CITY OF CLAYTON

Founded 1857 . . . Incorporated 1964

Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, January 22, 2008

Clayton Community Library Meeting Room
6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

1A. Review of agenda items

1B. Commissioner Armstrong to report at the February 5, 2008 City Council meeting

Public Comment

Approval of Minutes

2. Approval of minutes from the regular meeting of January 8, 2008

Public Hearings

3A. **GPA 01-07, Town Center General Plan Update, City of Clayton.** An amendment of the *General Plan* Land Use Element, Circulation Element, and Community Design Element to make additions, revisions, and deletions of various goals, policies, objectives, standards, permitted uses, guidelines, text, and figures regarding development in the Town Center as well as other miscellaneous minor revisions and updates. *Continued from the meeting of January 8, 2008.*
Proposed Action: No discussion; continue public hearing to first Planning Commission meeting in February, 2008.

3B. **SPA 01-07, Town Center Specific Plan Update, City of Clayton.** An amendment of the *Town Center Specific Plan* including, but not limited to, Chapters 1 (Introduction), 3 (Municipal Services), 4 (Urban Design), 5 (Circulation), and 6 (Financial Implementation) to make additions, revisions, and deletions of various goals, policies, objectives, standards, permitted uses, guidelines, text, and figures. *Continued from the meeting of January 8, 2008.*
Proposed Action: No discussion; continue public hearing to first Planning Commission meeting in February, 2008.

3C. **ZOA 01-07, Town Center Zoning Update, City of Clayton.** An amendment of the *Zoning Ordinance* including, but not limited to, revisions of the permitted uses in the Limited Commercial District (Chapter 17.24), Planned Development District (Chapter 17.28), and Professional Administrative Office District (Chapter 17.32); revisions of various requirements, standards, and findings for Use Permits (Chapter 17.60); establishment of various definitions (Chapter 17.04); as well as minor revisions of other sections regarding permitted uses and review procedures for uses in the Town Center. *Continued from the meeting of January 8, 2008.*
Proposed Actions: Review the proposed zoning ordinance amendments; make any appropriate modifications; and approve Resolution No. 02-08, which recommends City Council approval of the amendments of the *Zoning Ordinance*.

Old Business
4. None

New Business
5. Re-schedule Next Regular Planning Commission Meeting from February 12, 2008 (Lincoln Holiday) to February 11, 2008.
Proposed Action: Approve re-scheduling of meeting.

Communications
6A. Staff

Discussion regarding contract for retail revitalization program market analysis.
Discussion regarding joint study session with the City Council on January 29, 2008.

6B. Commission

Adjournment
7. The next meeting of the Planning Commission is a special meeting scheduled for **Tuesday, January 29, 2008** at the Clayton Community Library Meeting Room, 6125 Clayton Road.

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.

Minutes
City of Clayton Planning Commission Meeting
Tuesday, January 8, 2008

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

Present:	Vice Chair Catalano, Commissioner Bob Armstrong, Commissioner Ed Hartley
Absent:	Chair Keith Haydon, Joe Odrzywolski
Staff:	Community Development Director Jeremy Graves

Administrative
1A. Review of agenda items.

By consensus, the Commission moved Item 3B ahead of Item 3A.

1B. Commissioner Hartley to report at the January 15, 2008 City Council meeting.

Public Comment

David Lipton, 38 Petar Court, submitted photographs of his rear yard and the adjacent slope of the Diablo Pointe parcel, submitted a letter from John and Mariana Behdjet, and indicated the following:
- His property was flooded Friday January 4, 2008 by runoff from the Diablo Pointe site.
- He contacted City staff on Friday who, in turn, contacted Lemke Construction, Inc..
- He was informed by Lemke Construction that grass would be planted to stabilize the slope.
- Contractor's superintendent said their crew would clean up.
- Lemke Construction's contractor cleaned up his property on Saturday.
- Who will be responsible for maintaining V-ditch on a long-term basis after the project is completed.
- He wants the City to confirm that problem will not re-occur. *Director Graves indicated that he would request the City Engineer to contact Mr. Lipton regarding this matter.*

Danette Nelson, 44 Petar Court, indicated the following:
- Also concerned about safety of the hill on the Diablo Pointe site?.
- The hill is now unsightly.

Susan Larson, representative of Lemke Construction, indicated the following:
- Lemke Construction's crew was on-site on Friday and left for one hour and that is when V-ditch became blocked.
- Hillside will not be left in its current condition, but will be re-done in the spring after the area dries out.

Ann Lipton, 38 Petar Court, indicated that the rocks at the base of the slope are an eyesore.

Approval of Minutes

2A. Approval of minutes from the regular meeting of November 27, 2007.

Vice Chair Catalano moved and Commissioner Armstrong seconded a motion to approve the minutes from the meeting of November 27, 2007, with corrections. The motion passed 3-0.

2B. Approval of minutes from the regular meeting of December 11, 2007.

Vice Chair Catalano moved and Commissioner Hartley seconded a motion to approve the minutes from the meeting of December 11, 2007, with corrections. The motion passed 3-0.

Public Hearings

3A. **UP 08-07, Use Permit, Lisa Benedict,** 5439-E Clayton Road, APN 118-031-052. A use permit to allow the operation of a proposed massage therapy business in conjunction with a proposed beauty salon/day spa in the Clayton Station Shopping Center.

The public hearing was opened. Director Graves presented the staff report. The applicant was available for questions.

Vice Chair Catalano asked if the business was open yet. *Director Graves indicated he was not sure if the business was open but that a sign permit had already been issued for the business.*

There were no further questions or comments. The public testimony period was closed.

Commissioner Hartley moved and Commissioner Armstrong seconded a motion to approve Use Permit UP 08-07, with the findings and conditions of approval recommended by staff. The motion passed 3-0.

3B. **MAP 01-03, Tentative Subdivision Map Extension, Lemke Construction Incorporated,** Northeast corner of Regency Drive and Rialto Drive, APN 122-060-011. A request for a one-year time extension of a previously-approved tentative subdivision map for the 25-lot single-family Diablo Pointe Residential Subdivision.

The public hearing was opened. Director Graves presented the staff report.

Susan Larson, representative of the applicant, indicated the following:

- Lemke Construction has submitted final map and tenant improvement plans.
- Lemke Construction has not put the project on hold.
- Lemke Construction plans to record the final map in February 2008.
- The construction sequence is as follows:
  - Install utilities (weather permitting).
  - Create pads for lots.
  - Pave streets.

There were no comments. The public testimony period was closed.

Commissioner Hartley moved and Commissioner Armstrong seconded a motion to approve a one-year extension for MAP 01-03 for the Diablo Pointe tentative subdivision map. The motion passed 3-0.

3C. **GPA 01-07, Town Center General Plan Update, City of Clayton.** An amendment of the *General Plan* Land Use Element, Circulation Element, and Community Design Element to make additions, revisions, and deletions of various goals, policies, objectives, standards, permitted uses, guidelines, text, and figures regarding development in the Town Center as well as other miscellaneous minor revisions and updates. *Continued from the meeting of December 11, 2007.*

3D. **SPA 01-07, Town Center Specific Plan Update, City of Clayton.** An amendment of the *Town Center Specific Plan* including, but not limited to, Chapters 1 (Introduction), 3 (Municipal Services), 4 (Urban Design), 5 (Circulation), and 6 (Financial Implementation) to make additions, revisions, and deletions of various goals, policies, objectives, standards, permitted uses, guidelines, text, and figures. *Continued from the meeting of December 11, 2007.*

3E. **ZOA 01-07, Town Center Zoning Update, City of Clayton.** An amendment of the *Zoning Ordinance* including, but not limited to, revisions of the permitted uses in the Limited Commercial District (Chapter 17.24), Planned Development District (Chapter 17.28), and Professional Administrative Office District (Chapter 17.32); revisions of various requirements, standards, and findings for Use Permits (Chapter 17.60); establishment of various definitions (Chapter 17.04); as well as minor revisions of other sections regarding permitted uses and review procedures for uses in the Town Center.

The continued public hearings were re-opened. Director Graves presented the staff report. The public testimony period was opened.

Ron Roberts, 5186 Heritage Drive, indicated that Concord submitted a letter from Reverend Shawn Robinson of the Clayton Community Church. The letter indicated the following points:

- Proposed changes to the *General Plan* will affect the property rights of the Clayton Community Church.
- The environmental review document for the *General Plan* modifications is nearly a year old.
- Proposed amendments would place a burden on the Clayton Community Church's free exercise of religion.
- The City has not offered City property to the Clayton Community Church that was of equal value to the property owned by the Church.

Commissioner Hartley asked if the Clayton Community Church is taking the position that they have had insufficient time to review the proposed changes or is the letter submitted by the Church in response to the proposed changes? *Mr. Roberts indicated that the Clayton Community Church has significant concerns about the effects of proposed changes on the ability of the Church to develop its property and the Church would like to have more time to work with the City on this issue.*

Steve Coates, manager of the Village Oaks commercial building, indicated the following:

- If the Village Oaks property were re-leased today, only two of the seven ground-floor tenants would be permitted uses. None of the tenants in the B&B building would be permitted uses.

- There are some challenges with leasing Village Oaks as the layout is a little difficult.
- The wood signage at Village Oaks is not well-lit like the signage at Clayton Station.

Commissioner Hartley asked if the proposed wording of *Town Center Specific Plan* limits the ability of Mr. Coates to lease the Village Oaks building. *Mr. Coates answered "yes".*

Mr. Coates also indicated the following:

- He has made efforts to attract permitted uses.
- The rent for Winner's Circle is probably one-third of the rent for a comparable space in Clayton Station.
- He has put nearly $400,000 into Village Oaks (e.g., new siding, new roof, air conditioning, and sidewalk) and rents have pretty much stayed the same.
- He is considering re-landscaping the frontage along Marsh Creek Road.

Randall Welty, 1146 Easley Drive, indicated the following:

- His wife owns the "Permanent Wave" business in Village Oaks.
- He is concerned that she may not be allowed to continue to have a ground-floor location if proposed amendments are approved.

Vice Chair Catalano explained that the proposed regulations would only be applicable to tenant spaces which have been vacant for six months or more. The proposed amendments do not require existing tenants to get a use permit to continue their business in their current location.

Bob Staehle, 215 Mountaire Circle, indicated that on January 15, 2008 the City Council will review proposals for redevelopment of the City-owned property on Oak Street. He invited the Commissioners to attend the presentations.

John Wandering, member of the Clayton Community Church, indicated the following:

- The Clayton Community Church has been singled out.
- Maybe the Clayton Community Church does not fit in with the City's plans.
- A restaurant could do well with Sunday morning brunches.

Commissioner Armstrong indicated that the Commission has been working on getting retail in the Town Center for the past 18 months.

Commission comments and questions included:

- Regarding the proposed *Zoning Ordinance* update, what do "interfere" and "overwhelm" mean in the context of the pedestrian and retail orientation of the Town Center?
- The addition of the "asterisks" to several uses in the use permit section is a good idea.
- The Town Center compatibility section needs to be thought out.
- We need to add some factors for evaluation of ground-floor uses.
- Would a requirement for certain uses to obtain a use permit to be in a ground-floor location be a deal-breaker? *Mr. Coates indicated that 30 days and $500 to obtain a use permit would not be a deal-breaker. Director Graves indicated that establishing an administrative use permit process is an option for money and time savings.*
- Wine tasting rooms and antique stores are the uses that could attract out-of-town customers.
- The term "rustic" on Page V-7 of the *Community Design Element* should be modified.

Randall Welty, 1146 Easley Drive, indicated that, from a retail perspective, the term "overwhelming" is good.

The public testimony period was closed. The meeting was recessed at 8:50 p.m. and reconvened at 9:00 p.m.

Vice Chair Catalano moved and Commissioner Hartley seconded a motion to approve Resolution No. 01-08, including a revision of the wording regarding "rustic" residential development on Page V-7 of the Community Design Element. The motion passed 3-0.

Vice Chair Catalano moved and Commissioner Hartley seconded a motion to continue the public hearings for the Town Center General Plan Update GPA 01-07, Town Center Specific Plan Update SPA 01-07, and Town Center Zoning Update ZOA 01-07 to the next regular meeting on January 22, 2008. The motion passed 3-0.

Old Business

4. None

New Business

5. None.

Communications

6A. Staff

Director Graves indicated that the City has issued a limited solicitation request for re-development of the City-owned parcels on the west side of Oak Street. Two bids were received, both showing multi-story buildings with ground-floor commercial and upper-floor residential. The project will need to complete its environmental, planning, design, and building plan review promptly so that construction can commence prior to July 2008 in order to be exempt from the new stormwater regulations.

6B. Commission – None.

Adjournment

7. The meeting was adjourned at 9:12 p.m.

Submitted by	Approved by
Jeremy Graves, AICP	Tuija Catalano
Community Development Director	Vice Chair

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PLANNING COMMISSION
STAFF REPORT

Meeting Date: **January 22, 2008**

From: **Jeremy Graves, Community Development Director** JG

Subject: **Town Center Zoning Ordinance Update (ZOA 01-07)**

This staff report supplements the staff report dated January 8, 2008.

DISCUSSION

At the January 8, 2008 Planning Commission meeting, the Commission reviewed the proposed modifications of the *Zoning Ordinance* text and requested staff to review the newly-proposed standard of review entitled "Town Center Compatibility" (see Use Permits Section 17.60.040.C). This standard was proposed to address businesses which require a use permit for ground floor locations in the Town Center in accordance with the wording recommended by the Planning Commission for Chapter 2 (Land Use) of the *Town Center Specific Plan*. The intent of this standard is to provide the Planning Commission with the flexibility to determine if certain non-retail uses can be located in ground floor locations without interfering with the pedestrian and retail orientation of the Town Center.

The originally-proposed wording (listed below) has been expanded to address the following issues: goods and services provided by the proposed use, window displays, street visibility of the tenant space, property owner's efforts to lease the space to a retail or restaurant use, vacancy rate in the subject building, and whether the project involves the relocation of an existing business.

Originally-Proposed Wording

C. Town Center Compatibility (Applicable only to uses which require a use permit for ground floor locations in the Town Center Commercial land use designation of the *Town Center Specific Plan*).

1. Would the location of the use interfere with the pedestrian and retail orientation of the Town Center?
2. Would the use or its size, in conjunction with existing uses, overwhelm the Town Center or interfere with the pedestrian and retail orientation of the Town Center?

Revised Wording

C. Town Center Compatibility (Applicable only to uses which require a use permit for ground floor locations in the Town Center Commercial land use designation of the *Town Center Specific Plan*)

1. Would the use (including its location or its size), in conjunction with existing uses, interrupt or interfere with the creation and maintenance of a cohesive retail environment and pedestrian orientation in the Town Center?
2. Would the use provide any goods or services which are oriented toward or attractive to pedestrians?

3. Would the use provide window displays which are interesting and attractive to pedestrians?
4. Does the subject tenant space have street visibility which would be suitable for a retail use, restaurant, or permitted use which does not require a use permit?
5. Has the property manager or owner conducted a documented marketing program for the subject tenant space to secure a retail use, restaurant, or permitted use which does not require a use permit?
6. Is the subject tenant space located in a building with a vacancy rate which exceeds the normal vacancy rate for commercial buildings of comparable size and location?
7. Does the project involve the relocation of an existing business in the Town Center?

RECOMMENDATIONS
Staff recommends that the Planning Commission take the following actions:
- Re-open the continued public hearing;
- Take public testimony;
- Review the proposed modifications of the *Zoning Ordinance* text (see **Exhibits A** and **C** for proposed wording);
- Make any appropriate modifications;
- Close the public hearing; and
- Approve Resolution No. 02-08, which recommends City Council approval of the amendments of the *Zoning Ordinance* text (see **Exhibit D** for resolution).

EXHIBITS

A-Revised	Use Permits, Clean Copy, (Prepared January 18, 2008)
B-Revised	Use Permits, Mark-Up Copy, (Prepared January 18, 2008)
C-Revised	Limited Commercial District and Definitions, Proposed Copy (Prepared January 18, 2008)
D	Planning Commission Resolution 02-08 (draft)

ZOA\2007\01-07-sr-3

Chapter 17.60

USE PERMITS

Sections:

17.60.010 Definition. A Use Permit may allow certain uses or activities not permitted by right in specific zoning districts or areas. In some cases, these uses must comply with defined conditions in order to be allowed to develop and/or operate.

17.60.020 Purpose. The major purposes of the Use Permit are:

A. To implement the General Plan and any applicable specific plans;
B. To condition, restrict or prevent the development of uses whose effects are or may be detrimental to the health, safety and welfare of residents, businesses, property owners, and/or employees in the City; and
C. To identify those types or aspects of development which may not be totally compatible with development permitted as a matter of right by this Title and to impose such conditions and restrictions, as necessary, to promote compatibility.

17.60.030 Use Permits Required.

A. General Uses. The establishment of the following uses or uses of a similar nature requires a Use Permit. Any change to an existing permitted use which is determined to be significant by the Community Development Director requires a Use Permit. Uses include but are not limited to the following:

1. Schools (public or private).*
2. Congregate care and convalescent care facilities.*
3. Churches, synagogues, temples, and places of worship.*
4. Governmental and quasi-public administrative offices, and similar uses.
5. Publicly-owned facilities including parks and recreation areas, libraries, museums, and community centers.
6. Fire stations, public safety facilities, and government corporation yards.*
7. Lodges, fraternal organizations, or clubs.*
8. Residential care facilities for seven or more persons.* (See Chapter 17.46)
9. Child day care centers and adult day care facilities, unless exempt by State law.
10. Bed and breakfast facilities. (See Chapter 17.38)
11. Recreational/sports facilities such as golf courses, tennis/racquet clubs, swimming clubs, driving ranges, batting cages, etc.*
12. Public utility facilities. (See Chapter 17.40)
13. Antennas. (See Chapter 17.42)
14. Fenced recreational enclosures. (See Section 17.36.076)
15. Temporary uses which exceed the maximum time periods or number of individual events per year established for temporary use permits in Chapter 17.70.

CLEAN COPY EXHIBIT A - REVISED (4 PAGES)

Applicable Districts: All Districts, unless noted with an asterisk (*), in which case the use is not allowed within the Town Center Commercial land use designation of the *Town Center Specific Plan*.

B. Residential Related Uses. The establishment of the following uses or uses of a similar nature requires a Use Permit. Any change to an existing permitted use which is determined to be significant by the Community Development Director requires a Use Permit. Uses include but are not limited to the following:

1. Model home complex/ subdivision sales office.
2. Equestrian livestock. (See Sections 17.16.130 and 17.36.060)
3. Agricultural animals. (See Sections 17.16.130 and 17.36.070)
4. Multiple household pets:
   a. More than five and less than ten of any combination of dogs, pot bellied pigs, or cats over six months of age;
   b. More than three and less than seven dogs or pot bellied pigs over six months of age;
   c. More than five and less than ten cats over six months of age.

Applicable Districts: Agricultural; All Residential; and Planned Development (Residential).

