



Agenda
Planning Commission Meeting
7:00 P.M. on Tuesday, October 25, 2011
Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Review of agenda items.
- 1B. Commissioner Manning to report at the City Council meeting on November 1, 2011.

Public Comment

Approval of Minutes

- 2. Approval of minutes from the meeting of September 13, 2011.

Public Hearing

- 3. **ENV 01-08, DP 01-08, MAP 02-09, Creekside Terrace Mixed Use Project, City of Clayton**, 1005 Oak Street, 1007 Oak Street, and a third non-addressed parcel west of and upslope from Mitchell Creek (APNs 119-050-009, 119-050-034, and 119-050-008). A review to consider a one-year extension on the Creekside Terrace Development Plan and Vesting Tentative Subdivision Map which were previously approved on July 6, 2010. This request is in accordance with Section 16.06.030 and Section 17.28.190 of the Clayton Municipal Code. The project site is located in the Town Center of Clayton, on the west side of Oak Street between High Street and Center Street. The project involves the redevelopment of two properties, which are currently developed, generally level, and serviced by utilities. The third parcel, located immediately to the west, is an upsloping undeveloped property with Mitchell Creek traversing the eastern edge of that parcel near the toe of slope. The project would result in the construction of a two-story mixed-use building, incorporating a western-style architectural theme suggested for this area in the Clayton Town Center Specific Plan. The first floor is comprised of approximately 7,200 square feet of retail commercial space to be divided into approximately four to five for-sale commercial condominium units. The second floor includes seven for-sale residential condominium units. The residential units are one-bedroom and several of the units contain dens. A terrace is proposed on the creek (west) side of the second story. The project includes the previously adopted entitlements:
 - Initial Environmental Study/Mitigated Negative Declaration (ENV 01-08);
 - A Development Plan (DP 01-08); and
 - A Vesting Tentative Subdivision Map (MAP 02-09).

Proposed Action: Approval, as conditioned.

Old Business

4. None.

New Business

5. Discussion regarding amending Chapter 6.05 and Sections 17.16.130, 17.36.070, and 17.60.030 et al. of the Clayton Municipal Code to allow for the keeping of fowl on residential lots that are not located in an Agricultural District.

Proposed Action: Review, discuss, and provide direction to staff.

Communications

- 6A. Staff.
6B. Commission.

Adjournment

7. The next meeting of the Planning Commission is scheduled for **Tuesday, November 8, 2011.**

Most Planning Commission decisions are appealable to the City Council within ten (10) calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in oral testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter. If you have a physical impairment that requires special accommodations to participate, please contact the Community Development Department at least 72 hours in advance of the meeting at 925-673-7340. An affirmative vote of the Planning Commission is required for approval. A tie vote (e.g., 2-2) is considered a denial. Therefore, applicants may wish to request a continuance to a later Commission meeting if only four Planning Commissioners are present.

Any writing or documents provided to the majority of the Planning Commission after distribution of the agenda packet regarding any item on this agenda will be made available for public inspection in the Community Development Department located at 6000 Heritage Trail during normal business hours.

Minutes
Clayton Planning Commission Meeting
Tuesday, September 13, 2011

Call to Order

Chair Dan Richardson called the meeting to order at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Dan Richardson, Vice Chair Keith Haydon, Commissioner Bob Armstrong, Commissioner Sandra Johnson, and Commissioner Gregg Manning

Absent: None

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

Administrative

1A. Review of agenda items.

1B. Chair Richardson to report at the City Council meeting on September 20, 2011.

Public Comment

None.

Approval of Minutes

2A. Approval of minutes from the meeting of July 12, 2011.

Commissioner Armstrong moved and Vice Chair Haydon seconded a motion to approve the minutes, as amended. The motion passed 4-1 (Commissioner Manning abstained as he did not attend the July 12, 2011 Planning Commission meeting).

2B. Approval of minutes from the meeting of August 23, 2011.

Glenn Miller, 1005 Pebble Beach Drive, had the following comments regarding Item 3A (Clayton Community Church Economic/Fiscal Evaluation [Final Draft]) of the minutes:

- He was speaking on behalf of the Clayton Community Church regarding the August 23, 2011 Planning Commission minutes.
- Church representatives were concerned that they were not specifically asked to present regarding the Economic/Fiscal Evaluation presented at the August 23rd meeting.
- Church representatives were concerned that certain Planning Commissioners made conclusionary comments about the merits of the proposed Clayton Community Church development project.
- Requested clarification to the changes reported in the Contra Costa Times to be made to the Economic/Fiscal Evaluation. *Community Development Director Woltering provided the clarification requested, indicating the changes related to matters brought forward at the August 23rd Planning Commission meeting as follows: 1) correcting information regarding the operating hours of the Clayton Library on Sundays to indicate the Library is open 1:00 p.m. to 5:00 p.m. as opposed to being closed on Sundays as indicated in the report; 2) information will be included in the Evaluation about the Clayton Community Church business community outreach program referred to as "Terrific Tuesdays"; and, 3) the consultant who prepared the Evaluation will consider modifying somewhat the rather conservative methodology used to determine sales tax generation for the applicant's proposed project and the Policy Consistent Alternative in the report.*

- Church representatives are requesting that Planning Commissioners disclose any affiliations they have that may affect their objectivity in considering the Clayton Community Church development application.
- Asked that the minutes being considered be changed to reflect his comments.
- Asked that any action on the minutes be tabled until changes can be made to the satisfaction of the Church.

Commissioner Manning asked who is the specific “applicant” you are referring to when you refer to the Clayton Community Church? Mr. Miller answered that the applicant is Pastor Shawn Robinson.

Community Development Director David Woltering indicated the minutes are not intended as detailed or verbatim minutes, but summary minutes of general commentary and action taken. Mr. Woltering indicated he believed the minutes provide an accurate summary of comments and action taken at the subject meeting as intended.

Commissioner Armstrong moved and Vice Chair Richardson seconded a motion to approve the minutes from the meeting of August 23, 2011, as amended with minor modifications. The motion passed 3-0-2 (Commissioner Johnson and Commissioner Manning abstained as they had not attended the meeting).

Public Hearing

3A. SPR 02-11, Site Plan Review Permit, Second Story Balcony, 227 Stranahan Circle, APN 119-620-051. A request for a site plan review permit to consider a previously-constructed second-story balcony, located on the rear of a two-story single-family residence within the Stranahan subdivision. The balcony measures approximately 60 square feet in area and is located 10 feet above ground level. *Continued from the meeting of August 23, 2011.*

Assistant Planner Milan Sikela presented the staff report. Assistant Planner Sikela indicated that the applicant had constructed the balcony without prior Planning Commission approval or a building permit. Since construction of the balcony occurred, the applicant has now prepared balcony plans for Planning Commission review in order to obtain any required approvals and permits. Assistant Planner Sikela explained that staff had provided three balcony design options for Commission consideration:

- Option A - Approval with Current Design;
- Option B - Approval with Color Modifications; or
- Option C – Approval with Color and Material Modifications.

Commissioner Manning asked the following:

- Was the pre-existing patio cover upon which the balcony was constructed built with the benefit of a building permit? *Lee Ann Franco, 245 Stranahan Circle, indicated that many of the residences in the Stranahan subdivision were constructed with the trellis attached to the rear elevation of the residences, as was the case with the applicant’s residence.*
- How did the balcony come to staff’s attention? *Assistant Planner Sikela indicated that staff became aware of the matter as the result of a complaint by a neighbor.*
- Is removal of the structure an option for consideration? *Assistant Planner Sikela indicated, yes, although not specifically stated in the staff report.*

Commissioner Haydon stated the options to address the proposed colors of the balcony appeared to offer the opportunity to reduce the visual impact of the structure.

Commissioner Johnson asked what specifically were the concerns related to staff by the complainant? *Assistant Planner Sikela indicated that two concerns were mentioned: 1) loss of privacy, and 2) the property owner had not obtained a building permit for the balcony to ensure its structural integrity.*

Commissioner Armstrong indicated concern about the width of the openings between the cables enclosing the balcony as possibly wider than allowed, posing a safety concern.

Commissioner Johnson concurred with Commissioner Armstrong's safety concerns.

The public hearing was opened.

Tom Jensen, the applicant, indicated the following:

- Apologized for not having understood that certain approval(s) and permit(s) may be required for the balcony project.
- Chose to use thinner piping and cable materials as part of the balcony's design to minimize the visual impact of the balcony upon surrounding properties.
- The balcony and staircase offer an opportunity to escape the second-story portion of the home in the circumstance of a fire.

Commissioner Haydon commented that an alternative location for the staircase could have been considered. *The applicant indicated that there are no windows on the opposing side elevation of the neighboring residence, so the current staircase location has minimal visual impact.*

Commissioner Manning indicated that he could not see the staircase from the street and agreed with the applicant that the current location reduces the visual impact.

Commissioner Johnson asked and indicated the following:

- Are there plans to enclose the balcony? *The applicant responded "no."*
- The safety railing should be inspected by the Contra Costa County Building Inspection Department to ensure compliance with Uniform Building Code safety regulations.

Lee Ann Franco, 245 Stranahan Circle, indicated the following:

- She is the complainant who notified staff of this matter.
- The balcony faces her bedroom window and impacted the privacy she has enjoyed the past sixteen years living adjacent to the subject property.
- She would appreciate at least the planting of a tree or trees along the property line to provide her with some level of privacy.
- She supports the staircase where it is presently located.

Mr. Jensen indicated that he would be willing to plant a tree or trees to address any privacy concerns related to the balcony.

The public hearing was closed.

Commissioner Johnson indicated support for planting of trees to provide for the privacy of the neighbor.

Vice Chair Haydon indicated support for Option B, with the addition of planting a tree to address the privacy issue.

Commissioner Manning indicated support for Option B, with the addition of a tree.

Chair Richardson indicated support for Option B, with the addition of a tree.

Community Development Director Woltering suggested the following wording for a possible added condition of approval to address the privacy concern: "A tree (or trees) shall be planted along the east side property line in order to adequately screen the balcony from off-site properties located east of the subject property, to the satisfaction of the Community Development Director."

Commissioner Armstrong indicated support for Option A.

Commissioner Manning suggested the balcony be painted to match the color of the house. *Staff indicated that a condition of approval would be included in the Planning Commission Notice of Decision requiring the balcony and all associated components (stairway, deck, supports, railings) be painted to match the color scheme of the residence.*

Vice Chair Haydon moved and Commissioner Johnson seconded the motion to approve Option B for SPR 02-11, with recommended conditions of approval by the Planning Commission and staff. The motion passed 5-0.

3B. ZOA 05-11, Rezone, Toll Brothers, APNs 119-630-001, 119-630-002, and 119-630-003. A proposal to rezone Lots 1, 2, and 3 in the Diablo Estates at Clayton residential subdivision from R-40-H to R-40. The applicant is Toll Brothers. The Diablo Estates at Clayton residential subdivision is located at the northeast corner of Regency Drive and Rialto Drive.

Director Woltering presented the staff report and indicated the applicant, Toll Brothers, had submitted the application to rezone the subject Lots 1, 2, and 3 of the Diablo Estates at Clayton residential subdivision to comply with a condition of the Site Plan Review Permit approval that the Planning Commission had taken action on at its July 12, 2011 meeting. That condition required the applicant to submit the subject rezone application to address concerns raised in the planning of this subdivision and to assure consistency with other conditions of approval for the project. Director Woltering indicated that, as this project came back through the process to consider a new Site Plan Review Permit approval, the proposed development was not planned in a manner to facilitate the keeping of horses, as would be allowed with the R-40-H zoning classification. There would be only relatively small usable areas in the rear yards, close to the proposed homes, on the subject lots in which to place a paddock or other horse facilities. Additionally, side yard setbacks had been approved to allow for the proposed residences to encroach into typical side yard setback areas which would limit access opportunities for bringing in the horses and related equipment, feed, and supplies. Director Woltering also indicated that there were other concerns raised in the planning process for this project that were not supportive of keeping horses on the property, including proximity to Mount Diablo Creek and the ability to comply with State and regional water quality standards.

Commissioner Manning had the following questions:

- What was the thinking behind the approval of the R-40-H zoning classification for Lots 1, 2, and 3 when the subdivision was still called Diablo Pointe? *Director Woltering*

indicated that the Diablo Pointe Residential Subdivision Initial Environmental Study/Mitigated Negative Declaration identified concerns regarding water quality, detention basins, manure removal, etc. and provided mitigation measures to minimize equestrian impacts. With the current project, these mitigation measures were eliminated as the keeping of horses on the subject lots was no longer anticipated.

- *If a property owner wanted to keep horses on one of the subject lots, could they still do it? Director Woltering indicated that the rear portions of these lots are graded and very steep. In addition, a conservation easement exists on the subject lots precluding alterations to the sloped areas. Given that the residences occupy the majority of the level portions of the lots, there would not be much space left to accommodate horses.*

Commissioner Haydon indicated it appears that there would be very limited space. What would be the impact if we left the R-40-H zoning classification on Lots 1, 2, and 3? *Director Woltering indicated that concerns related to slope stability, drainage, water quality, fire safety (weed abatement), and aesthetics resulted in Condition 2 of the Planning Commission Notice of Decision approving the Site Plan Review Permit for the subdivision. This condition requires the developer to rezone Lots 1, 2, and 3 to R-40. This amendment was agreed to by the developer. Not following through with the amendment could adversely impact the properties in the areas mentioned.*

Commissioner Johnson and Commissioner Armstrong indicated that they concurred with staff recommendation, since this was a requirement from the July 12, 2011 Site Plan Review Permit approval by the Planning Commission.

Chair Richardson indicated the following:

- I understand the need to remove the “H” from the zoning classification.
- In our review and approval of the Site Plan Review Permit, we discussed and agreed upon the rezoning of Lots 1, 2, and 3 to R-40.

The public hearing was opened.

Jim McCormick, 8 El Molino Drive, indicated the following:

- He has been a resident of Clayton since 1976.
- Served on the Clayton City Council from 1980 to 1986.
- Favors eliminating the ability to have horses in this subdivision.

Tom Chatagnier, 38 Rialto Drive, indicated the following:

- Water had drained from the subject property into my back yard in the past, although the installation of drainage improvements (j-ditches and v-ditches) by the prior subdivision owner, Lemke Construction, have addressed past drainage concerns.
- Supports eliminating horse uses in the subdivision.
- Horses can compact the soil and increase water runoff and water contamination.

The public hearing was closed.

Commissioner Johnson indicated that this is a follow-up “house-cleaning” matter from the July 12, 2011 meeting of the Planning Commission and that the Commission should move forward and recommend City Council approval of the requested rezoning.

Commissioner Armstrong indicated he is in favor of the rezone.

Vice Chair Haydon indicated a concern that the property had not been better planned to accommodate horses and that he preferred to maintain the current R-40-H zoning classification on Lots 1, 2, and 3.

Commissioner Manning indicated that, while he initially had some reservations about the rezoning, he believed it prudent to do the rezoning at this time while there is still a single property owner involved.

Chair Richardson indicated that he viewed this rezone application as a "clean-up" item related to the July 12, 2011 Planning Commission approval of the Site Plan Review Permit for the Diablo Estates at Clayton residential subdivision.

Commissioner Johnson moved and Commissioner Armstrong seconded a motion to approve Planning Commission Resolution No. 04-11 which recommends City Council approval of ZOA 05-11. The motion passed 4-1 (Vice Chair Haydon was opposed).

Old Business

4. None.

New Business

5. None.

Communications

6A. Staff

Director Woltering indicated the City has hired a new City Attorney. This new attorney is yet to be formally introduced to staff, but that introduction is to occur shortly. (The new City Attorney is Malathy [Mala] Subramanian with the law firm of Best Best & Krieger, LLP, Walnut Creek, California)

6B. Commission.

