



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, February 4, 2020

5:30 P.M. – CLOSED SESSION

*City Hall, First Floor Conference Room,
6000 Heritage Trail, Clayton, CA 94517*

7:00 P.M. – REGULAR SESSION

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

Mayor: Julie K. Pierce

Vice Mayor: Jeff Wan

Council Members

Tuija Catalano

Jim Diaz

Carl Wolfe

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail and on the City's Website at least 72 hours prior to the Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.ci.clayton.ca.us
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

*** CITY COUNCIL ***

February 4, 2020

5:30 P.M. – City Hall, 6000 Heritage Trail, First Floor Conference Room, Clayton, CA 94517

1. **CALL TO ORDER THE CITY COUNCIL** – Mayor Pierce.

2. **CLOSED SESSION**

- (a) Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) (1 case)

Report out of Closed Session: Mayor Pierce.

7:00 P.M. – Hoyer Hall, 6125 Clayton Road, Clayton, CA 94517

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.

4. **CONSENT CALENDAR**

Consent Calendar items are typically routine in nature and are considered for approval by one single motion of the City Council. Members of the Council, Audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment, question, discussion or alternative action may request so through the Mayor.

- (a) Approve the minutes of the City Council's regular meeting of January 21, 2020.
([View Here](#))
- (b) Approve the Financial Demands and Obligations of the City. ([View Here](#))
- (c) Rejection of Liability Claim Filed by Valentina Jones for the Alleged Wrongful Death of her spouse Maayan Jones. ([View Here](#))

5. **RECOGNITIONS AND PRESENTATIONS** – None.

6. **REPORTS**

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff
- (d) City Council - Reports from Council liaisons to Regional Committees,
Commissions and Boards.
- (e) Other

7. PUBLIC COMMENT ON NON - AGENDA ITEMS

Members of the public may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. When one's name is called or you are recognized by the Mayor as wishing to speak, the speaker should approach the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.

Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the City Council.

8. PUBLIC HEARINGS

- (a) City Council to consider Appeals of the Planning Commission's Decisions Regarding the Olivia at Marsh Creek Project pursuant to Clayton Municipal Code section 17.68.030. ([View Here](#))

9. ACTION ITEMS

- 10. **COUNCIL ITEMS** – limited to Council requests and directives for future meetings.

- 11. **CLOSED SESSION** – None.

12. ADJOURNMENT

The next regularly scheduled meeting of the City Council will be February 18, 2020.

#

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, January 21, 2020

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Pierce in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Wan and Councilmembers Catalano, Diaz and Wolfe. Councilmembers absent: None. Staff present: City Manager Ikani Taumoepeau, Assistant to the City Manager Laura Hoffmeister, and City Clerk/HR Manager Janet Calderon.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.

3. **CONSENT CALENDAR**

Mayor Pierce indicated a member of the public wished to speak on Consent Calendar item 3(d).

Councilmember Catalano suggested correction to Item 3(a) page 3 from “nominated” to “expressed support”.

Irina Liskovich, requested clarification to the Appeal Hearing date on February 4, 2020.

Mayor Pierce advised it was the intent to approve the item and set the Appeal Hearing.

It was moved by Councilmember Catalano, seconded by Councilmember Wolfe, to approve the Consent Calendar with correction to Item 3(a). (Passed; 5-0 vote).

- (a) Approved the minutes of the regular meeting of January 7, 2020.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Accept the Resignations for Four *Trails and Landscaping Committee* Members.
- (d) City Council to Set Appeal Hearing, Date, Time and Location for Appeals of the Planning Commission’s Decisions Regarding the Olivia at Marsh Creek Project pursuant to Clayton Municipal Code section 17.68.030 (No discussion on the appeals and/or the project will occur as part of this agenda item).

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Certificates of Recognition to [public school students for exemplifying the “Do the Right Thing” character trait of “Kindness” during the months of November and December 2019.

Mayor Pierce and Kindergarten Teacher Ms. Lovejoy presented a certificate to Elise Roberts.

Mayor Pierce and Diablo View Middle School Principal Patti Bannister presented certificates to Lillian Struempf and Grace Deseelhorst.

Mayor Pierce and Clayton Valley Charter High School Director of Administrative Services Alison Pettit presented certificates to Kyle Ohlendorf-Hawley and Lucas Calica.

- (b) Proclamation “Recognizing the Importance of and is Committed to Renewable Energy”.

Mayor Pierce read the Proclamation and indicated staff will send it to the requestor as no representative was present.

5. **REPORTS**

- (a) Planning Commission – Chair Cloven shared the Commission’s agenda of its previous meeting held on January 14, 2020, included a Public Hearing considering a one-year extension of the Creekside Terrace Development Plan and Vesting Map. This item was approved 4-1; Gavidia. The Commission also welcomed its new Planning Commissioner Terri Denslow.

- (b) Trails and Landscaping Committee – No meeting held.

- (c) City Manager/Staff –

City Manager Taumoepeau announced no applications were received for the Trails and Landscaping Committee and encouraged the public to still apply. He also announced applications are still being accepted for the positions of Community Development Director and Finance Director. In closing, Mr. Taumoepeau announced City Hall will be closed this Friday from 9:00 a.m. to 11:00 a.m. for a City staff meeting.

- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Diaz met with the City Manager, attended the 3rd Annual Sheriff’s Posse Crab Feed, the Clayton Business and Community Association Annual BBQ committee meeting, and the County Connection Board meeting.

Councilmember Wolfe met with a constituent, and had lunch with the City Manager.

Councilmember Catalano met with the City Manager.

Vice Mayor Wan spoke with auditors in detail about the recent Financial Audit.

Mayor Pierce attended the Administration of Projects Committee for the Contra Costa Transportation Authority, the Contra Costa County Mayors’ Conference hosted by Pinole, the Association of Bay Area Governments and Metropolitan Transportation Commission joint committees of legislative committee and planning and administration committee meetings, met representatives of the Clayton Valley Village, the Contra Costa Transportation Authority Board meeting, the Association of Bay Area Governments Finance Committee and Executive Board meetings.

- (e) Other – None.

Assistant to the City Manager Laura Hoffmeister advised that the audio for the Live Stream was not functioning properly.

6. **PUBLIC COMMENT ON NON - AGENDA ITEMS** – None.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

(a) Presentation and approval of the City’s audited Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ending June 30, 2019 by Cropper Accountancy Corporation, an independent Certified Public Accountant firm.

City Manager Taumoepaeu introduced Mr. Bryce Rojas, Audit Manager, Cropper Accountancy to present the report.

Following questions by the Council, Mayor Pierce opened matter for public comments; no comments were offered.

It was moved by Vice Mayor Wan, seconded by Councilmember Wolfe, to approve the City’s audited Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ending June 30, 2019 by Cropper Accountancy Corporation, an independent Certified Public Accountant firm. (Passed 5-0 vote).

(b) Discuss and Consider Opposing Senate Bill 50 Regarding Planning, Zoning, and Housing Development Incentives.

Vice Mayor Wan presented the report.

Following questions by the Council, Mayor Pierce opened the item to public comment.

Brian Buddell expressed his support of opposition.

Dan Hummer expressed his support of opposition and retaining local control.

It was moved by Councilmember Catalano, seconded by Councilmember Diaz to approve the City position letter of opposed unless amended for Senate Bill 50 Regarding Planning, Zoning, and Housing Development Incentives (Passed 5-0 vote).

9. **COUNCIL ITEMS**

Mayor Pierce noted the next regular City Council meeting will be of a single topic.

Vice Mayor Wan requested a discussion/review of the Trails and Landscaping Committee roles and responsibilities.

Mayor Pierce mentioned that recent members of the Trails and Landscaping Committee served several terms and due to health issues were unable to continue.

Assistant to the City Manager Hoffmeister advised three of the recent Trails and Landscaping Committee terms expired, clarifying that the members did not resign.

Councilmember Wolfe inquired when Clayton could expect a technology upgrade to 5G.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Pierce, the City Council adjourned its meeting at 8:20 p.m.

The next regularly scheduled meeting of the City Council will be February 4, 2020.

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Julie Pierce, Mayor

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COMMUNITY
DEVELOPMENT (925) 673-7340
ENGINEERING (925) 969-8181

6000 HERITAGE TRAIL • CLAYTON, CALIFORNIA 94517-1250
TELEPHONE (925) 673-7300 FAX (925) 672-4917

City Council
JULIE PIERCE, MAYOR
JEFF WAN, VICE MAYOR
TUIJA CATALANO, COUNCILMEMBER
JIM DIAZ, COUNCILMEMBER
CARL C.W. WOLFE, COUNCILMEMBER

Members of the CA Senate Rules Committee

We write to you in regard to SB50 that was recently reintroduced in the legislature. With minor changes that merely that pay lip service to local control – dramatically increased density and fourplexes by right - the worst parts of SB50 from the prior legislative session - are still in full effect. An extension of time only delays the poor outcomes that SB50 hopes to achieve. If SB50 were to pass, fourplexes would be allowed by right on any single family zoned property - that means that anyone could build a fourplex in any neighborhood that is currently zoned for single family. This would eliminate single family zoning everywhere in the state.

SB 50 is poor public policy for several reasons:

Undefined critical terms: Any location that is determined to be job rich or near transit could receive waivers on parking, density, height, size, etc. And this would be on top of any waivers received as a result of the CA Density Bonus law which already undermine local control. The definitions of being near transit would mean that a city's zoning rules could change at the whim of outside transit authorities adjusting the timing of the buses. In addition, the definition of "job rich" is sufficiently nebulous that most populated areas in the state could be included, even if they are nowhere near transit. This is also true of "transportation efficiency" and "feasibly housing capacity".

Carve out Counties: Exempting cities of populations less than 50,000, but only if they are in a county with a population of less than 600,000 makes no sense. This provision would see cities of similar size be treated dramatically differently. Carve outs for counties to secure votes is poor public policy.

Duplicative processes: It is unclear how the "local flexibility plan" that SB 50 contemplates interacts with the Housing Element process. Creating parallel rubrics for measuring housing is inefficient and will lead to duplicative work for cities and HCD.

Ultimately, housing production requirements must target areas with greater job growth and should not take a one size fits all approach across California. Housing shortages in CA will not be solved by forcing small cities like Clayton to upzone with limited to no parking, increased density, and little consideration for commutes. SB50 is a one size fits all cudgel to be used against small cities forcing them to subsidize the lack of housing being produced where jobs are being created.