C. Commercial Related Uses. The establishment of the following uses or uses of a similar nature requires a Use Permit. Any change to an existing permitted use which is determined to be significant by the Community Development Director requires a Use Permit. Uses include but are not limited to the following:

1. Vehicle service/ fueling station.*
2. Vehicle repair garage.*
3. Vehicle lubrication service.*
4. Vehicle body shop.*
5. Large-appliance stores.
6. Furniture stores (except lamps and lighting).
7. Office, commercial service, personal service, or studio uses in ground floor locations which require a use permit in accordance the Town Center Commercial land use designation of the *Town Center Specific Plan*.
8. Establishments providing massages, unless part of a recognized medical office or clinic.
9. Recreational uses typically located inside buildings (e.g., movie theaters*, pool parlors, etc.).
10. Video arcades with more than three machines.
11. Establishments with dancing and/or live or video entertainment.
12. Any use open after 11:00 p.m.
13. Bars which are not part of a full service restaurant.
14. Adult-oriented uses.
15. Establishments with drive-through window service.
16. Outdoor sales treatment or storage of products or materials.

17. Animal boarding facilities:*
    a. Seven or more dogs or pot bellied pigs over six months of age;
    b. Ten or more cats over six months of age;
    c. Ten or more of any combination of dogs, pot bellied pigs, or cats over six months of age.
18. Boarding stables.*
19. A reduction in the total number of required parking spaces in a reciprocal off-street parking facility. (See Section 17.37.060)

Applicable Districts: Limited Commercial; Planned Development (Commercial); and Professional Administrative Office, unless noted with an asterisk (*), in which case the use is not allowed within the Town Center Commercial land use designation of the *Town Center Specific Plan*. Animal boarding facilities are only allowed in the Limited Commercial, Planned Development (Commercial), and Agricultural Districts. Boarding stables are only allowed in the Agricultural District.

17.60.040 Standards of Review. The factors to be reviewed by the Planning Commission (or the City Council upon appeal) shall, based on appropriateness, include but are not limited to:

A. Parking/Access.
    1. Does the project provide sufficient off-street parking for vehicles and bicycles?
    2. Does the project provide safe and effective access for vehicles, pedestrians, and bicycles?
B. Traffic Congestion.
    1. Could the project generate significant traffic congestion?
C. Town Center Compatibility (Applicable only to uses which require a use permit for ground floor locations in the Town Center Commercial land use designation of the *Town Center Specific Plan*)
    1. Would the use (including its location or its size), in conjunction with existing uses, interrupt or interfere with the creation and maintenance of a cohesive retail environment and pedestrian orientation in the Town Center?
    2. Would the use provide any goods or services which are oriented toward or attractive to pedestrians?
    3. Would the use provide window displays which are interesting and attractive to pedestrians?
    4. Does the subject tenant space have street visibility which would be suitable for a retail use, restaurant, or permitted use which does not require a use permit?
    5. Has the property manager or owner conducted a documented marketing program for the subject tenant space to secure a retail use, restaurant, or permitted use which does not require a use permit?
    6. Is the subject tenant space located in a building with a vacancy rate which exceeds the normal vacancy rate for commercial buildings of comparable size and location?
    7. Does the project involve the relocation of an existing business in the Town Center?
C. Noise.
    1. Could the project generate noise levels above the standards of the Noise Element of the General Plan?
    2. Could the project generate significant intermittent noise such as bouncing balls, announcements, grinding, sanding?

D. Air Quality.
   1. Could the project generate significant levels of dust, airborne particulate?
   2. Could the airborne particulate be toxic?
   3. Could the project generate significant fumes or smells?
E. Lighting/Litter.
   1. Could the lighting especially exterior night lighting disturb surrounding properties?
   2. Could the project generate significant litter?
F. Crime.
   1. Could the project possibly result in the significant increase of crime in the area?
   2. Could the project potentially have a significant negative influence on minors?
G. Concentration.
   1. Could the project represent a concentration of a particular activity in an area to the detriment of the health, safety and/or welfare of nearby residents, businesses, property owners, and/or employees?

17.60.050 Conditions of Approval. The City may impose such requirements, restrictions and conditions as a part of a Use Permit relating to factors including, but not limited to: location and site planning; construction; maintenance; operation, including hours of operation; and traffic control as it deems necessary for the protection of adjacent properties and the public interest. The City may require a cash or surety bond that such conditions will be or are being complied with by the operator.

17.60.060 Required Findings. In granting a Use Permit, the factors to be reviewed by the Planning Commission (or the City Council upon appeal) shall include but are not limited to the following findings:

A. That the use shall be in conformity with the General Plan and any applicable specific plan;
B. That the use shall be in conformity with City-adopted standards.
C. That the use shall not negatively affect the general safety (e.g., seismic, landslide, flooding, fire, traffic) of the City or surrounding area.
D. That the use shall not have significant negative impacts on the health or general welfare of residents, businesses, property owners, or employees in the City.
E. That the permit will be in accord with the purpose of Use Permits as stated herein.

ZOA\2007\01-07-Ordinance-Use Permits-Draft 2 Revised January 18, 2008

Chapter 17.60

USE PERMITS

Sections:

17.60.010 Definition. A Use Permit may allow certain uses or activities not permitted by right in specific zoning districts or areas. In some cases, these uses must comply with defined conditions in order to be allowed to develop and/or operate.

17.60.020 Purpose. The major purposes of the Use Permit are:

A. To implement the General Plan and any applicable specific plans;

B. To condition, restrict or prevent the development of uses whose effects are or may be detrimental to the health, safety and welfare of residents, businesses, property owners, and/or employees in the City; and

C. To identify those types or aspects of development which may not be totally compatible with development permitted as a matter of right by this Title and to impose such conditions and restrictions, as necessary, to promote compatibility.

Deleted: the zoning ordinance

17.60.030 Use Permits Required.

A. General Uses. The establishment of the following uses or uses of a similar nature requires a Use Permit. Any change to an existing permitted use which is determined to be significant by the Community Development Director requires a Use Permit. Uses include but are not limited to the following:

Deleted: Public/Quasi-Public Related

1. Schools (public or private).*
2. Congregate care and convalescent care facilities.*
3. Churches, synagogues, temples, and places of worship.*
4. Governmental and quasi-public administrative offices, and similar uses.
5. Publicly-owned facilities including parks and recreation areas, libraries, museums, and community centers.
6. Fire stations, public safety facilities, and government corporation yards.*
7. Lodges, fraternal organizations, or clubs.*
8. Residential care facilities for seven or more persons.* (See Chapter 17.46)
9. Child day care centers and adult day care facilities, unless exempt by State law.
10. Bed and breakfast facilities. (See Chapter 17.38)
11. Recreational/sports facilities such as golf courses, tennis/racquet clubs, swimming clubs, driving ranges, batting cages, etc.*
12. Public utility facilities. (See Chapter 17.40)
13. Antennas. (See Chapter 17.42)
14. Fenced recreational enclosures. (See Section 17.36.076)
15. Temporary uses which exceed the maximum time periods or number of individual events per year established for temporary use permits in Chapter 17.70.

MARK-UP COPY
EXHIBIT B - REVISED
(4 PAGES)

Applicable Districts: All Districts, unless noted with an asterisk (*), in which case the use is not allowed within the Town Center Commercial land use designation of the *Town Center Specific Plan*.

B. Residential Related Uses. The establishment of the following uses or uses of a similar nature requires a Use Permit. Any change to an existing permitted use which is determined to be significant by the Community Development Director requires a Use Permit. Uses include but are not limited to the following:

1. Model home complex/ subdivision sales office.
2. Equestrian livestock. (See Sections 17.16.130 and 17.36.060)
3. Agricultural animals. (See Sections 17.16.130 and 17.36.070)
4. Multiple household pets:
   a. More than five and less than ten of any combination of dogs, pot bellied pigs, or cats over six months of age;
   b. More than three and less than seven dogs or pot bellied pigs over six months of age;
   c. More than five and less than ten cats over six months of age.

Applicable Districts: Agricultural; All Residential; and Planned Development (Residential).

C. Commercial Related Uses. The establishment of the following uses or uses of a similar nature requires a Use Permit. Any change to an existing permitted use which is determined to be significant by the Community Development Director requires a Use Permit. Uses include but are not limited to the following:

1. Vehicle service/ fueling station.*
2. Vehicle repair garage.*
3. Vehicle lubrication service.*
4. Vehicle body shop.*
5. Large-appliance stores.
6. Furniture stores (except lamps and lighting).
7. Office, commercial service, personal service, or studio uses in ground floor locations which require a use permit in accordance the Town Center Commercial land use designation of the *Town Center Specific Plan*.
8. Establishments providing massages, unless part of a recognized medical office or clinic.
9. Recreational uses typically located inside buildings (e.g., movie theaters*, pool parlors, etc.).
10. Video arcades with more than three machines.
11. Establishments with dancing and/or live or video entertainment.
12. Any use open after 11:00 p.m.
13. Bars which are not part of a full service restaurant.
14. Adult-oriented uses.
15. Establishments with drive-through window service.
16. Outdoor sales treatment or storage of products or materials.

Deleted: bowling alleys,

Deleted: skating rinks,

17. Animal boarding facilities:*
   a. Seven or more dogs or pot bellied pigs over six months of age;
   b. Ten or more cats over six months of age;
   c. Ten or more of any combination of dogs, pot bellied pigs, or cats over six months of age.

18. Boarding stables.*

19. A reduction in the total number of required parking spaces in a reciprocal off-street parking facility. (See Section 17.37.060)

Applicable Districts: Limited Commercial; Planned Development (Commercial); and Professional Administrative Office, unless noted with an asterisk (*), in which case the use is not allowed within the Town Center Commercial land use designation of the *Town Center Specific Plan*. Animal boarding facilities are only allowed in the Limited Commercial, Planned Development (Commercial), and Agricultural Districts. Boarding stables are only allowed in the Agricultural District.

17.60.040 Standards of Review. The factors to be reviewed by the Planning Commission (or the City Council upon appeal) shall, based on appropriateness, include but are not limited to:

A. Parking/Access.
   1. Does the project provide sufficient off-street parking for vehicles and bicycles?
   2. Does the project provide safe and effective access for vehicles, pedestrians, and bicycles?

B. Traffic Congestion.
   1. Could the project generate significant traffic congestion?

C. Town Center Compatibility (Applicable only to uses which require a use permit for ground floor locations in the Town Center Commercial land use designation of the *Town Center Specific Plan*)
   1. Would the use (including its location or its size), in conjunction with existing uses, interrupt or interfere with the creation and maintenance of a cohesive retail environment and pedestrian orientation in the Town Center?
   2. Would the use provide any goods or services which are oriented toward or attractive to pedestrians?
   3. Would the use provide window displays which are interesting and attractive to pedestrians?
   4. Does the subject tenant space have street visibility which would be suitable for a retail use, restaurant, or permitted use which does not require a use permit?
   5. Has the property manager or owner conducted a documented marketing program for the subject tenant space to secure a retail use, restaurant, or permitted use which does not require a use permit?
   6. Is the subject tenant space located in a building with a vacancy rate which exceeds the normal vacancy rate for commercial buildings of comparable size and location?
   7. Does the project involve the relocation of an existing business in the Town Center?

C. Noise.
   1. Could the project generate noise levels above the standards of the Noise Element of the General Plan?
   2. Could the project generate significant intermittent noise such as bouncing balls, announcements, grinding, sanding?

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D. Air Quality
1. Could the project generate significant levels of dust, airborne particulate?
2. Could the airborne particulate be toxic?
3. Could the project generate significant fumes or smells?

E. Lighting Litter.
1. Could the lighting especially exterior night lighting disturb surrounding properties?
2. Could the project generate significant litter?

F. Crime.
1. Could the project possibly result in the significant increase of crime in the area?
2. Could the project potentially have a significant negative influence on minors?

G. Concentration.
1. Could the project represent a concentration of a particular activity in an area to the detriment of the health, safety and/or welfare of nearby residents, businesses, property owners, and/or employees?

17.60.050 Conditions of Approval. The City may impose such requirements, restrictions and conditions as a part of a Use Permit relating to factors including, but not limited to: location and site planning; construction; maintenance; operation, including hours of operation; and traffic control as it deems necessary for the protection of adjacent properties and the public interest. The City may require a cash or surety bond that such conditions will be or are being complied with by the operator.

17.60.060 Required Findings. In granting a Use Permit, the factors to be reviewed by the Planning Commission (or the City Council upon appeal) shall include but are not limited to the following findings:

A. That the use shall be in conformity with the General Plan and any applicable specific plan;
B. That the use shall be in conformity with City-adopted standards.
C. That the use shall not negatively affect the general safety (e.g., seismic, landslide, flooding, fire, traffic) of the City or surrounding area.
D. That the use shall not have significant negative impacts on the health or general welfare of residents, businesses, property owners, or employees in the City.
E. That the permit will be in accord with the purpose of Use Permits as stated herein.

ZOA 2007\01-07-Ordinance-Use Permits-Draft 2 Revised January 18, 2008

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1. Could the project generate any significant other types of pollutants
H. Traffic Congestion:
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1 Could the project possibly result in large numbers of persons congregating on the exterior? If yes, where and how many likely
K. Influence on Minors
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Chapter 17.24

LIMITED COMMERCIAL (LC) DISTRICT

Sections:

17.24.010 Permitted Uses—Generally. All land within a Limited Commercial District (map symbol LC) may be used for any of the uses under the regulations in this chapter.

17.24.020 Permitted Uses--Principal. Unless the land is located within the boundary of the *Town Center Specific Plan*, the principal permitted uses in the Limited Commercial District are as set forth herein. If the land is located within the boundary of the *Town Center Specific Plan*, the principal permitted uses are the retail sales, commercial service, restaurant, bar, commercial recreation, child day care, office, upper-floor residential, and visitor-accommodation uses specifically set forth in the "Town Center Commercial" land use designation of the *Town Center Specific Plan*.

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A. Retail business or service establishment supplying commodities or performing services for residents of the surrounding community, such as a junior department store, grocery, fruit, or vegetable store, bakery, drugstore, barbershop and beauty shop, clothes cleaning and laundry pickup station, business or professional offices and the like;

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B. Cafes, restaurants, grills, and similar enterprises, provided that such uses are conducted within a completely enclosed building;
C. Business and technical schools, and schools and studios for photography, art, music and dance;
D. Medical and dental offices and clinics;
E. Administrative, executive, and editorial offices;
F. Professional offices;
G. Financial offices, including banks, and real estate and other general business offices;
H. Outdoor sales activities, such as sidewalk cafes, and other similar uses, where the City finds any such use to be in the public interest and compatible with existing development in the general area where such use is proposed, and which use is maintained with sufficient screening or landscaping or both, where the same is or are determined by the City to be necessary to protect surrounding properties;
I. Accessory uses and structures customarily appurtenant to a permitted use, such as incidental storage facilities;
J. Any other retail business, office or service establishment which the Commission finds not to be inconsistent with the purpose of this title and which will not impair the present or potential use of adjacent properties.

17.24.030 Lot Area. Buildings or parts of buildings hereafter erected or altered for any of the uses described in this chapter shall be situated on a lot at least five thousand square feet in area and fifty feet in average width.

17.24.040 Building Height. The building height in the Limited Commercial District shall not exceed forty (40) feet.

PROPOSED COPY

EXHIBIT C - REVISED
(2 PAGES)

17.24.050 Setbacks. The setback in the Limited Commercial District shall be five (5) feet from all lot lines, unless the lot shares a common lot line with a lot in a residential district, in which case the setback shall be ten (10) feet from that portion of the common lot line. The setback may be reduced to zero (0) feet upon approval of a site plan review by the Planning Commission for the subject development in accordance with Chapter 17.44. (Ord. 403)

17.24.060 Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Chapter 17.37 (Off-Street Parking and Loading Regulations).

Chapter 17.04

DEFINITIONS

17.04.180 Retail Business. "Retail business means the sale, barter, and exchange of retail goods, wares, merchandise, or other personal property or any interest in them for profit or livelihood.

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ZOA 2007 01-07-Ordinance-LC District -Draft 1 Revised January 18, 2008

CITY OF CLAYTON PLANNING COMMISSION
RESOLUTION NO. 02-08

TOWN CENTER ZONING UPDATE
AMENDMENT OF USE PERMITS (CHAPTER 17.60),
LIMITED COMMERCIAL DISTRICT (CHAPTER 17.24),
AND DEFINITIONS (CHAPTER 17.04).
ZOA 01-07

Whereas, Section 17.56.060 of the *Zoning Ordinance* requires the Planning Commission to make a recommendation to the City Council on zoning ordinance amendments; and

Whereas, the City of Clayton has proposed amendments of the Use Permit regulations (Chapter 17.60), Limited Commercial District regulations (Chapter 17.24), and Definitions (Chapter 17.04); and

Whereas, the Planning Commission held a duly-noticed public hearing on January 8, 2008 and January 22, 2008 on the proposed amendments of the Use Permit regulations, Limited Commercial District regulations, and Definitions; and

Whereas, the Planning Commission considered the public testimony and staff report; and

Whereas, the *Town Center and Vicinity Planning Amendments Initial Environmental Study/Negative Declaration* (ENV 01-06), which has been previously approved by the City, studied the environmental impacts of amendments of the *Zoning Ordinance*, and those aspects of the project which were not evaluated in the *Town Center and Vicinity Planning Amendments Initial Environmental Study/Negative Declaration* (ENV 01-06) are exempt from the California Environmental Quality Act (CEQA) in accordance with Sections 15061(b)(3), 15305, and 15332 of the CEQA Guidelines; and

Now, Therefore, Be it Resolved That:

Section 1. The Planning Commission recommends the City Council approve amendments of the Use Permit regulations, Limited Commercial District regulations, and Definitions as provided the **Attachment**.

Section 2. The amendments would be in general conformance with the *General Plan*, would be in the public interest; and have been assessed for potential impacts and have been determined to not be detrimental to the public health, safety, or welfare.

EXHIBIT D
(2 PAGES)

Adopted by the Planning Commission on January 22, 2008.

APPROVED	ATTEST
______________________________	______________________________
Keith Haydon Chair	Jeremy Graves, AICP Community Development Director

Attachment: Use Permits, Limited Commercial District and Definitions, dated January ___. 2008

plngcomm\resolutions\2008\02-08

MEMORANDUM

DATE: January 16, 2008

TO: Planning Commission

FROM: Jeremy Graves, Community Development Director JG

SUBJECT: Contract For Retail Revitalization Program & Market Analysis

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For your information only; no action required.

On January 15, 2008 the City Council approved a contract with Economic Development System for preparation of a retail marketing opportunities analysis and developer recruitment on private and public properties in the Town Center. A copy of the City Council staff report is attached.