Chair Richardson, Vice Chair Haydon, and Commissioner Armstrong all acknowledged receiving letters inquiring if they were members of the Clayton Community Church. Chair Richardson and Vice Chair Haydon indicated that they had not responded. Commissioner Armstrong responded and indicated that he was not a member.

Adjournment

7. The meeting was adjourned at 9:33 p.m. to the following regularly-scheduled meeting of **September 27, 2011.**

Submitted by
David Woltering, AICP
Community Development Director

Approved by
Dan Richardson
Chair

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PLANNING COMMISSION STAFF REPORT

Meeting Date: October 25, 2011

From: David Woltering, Community Development Director 

Subject: Creekside Terrace Mixed Use Project Extension
(ENV 01-08, DP 01-08, and MAP 02-09)

REQUEST

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

PROJECT INFORMATION

Applicant/Location: City of Clayton
West side of Oak Street between Center Street and High Street
APNs 119-050-034, 119-500-009, and 119-050-034

Property Owner: City of Clayton

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

**Town Center Specific
Center Plan Designation:** Town Center Commercial

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

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

Public Notice: On October 12, 2011, the public hearing notice for the project was posted at the notice boards, mailed to property owners within 300 feet, and mailed to interested parties. On October 15, 2011, the public hearing notice for the project was published in the October 15, 2011 edition of the Contra Costa Times. To date, no comments have been received by staff.

BACKGROUND AND DISCUSSION

On July 6, 2010, the Clayton City Council approved the Creekside Terrace Mixed Use Development project, involving approval of the project's Initial Study/Mitigated Negative Declaration (ENV 01-08), Development Plan (DP 01-08), and Vesting Tentative Map (MAP 02-09). Section 17.28.190 of the Clayton Municipal Code states that "if within 18 months after the approval by the City Council of the Development Plan Permit, construction has not commenced,

then the Development Plan Permit shall become null and void.” Since the July 6, 2010 approval, there have been efforts to market the project to a developer in order to initiate construction. These efforts have been unsuccessful to date. Section 17.28.190 allows a one-year extension by the Planning Commission or City Council of a Development Plan prior to its expiration. The project sponsor is the City of Clayton and the project site is City-owned land. Accordingly, the City is pursuing approval of a one-year extension of the Development Plan by the Planning Commission as allowed under Section 17.28.190.

The City holds public title to the underlying land and improvements on the subject three parcels that comprise the project site on the west side of Oak Street between Center Street and High Street in the Town Center. Two of the properties have existing vacant modular buildings on them (APNs 119-050-034 and 119-050-009). The third parcel is primarily in a natural, open space condition (APN 119-050-008). Immediately adjacent to and north of the proposed development site is the largely unused right-of-way extension of Center Street. It is not anticipated that Center Street will be extended, given the location of Mitchell Creek and the hillside to the west.

The approval was for seven residential units on the upper floor and approximately 7,200 square feet of commercial space on the ground floor. A vehicle lift system is planned for the parking spaces in the garages so that 14 parking spaces could be provided on-site in the seven garages for the seven residential units. There are driveway pads in front of the garages to accommodate guest parking. In-lieu fees are required for the seven parking spaces required for the commercial component of the project in accordance with the “parking waiver” provisions allowed in Section 17.37.030.C and related sections of the Clayton Municipal Code. The exterior architecture of the approved project has a “Western” architectural style, in compliance with Town Center architectural design guidelines.

As part of this project, the adjacent Mitchell Creek corridor will be upgraded with creek bank restoration, removal of non-native vegetation, and installation of riparian vegetation to both sides of Mitchell Creek in the vicinity of the proposed project. The project also includes the developer enhancing the presently unimproved terminus of Center Street with riparian vegetation and creating a seating area with environmental education boards describing the Mitchell Creek natural setting. Additionally, the developer will be responsible for creating a conservation easement and maintaining the parcel immediately adjoining and west of Mitchell Creek. The improvements of and on-going responsibility to maintain the areas of the terminus of Center Street and the parcel west of Mitchell Creek, along with active open space areas within the proposed development, satisfies the City’s open space requirements.

DEVELOPMENT PLAN

The Development Plan for this project was processed in accordance with the provisions of Chapter 17.28 of the Clayton Municipal Code. It should be noted that the establishment of a conservation easement over the westerly parcel, the restoration and enhancement of the Mitchell Creek corridor associated with this proposed project, the development of a seating area and environmental information opportunity site for the community, and the on-going responsibility to maintain these areas are proposed along with more active recreation areas within the project to satisfy the open space requirements for the project as allowed under Section 17.28.100 of the Clayton Municipal Code. As described above, the approved Development Plan accommodates approximately 7,200 square feet of commercial space on the ground floor and seven residential units on the second floor.

VESTING TENTATIVE MAP

The Vesting Tentative Map was processed in accordance with Chapter 16.40 of the Clayton Municipal Code. The approved Vesting Tentative Map allows for four to five commercial condominium units on the ground floor and seven residential condominium units on the second floor. Vesting Tentative Map applications, as compared to standard Tentative Map applications, require more detailed information from applicants, such as information regarding actual project construction and architectural details, landscape treatments, and exterior colors and materials. This specificity is required because, in return for greater control over what an applicant is intending to do, the local community is generally agreeing that the ordinances, policies, and standards in place at the time of the approval of the Vesting Tentative Map will apply to the project. The expiration and extension period are the same for both the Tentative Map and Vesting Tentative Map, pursuant to Section 16.40.080 of the Clayton Municipal Code. The initial approval period for both types of maps is 24 months.

On July 15, 2011, Governor Brown signed into law AB 208 (Fuentes), which extends for two years the life of those tentative and vesting tentative maps that were still alive on July 15, 2011 and would not otherwise expire before January 1, 2014. Accordingly, the Creekside Terrace Mixed Use Development project Vesting Tentative Map was extended until July 6, 2014 by this action. The one-year extension of the Development Plan being requested would be from its current expiration date of January 6, 2012 to January 6, 2013. Granting the one-year extension of the Development Plan would keep the two entitlements alive through January 6, 2013. Additional one-year extensions may be requested and granted for the Development Plan.

EXTENSION

The Clayton Town Center Specific Plan is the primary guide for development of the subject property. There have been no changes to this Specific Plan or to circumstances and information related to the development of this property that would warrant not approving the request for an extension. The environmental findings and mitigation measures of the project Initial Environmental Study/Mitigated Negative Declaration continue to be valid, as do the overall findings for project approval and the conditions of approval in the approving City Council Resolution.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached Resolution No. 05-11, thereby extending for one-year the subject Development Plan from January 6, 2012 through January 6, 2013. There is not a need for the Planning Commission to extend the Vesting Tentative Map, given the adoption and implementation of AB 208. This law has been codified in Government Code Section 66452.23.

ATTACHMENTS

- 1 Resolution No. 05-11
- 2 Letter from Project Architect Robert Staehle in support of the one-year extension, dated October 18, 2011
- 3 Approved Creekside Terrace Mixed Use Project Development Plan

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**CITY OF CLAYTON PLANNING COMMISSION
RESOLUTION NO. 05-11**

**ONE YEAR EXTENSION OF THE CREEKSIDE TERRACE DEVELOPMENT PLAN
(DP 01-08)**

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

Whereas, the Creekside Terrace Development Plan (DP 01-08) allows for approximately 7,200 square feet of commercial space on the ground floor and seven residential units on the second floor; and

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

Whereas, although there have been efforts made since the July 6, 2010 approval to market the project to a developer in order to construct the project, these efforts have been unsuccessful to date; and

Whereas, Section 17.28.190 of the Municipal Code allows approval of one-year incremental extensions by the Planning Commission or the City Council of a Development Plan prior to its expiration; and

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

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

Whereas, the Planning Commission held a duly-noticed public hearing on October 25, 2011 to consider the request for the subject one-year extension of the Development Plan;

Whereas, at the duly-noticed public hearing on October 25, 2011, the Planning Commission considered the project file, the staff report, and all public testimony received on this matter.

Now, Therefore, Be it Resolved That:

Section 1. The Planning Commission finds the previously-stated citations to be true and accurate and, accordingly, approves the request for a one-year extension of the Creekside Terrace Development Plan, subject to the findings and conditions in the attached approving City Council Resolution for the project.

Adopted by the Planning Commission on October 25, 2011.

APPROVED

ATTEST

Dan Richardson
Chair

David Woltering, AICP
Community Development Director

Attachment: Approving City Council Resolution for the Creekside Terrace Mixed Use Project

RESOLUTION NO. 27-2010

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED THAT:

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

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT:

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

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

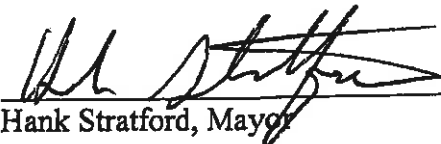
AYES: Mayor Stratford, Vice Mayor Shuey, Councilmembers Geller, Medrano and Pierce.

NOES: None.

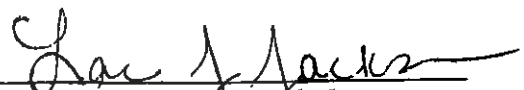
ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA


Hank Stratford, Mayor

ATTEST:


Laci J. Jackson, City Clerk

Attachments:

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

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


Laci J. Jackson, City Clerk

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Site Plan Conditions

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

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

Engineering Conditions

Subdivision Number

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

Subdivision Boundary

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

Use of Public Street Right of Way

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

Homeowners Association

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

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

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

Condominium Plan

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

General Engineering Conditions

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

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

Street Construction Conditions

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

Stormwater Control and Treatment Conditions

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

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

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

Agency Conditions

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

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

The Fire District reference for this project is as follows:

CCCFPD Project No.: 113977-PL

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

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

Standard Condition

76. The developer agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgments, liens, levies, costs, and expenses of whatever nature, including, but not limited to, attorney's fees, costs, and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, and any environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

Advisory Notes

Advisory notes are provided to inform the applicant of: (a) *Clayton Municipal Code* requirements; or (b) requirements imposed by other agencies. The advisory notes are not part of the conditions of approval.

1. Prior to obtaining a building permit, the developer shall prepare an erosion and stormwater control plan for review and approval by the City Engineer (CMC § 13.12.050).
2. Prior to commencement of grading, demolition or construction activities the developer shall obtain City approval of a construction and demolition recycling plan (CMC § 15.80.040).
3. Prior to performing any work in the public right of way, the developer shall obtain an encroachment permit from the City Engineer.
4. Prior to any grading or construction, the developer shall obtain a Stormwater Permit from the City Engineer.
5. An administrative use permit from the Community Development Director is required for any outdoor seating.
6. A master sign plan must be approved by the Planning Commission prior to installation of any signage.
7. A tree removal permit is required prior to removing any trees with a single or multiple trunk diameter of six inches or greater (CMC §15.70.020).
8. All grading, construction, and other work shall occur only between 7:00 a.m. and 5:00 p.m. Monday through Friday. Any such work beyond these hours and days is strictly prohibited unless previously authorized in writing by the City Engineer (CMC §15.01.010) located at 1005 Oak Street, 925-672-9700.
9. The developer shall obtain the necessary building permits from the Contra Costa County Building Inspection Department.
10. The developer shall comply with all applicable state, county, and city codes, regulations, and adopted standards.
11. Additional requirements may be imposed by the Contra Costa County Fire Protection District. Before proceeding with the project, it is advisable to check with the Fire District located at 2010 Geary Road, Pleasant Hill, 925-930-5500.
12. Development impact and related fees (including, but not limited to, community facilities development, off-site arterial improvement, childcare, parkland dedication, open space in-lieu, and habitat conservation fees) shall be paid per applicable City Code regulations and resolution.



18 October 2011

To: City of Clayton
Honorable Planning Commission members
6000 Heritage Trail
Clayton, CA 94517

Attn: Community Development Director
David Woltering

Re: Creekside Terrace Development extension

Dear Planning Commission members,

Unfortunately I have another commitment on the evening of 10/25/11 and will be unable to attend the public hearing scheduled for that evening. As the architect of record for the Creekside Terrace project I wish to ensure the commission I continue to believe the proposed Creekside Terrace Project to be an appropriate and positive addition to downtown Clayton. Additionally, on behalf of the design team for the project, we have confidence in Staff to represent the project appropriately. If for some reason, you have questions that can not be adequately addressed at your 10/25 meeting; I respectfully request a continuation of the item to a meeting date in the future that I or other appropriate member(s) of the design team can attend.

Barring any unforeseen concerns by the public or commission the design team respectfully requests you grant the proposed one year extension to the Development Plan and Vesting Tentative Subdivision Map for the Creekside Terrace Project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert Staehle", with a stylized flourish at the end.

Robert Staehle
principal + architect
VIZf/x

Creekside Terrace Project Description

Project Description

The City of Clayton, California, is currently in the process of developing a new community center and park area located on the site of the former Oak Creek APN 050-003-001 and 050-003-002. The project is a mixed-use development that will include a community center, park, and residential units. The project is located on the site of the former Oak Creek APN 050-003-001 and 050-003-002. The project is a mixed-use development that will include a community center, park, and residential units. The project is located on the site of the former Oak Creek APN 050-003-001 and 050-003-002.

Project Location

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Project History

The project has a long history of development. It was first developed in the 1950s as a residential development. The project was then developed as a community center and park area in the 1980s. The project is now being developed as a mixed-use development that will include a community center, park, and residential units.

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Project Goals

The project goals are to provide a community center, park, and residential units. The project is located on the site of the former Oak Creek APN 050-003-001 and 050-003-002.

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Project Team:

Architecture:

VIZIX
PO Box 974
Clayton, CA 94517
with KTGY - Irvine, CA

Civil:

DeBoer Civil Engineering
811 San Ramon Valley Blvd.
Danville, CA 94526

Landscape Architecture:

Gates + Associates
2671 Crow Canyon Rd.
San Ramon, CA 94583

Traffic Engineering:

Abrams Associates
1660 Olympic Blvd.
Walnut Creek, CA 94596

Soils Engineer:

Cundey Geotechnical
2928 Hilledale Dr.
Concord, CA 94523

Project Address:

1005 - 1007 Oak St
Clayton, CA 94517

Project Applicant:

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

SHEET INDEX		
ID	Name	Published
1	Site Plan	10/10/10
2	Site Plan	10/10/10
3	Site Plan	10/10/10
4	Site Plan	10/10/10
5	Site Plan	10/10/10
6	Site Plan	10/10/10
7	Site Plan	10/10/10
8	Site Plan	10/10/10
9	Site Plan	10/10/10
10	Site Plan	10/10/10
11	Site Plan	10/10/10
12	Site Plan	10/10/10
13	Site Plan	10/10/10
14	Site Plan	10/10/10
15	Site Plan	10/10/10
16	Site Plan	10/10/10
17	Site Plan	10/10/10
18	Site Plan	10/10/10
19	Site Plan	10/10/10
20	Site Plan	10/10/10



Vicinity Map
NOT TO SCALE

Approved by
City Council
on July 4,
2010.
D. W. W. W.

