

**BEFORE THE CITY COUNCIL OF THE CITY OF LAFAYETTE**

**IN THE MATTER OF:**

**Ordinance 612**

City-initiated zoning text amendment to create an Overlay District (alternate zoning), Design Guidelines and Vision Maps for a combined shared parking lot behind the buildings on Plaza Way and Golden Gate Way, referred to as the "Plaza Way Overlay District" encompassing nine (9) parcels located on Plaza Way, Golden Gate Way, and Moraga Rd. (APNs) 243-223-001, 243-222-015, 16, 17, 19, 20, 23, 29 & 30.

**WHEREAS**, downtown Lafayette was established when the first Lafayette Grammar School opened in 1852 near the vicinity of Moraga Road and Mount Diablo Boulevard;

**WHEREAS**, in the 1860's, downtown included the Pioneer Store, the grammar school, a blacksmith shop and a hotel, all located around a dusty 100-foot by 150-foot triangular piece of open land now known as Lafayette Plaza;

**WHEREAS**, Plaza Way is home to three historical landmarks – Lafayette Plaza, the old Pioneer Store, and the Way Side Inn;

**WHEREAS**, Plaza Way's long and rich history and old pre-auto era buildings distinguish it from other parts of the downtown and since this block pre-dates Lafayette's incorporation by nearly a century, little room is provided for automobile parking;

**WHEREAS**, Plaza Way epitomizes Lafayette's past and the strict application of modern zoning and parking regulations make the properties non-viable and, as a result, will eventually destroy its quintessential character;

**WHEREAS**, the Lafayette General Plan calls for the conservation and enhancement of the area to fully realize its historical importance and strengthen Lafayette's sense of place;

**WHEREAS**, the Lafayette Downtown Specific Plan calls for the protection of its small village character and encourages retail, restaurants and cafes – uses that will optimize the utilization of the Plaza;

**WHEREAS**, today, a number of storefronts on Plaza Way are vacant and boarded up, including the iconic Park Theater;

**WHEREAS**, as a means to increase the amount of private investment in this block, add new tenants in the boarded up buildings and achieve greater levels of activity on Plaza Way and Lafayette Plaza, the City Council in July 2011 formed a subcommittee of City representatives to meet with the property owners and develop a parking solution for Plaza Way;

**WHEREAS**, the subcommittee recommended the creation of a special overlay zone for Plaza Way to the City Council as a means to achieve the City's vision and the City Council accepted this recommendation and authorized funds to prepare the Overlay documents;

**WHEREAS**, pursuant to the California Environmental Quality Act ("CEQA") the City analyzed the environmental impacts that would result from the proposed overlay zone and compared them to the impacts analyzed in the Environmental Impact Report ("EIR") previously prepared for the General Plan and determined that a mitigated negative declaration of environmental impact should be prepared pursuant to State CEQA Guidelines;

**WHEREAS**, on August 27, 2012, the Design Review Commission held a meeting and conducted a duly noticed public hearing on the vision maps and design guidelines of the overlay zone, at which time all persons wishing to testify were heard and the documents were studied;

**WHEREAS**, on September 4, 2012, the Planning Commission held a joint meeting with the Circulation Commission and Creeks Committee and conducted a duly noticed public hearing on the overlay zone and mitigated negative declaration of environmental impact, at which time all persons wishing to testify were heard and the issue was fully studied;

**WHEREAS**, on September 17, 2012, the Planning Commission held a second hearing on the overlay zone and mitigated negative declaration of environmental impact and recommended to the City Council the adoption of the mitigated negative declaration of environmental impact and approval of the amendment to the zoning ordinance to create the Plaza Way Overlay based on the following findings;

**WHEREAS**, on October 9, 2012, the City Council conducted a duly noted public hearing to review the additions to Chapter 6-13 of the Lafayette Municipal Code, at which time all persons wishing to testify in connection with the amendment were heard and considered; and

**WHEREAS**, all other legal prerequisites to the adoption of this ordinance have occurred.

**NOW THEREFORE BE IT RESOLVED THAT:**

**Section 1. Adoption of Amendment.** Based on the record before the City Council, all written and oral evidence presented to the Council, and the findings made in this Ordinance, the City Council hereby approves ZT04-12 adding Article 4 to Chapter 6-13 of the Lafayette Municipal Code, as described in Exhibit "A" attached hereto and incorporated herein by reference.