Attachment: City Council Staff Report dated January 15, 2008

CITY OF CLAYTON
Founded 1857... Incorporated 1964

Agenda Date: 1/15/08

Agenda Item: 6b RDA

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE CHAIRMAN AND BOARD MEMBERS

FROM: EXECUTIVE DIRECTOR

DATE: 15 JANUARY 2008

SUBJECT: PROPOSAL FOR RETAIL REVITALIZATION PROGRAM & MARKET ANALYSIS CLAYTON TOWN CENTER, REDEVELOPMENT PROJECT AREA

RECOMMENDATION

It is recommended the Board of Directors approve the retention of Economic Development Systems (Mr. Jim Harrigan, Managing Principal) to perform a retail marketing opportunities analysis for the Clayton Town Center, followed by Retail Implementation Plan services for retailer and developer recruitments and placements on private and public properties in the Town Center area.

It is further recommended the Board authorize the Executive Director to prepare and execute a Consultant Services Agreement with Economic Development Services and approve the allocation of $86,000 from the FY 2007-08 Capital Improvement Budget (CIP No. 10400 – Downtown Economic Development) to fund the contract services.

BACKGROUND

Adopted in 1987, the Clayton Redevelopment Plan identified a series of goals and objectives to improve blighted conditions (as defined by state law) within the adopted Project Area. The Clayton Redevelopment Agency project boundary *is not* coterminous with the City's corporate limits; for example, it generally excludes the Dana Hills and Oakhurst developments. One of the key target areas of the Redevelopment Plan is the Town Center of Clayton (aka "Downtown").

Allowable projects and stated tasks of the Agency are activities focused on the "economic environment" of the Project Area, both structural and economic expansion assistance and promotions. Recent Agency accomplishments and current projects undertaken in harmony with that mission include the construction of public improvements *"... such as municipal* *parking lots, bomanite sidewalks, street lights and a [new] downtown park that will assist in the economic development of the Clayton downtown."* [ref. Goal No. 5, Agency Implementation Plan adopted in 1998]. In support of recent activities of the Agency stimulating new commercial developments in the Town Center area (e.g. Longs Drugs Store; Flora Square; upcoming Municipal Parking Lot next to Endeavor Hall), Goal No. 8 also suggested the Agency should ... *"Acquire any property, easements or right to property that will help to achieve the above goals."* Interestingly, the construction of a Downtown Park was listed in this 1998 document as a specific economic development goal of the Agency.

Similarly, redevelopment agencies throughout California expend significant resources, time and expense nurturing their downtowns and other business sectors (i.e., industrial parks) to ensure economic health, vitality and tenant mix remain current and attractive to patrons and other investors. Medium and large population cities that have redevelopment agencies often employ full-time economic development managers, usually with support staff, whose sole purpose is to encourage and stimulate retail and commercial businesses within their boundaries in order to eliminate blighted conditions, create job opportunities, recruit retailers, and adjust to consumer market changes. Redevelopment agencies and cities compete fiercely and aggressively to attract and retain popular businesses in their key economic sectors.

The Town Center of Clayton is a small scale commercial center that has recently emerged as a revitalization area of economic interest. The City and the Agency have long recognized and awaited this commercial potential and attention. It is now incumbent on the Agency to seize this momentum by offering additional economic development services and retail market analyses designed to urge and motivate downtown landowners into new or expanded commercial development activity. Successful redevelopment agencies typically generate retail strategic plans designed to proactively recruit commercial establishments into their sectors, rather than idly sit by and be grateful for whatever walks through the door.

RETAIL REVITALIZATION PROGRAM PROPOSAL

Recognizing the importance of a viable downtown center, the City of Clayton first commissioned a "Market Analysis for the Clayton Town Center Specific Plan" by Mundie & Associates in December 1988. This market study was produced as part of the planning process for the creation of the "Town Center Specific Plan" that emerged as the micro-blueprint to guide development in the downtown. The goals arising from that Study included establishing a positive and attractive identity for the Town Center, and attracting an appropriate mix of businesses to serve the community and create a sales tax base for the City [ref. Page 1 of the Mundie report].

Ten years later, a "Town Center Development Potential Report" produced by Keyser Marston Associates (1998) was utilized as the framework for a City Council appointed Economic Development Task Force Report (November 1999). This Report has been the guiding map for much of the Agency's recent funding of municipal facilities and infrastructure improvements and upgrades in the Town Center, essentially laying the foundation to create an attractive environment for commercial business investment and expansion in the Downtown. Although produced in the backdrop of the Clayton Road Bypass and the Oakhurst Development project, this document framed much of the City's ongoing advance planning and land use amendments in setting the proper stage for eventual retail and commercial development in the Town Center. City leaders and officials have not been deterred from that vision and expectation: Clayton can, should and will have a viable and attractive small town business center in its Downtown.

Each of these prior strategic plans is consistent in their recommendations of creating and retaining an economically healthy Clayton Town Center. Subsequently, and in accordance with stated objectives, the Clayton Redevelopment Agency has poured millions of tax increment revenues into the hardscape of this small commercial center, awaiting discovery by private development. Despite pundit claims the Clayton Town Center will never be a feasible or prosperous commercial sector, recent signs and development activities reveal that Downtown Clayton can indeed foster and produce its own niche of small scale retail commercial operations. What is needed now is an updated retail marketing plan, followed by active retailer attraction and placement services such that a newer retail revitalization plan does not stall due to lack of attention or sufficient time for aggressive implementation and networking. The City of Clayton has done well in recent times to develop commercial interest in the Downtown yet "cold calls" to retailers and potential investors are pathetic and wasteful outreaches without key connections to the retail industry. Like many other programs, "it's just the way the system works – you must have connections to reach the right people."

ECONOMIC DEVELOPMENT SYSTEMS (EDS)

In October 2007, the City Manager contacted a firm located in southern California that presented a unique proposal for producing retail revitalization successes in cities. Economic Development Systems (EDS) not only offered the traditional service of preparing an updated retail marketing study and plan for our Clayton Town Center, EDS personally provides the missing component in the previous two (2) market analyses performed for the City of Clayton; namely, a retail marketing strategy immediately followed by a retail developer and/or retail business recruitment program crafted specifically for the marketing plan tailored to the Clayton Town Center.

Mr. Jim Harrigan, Managing Principal of EDS, was invited by the City Manager to come to Clayton, conduct a walking tour of our Downtown, and discuss in greater detail his services. Staff was pleased to discern that EDS's expertise could benefit not only the City and Redevelopment Agency but also aid long-time private property owners within Downtown in moving forward to develop their properties according to a credentialed marketing plan. In the alternative, EDS will assist in partnering or selling their land to qualified and well-financed developers utilizing EDS's history of professional connections to the commercial real estate brokerage, retail industry and financiers.

On 31 October 2007, Mr. Harrigan spent several hours in Clayton with the City Manager and the Community Development Director examining our Town Center in the field and discussed the positive potentials (and distractions) for a desired retail commercial center. Based on the fruits of that meeting, EDS was invited to submit a proposal to the City/Agency to encompass an updated retail marketing plan for Clayton and a retail recruitment component. The EDS proposal was received in November 2007.

Mr. Harrigan then met formally on 12 December 2007 with the City Council Sub-Committee on Economic Development (Vice Mayor Pierce and Council Member Shuey) to discuss in greater detail the merits of his services for our economic development objectives. Mr. Harrigan also met with then-Mayor Walcutt to review his services. It is the recommendation of the Council Sub-Committee and the Executive Director/City Manager to forward the EDS proposal for full Board consideration and approval.

Attached is EDS's proposal. Were it only producing yet another market analysis of the Town Center, the merits of the proposal, while tangibly beneficial to obtain an updated market analysis, could be accomplished via other nearby consultants. The true essence of this proposed relationship is that EDS (or another market analysis consultant) does not get to walk away from the City after submittal of its final product. EDS is retained to actually assist in the implementation of the final strategic plan for retail commercial in the Town Center! Thereby, EDS has a major role and responsibility in the actual implementation and success of the plan they recommend for adoption! And, EDS has proven experience and success in accomplishing its retail revitalization plans in other cities and business sectors.

Staff considers this on-going relationship and responsibility of EDS to work with private property owners in our Town Center to be the highly prized component of their consultant services. As noted in Goals 2 and 9 in their Proposal, EDS personally working with existing land owners and lessees in the Town Center to achieve mutual retail commercial objectives is part of the continuing services (and commitment) the Agency would provide to stakeholders to enhance the economic environment of our Clayton Town Center. A true partnership is forged. In short, an additional tool becomes available in the Agency's belt for aiding the attraction, construction and retention of viable economic developments in the Town Center.

FISCAL IMPACT

Page 5 of the EDS Proposal outlines the expected timetable and fee schedule for EDS's services. The Marketing Plan would take approximately 12 weeks ($20,640) and the first year implementation phase carries the remaining 38 weeks at $65,360. Total cost of first year consultant services is $86,000 (plus expenses not to exceed 16% of the base contract price). In comparison, the employer cost of an in-house economic development manager devoted to this task would exceed that total amount when including compensation and required employee benefits.

Preparation of economic development plans, marketing strategies, retail placement services and other associated costs targeting economic viability within a designated sector of the Redevelopment Agency's Project Area are legitimate, routine, and allowable expenses of the Agency. The FY 2007-08 Capital Improvement Budget, CIP No. 10400 – Downtown Economic Development, presently contains $873,423 for the express purpose of promoting economic development in the Town Center. The sole source of this CIP account is monies from the Clayton Redevelopment Agency.

An anecdotal comment on the merit of the proposed services: the City Manager received an unsolicited email this week from a Clayton resident actively interested in pushing further retail commercial developments in Downtown. In his comments (copy attached), he notes, *"Perhaps we can use redevelopment $$$ to pay incentive/commissions to property managers/developers to bring those kinds of merchants [retail destinations] to downtown."* Staff could not agree more with the sentiment. We believe EDS's proposal is the right method to accomplish those mutual objectives.

Respectfully submitted,

Gary A. Napper
Executive Director/City Manager

Attachments:
1. EDS Proposal [26 pp.]
2. Email from Clayton resident [1 pg.]

ATTACHMENT 1

Economic
Development
Systems

436 Calle Mayor • Second Floor • Redondo Beach, California 90277 • Tel.: (310) 375-5821 • Fax: (310) 375-8641

November 12, 2007

Mr. Gary Napper
City Manager
City of Clayton
6000 Heritage Trail
Clayton, California 94517

Subject: **Qualifications and Proposal for a Retail Revitalization Program for the Various Retail Components within Downtown Clayton**

Dear Gary:

Thank you for your interest in the programs and services of Economic Development Systems ("EDS") and for the opportunity to submit our qualifications and proposal for Retail Analysis and Strategies, Retailer and Developer Recruitment and, Retail Revitalization Services.

This cover letter and proposal are designed to be made part of any subsequent agreement and references the retail district collectively known as Downtown Clayton ("Program Area") and specifically, focused areas to be delineated, prioritized and defined at a later date.

The aforementioned Economic Development Systems' Retail Programs have proven to be a successful, quick starting process beginning with an initial market analysis, strategy and marketing plan design phase, followed by an immediate, proven, retail developer and/or retail business recruitment program crafted to also supplement and retain the successful businesses in the existing retail base.

Gary, please allow me to introduce Economic Development Systems to you and explain why EDS is the foremost "market-driven" retail consultant in the western United States.

Please note:

- During the last sixteen years EDS has focused <u>only</u> on the design and implementation of retail recruitment programs in order to spur private investment and create additional value by increasing, upgrading and diversifying the tenant mix in downtown retail "streetfront" districts, neighborhood business communities and commercial corridors.

- Economic Development Systems' program studies and/or implementations have been in effect, and proven effective, in, as an example, California cities such as **Long Beach**, **Pasadena**, **Los Angeles**,

San Diego, Palmdale, San Jose, Azusa, Rialto, Lawndale, Rancho Mirage, Culver City, Hermosa Beach, Riverside, Santa Ana, S. San Francisco, Fullerton, Bellflower, Huntington Beach, Montclair, Santa Paula, La Puente, Gardena, Grand Terrace, Stockton, Pico Rivera and **Ripon**, California.

- This focus has/is revitalizing stagnate or new sub-markets such as **Pine Avenue, Los Altos** and **Queensway** Bay in Long Beach, **Colorado Boulevard** and the Playhouse **District** in Pasadena, **Downtown** San Jose, **Westwood Village** in Los Angeles' Westside, the Palmdale **Trade and Commerce District, Pier Avenue** in **Downtown** Hermosa Beach, the **Studio District** in **Downtown** Culver City, the **Downtown Pier District** in Huntington Beach, as well formulating a retail recruitment plan for the **Mission Inn District** in **Downtown** Riverside.

- The benefits of our Retail Recruitment Implementations include:

    - Greater shopping, dining and entertainment, opportunities for residents and visitors;

    - The introduction of traffic generators for the betterment and retention of existing retail businesses;

    - Added city revenues by reducing sales tax leakage to surrounding communities;

    - Job creation;

    - A decrease in retail business turnover by providing more variation of tenant categories, resulting in a more stable, better balanced, successful commercial district;

    - Support for local landlords who may not have the way or means to promote their property to the brokerage and/or tenant community, and;

    - The pro-active placement of businesses that should be in your retail districts, versus accepting whomever *"just shows up"*.

- Our two principals have over fifty-years of collective experience in commercial real estate brokerage, business recruitment and retention services in the Los Angeles, San Diego, Riverside, San Joaquin, Contra

Costa, San Bernardino, Ventura, Santa Clara, San Mateo and Orange County areas.

- We work closely with associate team members such as Gensler; Economics Research Associates; The Arroyo Group; Hyett/Palma; Kotin Mouchly Group; Keyser Marston Associates; Seifel Consultants; Asset Strategies; Sedway Associates; Linda Congleton & Associates, etc.

Gary, rather than simply submit our "Scope of Work" in the following proposal, we will also provide our "Goals" exercise that we normally develop as an important initial step in this work program. This step should provide, if necessary, a tool for discussion with City management and staff to fine tune the subsequent Scope.

Regarding the time frame of our Scope, it is our opinion, based on our recent recruiting experiences in similarly positioned commercial districts, that a minimum of 10 hours per week are needed to maintain momentum through the Phase One Design (Market Analysis, Strategy and Marketing Plan Development) and 10 hours per week for the Phase Two Implementation (Recruitment Plan). Fewer hours will not produce consistent, long-term, tangible results.

As stated for Phase One, at 10 hours per week, we estimate the remaining Program Area's data base development, compilation and analysis, including marketing package development and necessary review meetings, from week one through week twelve, with the 10 hours per week recruitment plan beginning at week thirteen and lasting through, approximately, week fifty.

The Analysis/Design Phase, as outlined in the following proposal, will be the only "study" that EDS will need to proceed to Phase Two, Recruitment Implementation.

The aforementioned tangible results (e.g., **lessor/tenant/developer** negotiations **and/or retailer tours of available** space) will begin at approximately the 36-week Recruitment Phase mark and extend until our mutually agreed objectives are met. If less than the proposed hours are requested, adjustments for all areas of performance will be adjusted accordingly.

Our fee structure, outlined on Proposal pages 4 and 5, assumes that certain segments of the listed Scope of Work may have already been completed for the Program Area and/or compiled by previous consultants and/or City staff (e.g., **current** broker **listings of available** properties; property **ownership lists with two sets of mailing labels; sales tax data by each Program** Area **retailer; traffic counts; area parking maps; workable base maps; comprehensive listings of trade area competition; vacant building site plans; vacant** parcel **plot plans, etc.**). If these segments are not complete or available, then they will have to be completed in a timely manner by staff (or by EDS for an additional charge), or the overall effectiveness of the program could be compromised.

As you are now aware, Gary, we have been or are currently under contract to provide similar revitalization programs in the cities of Long Beach, Pasadena, Los Angeles, San Jose, Culver City, Huntington Beach, Stockton, Pico Rivera, Grand Terrace, Ripon, Ontario, etc., and have concluded a market research and retail consultation program for a four-block area of Downtown Santa Ana's Hispanic "Mercado" area for the Santa Ana Redevelopment Agency.

For comparable work products, we had been under contract for over eleven years with the City of Long Beach in the downtown retail area including Pine Avenue and, more recently the $750,000,000.00 Queensway Bay project. A partial listing of our leasing results in Pasadena, San Jose, Long Beach, Culver City, Huntington Beach, Palmdale and Westwood Village can be found on Attachment "B". Our total qualifications are more fully described within the attached "Firm Qualifications".

Gary, co-principal Pat Hurst and I bring over 50 years of recruitment, retention and lease/sale negotiation experience to this assignment and are personally committed to producing a customized, usable working strategy and implementation for guiding the City of Clayton's recruitment and revitalization campaign.

We are members and guest speakers/panel members for the Urban Land Institute (ULI), International Council of Shopping Centers (ICSC), California Association for Local Economic Development (CALED), National Council for Urban Economic Development (CUED), California Redevelopment Association (CRA), International Downtown Association (IDA) and are licensed California real estate brokers .

We look forward to the opportunity of working closely with the City of Clayton including City management and staff, property owners, business people and area commercial brokers to develop creative action steps aimed at planning, and subsequently implementing, the recruitment, retention and revitalization programs for the City of Clayton's retail components.

Very truly yours,

Economic Development Systems

Jim Harrigan
Managing Principal

cc: Pat S. Hurst

Presented

to

Gary Napper

City Manager

City of Clayton

Jim Harrigan

and

Pat Hurst

Principals

Economic Development Systems

November 12, 2007

PROPOSAL FOR THE DEVELOPMENT AND IMPLEMENTATION OF A RETAIL RECRUITMENT, RETENTION AND REVITALIZATION PROGRAM FOR THE VARIOUS RETAIL COMPONENTS WITHIN DOWNTOWN CLAYTON

INTRODUCTION

Economic Development Systems ("EDS") is pleased to submit this proposal for professional services with respect to the above subject. It is understood that the City of Clayton wishes to contract an economic development consultant to design and implement a Retail Recruitment, Retention and Revitalization Program for the various retail components within the Downtown Clayton commercial district ("Program Area").

GOALS

The purpose of this Retail Market Analysis, Strategy, Marketing Plan Development and Recruitment Implementation is to provide a plan for establishing a desirable increase, upgrade and diversity in the mix of retail uses that will also capitalize on the retention of successful businesses now located in the Program Area, as well as to build upon and enhance the existing revitalization programs of the City of Clayton. Specific goals of the program include the following:

1. **To create** a realistic action plan that builds upon existing Program Area's strengths and provides maximum exposure from limited resources.

2. **To create** a retail recruitment action plan aimed at actively involving Clayton landlords, existing tenants, commercial brokers, developers and City management and staff.

   This action plan involvement with Clayton "stakeholders" will include individual and/or group meetings to insure both an understanding of program goals as well as the reasons for the City's commitment for the revitalization of Downtown Clayton.

3. **To recommend** target niche concepts aimed at encouraging uses to compliment the existing retail businesses in the Program Area.

4. **To provide** recommended tenant absorption direction for in-fill of retail space.

5. **To create** a retail recruitment plan that provides recommendations that distinguish the Program Area from other retail already existing or planned in the greater Clayton trade area.

6. **To address** the integration of existing Program Area's vacant spaces into the overall marketing plan, including recommendations for the buildings' opportunities and constraints from a marketing and leasing perspective.

7. **To identify** potential leasing opportunities for retail usage. (All recommendations will be made after consultation with City management and staff and appropriate stakeholders.)