Please oppose SB50 unless amended to address the above concerns as well as those laid out by the League of California Cities in their latest position paper here: <http://blob.capitoltrack.com/19blobs/b26c3246-5828-43b1-8541-d6d4d85a5523>

Respectfully,

Julie Pierce
Mayor, City of Clayton

CC: Senator Toni G. Atkins (Chair)
Senator Scott Wilk (Vice Chair)
Senator Patricia C. Bates
Senator Bill Monning
Senator Richard D. Roth
Clayton City Council
Assembly Member Tim Grayson
Senator Steve Glazer.



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN

DATE: 02/04/2020

SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

RECOMMENDATION:

It is recommended the City Council, by minute motion, approve the financial demands and obligations of the City for the purchase of services and goods in the ordinary course of operations.

Attached Report	Purpose	Date	Amount
Open Invoice Report	Accounts Payable	1/29/2020	\$ 301,099.14
Cash Requirements Report	Payroll, Taxes	1/29/2020	82,250.76
	Total Required		<u>\$ 383,349.90</u>

Attachments:

1. Open Invoice Report, dated 1/29/20 (5 pages)
2. Cash Requirements report PPE 1/26/20 (1 page)

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Jose Aceves								
Jose Aceves	1/10/2020	1/10/2020	BP106-19	Deposit refund	\$378.50	\$0.00		\$378.50
				<i>Totals for Jose Aceves</i>	<u>\$378.50</u>	<u>\$0.00</u>		<u>\$378.50</u>
All City Management Services, Inc.								
All City Management Services, Inc.	1/15/2020	1/15/2020	66000	School crossing guard svcs 12/29/19-1/11/20	\$527.04	\$0.00		\$527.04
				<i>Totals for All City Management Services, Inc.</i>	<u>\$527.04</u>	<u>\$0.00</u>		<u>\$527.04</u>
American Fidelity Assurance Company								
American Fidelity Assurance Company	1/26/2020	1/26/2020	2060344	FSA PPE 1/26/20	\$83.07	\$0.00		\$83.07
American Fidelity Assurance Company	1/21/2020	12/27/2019	2057706B	FSA PPE 12/30/19	\$119.22	\$0.00		\$119.22
				<i>Totals for American Fidelity Assurance Company</i>	<u>\$202.29</u>	<u>\$0.00</u>		<u>\$202.29</u>
AT&T (CalNet3)								
AT&T (CalNet3)	1/22/2020	1/22/2020	14220989	Phones 12/22/19-1/21/20	\$1,193.16	\$0.00		\$1,193.16
				<i>Totals for AT&T (CalNet3)</i>	<u>\$1,193.16</u>	<u>\$0.00</u>		<u>\$1,193.16</u>
Authorize.net								
Authorize.net	1/3/2020	12/31/2019	Dec2019	Online bankcard gateway fee December 2019	\$25.75	\$0.00		\$25.75
				<i>Totals for Authorize.net</i>	<u>\$25.75</u>	<u>\$0.00</u>		<u>\$25.75</u>
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	1/23/2020	1/23/2020	9754	"Clayton Historic Town Center" sign	\$97.88	\$0.00		\$97.88
Bay Area Barricade Serv.	1/24/2020	1/24/2020	9838	"Danger Cliff" sign	\$54.38	\$0.00		\$54.38
Bay Area Barricade Serv.	12/30/2019	12/30/2019	8663	Signs for Regency Dr	\$868.26	\$0.00		\$868.26
Bay Area Barricade Serv.	1/13/2020	1/13/2020	9680	Safety vests, rain gear	\$119.41	\$0.00		\$119.41
				<i>Totals for Bay Area Barricade Serv.</i>	<u>\$1,139.93</u>	<u>\$0.00</u>		<u>\$1,139.93</u>
Best Best & Kreiger LLP								
Best Best & Kreiger LLP	1/13/2020	12/31/2019	867735	Legal services December 2019	\$9,470.00	\$0.00		\$9,470.00
Best Best & Kreiger LLP	1/13/2020	12/31/2019	867736	Suppl legal services December 2019	\$5,136.00	\$0.00		\$5,136.00
Best Best & Kreiger LLP	1/13/2020	12/31/2019	867737	Suppl legal services December 2019	\$822.50	\$0.00		\$822.50
Best Best & Kreiger LLP	12/31/2019	12/31/2019	867738	Suppl legal services December 2019	\$592.20	\$0.00		\$592.20
Best Best & Kreiger LLP	1/13/2020	12/31/2019	867739	Suppl legal services December 2019	\$98.70	\$0.00		\$98.70
				<i>Totals for Best Best & Kreiger LLP</i>	<u>\$16,119.40</u>	<u>\$0.00</u>		<u>\$16,119.40</u>
Big O Tires								
Big O Tires	1/15/2020	1/15/2020	005011-162658	Replacement tires unit 1061	\$608.77	\$0.00		\$608.77
				<i>Totals for Big O Tires</i>	<u>\$608.77</u>	<u>\$0.00</u>		<u>\$608.77</u>
CalPERS Health								
CalPERS Health	10/10/2019	10/1/2019	15808266	Medical October 2019	\$26,851.51	\$0.00		\$26,851.51
CalPERS Health	1/10/2020	1/1/2020	15898771	Medical January 2020	\$25,622.77	\$0.00		\$25,622.77
CalPERS Health	2/10/2020	2/1/2020	15898771	Medical February 2020	\$30,812.79	\$0.00		\$30,812.79

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for CalPERS Health</i>					\$83,287.07	\$0.00		\$83,287.07
CalPERS Retirement								
CalPERS Retirement	1/28/2020	1/24/2020	CC012420	City council retirement ending 1/24/20	\$79.33	\$0.00		\$79.33
CalPERS Retirement	1/28/2020	1/26/2020	012620	Retirement PPE 1/26/20	\$16,208.58	\$0.00		\$16,208.58
CalPERS Retirement	1/13/2020	1/12/2020	011220	Retirement PPE 1/12/20	\$15,823.93	\$0.00		\$15,823.93
<i>Totals for CalPERS Retirement</i>					\$32,111.84	\$0.00		\$32,111.84
CCWD								
CCWD	1/6/2020	12/31/2019	G series	Water services 11/28/19-1/2/20	\$29,034.59	\$0.00		\$29,034.59
<i>Totals for CCWD.</i>					\$29,034.59	\$0.00		\$29,034.59
Cintas Corporation								
Cintas Corporation	1/23/2020	1/23/2020	4040793370	PW uniforms through 1/23/20	\$48.88	\$0.00		\$48.88
Cintas Corporation	11/29/2019	11/29/2019	4036249448	PW uniforms through 11/29/19	\$39.90	\$0.00		\$39.90
Cintas Corporation	12/12/2019	12/12/2019	4037324301	PW uniforms through 12/12/19	\$46.43	\$0.00		\$46.43
Cintas Corporation	1/16/2020	1/16/2020	4040191324	PW uniforms through 1/16/20 (+setup new)	\$137.76	\$0.00		\$137.76
<i>Totals for Cintas Corporation</i>					\$272.97	\$0.00		\$272.97
City of Antioch								
City of Antioch	1/9/2020	1/9/2020	01920	PD vehicle maintenance #1738	\$448.12	\$0.00		\$448.12
<i>Totals for City of Antioch</i>					\$448.12	\$0.00		\$448.12
City of Concord								
City of Concord	2/1/2020	2/1/2020	82257	Dispatch services February 2020	\$23,256.11	\$0.00		\$23,256.11
City of Concord	1/3/2020	1/3/2020	81991	Business cards	\$64.76	\$0.00		\$64.76
City of Concord	1/3/2020	1/3/2020	81990	Business cards	\$266.00	\$0.00		\$266.00
City of Concord	1/8/2020	1/8/2020	82253	Business cards	\$173.86	\$0.00		\$173.86
City of Concord	1/10/2020	1/10/2020	82271	Live scan	\$114.00	\$0.00		\$114.00
<i>Totals for City of Concord</i>					\$23,874.73	\$0.00		\$23,874.73
City of Walnut Creek								
City of Walnut Creek	1/1/2020	1/1/2020	2020CCC PMA	CCC Public Managers' Assn annual dues 20	\$310.00	\$0.00		\$310.00
<i>Totals for City of Walnut Creek</i>					\$310.00	\$0.00		\$310.00
Comcast Business (PD)								
Comcast Business (PD)	1/1/2020	12/31/2019	93323679	PD internet December 2019	\$913.70	\$0.00		\$913.70
<i>Totals for Comcast Business (PD)</i>					\$913.70	\$0.00		\$913.70
Concord Uniforms								
Concord Uniforms	1/7/2020	1/7/2020	16395	PD uniforms	\$209.51	\$0.00		\$209.51
Concord Uniforms	1/7/2020	1/7/2020	112785	PD uniforms	\$1,180.97	\$0.00		\$1,180.97
<i>Totals for Concord Uniforms</i>					\$1,390.48	\$0.00		\$1,390.48
Contra Costa County - Office of the Sheriff								

