8" or 9" Raised Copper Plate Gothic Metal Lettering



Store Front Stencil
 SCALE: 1/2" = 1'-0"

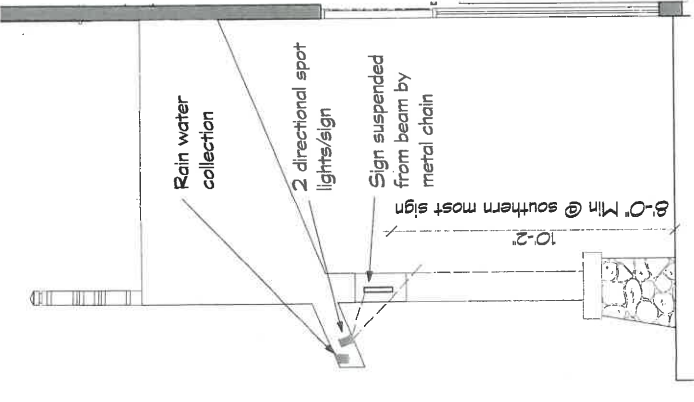
Signage Calculations
 200 lf Oak St. frontage

200 sf max signage allowable

Hanging Signs: 7sf/sign x 7 signs = 49 total sf of hanging signage

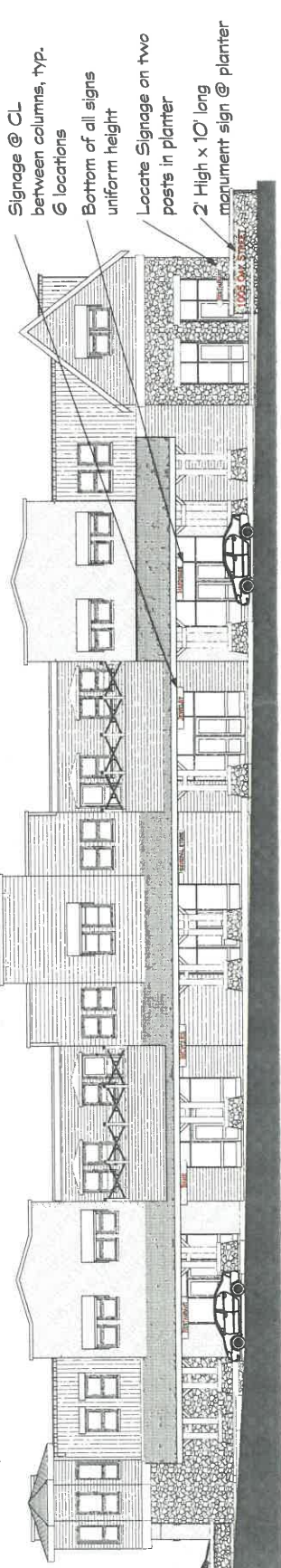
Monument Sign: 2x10 = 20 sf of monument sign

Max. 131 sf of window signage allowed, 10.9 sf/panel (12 panels)



Sign Section
 SCALE: 1/2" = 1'-0"

Note: High Street to have one monument sign to identify residential entry address. Plus stenciled 4" garage door identifiers (1-7 lower corner of door)



Signage Locations
 SCALE: 1/8" = 1'-0"

**CITY OF CLAYTON PLANNING COMMISSION
RESOLUTION NO. 07-19**

**ONE-YEAR EXTENSION
OF THE CREEKSIDE TERRACE DEVELOPMENT PLAN AND VESTING TENTATIVE MAP
(DP-01-08 and MAP-02-09)**

WHEREAS, on July 6, 2010, the Clayton City Council, at a duly-noticed public hearing, adopted an Initial Environmental Study/Mitigated Negative Declaration (IES/MND) and approved the Development Plan and Vesting Tentative Map for the Creekside Terrace Mixed Use project; and

WHEREAS, the Creekside Terrace Development Plan (DP-01-08) allows for approximately 7,200 square feet of commercial space on the ground floor and seven residential units on the second floor and the Vesting Tentative Map creates four commercial condominium units on the ground floor, seven residential units on the second floor, and common and conservation areas on the property; and

WHEREAS, Section 17.28.190 of the Clayton Municipal Code states that “if within 18 months after the approval by the City Council of the Development Plan Permit construction has not commenced, then the Development Plan Permit shall become null and void”; and

WHEREAS, Section 17.28.190 of the Clayton Municipal Code allows approval of one-year incremental time extensions by the Planning Commission or the City Council of a Development Plan; and

WHEREAS, Section 16.06.030 of the Clayton Municipal Code states that the “time limits specified in [Title 16] for reporting and acting on maps may be extended by mutual consent of the subdivider and the Planning Commission or City Council”; and

WHEREAS, the specified entitlement-related time limits were due to lapse prior to the City being able to execute and follow through with development of the property, therefore, as a result, the City has kept the subject entitlements active by adopting the appropriate extensions; and

WHEREAS, in accordance with Section 17.28.190 of the Clayton Municipal Code, the Planning Commission held a duly-noticed public hearing on October 25, 2011 to consider a request for a one-year extension of the Development Plan and gave due consideration to all testimony, comments, and documents received regarding the extension request; and

**Planning Commission
Resolution No. 07-19**

WHEREAS, at their meeting of October 25, 2011, the Planning Commission approved the time extension request, extending the approval of the project until January 6, 2013; and

WHEREAS, in accordance with Section 17.28.190 of the Clayton Municipal Code, the Planning Commission held a duly-noticed public hearing on December 11, 2012 to consider a request for a one-year extension of the Development Plan and gave due consideration to all testimony, comments, and documents received regarding the time extension request; and

WHEREAS, at their meeting of December 11, 2012, the Planning Commission approved the time extension request, extending the approval of the project until January 6, 2014; and

WHEREAS, in accordance with Section 17.28.190 of the Clayton Municipal Code, the Planning Commission held a duly-noticed public hearing on December 10, 2013 to consider a request for a one-year extension of the Development Plan and gave due consideration to all testimony, comments, and documents received regarding the time extension request; and

WHEREAS, at their meeting of December 10, 2013, the Planning Commission approved the time extension request, extending the approval of the project until January 6, 2015; and

WHEREAS, in accordance with Section 17.28.190 of the Clayton Municipal Code, the Planning Commission held a duly-noticed public hearing on December 9, 2014 to consider a request for a one-year extension of the Development Plan and gave due consideration to all testimony, comments, and documents received regarding the time extension request; and

WHEREAS, at their meeting of December 9, 2014, the Planning Commission approved the time extension request, extending the approval of the project until January 6, 2016; and

WHEREAS, on July 15, 2011, the Governor of California signed into law Assembly Bill 208, which extended for two years the life of those Tentative and Vesting Tentative Maps that were still alive on July 15, 2011 and would otherwise expire before January 1, 2014; and

WHEREAS, the Creekside Terrace Vesting Tentative Map (MAP-02-09) was extended until July 6, 2014 by this gubernatorial action; and

WHEREAS, on July 11, 2013, the Governor of California signed into law Assembly Bill 116, which extended for two years the life of those Tentative and Vesting Tentative Maps that were still alive on July 11, 2013; and

WHEREAS, the Creekside Terrace Vesting Tentative Map has been extended until July 6, 2016 by this gubernatorial action; and

**Planning Commission
Resolution No. 07-19**

WHEREAS, in order to keep the Vesting Tentative Map alive for future development negotiations and opportunities, and in order to have consistent time extensions between the Development Plan and Vesting Tentative Map, the City sought Planning Commission approval of a six-month time extension of the Vesting Tentative Map; and

WHEREAS, in accordance with Sections 16.06.030 and 17.28.190 of the Clayton Municipal Code, the Planning Commission held a duly-noticed public hearing on December 8, 2015 to consider a request for a one-year extension of the Development Plan and a six-month extension of the Vesting Tentative Map and gave due consideration to all testimony, comments, and documents received regarding the time extension request; and

WHEREAS, at their meeting of December 8, 2015, the Planning Commission approved the time extension request, extending the approval of the project until January 6, 2017; and

