

**APPENDIX A**

**NOTICE OF PREPARATION  
AND COMMENT LETTERS**



Arnold Schwarzenegger  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Cathleen Cox  
Acting Director

Notice of Preparation

August 25, 2010

**RECEIVED**

**AUG 27 2010**

**CLAYTON COMMUNITY  
DEVELOPMENT DEPT**

To: Reviewing Agencies  
Re: Clayton Community Church Project  
SCH# 2010082066

Attached for your review and comment is the Notice of Preparation (NOP) for the Clayton Community Church Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**David Woltering  
City of Clayton  
6000 Heritage Trail  
Clayton, CA 94517**

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2010082066  
**Project Title** Clayton Community Church Project  
**Lead Agency** Clayton, City of

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**Type** NOP Notice of Preparation  
**Description** The primary objective of the proposed project is to develop a new church and associated facilities on the subject property site to serve the Clayton Community Church congregation and the local community. The project would result in the demolition of the former Pioneer Inn building and the redevelopment of the site with 4 buildings, including a 500 seat sanctuary, retail and office space, and associated facilities. The proposed buildings would comprise ~42,000 sf of interior space.

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**Lead Agency Contact**

**Name** David Woltering  
**Agency** City of Clayton  
**Phone** (925) 673-7343 **Fax**  
**email** dwoltering@ci.clayton.ca.us  
**Address** 6000 Heritage Trail  
**City** Clayton **State** CA **Zip** 94517

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**Project Location**

**County** Contra Costa  
**City** Clayton  
**Region**  
**Cross Streets** Clayton Rd (north)/parking lot (east)/Main St (south)/Main St & landscaped area (west)  
**Lat / Long**  
**Parcel No.** 118-560-010-1; 119-011-003  
**Township** **Range** **Section** **Base**

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**Proximity to:**

**Highways**  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use**

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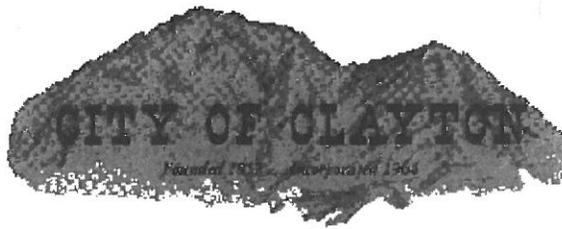
**Project Issues**

**Reviewing Agencies** Resources Agency; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 3; Native American Heritage Commission; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2

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**Date Received** 08/25/2010 **Start of Review** 08/25/2010 **End of Review** 09/23/2010

<input type="checkbox"/> Resources Agency	<input type="checkbox"/> Fish & Game Region 1E Laurie Hamsberger	<input type="checkbox"/> Native American Heritage Comm. Debbie Treadway	<input type="checkbox"/> Caltrans, District 8 Dan Kopulsky	<input type="checkbox"/> Regional Water Quality Control Board (RWQCB)
<input checked="" type="checkbox"/> Resources Agency Nadell Gayou	<input type="checkbox"/> Fish & Game Region 2 Jeff Drongesen	<input type="checkbox"/> Public Utilities Commission Leo Wong	<input type="checkbox"/> Caltrans, District 9 Gayle Rosander	<input type="checkbox"/> RWQCB 1 Cathleen Hudson North Coast Region (1)
<input type="checkbox"/> Dept. of Boating & Waterways Mike Sotelo	<input checked="" type="checkbox"/> Fish & Game Region 3 Charles Armor	<input type="checkbox"/> Santa Monica Bay Restoration Guangyu Wang	<input type="checkbox"/> Caltrans, District 10 Tom Dumas	<input checked="" type="checkbox"/> RWQCB 2 Environmental Document Coordinator San Francisco Bay Region (2)
<input type="checkbox"/> California Coastal Commission Elizabeth A. Fuchs	<input type="checkbox"/> Fish & Game Region 4 Julie Vance	<input type="checkbox"/> State Lands Commission Marina Brand	<input type="checkbox"/> Caltrans, District 11 Jacob Armstrong	<input type="checkbox"/> RWQCB 3 Central Coast Region (3)
<input type="checkbox"/> Colorado River Board Gerald R. Zimmerman	<input type="checkbox"/> Fish & Game Region 5 Don Chadwick Habitat Conservation Program	<input type="checkbox"/> Tahoe Regional Planning Agency (TRPA) Cherry Jacques	<input type="checkbox"/> Caltrans, District 12 Chris Herre	<input type="checkbox"/> RWQCB 4 Teresa Rodgers Los Angeles Region (4)
<input type="checkbox"/> Dept. of Conservation Rebecca Salazar	<input type="checkbox"/> Fish & Game Region 6 Gabrina Gatchel Habitat Conservation Program	<input type="checkbox"/> Cal EPA	<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> RWQCB 5 Central Valley Region (5)
<input type="checkbox"/> California Energy Commission Eric Knight	<input type="checkbox"/> Fish & Game Region 6 I/M Brad Henderson Inyo/Mono, Habitat Conservation Program	<input type="checkbox"/> Business, Trans & Housing	<input type="checkbox"/> Airport Projects Jim Lerner	<input type="checkbox"/> RWQCB 5R Central Valley Region (5) Fresno Branch Office
<input type="checkbox"/> Cal Fire Allen Robertson	<input type="checkbox"/> Dept. of Fish & Game M George Isaac Marine Region	<input type="checkbox"/> Caltrans - Division of Aeronautics Sandy Hesnard	<input type="checkbox"/> Transportation Projects Douglas Ito	<input type="checkbox"/> RWQCB 6 Lahontan Region (6)
<input type="checkbox"/> Central Valley Flood Protection Board James Herota	<input type="checkbox"/> Other Departments	<input type="checkbox"/> Caltrans - Planning Terri Pencovic	<input type="checkbox"/> Industrial Projects Mike Tollstrup	<input type="checkbox"/> RWQCB 6V Lahontan Region (6) Victorville Branch Office
<input checked="" type="checkbox"/> Office of Historic Preservation Ron Parsons	<input type="checkbox"/> Food & Agriculture Steve Shaifer Dept. of Food and Agriculture	<input type="checkbox"/> California Highway Patrol Scott Loetscher Office of Special Projects	<input type="checkbox"/> State Water Resources Control Board Regional Programs Unit Division of Financial Assistance	<input type="checkbox"/> RWQCB 7 Colorado River Basin Region (7)
<input type="checkbox"/> Dept. of Parks & Recreation Environmental Stewardship Section	<input type="checkbox"/> Dept. of General Services Public School Construction	<input type="checkbox"/> Housing & Community Development CEQA Coordinator Housing Policy Division	<input type="checkbox"/> State Water Resources Control Board Steven Herrera Division of Water Rights	<input type="checkbox"/> RWQCB 8 Santa Ana Region (8)
<input type="checkbox"/> California Department of Resources, Recycling & Recovery Sue O'Leary	<input type="checkbox"/> Dept. of General Services Anna Garbeff Environmental Services Section	<input type="checkbox"/> Dept. of Transportation	<input type="checkbox"/> Dept. of Toxic Substances Control CEQA Tracking Center	<input type="checkbox"/> RWQCB 9 San Diego Region (9)
<input type="checkbox"/> S.F. Bay Conservation & Dev't Comm. Steve McAdam	<input type="checkbox"/> Dept. of Public Health Bridgette Blinning Dept. of Health/Drinking Water	<input type="checkbox"/> Caltrans, District 1 Rex Jackman	<input type="checkbox"/> Department of Pesticide Regulation CEQA Coordinator	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Dept. of Water Resources Resources Agency Nadell Gayou	<input type="checkbox"/> Independent Commissions, Boards	<input type="checkbox"/> Caltrans, District 2 Marcelino Gonzalez		
<input type="checkbox"/> Conservancy	<input type="checkbox"/> Delta Protection Commission Linda Flack	<input type="checkbox"/> Caltrans, District 3 Bruce de Terra		
<input type="checkbox"/> Fish and Game	<input type="checkbox"/> Cal EMA (Emergency Management Agency) Dennis Castrillo	<input checked="" type="checkbox"/> Caltrans, District 4 Lisa Carboni		
<input type="checkbox"/> Dept. of Fish & Game Scott Flint Environmental Services Division	<input type="checkbox"/> Governor's Office of Planning & Research State Clearinghouse	<input type="checkbox"/> Caltrans, District 5 David Murray		
<input type="checkbox"/> Fish & Game Region 1 Donald Koch		<input type="checkbox"/> Caltrans, District 6 Michael Navarro		
		<input type="checkbox"/> Caltrans, District 7 Elmer Alvarez		



