



## **PLANNING COMMISSION AGENDA**

### **Regular Meeting**

**7:00 P.M. on Tuesday, January 9, 2018**

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

- 1. CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG**
- 2. ADMINISTRATIVE**
  - 2.a. Review of agenda items.
  - 2.b. Declaration of Conflict of Interest.
  - 2.c. Commissioner A. J. Chippero to report at the City Council meeting of January 16, 2018 (alternate Peter Cloven).
- 3. PUBLIC COMMENT**
- 4. MINUTES**
  - 4.a. Approval of the minutes for the October 24, 2017 Planning Commission meeting.
- 5. PUBLIC HEARINGS**
  - 5.a. **ENV-01-08, DP-01-08, MAP-02-09, TE-01-18, Development Plan and Vesting Tentative Map Time Extensions, Creekside Terrace Mixed Use Project, City of Clayton, 1005 and 1007 Oak Street, west side of Oak Street between Center Street and High Street (APNs: 119-050-008, 119-050-009, and 119-050-034).** Review and consideration of a one-year extension of the Creekside Terrace Development Plan and Vesting Tentative Map from January 6, 2018 to January 9, 2019. 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. 01-18, thereby extending for one year the Creekside Terrace Development Plan and Vesting Tentative Map from January 6, 2018 through January 9, 2019.

**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, January 23, 2018.**

Most Planning Commission decisions are appealable to the City Council within ten (10) calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in oral testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter. If you have a physical impairment that requires special accommodations to participate, please contact the Community Development Department at least 72 hours in advance of the meeting at 925-673-7300. An affirmative vote of the Planning Commission is required for approval. A tie vote (e.g., 2-2) is considered a denial. Therefore, applicants may wish to request a continuance to a later Commission meeting if only four Planning Commissioners are present.

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

**Minutes**  
**Clayton Planning Commission Meeting**  
**Tuesday, October 24, 2017**

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

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

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

Absent:            Vice Chair Bassam Altwal

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 William Gall will report at the City Council meeting of November 7, 2017.

**3. PUBLIC COMMENT**

None.

**4. MINUTES**

- 4.a.    Approval of the minutes for the September 26, 2017 Planning Commission meeting.

**Commissioner Chippero moved and Commissioner Gall seconded a motion to approve the minutes, as submitted. The motion passed 4-0.**

**5. PUBLIC HEARINGS**

- 5.a.    **ZOA-06-17, City of Clayton.** The City of Clayton is requesting a public hearing to consider a City-initiated Ordinance to amend the Clayton Municipal Code to allow six-foot fences to be located within the required exterior side setback or at the public right-of-way line.

The staff report was presented by Director Gentry.

Commissioner Cloven asked, with these new proposed regulations, can a six-foot fence be placed directly atop a retaining wall in the exterior side setback? Director Gentry responded that, if the City Code was amended per staff recommendations, a six-foot fence could be placed right at the property line on the exterior side property line. However, if a retaining wall were located on the exterior side property line, the fence would be required to be a minimum of three feet behind the footing of the retaining wall. This City Code requirement for separation between a retaining wall and a fence are in place for height concerns regarding public safety purposes for such things as, if there were any police issues, a police officer would be able to still look over a six-foot fence rather than having to try and look over a taller combined retaining wall/fence structure.

Commissioner Gall asked are retaining walls required to be located five feet behind the exterior side property line? Director Gentry responded that retaining walls can be located directly on the exterior side property line and then a six-foot fence could be located a minimum of three feet behind the footing of any nearby retaining walls.

Commissioner Chippero asked what is the tallest a fence could be if it were located a minimum of three feet behind the footing of any nearby retaining walls? Director Gentry responded that six feet is the maximum height allowance for fences located on exterior side property lines as permitted by right.

Chair Wolfe asked, if we were to deny recommending approval to the City Council of these proposed amendments, would there be any consequences related to existing fences located directly on the exterior side property line? With approval of these amendments, it would provide more City-wide conformity with the City Code as related to existing fences located on exterior side property lines.

Commissioner Cloven asked is there a plan to be more proactive regarding educating the citizens of Clayton and contractors about these fencing regulations? Director Gentry responded City staff is proposing a public education campaign including, but not limited to, informing local homeowners associations, fencing companies, and contractors of City fencing regulations.

Commissioner Gall asked what the term “no man’s land” referred to as part of these proposed amendments? Director Gentry responded that “no man’s land” refers to, as the current regulations require, the unusable area created between the back of the sidewalk (or curb, gutter, and street, as applicable, if there is no sidewalk) and a six-foot fence located five feet behind the exterior side property line.

Commissioner Gall asked if there would be any impact to property taxes or other any financial impacts to property owners as a result of these proposed amendments being approved? Director Gentry responded that, no, there would no fiscal impact to property owners as the City is not proposing to relocate any property lines vis-à-vis right-of-way areas within Clayton.

Chair Wolfe asked what is the “sight vision triangle”? Director Gentry responded that the “sight vision triangle” is a triangular area bounded by the right-of-way lines and a diagonal line joining points of the right-of-way lines 35 feet back from the point of their intersection that prohibits fencing, structures, vegetation, or shrubbery above 30 inches in height from being located within this triangular area. This prohibition on height within this triangular area is to prevent sight obstructions at corners which improves safety for pedestrians and vehicles.

Chair Wolfe asked would these amendments impact the “sight vision triangle”? Director Gentry responded that there would be no impact to the “sight vision triangle” since fencing would still have to comply with the height limitations within this triangular area, regardless of whether or not these amendments are approved.

Commissioner Cloven asked staff if there has been any pushback regarding existing or these proposed amendments? Assistant Planner Sikela indicated, based on feedback received from property owners within the City, there is public support of these amendments because, with a six-foot fence being allowed to be located on the exterior property line, property owners would have a larger usable area of their property while still being able to maintain their privacy.

Chair Wolfe asked what does the eight-foot maximum fence height allowance pertain to? Director Gentry responded that the City Code allows an eight-foot fence height at the setback lines of the property so that an eight-foot fence could be located far inside the property and away from the property lines. This allowance for eight-foot fence heights could be for, but not limited to, increased privacy purposes or possible improvements to the property.

The public hearing was opened.

Paul Swiatko, 2 Regency Drive, expressed support for the amendment.

The public hearing was closed.

Commissioner Cloven expressed support for the amendment based on the amount of existing non-compliance throughout Clayton as related to existing exterior side yard fence locations. Approval of the amendments would allow for increased compliance throughout Clayton.

The rest of the Planning Commission concurred with Commissioner Cloven’s comments.

**Commissioner Cloven moved and Commissioner Chippero seconded a motion to adopt Resolution No. 06-17 recommending City Council approval of an Ordinance to allow six-foot fences to be placed at the property line or at the right-of-way line for exterior side setbacks. The motion passed 4-0.**

- 5.b. **ZOA-10-16, City of Clayton.** The City of Clayton is requesting a public hearing to consider a City-initiated Ordinance amending Title 17 “Zoning” of the Clayton Municipal Code in order to continue to prohibit outdoor cannabis cultivation for personal use, and to prohibit all commercial cannabis activities except for cannabis deliveries originating outside of the City.

The staff report was presented by Director Gentry.

Chair Wolfe asked why is this being brought before the Planning Commission again after we have reviewed this before? Director Gentry responded that, the last time it was brought before the Planning Commission, it was prior to the passage of Proposition 64. There were components involved with the passage of Proposition 64 including, but not limited to, testing facilities, deliveries, etc. that the City Code is silent on. As a result, we have brought those components back before the Planning Commission to address these adult use-related components in the City Code.

Commissioner Cloven asked what commercial licenses would be issued to address all the different adult use categories? Director Gentry responded that licenses could be issued for all commercial cannabis categories, so the proposed Ordinance would address all those components in order to provide clear direction to the State in regards to what is allowable and not allowable in Clayton when the State starts to issue licenses on January 2, 2018. The City still maintains police power in order to determine whether or not the City wants to allow these types of uses within its boundaries.

Commissioner Cloven expressed concern over enforcement of the delivery aspects of these types of uses. Director Gentry agreed that it would be a challenge to enforce but the City would have something Codified to prohibit delivery to such places as the Clayton Club or The Grove.

Commissioner Gall asked if someone orders product from a licensed retailer, how much product can they order? Director Gentry responded that, per State requirements, a person can order and legally possess a maximum of eight grams of concentrate, including edibles, and a maximum of 28.6 grams of flower or bud.

Commissioner Chippero asked if any deliver companies have applied for a City business license? Director Gentry answered that, yes, City business licenses have been applied for but the City has not issued any business license to the applicants. The City knows deliveries are occurring; through the website, weedmaps.com, because they provide deliveries to Clayton. These regulations hopefully provide an opportunity for delivery services to come out of the shadows and legalize their businesses.