APPROVED

JUL 06 2010

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

FILE COPY

Creekside Terrace - Mixed Use Project

Land Use Entitlement Submittal Package



NOT TO SCALE

CONSULTANTS

ARCHITECT

ENGINEER

LANDSCAPE ARCHITECT

TRAFFIC ENGINEER

SOILS ENGINEER

Creekside Terrace

1005 - 1007 Oak Street, Clayton, CA

City of Clayton, Redevelopment Agency

DATE	DESCRIPTION
6/2/10	Rev. Submittal
4/23/10	Sign Submittal
3/8/10	PC Submittal

PROJECT NO. 21001-6

MODEL FILE

DRAWN BY: TOS

CHKD BY: TOS

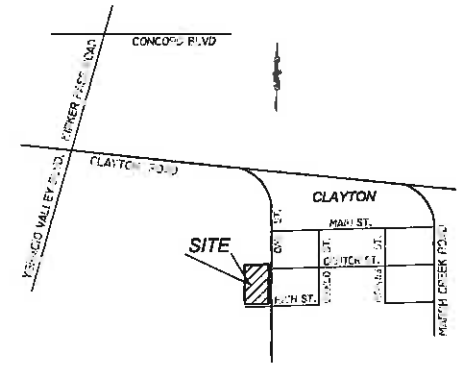
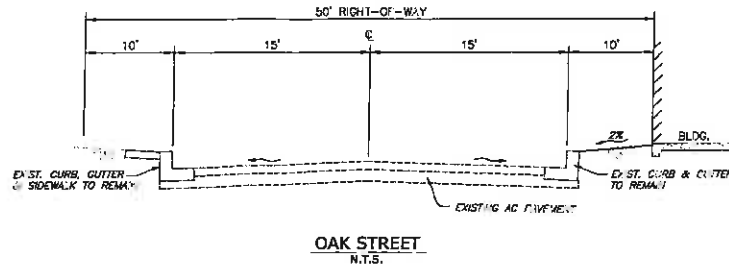
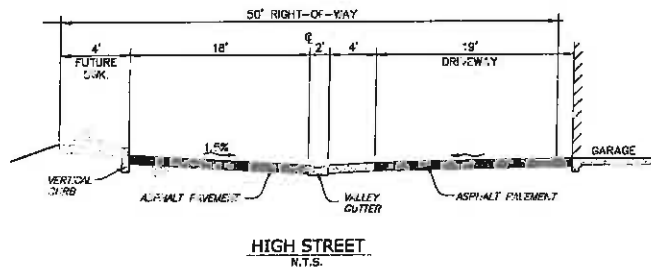
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SHEET TITLE

The Sheet

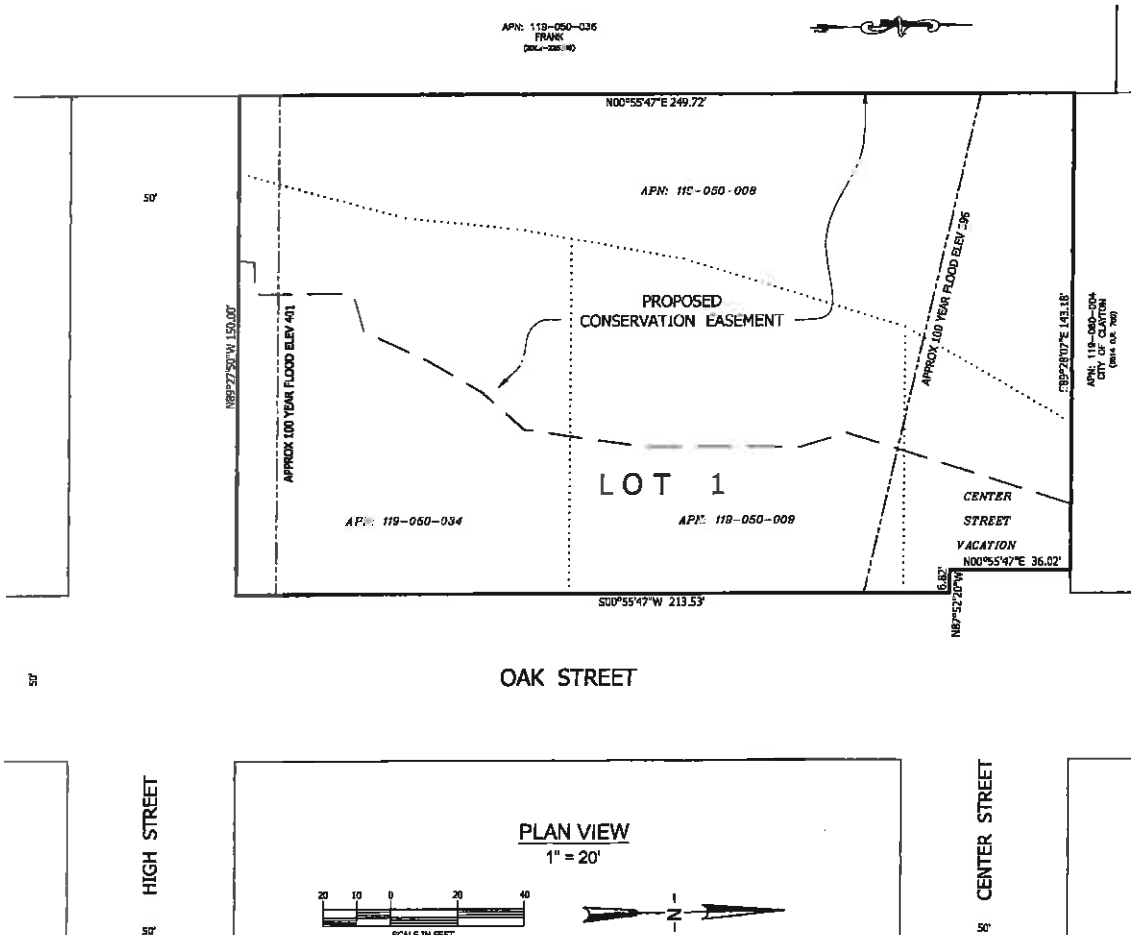
T-1

SHEET 1 OF 17



TENTATIVE MAP NOTES:

DEVELOPER:	CITY OF CLAYTON REDEVELOPMENT AGENCY 6000 HERITAGE TRAIL CLAYTON, CA 94517
ENGINEER:	DEBOLT CIVIL ENGINEERING 811 SAN RAMON VALLEY BLVD. DANVILLE, CA 94526 (925) 837-3780
ASSESSOR'S PARCEL NUMBERS & AREAS:	119-050-008 0.30± AC. 119-050-009 0.22± AC. 119-050-034 0.28± AC. CENTER ST. VACATION 0.07± AC. TOTAL 0.85± AC.
ZONING:	PLANNED DEVELOPMENT
PROPOSED ZONING:	PLANNED DEVELOPMENT
GENERAL PLAN:	TOWN CENTER
UTILITIES:	GAS & ELECTRIC - P.G. & E TELEPHONE - A.T. & T. SEWER - C.C.C.S.D. WATER - C.G.W.D. UTILITY LOCATIONS SHOWN ARE BASED ON UTILITY COMPANY RECORDS AND ARE APPROXIMATE ONLY.
BOUNDARY NOTE:	APPROXIMATE BOUNDARY INFORMATION SHOWN WAS COMPILED FROM AVAILABLE RECORD DATA AND DOES NOT REPRESENT AN ACTUAL FIELD BOUNDARY SURVEY.
BASIS OF BEARINGS:	THE MONUMENT LINE OF OAK STREET, BETWEEN TWO FOUND RAILROAD SPIKES, TAKEN AS N0°55'47" E. IS SHOWN ON THE RECORD OF SURVEY (81-LSM-35).
EXISTING USE:	COMMERCIAL
PROPOSED USE:	COMMERCIAL / RESIDENTIAL
CONTOUR INTERVAL:	2 FOOT
TOPOGRAPHY:	BASED UPON A TOPOGRAPHIC SURVEY PREPARED BY DEBOLT CIVIL ENGINEERING.
BENCHMARK:	A BRONZE DISK IN THE TOP OF A CONCRETE POST, AT THE "T" OF CLAYTON ROAD (MAIN STREET) AND MARSH CREEK ROAD LEADING SOUTH, 38 FEET SOUTH OF THE CENTERLINE OF CLAYTON ROAD (MAIN STREET), 5.4 FEET SOUTH OF A FIRE HYDRANT, 1.9 FEET WEST OF THE FENCE CORNER POST AND 2.0 FEET SOUTHEAST OF A WITNESS POST. ELEVATION = 333.80
FLOOD ZONE:	THE PROPERTY LIES IN FLOOD ZONE AE AS SHOWN ON COMMUNITY PANEL 0600270001C.



LEGEND AND ABBREVIATIONS

PROPOSED	EXISTING	DESCRIPTION
		EASEMENT
		STREET
		DRIVEWAY
		GUTTER
		PAVEMENT
		CURB
		FENCE
		BUILDING
		PARKING
		LOT
		BOUNDARY
		EASEMENT
		STREET
		DRIVEWAY
		GUTTER
		PAVEMENT
		CURB
		FENCE
		BUILDING
		PARKING
		LOT
		BOUNDARY

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

TM 1

TITLE SHEET

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

CITY OF CLAYTON

CALIFORNIA

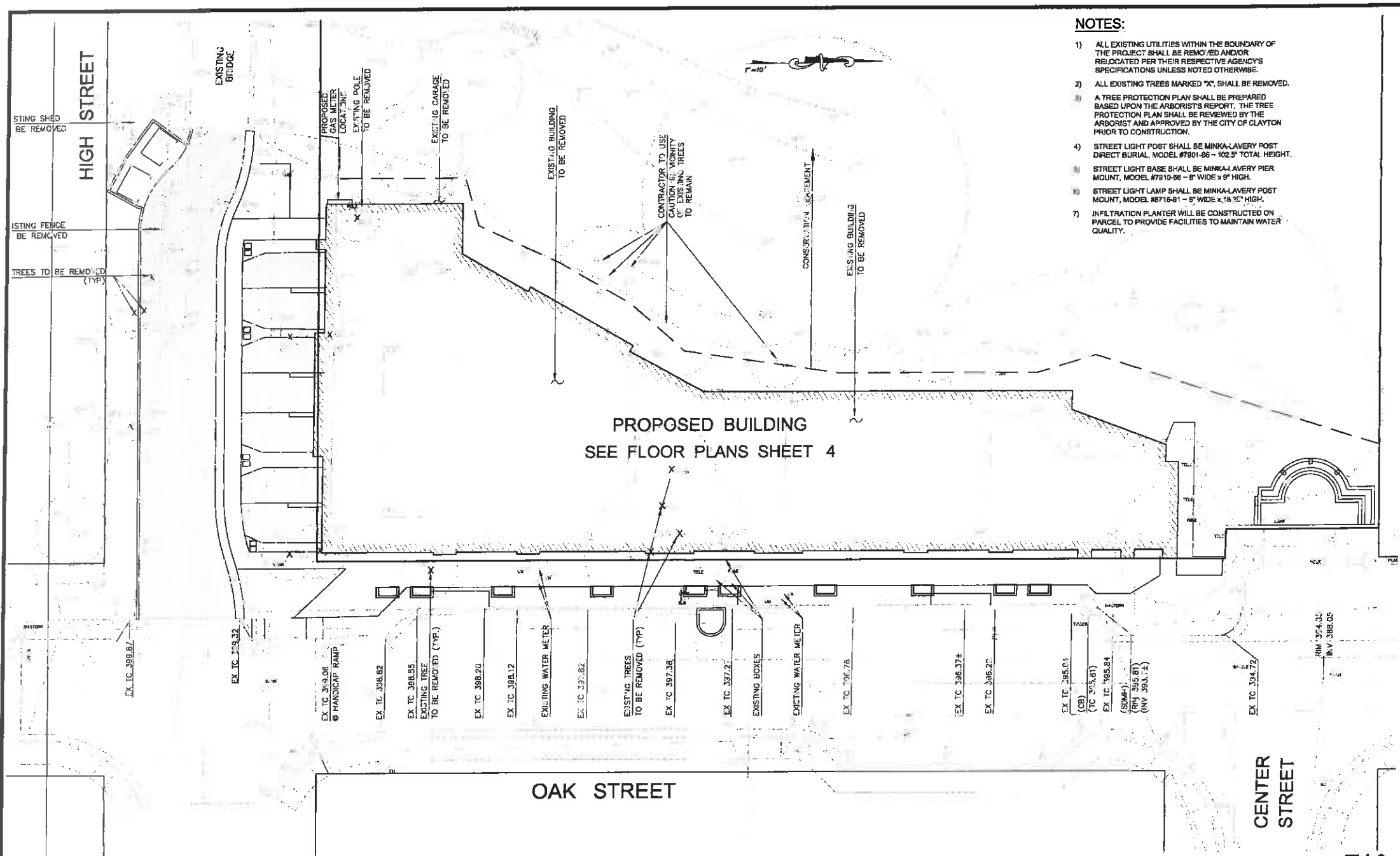
JAMES E. DEBOLT
RENEWAL DATE: 03/12

#	REVISIONS	DATE
1		
2		
3		
4		
5		



DeBolt Civil Engineering
811 San Ramon Valley Boulevard
Danville, California 94526
Tel: 925/837-3780
Fax: 925/837-4378

Date: 4/29/2010
Scale: 1" = 20'
By: JED / ml
Job No: 08133



VESTING TENTATIVE MAP

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

CITY OF CLAYTON

CALIFORNIA

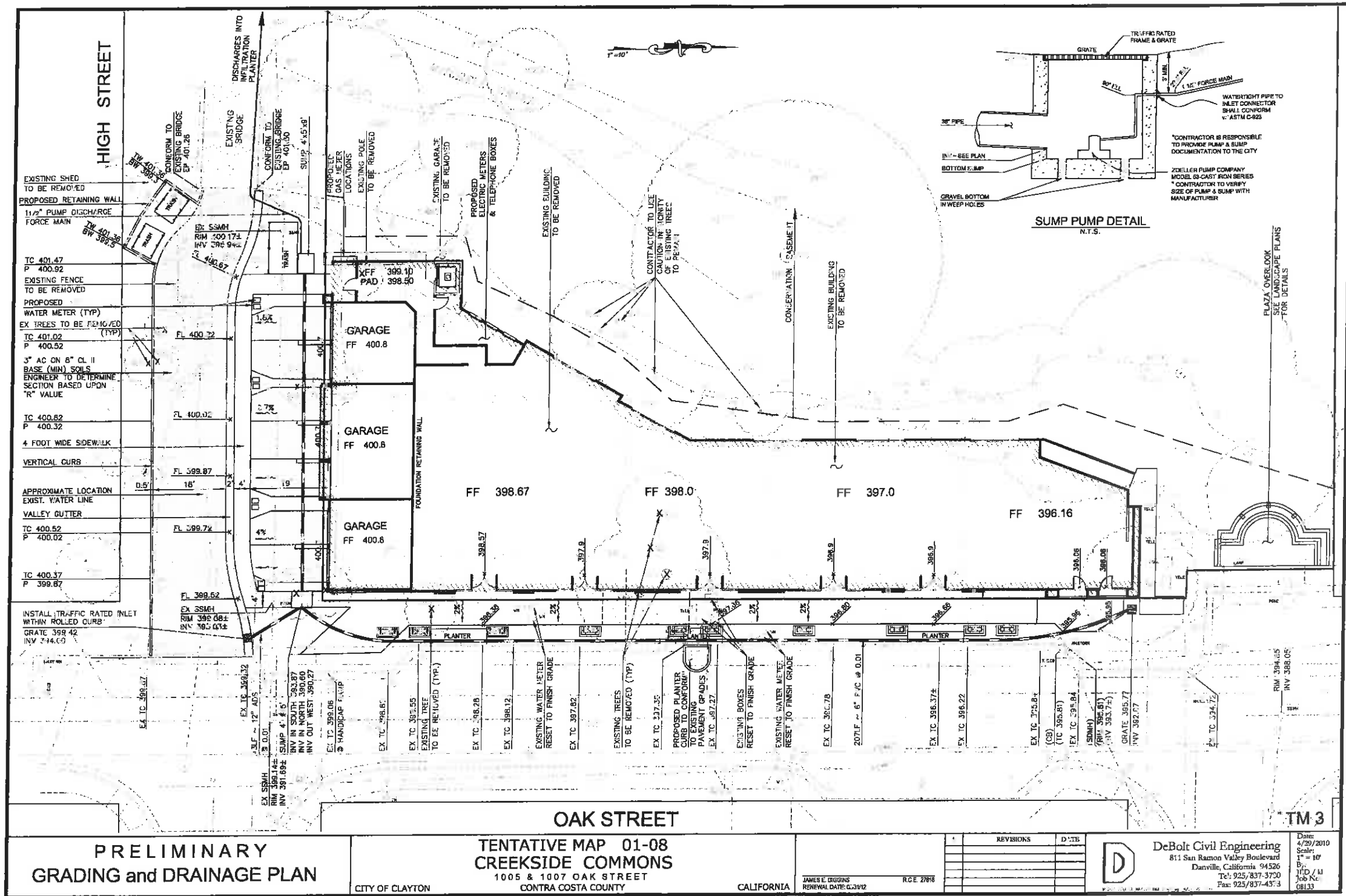
JAMES E. DIGGINS
RENEWAL DATE: 06/31/12

R.C.E. 27816

[illegible]