WHEREAS, in accordance with Sections 16.06.030 and 17.28.190 of the Clayton Municipal Code, the Planning Commission held a duly-noticed public hearing on December 13, 2016 to consider a request for a one-year extension of the Development Plan and Vesting Tentative Map and gave due consideration to all testimony, comments, and documents received regarding the time extension request; and

WHEREAS, at their meeting of December 13, 2016, the Planning Commission approved the time extension request, extending the approval of the project until January 6, 2018; and

WHEREAS, in accordance with Sections 16.06.030 and 17.28.190 of the Clayton Municipal Code, the Planning Commission held a duly-noticed public hearing on January 9, 2018 to consider a request for a one-year extension of the Development Plan and Vesting Tentative Map and gave due consideration to all testimony, comments, and documents received regarding the time extension request; and

WHEREAS, at their meeting of January 9, 2018, the Planning Commission approved the time extension request, extending the approval of the project through January 9, 2019; and

WHEREAS, in accordance with Sections 16.06.030 and 17.28.190 of the Clayton Municipal Code, the Planning Commission held a duly-noticed public hearing on January 9, 2019 to consider a request for a one-year extension of the Development Plan and Vesting Tentative Map and gave due consideration to all testimony, comments, and documents received regarding the time extension request; and

WHEREAS, at their meeting of January 9, 2019, the Planning Commission approved the time extension request, extending the approval of the project through January 6, 2020; and

**Planning Commission
Resolution No. 07-19**

WHEREAS, in accordance with Sections 16.06.030 and 17.28.190 of the Clayton Municipal Code, the Planning Commission held a duly-noticed public hearing on December 10, 2019 to consider a request for a one-year extension of the Development Plan and Vesting Tentative Map and gave due consideration to all testimony, comments, and documents received regarding the time extension request; and

WHEREAS, at their meeting of December 10, 2019, the Planning Commission received comments in opposition to approving the time extension request; and

WHEREAS, as a result of these comments necessitating further research by City staff, the Planning Commission continued the public hearing to their meeting of January 14, 2020; and

WHEREAS, the Town Center Specific Plan provides primary guidance for development of the subject property, the approval of the Development Plan and Vesting Tentative Map were found to be in conformance with the Specific Plan, and there have been no amendments since that approval or other changes in information or circumstances that would warrant not approving the request for a one-year extension; and

WHEREAS, the findings and the mitigation measures of the adopted project IES/MND continue to be valid as do the findings for project approval and the conditions of approval in the approving City Council Resolution; and

WHEREAS, in order to keep the Development Plan alive for future development negotiations and opportunities, the City is seeking Planning Commission approval of another one-year time extension of the Development Plan and Vesting Tentative Map; and

WHEREAS, in accordance with Sections 16.06.030 and 17.28.190 of the Clayton Municipal Code, the Planning Commission held a duly-noticed public hearing on December 10, 2019 which was continued to their meeting of January 14, 2020 to consider the request for the subject one-year extension of the Development Plan and the Vesting Tentative Map and gave due consideration to all testimony, comments, and documents received regarding the time extension request.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds the previously-stated recitals to be true and accurate and, accordingly, approves the request for a one-year extension of the Creekside Terrace Development Plan and Vesting Tentative Map through January 6, 2021, subject to the findings and conditions in the attached approving City Council Resolution No. 27-2010 for the project.

**Planning Commission
Resolution No. 07-19**

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 14th day of January 2020.

APPROVED:

ATTEST:

Peter Cloven
Chair

David Woltering, AICP, MPA
Interim Community Development Director

EXHIBIT

A. City Council Resolution No. 27-2010 for the Creekside Terrace Mixed Use Project

RESOLUTION NO. 27-2010

**A RESOLUTION APPROVING THE DEVELOPMENT PLAN FOR THE CREEKSID
TERRACE MIXED USE PROJECT
(DP 01-08)**

**THE CITY COUNCIL
City of Clayton, California**

WHEREAS, the Creekside Terrace Mixed Use Project involves the proposed construction of a two-story building, with seven residential units above approximately 7,200 square feet of commercial space on the west side of Oak Street between Center and High Streets in Clayton's Town Center area in conformance with the encouraged land uses and overall vision for the area as expressed in the Town Center Specific Plan; and

WHEREAS, the Creekside Terrace (formerly Rivulet) Project Development Plan application was submitted on January 24, 2008; and

WHEREAS, the Development Plan application is identified as the Creekside Terrace Mixed Use Project Land Use Entitlement Submittal Package, dated March 8, 2010 (Planning Commission Submittal), comprised of the following: Title Sheet, Vesting Tentative Map Sheets TM1 – TM5 (Revised April 29, 2010), Preliminary Landscape Plan, Architectural Site Plan, First Floor Plan, Second Floor Plan, Roof Plan, TM – Layout and Cut Sheets, Elevations, Sections, Wall Sections and Details, View from Flora Square, View from High Street, Flood Data, Building Signage Plan (April 23, 2010), and Color Material Board; and

WHEREAS, a Development Plan approval is one of the entitlements being requested as part of this application; additionally, the application involves the request for the adoption of an Initial Environmental Study/Mitigated Negative Declaration (IES/MND), approval of a Vesting Tentative Map, and the approval of an extension of a parking waiver provision for the Town Center area; and

WHEREAS, the Development Plan submittal has been prepared and reviewed in accordance with the provisions of Chapter 17.28 Planned Development (PD) Districts of the Clayton Municipal Code; and

WHEREAS, the Planning Commission held duly-noticed public hearings on May 25, 2010, and June 8, 2010 to consider the Development Plan and related entitlements for the Creekside Mixed Use Project; and

WHEREAS, the draft Creekside Terrace Project IES/MND was prepared and circulated for a 30-day public review period from March 2, 2009 to April 2, 2009, and a public hearing was held before the Planning Commission on March 10, 2009 during this review period; and

WHEREAS, there have been changes to the project as noted in Appendix F as well as mitigation measures agreed to by the project sponsor described in the final draft IES/MND; and

WHEREAS, the Planning Commission considered all relevant information, including the IES/MND, staff reports, background information, the March 8, 2010 Creekside Terrace Mixed Use Project Land Use Entitlement Submittal Package including the updated, April 29, 2010, Vesting Tentative Map Sheets TM1 through TM 5, and the Building Signage Plan dated April 23, 2010, as well as public testimony at the above-cited hearings; and

WHEREAS, the environmental analysis determined that measures were available to mitigate potential adverse impacts to insignificant levels. As a result, the project IES/MND serves as a Mitigated Negative Declaration pursuant to Public Resources Code Sections 21064.5 and 21080(c), and Article 6 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the Planning Commission determined the proposed Development Plan, assuming implementation of the mitigation measures in the project IES/MND and the recommended conditions of approval will not result in a significant adverse environmental impact and will conform with the City's General, Town Center Specific Plan, Zoning Ordinance, applicable provisions of Chapter 17.28, and would be in the public interest as well as support the public necessity, convenience, and general welfare; and

WHEREAS, the Planning Commission approved its Resolutions No. 01-10 and No. 03-10 on June 8, 2010, recommending, respectively, City Council adoption of the Creekside Terrace Project Initial Environmental Study/Mitigated Negative Declaration, May 2010, for the Creekside Terrace Mixed Use Project and approval of the Development Plan for the proposed project; and

WHEREAS, on July 6, 2010, the City Council held a duly-noticed public hearing and gave due consideration to the Planning Commission's recommendation on this project, all testimony, comments, and documents received pertaining to the related entitlements including the IES/MND, the Development Plan, with associated parking waiver zoning ordinance amendment(s) to Sections 17.37.030.C and 17.37.030.C.3 of the City's Municipal Code, and a Vesting Tentative Map for the Creekside Terrace Mixed Use Project; and

WHEREAS, the City Council determines that the IES/MND identifies measures, including design revisions made and agreed to by the applicant, that are available to mitigate potential adverse impacts to insignificant levels, and, accordingly, the project IES/MND serves as a Mitigated Negative Declaration pursuant to Public Resources Code Sections 21064.5 and 21080(c), and Article 6 of the California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the City Council determines this Mitigated Negative Declaration describes the proposed project; analyzes, and evaluates the potential significant impacts, which may result

from the proposed project; and, identifies measures to mitigate adverse environmental impacts in accordance with the requirements of CEQA Guidelines Section 15071; and

WHEREAS, the City Council determines the proposed Development Plan, assuming implementation of the mitigation measures in the project IES/MND and the recommended conditions of approval will not result in a significant adverse environmental impact and will conform with the City's General, Town Center Specific Plan, Zoning Ordinance, including applicable provisions of Chapter 17.28, and would be in the public interest as well as support the public necessity, convenience, and general welfare.

