



PLANNING COMMISSION AGENDA

Regular Meeting

7:00 P.M. on Tuesday, August 28, 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. Chair Bassam Altwal to report at the City Council meeting of September 4, 2018 (alternate Commissioner William Gall).

3. PUBLIC COMMENT

4. MINUTES

None.

5. PUBLIC HEARINGS

- 5.a. **ENV-02-17, MAP-01-17, Parcel Map, Dan Condon, 500 Douglas Road, APN: 119-560-012.** A request for approval of a Parcel Map to subdivide an existing 1.47-acre lot into three parcels. The proposed southernmost parcel would contain the existing single-family residence and the remaining two northernmost parcels would create two single-family residential lots. Pursuant to California Environmental Quality Act (CEQA) Guidelines 15303, 15315, and 15332, the project is categorically exempt from CEQA, and pursuant to CEQA Guideline 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

Staff Recommendation: Staff recommends that the Planning Commission receive and consider the staff report and all information provided and submitted to date, receive and consider any public testimony, and if determined to be appropriate, adopt Planning Commission Resolution No. 04-18 conditionally approving the Douglas Road Parcel Map to subdivide an existing 1.47-acre lot into three parcels along with development standards for each of the three lots in the newly-created Douglas Road Planned Development.

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, September 11, 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.

**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: August 28, 2018

Item Number: 5.a.

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Public Hearing to review and consider the three-lot Douglas Road Parcel Map (ENV-02-17, MAP-01-17)

Applicant: Dan Condon

REQUEST

The applicant, Dan Condon, requests approval of the proposed Douglas Road Parcel Map to subdivide an existing 1.47-acre lot into three parcels.

PROJECT INFORMATION

Applicant: Dan Condon
500 Douglas Road
Clayton, CA 94517

Acreage/Location: 1.47 acres
500 Douglas Road
APN: 119-560-012

Property Owner: Dan Condon
500 Douglas Road
Clayton, CA 94517

General Plan Designation
Existing: Single Family Low Density (1.1 – 3.0 units per acre)
Proposed: Single Family Low Density (1.1 – 3.0 units per acre)

Zoning Classification
Existing: Planned Development (PD)
Proposed: Planned Development (PD)

Surrounding General Plan Designations: North: Rural Estate (0 – 1.0 unit per acre)
West: Rural Estate (0 – 1.0 unit per acre)
South: Single Family Low Density (1.1 – 3.0 units per acre)
Single Family High Density (5.1 to 7.5 units per acre)
East: Single Family Low Density (1.1 – 3.0 units per acre)
Rural Estate (0 – 1.0 unit per acre)

Surrounding Zoning Classifications: North: Single Family Residential R-40-H District
West: Single Family Residential R-40-H District
South: Planned Development (PD)
East: Planned Development (PD)
Single Family Residential R-12 District

Environmental Review: Pursuant to California Environmental Quality Act (CEQA) Guideline 15303 – New Construction or Conversion of Small Structures; CEQA Guideline 15315 – Minor Land Divisions; and CEQA Guideline 15332 – In-Fill Development Projects; the project is exempt per CEQA.

Pursuant to CEQA Guideline 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

Public Notice: On August 17, 2018, a Public Hearing Notice was published in the Contra Costa Times, posted on the notice boards, and mailed to property owners within 300 feet of the project site.

BACKGROUND/DISCUSSION

The 1.47-acre project site is located south of Douglas Court and is accessed by an existing private easement known as Douglas Road which connects with and runs directly south from Douglas Court (**Attachment B, Sheet TM1**) into, and through, the subject parcel. The triangular-shaped subject property is addressed as 500 Douglas Road (APN: 119-560-012).

The site topography consists of a vacant upslope area running from the northern end of the subject lot southward to the lot’s highest point at the southern end of the project site where the existing residence is located. The existing access easement, Douglas Road, travels southward, running upslope on its southern trajectory, until it reaches the existing residence at the south end of the lot. Douglas Road continues past the subject residence to the one residential lot adjacent to and south of the subject property, allowing access to the residence on the adjacent lot.

The applicant has requested approval of a parcel map (**Attachment B, Sheet TM2**) to allow the 1.47-acre subject parcel (Parcel One) to be split into three parcels measuring (in gross area) approximately 21,821 square feet (Parcel A), 17,612 square feet (Parcel B), and 24,103 square feet (Parcel C). Parcel Two, which encompasses the northern extent of Douglas Road, traversing the neighboring property (“Lands of Jantzen” APN: 119-560-009) as an access easement to where it connects with Douglas Road, is not being proposed to be amended as part of this Parcel Map. However, there will be some improvements provided on this stretch of Douglas Road related, but not limited to, paving, relocating the existing power pole, and undergrounding of utilities, which is discussed in further detail below.

Parcel A—the southernmost parcel—will contain the existing subject residence and ancillary existing structures. Parcels B and C are proposed to be north of and downslope from Parcel A, with Parcel C being the northernmost of the proposed lots. Parcel Two is not being proposed to be amended as part of this request. At some future time, a single family residence will be proposed for each of the two newly created parcels, Parcels B and C, although, currently, no residences are being proposed as part of this Parcel Map request. However, staff has provided a condition that, when residences are proposed for Parcels B and C, a Site Plan Review Permit (and any other entitlements, as applicable) shall be obtained from the City.

