



PLANNING COMMISSION AGENDA

Regular Meeting

7:00 P.M. on Tuesday, August 9, 2016

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

1. **CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG**
2. **ADMINISTRATIVE**
 - 2.a. Selection of Chair and Vice Chair of the Planning Commission.
 - 2.b. Review of agenda items.
 - 2.c. Declaration of Conflict of Interest.
 - 2.d. Commissioner Dan Richardson to report at the City Council meeting of August 16, 2016 (alternate Tuija Catalano).
3. **PUBLIC COMMENT**
4. **MINUTES**
 - 4.a. Approval of the minutes for the June 28, 2016 Planning Commission meeting.
5. **PUBLIC HEARINGS**
 - 5.a. **ENV-01-16, MAP-01-14, VAR-02-14, TRP-04-15; Initial Study/Mitigated Negative Declaration, Tentative Map, Variance, and Tree Removal Permit; Branagh Development; Verna Way at Lydia Lane; (APNs: 120-043-037 and -038).** Review and consideration of a request from Branagh Development for the approval of a Tentative Map to subdivide the subject parcels into the six lots; a Variance to allow each of the six lots to have smaller lot widths than the required 100-foot minimum; and the removal of 105 trees in order to construct six single-family homes. The project is generally located south of the intersection of Verna Way and Lydia Lane. An Initial Study/Mitigated Negative Declaration with a Mitigation Monitoring and Reporting Program are also being considered for adoption.

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:

- 1) Approve Planning Commission Resolution No. 09-16 adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (ENV-01-16); and
- 2) Adopt Planning Commission Resolution No. 10-16 approving the Tentative Map, Variance, and Tree Removal Permit for a six lot subdivision for six single-family homes and the removal of 105 trees (MAP-01-14, VAR-02-14, and TRP-04-15).

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, August 23, 2016.**

Most Planning Commission decisions are appealable to the City Council within ten (10) calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in oral testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter. If you have a physical impairment that requires special accommodations to participate, please contact the Community Development Department at least 72 hours in advance of the meeting at 925-673-7340. An affirmative vote of the Planning Commission is required for approval. A tie vote (e.g., 2-2) is considered a denial. Therefore, applicants may wish to request a continuance to a later Commission meeting if only four Planning Commissioners are present.

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

Minutes
Clayton Planning Commission Meeting
Tuesday, June 28, 2016

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

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

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

Absent: None

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

2. ADMINISTRATIVE

- 2.a. Review of agenda items.
- 2.b. Declaration of Conflict of Interest.
- 2.c. Commissioner Dan Richardson to report at the City Council meeting of July 5, 2016.

3. PUBLIC COMMENT

None

4. MINUTES

- 4.a. Approval of the minutes for the June 14, 2016 Planning Commission meeting.

Commissioner Manning moved and Vice Chair Johnson seconded a motion to approve the minutes, as submitted. The motion passed 5-0.

5. PUBLIC HEARINGS

- 5.a. **SPR-04-16; Site Plan Review Permit; Monica Funk; 1844 Yolanda Circle (APN: 118-332-002).** Review and consideration of a Site Plan Review Permit to allow the construction of a second-story balcony and exterior spiral staircase to replace an existing second-story balcony located on the rear of an existing two-story single-family residence.

Assistant Planner Sikela presented the staff report.

The public hearing was opened.

Commissioner Richardson expressed support for the project.

Commissioner Catalano asked if the ground-floor area was enclosed underneath the existing second-story balcony.

Clayton Funk, husband of the applicant Monica Funk, indicated that the ground-floor area underneath the existing second-story balcony is not enclosed and would remain unenclosed when the new balcony is constructed.

Chair Bruzzone indicated that he used to live on Frank Place and knows that the residences on Frank Place are lower in elevation than the residences on Yolanda Circle so there will be no impacts to privacy.

The public hearing was closed.

Vice Chair Johnson moved and Commissioner Manning seconded a motion to conditionally approve Site Plan Review Permit SPR-04-16, with the findings and conditions of approval recommended by staff. The motion passed 5-0.

- 5.b. **GPA-01-16; General Plan Amendment; City of Clayton.** A General Plan amendment to increase the density allowed within the Multifamily High Density (MHD) designation from 15.1 to 20 units per acre to 20 units per acre.

Director Gentry presented the staff report for Items 5.b through 5.g and indicated that, although the staff report for Items 5.b through 5.g would be presented at one time, the staff recommendation for each item would be indicated and the Planning Commission would conduct a public hearing on each separate agenda item.

Chair Manning asked if a developer could purchase a unit off-site and fix it up to sell as affordable housing unit as opposed to having to provide the affordable housing unit within the project itself.

Director Gentry indicated that, a developer would be able to pay an in-lieu fee.

Commissioner Manning asked if the in-lieu fee is equal to the cost of the construction of the affordable housing unit.

Director Gentry indicated that the in-lieu fee amount would be established by the City Council.

Commissioner Manning indicated that he was glad that the affordability timeframe was extended to 55 years since it started many years ago at only 10 years.

Vice Chair Johnson requested clarification on the employee housing amendment.

Director Gentry indicated that, since there are very few agricultural areas left in Clayton, the employee housing amendment would more than likely not be pertinent to our community. This type of amendment would be more applicable in the Central Valley where there are more agricultural uses. The General Plan and Municipal Code are silent on employee housing whereas the State has a specific definition for employee housing. The City does not define what a "household" means since that term is different for everyone. People can already rent out their home, so this type of living arrangement could already happen. However, this amendment would expressly allow for this type of use in Clayton.

Chair Bruzzone asked how many other cities in Contra Costa County are involved in updating their Codes to establish higher densities and inclusionary housing within their communities.

Director Gentry indicated that the City of Lafayette established a sub-committee to address an inclusionary housing ordinance years ago, but had to put it on hold due to pending courts cases; however, the City of Lafayette is now working towards completing their inclusionary housing ordinance. Walnut Creek has had an inclusionary housing ordinance for years. Further east in Contra Costa County it is not as common because housing is already considered affordable. The majority of cities are making changes or have already made the changes to increase to the requisite higher density designations.

Chair Bruzzone asked if cities are fighting this increase in minimum density and expressed concern about compromising State and Federal funds available to Clayton.

Director Gentry indicated that cities refusing to comply with State housing requirements may be susceptible to lawsuits and loss of funding from the State. So it is in a city's best interest to comply with State requirements.

Vice Chair Johnson explained that Pleasanton also challenged the State in order to resist the mandated requirements.

Director Gentry explained that the cities of Napa and Benicia also challenged the State and lost.

Commissioner Catalano requested confirmation on the location of all Multifamily High Density and Limited Commercial Districts in Clayton.

Vice Chair Johnson requested clarification on the City reporting to the State Department of Housing and Community Development (HCD).

Director Gentry explained that the City has to show proof to HCD that the City is planning for the Regional Housing Need Allocation numbers established by the Association of Bay Area Governments.

Chair Bruzzone opened the public hearing for Item 5.b.

Sue Allen, 211 Mountaire Parkway, expressed general opposition to the increase in density for the Multifamily High Density (MHD) designation and was specifically concerned about the impacts created by a higher density project located south of the Post Office as related to parking, location of garages or carports, safety issues regarding children traveling by foot on Marsh Creek Road, crime, degradation of the surround area, and the small size of High Street being inadequate to accommodate additional vehicle traffic. She added that this type of density should be located elsewhere in Clayton in order to minimize impacts to the Town Center and neighborhoods surrounding it.

Dan Hummer, 282 Stranahan Circle, agreed with Ms. Allen's concerns over increased densities for residential projects in Clayton. He expressed concern that a high density residential project located south of the Post Office would create impacts related to crime, parking, and traffic and explained that the maximum residential density allowed within Clayton should be 15 units per acre.

Chair Bruzzone reiterated that what the Planning Commission is reviewing at tonight's meeting are amendments that will allow the City to comply with State housing requirements and has nothing to do with any particular project in Clayton.

Bruce Feld, 574 Mt. Dell Drive, indicated that he moved to Clayton for its small town charm. He added that the Planning Commission and staff are in charge of protecting the intangible assets of Clayton and, with "small town America" rapidly disappearing, we have a duty to safeguard the unique qualities of our community. Higher density would not be good for Clayton.

Mark Kelson, 29 Tiffin Drive, indicated that Governor Jerry Brown is proposing legislation that would give developers the power to construct high density housing if these projects comply with certain criteria such as being located in close proximity to public transportation, etc. This new legislation would enable developers to obtain project approval without having to go through the City process. He concluded that he felt bad for the City since the State is requiring these density changes.

Chair Bruzzone closed the public hearing for Item 5.b.

Commissioner Manning indicated the following:

- The Planning Commission is looking at complying with State law.
- The City has found no correlation between higher density development and crime.
- Higher density developments exist in Clayton such as Oakhurst and there are not higher crime rates in Oakhurst.
- Low-income units exist in Clayton and no increase in crime has occurred; in fact, Clayton is one of the safest cities in California.

Commissioner Richardson indicated the following:

- The Housing Element in the General Plan is updated every few years, in accordance with State requirements.
- Every time the Housing Element is updated, the State moves the target for compliance.
- The State dictates what the City has to do to comply with State-mandated density changes.
- Affordable housing allows his children and parents the possibility of living in the City they love. His children grew up in Clayton yet they cannot afford to buy a home here. Affordable housing gives his children that chance.
- In the past, the State would merely recommend that cities should comply with these mandated housing requirements; nowadays, however, the State is much stricter about requiring cities to comply and have established penalties for cities that do not comply which equates to loss of money for cities because of the litigation process and loss of State funds.
- These State funds pay for such things as street improvements.
- The State wants the City to show where they can build new units to comply with State housing number requirements. That does not mean that the City is going to immediately try to find a developer to start constructing high density projects. It just means that we are showing the State where, potentially, the City could provide these units and making sure the City does not have ordinance established that would preclude this type of State-mandated development.
- We are simply complying with State demands. He would prefer to defy State requirements but the ensuing penalties would be more than the City could bear.

Commissioner Catalano indicated the following:

- She concurs with Commission Manning's and Commission Richardson's comments.
- Regarding the legislation proposed by Governor Brown, the Governor is merely trying to expedite the process by streamlining the environmental review for projects that comply with all applicable General Plan guidelines and Zoning standards for the particular district that the project is proposed to be located in. This legislation would not take away the City's discretionary review of such projects.
- These areas slated for compliance with State housing requirements would not pertain to the entire City but, rather, just a few select areas that have this particular type of higher density zoning.
- She thinks it is wise of the City to comply with the State.

Vice Chair Johnson indicated the following:

- She echoes the previous comments made by the Commissioners.
- She is disappointed that the City has to increase the density in this district.
- The State is requiring the City to comply so we have no choice but to do so.

Chair Bruzzone indicated the following:

- He agrees with prior comments made by the Commissioners.
- He understands the concerns expressed over the increase in density.
- The review process will not be affected. When projects are proposed, they will still be subject to the review process.
- We do not want to lose State funding. The consequences for a city the size of Clayton would be drastic.

Commissioner Richardson moved and Commissioner Manning seconded a motion to approve Resolution 03-16 recommending the City Council approve a General Plan amendment to increase the minimum density in the Multifamily High Density land use designation to 20 units per acre. The motion passed 5-0.

- 5.c. **ZOA-04-16; Municipal Code Amendment; City of Clayton.** A Municipal Code amendment requiring projects to meet the minimum density in compliance with the General Plan Land Use designations in Multiple Family Residential Districts.

Chair Bruzzone opened the public hearing for Item 5.c.

Dan Hummer, 282 Stranahan Circle, indicated that the high density designation should be located in a different location than the Town Center.

Commissioner Richardson indicated the following:

- During the Housing Element process, the City looked at every available piece of land in Clayton and underwent review of these proposed locations by HCD. The selected areas were chosen as the most suitable for high density projects based on the fact these areas were close to transit sources.
- The Commissioners have indicated that they would prefer not to have to conform to State requirements.
- These locations were selected as potential sites for these higher density developments but that does not necessarily mean that a high density project would definitely be built there.

Chair Bruzzone closed the public hearing for Item 5.c.

Vice Chair Johnson moved and Commissioner Richardson seconded a motion to approve Resolution 04-16 recommending the City Council adopt the Ordinance to require projects to meet the minimum density in compliance with the General Plan Land Use designations in Multiple Family Residential Districts (M-R-L, M-R-M, and M-R-H). The motion passed 5-0.

- 5.d. **ZOA-04-15; Municipal Code Amendment; City of Clayton.** A Municipal Code amendment adding inclusionary housing regulations.

Chair Bruzzone opened the public hearing for Item 5.d.

There were no comments.

Chair Bruzzone closed the public hearing for Item 5.d.

Commissioner Catalano indicated the following:

- Inclusionary housing and affordable housing are perceived negatively which is unfortunate since making housing available and more affordable is actually beneficial for Clayton.
- Medium-income annual income range is \$67,000 to \$112,000 and low-income annual income range is \$47,000 to \$67,000. These are the incomes for teachers, fire fighters, and police officers.
- Giving people a chance to afford buying a home results in positive impacts to the community.
- Can a developer waive rights under the Costa-Hawkins Act?

Director Gentry responded that it is conceivable that a developer may do so but the City cannot require developers to do so.

Commissioner Richardson indicated that his daughter is a teacher but cannot afford purchase a residence in the community she grew up in.

Commissioner Richardson moved and Commissioner Manning seconded a motion to approve Resolution 05-16 recommending the City Council adopt the Ordinance to add inclusionary housing regulations. The motion passed 5-0.

- 5.e. **ZOA-05-16; Municipal Code Amendment; City of Clayton.** A Municipal Code amendment to permit transitional and supportive housing in the Limited Commercial (LC) zoning district.

Chair Bruzzone opened the public hearing for Item 5.e.

Bruce Feld, 574 Mt. Dell Drive, asked what the definitions were for transitional housing and supportive housing.

Director Gentry read aloud the definitions for transitional housing and supportive housing.

Chair Bruzzone closed the public hearing for Item 5.e.

Commissioner Manning moved and Vice Chair Johnson seconded a motion to approve Resolution 06-16 recommending the City Council adopt the Ordinance to permit transitional and supportive housing in the Limited Commercial (LC) zoning district. The motion passed 5-0.

- 5.f. **ZOA-03-16; Municipal Code Amendment; City of Clayton.** A Municipal Code amendment to permit employee housing of six or fewer by right within residential zones.

Chair Bruzzone opened the public hearing for Item 5.f.

There were no comments.

Chair Bruzzone closed the public hearing for Item 5.f.

Vice Chair Johnson moved and Commissioner Manning seconded a motion to approve Resolution 07-16 recommending the City Council adopt the Ordinance to permit employee housing of six or fewer by right within residential zones. The motion passed 5-0.

- 5.g. **ZOA-06-16; Municipal Code Amendment; City of Clayton.** A Municipal Code amendment to update the density bonus requirements to be compliant with AB 2222 and AB 744.

Chair Bruzzone opened the public hearing for Item 5.g.

Dan Hummer, 282 Stranahan Circle, asked does a density bonus mean a developer could possibly increase the density on a project over 20 units per acre.

Director Gentry indicated that, if a developer meets the requirements of the Zoning Ordinance, then the density could be increased higher than 20 units per acre.

Commissioner Richardson asked if the City is required to allow a density higher than 20 units per acre.

Director Gentry replied that, if the developer requests the density bonus and if they are proposing the necessary percentage of affordable units, the developer could propose a project with a higher density.

Commissioner Catalano indicated that she felt the costs of land in Clayton are too expensive to make a 100 percent affordable rental unit project profitable for developers.

Director Gentry also indicated that affordable housing developers look for transit-friendly sites.

Commissioner Manning indicated that cities such as Pleasant Hill fight such projects because there are so many transit-friendly sites located there.

Chair Bruzzone closed the public hearing for Item 5.g.

Commissioner Catalano moved and Vice Chair Johnson seconded a motion to approve Resolution 08-16 recommending the City Council adopt the Ordinance to update the density bonus requirements to be compliant with AB 2222 and AB 744. The motion passed 5-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff

Director Gentry and Assistant Planner Sikela thanked Chair Bruzzone, Vice Chair Johnson, and Commissioner Manning for their excellent work done while serving on the Planning Commission.

8.b. Commission

Chair Bruzzone, Vice Chair Johnson, and Commissioner Manning expressed their gratitude for being able to work on the Planning Commission and also thanked Commissioner Richardson, Commissioner Catalano, and staff for their hard work.

9. ADJOURNMENT

9.a. The meeting was adjourned at 8:15 p.m. to the regularly-scheduled meeting of the Planning Commission on July 12, 2016.

Submitted by
Mindy Gentry
Community Development Director

Approved by
David Bruzzone
Chair

Community Development\Planning Commission\Minutes\2016\0628

PLANNING COMMISSION STAFF REPORT

Meeting Date: August 9, 2016

Item Number: 5.a.

From: Milan J. Sikela, Jr. 
Assistant Planner

Subject: Public Hearing to review and consider the six-lot Verna Way Residential Subdivision Initial Study/Mitigated Negative Declaration (ENV-01-16), Tentative Subdivision Map (MAP-01-14), Variance (VAR-02-14), and Tree Removal Permit (TRP-04-15)

Applicant: Branagh Development

REQUEST

The applicant, Branagh Development, requests approval of Tentative Map, a Variance for lot width, and a Tree Removal Permit in order to subdivide two existing adjacent properties into six single-family residential lots. The project is generally located on the south side of Verna Way at the intersection of Lydia Lane (APN: 120-043-038) and the north side of Pine Hollow Road just east of Gibson Lane (APN: 120-043-037) (see **Attachment C** for Vicinity Map). The proposal entails review of the following entitlements:

- **Environmental Review (ENV-01-16)**
Review and consideration of the Verna Way Residential Subdivision Initial Study/Mitigated Negative Declaration, prepared in accordance with the California Environmental Quality Act (CEQA). This report analyzes the potential impacts caused by the Verna Way Residential Subdivision project and identifies various measures to mitigate these impacts.
- **Tentative Subdivision Map (MAP-01-14)**
A Tentative Subdivision Map to subdivide two existing adjacent properties measuring 1.12 acres and 1.34 acres in area (for a combined total area of 2.46 acres) into six residential lots ranging from 15,469 gross square feet to 20,348 gross square feet in area.
- **Variance (VAR-02-14)**
A Variance to allow each of the six lots to have smaller lot widths than the required 100-foot minimum lot width for properties located within the R-15 Single-Family Residential District.

- Tree Removal Permit (TRP-04-15)
A Tree Removal Permit to allow the removal of 105 trees out of 141 trees existing on the project site.

The design and architectural elements, including landscaping, fencing, lighting, and irrigation, are not being considered at this time. The developer will seek design, landscaping, fencing, and irrigation approval from the Planning Commission at a later date.

PROJECT INFORMATION

Applicant: Branagh Development
100 School Street
Danville, CA 94526

Acreage/Location: Total of 2.46 acres comprised of two existing lots:

1.12 acres
South side of Verna Way at the end of Lydia Lane
APN: 120-043-038

1.34 acres
North side of Pine Hollow Road east of Gibson Lane
APN: 120-043-037

Property Owner: Roskelley Trust
3300 Bloomfield Road
Sebastopol, CA 94572

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: Single Family Residential R-15 District
Proposed: Single Family Residential R-15 District

Surrounding General Plan Designations: North: Single Family Low Density (1.1 – 3.0 units per acre)
South: Low Density Residential (City of Concord)
East: Single Family Low Density (1.1 – 3.0 units per acre)
West: Single Family Low Density (1.1 – 3.0 units per acre)

Surrounding Zoning Classifications: North: Single Family Residential R-15 District
South: Planned District (City of Concord)
East: Single Family Residential R-12 District
Single Family Residential R-15 District
West: Single Family Residential R-15 District

Environmental Review: Verna Way Residential Subdivision Initial Study/Mitigated Negative Declaration (ENV-01-16) prepared in accordance with the California Environmental Quality Act, which is discussed in further detail below.

Public Notice: On June 17, 2016, a Notice of Intent to Adopt a Mitigated Negative Declaration for the Public Review Draft of the Verna Way Residential Subdivision Initial Study/Mitigated Negative Declaration was published in the Contra Costa Times, posted on the notice boards, and mailed to property owners within 300 feet of the project site. The 20-day public review period for the Verna Way Residential Subdivision Initial Study/Mitigated Negative Declaration was from June 20, 2016 to July 11, 2016.

On July 15, 2016, a Public Hearing Notice was published in the Contra Costa Times, posted on the notice boards, mailed to property owners located within 300 feet of the project site, and mailed to interested parties.

Authority: Section 16.08.026 of the Clayton Municipal Code (Subdivision Ordinance) authorizes the Planning Commission to approve, conditionally approve, or deny a tentative subdivision map.

Section 17.52.030 of the Clayton Municipal Code (Zoning Ordinance) authorizes the Planning Commission to approve a variance.

Section 15.70.030.C of the Clayton Municipal Code (Tree Protection Ordinance) authorizes the Planning Commission to approve, conditionally approve, or deny a tree removal permit.

DISCUSSION

The 2.46-acre project site is located between Verna Way (located on the project site's northern frontage) and Pine Hollow Road (located on the project's southern frontage) substantially surrounded by existing single-family residential neighborhoods. The project site is currently comprised of two adjacent lots; the northern 1.12-acre parcel (APN: 120-043-038) fronts onto Verna Way and contains a now-defunct orchard; the southern 1.34-acre parcel (APN: 120-043-037) fronts onto Pine Hollow Road and contains an existing single-family residence with associated outbuildings.

The Tentative Subdivision Map shows the subdivision of the project site into six single-family residential lots (see **Attachment D, Sheet D-1**). As part of the project, the existing single-family residence, associated outbuildings, and orchard are proposed for demolition/removal, for which a condition has been provided. The application materials submitted at this time do not include architectural plans for the residences on the individual lots. Plans will be submitted at a future time as part of the architectural review involved with

the Site Plan Review Permit process. Also, the front yard landscaping, irrigation, lighting, and fencing will be reviewed during the Site Plan Review Permit process. Staff has provided a condition that the applicant shall submit a formal Site Plan Review Permit application for the residences.

ENVIRONMENTAL REVIEW

In compliance with the California Environmental Quality Act (CEQA), the City has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. The IS/MND was circulated for a 20-day public review period from June 20, 2016 to July 11, 2016. The IS/MND was distributed to the Planning Commission electronically on July 7, 2016. The IS/MND and MMRP are available for review at the Community Development Department on the third floor of City Hall and can also be found on the City's website at:

<http://www.ci.clayton.ca.us/documents/ENV-01-16.public.review.draft.IS.MND.pdf>.