NOW, THEREFORE, BE IT RESOLVED THAT:

SECTION 1. The City Council does hereby find and affirm the above-noted recitals are true and correct.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT:

SECTION 1. The City Council does hereby approve the Development Plan (DP 01-08) for the Creekside Terrace Mixed Use Project.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Clayton, California, at a regular meeting thereof held on July 6, 2010 by the following vote:

AYES: Mayor Stratford, Vice Mayor Shuey, Councilmembers Geller, Medrano and Pierce.

NOES: None.

ABSENT: None.


ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA



Hank Stratford, Mayor

ATTEST:

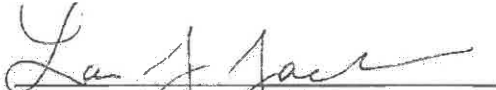


Laci J. Jackson, City Clerk

Attachments:

1. Creekside Terrace Project Initial Environmental Study/Mitigated Negative Declaration, May 2010 (ENV 01-08) (Available in Clayton Community Development Department)
2. Creekside Terrace Conditions of Approval and Advisory Notes (ENV 01-08, DP 01-08, and MAP 02-09) (Available in Clayton Community Development Department)

I certify that the foregoing resolution was duly and regularly passed by the City Council of the City Clayton at a regular meeting held on July 6, 2010.


Laci J. Jackson, City Clerk

comdev\DP\01-08.CC Reso. Approving Creekside Terrace DP.A

**CREEKSIDE TERRACE
CONDITIONS OF APPROVAL
AND ADVISORY NOTES
(ENV 01-08, DP 01-08, and MAP 02-09)**

These conditions of approval and mitigation measures apply to the following:

- Creekside Terrace Mixed Use Project Land Use Entitlement Submittal Package, dated March 8, 2010 (Planning Commission Submittal), comprised of the following: Title Sheet, Vesting Tentative Map Sheets TM1 – TM5 (Revised April 29, 2010), Preliminary Landscape Plan, Architectural Site Plan, First Floor Plan, Second Floor Plan, Roof Plan, TM – Layout and Cut Sheets, Elevations, Sections, Wall Sections and Details, View from Flora Square, View from High Street, Flood Data, Building Signage Plan (April 23, 2010), and Color Material Board.
- Creekside Terrace Project Initial Environmental Study/Mitigated Negative Declaration (IES/MND), May 2010.

CEQA MITIGATION MEASURES (Creekside Terrace Project IES/MND, May 2010)

1. The following measures shall be adhered to during all construction phases of the Project:
 - Earthmoving or other dust-producing activities shall be suspended during periods of high winds, (i.e., instantaneous wind gusts of 25 mph or greater);
 - All exposed or disturbed soil surfaces shall be watered at least twice daily on any day of high winds or when construction activities occur, including weekends and holidays;
 - Stockpiles of debris, soil, sand or other materials that can be blown by the wind, shall be watered with a soil stabilizer or covered;
 - Construction areas, adjacent streets, and routes for construction traffic shall be swept of all mud and debris by a water sweeper on a daily basis (minimum) on any day when construction activities occur, including weekends and holidays;
 - All trucks hauling soil, sand, or other loose materials shall be covered or maintain at least two feet of freeboard;

A compliance officer (City Engineer unless otherwise identified as part of the grading permit process) shall be responsible for assuring implementation and monitoring of the above requirements. (Air Quality).

2. Pre-construction nesting surveys for raptors and migratory birds protected under the federal Migratory Bird Treaty Act shall be conducted if initial grading and building demolition is to be conducted during the months of March through August. A qualified biologist shall conduct the surveys no more than fourteen (14) days prior to initiation of grading, building demolition, or tree removal. If any of these species are found within the construction area after April of the construction year, grading and construction in the area shall either stop or continue only after the nests are protected by an adequate setback approved by a qualified biologist. If permanent avoidance of nests is not feasible,

impacts on raptor and migratory bird nests shall be minimized by avoiding disturbances to the nest location during the nesting season unless a qualified biologist verifies that the birds have either a) not begun egg-laying and incubation, or b) that the juveniles from those nests are foraging independently and capable of independent survival at an earlier date. No preconstruction surveys are required if grading, building demolition, or tree removal occurs outside the nesting season (September through February). (Biological Resources).

3. A preconstruction survey shall be conducted by a qualified biologist within seven (7) days prior to commencement of construction to confirm absence of any fish, amphibian, or reptile species of concern along the project reach of Mitchell Creek. In the remote instance that listed California red-legged frog or steelhead individuals are encountered, the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NOAA Fisheries) shall be consulted to determine appropriate avoidance measures prior to initiation of any construction activities. Any western pond turtle encountered shall be relocated to secure pool habitat selected by the qualified biologist. (Biological Resources).
4. A qualified biologist shall be retained to oversee construction and ensure that no inadvertent take of California red-legged frog, steelhead, or western pond turtle occurs as a result of short-term disturbance near Mitchell Creek. This shall include the following provisions:
 - a) Prior to any grading or grubbing of the site, the qualified biologist shall conduct a preconstruction survey to confirm absence of any California red-legged frog, steelhead, or western pond turtle on the site, as called for in Mitigation Measure 3. A report summarizing the survey results shall be submitted to the Community Development Director.
 - b) Silt fencing shall be installed at the west edge of the construction zone and to the east and west of the top of bank, buried a minimum of six inches and extending a minimum of two feet above grade, to serve as a barrier to keep ground mobile wildlife dispersing along the creek corridor from entering the construction zone. The fencing shall remain in place during the entire construction period.
 - c) Construction workers shall be trained by the qualified biologist regarding the potential presence of California red-legged frog and western pond turtle, that these species are to be avoided, that the foreman must be notified if they are seen, and that construction shall be halted until appropriate measures have been taken. For California red-legged frog, work shall be halted until authorization to proceed is obtained from the USFWS. Harassment of California red-legged frog is a violation of federal law.
 - d) During the construction phase of the project, a qualified biologist or an on-site monitor (such as the construction foreman trained by the qualified biologist) shall check the site in the morning and in the evening of construction activities for the presence of California red-legged frog and western pond turtle. This includes checking holes, under vehicles and under boards left on the ground. If any California red-legged frog are found, construction shall be halted, and the monitor shall immediately notify the qualified biologist in charge and the USFWS. Construction shall not proceed until adequate measures are taken to prevent dispersal of any individuals into the construction zone, as directed by the USFWS. Subsequent recommendations made by the USFWS shall be followed. No one shall handle or otherwise harass any individual California red-legged frogs encountered during construction, with the exception of a Service-approved

biologist. The qualified biologist in charge shall train the on-site monitor in how to identify California red-legged frog. (Biological Resources).