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Contra Costa County - Office of the She	1/10/2020	1/10/2020	Cal-ID FY20	Cal-ID FY 20	\$13,005.00	\$0.00		\$13,005.00
Contra Costa County - Office of the She	1/7/2020	12/31/2019	CLPD-1912	Toxicology December 2019	\$350.00	\$0.00		\$350.00
<i>Totals for Contra Costa County - Office of the Sheriff</i>					<i>\$13,355.00</i>	<i>\$0.00</i>		<i>\$13,355.00</i>
Contra Costa County Public Works Dept								
Contra Costa County Public Works Dept	1/15/2020	12/31/2019	702895	Traffic signal maintenance December 2019	\$2,307.22	\$0.00		\$2,307.22
<i>Totals for Contra Costa County Public Works Dept</i>					<i>\$2,307.22</i>	<i>\$0.00</i>		<i>\$2,307.22</i>
CR Fireline, Inc								
CR Fireline, Inc	1/10/2020	1/10/2020	116450	Library Fire alarm test	\$375.00	\$0.00		\$375.00
CR Fireline, Inc	1/10/2020	1/10/2020	116451	EH Fire sprinkler test	\$375.00	\$0.00		\$375.00
CR Fireline, Inc	1/10/2020	1/10/2020	116449	CH Fire sprinkler test	\$375.00	\$0.00		\$375.00
<i>Totals for CR Fireline, Inc</i>					<i>\$1,125.00</i>	<i>\$0.00</i>		<i>\$1,125.00</i>
Diablo Tropicals								
Diablo Tropicals	1/23/2020	1/23/2020	CAP0333	Deposit refund	\$2,000.00	\$0.00		\$2,000.00
<i>Totals for Diablo Tropicals</i>					<i>\$2,000.00</i>	<i>\$0.00</i>		<i>\$2,000.00</i>
Dillon Electric Inc								
Dillon Electric Inc	1/14/2020	1/14/2020	4073	Streetlight repairs 1/13/20	\$809.23	\$0.00		\$809.23
Dillon Electric Inc	1/6/2020	1/6/2020	4064	Streetlight repairs 1/2/20	\$743.92	\$0.00		\$743.92
<i>Totals for Dillon Electric Inc</i>					<i>\$1,553.15</i>	<i>\$0.00</i>		<i>\$1,553.15</i>
Eagle Business Forms, Inc								
Eagle Business Forms, Inc	1/9/2020	1/9/2020	12988	Notice of Correction forms	\$192.82	\$0.00		\$192.82
<i>Totals for Eagle Business Forms, Inc</i>					<i>\$192.82</i>	<i>\$0.00</i>		<i>\$192.82</i>
Geoconsultants, Inc.								
Geoconsultants, Inc.	12/21/2019	12/21/2019	19055	Well monitoring December 2019	\$1,546.50	\$0.00		\$1,546.50
<i>Totals for Geoconsultants, Inc.</i>					<i>\$1,546.50</i>	<i>\$0.00</i>		<i>\$1,546.50</i>
GFWC Clayton Valley Woman's Club								
GFWC Clayton Valley Woman's Club	1/21/2020	1/21/2020	010920	Deposit refund	\$500.00	\$0.00		\$500.00
<i>Totals for GFWC Clayton Valley Woman's Club</i>					<i>\$500.00</i>	<i>\$0.00</i>		<i>\$500.00</i>
Globalstar LLC								
Globalstar LLC	1/16/2020	1/16/2020	10940466	Sat Phone 12/16/19-1/15/20	\$107.12	\$0.00		\$107.12
<i>Totals for Globalstar LLC</i>					<i>\$107.12</i>	<i>\$0.00</i>		<i>\$107.12</i>
Graybar Electric Co, Inc								
Graybar Electric Co, Inc	1/9/2020	1/9/2020	9314014495	Replacement light pole	\$1,036.71	\$0.00		\$1,036.71
<i>Totals for Graybar Electric Co, Inc</i>					<i>\$1,036.71</i>	<i>\$0.00</i>		<i>\$1,036.71</i>
Hammons Supply Company								
Hammons Supply Company	1/23/2020	1/23/2020	110150	EH janitorial supplies	\$247.91	\$0.00		\$247.91

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Hammons Supply Company</i>					\$247.91	\$0.00		\$247.91
Harris & Associates, Inc.								
Harris & Associates, Inc.	12/27/2019	12/27/2019	43345	Engineering svcs 10/27/19-11/23/19	\$9,863.00	\$0.00		\$9,863.00
<i>Totals for Harris & Associates, Inc.</i>					\$9,863.00	\$0.00		\$9,863.00
Health Care Dental Trust								
Health Care Dental Trust	2/1/2020	2/1/2020	272943	Dental February 2020	\$1,916.94	\$0.00		\$1,916.94
<i>Totals for Health Care Dental Trust</i>					\$1,916.94	\$0.00		\$1,916.94
ICMA Retirement Corporation								
ICMA Retirement Corporation	1/26/2020	1/26/2020	012620	457 contributions PPE 1/26/20	\$1,300.00	\$0.00		\$1,300.00
<i>Totals for ICMA Retirement Corporation</i>					\$1,300.00	\$0.00		\$1,300.00
J&R Floor Services								
J&R Floor Services	1/1/2020	1/1/2020	Twelve 2019	Janitorial services January 2020	\$4,850.00	\$0.00		\$4,850.00
<i>Totals for J&R Floor Services</i>					\$4,850.00	\$0.00		\$4,850.00
LarryLogic Productions								
LarryLogic Productions	1/22/2020	1/22/2020	1866	City council meeting production 1/21/20	\$415.00	\$0.00		\$415.00
<i>Totals for LarryLogic Productions</i>					\$415.00	\$0.00		\$415.00
League of CA cities								
League of CA cities	1/1/2020	1/1/2020	628125	Member dues calendar year 2020	\$6,170.00	\$0.00		\$6,170.00
<i>Totals for League of CA cities</i>					\$6,170.00	\$0.00		\$6,170.00
LEHR								
LEHR	1/17/2020	1/17/2020	S140192	Outfit PD vehicle 1744	\$17,083.33	\$0.00		\$17,083.33
<i>Totals for LEHR.</i>					\$17,083.33	\$0.00		\$17,083.33
MPA								
MPA	1/1/2020	1/1/2020	Jan20	Life/LTD January 2020	\$2,108.09	\$0.00		\$2,108.09
MPA	2/1/2020	2/1/2020	Feb20	Life/LTD February 2020	\$2,108.09	\$0.00		\$2,108.09
<i>Totals for MPA.</i>					\$4,216.18	\$0.00		\$4,216.18
MSR Mechanical, LLC								
MSR Mechanical, LLC	12/31/2019	12/31/2019	113081	CH HVAC maintenance Q2 FY20	\$942.00	\$0.00		\$942.00
MSR Mechanical, LLC	10/1/2019	10/1/2019	111891	CH HVAC service call 7/1/19	\$1,009.02	\$0.00		\$1,009.02
MSR Mechanical, LLC	10/16/2019	10/16/2019	112400	Library HVAC maintenance	\$1,802.74	\$0.00		\$1,802.74
MSR Mechanical, LLC	10/16/2019	10/16/2019	112407	Library HVAC maintenance	\$527.17	\$0.00		\$527.17
MSR Mechanical, LLC	11/19/2019	11/19/2019	112736	CH HVAC Piping repairs	\$3,798.00	\$0.00		\$3,798.00
MSR Mechanical, LLC	1/15/2020	1/15/2020	113149	Maint Yard HVAC repair	\$592.14	\$0.00		\$592.14
MSR Mechanical, LLC	1/17/2020	1/17/2020	113176	EH HVAC repairs	\$516.00	\$0.00		\$516.00
MSR Mechanical, LLC	1/21/2020	1/21/2020	113197	Library HVAC Maintenance	\$525.17	\$0.00		\$525.17
MSR Mechanical, LLC	10/16/2019	10/16/2019	112408	CH HVAC maintenance	\$487.50	\$0.00		\$487.50

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
MSR Mechanical, LLC	1/17/2020	1/17/2020	113169	EH HVAC maintenance	\$259.50	\$0.00		\$259.50
MSR Mechanical, LLC	1/21/2020	1/21/2020	113198	CH HVAC maintenance	\$350.00	\$0.00		\$350.00
				<i>Totals for MSR Mechanical, LLC</i>	<i>\$10,809.24</i>	<i>\$0.00</i>		<i>\$10,809.24</i>
Nationwide								
Nationwide	1/26/2020	1/26/2020	012620	457 contribution PPE 1/26/20	\$500.00	\$0.00		\$500.00
				<i>Totals for Nationwide</i>	<i>\$500.00</i>	<i>\$0.00</i>		<i>\$500.00</i>
Neopost Northwest								
Neopost Northwest	1/15/2020	1/15/2020	N8108509	Postage machine lease	\$510.81	\$0.00		\$510.81
				<i>Totals for Neopost Northwest</i>	<i>\$510.81</i>	<i>\$0.00</i>		<i>\$510.81</i>
May Patel								
May Patel	1/21/2020	1/21/2020	011820	Deposit refund	\$200.00	\$0.00		\$200.00
				<i>Totals for May Patel</i>	<i>\$200.00</i>	<i>\$0.00</i>		<i>\$200.00</i>
Paychex								
Paychex	1/29/2020	1/26/2020	2020012701	Payroll fees PPE 1/26/20	\$191.15	\$0.00		\$191.15
				<i>Totals for Paychex</i>	<i>\$191.15</i>	<i>\$0.00</i>		<i>\$191.15</i>
Paysafe Payment Processing								
Paysafe Payment Processing	12/31/2019	12/31/2019	Dec2019	OTC Bankcard fees December 2019	\$118.07	\$0.00		\$118.07
Paysafe Payment Processing	12/31/2019	12/31/2019	Dec2019	Online bankcard fees December 2019	\$56.77	\$0.00		\$56.77
Paysafe Payment Processing	11/30/2019	11/30/2019	Nov2019	Online bankcard fees November 2019	\$79.17	\$0.00		\$79.17
Paysafe Payment Processing	11/30/2019	11/30/2019	Nov2019	OTC bankcard fees November 2019	\$187.26	\$0.00		\$187.26
Paysafe Payment Processing	10/31/2019	10/31/2019	Oct2019	OTC bankcard fees October 2019	\$151.48	\$0.00		\$151.48
Paysafe Payment Processing	10/31/2019	10/31/2019	Oct2019	Online bankcard fees October 2019	\$89.45	\$0.00		\$89.45
				<i>Totals for Paysafe Payment Processing</i>	<i>\$682.20</i>	<i>\$0.00</i>		<i>\$682.20</i>
PG&E								
PG&E	2/4/2020	1/15/2020	011520	Energy 12/16/19-1/14/20	\$19,927.65	\$0.00		\$19,927.65
PG&E	2/10/2020	1/22/2020	012220	Energy 12/21/19-1/21/20	\$4,470.50	\$0.00		\$4,470.50
				<i>Totals for PG&E</i>	<i>\$24,398.15</i>	<i>\$0.00</i>		<i>\$24,398.15</i>
Stericycle Inc								
Stericycle Inc	2/1/2020	2/1/2020	3004972281	Medical wate disposal	\$83.37	\$0.00		\$83.37
				<i>Totals for Stericycle Inc</i>	<i>\$83.37</i>	<i>\$0.00</i>		<i>\$83.37</i>
Waraner Brothers Tree Service								
Waraner Brothers Tree Service	12/17/2019	12/17/2019	15049	Tree work in Library courtyard	\$1,800.00	\$0.00		\$1,800.00
Waraner Brothers Tree Service	12/11/2019	12/11/2019	15040	Arborist report, Pistache trees on Main St	\$300.00	\$0.00		\$300.00
				<i>Totals for Waraner Brothers Tree Service</i>	<i>\$2,100.00</i>	<i>\$0.00</i>		<i>\$2,100.00</i>
GRAND TOTALS:					\$301,099.14	\$0.00		\$301,099.14