The IS/MND evaluated the potential project-related environmental impacts: aesthetics, agriculture resources, air quality, greenhouse gas emissions, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology, land use, mineral resources, noise, population and housing, public services, recreation, transportation/circulation, and utilities and service systems, and mandatory findings of significance. Of the eighteen potential impacts evaluated, the IS/MND identified five environmental factors that are "potentially significant": biological resources, cultural resources, hazards and hazardous materials, geology and soils, and noise. Mitigation measures have been provided for the five potentially significant impacts, thereby reducing the project impacts on the environment to a "less-than-significant" level. The evaluations, impacts, and mitigation measures are described in detail in the IS/MND.

As part of review of the project entitlements, the Planning Commission has to act first on the IS/MND prior to taking action on any of the other project entitlements (Tentative Subdivision Map, Variance, and Tree Removal Permit).

General Plan and Zoning Consistency

The project site has a General Plan land use designation of Single Family Low Density (1.1 – 3.0 units per acre). The project is proposed on a 2.46 acre (107,157.6 square-feet) site and the density for the Single Family Low Density designation would allow between 2.7 to 7.38 single-family homes; therefore the six lot subdivision for six single-family homes is compliant with the allowed density range. Furthermore, the General Plan calls for lot sizes ranging from 12,500 and 40,000 square feet. Therefore, average lot sizes of 17,859.6 square feet would also comply with the General Plan land use designation.

The project site has a zoning classification of R-15 Single-Family Residential District. The zoning classification requires minimum lot areas of 15,000 square feet, lot depths of 100 feet, and lot widths of 100 feet. Other than the lot widths, which are proposed at a range of 96.43 to 98.67 feet in width, the lot dimensions comply with the required development standards. A Variance request to have smaller lot widths has been submitted, which is discussed in further

detail below. Approval of the Variance would allow the project to deviate from the development standards of the R-15 zoning designation.

TENTATIVE SUBDIVISION MAP

The applicant proposes to subdivide two existing adjacent properties into six single-family residential parcels with proposed lot areas measuring as follows:

| LOT NUMBER | GROSS AREA (IN SQUARE FEET) | NET AREA (IN SQUARE FEET) |
|------------|-----------------------------|---------------------------|
| 1 | 17,566 | 15,548 |
| 2 | 17,583 | 15,558 |
| 3 | 20,348 | 19,296 |
| 4 | 20,321 | 19,183 |
| 5 | 15,746 | SAME AS GROSS AREA |
| 6 | 15,469 | SAME AS GROSS AREA |

As the list above shows, the sizes of the proposed lots range from 15,469 to 20,348 square feet in area. The northernmost lots on the project site, Lots 1 and 2 will each be independently accessed by dedicated driveways directly off of Verna Way. Lots 3 and 4 will have shared access via a paved easement that extends south from Verna Way, through Lots 1 and 2, and terminating in a hammered driveway on Lots 3 and 4. This access easement and hammerhead driveway are the difference in the gross and net lot areas on Lots 1, 2, 3, and 4. Per Section 17.40.110.B of the Clayton Municipal Code (CMC), an easement owned, dedicated, or used for purposes of vehicular access shall not be included in order to satisfy minimum area, setback, or dimensional requirements. The southernmost lots on the project site, Lots 5 and 6 will each be independently accessed by dedicated driveways off of Pine Hollow Road. No access easements are proposed on Lots 5 and 6; as a result, the gross and net lot areas of Lots 5 and 6 are the same.

The driveways accessing Lots 1, 2, 5, and 6 are proposed to be 16 feet in width while the access easement for Lots 3 and 4 is proposed at 20 feet in width. These dimensions comply with the requirements of Section 17.37.090.D.4 of the CMC which require that individual driveways be a minimum of 10 feet in width and two-way driveways serving two single-family dwellings be a minimum of 16 feet in width. Section 17.37.090.D.1 of the CMC states that a new driveway serving a single-family dwelling shall not be placed on an arterial street unless alternative driveway locations are not available. Lots 5 and 6 are proposed with driveways off of Pine Hollow Road, which is an arterial. Given that the only available frontage for Lots 5 and 6 is adjacent to Pine Hollow Road, which is an arterial, there would be no other driveway alternatives available. A condition of approval has been provided that the applicant shall revise the driveway configurations for Lots 5 and 6 to include a single shared driveway for both lots and provide a hammerhead driveway on each lot with review and approval by the City Engineer. As result, the shared driveway would reduce the number access points onto Pine Hollow Road and the hammerhead driveways would prevent the residents from backing onto Pine Hollow Road.

Regarding the required parking for the project, this issue would be reviewed during the Site Plan Review Permit phase of the project. Staff has provided a condition that four off-street parking spaces shall be provided on each lot; two covered spaces in the garage of each residence and two uncovered spaces which can be provided tandem or side by side in the driveways of each lot.

GRADING

The project site is generally flat, located at an elevation of approximately 119 feet above sea level at the southern boundary of the property along Pine Hollow Road, gradually descending northward in a topographically uniform manner to approximately 100 feet above sea level at the northern boundary of the property along Verna Way. The applicant is proposing to level off the six lots, providing a graded pad for each lot, with typical associated sloped minor cut-and-fill areas around the perimeters of the level pads to address nominal changes in elevation between the pads. There will be small graded depressions on each lot for the stormwater detention basins. A condition has been required that the applicant shall obtain a grading permit from the City Engineer.

UTILITIES

Water

Contra Costa Water District (CCWD) will provide water to the project site. Currently, an existing CCWD water main is located along Verna Way which the applicant proposes to connect to in order to serve Lots 1, 2, 3, and 4 via a lateral running south along the access easement. Water for Lots 5 and 6 will be provided by laterals extending from the existing water main along Pine Hollow Road. As part of the project, existing wells on the project site will be abandoned. A condition has been provided that, prior to any on-site ground disturbance activities, all on-site wells shall be abandoned in accordance with CMC Section 13.04.310 and the applicant shall hire a licensed well contractor to obtain a well abandonment permit from the Contra Costa County Health Services Department with on-site well abandonment to be reviewed and approved by the City Engineer and Contra Costa County Health Services Department.

Sewer

Sewer service will be provided to the site via the existing 8-inch sewer line located on Verna Way. A lateral is proposed to be extended southerly from the Verna Way sewer line through an easement that runs in the center of the project site in order to serve each individual lot. The applicant is also proposing to stub a lateral at the property line adjacent to Gibson Lane for possible future sewer connections for the surrounding homes currently utilizing a septic system. As part of the project, existing septic systems will be removed. 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. A condition has also been provided addressing the dedication of a 10-foot wide sanitary sewer easement for access to and maintenance of the sanitary sewer lines and associated cleanouts as well as for future sewer connections via Gibson Lane for surrounding homes currently utilizing a septic system.

Stormwater

Stormwater runoff will be captured in on-site detention basins located on each lot that would treat and infiltrate stormwater in accordance with the C.3 stormwater requirements. The stormwater will be drained to the bioretention facilities which will then percolate through the bottom of the detention basin and out of the stormdrain at the face of curb. Each bioretention area will have two sump holes penetrating to approximately 15 feet below the bottom of each basin to allow water movement to a pervious soil layer. Overflow from heavy storms would be discharged to the existing Verna Way curb and gutter stormwater infrastructure. More specifically, the stormwater flow for Lots 1, 2, 3, and 4 will exit onto Verna Way while the stormwater flow for Lots 5 and 6 will exit onto Pine Hollow Road. A condition has provided that the applicant shall obtain approval of a final stormwater control plan from the City Engineer. Funding for the operation and maintenance of the stormwater detention basins as well as all drainage facilities located on or adjacent to (including those facilities located in the public right-of-way) each lot will be the ongoing responsibility of the property owner of a Homeowners Association (HOA) that staff has proposed a condition requiring the formation of, pursuant to covenants, conditions, and restrictions (CC&Rs) that shall be established for the project (see HOA and CC&R discussion below). In order to ensure that the stormwater detention basins are not modified in any way and are adequately maintained, staff has provided a condition that the HOA shall be responsible for (including but not limited to) inspection, reporting, and maintenance of stormwater conveyance and treatment facilities. Also, there are new “Green Streets/Green Infrastructure” requirements that are required as part of the City’s recently amended Municipal Regional Stormwater NPDES (National Pollutant Discharge Elimination System) Permit. Conditions have been provided addressing project-related stormwater, stormdrain, and drainage issues.

Can-and-will serve letters were provided for water and sewer service as well as for gas and electricity.

VARIANCE

As part of the proposed project, the applicant has requested approval of a Variance to allow each of the six lots to have smaller lot widths than the required 100-foot minimum for properties located within the R-15 Single-Family Residential District. The lot widths are proposed as follows:

| LOT NUMBER | PROPOSED LOT WIDTHS (IN FEET) | DIFFERENCE BETWEEN REQUIRED AND PROPOSED (IN FEET) |
|------------|-------------------------------|--|
| 1 | 97.50 | 2.50 |
| 2 | 97.60 | 2.40 |
| 3 | 98.16 | 1.84 |
| 4 | 96.94 | 3.06 |
| 5 | 98.67 | 1.33 |
| 6 | 96.43 | 3.57 |

According to the lot widths proposed by the applicant (see **Attachment D, Sheet D-1**); the largest reduction from the required 100-foot lot width would be on Lot 6 with an approximate 3.5-foot reduction (96.43 feet). The existing lots in Clayton surrounding the project site are zoned R-15 with three adjacent lots to the east being zoned R-12. According to CMC Section 17.16.050, minimum lot widths for properties located in the R-15 and R-12 single-family residential districts are required to be 100 feet. Staff analyzed the lot widths in the surrounding existing single-family districts and observed that a majority of the existing lots had widths less than 100 feet, with some residential properties being approximately 83 feet in width (see **Attachment E** for excerpt of Assessors Parcel Map showing existing adjacent lot dimensions).

Per CMC Section 17.52.030, in order to modify zoning regulations such as lot width, a variance is required and the Planning Commission must make certain findings, which are discussed below, before approval of any application. The findings are as follows:

- A. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the same respective land use district in which the subject property is located.**

The width of the entire project site is 195.1 feet. The applicant has generally bisected the project, giving each lot a width of slightly less than 100 feet. The proposed lot widths within the subdivision range from 96.43 to 98.67 feet. Given that surrounding existing lot widths measure 83, 85, 90, 95.94, 97.55, 100, 104.10, and 109.97 feet, the average of these dimensions would be approximately 95.7 feet, less than the required 100-foot lot width and also less than the 96.34 to 98.67 lot width range proposed by the applicant. As a result, authorization of a variance for the project would allow the applicant to establish lot widths consistent with surrounding existing lot widths and would not constitute a grant of special privilege inconsistent with the lot widths of surrounding existing properties.

It should be noted that the other dimensions (depth and area) of lots within the subdivision are well above the minima established in the City's codified development standards. For the R-15 district, Sections 17.16.040 and 17.16.060 of the Clayton Municipal Code require a minimum lot area of 15,000 square feet and minimum lot depth of 100 feet, respectively. The lot areas proposed for the project range from 15,469 to 20,231 square feet while the lot depths range from 160 to 208 feet. Both sets of proposed dimensions are well above the City's minimum requirements for lot area and depth, in some cases being over 5,000 square feet greater in area and over double the lot depth. These generous lot areas and depths provide compliance with the applicable development standards, offsetting the small amount of reduced lot width of approximately 3.5 (or less) feet being requested by the applicant.

- B. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.**

The subject lot widths have been proposed in order to allow each parcel in the subdivision to have equidistant widths comparable to other lots in the subdivision and in the surrounding existing neighborhoods. Given that the width of the project site is 195.1 feet, bisecting the property creates lot widths measuring 96.34 to 98.67 feet which provides a balance of lot widths rather than having a situation where one proposed lot width would be 100 feet while the other lot width would only have 95 feet of remaining space. The bisecting of the project site (and the creation of lots ranging from 96.34 to 98.67 feet) creates a balanced development pattern within the subdivision. Because of the existing 195.1-foot width of the project site, strict application of the 100-foot minimum lot width for properties located within the R-15 district would deprive the applicant from establishing lot widths enjoyed by other properties in the vicinity and within the R-15 district. Furthermore, since the project site is surrounded by existing development, the applicant would be unable to acquire more property to meet the required minimum 100-foot lot width requirement.

- C. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.**

The intent and purpose of the 100-foot lot width for properties located within the R-15 district is to maintain a lower density and greater lot areas for properties within the district. These densities and lot areas create more distance between residences and a more suburban development pattern that allows open space to exist on each property and preserves the more quasi-rural, natural characteristics of our neighborhoods—a quality that is valued in Clayton and is part of the fabric of the community. By establishing lots that are much larger in area and depth than what is required for properties located within the R-15 district while only proposing lot widths that are 1.33 to 3.66 feet less than the required 100-foot lot width, the project is substantially meeting the intent and purpose of the R-15 district.

TREES AND LANDSCAPING

Trees

An orchard and other trees ancillary to the on-site residence currently exist on the project site, amounting to a total of 141 existing trees. As part of the project, the applicant is requesting approval of a Tree Removal Permit to remove 105 of the 141 trees, for which an Arborist Report has been submitted (see **Attachment F**). The applicant has submitted a narrative addressing a plan for tree replacement in which 48 trees will be provided (see **Attachment G**).

In analyzing the applicant's tree replacement narrative, the applicant proposes to provide 48 replacement trees to mitigate the proposed removal of 105 trees which amounts to eight replacement trees being provided on each lot.

Section 15.70.015.E of the CMC defines the trunk diameter as the diameter of a tree trunk as measured four feet six inches above natural grade. The trunk diameter is the method of measurement used by the City to assess the size of a tree as related to tree removal and/or tree replanting, in accordance with the City's Tree Protection Ordinance. Depending on the species of tree, a 24-inch box tree generally measures one to two inches in trunk diameter.

For purpose of this analysis, staff averaged the trunk diameter of a 24-inch box tree as 1.5 inches (halfway between the one- to two-inch typical trunk diameter of 24-inch box trees). Of the 105 trees proposed for removal, 42 of them are in “fair” to “good” condition according to the arborist report with the other 63 trees being “poor” to “dead”. When calculating this average trunk diameter of a 24-inch box tree against the 48 proposed replacement trees, the applicant is providing a total combined replacement tree trunk diameter of 72 inches. Staff also looked at the 42 “fair” to “good” trees slated for removal and tallied the total trunk diameter at 421.4 inches. Given the lack of quality and contribution to the surrounding area, staff did not include the classifications identified in the arborist report as dead or poor in the trunk diameter totals to be included as part of the tree replacement calculations. These two classifications of trees were also precluded in the totals given the unusually high number of trees on the property due it the previously being used as an orchard. Staff has also amended Mitigation Measure 2 in the IS/MND to not require the trees in poor health to be replaced for all of the aforementioned reasons. This amendment is reflected in the errata sheets that are attached to Resolution 09-16 (**Attachment A**) as Exhibit B.

Section 15.70.040.A of the CMC provides two options for tree replacement:

- For every inch of removed tree trunk diameter, a half inch (or 50%) of replacement tree may be provided if the replacement tree *is not* on the City’s Protected Tree¹ list; or
- For every inch of removed tree trunk diameter, a third of an inch (or 33%) of replacement tree may be provided if the replacement tree *is* on the City’s Protected Tree list.²

Given the CMC calls for a maximum 50% replacement ratio, the applicant would need to replace 210.7 inches, assuming no replacement trees are from the City’s Protected Tree List. Conversely, a tree replacement ratio using native species (as specified in the City’s Protected Tree List) would result in a mitigation of 139 inches of replacement tree trunk diameter. If the applicant proposes a combination of native and non-native species of tree, the number of inches would fall somewhere between 139 and 210.7 inches of replacement tree trunk diameter. As discussed above, the applicant is proposing 48 trees, which results in 72 inches of replacement trees (based on the average trunk diameter of replacement trees in 24-inch boxes being 1.5 inches), bringing the mitigation range to between 67 to 138.7 inches.

Since the applicant is providing 48 on-site replacement trees, in order to avoid overplanting, Section 15.70.040.F of the CMC allows the Planning Commission to consider an in lieu fee payment option to mitigate the loss of the removed trees. According to the City’s adopted Fee Schedule for the 2016-2017 Fiscal Year, the cost is \$800 per 24-inch box tree. Given this cost per 24-inch box tree, the 1.5-inch average trunk diameter of a 24-inch box tree, and the remaining 67 to 138.7 inches remaining to be mitigated, there are two in lieu fee payment amounts that are possible:

¹ Section 15.70.015 of the CMC lists the City’s Protected Trees. For ease of understanding, Protected Trees are trees that are native to Clayton.

² The reason a lower replacement ratio was established for applicants that chose to plant Protected (native) Trees for replacement purposes was to encourage applicants to plant native species.

- If the applicant chooses replacement trees that are non-native, the in-lieu fee would be \$73,973.
- If the applicant chooses replacement trees that are native, the in-lieu fee would be \$35,733.

The above in-lieu fees are based on taking the amount of inches of replacement tree trunk diameter and dividing it by 1.5 (average trunk diameter in inches for a 24-inch box tree).

Using the non-native replacement ratio, 138.7 inches divided by 1.5 would amount to 92.47 non-native replacement trees that would have to be provided by the applicant. When calculating the \$800 per 24-inch box tree in lieu fee for the 92.47 non-native replacement trees, the in-lieu cost to the applicant would be \$73,973.

Using the native replacement ratio, 67 inches divided by 1.5 would amount to 44.67 native replacement trees that would have to be provided by the applicant. When calculating the \$800 per 24-inch box tree in-lieu fee for the 44.67 native replacement trees, the in lieu cost to the applicant would be \$35,733.

The trees being removed are part of an abandoned orchard, a large percentage of which includes trees that are dead or in poor condition. Section 15.70.035.E of the CMC addresses tree replacement (in accordance with CMC Section 15.70.040) and states, in part, that the Commission has the latitude to consider options for tree replacement, including waiving the requirement for a tree replacement plan if the tree removal proposal is minor in nature and will not cause a significant impact. However, although some of the trees proposed for removal are in poor condition or dead, some of the trees to be removed are in fair to good condition. Based on the value of some of the trees slated for removal, the loss of these trees could result in a potentially significant impact as stated in the project IS/MND. As a result, staff is recommending a condition of approval on the project, that the applicant shall submit a Tree Replacement Plan showing a minimum of 48 24-inch box trees to be planted on-site and the appropriate tree replacement in lieu fee to be paid, prior to the removal of any trees. The Tree Replacement Plan shall be reviewed and approved by the Community Development Director. Furthermore, the Planning Commission will have the opportunity to review the formal landscape plan as part of the Site Plan Review Permit process for the project.

Landscaping

As part of the Site Plan Review Permit process, the applicant would submit a formal landscaping, irrigation, and fencing plan. Although no on-site (including front yard) landscaping is proposed at this time, landscaping is required as part of the street frontage improvements along Pine Hollow Drive. Curb, gutter, and a meandering sidewalk exists on Pine Hollow Road, but not along the project frontage. In between the curb and meandering sidewalk lies a landscape strip. As part of the project, the curb, gutter, landscape strip, and meandering sidewalk will be extended further west on Pine Hollow Road in front of Lots 5 and 6. As a result of these improvements, conditions have been provided addressing landscaping in the right-of-way.

ENGINEERING COMMENTS

As part of the project, the applicant will be providing street and off-site improvements (as mentioned above in the landscaping discussion). Along the Pine Hollow Road frontage of the project site, the applicant will be required to dedicate additional right-of-way for the necessary improvements. These Pine Hollow Road frontage improvements include curb, gutter, paving, street lighting, landscaping, irrigation, and a meandering five-foot sidewalk which will be integrated with and connect to the existing meandering five-foot sidewalk that is located along the Pine Hollow Road frontage of the Pine Hollow Estates subdivision directly adjacent to and east of the project site, thereby extending the theme of the existing streetscape further west along Pine Hollow Road. Along the Verna Way frontage of the project site, these improvements include curb, gutter, paving, and street lighting. A sidewalk was not required for the Verna Way improvements as no sidewalk exists east or west of the project site along Verna Way. As a result, the Verna Way improvements will include only curb, gutter, paving, and street lighting to tie into the existing curb and gutter on Verna Way west of the project site.

As part of project approval, a Homeowners Association (HOA) will be required to be formed in order to maintain various components of the subdivision. Also, covenants, conditions, and restrictions (CC&Rs) will be established for the project, which the HOA will have the duty to enforce and be responsible for. At a minimum, the HOA (and CC&Rs) will be accountable for and address routine inspections and maintenance of stormwater conveyance and treatment facilities, landscaping and irrigation improvements, preparation of annual stormwater reports and associated payment of fees, compliance with tree protection requirements, and upkeep of fencing. Conditions have been provided addressing requirements for the establishment of an HOA and CC&Rs.

AGENCY COMMENTS

Contra Costa County Fire Protection District

The Contra Costa County Fire Protection district reviewed the proposal and made a determination that the project complies with Fire District standards as related to the "T-turn" dimensions at the south end of the access easement that serves Lots 3 and 4 as well as the width of the access easement itself regarding the 16-foot paved width and 20-foot overall width of the easement. Staff has provided conditions addressing project compliance with Fire District requirements.

East Contra Costa County Habitat Conservancy

Since the project site is located in a habitat area requiring project review by the East Contra Costa County Habitat Conservancy, the Conservancy has required the applicant to fill out and submit to the Conservancy a Planning Survey Report. The Conservancy has reviewed the project and Planning Survey Report and provided conditions which have been provided as advisory notes.

PUBLIC COMMENTS RECEIVED

Staff received written public comments regarding the project (see **Attachment H**). In summary, the comments received addressed the following concerns:

- Three points of access from Verna Way.

There are three points of access from Verna Way that are being proposed: separate driveways for Lots 1 and 2 and a shared access easement providing ingress and egress to Lots 3 and 4. Each driveway is proposed at 16 feet in width and the shared access easement is proposed at 20 feet in width. The width of the Verna Way frontage of the project site is 195 feet. City driveway standards specify that a maximum of 50% of a property's frontage can be used for driveway purposes. Given that the total width of both driveways and the access easement (16 feet plus 16 feet plus 20 feet) would amount to 52 feet in total width (27% of frontage), the proposed portion of the Verna Way frontage used for driveway purposes is less than 50% of the 195-foot width of the Verna Way frontage. Furthermore, the access off of Verna Way for Lots 3 and 4 is preferred over access off of Pine Hollow Road given the CMC discourages new driveways serving single-family dwellings on arterial streets.