- 5A. The Tree Preservation Guidelines called for in the Tree Report (HortScience, 2008) shall be followed to preserve native oaks and other noteworthy trees on the site. Of particular concern is the large valley oak (Tree #272), which must be heavily pruned to prevent toppling and reduce the risk to humans and property. This tree shall be retained, and recommended pruning shall be performed under the supervision of a certified arborist. The pruning shall occur prior to demolition of the existing structures on the property. (Biological Resources).
- 5B. The project shall conform with the City of Clayton Tree Protection Ordinance (Chapter 15.70 of the Zoning Code), through adherence to the Tree Preservation Guidelines called for in the Tree Report and provisions for replacement plantings, which will be incorporated into the Final Landscape Plan. (Biological Resources).
6. Prior to commencement of construction-related activities for the project including, but not limited to, grading, staging of materials, or earthmoving activities, an archaeological monitor shall be retained by the applicant and approved by the City to train the construction grading crew prior to commencement of earth-grading activity in regard to the types of artifacts, rock, bone, or shell that they are likely to find, and when work shall be stopped for further evaluation. One trained crew member shall be on-site during all earth moving activities, with the assigned responsibility of "monitor." Should archeological, historical, or Native American artifacts or remains be discovered during construction of the Project, work in the vicinity of the find shall stop immediately until the resource(s) are evaluated and the appropriate means of curation is determined. Project personnel shall not collect or alter cultural resources. Identified cultural resources shall be recorded on forms DPR 422 (archeological sites) and/or DPR 523 (historic resources). (Cultural Resources).
7. Prior to the approval of building foundation plans, the plans shall indicate the anchoring of project structures to the bedrock or the construction of a subterranean retaining wall, for review and approval by the project soils engineer and the County Building Department. (Geology and Soils).
8. Prior to issuance of a grading permit, the Developer shall submit, for the review and approval by the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the proposed project. Actions should include, but are not limited to:
- Hydro-seeding;
 - Placement of erosion control measures within drainageways and ahead of drop inlets;
 - The temporary lining (during construction activities) of drop inlets with "filter fabric";
 - The placement of straw wattles along slope contours;
 - Use of a designated equipment and vehicle "wash-out" location;
 - Use of siltation fences;
 - Use of on-site rock/gravel road at construction access points; and
 - Use of sediment basins and dust palliatives. (Geology and Soils).

9. Prior to issuance of a demolition permit by the City for any on-site structures, the Developer shall provide a site assessment, which determines whether any structures to be demolished contain asbestos. If any structures contain these materials or any other hazardous materials, the Developer shall submit an abatement plan consistent with local, state, and federal standards, subject to approval of the Contra Costa County Building Inspection Department. In addition, the site assessment shall include a site inspection and records review to determine the historic uses of the property, and whether any hazardous substances release(s) have occurred. If the assessment detects the presence of contaminated soils, a remediation plan consistent with local, state, and federal standards, shall be submitted for approval by the Contra Costa County Environmental Health Department. The abatement and remediation plan(s) shall identify the necessary measures that the applicant must comply with to fully remove any existing on-site hazards to the satisfaction of the Contra Costa County Environmental Health Department. (Hazards and Hazardous Materials).
10. Prior to the issuance of building permits, the developer shall prepare a Storm Water Control Plan that includes both construction stage and permanent storm water pollution prevention practices to be submitted to the City Engineer for review. (Hydrology).
11. All project contractors shall conform to the requirements of the “Best Management Practices for Construction Sites” required by the City, including detention and/or filter materials to preclude an increase in water quantity and quality impacts from debris and sediments entering the stormwater system over “pre-development” conditions. The BMPs shall be included in the construction contracts for the review and approval by the City Engineer. (Hydrology).
12. Prior to commencement of construction, the developer shall provide proof of State general permit coverage related to construction for stormwater.
13. Prior to final map recordation, the property owner shall commit the future property owners to fully fund the construction and perpetual maintenance of the storm drain system, including monitoring of the storm drain facilities. The funding mechanism shall be acceptable to the City and shall address costs for capital replacement, inflation, and administration. This shall include the preparation of an Operation and Maintenance Plan (OMP) consistent with the model proposed by the Contra Costa Clean Water Program. Any related review or administrative fees resulting from the OMP shall be the responsibility of the property owner. The OMP will “run with the land” and be enforceable on subsequent property owners of all residential and commercial lots. Maintenance activities may include but not be limited to:
 - Inspect planters for channels, exposure of soils, or other evidence of erosion. Clear any obstructions and remove any accumulation of sediment. Soils and plantings must be maintained.
 - Inspect planters regularly and after storms.
 - Observe soil at the bottom of the planters or filter for uniform percolation throughout. If portions of the planter or filter do not drain within 48 hours after the end of a storm, the soil should be tilled and replanted. Remove any debris or accumulations of sediment.
 - Examine the vegetation to insure that it is healthy and dense enough to provide filtering and to protect soils from erosion. Replenish mulch as necessary, remove fallen leaves and debris, prune large shrubs or trees and mow turf areas. Confirm

that irrigation is adequate and not excessive. Replace dead plants and remove invasive vegetation.

- Abate any potential vectors by filling holes in the ground in and around the planters and by insuring that there are no areas where water stands longer than 48 hours following the storm. If mosquito larvae are present and persistent, contact the Contra Costa County Vector Control District for information and advice. Only a licensed individual or contractor should apply mosquito larvicides only when absolutely necessary.
 - All hardscape, walks, patios, driveways, parking areas, creeks, drainage inlets, gutters, etc. and trash and recycling areas to be routinely inspected, cleared of debris, and thoroughly cleaned every three months, or as required in the City's NPDES permit.
 - All inlets to be inspected for debris twice a year, with one of those inspections held on October 1st.
 - Planters should be checked for plant and landscape health. They should also be checked for removable amounts of silt. The landscape and planter soils should also be checked for aeration. (Hydrology).
14. All lots shall include deed restrictions, which provide City and other public agency personnel with the right of access to inspect all on-site stormwater control devices. The language in the deed shall be reviewed and approved by the City Engineer and City Attorney. (Hydrology).
15. The developer shall provide for flood proofing of those portions of the building below one-foot above the 100-year flood surface elevation. The method of flood proofing shall include operating procedures and be subject to the approval by the City's Floodplain Administrator. (Hydrology).
16. The developer shall pay a fair share contribution to the City of Clayton for impacts to police staffing directly related to impacts of the Creekside Terrace Project for a five-year period. The calculation and payment shall be made at the time of issuance of building permit for each of the Project's units (including residential and commercial units) and shall be approved in advance by the Clayton Police Chief and City Manager. (Public Services).
17. Prior to final map recordation, the property owner shall agree to the recordation of a conservation easement on the third parcel located west of Mitchell Creek, and shall assume full responsibility for the ongoing maintenance and upkeep of the parcel as well as the terminus of Center Street. The conservation easement shall preclude future development of said parcel while still allowing limited improvements, such as the proposed infiltration planter associated with the Creekside Terrace project. (Public Services).
18. The developer shall be responsible for all fees and environmental review costs, including those charged by the California Department of Fish and Game.

Site Plan Conditions

19. Prior to recordation of the Vesting Tentative Map, Section 17.37.030.C. Waiver Period pertaining to Parking and Loading Requirements and related sections of the City's Municipal Code shall be extended through June 30, 2013 and Section 17.37.030.C.3 shall

be amended from requiring a building permit within one year of project approval to within two years of project approval for a Parking Waiver. In accordance with Section 17.37.070 of the Code, prior to issuance of a certificate of occupancy, the developer shall pay in-lieu parking fees for seven (7) parking spaces given that 21 parking spaces are provided, whereas 28 parking spaces are required for this project. Four (4) on-site spaces shall be provided for bicycle parking in accordance with Section 17.37.040 of the Code, prior to issuance of a certificated of occupancy.

20. Outdoor vending machines (except newspaper vending machines) are prohibited.
21. The electrical transformer for the project shall be installed in an underground vault.
22. The refuse and recycling container storage to be enclosed and connected to the sanitary sewer.
23. Refuse/recycling area shall be sized large enough to comply with State recycling requirements. Details of the refuse/recycling area shall be shown on site plan prior to recordation of map.
24. The property owner shall be responsible for placing the refuse and recycling containers in a location accessible to the refuse/recycling service provider on pick-up days. Once the service provider empties the refuse and recycling containers, the property owner shall promptly return the refuse and recycling containers to the designated enclosure. Additionally, waste containers shall be provided for the daily use of customers of the commercial component of the project.
25. All tenant leases and rental agreements shall stipulate that delivery truck unloading/loading activity, including, but not limited to, that unloading/loading activity of the owners and operators within the project from the travel lanes on High Street and Oak Street are prohibited during the time periods listed below. Delivery truck unloading/loading activities during the time periods listed below may take place from marked parking spaces. The restricted time periods are the thirty minutes prior to and following the normal start and end of classes on days when Mt. Diablo Elementary School is in session. This stipulation does not apply to common carriers such as United Parcel Service, Federal Express, etc.