Chair Wolfe asked if this Ordinance is strictly for outdoor uses? Director Gentry responded that the Ordinance is all-encompassing and will address all the different components of Proposition 64 including, but not limited to, testing, manufacturing, retail, distribution, etc. One of the reasons there is a continued prohibition on outdoor cultivation within Clayton is because, on December 20, 2016, the City Council enacted an emergency ordinance to prohibit outdoor cultivation for personal use. State law allows cities to prohibit outdoor cultivation for personal use.

Commissioner Cloven asked, since the emergency ordinance was passed by the City Council, has there been reports of greenhouses or other forms of outdoor cultivation in Clayton? Director Gentry indicated that no official complaints have been submitted to the City regarding this issue.

Commissioner Chippero asked if there had been any discussion by the City Council regarding fire risk implications that possibly could be caused by indoor grow operations? Director Gentry responded that the City Council chose not to regulate indoor grow operations as allowed per Proposition 64, but these types of issues would be regulated by State law for compliance with building and electrical codes.

The public hearing was opened.

Paul Swiatko, 2 Regency Drive, expressed concern over the amendment, specifically the potential enforcement aspects that may develop, people driving under the influence of marijuana, and other aspects related to State-regulated legalization of marijuana.

The public hearing was closed.

Commissioner Cloven had the following questions:

- The six-plant maximum allowance for residents means a maximum of six plants per house? Director Gentry responded it means six plants per house.
- Anything above that six-plant maximum would then be classified as commercial cultivation? Director Gentry responded, yes, that is correct.
- Commercial cultivation would be prohibited by the proposed Ordinance? Director Gentry responded, yes, that is correct.

**Commissioner Cloven moved and Chair Wolfe seconded a motion to adopt Resolution No. 05-17 recommending City Council approval of an Ordinance in order to continue to prohibit outdoor cannabis cultivation for personal use, and to prohibit all commercial cannabis activities except for cannabis deliveries originating outside of the City. The motion passed 4-0.**

**6. OLD BUSINESS**

None.

**7. NEW BUSINESS**

None.

**8. COMMUNICATIONS**

8.a. Staff

None.

8.b. Commission

None.

**9. ADJOURNMENT**

- 9.a. The meeting was adjourned at 7:52 p.m. to the regularly-scheduled meeting of the Planning Commission on November 14, 2017.

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Submitted by  
Mindy Gentry  
Community Development Director

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Approved by  
Carl Wolfe  
Chair


Community Development\Planning Commission\Minutes\2017\1024



**PLANNING COMMISSION  
STAFF REPORT**

**Meeting Date:** January 9, 2018

**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-01-18)

**Applicant:** City of Clayton

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**REQUEST**

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

**PROJECT INFORMATION**

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

**Property Owner:** City of Clayton

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

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

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

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

**Public Notice:** On December 21, 2017, 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 December 29, 2017 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 Environmental Study/Mitigated Negative Declaration (ENV 01-08) and approved the Creekside Terrace Mixed Use Development Plan (DP 01-08) and Vesting Tentative Map (MAP 02-09) (**Attachment B**). Section 17.28.190 of the Clayton Municipal Code (CMC) states that “if within 18 months after the approval by the City Council of the Development Plan Permit, construction has not commenced, then the Development Plan Permit shall become null and void.” Since the July 6, 2010 approval, there have been efforts to market the project to a developer in order to initiate construction. The land owner and project sponsor is the City of Clayton. There had been an offer made by a prospective developer to purchase the subject property; however, those negotiations have fallen through and currently there is no interest from the development community in the property.

The City holds title to the underlying land and improvements on the three subject parcels that comprise the project site on the west side of Oak Street between Center Street and High Street in the Town Center. Two of the properties front directly onto Oak Street and contain existing vacant modular buildings (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 enhancing the presently unimproved terminus of Center Street with riparian vegetation and creating a seating area with environmental education boards describing the natural setting of Mitchell Creek. Additionally, a conservation easement is required to be created in order to maintain the upslope western parcel immediately adjoining and west of Mitchell Creek. Improvements associated with the project as well as on-going responsibility to maintain the areas at the terminus of Center Street and the parcel west of Mitchell Creek—along with active open space areas within the proposed development—satisfies the City’s open space requirements.

## **TIME EXTENSIONS**

### ***Development Plan***

Section 17.28.190 of the CMC allows extensions of a Development Plan prior to its expiration up to one-year at a time by the Planning Commission or City Council. 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. On December 8, 2015, the Planning

Commission approved a one-year extension for the Development Plan, extending the approval to January 6, 2017. On December 13, 2016, the Planning Commission approved a one-year extension for the Development Plan, extending the approval to January 6, 2018. 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 to January 9, 2019, 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 was extended to July 6, 2016. On December 8, 2015, the Planning Commission approved a six-month extension of the Creekside Terrace Vesting Tentative Map from July 6, 2016 to January 6, 2017—as is allowed per the time extension provision for maps listed in CMC Section 16.06.030—in order to have the expiration dates for both the Development Plan and Vesting Tentative Map occur simultaneously on January 6, 2017. On December 13, 2016, the Planning Commission approved a one-year extension for the Creekside Terrace Vesting Tentative Map, extending the approval to January 9, 2018. In order to keep the Vesting Tentative Map current for future development negotiations and opportunities, the City is seeking Planning Commission approval of a one-year extension of the Vesting Tentative Map to January 9, 2019, in accordance with CMC Section 16.06.030.

**REGULATORY APPLICABILITY**

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

**RECOMMENDATION**

Staff recommends that the Planning Commission adopt the attached Resolution No. 01-18, thereby extending for one year the Creekside Terrace Development Plan and Vesting Tentative Map from January 6, 2018 through January 9, 2019 (**Attachment C**).

**ATTACHMENTS**



- A. Vicinity Map
- B. Approved Creekside Terrace Mixed Use Project Development Plan
- C. Commission Resolution No. 01-18 (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.1.9.18