**NOTICE OF PREPARATION (NOP)  
OF A  
DRAFT ENVIRONMENTAL IMPACT REPORT (EIR)  
CLAYTON COMMUNITY CHURCH PROJECT**

The City of Clayton Community Development Department is preparing a Draft Environmental Impact Report (EIR) for the Clayton Community Church Project, as described below, and is requesting comments on the proposed scope and content of the EIR.

The City of Clayton is the Lead Agency for the project and is the public agency with the greatest responsibility for approving the project. This notice is being sent to responsible agencies and other interested parties. Responsible agencies are those public agencies, besides the City of Clayton, that also have a role in approving or carrying out the project. When the Draft EIR is published, it will be sent to all Responsible Agencies and to others who respond to this NOP or who otherwise indicate that they would like to receive a copy.

Responses to this NOP and any questions or comments should be directed in writing to: David Woltering, AICP, Community Development Director, City of Clayton, 6000 Heritage Trail, Clayton, CA 94517-1250 or e-mailed to [dwoltering@ci.clayton.ca.us](mailto:dwoltering@ci.clayton.ca.us). Comments on the NOP must be received at the mail or e-mail address listed above **by 5:00 p.m. September 14, 2010**. In addition, verbal comments may be provided at one of two EIR scoping meetings.

**EIR SCOPING MEETINGS**

*Please note that two scoping meetings are scheduled: one for public agency representatives (at 4:00 p.m.) and one for the general public (at 6:30 p.m.).*

**Thursday, August 26, 2010**

**4:00 p.m. (Agency Representatives)**

**6:30 p.m. (General Public)**

**Hoyer Hall, Clayton Community Library  
6125 Clayton Road  
Clayton, CA 94517**

**PROJECT TITLE:** Clayton Community Church Project

**PROJECT LOCATION:** The project site is an approximately 2.3-acre property located at 6005 Main Street in downtown Clayton. The site, which comprises two parcels (APNs 118-560-010-1 and 119-011-003), is bounded by Clayton Road to the north; a parking lot to the east; Main Street to the south; and Main Street and a landscaped area to the west. The only structure on the site is the former Pioneer Inn, which currently contains the offices of the Clayton Community Church and is used as the church business office with associated activities. Please refer to Figure 1 for a map of the project site. The church currently holds worship services and other events at the Diablo View Middle School, located at 300 Diablo View Lane in the City of Clayton.

**PROJECT SPONSOR:** Clayton Community Church

**PROJECT DESCRIPTION:** The primary objective of the proposed project is to develop a new church and associated facilities on the subject property site to serve the Clayton Community Church congregation and the local community. The project would result in the demolition of the former Pioneer Inn building and the redevelopment of the site with four buildings, including a 500-seat sanctuary, retail and office space, and associated facilities. The proposed buildings would comprise approximately 42,000 square feet of interior space.

The proposed buildings include the following (please refer to Figure 2 for an illustrative site plan of the project):

- Building 1, which would be located in the northwestern portion of the site, would be a two-story 22,244-square-foot sanctuary building containing up to 500 seats.
- Building 2, which would be located slightly southeast of Building 1, would contain a total of 8,516 square feet of interior space, including 2,261 square feet of retail space and 6,255 square feet of office space, church classrooms, and a welcome center. This building would be two stories.
- Building 3, which would be located on the site of the Pioneer Inn, would contain a total of 10,204 square feet of interior space, including 5,696 square feet of retail space and 4,508 square feet of office space. Building 3 would be two stories.
- Building 4, which would be located in the northeastern corner of the project site, would be a one-story building containing a total of 1,200 square feet of space and would function as the Church's teen center.

The project would be phased, with Buildings 1 and 2 proposed for development as part of Phase 1 and Building 3 developed as part of Phase 2. Building 4 would be constructed in one of the first two phases or in a separate third phase.

The church would be a venue for regular weekday and weekend activities, in addition to Sunday morning services. Regular weekly activities would range from bible study on Monday mornings (with attendance by 10 to 40 persons) to Friday night (summer) movie nights (attended by up to 500 persons). Sunday services occur from 8:45 a.m. to 1:00 p.m. and would be attended by approximately 450 persons. Special events, generally held once a year, would include a soap box derby (attended by approximately 1,000 persons), two separate Easter gatherings (each attended by approximately 1,000 persons), and a "Daddy/Daughter Dance" (attended by approximately 150 persons). Weddings, funerals, and other events would also occur at the church.

Approximately 48 parking spaces would be provided on the project site, mainly in an on-site parking lot located between Buildings 3 and 4. The on-site parking requirement for the project as proposed would be approximately 215 spaces, per the Clayton Municipal Code. Because the proposal for on-site parking falls short of City code requirements, the project applicant proposes to utilize existing off-site parking (via shared use agreements to use parking on other properties and existing on-street parking) to make up for the shortfall of on-site spaces. One such agreement, involving 34 parking spaces at the KinderCare Learning Center (to the east of the site) has been executed by the Church and may be subject to further City approval.

Approximately 58 percent of the site would consist of open space. Based on information provided by the project applicant, the project was designed to concentrate additional retail space along Main Street, so as to support existing retail uses in the vicinity. The architecture of the buildings

fronting Main Street would reflect “the western style of buildings found in Clayton and other historic, early western town centers throughout California.”