Architectural Conditions

26. The architectural elevations shall be revised to show the following modifications:
 - a. The interior sides of all parapets shall be faced with cement plaster which is identical to the material and color used on the cement plaster areas of the exterior (i.e., outward-facing) elevations of the building.
 - b. The Oak Street elevation of the first-story garage shall incorporate enhanced architectural features (e.g., recessed, obscure, or high windows; or trellis with landscaping).
 - c. The garage doors shall utilize a carriage-appearing sectional roll-up design.
 - d. All windows shall be recessed a minimum of three inches.

- e. All rooftop equipment shall be screened from roads, the trail system, adjacent properties, and pedestrian areas to the maximum extent possible. The rooftop equipment shall be painted to match the color of the interior parapet.
- f. All minor and secondary rooftop equipment shall be clustered together and screened from roads, the trail system, adjacent properties, and pedestrian areas to the maximum extent possible.
- g. Any future re-painting of the project's Oak Street and High Street frontages shall provide for color distinction for the individual storefronts.
- h. All utility meters shall be properly screened.
- i. The southeast corner of the building shall incorporate the second-story octagonal bay window projection, as shown in Option 3, submitted at the June 8, 2010 Planning Commission meeting.

Landscaping Conditions

- 27. The landscape plans shall have overall dimensions of 24" x 36"; shall be approved by the Community Development Director and Maintenance Department; shall satisfy and/or include the following:
 - a. Conform to the requirements of the State Department of Water resources "Model Water Efficient Landscape Ordinance", dated September 10, 2009, or locally adopted replacement ordinance in effect at the time of application for a building permit.
 - b. Trees in the public right-of-way shall comply with the City street tree list or as otherwise approved by City Maintenance.
 - c. All landscaped areas shall be planted at the following planting densities: five-gallon shrubs shall be at an average density of 1 shrub/5 feet; and one-gallon groundcover plantings shall be at an average density of 1 shrub/3 feet.
 - d. All trees shall be 24-inch box containers.
 - e. All trees shall be planted at least ten feet away from any public water, sewer, or storm drain lines. All trees shall be installed with support staking. All nursery stakes must be removed from trees. All trees planted within eight feet of a sidewalk or driveway shall be installed with root guards.
 - f. All anti-siphon water valves and ground-mounted utility equipment shall be screened with landscaping.
 - g. All on-site walkway hardscape areas shall be paved with a colored and wood-stamped paving surface which matches the color and texture of the sidewalks in the Town Center.
 - h. A layer of mulch two to four inches shall be applied and maintained in all landscape areas until groundcover plantings are fully established so as to cover exposed soils.
 - i. Show all existing and proposed public utilities within the project limits, including adjacent public right-of-way affected by the project.

- 28. Three sets of the Landscape and Irrigation Plans shall be submitted with the building plans for review and approval by the Community Development Department, Engineering Department, and the Maintenance Department. These plans shall be approved prior to issuance of building, grading, or encroachment permits.

29. Landscaping shall be installed in conformance with approved plans prior to approval for occupancy.
30. Prior to occupancy, successor-in-interest property owners/lessees shall enter into an agreement with the City which ensures they permanently maintain the on-site landscaping as well as the trees installed in the public right-of-way on Oak Street and High Street.

Engineering Conditions

Subdivision Number

31. While this is a one lot subdivision, its ultimate disposition will create at least eight separate ownerships, therefore it would qualify as a major subdivision and require the filing of a Final Map as opposed to a Parcel Map. Prior to the preparation and submittal of the Final Map, the developer shall obtain a subdivision number from the County.

Subdivision Boundary

32. The proposed boundary shown on the tentative map includes a portion of the Center Street right of way west of Oak Street. In lieu of abandoning the right of way, the City intends to close that portion of Center Street to traffic and issue a special encroachment permit for use by the Project. The developer shall modify the boundary on the Final Map to exclude any existing public street right-of-way.

Use of Public Street Right of Way

33. Prior to approval of the final map and/or any construction documents, the developer shall obtain a special encroachment permit allowing the uses and improvements shown on the tentative map over the northerly 19' of the High Street right of way, west of Oak Street.
34. Prior to approval of the final map and/or any construction documents, the developer shall obtain a special encroachment permit allowing the uses and improvements shown on the tentative map over the portion of the Center Street right of way, west of Oak Street, presently shown as being within the project boundary.
35. Prior to approval of the final map and/or any construction documents, the developer shall obtain a special encroachment permit allowing the uses and improvements shown on the tentative map over the portion of the Oak Street right of way, adjacent to project boundary.

Homeowners Association

Note: A developer has not indicated a preference regarding future ownership and maintenance responsibilities. For the purposes of these conditions of approval, it is assumed that all of the property will be "common area" with the exception of partition walls within each unit, either residential or commercial. Future owners (either commercial or residential) will have sole fee title interest only in the "airspace" within their units and will have a prorated share interest in all of the common areas and common area improvements

(including the building itself). Maintenance of all common area improvements will be the responsibility of a Homeowners Association funded by the property owners. Should the developer wish to propose a different approach, any change would have to be approved by the City of Clayton City Council.

36. Prior to approval of the final map, the developer shall submit the proposed Covenants, Conditions, and Restrictions (CC&Rs) for review and approval by the City. Prior to issuance of any certificate of occupancy, the developer shall have the City-approved CC&Rs recorded in the County Recorder's Office and a copy of the recorded documents submitted to the City. The CC&Rs shall include a provision barring any changes or revisions without prior approval by the City.
37. Prior to issuance of any certificate of occupancy, the developer shall form a Homeowners Association comprised of all the project property owners, both commercial and residential. The Homeowners Association shall be responsible for the operations and maintenance of all common area improvements and facilities, including stormwater, trash, and creek maintenance, monitoring, and reporting necessary to comply with NPDES requirements. Further, the Homeowners Association shall be responsible for the maintenance of all improvements located on existing street rights of way being utilized by the project under special encroachment permits and as shown on the tentative map.
38. The developer shall record disclosure statements with the deeds for the project's lots. The disclosure statements shall be reviewed and approved by the City Attorney and the Community Development Director and shall address the following issues.
 - a. Special events occur throughout the year in the downtown area and at Endeavor Hall, which may temporarily increase noise levels at the residential properties as well as increase traffic and demand for parking.
 - b. Special events occur throughout the year in the downtown area which result in the closure of adjacent streets except for emergency vehicle access. During these events vehicular access to and from the project may be prohibited (i.e., Oak, High, Center, and Main Streets). Vehicular access to and from Oak Street via Roundhill Place will remain open.
 - c. Commercial land use and zoning designations on adjacent properties to the east of the project site allow a variety of commercial activities, including parking lots and multi-story commercial buildings. It is the policy of the City of Clayton to encourage commercial development of the commercially-zoned properties in the Town Center.
 - d. The City of Clayton owns the parcel (APN 119-016-005) at the northwest corner of High Street and Diablo Street. The property will initially be developed as a parking lot for the general public. In the future, the property may be developed as a multi-story parking structure or a multi-story commercial building.

Condominium Plan

39. Prior to issuance of any certificate of occupancy, the developer shall have prepared and recorded a condominium plan delineating the proposed commercial and residential units. The condominium plan shall be submitted to the City for review prior to recordation. A certified copy of the recorded condominium plan shall be provided to the City prior to issuance of any certificate of occupancy.