- Lydia Lane being extended all the way to Pine Hollow Road in order for Pine Hollow Road to be directly accessed from Clayton Road via Lydia Lane.

Lydia Lane is not being extended as part of the project.

- Lydia Lane being used to access the project site.

The project site is proposed to be accessed by two driveways and an access easement off of Verna Way lane and two driveways off of Pine Hollow Road. There will no direct access to the project site from Lydia Lane. Furthermore, Lydia Lane is a two lane road 24 feet in width, which has adequate capacity and is designed to accommodate the additional traffic of four additional single-family homes.

- Lots 1-4 being accessed from Verna Way via the 20-foot access easement with Lots 5 and 6 being accessed from a 10-foot access easement extension off of the 20-foot access easement.

Only Lots 3 and 4 will be accessed by the 20-foot easement. Lots 1 and 2 will have individual driveways (separate from the 20-foot access easement) connecting directly to Verna Way. Lots 5 and 6 will not be accessed by a 10-foot access easement extension off of the 20-foot access easement but, rather, are proposed to be accessed via individual driveways connecting directly to Pine Hollow Road. The 10-foot easement shown off of hammerhead termination of the 20-foot access easement is a 10-foot storm drain easement and not used for access purposes.

- Increased traffic in the neighborhood.

According to IS/MND, the project would generate 57 new daily vehicle trips. The Contra Costa Transportation Authority (CCTA) Congestion Management Plan (CMP) states any land development application generating less than 100 peak hour trips is not required to have a traffic study prepared. Due to the low number of project-generated

trips, a traffic study was not prepared, in accordance with CCTA regulations, and the project would not be expected to adversely impact levels of service at nearby signalized intersections nor would the project substantially increase traffic in relation to the existing traffic load and capacity of streets adjacent to the project site.

- Ground squirrels impacting surrounding neighborhoods.

Staff has provided a condition that the applicant shall retain an exterminator who shall evaluate the project site and make recommendations for the control and/or eradication of any on-site rodents, with the exterminator's recommendations subject to the review and approval of the Community Development Director.

- Two-story residences being constructed as part of the project.

Residences are not being proposed at this time. Architectural review of project-related residences (including review of the proposed height of the residences) will occur during the Site Plan Review Permit phase of the project, for which a condition has been provided.

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:

- 1) Approve Planning Commission Resolution No. 09-16 adopting the Verna Way Residential Subdivision Project Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program with errata sheets (ENV-01-16); and
- 2) Adopt Planning Commission Resolution No. 10-16 approving the Tentative Map, Variance, and Tree Removal Permit for a six-lot subdivision for six single-family homes and the removal of 105 trees (MAP-01-14, VAR-02-14, and TRP-04-15).

ATTACHMENTS

- A Planning Commission Resolution No. 09-16
- B Planning Commission Resolution No. 10-16
- C Vicinity Map
- D Project Plans — Verna Way Tentative Subdivision Map; Preliminary Grading, Drainage, & Utility Plan; and Topographic Survey, Demolition, & Tree Preservation Plan
- E Excerpt of Contra Costa County Assessors Parcel Map
- F Arborist Report
- G Tree Replacement Plan
- H Public Comments Received by Staff

ATTACHMENT A

CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 09-16

**A RESOLUTION OF THE CLAYTON PLANNING COMMISSION ADOPTING
THE FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE
VERNA WAY RESIDENTIAL SUBDIVISION PROJECT
(ENV-01-16)**

WHEREAS, the City received an application from Branagh Development requesting review and consideration of an Initial Study/Mitigated Negative Declaration (ENV-01-16), Tentative Subdivision Map (MAP-01-14), Variance (VAR-02-14), and Tree Removal Permit (TRP-04-15) for the subdivision and development of six single-family residences on 2.46 acres ("Project"). The Project site is located south of Verna Way at the intersection of Lydia Lane and north of Pine Hollow Road east of Gibson Lane (APNs: 120-043-038 and 120-043-037); and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration ("IS/MND") and Mitigation Monitoring and Reporting Program (MMRP) to evaluate the potential environmental impacts of the Project, in accordance with Section 15063 of Title 14 of the California Code of Regulations, the California Environmental Quality Act ("CEQA") Guidelines; and

WHEREAS, a draft IS/MND were duly noticed and circulated for a 20-day review period, with the public review comment period commencing on June 20, 2016 and ending on July 11, 2016; and

WHEREAS, the Clayton Planning Commission has reviewed the IS/MND for the Project and the comments received during the public review comment period; and

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

WHEREAS, on July 26, 2016, the Clayton Planning Commission continued the public hearing on the Project to August 9, 2016; and

WHEREAS, on August 9, 2016, the Clayton Planning Commission held a duly-noticed public hearing on the IS/MND and MMRP, received and considered testimony and evidence, both oral and documentary, and approved and adopted the Final IS/MND and MMRP with the attached errata sheets; and

WHEREAS, the custodian of the Final IS/MND is the Community Development Department and the Final IS/MND is available for public review at City Hall in the Community Development Department and the MMRP is attached as Exhibit A to this Resolution.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The foregoing recitals are true and correct.
2. The Clayton Planning Commission hereby finds, on the basis of the whole record before it (including the IS/MND, MMRP, and all comments received) that:
 - a. The City of Clayton exercised overall control and direction over the CEQA review for the Project, including the preparation of the Final IS/MND and MMRP, and independently reviewed the Final IS/MND and MMRP; and
 - b. There is no substantial evidence that the Project will have a significant effect on the environment once mitigation measures have been followed; and
 - c. The Final IS/MND and MMRP reflect the City's independent judgment and analysis.
3. The Clayton Planning Commission hereby approves and adopts the Verna Way Residential Subdivision Initial Environmental Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 9th day of August, 2016.

APPROVED:

ATTEST:

Chair

Mindy Gentry
Community Development Director

Exhibit A: Verna Way Residential Subdivision Project Mitigation Monitoring and Reporting Program
Exhibit B: Errata Sheets

Verna Way Residential Subdivision Project Mitigation Monitoring and Reporting Program

July 2016

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The Mitigation Monitoring and Reporting Program (MMRP) ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the Verna Way Residential Subdivision Project are listed in the MMRP along with the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign-off that the mitigation measure has been implemented.

EXHIBIT A

A-1

**MITIGATION MONITORING AND REPORTING PROGRAM
VERNA WAY RESIDENTIAL SUBDIVISION PROJECT**

| Mitigation Number | Mitigation Measure | Monitoring Agency | Implementation Schedule | Compliance Verification (Date / Initials) |
|-----------------------------|---|--|---|---|
| Biological Resources | | | | |
| MM 1 | <p><i>Removal of trees shall occur between September 1st and January 31st, outside the bird nesting season, to the extent feasible. If tree removal must occur during the avian breeding season (February 1st to August 31st), a qualified biologist shall conduct a survey for nesting birds of all trees and shrubs within 75 feet of the entire project site 14 days prior to the commencement of construction, and submit the findings of the survey to the Community Development Director. If nesting passerines are identified during the survey within 75 feet of the project site, a 75-foot buffer around the nest tree shall be fenced with orange construction fencing. If the nest tree is located off the project site, then the buffer shall be demarcated as per above. The size of the buffer may be altered if a qualified biologist conducts behavioral observations and determines the nesting passerines are well acclimated to disturbance. If acclimation has occurred, the biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting passerines. Construction or earth-moving activity shall not occur within the established buffer until a qualified biologist has determined that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, which typically occurs by July 15th. However, the date may be earlier or later, and would have to be determined by a qualified biologist. If a qualified biologist is not hired to watch the nesting passerines, then the buffers shall be maintained in place through the month of August and work within the buffer may commence September 1st.</i></p> | <p>City of Clayton Community Development Department</p> <p>Qualified Biologist</p> | <p>If tree removal occurs during the breeding season (February 1st to August 31st), a nesting bird survey shall be completed 14 days prior to the commencement of construction.</p> | |
| MM-2 | <p><i>Prior to issuance of a grading permit, in accordance with the City's Tree Protection Ordinance, the applicant shall submit to the Community Development Department a Tree Replacement Plan identifying the protected trees that will be removed during project construction. Based upon the current tentative map, the arborist report indicates that 32 protected trees are proposed for removal, only three of which are rated by the Arborist Report as being in</i></p> | <p>City of Clayton Community Development Department</p> | <p>The Tree Replacement Plan shall be submitted for review and approval by the Planning Commission.</p> | |

A-2

**MITIGATION MONITORING AND REPORTING PROGRAM
VERNA WAY RESIDENTIAL SUBDIVISION PROJECT**

| Mitigation Number | Mitigation Measure | Monitoring Agency | Implementation Schedule | Compliance Verification (Date / Initials) |
|---------------------------|---|---|---|--|
| | <i>good health (Trees #6, 109, and 111). Protected trees rated as being in poor, fair, or good health shall be replaced at the ratios specified in City of Clayton Municipal Code Section 15.70.040. The Tree Replacement Plan shall be submitted for review and approval by the Planning Commission.</i> | | | |
| MM-3 | <p><i>The following construction policies and guidelines for tree preservation and protection put forth by the City of Clayton shall be followed during project implementation:</i></p> <ul style="list-style-type: none"> <i>• The applicant shall submit for the review and approval of the Community Development Director a tree protection plan to identify the location of the tree trunk and dripline of all on- and off-site trees subject to City of Clayton Municipal Code Section 15.70.020.</i> <i>• A protective fence shall be installed around all trees subject to the tree protection plan. The protective fence shall be installed prior to commencement of any construction activity and shall remain in place for the duration of construction.</i> <i>• Grading, excavation, deposition of fill, erosion, compaction, and other construction-related activities shall not be permitted within the dripline or at locations which may damage the root system of trees subject to the tree protection plan, unless such activities are specifically allowed by the tree protection plan. Tree wells may be used if specifically allowed by the tree protection plan.</i> <i>• Oil, gas, chemicals, vehicles, construction equipment, machinery, and other construction materials shall not be allowed within the dripline of trees subject to the tree protection plan.</i> | City of Clayton Community Development Department | Prior to commencement of any construction activity a tree protection plan shall be submitted and a protective fence shall be installed around all trees subject to the tree protection plan | |
| Cultural Resources | | | | |
| MM-4 | <i>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</i> | City of Clayton Community Development Department | Prior to the issuance of a grading permit | |

A-3

**MITIGATION MONITORING AND REPORTING PROGRAM
VERNA WAY RESIDENTIAL SUBDIVISION PROJECT**

| Mitigation Number | Mitigation Measure | Monitoring Agency | Implementation Schedule | Compliance Verification (Date / Initials) |
|--------------------------|--|---|---|---|
| | <p><i>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.</i></p> | | | |
| MM-5 | <p><i>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.</i></p> | <p>City of Clayton Community Development Department</p> <p>Contra Costa County Coroner</p> <p>Native American Heritage Commission</p> | During construction | |
| Geology and Soils | | | | |
| MM-6 | <p><i>Prior to the issuance of a grading permit, the project 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 should include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> <i>• Hydro-seeding;</i> <i>• Placement of erosion control measures within drainage ways and ahead of drop inlets;</i> <i>• The temporary lining (during construction activities) of drop</i> | City Engineer | Prior to the issuance of a grading permit | |

A-4

**MITIGATION MONITORING AND REPORTING PROGRAM
VERNA WAY RESIDENTIAL SUBDIVISION PROJECT**

| Mitigation Number | Mitigation Measure | Monitoring Agency | Implementation Schedule | Compliance Verification (Date / Initials) |
|--|--|---|--|---|
| | <p><i>inlets with "filter fabric";</i></p> <ul style="list-style-type: none"> • <i>The placement of straw wattles along slope contours;</i> • <i>Use of a designated equipment and vehicle "wash-out" location;</i> • <i>Use of siltation fences;</i> • <i>Use of on-site rock/gravel road at construction access points; and</i> • <i>Use of sediment basins and dust palliatives.</i> | | | |
| Hazards and Hazardous Materials | | | | |
| MM-7 | <p><i>Prior to issuance of a demolition permit for any on-site structures, the Developer shall consult with certified Asbestos and/or Lead Risk Assessors to complete and submit for review to the Community Development Director an asbestos and lead survey. If Asbestos Containing Materials (ACMs) or lead-containing materials are not discovered during the survey, further mitigation related to ACMs or lead containing materials will not be required. If ACMs and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site ACMs and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration regulations and disposed of in accordance with all California Environmental Protection Agency regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered asbestos and lead abatement contractor in accordance with Title 8 CCR 1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City and the Contra Costa County Department of Conservation and Development for review and approval. Materials containing more than one (1) percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance</i></p> | <p>City of Clayton Community Development Department</p> <p>Contra Costa County Department of Conservation and Development</p> | <p>Prior to issuance of a demolition permit for any on-site structures</p> | |

A-5

**MITIGATION MONITORING AND REPORTING PROGRAM
VERNA WAY RESIDENTIAL SUBDIVISION PROJECT**

| Mitigation Number | Mitigation Measure | Monitoring Agency | Implementation Schedule | Compliance Verification (Date / Initials) |
|-------------------|---|--|--|---|
| | <i>with BAAQMD Section 11-2-303.</i> | | | |
| MM-8 | <p><i>Prior to issuance of a grading permit, the applicant shall hire an Environmental Consultant to perform a Phase II Environmental Site Assessment (ESA) in order to determine whether pesticides are persistent in on-site soils. The soil analytical results shall be documented in the Phase II ESA report and submitted to the City Community Development Department. If the Phase II ESA determines that the on-site soils have not been impacted, further mitigation is not required.</i></p> <p><i>If the Phase II ESA determines that on-site soils have been impacted, and contaminants are identified in excess of the California Human Health Screening Levels (CHHSLs) for residential land uses, the contaminated areas shall be remediated such that the resultant concentrations are below the CHHSLs for residential land uses. The Phase II ESA shall specify measures for the remediation of the soils, including proper removal and disposal procedures. The relative efficacy of potential removal technologies is dependent on subsurface conditions, including soil lithology, groundwater depth, and contaminant type/extent. Accordingly, several remediation options may be considered. For soil contamination, potential removal technologies could include, but would not necessarily be limited to, the following:</i></p> <ul style="list-style-type: none"> <i>• Excavation and off-haul – Impacted soils are excavated until the excavation base and sidewalls do not exhibit impact above a specific screening level or cleanup goal. The excavated soils are transported and disposed of at an appropriate landfill facility.</i> <i>• Bioremediation – Nutrients, oxygen, and biological cofactors are introduced to the soil (either in-place or post-excavation in a treatment area) to stimulate natural biological breakdown of the contaminants.</i> <i>• Bioaugmentation – Similar to bioremediation, except that</i> | <p>City of Clayton Community Development Department</p> <p>Contra Costa County Environmental Health Department</p> | <p>Prior to issuance of a grading permit</p> | |

A-6

**MITIGATION MONITORING AND REPORTING PROGRAM
VERNA WAY RESIDENTIAL SUBDIVISION PROJECT**

| Mitigation Number | Mitigation Measure | Monitoring Agency | Implementation Schedule | Compliance Verification (Date / Initials) |
|--------------------------|--|---|--|--|
| | <p><i>bioaugmentation involves the introduction of engineered microorganisms to the soil to degrade the contaminants.</i></p> <ul style="list-style-type: none"> • <i>Soil vapor extraction (SVE) – Soil gas is extracted from the subsurface under vacuum and brought to the surface, where it is treated.</i> <p><i>The project applicant shall comply with all recommendations of the Phase II ESA for the review and approval by the Contra Costa County Environmental Health Department and the City of Clayton.</i></p> | | | |
| MM-9 | <p><i>Prior to issuance of building/grading permits, the existing septic tanks 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.</i></p> | <p>Contra Costa County Environmental Health Department</p> <p>City of Clayton Community Development Department</p> <p>City Engineer</p> | <p>Prior to issuance of building/grading permits</p> | |
| MM-10 | <p><i>Prior to any ground disturbance activities within 50 feet of the well, the applicant shall hire a licensed well contractor to obtain a well abandonment permit from the Contra Costa County Health Services Department, and properly abandon the on-site well, pursuant to review and approval by the City Engineer and the Contra Costa County Environmental Health Department.</i></p> | <p>Contra Costa County Environmental Health Department</p> <p>City Engineer</p> | <p>Prior to any ground disturbance activities within 50 feet of the well on the project site</p> | |
| Noise | | | | |
| MM-11 | <p><i>During grading and construction, the project contractor shall ensure that the following measures are implemented, consistent with the recommendations in the Environmental Noise and Vibration Analysis:</i></p> <ul style="list-style-type: none"> • <i>Grading and construction activities shall be limited to the</i> | <p>City Engineer</p> | <p>During grading and construction</p> | |

A-7

**MITIGATION MONITORING AND REPORTING PROGRAM
VERNA WAY RESIDENTIAL SUBDIVISION PROJECT**

| Mitigation Number | Mitigation Measure | Monitoring Agency | Implementation Schedule | Compliance Verification (Date / Initials) |
|-------------------|---|-------------------|-------------------------|---|
| | <p><i>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;</i></p> <ul style="list-style-type: none"> • <i>The distances between on-site construction and demolition staging areas and the nearest surrounding residences shall be maximized to the extent possible; and</i> • <i>All construction and demolition equipment that utilizes internal combustion engines shall be fitted with manufacturer's mufflers or equivalent.</i> | | | |

A-8

VI. LIST OF MITIGATION MEASURES

Biological Resources

Mitigation Measure 1. *Removal of trees shall occur between September 1st and January 31st, outside the bird nesting season, to the extent feasible. If tree removal must occur during the avian breeding season (February 1st to August 31st), a qualified biologist shall conduct a survey for nesting birds of all trees and shrubs within 75 feet of the entire project site 14 days prior to the commencement of construction, and submit the findings of the survey to the Community Development Director. If nesting passerines are identified during the survey within 75 feet of the project site, a 75-foot buffer around the nest tree shall be fenced with orange construction fencing. If the nest tree is located off the project site, then the buffer shall be demarcated as per above. The size of the buffer may be altered if a qualified biologist conducts behavioral observations and determines the nesting passerines are well acclimated to disturbance. If acclimation has occurred, the biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting passerines. Construction or earth-moving activity shall not occur within the established buffer until a qualified biologist has determined that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, which typically occurs by July 15th. However, the date may be earlier or later, and would have to be determined by a qualified biologist. If a qualified biologist is not hired to watch the nesting passerines, then the buffers shall be maintained in place through the month of August and work within the buffer may commence September 1st.*

Mitigation Measure 2. *Prior to issuance of a grading permit, in accordance with the City's Tree Protection Ordinance, the applicant shall submit to the Community Development Department a Tree Replacement Plan identifying the protected trees that will be removed during project construction. Based upon the current tentative map, the arborist report indicates that 32 protected trees are proposed for removal, only three of which are rated by the Arborist Report as being in good health (Trees #6, 109, and 111). Protected trees rated as being in ~~poor~~, fair, good, or very good health shall be replaced at the ratios specified in City of Clayton Municipal Code Section 15.70.040. The Tree Replacement Plan shall be submitted for review and approval by the Planning Commission.*

Mitigation Measure 3. *The following construction policies and guidelines for tree preservation and protection put forth by the City of Clayton shall be followed during project implementation:*

- *The applicant shall submit for the review and approval of the Community Development Director a tree protection plan to identify the location of the tree trunk and dripline of all on- and off-site trees subject to City of Clayton Municipal Code Section 15.70.020.*
- *A protective fence shall be installed around all trees subject to the tree protection plan. The protective fence shall be installed prior to commencement of any construction activity and shall remain in place for the duration of construction.*

Mitigation Measure 2.

Prior to issuance of a grading permit, in accordance with the City's Tree Protection Ordinance, the applicant shall submit to the Community Development Department a Tree Replacement Plan identifying the protected trees that will be removed during project construction. Based upon the current tentative map, the arborist report indicated that 32 protected trees are proposed for removal, only three of which are rated by the Arborist Report as being in good health (Trees #6, 109, and 111). Protected trees rated as being in ~~poor~~, fair, or good health shall be replaced at the ratios specified in City of Clayton Municipal Code Section 15.70.040 The Tree Replacement Plan shall be submitted for review and approval by the Community Development Director prior to issuance of a grading permit.

Mitigation Measure 3.

