



**AGENDA
PLANNING COMMISSION
Regular Meeting**

7:00 P.M. on Tuesday, December 8, 2015

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

- 1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG**
- 2. ADMINISTRATIVE**
 - 2.a. Review of agenda items.
 - 2.b. Declaration of Conflict of Interest.
 - 2.c. Commissioner Sandra Johnson to report at the City Council meeting of December 15, 2015 (alternate Commissioner Tuija Catalano).
- 3. PUBLIC COMMENT**
- 4. MINUTES**
 - 4.a. Approval of the minutes for the September 22, 2015 Planning Commission meeting.
- 5. PUBLIC HEARINGS**
 - 5.a. **ENV-01-08, DP-01-08, MAP-02-09, TE-01-15, Development Plan and Vesting Tentative Map Time Extensions, Creekside Terrace Mixed Use Project, City of Clayton, 1005 and 1007 Oak Street, west side of Oak Street between Center Street and High Street (APNs: 119-050-008, 119-050-009, and 119-050-034).** Review and consideration of a one-year time extension of the Creekside Terrace Development Plan from January 6, 2016 to January 6, 2017, and a six-month time extension of the Creekside Terrace Vesting Tentative Map from July 6, 2016 to January 6, 2017. This request is in accordance with Sections 17.28.190 (Development Plan) and 16.06.030 (Subdivision Map) of the Clayton Municipal Code.

Staff Recommendation: Staff recommends that the Planning Commission adopt Resolution No. 02-15, thereby extending for one year the Creekside Terrace Development Plan from January 6, 2016 through January 6, 2017 and Creekside Terrace Vesting Tentative Map from July 6, 2016 to January 6, 2017.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

8.b. Commission.

9. ADJOURNMENT

9.a. The next regularly-scheduled meeting of the Planning Commission will be held on **Tuesday, December 22, 2015.**

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 22, 2015

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

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

Present: Chair David Bruzzone
Vice Chair Sandra Johnson
Commissioner Tuija Catalano
Commissioner Dan Richardson
Commissioner Gregg Manning

Absent: None

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

2. ADMINISTRATIVE

- 2.a. Review of agenda items.
- 2.b. Declaration of Conflict of Interest.
- 2.c. Commissioner Gregg Manning to report at the City Council meeting of October 6, 2015.

3. PUBLIC COMMENT

None.

4. MINUTES

- 4.a. Approval of the minutes for the September 8, 2015 Planning Commission meeting.

Commissioner Manning moved and Commissioner Richardson seconded a motion to approve the minutes, as amended. The motion passed 5-0.

5. PUBLIC HEARINGS

- 5.a. **SPR-04-15, CDD-13-15, Site Plan Review Permit and Reasonable Accommodation Request, Peter Bibeau, 964 Oak Street, APN: 119-021-038.** A request for approval of a Site Plan Review Permit and a Reasonable Accommodation to allow the construction of a 520 square-foot garage addition and 539 square-foot second-story addition (including a balcony) measuring a total of approximately 1,059 square feet in area and 22 feet in height on an existing two-story single-family residence. The Reasonable Accommodation is for an encroachment in to the rear setback in order to enlarge the master bathroom for increased mobility and access due to a disability. Pursuant to California Environmental Quality Act (CEQA) Guideline 15303 – New Construction or Conversion of Small Structures, the project is categorically exempt from CEQA.

Assistant Planner Sikela presented the staff report.

The public hearing was opened.

The applicant was available for questions.

The public hearing was closed.

Commissioner Richardson indicated that this was an improvement for the residence as well as being good for the family.

Commissioner Manning expressed support for approval of the reasonable accommodation and indicated that the addition fits in with the neighborhood.

Vice Chair Johnson inquired about the existing second-story bathroom projection already encroaching into the setback.

Assistant Planner indicated that the existing second-story bathroom projection would qualify as a “legal non-conforming” structure since it was constructed prior to the current development standards being established for the subject zoning district.

Vice Chair Johnson indicated that she supported approval of the project.

Commissioner Catalano asked about rationale behind using the reasonable accommodation process for the second-story bathroom expansion rather than the variance process to bring the proposal before the Planning Commission.

Assistant Planner Sikela responded that, regarding the second-story bathroom expansion, two different entitlements could have been applied for by the applicant: a reasonable accommodation or a variance. The reasonable accommodation process was established by the City to address this specific type of situation where a modification to a residential unit was necessary to accommodate an applicant’s disability. Alternatively, a variance involves a physical attribute on the applicant’s lot creating a situation where the applicant cannot improve his or her property in a manner similar to their neighbor’s property because of the constraint on the applicant’s lot caused by the physical attribute. From staff’s perspective, it appeared that the reasonable accommodation process was the more appropriate vehicle since the variance findings might be more difficult to achieve based on the fact that the second-story bathroom expansion is needed for interior mobility purposes to accommodate the applicant’s disability rather than because of a physical attribute constraining the subject property. Furthermore, the reasonable accommodation request would be more affordable since applying for a variance entails submittal of a minimum \$1,000 deposit. Staff was supportive of the applicant choosing a mechanism for Planning Commission review that might not be as potentially cost-prohibitive.

Commissioner Catalano indicated that she felt the addition was compatible with the surrounding neighborhood.

Chair Bruzzone indicated support for approval of the site plan review permit and reasonable accommodation.

Commissioner Richardson moved and Commissioner Manning seconded a motion to approve Site Plan Review Permit SPR-04-15 and Reasonable Accommodation CDD-13-15, with the findings of approval and conditions of approval recommended by staff. The motion passed 5-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

Commissioner Richardson gave an overview of the open house meeting held by CEMEX regarding the expansion of their quarry located south of Clayton on Mitchell Canyon Road. He indicated the following:

- The open house meeting was well-attended with one attendee protesting the expansion.
- CEMEX did not give a formal presentation but, instead, had poster boards depicting the expansion.
- CEMEX is looking for approval of a 30-year extension on their current permit which expires in approximately three years.
- As part of their 30-year extension, CEMEX is proposing to dig down further without expanding their current footprint outward.

Director Gentry indicated the following:

- The next step in the process for the CEMEX expansion is the County releasing the environmental document in 2016, which the City will review and comment on.
- CEMEX has not been successful with plantings due to the scale of the benches since the trees are approximately 40 feet in height whereas the benches are 60 feet in height, and there are concerns over the stability of the benches since they had a landslide on the northern side a few years ago; as a result, CEMEX is looking to modify their reclamation plan.

Commissioner Catalano asked how the City is involved in commenting on the expansion.

Director Gentry responded that the project will have to inevitably go through the County's review and approval process but, as a responsible agency under CEQA, the City has the ability to provide comments on the environment document.

Vice Chair Johnson asked if CEMEX is expecting a "rubber stamp" approval.

Director Gentry indicated that she has not heard about a rubber stamp expectation and it would be hard to predict what the County will decide although they might look favorably at such project components as job creation and revenue generation.

Vice Chair Johnson asked how long ago was the quarry established.

Director Gentry replied that the quarry was established in the early 20th Century so the benches have existed for quite some time. CEMEX has the right to mine their entire property but has not done so. The City has asked that CEMEX look at relocating the overburdened fill area to grassland areas rather than in areas that would require removal of heritage oak trees. In addition, the City will be looking for mitigation of dust generation as it would go a long way toward addressing the concerns of those living in neighboring residential districts.

8.b. Commission.

Commissioner Richardson gave an update on the recent TRANSPAC meeting that he attended.

9. ADJOURNMENT

- 9.a. The meeting was adjourned at 7:35 p.m. to the regularly-scheduled meeting of the Planning Commission on October 13, 2015.

Submitted by
Mindy Gentry
Community Development Director

Approved by
David Bruzzone
Chair

Community Development\Planning Commission\Minutes\2015\0922

**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: December 8, 2015

Item Number: 5.a

From: Milan J. Sikela, Jr.
Assistant Planner



Subject: Public Hearing to consider a one-year time extension of the Creekside Terrace Mixed Use Project Development Plan and Vesting Tentative Map (ENV-01-08, DP-01-08, MAP-02-09, TE-01-15)

Applicant: City of Clayton

REQUEST

Approve a one-year time 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; and approve a six-month time extension of the Creekside Terrace Vesting Tentative Map.

PROJECT INFORMATION

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

Property Owner: City of Clayton

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

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

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

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

Public Notice: On November 25, 2015, the public hearing notice for the project was posted at the notice boards and mailed to property owners within 300 feet of the project site. The public hearing notice for the project was published in the November 19, 2015 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 adopted the Initial Study/Mitigated Negative Declaration (ENV 01-08) and approved the Creekside Terrace Mixed Use Development Plan (DP 01-08) and Vesting Tentative Map (MAP 02-09) (**Attachment B**). Section 17.28.190 of the Clayton Municipal Code (CMC) states that “if within 18 months after the approval by the City Council of the Development Plan Permit, construction has not commenced, then the Development Plan Permit shall become null and void.” Since the July 6, 2010 approval, there have been efforts to market the project to a developer in order to initiate construction. The land owner and project sponsor is the City of Clayton. There had been an offer made by a prospective developer to purchase the subject property; however, those negotiations have stalled. The developer is still interested in pursuing amended entitlements, but is currently exploring possibilities to meet the City’s parking ratios.