8. **To determine** the names and locational requirements of target local, regional and national tenant types while identifying specific sites to accommodate their needs.

9. **To draft and implement** an action plan for recruiting target market developers, investors, retailers, restaurateurs and/or entertainment venues, and to identify and assist in the development of the specific tools required to accomplish these tasks based on successful strategies utilized by other California cities. (Development and production of brochures, maps, DVD's and videos are not included in the budget presented herein.)

   The above referenced retail recruitment action plan will be specifically tailored for the small town needs of Downtown Clayton. Although historically over the last seventeen-years, the programs and services of EDS have been utilized by medium to large California cities to upgrade and diversify their retail districts, our downtown recruitment strategies have always been "small town" by design.

   The reason for this seemingly oxymoronic tactic is because EDS has always been opposed to recreating the regional mall in any sized downtown...large, medium or small. We have consistently believed that a niche retail market of independent stores, restaurants and entertainment venues should be a downtown district's "cake" with a minority consideration of national and regional retailers being the district's " frosting".

   This same, successful strategy/tactic will not change for Downtown Clayton.

SCOPE OF WORK

To achieve the above goals, the following scope of work is required:

1. **Kick-Off** Meeting with City management and staff to discuss assistance, goals and timetables.

2. **Compile** provided inventory within the Program Area and review area retail uses.

3. **Analyze** existing retail sales tax data for the Program Area. (It is understood

that EDS will be provided by the City with a detailed itemization of sales tax information for all uses within the Program Area to be analyzed on a confidential basis.)

4. **Review** provided listings of competition in key shopping areas and centers that provide competitive shopping, dining and/or entertainment.

5. **Prepare** a demographic overview of the greater Clayton area residents and daytime workers.

6. **Conduct** selected interviews with knowledgeable real estate and retail management and/or leasing contacts who are familiar with Program Area and its competition.

7. **Prepare** a concise retail voids overview.

8. **Prepare** preliminary retail concept recommendations.

9. **Research** select local, regional and national retailers.

10. **Recommend** the highest and best use for Program Area's vacant spaces and development sites.

11. Prepare **and implement** a marketing and leasing plan that outlines the following:

    (a) A strategy for the Program Area to determine what retail is needed to satisfy the voids in the Program Area;

    (b) Identify "Key Tenants" that would be successful and draw other successful retailers to the Program Area;

    (c) Identify possible locations for "Key Tenants";

    (d) Vacant building use strategy, and;

    (e) Provide plans for a mix of "traditional" retail, restaurant and possible entertainment usage to complement the existing successes of the Program Area.

12. **Present** a concise, written outline and verbal report of market research findings, conclusions and recommendations relating Steps 1-11 above to City management and staff.

13. **Create and implement** a marketing/promotions action plan for recruiting the

target market businesses and attractions. This will include direct contact with potential tenants, developers and/or their respective brokers; production of specific market information per tenant request; ongoing, monthly review of City staff's maintenance and update of a Retail Vacancy Roster; ongoing effort to expand the original prospective tenant roster; coordinate tours and meetings with potential tenants and/or developers; describe all economic incentives; and, assist throughout negotiation/ occupancy as necessary.

APPROACH TO AREA PROMOTION/ANTI-FAVORITISM CONCERNS

It is understood that the Consultant would not be actively representing specific leasable properties in the Program Area in lease transactions, but would represent the area as a whole. Tenant referrals will be made directly to the leasing agents for the properties involved. All prospective tenants will be provided with information that specifically addresses their individual space and area requirements. The tenant will then select and eliminate properties as they believe necessary.

Consultant shall respond accordingly to those properties of interest, via the listing broker, and will then monitor and participate in the transaction as required. It has been our experience that dialogue with "hot prospects" must be on an ongoing basis to insure that if the tenant's first choice does not work out, the second alternative is then pursued.

It is also highly probable that the Consultant will contact and recruit tenants that are not represented by an exclusive broker. Upon request by the respective tenant, Consultant shall provide a list of at least three Clayton area commercial real estate brokers to represent said tenant. Tenant shall be fully responsible for further selection of a specific broker. Should there be several area brokers who should be presented as candidates, then a full listing can be rotated on a case-by-case basis.

It is also understood that any tenants that do not select a site in the Program Area will be encouraged to look elsewhere in the City of Clayton for appropriate locations.

PROJECT TEAM MEMBERS

Jim Harrigan (primary) and Pat Hurst (secondary), Principals of Economic Development Systems will be personally responsible for conducting and supervising the production of the assignment. Their resume/ professional qualifications are attached.

FEE SCHEDULE

January, 2007/08 large city rates for a minimum 500 annual hours for long-term assignment are $250 per hour, Principal billing rate, plus expenses.

For Clayton, because of its lower population **base, EDS will discount these rates by 30%. This reduction** will **set the hourly, mixed rate at $172.00 for the term of this initial agreement,** plus expenses.

For year one of this "long-term" (500 minimum hours) assignment:

Phase I – 12 Weeks - 120 Hours	
Analysis:	$13,600.
Strategy:	$4,400.
Marketing Plan:	$2,640.
Phase II – 38 Weeks - 380 Hours	
Recruitment Implementation:	$65,360.
Total of 500 Contract Hours:	$86,000.

EXPENSES

Direct "reimbursable expenses", include, but are not limited to, air fares; hotels; travel time; ground transportation/mileage; travel time; telephone calls; delivery; demographic reports; graphics and printing; entertainment/meals; meals while traveling; postage; client entertainment; the pro-ration, with other client Cities/ Agencies/Associations, of costs for regional and national retail conferences (e.g., ICSC Conferences; Trade Conventions, etc.). The maximum amount of these expenses will not exceed 16% of the total hourly contract.

TIME ALLOCATION

As of today, November 12, 2007, the Principals will allocate up to twelve (12) total hours per week for this assignment and can schedule a commencement of services for January 1, 2008. (Please note that as outstanding proposals/ contracts are executed, this time commitment and commencement date may possibly be altered or delayed.)

BILLING ARRANGEMENTS

Monthly invoices will be submitted approximately on the first of each month. Payment shall be due within thirty (30) days of the date of the billing statement. In the event payment is not received within said thirty (30) day period, it is the policy of the company to cease work until such time that the billings are paid in full. Amounts outstanding thirty (30) days or more from the date of the billing statement will be charged a rebilling amount of two percent (2%) per month (24% per annum). Should this assignment be abandoned or terminated for any reason whatsoever during the progress of the work, billings will be rendered up to the date of said abandonment or termination and shall immediately become due and payable. In the event of any dispute relative to this agreement, the prevailing party shall be entitled to attorney's fees and costs. This agreement shall be construed, interpreted, and governed for any and all purposes by the laws of the State of California, and any action on this assignment shall be commenced in the County of Los Angeles, State of California.

FIRM QUALIFICATIONS

Economic Development Systems ("EDS"), based in Redondo Beach, California, provides consulting services to city governments, redevelopment agencies, Business Improvement Districts (BIDs), real estate developers, institutional investors, land owners, and other consulting firms. A staff of experienced professionals with backgrounds in real estate, retail, marketing, management and research form the core of EDS.

Economic Development Systems, a partnership, founded in 1991 by Pat S. Hurst, and formalized in 1993 when co-principal Jim Harrigan joined the firm, provides retail recruitment services focusing on:

- Market Assessment
- Retail Void Analysis
- Tenant Recruitment
- Plan Implementation
- Site Selection Criteria
- Strategic Planning
- Tenant Negotiations
- User Profiles
- Retail Program Design
- Ongoing General Retail Consultation

These services compliment traditional demographic, census and financial statistic studies provided by firms such as Economics Research Associates, Seifel Associates, etc. To help clients better understand their markets and their prospective tenants, EDS examines and analyzes the relevant retail, demographic, and social trends as well as factors that impact a project or an area and then recruit the specific tenants to fill those needs by working closely with City, Agency and/or Association staff, landlords, commercial real estate firms, and local business owners.

EDS provides a coordinated retail recruitment program to prospective businesses currently located outside a given market area by providing outreach to local, regional and national brokers who represent the targeted retailers. The campaign includes promotion of all applicable economic incentives available to retailers such as the Enterprise Zone, Revitalization Zone, Loan Programs and other relevant incentives.
EDS' primary responsibility is to reach retailers by personal contact and to match such retailers with specific locations that can accommodate their needs. Upon confirmation of the prospective tenant's interest, EDS assists in identifying various leasing and financing strategies that will culminate in a commitment on the retailer's behalf to the market area. This includes proposal analysis, lease oversight and constant monitoring of the transaction.

Economic Development Systems has/is providing consulting services for the following clients/associates examples:

- City of Long Beach
- City of Pasadena
- City of San Jose
- City of Bellflower
- City of S. San Francisco
- City of Palmdale
- City of Culver City
- City of Santa Ana
- City of Fullerton
- City of Grand Terrace
- City of San Diego
- City of Azusa
- City of Stockton
- City of Ripon
- City of Los Angeles
- City of La Puente
- City of Rialto
- City of Riverside
- City of Huntington Beach
- City of Gardena
- Seifel and Associates
- Gensler
- Hausrath Associates
- Congleton Associates
- Economics Research Associates
- The Arroyo Group

CERTIFICATIONS

Economic Development Systems is certified by the State of California, Division of Civil Rights for participation in Federally and State funded contracts as a woman-owned and operated small business (Certification Number : CT-023244).

FOUR PROFILE PROJECTS

1. ***City of San Jose –Downtown and Various Sub-Markets***

As a Retail Recruitment Consultant for the City of San Jose (population 950,000), EDS is working closely with the City staff in the revitalization of the downtown shopping, restaurant and entertainment district. The program began with an analysis and design of a retail strategy. The current implementation includes promoting not only specific economic incentives to key retailers, but providing

additional support to property owners and commercial brokers as well. Additional support includes expansion programs for existing retailers, profiles of existing properties for lease and/or sale and demographic profile compilation for specific tenant recruitment.
EDS is responsible for current activity with tenants such as Roy's Restaurant, House of Blues, The Magazine Furniture Store, The Improv, California Pizza Kitchen, Cheesecake Factory, etc.

Contact: Susan Shick
Executive Director
City of San Jose Redevelopment Agency
50 W. San Fernando Street, Suite 1100
San Jose, California 95113
(408) 794-1050

Date of Service: 1999 - Present

Services Delivered:

- The analysis and design of a retail strategy identifying the District's strength and weaknesses, needs, opportunities and possible constraints from a leasing perspective.

- Plan, schedule and lead stakeholder meetings to confirm support for submitted strategy and implementation.
- Efforts to revitalize two neighborhood shopping areas by developing RFQ standards for positioning the opportunity to developers in order to recruit grocery, drug and neighborhood amenities.

- Production/coordination of a city video, a compact disc for web site development, two brochures, slide shows and promotional packages for recruitment of new retail.

- ICSC tradeshow coordination and promotion

2. *City of Long Beach - Downtown and Various Sub-Markets*

As a Retail Recruitment Consultant since 1991 for the City of Long Beach (population 430,000), EDS has worked closely with the City staff in the revitalization of the downtown shopping, restaurant and entertainment district.

The program includes promoting not only specific economic incentives to key retailers, but providing additional support to property owners and commercial brokers as well. Additional support includes expansion programs for existing retailers, profiles of existing properties for lease and/or sale and demographic profile compilation for specific tenant recruitment.

EDS is responsible for new store locations for Crate & Barrel, Z Gallerie, Limited Express/ Bath & Body Works, Trilusa Restaurant, Chicago for Ribs, Starbuck's, Good Guys, Tower Records, Barnes & Noble, and many others.

Other Long Beach area Retail Recruitment projects include:

A 100-acre Power/Entertainment Center proposed at the 605 Freeway and Carson Boulevard, featuring a multi-screen Edwards Cinema, restaurants, shopping, etc.; revitalization of the Marina Pacifica Mall on Pacific Coast Highway, including Barnes & Noble and the WOW! store (Good Guys/ Tower Records); a Redevelopment City Revitalization program for Los Altos Shopping Center (45 acres), including new retailers such as Bristol Farms and Circuit City; the Bixby Knolls Community Revitalization Area, consisting of a neighborhood shopping center including Orchard Supply and a new Von's grocery store, as well as streetfront retail and commercial districts; and, Queensway Bay, a 300-acre waterfront destination project featuring a new aquarium Which opened in June, 1998:

Contact: Ms. Barbara Kaiser
Redevelopment Bureau Manager
Community Development Department
City of Long Beach
333 West Ocean, 3rd Floor
Long Beach, California 90802
(562) 570-6340

Date of Service: 1991 - 2002

Services Delivered:

- The analysis and design of a retail strategy identifying the District's strength and weaknesses, needs, opportunities and possible constraints from a leasing perspective.
- Plan, schedule and lead stakeholder meetings to confirm support for submitted strategy and implementation.
- Addition of 200,000 square feet of new retail to Pine Avenue;

- Revitalization of two neighborhood shopping centers by recruiting Bristol Farms, Borders Books and Music, Sears (to replace Broadway) at Los Altos, and Barnes & Noble and AMC Theater expansion at Marina Pacifica;

- Introduction of IMAX Theater for Queensway Bay; and a culinary academy for the Downtown area;

- Production/coordination of four city videos, three brochures, and numerous slide shows and promotional packages for recruitment of new retail.

3. *City of Pasadena - Downtown Old Pasadena/Playhouse District*

The purpose in hiring EDS for the Old Pasadena retail district was to create a "proactive" program to address tenant mix issues in the remaining build-out of the district.

This effort includes communication and cooperation with property owners, commercial brokers, developers, existing retailers, city staff and elected officials. While the Old Pasadena retail district is a very well known popular destination, the retail recruitment effort focuses on striking a balance among the various categories of retail while maintaining the historic character of the district. In addition, a list of "key tenants," established and based upon individual tenant requirements, space availability, etc., was used for specific tenant recruitment efforts.

Supplemental information such as area maps, property profiles, vacancy rosters, etc. have been developed to be included in the promotional package. Tenants such as The Cheesecake Factory, Crate & Barrel Home Store, Pottery Barn, Saks Main Street Store, Earthsake and Buca de Beppo, to name a few, are tenants targeted by EDS for the District.

Contact: Richard Bruckner
Department Operations Manager
Housing and Development Department
City of Pasadena
100 North Garfield Avenue
Pasadena, California 91109-7215
(626) 744-4660

Date of Service: December 1994 - present

Services Delivered:

- The analysis and design of a retail strategy identifying the District's strength and weaknesses, needs, opportunities and possible constraints from a leasing perspective.

- Plan, schedule and lead stakeholder meetings to confirm support for submitted strategy and implementation.

- Addition of 137,000 square feet to the Old Pasadena Marketplace. Active tenants such as The Galleries of Neiman Marcus, Saks Men's Store, Villeroy & Boch, Ralph Lauren Shops, etc., total over 350,000 square feet; and

- Production and coordination of a retail recruitment package including demographics, maps, site plans, etc.

4. *City of Los Angeles - Westwood Village*

EDS provided services to Westwood Village for the development of a retail recruitment campaign to bring new regional and national retailers into what was once "the" urban streetfront environment in Southern California.
The scope of work included not only establishing a data bank of the 600,000 square feet of properties, but developing recruitment brochures, color maps and demographic information to be used in the retail attraction effort.

Contact: Mr. Robert Walsh
Executive Director
Westwood Village Community Alliance
1081 Westwood Boulevard, Suite 218
Los Angeles, California 90024
(310) 208-1984

Date of Service: January 1996 - August 1998

Services Delivered:

- The analysis and design of a retail strategy identifying the District's strength and weaknesses, needs, opportunities and possible constraints from a leasing perspective.

- Recruitment package including a four-page, four-color brochure, retail recruitment map, and 9 x 12 presentation folders, as well as a project logo and letterhead package; and,

- A portfolio of restaurateurs, including Mi Piaci, Palamino, Mr. Chow, Kincaids, California Pizza Kitchen and Wolfgang Puck restaurants; Kings Fish House, P.F. Chang's and Border Grill have or are locating into the Village.

PRINCIPAL QUALIFICATIONS

Pat S. Hurst
Principal

Pat S. Hurst has more than twenty-six years of diverse experience in all phases of commercial real estate in the Greater Los Angeles area including marketing, promotion, leasing, tenant recruitment, business development, financial analysis, construction, etc. She holds a Bachelor of Science Degree from Tennessee Technological University and was a Dean's List Honors Recipient. Current memberships include The International Council of Shopping Centers, Urban Land Institute, and California Association for Local Economic Development.

While Ms. Hurst's focus has been retail development for the past few years, her experience in both corporate and retail recruitment has strengthened her skills in market research and economic development. During her career in corporate real estate, she negotiated over 1.5 million square feet of lease transactions. As Leasing Coordinator for the development division of Cushman Realty Corporation, she negotiated more than 500,000 square feet of leases with tenants such as Disney Channel and Walt Disney Pictures, Teledyne, Wells Fargo Bank, Mobile Oil, Polygram Records and Warner Brothers.

Prior to her years at Cushman Realty Corporation, Ms. Hurst worked with Reliance Development Company as Leasing Representative for the 1000 Wilshire Boulevard Building in Downtown Los Angeles and the CIGNA Health Plan building located at 505 North Brand in Glendale. As a Leasing Specialist with American Trading Real Estate Company, she worked on the promotional campaign for the 880,000 square foot Glendale Square project planned for the immediate commercial district of Glendale. She also served as Vice President of Marketing for Howard Development Corporation in Glendale, and Project Manager for Mitchell Development in Sherman Oaks.

As a result of her working knowledge of the commercial office and retail real estate markets, Ms. Hurst provides her clients with experience ranging from the marketing of individual retail and office projects, to assisting with the revitalization of business and commercial districts throughout the Greater Los Angeles area.

Jim Harrigan
Managing Principal

Following his recruitment by Union Oil Company of California (Unocal), while still a student at Loyola University of Los Angeles (Loyola Marymount University), Jim was requested to report to Unocal's marketing headquarters in Chicago following his graduation. During this time he underwent a highly sophisticated training program in corporate real estate and commercial property management. After this training period, Jim was then sent to corporate headquarters in Los Angeles, where he held eight varied and increasingly more senior real estate positions until his entry into commercial real estate brokerage.

For the subsequent twenty-nine years, Jim Harrigan has been involved as a broker, supervising manager and/or managing principal in over 1,900 separate commercial lease or sale transactions for a total consideration in excess of $1.55 billion.

During this time period, and before joining the retail consultation firm, Economic Development Systems ("EDS") with Pat S. Hurst in 1993, Jim recruited, hired, trained, and counseled over 105 of the top retail, office, industrial, and investment brokers in the greater Southern California commercial market. Jim assisted in creating and closing some of the area's largest real estate deals for three diverse commercial real estate companies, including Hurst/Harrigan Associates, the commercial brokerage "sister" firm of EDS.

