



## **PLANNING COMMISSION AGENDA**

### **Regular Meeting**

**7:00 P.M. on Tuesday, December 11, 2018**

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. Commissioner A. J. Chippero to report at the City Council meeting of December 18, 2018 (alternate Vice Chair Peter Cloven).

**3. PUBLIC COMMENT**

**4. MINUTES**

4.a. Approval of the minutes for the August 28, 2018 Planning Commission meeting.

**5. PUBLIC HEARINGS**

5.a. **UP-02-18, Use Permit, St. John's Episcopal Church, 5555 Clayton Road, APN: 118-101-025.** A request for approval of a Use Permit to allow a preschool to operate at St. John's Episcopal Church. The preschool is proposed to operate Monday through Friday from 6:30 a.m. to 6:00 p.m., offering full day and half day programs using four existing on-site classrooms and a play area for a maximum of 60 children ranging from 2 to 5 years of age.

**Staff Recommendation:** Staff recommends the Planning Commission receive and consider the staff report and all information provided and submitted to date, receive and consider any public testimony, and if determined to be appropriate, conditionally approve Use Permit UP-02-18 for a preschool at the St. John's Episcopal Church site located at 5555 Clayton Road in Clayton.

- 5.b. **ENV-01-08, DP-01-08, MAP-02-09, TE-02-18, 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, 2020. This request is in accordance with Sections 17.28.190 (Development Plan) and 16.06.030 (Subdivision Map) of the Clayton Municipal Code.

**Staff Recommendation:** Staff recommends the Planning Commission adopt the attached Resolution No. 05-18, thereby extending for one year the Creekside Terrace Development Plan and Vesting Tentative Map through January 6, 2020.

**6. OLD BUSINESS**

None.

**7. NEW BUSINESS**

None.

**8. COMMUNICATIONS**

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

**9. ADJOURNMENT**

- 9.a. The next regularly-scheduled meeting of the Planning Commission on **Tuesday, December 25, 2018** has been cancelled. The next regular meeting of the Planning Commission is scheduled for **Tuesday, January 8, 2019**.

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 925-673-7300. 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, August 28, 2018**

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

Chair Carl Wolfe called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton, California.

Present: Chair Bassam Altwal  
Vice Chair Peter Cloven  
Commissioner A. J. Chippero  
Commissioner William Gall  
Commissioner Carl Wolfe

Absent: None

Staff: Community Development Director Mindy Gentry  
Assistant Planner Milan Sikela, Jr.

**2. ADMINISTRATIVE**

- 2.a. Review of agenda items.
- 2.b. Declaration of Conflict of Interest.
- 2.c. Chair Altwal to report at the City Council meeting of September 4, 2018.

**3. PUBLIC COMMENT**

None.

**4. MINUTES**

None.

**5. PUBLIC HEARINGS**

- 5.a. **ENV-02-17, MAP-01-17, Parcel Map, Dan Condon, 500 Douglas Road, APN: 119-560-012.** A request for approval of a Parcel Map to subdivide an existing 1.47-acre lot into three parcels. The proposed southernmost parcel would contain the existing single-family residence and the remaining two northernmost parcels would create two single-family residential lots. Pursuant to California Environmental Quality Act (CEQA) Guidelines 15303, 15315, and 15332, the project is categorically exempt from CEQA, and pursuant to CEQA Guideline 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

Assistant Planner Sikela presented the staff report.

Commissioner Wolfe asked will the applicant be abandoning or removing the existing onsite septic tank? Assistant Planner Sikela indicated that the decision to either abandon or remove the existing onsite septic tank would be under the purview of the Contra Costa County Environmental Health Department and the City Engineer.

Commissioner Chippero had the following questions:

- Does the subject property slope upward from the north to the south? Assistant Planner Sikela responded “Yes.”
- Are the properties located west of the subject property higher or lower in elevation than the subject property? Assistant Planner Sikela responded that the properties located west of the subject property are lower in elevation than the subject property.
- Are the properties located east of the subject property higher or lower in elevation than the subject property? Assistant Planner Sikela responded that the properties located east of the subject property are higher at the north end of the subject property but, as the subject property rises in elevation, the subject property becomes similar in elevation to the properties located east of the subject property.

Commissioner Gall asked if there was an access easement from a public road to the subject property. Assistant Planner Sikela responded that Douglas Court is a public street that is accessed from the subject property by an access easement entitled Douglas Road.

Vice Chair Cloven had the following questions and comment:

- Is this a parcel map request to subdivide the subject property into three lots? Assistant Planner Sikela responded “Yes.”
- What are the proposed improvements that are slated to occur as part of the project? Assistant Planner Sikela responded that the improvements will entail installation of utilities, the widening of Douglas Road, installation of a Contra Costa County Fire Protection District hammerhead turnaround, abandonment or removal of the septic tank, installation of stormwater infrastructure, and grading.
- So these proposed improvements are more general in nature and are for preparation of possible residences that may be constructed in the future? Assistant Planner Sikela confirmed that was correct.
- Will any possible residences that may be constructed in the future come before the Planning Commission for review? Assistant Planner Sikela indicated that was correct and that future proposed residences would be brought before the Planning Commission for review.
- I have concerns about how the bioswales and bioretention facilities will work. Assistant Planner Sikela indicated that the bioretention infrastructure was initially overdesigned for higher capacity runoff but, after review by the City Engineer, the developer concurred that the bioretention facilities would be constructed in accordance with the current Stormwater C.3 Guidebook so your concerns were discussed at length between the City Engineer and developer as related to grading and impacts to off-site areas.
- It is interesting that the subject property is zoned Planned Development. Assistant Planner Sikela indicated that the unique shape of the subject property harkens back to a more rural time in Clayton’s history with many non-conforming lots, in terms of size and shape, being located in this older area of town. From staff’s perspective it would appear that Planned Development zoning was used since it is a more flexible zoning designation that allows for alternating lot sizes and shapes.

- Regarding the open space requirements, the subject property appears to be too small to provide active and passive open space areas and it would seem that paying the open space in-lieu fee would be a more viable option for the developer.
- Would the open space in-lieu be addressed in the future when the structural development portion of the project is reviewed by the Planning Commission? Director Gentry indicated that payment of the in-lieu fee would be handled at the staff level and the issue would not come back before the Planning Commission.

Chair Altwal had the following questions:

- For the three proposed lots, why did staff use comparisons to R-15 lot sizes rather than R-20 lot sizes? Assistant Planner Sikela indicated that the proposed net sizes of the three lots would be smaller than the minimum 20,000 square-foot lot area requirement for properties located in the R-20 District. Also, staff felt that the newly-created lots would be a transitional area from the smaller lots in the R-10 District to the east of the subject property and the larger R-40-H lots to the west of the subject property.
- What is the open space in-lieu fee used for? Assistant Planner Sikela indicated that the open space in-lieu fee can cover, but not be limited to, the upgrading, improving, and maintaining public open space areas such as parks, medians, and other landscape areas. Director Gentry indicated that the open space in-lieu fee would be divided between the active and passive areas and, additionally, the City Council is considering plans to use the active fees collected up to this point to upgrade the play structure in North Valley Park.
- What sort of mechanism is in place to ensure that each property owner does their part to maintain the stormwater facilities? Director Gentry indicated that the City is ultimately responsible for stormwater facility inspections in compliance with Regional Water Quality Control Board regulations and contracts with a firm that performs inspections; however, each property owner is responsible to maintain and upkeep the stormwater facilities which is ensured through inspections. If the property owner does not maintain the stormwater facilities, then it becomes a code enforcement issue.
- Who is paying for the two new fire hydrants? Assistant Planner Sikela said the developer would pay for the two new fire hydrants.
- Any residence proposed for the northernmost lot would face challenges given the steep topography of the lot. Vice Chair Cloven concurred with Chair Altwal's concern regarding the topography of the northernmost lot.

The public hearing was opened.

Dan Condon, the applicant/developer, indicated the following:

- The existing house on the project site was constructed in 1951, many years before Clayton was incorporated in 1964, so that is the reason for the unique attributes associated with the project site.
- The City Engineer also raised the same concerns regarding the stormwater detention basin, so I made sure to over-engineer the basin and have worked with the City Engineer to ensure compliance.
- The septic tank will be abandoned or removed in accordance with applicable State requirements.

Chair Altwal had the following questions:

- How long have you lived in the house? Mr. Condon responded that he and his family have lived in the house for 14 years.
- Have you had any previous issues with runoff or drainage negatively impacting off-site areas? Mr. Condon responded that he has never had any issues with runoff or drainage negatively impacting off-site areas.

Julie Todd, 938 Douglas Court, expressed concerns that extreme care be taken while installing project-related improvements, especially the stormwater detention basin, since there is a steep slope between the project site and her property and she wants to ensure that the integrity of the slope is maintained.

Mr. Condon indicated that the stormwater detention basin would be designed with shotcrete and would only be a conveyer of water during specific storm events and not just be filled with ponding water the entire time.

Vice Chair Cloven indicated that the purpose of the stormwater detention basin, as required by the Regional Water Quality Control Board, is to capture runoff and filter it slowly out so that pollutants are removed from the water before it percolates back into the creek. Furthermore, installation of the stormwater detention basin would actually reduce the drainage that occurs now and, therefore, provide a mitigation of runoff impacts to the existing slope.

Ms. Todd had the following questions:

- How deep is the stormwater detention basin? Mr. Condon indicated that the stormwater detention basin is approximately three to four feet deep.
- Given the Planned Development zoning for the project site, is there any way high density development or something like a strip club could be built at the project site? Director Gentry indicated that, in accordance with the Single Family Low Density Residential General Plan land use designation, only low density residential development ranging from 1.1 to 3 units per acre would be allowed. In addition, deed restrictions would be recorded against the three subject lots prohibiting further subdivision of the lots so, as a result, the lots would not be able to be reduced in size or have new lots added.

Chair Altwal asked Ms. Todd if she has experienced any issues related to runoff and drainage? Ms. Todd responded, no, but, in the five years she has lived in the house, is has not rained hard enough to ascertain impacts related to runoff and drainage.

Rick Ludlow, 938 Douglas Court, indicated that the slope has been stable up to this point and just wanted to make sure that, even though the stormwater infrastructure has been designed for a 50-year flood, the stability of the slope is not impacted by the stormwater infrastructure.

Mr. Condon indicated that the stormwater infrastructure has been over-engineered above and beyond the State stormwater regulations.

Bill Jantzen, 932 Douglas Court, indicated he had concerns with garbage trucks being able to access the project site.

Mr. Condon indicated that the existing 12-foot road would be widened to 16-feet within the 20-foot access easement and a paved hammerhead turnaround would be installed to allow for such vehicles as garbage trucks, fire safety vehicles, and ambulances to have better access as well as a place to turn the vehicles around.

Mr. Jantzen also indicated he was concerned about project-related impacts to two existing oak trees located along the shared property line between his property and the project site.

Mr. Condon indicated that he did not foresee any impacts occurring to the two existing oak trees.

Director Gentry indicated that the Planning Commission has the option to add a condition that requires the applicant to procure the services of an arborist to be on-site in order to ensure the protection of the two existing oak trees.

Julie Rogers, 550 Douglas Court, indicated she owns the property directly adjacent to and south of the project site and supports approval of the project.

Ms. Todd asked how long the construction component of the project would take.

Mr. Condon replied that, once all the necessary approvals and permits are obtained from the applicable agencies, his estimate that installation of the improvements would take approximately six weeks.

The public hearing was closed.

Commissioner Chippero asked if the two oak trees were large enough to be considered heritage oak trees.

Mr. Condon replied that the two oak trees were small and would not be considered as heritage oak trees.

Assistant Planner Sikela indicated that there is a tree removal permit process administered by the City wherein trees that are greater than six inches in diameter at 4.5 feet above the ground would require the issuance of a permit to be removed unless the trees were planted for mitigation or other project-related purposes, in which case even trees smaller than the standard threshold would require a permit to be removed. Regarding the two existing oak trees, the standard threshold would apply for removal of the trees.