General Plan Compliance

The project has General Plan land use designation of Single Family Low Density (1.1 – 3.0 units per acre) which is a density range that is intended for development of single-family residences of lots that range between 12,500 and 40,000 square feet in area. As proposed, the newly-created parcels would comply with the existing General Plan land use designation for the project site.

Zoning Compliance

The project is zoned Planned Development (PD). The intent and purpose of PD zoning, in part, is to allow for flexible development patterns and lot sizes. The PD District allows for flexibility in regulations, limitations, and restrictions different than those specified elsewhere in the City such as, but not limited to, setbacks and height limitations, location of pedestrian and vehicular access, and construction of fences and walls. As proposed (and given the project’s compliance with the underlying General Plan land use designation), the newly created parcels would comply with the existing PD zoning classification for the project site. Since the project is zoned PD, development standards would need to be established. A discussion regarding development standards proposed by staff for the project is provided below.

Development Standards

The development standards for the three newly-created lots (Douglas Road Planned Development) are proposed in the table below. Staff would like to note that these development standards are being proposed by staff using the approximate net lot area for each of the newly-created lots: 18,973 square feet (Parcel A), 15,003 square feet (Parcel B), and 16,920 square feet (Parcel C). The reason staff is using the net lot area to propose development standards is to comply with CMC Section 17.04.110.B, which states that when

computing the area of a lot, “those portions lying within the exterior boundaries of an existing or proposed public road, street, highway, right-of-way, or easement owned, dedicated, or used for purposes of vehicular or pedestrian access shall not be included in order to satisfy minimum area, setback, or dimensional requirements.”

Staff analyzed the development standards in the adjacent Single Family Residential Districts as well as the topography and proposed lot configurations of the project and found that the proposed development standards were most consistent with the development standards of the Single Family Residential R-15 District, especially given that the proposed net lot sizes for the project would be similar to lot sizes found in the R-15 District which have a minimum lot area requirement of 15,000 square feet. Also, staff notes that, by applying R-15 District setbacks to the project, a development pattern balance would be struck between the R-12 District adjacent to and east of the project site and the R-40-H District adjacent to and west of the project site, with the R-15 District setbacks being a natural transitional progression from the smaller lots in the R-12 District to larger lots in the R-40-H District.

Front Setback	Interior Side Setback	Exterior Side Setback	Rear Setback	Accessory Buildings and Structures	Principal Building Height	Accessory Building Height
20'	10' minimum 25' aggregate	Not Applicable	15'	Subject to CMC Section 17.36.055	Subject to CMC Section 17.16.070	Subject to CMC Section 17.36.055

Staff did not provide standards for lot areas, lot widths, and lot depths since the project is located in a PD District. According to CMC Section 17.28.010, the PD District is a zone that allows for “flexibility in land use controls typically required by another zone.” Characteristically, residential districts that are zoned R-10, R-12, R-15, R-20, R-40, and R-40-H have specific development standards that use exact dimensional thresholds to regulate lot areas, lot widths, and lot depths for properties located in those districts. However, new multi-lot projects proposed in PD Districts do not have to conform to these codified uniform lot dimension requirements, instead having the flexibility to determine lot dimensions on a project-by-project basis. Furthermore, as part of the project, deed restrictions prohibiting the further subdivision of each lot will be required to be recorded against the newly-created parcels. Assuming conditional approval of the project, given the lot dimension flexibility for properties located in the PD District as well as the deed restrictions prohibiting further subdivision of the parcels, the lot dimensions (area, width, and depth) of the parcels within the project would not change and, therefore, would be permanently set. As a result, no lot dimension standards are being proposed by staff, which is in keeping with the spirit of flexibility allowed by PD zoning.

Open Space and Parkland Dedication Requirements

Since the project is zoned PD, the open space provisions of CMC Section 17.28.100 would apply currently. More specifically, the project would be subject to the provisions of CMC Section 17.28.100.C which, to summarize, would allow the applicant the choice to either provide open space on-site or provide open space off-site in the form of land acquisition for open space improvements or an in-lieu contribution to the City for acquisition and/or maintenance of public open space. More specifically, if the applicant chooses to provide open space off-site, there are three options to do so, and the selected options (or a combination of selected options) shall be memorialized by entering into an agreement with the City. These options (or a combination of options) are as follows: 1) acquire the equivalent amount of land for public open space and/or the construction of open space at an off-site location; 2) payment of an in-lieu financial contribution to the City for acquisition and/or maintenance of public open space; or 3) if the financial contributions are based upon maintenance costs, such contributions shall be based upon reasonable maintenance costs for a 10-year period and shall be proportional to the land area that would be required if open space area was provided on-site. Staff has provided a condition that the project shall comply with the open space requirements of the CMC.

Section 16.12 of the CMC requires all new subdivisions to dedicate land, pay a fee in-lieu thereof, or both for park or recreational purposes. For projects involving 50 parcels or less, the proposed subdivision is required to pay a fee equal to the land value of the portion of the local park required to serve the needs of the residents of the proposed subdivision. A condition has been provided requiring payment of parkland dedication fees at the time of filing the final map.