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 front directly onto Oak Street and contain existing vacant modular buildings (APN’s: 119-050-034 and 119-050-009). The third parcel is further west of the first two parcels, extending up the slope located west of Mitchell Creek, and is primarily in a natural, open space condition (APN: 119-050-008). Immediately adjacent to and north of the proposed project site is the largely unused right-of-way extension of Center Street. It is not anticipated that Center Street will be extended, given the location of Mitchell Creek and the hillside to the west.

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

As part of this project, the adjacent Mitchell Creek corridor will be upgraded with creek bank restoration, removal of non-native vegetation, and installation of riparian vegetation to both sides of Mitchell Creek in the vicinity of the proposed project. The project also includes 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 upslope western parcel immediately adjoining and west of Mitchell Creek. Improvements associated with the project as well as 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.

TIME EXTENSIONS

Development Plan

Section 17.28.190 of the CMC allows extensions of a Development Plan prior to its expiration up to one-year at a time by the Planning Commission or City Council. On October 25, 2011, the Planning Commission approved a one-year extension for the Development Plan, extending the approval to January 6, 2013. On December 11, 2012, the Planning Commission approved a one-year extension for the Development Plan, extending the approval to January 6, 2014. On December 10, 2013, the Planning Commission approved a one-year extension for the Development Plan, extending the approval to January 6, 2015. On December 9, 2014, the Planning Commission approved a one-year extension for the Development Plan, extending the approval to January 6, 2016. Since the date for expiration is approaching, and in order to keep the Development Plan current for future development negotiations and opportunities, the City is seeking Planning Commission approval of another one-year extension of the Development Plan, in accordance with CMC Section 17.28.190.

Vesting Tentative Map

On July 15, 2011, the Governor of California signed into law Assembly Bill 208, which extends for two years the life of those Tentative and Vesting Tentative Maps that were still alive on July 15, 2011 and would otherwise expire before January 1, 2014. Accordingly, the Creekside Terrace Vesting Tentative Map was extended until July 6, 2014 by this action. On July 11, 2013, the Governor of California signed into law Assembly Bill 116, which extends for two years the life of those Tentative and Vesting Tentative Maps that were still alive on July 11, 2013. As a result, the Creekside Terrace Vesting Tentative Map has been extended until July 6, 2016, keeping the Vesting Tentative Map alive for another seven months, approximately, from the date of this staff report. The aforementioned laws passed by the State of California only extended the life of tentative map approvals and did not pertain to local entitlements, such as the Development Plan. For the Creekside Terrace project, this resulted in the expiration dates being different for the Vesting Tentative Map and the Development Plan. In order to have the expiration dates for the Development Plan and Vesting Tentative Map expire simultaneously, staff is recommending a six-month time extension of the Vesting Tentative Map from July 6, 2016 to January 6, 2017. This would allow concurrent timeline extensions of the project-related companion entitlements—Development Plan and Vesting Tentative Map—in a consistent manner so that both entitlements expire on (and can be extended from) the same date on January 6, 2017.

REGULATORY APPLICABILITY

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

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached Resolution No. 02-15, thereby extending for one year the Creekside Terrace Development Plan from January 6, 2016 through January 6, 2017, and extending for six months the Creekside Terrace Vesting Tentative Map from July 6, 2016 to January 6, 2017 (**Attachment C**).

ATTACHMENTS

- A. Vicinity Map
- B. Approved Creekside Terrace Mixed Use Project Development Plan
- C. Commission Resolution No. 02-15 (with Exhibit A – City Council Resolution No. 27-2010 for the Creekside Terrace Mixed Use Project)

Community Development\DP\2008\01-08 Creekside Terrace\01-08.sr.extension.pc.mtg.12.8.15



VICINITY MAP

	<p>Creekside Terrace TE-01-14 for DP-01-08 and MAP-02-09 1005 and 1007 Oak Street APNs: 119-050-008, 119-050-009, and 119-050-034</p>	<p>N</p>  <p>(Not to Scale)</p>
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ATTACHMENT A

File Copy

Creekside Terrace Project Description

Project Description:
The City of Clayton, California, is proposing to develop a new residential development consisting of approximately 100 units on a 1.2-acre site located at the intersection of Creekside Terrace and Hillside Drive. The project is situated in an area zoned for medium-density residential use. The development will include a mix of single-family detached homes and townhomes. The site is currently undeveloped and is bounded by Hillside Drive to the north, Creekside Terrace to the east, and an existing residential development to the south and west. The project is being developed by the City of Clayton, California, through its Redevelopment Agency. The project is being developed in accordance with the City of Clayton's General Plan and the State of California's Sustainable Communities Act. The project is being developed in accordance with the City of Clayton's General Plan and the State of California's Sustainable Communities Act. The project is being developed in accordance with the City of Clayton's General Plan and the State of California's Sustainable Communities Act.

Creekside Terrace Project Description

Project Description:
The City of Clayton, California, is proposing to develop a new residential development consisting of approximately 100 units on a 1.2-acre site located at the intersection of Creekside Terrace and Hillside Drive. The project is situated in an area zoned for medium-density residential use. The development will include a mix of single-family detached homes and townhomes. The site is currently undeveloped and is bounded by Hillside Drive to the north, Creekside Terrace to the east, and an existing residential development to the south and west. The project is being developed by the City of Clayton, California, through its Redevelopment Agency. The project is being developed in accordance with the City of Clayton's General Plan and the State of California's Sustainable Communities Act. The project is being developed in accordance with the City of Clayton's General Plan and the State of California's Sustainable Communities Act. The project is being developed in accordance with the City of Clayton's General Plan and the State of California's Sustainable Communities Act.

Creekside Terrace Project Description

Project Description:
The City of Clayton, California, is proposing to develop a new residential development consisting of approximately 100 units on a 1.2-acre site located at the intersection of Creekside Terrace and Hillside Drive. The project is situated in an area zoned for medium-density residential use. The development will include a mix of single-family detached homes and townhomes. The site is currently undeveloped and is bounded by Hillside Drive to the north, Creekside Terrace to the east, and an existing residential development to the south and west. The project is being developed by the City of Clayton, California, through its Redevelopment Agency. The project is being developed in accordance with the City of Clayton's General Plan and the State of California's Sustainable Communities Act. The project is being developed in accordance with the City of Clayton's General Plan and the State of California's Sustainable Communities Act. The project is being developed in accordance with the City of Clayton's General Plan and the State of California's Sustainable Communities Act.

ID	Name	Published
A-1	Site Plan	01/08
A-2	Site Plan	01/08
A-3	Site Plan	01/08
A-4	Site Plan	01/08
A-5	Site Plan	01/08
A-6	Site Plan	01/08
A-7	Site Plan	01/08
A-8	Site Plan	01/08
A-9	Site Plan	01/08
A-10	Site Plan	01/08
A-11	Site Plan	01/08
A-12	Site Plan	01/08
A-13	Site Plan	01/08
A-14	Site Plan	01/08
A-15	Site Plan	01/08
A-16	Site Plan	01/08
A-17	Site Plan	01/08
A-18	Site Plan	01/08
A-19	Site Plan	01/08
A-20	Site Plan	01/08

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

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

Project Team:
Architecture:
VIZIX
PO Box 974
Clayton, CA 94517
with KTBV - Irvine, CA

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

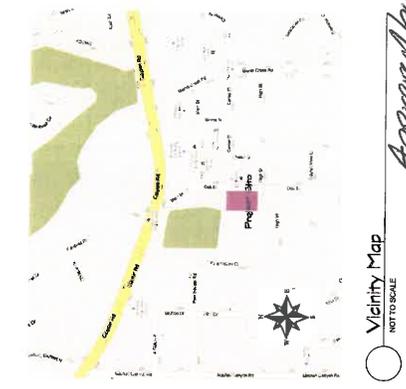
Landscape Architecture:
Green + Associates
2671 Crow Canyon Rd.
San Ramon, CA 94583

Traffic Engineering:
Abrams Associates
1660 Olympic Blvd.
Walnut Creek, CA 94596

Soils Engineer:
Cundy Geotechnical
2928 Hillside Dr.
Concord, CA 94523



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



NO.	DATE	REV.	DESCRIPTION
1/0	6/27/10	Rev. Submittal	
1/1	4/23/10	Sign Submittal	
1/2	3/8/10	PC Submittal	
1/3	1/15/10	PC Submittal	

PROJECT NO.: 210016
MODEL FILE:
DRAWN BY: nsp
CHKD BY: nsp
COPYRIGHT: 2010 VIZIX

SHEET TITLE:
The Sheet

Approved by
City Council
on July 6,
2010.
D. Williams

APPROVED
JUL 06 2010
CLAYTON COMMUNITY
DEVELOPMENT DEPT.