Vice Chair Cloven indicated that he was satisfied with the basic improvements being proposed as part of the parcel map but was interested in seeing what would be proposed in the future as the project site is developed further.

Commissioner Wolfe indicated that he concurred with Vice Chair Cloven's comments and added that it appears that, given the fact that over the years the slope has not experienced destabilization or negative impacts related to runoff and drainage, the engineering proposed as part of the stormwater infrastructure would not create any impacts to the slope.

Chair Altwal indicated that he concurred with Vice Chair Cloven's comments.

Vice Chair Cloven moved and Commissioner Wolfe seconded adopt Planning Commission Resolution No. 04-18 approving the Douglas Road Parcel Map, with the findings and conditions recommended by staff. The motion passed 5.0.

**6. OLD BUSINESS**

None.

**7. NEW BUSINESS**

None.

**8. COMMUNICATIONS**

8.a. Staff

None.

8.b. Commission

Commissioner Gall indicated he would not be attending the regularly-scheduled Planning Commission meeting of September 25, 2018.

**9. ADJOURNMENT**

9.a. The meeting was adjourned at 8:15 p.m. to the regularly-scheduled meeting of the Planning Commission on September 11, 2018.

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Submitted by  
Mindy Gentry  
Community Development Director

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Approved by  
Bassam Altwal  
Chair



**PLANNING COMMISSION  
STAFF REPORT**

**Meeting Date:** December 11, 2018

**Item Number:** 5.a.

**From:** Milan J. Sikela, Jr.   
Assistant Planner

**Subject:** Public Hearing to consider a Use Permit for a preschool to operate at the St. John's Episcopal Church (UP-02-18)

**Applicant:** St. John's Episcopal Church

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**REQUEST**

St. John's Episcopal Church, the applicant, requests approval of a Use Permit for a preschool, with up to sixty (60) children ranging in age from two to five years old, to be located at the St. John's Episcopal Church at 5555 Clayton Road.

**PROJECT INFORMATION**

**Location:** 5555 Clayton Road  
APN: 118-101-025

**General Plan Designation:** Institutional Density (ID).

**Zoning:** Planned Development (PD).

**Environmental Review:** This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline 15301 – Existing Facilities and pursuant to CEQA Guideline Section 15301(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

**Public Notice:** On November 30, 2018, a public hearing notice was published in the East Bay Times, posted at the notice boards, and mailed to property owners within 300 feet of the project site.

**Authority:** Any Use Permit considered by the Planning Commission shall be reviewed and approved in accordance with the standards in Section 17.60.040 and the required findings in Section 17.60.060 of the Clayton Municipal Code.

## **DISCUSSION**

The applicant, St. John's Episcopal Church, requests approval of a Use Permit for a preschool to operate at the St. John's Episcopal Church located at 5555 Clayton Road. A vicinity map is provided as **Attachment A**. Daycare services are also proposed as part of the services offered. Because the proposed services involve the care and supervision of children, a license is required from the State of California's Community Care Licensing Division. Staff has provided a condition of approval that the applicant shall obtain all applicable licensing and approvals as related to the supervision of children and shall provide documentation of this approval to City staff prior to operation of the facility.

Currently at the 2.36-acre site, the Church facility is serviced by an 82-space parking lot and four existing classrooms are located in the northernmost building where instruction is proposed to occur (see **Attachment B** for the Preschool Plan). Each one of the four classrooms is approximately 400 square feet for a total of 1,600 square feet of instructional area. A Written Statement of Operation (see **Attachment C**) and an "Examples of Activities" list (see **Attachment D**) have been provided outlining the proposed operational elements. Staff has highlighted the following characteristics and amenities proposed to be involved with the operation of the preschool:

- Operation will occur year-round from 6:30 a.m. to 6:00 p.m. Monday through Friday, excluding holidays and a week-long closure in observance of Christmas.
- Full day and half day programs are proposed to be offered.
- The children receiving instruction range in age from two to five years old.
- A proposed maximum of 60 children are to receive instruction at the facility, with a maximum of 15 children per classroom.
- A proposed maximum of eight staff members and one "Site Director" will be on-site (nine total) to provide instruction and direction.
- The curriculum is proposed to involve different interest areas such as science, math, language, literacy, art, building, drama, and religious instruction involving Bible stories, prayers, and song.
- A recently constructed play area is proposed to be finalized ("wet tables" to still be installed) between the southernmost building and Clayton Road.

Section 17.60.030.A.1 and 17.60.030.A.9 of the Clayton Municipal Code (CMC) allows establishments involving school uses (public or private) and daycare uses with Planning Commission approval of a Use Permit. Furthermore, CMC Section 17.60.040 requires the following standards to be addressed during the consideration of a use permit: parking/access, traffic congestion, noise, air quality, and lighting, amongst others.

In accordance with CMC Section 17.37.030.A (Off-Street Parking Space Requirements), staff analyzed the proposal and determined that 25 off-street parking spaces are required for the proposed use. School uses require a parking space for each employee (9); plus 1 parking space for every 100 square feet of classroom (1,600 square feet). The existing 82-space parking lot results in sufficient parking for the proposed preschool and daycare uses. Staff notes the proposed uses will not create a parking conflict with the existing religious assembly uses because the two uses will occur during different days and times and will not coincide with one another, thereby ensuring adequate parking. In addition, the site allows for easy ingress from and egress to Clayton Road.

As part of the preschool operation, food is proposed to be prepared onsite and provided to the children. As a result, staff has provided a condition of approval that the applicant shall obtain Contra Costa County Environmental Health Department approval and provide documentation of this approval to the City prior to operation.

Also, the applicability of a trash/recycling enclosure will need to be reviewed by Republic Services, in conjunction with City staff, which may require the installation of an on-site enclosure. The enclosure is required to comply with the applicable design standards, which may require the enclosure to be constructed with a roof and be plumbed to the sanitary sewer. In addition, the trash/recycling enclosure shall be designed to be aesthetically consistent and architecturally complementary with the adjacent existing structures in terms of colors and materials. Staff has provided a condition that the applicant shall obtain Republic Services and City staff approval as well as provide documentation of Republic Services' approval to the City. Depending on the Republic Services requirements, this approval may include, but not be limited to, submittal of trash/recycling enclosure plans for review and approval by City staff in order to ensure that the enclosure is plumbed for sanitary sewer, designed with complementary colors and materials, and designed for functionality and structural compliance with applicable regulations.

As mentioned briefly above, included with the proposal is an existing enclosed play area for the children. The enclosed play area measures approximately 6,000 square feet in area (100 feet by 60 feet) and contains swings, a climbing structure, and a concrete pad. The applicant is also proposing to install tables in the play area.

Staff reviewed the subject proposal with the Contra Costa County Building Department and was informed that the applicant would need to obtain County Building approval of the proposal, including the outdoor play area, as it relates to the requirements of the California Building Code and the Americans with Disabilities Act (ADA). Staff has provided a condition that the applicant shall obtain County Building approval for the proposal and provide documentation of this approval to City staff.

## **CONCLUSION**

Staff has reviewed the proposal relative to the Use Permit standards of review in the Clayton Municipal Code and has determined that the proposal, as conditioned, is in conformance with the Clayton Municipal Code. The proposed findings of approval listed below specifically address the Use Permit standards.

## **RECOMMENDATION**

Staff recommends the Planning Commission receive and consider the staff report and all information provided and submitted to date, receive and consider any public testimony, and if determined to be appropriate, conditionally approve Use Permit UP-02-18 for a preschool at the St. John's Episcopal Church site located at 5555 Clayton Road in Clayton.

## **PROPOSED FINDINGS**

Based upon the evidence set forth in the staff report, which includes relevant information from the project application, as well as testimony at the public hearing, the Planning Commission makes the following findings that Use Permit UP-02-18, as conditioned:

1. Is in conformity the General Plan and any applicable Specific Plan.

The project is in conformity with the General Plan objectives, policies, and land use designation since school and daycare uses are an allowed use with review and approval of a use permit by the Planning Commission.

2. Is in conformity with City-adopted standards.

The project is in conformity with the City-adopted standards in the Zoning Ordinance, including the Use Permit standards of review by:

- a. Providing sufficient off-street parking for vehicles and bicycles as well as safe and effective access for vehicles, pedestrians, and bicycles.
- b. Not generating significant traffic congestion since the site allows for adequate ingress from and egress to Clayton Road and will generate less than 100 peak hour trips.
- c. Not generating significant intermittent or constant noise levels violating the General Plan Noise Element.
- d. Not generating significant levels of toxic or non-toxic dust, airborne particulate, fumes, or smells.
- e. Not generating exterior lighting to disturb surrounding properties or significant litter.

- f. Not resulting in crime or negative influences on minors.
  - g. Not representing a concentration of an activity that would be a detriment to the health, safety, and welfare of nearby residents, businesses, property owners, or employees.
3. Shall not negatively affect the general safety (e.g., seismic, landslide, flooding, fire, traffic) of the City or surrounding area.

The project entails preschool and daycare uses in existing classrooms within a church facility which will not affect the general safety as it pertains to seismic activity, traffic impacts, landslides, flooding, or fires.

4. Shall not have significant negative impacts on the health or general welfare of residents, businesses, property owners, or employees in the City.

The project entails preschool and daycare uses in an existing church which will not have significant negative impacts on the health or general welfare of residents, businesses, property owners, or employees in the City.

5. The permit will be in accord with the purpose of Use Permits as stated in Section 17.60.020 of the Clayton Municipal Code.

The project complies with the purpose of Use Permits as stated in Section 17.60.020 of the Clayton Municipal Code because: 1) the General Plan objectives, goals, and policies will be implemented and applied; 2) the granting of the Use Permit is not detrimental to the health, safety, and welfare of residents, businesses, property owners, and employees in the City; and 3) the Use Permit has been conditioned to promote compatibility with adjacent uses.

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

**PROPOSED CONDITIONS OF APPROVAL**

These conditions of approval apply to a preschool to be located at St. John’s Episcopal Church at 5555 Clayton Road (APN: 118-101-025) in Clayton.

1. The applicant shall 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.

2. The days and hours of operation shall be Monday through Friday from 6:30 a.m. to 6:00 p.m. and provide instruction and supervision to no more than sixty (60) children.
3. The applicant shall obtain the necessary permits from the Contra Costa County Environmental Health Department and provide approval documentation to the City.
4. The applicant shall obtain approval from Republic Services and City staff for the required trash/recycling collection requirements, which may include, but are not be limited to the submittal of trash/recycling enclosure plans for review and approval. The design requirements for the enclosure may include, but are not limited to, having the enclosure plumbed to the sanitary sewer, containing a roof, designed with complementary colors and materials, and designed for functionality and structural compliance with applicable regulations, including Republic Service regulations.
5. The applicant shall obtain all required applicable licensing and approvals from the appropriate agencies for the supervision and care of children and provide the approval documentation to the City prior to operation of the facility.
6. The applicant shall obtain the necessary permits from the Contra Costa County Conservation and Development Department. All construction shall conform to the California Building Code and all applicable requirements. The applicant shall provide approval documentation to the City prior to operation of the facility.
7. Any project-related signage shall require review and approval by the City in accordance with Clayton Municipal Code sign provisions.
8. Any changes to the preschool or daycare operations beyond the scope of this Use Permit shall require Planning Commission review and approval.
9. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursements, and any other payments that are due.

#### **ADVISORY NOTES**

Advisory notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; and (b) requirements imposed by other agencies. The advisory notes state requirements that may be in addition to the conditions of approval.

1. The applicant shall comply with all applicable State, County, and City codes, regulations and adopted standards including, but not limited to, Contra Costa County Environmental Health, City of Concord sewer, and Central Contra Costa Sanitary District requirements, as well as pay all associated fees and charges.