The project would require several entitlements from the City of Clayton, including a General Plan Amendment (to allow assembly uses); Specific Plan Amendment (to allow assembly uses and establish lower on-site parking requirements); Zoning Amendments (to allow assembly uses; establish a consistent zoning designation for the site; and establish lower on-site parking requirements); Use Permit Approval; Development Plan Approval; and Tentative Parcel Map Approval (to divide the site into four parcels).

The EIR prepared for the project will contain a detailed project description and additional figures illustrating the project.

**PROBABLE ENVIRONMENTAL EFFECTS:** Based on a preliminary environmental analysis of the project, the City anticipates that the project could result in significant environmental impacts in the following topical areas:

- Land Use and Planning Policy;
- Transportation, Circulation and Parking;
- Air Quality and Global Climate Change;
- Cultural Resources;
- Visual Resources; and
- Hydrology and Water Quality

These topics will be addressed in detail in the EIR.

The following topics are likely to be associated with less-than-significant impacts and are not expected to be evaluated in detail in the EIR:

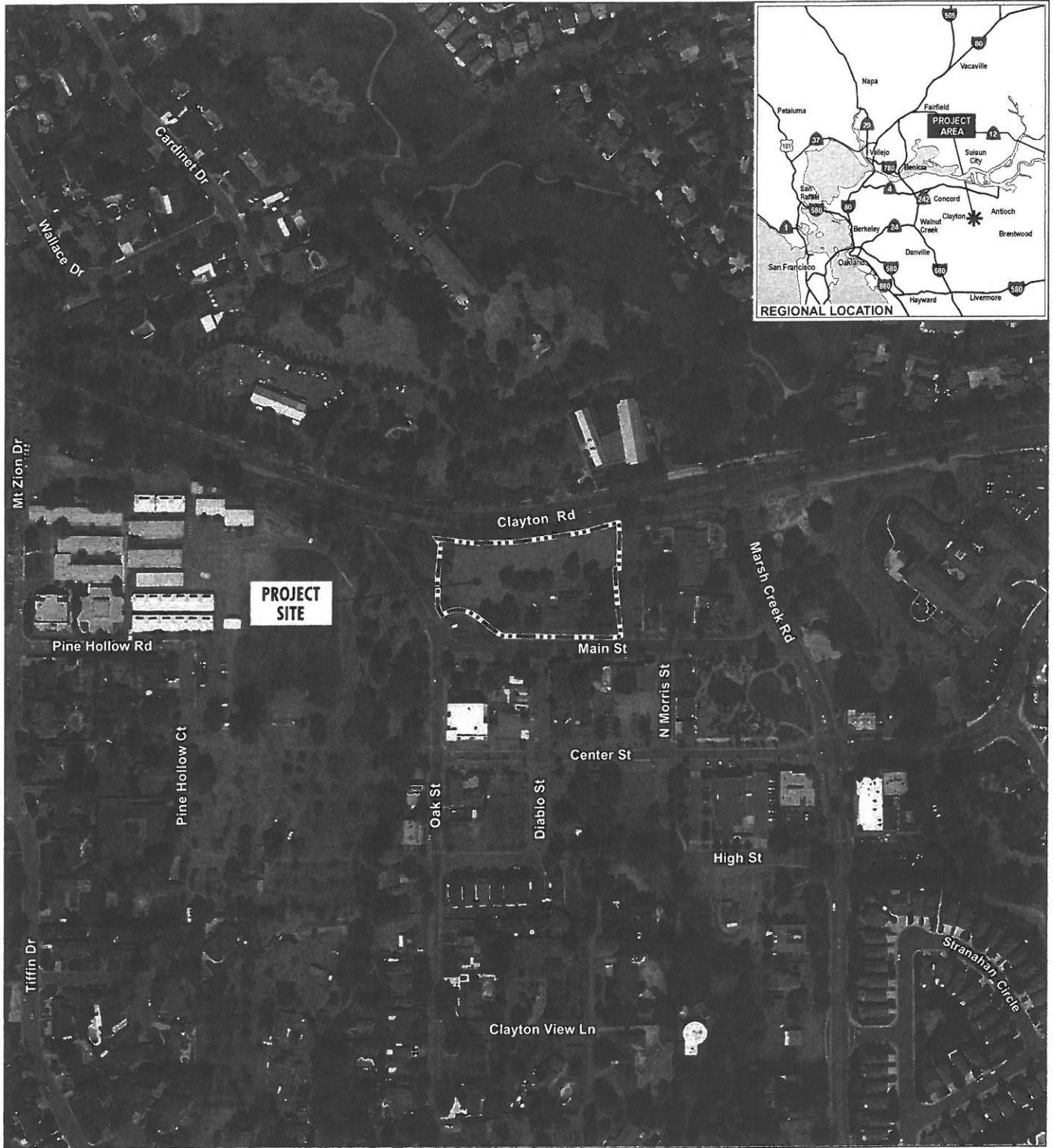
- Agriculture and Forestry Resources;
- Biological Resources;
- Geology and Soils;
- Hazards and Hazardous Materials;
- Mineral Resources;
- Population and Housing;
- Public Services and Utilities; and
- Recreation

**The City is interested in your comments regarding environmental topics and issues that should be discussed in the EIR.**

August 12, 2010

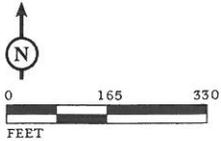
David Woltering, AICP  
Community Development Director  
City of Clayton

Attachments: Figure 1, Project Location Map  
Figure 2, Illustrative Site Plan



LSA

FIGURE 1



 PROJECT SITE

Clayton Community Church Project EIR  
 Project Vicinity and  
 Regional Location

SOURCE: GOOGLE EARTH, 10/02/09; LSA ASSOCIATES, INC., 2010.

I:\CLY1001 Clayton Church\figures\Fig\_1.ai (7/29/10)