FILE COPY
01-08

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

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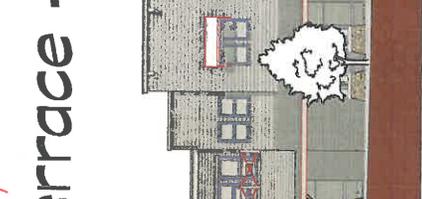
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City of Clayton, Redevelopment Agency
1005 - 1007 Oak Street, Clayton, CA
Creekside Terrace

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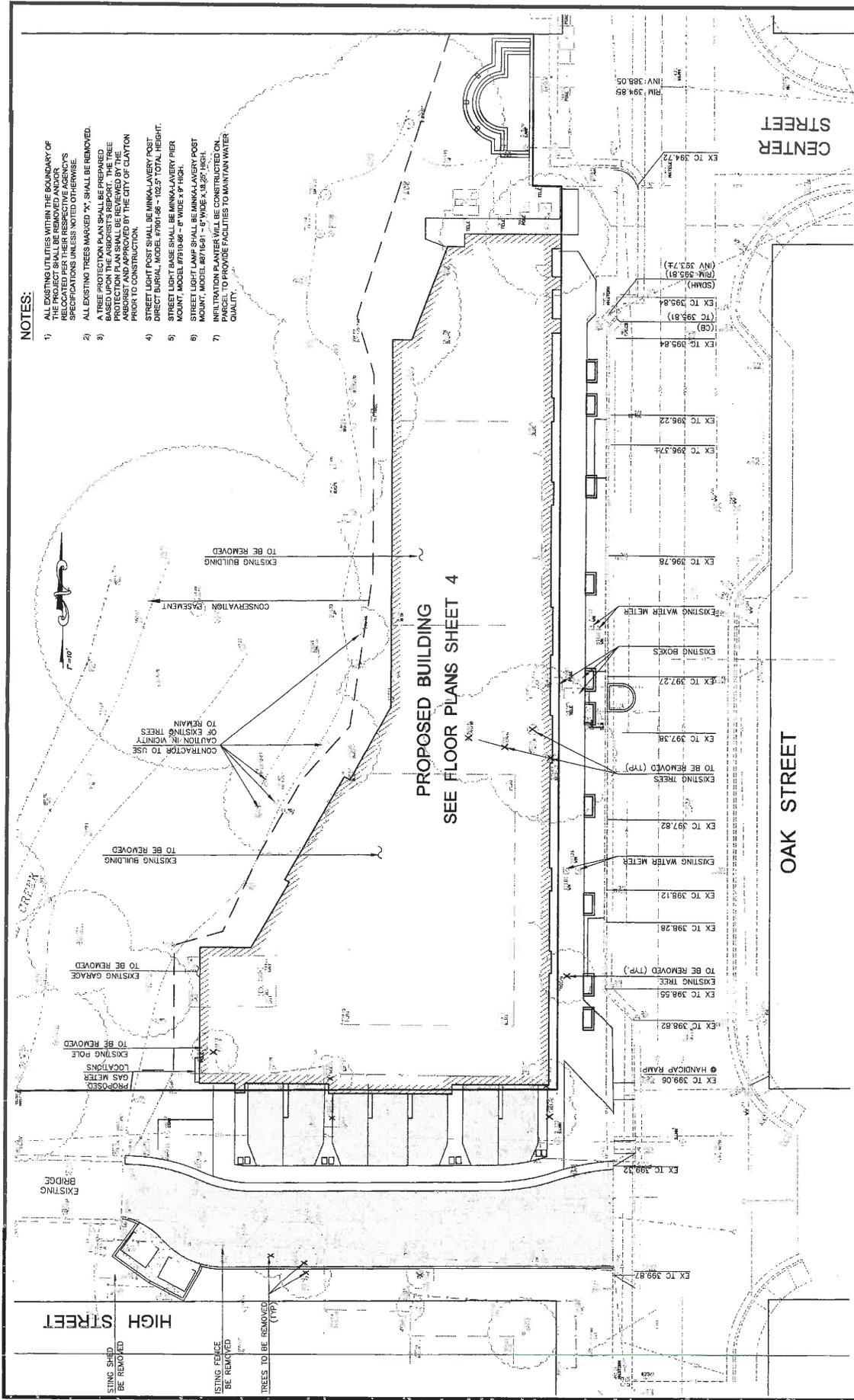
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2928 Hillside Dr.
Concord, CA 94523

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



NOTES:

- 1) ALL EXISTING UTILITIES WITHIN THE BOUNDARY OF THE PROPOSED BUILDING SHALL BE RELOCATED PER THEIR RESPECTIVE AGENCY'S SPECIFICATIONS UNLESS NOTED OTHERWISE.
- 2) ALL EXISTING TREES MARKED "X" SHALL BE REMOVED.
- 3) A TREE PROTECTION PLAN SHALL BE PREPARED BASED UPON THE ARBORIST'S REPORT. THE TREE PROTECTION PLAN SHALL BE APPROVED BY THE ARBORIST AND APPROVED BY THE CITY OF CLAYTON PRIOR TO CONSTRUCTION.
- 4) STREET LIGHT POST SHALL BE MINKALAVERY POST DIRECT BURIAL, MODEL #7901-86 - 102.5" TOTAL HEIGHT.
- 5) STREET LIGHT BASE SHALL BE MINKALAVERY PIER MOUNT, MODEL #9310-88 - 8" WIDE X 8" HIGH.
- 6) STREET LIGHT LAMP SHALL BE MINKALAVERY POST MOUNT, MODEL #8716-81 - 6" WIDE X 32.25" HIGH.
- 7) INFILTRATION PLANTER WILL BE CONSTRUCTED ON... TO PROVIDE FACILITIES TO MAINTAIN WATER QUALITY.

TM 2

VESTING TENTATIVE MAP	TENTATIVE MAP 01-08	CREEKSIDE COMMONS	1005 & 1007 OAK STREET	CITY OF CLAYTON
CALIFORNIA CONTRA COSTA COUNTY JAMES E. DOUGLAS REGISTERED DATE 06/09/92 R.C.E. 7785				
#	REVISIONS	DATE		
DeBot Civil Engineering 811 San Ramon Valley Boulevard Danville, California 94526 Tel: 925/787-3780 Fax: 925/787-4278 08133				
Date: 4/29/2010 Scale: 1/8" = 1'-0" By: JF Check: M Job No.: 01-08				

B-3

UNDERGROUND STORAGE REQUIREMENTS

THE SIZING OF THE BELOW-GRADE TREATMENT FACILITIES IN CONTRA COSTA COUNTY IS BASED UPON A STORM DEPTH OF 0.9 INCHES. IN ORDER TO PREVENT UNWANTED RAIN-OFF FROM ENTERING THE STORM SYSTEM, THE PROJECT HAS PROVIDED UNDERGROUND STORAGE AS SHOWN. THE AMOUNT OF STORAGE IS SUMMARIZED AS FOLLOWS:

2 SUMP(S) (4' X 4' X 5') = 288 CFS
 82 LF 36" DIAMETER PIPE = 578 CFS
 TOTAL STORAGE = 876 CFS

1" FILLERBOARD
 1" POLYPROPYLENE
 2" POLYPROPYLENE
 3" 18" X 18" POLYPROPYLENE
 3" 18" X 18" POLYPROPYLENE

PLANTING IN BASIN EXTENDS BEYOND
 BOUNDARY OF BASIN

ATRAIN GATE ON OVERFLOW MALET

MINIMUM MAINTENANCE
 MALET OF 20"

1" FILLERBOARD
 1" POLYPROPYLENE
 2" POLYPROPYLENE
 3" 18" X 18" POLYPROPYLENE

1" FILLERBOARD
 1" POLYPROPYLENE
 2" POLYPROPYLENE
 3" 18" X 18" POLYPROPYLENE

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 3" 18" X 18" POLYPROPYLENE

1" FILLERBOARD
 1" POLYPROPYLENE
 2" POLYPROPYLENE
 3" 18" X 18" POLYPROPYLENE

Project Name: Oak Street
 Project Type: Treatment Only
 Location: Clayton
 APN: 118-050-034
 Drainage Area: 18455 sf
 Mean Annual Precipitation: 17.5 in

IV. Areas Draining to IMPs

IMP Name: IMP1 (Soil Type: D)