**ATTACHMENT A**

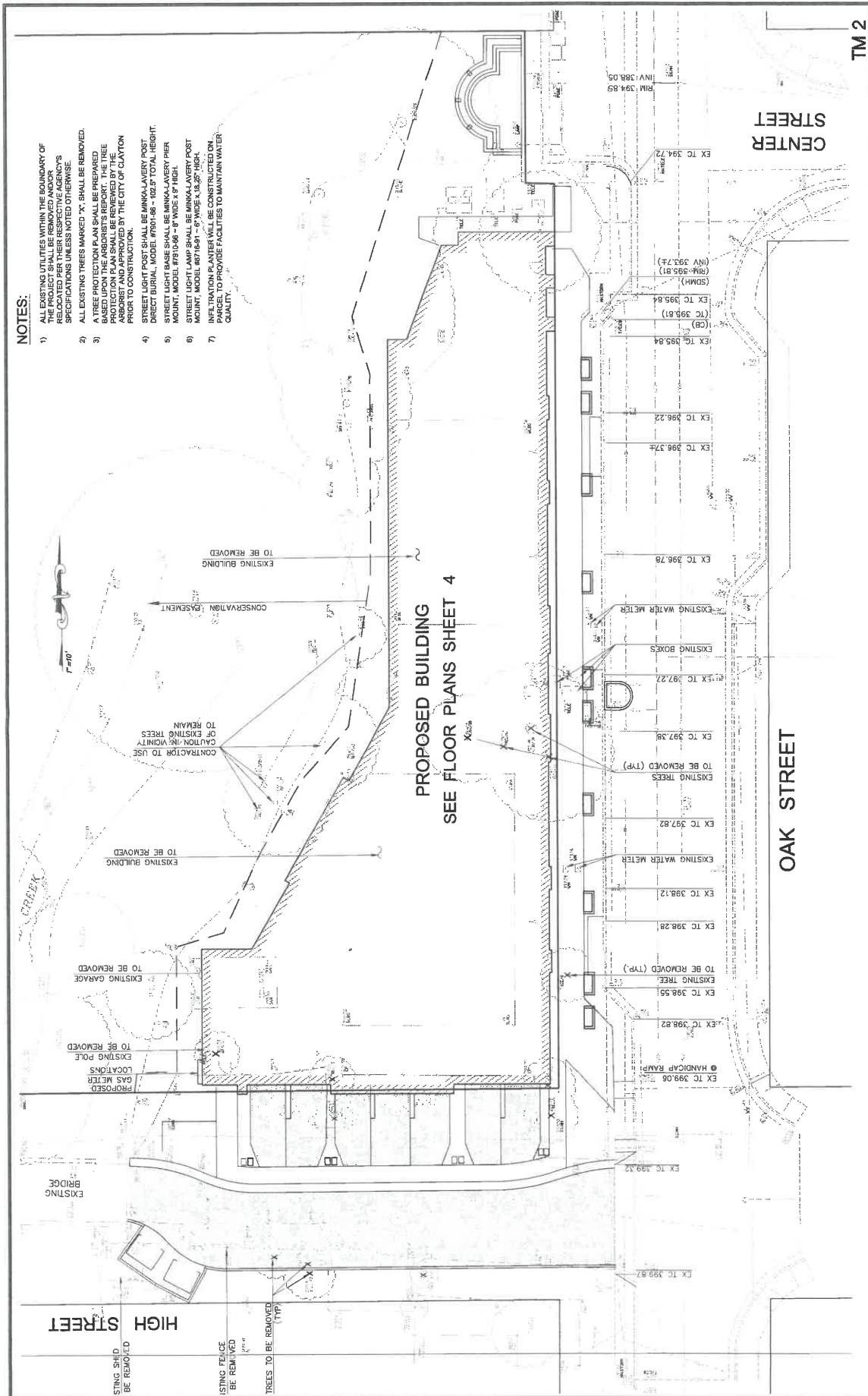


**VICINITY MAP**

	<p><b>Creekside Terrace</b> ENV-01-08, DP-01-08, MAP-02-09, TE-01-18 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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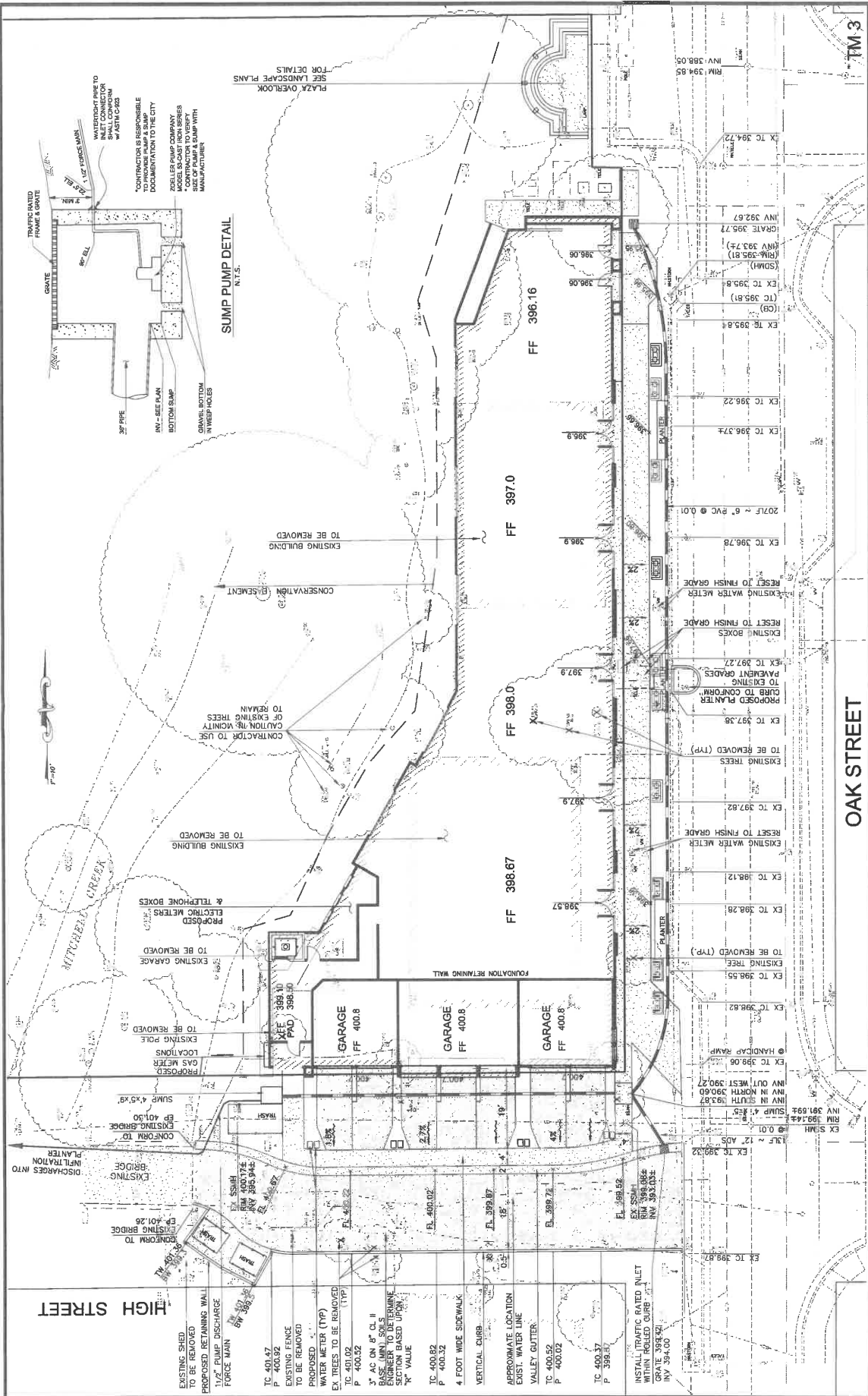
**NOTES:**

- 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 MINIKALAVERY POST DIRECT BURIAL, MODEL #701-86 - 102.0" TOTAL HEIGHT.
- 5) STREET LIGHT BASE SHALL BE MINIKALAVERY PIER MOUNT, MODEL #910-88 - 8" WIDE X 4" HIGH.
- 6) STREET LIGHT LAMP SHALL BE MINIKALAVERY POST MOUNT, MODEL #871-84 - 5" WIDE X 36.25" HIGH.
- 7) INFILTRATION PATTERN SHALL BE CONSTRUCTED ON TOP OF EXISTING FACILITIES TO MAINTAIN WATER QUALITY.

**PROPOSED BUILDING  
SEE FLOOR PLANS SHEET 4**

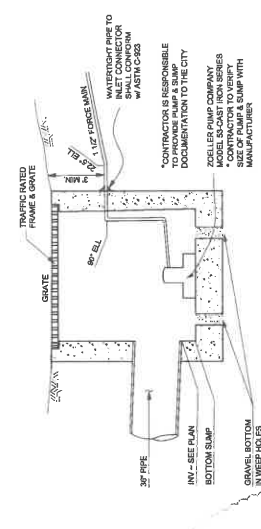
**TM 2**

<b>VESTING TENTATIVE MAP</b>		<b>TENTATIVE MAP 01-08 CREEKSIDE COMMONS 1005 &amp; 1007 OAK STREET CONTRA COSTA COUNTY</b>		<b>CITY OF CLAYTON</b>	
JAMES E. DOUGLAS REGISTERED DATE: 00/11/03		R.C.E. 2018		CALIFORNIA	
REVISIONS	DATE				
<b>DeBolt Civil Engineering</b> 811 San Ramon Valley Boulevard Danville, California, 94526 Tel: 925/837-3780 Fax: 925/837-4378 www.dbo.lt.com					



EXISTING SHED TO BE REMOVED  
 PROPOSED RETAINING WALL  
 1/2" PUMP DISCHARGE FORCE MAIN  
 EXISTING FORCE MAIN TO BE REMOVED  
 PROPOSED WATER METER (TYP)  
 EX TREES TO BE REMOVED (TYP)  
 3" AC ON 8" CL II BASE (MIN) SOLS ENGINEER TO DETERMINE SECTION BASED UPON R VALUE  
 TC 400.82 P 400.32  
 TC 400.82 P 400.32  
 4 FOOT WIDE SIDEWALK  
 VERTICAL CURB  
 APPROXIMATE LOCATION EAST WATER LINE VALLEY GUTTER  
 TC 400.52 P 400.02  
 TC 400.37 P 399.11  
 INSTALL TRAFFIC RATED INLET GRATE 398.54 INV 394.00

**SUMP PUMP DETAIL**  
 N.T.S.



CONTRACTOR IS RESPONSIBLE TO PROVIDE PUMP & SUMP DISSECTION TO THE CITY  
 ZELLER PUMP COMPANY  
 CONTRACTOR TO VERIFY SIZE OF PUMP & SUMP WITH MANUFACTURER

PLAZA OVERLOOK  
 SEE LANDSCAPE PLANS FOR DETAILS

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

**PRELIMINARY GRADING and DRAINAGE PLAN**

CITY OF CLAYTON

CALIFORNIA

JAMILE DOONS  
 RENEWAL DATE 09/12  
 R.C.E. 0718

#	REVISIONS	DATE



**DeBolt Civil Engineering**  
 811 San Ramon Way  
 Danville, California 94526  
 Tel: 925/837-3780  
 Fax: 925/837-4378  
 08/13









Architectural Site Plan

SHEET TITLE

COPYRIGHT: 2010 VZIX

CHKD BY: [Signature]

MODEL FILE: [File Name]

PROJECT NO: 200716

MAR. DATE: [Date]

PC SUBM: [Status]

5th Bldg: [Status]

1st Bldg: [Status]