CASH REQUIREMENTS

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 01/29/20: \$82,250.76

TRANSACTION SUMMARY

SUMMARY BY TRANSACTION TYPE -	TOTAL ELECTRONIC FUNDS TRANSFER (EFT)	82,250.76
	CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR EFT	82,250.76
	TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES	12,335.60
	CASH REQUIRED FOR CHECK DATE 01/29/20	94,586.36

TRANSACTION DETAIL

ELECTRONIC FUNDS TRANSFER - *Your financial institution will initiate transfer to Paychex at or after 12:01 A.M. on transaction date.*

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		BANK DRAFT AMOUNTS & OTHER TOTALS
01/28/20	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Net Pay Allocations	61,637.28	
01/28/20	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Deductions with Direct Deposit	603.50	62,240.78
01/28/20	BANK OF AMERICA, NA	xxxxxx4799	Readychex®	Check Amounts	1,817.80	1,817.80
01/28/20	BANK OF AMERICA, NA	xxxxxx4799	Garnishment	Employee Deductions	75.00	75.00
				EFT FOR 01/28/20		64,133.58
01/29/20	BANK OF AMERICA, NA	xxxxxx4799	Taxpay®	Employee Withholdings		
				Social Security	265.74	
				Medicare	1,256.04	
				Fed Income Tax	9,048.82	
				CA Income Tax	3,555.13	
				Total Withholdings	14,125.73	
				Employer Liabilities		
				Social Security	265.74	
				Medicare	1,256.04	
				Fed Unemploy	389.95	
				CA Unemploy	2,014.72	
				CA Emp Train	65.00	
				Total Liabilities	3,991.45	18,117.18
				EFT FOR 01/29/20		18,117.18
				TOTAL EFT		82,250.76



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Janet Calderon, City Clerk

DATE: February 4, 2020

SUBJECT: Rejection of Liability Claim Filed by Valentina Jones for the Alleged Wrongful Death of her spouse Maayan Jones.

RECOMMENDATION

Approve the denial of liability claim against the City filed by Valentina Jones, spouse of decedent Maayan Jones, for alleged wrongful death damages reportedly occurring on June 26, 2019.

BACKGROUND

On December 28, 2019 the City received a liability claim filed by Ms. Valentina Jones, represented by David R. Ongaro, Esq., Ongaro PC, related to Mr. Jone's death. The City is self-insured for general liability purpose and the Municipal Pooling Authority of Northern California administers the self-insured program. On December 28, 2019 this liability claim was transmitted to the Municipal Pooling Authority for processing and investigation.

Liability adjustors for the Municipal Pooling Authority reviewed the claim. Following its review the Municipal Pooling Authority advised the City to deny the claim and issue a notice of rejection to the claimant.

FISCAL IMPACT

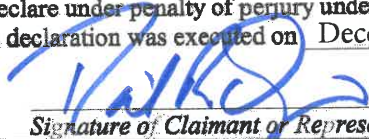
None.

Attachment: Copy of Claim (5 pages)

CLAIM PRESENTED TO THE CITY OF CLAYTON

Please read the instructions on the back before completing.

FORM 4.1

1. Claimant's Name: (Please Print) Valentina Jones (See Ex.A Attached)		Reserved for Filing Stamp RECEIVED DEC 28 2019 City of Clayton City Claim No.:
Claimant's Address: 40 Estrella Way		
City, State, Zip: Novato CA 94945		
Day Phone: () 4158274343 Eve: ()		
2. When did the damage or injury occur? Month: June Day: 26 Year: 2019 Time: a.m. or p.m.		Police Report No.:
3. At which location did the damage or injury occur? Approx. 1425 Feet North of Diablo Ranch Dr., on Mt. Diablo Scenic Blvd., Contra Costa County		
4. a. What happened and why is the City responsible? (See Ex. A Attached)		
b. Name and position of responsible City Employee(s), if known:		
5. What damage or injury occurred? Maayan Jones suffered a traumatic brain injury among other damages resulting in death (See Ex. A)		
6. Claim amount (only if less than \$10,000): If the amount exceeds \$10,000, please check the court for appropriate jurisdiction: <input type="checkbox"/> Municipal Court (claims up to \$25,000) <input checked="" type="checkbox"/> Superior Court (claims over \$25,000)		
7. How did you arrive at the amount claimed? Please attach documentation. Vehicle struck Maayan Jones head-on while driving in/through a dangerous blind curve (See Ex. A)		
8. I declare under penalty of perjury under the laws of the State of California that the following information is true and correct, and that this declaration was executed on December 18, 2019 at San Francisco CA.  Signature of Claimant or Representative		
9. Official Notices and Correspondence If represented by an insurance company or an attorney, please provide the information requested below: Name and Capacity: (please print) David R. Ongaro, Esq., Ongaro PC Address: 50 California Street, Suite 3325 City, State, Zip: San Francisco, CA 94111 Daytime Phone: (415)433-3901 Evening: _____		

PRESENTING A CLAIM TO THE CITY OF CLAYTON

- ⇒ PLEASE TYPE OR PRINT CLEARLY ALL OF THE INFORMATION REQUESTED ON THE CLAIM FORM.
- ⇒ YOU MUST COMPLETE EACH SECTION OR YOUR CLAIM MAY BE RETURNED TO YOU AS INSUFFICIENT.
- ⇒ THE FOLLOWING PROVIDES SPECIFIC INSTRUCTIONS FOR COMPLETING EACH SECTION OF THE CLAIM FORM.

1. **NAME AND MAILING ADDRESS OF CLAIMANT** – State the full name and mailing address of the person(s) claiming damage or injury. Please include a daytime and evening telephone number.
2. **WHEN DID THE DAMAGE OR INJURY OCCUR?** – State the exact month, date, year, and approximate time (if known) of the incident which caused the alleged damage/injury.

Under State law, claims relating to causes of action for personal injury, wrongful death, property damage, and crop damage must be presented to the City of Clayton no later than six months after the incident date. Please note that evidence of “presentation” includes a clear postmark date on an envelope, or a certification of personal service, or service by mail.

When filing a claim beyond the six-month period, you must explain the reason the claim was not filed within the six-month period. This explanation is called “application for leave to present a late claim”. In considering your claim, the City will first decide whether the late claim application should be granted or denied. (See Government Code Section 911.4 for the legally acceptable reasons a claim may be filed late.) Only if your late claim application is granted will the City then consider the merits of your claim.

Claims relating to any cause of action other than personal injury, wrongful death, property damage, and crop damage must be presented no later than one year after the incident date. (See Government Code Section 911.2).

3. **AT WHICH LOCATION DID THE DAMAGE OR INJURY OCCUR?** – Please include street address, city, county, intersection, etc. If possible, also include the Police Report number.
4. **WHAT HAPPENED AND WHY IS THE CITY RESPONSIBLE?** – Please explain the circumstances that led to the alleged damage or injury. State all facts which support your claim with the City and why you believe the City is responsible for the alleged damage or injury. If known, identify the name of the City Department(s) and/or City employee(s) that allegedly caused the damage or injury.
5. **WHAT DAMAGE OR INJURY OCCURRED?** – Provide in full a detailed description of the damage/injury that allegedly resulted from the incident. (What specific damage or injury do you claim resulted from the alleged actions?)
6. **CLAIM AMOUNT:** - State the specific total dollar amount you are claiming as result of the alleged damage/injury. If damage/injury is continuing or is anticipated in the future, indicate with a “+” following the dollar figure if \$10,000 or under. If the total dollar amount is unspecified or exceeds \$10,000, designate the appropriate court jurisdiction for the claim.
7. **HOW DID YOU ARRIVE AT THE AMOUNT CLAIMED?** – Provide a breakdown of how the total amount that you are claiming was computed. You may declare expenses incurred and/or future anticipated expenses. If you have supporting documentation (i.e., bills, payment receipts, cost estimates) please attach copies of them to your claim.
8. **SIGNATURE:** - The claim must be signed by the claimant or by the attorney/representative of the claimant. The City will not accept the claim without a property signature. Government Code Section 910.2 provides: “The claim shall be signed by the claimant or by some person on his/her behalf.”
9. **OFFICIAL NOTICES AND CORRESPONDENCE** - Provide the name and mailing address of the person to whom all official notices and other correspondence from the City should be sent, only if other than claimant. Please provide telephone numbers for the representative, if applicable.

- ⇒ SUBMIT COMPLETED AND RELATED DOCUMENTATION TO: The City Clerk of the City of Clayton. Personal service of claims can be accomplished during regular City business hours (9:00 a.m. to 5:00 p.m.), Monday through Friday (excluding City holidays).
- ⇒ If you wish to receive a stamped copy of your claim, return the form to the City Clerk with a cover letter along with a stamped, self addressed envelope informing the City of your request.
- ⇒ You will receive a letter from the Risk Management Office indicating your claim has been received and is being investigated. You will receive an explanation of the investigation results within 45 days in most instances.

If, after reading these instructions, you have questions or need additional information regarding the filing of a claim with the City Clerk of Clayton, please contact the City Clerk’s staff at (925) 673-7304.

THANK YOU!



David R. Ongaro
Kirsten M. Bibbes
Eugene B. Frid
50 California Street, Suite 3325
San Francisco, CA 94111
Phone: (415) 433-3900
dongaro@ongaropc.com
kbibbes@ongaropc.com
efrid@ongaropc.com

EXHIBIT A
NOTICE OF ADMINISTRATIVE CLAIM

December 18, 2019

Via US Mail and Certified Mail, Return Receipt Requested:

City Clerk of the City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Re: *Wrongful Death of Maayan Jones*
Date of Loss: June 26, 2019
Location: Mt. Diablo Scenic Blvd., Contra Costa County, CA

To Whom It May Concern:

Pursuant to California Government Code sections 911.2, 910, 910.2, and 915, the Estate of Maayan Jones, Valentina Jones, and Sasha, Jordan and Benjamin Jones (through their Guardian ad Litem, collectively, "Complainants") submit their notice of government claim in relation to decedent Maayan Jones' injuries and death.