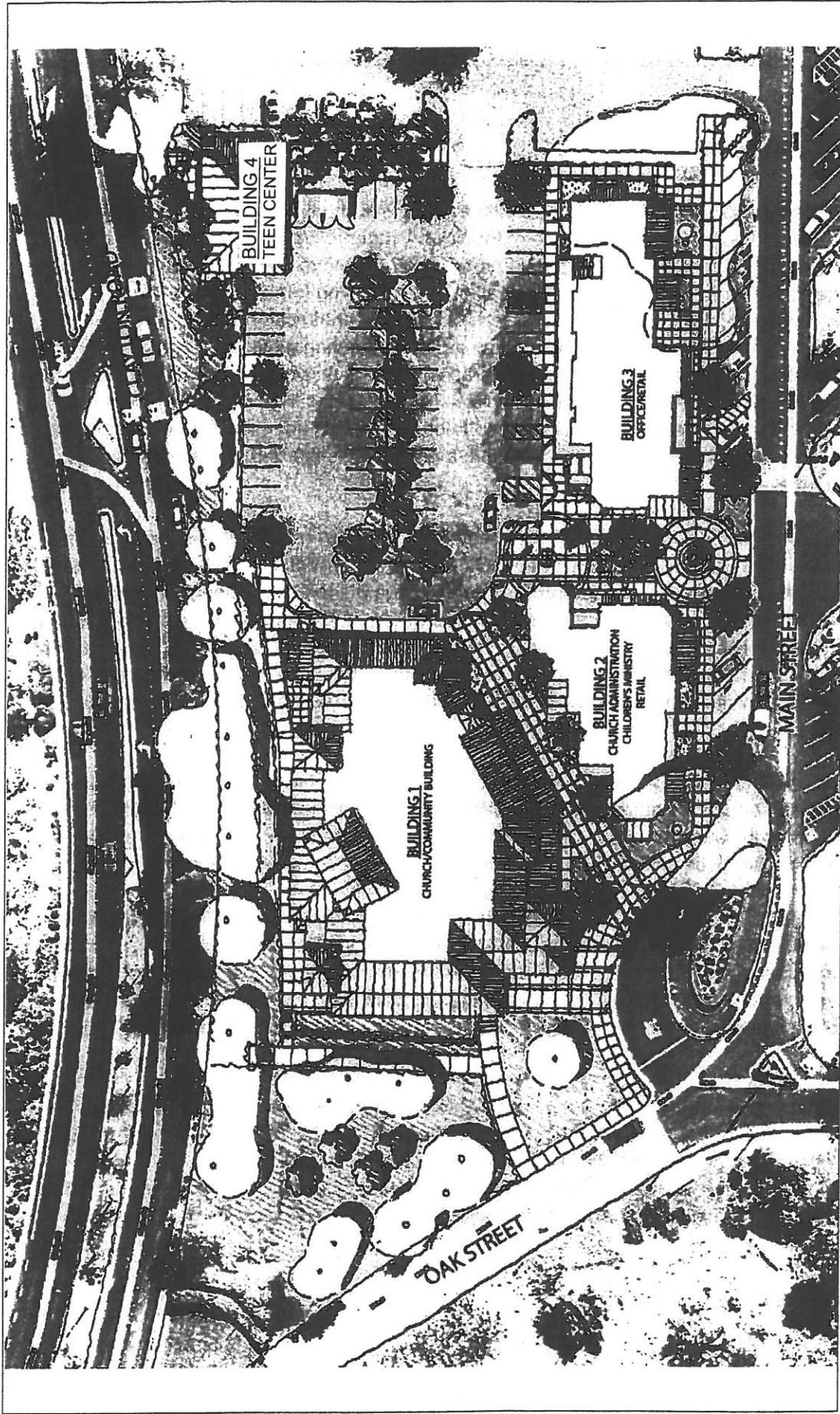


FIGURE 2

Clayton Community Church Project EIR  
 Illustrative Site Plan

LSA



NOT TO SCALE

SOURCE: CLAYTON COMMUNITY CHURCH, 3/4/10.

I:\CLY1001 Clayton Church\figures\Fig\_2.ai (7/28/10)

September 14, 2010

Via email ([dwoltering@ci.clayton.ca.us](mailto:dwoltering@ci.clayton.ca.us))

**RECEIVED**

David Woltering, AICP  
Community Development Director  
City of Clayton, 6000 Heritage Trail  
Clayton, Ca. 94517-1250

SEP 14 2010

**CLAYTON COMMUNITY  
DEVELOPMENT DEPT**

**RE: Notice of Preparation (NOP) – Draft Environmental Impact Report (EIR)  
Clayton Community Church – Response to NOP, Comments and questions**

**Director Woltering:**

Thank you for the opportunity to submit the following comments relating to the proposed scope and content of the subject Draft EIR. Should any of these comments require further explanation or clarification, please feel free to contact me at [glennandlisam@sbcglobal.net](mailto:glennandlisam@sbcglobal.net). I look forward to the Consultants' review, adoption and responses as applicable and to a successful process concerning this phase of the EIR for this project.

**Hydrology and Water Quality** – In contrast to the adjacent and recently approved projects, the scope of this EIR should consider that this project proposes a considerable amount of open space (58% according to Staff's report) that has the potential to serve as storm water detention, filtration and possibly represents a considerable opportunity to contribute positively to mitigate both on an offsite Hydrology and Water Quality issues in this portion of the Town Center.

**Visual Resources** – No suggested additional considerations. However, the EIR Consultant might wish to consider in his analysis that the Project represents an improvement versus the present vacant lot and the rear of an existing structure that have few features that improve the visual aesthetics as seen from Clayton Road. Also, in considering their analysis as part of the EIR, the way project buildings have been sited including the openness and visual corridors which appear enhance the "invitation" to the Town Center (again as seen from Clayton Road) should be a part of the analysis.

**Cultural Resources and Public Services** – Cultural resources as they relate to past or historical use as the Pioneer Inn can, and quite probably could, be preserved in some form but analysis that this issue results in a significant environmental impact appears flawed. Options for mitigations most likely will be limited to preservation of artifacts (i.e. the "bar" structure and some of the artifacts that have already been preserved) as the current edifice has little to no resemblance to the original site structures both in size and architectural configurations.

In addition, the current building(s) present a near impossible challenge for adaption or re-use given present building code, current Town Center and Specific Plan goals and Architectural initiatives. Consequently, the lack of historical designation or pursuit thereof would most probably result in either considerable expense to the Community with the potential that the only remedies in this direction

would be a forced condemnation or a taking (for example, by imminent domain proceedings). As such, in the scope of an EIR analysis, only this consideration most probably requiring an initiative by the City could be seen as “significant”. It should be noted that this direction appears to be contrary to the stated objectives of the applicant which is consistent with the development aspirations as stated in the current Town Center and Specific Plans.

In addition to the historical significance discussion and analysis as part of the EIR scope in regards to this Project and site, the breadth of Cultural Resources and Public Services analysis scope would benefit if it was expanded to consider those services as they relate to the both the Public and the Community –wide services that are currently provided by the Applicant versus those that are provided (or not provided) by the City of Clayton as part of the municipal services that the City provides to its citizens. Community services such as family counseling, benevolence assistance, healing meals to sick and temporary disabled, child and teen programs, and pregnancy counseling are amongst the many “Cultural Services” that the Applicant would be able to bring to the Town Center. These should be confirmed, reviewed and analyzed versus the Public Expense that would be required to provide such services and the scope of this EIR analysis should also examine whether these services when consolidated at this location might be more effectively and efficiently delivered and with less significant Environmental impact.

In addition to the aforementioned Community services, the Applicant has stated that the main building will be configured in such a manner that Community theatrical events, concerts etc. would be possible. In consideration of the Cultural Resource and Public Services analysis portion of the EIR this possibility should be considered as a potential significantly positive impact both as a Cultural Resource that currently does not exist and a potential draw for the desired retail ambitions of the Town Center Specific Plan.

Finally as the EIR analysis examines the Project as it relates to Public and Municipal Services, considering the limitations of City Hall, Endeavor Hall and the Library as a meeting place in terms of size and potential vulnerabilities; in the event of an emergency, the ability of the Applicant’s main facility to potentially serve as a community meeting place should be considered when examining this portion of the EIR.