**Section 2. Public Records.** The location and custodian of the documents and any other material which constitute the record of proceedings upon which the City Council based its decision is as follows: City Clerk, City of Lafayette, 3675 Mt. Diablo Blvd. #210, Lafayette, California 94549.

**Section 3. Findings.** Pursuant to Lafayette Municipal Code Section 6-213 and based on the record before the City Council and all written and oral evidence presented to the Council, the City Council hereby makes and adopts the following findings:

1. The change proposed is consistent with the general plan and each element of it.

*The General Plan provides the following guidance for Plaza Way: "Conserve and enhance the Lafayette Plaza Character Area to fully realize its historical importance and strengthen Lafayette's sense of place. Lafayette Plaza Park is an important historical focal point of the Downtown which enhances the small scale village character."*

*Application of the regulations in the Overlay will help create an intimate, pedestrian-friendly area and maintain and enhance the historical character of buildings along Plaza Way. The Overlay's design guidelines will ensure that the small scale character of the area is preserved. Specialized high-quality, small to medium scale uses are proposed with the intent of creating a special place where people will gather and enjoy the Plaza. Through the Overlay, the theater façade and marquee will be preserved as a well-known and easily recognizable focal point of the downtown.*

2. In the case of a general land use regulation, the proposed change is compatible with the uses authorized in, and the regulations prescribed for, the land use district for which it is proposed; and with the regulations for other land use districts.

*The existing zoning is Retail Business which provides for retail and restaurant uses among others. The uses proposed in the Overlay are already permitted by right for these properties.*

3. Community need is demonstrated for the change proposed.

*Several of the buildings on Plaza Way are vacant and the owners have had difficulty leasing them because of their inability to meet current parking codes. The City recognizes that there is a need to improve the situation. Property owners are less likely to maintain their structures in a safe and attractive manner if they cannot rent their buildings. This Overlay will provide tools that will allow the buildings to be repaired and new tenants to occupy the space and enliven the area. It will increase the supply of on and off street parking within the area and improve pedestrian and vehicular circulation. This is a special area of town in which significant public funds that were spent on creating Lafayette Plaza. The application of the Overlay will increase the business activity in the block and bring more people to the Plaza which is a positive change for the community as a whole.*

**Section 4. CEQA.** The City finds and determines with certainty that zoning text described in ZT04-12 is subject to the requirements of the California Environmental Quality Act ("CEQA"), and has analyzed the environmental impacts that would result from the proposed overlay zone and compared them to the impacts analyzed in the Environmental Impact Report ("EIR") previously prepared for the General Plan and prepared a mitigated negative declaration of environmental impact pursuant to State CEQA Guidelines.

**Section 5. Notice of Determination.** The City Council directs staff to prepare and file a Notice of Determination no more than ten (10) working days after adoption of the Ordinance.

**Section 6. Effective Date.** This Ordinance becomes effective thirty (30) days after its adoption.

**Section 7. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or

phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

**Section 8. Publication.** The City Clerk shall either (a) have this Ordinance published in a newspaper of general circulation once within fifteen (15) days after its adoption, or (b) have a summary of this Ordinance published twice in a newspaper of general circulation, once five (5) days before its adoption and again within fifteen (15) days after adoption.