Factual Background

A. Mr. Jones was hit head-on by an automobile while bicycling.

On Wednesday, June 26, 2019 at approximately 4:24 p.m., Mr. Jones was safely and lawfully bicycling on the northbound right-side of Mt. Diablo Scenic Blvd. (the "Road") towards the South Gate Entrance of Mt. Diablo State Park when he was suddenly struck by a Chevrolet Avalanche driven by Levi Archie Clark who was traveling southbound.¹

¹ Despite numerous requests, Complainants have not yet received a detailed copy of the California Highway Patrol Traffic Collision Report (No. 9320-2019-02410) concerning this matter. Complainants reserve the right to supplement their claim upon receipt of same.



(Vehicle which struck Mr. Jones)

B. Mr. Jones died as a result of the collision.

Mr. Jones suffered a traumatic brain injury, skull fractures, left carotid artery stroke, and broken legs as a result of the collision. His suffering was immeasurable. Mr. Jones was treated on-scene by San Ramon Valley Fire and was airlifted to John Muir Health Medical Center in Walnut Creek where, at 9:29 p.m., he succumbed to his injuries. The coroner determined Mr. Jones' cause of death to be "multiple blunt force injuries, due to motor vehicle accident – pickup vs. bicycle."

C. Clayton which has responsibility to maintain the Road, was aware of but did not address the Road's many dangers.

For many years preceding Mr. Jones's tragic death, Clayton was on actual and constructive notice of the countless dangers associated with the Road, and willfully disregarded them. Clayton is obligated to maintain and repair the Road, and has a duty to keep the public safe from hazards within its jurisdiction. Despite this, the Road is dangerous and has been the location of many accidents—yet Clayton has turned a blind eye to complaints made by the public and homeowners along the Road.

Dangerous conditions on the Road include, but are not limited to, its narrow width, encroachment of a wall/fence along the portion of the road where Mr. Jones was struck, lack of shoulders, excessive arc of curves, potholes and unsafe paving, lack of painted road markers, lack of dividing lines (i.e., no striping), lack of reflective mirrors (especially in areas with blind curves), narrow and dangerous blind turns (often with hazards obstructing visibility), lack of warnings and safety signs, lack of adequate brush and tree clearing (i.e., overgrown foliage which blocks views), inadequate sight distance, and unsafe speed limit.

Prior to 2016, the San Ramon Valley Fire Department responded to injuries/collisions on Mount Diablo State Park every two weeks. Property owners along the Road have similarly complained about the dangerous conditions on the Road, but these complaints have fallen on deaf ears. Prior fatalities have occurred on this road, and other bicyclists have been injured resulting in Park Ranger/CHP/Contra Costa County Sherriff's Office incident reports placing Clayton on notice. For more than thirty years, Clayton stood back and waited for such a tragic but preventable death to occur. In 1987 a motorcyclist was killed on the Road due to unsafe road conditions.

Almost thirty years later, despite numerous newspaper publications, resident complaints, and available police incident reports warning Clayton of the unsafe conditions on the Road, in addition to the public's (including several bicycle advocacy groups) repeated calls for action, Clayton continues to disregard its legal obligations.

Clayton's Failures

Clayton is liable for negligence, dangerous conditions of public property, premises liability, defective roadway design, maintenance, and failures to warn and adapt. Mount Diablo State Park is within Clayton's jurisdiction in Contra Costa County, as is the Road. The Road is a public roadway that contains dangerous conditions of public property. Clayton's failure to maintain the Road, and its failure to warn the public of the many dangers on the Road created a reasonably foreseeable risk of the very harm that occurred to Mr. Jones.

Further, over the last several decades, Mount Diablo State Park's tourism rate significantly increased with thousands of motorists, pedestrians, and bicyclists using the Road as access to the park's entrance. However, the Road has not been properly maintained in order to factor in the rise of tourism/traffic. As traffic conditions have increased, the dangers of the Road including physical conditions (both natural and constructed) have likewise increased. Yet Clayton has not taken proper safety measures to ensure the public's well-being amidst the many existing dangers.

Clayton has had ample time and opportunity to perform necessary safety improvements, but did not do so. Clayton failed to consider pedestrian and bicyclist safety and long ignored evidence that accidents keep occurring on this dangerous road for which it is responsible to maintain. Had Clayton lived up to its duty to address the Road's hazards, Mr. Jones would not have suffered extensive, excruciating injuries and would still be alive today.

Damages exceed \$125,000,000

Among other remedies, Complainants seek compensatory damages for their financial losses (medical expenses, loss of income, funeral and burial expenses), compensation for Mr. Jones and their own pain and suffering, and punitive damages in an amount in excess of \$125,000,000.

Very truly yours,



David R. Ongaro



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: DANA AYERS, INTERIM COMMUNITY DEVELOPMENT DIRECTOR

DATE: FEBRUARY 4, 2020

SUBJECT: PUBLIC HEARING TO CONSIDER APPEALS OF THE APPROVAL BY THE PLANNING COMMISSION OF AN INFILL EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE OLIVIA ON MARSH CREEK, AN 81-UNIT SENIOR RENTAL HOUSING DEVELOPMENT (ENV-01-17), AND AN APPEAL OF THE NO DECISION ACTION BY THE PLANNING COMMISSION OF THE AFFORDABLE HOUSING DENSITY BONUS APPLICATION, SITE PLAN REVIEW PERMIT, AND TREE REMOVAL PERMIT (DBA-01-19, SPR-04-17, TRP-24-17)

RECOMMENDATION

Staff recommends that the City Council take the following actions:

- Adopt the proposed Resolution denying the appeals and upholding the Planning Commission's approval of the Infill Exemption pursuant to California Environmental Quality Act Guidelines Section 15332; and
- Adopt the proposed Resolution approving the Affordable Housing Density Bonus Application, Site Plan Review Permit and Tree Removal Permit.

BACKGROUND

On September 6, 2017, William Jordan filed an application with the Clayton Community Development Department to construct a multi-family residential development project at the corner of High Street and Marsh Creek Road on three separate parcels: 6170 High Street, 6450 Marsh Creek Road, and 6490 Marsh Creek Road (see Attachment A: Vicinity Map). The application included a request for the granting of a density bonus pursuant to the State's Density Bonus Law (California Government Code Sections 65915 to 65918) and the City's Affordable Housing Density Bonus Requirements Ordinance (Chapter 17.90 of the Clayton Municipal Code [CMC]). The proposed development, called The Olivia on Marsh Creek,

would consist of rental units and would be restricted to occupancy by residents age 55 and older. The project includes seven affordable units designated for Very Low-Income households as defined by the U.S. Department of Housing and Urban Development (HUD).

On November 12, 2019, the Planning Commission held a public hearing to consider the applicant's request for planning entitlements and an exemption from the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 *et seq.*) for The Olivia on Marsh Creek project. At that meeting, the project was introduced, followed by questions, discussion and comments from the Planning Commission and members of the public. The item was then continued to the December 10, 2019, Planning Commission meeting to allow staff to gather further information in response to questions raised at the November 12 hearing and to allow additional time for public comment. See Attachments D (Planning Commission Staff Report from November 12, 2019) and E (Planning Commission Staff Report from December 10, 2019) for further background and discussion.

At the December 10 meeting, the Planning Commission approved by a 3-1 vote a motion to adopt a resolution determining that The Olivia project qualifies for an exemption from CEQA pursuant to Section 15332 (Categorical Exemption Class 32, Infill Development Projects) of the CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*) On the same date, the Planning Commission voted 2-2 on a motion to adopt a resolution to approve the Affordable Housing Density Bonus application, Site Plan Review Permit, and Tree Removal Permit, resulting in a "no decision" action.

ANALYSIS OF APPEALS

Three appeals were filed by residents living near the proposed project site, challenging approval of the Class 32 Infill Exemption. In addition, the applicant filed an appeal of the Planning Commission's "no decision" action on the requested planning entitlements for The Olivia project. All four appeals are before the City Council for consideration and a final decision.

Appeals of Approval of CEQA Infill Exemption

Ipsen Appeal

Kent Ipsen submitted an appeal on December 30, 2019 (see Attachment J). The appeal filed by Mr. Ipsen states that, "The specified findings of Resolution #05-19 by the Planning Commission are not supported by the evidence." The appeal does not provide any specific details or examples of evidence that contradict the findings in Resolution No. 05-19 supporting approval of the Class 32 Infill Exemption.

Staff response: Staff maintains that the findings stated in Planning Commission Resolution No. 05-19 (see revised Resolution for City Council consideration, Attachment B) are true and correct and can be made for the project. This includes the finding that there is no substantial evidence that The Olivia project will have a significant effect on the environment as defined under CEQA. As noted in the November 12 and December 10, 2019, Planning

Commission staff reports, the project meets all the criteria for a categorical exemption pursuant to CEQA Guidelines Section 15332 (Infill Development Projects):

- (1) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations;
- (2) The proposed development occurs within the city limits on a project site of no more than five acres, surrounded by developed areas;
- (3) The project site has no value as habitat for endangered, rare, or threatened species;
- (4) Project approval would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (5) The site can be adequately served by all required utilities and public services.

In addition, as explained in the Infill Exemption Environmental Analysis prepared by Raney Planning and Management (Attachment T), none of the exceptions to the categorical exemption listed in CEQA Guidelines Section 15300.2 apply to this project.

As part of the preparation of the Infill Exemption Environmental Analysis, studies were prepared on several environmental topics including biological resources, air quality, noise, traffic generation and water quality. Based on these studies, the analysis concluded that the project satisfies all requirements and criteria for a Class 32 Infill Exemption from CEQA.

No evidence has been submitted that contradicts the above analysis or demonstrates that there would be specific and verifiable adverse effects on the environment as a result of The Olivia project. Staff continues to support the Raney analysis as an objective document that was prepared according to the procedures and requirements of the CEQA Guidelines.