# Creekside Terrace

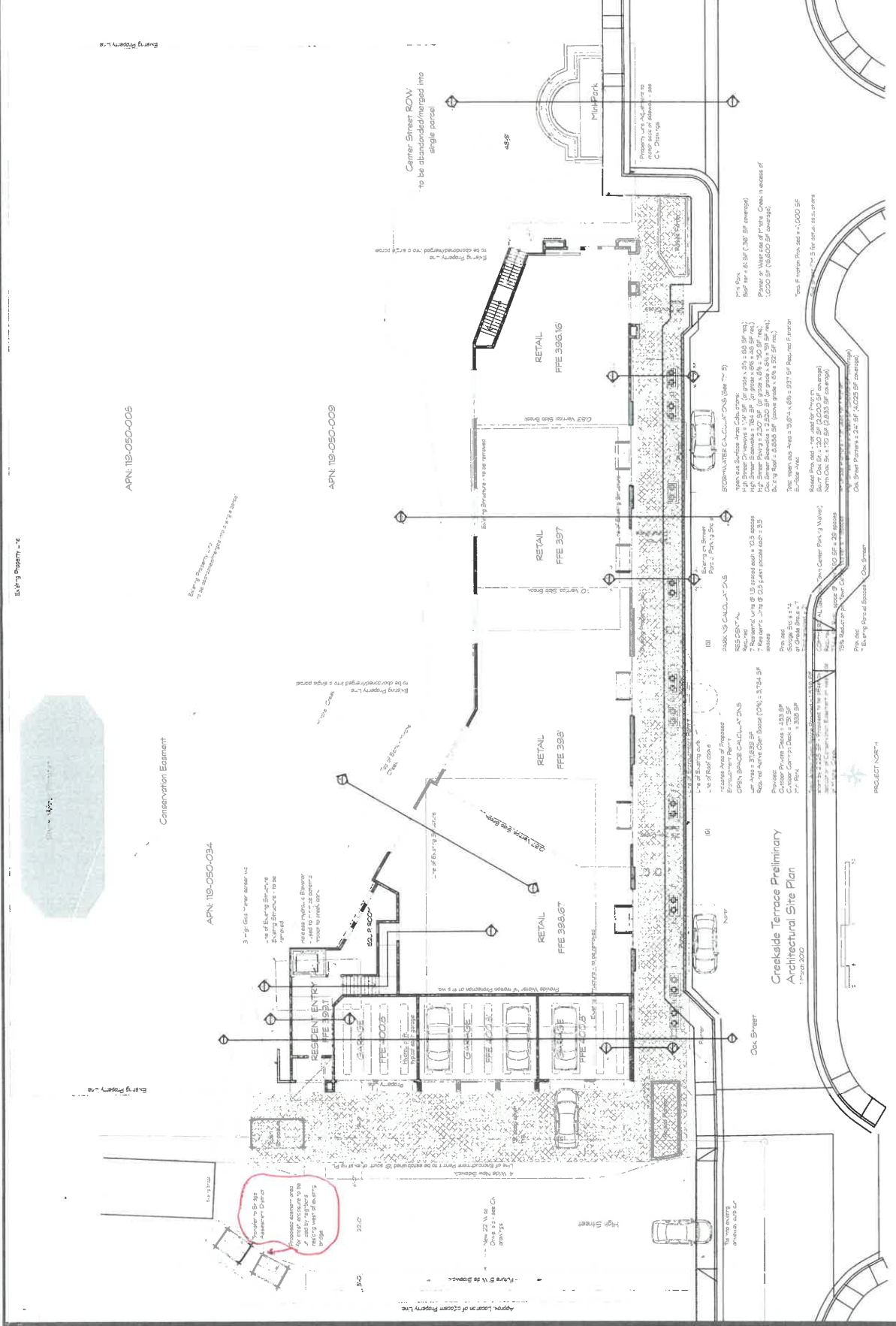
1005 - 1007 Oak Street, Clayton, CA

City of Clayton, Redevelopment Agency



CONSULTANTS

f/x  
PO Box 974  
Clayton, CA 94517





fix  
 PO Box 974  
 Clayton, CA 94517

CONSULTANTS



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

NO.	DATE	DESCRIPTION
06	10/27/00	Rev. Submitted
07	11/23/00	Rev. Submitted
08	3/26/01	PC Submitted

PROJECT NO.: 200106  
 MODEL FILE:  
 DRAWN BY: nrs  
 CHECK BY: nrs  
 COPYRIGHT: 2010 VIZIA

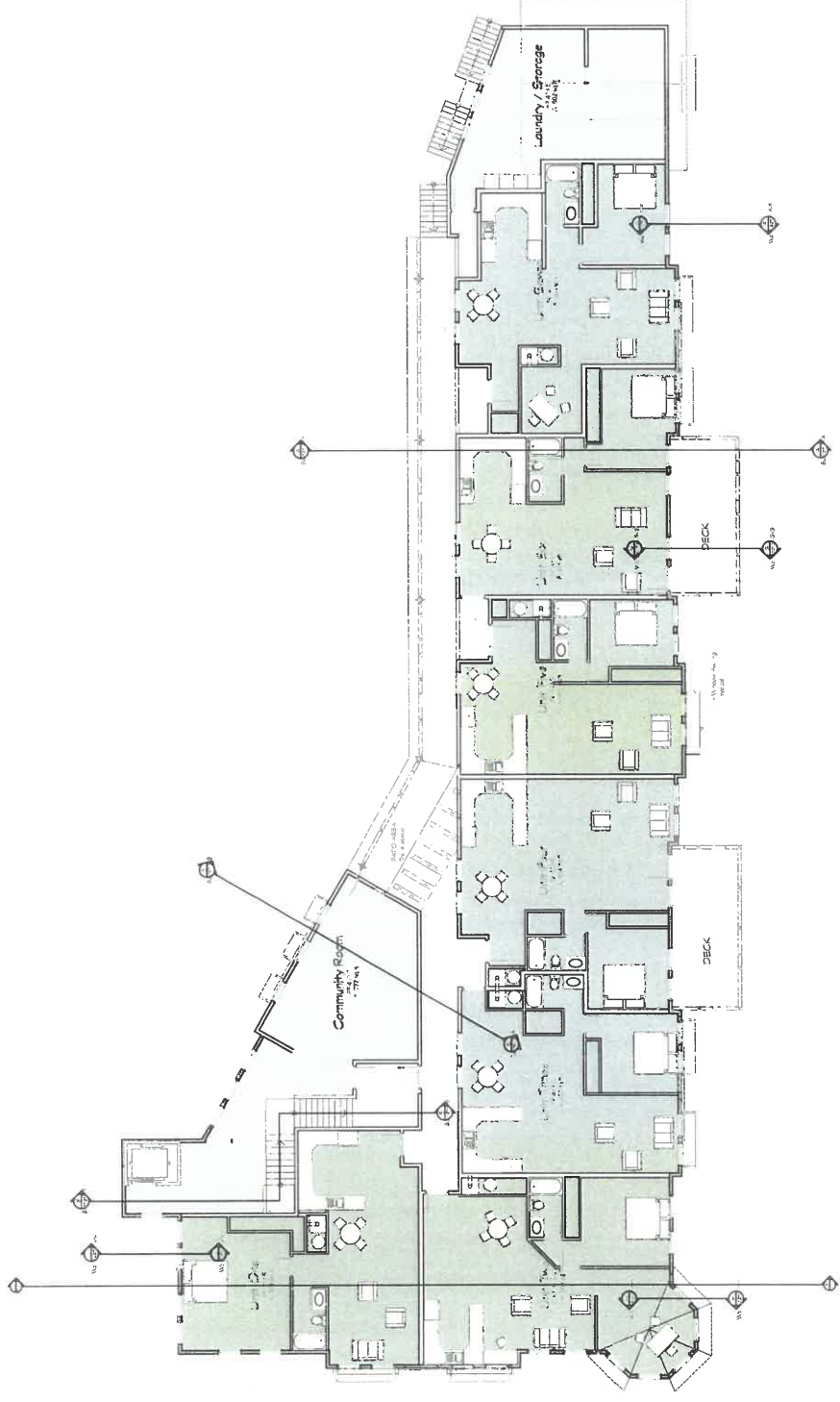
SHEET TITLE

2nd Floor Plan

A-1.3

SHEET 10 OF 17

8-10



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

# A-1.4

## Roof Plan

SHEET TITLE

COPYRIGHT: 200 VIZIA

CHCO BY: rns

DRAWN BY: rns

MODEL FILE:

PROJECT NO.: 200706

MAN/DRAWN/DATE

PC Submittal

3/26/10

Rev. Submittal

4/23/10

Rev. Submittal

6/21/10

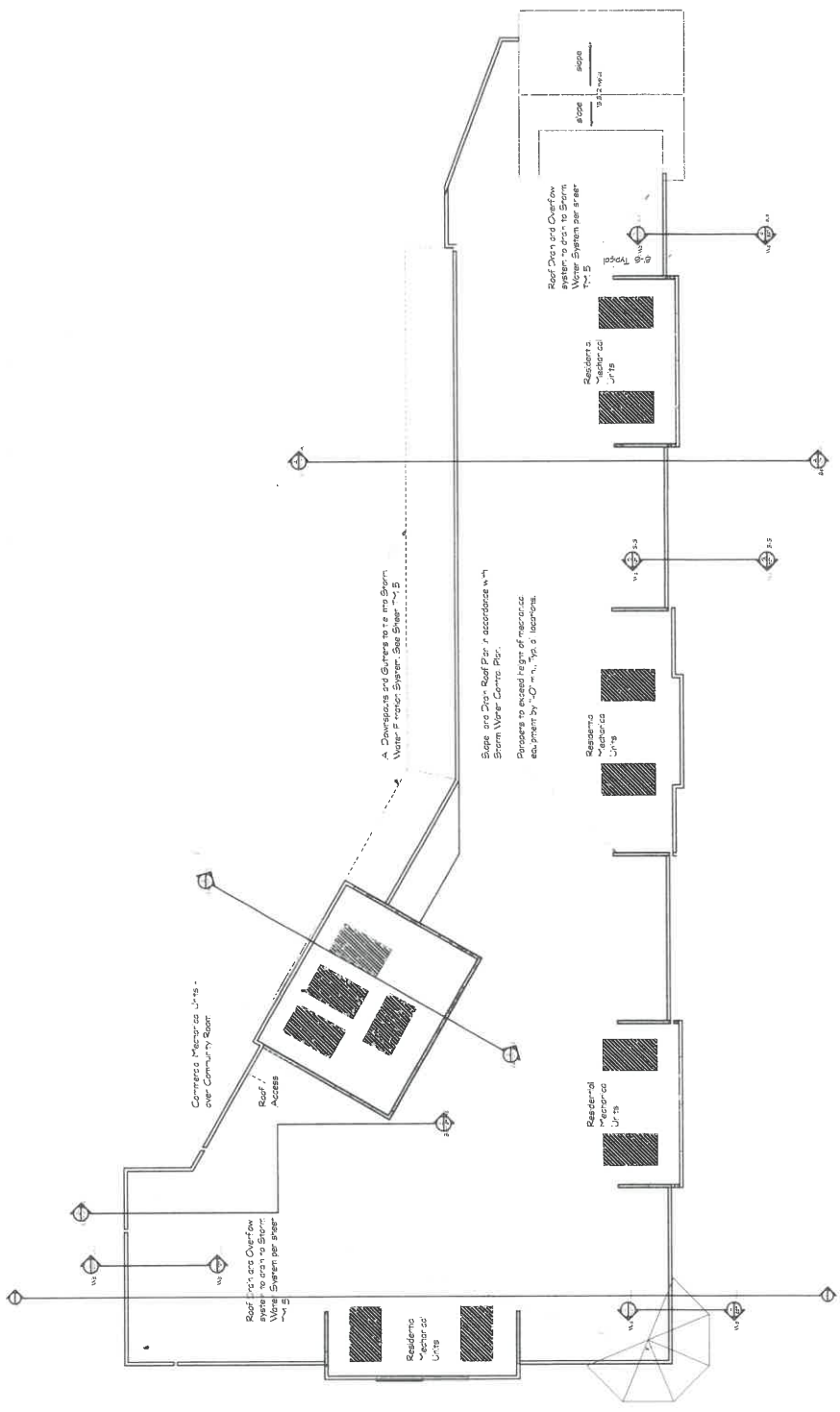
### Creekside Terrace

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



CONSULTANTS

PO Box 974  
Clayton, CA 94517  
f/x



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

PO Box 974  
Clayton, CA 94517  
f/x



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

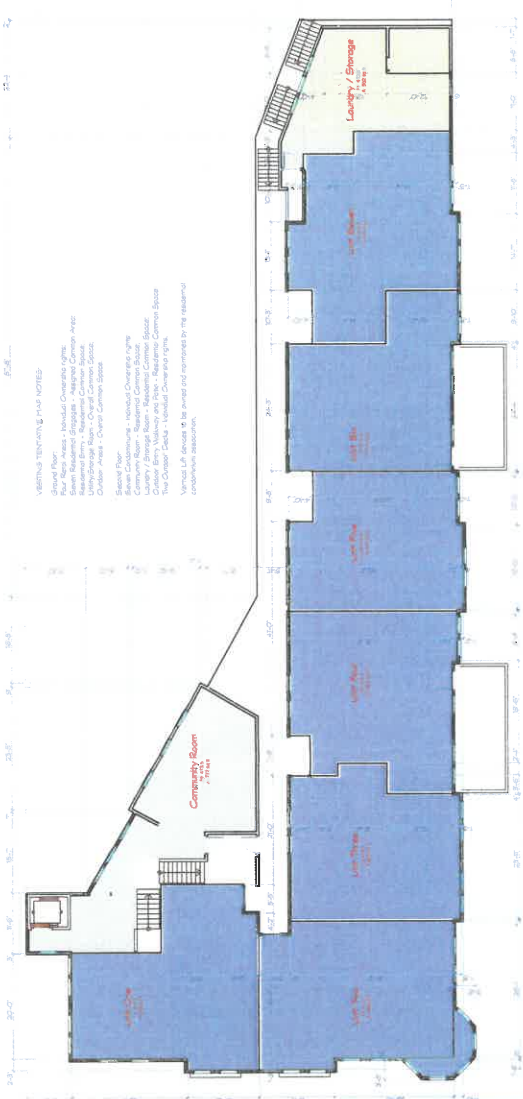
NO.	DATE	REVISION / DESCRIPTION
06	6/2/10	Rev. Submitted
05	4/25/10	Sign Submitted
04	3/9/10	PC Submitted
03	3/9/10	PC Description

PROJECT NO. 200016  
MODEL FILE: rns  
DRAWN BY: rns  
CHECK BY: rns  
COPYRIGHT: 2000 VIZ/CA

SHEET TITLE  
TM - Layout 4th Ct

A-1.5  
SHEET 12 OF 17

B-12



**VERTICAL TYPING AND NOTES:**  
 - 1st Floor  
 - 2nd Floor  
 - 3rd Floor  
 - 4th Floor  
 - 5th Floor  
 - 6th Floor  
 - 7th Floor  
 - 8th Floor  
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 - 33rd Floor  
 - 34th Floor  
 - 35th Floor  
 - 36th Floor  
 - 37th Floor  
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 - 85th Floor  
 - 86th Floor  
 - 87th Floor  
 - 88th Floor  
 - 89th Floor  
 - 90th Floor  
 - 91st Floor  
 - 92nd Floor  
 - 93rd Floor  
 - 94th Floor  
 - 95th Floor  
 - 96th Floor  
 - 97th Floor  
 - 98th Floor  
 - 99th Floor  
 - 100th Floor

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



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

**GLASS FLOOD BARRIERS**  
 FLOOD BARRIERS BUILT TO LAST  
 PREVENTS  
 DAMAGE TO PROPERTY AND CONTENTS  
 FROM FLOODING  
 SEVENSON TRAINS  
 THE ONLY TRAINS WITH  
 A 100% GUARANTEE

**Glass Flood Barrier**

Primary Features:  
 - Clear glass panels  
 - Aluminum frame  
 - Easy to install  
 - Durable  
 - Fire resistant

**Auto Lift Cut Sheet**

Model	Height	Width	Weight
ALC-100	100"	48"	150 lbs
ALC-120	120"	48"	180 lbs
ALC-140	140"	48"	210 lbs
ALC-160	160"	48"	240 lbs
ALC-180	180"	48"	270 lbs
ALC-200	200"	48"	300 lbs

**Holeless Elevator Cut Sheet**

Model	Height	Width	Weight
HE-100	100"	48"	150 lbs
HE-120	120"	48"	180 lbs
HE-140	140"	48"	210 lbs
HE-160	160"	48"	240 lbs
HE-180	180"	48"	270 lbs
HE-200	200"	48"	300 lbs

**Holeless Hydraulic Passenger Elevators**

PLANNING AND DESIGN GUIDE  
 Holeless Hydraulic Passenger Elevators  
 The holeless hydraulic passenger elevator is a modern, safe, and reliable mode of vertical transportation. It is designed to provide a smooth and comfortable ride for passengers. The holeless design allows for a clean, unobstructed interior space. The hydraulic system is quiet and energy-efficient. The elevators are available in a variety of sizes and configurations to meet your specific needs. Contact us today for more information.