IMP Type: Bio-retention Facility

Soil Type: D

DMA Name	DMA Area (sq ft)	Post-Project Runoff Factor	DMA Area (sq ft)	Pre-Project Runoff Factor	Factor	IMP Sizing
DMA-1	2,280	0.50	2,280	0.50	1.00	1,140
DMA-2	1,775	0.50	1,775	0.50	1.00	887
DMA-3	1,450	0.50	1,450	0.50	1.00	725
DMA-4	2,200	0.50	2,200	0.50	1.00	1,100
DMA-5	1,775	0.50	1,775	0.50	1.00	887
DMA-6	1,450	0.50	1,450	0.50	1.00	725
DMA-7	2,200	0.50	2,200	0.50	1.00	1,100
DMA-8	1,775	0.50	1,775	0.50	1.00	887
Total	15,580	0.50	15,580	0.50	1.00	7,790

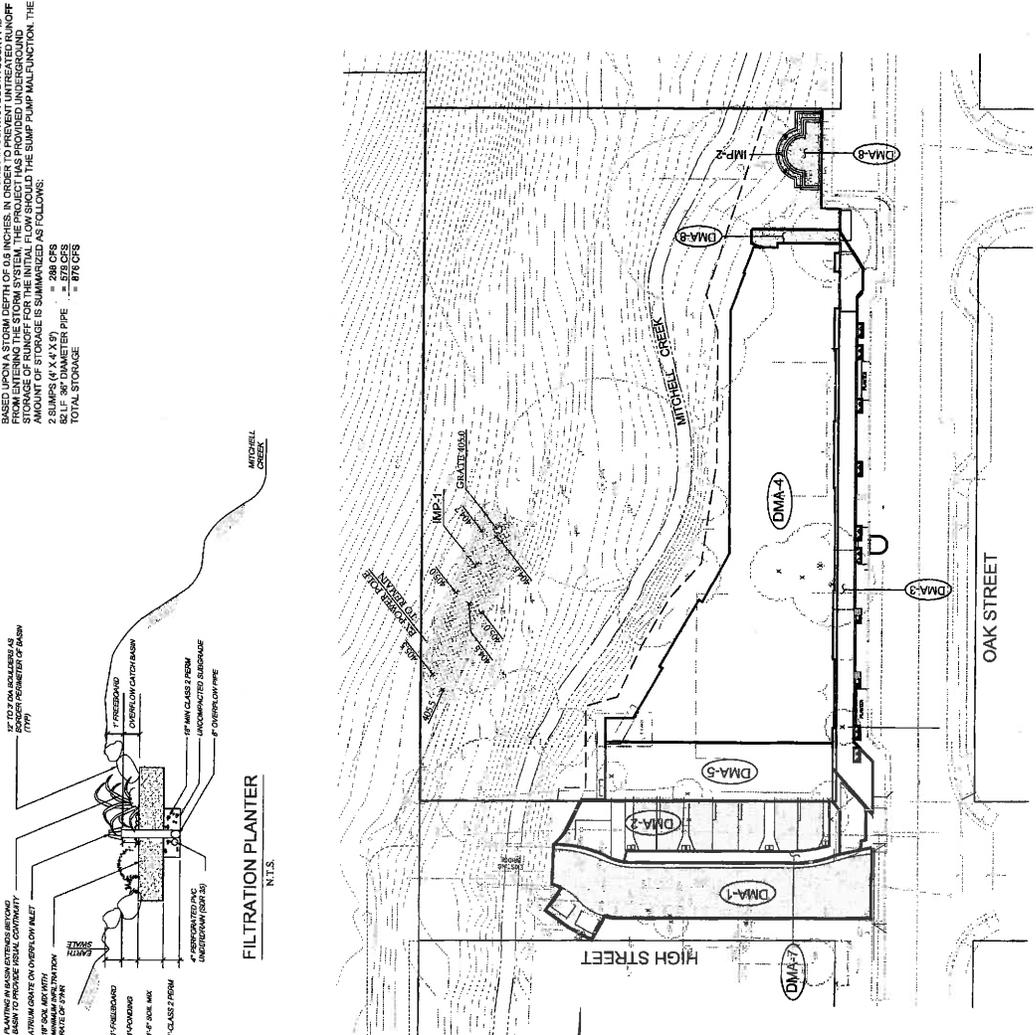
Software Tool Warnings
 No warnings to report.

DMA	AREA	SURFACE
DMA-1	2,280 SF±	ASPHALT
DMA-2	1,775 SF±	ASPHALT
DMA-3	1,450 SF±	ROOF
DMA-4	2,200 SF±	ROOF
DMA-5	1,775 SF±	ROOF
DMA-6	1,450 SF±	ROOF
DMA-7	2,200 SF±	CONCRETE
DMA-8	1,775 SF±	CONCRETE
TOTAL	15,580 SF±	

IMP	SIZE
1	800 SF
2	60 SF

LEGEND

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



STORM WATER CONTROL PLAN EXHIBIT

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

CITY OF CLAYTON

CALIFORNIA

JAMIE E. ROGERS
 REGISTERED DATE: 03/01/12

RCE 2788

REVISIONS

#	DATE	DESCRIPTION

DeBot Civil Engineering
 811 S. Main Street, Suite 37
 Danville, California 94526
 Tel: 925-837-3780
 Fax: 925-837-4378
 www.dbotcivil.com

DATE: 08/13/2010
 SCALE: 1" = 30'
 DRAWN BY: JER
 CHECKED BY: JER
 PROJECT NO: 118-050-034

TM 5

SHEET 5 OF 5 SHEETS

8-6

Architectural Site Plan

SHEET TITLE

Architectural Site Plan

PROJECT NO: 21008E

MODEL FILE: rds

DRAWN BY: rds

CHECKED BY: rds

DATE: 02/01/2010

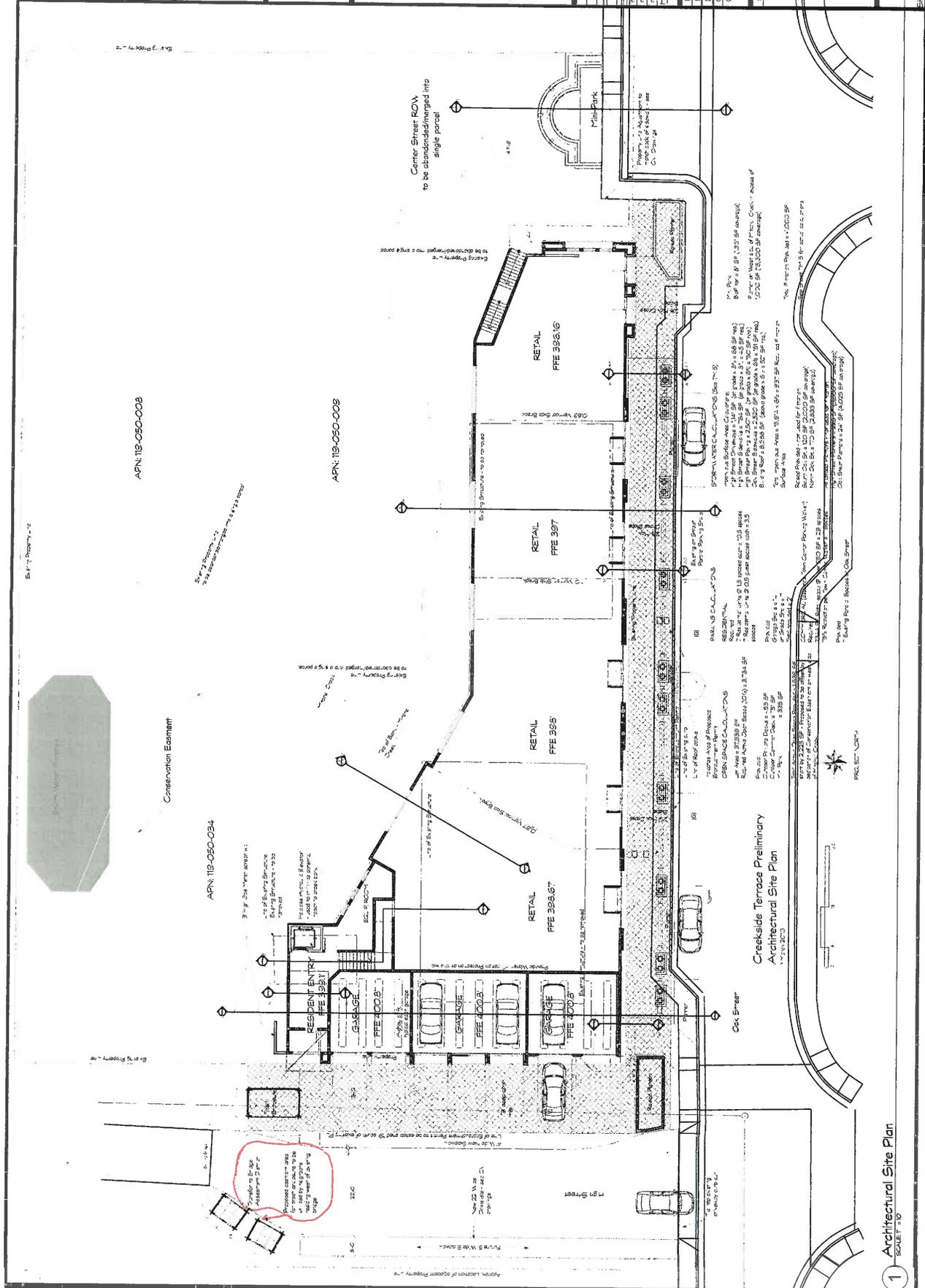
COPYRIGHT: 2010 V20K

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



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W2 f/x
PO Box 974
Clayton, CA 94517