DeBolt Civil Engineering
811 San Ramon Valley Boulevard
Danville, California 94526
Tel: 925/837-3780
Fax: 925/837-4378

Date:
4/29/2010
Scale:
1" = 10'
By:
JPD / WJ
Job No:
08133



PRELIMINARY
GRADING and DRAINAGE PLAN

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

CITY OF CLAYTON

CALIFORNIA

JAMES E. DODDING
RENEWAL DATE: 03/01/12

R.C.E. 27616

REVISIONS	DATE



DeBolt Civil Engineering
811 San Ramon Valley Boulevard
Danville, California 94526
Tel: 925/837-3700
Fax: 925/837-4373

Date:
4/29/2010
Scale:
1" = 10'
By:
JED / JJ
Job No:
08133

THE SIZING OF THE FLOW-BASED TREATMENT FACILITIES IN CONTRA COSTA COUNTY IS BASED UPON A STORM DEPTH OF 0.6 INCHES. IN ORDER TO PREVENT UNTREATED RUNOFF FROM ENTERING THE STORM SYSTEM, THE PROJECT HAS PROVIDED UNDERGROUND STORAGE OF RUNOFF FOR THE INITIAL FLOW SHOULD THE SUMP PUMP MALFUNCTION. THE AMOUNT OF STORAGE IS SUMMARIZED AS FOLLOWS:

Project Name: Oak Street
Project Type: Treatment Only
Location: Clayton
APN: 119-050-034
Drainage Area: 16455 sf
Mean Annual Precipitation: 17.5 in

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

Software Tool Warnings

DMA	AREA	SURFACE
DMA-1	2,080 SF±	ASPHALT
DMA-2	1,775 SF±	ASPHALT
DMA-3	1,440 SF±	ROOF
DMA-4	7,440 SF±	ROOF
DMA-5	2,000 SF±	ROOF
DMA-6	175 SF±	CONCRETE
DMA-7	600 SF±	CONCRETE
DMA-8	180 SF±	CONCRETE
TOTAL	15,580 SF±	

IMP	SIZE
1	800 SF
2	60 SF

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

STORM WATER CONTROL
PLAN EXHIBIT

1005 & 1007 OAK STREET

CITY OF CLAYTON

CONTRA COSTA COUNTY

CALIFORNIA

JAMES E. DICKINS
RENEWAL DATE: 03/31/12

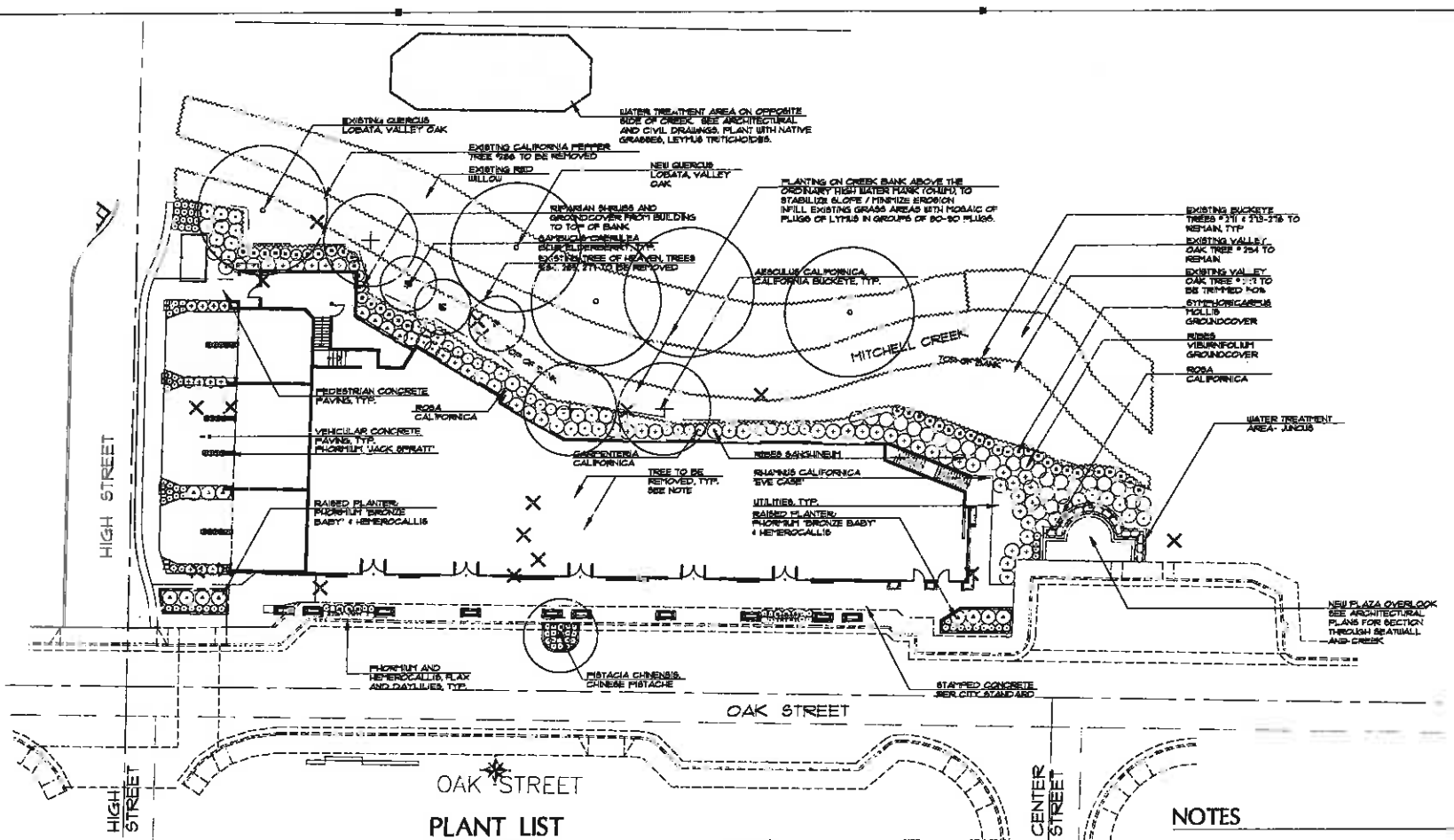
A.C.E. 27810

REVISED	REVISIONS	DATE



DeBolt Civil Engineering
811 San Ramon Valley Boulevard
Danville, California 94526
Tel: 925/837-3780
Fax: 925/837-4378

Date:
4/29/2010
Scale:
1" = 30'
By:
JED / kl
Job No:
00133



- ### LAYOUT LEGEND
- PEDESTRIAN CONCRETE PAVING WITH INTEGRAL COLOR FINISH, LIGHT BROCK COLOR, DAVIS COLORS 800-356-4848. INSTALL PER HRS SPECIFICATIONS. SUBMIT SAMPLES IN THE FIELD FOR APPROVAL. SEE SPECIFICATIONS.
 - ACCENT PEDESTRIAN CONCRETE PAVING WITH INTEGRAL COLOR FINISH, LIGHT BROCK COLOR, DAVIS COLORS 800-356-4848. INSTALL PER HRS SPECIFICATIONS. SUBMIT SAMPLES IN THE FIELD FOR APPROVAL. SEE SPECIFICATIONS.
 - VEHICULAR CONCRETE PAVING SURFACE CONDITION WITH INTEGRAL COLOR, S.C.D. FOR DIMENSIONING AND REINFORCEMENT. FINISH, LIGHT SANDBLAST OR APPROVED EQUAL COLOR, TO BE DETERMINED PER DAVIS COLORS 800-356-4848.
 - CREEK ENHANCEMENT ON BANKS OF MITCHELL CREEK ABOVE THE ORDINARY HIGH WATER MARK. NON-IRRIGATED EROSION CONTROL PLUGS PER LIST OF TREES. IRRIGATION REQUIRED FOR TREES UNTIL ESTABLISHED.
 - BIOINERT 50% MIX IN ALL WATER TREATMENT AREAS. 5% USDA SAND ON 10% VY BAND. 5% 1/2" ROCK. 5% ORGANIC BY WEIGHT. PERCOLATION RATE MUST FALL IN THE RANGE OF 5 TO 10 INCHES PER HOUR AS DETERMINED BY SPT METHOD A-10-1. pH OF SATURATED PASTE: 9.5 - 10 WITHOUT HIGH LIME CONTENT. AFTER PLACEMENT THE TOP 6 INCHES SHALL BE BLENDED WITH COMPOST AT A RATE OF 1 PART COMPOST TO 4 PARTS OF BIOINERT SOIL MIX.

PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPECIES
RIPIARIAN SPECIES				
AC	ARCEUTHOBIA CALIFORNICA	CALIFORNIA BUCKEYES	24" BOX	AS SHOWN
CC	CAMPANULA CALIFORNICA	BUSH MONARDRA	3" GAL	AS SHOWN
CL	CURCULUS LOBATA	VALLEY OAK	1 GALLON	AS SHOWN
R	ROSA CALIFORNICA	WILD ROSE	5 GALLON	4" O.C.
RC	RHAMNUS CALIFORNICA 'EVE CASE'	CORREDBERRY	5 GALLON	4" O.C.
NS	RIEDES SANGUINEUM	FLOWERING CURRENT	5 GALLON	4" O.C.
RV	RIEDES VIBURNIFOLIUM	EVERGREEN CURRENT	1 GALLON	4" O.C.
CC	SAMBUCUS CAERULEA	BLUE ELDERBERRY	5 GALLON	AS SHOWN
ST	SYMPLOCARPA HOLLIIS	CREeping YANDBERRY	1 GALLON	3" O.C.
NATIVE GRASSES FOR SLOPES				
LT	LEYMUS TRITICOIDES	CREeping WILD RICE	4" PLUGS	2" O.C.
MULCH/SEED MIX TO BE HAND BROADCAST ON WESTERN SIDE OF CREEK DURING FALL BETWEEN OCTOBER 15 AND DECEMBER 1				
EC	Echocystis Californica	POPPY	SEEDS	10 LBS / ACRE
L	LUPINUS NANUS	SKY LUPINE	SEEDS	10 LBS / ACRE
STREETSCAPE TREES				
L	LAGERSTROMIA MUSKOGEE	GRAPE MYRTLE	24" BOX	AS SHOWN
PC	PISTACIA CHINENSIS	CHINESE PISTACHE	24" BOX	AS SHOWN
P	PIRUS CALLENTANA	FLOWERING PEAR	24" BOX	AS SHOWN
SHRUBS				
AB	ARCTOSTAPHYLOS BAKERI 'LOUIS EDMONDS'	HAZANTIA	5 GAL	5" O.C.
HE	HEMEROCALLIS	EVERGREEN ORANGE / RED DAYLILIES	1 GAL	2" O.C.
HH	HEMEROCALLIS	EVERGREEN YELLOW DAYLILIES	1 GAL	2" O.C.
LT	LANTANA 'MONTICIDENSIS'	LANTANA	5 GAL	1" O.C.
PL	PHORNIUM 'BRONZE BABY'	FLAX	1 GAL	1" O.C.
PJ	PHORNIUM 'JACK SPARRIT'	FLAX	5 GAL	4" O.C.
PH	PHORNIUM 'MAGNI HADON'	FLAX	5 GAL	4" O.C.
PT	PHORNIUM 'TOM THOMP'	FLAX	2 GAL	2" O.C.
RI	RHAMNOLIPS INDICA 'JACK EVANS'	INDIAN HAWTHORN	5 GAL	4" O.C.
RE	ROSA HELLAND 'CORAL'	CORAL HELLAND ROSE	2 GAL	3" O.C.
RP	ROSA HELLAND 'PINK'	PINK HELLAND ROSE	2 GAL	3" O.C.
VT	VIBURNUM TINDUS 'SPRING BOUQUET'	LAURUSTINUS	5 GAL	3" O.C.
GROUND COVER				
CA	ARCTOSTAPHYLOS URSINIS 'POINT REYES'	BEARBERRY	1 GAL	3" O.C.
CU	CANEX TYPICOLA	PERNIE'S SEDGE	1 GAL	12" O.C.
CC	CALYPTROGLOPHIS ARANDINACEA 'KARL FORSTER'	PERNIE'S FEATHER REED GRASS	1 GAL	12" O.C.
CP	CORREA MILCHELLIA 'MISSION BELLS'	AUSTRALIAN FUMIA	1 GAL	4" O.C.
EC	ENGELMANNIA KARVINSKIANUS	MEXICAN DAISY	1 GAL	12" O.C.
ES	EREMOPHYLLA	BLUE FESCUE	1 GAL	12" O.C.
GS	GERANIUM S. 'RUSSELL PRITCHARD'	CRANEBILL	1 GAL	12" O.C.
H5	HELIOTROPICUM DEFFERVENSIS	BLUE OAT GRASS	5 GAL	7" O.C.
JU	JUNCUS PATENS	CALIFORNIA GRAY RUM	1 GAL	12" O.C.
LP	LIBERTIA PERENNANS	LIBERTIA	5 GAL	12" O.C.
ST	STIPA TENNENSIS	MEXICAN FEATHER GRASS	1 GAL	12" O.C.
LT	INSTALL IN RAINY SEASON			

NOTES

- SEE "TREE REPORT" PREPARED BY HORTSCIENCE MAY, 2005 TO VERIFY WHICH EXISTING TREES SHALL REMAIN.
- PROTECT EXISTING TREES TO REMAIN PER "TREE REPORT".
- DO NOT PLANT SHRUBS OR GROUND COVER WITHIN 10' OF EXISTING TREES.
- REFER TO STORMWATER CONTROL PLAN PREPARED BY DEBOLT CIVIL ENGINEERING FOR STORMWATER MANAGEMENT (2005).
- REFER TO BIOLOGICAL RESOURCE ASSESSMENT REPORT PREPARED BY ENVIRONMENTAL COLLABORATIVE DATED JUNE 2006 FOR ADDITIONAL INFORMATION.
- CREEK ENHANCEMENT:
 - NON-NATIVE PLANTS (TREE-OF-HEAVEN) TO BE REMOVED.
 - PLANTING ON CREEK BANKS ABOVE THE ORDINARY HIGH WATER MARK (CHAIN) ADDED TO STABILIZE/ MINIMIZE EROSION. FIELD VERIFY CHAIN IN FIELD PRIOR TO CONSTRUCTION. ALL PLANTING ON THE WEST SIDE OF THE CREEK TO BE PLANTED DURING THE RAINY SEASON FOR PLANT ESTABLISHMENT WITH NATURAL RAIN WATER. HAND IRRIGATION MAY BE REQUIRED FOR ESTABLISHMENT OF NATIVE DROUGHT TOLERANT PLANT MATERIAL. RETAIN AND PROTECT NATIVE PLANTS LABELED AS "SAVE" IN HORTSCIENCE REPORT.
- PRESERVE EXISTING TREES (OAK, PER ORNANCE NO 12). PRESERVATION OF TREES ON PUBLIC AND PRIVATE PROPERTY.
- IRRIGATION FOR NATIVE SHRUBS ON EAST SIDE OF BANK. TEMPORARY IRRIGATION FOR ESTABLISHMENT OF CREEK ENHANCEMENT ON BANKS UNTIL ESTABLISHMENT.