**Holeless Elevator Cut Sheet**

Model	Height	Width	Weight
HE-100	100"	48"	150 lbs
HE-120	120"	48"	180 lbs
HE-140	140"	48"	210 lbs
HE-160	160"	48"	240 lbs
HE-180	180"	48"	270 lbs
HE-200	200"	48"	300 lbs

**Holeless Elevator Cut Sheet**

Model	Height	Width	Weight
HE-100	100"	48"	150 lbs
HE-120	120"	48"	180 lbs
HE-140	140"	48"	210 lbs
HE-160	160"	48"	240 lbs
HE-180	180"	48"	270 lbs
HE-200	200"	48"	300 lbs

**Holeless Elevator Cut Sheet**

Model	Height	Width	Weight
HE-100	100"	48"	150 lbs
HE-120	120"	48"	180 lbs
HE-140	140"	48"	210 lbs
HE-160	160"	48"	240 lbs
HE-180	180"	48"	270 lbs
HE-200	200"	48"	300 lbs



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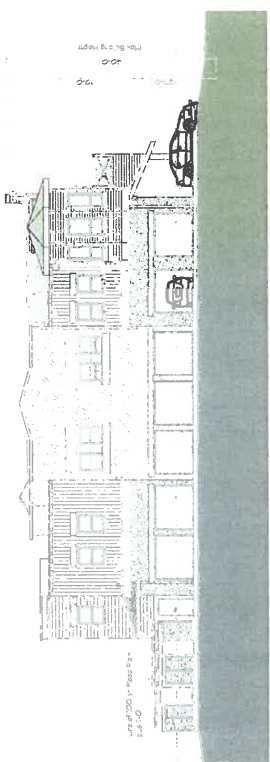
**Creekside Terrace**  
 1005 - 1007 Oak Street, Clayton, CA  
 City of Clayton, Redevelopment Agency

NO	6/27/0	Rev. Submitted
NO	7/1/0	Rev. Submitted
NO	3/8/0	PC Submitted
MARK/DRAWN DATE DESCRIPTION		
PROJECT NO. 20016		
MODEL FILE		
DRAWN BY: oas		
CHKD BY: oas		
COPYRIGHT: 2010 VIZTK		

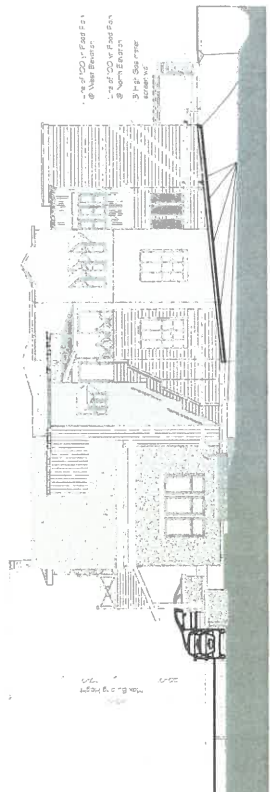
Elevations  
 SHEET TITLE

**A-2.1**  
 SHEETS 9 OF 17

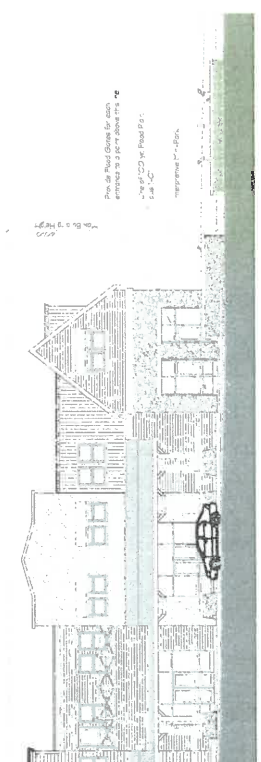
**B-13**



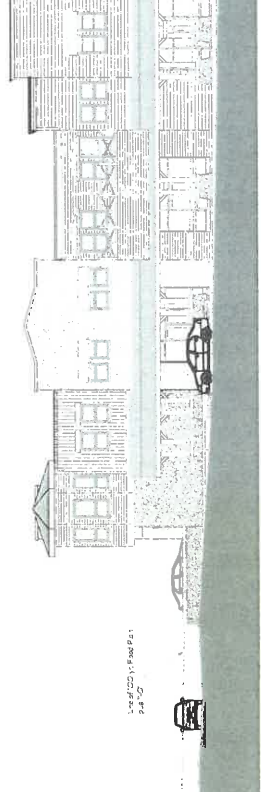
**North Elevation**  
 SCALE 3/32" = 1'-0"



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



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



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

f/x  
 PO Box 974  
 Clayton, CA 94517

CONSULTANTS



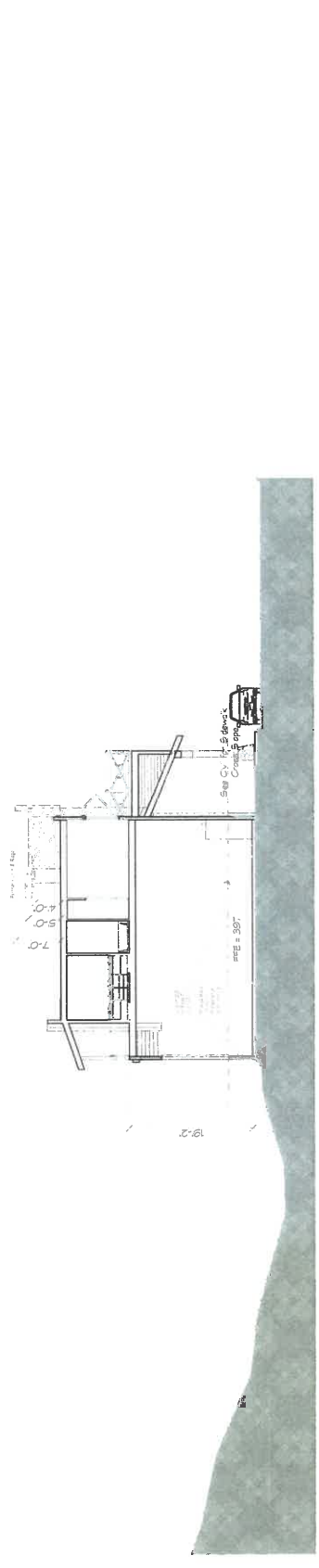
City of Clayton, Redevelopment Agency  
 1005 - 1007 Oak Street, Clayton, CA  
**Creekside Terrace**

NO.	DATE	DESCRIPTION
16	10/20/00	Rev. Submitted
15	10/20/00	Rev. Submitted
14	10/20/00	PC Submitted

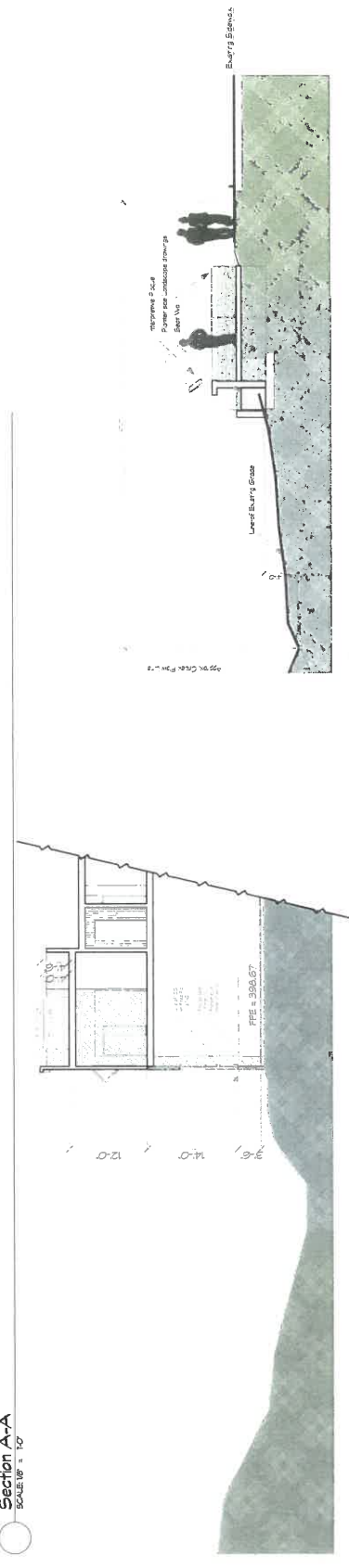
PROJECT NO: 20016  
 MODEL FILE: nbs  
 DRAWN BY: nbs  
 CHECK BY: nbs  
 COPYRIGHT: 2010 VZKA