Hummer Appeal

Dan Hummer submitted an appeal on January 2, 2020 (see Attachment K). This appeal cites seven points on which the appellant states that the project does not meet the CEQA infill development requirements. The points raised in Mr. Hummer's appeal are the following:

1. The appellant states that the density bonus statute provides for a density bonus of up to 25% for condominium conversion projects providing at least 33% of the total units for low to moderate income households or 15% of the units to lower income households. The project plans state that the project will be a condominium conversion, and the project does not include the stated percentages of units designated for low income households.

Staff response: The provision of the density bonus law cited applies to existing rental residential buildings that are proposed for conversion to condominiums. The Olivia project is new construction that is proposed to be rental units. Regardless of future plans that the applicant may have to convert the property to condominiums, the rules under the Density Bonus law that apply at this time are those for development of new residential units, not for condominium conversions. Moreover, this point is not related

to the determination on the Class 32 Infill Exemption, and thus is not relevant to the Planning Commission decision that is the subject of the appeal.

2. The appellant cites a new CEQA statutory exemption that applies to residential or mixed-use housing projects within an unincorporated area of a county on a project site of no more than five acres substantially surrounded by qualified urban uses. He further states that because the project site is located within the incorporated City of Clayton rather than in an unincorporated area of the county, the project does not qualify for this exemption.

Staff response: This citation is from a new CEQA statutory exemption that was passed into law in 2019 and that specifically relates to projects located in unincorporated areas of a county. It is not referencing CEQA Guidelines Section 15332, the categorical exemption that the City utilized, which applies to infill development projects located within the limits of a City.

3. The appellant cites the criteria for a Class 32 Infill Exemption which state that a project must not result in significant effects relating to transportation, and claims that the project proposes too few parking spaces relative to the potential demand, which is a traffic-related impact. The appellant states the development could potentially have up to 234 residents of working age who would own and drive vehicles.

Staff response: Inadequacy of parking is not itself considered an environmental impact under CEQA. Appendix G of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3) is the Environmental Checklist Form, which presents a list of significance criteria that lead agencies should use in determining whether a specific project would have significant impacts on the environment. The Transportation/Traffic section of this checklist includes six points that constitute significant transportation-related impacts. The criteria include but are not limited to questions of whether the proposed project would conflict with policies or programs related to transit, bicycle or pedestrian facilities; and whether the project would conflict with an applicable plan or policy establishing measures of effectiveness for circulation system performance. However, the checklist does not include any significance criteria for potential parking impacts of a project.

Furthermore, California Density Bonus Law includes a provision for reduced parking requirements in addition to a requirement for local jurisdictions to grant those concessions that are shown to be economically necessary for the project to include the proposed low-income units. The applicant has submitted an economic analysis demonstrating that the requested reduction in the required parking to the currently proposed 86 spaces is necessary for the development to be financially feasible. Additional analysis conducted by the traffic engineering firm Kimley-Horn and Associates estimated parking demands for the senior housing project, based on survey data compiled by the Institute of Transportation Engineers. On page 7 of the memorandum entitled, *The Olivia on Marsh Creek Parking Study – Final Memorandum*, and dated June 10, 2019 (see Attachment Q), it is concluded that the

proposed 86 parking stalls would exceed estimated demand of 53 parking stalls needed on average for the proposed development type (attached senior housing).

4. The appellant cites the criteria for a Class 32 Infill Exemption which state that a project must be consistent with the applicable general plan and zoning. He states that the project is not consistent with the Clayton General Plan, citing goals in the General Plan Land Use Element related to retention of large estates, maintaining Clayton's rural character, encouraging a balance of housing types and densities, and preservation of natural features, ecology and scenic vistas.

Staff response: The appellant correctly cited some of the goals in the General Plan Land Use Element, but not all of these goals are relevant to The Olivia project. The subject parcels are designated as Multifamily High Density, not Rural Estate, under the Land Use Element of the General Plan. These lots are located in the Town Center and are surrounded by single-family homes (primarily on smaller lots) and commercial development. The Multifamily High Density land use designation allows for density of 20 dwelling units per acre and is intended to allow residential development projects such as The Olivia (note that the State Density Bonus Law allows the project to exceed the maximum density for this land use designation). In addition, the General Plan includes other goals and policies that are directly applicable to the proposed project. The Housing Element of the General Plan includes a goal to "Provide for adequate sites and promote development of new housing to accommodate Clayton's fair share housing allocation" (Goal I), and a related Implementation Measure I.1.1 to "ensure that adequate sites are available...to meet the City's Regional Housing Needs Allocation (RHNA)...[and] maintain an inventory of sites available and appropriate for residential development for households at all income levels" (emphasis added). Furthermore, the subject site is identified in the General Plan Housing Element as an Affordable Housing Opportunity Site (see pages 68-69 of the Housing Element). In these respects, the proposed project is consistent with both the City's General Plan and California housing law.

5. The appellant cites a new CEQA statutory exemption and notes that it is subject to familiar exceptions where the project could have a significant effect due to cumulative impacts. The appellant states that the project would have several cumulative impacts related to parking, excessive traffic speed, fire equipment safety concerns related to three-story buildings, and property values of surrounding homes.

Staff response: As with item #2 above, this citation relates to the new CEQA statutory exemption that was passed into law in 2019 for projects located in unincorporated areas of a county, and not to the infill categorical exemption (CEQA Guidelines Section 15332) that is the basis of the CEQA determination for this project. Moreover, none of the points that the appellant lists as having cumulative impacts are environmental impacts as defined under CEQA, and each of these issues is regulated by other local and/or State codes rather than under CEQA. For example,

traffic speed is regulated by the California Vehicle Code and by the Clayton Municipal Code Title 10 – Vehicles and Traffic, Chapter 10.20 – Speed Limits. Safe building egress (e.g., requirements for building safety in the event of a fire) are addressed under the California Building Code. See also the response to appeal point #3 above regarding parking.

6. The appellant cites the provision of the CEQA guidelines regarding projects that could cause a substantial adverse change in the significance of a historical resource, and notes that the existing structures at 6450 and 6490 Marsh Creek Road are more than 70 years old.

Staff response: State and federal criteria for listing of a building or site as a historic resource include age of the structure (generally 50 or more years old), as well as, significance of the building or site with prominent historic events, activities, developments or people. Distinctive architectural characteristics indicative of a type, region, period, method of construction, work of a master, or that have high artistic values, plus retention of the original integrity of those characteristics, are also factors in determining historic significance of a structure. Thus, age of a structure in itself does not define significance of the structure as a historic resource.

Referenced in the *Infill Exemption Environmental Analysis* prepared by Raney Planning and Management (Attachment T), the Clayton Heritage Preservation Task Force Report (1994) did not identify the existing buildings on the proposed project site in its listing of potentially significant historic resources. The Community Design Element of the Clayton General Plan also contains a list of properties in Clayton that are recognized as historic resources (see General Plan, pages V-11 and V-12). Though there is overlap in the sites and structures identified in the General Plan and the Clayton Heritage Preservation Task Force Report, neither document includes the three lots comprising The Olivia project site in its respective list of historic structures and sites.

7. The appellant cites the provision of the CEQA guidelines regarding projects that would damage scenic resources, and states that Marsh Creek Road is named as a scenic route in the Community Design Element of the General Plan.

Staff response: The appellant correctly identifies Marsh Creek Road as a scenic route under the General Plan. The Community Design Element currently provides general guidance as to how development along scenic routes should be evaluated. Objective 9 calls for establishment of “a right-of-way/corridor system that will enhance visual and cultural amenities of the scenic route,” and Objective 10 calls for the City to “cooperate with property owners on alternative means to allow development that is compatible with scenic corridor objectives.” Although the City does not currently have more specific, adopted criteria for “scenic” review of development (per Policy 10a), standard best planning practices for protection of scenic corridors include substantial building setbacks and ample landscaping along scenic roads to screen buildings and

parking areas from view. The proposed site and landscape plans for the two subject parcels fronting Marsh Creek Road include building setbacks of 28 feet for both 6450 Marsh Creek Road and 6490 Marsh Creek Road, as well as mature trees and other landscaping along the street frontage of both parcels. Thus, the proposed development is not inconsistent with the scenic route designation of Marsh Creek Road.

Liskovich Appeal

Irina and Alexander Liskovich submitted an appeal on January 2, 2020 (see Attachment L), identifying two issues as the basis for the appeal:

1. Traffic hazards: The appellants assert that the inadequate parking for the project will create a traffic hazard on Stranahan Circle, directly across Marsh Creek Road from the proposed development, including danger for children, pedestrians and bicyclists. The appellant also points out the lack of effective parking enforcement in Clayton.

Staff response: As noted in the response to point number 3 in the Hummer appeal, parking is not considered an environmental impact under CEQA, and the *Infill Exemption Environmental Analysis* prepared by Raney Planning and Management (Attachment T) concluded that the project would not result in any significant traffic effects. Parking could not occur in the right-of-way of Marsh Creek Road. Stranahan Circle, a public street, is wide enough to accommodate on-street parking, though it is speculative to conclude definitively whether or how many of the project's residents that do not park on-site would opt to park on that street. As noted on page 7 of the memorandum entitled, *The Olivia on Marsh Creek Parking Study – Final Memorandum* (see Attachment Q), which draws upon observed parking data from other senior housing projects, the proposed 86 on-site parking stalls is greater than the estimated demand (53 stalls) for the proposed attached senior housing development. Regarding parking enforcement, proposed Condition of Approval No. 117 (see page 22 of proposed Resolution for City Council consideration, Attachment C) requires the applicant to contribute up to \$20,000 to establish a parking permit program for the Stranahan subdivision. This recommended condition does not address a potential environmental impact of the project but was instead proposed to address spillover parking concerns expressed by residents during public hearings on the project.

2. Fire hazards: The appellant points out the increased danger of wildfires in California in recent years and states that the additional vehicle traffic from the proposed project would create hazardous conditions in the event of a necessary evacuation due to wildfire.

Staff response: The *Infill Exemption Environmental Analysis* prepared by Raney Planning and Management (Attachment T) did not identify any significant traffic effects as a result of the project. Existing roadways in the area have capacity to accommodate the proposed project. To inform the exemption analysis, the traffic

engineering firm Kimley-Horn and Associates estimated the number of vehicle trips that the project would generate, based on the Institute of Traffic Engineers' Trip Generation document, a resource that utilizes empirical data from numerous projects to determine peak hour and average daily trips from various development types. The trip estimates calculated by Kimley-Horn were peer reviewed by Abrams Associates, another traffic engineering firm.