**Section 9. Certification.** The Secretary shall certify to the adoption of this Ordinance.


**PASSED AND ADOPTED** by the City Council of the City of Lafayette at a regular meeting on October 22, 2012, by the following vote:

**AYES:** Federighi, Anduri and Tatzin  
**NOES:** None  
**ABSENT:** M. Anderson and B. Andersson  
**ABSTAIN:** None

**ATTEST:**

  
\_\_\_\_\_  
Joanne Robbins, City Clerk

**APPROVED:**

  
\_\_\_\_\_  
Carol Federighi, Mayor

Attachments:

1. Exhibit "A" Plaza Way Overlay

## Article 4. Plaza Way Overlay District

### Sections:

- 6-1360 Plaza Way Overlay District.
- 6-1361 Purpose and Intent.
- 6-1362 Adoption of Maps and Guidelines.
- 6-1363 Definitions.
- 6-1364 Uses.
- 6-1365 Agreement Requirements.
- 6-1366 Process for Opting In.
- 6-1367 Decision and Findings.
- 6-1368 Appeal.

### **6-1360 Plaza Way Overlay District**

The Plaza Way Overlay District (map symbol PWO) is established to preserve and maintain the historical character of the block, encourage tenants who would take advantage of its central location and adjacency to Lafayette Plaza, address the historical parking shortage, and improve vehicular and pedestrian circulation within the block.

Participation in the Plaza Way Overlay District is voluntary and property within the Overlay District may be developed in accordance with the provisions of this chapter only if property owners choose to opt in to the Overlay District, which shall include executing an agreement with the City as provided for in this chapter, and compliance with this chapter. If a property owner opts into the Overlay District, the parking requirements established by the Lafayette Municipal Code (LMC) shall not apply and will be replaced by customized parking standards as determined by the City and as provided for in the agreement taking into consideration the reduced parking requirements. If a property owner chooses not to opt-into the Overlay District, that property is subject to the provisions of the underlying zoning district and other standards and regulations contained in Title 6 of the Lafayette Municipal Code.

If a property owner chooses to opt in to the Overlay District, the requirements of this chapter shall be combined with the requirements of the underlying zoning district for the property. In addition, the property is subject to all other regulations and provisions in the LMC not specifically addressed in this chapter.

### **6-1361 Purpose and Intent**

Plaza Way's long and rich history and old pre-auto era buildings distinguish it from other parts of the downtown. This short street located in the heart of the downtown contains modest buildings of a style reminiscent of California's pioneer days. The property on which these buildings sit are substandard in width and area. Access points to the rear are narrow with just enough room for one car to pass through. The block pre-dates

Lafayette's incorporation by nearly a century; thus little room is provided for automobile parking.

The Plaza Way Overlay District is a cooperative arrangement by which property owners can fully lease their buildings without having to provide all of the required parking under current City standards in exchange for bringing in the appropriate tenant mix, upgrading the buildings, providing additional parking, and contributing to the Plaza Way Parking Fund. Participation in the Overlay is optional, not mandatory. Existing businesses may maintain the status quo and retain the existing uses and number of parking spaces for tenants and employees as provided in the LMC.

The goals of the Plaza Way Overlay District are:

1. To ensure that the block retains its history, charm and character.
2. To enliven the street, increase pedestrian activity and create an area in which the community will gather for civic and cultural events.
3. To encourage unique and appropriate tenants who will take advantage of the Overlay's central, visible location in the downtown and adjacency to Lafayette Plaza.
4. To optimize off-street parking in the block and improve vehicular and pedestrian circulation.

The city council finds that:

1. An active and vibrant business district is a valuable asset to the city and the community.
2. Plaza Way epitomizes Lafayette's past and the strict application of the municipal code's zoning and parking regulations make the properties non-viable and, as a result, will eventually destroy its quintessential character.
3. In order to implement the city's general plan policies and to promote development, it is necessary to provide an alternative to the standard zoning in this unique area of the city.

#### **6-1362 Adoption of Maps and Guidelines**

- (a) The following are adopted as part of this chapter:
  1. Boundary Map
  2. Vision Maps
  3. Design Guidelines
- (b) The Overlay District is hereby established on property within the Boundary Map. Each original map is on file in the office of the City Clerk. A copy shall be kept on file in the office of the Planning and Building Services Manager and shall be made available to the public.
- (c) The City Council may amend a map referred to in subsection (a) by resolution after following the notice and hearing procedure prescribed for the adoption or amendment of a zoning ordinance (Government Code § 65853 et seq.).