SHEET TITLE  
 Sections

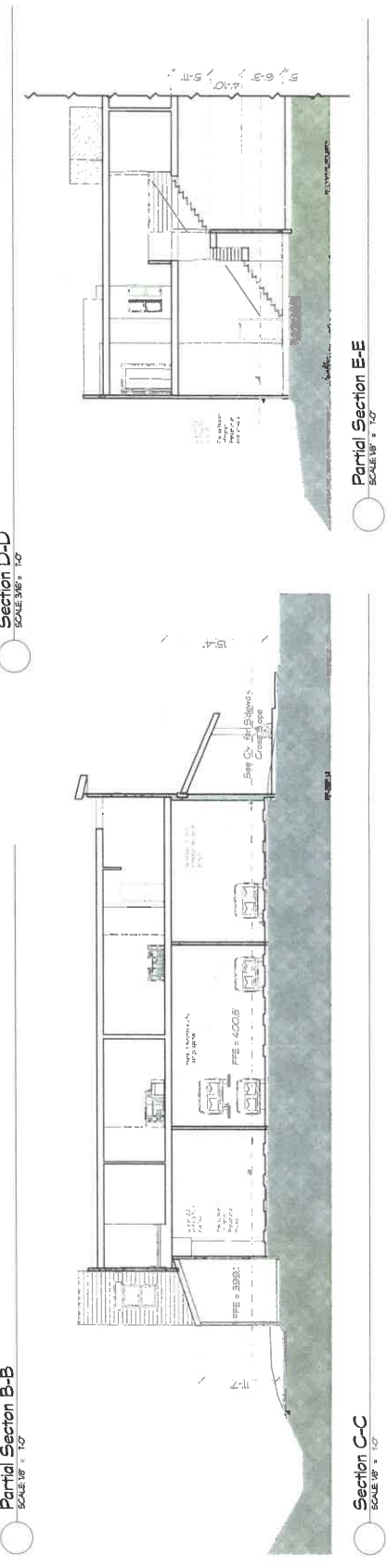
A-3.1  
 SHEET 14 OF 17



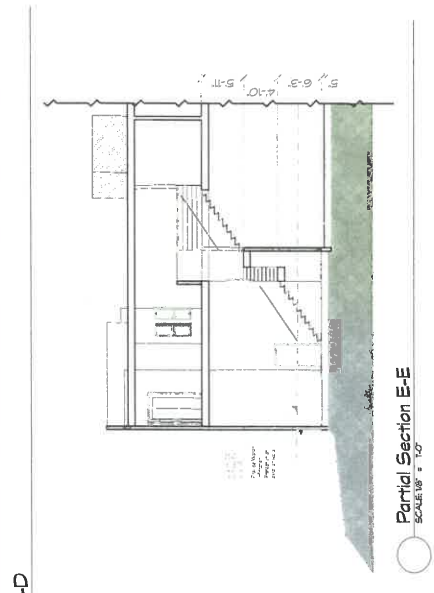
Section A-A  
 SCALE 1/8" = 1'-0"



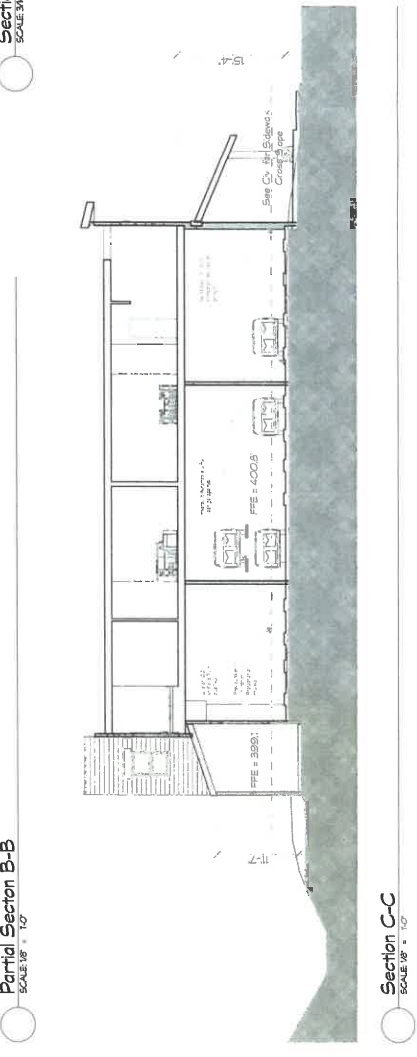
Partial Section B-B  
 SCALE 1/8" = 1'-0"



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"

Wall Sections and Details

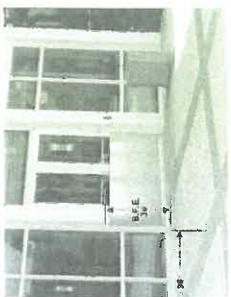
PROJECT NO.	210016
MODEL FILE	
DRAWN BY	008
CHECK BY	008
COPYRIGHT	2010 VIZIA

NO.	REV.	DATE	DESCRIPTION
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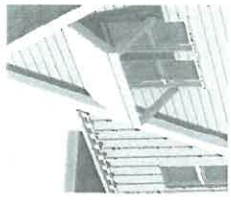
Creekside Terrace  
1005 - 1007 Oak Street, Clayton, CA  
City of Clayton, Redevelopment Agency



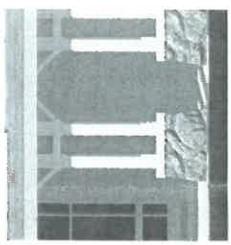
CONSULTANTS  
f/x  
PO Box 974  
Clayton, CA 94517



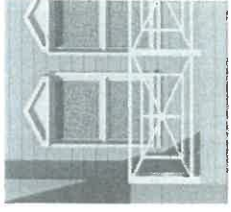
Flood Gates



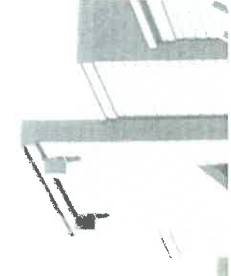
Window Awning



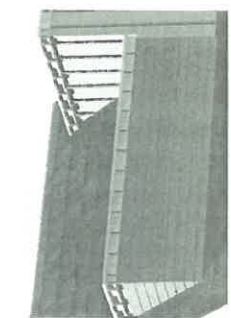
Retail Columns



Railing Detail



Parapets



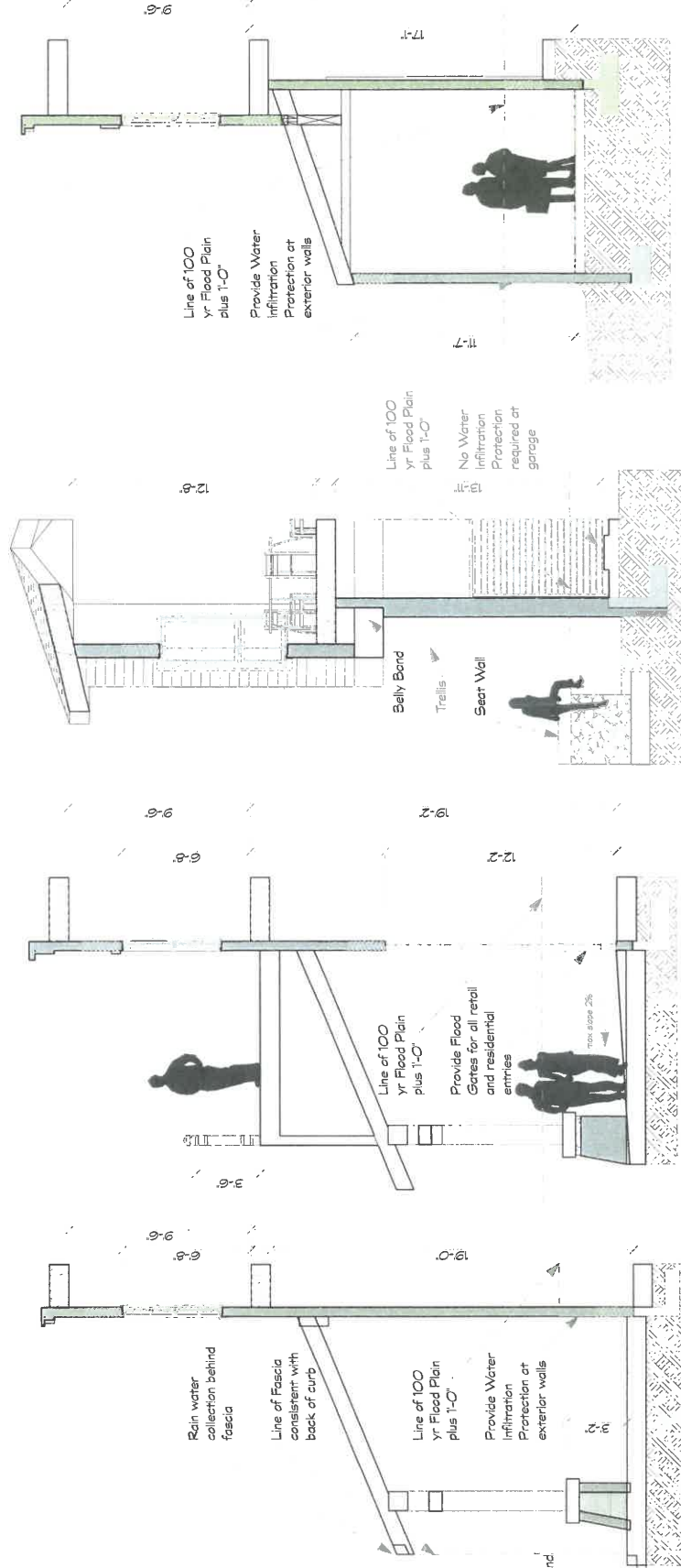
Dental Molding

Wall Section J-J  
SCALE: 3/8" = 1'-0"

Wall Section H-H  
SCALE: 3/8" = 1'-0"

Wall Section G-G  
SCALE: 3/8" = 1'-0"

Wall Section F-F  
SCALE: 3/8" = 1'-0"



Color and Materials  
Board

SHEET TITLE

PROJECT NO: 210016

DATE: 08/20/20

DRAWN BY: [Name]

CHECK BY: [Name]