8-8

SHEET TITLE

COPYRIGHT: 2010 VIZIK

CHECK BY: ms

DRAWN BY: ms

PROJECT NO.: 200706

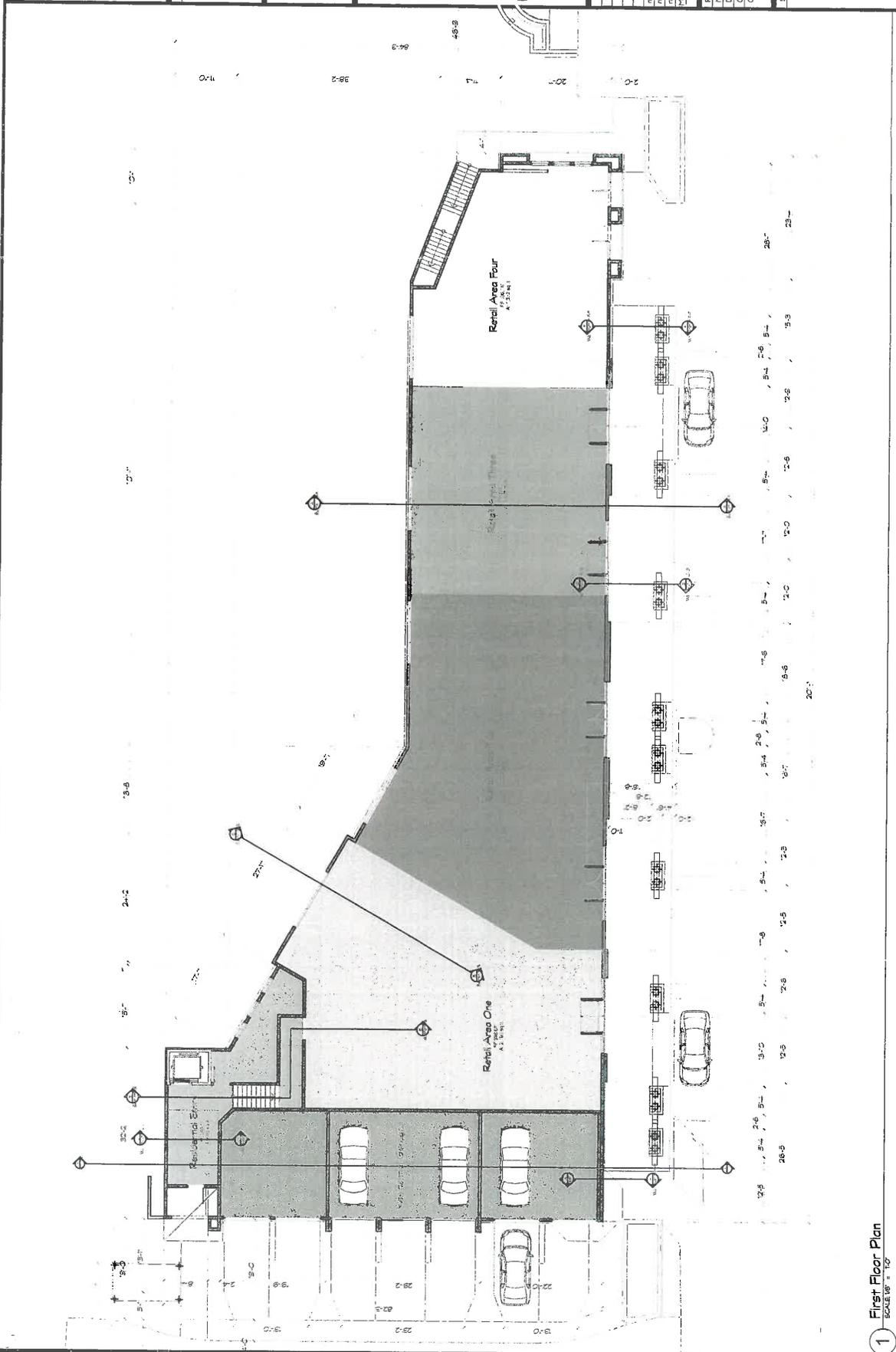
MODEL FILE:

DATE: 2/27/10

BY: 2/27/10

DATE: 2/27/10

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



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



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Clayton, CA 94517
f/x

SHEET TITLE

COPYRIGHT: 2010 VIZOK

CHKD BY: ras

DRAWN BY: ras

PROJECT NO.: 200716

MODEL FILE:

DATE: 02/10/10

REV. DATE

NO.

DESCRIPTION

DATE

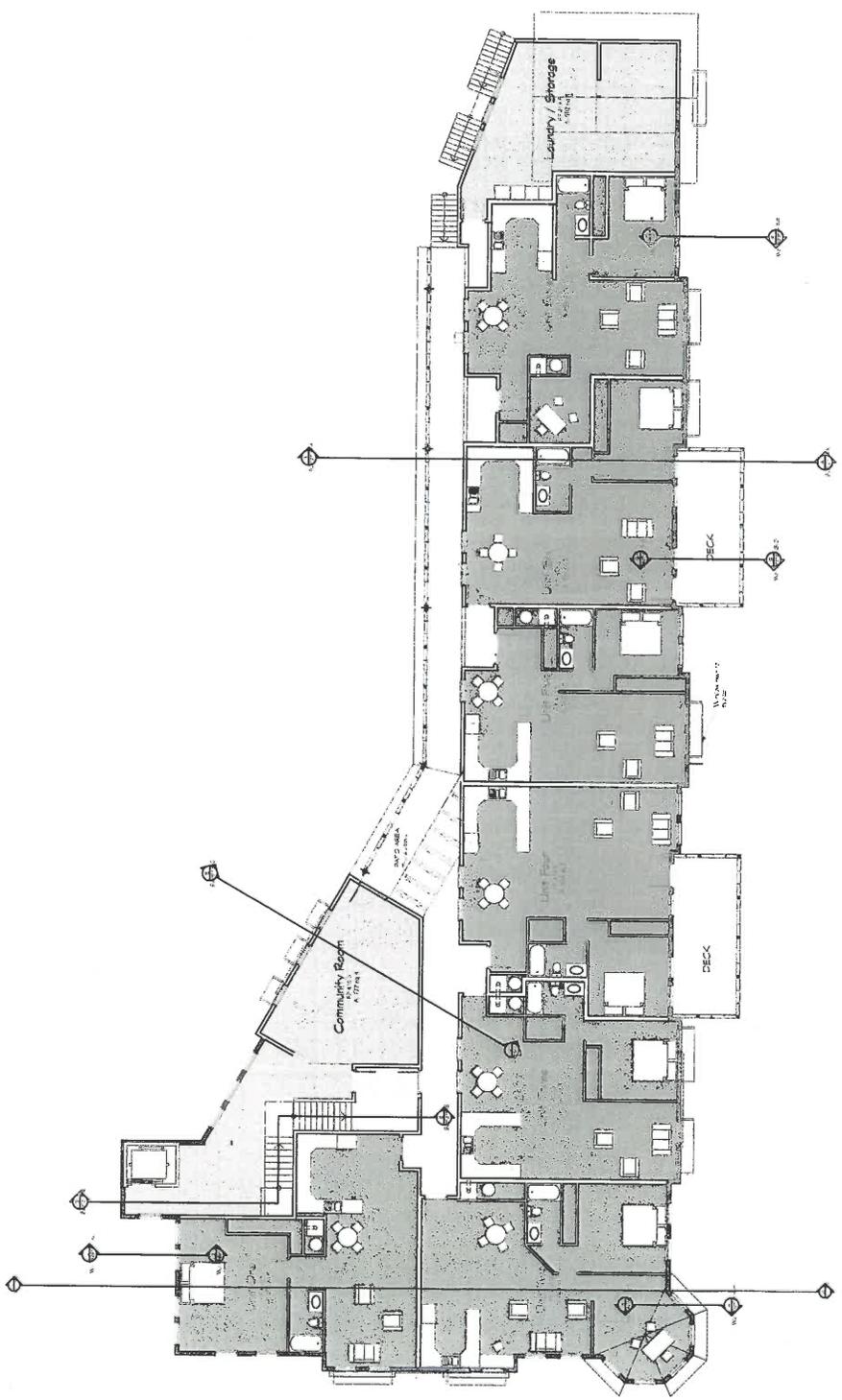
BY

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



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ras
f/x
PO Box 974
Clayton, CA 94517