2. This Use Permit shall be used, exercised, or established within twelve months after the granting of the Permit, or a time extension must be obtained from the Planning Commission, otherwise the Permit shall be null and void (Clayton Municipal Code Sections 17.64.010 – 17.64.030).
3. All 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 specifically authorized in writing by the City Engineer (Clayton Municipal Code Section 15.01.101).
4. 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 4005 Port Chicago Highway, Suite 250, Concord, 925-941-3309.



**ATTACHMENTS**

- A. Vicinity Map
- B. Preschool Plan submitted by Applicant
- C. Written Statement of Operation submitted by Applicant
- D. Examples of Activities submitted by Applicant





VICINITY MAP

	<p><b>St. John's Episcopal Church</b> <b>Use Permit UP-02-18</b> <b>5555 Clayton Road</b> <b>APN: 118-101-025</b></p>	<p>N</p>  <p>(Not to Scale)</p>
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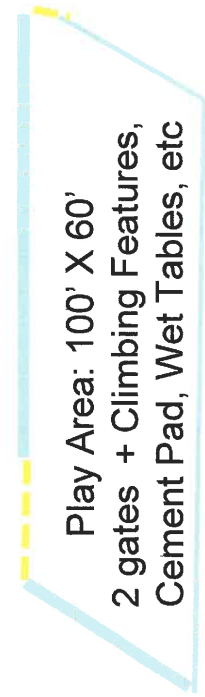


# ATTACHMENT B Pre-School Plan



St John's Episcopal Church  
5555 Clayton Road  
Clayton, CA

Classrooms



Play Area: 100' X 60'  
2 gates + Climbing Features,  
Cement Pad, Wet Tables, etc

- Planter Boxes
- Kitchen
- Bathroom
- Gate
- Play Area
- Boundary Fence



**RECEIVED**

OCT 25 2016

CITY OF CLAYTON  
COMMUNITY DEVELOPMENT DEPT

ATTACHMENT C  
Written Statement of Operation

St. John's Episcopal Church and Preschool  
5555 Clayton Road  
Clayton, CA 94517

St. John's Episcopal Church is proposing to open a Preschool in our existing school building. We will operate the school from 6:30am-6:00pm, Monday through Friday. We will offer preschool and full day child care for children ages 2-5. We will offer full day, school day and half day programs with availability of 2-5 days per week. We will be open year-round, closing for major holidays, and for a week at Christmas.

Our program will be a hands-on, play based curriculum. We believe that children learn through active play. Our classrooms will be set up with different interest areas, such as science, math, language and literacy, art, building and dramatic play. Children will be able to explore in any of the areas, as well as have times where the classroom teacher will set up different activities, based on the weekly theme. We will have regular outside time in our fenced playground. We will also be using the existing garden boxes to enhance our curriculum. Our curriculum and the monthly themes for the year are attached, along with our classroom expectations. We will have a Chapel service once a week during the school day where the children will be introduced to age appropriate Bible stories, prayers and song.

We will offer breakfast, lunch and two snacks. We have modeled our program after our sister preschool, St. Michael's Preschool, located at 2925 Bonifacio Street in Concord. St. Michael's has been in existence since 1979. We are anticipating getting the program licensed for 60 children through the Department of Social Services, Community Care Licensing. We will have up to 8 staff members, as well as a Site Director. Staff will work between 20-40 hours per week. St. John's Preschool will offer full benefits for staff working over 30 hours per week, which include full medical, dental and vision care for the employee and employee family members. We offer a paid pension plan as well. We offer paid vacation, sick time and personal time as well as competitive salaries.

We are very excited about becoming a thriving member of the Clayton community and look forward to opening our preschool.

Sincerely,

*Amanda May*

The Rev. Amanda May, Vicar St. John's Episcopal Church

RECEIVED

OCT 25 2018

CITY OF CLAYTON  
COMMUNITY DEVELOPMENT DEPT

**ATTACHMENT D**  
**Examples of Activities**

- I. Christian Education
  - A. Grace before meals
  - B. Chapel on Wednesday's at 9:30 and 10:00
  - C. Bible Stories and Songs
  - D. Open invitation to attend any St. Michael and All Angels Episcopal Church Services
- II. Curriculum
  - A. Get set for school "Handwriting Without Tears"
  - B. Raising a Reader ( Pre-K Only)
- III. Science Center
  - A. Science activities
  - B. Cooking experiences
  - C. Nature walks
  - D. Nutrition
  - E. Water play
- IV. Math Center
  - A. Counting games
  - B. Measuring/shapes
  - C. Block play
  - D. Finger play
- V. Music
  - A. Singing
  - B. Listening to music
  - C. Hands on with instruments
- VI. Art Experiences
  - A. Painting
  - B. Collages
  - C. Play dough
  - D. Coloring

**RECEIVED**


OCT 25 2019

CITY OF CLAYTON  
COMMUNITY DEVELOPMENT DEPT

**PLANNING COMMISSION  
STAFF REPORT**

**Meeting Date:** December 11, 2018

**Item Number:** 5.b

**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, TE-02-18)

**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 30, 2018, the public hearing notice for the project was posted at the notice boards and mailed to property owners within 300 feet of the project site. To date, no comments have been received by staff.

## **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 contain existing vacant modular buildings, which are in the process of being demolished (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 to both sides of Mitchell Creek in the vicinity of the proposed project. 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 as well as the on-going responsibility to maintain the areas at the terminus of Center Street and the parcel west of Mitchell Creek—along with active open space areas within the proposed development—satisfies the City’s open space requirements.

## **TIME EXTENSIONS**

### ***Development Plan***

Section 17.28.190 of the CMC allows extensions of a Development Plan prior to its expiration up to one-year at a time by the Planning Commission or City Council. 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. Therefore, the City is seeking Planning Commission approval of another one-year extension of the Development Plan through January 6, 2020, in accordance with CMC Section 17.28.190.

### ***Vesting Tentative Map***

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. Accordingly, the Creekside Terrace Vesting Tentative Map was extended until July 6, 2014 by this action. 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. As a result, the Creekside Terrace Vesting Tentative Map was extended to July 6, 2016.

On December 8, 2015, the Planning Commission approved a six-month extension of the Creekside Terrace Vesting Tentative Map from July 6, 2016 to January 6, 2017—as is allowed per the time extension provision for maps listed in CMC Section 16.06.030—in order to have the expiration dates for both the Development Plan and Vesting Tentative Map occur simultaneously on January 6, 2017. In December 13, 2016 and subsequently on January 9, 2018, the Planning Commission approved a one-year extension for the Creekside Terrace Vesting Tentative Map, extending the approval to January 9, 2018. 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, 2020, 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 or to circumstances and information related to the development of this property that would warrant not approving 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.

### **RECOMMENDATION**

Staff recommends that the Planning Commission adopt the attached Resolution No. 05-18, thereby extending for one year the Creekside Terrace Development Plan and Vesting Tentative Map through January 6, 2020 (**Attachment C**).

### **ATTACHMENTS**

- A. Vicinity Map
- B. Approved Creekside Terrace Mixed Use Project Development Plan
- C. Commission Resolution No. 05-18 (with Exhibit A – City Council Resolution No. 27-2010 for the Creekside Terrace Mixed Use Project)







(Do not remove from file) file copy

# ATTACHMENT B

SHEET INDEX	
ID	Name
1	City of Clayton
2	1005 - 1007 Oak St
3	1005 - 1007 Oak St
4	1005 - 1007 Oak St
5	1005 - 1007 Oak St
6	1005 - 1007 Oak St
7	1005 - 1007 Oak St
8	1005 - 1007 Oak St
9	1005 - 1007 Oak St
10	1005 - 1007 Oak St
11	1005 - 1007 Oak St
12	1005 - 1007 Oak St
13	1005 - 1007 Oak St
14	1005 - 1007 Oak St
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25	1005 - 1007 Oak St
26	1005 - 1007 Oak St
27	1005 - 1007 Oak St
28	1005 - 1007 Oak St
29	1005 - 1007 Oak St
30	1005 - 1007 Oak St
31	1005 - 1007 Oak St
32	1005 - 1007 Oak St

**Project Team:**  
 Architecture: VIZFX  
 PO Box 974  
 Clayton, CA 94517  
 with KTEG - Irvine, CA

**Project Address:**  
 1005 - 1007 Oak St  
 Clayton, CA 94517

**Project Applicant:**  
 City of Clayton  
 Redevelopment Agency  
 6000 Highway Circle  
 Clayton, CA 94517

**Civil:**  
 DeBolt Civil Engineering  
 811 San Ramon Valley Blvd.  
 Danville, CA 94526

**Landscape Architecture:**  
 Gates + Associates  
 2671 Crow Canyon Rd.  
 San Ramon, CA 94583

**Traffic Engineering:**  
 Adams Associates  
 1600 Olympic Blvd.  
 Walnut Creek, CA 94596

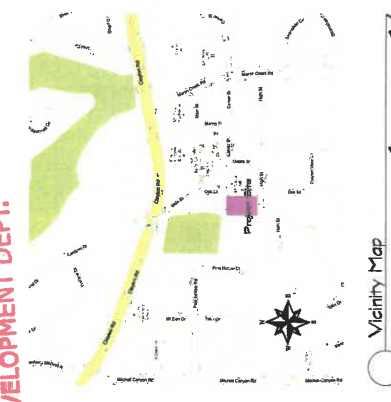
**Soils Engineer:**  
 Cundey Geotechnical  
 2925 Hillside Dr.  
 Concord, CA 94523

**Creekside Terrace Project Description**

The Creekside Terrace project is a 10-unit residential development located at the intersection of Oak Street and Creekside Terrace in Clayton, California. The project consists of a three-story building with a mix of townhome and apartment units. The site is currently vacant and is bounded by Oak Street to the north, Creekside Terrace to the east, and an alleyway to the south. The project is subject to various city and state regulations, including the California Building Code and the City of Clayton's Ordinance 19-050-009. The project is currently in the planning phase, with preliminary plans submitted to the City of Clayton for review. The project is expected to be completed in late 2010.

**Creekside Terrace Project Description**

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**APPROVED**  
 BY THE PLANNING COMMISSION  
 DEC 13 2010

**APPROVED**  
 BY THE PLANNING COMMISSION  
 OCT 25 2011

**APPROVED**  
 BY THE PLANNING COMMISSION  
 DEC 11 2012

**APPROVED**  
 BY THE PLANNING COMMISSION  
 DEC 10 2013

**APPROVED**  
 BY THE PLANNING COMMISSION  
 DEC 9 2014

**APPROVED**  
 BY THE PLANNING COMMISSION  
 OCT 25 2011

**APPROVED**  
 BY THE PLANNING COMMISSION  
 DEC 11 2012

**APPROVED**  
 BY THE PLANNING COMMISSION  
 DEC 10 2013

**APPROVED**  
 BY THE PLANNING COMMISSION  
 DEC 9 2014

**APPROVED**  
 BY THE PLANNING COMMISSION  
 OCT 25 2011

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 DEC 10 2013

**APPROVED**  
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 DEC 9 2014



**APPROVED**  
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 OCT 25 2011

**APPROVED**  
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 DEC 11 2012

**APPROVED**  
 BY THE PLANNING COMMISSION  
 DEC 10 2013

**APPROVED**  
 BY THE PLANNING COMMISSION  
 DEC 9 2014



**APPROVED**  
 BY THE PLANNING COMMISSION  
 OCT 25 2011

**APPROVED**  
 BY THE PLANNING COMMISSION  
 DEC 11 2012

**APPROVED**  
 BY THE PLANNING COMMISSION  
 DEC 10 2013

**APPROVED**  
 BY THE PLANNING COMMISSION  
 DEC 9 2014

## Creekside Terrace - Mixed Use Project

Land Use Entitlement Submittal Package

Approved by  
 City Council  
 on July 6,  
 2010.  
 D. Wo Henry

**APPROVED**  
 JUL 06 2010  
 CLAYTON COMMUNITY  
 DEVELOPMENT DEPT.

**FILE COPY**  
 10-01-08

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CONTRIBUTOR'S  
 SIGNATURE  
 DATE  
 JAN 9 2018  
 CLAYTON COMMUNITY  
 DEVELOPMENT DEPT.