With this varied and strong brokerage and management background, Jim Harrigan, as co-principal of Economic Development Systems and Hurst/Harrigan Associates, brings over 35-years of marketing success to the California commercial real estate marketplace. His actual experience in corporate, commercial and industrial real estate spans the entire six county area of southern California as well as San Francisco, San Mateo, Santa Clara, San Joaquin and Contra Costa Counties in northern California. His working knowledge and relationships with corporate entities, retailers and commercial real estate brokers throughout the entire State of California market is second to none.

CLIENT REFERENCES - (Partial 2002 List)

City of San Jose

Susan Shick
Executive Director
City of **San Jose Redevelopment** Agency
50 West San Fernando Street, Suite 1100
San Jose, California 95113
408-794-1050

Anne Stedlar
Neighborhood/Industrial Development
City of **San Jose Redevelopment** Agency
50 West San Fernando Street, Suite 900
San Jose, California 95113
(408) 794-1167

City of Pasadena

Richard Bruckner
Director
Housing and Development Department
City of Pasadena
100 North Garfield Avenue
Pasadena, California 91109-7215
626-744-46670

Marsha Rood
Director
Housing and Development Department
City of Pasadena
(currently) Director of Community Development
- City of Culver City
310-253-6001

City of Long Beach

Amy Bodek
Property Services Division
City **of Long Beach**
(currently) Director of Real Property
City of Huntington Beach
714-536-5445

City of Grand Terrace

Patrizia Materassi
Director of Economic Development
City of Grand Terrace
Currently Director of Economic
Development – **City of Capitola**
(831) 475-7300 Ext. 216

City of Gardena

Yvonne Mallory
Economic Development Director
City of Gardena
1700 West 162nd Street
Gardena, California 90247
(310) 217-9533

City of Novato

Ron Gerber
Redevelopment Administrator
City of Novato
900 Sherman Street
Novato, California 94945
(415) 893-7943

City of Stockton

Steve Pinkerton
Redevelopment Director
Stockton Redevelopment **Agency**
305 No. El Dorado St., Suite 200
Stockton, California 95202
(209) 937-8694

City of Poway

David Narevsky
Redevelopment Manager
City of Poway
13325 Civic Center Drive
Poway, California 92064
(858) 679-4362

City of Norco

Brian Oulman
Economic Development Manager
City of Norco
2870 Clark Avenue
Norco, California 91760
(909) 270-5645

BROKER REFERENCES

Ted Lawson
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990 West 190th Street, Suite 100
Torrance, California 90502
(310) 516-2350

Leslie Webster
Vice President
Metropolitan Pacific
100 Wilshire Boulevard, Suite 900
Santa Monica, California 90401
(310) 576-1252

INVESTOR / DEVELOPER REFERENCES

Daniel A. Rosenfeld
Principal
Urban Partners LLC
304 S. Broadway, Suite 400
Los Angeles, California 90013
(213) 437-0470

Thomas D. Lenny
Senior Vice President
Cousins Properties
8001 Irvine Center Dr., Suite 100
Irvine, California 92618
(949) 585-9270

ECONOMIC DEVELOPMENT SYSTEMS' TRANSACTIONS

Completed and Pending - **Partial City List** / 1991-2007

CITY OF PASADENA

Tenant	Square Footage
Saks Main Street	48,000
California Culinary Academy	45,000
Crate & Barrel Home Store	35,000
Laemmle Art Cinema	35,000
Container Store	23,000
Glabmans Furnishings	17,000
Banana Republic	16,000
Pottery Barn	15,000
French Connection	12,000
Burke Wms. Spa	12,000
Cheesecake Factory	10,000
P F Chang's	8,000
Buca di Beppo	7,500
Tommy Bahamas	7,500
Border Grill	7,000
Sushi Roku	5,161
Restoration Hardware	5,000
Jerry's Deli	5,000
Imaginarium	4,000
Apple Computer Store	3,800
BCBG	3,000
Illuminations	2,500
Lather	2,100
Bang & Olafson	1,600
City Total:	**295,161**

Contract Term: 1994-present

CITY OF SAN JOSE

Tenant	Square Footage
Bloomingdales	*100-200,000
Saks Department Store	*50-150,000
Loew's Cineplex	*75,000
Century Theaters	*70,000
Barnes & Noble	*28,000
House of Blues	22,000
Gap Stores	*10-20,000
The Improv	14,000
Z Gallerie	*10,000
P F Chang's	7,500
Safeway	*55,000
Foods Co.	*55,000
Trader Joe's	*10,000
McCormick & Schmick	10,000
City Total:	**726,500**

*Tenants active in RDA projects being developed city wide
Contract Term: 2000-present

CITY OF LONG BEACH

Tenant	Square Footage
Wal-Mart	120,000
Vons Grocery Expansion	80,000
Orchard Supply	60,000
Ralph's Grocery	55,000
Albertson's Grocery	55,000

Nordstrom Rack	48,000
Circuit City	40,000
Good Guys	40,000
Ross Dress For Less	40,000
Gold's Gym	35,000
Barnes & Noble	30,000
Sav-on (2)	25,000
Imax Theater –project delayed	25,000
Bristol Farms	25,000
R-Ranch market	20,000
Z Gallerie	20,000
Jillians Restaurant & Billiards	17,000
Crate & Barrel	13,000
Trader Joe's	10,000
McCormick & Schmick Restaurant	10,000
Rock Bottom Brewery	10,000
Cha Cha Cha Restaurant	8,000
B.U.M. Equipment	7,800
Hamburger Hamlet Restaurant	7,500
Hollywood Video	7,000
Trilussa Restaurant	6,200
Bubba Gump Shrimp Restaurant	6,000
Prego Restaurant	6,000
California Pizza Kitchen	6,000
Bahama Breeze Restaurant	6,000
Limited Express	5,800
Coffee Plantation	4,500
Bath & Body Works	4,500
Coffee Bean & Tea Leaf	3,000
French Café	3,000
Chicago For Ribs	3,000
Pasta Presto	3,000
Art of Hands Gallery	3,000

Starbucks (2)	2,500
Mail Boxes Etc.	2,000
Cellar V Restaurant	2,000
King Crab Lounge	1,500
Sub-Total:	**838,300**
Office Space:	
DeVry Institute	100,000
Auto Club of Southern California	100,000
Levi Strauss Regional Sales Office	10,000
Sub-Total:	**210,000**
City Total:	**1,048,300**

Contract Term: 1992-2001

CITY OF CULVER CITY

Tenant	**Square Footage**
AMC Theater (replaced by Pacific)	55,000
Trader Joe's	10,000
Rubio's	2,000
Starbucks	1,800
City Total:	**68,800**

Contract Term: 1997-present
*Tenants signed for project delayed, due to financing market

CITY OF HUNTINGTON BEACH

Tenant	**Square Footage**
Kincaid's BayHouse Restaurant	10,000
Abercrombie & Fitch	7,000

Hollister	7,000
Ann Taylor Loft	5,000
Fred's Restaurant	4,500
City Total:	**33,500**

Contract Term: 1999-present

CITY OF PALMDALE

Tenant	Square Footage
Best Buy	58,000
Blockbuster Music	15,000
Discovery Zone	15,000
Bath and Body Works	4,000
Pic' N Save	15,000
Victoria's Secret	6,000
Applebees Restaurant	7,500
Coco's / Carrows	8,000
Kinko's	6,000
Barry's Jewelers	2,000
Kenny Rogers Roaster	3,500
Market @ Alpha Beta Site	25,000
K-Mart	140,000
City Total:	**305,000**

Contract Term: 1993-1996

WESTWOOD VILLAGE
LOS ANGELES, CALIFORNIA

Tenant	Square Footage

Palomino Restaurant		10,000
Napa Valley Grill		8,000
California Pizza Kitchen		7,000
	City Total	**25,000**

Contract Term: 1995-1996

Total Excluding * Tenants:		1,669,061
Total * Tenants:		833,000
	Sub-Total	**2,502,061**

Remaining 32 Contract Cities		1,100,000
	Grand Total	**3,602,061**

ATTACHMENT 2

-----Original Message-----
From: bandcarmstrong@comcast.net [mailto:bandcarmstrong@comcast.net]
Sent: Tuesday, January 08, 2008 10:03 AM
To: Jeremy Graves

Now to my main issue. We should schedule a working session with property managers and interested developers to get input on how we can help attract retail to downtown and Clayton Station. Downtown must have retail that will draw out of towners. Longs Drugs is not a destination anchor. The only retailers that I can think of that will draw "tourists" are wineries and antique/art galleries. Perhaps we can use redevelopment $$$ to pay incentives/commissions to property managers/developers to bring those kinds of merchants to downtown. I have mentioned wine tasting rooms and the Keller Ranch property to Julie Pierce and I think I copied you.

MEMORANDUM

DATE: January 22, 2008

TO: Planning Commission

FROM: Jeremy Graves, Community Development Director JG

SUBJECT: Joint Study Session with City Council – January 29, 2008 regarding Redevelopment of City-Owned Oak Street Parcels

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Recommendation
Set a special meeting at 7:00 p.m. on January 29, 2008 in the Meeting Room of the Community Library at 6125 Clayton Road, Clayton. The purpose of the meeting is a joint study session with the City Council for the review of the proposal by Uzoma Nwakuche for redevelopment of the two City-owned parcels on Oak Street. See **Exhibit A** for agenda.

Discussion
On January 15, 2008, the City Council directed the City Manager to initiate negotiations with Uzoma Nwakuche for purchase and redevelopment of the two City-owned parcels on Oak Street.

An informational copy of the City Council staff report and selected attachments are attached to this staff report (see **Exhibit B**). The project applicants will make formal presentation on the project at the January 29, 2008 joint study session.

Exhibits:
A Agenda for Joint Study Session with City Council
B City Council Staff Report and selected attachments (dated January 15, 2008)

DP\2008\01-08-Memo-1

CITY OF CLAYTON

Founded 1857 Incorporated 1964

AGENDA

SPECIAL MEETING

CLAYTON CITY COUNCIL
and
PLANNING COMMISSION

JOINT STUDY SESSION

******

Tuesday, January 29, 2008

7:00 p.m.

Meeting Room, Clayton Community Library
6125 Clayton Road, Clayton, CA

Mayor: Gregory J. Manning
Vice Mayor: Julie K Pierce

Council Members
David T. Shuey
Ross "Hank" Stratford
William R. Walcutt

- A complete packet of information containing staff reports and exhibits related to each item is available for public review in City Hall located at 6000 Heritage Trail on Monday prior to the Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at **www.ci.clayton.ca.us**
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

Pursuant to CA Government Code Section 54956, and upon order of Mayor Gregory J. Manning, a special meeting is herewith called for ***January 29, 2008 at 7:00 p.m.*** *for the purpose of a Joint Study Session with the Clayton Planning Commission.*

Signed: ______________________________ *Date:* ____________

Gregory J. Manning, Mayor

EXHIBIT A

SPECIAL MEETING OF THE CITY COUNCIL AND PLANNING COMMISSION

1. **CALL TO ORDER AND ROLL CALL**

• Mayor Gregory J. Manning	for the	Clayton City Council
• Chair Keith Haydon	for the	Clayton Planning Commission

2. **PLEDGE OF ALLEGIANCE TO THE FLAG** – Mayor Manning.

3. **PUBLIC COMMENT ON NON-AGENDA ITEMS**
Citizens may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) by completing a speaker card and forwarding it to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. When one's name is called by the Mayor, the speaker shall advance to the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter.

Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed as each item is considered.

4. **JOINT STUDY SESSION**

(a) Presentation and discussion of the preliminary concept design for a Mixed Use development proposal by Uzoma Nwakuche, LLB, involving a 2-story, ground floor retail commercial and second floor residential project to be constructed on two parcels consisting of approximately 20,470 gross square feet of land located at 1005 and 1007 Oak Street in the Clayton Town Center.

Staff recommendations: Receive and discuss the developer's proposed Mixed Use Project, and offer design and project suggestions to the developer. No action to be taken – a study session only.

5. **ADJOURN** – The next regularly scheduled City Council meeting is February 5, 2008.
The next regularly scheduled Planning Commission meeting is February 12, 2008

****

PlngComm\Agendas\2008\0129-special mtg

Agenda Date: 1/15/08

Agenda Item: 9a

CITY OF CLAYTON
Founded 1857 ... Incorporated 1964

Approved:

Gary A. Napper
City Manager/Executive Director

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 15 JANUARY 2008

SUBJECT: DETERMINATION OF PREFERRED CONCEPT DEVELOPMENT PROPOSAL CITY-OWNED OAK STREET PROPERTIES

RECOMMENDATION

It is recommended the City Council receive presentations by the two (2) respondents to the City's limited Request for Concept Development Proposals to purchase and construct ground-floor retail commercial developments on City-owned property located at 1005 and 1007 Oak Street, and then provide policy direction to the City Manager regarding the preferred project, terms and conditions for initiation of a development application and Development Agreement.

BACKGROUND

The City holds public title to the underlying land and improvements on three (3) parcels located on the westside of Oak Street between High and Center Streets in the Town Center area. Two (2) of the properties have improvements (of various condition and vintage) on the lands, one leased to PERMCO, Inc. (City Engineer firm) APN 119-050-034, and the other leased to Clayton Mind and Body Spa, APN 119-050-009. The third parcel is primarily in open space condition. Immediately adjacent to the north is the largely-unused right-of-way/mini-park/open space extension to Center Street. It is a remote possibility that Center Street will ever be punched up the hillside.

The PERMCO leased building is approximately 2,400 sq. ft. and presently generates an annual lease income stream of $22,800 to the City General Fund. The Clayton Mind and Body Spa has 1,600 sq. ft. and produces lease income of $19,200 to the City, for a combined revenue stream of $42,000 per year. Each building is in significant and continuing need of maintenance and structural repairs (wood decking, wood stairs and railings, painting, constant roof leaks) that drain the General Fund lease revenue, and the architectural exteriors are reminiscent of days gone by. With new developments occurring in

EXHIBIT B
(34 PAGES)

the vicinity (e.g. Endeavor Hall; Flora Square; Mitchell Creek Place residences), the City could be deemed a contributing slumlord to the overall appearance of the Downtown.

The lease with PERMCO is current while the lease with the Clayton Mind and Body Spa has elapsed and is on a month-to-month tenancy. The owner of the Spa has repeatedly inquired of the City as to securing a longer-term lease arrangement, more recently heightened by new developments occurring in the area and privately recognizing the lay of the land around him is changing. Problematic on the Spa lease is the fact one water meter supplies domestic use as well as irrigation to the grass/mini-park area nearby. It has been difficult for the parties to mutually agree on the apportionment of this water bill that the lessee pays at 100%.

PENDING DEVELOPMENT CONSTRAINT

With the development of Flora Square now underway across Oak Street from these properties, PERMCO Engineering & Management, Inc. has announced and confirmed its intent to be a tenant of office space on the 2nd floor once it is completed (projection of summer 2008). With the pending vacancy of one of these City buildings by a tenant, the question has been raised internally (and even externally in the community) as to the City's plans for these older buildings. Although past uses include City offices, neither building is historical in nature and current condition hinders our ability to attract quality tenants without additional significant investment by the City into the existing structures. Corollary questions arose as to whether the City really wishes to renovate these buildings or would it be better public policy for the City to divest its public ownership of the land and improvements and ride the recent wave of private developer interest in the Town Center.

Looming large over this discussion is the presence of Mitchell Creek adjacent to these lands. While offering an idyllic setting, any new or significant rehabilitation of these existing buildings must comply with the current creek setback regulation imposed by the Regional Water Quality Control Board (RWQCB). The current development setback from a creek is zero (0) feet. Exercising their state regulatory authority to ensure "clean" waters, the San Francisco RWQCB is in the midst of updating one of its Policies for stream and creek protections wherein the preliminary draft under review proposes increasing the creek setback in the range of 100 to 200 feet. This push for additional clean water and creek protection by the RWQCB obviously poses serious impacts to the future usability of this property (and other lands near creeks) as these properties range in width from 75 to 140 feet (at the southern edge). Application of a 200-foot creek setback essentially renders moot the opportunity for enhanced development, or meaningful redevelopment, of these City-owned lands. Although this pending action by the RWQCB does raise the legal question of a "taking of property", the RWQCB's extensive powers under the state Porter-Cologne Act, the federal Clean Water Act and confirmed by recent case laws (e.g. in southern California) does not give great comfort to land owners, particularly lands held in public title. Consequently, time is of the essence should the City Council wish to add these properties into the commercial development mix occurring in the Clayton Town Center.

The City's existing Clean Water Permit is expected to renew with substantial amendments and local obligations, effective in July 2008. The RWQCB will then take subsequent action to fold in their new creek setback requirement. City staff learned this week the setback impact could become effective near the end of 2008 or early 2009; therefore, a small window of opportunity is granted from previous reports of coinciding with the Permit's issuance in July 2008. However, it remains clear the City must act now should it wish to improve the commercial development of this public property.

REQUEST FOR CONCEPT DEVELOPMENT PROPOSALS

Based on these understandings, the City Council instructed the City Manager to solicit concept development proposals from four (4) companies or individuals who have expressed or undertaken recent interest in commercial development of the Clayton Town Center. The City Manager issued such a limited outreach on 05 December 2007 (copy attached), which resulted in two declinations and two proposals actually submitted by the short deadline of 04 January 2008.

Attached are copies of the 2 proposals. Interestingly, each respondent proposes residential use on the 2nd (and 3rd floor, in the PERMCO proposal). Ground-floor retail commercial use is uniform in each development proposal.

Briefly, the PERMCO proposal is a stylistic Victorian building of 3 stories within the Town Center height restriction of 40 feet. The plan calls for approximately 8,000 sq. ft. of retail commercial on the ground floor (two units) with a 9-foot ceiling and separated by a distinct and inviting plaza area. The 2nd story has 6 residential units of 1-3 bedrooms, which configuration is mirrored for the 3rd floor. On-site parking is achieved by a sub-terranean parking garage for 28 vehicles.

The concept submitted by Mr. Uzoma Nwakuche, LLB, offers a Western-style frontage characteristic of schemes suggested in the Town Center Specific Plan (e.g. storefronts). The first floor has one unit of approximately 7,000 sq. ft. of retail commercial space with a 20-foot ceiling while the 2nd floor houses 8 residential units of 1 bedroom plus a den in 6 of the units. There is a terrace proposed on the creekside of the 2nd story. Additional parking requirements are met by tandem-lift garages off the southern end (High Street) to service the residential needs, and 13 diagonal parking spaces on the west side of Oak Street utilizing some of the private property to accommodate a clear passing lane.

Each prospective developer met separately with the Council Sub-Committee on Economic Development (Vice Mayor Julie Pierce and Council Member David Shuey) along with the City Manager on Tuesday evening, January 8th. Exchange occurred on concept ideas, purchase price, and the mutually-recognized need for an expedited land use entitlement process between the parties (without sacrificing quality and public input). At this time the land purchase offer is $650,000 by PERMCO ($31.75 per gross square foot) and $594,000 by Mr. Nwakuche ($29.02 per gross square foot). For comparison purpose, Mr. Nwakuche paid $260,000 for approximately 8,122 gross square feet of land for the Flora Square commercial development now under his construction ($32.01 per gross square foot; agreed on in December 2005).