**6- 1363 Definitions.**

In this chapter, unless the context otherwise requires:

- A. "Agreement" means the agreement executed by the property owner and the City that is specific to a Development Proposal for a property within the Overlay District that includes the requirements of this chapter.
- B. "Boundary Map" means the map entitled "Plaza Way Overlay Boundary Map", dated December 2011.
- C. "Consolidated Parking Plan" means all improvements within the common parking lot and access ways used by the public as shown in the Vision Maps. Improvements include, but are not limited to paving, driveways, striping, lighting, signage, new meter bank(s), landscaping.
- D. "Design Guidelines" means the document entitled "Plaza Way Overlay Design Guidelines", dated August 2012.
- E. "Development Proposal" means a proposal for development which changes or intensifies the current uses on the property resulting in higher parking requirements.
- F. "Opt-In" means a property owner's voluntary participation in the Overlay District through a Development Proposal and an Agreement with the City.
- G. "Plaza Way Parking Fund" means a fund administered by the City used to acquire, construct and maintain the Consolidated Parking Plan for the property owners and tenants within the Overlay.
- H. "Plaza Way Overlay District" means the property within the Boundary Map eligible for opting into the provisions of this chapter.
- I. "Property owner" means the owner of one or more parcels identified in the Boundary Map.
- J. "Reduced Parking Requirements" means the maximum number of parking spaces that a Development Proposal requires after subtracting the following:
  - a. Reduced parking requirements for eating and drinking establishments of 1:100 sq. ft. of dining space. Parking requirement for kitchens/prep area of 1:500 sq. ft.
  - b. Credit of six (6) on-street parking spaces per property owner.
  - c. Credit of one (1) space per property owner to compensate for spaces lost during the construction of Lafayette Plaza.
- K. "Vision Maps" mean the maps entitled "Plaza Way Overlay Vision Maps", dated September 2012.

**6-1364 Uses.**

Property owners may request to opt-in to the Overlay District only if the following uses are proposed for the ground floor:

- a. "Eating and drinking establishments" means the serving or retail sale of prepared foods and beverages, for on-premises or off-premises consumption, including indoor customer seating.

- b. "General food sales" means the retail sale from the premises of a comprehensive variety of specialty foods and beverages without indoor customer seating; but excludes convenience markets.
- c. "General retail sales" means the retail sale from the premises of shopper goods which are generally of a nature that are easily carried or transported from place to place by a pedestrian, and does not normally necessitate the use of motor vehicles for portage of goods or the provision of parking in close proximity to the place of business.
- d. Other uses that fulfill the goals of the Overlay District as determined by the City Council.

Uses on upper floors are those that are permitted by right or with a land use permit in the underlying zoning district. Residential uses are encouraged on the upper floors.

The tenant is of significant importance to the City in order to: (i) ensure the correct balance of unique uses and amenities so that the Plaza Way Overlay District retains its history, charm and character; (ii) enliven the street, increase pedestrian activity and create an area in which the community will gather for civic and cultural events; and (iii) encourage uses which take advantage of the visible location in the heart of the downtown and its adjacency to the Lafayette Plaza. Therefore, the City maintains discretion over the specific tenants proposed in both the ground and upper floors and the property owner shall obtain written approval of a list of potential tenants to the City Council prior to final inspection or a certificate of occupancy.

#### **6-1365 Agreement Requirements**

A property owner opting-in to the Overlay District shall be required to enter into an Agreement with the City. The Agreement shall include the following minimum requirements, but may include other requirements based on the scope of the proposed development, and as negotiated between the property owner and the City.

1. Update building facades or construct new development consistent with the Plaza Way Design Guidelines and Vision Maps.
2. Lease ground floor storefronts to retail, eating and drinking establishments, or other similar uses that fulfill the goals of the Overlay District as determined by the City Council and encourage vibrant pedestrian activity and add to the unique character of the area. Tenants are subject to City approval.
3. Construct parking in the rear of the property consistent with the Consolidated Parking Plan.
4. Grant cross access and parking easements to the City consistent with the Consolidated Parking Plan.