**Transportation, Circulation and Parking** – The Consultant (at the initial meeting on August 26<sup>th</sup>, 2010) noted that the transportation analysis would be considering the differential in number of trips presumably as they relate to services and the potential for an increased environmental impact. Considering that the Applicant currently meets in close proximity to the Town Center, shouldn’t the scope and analysis consider the number of trips be equal or arguably less as some that live closer to the downtown versus the Middle School which is on the outskirts of town might consider walking via the many trails that lead to the Town Center? Would this not be a positive or at least, a mitigating factor to consider as part of any analysis?

Other considerations in the scope of this portion of the EIR analysis that might be considered in either determining thresholds or levels of significance are as follows:

- In regards to circulation and any respective analysis of impact, wouldn't the possibility of the number of options (for example two to three means of access for those coming from outside Clayton and at least three means of access from those in Clayton outside of Oakhurst) to access this site from all directions be the most significant mitigating factors in regards to circulation issues?
- Wouldn't this be the same number of options regardless of the project proposed on the site?
- Is the time of the services (presumably Sunday at 9:00 and 10:45) considered in the analysis of transportation and circulation impacts? Will the analysis consider these time frames when measuring this project versus other approved potential or current uses and their related trip generation (transportation) and circulation issues and traffic patterns they measure? For example how do events such as Concerts in the Park (an approved use of the Park that generates significant trips) and other approved activities that occur during normal business hours measure in terms of environmental impacts versus this Project's planned use.

In regards to parking, the scope of the EIR analysis would benefit from a discussion of the concept of "reciprocal parking" arrangements currently in place both formally and informally and, in addition, scope would be more comprehensive if there was a consideration and examination of this concept as the basis for both adjustments to the Town Center parking criteria in the past and the current parking "arrangements", the acceptance and approvals of past, present and future applicant's projects including their provision of project parking (or lack thereof) throughout the entire history of the development of Clayton's Downtown?

As for the existing parking on site which is used both formally and informally by neighboring businesses and City sponsored vendors, analysis can only prove comprehensive if it examines the success of these arrangements specifically to this portion of the Town Center and consider that the number of proposed spaces represents an increase to these current arrangements which in some instances allow for the exclusive use of the current Applicant's existing spaces on temporary but regular basis for entities other than the Applicant's exclusive use.

**Land Use and Planning Policy** – The analysis should be expanded to consider the significance and importance of adding a major and unique second destination to Clayton's Town Center. The EIR study should include a historical examination and comment on the successful applications of the concept of using different and unique anchor tenants (or use) to draw interest and to create retail traffic to other locations similar to the concept and justification to use the Park and its use juxtaposed at the opposite end of the Town Center which satisfies the criteria both in terms of their uniqueness of the destinations and the complimentary and time of use as that this Project's application expects.

Finally, the EIR analysis in regards to Land Use and Planning Policy's scope should include the fact that the Applicant had acquired the land prior to recent Specific Plan; Zoning and Municipal amendments that now must either be reversed, re-amended, waived or ignored when settling further project processes. This analysis must be expanded in scope to examine the reported required project entitlements versus established and confirmed fundamental property rights concepts that require that

neither the permit nor the zoning process (including the application of arbitrary threshold on one project versus another) can be used to “take” or otherwise alter the ability of an individual or entity to use their property in a manner unrelated to that in which they wish to use it for, or impose unrelated demands as a condition or price of permit and other related required regulatory actions (source: US Constitution – Fifth Amendment and “Rescuing Liberty” – Pacific Legal Foundation June 2010). It would seem prudent to consider this as part of the EIR scope rather than risk what could potentially be a significant impact or consequences of not including this in the scope of the EIR analysis.

Once again, thank you for taking the time to review and forward these comments to the appropriate parties.

Sincerely,

Glenn D. Miller  
Clayton, Ca.

CC (via email):

Shawn Robinson, Pastor Clayton Community Church  
Alan Fishman - Applicant’s Representative



**David Woltering**

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**From:** Shawn Robinson [srobinson.junk@gmail.com]  
**Sent:** Wednesday, September 08, 2010 5:27 PM  
**To:** 'Alan Fishman, ASLA'  
**Cc:** dwoltering@ci.clayton.ca.us  
**Subject:** RE: Clayton Article/Clarification of Alcohol Licensing

Hi Alan—good information to have. I will pass this on to David Woltering as I am sure he saw the article as well. I'll let him decide if he wants to pass it along any further.

Thanks for the peace of mind!

Shawn

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**From:** Alan Fishman, ASLA [mailto:AlanF@whainc.com]  
**Sent:** Tuesday, September 07, 2010 11:15 AM  
**To:** srobinson@claytoncc.com  
**Subject:** FW: Clayton Article/Clarification of Alcohol Licensing

Shawn:

we researched the ABC policy relative to potential new establishments serving alcohol on Main Street, as dramatized in the article, and found the following. Like many other things in Clayton, this accusation is not founded on fact and totally dramatized.

Alan

-----Original Message-----

**From:** Johanna Tuite, LEED AP, CGBP  
**Sent:** Tuesday, September 07, 2010 10:41 AM  
**To:** Alan Fishman, ASLA  
**Subject:** Clayton Article

Interesting article on the church, particularly the alcohol licensing issues. I looked up Alcohol Beverage Control's (ABC) policy. Note the underlined statement:

"The law says ABC may deny any retail license located (a) within the immediate vicinity of churches and hospitals, or (b) within at least 600 feet of schools, public playgrounds and nonprofit youth facilities. **Generally, ABC will deny a license in the above situations when there is evidence that normal operation of the licensed premises will be contrary to public welfare and morals. Mere proximity by itself is not sufficient to deny the license.**

ABC will not license a new retail location within 100 feet of a residence unless the applicant can establish that the operation of the proposed premises will not interfere with the quiet enjoyment of the property by residents. (Section 23789 and Rule 61.4)." ([http://www.abc.ca.gov/questions/licenses\\_faq.html](http://www.abc.ca.gov/questions/licenses_faq.html))

Alan Fishman, ASLA  
Principal, Manager - Community Planning

9/14/2010

William Hezmalhalch Architects, Inc.  
6111 Bollinger Canyon Road, Suite 495  
San Ramon, CA 94583  
(925) 627-1169  
(925) 463-1725 Fax

CONFIDENTIALITY: The information contained in this e-Mail message, including any accompanying documents or attachments, is from William Hezmalhalch Architects, Inc. (WHA) and is intended only for the use of the individual or entity named above, and is privileged and confidential. If you are not the intended recipient, be aware that any disclosure, dissemination, distribution, copying or use of the contents of this message is strictly prohibited. If you have received this message in error, please notify us by telephoning Lorrie Gagné at (949) 250-0607, return the e-Mail message, and destroy (delete) the original.