SUBMITTAL TO COUNCIL

The Council Sub-Committee and the City Manager were impressed and pleased by the quality and depth of each development concept, especially considering the short turnaround time. Each proposal has its own attractive features, and each would be an excellent addition to the Town Center. The fact that two mixed-use concept projects of this magnitude were submitted clearly demonstrates to these officials and the City that there is indeed concrete interest in the commercial development of the Downtown.

The excellence of each project led the Sub-Committee to invite both developers to present their proposals to the full City Council for deliberation and ultimate action. The City Council's selection of the preferred concept project and developer will then cause staff to prepare the Development Agreement for final approval by the City Council at a subsequent public meeting while the developer can concurrently commence the land use entitlement process.

FISCAL IMPACT

The real property (land) is held in public title by the City of Clayton. All proceeds arising from the eventual sale of these lands are deposited into the City General Fund. The City Council retains authority over the ultimate use of said monies.

Respectfully submitted,

Gary A. Napper
City Manager

Attachments:
1. Request for Concept Development Proposals [8 pp.]
2. PERMCO Engineering & Management Proposal [11 pp.]
3. Uzoma Nwakuche Proposal [51 pp.]

OAK STREET PROPERTIES
CITY OF CLAYTON, CA

* * *

REQUEST FOR CONCEPT DEVELOPMENT PROPOSALS

* * *

CITY-OWNED PROPERTIES

APN 119-050-034 (1005 Oak Street) — Approx. 11,760 gross sq. ft.

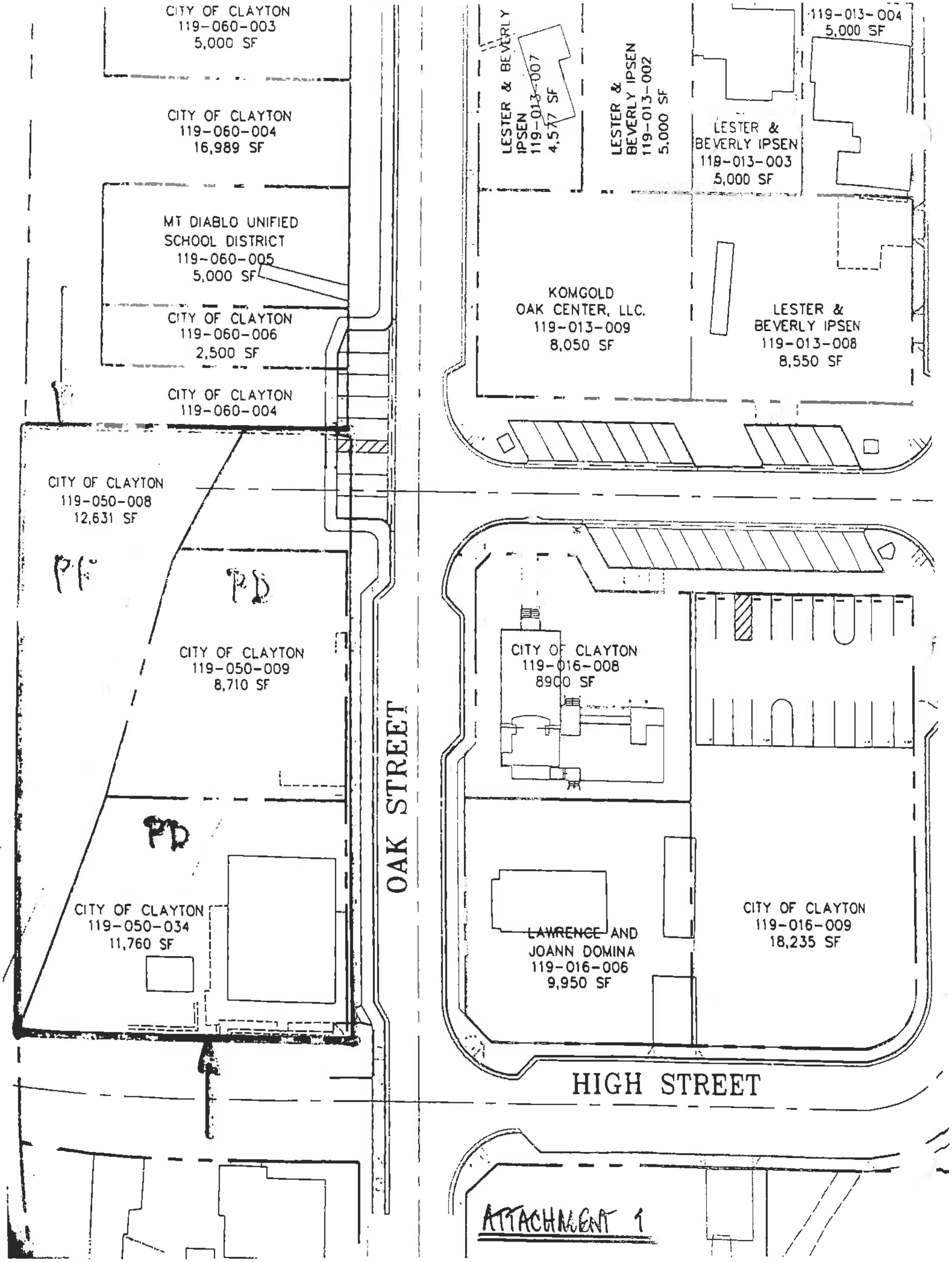
and/or

APN 119-050-009 (1007 Oak Street) — Approx. 8,710 gross sq. ft.

REQUIREMENTS

1. Written concept development proposal **by Friday, Jan. 4, 2008**.
2. Submittal to include schematic of development layout.
3. Submittal to include proposed general categories of land use.
4. Submittal to include architectural rendering of front elevation.
5. Submittal to include purchase offer.

Date: 05 December 2007



ATTACHMENT 1

ATTACHME... 3

PRELIMINARY ANALYSIS OF CIT WNED PARCELS ON OAK STREET

November 30, 7

ISSUE	DISCUSSION	CONCLUSION
General Plan Consistency	Designation. Parcels A and B are designated as Town Center Commercial. This designation allows retail, office, and upper-floor residential. The max and min residential densities are not defined.	No max or min limits on number of residential units.
	Designation. Parcel C is designated as Public Park/Open Space.	Policy option to change designation.
	Building Height. Town Center Commercial text limits height to 40 feet.	
	Lot Coverage. Parcels under 10,000 sq.ft. have on-site parking reqs. waived with commercial retail on Grand floor. Other parking relief available based on	mix of uses.
Town Center Specific Plan Consistency	Designation. Parcels A and B are designated as Town Center Commercial. This designation allows retail, office, and upper-floor residential. The max and min residential densities are not defined.	No max or min limits on number of residential units.
	Designation. Parcel C is outside of Specific Plan boundary.	Option: Amend Specific Plan add parcel with appropriate land use designation.
	Building Height. Specific Plan limits building height to 40 feet.	
	Building Width. Specific Plan limits building width to 150 feet;	Text amendments currently under review by the P/C will address this issue.

ISSUE	DISCUSSION	CONCLUSION
	Sidewalks. Specific Plan requires sidewalks to be 7.5 feet wide, need amendment or finding to allow 5 feet as currently exists.	Text amendments currently under review by the P/C will address this issue.
	Landscaping. At least 10% of site must be landscaped open space. Courtyards, patios, and balconies (open to the public) may be credited to this requirement.	Combination of landscaping, small courtyards, and balconies may be able to satisfy this open space requirement as well as PD District 10% open space requirement (noted below).
	Parking Lot. Parking lot landscaping requirements.	
Zoning Ordinance Consistency	Designation. Parcels A and B are zoned Planned Development (PD) District. This designation allows retail, office, and upper-floor residential. The max and min residential densities are not defined.	Mixed uses allowed in PD District.
	Designation. Parcel C is currently zoned Public Facility.	Option: Rezone parcel to Planned Development District.
	Development Plan. Development Plan is required if project would have 5 or more dwelling units, or if project is a mixed use project located on a parcel ≥ 15,000 square feet. Parcel A is 11,760 sf and Parcel B is 8,710 sf; combined area is 20,470 sf.	Development Plan is required.
	Public Hearings. Development Plans require review by P/C and approval by C/C. Assuming 2 public hearings by P/C and 1 hearing by C/C, public hearings would require a minimum of 6 weeks.	Public hearing time could be condensed with joint hearings if necessary to provide project approval prior to end of June 2008 to comply with stormwater regulations (see below).
	Building Height. Planned Development District allows flexibility on height of structure, however this does not over-ride General Plan height limitations noted above.	General plan height standards are governing factor on height of structure.
	Submittal Requirements. Development Plan submittal must include: site plan, architectural plans, landscape plan, open space plan (discussed below), geo-technical report, soils report.	

ISSUE	DISCUSSION	CONCLUSION
	Open Space. Open space plan must provide active open space on at least 10% of project site. Parcels A and B would require 2,050 sf of active open space. "Active open space" includes areas on the ground, roof, balcony, or porch which are designed and used for recreation, sidewalks, or landscaping. Open space areas must have minimum length and width dimensions of 10 feet. Options for off-site open space are available in the PD regulations.	Combination of landscaping, small courtyards, and balconies may be able to satisfy PD open space requirement as well as Specific Plan 10% open space requirement (noted above).
	Parking Requirements. General retail uses: 1 space/250 sf Restaurant uses: 1 space/75 sf to 1 space/400 sf (based upon use) Office uses: 1 space/250 sf Multi-family units require: · Studio – 1 space/unit · 1 Bedroom – 1.5 spaces/unit · 2 Bedroom – 2 spaces/unit · Guest parking – 0.5 space/unit	Since combined area of Parcels A and B exceeds 10,000 sf, the maximum parking reduction available under parking waiver program is 75% for retail and restaurant uses. Ground floor offices are not eligible for parking waivers. Loading space requirement would be waived during waiver period.
Fish and Game	Project would be located within the jurisdictional area (proximity and within a riparian corridor) of State Department of Fish and Game. The project will need to be submitted to Fish and Game along with appropriate environmental documentation. May need to obtain permit from state for work within the riparian corridor.	Contact State Fish and Game staff and determine their regulations, procedures and permit applicability.
Current Stormwater (NPDES) permit	Current permit applies to all development or redevelopment projects (more than a 50% modification) of 10,000 sf or more of all impervious surfaces. Requires 85% of runoff to be captured and treated on site, restricts ability to do this within 100 feet of the creek or within a certain vertical distance of the groundwater. This site would not allow for on-site infiltration would need to pipe it to an offsite infiltration location.	Develop the site with less than 10,000 sf of impervious surface area. If more than 10,000 sf of impervious area, all engineering of stormwater must be done as part of application submittal in order to be deemed complete and must evaluate impacts, compliance as part of CEQA process.

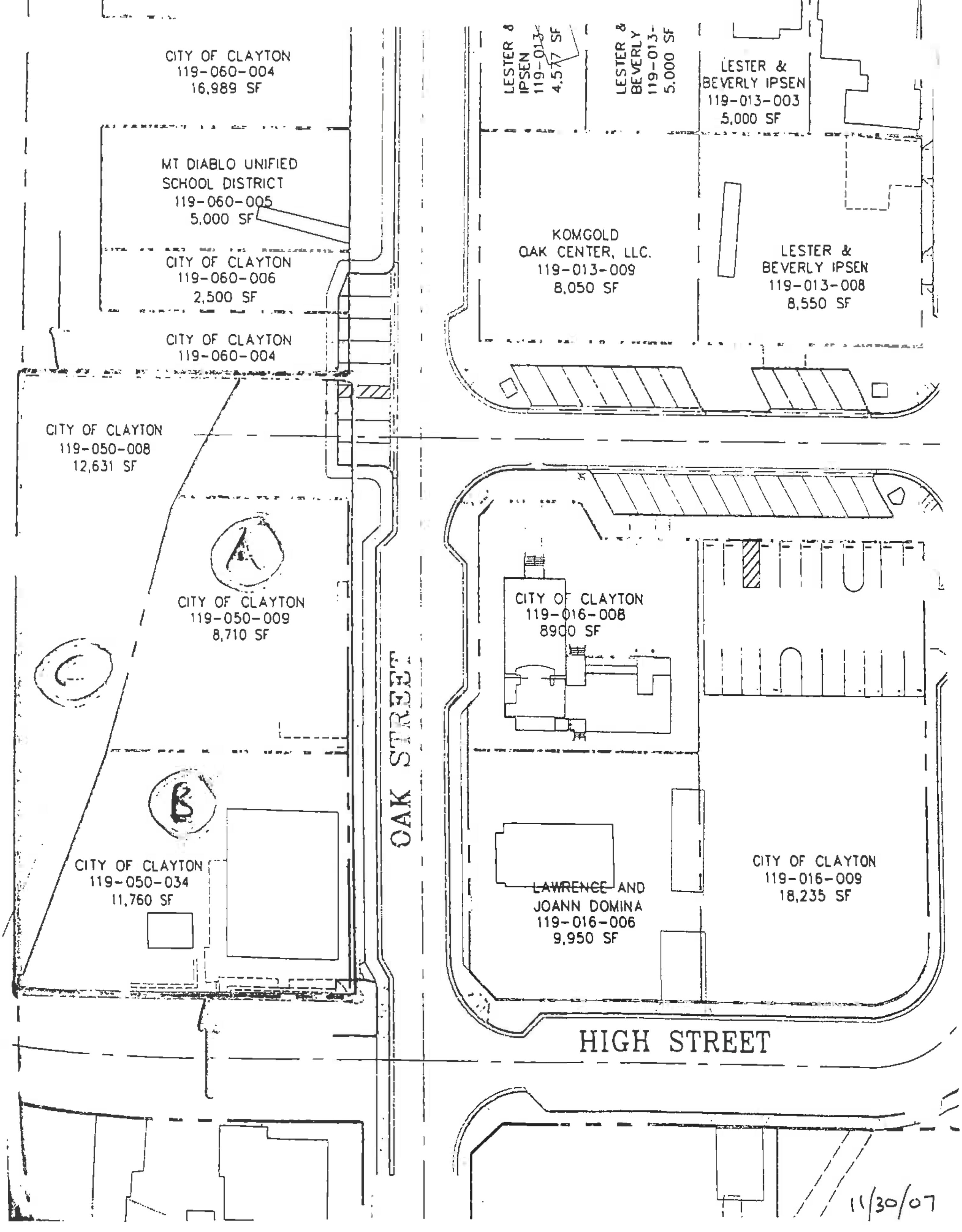
ISSUE	DISCUSSION	CONCLUSION
New Stormwater (NPDES) permit	New permit requirements are expected to be issued by Dec 10, 2007. The new permit requirements are expected to be effective by July 1, 2009. The proposal would reduce the development threshold to 1,000 sf of new or replacement impervious surface area. Still would maintain the infiltration limits near creeks or above ground water sources. It is anticipated that the implementation threshold would be that the project would need to be under construction to be grandfathered in or at least have construction permit issued, it is unclear what the final requirements will be.	Likely would need to receive all entitlements and maybe even a building permit issued by July 1, 2008 to ensure that project would be grandfathered in and only subject to current requirements.
Stream Corridor Protection and Restoration Management Plan (SFRWQCB)	Management Plan is currently being prepared by the SF State Water Board for the entire Bay Area. Draft plan currently indicates that a 100-200 foot setback from the flood plan or creek bank would be required to increase groundwater infiltration and reduce erosion of creek areas. Plan would allow for grand-fathering if a 3:1 replacement offset is provided offsite, i.e., remove existing development elsewhere on the same stream corridor and restore. Policies would not allow for any grandfathering if a project is altered or destroyed and rebuilt. To rebuild would need to provide the off-site mitigation. The purpose of these policies is to not only reduce the encroachment into creek areas (including flood plain) but to restore areas that have previously been impacted by earlier land use and management decisions. Issues unknown as to insurance as rebuilding due to fire, etc. may not be allowed unless off-site mitigation and restoration of the same creek corridor is completed	Plan is expected to be finalized by 12/08 and the policies would be implemented by the state as additions or modifications to the NPDES permit of each area, likely to occur in 2009. Would likely need to have entitlements and possibly construction commenced prior to 12/09.
Flooding	Project site is within floodway. Detailed analysis is needed to assure flood elevations will not rise by more than 1 foot. City Engineer estimates cost will likely be $25,000 or more.	

ISSUE	DISCUSSION	CONCLUSION
California Environmental Quality Act (CEQA)	A project consisting of ground floor commercial and upper floor residential qualifies for an "Infill Development Project" exemption from CEQA, provided that adequate documentation can be provided to address flooding, riparian, and creek setback issues noted above. Adding Parcel C will require archeological survey.	

Attachment: Location Map of City-Owned Parcels on Oak Street

Dates07\1127-

LOCATION MAP OF CITY-OWNED PARCELS ON OAK STREET



11/30/07

Received

JAN 10 2008

City of Clayton

-----Original Message-----
From: uzoma nwakuche
Sent: Thursday, January 10, 2008 11:18 AM
Subject: 1005 and 1007 Oak Street Proposal

>
>
> Julie, David and Gary,
>
> Per your request we have reviewed three issues since our discussion
> this past Tuesday evening.
>
> First, we have devised a scheduling strategy that can result in
> obtaining a building permit prior to July 1.
>
> Second, we considered increasing the price but believe the offer of
> $594,000 to be fair considering the fact that the maximum building
> area is roughly 15,000 sf and that we paid $260,000 for 14,000 sf
> building area on Flora Square.
>
> Third, per your request we have taken a serious look at subterranean
> parking. After careful review we wish to leave our design as
> originally submitted. We've come to this conclusion based on the
> following factors:
>
> 1) We are unable to identify a construction method that will not
> require creek bank stabilization. Our environmental consultants
> feel adding any mitigation or stabilization to the banks of the
> creek will typically require a 6 to 9 month review process by CDFG,
> potentially the Corp of Engineers and the local Water Resource agency.
>
> 2) Input from our structural engineer. Please see attached PDF
> document.
>
> 3) Drainage of the garage will require a sump system and potential
> water filtration. That also may require periodic testing and may
> have significant ongoing maintenance issues.
>
> 4) According to our contractor the cost of a subterranean garage
> will be very high. It is typically $25,000 to $30,000 per parking
> space.
>
> 5) A subterranean garage will require mechanical equipment to
> exchange air, addition of a required elevator to the project, and
> the addition of requiring an extra fire exit. Our current solution
> includes an elevator, but initial code review indicates the elevator
> is not a requirement. We'd prefer to have the option rather than the
> requirement of an elevator.
>
> 6) Addition of a garage entrance will result in the loss of valuable
> High Street frontage.
>
> 7) The current industry standard for major residential builders (KB
> Homes, Shea Homes etc.) is to avoid podium style buildings that were
> very popular 10 years ago. Podium style buildings are partially or

> fully submerged garages with stick frame construction above. These
> industry leaders are avoiding subterranean parking due to added
> costs and environmental impacts.
>
> 8) The desire to have at grade sidewalk along Oak Street coupled
> with the width of the lot between the street and creek will
> necessitate a fully submerged garage (approximately 10 to 11' below
> grade). Based on soils information from the Flora Square project we
> believe the water table to be at approximately 8' below grade.
> Dewatering the excavated area and water proofing the garage will
> increase the cost of the structure. This is issue is also punctuated
> by the comments from our structural engineer
>
> We have not closed the door to the inclusion of a garage and we are
> open to further study to verify our current findings. Our current
> recommendation is to not include subterranean parking. We look
> forward to providing the full council with the presentation of our
> design solution.
>
> Thanks for your consideration,
>
>
> Uzoma Nwakuche, LLB; MBA
> 1042 Pebble Beach Drive
> Clayton, CA 94517
> Tel: 925-690-8187
> Fax: 925-955-1622
>

Structural Design Group
430 E Street
Santa Rosa, CA 95404
phone: (707) 284-3641
fax: (707) 284-3646
web: www.s-d-g.net
email: sdg@s-d-g.net

January 9, 2008

Robert Staehle
VIZ f/x Digital Environments
Clayton, CA 94517

RE: 1005-1007 Oak Street, Clayton
Concept Development Review

Dear Mr. Staehle:

We have reviewed your proposed concept development plan for a new two story mixed-use building adjacent to Mitchell Creek. We believe that the project can be constructed as proposed, without affecting the integrity of the embankment, provided a suitable foundation system is utilized.