GRADING

As mentioned above, the subject property's lowest point is the northernmost tip of the triangular-shaped project site. The property gradually ascends from the northernmost extent of the subject property, in a southward upslope, to the highest point of the project site where the existing residence is located at the southern extent of the subject property. The northernmost extent of the project site starts at a minimum elevation of approximately 429 feet above sea level and gradually ascends to the southern extent of the subject property which has a maximum elevation of approximate 519 feet above sea level.

The existing access easement will be required to be widened as part of the subdivision as well as installation of the proposed bioretention area at the northernmost part of the project site , which will both require grading, the applicant will need to obtain a grading permit from the City Engineer. Further grading of the site for the future homes will be considered at the time of the Site Plan Review Permit. As a result, staff has provided a condition that the applicant shall obtain a grading permit from the City Engineer for all improvements on the project site, where pertinent and applicable.

Utilities

Water, sewer, gas, electricity, telephone, internet, cable, and stormwater infrastructure for the project will be installed, modified, and/or are already provided. Can and will serve letters have been submitted by the applicant confirming the availability of the following services from the following utility providers: water (Contra Costa Water District), sewer (City of Concord), gas and electricity (PG&E), telephone (AT&T), and internet and cable (Comcast).

Currently, overhead power lines running along Douglas Road provide electricity, telephone internet and cable to the site. As discussed below, approximately 675 linear feet of these utilities will be undergrounded, along with other associated joint trench-related improvements.

Water service is currently provided by an existing water main running along Douglas Road. The water main will not be impacted by the joint trench proposed for purposes of undergrounding utilities. However, the water main will be modified to provide water service to Parcels B and C as well as for connecting to the two proposed fire hydrants—one hydrant on Parcel C and one hydrant on Parcel A.

Gas is currently provided by an existing gas line that runs from the existing residential property directly south of and adjacent to the project site. The existing gas line travels northward across the southern property line of Parcel One and connects to the existing subject residence. As part of the project, the gas line will be extended northward in the joint trench in order to provide gas service to Parcels B and C.

A discussion expanding on the project-related sewer and stormwater improvements has been provided below.

Staff has provided a condition that the applicant shall obtain the necessary approvals from all applicable utility providers.

Undergrounding of Utilities

Section 16.20.054.DD of the CMC requires, in part, for utilities to be undergrounded. The utilities are proposed to be undergrounded starting at the newly-located utility pole on Parcel Two (the same relocated utility pole mentioned below in the Contra Costa County Fire Protection District section) and running underground, southward and upslope, to the existing utility pole on Parcel A. An approximate total linear distance of 675 feet of utilities will be undergrounded. The City Engineer has reviewed the project's proposed undergrounding of utilities, working closely with the applicant to provide project compliance with the CMC Section 16.20.054. Staff has provided a condition that the utilities shall be undergrounded, subject to review and approval by the City Engineer and any applicable agencies.

Septic Tank Abandonment and Sewer

An existing septic tank, which services and is located behind the existing residence on Lot A, is proposed to be abandoned or removed. As part of the project-related utility improvements, a sanitary sewer line is proposed to be installed in order to provide service to the existing subject residence, where it will then travel from Lot A, traversing and providing service to Lots B and C, and run along Douglas Road to where it will connect to the existing sewer main located on Douglas Court (which is the existing public street that Douglas Road connects to). A condition has been provided that, in consultation with the Contra Costa County Health Services Department, all on-site septic systems shall be abandoned prior to the issuance of grading permits with proof of abandonment provided to the City Engineer and Community Development Department.

Stormwater

In order to comply with State's C.3 Standards, stormwater runoff is proposed to be collected from all three lots through a proposed storm drain line which will flow downward into a bioretention area at the north end of the project site (more specifically, at the north end of proposed Parcel C). The City Engineer has reviewed the project's proposed stormwater infrastructure, working closely with the applicant to provide project compliance with the State's C.3 Standards. Per C.3 Guidebook instructions, the proposed bioretention area is sized with adequate capacity to receive and treat all runoff from the impervious areas of the project, which has been estimated with the following maximums: Parcel A – 21,821 square feet, Parcel B – 4,403 square feet, and Parcel C – 6,026 square feet. These impervious areas would not be allowed to be increased without review by the City Engineer.

Runoff entering the bioretention area would move through permeable soil layers, which would slow the stormwater runoff while also removing pollutants that may be contained in the runoff. Stormwater runoff that exceeds the bioretention facility's infiltration capacity, such as in the case of heavy storm events, would be directed to a proposed outflow pipe at the north end of the project site.

Funding for the operation and maintenance of the bioretention area as well as all stormwater-related infrastructure (storm drain line) located on or adjacent to each residential lot will be the ongoing responsibility of the property owner of each residential lot. In order to ensure that the bioretention area is not modified in any way and are adequately maintained, staff has provided a condition that, once the lots are sold and/or developed (whichever occurs first) the property owner for each lot shall be responsible for (including but not limited to) inspection, reporting, and maintenance of stormwater conveyance and treatment facilities, for which a covenant and agreement (including stormwater operations and maintenance plan) will be recorded against each property. Conditions have been provided addressing project-related stormwater, stormdrain, and drainage issues, including, but not limited to, the applicant submitting to the City Engineer for review and approval a stormwater operations and maintenance plan for which a stormwater operation and maintenance agreement must be recorded, subject to the review and approval of the City Engineer.