5. Provide additional parking at an off-site location if required by the City.
  6. Make a financial contribution into the Plaza Way Parking Fund.
  7. Offer employees incentives to use alternative modes of transportation.
  8. Include in all new tenant leases a requirement that 25% of the reduced parking requirement be provided at a City-approved off-site location for employees.
- A. The City may provide one or more of the following incentives to a property owner entering into an Agreement:
1. A reduction in the parking requirement for “eating and drinking establishments” of 1:100 sq. ft. of seating area. Parking requirement for kitchens/prep areas of 1:500. Parking for “general food sales” and “general retail sales” is 1:250.
  2. Allowance to include on-street parking on Plaza Way and Golden Gate Way (up to First St.) to meet reduced parking requirements.
  3. Exemption of outdoor dining area in calculations to meet parking requirements.
  4. Credit of one space per property owner to compensate for spaces lost during the construction of Lafayette Plaza.
  5. Consideration of allowing alternative forms of parking such as tandem spaces to meet parking requirements.
  6. Initial financial contribution to the Plaza Way Parking Fund that may match the property owner’s contribution.
  7. Ongoing contribution of revenues from parking meters on Plaza Way and Golden Gate Way (up to First St.) and within the Consolidated Parking Plan to the Plaza Way Parking Fund.
  8. Construction of portions of the Consolidated Parking Plan.
  9. Assumption of maintenance, liability, and enforcement of the Consolidated Parking Plan.

**6- 1366 Process for Opting in**

- A. A person seeking an Agreement as defined in this chapter shall file an application with the Planning Division on a form prescribed by the City. The Planning and Building Services Manager will evaluate the request as it relates to the purpose, intent and goals of the Plaza Way Overlay District and shall forward a recommendation to approve, conditionally approve, or deny the Agreement to the City Council.

- B. All projects will be reviewed as appropriate under the California Environmental Quality Act (CEQA).
- C. An Agreement is valid for one year from the date of design review approval of façade improvements unless a different period is specifically stated. If the applicant does not secure a building permit by the expiration date, the Agreement shall expire. The Planning and Building Services Manager may approve an extension of up to one additional year upon showing of good cause by the property owner and if a written request for an extension is received prior to the expiration of the Agreement. Additional extensions are subject to City Council review and approval.

**6-1367 Decision and Findings**

- A. All Agreements are subject to review and approval by the City Council. The following findings shall apply:

The Development Proposal:

- 1. Ensures that the block retains its history, charm and character.
  - 2. Enlivens the street and increases pedestrian activity.
  - 3. Takes advantage of the Overlay District's adjacency to Lafayette Plaza.
  - 4. Improves vehicular and pedestrian circulation.
  - 5. Is consistent with the Vision Maps.
  - 6. Increases the supply of parking within the Overlay District.
- B. The Planning and Building Services Manager may approve uses and façade improvement plans provided they fully comply with the Vision Maps, Plaza Way Design Guidelines and the purpose, intent and goals of the Plaza Way Overlay District. All other proposals shall be referred to the Design Review Commission or Planning Commission, as appropriate. Design review approval can be obtained before or after an Agreement is approved, but no later than a year after the approval of the Agreement. The City's design review findings (Section 6-275 LMC) shall apply.

**6-1368 Appeal**

An appeal of a decision made pursuant to this chapter shall be brought and governed as set forth in sections 6-225 through 6-238 of the LMC.

# Contra Costa Sun

PO Box 599  
Lafayette, CA 94549  
(925) 284-4444

LAFAYETTE, CITY OF  
ATTN: ACCOUNTS PAYABLE, 3675 MT. DIABLO BLVD.,  
#210  
LAFAYETTE CA 94549-3793

## PROOF OF PUBLICATION

FILE NO. NOPH 10/9

*ord 612*

In the matter of

Contra Costa Sun

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the Contra Costa Sun, a newspaper of general circulation, printed and published at 2640 Shadelands Drive in the City of Walnut Creek, County of Contra Costa, 94598

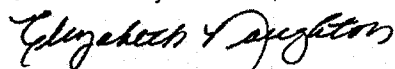
And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of November, 1938. Case Number 23392.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

9/28/2012

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 18th day of October, 2012.