General Engineering Conditions

40. All work shall be designed and constructed in accordance with the Municipal Code, as well as the City's Standard Plans and Specifications, and to the satisfaction of the City Engineer.
41. Upon approval of the final map, the subdivision shall be annexed into the existing City of Clayton Street Light Assessment District.
42. Upon recording of the final map, the City shall be given a full size, reproducible, photo mylar copy of the recorded map and an electronic file of the map in a form which can be imported into AutoCAD, and configured as directed by the City Engineer. Upon completion of the improvements and prior to City Council acceptance, the City shall be given a full size, reproducible, photo mylar copy of the improvement plans, and an electronic version in AutoCAD, annotated to reflect any changes that occurred during construction and signed by the Project Engineer.
43. The developer shall ensure that all project contractors shall conform to the requirements of the "Best Management Practices for Construction Sites" required by the City, including detention and/or filter materials to preclude an increase in water quantity and quality impacts from debris and sediments entering the stormwater system over "non-development" conditions.
44. The developer shall identify the Best Management Practices for protection of air quality to minimize the generation of dust during construction. Such measures shall be included within the project grading plan and shall be approved prior to issuance of project grading permits.
 - a. Earthmoving or other dust-producing activities shall be suspended during periods of high winds (i.e., instantaneous wind gusts of 25 mph or greater);
 - b. Equipment and manpower for watering of all exposed or disturbed soil surfaces shall be provided at least twice daily on any day of high winds or when construction activities occur, including weekends and holidays. A dust suppressant, added to the water before application, shall be used;
 - c. Stockpiles of debris, soil, sand or other materials that can be blown by the wind, shall be watered or covered;
 - d. Construction area and adjacent streets shall be swept of all mud and debris, since this material can be pulverized and later re-suspended by vehicle traffic;
 - e. A compliance officer, responsible for implementation and monitoring, shall be identified as part of the grading permit process.
45. The developer shall connect to the sanitary sewer system, obtain applicable permits, and pay applicable fees required by the City of Concord Public Works Department.
46. If archeological, historical or Native American materials are uncovered during any construction or pre-construction activities on the site, all work within 100 feet of these materials shall be immediately stopped. The Community Development Department and a qualified professional archeologist shall be notified. Work within this area shall not recommence until the archeologist has had an opportunity to evaluate the significance of the find, and outline appropriate mitigation measures, if they are deemed necessary.
47. Grading permits and stormwater permits shall be obtained from the City Engineer.

48. Construction sequencing and work times shall be adjusted as may be required by the City Engineer to minimize impacts and inconveniences during school drop-off and pick-up times.
49. Access to and over the High Street bridge at Mitchell Creek shall be maintained at all times for those residents located on the west side of the bridge. In the event that access must be restricted for some limited period, the contractor shall coordinate the closure with residents west of the bridge to the satisfaction of the City Engineer.

Street Construction Conditions

50. High Street - All existing improvements are to be removed and new improvements constructed generally as shown on the tentative map and to the satisfaction of the City Engineer.
51. Oak Street - All existing improvements are to be removed and new improvements constructed generally as shown on the tentative map and to the satisfaction of the City Engineer, except for the proposed planter within the parking lane which is not approved.
52. The sidewalk along Oak Street shall be colored, stamped concrete and shall match the color and pattern of the Town Center sidewalks.
53. Upon completion of building construction, the existing pavement on Oak Street from Center Street to High Street, including the intersections and other areas as may be determined by the City Engineer, shall be slurry sealed and restriped to the satisfaction of the City Engineer.
54. Any existing street, sidewalk, curb, gutter, or other existing improvement which, in the sole opinion of the City Engineer, is damaged by any party at any time, either on or adjacent to the project site, shall be repaired by the Developer, at his sole cost, to the satisfaction of, and in the manner required by, the City Engineer.

Stormwater Control and Treatment Conditions

55. The improvement plans shall reflect that all on-site storm drain inlets shall be labeled "No Dumping – Drains to Creek" using thermoplastic stenciling or equivalent permanent method, subject to City approval.
56. Prior to issuance of any construction permits, a final Storm Water Control Plan, satisfying all of the latest requirements of the terms of the City's Stormwater Discharge Permit, shall be submitted for review and approval by the City.
57. The volume and rate of stormwater runoff from the site shall be comparable to pre-development conditions to the maximum extent practicable. The project shall bear the financial responsibility of the construction and perpetual maintenance (including monitoring and reporting) of these facilities with a funding mechanism acceptable to the City that addresses costs for capital replacement, inflation, and administration.
58. Any exterior building washing/cleaning, exterior window washing/cleaning or sidewalk washing/cleaning shall comply with Best Management Practices (inlets protected and water vacuumed) and be done only by a certified surface cleaner. Such certification shall

be recognized by the Contra Costa Clean Water Program. In addition any contracts for such cleaning by the property owner or tenants shall also include language requiring the compliance with Best Management Practices and certification. Documentation, monitoring, and reporting shall be included in the Stormwater Operation and Maintenance (OMP).

59. All pest management practices for the site and building by the property owner and or tenants shall also and done by company that is Integrated Pest Management (IPM) Certified. Such certification shall be recognized by the Contra Costa Clean Water Program. In addition any contracts for such cleaning by the property owner or tenants shall also include language requiring the compliance with Best Management Practices and certification. Documentation, monitoring, and reporting shall be included in the OMP.
60. The Property Owner shall be responsible for the perpetual maintenance of the site's storm drain system, including the monitoring of the storm drain facilities. In addition, the Property Owner shall be responsible for any future stormwater quality and quantity reporting requirements by the Regional Water Quality Control Board.
61. The Mosquito and Vector Control District and its contractors shall have the right of access to conduct inspections and maintenance of all on-site drainage devices. Such rights shall be conveyed in the property owner documents and any property rental or lease documents.
62. The developer shall remove the existing curb cut and driveway apron across the sidewalk on the Oak Street frontage of the project site and shall restripe the pavement as required by the City Engineer. The replacement sidewalk shall be paved with a colored and wood-stamped paving surface which matches the color and texture of the sidewalks in the Town Center.
63. All work shall be designed and constructed in accordance with the *Municipal Code*, as well as the City's Standard Plans and Specifications.
64. The improvements to be installed by the Developer shall generally conform to those shown on the site plan, as said improvements may be modified by these conditions of approval and/or the City Engineer.
65. The developer shall be solely responsible for obtaining any right of way and/or easements necessary to permit the construction of the proposed improvements.
66. The ramp across the sidewalk at the southwestern corner of the site, which is for refuse and recycling pickup purposes, shall meet ADA requirements as the ramp will cross the public sidewalk.
67. Prior to the issuance of the certificate of occupancy for the fourth residential unit, the developer shall provide one of the residential units affordable to low-income households with deed restrictions in accordance with the City of Clayton Housing Element and Redevelopment Agency requirements to the satisfaction of the Community Development Director.

Agency Conditions

68. The developer shall connect to the sewer system and obtain applicable permits required by the City of Concord Public Works Department.
69. The Developer shall satisfy Contra Costa County Fire Protection District requirements as follows:
- a. Access must be capable of supporting the imposed fire apparatus loading of 37 tons. (503) CFC.
 - b. Access roadways (High Street) of less than 28-foot unobstructed width shall have signs posted or curbs painted red with the words *NO PARKING – FIRE LANE* clearly marked. (503.3) CFC.
 - c. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 1750 GPM. Required flow must be delivered from not more than one (1) hydrant flowing for a duration of 180 minutes while maintaining 20-pounds residual pressure in the main. (508.1, (B105) CFC.
 - d. The developer shall provide one (1) hydrant of the East Bay type. Final placement of hydrant(s) shall be determined by the Fire District. (C103.1) CFC.
 - e. The developer shall submit three (3) copies of site improvement plans indicating all existing or proposed hydrant locations and fire apparatus access for review and approval prior to obtaining a building permit. (501.3) CFC.
 - f. The required hydrant shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site. (501.4) CFC.
 - g. The building proposed shall be protected with an approved automatic fire sprinkler system. Submit three (3) sets of plans to the Fire District for review and approval prior to installation. (903.2) CFC, Contra Costa County Ordinance 2007-47.
 - h. Vegetation clearance requirements in urban-wildland interface areas shall be in accordance with the *International Wildland-Urban Interface Code*. (304.1.2) CFC.
 - i. The developer shall submit three (3) complete sets of building plans and specifications of the subject project, including plans for the following required submittals, to the Fire District for review and approval prior to construction to ensure compliance with minimum requirements related to fire and life safety. Plan review fees will be assessed at that time.
 - Private underground fire service water mains
 - Fire sprinklers

Plans are to be submitted to: Contra Costa County Fire Protection District
2010 Geary Road
Pleasant Hill, CA 94523

The Fire District reference for this project is as follows:

CCCFPD Project No.: 113977-PL

- j. Open-flame grills on the balconies on the east elevation facing Oak Street shall be subject to all Fire Code restrictions, regulations, and prohibitions.