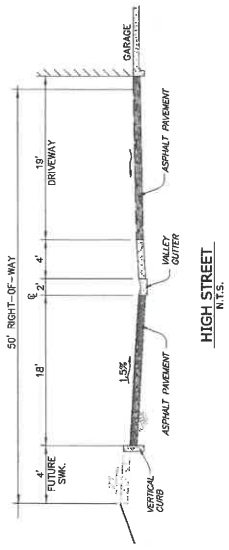
Creekside  
 Terrace  
 1005 - 1007 Oak Street Clayton, CA  
 City of Clayton, Redevelopment Agency

NO.	DATE	REV.	DESCRIPTION
1	6/27/10	Rev. Submittal	
2	4/29/10	Sign Submittal	
3	3/30/10	PC Submittal	
4	3/30/10	PC Submittal	

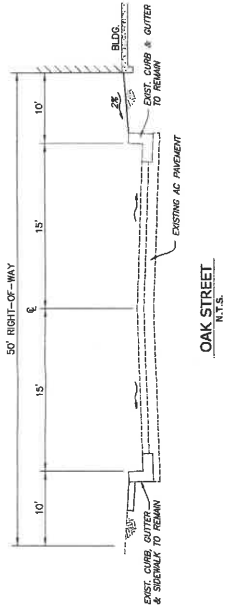
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 DRAWN BY: 008  
 CHECK BY: 008  
 COPYRIGHT: 2010 VIZFX

SHEET TITLE  
 The Sheet

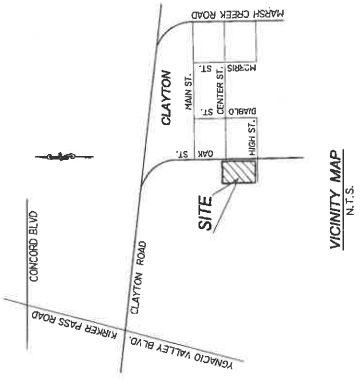




HIGH STREET  
N.T.S.



OAK STREET  
N.T.S.



VICINITY MAP  
N.T.S.

**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) 584-9785

ASSESSOR'S PARCEL NUMBER & AREAS:  
119-050-008 0.394 AC.  
119-050-034 0.284 AC.  
CENTER ST. VACATION 0.074 AC.  
TOTAL 0.852 AC.

ZONING: PLANNED DEVELOPMENT

PROPOSED DEVELOPMENT: TOWN CENTER

GENERAL PLAN: GAS & ELECTRIC - P.G. & E.  
UTILITIES: TELEPHONE - A.T.A.T.  
SEWER - C.C.W.D.  
WATER - C.C.W.D.

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.

BOUNDARY NOTE: THE MONUMENT LINE OF OAK STREET, CENTERLINE OF CLAYTON ROAD, CENTERLINE OF CLAYTON ROAD LEADING SOUTH, 54 FEET SOUTH OF THE CENTERLINE OF CLAYTON ROAD, 10 FEET SOUTH OF THE FENCE CORNER POST AND 10 FEET SOUTH OF A WITNESS POST. ELEVATION = 383.80

BASES OF BEARINGS: THE PROPERTY LIES IN FLOOD ZONE AS SHOWN ON COMMUNITY PANEL 980270001C.

EXISTING USE: COMMERCIAL / RESIDENTIAL

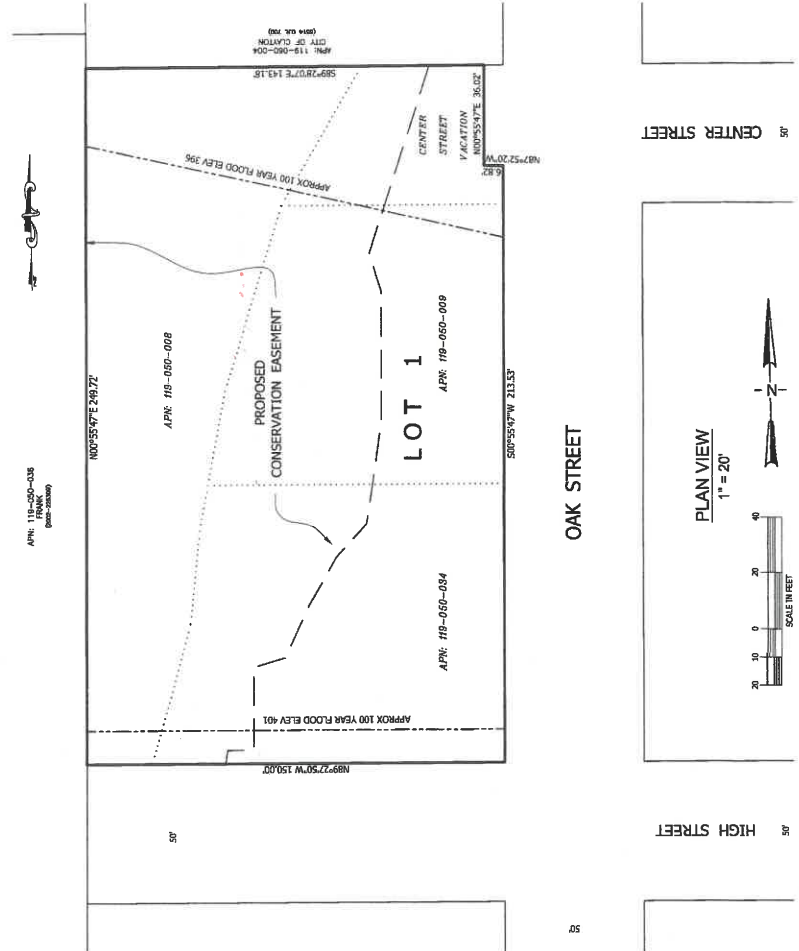
PROPOSED USE: COMMERCIAL / RESIDENTIAL

CONTOUR INTERVAL: 2 FOOT

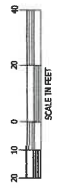
TOPOGRAPHY: BASED UPON A TOPOGRAPHIC SURVEY PREPARED BY DEBOLT CIVIL ENGINEERING.

BENCHMARK: A BRONZE DISK IN THE TOP OF A CONCRETE POST AT THE INTERSECTION OF CLAYTON ROAD AND CREEK ROAD LEADING SOUTH, 38 FEET SOUTH OF THE CENTERLINE OF CLAYTON ROAD (MAIN STREET), 5.4 FEET SOUTH OF THE FENCE CORNER POST AND 10 FEET SOUTH OF A WITNESS POST. ELEVATION = 383.80

FLOOD ZONE: THE PROPERTY LIES IN FLOOD ZONE AS SHOWN ON COMMUNITY PANEL 980270001C.



PLAN VIEW  
1" = 20'



**LEGEND AND ABBREVIATIONS**

PROPOSED	EXISTING	DESCRIPTION
(Symbol)	(Symbol)	CONCRETE (1" INTERVALS)
(Symbol)	(Symbol)	SPOT ELEVATION
(Symbol)	(Symbol)	LOT LINE
(Symbol)	(Symbol)	PAVEMENT
(Symbol)	(Symbol)	CLUB & LOTTER
(Symbol)	(Symbol)	EDGE OF PAVEMENT
(Symbol)	(Symbol)	CHECKED BENCHMARK
(Symbol)	(Symbol)	N.P.S. MARK OR APPROXIMATE POINT
(Symbol)	(Symbol)	SMALL LINE
(Symbol)	(Symbol)	TEE OF BURN
(Symbol)	(Symbol)	TEE OF BURN/SP
(Symbol)	(Symbol)	HOUSE FOOTPRINT
(Symbol)	(Symbol)	DRIVE SHALE
(Symbol)	(Symbol)	DIRECTION OF FLOW
(Symbol)	(Symbol)	PAVED FLOOR
(Symbol)	(Symbol)	PAVEMENT
(Symbol)	(Symbol)	EDGE OF PAVEMENT
(Symbol)	(Symbol)	FLOWLINE
(Symbol)	(Symbol)	GRASS
(Symbol)	(Symbol)	WATER
(Symbol)	(Symbol)	1" OF 3:40

**SHEET INDEX**

SHEET	DESCRIPTION
1	TITLE SHEET
2	TENTATIVE MAP
3	PRELIMINARY GRADING PLAN
4	PROPOSED PAVING PLAN
5	STORM WATER CONTROL PLAN

TM 1

**TITLE SHEET**

CITY OF CLAYTON

**TENTATIVE MAP 01-08**

**CREEKSIDE COMMONS**

1005 & 1007 OAK STREET

CONTRA COSTA COUNTY

CALIFORNIA

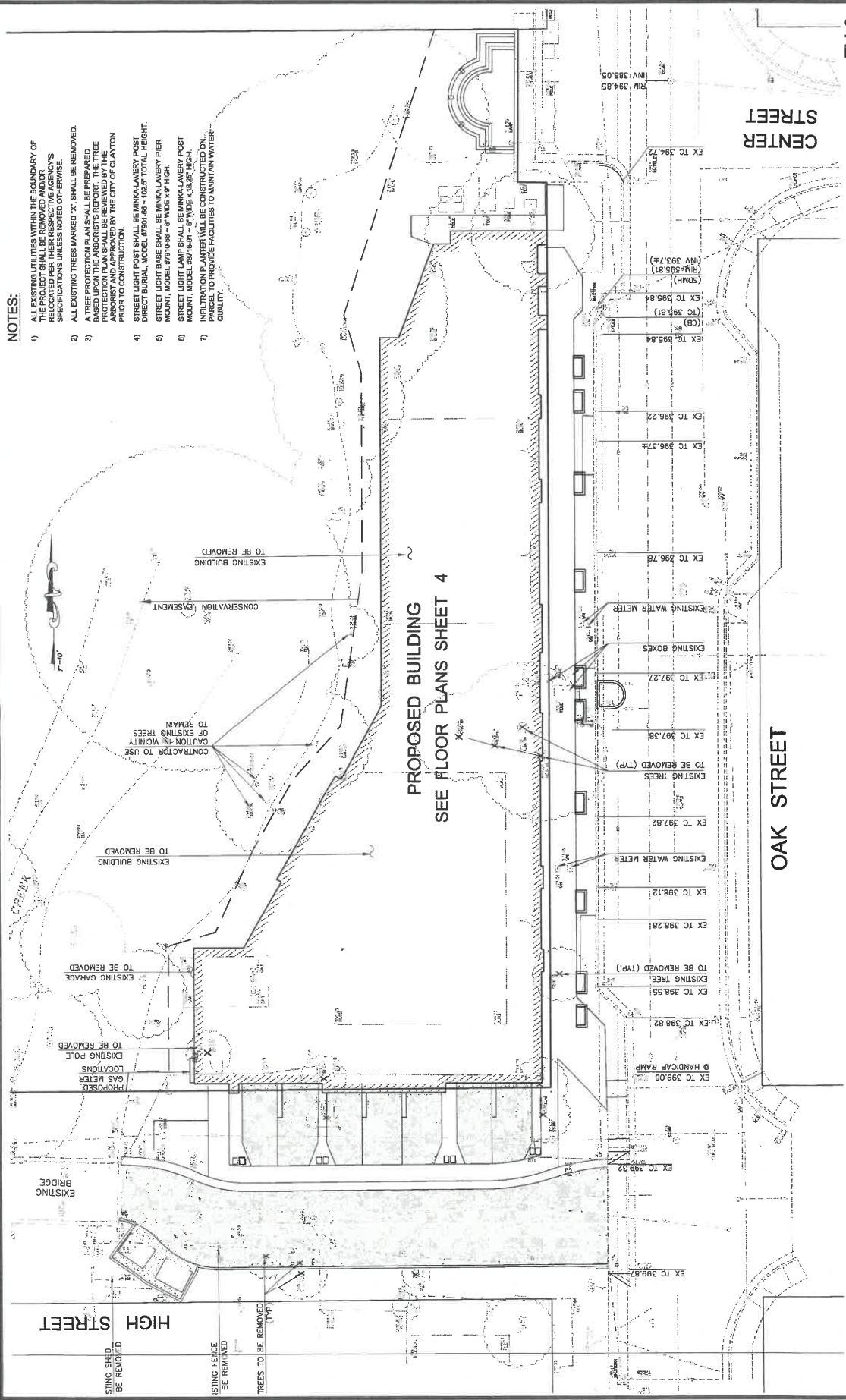
JAMES E. COONS  
RENEWAL DATE: 09/12/12  
R.C.E. 9785