Streetlights

Section 16.20.054.EE of the CMC requires, in part, that street lighting facilities be provided for tentative map approvals. However, CMC Section 16.20.054.EE.4 indicates that “street lighting shall be installed only within the right-of-way dedicated to the public and designed to be accepted for maintenance by the City.” The City Engineer reviewed the project and CMC Section 16.20.054.EE and determined that, since there is no public right-of-way on the project site and since the City would not maintain street lights located on a private access easement or property, the City Engineer has not required any additional street lights as part of the project.

Contra Costa County Fire Protection District Comments

The Contra Costa County Fire Protection District (CCCYPD) has reviewed the proposal and has approved the location of two new fire hydrants, one on Parcel C and one on Parcel A. In addition, the CCCYPD has required that the Douglas Road access easement be widened and improved for fire safety access purposes as well as the installation of a fire vehicle hammerhead turnaround.

From where the access easement, Douglas Road, connects with and travels southward from Douglas Court, the access easement is currently 20 feet in width as it traverses Parcel Two, narrowing down to 10 feet in width as it crosses into Parcel One. The existing paving that runs along Douglas Road was evidently installed many years ago at a time when the area was more rural in nature and, as a result, varies in width from approximately 10 feet to 16 feet. In order to comply with CCCYPD requirements, the paved area of the Douglas Road access easement will be improved to include curb and gutter and be a consistent 16 feet in width along Parcel Two and then, as the paved area crosses into Parcel One (or, rather, into proposed Parcels C, B, and A going north-to-south), it will be improved to include curb and gutter and be a consistent 20 feet in width. As it traverses Parcel Two, the width of the access easement itself will remain unchanged at its current dimension of 20 feet wide. However, in order to satisfy CCCYPD requirements to allow adequate access to the three proposed parcels, the access easement will be widened to 27 feet in width as it crosses Parcel C and Parcel B into Parcel A. Approximately 65 feet into Parcel A, and once the access easement extends beyond the fire vehicle hammerhead turnaround, both the access easement and the paving will return to existing conditions in terms of width and quality of paving.

In compliance with CCCYPD regulations, the applicant has proposed a fire vehicle hammerhead turnaround. The northern edge of the apron of the turnaround is proposed in the southeastern corner of Parcel B with the remaining area of the turnaround being located on Parcel A. The turnaround has been designed according to CCCYPD specifications with a 28-foot radius and 20-foot width.

As part of the widening of the access easement, the CCCYPD has required that the existing utility pole on the east side of the access easement on Parcel Two be relocated to allow for the Douglas Road improvements.

Staff has provided a condition and advisory notes addressing the Douglas Road improvements, fire vehicle hammerhead turnaround installation, and utility pole relocation, subject to the review and approval of the CCCFPD.

RECOMMENDATION

Staff recommends that the Planning Commission receive and consider the staff report and all information provided and submitted to date, receive and consider any public testimony, and if determined to be appropriate, adopt Planning Commission Resolution No. 04-18 conditionally approving the Douglas Road Parcel Map to subdivide an existing 1.47-acre lot into three parcels along with development standards for each of the three lots in the newly-created Douglas Road Planned Development.

ATTACHMENTS

- A Vicinity Map
- B 500 Douglas Road Vesting Tentative Map Existing Conditions, Proposed Conditions, and Stormwater Quality Control Plan, prepared by Kier & Wright Civil Engineers & Surveyors, Inc., date stamped July 30, 2018
- C Planning Commission Resolution No. 04-18

ATTACHMENT A



VICINITY MAP

	<p>Douglas Road Parcel Map Environmental Review ENV-02-17 Parcel Map MAP-01-17 500 Douglas Road APN: 119-560-012</p>	<p>N</p> <p>(Not to Scale)</p>
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**VESTING TENTATIVE MAP
PROPOSED CONDITIONS**

500 DOUGLAS ROAD
OF
CLAYTON

KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
2150 CENTRAL EXPRESS DRIVE
CLAYTON, CALIFORNIA 94515
TEL: (925) 241-8354