TREE LEGEND

- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO REMAIN
- PROPOSED TREE

GATES & ASSOCIATES
 LANDSCAPE ARCHITECTURE
 LAND PLANNING URBAN DESIGN

2671 2ND CANYON RD. SAN RAMON, CA 94583
 TEL: 925-751-8176 FAX: 925-826-8001
 WWW.GATES-CA.COM

CREEKSIDE TERRACE

1005-1007 OAK ST.
 CLAYTON, CALIFORNIA

REVISION: DESCRIPTION: DATE:

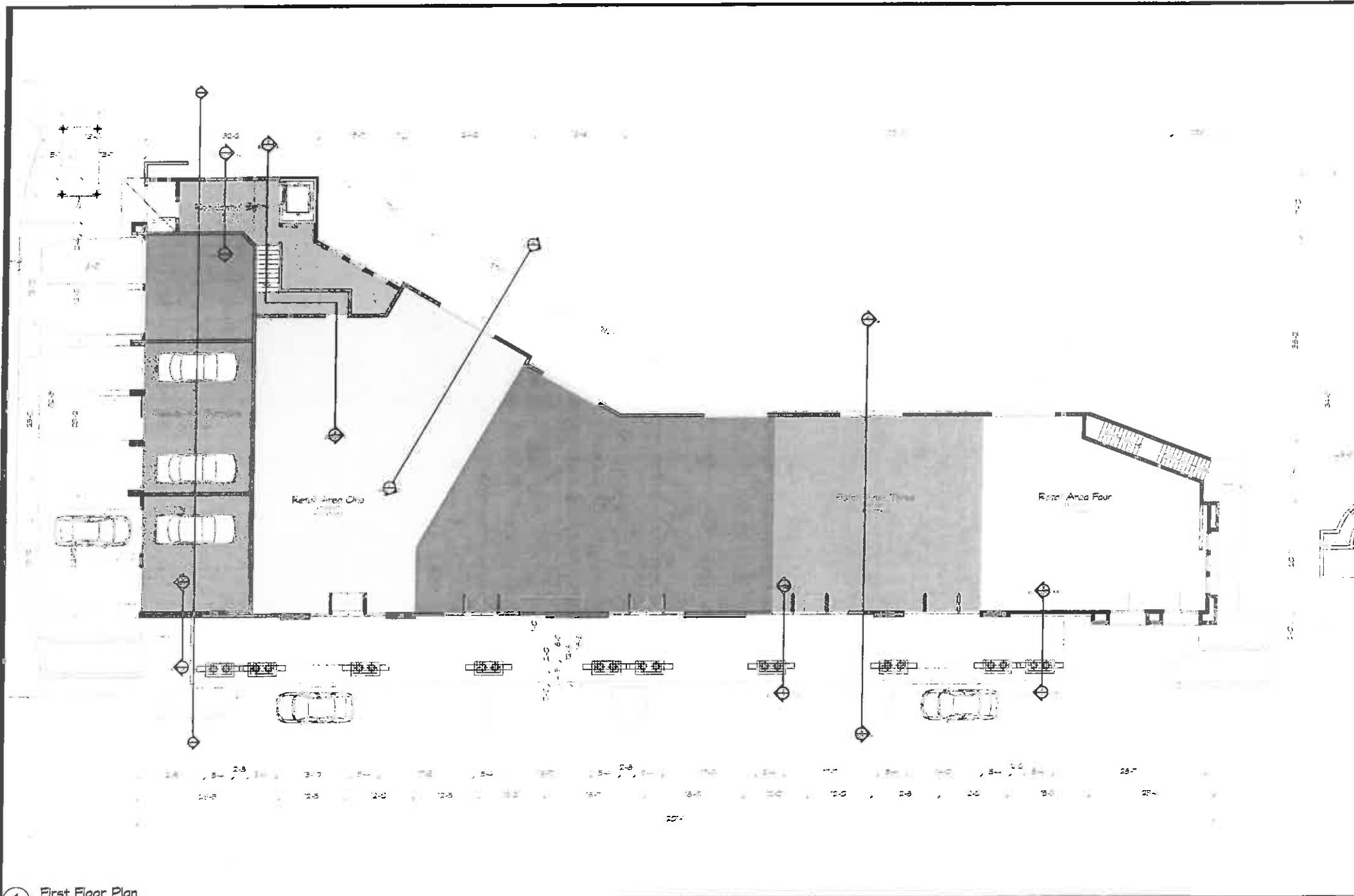


PROJECT NAME: CITY OF CLAYTON
 PROJECT NUMBER:
 PROJECT FILE:
 DRAWN: JM
 CHECKED: NB
 DATE: MAR 15, 2010

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

PRELIMINARY PLANTING AND CREEK ENHANCEMENT PLAN

\\green\Users\tob\Dropbox\JZ\Projects\Creekside Terrace\archhead\062110_submittal.pln



1 First Floor Plan
SCALE: 1/8" = 1'-0"

W&F/x
PO Box 974
Clayton, CA 94517

CONSULTANTS



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

NO.	DATE	DESCRIPTION
1/6	6/21/10	Rev. Submittal
1/6	4/23/10	Sign Submittal
1/6	3/8/10	PC Submittal
MARK	DATE	DESCRIPTION
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MODEL FILE:		
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CHKD BY: rps		
COPYRIGHT: 2010 W&F/x		

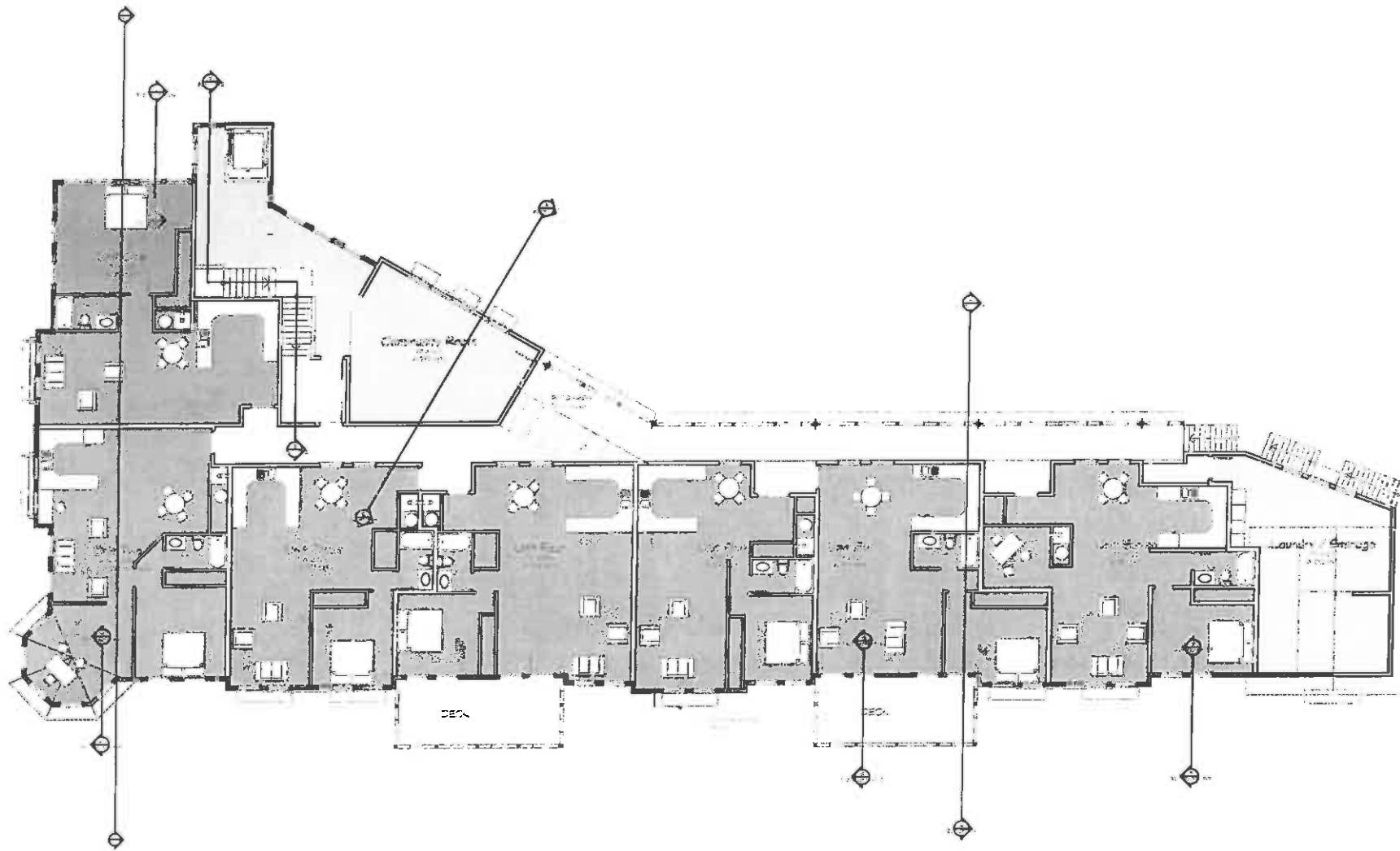
SHEET TITLE

1st Floor Plan

A-1.2

SHEET 9 OF 17

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

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Clayton, CA 94517

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

MARK	DATE	DESCRIPTION
n/a	6/21/10	Rev. Submittal
n/a	4/23/10	Sign Submittal
n/a	3/8/10	PC Submittal

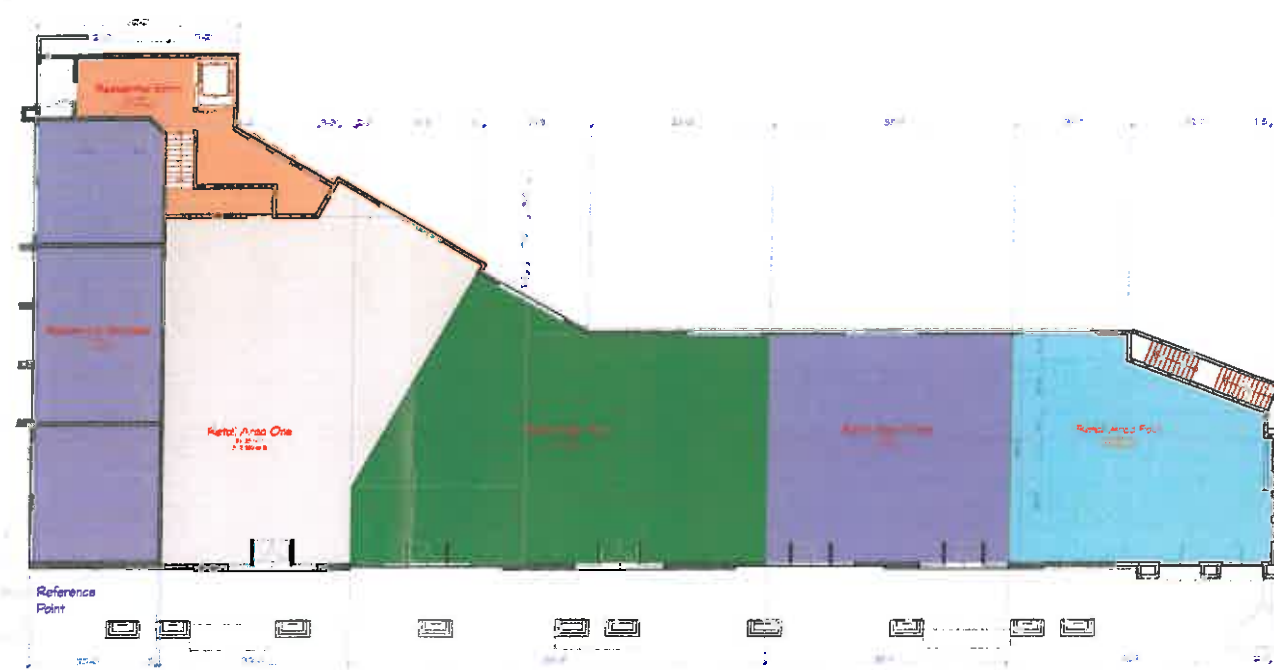
PROJECT NO: 210015
MODEL FILE:
DRAWN BY: ras
CHKD BY: ras
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SHEET TITLE

2nd Floor Plan

A-1.3

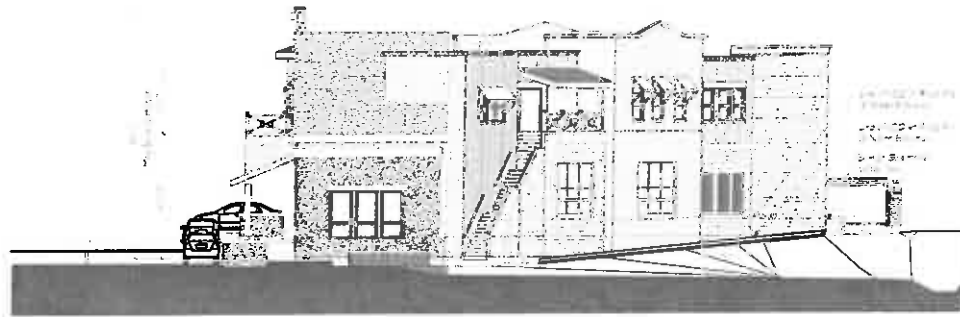
SHEET 10 OF 17



SCALE: 1" = 32' = 100'



SHEET 12 OF 15



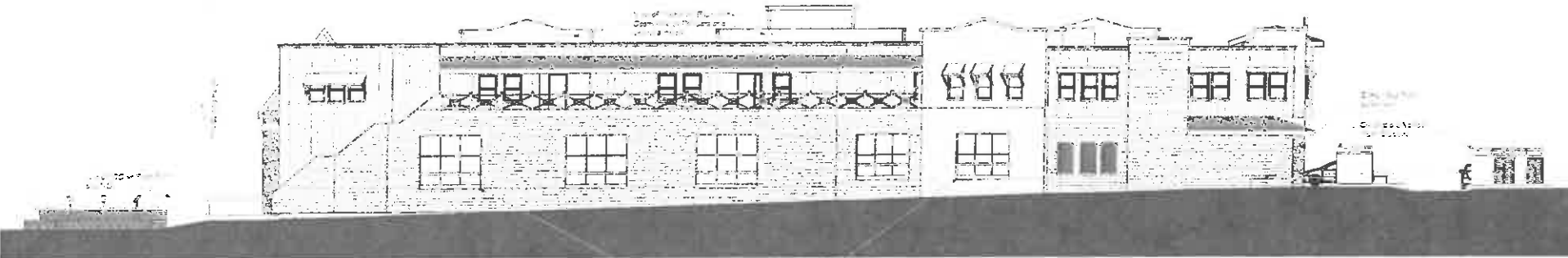
North Elevation
SCALE 3/32" = 1'-0"



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



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



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

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

NO.	DATE	DESCRIPTION
1/6	6/2/10	Rev. Submittal
2/6	4/23/10	Sign Submittal
3/6	3/8/10	PC Submittal

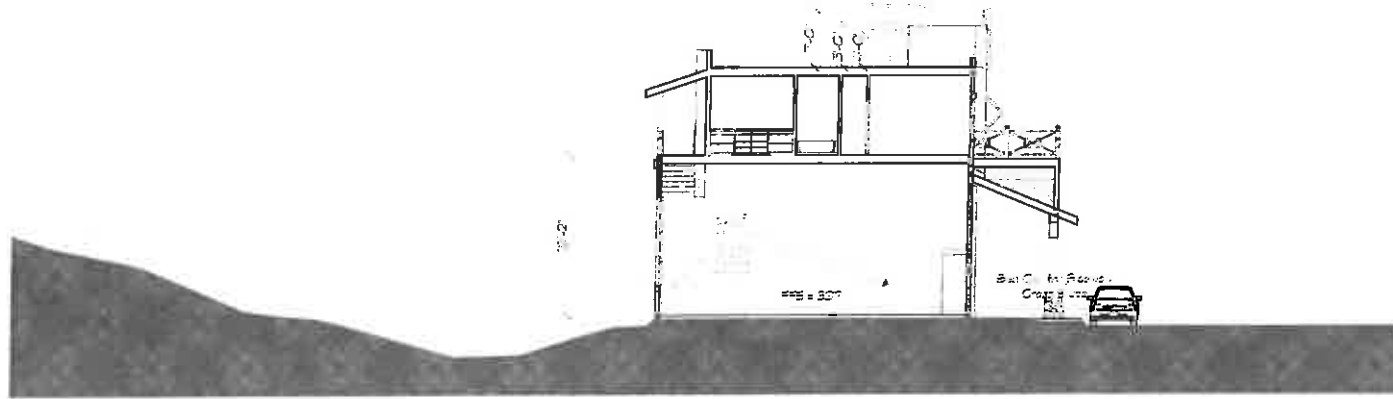
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SHEET TITLE