REVISIONS

#	DATE	DESCRIPTION

DATE: 1/29/2010  
Scale: 1" = 20'  
BY: J.E.C.  
CHECKED BY: J.E.C.  
811 SAN RAMON VALLEY BLVD.  
DANVILLE, CALIFORNIA 94526  
Tel: 925/837-3788  
Fax: 925/837-4378  
981133

DeBolt Civil Engineering



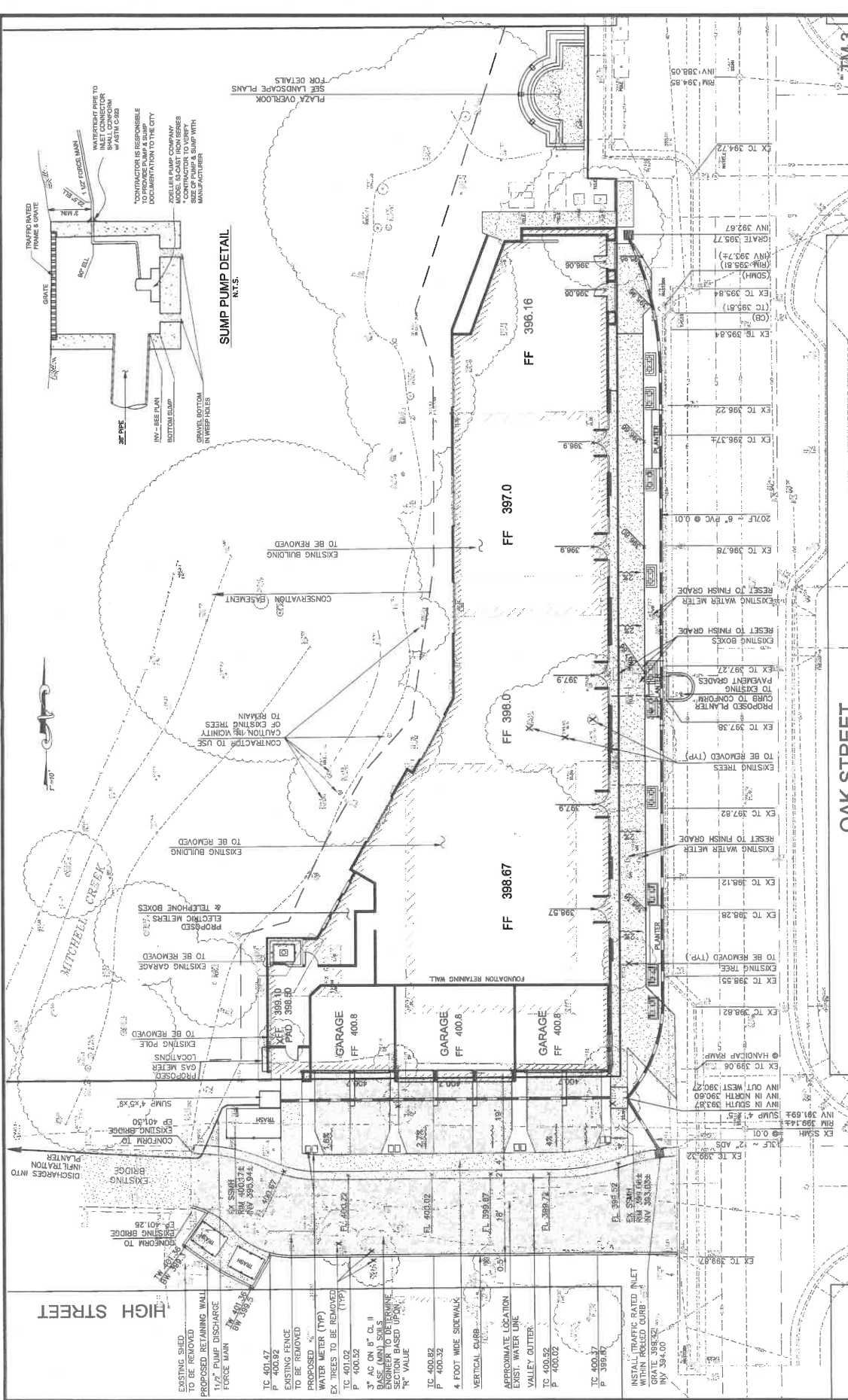
**NOTES:**

- 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 FOR ALL TREES TO REMAIN. THE TREE PROTECTION PLAN SHALL BE REVIEWED BY THE ARBORIST AND APPROVED BY THE CITY OF CLAYTON PRIOR TO CONSTRUCTION.
- 4) STREET LIGHT POST SHALL BE MINIMAL-LAVERY POST DIRECT BURIAL, MODEL 1707-68 - 102.5' TOTAL HEIGHT.
- 5) STREET LIGHT BASE SHALL BE MINIMAL-LAVERY PIER MOUNT, MODEL #1910-68 - 6' WIDE @ 9' HIGH.
- 6) STREET LIGHT SHALL BE MINIMAL-LAVERY POST MOUNT, MODEL #1971-61 - 6' WIDE @ 18.25' HIGH.
- 7) INFILTRATION BATTERIES WILL BE CONSTRUCTED ON PARCEL TO PROVIDE FACILITIES TO MAINTAIN WATER QUALITY.

**PROPOSED BUILDING  
SEE FLOOR PLANS SHEET 4**

**TM 2**

<b>VESTING TENTATIVE MAP</b>	<b>TENTATIVE MAP 01-08 CREEKSIDE COMMONS 1005 &amp; 1007 OAK STREET CONTRA COSTA COUNTY</b>	<b>CITY OF CLAYTON</b>	<b>CALIFORNIA</b>
<p>JAMES E. ODGINS REVISION DATE: 08/07/13 R.C.E. 2766</p>		<p>DeBolt Civil Engineering 811 San Ramon Valley Boulevard Danville, California 94526 Tel: 925/837-3780 Fax: 925/837-4578 08183</p>	
#	REVISIONS	DATE	DATE



**PRELIMINARY GRADING and DRAINAGE PLAN**

**TENTATIVE MAP 01-08 CREEKSIDE COMMONS 1005 & 1007 OAK STREET**

CITY OF CLAYTON      CALIFORNIA      R.C.E. 2788

JAMES E. DOUGLAS      JAMES E. DOUGLAS      JAMES E. DOUGLAS  
 REVISION DATE: 08/01/12      REVISION DATE: 08/01/12      REVISION DATE: 08/01/12

#	REVISIONS	DATE

**DeBolt Civil Engineering**  
 811 San Ramon Valley Boulevard  
 Danville, California 94526  
 Tel: 925/837-9780      Fax: 925/837-4378  
 JED      JED      JED

Date: 4/29/2010  
 Scale: 1"=40'  
 By: JED  
 Checked: JED  
 Job No: 01-08  
 Sheet: 3 of 5

SHEET 3 OF 5 SHEETS

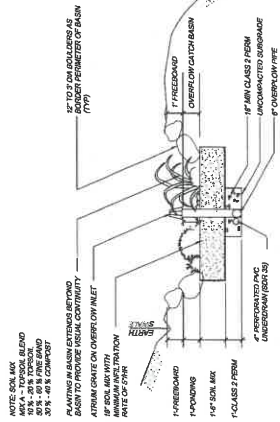




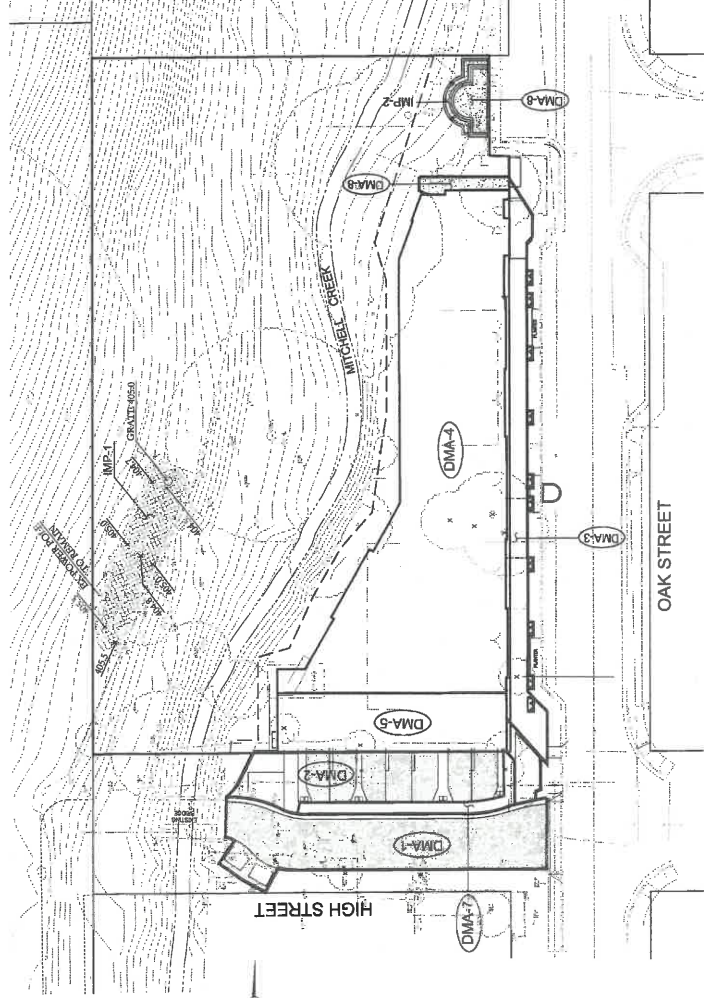
**UNDERGROUND STORAGE REQUIREMENTS**

THE SIZING OF THE FLOW-BASED TREATMENT FACILITIES IN CONTRA COSTA COUNTY IS BASED ON THE ASSUMPTION THAT THE INITIAL FLOW OF RAINFALL WILL BE STORED IN THE UNDERGROUND STORAGE SYSTEM. THE PROJECT HAS PROVIDED UNDERGROUND STORAGE OF RUNOFF FOR THE INITIAL FLOW SHOULD THE PUMP FAIL TO FUNCTION. THE AMOUNT OF STORAGE IS SUMMARIZED AS FOLLOWS:

48" DIA. 80' DIAMETER PIPE = 676 CFS  
 60" DIA. 80' DIAMETER PIPE = 676 CFS  
 TOTAL STORAGE = 1352 CFS



**FILTRATION PLANTER**  
N.T.S.



Project Name: Oak Street  
 Project Location: 1005 & 1007 Oak Street  
 Location: Clayton  
 APN: 119-050-034  
 Drainage Area: 16,455 sf  
 Mean Annual Precipitation: 7.5 in

**IV. Areas Draining to IMPs**

IMP Name: IMP1 (Soil Type: D)  
 IMP Type: Bio-retention Facility  
 Soil Type: D

DMA Name (See R)	Post-Storm Runoff Factor	DMA Area (sq ft)	Runoff Factor	IMP Sizing
DMA-1	1.00	2,000	1.00	Asphalt
DMA-2	1.00	1,775	1.00	Asphalt
DMA-3	1.00	1,400	1.00	Roof
DMA-4	1.00	2,000	1.00	Roof
DMA-5	1.00	1,775	1.00	Concrete
DMA-6	1.00	1,400	1.00	Concrete
DMA-7	1.00	600	1.00	Concrete
DMA-8	1.00	160	1.00	Concrete
TOTAL		13,950		

Software Tool Warnings  
 No warnings to report.