The following construction policies and guidelines for tree preservation and protection put forth by the City of Clayton shall be followed during project implementation:

- *The applicant shall submit for the review and approval of the Community Development Director a tree protection plan to identify the location of the tree trunk and dripline of all on- and off-site trees subject to City of Clayton Municipal Code Section 15.70.020.*
- *A protective fence shall be installed around all trees subject to the tree protection plan. The protective fence shall be installed prior to commencement of any construction activity and shall remain in place for the duration of construction.*
- *Grading, excavation, deposition of fill, erosion, compaction, and other construction-related activities shall not be permitted within the dripline or at locations which may damage the root system of trees subject to the tree protection plan, unless such activities are specifically allowed by the tree protection plan. Tree wells may be used if specifically allowed by the tree protection plan.*
- *Oil, gas, chemicals, vehicles, construction equipment, machinery, and other construction materials shall not be allowed within the dripline of trees subject to the tree protection plan.*

**MITIGATION MONITORING AND REPORTING PROGRAM
VERNA WAY RESIDENTIAL SUBDIVISION PROJECT**

| Mitigation Number | Mitigation Measure | Monitoring Agency | Implementation Schedule | Compliance Verification (Date / Initials) |
|---------------------------|---|--|---|---|
| | <p><i>good health (Trees #6, 109, and 111). Protected trees rated as being in poor, fair, or good health shall be replaced at the ratios specified in City of Clayton Municipal Code Section 15.70.040. The Tree Replacement Plan shall be submitted for review and approval by the Planning Commission.</i></p> | | | |
| MM-3 | <p><i>The following construction policies and guidelines for tree preservation and protection put forth by the City of Clayton shall be followed during project implementation:</i></p> <ul style="list-style-type: none"> <i>• The applicant shall submit for the review and approval of the Community Development Director a tree protection plan to identify the location of the tree trunk and dripline of all on- and off-site trees subject to City of Clayton Municipal Code Section 15.70.020.</i> <i>• A protective fence shall be installed around all trees subject to the tree protection plan. The protective fence shall be installed prior to commencement of any construction activity and shall remain in place for the duration of construction.</i> <i>• Grading, excavation, deposition of fill, erosion, compaction, and other construction-related activities shall not be permitted within the dripline or at locations which may damage the root system of trees subject to the tree protection plan, unless such activities are specifically allowed by the tree protection plan. Tree wells may be used if specifically allowed by the tree protection plan.</i> <i>• Oil, gas, chemicals, vehicles, construction equipment, machinery, and other construction materials shall not be allowed within the dripline of trees subject to the tree protection plan.</i> | City of Clayton Community Development Department | Prior to commencement of any construction activity a tree protection plan shall be submitted and a protective fence shall be installed around all trees subject to the tree protection plan | |
| Cultural Resources | | | | |
| MM-4 | <p><i>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</i></p> | City of Clayton Community Development Department | Prior to the issuance of a grading permit | |

B-3

ATTACHMENT B

CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 10-16

**A RESOLUTION RECOMMENDING THAT THE CLAYTON PLANNING COMMISSION APPROVE THE
VERNA WAY RESIDENTIAL SUBDIVISION TENTATIVE SUBDIVISION MAP (MAP-01-14),
VARIANCE (VAR-02-14), AND TREE REMOVAL PERMIT (TRP-04-15)**

WHEREAS, the City received an application from Branagh Development requesting review and consideration of a Tentative Subdivision Map (MAP-01-14) for the development of six single-family residences on 2.46 acres ("Project"), Variance (VAR-02-14) to allow each of the six lots to have smaller lot widths than the 100-foot minimum lot width required for properties located within the R-15 Single-Family Residential District, and a Tree Removal Permit (TRP-04-15) to remove 105 trees. The project site is located south of Verna Way at the intersection of Lydia Lane and north of Pine Hollow Road east of Gibson Lane (APNs: 120-043-038 and 120-043-037); and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration ("IS/MND") and Mitigation Monitoring and Reporting Program (MMRP) to evaluate the potential environmental impacts of the Project, in accordance with Section 15063 of Title 14 of the California Code of Regulations, the California Environmental Quality Act ("CEQA") Guidelines; and

WHEREAS, the Clayton Planning Commission approved and adopted the Verna Way Residential Subdivision Initial Environmental Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program at the Planning Commission meeting of August 9, 2016; and

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

WHEREAS, the public hearing was duly-noticed for the Planning Commission meeting on July 26, 2016 and the meeting was continued to August 9, 2016; and

WHEREAS, on August 9, 2016, the Clayton Planning Commission held a duly-noticed public hearing on the Tentative Subdivision Map (MAP-01-14), Variance (VAR-02-14), and Tree Removal Permit (TRP-04-15), received and considered testimony and evidence, both oral and documentary.

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 tentative map as follows:

1. 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
2. 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
3. The subdivision has, to the maximum extent feasible, considered and provided availability for future passive or natural heating and cooling opportunities since the project site is level with no impact to the existing terrain caused by the subdivision and well as large lots being proposed which will provide adequate distance from neighboring existing properties, thereby minimizing or eliminating impacts to natural heating and cooling opportunities. Further the site is being developed in such a manner that 36 trees will be remain onsite to optimizing shading opportunities; and
4. Will incorporate mitigation measures identified by the project’s Initial Study/Mitigate Negative Declaration and thereby reduce potentially significant impacts to less-than-significant levels. As a result, 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.

NOW THEREFORE BE IT FURTHER RESOLVED, the Planning Commission hereby makes the following required findings for approval of a Variance for a reduction in lot width:

1. That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the same respective land use district in which the subject property is located.

The width of the entire project site is 195.1 feet. The applicant has generally bisected the project, giving each lot a width of slightly less than 100 feet. The proposed lot widths within the subdivision range from 96.43 to 98.67 feet. Given that surrounding existing lot widths measure 83, 85, 90, 95.94, 97.55, 100, 104.10, and 109.97 feet, the average of these dimensions would be approximately 95.7 feet, less than the 100-

foot lot width requirement and also less than the 96.34 to 98.67 lot width range proposed by the applicant. As a result, authorization of a variance for the project would allow the applicant to establish lot widths consistent with surrounding existing lot widths and would not constitute a grant of special privilege inconsistent with the lot widths of surrounding existing properties; and

2. That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.

The subject lot widths have been proposed in order to allow each parcel in the subdivision to have equidistant widths comparable to other lots in the subdivision and in the surrounding existing neighborhoods. Given that the width of the project site is 195.1 feet, bisecting the property creates lot widths measuring 96.34 to 98.67 feet which provides a balance of lot widths rather than having a situation where one proposed lot width would be 100 feet while the other lot width would only have 95 feet of remaining space. The bisecting of the project site (and the creation of lots ranging from 96.34 to 98.67 feet) creates a balanced development pattern within the subdivision. Because of the existing 195.1-foot width of the project site, strict application of the 100-foot minimum lot width for properties located within the R-15 district would deprive the applicant from establishing lot widths enjoyed by other properties in the vicinity and within the R-15 district. Since the project site is surrounded by existing development, the applicant would be unable to acquire more property to meet the required minimum 100-foot lot width; and

3. That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.

The intent and purpose of the 100-foot lot width for properties located within the R-15 district is to maintain a lower density and greater lot areas for properties within the district. These densities and lot areas create more distance between residences and a more suburban development pattern that allows open space to exist on each property and preserves the more quasi-rural, natural characteristics of our neighborhoods—a quality that is valued in Clayton and is part of the fabric of the community. By establishing lots that are much larger in area and depth than what is required for properties located within the R-15 district while only proposing lot widths that are 1.33 to 3.66 feet less than

the 100-foot lot width requirement, the applicant not only substantially meets the intent and purpose of the R-15 district but, in fact, exceeds the intent and purpose of the R-15 district.

NOW THEREFORE BE IT FURTHER RESOLVED, The Clayton Planning Commission does hereby approve the Verna Way Residential Subdivision Tentative Subdivision Map (MAP-01-14), Variance (VAR-02-14), and Tree Removal Permit (TRP-04-15) to subdivide two existing adjacent properties measuring 1.12 acres and 1.34 acres in area (for a combined total area of 2.46 acres) into six residential lots on the south side of Verna Way at the intersection of Lydia Lane (APN: 120-043-038) and the north side of Pine Hollow Road just east of Gibson Lane (APN: 120-043-037) subject to the following conditions:

PLANNING CONDITIONS

1. The applicant shall establish a Homeowners Association (HOA) for this Project in conformance with the regulations set forth by the California Department of Real Estate. The project shall have covenants, conditions, and restrictions (CC&Rs) which address the issues listed below and for which, at a minimum, the HOA shall enforce and be responsible for. The CC&Rs shall be submitted to the Community Development Director for review and approval prior to recordation of the final map.
 - a. Property owners are responsible for the repair and maintenance of the required fences along their respective property lines. The fences shall be maintained in a style consistent with the design approved by the City.
 - b. Property owners shall comply with the Tree Protection Conditions.
 - c. Routine inspection of the stormwater conveyance and treatment facilities, and the corresponding landscaping and irrigation improvements, shall be conducted by the HOA. The HOA shall be responsible for any needed maintenance work or repairs in their entirety.
 - d. The HOA shall perform and prepare annual inspections and reports for the stormwater conveyance and treatment facilities, which shall be submitted to the City along with payment of the City's required fees. In addition, the HOA shall be responsible to comply with the reports in relation to needed maintenance work or repairs.
 - e. No provision in the CC&Rs, which is included as a result of these Conditions of Approval, may be amended without prior written approval of the City of Clayton.
 - f. The HOA shall be responsible to maintain the landscaping and irrigation in the public right-of-way and the stormwater conveyance and treatment facilities.

2. The deeds for all lots shall contain language which prohibits any future land division(s) to create additional home sites.
3. 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.
4. At the time of filing of the final subdivision map, the subdivider shall pay the in-lieu park fees as determined by the City (pursuant to Chapter 16.12 of the Subdivision Ordinance).
5. 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.
6. Prior to the commencement of grading, demolition, or construction activities, the applicant shall submit a recycling plan for construction materials to the City for review and approval. The plan shall include that all materials that would not be acceptable for disposal in the sanitary landfill be recycled/reused. Documentation of the material type, amount, where taken, and receipts for verification and certification statements shall be included in the plan. The applicant shall submit deposits to the City to ensure good faith efforts of construction and demolition recycling. A deposit of \$2,000 per residence shall be submitted prior to issuance of the building permit for each residence, or demolition permit. Appropriate documentation regarding recycling shall be provided to the City. All staff costs related to the review, monitoring, and enforcement of this condition shall be charged to the deposit account.
7. Prior to issuance of a demolition permit by the City for any on-site structures, the applicant shall consult with a certified Asbestos and/or Lead Risk Assessors to complete and submit for review to the Community Development Director an asbestos and lead survey. If Asbestos Containing Materials (ACMs) or lead-containing materials are not discovered during the survey, further mitigation related to ACMs or lead containing materials will not be required. If ACMs and/or lead-containing materials are discovered by the survey, the project applicant shall prepare a work plan to demonstrate how the on-site ACMs and/or lead-containing materials shall be removed in accordance with current California Occupational Health and Safety (Cal-OSHA) Administration regulations and disposed of in accordance with all California Environmental Protection Agency regulations, prior to the demolition and/or removal of the on-site structures. The plan shall include the requirement that work shall be conducted by a Cal-OSHA registered

asbestos and lead abatement contractor in accordance with Title 8 CCR 1529 and Title 8 CCR 1532.1 regarding asbestos and lead training, engineering controls, and certifications. The applicant shall submit the work plan to the City and the Contra Costa County Department of Conservation and Development for review and approval. Materials containing more than one (1) percent asbestos that is friable are also subject to BAAQMD regulations. Removal of materials containing more than one (1) percent friable asbestos shall be completed in accordance with BAAQMD Section 11-2-303. [Mitigation Measure (MM) 7]

8. Prior to issuance of demolition permits, the applicant shall show compliance with the NPDES Municipal Regional Permit (MRP 2.0) issued by the San Francisco Regional Water Quality Control Board regarding Mercury control and disposal. Building and site assessment shall be conducted to determine if any Mercury-containing devices (i.e. thermostats, etc.) or sources exist. If the assessment identifies any Mercury-containing devices or equipment, the devices or equipment shall be properly removed and disposed of at an acceptable recycling facility or landfill, so that demolition activities do not result in Mercury being scattered on site or entering storm drains. Where applicable, documentation of site assessment and proper disposal shall be provided to the Community Development Department prior to the issuance of any new construction permit.
9. Prior to the issuance of demolition permits, the applicant shall show compliance with the NPDES Municipal Regional Permit (MRP 2.0) issued by the San Francisco Regional Water Quality Control Board regarding polychlorinated biphenyl (PCB) control and disposal. The applicant shall ensure proper management of potential PCB-containing materials and wastes during building demolition and disposing of PCB properly, so that demolition activities do not result in PCB entering storm drains. Prior to issuance of demolition permits, the applicant shall submit to the Community Development Department an analysis of the existing structures having PCB concentrations below 50 ppm, or provide written documentation and evidence as to the type and style of all structures to be demolished that are single-family residential and/or wood frame structures. If the applicant is unable to obtain compliance by either of these measures, the applicant shall abate any PCB at or above 50 ppb in accordance with an approved disposal plan to be submitted to the Community Development Department prior to issuance of demolition permits.
10. All conditions of approval, which are applicable to the construction of the subdivision improvements, shall appear on the improvement drawings.

11. 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.
12. The applicant agrees 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.
13. All mitigation measures set forth in the *Verna Way Residential Subdivision Project Initial Environmental Study/Mitigated Negative Declaration* are hereby incorporated into these Conditions of Approval, as if fully contained herein, except those mitigation measures found infeasible pursuant to Section 15091 of the California Environmental Quality Act Guidelines. The applicant shall implement all mitigation measures set forth in the *Verna Way Residential Subdivision Project Initial Environmental Study/Mitigated Negative Declaration*.
14. At least thirty (30) days prior to any demolition or groundbreaking activities, the applicant shall retain an exterminator who shall evaluate the site and make recommendations for the control and/or eradication of any on-site rodents. The exterminator's recommendations shall be subject to the review and approval of the Community Development Director. The applicant shall comply with the approved exterminator's recommendations prior to initiation of any demolition or groundbreaking activities.
15. The applicant shall submit a formal Site Plan Review Permit application for architectural review of the proposed residences. The Site Plan Review Permit application shall include the front yard landscaping, irrigation, lighting, and fencing proposed for the Project.

TREE PROTECTION CONDITIONS

16. The recommendations listed in the Arborist Report, prepared for the project by Jennifer Tso, ISA Certified Arborist, representing Traverso Tree Service (dated March 28, 2016), shall be implemented to protect trees to be retained on the project site. Specific tree preservation and preservation actions shall be listed on all grading and constructions plans and specifications for the Project.
17. Prior to issuance of a grading permit, in accordance with the City's Tree Protection Ordinance, the applicant shall submit to the Community Development Department a Tree Replacement Plan identifying the protected trees that will be removed during project construction. Protected trees as being rated poor, fair, good, or very good health shall be replaced at ratios specified in the City of Clayton Municipal Code Section 15.70.404. The Tree Replacement Plan shall be submitted for review and approval by the Planning Commission. [MM 2]
18. The following construction policies and guidelines for tree preservation and protection put forth by the City of Clayton shall be followed during project implementation [MM 3]:
 - a. The applicant shall submit for the review and approval of the Community Development Director a tree protection plan to identify the location of the tree trunk and dripline of all on- and off-site trees subject to City of Clayton Municipal Code Section 15.70.020.
 - b. A protective fence shall be installed around all trees subject to the tree protection plan. The protective fence shall be installed prior to commencement of any construction activity and shall remain in place for the duration of construction.
 - c. Grading, excavation, deposition of fill, erosion, compaction, and other construction-related activities shall not be permitted within the dripline or at locations which may damage the root system of trees subject to the tree protection plan, unless such activities are specifically allowed by the tree protection plan. Tree wells may be used if specifically allowed by the tree protection plan.
 - d. Oil, gas, chemicals, vehicles, construction equipment, machinery, and other construction materials shall not be allowed within the dripline of trees subject to the tree protection plan.
19. Trees which are identified for preservation, and are subsequently removed during construction, shall be replaced by new trees or shall be required to pay an lieu fee equal to 200% of the value (as established by the International Society of Arboriculture) of the original tree(s) to be preserved.

20. The Community Development Department shall review and approve grading and improvement plans to ensure adequate measures are taken to protect trees.
21. Prior to the removal of any trees, the applicant shall submit a Tree Replacement Plan showing a minimum of forty-eight (48) twenty-four-inch (24") box trees to be planted on-site and the appropriate tree replacement in lieu fee to be paid. The Tree Replacement Plan shall be reviewed and approved by the Community Development Director. The applicant shall pay a Tree Replacement in-lieu fee in the amount specified in the City's fee schedule.

LANDSCAPING CONDITIONS

22. The improvement drawings shall include landscape and irrigation plans. The landscape and irrigation plans shall show the items listed below; meet the requirements of Chapter 17.80 of the Clayton Municipal Code; and be submitted for review and approval by the Community Development Department, Maintenance Department, and City Engineer.
 - a. Landscaped areas in the public right-of-way shall be planted at the following densities: trees shall be provided at an average density of 1 tree/25 feet; shrubs shall be 5-gallon size and provided at an average density of 1 shrub/5 feet.
 - b. All trees shall be 24-inch box size.
 - c. Water meters and irrigation systems with automatic controls.
 - d. All anti-siphon water valves shall be screened.
 - e. All newly-graded areas in or adjacent to the public right-of-way shall not exceed a 2:1 (horizontal:vertical) ratio.
 - f. A layer of mulch two to four inches thick shall be applied in all landscape areas.
23. Three sets of the landscape and irrigation plans for landscape improvements in the public right-of-way shall be submitted with the grading and improvement plans for review and approval by the Community Development Department, Engineering Department, and the Maintenance Department. These plans shall be approved prior to issuance of grading or encroachment permits. The landscape and irrigation plans shall be prepared by a landscape architect; shall have overall dimensions of 24 inches by 36 inches; shall contain approval blocks for the Community Development Director, City Engineer, and Maintenance Department; and shall show all existing and proposed public utilities within the project limits.

24. All plant material to be located in the public right-of-way shall be maintained by the HOA and is subject to inspection by the Maintenance Department and must be guaranteed for one year from the date of final inspection.
25. The applicant shall maintain all landscaped areas in the public right-of-way for a period of ninety (90) days after final acceptance of the subdivision improvements by the City Council. Following acceptance by the City the HOA shall maintain all landscaped areas in the public right-of-way.
26. Installation of all irrigation and landscaping shall be performed by a licensed contractor. Open trench inspection of the irrigation installation in areas to be maintained by the City is subject to approval of the Maintenance Department. Prior to the final inspection by the Maintenance Department, the installation shall be approved by the landscape architect.
27. All trees shall be planted at least ten (10) feet away from any public water, sewer, or storm drain lines, unless a closer location is approved by the City. All trees shall be installed with support staking. All nursery stakes must be removed from trees. All trees planted within eight (8) feet of a sidewalk or driveway shall be installed with root guards.

GRADING CONDITIONS

28. Removal of trees shall occur between September 1st and January 31st, outside the bird nesting season, to the extent feasible. If tree removal must occur during the avian breeding season (February 1st to August 31st), a qualified biologist shall conduct a survey for nesting birds of all trees and shrubs within 75 feet of the entire project site 14 days prior to the commencement of construction, and submit the findings of the survey to the Community Development Director. If nesting passerines are identified during the survey within 75 feet of the project site, a 75-foot buffer around the nest tree shall be fenced with orange construction fencing. If the nest tree is located off the project site, then the buffer shall be demarcated as per above. The size of the buffer may be altered if a qualified biologist conducts behavioral observations and determines the nesting passerines are well acclimated to disturbance. If acclimation has occurred, the biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting passerines. Construction or earth-moving activity shall not occur within the established buffer until a qualified biologist has determined that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, which typically occurs by July 15th. However, the date may be earlier or later, and would have to

be determined by a qualified biologist. If a qualified biologist is not hired to watch the nesting passerines, then the buffers shall be maintained in place through the month of August and work within the buffer may commence September 1st. [MM 1]

29. 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. [MM 4]
30. 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-interment 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. [MM 5]
31. 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. [MM 6]
32. Prior to issuance of a grading permit, the applicant shall hire an Environmental Consultant to perform a Phase II Environmental Site Assessment (ESA) in order to determine whether pesticides are persistent in on-site soils. The soil analytical results shall be documented in the Phase II ESA report and submitted to the City Community Development Department. If the Phase II ESA determines that the on-site soils have not been impacted, further mitigation is not required. If the Phase II ESA determines that on-site soils have been impacted, and contaminants are identified in excess of the California Human Health Screening Levels (CHHSLs) for residential land uses, the contaminated areas shall be remediated such that the resultant concentrations are below the CHHSLs for residential land uses. The Phase II ESA shall specify measures for the remediation of the soils, including proper removal and disposal procedures. The relative efficacy of potential removal technologies is dependent on subsurface conditions, including soil lithology, groundwater depth, and contaminant type/extent. Accordingly, several remediation options may be considered. For soil contamination, potential removal technologies could include, but would not necessarily be limited to, the following:
- a. Excavation and off-haul — Impacted soils are excavated until the excavation base and sidewalls do not exhibit impact above a specific screening level or cleanup goal. The excavated soils are transported and disposed of at an appropriate landfill facility.
 - b. Bioremediation — Nutrients, oxygen, and biological cofactors are introduced to the soil (either in-place or post-excavation in a treatment area) to stimulate natural biological breakdown of the contaminants.
 - c. Bioaugmentation — Similar to bioremediation, except that bioaugmentation involves the introduction of engineered microorganisms to the soil to degrade the contaminants.
 - d. Soil vapor extraction (SVE) - Soil gas is extracted from the subsurface under vacuum and brought to the surface where it is treated.

The project applicant shall comply with all recommendations of the Phase II ESA for the review and approval by the Contra Costa County Environmental Health Department and the City of Clayton. [MM 8]

33. During grading and construction, the project contractor shall ensure that the following measures are implemented, consistent with the recommendations in the Environmental Noise and Vibration Analysis:

- 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 extent possible; and
 - c. All construction and demolition equipment that utilizes internal combustion engines shall be fitted with manufacturer's mufflers or equivalent. [MM 11]
34. A licensed surveyor or engineer shall survey the locations, elevations, and limits of the trunk and dripline of all trees to be retained and protected as shown on the tentative map tree retention plan. The locations and limits are to be shown on the grading plans and the construction plans. A licensed arborist shall review the proposed construction operations that may impact the preserved trees and shall provide mitigations that shall be incorporated into the grading and construction plans. The arborist shall review and approve (by signature on the plans) the grading and improvement plans prior to submittal to the City for plan check.
35. All retaining walls in the project shall be constructed of segmental units (e.g., Keystone or Allan Block), moss rock, masonry block, or concrete. Any retaining walls visible from the street shall be decorative with review and approval by the Community Development Director. Retaining walls greater than three feet in height shall be designed by a licensed engineer. Segmental retaining walls that require geogrid reinforcement shall be located so that the reinforcement material does not cross any property or utility lines.
36. Signature blocks shall be provided for the Community Development Director and City Engineer on the grading and construction plans.
37. All required setbacks shall contain at least five feet of flat, unoccupied area. "Flat" means a cross-slope between 2% and 10%. "Unoccupied" means no encroachments by fireplaces, building pop-outs (with or without a foundation), air conditioner pads and the like.
38. Two feet of flat area shall be provided between a property or right-of-way line and the top of slope.

39. The recommendation of the geotechnical report shall be incorporated into the grading and construction plans.
40. 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.
41. Grading and stormwater permits shall be obtained from the City Engineer.
42. 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. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - e. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - f. 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.
 - 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.

43. The applicant shall provide proof that a "Notice of Intent" has been filed with the Regional Water Quality Control Board and a State General Construction Permit issued.