Signature

Legal No. 0004638330

### NOTICE OF PUBLIC HEARING

**BODY:** City Council  
**DATE:** Tuesday, October 9, 2012  
**TIME:** 7:00 p.m. (please see the agenda for estimated start time of each item)  
**PLACE:** Lafayette Library & Learning Center, 3491 Mt. Diablo Blvd o Community Hall  
**RE:** ZT04-12 CITY OF LAFAYETTE (APPLICANT)  
**RB ZONING:** NOTICE AND SUMMARY OF PROPOSED ORDINANCE NO. 612 FOR ZT04-12 CITY OF LAFAYETTE (APPLICANT) RB ZONING: CITY-INITIATED ZONING TEXT AMENDMENT FOR THE CREATION OF AN OVERLAY DISTRICT (ALTERNATE ZONING), DESIGN GUIDELINES AND VISION MAPS FOR A COMBINED SHARED PARKING LOT BEHIND THE BUILDINGS ON PLAZA WAY AND GOLDEN GATE WAY, REFERRED TO AS THE "PLAZA WAY OVERLAY DISTRICT" ENCOMPASSING NINE (9) PARCELS LOCATED ON PLAZA WAY, GOLDEN GATE WAY, AND MORAGA RD. BORDERED BY MT. DIABLO BLVD. TO THE NORTH, MORAGA RD. TO THE WEST, GOLDEN GATE WAY TO THE EAST AND LAFAYETTE CREEK TO THE SOUTH IN THE INCORPORATED CITY OF LAFAYETTE. THE PROJECT AREA COMPRISES 2.11 ACRES WITH THE ASSESSOR'S PARCEL NUMBERS (APNS) 243-223-001, 243-222-015, 16, 17, 19, 20, 23, 29 & 30.

Notice is given that on Tuesday, October 9, 2012 the City Council of the City of Lafayette will conduct a public hearing on Ordinance No. 612 at its regular City Council meeting commencing at 7:00 p.m. in the Community Hall, at the Lafayette Library and Learning Center, 3491 Mt. Diablo Blvd.

Ordinance No. 612, if adopted, would include three components: first, creation of the Plaza Way Overlay District; second, approval of the Plaza Way Design Guidelines and Vision Maps; third, approval of a reduced parking requirement agreement for the property at 3535-3539 Plaza Way, APN 243-222-020, within the proposed Plaza Way Overlay District.

The proposed Project would add a layer of zoning in the Plaza Way area called an overlay district. The underlying zoning would remain unchanged and only property owners within the district who enter into voluntary discretionary agreements with the City would be subject to the overlay district's requirements. The intent of the overlay district is to allow a reduction in current parking requirements in exchange for building improvements and improved tenant occupancy, with the ultimate goal of creating a combined parking area at the rear of the buildings within the District. The existing parking regulations limit the number and types of businesses that can occupy the district due to lot and building configurations, which have resulted in an historic lack of parking. The overlay district would allow property owners to enter into voluntary discretionary agreements with the City under which the City would reduce and modify the parking requirements in return for facade improvements and occupancy by uses which meet the goals of the district.

All property owners within the proposed Overlay District would retain the right to use their property in accordance with the existing Retail Business zoning. No alteration to any existing structure within the District would be required by the Overlay District, unless a property owner sought and received a reduced parking requirement agreement from the City.

Note: The above is a summary of the major highlights of the ordinance. A reading of the entire ordinance is necessary to obtain a full understanding of the ordinance. A certified copy of the full text of the ordinance is available for review in the City Clerk's office at 3675 Mt. Diablo Boulevard Suite 210, Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of providing the copy.