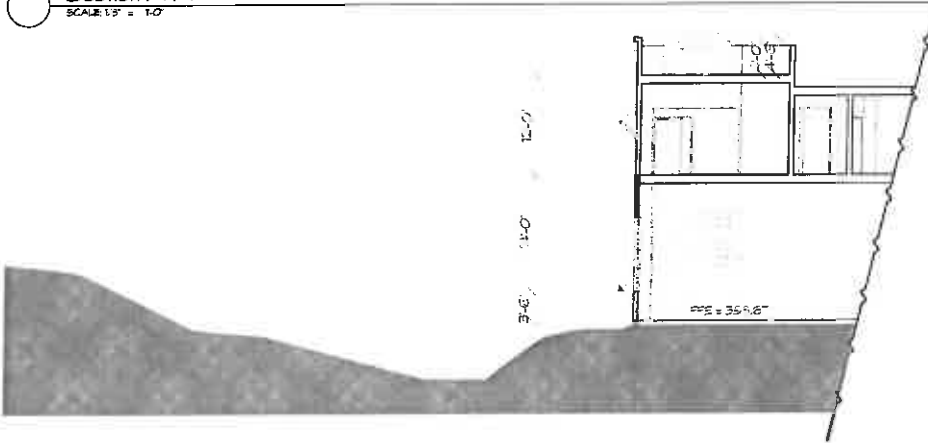
Elevations

A-2.1

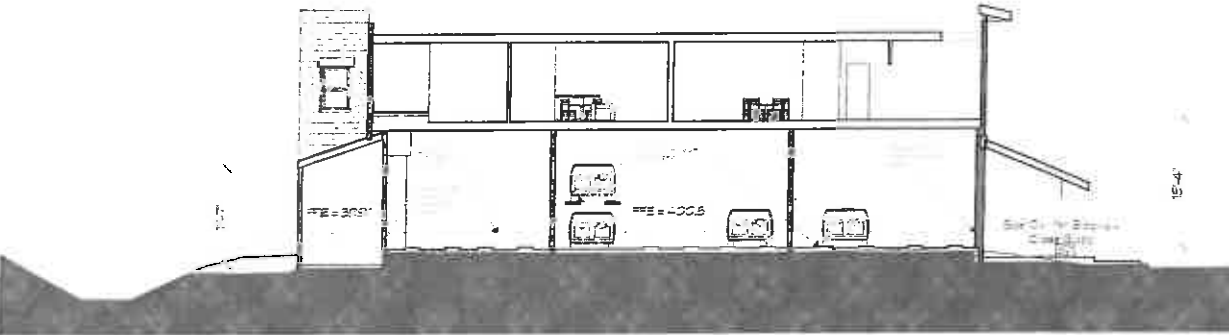
SHEET 13 OF 17



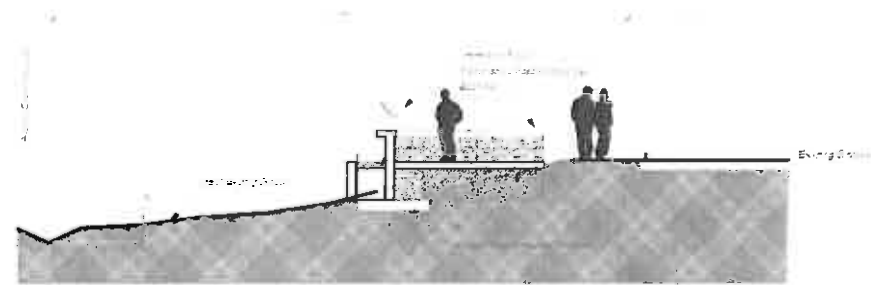
Section A-A
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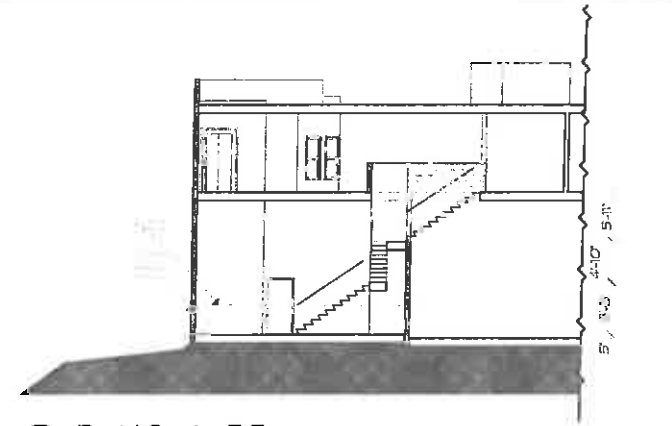
Partial Section B-B
SCALE: 1/8" = 1'-0"



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



Section D-D
SCALE: 3/16" = 1'-0"



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

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

MARK	DATE	DESCRIPTION
1/6	6/21/10	Re-Submittal
n/a	4/23/10	Sign Submittal
n/a	3/3/10	PC Submittal

PROJECT NO: 210016
MODEL FILE:
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CHKD BY: rps
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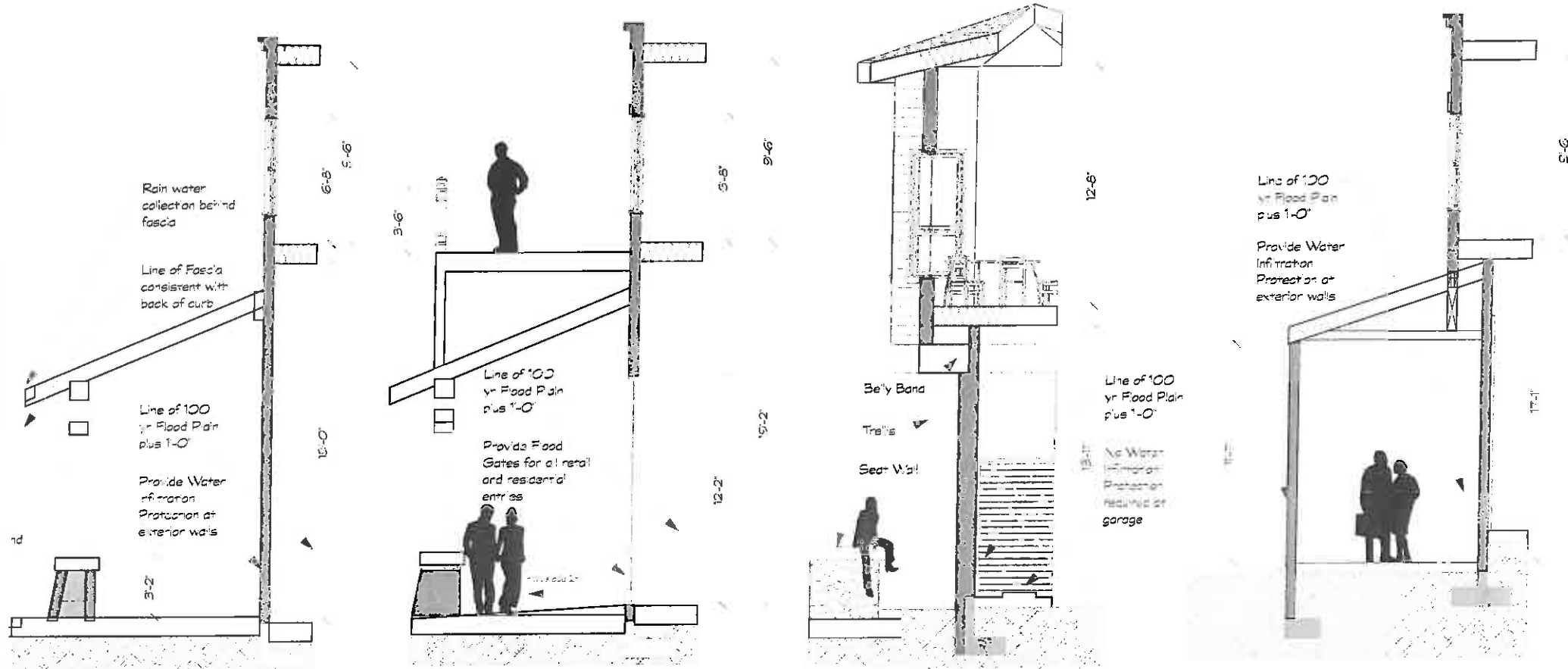
SHEET TITLE

Sections

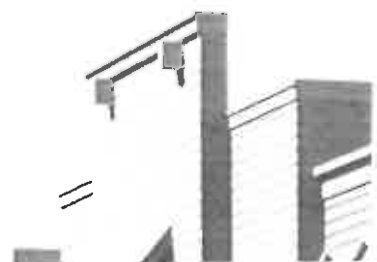
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SHEET 14 OF 17

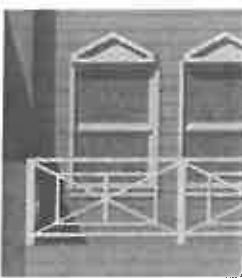
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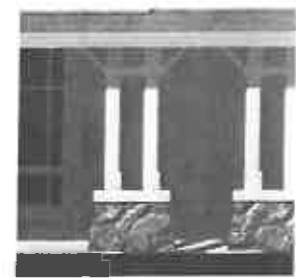
Dental Molding



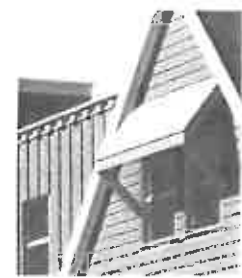
Parapets



Railing Detail



Retail Columns



Window Awning



Flood Gates

via f/x
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Clayton, CA 94517

CONSULTANTS



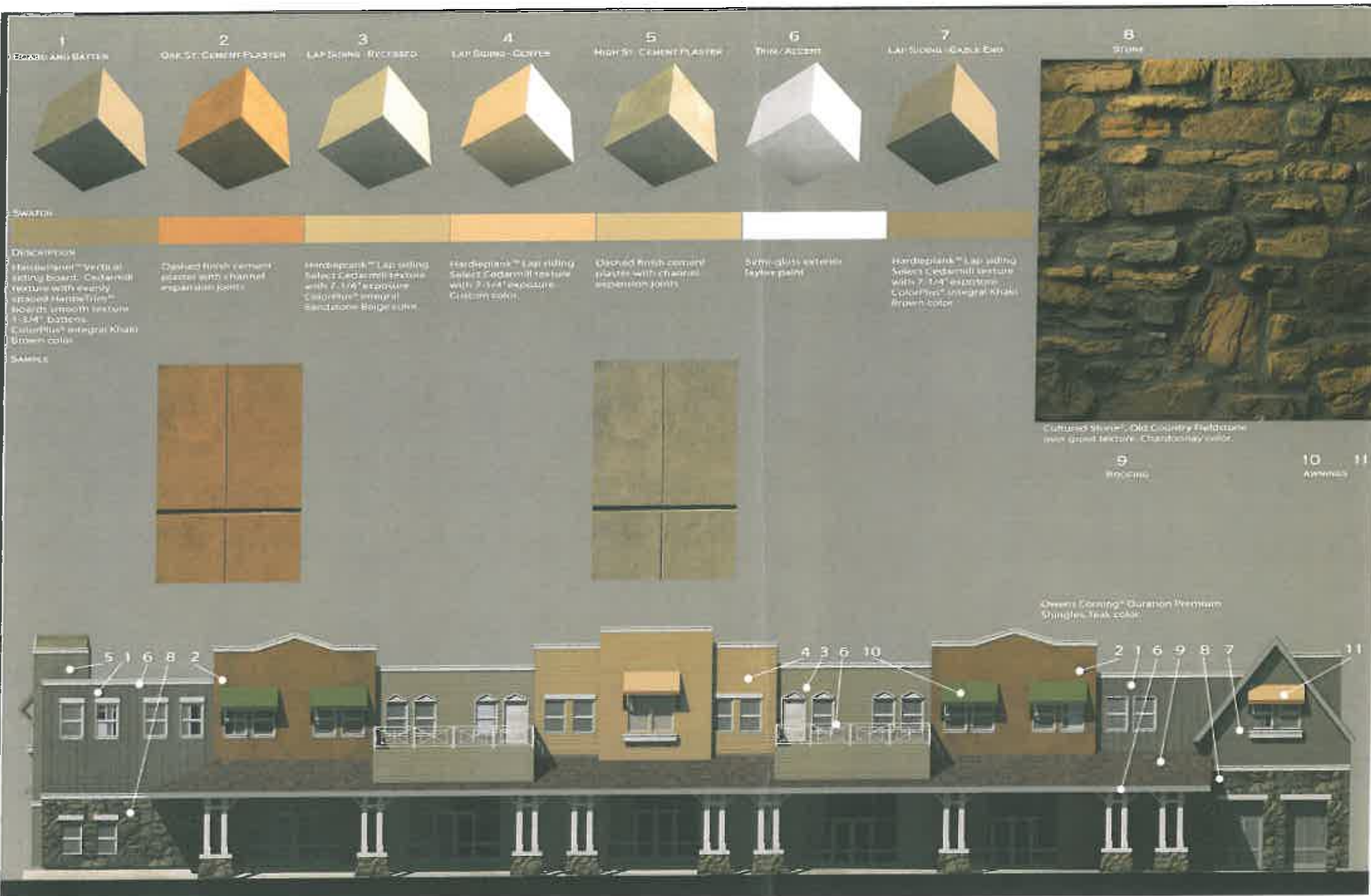
Creekside Terrace
1005 - 1007 Oak Street, Clayton, CA
City of Clayton, Redevelopment Agency

MARK	DATE	DESCRIPTION
n/a	6/21/10	Rev. Submittal
n/a	4/23/10	Sign Submittal
n/a	3/8/10	PC Submittal

PROJECT NO: 2100116
MODEL FILE:
DRAWN BY: rps
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COPYRIGHT: 2010 VIZI

SHEET TITLE
Wall Sections and Details

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DESCRIPTION
Hardiplank™ Vertical siding board. Charcoal texture with epoxy-impregnated Hardiplank™ boards impregnated with 1/8" beads. ColorPlus® Integral Khaki Green color.
Dashed finish cement plaster with channel expansion joints.
Hardiplank™ Lap siding Select Cedar mill texture with 7/16" exposure. ColorPlus® Integral sandstone beige color.
Hardiplank™ Lap siding Select Cedar mill texture with 7/16" exposure. Chateau color.
Dashed finish cement plaster with charcoal expansion joints.
Smooth glass exterior. Talcum paint.
Hardiplank™ Lap siding Select Cedar mill texture with 7/16" exposure. ColorPlus® Integral Khaki Green color.



Creekside Terraces - Oak Country Fieldstone
with green texture. Chateau color.



Green Corning™ Duration Premium
Shingles, teal color.