STREET CONDITIONS

44. The applicant shall dedicate additional right-of-way along Pine Hollow Road to provide a total width of forty-two (42) feet from the centerline to the right-of-way line at no cost to the City.
45. The applicant shall construct improvements along the Pine Hollow Road frontage consisting of curb and gutter, a meandering five (5) foot wide concrete sidewalk, conforming paving, street lighting, landscaping, and irrigation with review and approval by the City Engineer.
46. The applicant shall construct improvements along the Verna Way frontage consisting of curb and gutter, conforming paving, and street lighting.
47. Street lighting types and sizes shall be subject to the approval of the City Maintenance Department. The streetlights shall be powered by an underground service. The streetlights shall be installed and activated prior to acceptance of the subdivision improvements by the City Council ("final acceptance"). The applicant shall be responsible for the cost of installation, activation and electrical usage until final acceptance. If not already in the district, upon final acceptance, the subdivision will be annexed into the City-wide street lighting assessment district. Upon final acceptance, the operation and maintenance of the street lights will be the responsibility of the City.
48. Access to Pine Hollow Road from Lots 5 and 6 shall be limited to one twenty-four (24) foot wide driveway. The applicant shall relinquish abutter's rights of access to Pine Hollow Road along the southerly lines of Lots 5 and 6 (except for the allowed driveway). Furthermore, the site and house plans on Lots 5 and 6 shall provide for a turning area to avoid the need to back onto Pine Hollow Road.
49. The driveway for Lots 3 and 4 ("Verna Lane") shall be twenty (20) feet wide from curb to curb.
50. All mailbox locations shall be constructed and grouped in accordance with United States Postal Service standards and the grouping of mailboxes shall be architecturally treated to reduce massing and visual impact. All mailbox locations and design are subject to review and approval of the Community Development Department and the United States Postal Service.

DRAINAGE CONDITIONS

51. 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.
52. The applicant shall submit a Final Stormwater Control Plan (including an Operations and Maintenance Manual) fully addressing the requirements of the City's recently amended Municipal Regional Stormwater NPDES Permit (Permit No. CAS612008, as amended November 10, 2015), including the new "Green Streets" requirements.
53. Secondary outlets shall be provided for storm drain inlets and detention areas.
54. Maintenance of all drainage facilities shall be the responsibility of the homeowner on whose lot the facilities are located or adjacent to (including those facilities within the public right-of-way).
55. The improvement plans shall reflect that all on-site storm drain inlets shall be labeled "No Dumping – Drains to Creek" using thermoplastic stenciling or equivalent permanent method, subject to City approval.
56. All roofs shall have rain gutters with rain water leaders that drain into depressed biofiltration treatment beds located within landscaped areas before discharging into the storm drain system.
57. 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.
58. Prior to the issuance of a grading permit, the applicant shall prepare and submit to the City a Storm Water Pollution Prevention Plan (SWPPP) in conformance with the requirements set forth by the Regional Water Quality Control Board (RWQCB). The SWPPP shall include pre-construction, construction, and post-construction Best Management Practices (BMP's).
59. Prior to the commencement of any site work that will result in a land disturbance of one acre or more; the applicant shall provide evidence to the City that the requirements for a stormwater State General Construction Permit have been met.

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UTILITY CONDITIONS

60. Prior to issuance of grading or construction permits, the existing septic tanks 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. [MM 9]
61. Prior to any ground disturbance activities within 50 feet of the well, the applicant shall hire a licensed well contractor to obtain a well abandonment permit from the Contra Costa County Health Services Department, and properly abandon the on-site well, pursuant to review and approval by the City Engineer and the Contra Costa County Health Services Department. [MM 10]
62. The applicant shall connect all residences to the sanitary sewer system, obtain applicable permits and pay applicable fees as required by the City of Concord.
63. The applicant shall dedicate a ten (10) foot wide sanitary sewer easement for access to and maintenance of the sanitary sewer lines (including the line to serve Gibson Lane). Cleanouts shall be constructed on the laterals at the limits of the easements. The applicant shall provide notice, writing, to the residents on Gibson Lane that the extension of the sewer main and connection of the houses shall be subject to the requirements and approval of the City.
64. The applicant shall underground the existing overhead utility lines along the project's Pine Hollow Road and Verna Way frontages, subject to the review and approval of City Engineer.
65. 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.
66. 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.
67. Underground facilities crossing lots shall be located in flat portions of the lots, not within slope areas.
68. Any existing underground facilities, either on-site or adjacent to the site, no longer required shall be either removed or filled, as directed by the City Engineer.

69. The applicant shall furnish and install the conduit required by SBC California for the service connection wires or cables.

ENGINEERING CONDITIONS

70. The applicant shall obtain an encroachment permit for all work in the public right-of-way.
71. 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.
72. Upon recording of the final 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 an electronic copy), annotated to reflect changes that occur during construction and signed by the Project Engineer and Landscape Architect.
73. All work shall be designed and constructed in accordance with the Municipal Code requirements and City Standard Plans and Specifications.

EXPIRATION CONDITION

74. The Verna Way Residential Subdivision Tree Removal Permit (TRP-04-15) shall expire simultaneously with the expiration of the Verna Way Residential Subdivision Tentative Subdivision Map (MAP-01-14), pursuant to the tentative map expiration provisions listed in the State of California Government Code Subdivision Map Act.

PARKING CONDITION

75. Four off-street parking spaces shall be provided on each lot; two covered spaces in the garage of each residence and two uncovered spaces which can be provided tandem or side by side in the driveways of each lot.

ADVISORY NOTES

1. The project is receiving permit coverage under the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan ("ECCC HCP/NCCP" or "the Plan"). All applicable avoidance, minimization, and mitigation measures of the ECCC HCP/NCCP shall be imposed on the project. A Planning Survey Report application shall be completed by the applicant prior to permit coverage. The project will receive take authorization under the City's incidental take permit from the United States Fish and Wildlife Service (USFWS) issued pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act (permit

number: TE 160958-0) and the City's incidental take permit from the California Department of Fish and Wildlife (CDFW) issued pursuant to California Fish and Wildlife Code Section 2835 (permit number: 2835-2007-01-03).

2. Prior to the issuance of grading or construction permits for the project site and in accordance with the final ECCC HCP/NCCP Planning Survey Report application, the applicant shall pay the required ECCC HCP/NCCP Development Fee of \$13,659.38 for 1.96 acres of impact (the fee is subject to annual adjustments, in accordance with Chapter 9.3.1 of the ECCC HCP/NCCP), unless the acreage of impact is determined to be different by the East Contra Costa County Habitat Conservancy and the City of Clayton, and receive a Certificate of Coverage from the local jurisdiction. The Certificate of Coverage will confirm that the fee has been received, that other ECCC HCP/NCCP requirements have been met or shall be performed, and will authorize take of covered species.
3. Prior to the issuance of grading or construction permits for the project site and in accordance with the final ECCC HCP/NCCP Planning Survey Report application, the applicant shall submit applicable pre-construction survey results and a construction monitoring plan to the East Contra Costa County Habitat Conservancy (the Plan's Implementing Entity) for review and approval.
4. Additional requirements may be imposed by the East Contra Costa County Habitat Conservancy. Before proceeding with the project, it is advisable to check with the East Contra Costa County Habitat Conservancy located at 30 Muir Road, Martinez, 925-674-7831.
5. The applicant shall obtain the necessary approvals from the Contra Costa County Fire Protection District.
6. The applicant shall provide an adequate and reliable water supply for fire protection as set forth in the Uniform Fire Code.
7. NO PARKING — FIRE LANE signs or red curbs shall be provided throughout both sides of the 16-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 your review and approval prior to obtaining building permits.

8. The 16-foot wide access driveway/roadway and turnaround improvements must be completed and inspected by the Contra Costa County Fire Protection District (CCCYPD) prior to construction on Lot 3 and Lot 4.
9. Development on any parcel in this subdivision shall be subject to review and approval by the CCCYPD to ensure compliance with minimum CCCYPD requirements.
10. Any future proposed residences are required to be protected with an approved automatic fire sprinkler system complying with the 2013 edition of NFPA 13D or Section R313.3 of the 2013 California Residential Code. A minimum of two (2) sets of sprinkler plans shall be submitted to the CCCYPD for each proposed residence for review and approval prior to installation.
11. Additional requirements may be imposed by the Contra Costa County Fire Protection District. Before proceeding with the project, it is advisable to check with the Fire District located at 2010 Geary Road, Pleasant Hill, 925-930-5500.
12. The Verna Way Residential Subdivision Tentative Subdivision Map (MAP-01-14) shall expire in accordance with the provisions listed in the State of California Government Code Subdivision Map Act.
13. The Verna Way Residential Subdivision Variance (VAR-02-14) shall expire in accordance with the provisions listed in Chapter 17.64 of the Clayton Municipal Code.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 9th day of August, 2016.

APPROVED:

ATTEST:


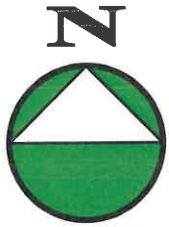
Chair

Mindy Gentry
Community Development Director

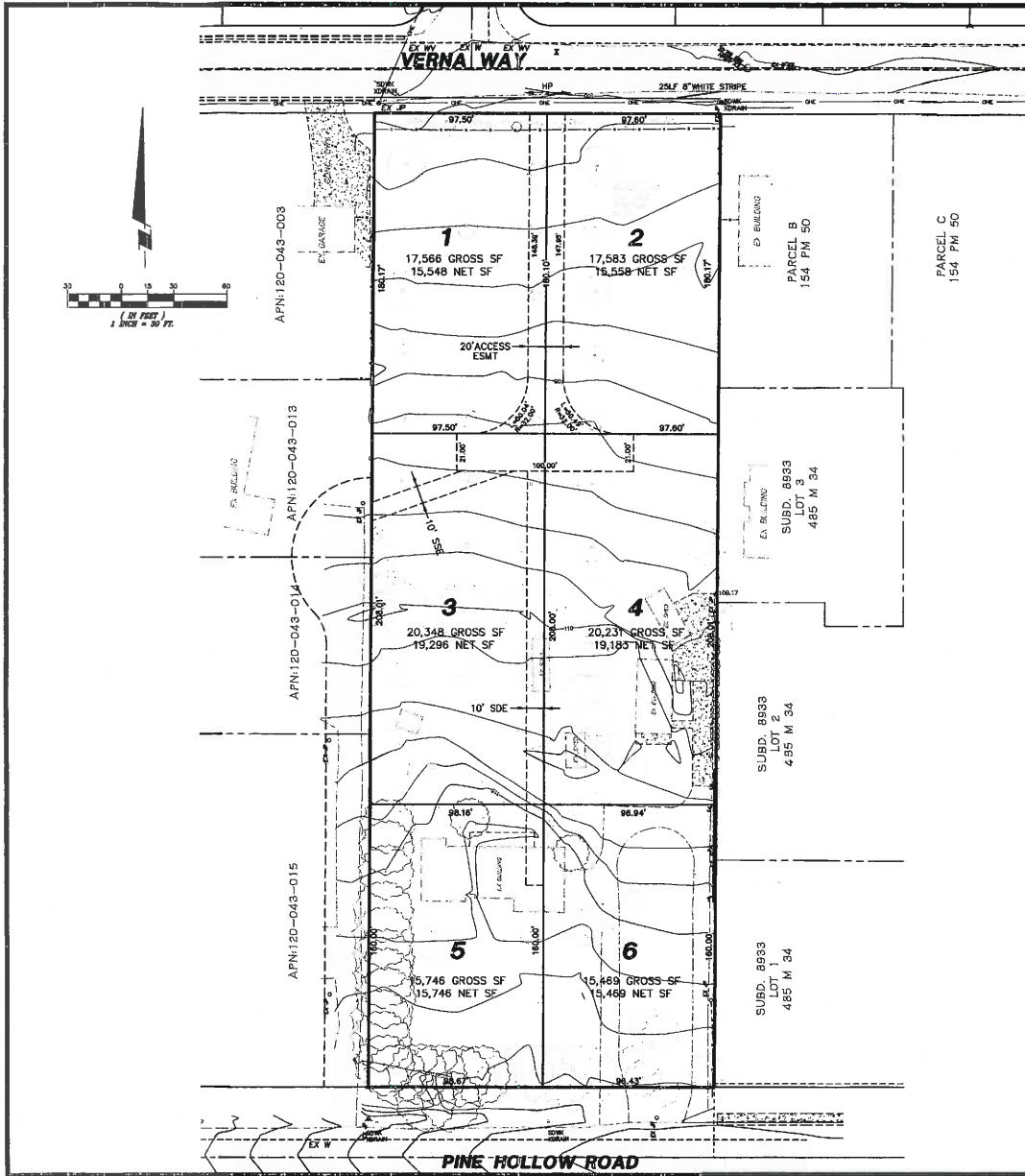
ATTACHMENT C



VICINITY MAP

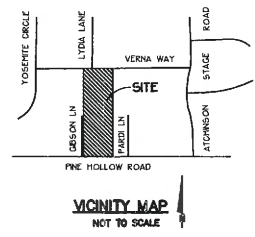
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|  | <p>Verna Way Residential Subdivision ENV-01-16, MAP-01-15, VAR-02-14, and DP-01-15 5675 Pine Hollow Road APNs: 120-043-037 and 120-043-038</p> | <p>N</p>  <p>(Not to Scale)</p> |
|---|--|--|

D-1



TENTATIVE MAP "VERNA WAY"

FURTHER DIVISION OF PARCEL 2 LLR-02-13
CITY OF CLAYTON
CONTRA COSTA COUNTY, CALIFORNIA
SCALE: 1"=30' DECEMBER, 2015
ISAKSON & ASSOCIATES, CIVIL ENGINEERING & LAND SURVEYING
2255 YGNACIO VALLEY ROAD - WALNUT CREEK, CALIFORNIA



GENERAL NOTES:

- OWNER: DAVE ROSKELLEY
3300 BLOOMFIELD ROAD
SEBASTOPOL, CA 94572
- DEVELOPER: WINFIELD DEVELOPMENT, LLC
100 SCHOOL STREET
DANVILLE, CA 94528
(925) 743-9500
- CIVIL ENGINEER: DAVE ISAKSON, RCE #21764
ISAKSON & ASSOCIATES
2255 YGNACIO VALLEY RD SUITE "C"
WALNUT CREEK, CA 94598
(925) 937-9333
- EXISTING ZONING: SINGLE FAMILY RESIDENTIAL (R-15)
- AREA: 2.45 ACRES GROSS
- NUMBER OF LOTS: 6
- DENSITY: 2.45 DU/NET AC
- MIN. LOT SIZE: 15,000 SF
- A.P.N.: 120-043-037 & 038
- ADDRESSES: VERNA WAY
CLAYTON, CA 94517
PINE HOLLOW ROAD,
CLAYTON, CA 94517
- SEWER: CITY OF CONCORD
- WATER: CONTRA COSTA WATER
- EXISTING CONTOURS BY FIELD SURVEY DATED 10-22-14
- SEE DEMOLITION PLAN FOR ALL EXISTING TREES TO BE REMOVED.

RECEIVED

JUL 18 2016

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT

| | | | |
|---|----------------------|---------------------|--------------|
| | SUBDIVISION NO. 9418 | | VERNA WAY |
| | TENTATIVE MAP | | |
| CITY OF CLAYTON | | CONTRA COSTA COUNTY | CALIFORNIA |
| Isakson & Assoc. Inc. | | | |
| engineering civil land surveying | | | |
| 2255 Ygnacio Valley Road, Suite C, Walnut Creek, CA 94598 Phone: (925) 937-9333 | | | |
| DATE: 12-16-15 | DESIGNED: DOI | DRAWN: RLB | CHECKED: DOI |
| 201519 - VERNA WAY - TENTATIVE MAP (SUB NO. 9418) | | SHEET 1 OF 3 | |

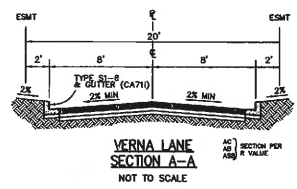
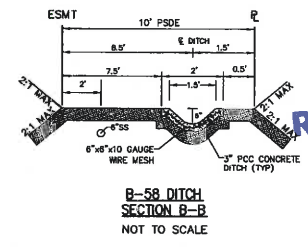
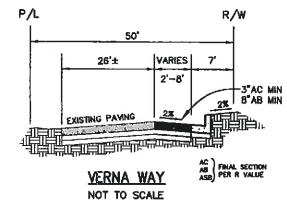
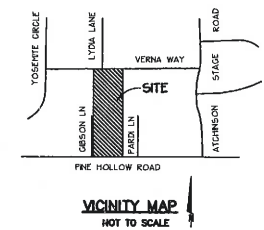
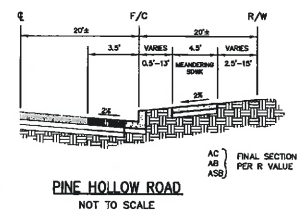
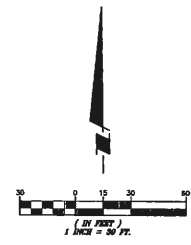
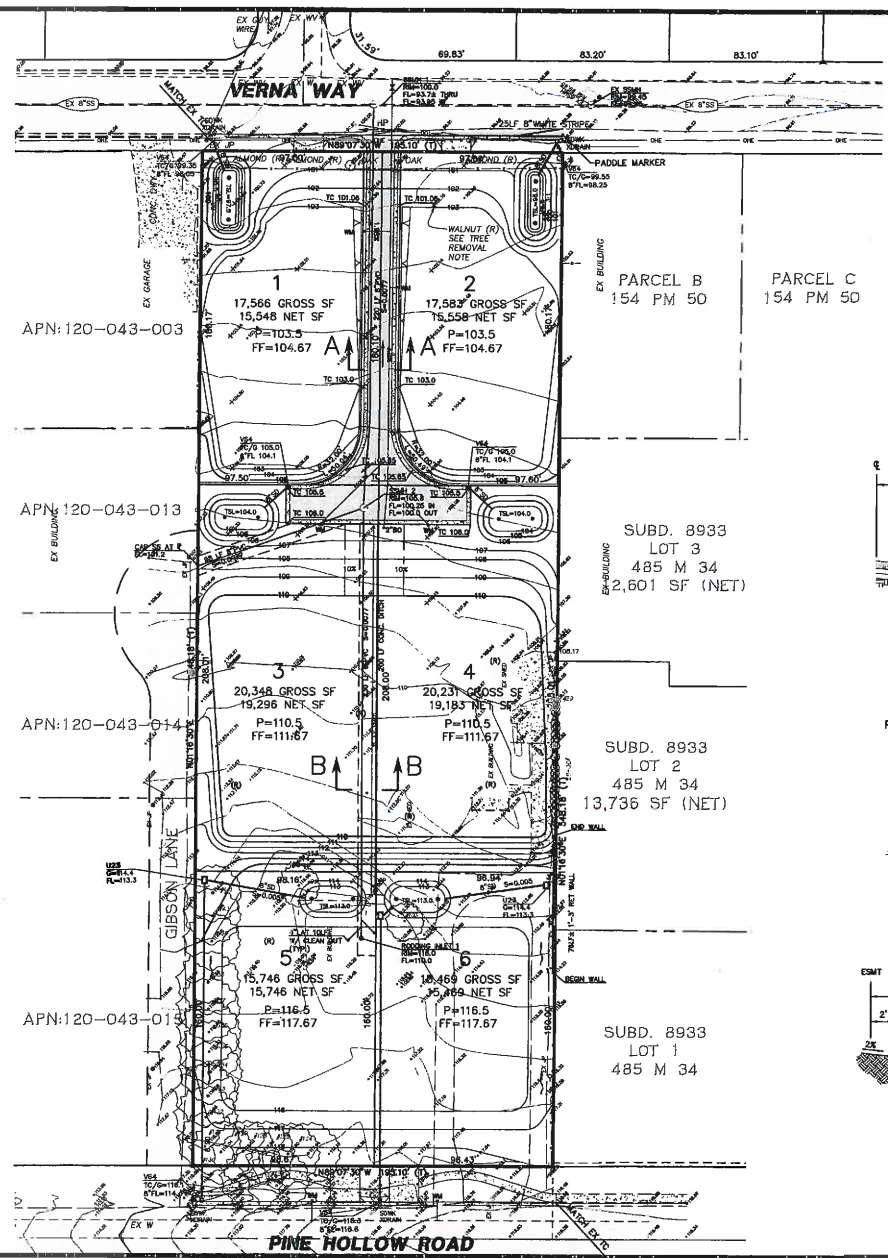
ATTACHMENT D

201519 - VERNA WAY - TENTATIVE MAP (SUB NO. 9418)

PRELIMINARY GRADING, DRAINAGE, & UTILITY PLAN "VERNA WAY"

FURTHER DIVISION OF PARCEL 2 LLR-02-13

CITY OF CLAYTON
CONTRA COSTA COUNTY, CALIFORNIA
SCALE: 1"=30'
DECEMBER, 2015
ISAISON & ASSOCIATES, CIVIL ENGINEERING & LAND SURVEYING
2255 YONAGI VALLEY ROAD - WALNUT CREEK, CALIFORNIA



LEGEND:

| | | | |
|-----|---------------|-----|-----------------|
| --- | LOT LINE | ○ | WALNUT EX. TREE |
| --- | BOUNDARY LINE | ■ | EXISTING PAVING |
| ○ | EX. SS & SSM | □ | NEW AC PAVING |
| --- | EX. ROW | (R) | TO BE REMOVED |
| --- | EX. WATER | | |
| --- | EASEMENT | | |
| --- | PAD ELEVATION | | |
| --- | SLOPE | | |

RECEIVED
JUL 18 2016
CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT

DATE: 12-16-15 DESIGNED: DCK DRAWN: RF CHECKED: DCK JOB NO: 201519 SHEET 2 OF 3

PROFESSIONAL ENGINEER
STATE OF CALIFORNIA

SUBDIVISION NO.: 9419

TENTATIVE MAP
PRELIMINARY GRADING, DRAINAGE, & UTILITY PLAN
CITY OF CLAYTON CONTRA COSTA COUNTY CALIFORNIA

Isaicon & Assoc. Inc.
civil engineering & land surveying
2255 Yonag Valley Road, Suite C, Walnut Creek, CA 94598 Phone: (925) 437-8333

D-2

TOPOGRAPHIC SURVEY, DEMOLITION, & TREE PRESERVATION PLAN

"VERNA WAY"

FURTHER DIVISION OF PARCEL 2 LLR-02-13

CONTRA COSTA COUNTY, CALIFORNIA
SCALE: 1"=30'
DECEMBER, 2015
ISAKSON & ASSOCIATES, CIVIL ENGINEERING & LAND SURVEYING
2255 YGNACIO VALLEY ROAD - WALNUT CREEK, CALIFORNIA

RECEIVED

JUL 18 2016

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT

GENERAL NOTES:

1. DEMOLITION PERMIT IS REQUIRED PRIOR TO COMMENCEMENT OF DEMOLITION. A COPY OF THE DEMOLITION PERMIT IS REQUIRED TO BE ON SITE AT ALL TIMES.
2. NOISE-PRODUCING CONSTRUCTION ACTIVITY (INCLUDING PLAYING OF RADIO OR MUSIC) AND GRADING OPERATION SHALL BE LIMITED TO WEEKDAYS (MONDAY THROUGH FRIDAY) EXCEPT CITY HOLIDAYS AND FROM THE HOURS OF 7:00AM TO 5:00PM, SATURDAY AND SUNDAY. WORK SHALL BE PROHIBITED ON STATE AND FEDERAL HOLIDAYS. ALL EQUIPMENT SHALL BE ADEQUATELY MUFFLED AND MAINTAINED. NO CHANGES SHALL BE ALLOWED WITHOUT PRIOR WRITTEN CONSENT OF THE CITY. ALL REQUESTS FOR CHANGES MUST BE MADE A MINIMUM OF 72 HOURS PRIOR TO THE REQUEST FOR CHANGE.
3. THE CONSTRUCTION CONTRACTOR AGREES, THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND RETURN, INDEMNITY AND HOLD THE DESIGN PROFESSIONAL AND CITY HARMLESS FROM ANY AND ALL LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.
4. THE CONTRACTOR SHALL PROVIDE EMERGENCY TELEPHONE NUMBERS FOR PUBLIC WORKS, AMBULANCE, POLICE, AND FIRE DEPARTMENTS AT THE JOB SITE.
5. THE CONTRACTOR SHALL CONTROL DUST BY WATERING EXPOSED SURFACES AS NEEDED. INCREASED WATERING SHALL BE REQUIRED WHEN WIND SPEEDS EXCEED 10 MPH.
6. THE PROJECT APPLICANT SHALL SWEEP STREETS DAILY, OR AS NECESSARY, WITH WATER SWEEPERS IF VISIBLE SOIL MATERIAL IS CARRIED ONTO ADJACENT PUBLIC STREETS.
7. THE CONTRACTOR SHALL PROVIDE TEMPORARY CONSTRUCTION DRIVES TO PREVENT THE TRACKING OF SOIL, DUST, MUD, OR CONSTRUCTION DEBRIS ON PUBLIC STREETS.
8. MUD TRACKED ONTO STREETS OR ADJACENT PROPERTIES SHALL BE REMOVED IMMEDIATELY. STREET SHALL BE SWEEP WITH A POWER SWEEPER (NOT PRESSURE WASHED) AS DIRECTED BY THE CITY.