70. The Developer shall provide an adequate number of hydrants of the “East Bay” type at locations determined by the Fire Protection District.
71. Prior to approval of building permit, the Developer shall obtain written approval from Allied Waste Services that the facility can be serviced and the waste container options that would be acceptable given the range of tenant occupancies within the project and submit such written documentation to the Community Development Department.
72. The property owner is responsible for ensuring refuse and recycling pickup services are provided as often as necessary in order to ensure refuse and recycling receptacles do not overflow. Documentation, monitoring, and reporting shall be included in the OMP.
73. Prior to building permit approval applicant/developer shall provide documentation that the waste/recycling area can meet state regulations regarding mandatory space for recycling.
74. The Developer shall obtain a building permit from the Contra Costa Building Department in accordance with applicable California Building Code (CBC) requirements prior to commencement of the construction of the project.
75. The Developer shall satisfy Contra Costa Water District (CCWD) requirements as follows:
 - a. Treated and Untreated water service is governed by CCWD Code of Regulations Section 5 (Reg 5).
 - b. The two existing services will need to be relocated from their current locations (which will become a sidewalk/walkway) to a better location at the side of the building.
 - c. New meters should be “banked” at one location, each serving individual units.
 - d. A separate meter for landscape irrigation may be required (Reg. 5.32.020).
 - e. A common fire service will be required for the building.
 - f. Water service will likely require backflow prevention devices, which could reduce water pressure. Proper planning is necessary to ensure backflow prevention devices are located appropriately.
 - g. Location of all new and relocated services must be coordinated with developer to ensure acceptable installations for CCW, the City, and the developer.

Standard Condition

76. The developer 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, judgments, liens, levies, costs, and expenses of whatever nature, including, but not limited to, attorney’s fees, costs, 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, and any 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 are not part of the conditions of approval.

1. Prior to obtaining a building permit, the developer shall prepare an erosion and stormwater control plan for review and approval by the City Engineer (CMC § 13.12.050).
2. Prior to commencement of grading, demolition or construction activities the developer shall obtain City approval of a construction and demolition recycling plan (CMC § 15.80.040).
3. Prior to performing any work in the public right of way, the developer shall obtain an encroachment permit from the City Engineer.
4. Prior to any grading or construction, the developer shall obtain a Stormwater Permit from the City Engineer.
5. An administrative use permit from the Community Development Director is required for any outdoor seating.
6. A master sign plan must be approved by the Planning Commission prior to installation of any signage.
7. A tree removal permit is required prior to removing any trees with a single or multiple trunk diameter of six inches or greater (CMC §15.70.020).
8. 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) located at 1005 Oak Street, 925-672-9700.
9. The developer shall obtain the necessary building permits from the Contra Costa County Building Inspection Department.
10. The developer shall comply with all applicable state, county, and city codes, regulations, and adopted standards.
11. 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 located at 2010 Geary Road, Pleasant Hill, 925-930-5500.
12. Development impact and related fees (including, but not limited to, community facilities development, off-site arterial improvement, childcare, parkland dedication, open space in-lieu, and habitat conservation fees) shall be paid per applicable City Code regulations and resolution.

To: City of Clayton

Subj: Creekside Terrace Development Plan

From: Jerry Davis (6000 High St)

RECEIVED

JAN 6 2019

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT.

Dec 10, 2019

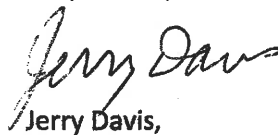
I have voiced my concerns regarding this project previously in writing. The City should have those concerns in writing and on video.

This project negatively impacts me and neighbors in multiple ways:

1. Accessibility. There is not adequate access to the building and our driveway will be negatively impacted. Cars, delivery trucks, shoppers, walkers will take advantage of our driveway.
2. Parking. There is not enough adequate parking and again our driveway will be impacted.
3. Our private bridge is our only access to our properties. Because of the immediate proximity of this project to this bridge it "invites" people to trespass.
4. My gas line hangs from the bridge.
5. Next to the bridge, a sewer line crosses the creek. We are continually asking kids to quit walking on it. It is dangerous. Again, this project "invites" more people to trespass.
6. Our garbage is picked up next to the bridge. This project creates another problem for us.
7. Noise. We will be negatively impacted by noise.

There isn't enough room for a project of this size.

Respectively,



Jerry Davis,

6000 High St

Clayton, CA

ATTACHMENT D

RECEIVED

JAN 6 2019

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT.

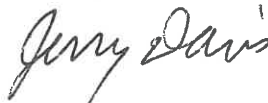
Dec 24, 2019

To: City of Clayton
From: Jerry Davis
Subj: Creekside Terrace Plan

This letter is to further reinforce the statements I submitted to the Planning Dec 10.

1. Accessibility. Our driveway is not a public street. High Street ends at Oak St. It is not open to the public and can't be encumbered by "anyone" at any time. This has been verified by the City Postmaster, the County Postmaster as well as the County mapping Dept. "High St. ends at Oak St. Our mailboxes have to be placed facing Oak St. because the Postmaster stated the mail can't be delivered down a private driveway. In addition, entering and exiting this private driveway is problematic under normal circumstances, due to the excessive use of Oak St.
2. The other concerns previously mentioned such as the gas line, the sewer pipe, the private bridge, the garbage pickup for all the people living on the West side of the private bridge and parking issues makes the Creekside Terrace Plan a legal night mare.

Respectively,



Jerry Davis

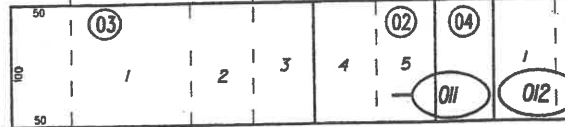
P.S. I showed up on the scheduled meeting on Dec 24th, but nobody was there.

MDBM

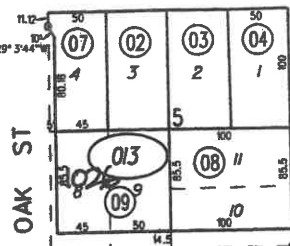


CLAYTON ROAD

PB
118

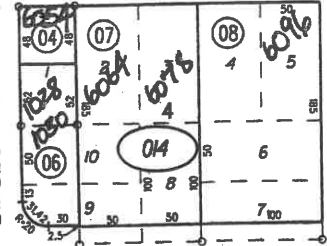


MAIN ST



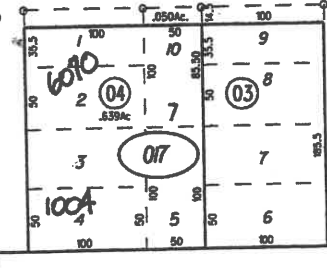
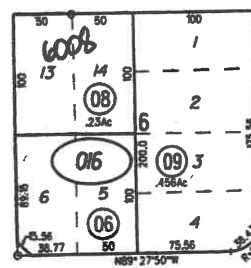
OAK ST