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Creekside Terrace

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

Rev	Date	Description
n/a	6/21/10	Rev. Submittal
n/a	4/23/10	Sign Submittal
n/a	3/8/10	PC Submittal

MARK DATE DESCRIPTION

PROJECT NO: 2100.16
MODEL FILE:
DRAWN BY: ras
CHKD BY: ras
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SHEET TITLE

Color and Materials
Board

A-4.1

SHEET 16 OF 17

Color and Materials - East Elevation



View from Flora Square

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Clayton, CA 94517

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

n/a	6/2/10	Rev. Submittal
n/a	4/23/10	Sig. Submittal
n/a	3/8/10	PC Submittal
MARK DATE	DESCRIPTION	

PROJECT NO: 2100115
MODEL FILE:
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SHEET TITLE

View From Flora
Square

A-4.2

SHEET 17 OF 17



○ View from High Street

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

MARK	DATE	DESCRIPTION
n/a	6/2/10	Rev Submittal
n/a	4/23/10	Sign Submittal
n/a	3/8/10	PC Submittal

PROJECT NO. 210016
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SHEET TITLE

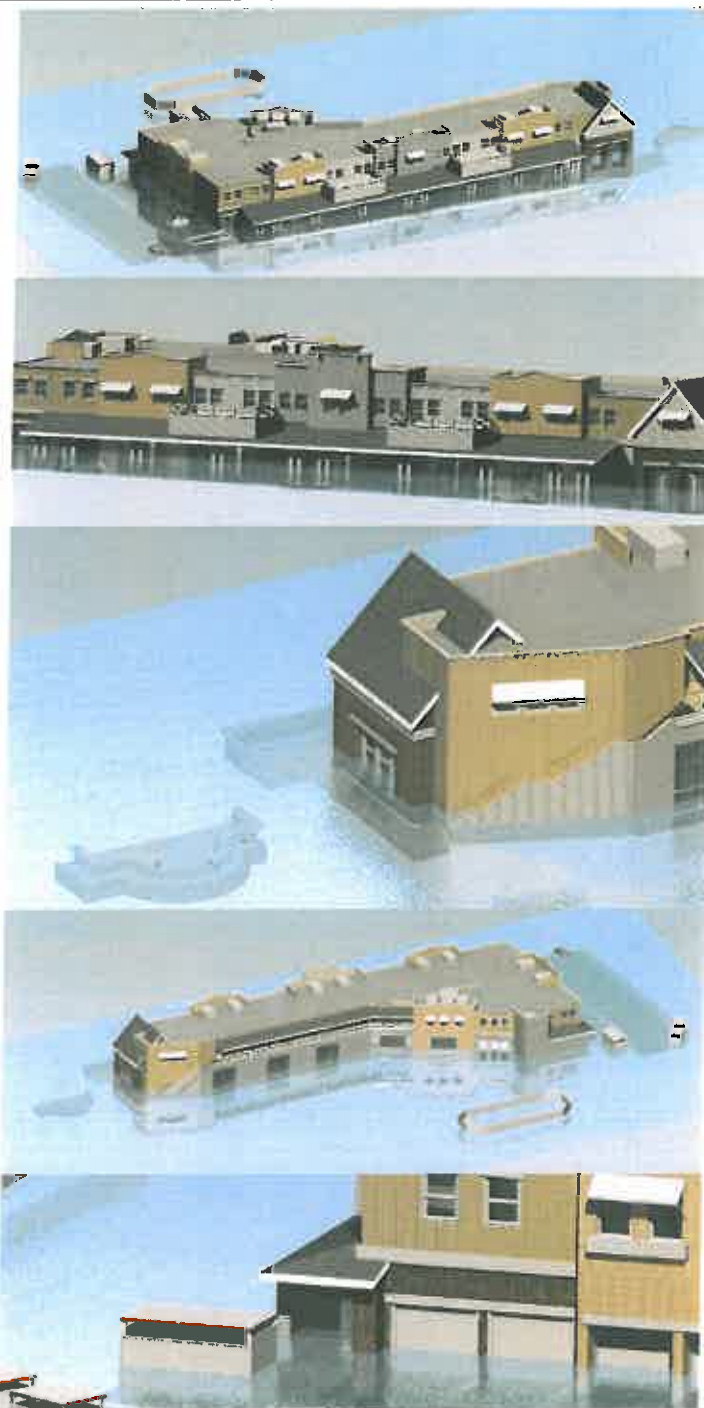
View From High
Street

A-4.3

SHEET 13 OF 17



LEGEND	
1	1. Name of the vessel
2	2. Date of departure
3	3. Date of arrival
4	4. Name of the captain
5	5. Name of the crew member
6	6. Name of the passenger
7	7. Name of the ship's agent
8	8. Name of the ship's company
9	9. Name of the ship's home port
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CONSULTANTS



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

n/a	6/21/0	Rev. Submittal
n/a	4/23/0	Sign. Submittal
n/a	3/8/0	PC Submittal
MARK	DATE	DESCRIPTION

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COPYRIGHT: 2010 VZfx	

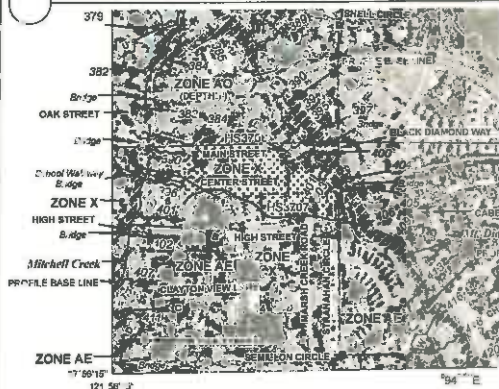
SHEET TITLE

Flood Data

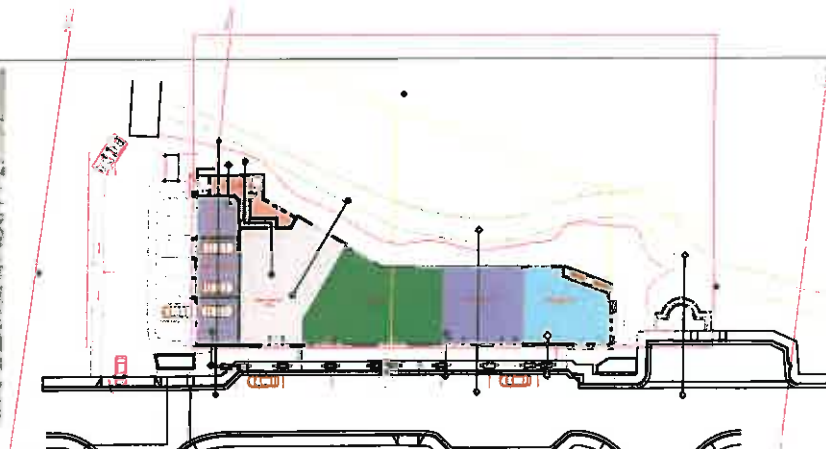
A-5.1

SHEET 19 OF 17

FEMA Flood Insurance Information

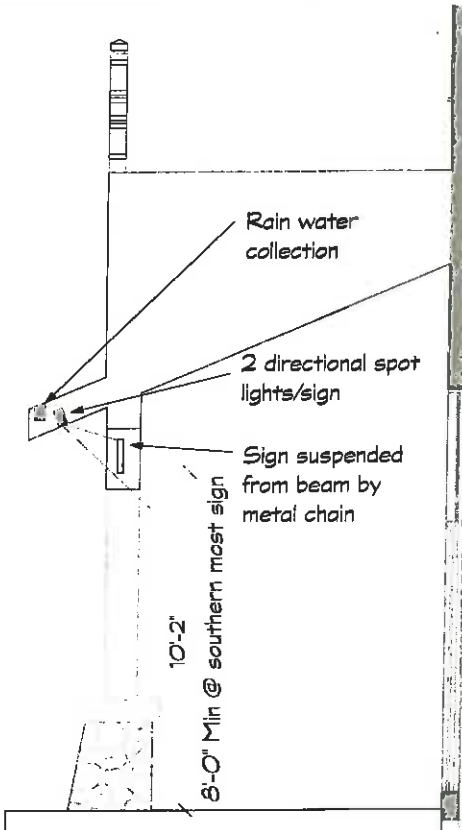


FEMA Detail



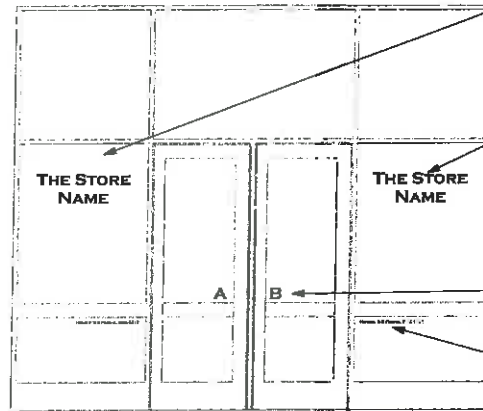
Flood Contours

Estimated 100 yr. Flood plus 1'



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

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



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

Signage Calculations
200 lf Oak St. frontage

200 sf max signage allowable

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

Monument Sign: 2x10 =
20 sf of monument sign

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

Stenciled Lettering
Rust colored to match
wood signs, typical

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

4" Suite Label

1" High Hours and
Emergency Contact Info

GENERAL STORE
BICYCLES
RESTAURANT
JEWELRY

Uniform 8" Lettering

Uniform 9" Lettering

Accented 8" Lettering

Accented 9" Lettering

Lettering Styles - Font = Copper Plate Gothic
NOT TO SCALE

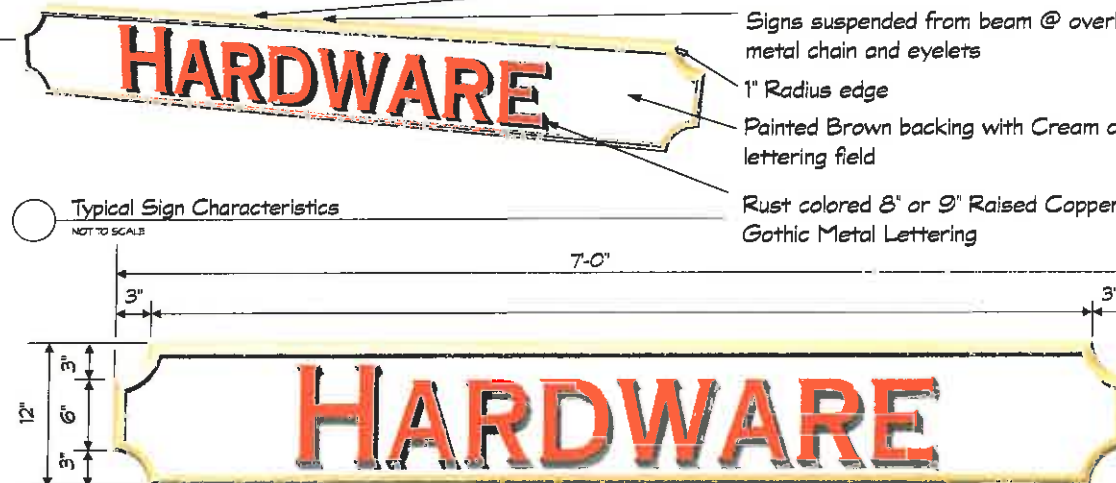
2" Deep Wood Sign with 1/2" recessed face

Signs suspended from beam @ overhang by
metal chain and eyelets

1" Radius edge

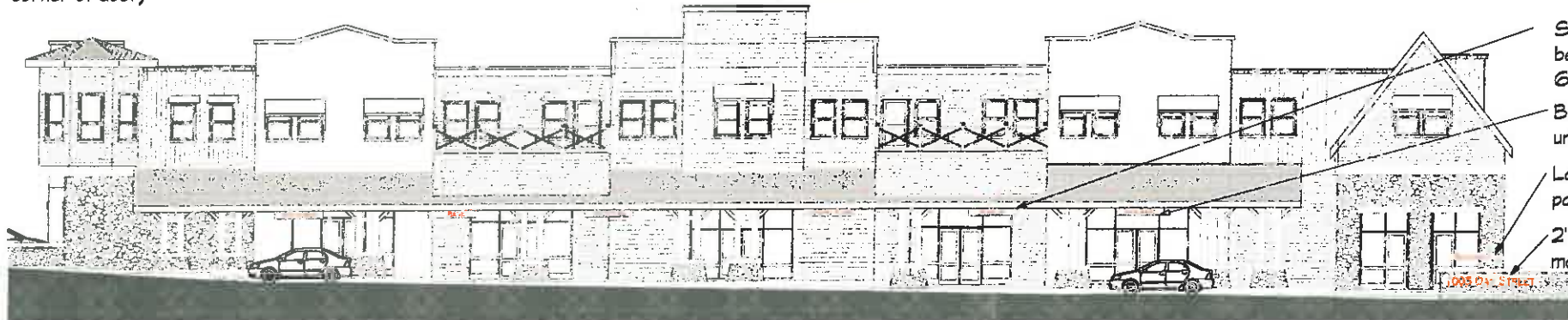
Painted Brown backing with Cream colored
lettering field

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



Typical Sign Characteristics
NOT TO SCALE

Typical Hanging Sign Sizing
NOT TO SCALE



Signage Locations
SCALE 1/3" = 1'-0"

Signage @ CL
between columns, typ.
6 locations

Bottom of all signs
uniform height

Locate Signage on two
posts in planter

2' High x 10' long
monument sign @ planter

Viz f/x
PO Box 974
Clayton, CA 94517

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

REV	DATE	DESCRIPTION
n/a	6/21/10	Rev. Submittal
n/a	4/23/10	Sign Submittal
n/a	3/8/10	PC Submittal

PROJECT NO: 2100.16
MODEL FILE:
DRAWN BY: nss
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SHEET TITLE

Building Signage

A-6.1

SHEET 20 OF 17

Memorandum

To: Chair Richardson and Planning Commissioners

From: David Woltering, Community Development Director 

Date: October 25, 2011

Subject: Agenda Item 5 of the October 25, 2011 Planning Commission Meeting Regarding Possible Amendment to the Clayton Municipal Code to Allow the Keeping of Chickens in Residential Neighborhoods under Special Circumstances

BACKGROUND

Recently, staff received a complaint about chickens being kept in the rear yard area of a residential lot within Clayton. The complaint focused on concerns regarding noise and odors related to the keeping of chickens. Clayton Municipal Code Section 6.05.010 prohibits “fowl” in residential neighborhoods (see **Attachment 1**). Staff mailed out a Courtesy Notice of Violation along with a copy of Section 6.05.010 to the property owners who were keeping the chickens. Additionally, staff contacted the property owners by telephone and conducted a site visit to the subject property.

As follow-up work was performed on the issue, staff was made aware of the circumstances surrounding the keeping of the chickens on the subject property. Staff learned that the family’s nine year old son has Tourette’s syndrome and that he has bonded very closely with the chickens. There are a total of five chickens—all hens and no roosters. The parents, Mr. and Mrs. Casagrande, are extremely protective of the chickens, given that the relationship their son has with the chickens provides him comfort and has lessened the symptoms of Tourette’s syndrome. The family views the relationship their son has with the chickens as a form of “pet therapy”.

Mr. and Mrs. Casagrande have submitted a letter requesting that the City initiate an amendment to the Municipal Code to allow the keeping of chickens under special circumstances (see **Attachment 2**). Staff has responded in writing to their letter (see **Attachment 3**) and indicated that the matter would be brought before the Planning Commission at the October 25, 2011 meeting. Essentially, if the Commission directs staff to initiate the process for consideration of the amendment, staff will research how other comparable jurisdictions in the surrounding area regulate the keeping of chickens in residential neighborhoods and the criteria that these jurisdictions have established to allow for such an activity. Staff would then return to the Commission with a report outlining options for consideration for a possible amendment to the Municipal Code regarding this matter. These options could range from continuing prohibition of chickens in residential neighborhoods, other than as stipulated in Section 17.36.070 of the Municipal Code (see **Attachment 4**), to allowing chickens on a case-by-case basis with a use permit, assuming a “special circumstance” exists. From staff’s perspective, if the Commission considers the option of allowing chickens in residential neighborhoods under special

circumstances, certain criteria should be established for review and approval of such requests. Criteria for Commission consideration include the maximum number of chickens allowed, location of structures and open areas where the chickens are kept (including minimum setbacks from property lines, minimum number of structures, and minimum size of outdoor area), type of chickens (hens only; no roosters), sanitation, and compliance with any other applicable agency or jurisdictional regulations required by, but potentially not limited to, County Health Department standards, County Building Inspection Department codes, Mosquito Abatement District provisions, and State humane laws. Similar criteria exist in Section 17.36.060 of the Municipal Code regarding regulations for the keeping of horses (see **Attachment 4**).