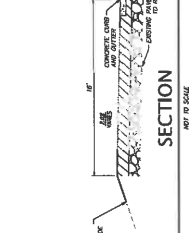
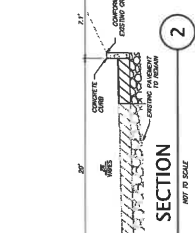
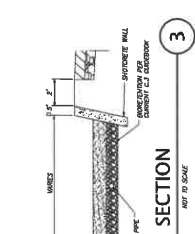
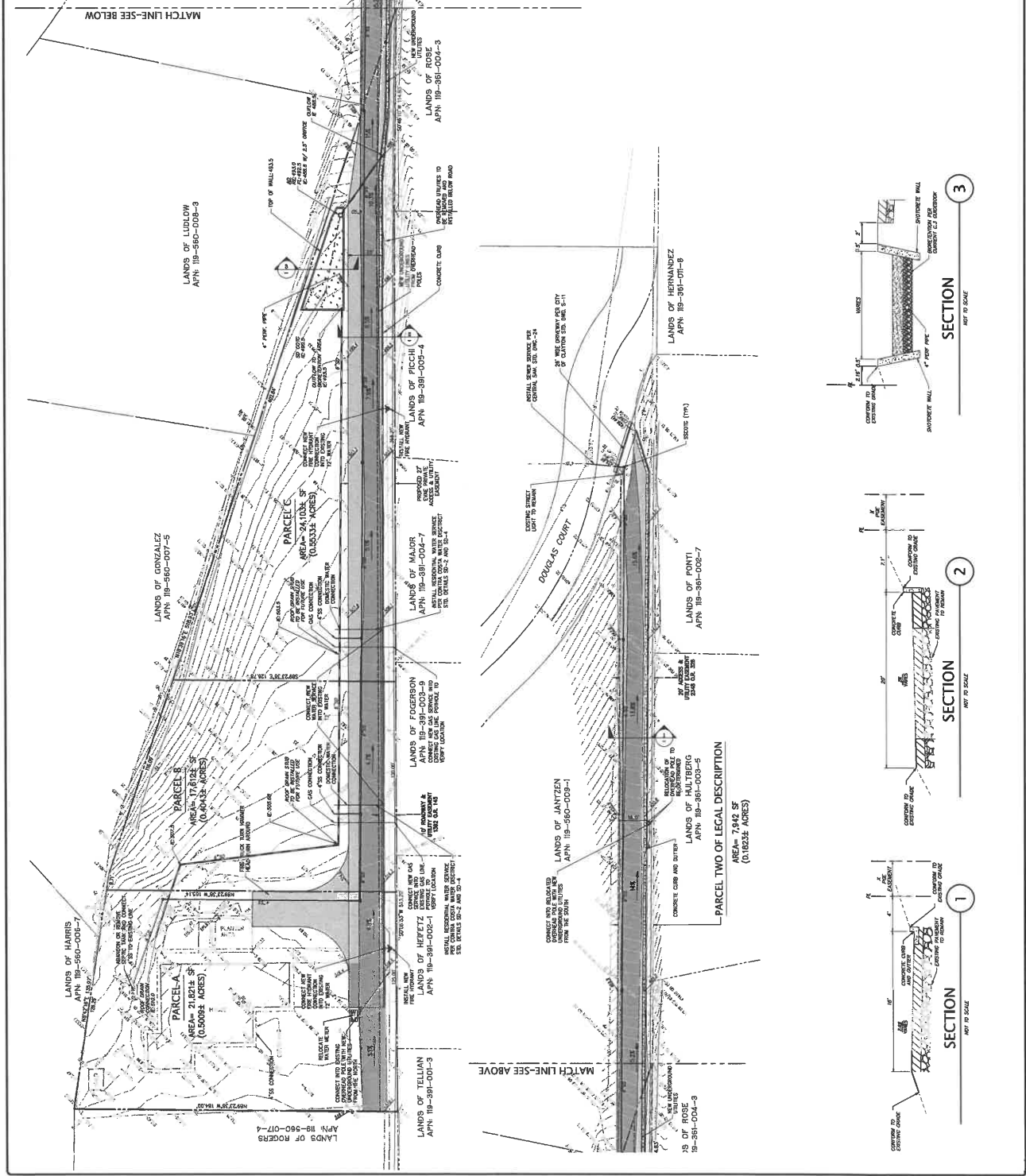
DATE: JULY 2011
SCALE: 1" = 20'
DRAWN: JAM
CHECKED: ATZ
SHEET: **TM2**
OF 3 SHEETS

LEGEND

APN 19-560-008-3
APN 19-560-007-5
APN 19-560-007-4
APN 19-560-007-3
APN 19-560-007-2
APN 19-560-007-1
APN 19-560-006-9
APN 19-560-006-8
APN 19-560-006-7
APN 19-560-006-6
APN 19-560-006-5
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APN 19-560-001-5
APN 19-560-001-4
APN 19-560-001-3
APN 19-560-001-2
APN 19-560-001-1

PROJECT DATA

APN: 19-560-004-5
CARNAL LANE SINGLE FAMILY LOW DENSITY
ZONING: R10 (SINGLE-FAMILY RESIDENTIAL)
SITE AREA: 61,577 SF (PARCELS 19, 7044 SF (PARCELS 2)
RECORDING COORDINATE: 1,346.00 FT
RECORDING COVERAGE: 1.3460 FT
IMPERVIOUS AREA COVERED: 5,445 SF (80% PARCELS)
IMPERVIOUS DRIVE SPREAD: 11,247 SF (80% PARCELS)
SERIES BRIDGE: CENTRAL COUNTY LAND REFORM DISTRICT
CALCULATED PCE: 1.3460
ELECTRIC SERVICE: 115V/200V
WATER SERVICE: CENTRAL COUNTY WATER DISTRICT
STORM SEWER SERVICE: CITY OF CLAYTON



ATTACHMENT C
CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 04-18

**A RESOLUTION OF THE CLAYTON PLANNING COMMISSION
APPROVING THE DOUGLAS ROAD PARCEL MAP (MAP-01-17)
TO SUBDIVIDE AN EXISTING 1.47-ACRE LOT INTO THREE PARCELS
AND APPROVING THE DEVELOPMENT STANDARDS FOR EACH OF THE THREE LOTS
IN THE NEWLY-CREATED DOUGLAS ROAD PLANNED DEVELOPMENT**