DMA	AREA	SURFACE
DMA-1	2,000 SF±	ASPHALT
DMA-2	1,775 SF±	ASPHALT
DMA-3	1,400 SF±	ROOF
DMA-4	2,000 SF±	ROOF
DMA-5	1,775 SF±	CONCRETE
DMA-6	1,400 SF±	CONCRETE
DMA-7	600 SF±	CONCRETE
DMA-8	160 SF±	CONCRETE
TOTAL	15,600 SF±	

IMP	SIZE
1	600 SF
2	60 SF

**LEGEND**

- BIO-SWALE / PLANTERS
- CATCH BASINS
- STORM DRAIN LINE
- EARTH SWALES
- 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

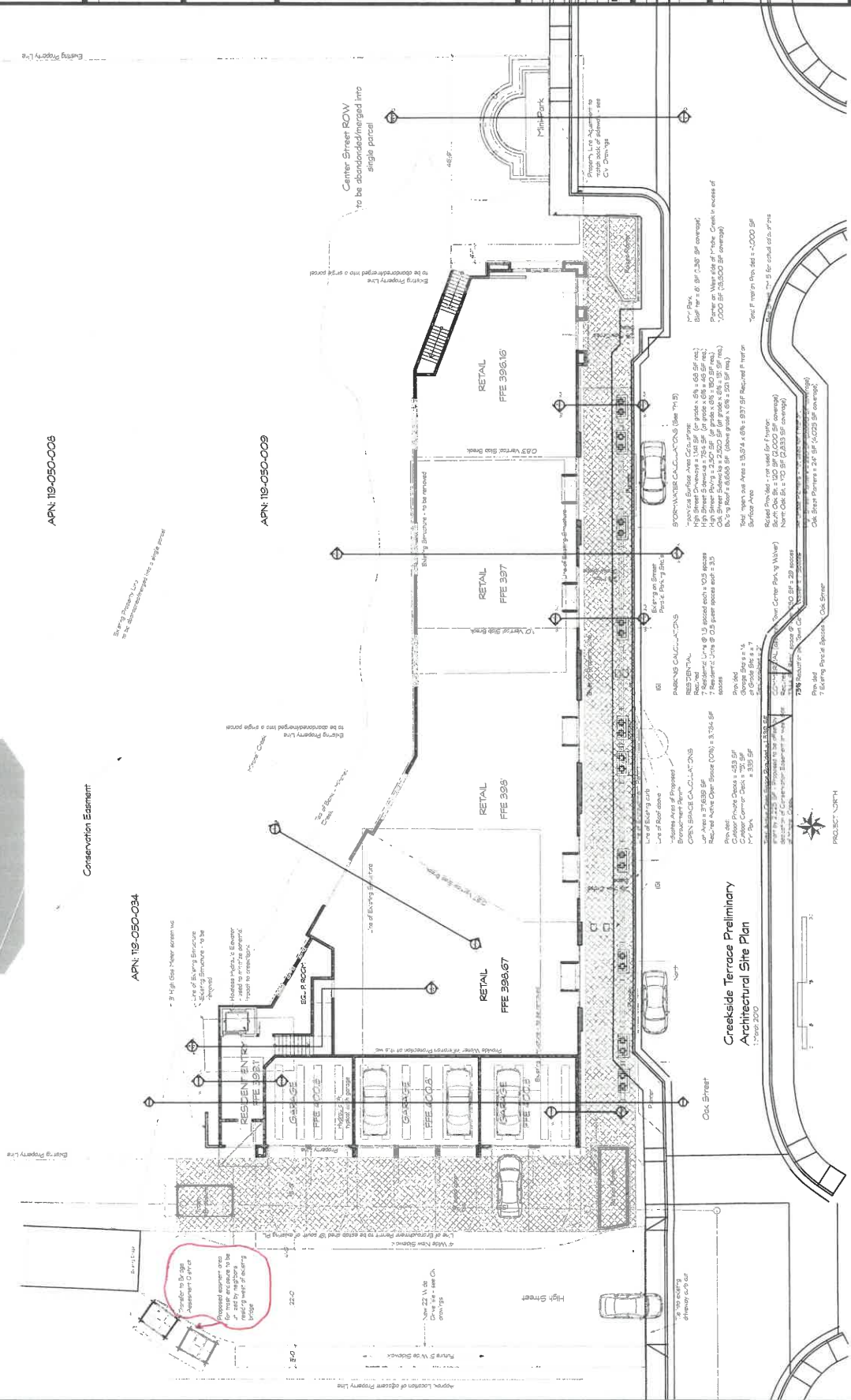
DATE: \_\_\_\_\_  
 REVISIONS: \_\_\_\_\_  
 # \_\_\_\_\_

TAMARA COONS  
 PREPARED DATE: 08/12/12  
 R.E.E. 2780

DeBolt Civil Engineering  
 811 San Ramon Valley Boulevard  
 Danville, CA 94526  
 Tel: 925/837-5780  
 Fax: 925/837-5378  
 001133

TM 5  
 Date: 2010  
 Scale: 1" = 20'  
 Date: 2010  
 Scale: 1" = 20'











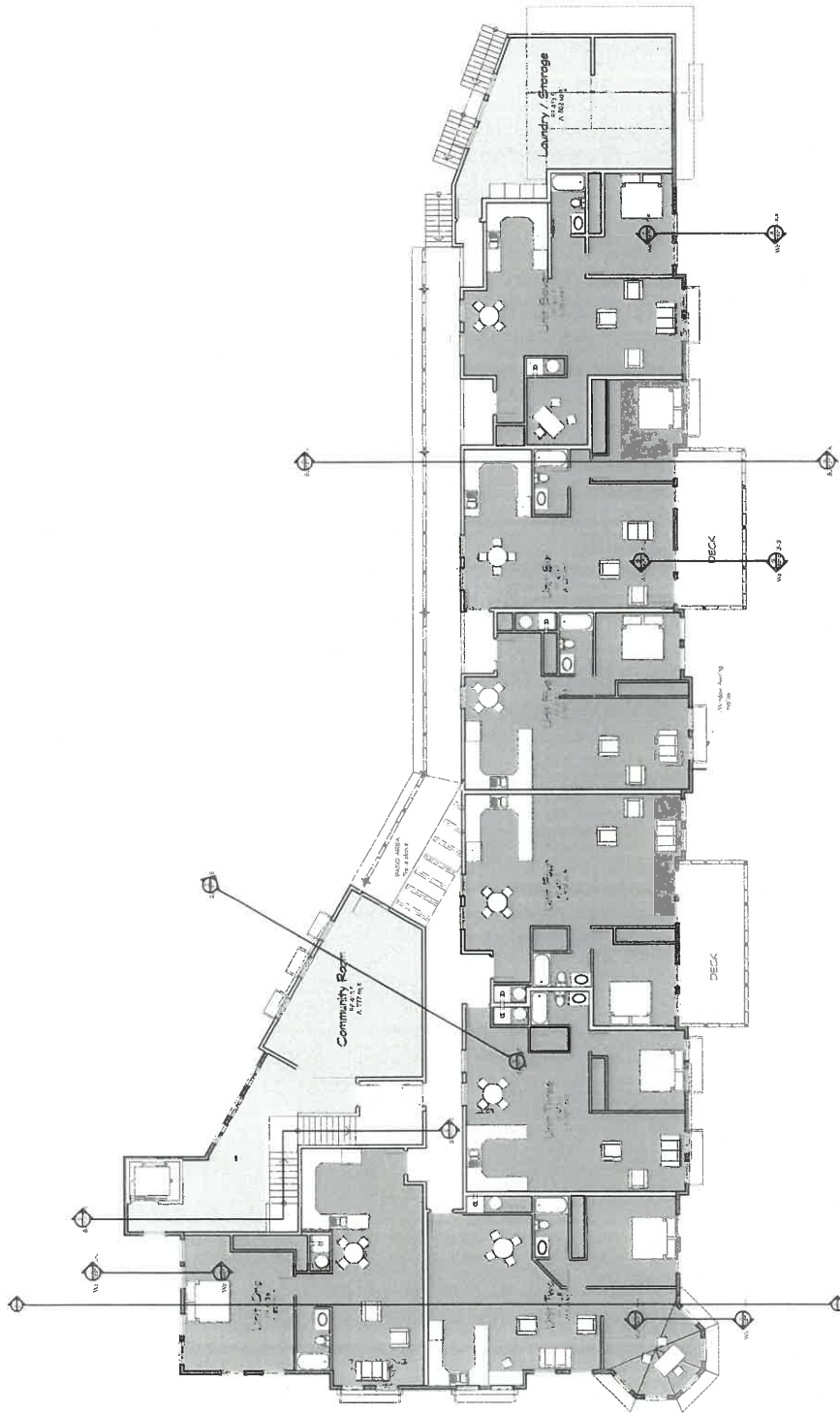
NO.	DATE	DESCRIPTION
06	6/21/10	Rev. Submittal
06	4/23/10	Sign. Submittal
06	3/6/10	PC Submittal

PROJECT NO.: 200216  
 MODEL FILE:  
 DRAWN BY: rpb  
 CHECKED: rpb  
 COPYRIGHT: 2010 VESKA

SHEET TITLE

2nd Floor Plan

**A-1.3**
  
 SHEET 10 OF 17



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

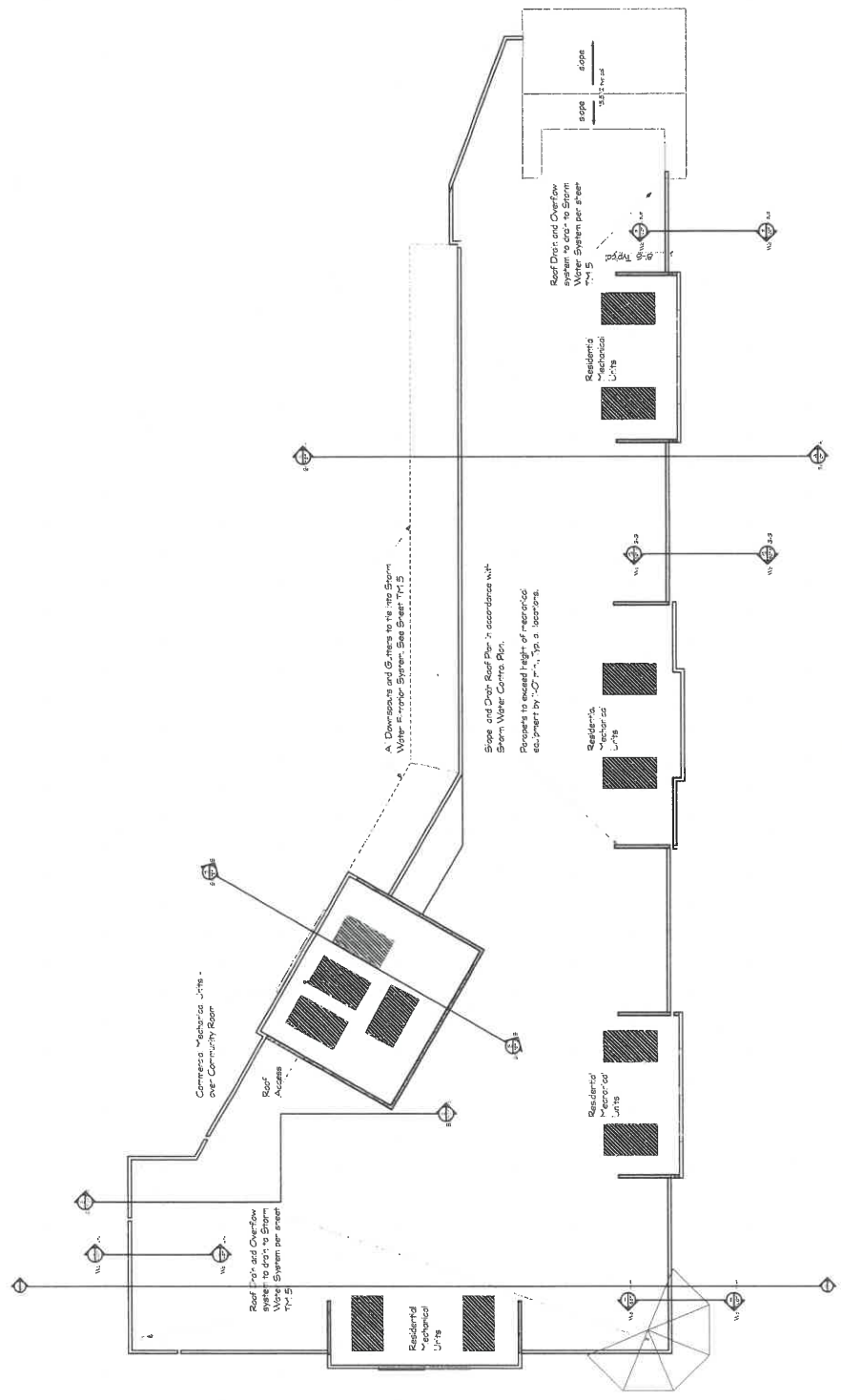
NO.	DATE	DESCRIPTION
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05	4/23/00	Rev Submitted
06	3/30/00	PC Submitted