RECOMMENDATIONS FOR TREE PROTECTION DURING CONSTRUCTION:

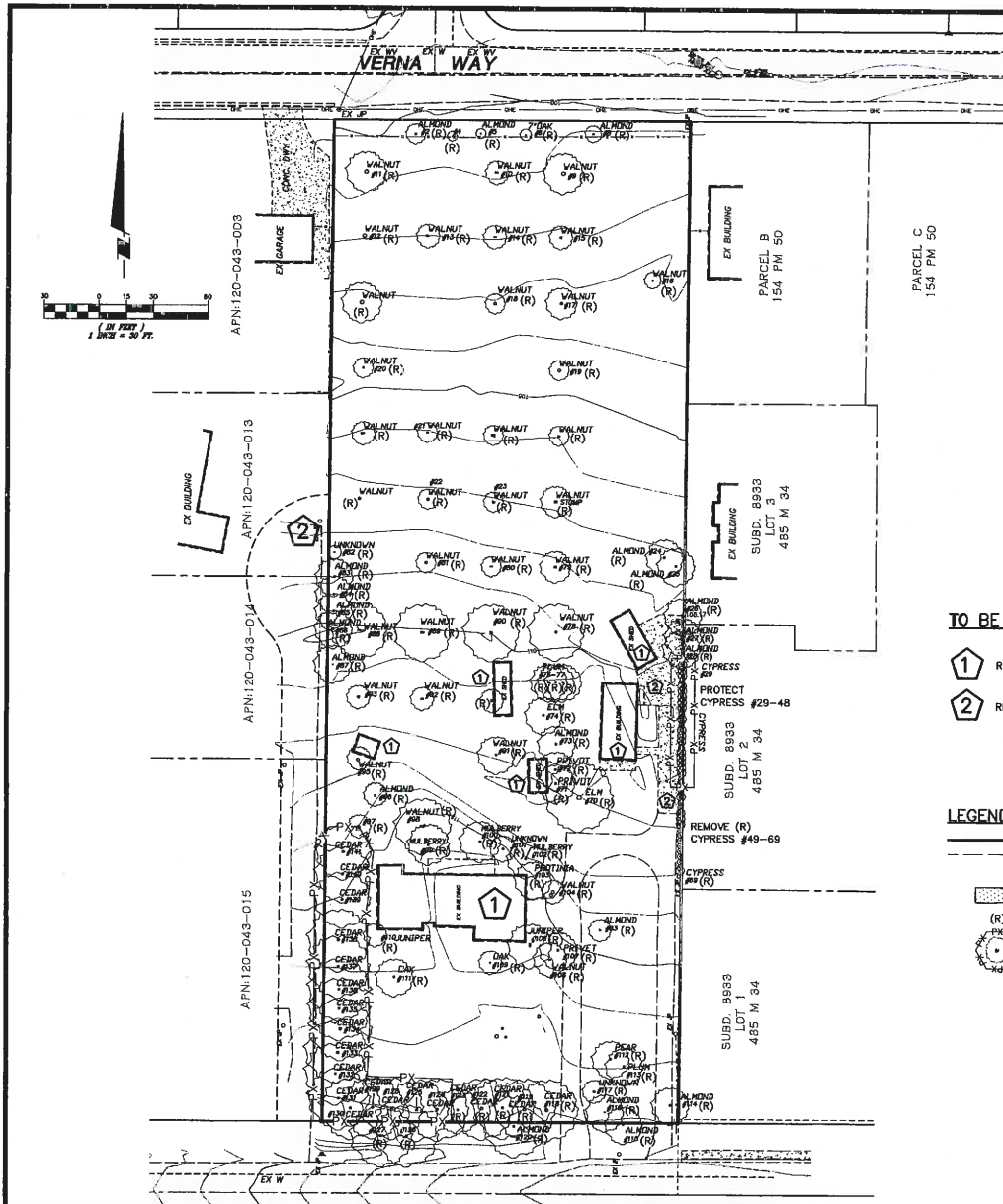
1. FENCE TREES TO ENCLOSE THE TREE PROTECTION ZONE (LEAVING SPACE FOR PEDESTRIAN ENTRANCES) PRIOR TO DEMOLITION, GRUBBING OR GRADING. FENCE SHALL BE 5' MINIMUM CONSTRUCTION FENCE. FENCES ARE TO REMAIN UNTIL ALL GRADING AND CONSTRUCTION IS COMPLETED.
2. NO GRADING, CONSTRUCTION, DEMOLITION OR OTHER WORK SHALL OCCUR WITHIN THE TREE PROTECTION ZONE.
3. NO GRADING SHALL OCCUR WITHIN THE DRIFLINE OF ANY TREE SHOWN TO BE PROTECTED.
4. IF INJURY SHOULD OCCUR TO ANY TREE DURING CONSTRUCTION IT SHOULD BE EVALUATED AS SOON AS POSSIBLE BY A CONSULTING ARBORIST SO THAT APPROPRIATE TREATMENTS CAN BE APPLIED.
5. NO EXCESS SOIL, CHEMICALS, DEBRIS, EQUIPMENT OR OTHER MATERIALS SHALL BE DUMPED OR STORED WITHIN THE TREE PROTECTION ZONE.
6. ANY ADDITIONAL TREE PRUNING NEEDED FOR CLEARANCE DURING CONSTRUCTION MUST BE PERFORMED BY A CERTIFIED ARBORIST AND NOT BY CONSTRUCTION PERSONNEL.
7. AS TREES WITHDRAW WATER FROM THE SOIL, EXPANSIVE SOILS MAY SHRINK WITHIN THE ROOT AREA. THEREFORE, FOUNDATIONS, FOOTINGS AND PAVEMENTS ON EXPANSIVE SOILS NEAR TREES SHOULD BE DESIGNED TO WITHSTAND DIFFERENTIAL PLACEMENT.

TO BE REMOVED:

- 1 REMOVE EXISTING STRUCTURE
- 2 REMOVE EXISTING CONCRETE

LEGEND:

- PROJECT BOUNDARY
- PROPERTY LINES
- EXISTING PAVEMENT
- REMOVE (R)
- TREE PROTECTION ZONE FENCING



| | | | |
|---|---------------|--------------------------------|----------------|
| SUBDIVISION NO: 9419 | | VERNA WAY | |
| TENTATIVE MAP | | | |
| TOPOGRAPHIC SURVEY, DEMOLITION, & TREE PRESERVATION PLAN | | | |
| CITY OF CLAYTON | | CONTRA COSTA COUNTY CALIFORNIA | |
| Isakson & Assoc. Inc. | | | |
| civil engineering land surveying | | | |
| 2255 Ygnacio Valley Road, Suite C, Walnut Creek, CA 94598 Phone: (925) 937-9333 | | | |
| DATE: 03-28-16 | DESIGNED: DCI | CHECKED: DCI | DATE: 03-28-16 |
| DRAWN: RF | BY: RF | DATE: 03-28-16 | SHEET 3 OF 3 |

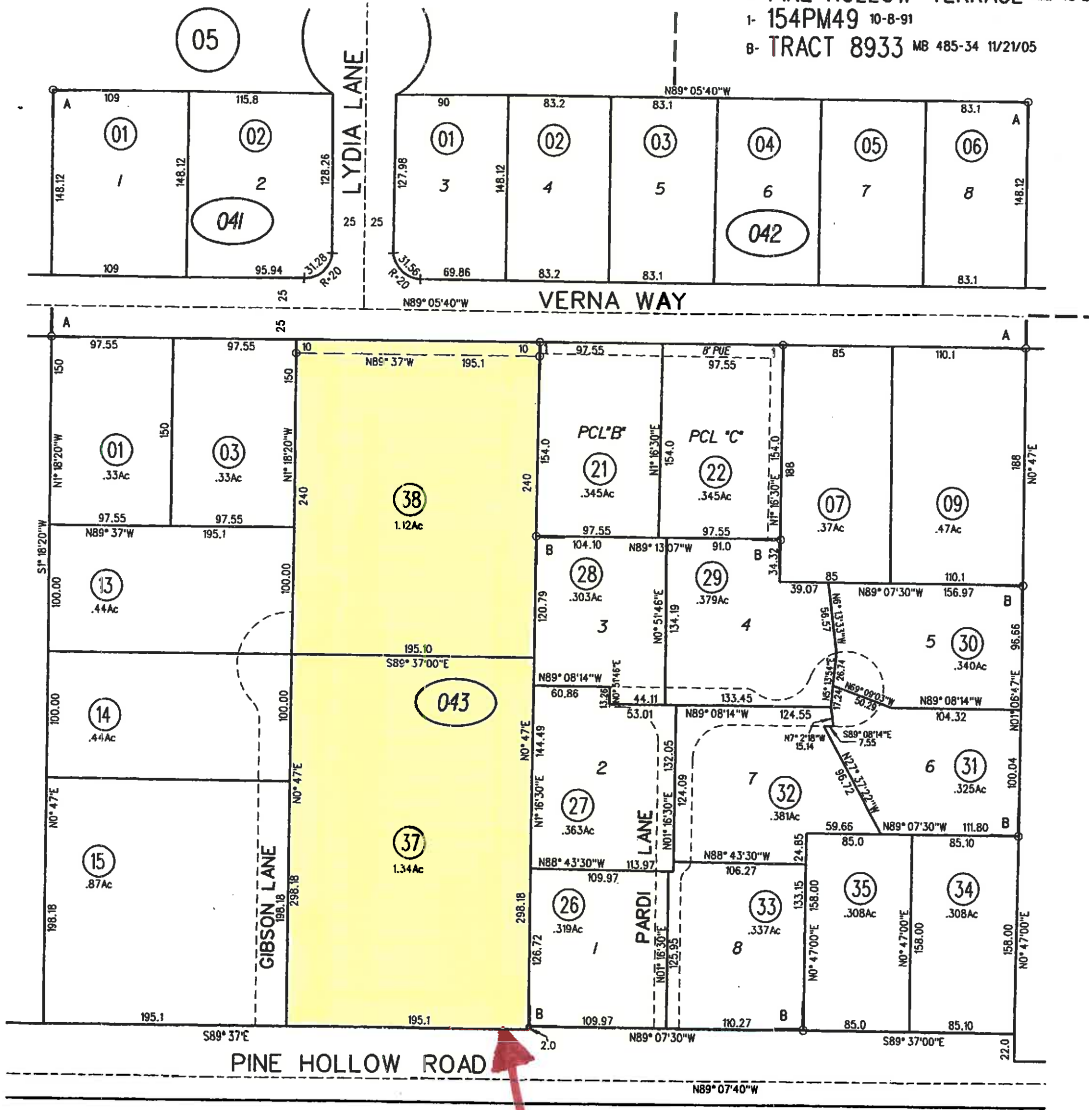
3-D

POR SW 1/4 SEC 11 T1N R1W MDBM

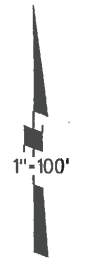
A- PINE HOLLOW TERRACE MB 43-29

1- 154PM49 10-8-91

B- TRACT 8933 MB 485-34 11/21/05



03



11

02

NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

- 041
- 042
- 043
- 37,38

P B
121

PROJECT SITE

ASSESSOR'S MAP
BOOK 120 PAGE 04
CONTRA COSTA COUNTY, CALIF.

E-1

ATTACHMENT E



March 28, 2016

MMA Homes 2013 LLC
c/o Branagh Development
Attn: Bob Pickett
BobP@branagh.net

RECEIVED
MAR 29 2016
CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT

Re: Arborist Report for Subdivision at 5718 Verna Way & 5675 Pine Hollow, Clayton

Dear Bob,

Per your request, the following is an arborist report for the proposed subdivision at Verna Way & Pine Hollow in Clayton. Per the City's Tree Protection Ordinance Chapter 15.70, the report includes the following:

- Tag, measure, & assess the condition of all trees with a trunk diameter of ≥ 6 " at 4.5 ft. above mean grade.
- Note tree tag #'s on site plan.
- Note driplines of trees to be retained on site plan.
- Assess the proposed improvements with regards to potential tree encroachment.
- Based on tree condition, and proposed encroachments, make recommendations for tree preservation or removal.
- Note which trees are considered "Protected" (Per 15.70.015-C)
"Protected Tree" means any tree that is of the following varieties: Ash (*Fraxinus dipetala*); Bay (*Umbellularia californica*); Box Elder (*Acer negundo*); Buckeye (*Aesculus californica*); Cherry (*Prunus emarginata*, *Prunus illicifolia*, *Prunus subcordata*); Cottonwood (*Populus fremontii*); Elderberry (*Sambucus mexicana*); Hop Tree (*Ptelea crenulata*); Madrone (*Arbutus menziesii*); Maple (*Acer macrophyllum*); Oak (*Quercus agrifolia*, *Quercus chrysolepis*, *Quercus douglasii*, *Quercus kelloggii*, *Quercus lobata*, *Quercus wislizeni*); Sycamore (*Platanus racemosa*); or Walnut (*Juglans hindsii*).

Site Summary

The proposed new subdivision will be located at 5718 Verna Way. The existing site appears to be a former orchard with aging trees and an old vacated home. The trees are primarily old almond and black walnut trees in decline, as well as Italian cypresses and Deodar cedars. The proposed project will require the removal of most of these trees to allow for the construction of 6 homes.

It is my opinion that 105 trees out of a total of 141 trees will need to be removed for the project. Thirty-two (32) trees are considered "Protected" according to the City's tree protection ordinance, but their condition and/or location do not make them suitable for preservation. The remaining 36 trees can be retained given that protection measures within this report are followed.

Assumptions & Limitations

This report is based on my site visit on September 20, 2015, and the plans provided by Isakson & Associates, Inc. dated March 28, 2016. It was assumed that the proposed improvements and trees were accurately surveyed on the plans.

The health and structure of the trees were assessed visually from ground level. No drilling, root excavation, or aerial inspections were performed. Internal or non-detectable defects may exist, and could lead to part or whole tree failures. Due the dynamic nature of trees and their environment, it is not possible for arborists to guarantee that trees will not fail in the future.

Tree Inventory & Assessment Table

Tree #: Each tree was given a numerical tag sequence from #1-141. An asterisk next to the number indicates a protected tree. Aside from the first Italian cypress, this species was not physically tagged due to thickness of the canopy.

DBH = Trunk diameters (in inches) were calculated from the circumference measured at 4.5' above grade.

Health & Structural Condition Rating

Dead: Dead or declining beyond chance of recovery.

Poor: Stunted or declining canopy, poor foliar color, possible disease or insect issues. Severe structural defects that may or may not be correctable. Usually not a reliable specimen for preservation.

Fair: Fair to moderate vigor. Minor structural defects that can be correctable. More susceptible to construction impacts than a tree in good condition.

Good: Good vigor, and color, with no obvious problems or defects. Generally more resilient to impacts.

Very Good: Exceptional specimen with excellent vigor, and structure. Unusually nice.

Age

Young "Y" : 0-1/5 (20%) of expected life span. High resiliency to encroachment.

Mature "M" : 1/5 - 4/5's (20%-80%) of expected life span. Moderate resiliency to encroachment.

Over Mature "OM" : > 80% of expected life span. Low resiliency to encroachment.

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|---------------------------------------|-----------|--------|-----------|----------|---|---|---|------|----|----|--|--------|
| | | | | | N | E | S | W | | | | | |
| 1 | Almond (<i>Prunus dulcis</i>) | 4.5, 3 | P | P | 6 | 3 | 3 | 6 | M-OM | X | H | | Remove |
| 2 | Almond (<i>Prunus dulcis</i>) | 4, 4, 2.5 | P | P | 3 | 4 | 5 | 7 | OM | X | H | Codominant trunks. Gummy exudate at base of larger trunk. Very sparse canopy with suckers. Base of tree is partly girdled, possibly rodent damage. | Remove |
| 3 | Unknown | 12, 14 | Dead | Dead | | | | | | X | H | | Remove |
| 4 | Almond (<i>Prunus dulcis</i>) | 4, 4.5, 3 | F | F | 3 | 6 | 3 | 7 | M | X | H | 3 codominant leaders at 2.5'. Aging orchard tree. | Remove |
| 5 | Almond (<i>Prunus dulcis</i>) | 5.5, 6 | P | F-P | 6 | 3 | 3 | 6 | M | X | H | Sparse canopy with bronzed leaves. Codominant trunks. Not worthy of preservation. | Remove |
| 6* | Blue Oak (<i>Quercus douglasii</i>) | 7.5 | G | F | 7 | 4 | 0 | 4 | Y | X | H | Lopsided canopy. In proposed driveway. | Remove |
| 7 | Almond (<i>Prunus dulcis</i>) | 4.5, 4 | F | F | 6 | 6 | 6 | 6 | M | X | H | Sparse canopy. Codominant leaders at 3'. Aging orchard tree. | Remove |
| 8 | Unknown | 7.5, 7 | Dead | Dead | | | | | | X | H | | Remove |

F-3

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|--|-------------------|--------|-----------|----------|----|----|----|-----|----|----|--|--------|
| | | | | | N | E | S | W | | | | | |
| 9* | California Black Walnut (<i>Juglans hindsii</i>) | 30.5 | P | P | 20 | 26 | 25 | 18 | OM | X | H | Multiple codominant leaders at 6'. Significant dieback and mistletoe. Upper crown mostly dead. | Remove |
| 10* | California Black Walnut (<i>Juglans hindsii</i>) | 11, 8 | F-P | P | 10 | 9 | 12 | 12 | M | X | H | Codominant trunks. Birdhouse at 7'. Significant dieback and mistletoe. | Remove |
| 11* | California Black Walnut (<i>Juglans hindsii</i>) | ~30 | P | P | 13 | 10 | 2 | 12 | OM | X | H | Trunk obscured by suckers. Codominant leaders at 6'. Tree is nearly dead, with canopy consisting of suckers and sprouts along one scaffold branch. | Remove |
| 12* | California Black Walnut (<i>Juglans hindsii</i>) | 26 | P | P | 3 | 0 | 0 | 0 | OM | X | H | Nearly dead with suckers at base of tree. | Remove |
| 13* | California Black Walnut (<i>Juglans hindsii</i>) | 11, 3.5, 4, 4, 11 | F-P | P | 6 | 6 | 14 | 6 | OM | X | H | Half dead, with significant dieback. Codominant leaders. Canopy consists primarily of sprouts. | Remove |
| 14* | California Black Walnut (<i>Juglans hindsii</i>) | 8, 7, 7 | P | P | 0 | 13 | 8 | 1 | OM | X | H | Codominant leaders. Nearly dead, canopy consists of suckers and sprouts along one scaffold branch. | Remove |

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|--|--------------|--------|-----------|----------|----|----|----|-----|----|----|---|--------|
| | | | | | N | E | S | W | | | | | |
| 15* | California Black Walnut (<i>Juglans hindsii</i>) | 8, 8, 7 | F-P | P | 10 | 16 | 15 | 10 | OM | X | H | Upper crown dead with significant dieback and mistletoe. 3 codominant trunks. | Remove |
| 16 | Almond (<i>Prunus dulcis</i>) | 14 | F-P | P | 12 | 13 | 13 | 12 | M | X | H | Sparse canopy with significant dieback. Abundant sap excretions along trunk and scaffold branches. Trunk buried by soil berm. | Remove |
| 17* | California Black Walnut (<i>Juglans hindsii</i>) | 10, 8, 7, 11 | F-P | P | 16 | 13 | 15 | 10 | OM | X | H | Scattered healthy foliage with significant dieback. Codominant trunks. Birdhouse at 6'. | Remove |
| 18* | California Black Walnut (<i>Juglans hindsii</i>) | 6, 4.5, 11 | Dead | | | | | | | X | H | | Remove |
| 19* | California Black Walnut (<i>Juglans hindsii</i>) | ~25 | P | P | 1 | 5 | 3 | 2 | OM | X | H | Birdhouse at 6'. Canopy consists of suckers. | Remove |
| 20* | California Black Walnut (<i>Juglans hindsii</i>) | 9, 9 | Dead | | | | | | | X | H | | Remove |
| 21* | California Black Walnut (<i>Juglans hindsii</i>) | 6, 7 | P | P | 2 | 2 | 2 | 2 | OM | X | H | Dead, with canopy consisting of suckers. | Remove |