Existing roadways in the project area would have capacity for the project as well as existing and potential future development. The trips estimated to result from The Olivia project would not result in excessive traffic congestion or failing level of service (LOS) of intersections in the City. (LOS is a metric in traffic engineering that evaluates the performance of an intersection using a letter ranking of LOS-A [free-flow of traffic] through LOS-F [gridlock]). In 2011, as a part of the Clayton Community Church Project-Environmental Impact Report, the four largest intersections in Clayton were studied: Mitchell Canyon Road at Clayton Road, Marsh Creek Road at Clayton Road, Marsh Creek Road at Main Street, and Oakhurst Drive at Clayton Road. The three signalized intersections all performed at LOS-A, including the projected traffic volume from the then-proposed church project. The four-way stop-sign controlled intersection at Marsh Creek Road and Main Street operated at LOS-B, with a maximum 12.7 second delay in the morning peak ("commute") hour of travel. In the years from 2011 to present, development has been limited, consisting of six lots on Pine Hollow Road and two lots on Southbrook which do not generate enough trips to negatively impact the LOS at any of these four main intersections. Based on the previous 2011 study showing the intersection LOS at level A or B, and adding the proposed project plus the limited development growth that occurred between 2011 and 2019, the studied intersections would not be negatively affected as to result in a failing level of service or gridlock.

Appeal of No Decision on Affordable Housing Density Bonus, Site Plan Review and Tree Removal Permit

Jordan Appeal

On January 2, 2020, William Jordan, the owner of the subject properties and project applicant, filed an appeal of the "No Decision" action by the Planning Commission on the planning entitlements (see Attachment M). The applicant's appeal states that: (1) the Planning Commission failed to make the legally required findings for denial of the project; (2) there is no evidence in the record that would support findings for denial; and (3) some of the proposed Conditions of Approval were not reasonably required. The applicant requests that the City Council overturn the Planning Commission's decision, granting approval of the housing application (including the Affordable Housing Density Bonus Application, Site Plan Review and Tree Removal Permit).

The applicant further requests that certain Conditions of Approval that were included in the unadopted Planning Commission Resolution No. 06-19 be removed. Specifically, the applicant objects to the following conditions which, in the original Planning Commission

resolution, were numbered 119 through 123, but due to the correction of a numbering error in that resolution and deletion of a general condition pertaining to CEQA mitigation measures that does not apply to the project (Condition No. 14 of unadopted Resolution No. 06-19), are now Condition Nos. 116 through 120 in the draft City Council resolution (see Attachment C, page 20):

116. Prior to the issuance of the first Certificate of Occupancy, the applicant shall contribute up to \$20,000 to establish a Permit Parking Program System for the Stranahan Subdivision located across Marsh Creek Road to the east of the project to limit possible spillover parking from outside that neighborhood to the satisfaction of the City Engineer and Chief of Police.
117. Prior to the issuance of the first Certificate of Occupancy, the applicant shall install electronic speed indicator signage on Marsh Creek Road in the vicinity of the intersection of Marsh Creek Road and Stranahan Circle to facilitate reducing speeding in this area to the satisfaction of the City Engineer and Chief of Police.
118. Prior to the issuance of the first Certificate of Occupancy, the applicant shall install pedestrian activated crosswalk flashers at the trail crosswalk south of the project site on Marsh Creek Road to facilitate pedestrian safety to the satisfaction of the City Engineer.
119. The property owner shall provide annual bus passes to the tenants in the development and establish a car share program to facilitate reducing on-site parking demand to the satisfaction of the Community Development Director.
120. Prior to the issuance of the first Certificate of Occupancy, the applicant shall provide and install fifty 15-gallon trees off-site within the City of Clayton to increase carbon absorption to the satisfaction of the City Maintenance Supervisor and City Manager.

Mr. Jordan's appeal raises the following specific points:

1. The housing application is consistent with applicable City standards and policies. The appeal cites staff's analysis in the November 12, 2019, Planning Commission staff report which notes, among other things, that the subject parcels have been determined by the City, through the General Plan land use designation, zoning regulations and identification in Housing Element site inventory, as appropriate sites for high-density residential development. The appellant also asserts that the proposed project conforms to all applicable City policies and standards.

Staff response: Staff maintains the analysis and conclusions presented in the Planning Commission staff reports of November 12 and December 10, 2019. The proposed project is consistent with applicable City policies and development standards, and the conditions for the granting of the requested concessions and waivers under the Density Bonus Law have been satisfied. Furthermore, the project is consistent with designation of the subject parcels under the General Plan Land

Use and Housing Elements, both in terms of the total number of residential units and the inclusion of seven units for Very Low-Income households.

2. The Planning Commission's denial of the housing application violates the Housing Accountability Act. The appeal states that the State Housing Accountability Act obligates the City to identify in writing any potential inconsistencies between the application and the City's objective standards within 30 days of the application being deemed complete. It further states that there is substantial evidence in the record that the housing application complies with all applicable objective standards.

Staff response: It is noted that the State Housing Accountability Act became effective on January 1, 2018, after the September 1, 2017, submittal date for the subject development application. Nonetheless, the Community Development Director deemed the application complete by letter to the applicant dated November 16, 2017. Staff believes the project as proposed complies with all applicable City standards; therefore, no notification of inconsistencies with City standards was provided.

3. Density Bonus Law requires approval of the housing application with the proposed concessions and reduction. The appeal states that the State Density Bonus Law and the City's Affordable Housing Density Bonus Requirements Ordinance (Clayton Municipal Code Chapter 17.90) require approval of the application with the requested concessions and reductions in development standards that have been demonstrated to be necessary to make the project financially and physically feasible. The appeal further notes that the November 12, 2019, Planning Commission staff report identifies uncovered parking as a requested waiver for the project under the Density Bonus Law, and points out that State law (Government Code Section 65915 (p)(4) and (5)) allows the required parking for the project to be provided as uncovered spaces. Thus, the applicant requests that references to a waiver for uncovered parking be removed from the project application.

Staff response: The requested concessions and waivers/reductions in development standards are described and analyzed in detail on pages 6 through 11 of the November 12, 2019, Planning Commission staff report (Attachment D). Staff maintains the analysis and conclusions presented in that staff report and that the evidence in the record satisfactorily demonstrates that the requested concessions and waivers/reductions in development standards are necessary and warranted. Staff further agrees with the applicant's statement that uncovered parking should not be included as a waiver for the project, since it is allowed under State law. This waiver is therefore removed from consideration as part of the Affordable Housing Density Bonus Application.

4. Certain proposed Conditions of Approval are not reasonably required. The appeal claims that the staff report for the first Planning Commission hearing on The Olivia project (November 12, 2019) concluded that the project, with the Conditions of Approval included in the accompanying resolution recommending approval of the

project, would not result in adverse impacts on the surrounding area; and further that the staff report for the continuation hearing (December 10, 2019) included five new Conditions of Approval without providing any basis for why they would be required. The applicant asserts that there is no reasonable nexus and proportionality between the project's potential impacts and these new Conditions of Approval, and therefore, the City cannot legally impose these conditions. The new conditions in question include requirements for a parking permit program for the Stranahan subdivision, pedestrian crosswalk safety measures, transportation demand management measures such as bus passes for residents and a car-sharing program, and additional off-site tree replacement, which the applicant states would require significant financial contributions on his part.

Staff response: The December 10 recommendations of City staff are consistent with the Clayton General Plan and the Clayton Municipal Code (CMC) standards for development review. Objective 2 of the General Plan Community Design Element aims to “maintain landscape and natural vegetation found in Clayton as a means to provide greenery, open space, development buffer and rural atmosphere.” Objective 2 is supported by policies 2c and 2f, which “[r]equire creative landscaping for new developments,” and “[p]romote concepts such as landscape districts to provide and maintain vegetation.” The project would redevelop a site that currently has more unbuilt area than built area, changing the rural nature of the site. Acknowledging this change to the visual character of the property, the recommended condition requiring installation of trees off-site of the project would enhance green space in other areas of the City, consistent with the General Plan. As noted in the text of the recommended condition, the condition would also offset carbon emissions generated by ground disturbance, tree removal, and ongoing energy demands of the project, consistent with General Plan Objective 14 (promote measures to improve air quality). As noted in the recommended findings, the recommended tree replacement program would balance the proposed tree removal with the right of an individual to develop private property (CMC Section 15.70.010).

CMC Chapter 10.60, Transportation Demand Management (TDM), was adopted by the City in 1998 with the purpose of “[promoting] maximum efficiency in the existing transportation system” by: “1) promoting and encouraging transit, ride sharing, bicycling, walking, flexible work hours and telecommuting as alternatives to solo driving; 2) incorporating these goals and objectives into the land use review and planning process; ... [and] 4) considering the incorporation of appropriate technology designed to facilitate traffic flow.” The recommended circulation system conditions (flashing beacons, speed feedback signs, bus passes to residents) implement the intent of this ordinance by facilitating safe pedestrian movement of project residents to use the trail crossing at Marsh Creek Road to access Easley Estates Park; facilitating safe interactions between pedestrians and vehicles on Marsh Creek Road through speed monitoring and prominent alerts to drivers of the presence of pedestrians at the crosswalk; and providing a means to reduce single-occupant vehicle trips. As noted in the ordinance, incorporation of TDM measures is

appropriately included in the land use review process. CMC Section 17.44.040 also includes preservation of general safety (including safety) among the standards of review for site plan permits, and General Plan policies promote use of the greenbelt system and encourage non-motorized and multiple-occupant vehicle travel throughout the City (Community Design Element Objective 3, Open Space/Conservation Element Policy 1c, Safety Element Policy 14b).

The recommended condition pertaining to a permit parking program for the Stranahan Subdivision is also related to the standards for Site Plan Review contained in CMC Section 17.44.040, subsection D, which specifies “reasonable maintenance of the privacy of adjacent property owners and/or occupants” as a factor to be reviewed as part of Site Plan approval requests.