The perimeter of the building is located approximately four feet from the edge of the creek. To avoid surcharging the embankment with loads from the building, we recommend a foundation system consisting of a structural slab in combination with a line of drilled concrete piers running parallel to the creek. Geotechnical report information for the adjacent lot (1026 Oak Street) indicates that the underlying soils in the area are very dense. Therefore, for the majority of the site, we believe the slab on grade could be of conventional thickness. In the vicinity of the embankment, the slab would be thickened and reinforced to cantilever out over the line of drilled pier supports. The drilled piers would be set back from the edge of the creek at a distance to be determined by the project Geotechnical engineer. A conceptual illustration of the proposed foundation system is shown in Sketch A, attached.

You have also asked us to comment on the feasibility of an alternate design scheme featuring underground parking below the building. We believe this approach would not be a viable solution to the parking situation due to the following reasons:

1.) Because the project is in a designated Flood Zone, the basement (parking garage) slab would need to be designed to resist a hydrostatic buoyancy force. This typically results in a very thick mat slab (on the order of 18" to 24"). To help resist the buoyancy force, slabs such as these are typically designed to extend beyond the edge of the basement walls in order to utilize the weight of the backfilled soil. Because the basement retaining wall on one side of the building is located so close to the edge of the creek, the integrity of the existing embankment would likely be compromised in constructing this heel.

2.) Installing a drainage system and properly compacting the backfill behind a conventional basement retaining wall located so close to the edge of the creek would likely compromise the existing embankment.

3.) The cost of excavating the dense on-site soils would be very expensive.

4.) The project costs are increased by having to frame an additional floor.

Please feel free to contact us if you should have any questions.

Sincerely,

Structural Design Group, Inc.

Rich Burris, SE 3778
Principal

Document5

Structural Design Group
430 E Street
Santa Rosa, CA 95404
(707) 284-3641

JOB ____________________

SHEET NO. __________ OF __________

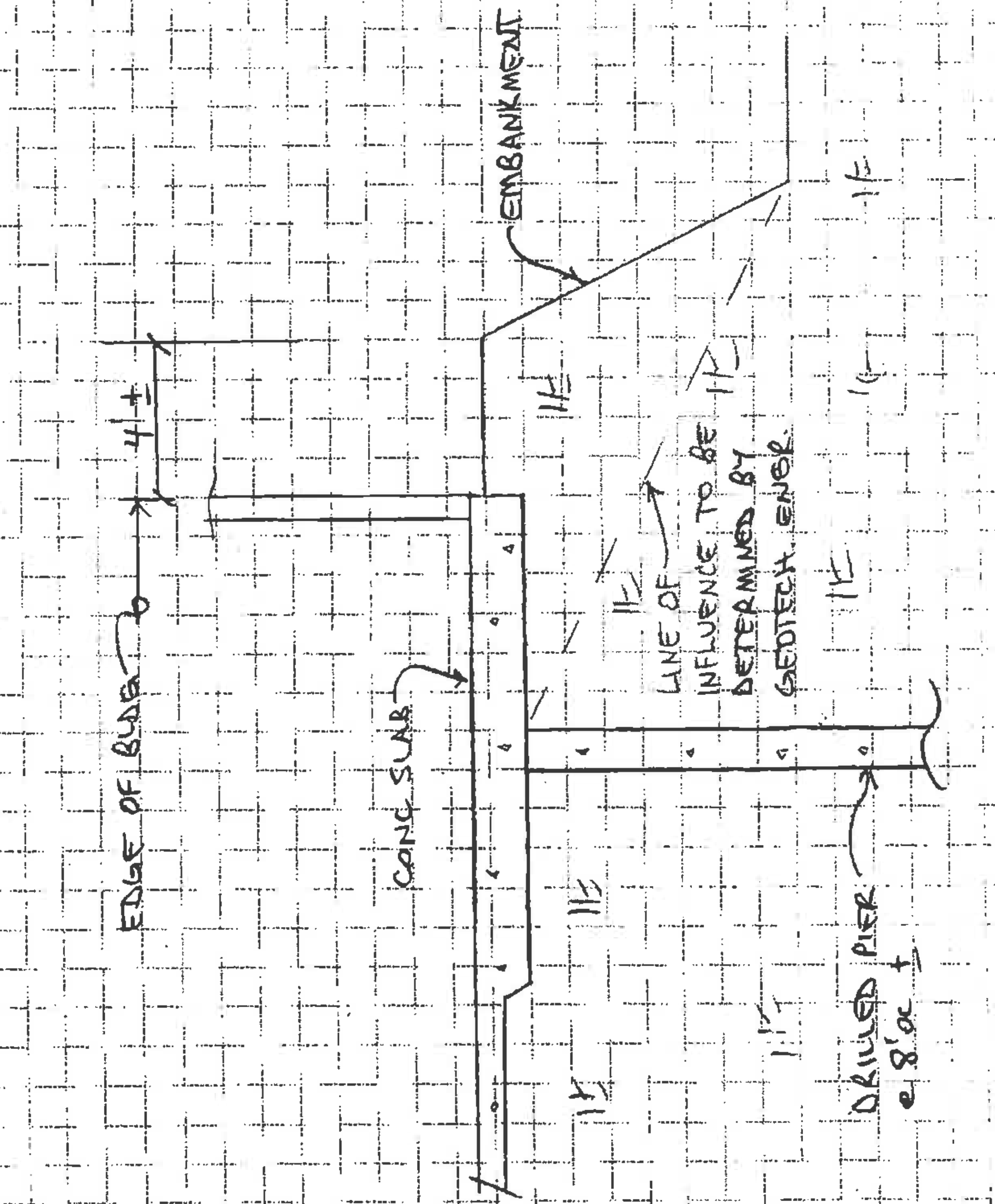
CALCULATED BY __________ DATE __________

CHECKED BY __________ DATE __________

SCALE ____________________

CONCEPTUAL FOUNDATION DESIGN

SKETCH A



CONCEPT DEVELOPMENT PROPOSAL

TO

THE CITY OF CLAYTON, CALIFORNIA

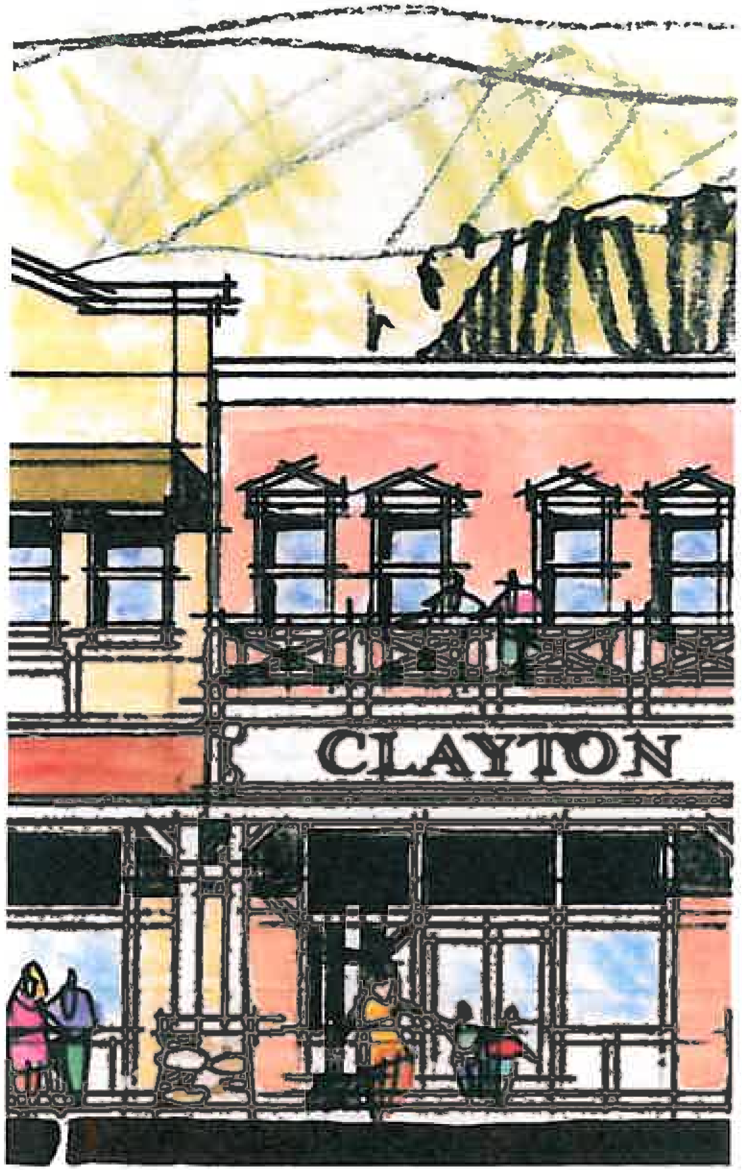
FOR

1005 AND 1007 OAK STREET

CLAYTON, CALIFORNIA

Received
JAN 04 2008
City of Clayton

Receiv[illegible]d
JAN 04 2008
City of Clayton



January 4, 2008

Clayton City Council
City of Clayton
6000 Heritage Trail
Clayton, California 94517

Dear Honorable Mayor Manning, Clayton City Council, City Manager and Staff,

It is with great pleasure we present this proposal to purchase and develop the 1005 and 1007 Oak Street parcels of land. We have assembled a design and development team well suited to work with the community. We believe the unique challenges presented by this property can result in an outstanding solution blending into the architectural fabric of downtown Clayton.

Our proposal envisions a technologically advanced solution to address environmental and spatial constraints while respecting this property as a gateway between the residential neighborhood and the downtown district. We bring regional and local experts to the table ready to work with City Staff, Planning Commission and Council to obtain an outstanding solution within the time constraints imposed by pending state regulations.

In the following proposal we have outlined what we believe to be primary goals and potential solutions to the development of this unique set of parcels. We look forward to presenting our proposal in more detail. If we can answer any questions about the proposal please do not hesitate to contact members of our team or myself.

We look forward to working with you to obtain a mutually beneficial use for the parcels.

Sincerely,

Uzoma Nwakuche, LLB; MBA

Goal Statements

Our team has identified four primary goals we believe need to be met in order for the project to be a success.

Development Goals

Create an economically profitable and sustainable project complimentary to downtown Clayton.

Environmental Goals

Develop the area of land between Mitchell Creek and Oak Street minimizing the impact to the natural appearance of the creek and hillside. Stabilize the creek flowline and walls by mitigating measures currently considered 'Standard of Care' by the state Fish and Game and local governing water agencies.

Economic Goals

To continue to expand Clayton's economic base through:
Enhanced shopping and dining opportunities in Clayton; Provide exclusive residential units opening to the Mitchell Creek side of the property; and Increasing employment and tax base

Architectural Goals

Superior architectural design leads to a more attractive community, increasing Clayton's positive image and encouraging individuals, families, and businesses to locate and invest in the community.

Timing Goals

To obtain necessary governmental approvals and be prepared to submit documents for building permits prior to July 1, 2008.

Solutions

Project Approach

We plan to offer a world-class development team with local expertise capable of working hand in hand with the community.

Project Direction

After our initial review of the property, discussions with City Staff, local and regional water resource experts we have arrived at a conceptual design for the parcels. Our initial review considered alternative uses for the property and resulted in a conclusion that a mixed-use project with ground level commercial space and residential units over met all the goals stated above.

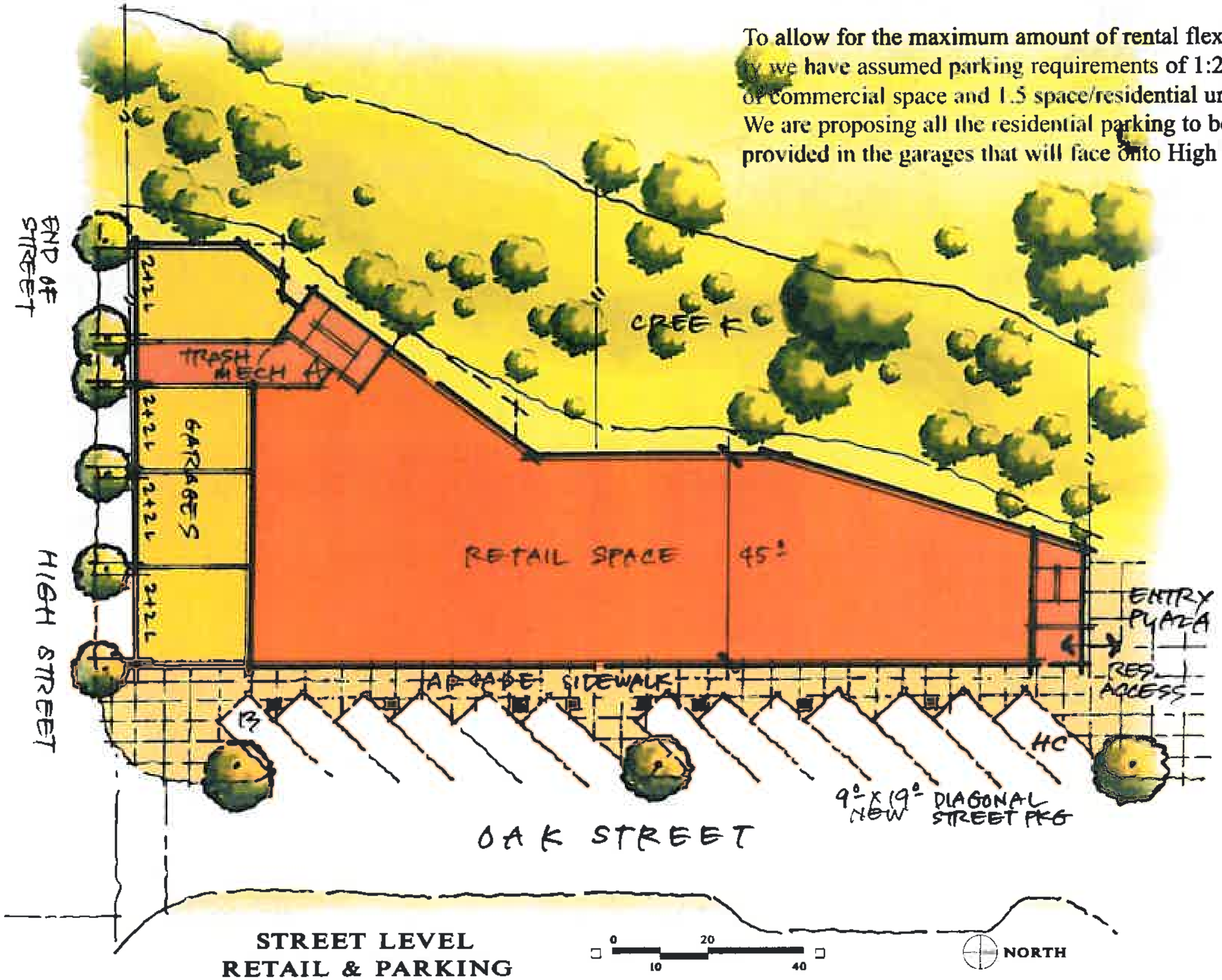
Mitchell Creek traversing the site creates a severe development constraint. Our design team dismissed the option of bridging the creek based on the potential environmental impact. Once the above conclusions were reached parking quickly became the driving design force for this particular set of parcels.

Introduction of on-site parking on the property immediately has two negative impacts. The first is the increased potential of introduction of hazardous materials into the ground water and Mitchell Creek. The second is the loss of valuable commercial frontage. Subterranean parking was also quickly rejected due to periodic testing requirements, environmental and cost considerations. The obvious solution was to convert the existing parallel parking fronting on Oak Street to angled parking to match much of the current commercial frontage in downtown.

Residential parking is envisioned as a transitional architectural element between the residential neighborhood to the south and the historic commercial district this parcel is on the boundary of. Our design team has envisioned garages along High Street that can accommodate stacked parking via hydraulic lifts. The outward appearance of the

garage will be residential in character with the technological solution of stacked parking as currently found in many urban high-density situations.