Project Planner: Sarah Allen, Planning Technician o Tel. (925) 299-3208 o Email: SAllen@lovelafayette.org  
City Council email: cityhall@lovelafayette.org

/s/ Sarah Allen,  
Planning Technician  
SU# 4638330 Sept. 28, 2012

LAFAYETTE, CITY OF  
ATTN: ACCOUNTS PAYABLE, 3675 MT. DIABLO BLVD.,  
#210  
LAFAYETTE CA 94549-3793

## PROOF OF PUBLICATION

FILE NO. Ord 612

In the matter of

Contra Costa Times

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the Contra Costa Times, a newspaper of general circulation, printed and published at 2640 Shadelands Drive in the City of Walnut Creek, County of Contra Costa, 94598

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of October 22, 1934. Case Number 19764.

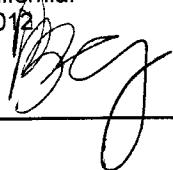
The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

10/29/2012

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 30th day of October, 2012

Signature



### NOTICE OF ADOPTION OF ORDINANCE NO 612 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAFAYETTE

At its regular meeting on Monday, October 22, 2012, The City Council Of The City Of Lafayette Adopted Ordinance 612 City-Initiated Zoning Text Amendment for the creation of an Overlay District (Alternate Zoning), Design Guidelines and Vision Maps for a combined shared parking lot behind the buildings on Plaza Way and Golden Gate Way, referred to as the "Plaza Way Overlay District" Encompassing Nine (9) Parcels located on Plaza Way, Golden Gate Way, and Moraga Rd. bordered by Mt. Diablo Blvd. to the North, Moraga Rd. to the West, Golden Gate Way to the East and Lafayette Creek to the South in the incorporated City Of Lafayette. The Project Area Comprises 2.11 Acres with the Assessor's Parcel Numbers (APNs) 243-223-001, 243-222-015, 16, 17, 19, 20, 23, 29 & 30.

The recorded vote of the City Council was as follows:

Ayes: Federighi, Anduri, and Tatzin

Noes: None

Abstain: None

Absent: M. Anderson and B. Andersson

Note: The above is a summary of the major highlights of the ordinance. A reading of the entire ordinance is necessary to obtain a full understanding of the ordinance. A certified copy of the full text of the ordinance is available for review in the City Clerk's office at 3675 Mt. Diablo Boulevard Suite 210, Lafayette, California 94549. A copy may be obtained from that office upon payment of the fee based on the City's actual cost of providing the copy.

Publish Date: October 29, 2012

Joanne Robbins, City Clerk

CCT# 4668207 Oct. 29, 2012

**Robbins, Joanne**

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**From:** Robbins, Joanne  
**Sent:** Tuesday, October 23, 2012 5:04 PM  
**To:** Niroop Srivatsa  
**Cc:** MSubramanian@bbklaw.com  
**Subject:** Notice of Determination for Ord 612

Hi Niroop: With the adoption of Ordinance 612 we are required to file a Notice of Determination within 10 days of adoption. Will you be doing this?

Joanne Robbins, CMC  
City Clerk  
City of Lafayette  
3675 Mt. Diablo Blvd. #210  
Lafayette, CA 94549  
925-284-1968  
925-299-3210 direct  
925-284-3169 fax

*Pending on  
Greg's desk*

## Robbins, Joanne

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**From:** Wolff, Greg  
**Sent:** Thursday, December 20, 2012 12:19 AM  
**To:** Robbins, Joanne  
**Cc:** Srivatsa, Niroop; Allen, Sarah  
**Subject:** ZT04-12 Plaza Way (Ord. 612) NOD

Joanne,

You inquired with me today about the status of the CEQA Notice of Determination (NOD) submitted to the Contra Costa County Clerk's Office relating to ZT04-12 for Plaza Way (Ord. 612). As we discussed, the NOD was not accepted by the County Clerk's office because the City did not submit the \$2101.50 for DFG impact fees, and the City did not previously obtain a "No Effect" determination from DFG. (The procedure has changed; historically it was permissible to file both the NOD and "No Effect" paperwork with the County Clerk simultaneously.)

We will pursue obtaining the "No Effect" determination from DFG after the first of the year, and thereafter re-submit the NOD to the County Clerk's Office.

Please feel free to contact me if you have any questions.

Greg Wolff  
Senior Planner