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

CONSULTANTS
Viz f/x
 PO Box 974
 Clayton, CA 94517

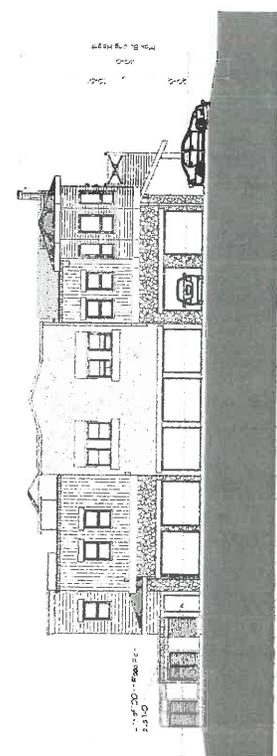


City of Clayton, Redevelopment Agency
 1005 - 1007 Oak Street, Clayton, CA
Creekside Terrace

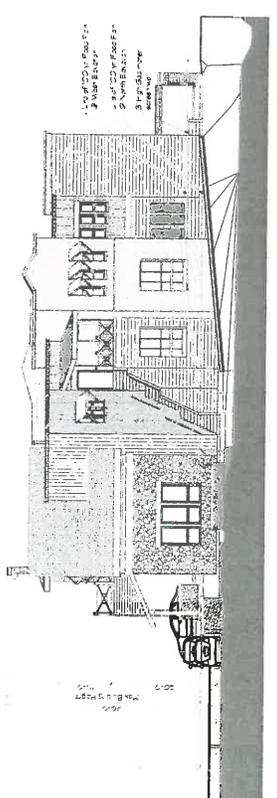
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2	Rev. Approved	03/02/16	
3	Rev. Approved	03/02/16	
4	Rev. Approved	03/02/16	
5	Rev. Approved	03/02/16	
6	Rev. Approved	03/02/16	
7	Rev. Approved	03/02/16	
8	Rev. Approved	03/02/16	
9	Rev. Approved	03/02/16	
10	Rev. Approved	03/02/16	
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99	Rev. Approved	03/02/16	
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PROJECT NO.: 20016
 MODEL FILE:
 DRAWN BY: rns
 CHECK BY: rns
 COPYRIGHT: 2016 VIZIX

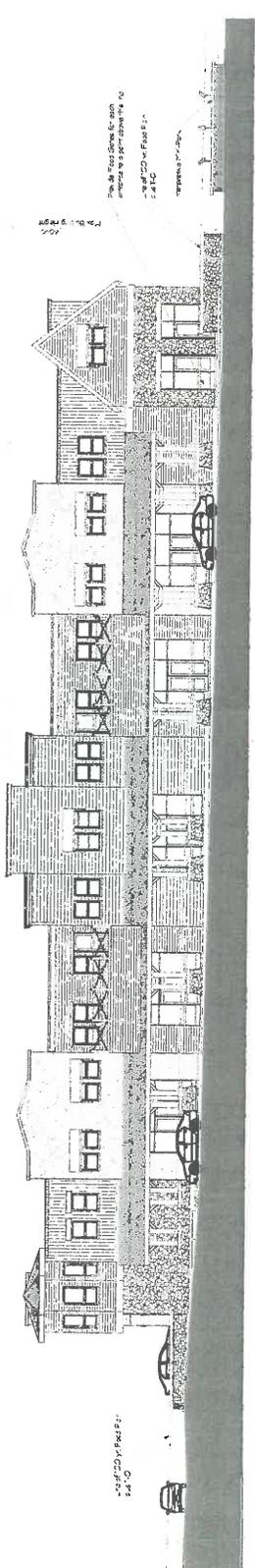
SHEET TITLE
Elevations
A-2.1
 SHEET 13 OF 17



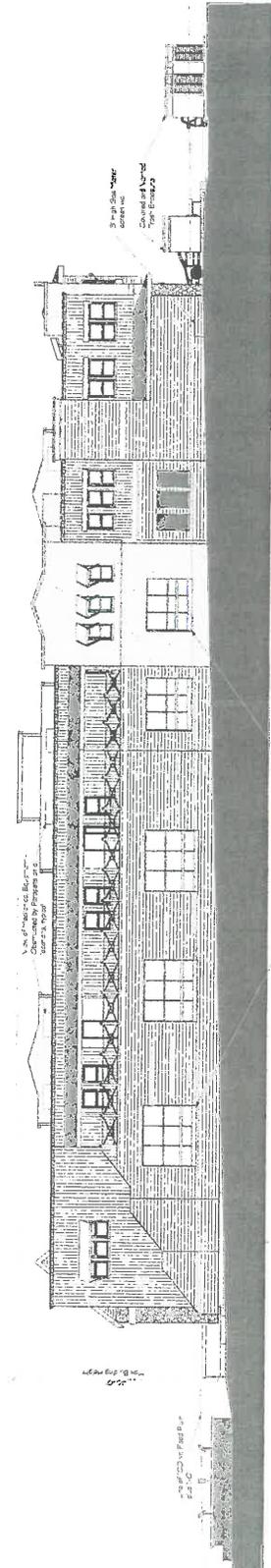
North Elevation
 SCALE 3/32" = 1'-0"



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



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



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

PO Box 974

 Clayton, CA 94517

CONSULTANTS



City of Clayton, Redevelopment Agency

 1005 - 1007 Oak Street, Clayton, CA

Creekside Terrace

NO.	DATE	REVISIONS
1	02/20/06	Rev. Submitting
2	03/02/06	Rev. Submitting
3	03/02/06	Rev. Submitting
4	03/02/06	Rev. Submitting
5	03/02/06	Rev. Submitting
6	03/02/06	Rev. Submitting
7	03/02/06	Rev. Submitting
8	03/02/06	Rev. Submitting
9	03/02/06	Rev. Submitting
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99	03/02/06	Rev. Submitting
100	03/02/06	Rev. Submitting

PROJECT NO.: 200016

 MODEL FILE:

 DRAWN BY: ras

 CHECK BY: ras

 COPYRIGHT: 2000 VIZ/KA

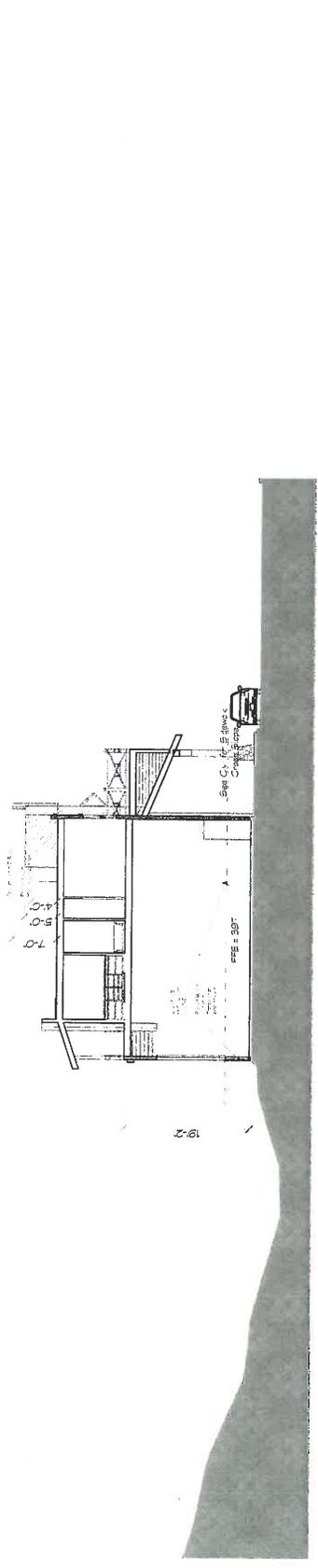
SHEET TITLE

 Sections

A-3.1

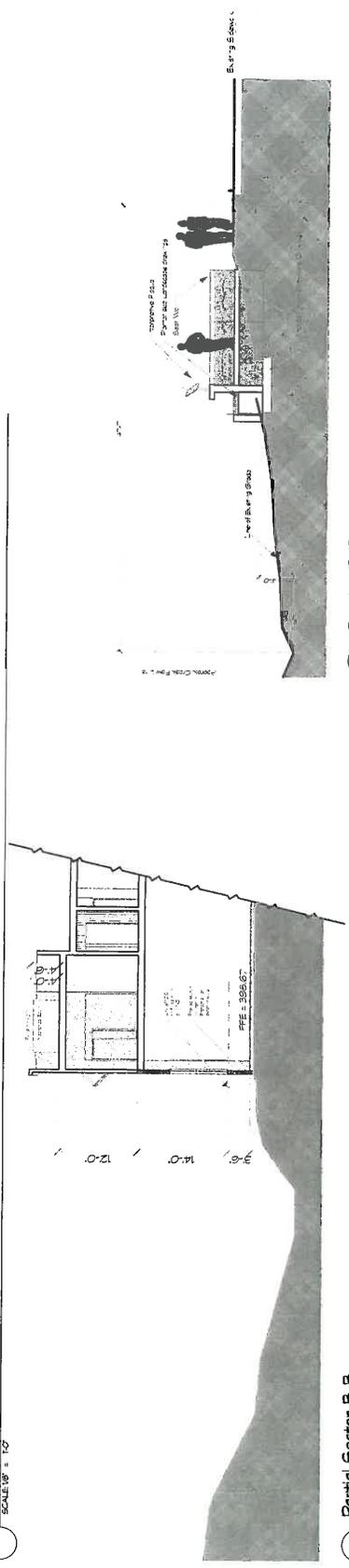
 OF 17

 SHEET 14



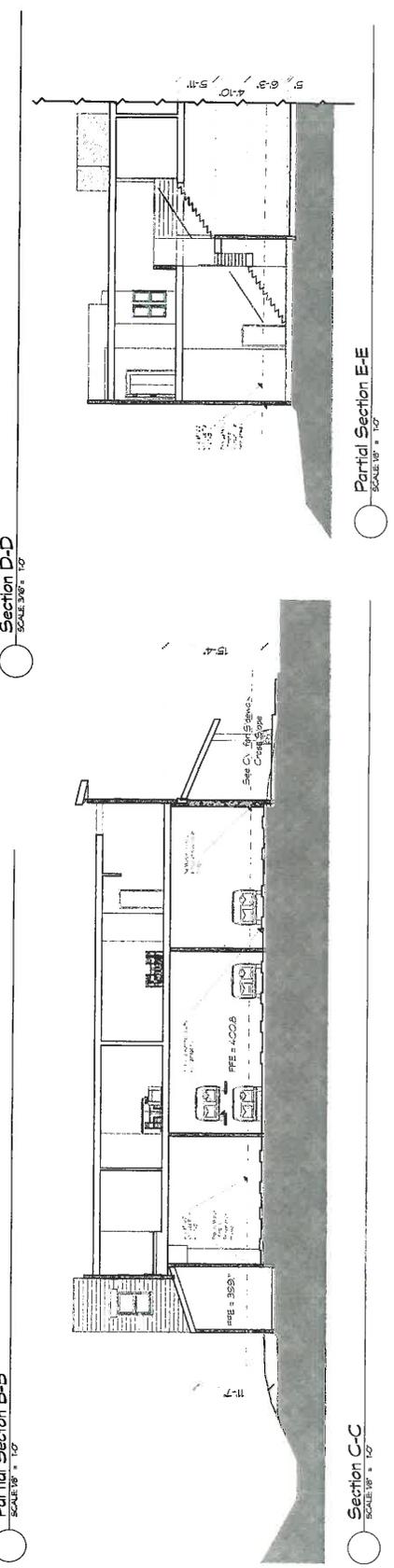
Section A-A

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



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"

CONSULTANTS



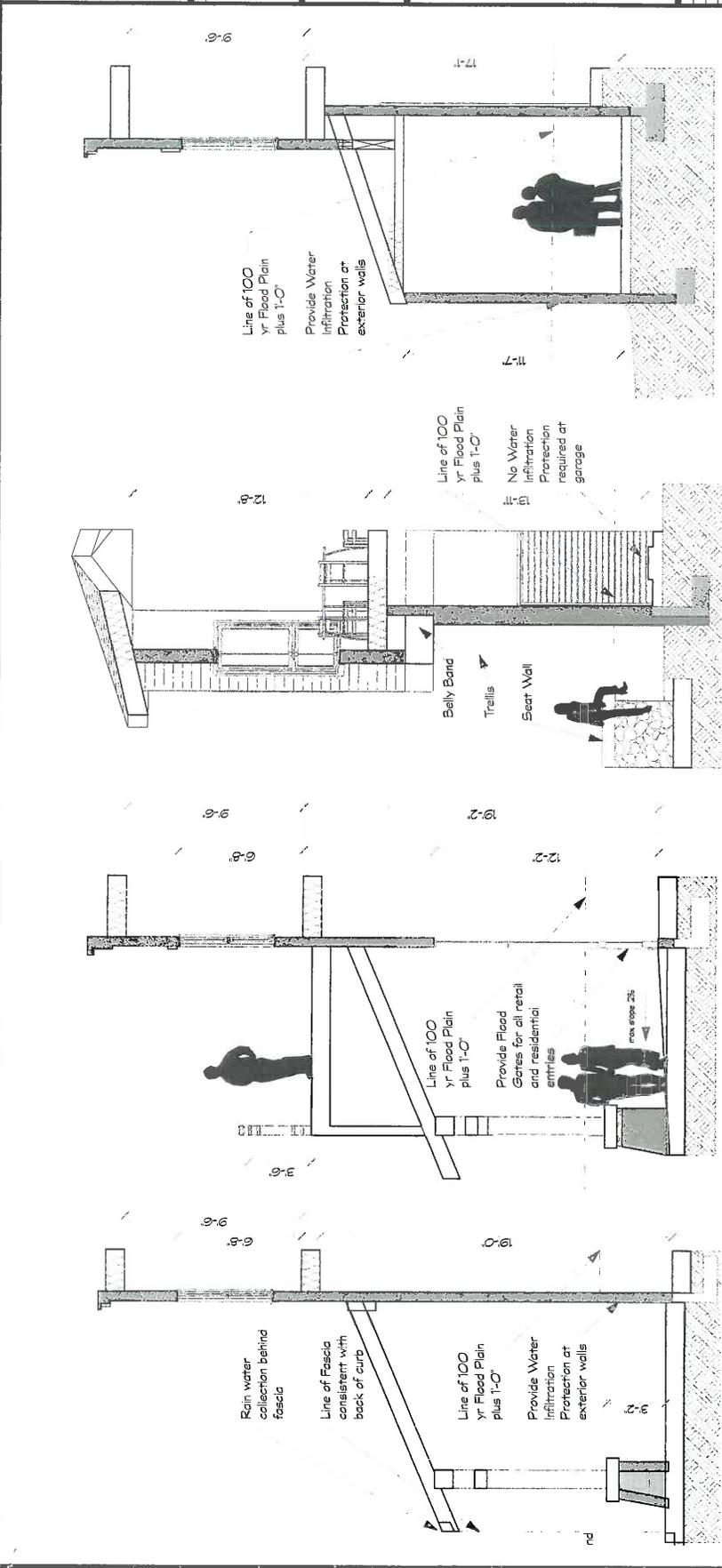
City of Clayton, Redevelopment Agency
 1005 - 1007 Oak Street, Clayton, CA
Creekside Terrace

REV	DATE	BY	DESCRIPTION
06	6/21/10	Rev	Submittal
05	4/29/10	Rev	Submittal
04	3/6/10	PC	Submittal
03	2/10/10	PC	Submittal

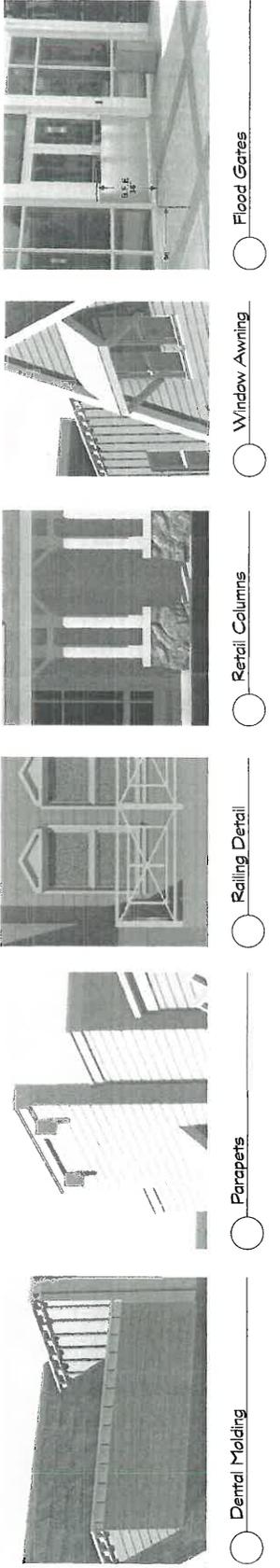
PROJECT NO.: 200016
 MODEL FILE:
 DRAWN BY: rns
 CHECK BY: rns
 COPYRIGHT: 2010 VLSA