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Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 9.0.851 / Virus Database: 271.1.1/3119 - Release Date: 09/06/10 23:34:00



## David Woltering

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**From:** Joepedd@aol.com  
**Sent:** Saturday, September 11, 2010 11:16 AM  
**To:** dwoltering@ci.clayton.ca.us  
**Cc:** nmcaro@gmail.com; kmhaas@sbcglobal.net  
**Subject:** DOWNTOWN CHURCH DEVELOPMENT

Mr. Woltering,

This note is in reference to the proposed Community Church Development in downtown Clayton.

I am writing this note on behalf of the Mitchell Creek Place Home Owners Association.

We have a number of concerns, some of which are EIR related:

1) Why the recently completed General Development Plan should be ignored by the City Council in order to approve the Church Development?, This refers to, in part, the height limits on new building being raised and thus creating an air quality impact, and allowing for greater density in parking thus creating additional downtown air pollution, etc

2) If the project is approved and retail space in downtown Clayton is built and occupied, what are the implications as to Sales Tax and Property Taxes revenue for the city since the owners of the properties are Non-Profit Church owned and thus tax exempt?.

3) If the project is approved and they do not have to provide adequate off street parking, what impact will this have on adjacent businesses and homes?,

4) If these buildings are built and then, because they are Church owned and thus tax-exempt, will the property tax assessment we pay as downtown residents be raised to compensate the city

Please advise.

Joe Peddecord

Mitchell Creek Place HOA VP



**David Woltering**

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**From:** Marlyne Hadley [mlhadley@pacbell.net]  
**Sent:** Wednesday, September 01, 2010 10:52 AM  
**To:** David Woltering  
**Cc:** Marlyne Hadley  
**Subject:** CCC project

I am resending the attached as I haven't received an acknowledgment that it was received.

I also have a question on where the request for dividing the property into 4 parcels verses the current 2 parcels finds in the process.

I am guessing that the CCC will request that the piece containing the church will be requested as a separate parcel. This would then give the CCC the opportunity to request a property tax exemption for that portion. A tax exemption cannot be granted if any portion of the parcel is used for non-religious functions, as I checked with the assessor on this point back when they were in the process of purchasing the second parcel.

I am also thinking that if the official records tax records reflect a church exemption, the renewal or purchase of liquor licenses could be impacted even if the CCC didn't raise it as an issue-this is just my thought as I haven't been able to check that part out.

It is for the above points, that I am asking about the procedure for the request for dividing the property.

Thanks, Lynn Hadley

--- On **Thu, 8/26/10, Marlyne Hadley <mlhadley@pacbell.net>** wrote:

From: Marlyne Hadley <mlhadley@pacbell.net>  
 Subject: CCC project  
 To: "David Woltering" <dwoltering@ci.clayton.ca.us>  
 Cc: "Marlyne Hadley" <mlhadley@pacbell.net>  
 Date: Thursday, August 26, 2010, 10:02 PM

David,

I would like to receive a copy of the Draft EIR when it becomes available.

My information is:

Lynn Hadley,  
 527 Hamburg Circle,  
 Clayton CA, 94517

After attending the NOP meeting this evening it seems my questions regarding parking, traffic, congestion will be addressed in the EIR, with my other questions falling in the Merit and Financial steps of this project review.

I am curious on the possible impact of these reports if the CCC does sell off the property that is designated for retail (building 3) or just doesn't proceed with it. Though out the

CCC's coverage of this project, it seems like this is their plan/or desire. It was reference again this evening.

Tonight I asked you about the impact of having a church in the close proximity of businesses selling or serving alcohol. I'd understood issuing of liquor licenses could be an issue. I know this is not part of the EIR, but it seems like a key issue in some other part of this review. This following is what I found on a quick Internet search for California restrictions tonight:

**Q. 18. How many feet must licensed premises be from a church, a school, or residences?**

A. The law says ABC may deny any retail license located (a) within the immediate vicinity of churches and hospitals, or (b) within at least 600 feet of schools, public playgrounds and nonprofit youth facilities. Generally, ABC will deny a license in the above situations when there is evidence that normal operation of the licensed premises will be contrary to public welfare and morals. Mere proximity by itself is not sufficient to deny the license.

ABC will not license a new retail location within 100 feet of a residence unless the applicant can establish that the operation of the proposed premises will not interfere with the quiet enjoyment of the property by residents. (Section 23789 and Rule 61.4)

I see that a nonprofit youth facility is also mentioned in the above. Maybe the proposed Teen Center would fall under this category.

Thank you, Lynn Hadley

## David Woltering

---

**From:** David Woltering [dwoltering@ci.clayton.ca.us]  
**Sent:** Tuesday, September 07, 2010 11:34 AM  
**To:** 'Paul Vuong'  
**Subject:** RE: Comment on the NOP for EIR on Clayton Church Project

**Importance:** High

Mr. Vuong:

Thank you for your comments regarding the NOP for the EIR being prepared for the Clayton Community Church project. Your comments are being forwarded to our consultant team who will consider your comments as they finalize the scope of research for the EIR.

Thank you.

Sincerely,

David Woltering, AICP  
Community Development Director  
City of Clayton

-----Original Message-----

**From:** Paul Vuong [mailto:paul.v.vuong@gmail.com]  
**Sent:** Saturday, September 04, 2010 9:28 PM  
**To:** dwoltering@ci.clayton.ca.us  
**Subject:** Comment on the NOP for EIR on Clayton Church Project

Hi David,

My name is Trieu Vuong. I live in 6012 High Street, Clayton. Since I can not attend the meeting, I wanted to ask some questions:

1. What is the regular occupancy rate for parking in Clayton downtown. If the Church project requires 215 and only provides 48 parking space. Can down town parking accommodate existing and new volume?
2. The Church Project claims to bring more retail to Clayton. If the new retail shops do come, where would their customer park? Is multi-level parking in the plan? Does the EIR scope include traffic and pollution the additional business expected by the Church Project?
3. For the major events that church plans to hold, do they occur when Clayton city holds other event? In other words, will there be multiple events occurring at once and creating significant stress to down town area?
4. The building structure for Church Project doesn't not look anything like the rest of Clayton downtown. It makes Clayton lose its charming character. What is Church Project's plan to address the lost of landscape and western countryside charm that made Clayton a good place to live (by CNN Money)?

Thank you



August 25, 2010

David Woltering, Community Development Director  
City of Clayton  
6000 Heritage Trail  
Clayton, CA 94517-1250

**RE: Clayton Community Church – Draft EIR  
6005 Main St., Clayton  
APN 119-011-003**

**RECEIVED**

**AUG 26 2010**

**CLAYTON COMMUNITY  
DEVELOPMENT DEPT**

Dear Mr. Woltering:

The Contra Costa Environmental Health Division (CCEHD) has received a request for agency comments for the above referenced project. The following are our comments:

1. A permit from CCEHD is required for any well or soil boring prior to commencing drilling activities, including those associated with environmental investigation and cleanup, and geotechnical investigation.
2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEHD. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these should be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements.
3. A health permit is required for retail food facilities. Food facilities include restaurants, stores, bars, cafeterias, snack bars, kiosks at transit sites, and any business or operation that sells or gives food away to the public (including employees or students). Church kitchens are considered retail food facilities if used for any of the following:
  - Providing school lunches.
  - Operating a homeless or senior feeding program.
  - Catering.
  - Events open to the general public where food is sold or given away.