COPYRIGHT: 2010 VIZVA

NO.	DATE	DESCRIPTION
01	08/20/20	Rev. 5/11/20
02	08/20/20	Rev. 5/11/20
03	08/20/20	Rev. 5/11/20

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



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**1** BRICK (see section) - Vertical  
1/2" x 4" x 8" (1/2" thick)  
with mortar joints  
Color: "Antique Red"  
1/2" x 4" x 8" (1/2" thick)  
with mortar joints  
Color: "Antique Red"  
1/2" x 4" x 8" (1/2" thick)  
with mortar joints  
Color: "Antique Red"

**2** DASHED BRICK (see section) - Vertical  
1/2" x 4" x 8" (1/2" thick)  
with mortar joints  
Color: "Antique Red"  
1/2" x 4" x 8" (1/2" thick)  
with mortar joints  
Color: "Antique Red"

**3** BRICK (see section) - Vertical  
1/2" x 4" x 8" (1/2" thick)  
with mortar joints  
Color: "Antique Red"  
1/2" x 4" x 8" (1/2" thick)  
with mortar joints  
Color: "Antique Red"

**4** LAP SIDING - Cream  
Material: Lap siding  
Color: "Cream"  
with mortar joints  
Color: "Cream"

**5** PIGEON CLAY (see section) - Vertical  
1/2" x 4" x 8" (1/2" thick)  
with mortar joints  
Color: "Pigeon Clay"

**6** BRICK (see section) - Vertical  
1/2" x 4" x 8" (1/2" thick)  
with mortar joints  
Color: "Antique Red"

**7** BRICK (see section) - Vertical  
1/2" x 4" x 8" (1/2" thick)  
with mortar joints  
Color: "Antique Red"

**8** STONE  
Material: Stone  
Color: "Stone"

**9** FLOORING  
Material: Flooring  
Color: "Flooring"

**10** FLOORING  
Material: Flooring  
Color: "Flooring"

**11** FLOORING  
Material: Flooring  
Color: "Flooring"

Always displaying Division 5 Permit  
Material: Material

Color and Materials - East Elevation

View From Flora Square

SHEET TITLE

PROJECT NO: 20006  
DRAWN BY: rrs  
CHECK BY: rrs  
COPYRIGHT: 2010 VIZIX

NO	DATE	DESCRIPTION
01	6/27/06	Rev. Submitting
02	4/23/06	Sign Submitting
03	4/23/06	PC Submitting
04	3/30/06	PC Submitting
05	3/30/06	PC Submitting

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



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View from Flora Square

View From High Street

View from High Street



NO.	REVISION DATE	DESCRIPTION
006	6/27/10	Rev. Submittal
005	4/23/10	Sign. Submittal
004	3/29/10	PC Submittal

PROJECT NO.: 2007016  
 MODEL FILE:  
 DATE PLOTTED: 08/08/10  
 CADD: B. C.  
 COPYRIGHT: 2010 VEM

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



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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

Uniform 8" Lettering  
Uniform 9" Lettering  
Accented 8" Lettering  
Accented 9" Lettering

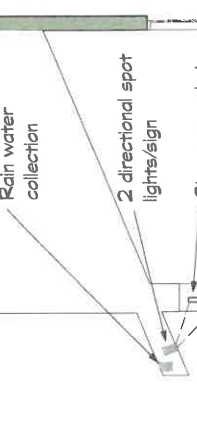
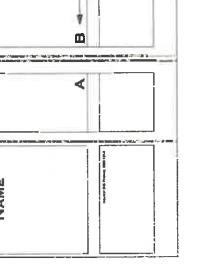
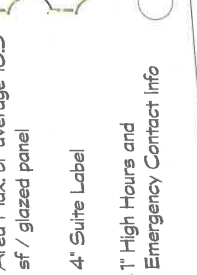
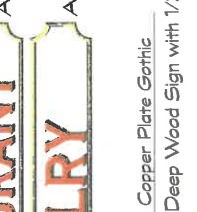
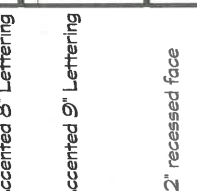
Lettering Styles - Font = Copper Plate Gothic  
2" Deep Wood Sign with 1/2" recessed face  
Signs suspended from beam @ overhang by metal chain and eyelets  
1" Radius edge  
Painted Brown backing with Cream colored lettering field  
Rust colored 8" or 9" Raised Copper Plate Gothic Metal Lettering

Signage Calculations  
200 sf max signage allowable  
Hanging Signs: 7sf/sign x 7 signs = 49 total sf of hanging signage  
Monument Sign: 2x10 = 20 sf of monument sign  
Max. 131 sf of window signage allowed. 10.9 sf/panel (12 panels)

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

Signage Locations  
SCALE: 1/2" = 1'-0"

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



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

PROJECT NO: 200216  
DATE: 05/21/10  
DRAWN BY: rcs  
CHECKED BY: rcs  
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STATE OF CALIFORNIA  
REGISTERED ARCHITECT  
N. 14976  
VERA & ASSOCIATES  
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Building Signage  
SHEET 20 OF 17  
A-G.1

PROJECT NO: 200216  
DATE: 05/21/10  
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Building Signage  
SHEET 20 OF 17  
A-G.1

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Building Signage  
SHEET 20 OF 17  
A-G.1

PROJECT NO: 200216  
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Building Signage  
SHEET 20 OF 17  
A-G.1

PROJECT NO: 200216  
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Building Signage  
SHEET 20 OF 17  
A-G.1

PROJECT NO: 200216  
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Building Signage  
SHEET 20 OF 17  
A-G.1

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Building Signage  
SHEET 20 OF 17  
A-G.1

PROJECT NO: 200216  
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Building Signage  
SHEET 20 OF 17  
A-G.1

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Building Signage  
SHEET 20 OF 17  
A-G.1

PROJECT NO: 200216  
DATE: 05/21/10  
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Building Signage  
SHEET 20 OF 17  
A-G.1



# ATTACHMENT C

## CITY OF CLAYTON PLANNING COMMISSION RESOLUTION NO. 01-18

---

### TIME EXTENSION OF THE CREEKSIDE TERRACE DEVELOPMENT PLAN AND VESTING TENTATIVE MAP (TE-01-18 for DP-01-08 and MAP-02-09)

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

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

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

**WHEREAS**, Section 17.28.190 of the Clayton Municipal Code allows approval of one-year incremental time extensions by the Planning Commission or the City Council of a Development Plan 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

C-1

**Planning Commission  
Resolution No. 01-18**

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

**WHEREAS**, in accordance with Section 17.28.190 of the Clayton Municipal Code, the Planning Commission held a duly-noticed public hearing on December 10, 2013 to consider 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**, in order to keep the Vesting Tentative Map alive for future development negotiations and opportunities, and in order to have consistent time extensions between the Development Plan and Vesting Tentative Map, the City sought Planning Commission approval of a six-month time extension of the Vesting Tentative Map; and

**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; and

**Planning Commission  
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**WHEREAS**, at their meeting of December 8, 2015, the Planning Commission approved the time extension request, extending the approval of the project until January 6, 2017; and

**WHEREAS**, in accordance with Sections 16.06.030 and 17.28.190 of the Clayton Municipal Code, the Planning Commission held a duly-noticed public hearing on December 13, 2016 to consider the request for the subject one-year time extension of the Development Plan and Vesting Tentative Map and gave due consideration to all testimony, comments, and documents received regarding the time extension request; and

**WHEREAS**, at their meeting of December 13, 2016, the Planning Commission approved the time extension request, extending the approval of the project until January 6, 2018; and

**WHEREAS**, 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 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 January 9, 2018 to consider the request for the subject one-year time extension of the Development Plan and the Vesting Tentative Map and gave due consideration to all testimony, comments, and documents received regarding the time extension request.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission finds the previously-stated recitals to be true and accurate and, accordingly, approves the request for a one-year time extension of the Creekside Terrace Development Plan and Vesting Tentative Map from January 6, 2018 to January 6, 2019, 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 9<sup>th</sup> day of January 2018.

C-3

**Planning Commission  
Resolution No. 01-18**

APPROVED:

ATTEST:

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Carle Wolfe  
Chair

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Mindy Gentry  
Community Development Director

**EXHIBIT**

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

# EXHIBIT A

## RESOLUTION NO. 27-2010

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED THAT:**

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

**NOW, THEREFORE, BE IT FURTHER RESOLVED THAT:**

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

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

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

**NOES:** None.


**ABSENT:** None.

**ABSTAIN:** None.

THE CITY COUNCIL OF CLAYTON, CA

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

**ATTEST:**

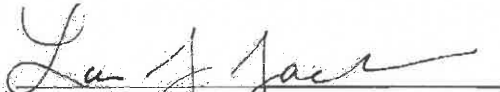
  
\_\_\_\_\_  
Laci J. Jackson, City Clerk

**Attachments:**

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

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

  
Laci J. Jackson, City Clerk

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