SHEET TITLE
Wall Sections and Details

A-3.2
 SHEET 15 OF 17



- Wall Section F-F
- Wall Section G-G
- Wall Section H-H
- Wall Section J-J



View From Flora
Square

SHEET TITLE

PROJECT NO: 210016

POOR FILE: 18

CHKD BY: 18

DATE: 08/20/2021

View from Flora Square



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



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vis-f/x
PO Box 974
Clayton, CA 94517

View From High
Street

SHEET TITLE

View from High Street



NO.	DATE	DESCRIPTION
1	6/21/06	Rev. Submittal
2	4/23/06	5th Submittal
3	3/29/06	PC Submittal

PROJECT NO. 210016
 POC: FILE
 CHD BY: MB
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Creekside
 Terrace
 1005 - 1007 Oak Street, Clayton, CA
 City of Clayton, Redevelopment Agency



CONSULTANTS

Vizva
 f/x
 PO Box 974
 Clayton, CA 94517

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

CONSULTANTS
 VIZ/f/x
 PO Box 974
 Clayton, CA 94517

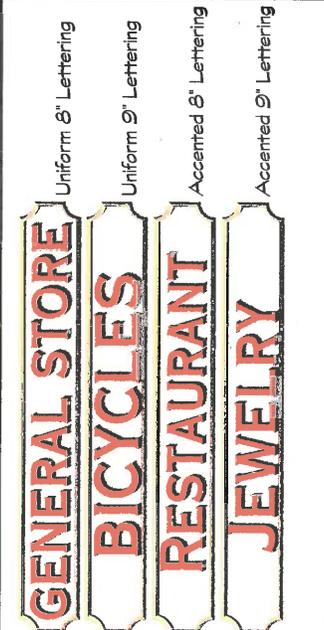


PROJECT NO: 200716
 SCALE: 1/8" = 1'-0"
 DRAWN BY: rsm
 CHECK BY: rsm
 COPYRIGHT: 2010 VIZ/f/x

NO.	DATE	REV.	DESCRIPTION
1	12/21/10	Rev. Submittal	
2	1/25/11	Rev. Submittal	
3	4/22/11	Rev. Submittal	

PROJECT TITLE
 Building Signage

A-6.1
 SHEET 20 OF 17

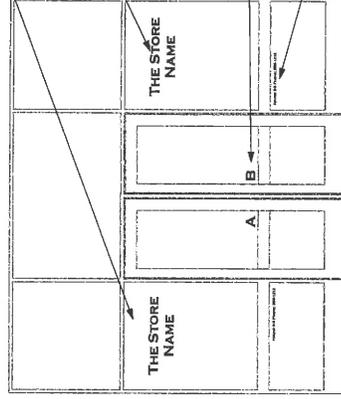


Stenciled Lettering
 Rust colored to match wood signs, typical

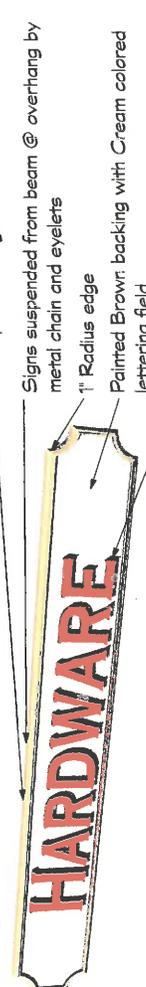
4" High Store Name
 Centered, 40% of Glazed Area Max. or average 10.9 sf / glazed panel

4" Suite Label

1" High Hours and Emergency Contact Info



Lettering Styles - Font = Copper Plate Gothic
 NOT TO SCALE



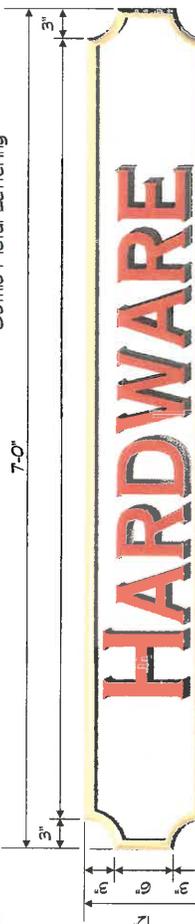
Signage Calculations
 200 lf Oak St. frontage

200 sf max signage allowable

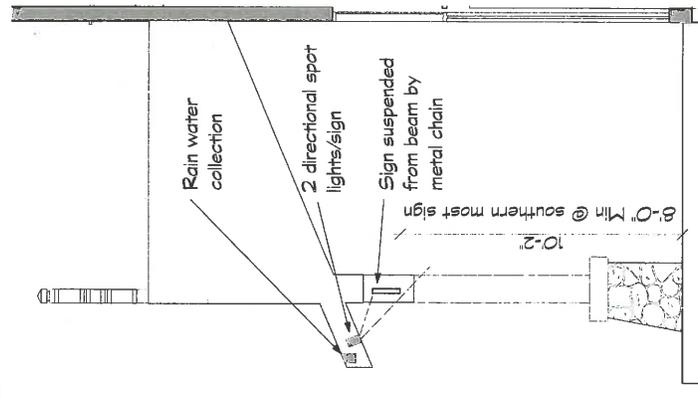
Hanging Signs: 7sf/sign x 7 signs = 49 total sf of hanging signage

Monument Sign: 2x10 = 20 sf of monument sign

Typical Sign Characteristics
 NOT TO SCALE

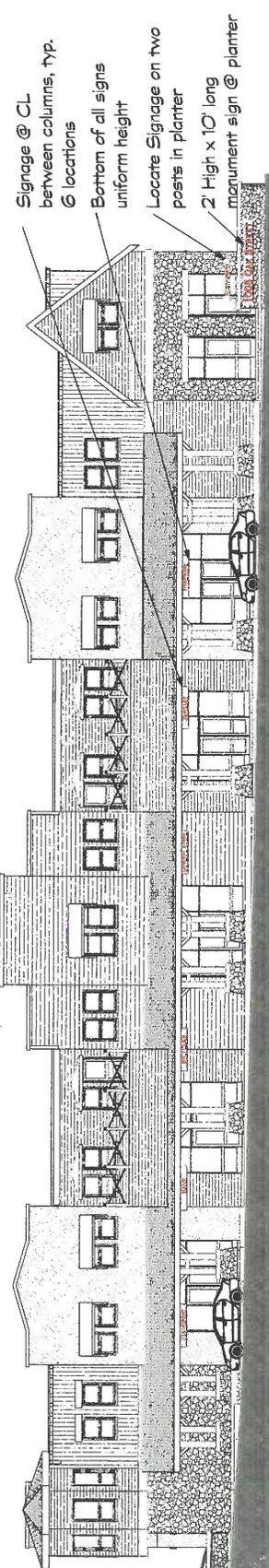


Typical Hanging Sign Sizing
 NOT TO SCALE



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

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



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

8-20

ATTACHMENT C
CITY OF CLAYTON PLANNING COMMISSION
RESOLUTION NO. 02-15

**TIME EXTENSION
OF THE CREEKSIDE TERRACE DEVELOPMENT PLAN AND VESTING TENTATIVE MAP
(TE-01-14 for DP-01-08 and MAP-02-09)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**Planning Commission
Resolution No. 02-15**

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission finds the previously-stated recitals to be true and accurate and, accordingly, approves the request for a one-year time extension of the Creekside Terrace Development Plan from January 6, 2016 to January 6, 2017, and a six-month time extension of the Vesting Tentative Map from July 6, 2016 to January 6, 2017, subject to the findings and conditions in the attached approving City Council Resolution No. 27-2010 for the project.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 8th day of December, 2015.

APPROVED:

ATTEST:

David Bruzzone
Chair

Mindy Gentry
Community Development Director

EXHIBIT

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

RESOLUTION NO. 27-2010

**A RESOLUTION APPROVING THE DEVELOPMENT PLAN FOR THE 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.

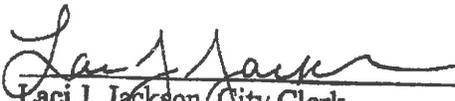
ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA



Hank Stratford, Mayor

ATTEST:



Laci J. Jackson, City Clerk

Attachments:

Resolution No. 27-2010

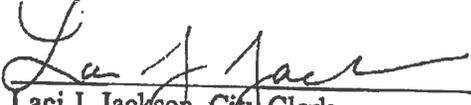
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July 6, 2010

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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).

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

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

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

Site Plan Conditions

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

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

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

Architectural Conditions

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

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

Landscaping Conditions

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

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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 leaning 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.

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Agency Conditions

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

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

The Fire District reference for this project is as follows:

CCCFPD Project No.: 113977-PL

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

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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.

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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.