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|--|---------------|--------|-----------|----------|----|----|----|-----|----|----|---|-----------------------------|
| | | | | | N | E | S | W | | | | | |
| 22* | California Black Walnut (<i>Juglans hindsii</i>) | 4, 6, 6, 6, 6 | Dead | | | | | | | X | H | Dead, with tiny suckers. | Remove |
| 23* | California Black Walnut (<i>Juglans hindsii</i>) | 9, 6, 7 | P | P | 13 | 4 | 2 | 4 | OM | X | H | Canopy consists of suckers and sprouts along one scaffold. | Remove |
| 24 | Almond (<i>Prunus dulcis</i>) | 7, 3.5, 6, 6 | F-P | P | 10 | 10 | 0 | 6 | OM | X | H | Multiple dead and decayed trunks. Sparse canopy with significant dieback. | Remove |
| 25 | Almond (<i>Prunus dulcis</i>) | 8, 5 | P | F | 0 | 9 | 6 | 5 | M | X | H | Sparse canopy with bronzed foliage and moderate dieback. | Remove |
| 26 | Almond (<i>Prunus dulcis</i>) | 6, 4, 9 | P | P | 3 | 3 | 0 | 1 | OM | X | H | Nearly dead. Bronzed foliage. | Remove |
| 27 | Almond (<i>Prunus dulcis</i>) | 4.5, 6 | P | P | 2 | 3 | 1 | 1 | OM | X | H | Bronzed foliage. Sparse canopy with significant dieback. | Remove |
| 28 | Almond (<i>Prunus dulcis</i>) | 3.5, 10 | F | P | 9 | 8 | 10 | 11 | M | X | H | Under power line. Sparse canopy with significant dieback. | Remove |
| 29 | Italian Cypress (<i>Cupressus sempervirens</i>) | 7 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. Tag at base of tree. | Install protective fencing. |
| 30 | Italian Cypress (<i>Cupressus sempervirens</i>) | 13 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |

F-6

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|--|-----|--------|-----------|----------|---|---|---|-----|----|----|--------------------------|-----------------------------|
| | | | | | N | E | S | W | | | | | |
| 31 | Italian Cypress (<i>Cupressus sempervirens</i>) | 12 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 32 | Italian Cypress (<i>Cupressus sempervirens</i>) | 6 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 33 | Italian Cypress (<i>Cupressus sempervirens</i>) | 14 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 34 | Italian Cypress (<i>Cupressus sempervirens</i>) | 12 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 35 | Italian Cypress (<i>Cupressus sempervirens</i>) | 12 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 36 | Italian Cypress (<i>Cupressus sempervirens</i>) | 14 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 37 | Italian Cypress (<i>Cupressus sempervirens</i>) | 12 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 38 | Italian Cypress (<i>Cupressus sempervirens</i>) | 8 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 39 | Italian Cypress (<i>Cupressus sempervirens</i>) | 14 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |

F-7

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|--|--------|--------|-----------|----------|---|---|---|-----|----|----|--------------------------|-----------------------------|
| | | | | | N | E | S | W | | | | | |
| 40 | Italian Cypress (<i>Cupressus sempervirens</i>) | 5, 5 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 41 | Italian Cypress (<i>Cupressus sempervirens</i>) | 12 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 42 | Italian Cypress (<i>Cupressus sempervirens</i>) | 12 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 43 | Italian Cypress (<i>Cupressus sempervirens</i>) | 10 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 44 | Italian Cypress (<i>Cupressus sempervirens</i>) | 4.5, 9 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 45 | Italian Cypress (<i>Cupressus sempervirens</i>) | 12 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 46 | Italian Cypress (<i>Cupressus sempervirens</i>) | 10 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 47 | Italian Cypress (<i>Cupressus sempervirens</i>) | 9 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |
| 48 | Italian Cypress (<i>Cupressus sempervirens</i>) | 12 | G | G | 2 | 2 | 2 | 2 | M | X | M | Adjacent to power lines. | Install protective fencing. |

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|--|-----|--------|-----------|----------|---|---|---|-----|----|----|---|--------|
| | | | | | N | E | S | W | | | | | |
| 49 | Italian Cypress (<i>Cupressus sempervirens</i>) | 7 | G | G | 2 | 2 | 2 | 2 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 50 | Italian Cypress (<i>Cupressus sempervirens</i>) | 12 | G | G | 2 | 2 | 2 | 2 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 51 | Italian Cypress (<i>Cupressus sempervirens</i>) | 7 | G | G | 2 | 2 | 2 | 2 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 52 | Italian Cypress (<i>Cupressus sempervirens</i>) | 16 | G | G | 2 | 2 | 2 | 2 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 53 | Italian Cypress (<i>Cupressus sempervirens</i>) | 8 | G | G | 2 | 2 | 2 | 2 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 54 | Italian Cypress (<i>Cupressus sempervirens</i>) | 8 | G | G | 2 | 2 | 2 | 2 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 55 | Italian Cypress (<i>Cupressus sempervirens</i>) | 14 | G | G | 2 | 2 | 2 | 2 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 56 | Italian Cypress (<i>Cupressus sempervirens</i>) | 10 | G | G | 2 | 2 | 2 | 2 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 57 | Italian Cypress (<i>Cupressus sempervirens</i>) | 16 | G | G | 2 | 2 | 2 | 2 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |

F-9

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|--|-----|--------|-----------|----------|---|---|---|-----|----|----|---|--------|
| | | | | | N | E | S | W | | | | | |
| 58 | Italian Cypress (<i>Cupressus sempervirens</i>) | 6 | G | G | 1 | 1 | 1 | 1 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 59 | Italian Cypress (<i>Cupressus sempervirens</i>) | 7 | G | G | 1 | 1 | 1 | 1 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 60 | Italian Cypress (<i>Cupressus sempervirens</i>) | 7 | G | G | 1 | 1 | 1 | 1 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 61 | Italian Cypress (<i>Cupressus sempervirens</i>) | 6 | G | G | 1 | 1 | 1 | 1 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 62 | Italian Cypress (<i>Cupressus sempervirens</i>) | 6 | G | G | 1 | 1 | 1 | 1 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 63 | Italian Cypress (<i>Cupressus sempervirens</i>) | 6 | G | G | 1 | 1 | 1 | 1 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 64 | Italian Cypress (<i>Cupressus sempervirens</i>) | 6 | G | G | 1 | 1 | 1 | 1 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 65 | Italian Cypress (<i>Cupressus sempervirens</i>) | 6 | G | G | 1 | 1 | 1 | 1 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 66 | Italian Cypress (<i>Cupressus sempervirens</i>) | 7 | G | G | 1 | 1 | 1 | 1 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|--|---------------|--------|-----------|----------|----|----|----|-----|----|----|--|--------|
| | | | | | N | E | S | W | | | | | |
| 67 | Italian Cypress (<i>Cupressus sempervirens</i>) | 8 | G | G | 1 | 1 | 1 | 1 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 68 | Italian Cypress (<i>Cupressus sempervirens</i>) | 7 | G | G | 1 | 1 | 1 | 1 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 69 | Italian Cypress (<i>Cupressus sempervirens</i>) | 9 | G | G | 1 | 1 | 1 | 1 | M | X | H | Adjacent to power lines. Located in proposed wall. | Remove |
| 70 | Siberian Elm (<i>Ulmus pumila</i>) | 27 | F-P | F-P | 21 | 22 | 21 | 20 | M | X | H | Healthy foliage scattered throughout canopy with significant dieback. Area needs to be cleared for home. | Remove |
| 71 | Glossy Privet (<i>Ligustrum lucidum</i>) | 3, 2, 2, 2 | F | F-P | 6 | 6 | 3 | 6 | Y | X | H | Codominant trunks. Area needs to be cleared for home. | Remove |
| 72 | Glossy Privet (<i>Ligustrum lucidum</i>) | 6 | F | F | 6 | 8 | 6 | 6 | Y | X | H | Sparse canopy. Area needs to be cleared for home. | Remove |
| 73 | Almond (<i>Prunus dulcis</i>) | 7, 8 | P | P | 10 | 7 | 6 | 10 | OM | X | H | Sparse canopy with significant dieback. Bronzed foliage. Codominant leaders at 2'. | Remove |
| 74 | Siberian Elm (<i>Ulmus pumila</i>) | 6 | G | F | 12 | 12 | 12 | 12 | Y | X | H | Codominant leaders at 6'. Species tends to have poor structure at maturity. Not suitable for preservation. | Remove |

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|--|----------------|--------|-----------|----------|----|----|----|-----|----|----|--|--------|
| | | | | | N | E | S | W | | | | | |
| 75 | Plum (<i>Prunus</i> sp.) | 3.5, 3.5, 3.5 | F | F | 11 | 3 | 11 | 10 | M | X | H | Sparse canopy. Aging orchard tree. | Remove |
| 76 | Plum (<i>Prunus</i> sp.) | 3.5, 3, 4.5 | F-P | F | 10 | 10 | 10 | 4 | M | X | H | Aging orchard tree. | Remove |
| 77 | Plum (<i>Prunus</i> sp.) | 6 | F-P | F | 10 | 6 | 11 | 2 | M | X | H | Aging orchard tree. | Remove |
| 78* | California Black Walnut (<i>Juglans hindsii</i>) | 15 | P | P | 3 | 7 | 6 | 4 | OM | X | H | Codominant leaders at 2'. Upper crown mostly dead with canopy consisting of sprouts and mistletoe. | Remove |
| 79* | California Black Walnut (<i>Juglans hindsii</i>) | 7.5, 7, 7, 7.5 | P | P | 3 | 3 | 3 | 12 | OM | X | H | Codominant trunks. Canopy mostly dead, consisting of sprouts and mistletoe. | Remove |
| 80* | California Black Walnut (<i>Juglans hindsii</i>) | 8, 8 | P | P | 3 | 3 | 3 | 3 | OM | X | H | Codominant trunks. Suckers only. | Remove |
| 81* | California Black Walnut (<i>Juglans hindsii</i>) | 18 | P | P | 1 | 1 | 2 | 1 | OM | X | H | Pretty much dead. | Remove |
| 82 | Unknown | 10 | Dead | | | | | | | X | H | | Remove |
| 83 | Almond (<i>Prunus dulcis</i>) | 6 | F | P | 9 | 9 | 3 | 9 | M | X | H | Bronzed foliage. Aging orchard tree. Area needs to be cleared for home. | Remove |
| 84 | Almond (<i>Prunus dulcis</i>) | 7 | P | P | 3 | 6 | 3 | 3 | M | X | H | Sparse canopy with bronzed foliage. | Remove |

F-12

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|--|-------------|--------|-----------|----------|----|----|----|-----|----|----|---|--------|
| | | | | | N | E | S | W | | | | | |
| 85 | Almond (<i>Prunus dulcis</i>) | 6 | Dead | | | | | | | X | H | | Remove |
| 86 | Almond (<i>Prunus dulcis</i>) | 6 | P | P | 2 | 2 | 4 | 2 | M | X | H | Sparse canopy. | Remove |
| 87 | Almond (<i>Prunus dulcis</i>) | 4, 4 | P | F-P | 5 | 4 | 6 | 10 | M | X | H | Sparse canopy with bronzed foliage. Codominant leaders at 4.5'. | Remove |
| 88* | California Black Walnut (<i>Juglans hindsii</i>) | 9.5, 10 | P | P | 2 | 5 | 4 | 2 | OM | X | H | Canopy consists of suckers and sprouts along a scaffold branch. | Remove |
| 89* | California Black Walnut (<i>Juglans hindsii</i>) | 11, 12 | P | P | 6 | 6 | 6 | 6 | OM | X | H | Suckers only. | Remove |
| 90* | California Black Walnut (<i>Juglans hindsii</i>) | 9, 7, 9 | P | P | 3 | 5 | 15 | 5 | OM | X | H | 3 codominant trunks. Birdhouse at 6'. Healthy foliage scattered throughout canopy with mistletoe and significant dieback. | Remove |
| 91* | California Black Walnut (<i>Juglans hindsii</i>) | 17 | P | P | 6 | 10 | 10 | 10 | OM | X | H | Canopy consists of scattered healthy foliage, suckers, and mistletoe. | Remove |
| 92* | California Black Walnut (<i>Juglans hindsii</i>) | 11, 11.5 | P | P | 2 | 2 | 2 | 2 | OM | X | H | Suckers only. Codominant leaders at 2'. | Remove |
| 93* | California Black Walnut (<i>Juglans hindsii</i>) | 9, 11, 11.5 | P | P | 2 | 2 | 2 | 2 | OM | X | H | Suckers only. Codominant leaders at 2'. | Remove |

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|--|------------------------|--------|-----------|----------|----|----|----|-----|----|----|---|--------|
| | | | | | N | E | S | W | | | | | |
| 94 | Almond (<i>Prunus dulcis</i>) | 7 | P | P | 0 | 2 | 3 | 0 | OM | X | H | Suckers only. | Remove |
| 95* | California Black Walnut (<i>Juglans hindsii</i>) | 19, 18 | Dead | | | | | | | X | H | | Remove |
| 96 | Almond (<i>Prunus dulcis</i>) | 4, 5 | P | F | 10 | 10 | 10 | 12 | M | X | H | Sparse canopy with significant dieback and bronzed foliage. | Remove |
| 97* | California Black Walnut (<i>Juglans hindsii</i>) | 16, 16 | P | P | 0 | 1 | 2 | 1 | OM | X | H | Codominant leaders. Suckers only. | Remove |
| 98* | California Black Walnut (<i>Juglans hindsii</i>) | 12, 4, 11, 4, 6, 11, 9 | P | P | 23 | 15 | 12 | 16 | OM | X | H | Sparse canopy with scattered healthy foliage. Codominant trunks. | Remove |
| 99 | Mulberry (<i>Morus alba</i>) | 7.5 | G | F | 3 | 12 | 14 | 11 | Y | X | H | Gall at base. 20° lean to south. Area needs to be cleared for home. | Remove |
| 100 | Mulberry (<i>Morus alba</i>) | 7 | F | F | 6 | 11 | 12 | 10 | Y | X | H | 20° lean to the south. Area needs to be cleared for home. | Remove |
| 101 | Unknown | 6.5 | Dead | | | | | | | | | | Remove |
| 102 | Mulberry (<i>Morus alba</i>) | 6 | F-P | F | 6 | 9 | 10 | 10 | Y | X | H | Chlorotic foliage. Area needs to be cleared for home. | Remove |

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|--|---------------------|--------|-----------|----------|----|----|----|-----|----|----|--|--------|
| | | | | | N | E | S | W | | | | | |
| 103 | Photinia (<i>Photinia glabra</i>) | 3, 2, 3, 2, 4 | G | F | 7 | 8 | 6 | 3 | M | X | H | Area needs to be cleared for home. | Remove |
| 104* | California Black Walnut (<i>Juglans hindsii</i>) | 12, 14 | P | P | 5 | 9 | 3 | 10 | OM | X | H | Canopy consists of scattered healthy foliage and mistletoe. Codominant trunks. | Remove |
| 105 | Pear (<i>Pyrus</i> sp.) | 6, 4, 6 | P | P | 6 | 7 | 6 | 2 | OM | X | H | Half of stems are dead. | Remove |
| 106 | Hollywood Juniper (<i>Juniperus chinensis</i>) | 8, 9.5, 12.5 | G | F | 11 | 10 | 11 | 11 | M | X | H | Codominant leaders at 2'. | Remove |
| 107 | Glossy Privet (<i>Ligustrum lucidum</i>) | 4, 4.5, 2, 2 | F | F | 4 | 10 | 6 | 3 | M | X | H | Roots growing into roots of dead walnut. Area needs to be cleared for home. | Remove |
| 108* | California Black Walnut (<i>Juglans hindsii</i>) | 15 | Dead | | | | | | | X | H | | Remove |
| 109* | Coast Live Oak (<i>Quercus agrifolia</i>) | 6, 3 | G | F | 7 | 6 | 6 | 6 | Y | X | H | Codominant trunks. Area needs to be cleared for home. | Remove |
| 110 | Hollywood Juniper (<i>Juniperus chinensis</i>) | 6 | G | F | 1 | 10 | 10 | 5 | M | X | H | Area needs to be cleared for home. | Remove |

F-15

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|--|---------------|--------|-----------|----------|----|----|----|-----|----|----|--|--------|
| | | | | | N | E | S | W | | | | | |
| 111* | Coast Live Oak (<i>Quercus agrifolia</i>) | 3, 2, 2 | G | F | 5 | 5 | 5 | 5 | Y | X | H | 3 codominant trunks. Area needs to be cleared for home. | Remove |
| 112 | Pear (<i>Pyrus</i> sp.) | 2, 3, 3 | F-P | F | 5 | 6 | 3 | 5 | M | X | H | Bronzed foliage. Significant dieback. | Remove |
| 113 | Plum (<i>Prunus</i> sp.) | 5, 5, 3 | F-P | P | 5 | 10 | 5 | 4 | M | X | H | Half dead. | Remove |
| 114 | Almond (<i>Prunus dulcis</i>) | 11 | F-P | F | 10 | 10 | 10 | 8 | M | X | M | Sparse canopy. Aging orchard tree. Not worthy of preservation. | Remove |
| 115 | Almond (<i>Prunus dulcis</i>) | 6, 7 | F | F | 3 | 6 | 12 | 10 | M | X | H | Sparse canopy with bronzed foliage. Not worthy of preservation. | Remove |
| 116 | Almond (<i>Prunus dulcis</i>) | 3, 2, 4, 2 | P | F-P | 3 | 10 | 10 | 6 | M | X | M | Codominant trunks. Sparse canopy with bronzed foliage. Not worthy of preservation. | Remove |
| 117 | Unknown | 14 | Dead | | | | | | | | | | Remove |
| 118 | Deodar Cedar (<i>Cedrus deodara</i>) | 20 | G | F | 20 | 10 | 20 | 10 | M | X | H | Previously topped - 3 codominant leaders at 15'. In proposed driveway. | Remove |
| 119 | Deodar Cedar (<i>Cedrus deodara</i>) | 18 | G | F | 15 | 10 | 17 | 10 | M | X | H | Previously topped - codominant leaders at 17'. In proposed driveway. | Remove |
| 120 | Almond (<i>Prunus dulcis</i>) | 4.5, 4, 3 | P | F-P | 3 | 6 | 7 | 6 | M | X | H | Sparse canopy with bronzed foliage. In proposed driveway. | Remove |

F-116

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|---|-------|--------|-----------|----------|----|----|----|-----|----|----|--|----------------------------|
| | | | | | N | E | S | W | | | | | |
| 121 | Deodar Cedar (<i>Cedrus deodara</i>) | 15 | F | G | 15 | 10 | 15 | 10 | M | X | H | In proposed driveway. | Remove |
| 122 | Deodar Cedar (<i>Cedrus deodara</i>) | 16 | F | F | 15 | 10 | 15 | 10 | M | X | H | In proposed driveway. | Remove |
| 123 | Deodar Cedar (<i>Cedrus deodara</i>) | 12 | F | G | 10 | 10 | 10 | 10 | M | X | H | Will be affected by proposed driveway. | Remove |
| 124 | Deodar Cedar (<i>Cedrus deodara</i>) | 14 | F | G | 15 | 10 | 15 | 10 | M | X | M | | Install protective fencing |
| 125 | Deodar Cedar (<i>Cedrus deodara</i>) | 13 | F | G | 15 | 10 | 15 | 10 | M | X | M | | Install protective fencing |
| 126 | Almond (<i>Prunus dulcis</i>) | 9 | F | F | 6 | 10 | 6 | 10 | M | X | M | Sparse canopy with moderate dieback. Not worthy of preservation. | Remove |
| 127 | Almond (<i>Prunus dulcis</i>) | 8 | P | P | 6 | 10 | 4 | 10 | M | X | M | Sparse canopy with bronzed foliage. Not worthy of preservation. | Remove |
| 128 | Deodar Cedar (<i>Cedrus deodara</i>) | 14 | G | F | 15 | 10 | 15 | 10 | M | X | M | | Install protective fencing |
| 129 | Deodar Cedar (<i>Cedrus deodara</i>) | 15 | G | G | 15 | 10 | 15 | 10 | M | X | M | | Install protective fencing |
| 130 | Deodar Cedar (<i>Cedrus deodara</i>) | 11, 6 | G | P | 10 | 10 | 15 | 15 | M | X | M | Scaffold branch bends and overtakes leader at 2', with leader continuing to grow vertically. | Install protective fencing |

F-17

| # (*) | Species | DBH | Health | Structure | Dripline | | | | Age | DE | CI | Comments | Action |
|-------|---|-----|--------|-----------|----------|----|----|----|-----|----|----|----------|----------------------------|
| | | | | | N | E | S | W | | | | | |
| 131 | Deodar Cedar (<i>Cedrus deodara</i>) | 15 | G | G | 10 | 15 | 17 | 15 | M | X | M | | Install protective fencing |
| 132 | Deodar Cedar (<i>Cedrus deodara</i>) | 12 | G | G | 10 | 10 | 10 | 12 | M | X | M | | Install protective fencing |
| 133 | Deodar Cedar (<i>Cedrus deodara</i>) | 15 | F | G | 10 | 15 | 15 | 12 | M | X | M | | Install protective fencing |
| 134 | Deodar Cedar (<i>Cedrus deodara</i>) | 16 | G | G | 10 | 15 | 15 | 12 | M | X | M | | Install protective fencing |
| 135 | Deodar Cedar (<i>Cedrus deodara</i>) | 12 | G | G | 10 | 15 | 10 | 12 | M | X | M | | Install protective fencing |
| 136 | Deodar Cedar (<i>Cedrus deodara</i>) | 13 | G | G | 10 | 10 | 10 | 10 | M | X | M | | Install protective fencing |
| 137 | Deodar Cedar (<i>Cedrus deodara</i>) | 12 | G | G | 10 | 10 | 10 | 12 | M | X | M | | Install protective fencing |
| 138 | Deodar Cedar (<i>Cedrus deodara</i>) | 18 | G | G | 18 | 10 | 15 | 13 | M | X | M | | Install protective fencing |
| 139 | Deodar Cedar (<i>Cedrus deodara</i>) | 11 | G | G | 10 | 0 | 10 | 15 | M | X | M | | Install protective fencing |
| 140 | Deodar Cedar (<i>Cedrus deodara</i>) | 13 | G | F | 10 | 10 | 10 | 15 | M | X | M | | Install protective fencing |
| 141 | Deodar Cedar (<i>Cedrus deodara</i>) | 19 | G | G | 15 | 14 | 12 | 16 | M | X | M | | Install protective fencing |

Trees that will need to be removed: 1-28, 49-123, 126, 127

F-18

Arborist Report, 5718 Verna Way

March 28, 2016

Trees to be saved that will be subjected to dripline encroachment: 29-48, 124, 125, 128-141

F-19

Jennifer Tso, ISA Certified Arborist

Discussion

The site is dominated by orchard trees, including almonds, walnuts, pears and plums, along with ornamental trees that were planted around the existing house. The orchard trees are at or beyond maturity and in various states of decline. Although black walnuts are considered protected trees, the ones on the site are mostly dead or in severe decline and are not worthy of preservation.