Plans must be submitted to CCEHD and approved prior to the issuance of building permits for such facilities. Prior to the submission of plans, CCEHD staff



is available to meet with prospective developers/operators to discuss the requirements for these facilities and the plan review process.

4. Dumpster areas serving retail food facilities are required to have a drain to the sanitary sewer and provided with a hot/cold water supply. It is recommended that developers be informed of this requirement, since it is usually easier to plan for the installation of sewer and water in dumpster areas during initial construction rather than install these afterwards.
5. All retail food facilities must have approved restrooms. It is recommended that developers be informed of this requirement, since it is usually easier to plan for the installation of restrooms during initial construction rather than install these afterwards.
6. Medical waste generators include hospitals, clinics, doctors' offices, veterinarians, and laboratories. These facilities must register with CCEHD and meet the requirements of the Medical Waste Management Act.

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please do not hesitate to call me at (925) 692-2535.

Sincerely



Joseph G. Doser, R.E.H.S.  
Supervising Environmental Health Specialist

cc: Roberto Rodriguez, Supervising Environmental Health Specialist  
Ed Diaz, Environmental Health Specialist II  
Eric Fung, Environmental Health Specialist II

JGD:sssm



**RECEIVED**

AUG 23 2010



**Pacific Gas and  
Electric Company®**

**CLAYTON COMMUNITY  
DEVELOPMENT DEPT**

Dear Customer:

Enclosed is the **Gas and Electric** information you requested within the subject area. Please use these maps to confirm the location of PG&E facilities shown on your plans.

For your information, underground facilities are generally 24" to 36" deep. However, the depth may have changed due to street reconstruction and general area changes.

PG&E does not provide depth information about our existing electric and gas facilities (i.e. gas main and services, etc).

If, after receiving our gas and electric maps, you determine depth information is needed to better plan future street improvements; you should pothole or take appropriate action as needed.

If you determined our facilities need to be lowered/raised, please provide specific location information and sufficient time to allow us to revise our service order(s) and schedule our crews to meet your schedule.

Please note that a standby PG&E employee is required during any excavation within 10 feet of a gas transmission line. Contact **Ken Lieber, T&R Supervisor** at (925) 383-6092 to arrange for a standby PG&E employee three (3) working days prior to any excavation within 10 feet of transmission lines.

Before you start any trenching on your project, please call **Underground Service Alert (USA)** at 1-800-227-2600, at least 48 hours prior to any excavation, to have your work area marked for underground facilities.

Should you need any additional information concerning this matter, please contact **Jack Dufrane, Service Planning Supervisor**, at (925) 674-6330.

**Mapping Dept**

**Gas Lead: Greg Palmeri (925) 674-6374**

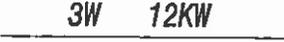
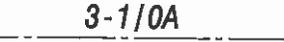
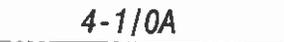
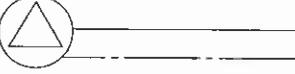
**Electric Lead: Sal Tejada (925) 674-6385**

Sincerely,

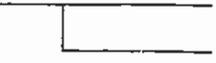
*Ken Barulich*

PG&E Mapping Supervisor

# SYMBOLS FOR PG&E ELECTRIC PLAT MAPS

 45'	SOLELY OWNED POLE, LENGTH IN FEET
 45' PT-45601 OR PG-45601	JOINT WOOD POLE WITH LENGTH IN FEET & JOINT POLE APPLICATION NUMBER
 C.	CUSTOMER OWNED POLE
	JOINT POLE WITH UNDERGROUND RISER
 PT-45678-1-A PG-45678-1-A	JOINT POLE WITH JOINT ANCHOR
	JOINT POLE WITH UNDERGROUND SERVICE
	JOINT POLE WITH STREET LIGHT
	PRIMARY LINES-VOLTAGE AS INDICATED
	SECONDARY LINES-SINGLE PHASE
	SECONDARY LINES-THREE PHASE
	UNDERGROUND LINES & SPLICE BOX
	OVERHEAD TRANSFORMER OR BANK OF TRANSFORMERS
	SUBSURFACE TRANSFORMER
	HORIZONTAL TRANSFORMER
	PADMOUNT TRANSFORMER
	TRANSMISSION WOOD POLE WITH LENGTH, MILES AND POLE NUMBER
	TRANSMISSION TOWER WITH MILES AND TOWER NUMBER
5678-3467	COORDINATE NUMBERS FOR TRANSFORMERS
5678-3467 >	COORDINATE NUMBERS FOR COMPUTER TERMINALS HIGHLIGHTED IN COLOR
	DEACTIVATED FACILITY

## *Symbols Used on Gas Plat Maps*

	<i>Semi-high pressure main (25 P.S.I.G. max.)</i>
	<i>High pressure main (60 P.S.I.G. max.)</i>
	<i>Transmission pressure main (over 60 P.S.I.G. max.)</i>
<i>w2w5</i>	<i>Welded, 2" steel pipe, wrapped, 5' from property line</i>
<i>2PL5</i>	<i>2" plastic pipe, 5' from property line</i>
<i>2SOM5</i>	<i>2" somastic pipe, 5' from property line</i>
<i>2PLC5</i>	<i>2" plastic coated pipe, 5' from property line</i>
<i>w10x40 5</i>	<i>Welded 10" steel, x40 = grade of pipe, 5 from P/L</i>
	<i>Service line (S at end of service indicates a stub service)</i>
	<i>Service line with branch service</i>
<i>3/4</i>	<i>3/4" steel service</i>
<i>1/2cu</i>	<i>1/2" copper service</i>
<i>1/2PL</i>	<i>1/2" plastic service</i>
	<i>Service meter</i>
	<i>Service valve</i>
<i>(JT)</i>	<i>Joint trench</i>
	<i>Main valve</i>
	<i>Pressure control fitting</i>
	<i>Regulator station</i>
	<i>Electrolysis station</i>
	<i>Cathodic protection, rectifier station with anode bed</i>
	<i>Blow down stations (blow-offs)</i>

*Note: all measurements are normally taken from the closest property line using only one arrow pointing to the item.*

### \* NOTICE OF RESPONSIBILITY \*

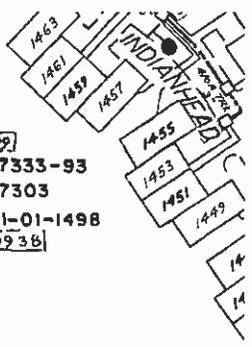
Thank you for notifying us of your intent to work in the vicinity of our underground facilities. Information about their locations is or will be provided by surface markings at the work site.

In our marking for you we, naturally, with exercise due care to make these markings as complete and accurate as reasonably possible. As you can appreciate, the nature of underground construction and installations prohibit any guarantee as to the absolute accuracy of surface markings. The precise location of underground facilities can only be determined by you through careful probing or hand digging in compliance with Article 6 of the Cal/OSHA Construction Safety Orders.