PROJECT NO: 200016
   
 MODEL FILE:
   
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 CHECK BY: rrs
   
 COPYRIGHT: 2000 VEEK

SHEET TITLE

Roof Plan

**A-1.4**
  
 SHEET 11 OF 17

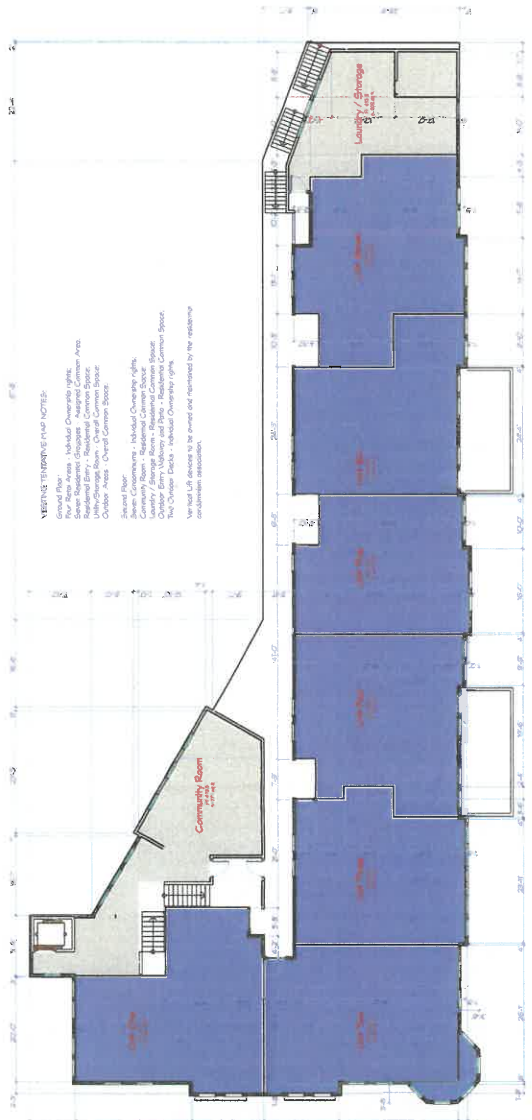


**1**
  
 Roof Plan
   
 SCALE: 1/8" = 1'-0"

NO.	DATE	REVISIONS	DESCRIPTION
1.0	01/15/17	Rev. Submittal	Final
2.0	01/15/17	Rev. Submittal	Final
3.0	01/15/17	Rev. Submittal	Final
4.0	01/15/17	Rev. Submittal	Final
5.0	01/15/17	Rev. Submittal	Final
6.0	01/15/17	Rev. Submittal	Final

PROJECT NO: 210016  
MODEL FILE:  
DRAWN BY: rbs  
CHECK BY: rbs  
COPYRIGHT 2007 VIZ

SHEET TITLE  
TM - Layout # Cut  
Sheets



TM Layout 2nd Floor  
SCALE 3/32" = 1'-0"



TM Layout 1st Floor  
SCALE 3/32" = 1'-0"

### GLASS FLOOD BARRIERS

BLAST FLOOD BARRIERS USING GLASS PANELS

SAFETY AND DESIGN GUIDE

SEISMICALLY SAFE

SAFETY AND DESIGN GUIDE

HOLESSE HYDRAULIC PASSENGER ELEVATORS

THE STARTING AND DESIGN GUIDE

HOLESSE HYDRAULIC PASSENGER ELEVATORS

SAFETY AND DESIGN GUIDE

HOLESSE HYDRAULIC PASSENGER ELEVATORS

SAFETY AND DESIGN GUIDE

Glass Flood Barrier

### HOLESSE HYDRAULIC PASSENGER ELEVATORS

SAFETY AND DESIGN GUIDE

HOLESSE HYDRAULIC PASSENGER ELEVATORS

SAFETY AND DESIGN GUIDE

HOLESSE HYDRAULIC PASSENGER ELEVATORS

SAFETY AND DESIGN GUIDE

### Auto Lift Cut Sheet

SAFETY AND DESIGN GUIDE

Auto Lift Cut Sheet

SAFETY AND DESIGN GUIDE

Auto Lift Cut Sheet

SAFETY AND DESIGN GUIDE

Auto Lift Cut Sheet

### HOLESSE HYDRAULIC PASSENGER ELEVATORS

SAFETY AND DESIGN GUIDE

HOLESSE HYDRAULIC PASSENGER ELEVATORS

SAFETY AND DESIGN GUIDE

HOLESSE HYDRAULIC PASSENGER ELEVATORS

SAFETY AND DESIGN GUIDE

### HOLESSE HYDRAULIC PASSENGER ELEVATORS

SAFETY AND DESIGN GUIDE

HOLESSE HYDRAULIC PASSENGER ELEVATORS

SAFETY AND DESIGN GUIDE

HOLESSE HYDRAULIC PASSENGER ELEVATORS

SAFETY AND DESIGN GUIDE

### HOLESSE HYDRAULIC PASSENGER ELEVATORS

SAFETY AND DESIGN GUIDE

HOLESSE HYDRAULIC PASSENGER ELEVATORS

SAFETY AND DESIGN GUIDE

HOLESSE HYDRAULIC PASSENGER ELEVATORS

SAFETY AND DESIGN GUIDE

Holessse Elevator Cut Sheet

CONSULTANTS  
 f/x  
 PO Box 974  
 Clayton, CA 94517



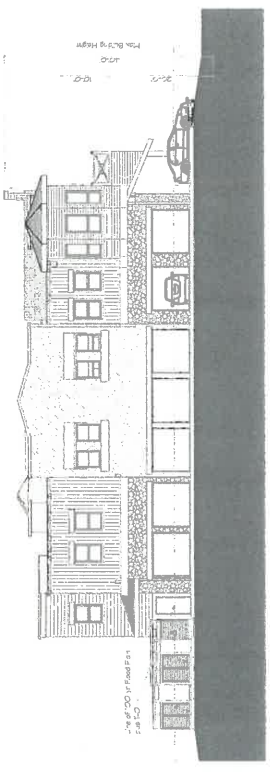
City of Clayton, Redevelopment Agency  
 1005 - 1007 Oak Street, Clayton, CA  
**Creekside Terrace**

NO.	DATE	DESCRIPTION
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06	4/23/10	Blgn. Submitted
06	3/26/10	PC Submitted

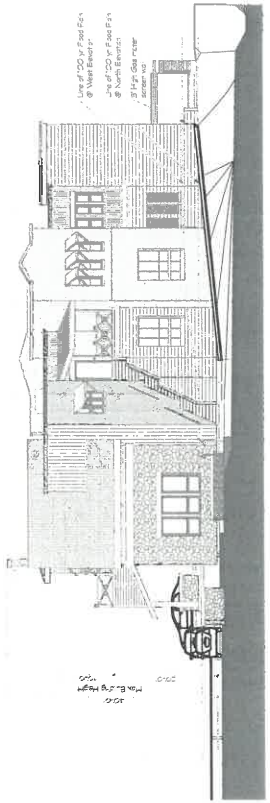
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 DRAWN BY: rns  
 CHECK BY: rns  
 COPYRIGHT: 2010 VIZIA

Elevations

**A-2.1**  
 SHEET 13 OF 17



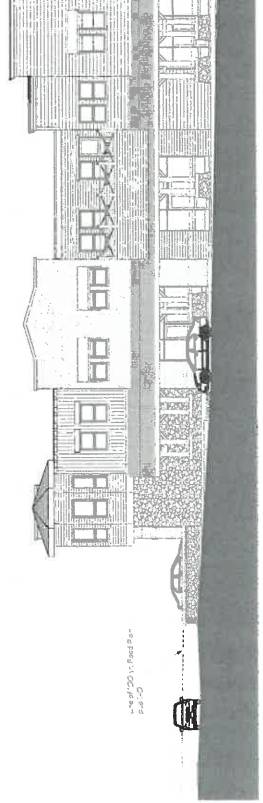
**North Elevation**  
 SCALE: 3/32" = 1'-0"



**South Elevation**  
 SCALE: 3/32" = 1'-0"



**East Elevation**  
 SCALE: 3/32" = 1'-0"

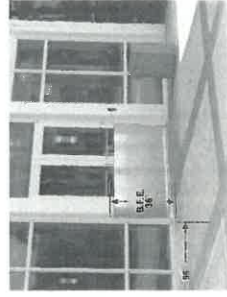
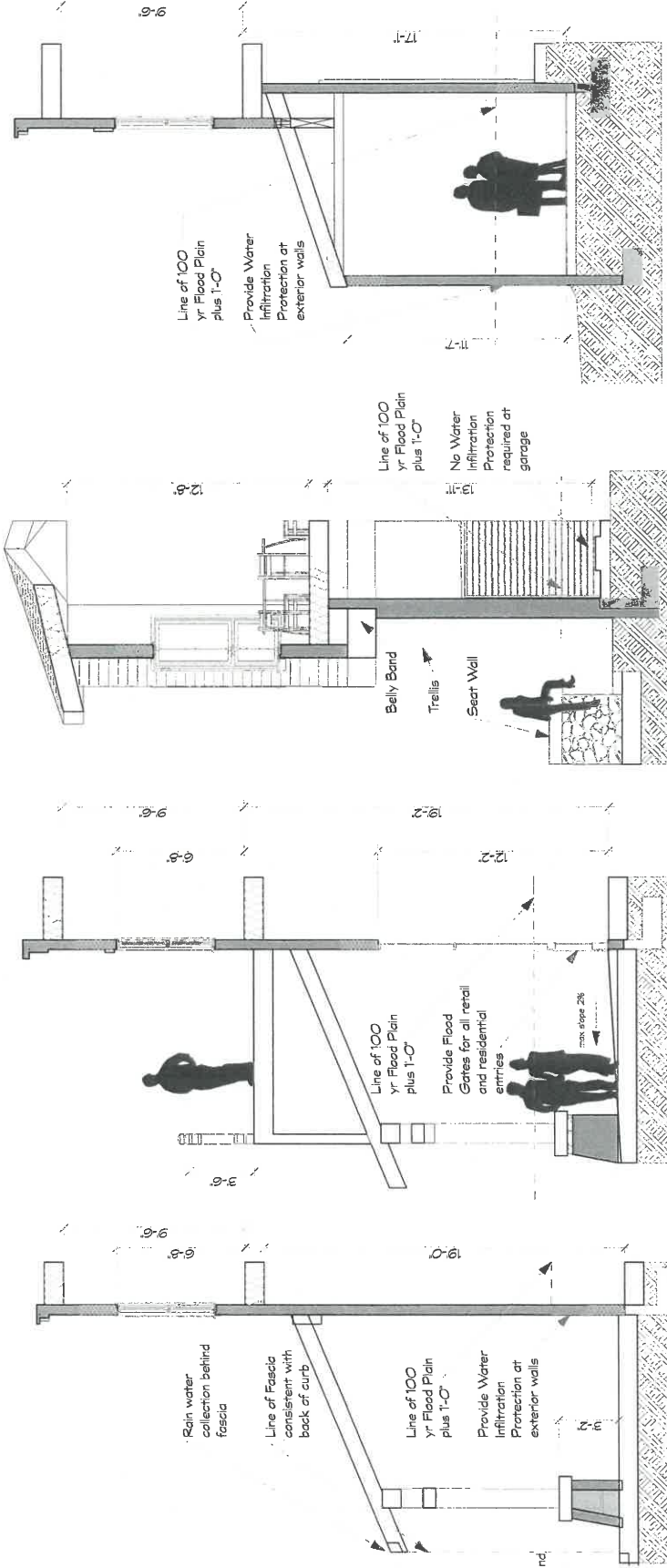