DIABLO ST

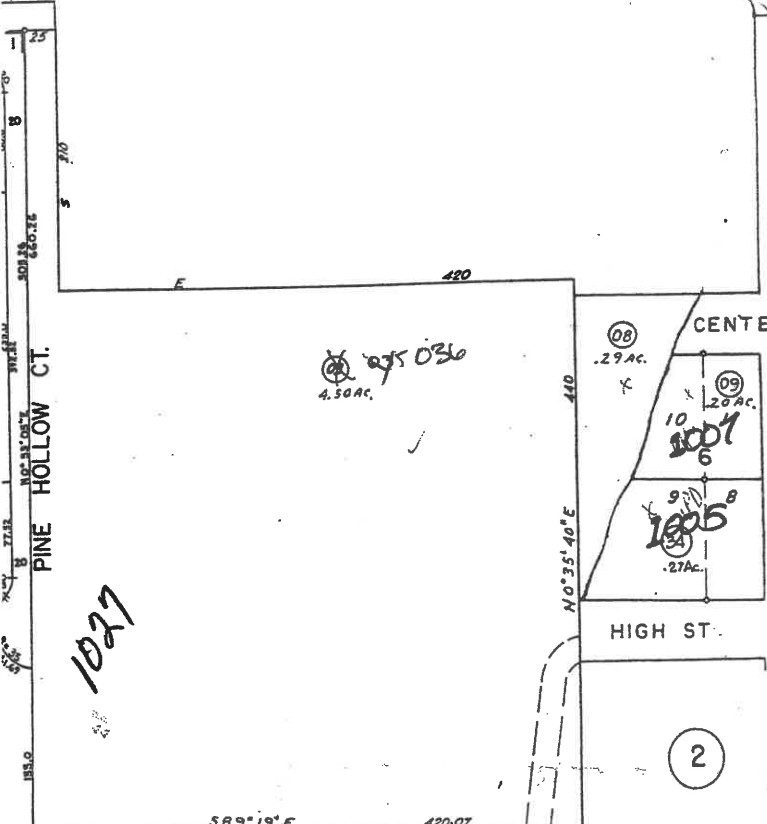


MORRIS ST

CENTER ST



02



4.50 AC

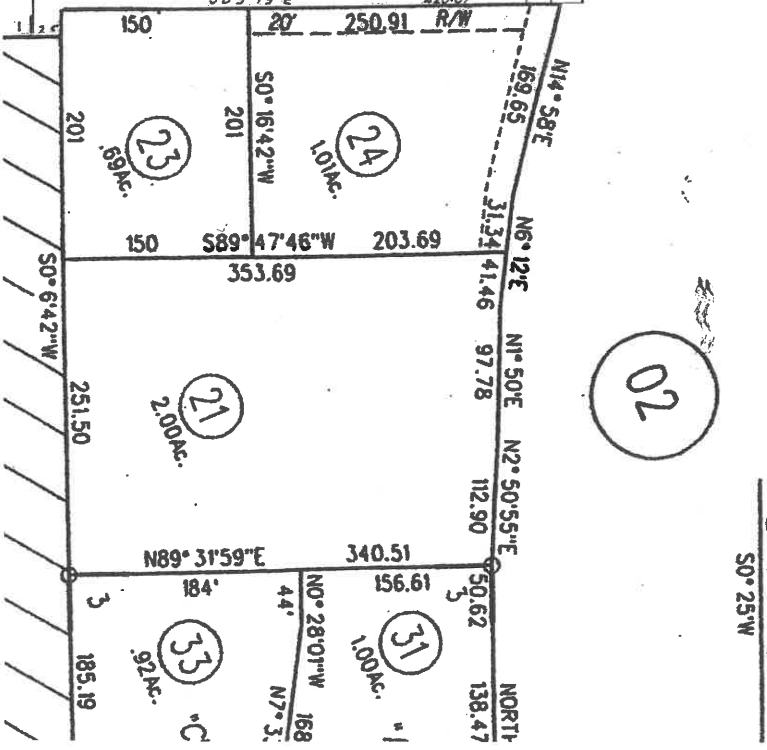
08
.29 AC

09
2.0 AC

10
1.00 AC

HIGH ST

2



589°19'E 250.91 R/W

201
.69 AC
201
1.01 AC

150 589°47'46"W 203.69
353.69

201
2.00 AC

340.51
184°
44°
NO 28°01'W 168
N7°3'
50.62
138.47
31
1.00 AC
35
.92 AC

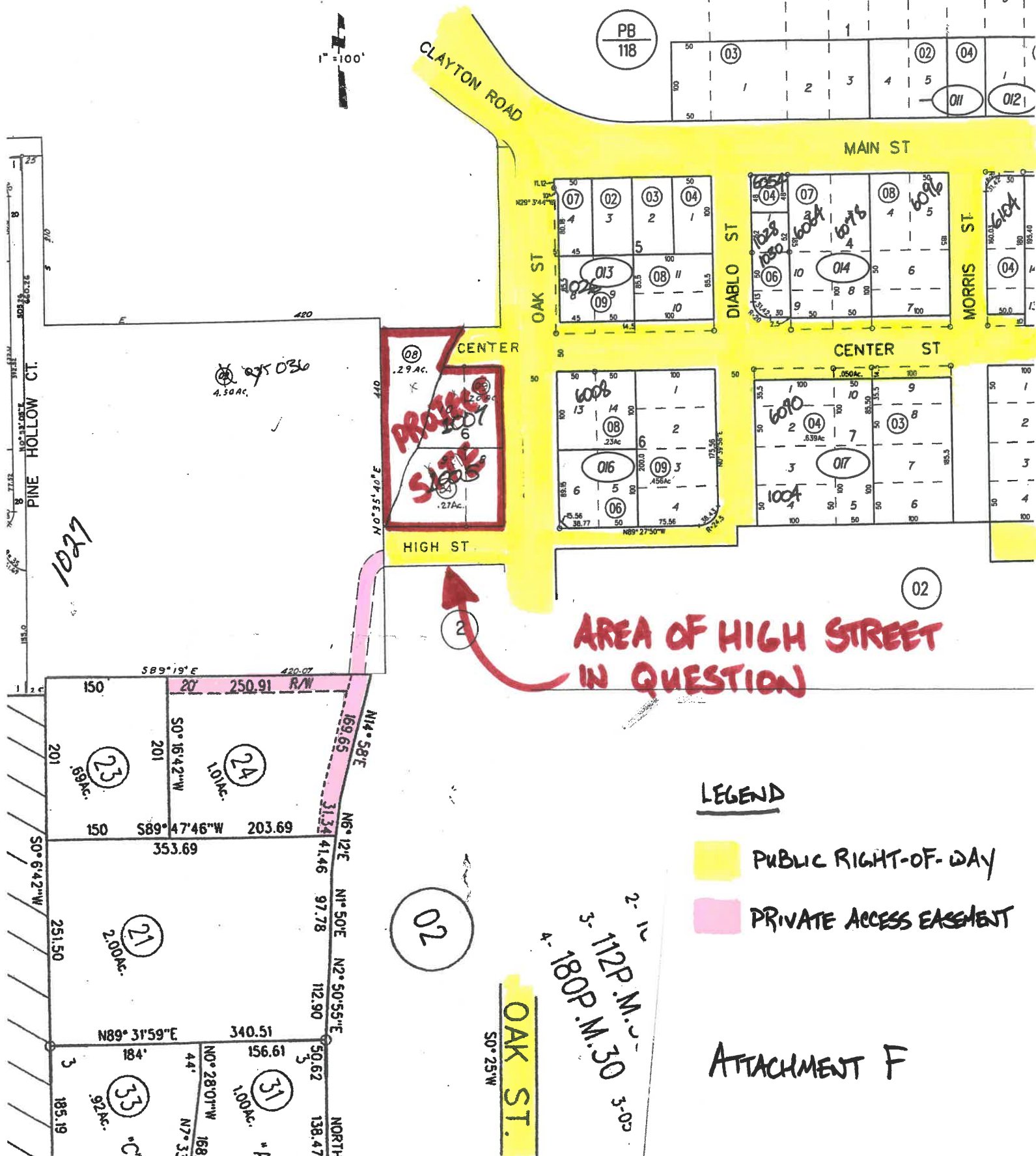
02

OAK ST.
S0°25'W

2-12
3-112P.M. ~
4-180P.M.30
3-05

ATTACHMENT E

MDBM



LEGEND

- PUBLIC RIGHT-OF-WAY
- PRIVATE ACCESS EASEMENT

ATTACHMENT F

02

OAK ST.
50° 25' W

2-12
3- 112P.M. -
4- 180P.M. - 30
5- 00

1027

025 036
4.50 AC.

PROPOSED SITES
08 .29 AC.
06
05
04
03
02
01
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09
010
011
012

TO
165
02-2