WHEREAS, the City received an application from Dan Condon (“applicant”) requesting review and consideration of a parcel map to subdivide an existing 1.47-acre lot into three parcels (“project”) located at 500 Douglas Road (APN: 119-560-012) (“property”); and

WHEREAS, Chapter 16.10 of the Clayton Municipal Code authorizes the Planning Commission to approve parcel maps; and

WHEREAS, pursuant to California Environmental Quality Act (CEQA) Guideline 15303 – New Construction or Conversion of Small Structures; CEQA Guideline 15315 – Minor Land Divisions; and CEQA Guideline 15332 – In-Fill Development Projects; the project is exempt per CEQA; and

WHEREAS, pursuant to California Environmental Quality Act (CEQA) Guideline 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment; and

WHEREAS, proper notice of this public hearing was given in all respects as required by law; and

WHEREAS, on August 28, 2018, the Clayton Planning Commission held a duly-noticed public hearing on the matter, received and considered testimony and evidence, both oral and documentary, and conditionally approved the Douglas Road Parcel Map (MAP-01-17) to subdivide an existing 1.47-acre lot into three parcels and approved the development standards for each of the three lots in the newly-created Douglas Road Planned Development.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission does determine the foregoing recitals are true and correct and makes the following findings for approval of the Development Plan as follows:

1. The Planning Commission hereby finds, on the basis of the whole record before it, including all comments received, that the Douglas Road Parcel Map (MAP-01-17):

C-1

- a. The subdivision map, design, and improvements are consistent with the Clayton General Plan Single Family Low Density land use designation, policies, and objectives for the site by complying with the intended land uses and density (1.1 – 3.0 units per acre) for the site, in accordance with Section 66473.5 of the State Government Code (Subdivision Map Act) and the City’s regulation as related to tentative subdivision maps; and
- b. The subdivision complies with State Government Code Section 66412.3 (Subdivision Map Act) by providing more residential units for the housing needs of the region while simultaneously not burdening public services needs of existing and future residents nor impacting fiscal and environmental resources; and
- c. The subdivision has, to the maximum extent feasible, considered and provided availability for future passive or natural heating and cooling opportunities since large lots being proposed which will provide adequate distance from neighboring existing properties, thereby minimizing or eliminating impacts to natural heating and cooling opportunities; and
- d. The project, as conditioned and mitigated, will not result in any significant effects on the environment, and there is no evidence that the proposed project will have the potential for any adverse effect on fish and wildlife resources, or their habitat, as defined in Section 711.2 of the Fish and Game Code.

BE IT FURTHER RESOLVED, the Clayton Planning Commission, based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby approve the Douglas Road Parcel Map (MAP-01-17) to subdivide an existing 1.47-acre lot into three parcels at 500 Douglas Road (APN: 119-560-012) and approve the Douglas Road Planned Development Standards set forth in Exhibit A attached hereto and incorporated herein by reference (“property”) for each of the three lots in the newly-created Douglas Road Planned Development with the following Conditions of Approval:

GENERAL CONDITIONS

1. Routine inspection of the stormwater conveyance and treatment facility, and the corresponding landscaping and irrigation improvements, shall be conducted by the property owner of each residential lot. The property owner of each residential lot shall be responsible for any needed maintenance work or repairs in their entirety.

2. The property owner of each residential lot shall perform and prepare annual inspections and reports for the stormwater conveyance and treatment facility, which shall be submitted to the City along with payment of the City's required fees. In addition, the property owner of each residential lot shall be responsible to comply with the reports in relation to needed maintenance work or repairs.
3. The deeds for all lots shall contain language which prohibits any future land division(s) to create additional home sites.
4. The project is subject to development impact fees. The applicant shall be responsible for all fees and environmental review costs, including those charged by the California Department of Fish and Wildlife.
5. At the time of filing of the final subdivision map, the subdivider shall pay the parkland dedication fees as determined by the City (pursuant to Chapter 16.12 of the Clayton Municipal Code).
6. The developer shall satisfy the open space requirement as outlined in Section 17.28.100 of the Clayton Municipal Code prior to the filing of the final subdivision map.
7. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and other fees that are due.
8. All conditions of approval shall appear on the improvement drawings.
9. Pursuant to Government Code Section 66474.9, the applicant (including the subdivider or any agent thereof) shall defend, indemnify, and hold harmless the City of Clayton and its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void, or annul the City's approval concerning this subdivision map application, which action is brought within the time period provided for in Section 66499.37. The City will promptly notify the subdivider of any such claim, action, or proceeding and cooperate fully in the defense.

10. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgments, liens, levies, costs, and expenses of whatever nature, including attorney's fees and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, or the environmental review conducted under the California Environmental Quality Act for this entitlement and related actions. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
11. A Site Plan Review Permit (and any other entitlements, as applicable) shall be obtained from the City for the future construction of the single family homes on Parcels B and C,

GRADING CONDITIONS

12. Prior to the issuance of a grading permit, the grading plan shall include a requirement (via notation) indicating that if cultural resources, or human remains, are encountered during site grading or other site work, all such work shall be halted immediately within 100 feet of the area of discovery and the contractor shall immediately notify the City of the discovery. In such case, the City, at the expense of the project applicant, shall retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the City for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the vicinity of the discovery, as identified by the qualified archaeologist, shall not be allowed until the preceding steps have been taken. to the issuance of a grading permit, the grading plan shall include a requirement (via notation) indicating that if cultural resources, or human remains, are encountered during site grading or other site work, all such work shall be halted immediately within 100 feet of the area of discovery and the contractor shall immediately notify the City of the discovery. In such case, the City, at the expense of the project applicant, shall retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the City for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the vicinity of the discovery, as identified by the qualified archaeologist, shall not be allowed until the preceding steps have been taken.

13. Pursuant to State Health and Safety Code §7050.5(c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the Contra Costa County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify the person believed to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. Additional work is not to take place in the immediate vicinity of the find, which shall be identified by the qualified archaeologist at the applicant's expense, until the preceding actions have been implemented.
14. Prior to the issuance of a grading permit, the applicant shall prepare to the satisfaction of the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the proposed project. Actions include, but are not limited to, the following:
 - a. Hydro-seeding;
 - b. Placement of erosion control measures within drainage ways and ahead of drop inlets;
 - c. The temporary lining (during construction activities) of drop inlets with "filter fabric";
 - d. The placement of straw wattles along slope contours;
 - e. Use of designated equipment and vehicle "wash-out" location;
 - f. Use of siltation fences;
 - g. Use of on-site rock/gravel road at construction access points; and
 - h. Use of sediment basins and dust palliatives.
15. During grading and construction, the project contractor shall ensure that the following measures are implemented,:
 - a. Grading and construction activities shall be limited to the daytime hours between 7:00 a.m. to 5:00 p.m. Monday through Friday, as specified in Section 15.01.101 of the Clayton Municipal Code. Any such work beyond said hours and days is strictly prohibited unless previously specifically authorized in writing by the City Engineer or designee or by project conditions of approval;
 - b. The distances between on-site construction and demolition staging areas and the nearest surrounding residences shall be maximized to the greatest extent possible; and
 - c. All construction and demolition equipment that utilizes internal combustion engines shall be fitted with manufacturer's mufflers or equivalent.
16. Signature blocks shall be provided for the Community Development Director and City Engineer on the grading and improvement construction plans.

17. Two feet of flat area shall be provided between a property or right-of-way line and the top of slope.
18. The recommendations of the geotechnical report shall be incorporated into the grading and construction plans and the Geotechnical Engineer shall sign the grading and improvement plans as conforming to the recommendations of the geotechnical report.
19. All grading shall be performed under the direction and inspection of a registered soils or geotechnical engineer and shall be in conformance with the recommendations of the geotechnical report and the requirements of the City Engineer. Prior to the construction of any improvements, the engineer shall submit a testing and observation report to the City Engineer for review and approval.
20. Grading and stormwater permits shall be obtained from the City Engineer.
21. The applicant shall implement all of the Bay Area Air Quality Management District's Basic Construction Mitigation Measures, which include the following:
 - a. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - b. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - d. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - e. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - f. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
 - g. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.

- h. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

STREET CONDITIONS

22. Access to each parcel shall be provided by a paved access roadway meeting City of Clayton standards for a private street. The private street shall, at a minimum, include curb and gutter on one side of the access, curb only on the opposite side of the access, and a structural section that is adequate to carry fire apparatus and is approved by the Contra Costa Fire District and City Engineer.

DRAINAGE CONDITIONS

23. Total storm runoff peak flows from the site shall not exceed pre-development levels. All stormwater runoff from impervious areas shall be treated and contaminants removed prior to discharge from the site. The design and of the detention and treatment facilities shall be subject to the approval of the City Engineer.
24. The applicant shall submit a Final Stormwater Control Plan and a Stormwater Operation and Maintenance Plan fully addressing the requirements of the City's most current Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (Permit No. CAS612008, as amended November 10, 2015), including the new "Green Streets/Green Infrastructure" requirements, and to the satisfaction of the City Engineer. The applicant shall execute with the City of Clayton and record against each parcel, a Stormwater Operations and Maintenance agreement in full compliance with the City's most current Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (Permit No. CAS612008, as amended November 10, 2015).
25. Maintenance of all drainage facilities shall be the responsibility of the homeowner on whose lot the facilities are located.
26. The improvement plans shall reflect that all on-site storm drain inlets shall be labeled "No Dumping – Drains to Creek" using thermoplastic stenciling or equivalent permanent method, subject to City approval.
27. The Mosquito and Vector Control District and its contractors shall have the right of access to conduct inspections and maintenance of all on-site drainage devices.
28. Developer shall, prior to commencement of construction, enter into a recorded covenant and agreement for each lot with the following requirements at a minimum:

- a. Bioretention planter to be maintained as originally constructed and in accordance with the approved Operations and Maintenance Plan. Planters may not be modified without the approval of the City Engineer.
- b. By September 15th of each year, lot owner is to perform (or have performed by a firm approved by the City) a pre-rainy season inspection and submit a report to the City along with payment of the required fees. Any deficiencies noted shall be remedied within 20 calendar days of completion of the inspection.
- c. City shall have the right of access to inspect the bioretention planter at any time.
- d. Should said City inspection reveal any problems or inadequacies with the bioretention planter or drainage system, Owner shall be notified and must remedy the problems or inadequacies within 30 days of said notice.