To allow for the maximum amount of rental flexibility we have assumed parking requirements of 1:250 sf of commercial space and 1.5 space/residential unit. We are proposing all the residential parking to be provided in the garages that will face onto High



STREET LEVEL
RETAIL & PARKING

Uzoma Nwakuche
LLB; MBA
1042 Pebble Beach Drive
Clayton, CA 94517
PH: 925.690.8187
FX: 925.925.1622

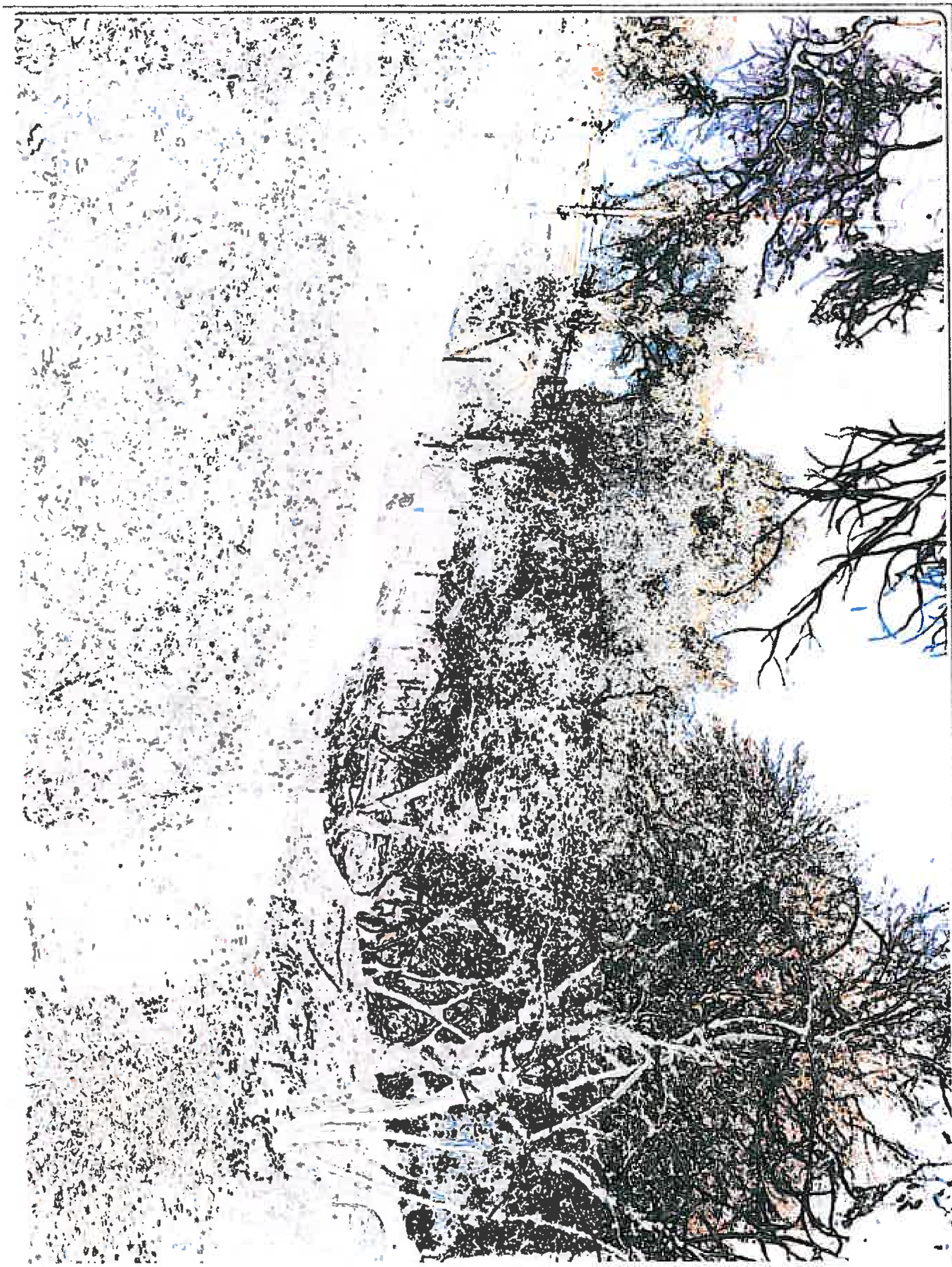
CLAYTON DOWNTOWN MIXED-USE

Clayton, California

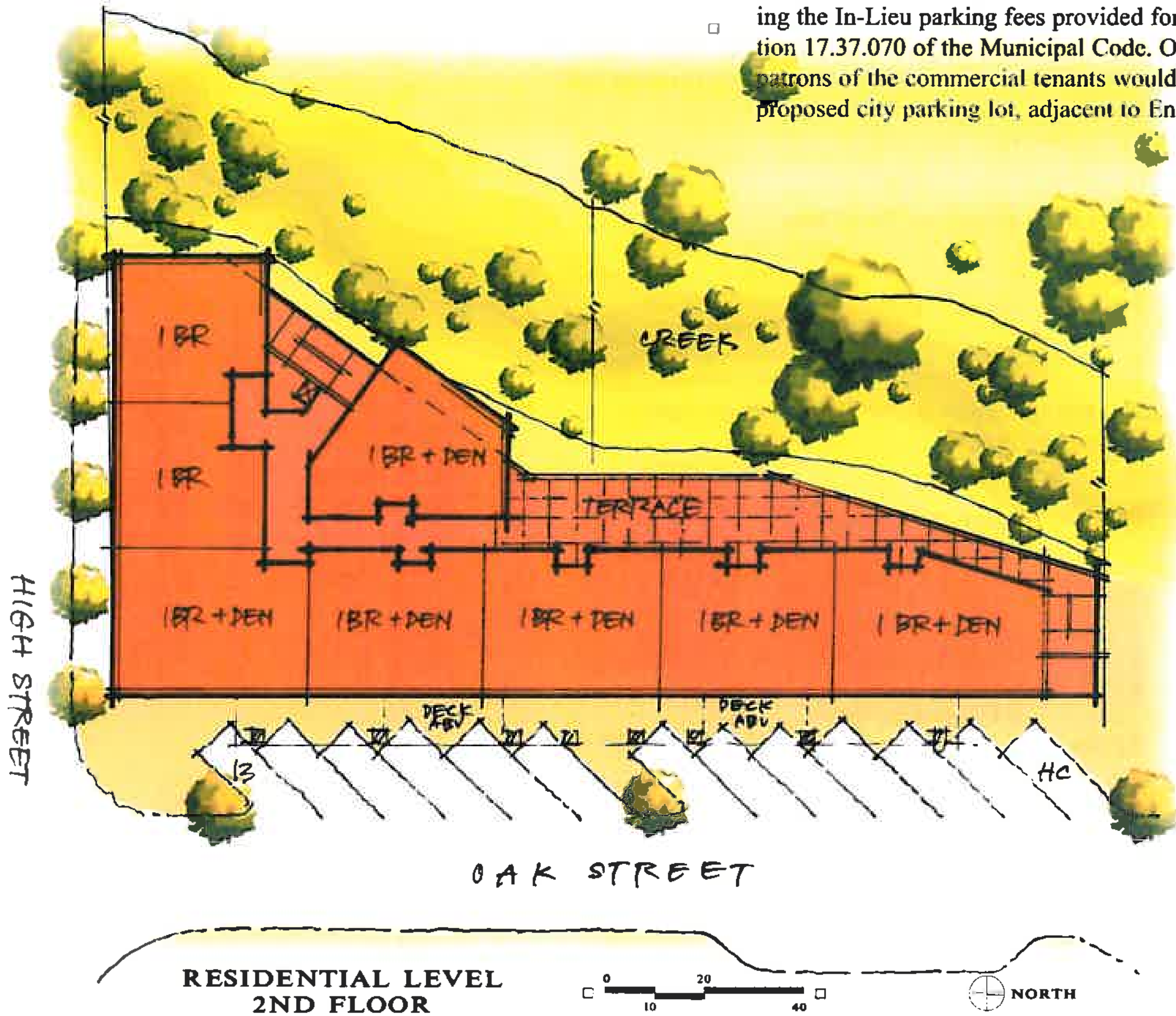
#	REVISIONS	DATE
1		
2		
3		
4		

KTGY GROUP, INC.

KTGY NO. 2007086.00



Street. Some of the commercial space would be provided as angled parking fronting on Oak Street. The remainder of the parking would be provided utilizing the In-Lieu parking fees provided for under section 17.37.070 of the Municipal Code. Our vision is patrons of the commercial tenants would use the proposed city parking lot, adjacent to Endeavor Hall.



Uzoma Nwakuche
LLB; MBA
1042 Pebble Beach Drive
Clayton, CA 94517
PH: 925.690.8187
FX: 925.955.1622

CLAYTON DOWNTOWN MIXED-USE

Clayton, California

#	REVISIONS	DATE
1		
2		
3		
4		

KTGY GROUP, INC.

KTGY NO. 2007...

DOWNTOWN MIXED-USE
CLAYTON, CA

UZOMA NWAKUCHE, LLB; MBA / KTGY GROUP, INC
20071066.00

PROJECT SUMMARY - *DRAFT*

27 December 2007

Lot Size: 0.46 Acres	% Building Coverage		
8 Dwelling Units	17.39± Du / Ac		
Residential Use	City Req'd Parking Tabulation – Tuck-Under		
1 BR Units:	2 x 1 = 2	x 1.5 = 3.0	
1 BR + Den Units:	6 x 1 = 6	x 1.5 = 9.0	
	8 x 1 = 8 Units		12.0 sp. Req'd
	8 units x 0.5 =		4.0 visitor sp. Req'd
Retail Use	City Req'd Parking Tabulation – New Diagonal Street Parking		
7,000 Sq Ft:	1 space per 250 Sq Ft	= 28.0	
			28.0 sp. Req'd
Grand Total	Total Parking Required		
			44.0 sp Required
Grand Total		Total Parking Provided	
1 BR Units:	2 - 25 %	Tuck-Under Garage sp	16 sp. (8 Vertical Lift)
1 BR + Den Units:	6 - 75 %	Retail Spaces	13 sp.
		In Lieu Parking Fee for	15 sp.
	8 Units		44 sp. Provided (8 VL)

Town of Clayton Parking Standards

standard stall	9 x 19	All residential & 90% visitor spaces to be standard
compact stall	8 x 16 (40 % max)	
HC stall	14 x 18	HC 14 x 18
1-car garage	10 x 20; 9' wide door	
2-car garage	20 x 20; 16' wide door	

C..ayton Downtown Mixed-Use, Clayto.., CA (Preliminary)
Uzoma Nwakuche, LLB; MBA / KTGY Group, Inc

KTGY NO. 20071066.00 27-Dec-07

UNIT MIX / BLDG. TYPE MATRIX

		BLDG. A			BLDG. B			UNIT SUMMARY						
		1	BLDG'S			BLDG'S								
PLAN TYPE	G.S.F.	UNITS / BLDG.	TOT.		UNITS / BLDG.	TOT.		1 BR UNITS	1 BR + Den UNITS	2 BR UNITS	2 BR + Den UNITS	Live Work UNITS	GSF*	
Plan 1 - 1 BR / 1 BA	870	2	2					2					1,740	25.0%
Plan 2 - 1 BR + Den / 1.5 BA	1040	3	3						3				3,120	37.5%
Plan 3 - 1 BR + Den / 1.5 BA	1160	1	1						1				1,160	12.5%
Plan 4 - 1 BR + Den / 1.5 BA	1180	2	2						2				2,360	25.0%
UNITS PER BLDG.		8						2	6					
TOTAL BY BLDG. TYPE / PROJECT			8							8			8,380	
***TOTAL S.F. PER BLDG**														
												AVERAGE TOTAL S.F.	1048	100%

***Denotes gross s.f. only - does not include garages, decks, corridors, stairs, service spaces**

Project Team

The development team is divided into two primary tasks. The development/financial and the design disciplines tasks. The team members with brief background are as follows:

Development/Financial team

Lead by Uzoma Nwakuche LLB, MBA

Mr. Nwakuche has successfully broken ground on the Flora Square project in downtown Clayton. His commitment to a vibrant commercially active downtown Clayton can be seen by his actions. Mr. Nwakuche envisions a commercially vibrant downtown Clayton, clad with small shops, restaurants, and well planned residential units to stimulate demand and economic activity.

Colliers International and The Robison Family Trust

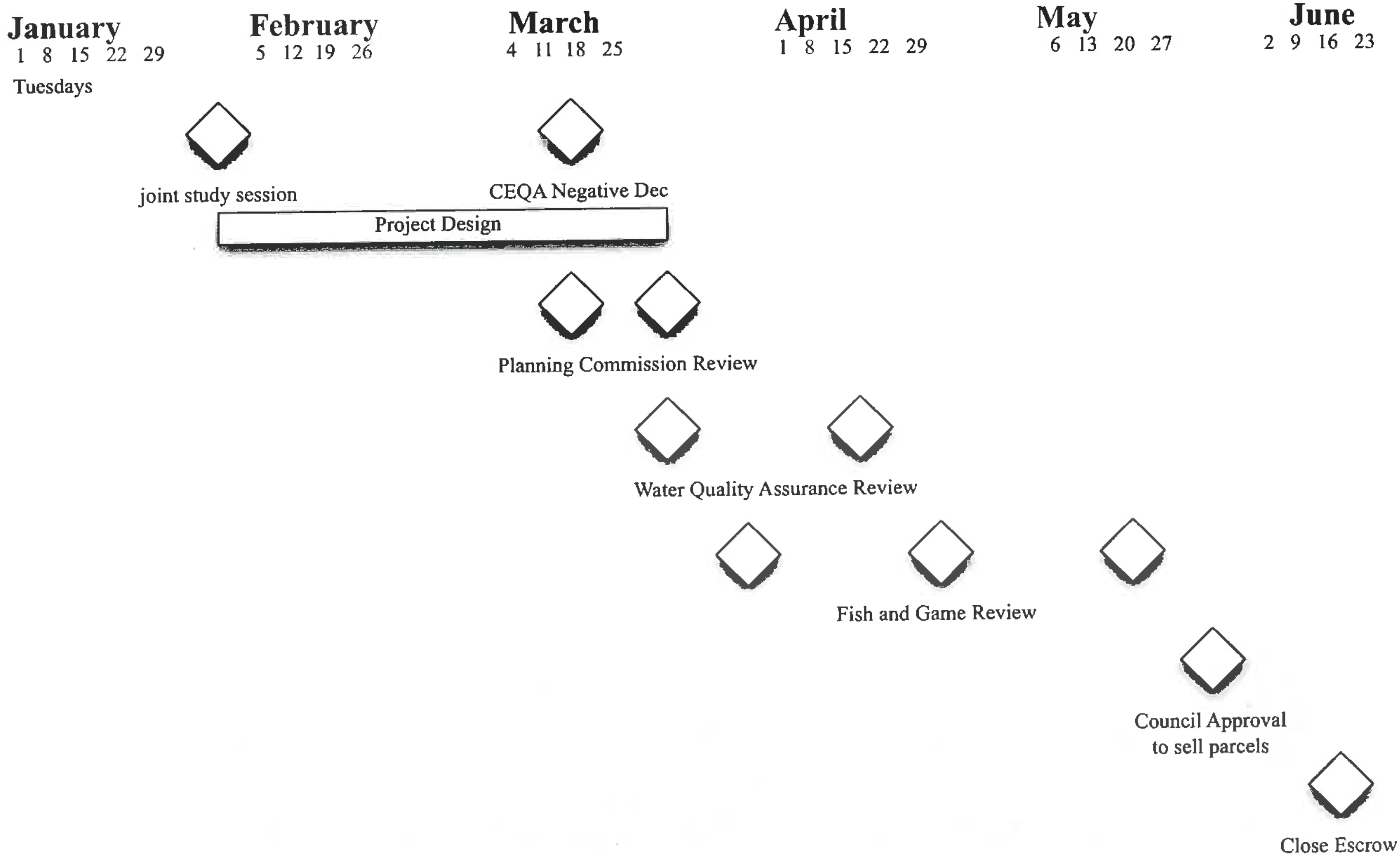
As the funding partner of Flora Square, Colliers International through their clients, The Robison Family Trust have committed funds to the developers projects in Clayton and is particularly willing and able to fund the acquisition and development of the 1005 and 1007 Oak Street Parcels.

In addition to funding, the marketing of the retail units and residential units will be undertaken by Colliers International, recognized as one of the largest commercial brokerage firms in the United States.

Design Disciplines

The design team will be lead by Robert Staehle. Mr. Staehle is an architect with local knowledge and an expert in the entitlement process. As a former City of Clayton Planning Commissioner he is familiar with the City Municipal Code and the Downtown Specific Plan. Mr. Staehle has extensive experience in mixed use and urban housing projects. Mr. Staehle volunteered his services for the design of the Clayton Library, the restoration of the DeMartini Winery (City

Project Milestones



Hal, _ d the design for the raised planters seen throughout downtow. Mr. Staehle also assisted with the entitlement for the assisted living project on Center Street in Clayton. He has collaborated on the design teams for the planning of several projects similar in scope to these parcels in downtown Walnut Creek, San Luis Obispo, Oakland, Sunnyvale, Fremont, South San Francisco, Palm Springs and other communities throughout California. Mr. Staehle will be responsible to direct the architectural design and coordinate the entitlement process.

The lead architect for the design of the structure will be Mr. David Ho of The KTGY Group, Inc. Mr. Ho and Mr. Staehle have worked together on several projects including the Harbor View Lofts project in Jack London Square and the Del Grano housing project adjacent to the Palm Springs Convention Center. The KTGY Group, Inc. is an award winning residential and light commercial design firm with a vast array of experience throughout the state of California.

Other disciplines that may need to be addressed during the entitlement phase of the project may include the preparation of a CEQA Initial Study and Negative Declaration statement. We propose to work with Design Community and Environment of Berkeley California to assist our team in satisfying requirements that may be imposed by an EIR consultant to be selected by the City. Additionally, we propose working with Brent Zacharia of Clearwater Hydrology and James Martin of Environmental Collaborative to assist with mitigation measures that may be necessary to stabilize Mitchell Creek. We are proposing the addition of these consultants due to the scheduling issues discussed below.

Traditional disciplines such as Civil, Structural, Mechanical engineering consultants will be named as we progress through the design of the project.

Schedule

Project Timeline

We understand and are aware of impending regulations that may make these parcels very difficult to develop. We have prepared an outline of tasks we understand need to addressed prior to submitting documents for a building permit. Additionally, we are aware the current draft of proposed legislation will require building permits to be issued prior to July 1, 2008 in order to be exempt from the new regulations. While we will endeavor to achieve the goal of submittal for building permits prior to July 1, 2008 our experience and best estimations tell us the issuance of construction permits prior to that date are optimistic. Our proposal is based on obtaining all other entitlement approvals to construct the project without issuance of a building permit from the County prior to July 1.

In order to achieve that goal we respectively request the first step in the process will be to hold a joint study session between the Clayton City Council and Planning Commission. At that meeting we would propose to discuss the financial and design decisions our team has made to arrive at the building design presented in this submittal. Our goal at that meeting would be obtain consensus with respect to how best to proceed with the entitlement process.

Proposal

Purchase Price

We offer to purchase the two parcels (APN 119-050-034 and 119-050-009) for $594,000 (Five Hundred and Ninety Four Thousand Dollars) contingent upon obtaining entitlement to construct a project substantially consistent with the plans and elevations depicted in this document. This entitlement is understood to require a fast track process for which we anticipate a good faith effort to be exercised by City agencies and staff in the pursuit of required permits and approvals.

Project Team Collateral Material

Below are web links and literature providing background and project experience information for selected members of the development team.

Robert Staehle – VIZf/x http://www.vizfx.com
David Ho – The KTGY Group http://www.ktgy.com
David Early – DCE http://www.dceplanning.com
Brent Zacharia – Clearwater Hydrology http://www.clearwater-hydrology.com
James Martin – Environmental Collaborative

MEMORANDUM

DATE: January 18, 2007

TO: Planning Commission

FROM: Milan J. Sikela, Jr. MS
Assistant Planner

SUBJECT: Re-Schedule of February 12, 2008 Planning Commission Meeting

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City offices are closed on Tuesday, February 12, 2008 in honor of Lincoln's Birthday. The next regularly-scheduled Planning Commission meeting also lands on this date. The Clayton Community Library Meeting Room is available one night earlier, on Monday, February 11, 2008. Staff recommends that the Planning Commission set a special meeting at 7:00 p.m. on Monday, February 11, 2008 in the meeting room of the Clayton Community Library at 6125 Clayton Road, and cancel the regular meeting scheduled for Tuesday, February 12, 2008.

PlngComm Admin Abraham Lincoln's Birthday