2557

MLX-77199  
GM4097333-93  
TR. 7303  
R/W 2401-01-1498  
MLX JG 60938



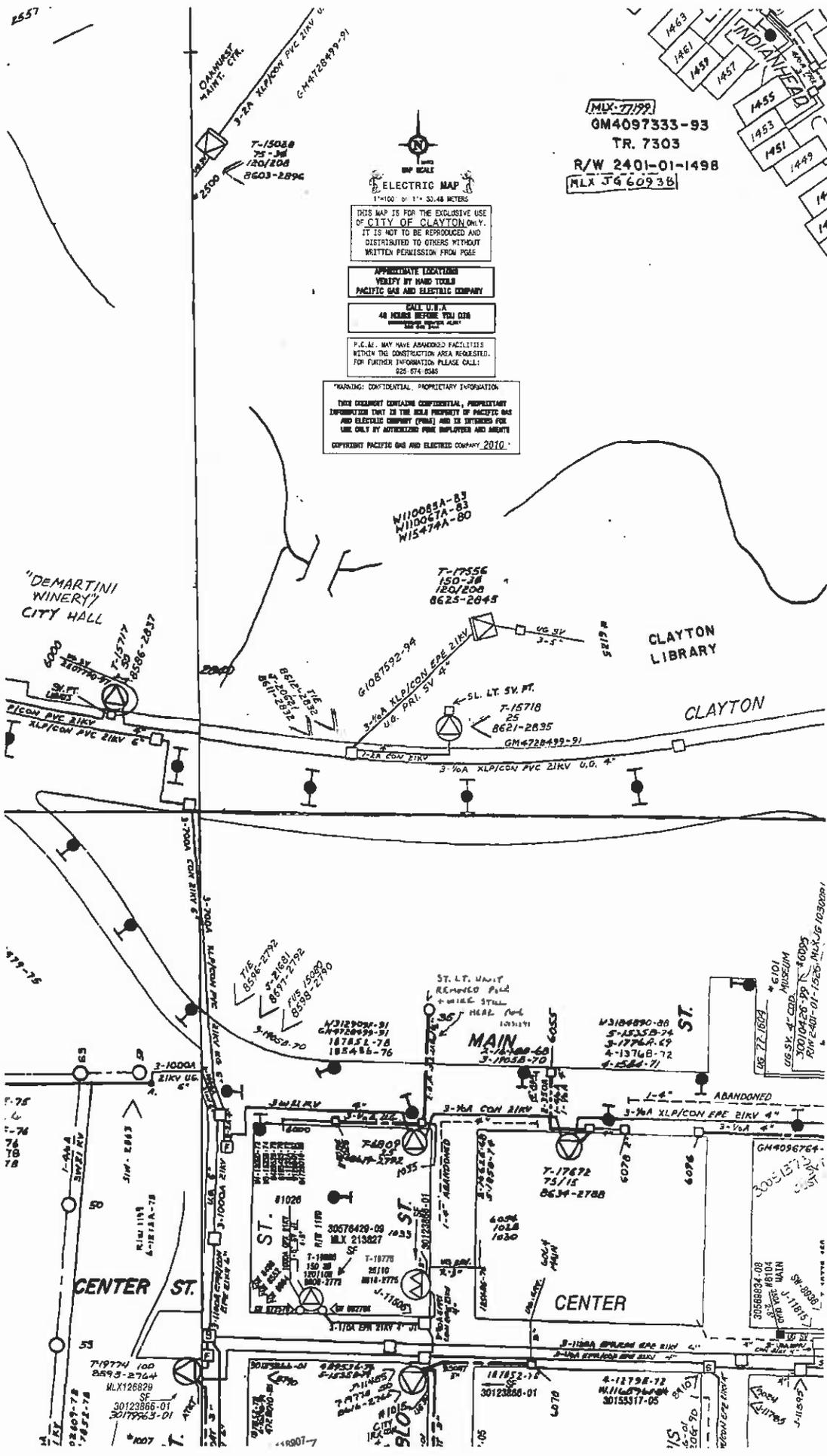
**ELECTRIC MAP**  
1"=100' OF 1"=30.48 METERS  
THIS MAP IS FOR THE EXCLUSIVE USE OF CITY OF CLAYTON ONLY. IT IS NOT TO BE REPRODUCED AND DISTRIBUTED TO OTHERS WITHOUT WRITTEN PERMISSION FROM PG&E.

APPROXIMATE LOCATIONS VERIFY BY HAND TOOLS PACIFIC GAS AND ELECTRIC COMPANY

CALL U.S.A. 48 HOURS BEFORE YOU DIG

P.G.&E. MAY HAVE ABANDONED FACILITIES WITHIN THE CONSTRUCTION AREA REQUESTED. FOR FURTHER INFORMATION PLEASE CALL: 855-674-6848

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1331 Concord Avenue  
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Jerry Brown  
*Interim General  
Manager*

September 16, 2010

***VIA FACSIMILE (925) 672-4917  
Hard Copy to Follow***

Mr. David Woltering  
Community Development Department  
City of Clayton  
6000 Heritage Trail  
Clayton, CA 94517

**Subject: Clayton Community Church Project – Draft Environmental Impact Report**

Dear Mr. Woltering:

The Contra Costa Water District (CCWD) is in receipt of an Agency Comment Request for review of the development of the Clayton Community Church at 6005 Main Street in Clayton. This project includes: demolition of the existing Pioneer Inn and the erection of four buildings totaling 42,000 square feet, including a 500-seat sanctuary, retail and office space, and associated facilities. The project is within CCWD's treated water service area and CCWD is the local water service provider for this project. The 2.3-acre property is served by the 8-inch water main in Main Street. New services will need pressure reducing valves. Separate fire services and landscape meters may be required.

CCWD recommends that service conditions for approving the project include the following:

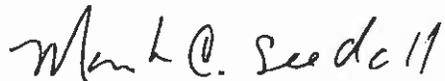
- Treated and Untreated water service is governed by CCWD Code of Regulations Section 5 (Reg 5).
- Existing water infrastructure will need to be evaluated and any modifications will need to be designed and constructed at the Developer's / Owner's expense.
- Each premise to be provided domestic service will require its own service connection and meter (Reg. 5.32.020).
- A separate meter for landscape irrigation may be required (Reg. 5.32.020).
- A separate fire service may be required for each building or premise (Reg. 5.24.030).

Mr. David Woltering  
City of Clayton  
September 16, 2010  
Page 2

- 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.
- Further information and answers to a number of frequently asked questions regarding water service and District regulations can be found on the District's web site at [www.ccwater.com](http://www.ccwater.com).
- The District recommends Applicant submit an application for service or an application for a "Shotgun" estimate for this project, so that the District can provide a more detailed analysis and review.

Please contact Richard Broad at CCWD regarding water service issues at (925) 688-8013. Alternatively, I may be contacted at (925) 688-8119 should you have further questions.

Sincerely,



Mark A. Seedall  
Principal Planner

MAS/jmt