RECOMMENDATION

Staff recommends the Planning Commission direct staff to initiate and implement the process to consider whether chickens could be kept in residential neighborhoods in the City of Clayton under special circumstances.

ATTACHMENTS

- 1 Clayton Municipal Code Section 6.05.010
- 2 Letter to Code Enforcement Officer Rita Howe from Mr. and Mrs. Casagrande, dated October 6, 2011
- 3 Letter to Mr. and Mrs. Casagrande from Code Enforcement Officer Rita Howe, dated October 6, 2011
- 4 Clayton Municipal Code Sections 17.36.060 and 17.36.070

ComDev\Plng Comm\Memos\Memorandum.Possible.Amendment.Keeping.Chickens

CHAPTER 6.05PROHIBITED ANIMALS

Sections:

6.05.010 Keeping Prohibited Animals -- Exception

6.05.020 Wild, Exotic, Dangerous or Potentially Dangerous Animals

6.05.010 Keeping Prohibited Animals -- Exception.

A. Except as otherwise permitted in accordance with Title 17 of this code, it shall be unlawful for any person to keep, maintain, possess, or harbor on any property within the city without a permit any animal determined to be dangerous or potentially dangerous under Article 416-12.4 of the Contra Costa County Code. It shall also be unlawful to keep, maintain, possess or harbor on any property within the City, any apiary, reptiles, livestock, or fowl, including, but not limited to, horses, mules, donkeys, burros, cattle, sheep, goats, swine, pigs, rabbits, chickens, geese, ducks, turkeys, doves, or pigeons.¹ The owner or possessor of property on which animals are lawfully kept shall provide facilities which will reasonably assure that the premises will be maintained in a sanitary condition, free from offensive odors, excessive noise, or any other conditions which constitute a public nuisance as defined in Section 8.08.010 of this code.

6.05.020 Wild, Exotic, Dangerous or Potentially Dangerous Animals.

A. Unless the registration provisions of Chapter 416-11 of the Contra Costa County Code have been complied with or a permit has been obtained under Article 416-12.4 of the Contra Costa County Code, it is unlawful for any person to hold, possess, maintain, harbor, transport, or sell within the city any living wild, exotic, or unpermitted dangerous or potentially dangerous animal.

B. The term "wild, exotic, dangerous or potentially dangerous animal" for the purpose of this section means any of the following:

1. Any animal described in California Fish and Game Code Sections 2116 and 2118;
2. Any animal described in any addition to Fish and Game Code Section 2118 by regulation of the Fish and Game Commission as provided in Section 2118(j);
3. Class Aves: (birds)
 - a. Order Falconiformes (including, but not limited to, hawks, eagles, and vultures)
 - b. Subdivision Ratitae (including, but not limited to, ostriches, rheas, cassowaries, and emus);
4. Class Reptilia: (snakes, lizards, turtles, alligators)
 - a. Order Ophidia (including, but not limited to, racers, boas, water snakes, and pythons) over six (6) feet long
 - b. Order Loricata (including, but not limited to, alligators, caymans, and crocodiles) over twelve (12) inches long;
5. Any class, order, family, genera, or species of wild animals which may be designated by the Contra Costa County Animal Services Director as a menace to public peace, health or safety, or to native wildlife or agricultural interests, by written

designation filed with the clerk of the Contra Costa County Board of Supervisors;

6. Any non-domestic species when kept, maintained, or harbored in such numbers or in such a manner as to create or constitute a nuisance or, in any event, a likelihood of danger to such animals, other animals, the environment, or the persons or property of human beings; and

7. Any species of animal, which is venomous to human beings, whether by bite, sting, touch, or otherwise, except honey-producing **bees**.

8. Any animal determined to be dangerous or potentially dangerous pursuant to Section 416-12.406 et seq. of the Contra Costa County Code. (Ord. 395, 2006).

¹For a definition of 'household pets,' see Section 17.04.104

October 6, 2011

Rita Howe – Code Enforcement Officer

Subject: Response to Courtesy Notice Regarding the Keeping Chickens in a Residential Area

Dear Rita Howe:

We are writing to acknowledge receipt of your letter dated September 26, 2011 concerning "Keeping Chickens in a Residential Area." Upon review of the Clayton Municipal Code section 6.05.010 Keeping Prohibited Animals -- Exception. It's quite clear to us that chickens are not to be kept in a residential area!

The primary reason we have chickens on our property is because our nine year old son, Bretten, has Tourette Syndrome and the chickens are his "therapy pets." Bretten is covered by The American with Disabilities Act at school and has a 504 Plan, which provides for special accommodations at school. However, unlike the children at Bretten's school who often make fun of him, the chickens don't judge him, make fun of him, laugh at him, ask him why he falls to the ground, etc. Bretten is not always treated very well by his classmates and even the children on our block shun him and say that "they don't like him because he does weird things (all tic related)" As you can see, this poor and discriminatory treatment is terrible and has severe adverse impact on our nine year old boy (and we do not think -- or anyone for that matter -- should have to endure such treatment). In summary, these chickens mean the world to him because they provide him comfort and make him happy.

Please note that we clean the droppings practically every morning and evening. We don't breed chickens and have no roosters, so noise is not an issue. The chickens are very well taken care of and there is no significant offensive smells that drift into our neighbors' yards. We welcome an inspection (it can even be unannounced) so you can see how well-kept and clean we keep our entire yard.

And, as indicated above, Bretten has a very close bond with these chickens and enjoys spending as much time with them as possible. He seems to tic less when he is with them and we often find him doing his homework in the chicken pen. The chickens are essentially domesticated and are Bretten's friends. He just lights up when he talks about his chickens and has even written school papers about these chickens. We know that getting rid of them would be detrimental to his well-being and we fear that he would have a terrible setback with his Tourette Syndrome if we are required to get rid of chickens. Again, please don't make us take away our child's only real bond with something that benefits him so significantly.

I understand that the city of El Cerrito is in the process of changing their municipal code to allow chickens. We would like to formally request that the City of Clayton consider initiating an amendment to the Clayton Municipal Code section 6.05.010 Keeping Prohibited Animals – Exception to allow chickens in residential areas in Clayton under special circumstances such as the situation with our son Bretten.

Thank you for your understanding. Please feel free to call us at anytime at: 925-693-0073.

We look forward to your response,

Larry Casagrande

Nancy Casagrande

A handwritten signature in black ink, appearing to read "Larry Casagrande", written over the printed name.

Cc: David Woltering - Community Development Director

Gary Napper - City Manager



City Council
DAVID T. SHUEY, MAYOR
HOWARD GELLER, VICE MAYOR
JOSEPH A. MEDRANO
JULIE K. PIERCE
HANK STRATFORD

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COMMUNITY
DEVELOPMENT (925) 673-7340
ENGINEERING (925) 363-7433

October 6, 2011

Larry and Nancy Casagrande
239 Jeffrey Ranch Place
Clayton, CA 94517

Subject: Keeping Chickens in a Residential Neighborhood

Dear Mr. and Mrs. Casagrande:

Thank you for your October 6, 2011 response to my Courtesy Notice regarding keeping chickens in your rear yard area at 239 Jeffrey Ranch Place (118-221-021). As you acknowledge in your letter, the keeping of chickens in a residential neighborhood in the City of Clayton is currently prohibited (See Section 6.05.010 of the Clayton Municipal Code (CMC)). Consequently, an appeal of the alleged Zoning violation is not applicable.

Based on your correspondence that describes the special circumstances involving your son for keeping the chickens and your request to have the City of Clayton initiate the process to amend the City's Municipal Code "to allow chickens in residential areas in Clayton under special circumstances," staff will forward your request to the Planning Commission for consideration at its meeting of October 25, 2011. Clayton Municipal Code Section 17.56.020 indicates that an amendment may be initiated by "the City Council or the Planning Commission or by a qualified applicant whose property is affected by the proposed amendment." Should the Planning Commission agree to initiate the amendment process to allow chickens in residential neighborhoods under special circumstances, staff will proceed to do the necessary research; draft a proposed amendment based upon this research and its findings; and, then, process the amendment. This process will involve noticed public hearings before the Planning Commission and the City Council. This overall process typically requires a minimum of four months to complete. There is no guarantee as to the outcome of this process - it could result in some number of chickens being allowed under certain circumstances or that the current provisions are not changed, as examples.

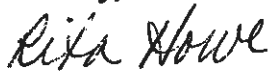
Staff will suspend action on the Courtesy Notice you received, pending the outcome of the amendment process. However, it will be absolutely critical that you maintain the pen in which the chickens are being kept in a sanitary manner during this period of the amendment process. Additionally, no additional chickens shall be brought onto the

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October 6, 2011, page 2

property. And, it is noted, based on information received from you, that there are no roosters among the five (5) chickens that you presently have in your rear yard pen.

Please be aware that you will need to comply with the decision(s) resulting from the amendment process. Staff will keep you informed of the process as it proceeds. Should you have any questions regarding this matter, please contact me at 925-673-7300.

Sincerely,



Rita Howe, Code Enforcement Officer

cc: David Woltering, Community Development Director

17.36.057 Cargo Storage Containers. Prefabricated sea/land cargo storage containers are prohibited in all districts, except on City-owned property or when authorized by a temporary storage permit issued in accordance with Section 17.76.030. (Ord 375, 2004)

17.36.060 Regulations for the Keeping of Horses. A land use permit to allow the keeping of horses on parcels situated within zoning districts other than R-40-H and agricultural, and having a minimum lot area of forty thousand square feet, adjoining a horse trail, may be applied for in accordance with the applicable procedures of Chapter 17.60, and shall be subject to the following further regulations and conditions:

- A. All proposed and existing improvements on the subject parcel will be set forth on a site plan drawn to scale filed with the application. In addition, a landscaping and irrigation plan shall be submitted with the application showing the type, size and location of trees, plant materials, and means of irrigation, particularly in the area of boundary setbacks. Furthermore, a drainage plan for the proposed horse corral or paddock shall be submitted with the application.
- B. Any permit issued pursuant to this section shall belong to and run with the land, shall be governed by Chapter 17.64, and may be revoked under this provision of Section 17.64.050. The land use permit, if revoked, could be recovered when the parcel to which it applies changes tenancy and ownership. The Planning Director shall cause a memorandum of permit issuance to be recorded with the county recorder immediately upon issuance of a permit under this section, which shall describe the land covered by the permit and make reference to the regulations of this section.
- C. Any permit issued pursuant to this section will be for a maximum number of horses based upon the following criteria: A minimum of ten thousand square feet of open, unimproved land area shall be set aside for the use of up to two horses. For each additional horse, twenty thousand square feet more of lot area shall be required, with five thousand square feet thereof being open, unimproved land area available for horse use with such five thousand square feet to be contiguous with and used in connection with the minimum ten thousand square feet of open, unimproved land area.
- D. Only horses owned by or leased to residents of the subject parcel will be allowed to be domiciled on the parcel under the permit.
- E. No horses shall be maintained upon the parcel until the main dwelling constructed or to be constructed thereon is occupied by the applicant.
- F. Each holder of a permit issued pursuant to this section shall comply with the following regulations:
 1. Adequate dust, fly and odor control shall be maintained at all times. Riding rings, areas, or similar structures must have an effective mechanical irrigation system capable of controlling dust within the entire riding area. Permitting a strong pervasive odor or horse manure or urine to exist which is offensive to the senses of the surrounding residents, thereby interfering with the comfortable enjoyment of their property, for a period of twenty-four hours after a warning by the Code Enforcement Officer, shall be cause for said officer to issue an infraction notice.
 2. All applicable requirements of the Contra Costa County health department, building inspection department, mosquito abatement district, and state humane laws shall be complied with.
 3. Rodent control shall be maintained.
 4. During dry weather, and if the soil is dry, wet manure and bedding may be spread thinly to dry in a manner not conducive to fly-breeding. All horse stalls and small corral areas shall receive daily maintenance in regards to disposing of wet manure and bedding.
 5. All areas that are subject to irrigation shall be kept free of manure.
 6. For dust control, during periods of dry weather, riding or exercising horses on the lot will be prohibited unless irrigated riding areas are used.

7. Ungelded male horses shall not be permitted to be domiciled or temporarily maintained on the premises. Foals or mares shall be permitted to remain with their dams until six months of age.
 8. The permit holder shall comply with any additional conditions the Planning Commission shall deem necessary.
- G. All improvements constructed upon the applicant's property pursuant to a permit issued under this section shall conform to the following provisions:
1. As close as circumstances will allow, all accessory structures shall be aesthetically compatible with the main structure on the lot. Accessory structures shall be limited to a maximum of sixteen feet in height. Plans for proposed barns or stables should reflect adequate drainage and ventilation (see U.C. Davis Extension Barn Specifications).
 2. Setbacks of any barn, stable or shelter for horses shall be determined by the Planning Commission but the minimum setback shall be not less than one hundred feet from the front property line and shall be not less than fifty feet from any side or rear property line. Fences shall be constructed to enclose the entire area used for horse keeping, shall be in good repair at all times, and shall be built of materials sufficiently strong to retain horses. Fenced pasture, paddocks, or other enclosed equestrian areas shall be as determined by the Planning Commission, but in no event shall they be located nearer than ten feet to any property line or any public right-of-way. The setback on a property line adjacent to any horse trail can be less than ten feet if a six-foot masonry wall, chain link or solid wooden fence is erected along the trail easement.
- H. Any violation of this section is an infraction and shall be punishable as provided in California Government Code Section 36900(b). (Ord. 168, 1977; Ord. 325, 1996)



17.36.070 Regulations for the Keeping of Agricultural Animals. The keeping of not more than two agricultural animals within zoning districts other than R-40-H and Agricultural is allowed subject to a Use Permit obtained from the Planning Commission. The keeping of agricultural animals is limited to not more than 18 months, the applicant being a minor and a bona fide member of a 4-H Club or similar club, and the applicant having the permission of the property owner and supervision of the leader of such 4-H or similar club. The Planning Commission may restrict the species and sex of the animal and impose such other conditions to insure neighborhood compatibility. (Ord. 325, 1996)

17.36.075 Fencing Standards. Fencing shall conform to the following standards:

- A. Front Setbacks. Fences shall not exceed a maximum height of thirty (30) inches within ten (10) feet of the front property line and a maximum height of six (6) feet in the remaining portion of the front setback.
- B. Interior Side Setbacks and Rear Setbacks. Fences shall not exceed a maximum height of six (6) feet on the interior side and rear property lines or anywhere within the interior side and rear setbacks.
- C. Exterior Side Setbacks. Fences shall not exceed a maximum height of thirty (30) inches within five (5) feet of the exterior side property line and a maximum height of six (6) feet in the remaining portion of the exterior side setback.
- D. Corner Lots. Fences on corner lots shall conform with the restrictions on sight obstructions at intersections provided in Chapter 12.08.
- E. Driveways. Fences shall not exceed a maximum height of thirty (30) inches on either side of a driveway within the triangular areas formed by the edge of the driveway, the property line, and a line joining points on each of these twelve feet from their intersection.
- F. Main Building Area. Fences shall not exceed a maximum height of eight (8) feet within an area in which a main building is permitted.
- G. Measurement. The height of fences shall be the average height of an eight-foot length of fence, measured from the lower of either the lowest adjacent ground level or the top of the footing of any retaining walls located within three (3) feet.