UTILITY CONDITIONS

29. Sanitary sewer plans shall be submitted to the City of Concord and the Clayton City Engineer for review and approval.
30. A sewer cleanout shall be provided on each sewer lateral at the front property line of each residential lot.
31. The applicant shall connect all residences to the sanitary sewer system, obtain applicable permits, and pay applicable fees as required by the Cities of Clayton and Concord.
32. The applicant shall install two four-inch conduits and pull-boxes with pull lines for City use for future tele-communication purposes. Conduits shall be installed in the public utility easement with termination on residential property lines behind the curbs.
33. The width of new access and maintenance easements for underground facilities shall be twice the depth of the facility with a minimum width of ten (10) feet, as determined appropriate and applicable by the City Engineer.
34. The applicant shall obtain the necessary approvals from all applicable utility providers.
35. The applicant shall furnish and install all conduit, boxes, pull rope and acutrema required by utility companies serving any or all of the three parcels.
36. Utilities shall be undergrounded, subject to review and approval by the City Engineer and any applicable agencies.

37. Prior to issuance of grading or construction permits, the existing septic tank shall be abandoned in consultation with the Contra Costa County Environmental Health Department. Proof of abandonment shall be provided to the City Community Development Department and City Engineer.

ENGINEERING CONDITIONS

38. The applicant shall obtain an encroachment permit for all work in the public right-of-way.
39. All required easements or rights-of-way for off-site improvements shall be obtained by the applicant at no cost to the City of Clayton. Advance permission shall be obtained from any property or easement holders for any work to be done within such property or easements.
40. Upon recording of the final parcel map, the City shall be given a full size, reproducible, Mylar copy of the recorded map and an electronic file of the map in AutoCAD. Upon completion of the improvements and prior to City Council acceptance, the City shall be given a full size, reproducible Mylar copy of the grading, construction, irrigation and landscape plans (plus electronic copies in both PDF and AutoCAD formats), annotated to reflect changes that occur during construction and signed by the Project Engineer and Landscape Architect.
41. All work shall be designed and constructed in accordance with the Municipal Code requirements and City Standard Plans and Specifications.
42. During construction, the project contractor, at the expense of the project applicant, shall completely remove and re-compact the existing non-engineered fill on-site under the supervision of a registered geotechnical engineer, according to the recommendations presented in the Geotechnical Investigation. The contractor shall remove the upper undocumented fill soil from the area extending at least five feet beyond the edge of the planned building envelopes and also below the planned rear retaining wall. Once removed, subsequent engineered fill may be used as approved by a licensed geotechnical engineer. A written summary of the operations shall be submitted to the City Engineer.

EXPIRATION CONDITION

43. The Douglas Road Parcel Map (MAP-01-17) shall expire pursuant to the tentative map expiration provisions listed in the State of California Government Code Subdivision Map Act.

ADVISORY NOTES

1. The applicant shall comply with all applicable State, County, and City codes, regulations and adopted standards as well as pay all associated fees and charges.

2. The applicant shall obtain the necessary and required approvals from the Contra Costa County Fire Protection District.
3. The applicant shall provide an adequate and reliable water supply for fire protection as set forth in the Uniform Fire Code.
4. NO PARKING — FIRE LANE signs or red curbs shall be provided throughout both sides of the twenty (20) foot wide access driveway/roadway and turnaround. The applicant shall submit a minimum of two (2) copies of site improvement plans indicating existing hydrant locations and proposed fire apparatus access for review and approval prior to obtaining building permits.
5. The twenty (20) foot wide access driveway/roadway and turnaround improvements must be completed and inspected by the Contra Costa County Fire Protection District prior to construction on the two residential lots.
6. Development on any parcel in this subdivision shall be subject to review and approval by the CCCFPD to ensure compliance with minimum CCCFPD requirements.
7. Any future proposed residences are required to be protected with an approved automatic fire sprinkler system complying with the 2016 edition of NFPA 13D or Section R313.3 of the 2016 California Residential Code. A minimum of two (2) sets of sprinkler plans shall be submitted to the CCCFPD for each proposed residence for review and approval prior to installation.
8. Additional requirements may be imposed by the Contra Costa County Fire Protection District. Before proceeding with the project, it is advisable to check with the Fire District.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 28th day of August, 2018.

APPROVED:

ATTEST:

Bassam Altwal
Chair

Mindy Gentry
Community Development Director

EXHIBIT A

**DOUGLAS ROAD PLANNED DEVELOPMENT
DEVELOPMENT STANDARDS**

Front Setback	Interior Side Setback	Exterior Side Setback	Rear Setback	Accessory Buildings and Structures	Principal Building Height	Accessory Building Height
20'	10' minimum 25' aggregate	Not Applicable	15'	Subject to CMC Section 17.36.055	Subject to CMC Section 17.16.070	Subject to CMC Section 17.36.055