**West Elevation**  
 SCALE: 3/32" = 1'-0"

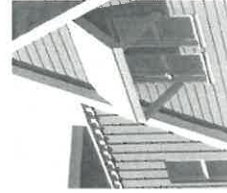




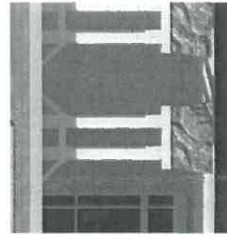
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05	4/23/10	Exp. Submittal	
04	3/26/10	PC Submittal	
MAN/DRAWN/DATE			
PROJECT NO.: 2007016			
MODEL FILE:			
DRAWN BY: rps			
CHECK BY:			
COPYRIGHT: 2010 VZA			



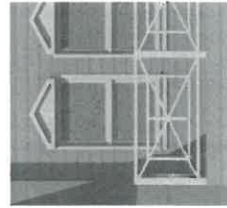
Flood Gates



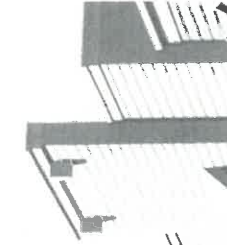
Window Awning



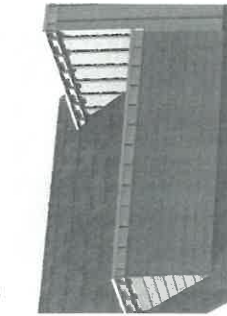
Retail Columns



Railing Detail



Parapets



Dental Molding



**SWATCH**

**1** BOARD AND BATTIC

**2** OAK ST. CEMENT PLASTER

**3** LAP SIDING - RECTIFIED

**4** LAP SIDING - QUARTER

**5** HIGH ST. CEMENT PLASTER

**6** TRIM/ASCOT

**7** LAP SIDING - GABLE END

**8** STONE

**DESCRIPTION**

Hardiplank® Vertical siding board. Cement treated with evenly applied Hardiplank® ColorPlus® Integral Klink. Brown color.

SMITHU

Dashed finish cement plaster with chamfered expansion joint.

Hardiplank® Lap siding Select Cedar mill texture with 7-1/4" exposure. Sandstone beige color.

Dashed finish cement plaster with chamfered expansion joint.

Semi-gloss exterior latex paint.

Hardiplank® Lap siding Select Cedar mill texture with 7-1/4" exposure. Bright color.



**9** ROOFING

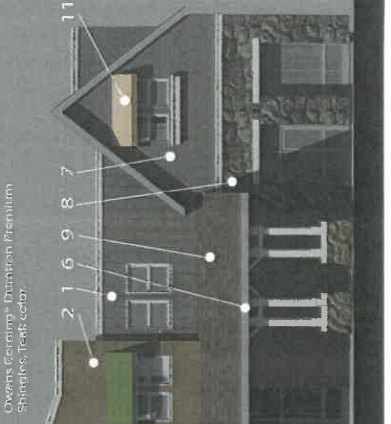
**10** ROOFING

**11** ROOFING

Color and Material Board

Color and Material Board

Color and Material Board



Color and Materials - East Elevation



**Viz-f/x**  
 PO Box 974  
 Clayton, CA 94517

CONSULTANTS



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

DATE	DESCRIPTION
6/27/10	Rev. Submitted
4/29/10	Sign Submitted
3/29/10	PE Submitted
1/24/10	Final

PROJECT NO: 210016  
 DRAWN BY: [redacted]  
 CHECK BY: [redacted]  
 COPYRIGHT: 2010 Viz-f/x

SHEET TITLE  
 View From Flora Square

**A-4.2**  
 SHEET 17 OF 17



View from Flora Square



**VIZ**  
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	10/17/16	Rev. Submitted
2	11/23/16	Site Submitted
3	12/15/16	Final

PROJECT NO: 210216  
NO. OF SHEETS: 17  
DRAWN BY: [unintelligible]  
CHECKED BY: [unintelligible]  
COPYRIGHT: 2016 VIZ/KA

SHEET TITLE  
View From High Street

**A-4.3**

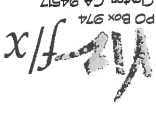
SHEET 19 OF 17



View from High Street







CONSULTANTS



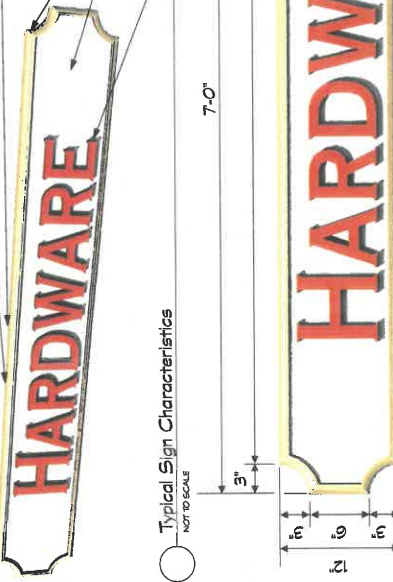
City of Clayton, Redevelopment Agency  
 1005 - 1007 Oak Street, Clayton, CA  
**Creekside Terrace**

0/0	Rev. 5/10/10	Sign Submittal
0/0	4/23/10	Sign Submittal
0/0	3/8/10	PC Submittal
0/0	1/28/10	PC Submittal
NO.	DATE	DESCRIPTION
PROJECT NO: 200016		
MODEL FILE:		
DRAWN BY: rps		
CHKD BY: rps		
COPYRIGHT 2010 VERA		
SHEET TITLE		
Building Signage		

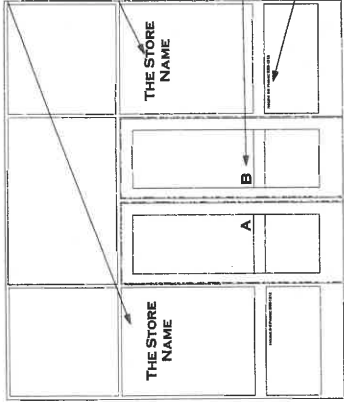
**A-6.1**  
 SHEET 20 OF 17



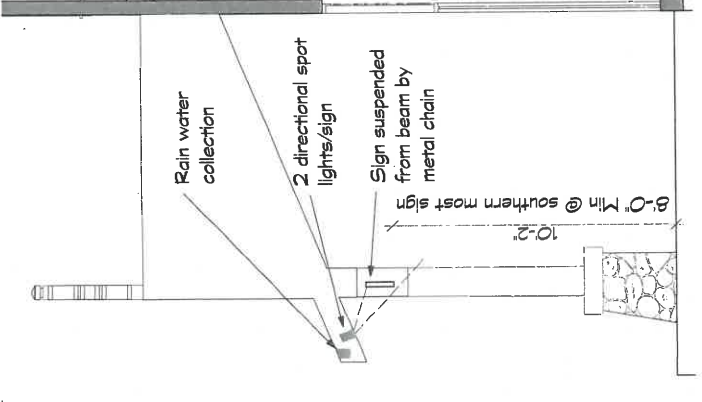
Lettering Styles - Font = Copper Plate Gothic  
 NOT TO SCALE  
 2" Deep Wood Sign with 1/2" recessed face  
 Signs suspended from beam @ overhang by metal chain and eyelets  
 1" Radius edge  
 Painted Brown backing with Cream colored lettering field  
 Rust colored 8" or 9" Raised Copper Plate Gothic Metal Lettering



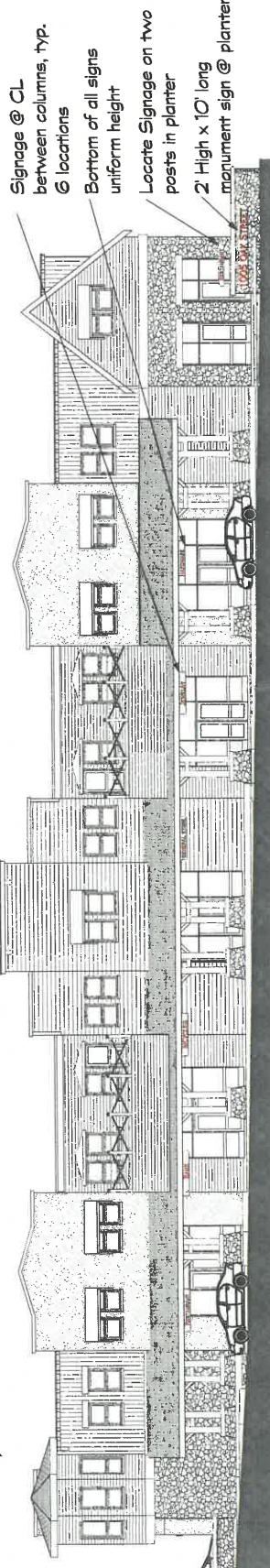
Stenciled Lettering  
 Rust colored to match wood signs, typical  
 4" High Store Name  
 Centered, 40% of Glazed Area Max. or average 10.9 sf / glazed panel  
 4" Suite Label  
 1" High Hours and Emergency Contact Info



Signage Calculations  
 200 sf 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)



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: 1/2" = 1'-0"

# ATTACHMENT C

## CITY OF CLAYTON PLANNING COMMISSION RESOLUTION NO. 05-18

---

### ONE-YEAR EXTENSION OF THE CREEKSIDE TERRACE DEVELOPMENT PLAN AND VESTING TENTATIVE MAP (TE-02-18 for 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**, 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

**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

**Planning Commission  
Resolution No. 05-18**

**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

**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

**Planning Commission  
Resolution No. 05-18**

**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**, 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

**Planning Commission  
Resolution No. 05-18**

Municipal Code, the Planning Commission held a duly-noticed public hearing on December 11, 2018 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, 2020, subject to the findings and conditions in the attached approving City Council Resolution No. 27-2010 for the project.

**PASSED AND ADOPTED** by the Planning Commission of the City of Clayton at a regular meeting on the 11<sup>th</sup> day of December 2018.

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Bassam Altwal  
Chair

\_\_\_\_\_  
Mindy Gentry  
Community Development Director

**EXHIBIT**

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

# EXHIBIT A

## RESOLUTION NO. 27-2010

### A RESOLUTION APPROVING THE DEVELOPMENT PLAN FOR THE CREEKSIDE 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.

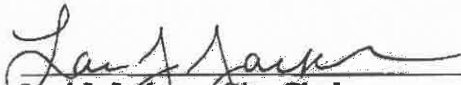
**ABSENT:** None.

**ABSTAIN:** None.

THE CITY COUNCIL OF CLAYTON, CA

  
\_\_\_\_\_  
Hank Stratford, Mayor

**ATTEST:**

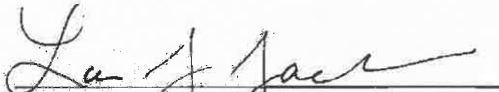
  
\_\_\_\_\_  
Laci J. Jackson, City Clerk

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)

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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