The Italian cypresses along the east side of the property are in good condition and should be preserved, except for approximately 20 trees that are situated in the middle of a proposed wall. They need to be removed and tree protection fencing (discussed below) should be installed around the remaining trees to reduce construction impacts.

Deodar cedars line the southwest corner of the property and serve as screening both from the traffic on Pine Hollow Road and the homes along a private road to the west. The health and structure of these trees range from fair to good and all of them should be retained if possible. The trees that will need to be removed for the project are #118-119 and #121-123, since they are located in proposed driveways.

The remainder of the trees are in fair to good condition but are not outstanding specimens. If preserved, their locations will also be a hindrance to efficient construction procedures. Although they may still be retained, I believe their condition and future contribution to the site will not justify the cost of preservation.

Recommendations (to be printed on site plans)

Pre-construction

- Remove trees #1-28, 49-123, 126, 127.
- Mulch may be spread out under trees to be retained to a depth of 4", keeping at least 12" away from trunks.
- Prior to construction or any grading, contractor shall construct a temporary 6' chain-link fence to set up a Tree Protection Zone (TPZ) around each tree or grove of trees as indicated on the plan. Fencing shall be staked in no more than 6' apart.
- TPZ fencing shall remain in an upright sturdy manner from the start of grading until the completion of construction. Fencing shall not be adjusted or removed without notifying the project arborist (PA).

Foundation, Grading, and Construction Phase

- Should any TPZ encroachment be necessary, the contractor shall contact the PA for consultation and recommendations.
- Irrigate trees until soil is moistened at a depth of 1' and provide regular irrigation during the construction phase.
- The PA shall be present on site when grading is performed under the driplines of protected trees.
- Contractor shall keep TPZ's free of all construction related materials, debris, fill soils, equipment, etc. The only accepted material would be mulch spread out under the trees.
- Should any damage to the trees occur, the contractor shall notify the PA promptly to

Arborist Report, 5718 Verna Way

March 28, 2016

appropriately mitigate the damage.

Thank you for the opportunity to provide this report, and please do not hesitate to contact me if there are any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jennifer Tso', with a stylized, cursive script.

Jennifer Tso
Certified Arborist #WE-10270A

RECEIVED

JUL 20 2016

July 19, 2016

Clayton Planning Commission

Re: Verna Way Subdivision

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT

In evaluating a reasonable tree mitigation plan, we began by considering the trees being removed. The important factors are the type of tree and its quality. Our arborist report goes into detail on each of the trees on the property. We have summarized that report in the table below by grouping the tree types.

| Tree Type | Total | Remove |
|--|-----------|-----------|
| Old Orchard (Walnut, Almond, Plum, Pear) | 61 | 61 |
| Cypress | 41 | 21 |
| Deodar Cedar | 21 | 5 |
| Oak | 3 | 3 |
| Other (Syberian Elm, Glossy Privet, Mulberry, Hollywood Juniper) | 15 | 15 |
| | <hr/> 141 | <hr/> 105 |

Many of the trees on the property are the remnants of old orchard trees. Many of those are the shoots that have grown up from the old black walnut root bases of grafted English walnuts. The other major categories are Italian Cypress, Deodar Cedar and a miscellany of other ornamental landscape trees and large shrubs.

A site inspection reveals that the quality of the trees in general is poor. Again, details of their evaluations are in the arborist report.

We are proposing to remove 105 of the 141 trees on the site. While the quantity may seem significant, the quality is not. We have preserved many of the trees around the perimeter of the property. But the other trees throughout the site do not warrant special efforts for preservation.

Our plans include only lot development at this time. So, detailing a planting plan is difficult as it may conflict with future building designs. In order to deal with the Clayton tree ordinance, we are proposing that tree planting be included as a part of each home building permit. We have discussed this with our landscape architect who feels that for these size lots, the number of trees that would typically be installed is three in the front yard and five in the rear yard. Ideally, these

would be fifteen gallon trees as they tend to become quickly established and subsequent year's growth is more robust.

If this program is acceptable to the Planning Commission, that would result in 48 trees submitted as replacement mitigation for the removal of the site trees (a little less than a 50% ratio).

Since a reasonable tree holding capacity of the site upon buildout is limited, this seems like a supportable approach.

If additional tree planting is deemed appropriate by the Planning Commission, we would suggest that it should be at some off-site location so as not to unduly burden this project with an overplanting condition.

DRAFT

ATTACHMENT H

April 16, 2016

RECEIVED
APR 20 2016
CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT

Director, Planning & Development Services
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

SUBJECT: Branagh Development

Subdivision of parcels located at 5718 Verna Way and 5675 Pine Hollow Road
into six (6) lots

Dear Director and Staff,

I have been notified by mail of the subject development plans. I am happy to hear of plans for six single family homes across the street from me.

The ONLY concern that I wish to express, and that was not clear in the notification, is from where egress will occur.

I wish to express my extremely strong objection to any plan for Lydia becoming a thoroughfare between Clayton Road and Pine Hollow Road. There are neither sidewalks nor streetlights on Verna Way and Lydia Lane – and we like it that way!! There is more foot traffic than auto (dog walkers, mothers walking their children to school, and school age children navigating Lydia and Verna way), and we like that, too.

In your planning, if you would limit egress to no more than three of these homes from Verna Way/Lydia Lane... or egress to all six from Pine Hollow Road (wider street, street lights, etc., already in place)... WITHOUT connecting Lydia Lane to Pine Hollow Road, it would be very much appreciated.

Most sincerely,



Carolynn Robason
5727 Verna Way
Clayton, CA 94517

925/212-8781

June 12, 2016

City of Clayton Planning Commission and Clayton City Council Members
6000 Heritage Trail,
Clayton, Ca 94517

RECEIVED

JUN 21 2016

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT

Clayton Planning Commission and Clayton City Council,

The City of Clayton is now in the process of reviewing plans from Branagh Development for the property owned by the Roscelli family. The majority of the property was originally the Roscelli Ranch on Pine Hollow. A narrow unbuildable lot at the back of the property on Verna Way was purchased by the Roscelli family about two years ago. The Roscellis then asked for a lot line adjustment, essentially dividing the property into 2 large parcels.

Branagh Development has negotiated with the family for the property. They have contacted a number of property owners near the property with preliminary plans. All of those contacted, as well as others in the neighborhood, have concerns about the proposed access for this development. While their letter states there is access from Verna and Pine Hollow, the plan seems to show primary access for 6 homes from Verna Way. The name of the proposed development is also "Verna Way". The plans shows a 20 foot easement for a drive off Verna Way for lots 1,2,3 and 4, with another roughly 10 foot easement for lots 5 and 6.

The addition of 4 or 6 large homes using Verna Way as the primary access will add significant traffic to a quiet narrow street and neighborhood. The proposed homes will have at least one, if not two or more vehicles. The addition of 6-12 or more vehicles on Verna, Lydia, Achison Stage or Yosemite will impact the neighborhood where many people walk daily.

There is an easy solution which we propose. The development should have the primary access on Pine Hollow which is the original property address. The new 20 foot easement off Pine Hollow would be between lots 5 and 6 and extend to 3 and 4 with the 10 foot easement between 1 and 2, reversing the current design. Furthermore, Pine Hollow is a much wider road designed to handle more traffic.

While all the neighborhood would love the property to remain open, we know this is not realistic. We only desire that the new homes blend with the current homes and maintain the character for which this neighborhood is known.

Property owners

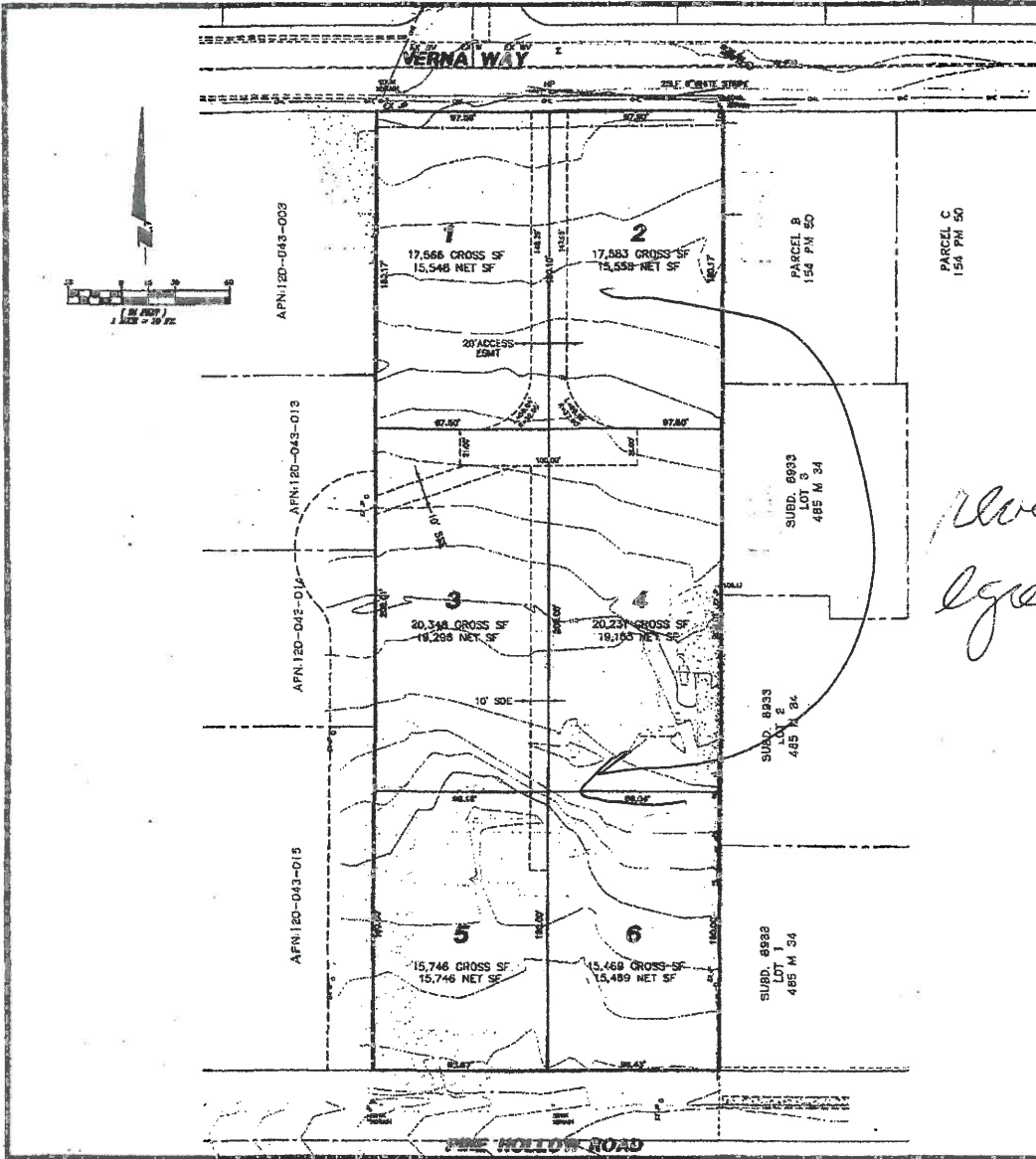
| Name | Address | Contact Phone | Email |
|----------------------|-------------------------|---------------|------------------------------|
| SUSAN COLLINS | 5706 VERNA | 530-665-3410 | sacollin74@gmail.com |
| Jen Ruff | 5711 Verna Way | 925-325-8184 | jen-hun@lustmail.com |
| GEN APPLEBERRY | 5701 VERNA WAY | 925-672-2613 | WAPPLEBERR@AOL.COM |
| Robin-Bob Griffiths | 1361 Yosemite Cir | 925-672-2390 | griffithsrobin1962@gmail.com |
| Vivian Bowers | 1391 Lydia Lane | 925-672-6466 | |
| JOE SWICKGOOD | 1420 LYDIA LANE CLAYTON | | 672-54813 |
| CAROLYNN ROBASON | 5727 VERNA WAY CLAYTON | | 672-5161 |
| DVANE + Anna Maynani | 5733 Verna Way Clayton | | 672-7116 |

925-383-1966

d.javitez@comcast.net

David Avitez 1440 Lydia Ln Clayton
 JANET BRAD HUEBER 1380 LYDIA LANE CLAYTON
 Michael Nunn 5730 Verna Way, michaelj.nunn@comcast.net
 672-4810
 Linda Shubin 1330 Yosemite Cir 541-671-1863
 ERIC W. MOBERG 1333 ✓ ✓ 925-672-4687
 Lacey Jane 1360 Yosemite Cir 925-360-5478
 Kevin Desn 5760 Verna Way Clayton CA 925-864-8228
 Mohammed Hassan 5730 Verna Way Clayton CA 925-389-8873

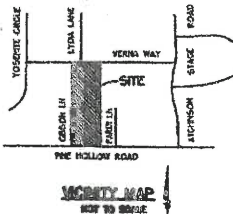
H-4



*Please
Egress*

TENTATIVE MAP
"VERNA WAY"
 FURTHER DIVISION OF PARCEL 2 LLR-02-13

CITY OF CLAYTON
 CONTRA COSTA COUNTY, CALIFORNIA
 SCALE: 1"=30'
 DECEMBER, 2015
 ISAISON & ASSOCIATES, CIVIL ENGINEERING & LAND SURVEYING
 2255 YONKOD VALLEY ROAD - WALNUT CREEK, CALIFORNIA



GENERAL NOTES:

- OWNER: DAVID ROBBLETT, 3309 EL CONEJOS ROAD, OAKLAND, CA 94612
- DEVELOPER: WINFIELD DEVELOPMENT, LLC, 100 SCHOOL STREET, DANVILLE, CA 94504, (925) 743-8900
- CIVIL ENGINEER: DAVID ISAISON, INC. #01784, ISAISON & ASSOCIATES, 2255 YONKOD VALLEY RD SUITE 101, WALNUT CREEK, CA 94598, (925) 837-8333
- EXISTING ZONING: SINGLE FAMILY RESIDENTIAL (R-10)
- AREA: 2.45 ACRES GROSS
- NUMBER OF LOTS: 6
- DENSITY: 2.45 DU/NET AC
- MIN. LOT SIZE: 15,000 SF
- APNs: 120-043-004 & 003
- ADDRESSES: VERNAL WAY, CLAYTON, CA 94517; PINE HOLLOW ROAD, CLAYTON, CA 94517
- SIDES: CITY OF CONCORD
- WATER: CONTRA COSTA WATER
- EXISTING CONDITIONS BY FIELD SURVEY DATED 10-22-14
- SEE CONSTRUCTION PLAN FOR ALL EXISTING TREES TO BE REMOVED.

SUBDIVISION NO. 0419

TENTATIVE MAP

CITY OF CLAYTON, CONTRA COSTA COUNTY, CALIFORNIA

Isaicon & Assoc. Inc.
 civil engineering & land surveying

2255 YONKOD VALLEY ROAD, SUITE 101, WALNUT CREEK, CA 94598 Phone: (925) 837-8333

DATE: 12-16-15

12-16-15

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201519

SHEET 1 OF 1

201519 - VERNAL WAY - TENTATIVE MAP (SUB NO. 9419) 12-16-2015

Milan Sikela

From: jill@jillcruey.com
Sent: Thursday, July 07, 2016 3:21 PM
To: msikela@ci.clayton.ca.us
Subject: Verna Way Residential Subdivision
Attachments: GMVBusinessBrochure1.docx

Categories: Verna Way

RECEIVED

JUL 7 2016

**CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT**

Dear Milan,

I am writing in regards to our extreme concern with the ground squirrel colonies have inhabited the Roskelley property during the 29 years that we have lived at 27 Gibson Lane, Clayton which is adjacent to the subject property. In a recent conversation with Dianne Gingrich of Gingrich Pest Company, she confirmed our concerns to be valid. She said that if construction and building starts without dealing with the squirrels, they will disburse to neighboring properties. The squirrels are detrimental to nearby properties because they may tunnel under homes causing integrity issues with the foundation as well as landscape distruction. Ground squirrels also carry fleas.

Dianne Gingrich recommends bate stations 2 -3 months prior to construction which should alleviate the situation. Attached is brochure regarding ground squirrels.

We are also concerned that the views of the area will be destroyed by two story homes. We feel the existing neiborhood is mostly single story and it is part of the charm. Hopefully the builder will be conscience of this.

Please confirm that you have received this email.

Sincerely,

Richard and Mary Cruey
27 Gibson Lane
Clayton, CA 94517
925-207-8992

Ground Squirrel Control



Herbivore Diet: Ground squirrels are primarily herbivorous and their diet changes with the season. After hibernation, they feed almost exclusively on green grasses and herbaceous plants and switch to seeds, grains, and nuts when plants dry out.

Communal Lifestyle: Ground squirrels live in colonies that can include several dozen animals in a complex of burrows. Openings of burrows can vary considerably in size but are usually 4 inches in diameter. The burrows can be 5 to 30 feet or more in length and can extend 2 to 4 feet below the soil surface.

Ground Squirrel Damage: Ground squirrels damage many food-bearing and ornamental plants in gardens and devour vegetables. They can damage young shrubs, vines, and trees by gnawing bark, girdling trunks (the process of completely removing a strip of bark from a tree's outer circumference), eating twigs, leaves, fruit and burrowing around roots. Burrows around trees and shrubs can damage and desiccate, or dry out roots; sometimes toppling trees. Burrowing beneath buildings and other structures can undermine the integrity of the foundation, necessitating costly repairs. On hillsides their burrows can destabilize the slope.

Treatment: We place bait stations in appropriate locations and refill them as they get empty for a guaranteed 6 week period. This bait will begin to eliminate the ground squirrel population in your area over time.

I noticed you have:

- Gopher Activity _____
- Mole Activity _____
- Vole Activity _____
- Ground Squirrel Activity _____

Notes: _____

We specialize in rodent control. Please call if you are interested in our services.



Concord, CA 94519

Phone: 925.676.6021

Fax: 925.676-5897

jdgingrich@sbcglobal.net

www.gingrichhort.com



Pest Control Services

Gopher, Mole, Vole and Ground Squirrels



www.gingrichhort.com

Phone: 925.676.6021

Gopher Control



Herbivore Diet: Gophers eat the roots of plants— sometimes the entire plant— & have also been known to eat the bark off the base of small shrubs and trees.

Solitary Lifestyle: Except for mating and rearing young, gophers live alone. Females have up to three litters per year at 5-6 each. She rejects the young from the burrow at about 6 weeks old.

Gopher Damage: A single gopher can destroy plants and lawns in a very short time. Mounds on lawns interfere with mowing equipment, ruin the aesthetics of a well-kept lawn, & also damage irrigation systems & buried wires. They tunnel approximately 6-12 inches underground & make a crescent shaped mound near the hole. They can have several mounds within a 15 foot radius (200-

Treatment: Our technicians use a probe to find the gopher's burrow and then treat accordingly after determining whether a bait, fumigation or trap method will be most effective. All of our methods are well out of reach of domestic animals. The gophers are typically controlled in less than 24 hours, however, we guarantee our results and will retreat the same area for up to 30 days at no charge.

Mole Control



Carnivore Diet: Moles eat the grubs, worms and other insects that live in the soil.

Solitary Lifestyle: Like gophers, moles do not share their runs with other moles unless it is mating season – and only for a short period of time.

Mole Damage: They create feeder runs that are tunnels very close to the surface of the soil, making a ridge as they move along. This action can kill the grass above their tunnel by breaking the roots of the grass. They also make a more permanent tunnel system in the soil and push this soil to the surface, coming up like a volcano (different than gopher mounds) making a big mess of your lawn.

Treatment: We use the ridges and mounds to determine the best place to set traps in the runs. We set as many traps as needed and monitor the traps approx. every 7-10 business days. As the mole moves within his tunnel system it will trigger the trap immobilizing it. We will continue to monitor and set traps until we see no new activity.

Free Service Calls

Throughout the guaranteed period for your service, just call with your name and where your activity is located. We will retreat the same area free of charge.

Vole Control



Herbivore Diet: Voles are mostly herbivorous, feeding on a variety of grasses, herbaceous plants, bulbs, and tubers. They eat bark, roots and leaves of shrubs, trees and lawns.

Communal Lifestyle: Several adults and young can occupy a burrow system. The size of the burrow system and foraging area varies with habitat, food supply, and population levels, but in most cases it is no more than a few hundred square feet. Voles are active day and night, year-round, often in areas of dense vegetation. Voles are extremely prolific, with females maturing in 35 to 40 days and having 5 to 10 litters of 3 to 6 young per year. However, voles seldom live longer than 12 months.

Vole Damage: Voles often move into an old gopher or mole run and make small, open holes in lawns and garden areas. They eat the grass from around the opening of their runs and often make paths near the edges of the lawn and from hole to hole; this is a good way of determining if you have vole activity. They will also eat the new growth and bark on shrubs and trees literally “ring-barking” the plant and cutting off the food supply to the roots, effectively killing the plant.

Treatment: We place bait in runs and open holes. Because of the nature of this treatment, keep pets away from the area until the area can be well-irrigated; this can be done at least 24 hours after. Treatment guaranteed for 3 weeks.

July 8, 2016

RECEIVED

JUL 11 2016

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT

Director, Planning & Development Services
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

SUBJECT: Branagh Development

Subdivision of parcels located at 5718 Verna Way and 5675 Pine Hollow Road
into six (6) lots

Dear Director and Staff,

In addition to my letter of April 16, 2016 regarding this matter, I am again imploring you NOT to approve access via Lydia Lane.

At Lydia and Clayton Road, there is an already hazardous situation for cars turning FROM Lydia onto Clayton Road. The hazard exists due to two or three LARGE trees on the southwest corner property located at Lydia and Clayton Road (trees are ON Clayton Rd) which, IF YOU APPROVE EGREES FROM LYDIA, MUST BE REMOVED due to increased traffic. This is an accident waiting to happen, and I fear someone eventually is going to get killed or seriously injured!! The trees block the sight of drivers turning both directions, but particularly left from Lydia on to Clayton Road.

In addition, there currently is a blind corner on Lydia at Verna Way due to high rose bushes located on the property at the northeast corner (facing Lydia). This is yet ANOTHER accident waiting to happen.

Again, because Pine Hollow Road has already been widened and improved, I ask you to consider allowing egress to this new development from THAT point only.

Please take into consideration these two safety issues as you determine from where to allow egress.

Most sincerely,



Carolynn Robason
5727 Verna Way
Clayton, CA 94517

925/212-8781