FISCAL IMPACTS

If approved, The Olivia on Marsh Creek project would contribute an estimated \$30,000 annually in property tax. The City would provide general public services to the residential development. In addition, to address potential project-specific impacts on demand for City services, Condition of Approval No. 116 would require the applicant to contribute up to \$20,000 to establish a parking permit program for the Stranahan Subdivision located across Marsh Creek Road to limit possible spillover parking into that neighborhood. Recommended Conditions of Approval No. 117 and 118 would require the applicant to install electronic speed indicator signage on Marsh Creek Road near the intersection with Stranahan Circle to reduce speeding and the need for traffic enforcement, and to install pedestrian-activated flashing beacons at the trail crosswalk south of the project site on Marsh Creek Road to alert drivers to the presence of pedestrians crossing the street.

CONCLUSION

Staff maintains that the project is consistent with State law as well as all applicable City policies and standards and that the evidence in the record supports both determination of a Class 32 Categorical Exemption from CEQA and approval of the Affordable Housing Density Bonus Application, Site Plan Review and Tree Removal Permit.

ATTACHMENTS

- A. Vicinity Map
- B. Proposed Resolution denying the appeals and upholding the Planning Commission’s approval of the Infill Exemption pursuant to California Environmental Quality Act Guidelines Section 15332
- C. Proposed Resolution approving the Affordable Housing Density Bonus Application, Site Plan Review Permit and Tree Removal Permit
- D. Staff Report from November 12, 2019, Planning Commission Meeting (without attachments)
- E. Staff Report from December 10, 2019, Planning Commission Meeting (without attachments)
- F. Responses to Questions Raised at or Related to the November 12, 2019, Planning Commission Meeting
- G. Minutes Excerpt from the November 12, 2019, Planning Commission Meeting
- H. Minutes Excerpt from the December 10, 2019, Planning Commission Meeting
- I. Planning Commission Notice of Decision, dated December 20, 2019
- J. Appeal of Planning Commission Approval of CEQA Infill Exemption submitted by Kent Ipsen, dated December 30, 2019

- K. Appeal of Planning Commission Approval of CEQA Infill Exemption submitted by Dan Hummer, dated January 2, 2020
- L. Appeal of Planning Commission Approval of CEQA Infill Exemption submitted by Irina and Alexander Liskovich, dated January 2, 2020
- M. Appeal of No Decision by Planning Commission on Project Entitlements submitted by William Jordan, dated January 2, 2020
- N. Project Plans for The Olivia on Marsh Creek, including:
 - Architectural Plans (Color renderings, Floor Plans, Roof Plans, and Elevations)
 - Landscape Plans (Conceptual Landscape Plans, Conceptual Planting Palettes, Planting Images, Conceptual Landscape Details)
 - Civil Plans (Site Plans, Existing Site Conditions, Demolition and Tree Removal Plans, Utility Plans, Offsite Storm Drain Plans, C-3 Compliance Exhibits)
- O. “Economic Analysis of Requested Concessions – Clayton Senior Housing Project” by PlaceWorks
- P. “Peer Review of Economic Analysis” by Michael Baker International
- Q. “The Olivia on Marsh Creek Parking Study – Final Memorandum” by Kimley-Horn
- R. Peer Review of Kimley-Horn Parking Study by Michael Baker International
- S. Arborist Report and Addendum
- T. CEQA Infill Exemption Report from Raney Planning & Management, Inc.
- U. Letter from Stephen Velyvis of Burke, Williams & Sorensen, LLP, dated January 17, 2020

Attachment A

Vicinity Map



VICINITY MAP



Olivia on Marsh Creek Project
ENV-01-17/DBA-01-19/SPR-04-17/TRP-24-17
6170 High Street (APN: 119-021-063)
6450 Marsh Creek Road (APN: 119-021-055)
6490 Marsh Creek Road (APN: 119-021-013)



(Not to Scale)

Attachment B

**Proposed Resolution Denying the
Appeals and Upholding the Planning
Commission's approval of the Infill
Exemption Pursuant to California
Environmental Quality Act Guidelines
Section 15332**

RESOLUTION NO. XX-2020

A RESOLUTION DENYING THE APPEALS AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF AN INFILL EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE OLIVIA ON MARSH CREEK, AN 81-UNIT SENIOR RENTAL HOUSING DEVELOPMENT (ENV-01-17)

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

WHEREAS, the City received an application from William Jordan requesting review and consideration of an Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), Tree Removal Permit (TRP-24-17), and related Environmental Review (ENV-01-17) for development of an 81-unit senior residential development located on three adjacent parcels with a total area of 3.02 acres ("Project"), located at the southwest intersection of High Street and Marsh Creek Road (Assessor's Parcel Nos. 119-021-063, 119-021-055, and 119-021-013); and

WHEREAS, the Project meets the definition of an infill development project as specified in Section 15332 of Title 14 of the California Code of Regulations, the California Environmental Quality Act ("CEQA") Guidelines; and

WHEREAS, the City commissioned an independent analysis of the Project's eligibility for a Class 32 Infill Exemption by Raney Planning & Management, Inc., entitled "Infill Exemption Environmental Analysis for Clayton Senior Housing Project," and dated June 14, 2019, which analyzes whether the Project meets all criteria of the Class 32 Infill Exemption as stated in CEQA Guidelines Section 15332, and which is attached as Exhibit A to this Resolution; and

WHEREAS, the Clayton Planning Commission reviewed the "Infill Exemption Environmental Analysis for Clayton Senior Housing Project;" and

WHEREAS, on November 12, 2019, the Clayton Planning Commission held a duly-noticed public hearing on the Project, including staff's recommended determination of a Class 32 Categorical Exemption (Infill Development Projects), at which time the public hearing was continued to December 10, 2019; and

WHEREAS, on December 10, 2019, the Planning Commission held a second duly-noticed public hearing on the Project and the recommended infill exemption, and subsequently voted 3-1 to approve the determination of a Class 32 Categorical Exemption (Infill Development Projects) pursuant to the CEQA Guidelines; and

WHEREAS, on December 30, 2019, Kent Ipsen, the owner of a property adjacent to the subject site, filed an appeal of the Planning Commission approval of the CEQA Categorical Exemption (Class 32, Infill Development Projects) for the proposed project; and

WHEREAS, on January 2, 2020, Dan Hummer, the owner of a property in the vicinity of the subject site, filed an appeal of the Planning Commission approval of the CEQA Categorical Exemption (Class 32, Infill Development Projects) for the proposed project; and

WHEREAS, on January 2, 2020, Irina and Alexander Liskovich, the owners of a property in the vicinity of the subject site, filed an appeal of the Planning Commission approval of the CEQA Categorical Exemption (Class 32, Infill Development Projects) for the proposed project; and

WHEREAS, on February 4, 2020, the City Council held a duly noticed public hearing, accepting testimony from the appellants, the applicant and the public; and discussed the appeal and staff's recommended determination of a Class 32 Categorical Exemption (Infill Development Projects) pursuant to the CEQA Guidelines, for the project.

NOW THEREFORE, BE IT RESOLVED, as follows:

1. The foregoing recitals are true and correct.
2. The City Council of the City of Clayton hereby finds, on the basis of the whole record before it, that:
 - a. The City of Clayton exercised overall control and direction over the CEQA review for the Project, including the preparation of the "Infill Exemption Environmental Analysis for Clayton Senior Housing," and independently reviewed the same; and
 - b. There is no substantial evidence that the Project will have a significant effect on the environment; and
 - c. The "Infill Exemption Environmental Analysis for Clayton Senior Housing" reflects the City's independent judgment and analysis.
3. The City Council hereby determines that the Project is Categorically Exempt, under Class 32 – Infill Development Projects, from further review pursuant to the California Environmental Quality Act.

(Remainder of page left blank intentionally.)

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 4th day of February 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Julie Pierce, Mayor

ATTEST:

Janet Calderon, City Clerk

Exhibit A: Infill Exemption Environmental Analysis for Clayton Senior Housing Project by Raney Planning & Management, Inc.



WWW.RANEYMANAGEMENT.COM

NORTHERN CALIFORNIA

1501 SPORTS DRIVE, SUITE 2
SACRAMENTO, CA 95834

TEL: 916.372.6100 • FAX: 916.419.6108

June 14, 2019

David Woltering
Interim Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA

Subject: Infill Exemption Environmental Analysis for Clayton Senior Housing Project

Dear Mr. Woltering:

The City of Clayton retained Raney Planning & Management, Inc. (Raney) to determine whether the Clayton Senior Housing Project satisfies criteria (c) and (d) of the Class 32 Infill Exemption included in the California Environmental Quality Act (CEQA) Guidelines. The specific conditions identified in the Class 32 Infill Exemption in the CEQA Guidelines are as follows (specific emphasis has been added for criteria (c) and (d)):

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- (c) ***The project site has no value as habitat for endangered, rare or threatened species.***
- (d) ***Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.***
- (e) *The site can be adequately served by all required utilities and public services.*

The applicant team prepared several technical studies for the project, which provide information needed to determine whether the project satisfies criteria (c) and (d). To that end, the Raney team performed peer reviews of the applicant-prepared reports to determine their adequacy. The technical reports for the Clayton Senior Housing Project are as follows:

- *6170 High Street/6450 Marsh Creek Road, 6490 Marsh Creek Road – Revised Biological Constraints Assessment Survey Results* (November 6, 2018), prepared by Olberding Environmental;
- *Air Quality & Greenhouse Gas Impact Assessment for the Proposed Clayton Senior Housing Project, Clayton, CA*, prepared by Ambient Air Quality & Noise Consulting (September 24, 2018);
- *Noise & Groundborne Vibration Impact Assessment for the Proposed Clayton Senior Housing Project, Clayton, CA*, prepared by Ambient Air Quality & Noise Consulting (September 21, 2018); and
- *Clayton Senior Housing Trip Generation Study Final Letter* (May 8, 2017), prepared by Kimley Horn.

The following section provides a summary of Raney's review of the technical biological, air quality, noise, traffic, and water quality studies.

Biological

Raney has determined that the methods employed by Olberding Environmental are in general conformance with industry standard practice for biological assessments. For example, the report includes a search of the California Natural Diversity Database (CNDDDB) maintained by the California Department of Fish and Wildlife, and reports the special-status species recorded within an extended radius around the project site (presumably 5 miles). The initial peer review comments provided by Raney to the City on September 19, 2018 have been adequately addressed in the final November 6, 2018 report. The report concludes that the project site has no value as habitat for endangered, rare or threatened species, consistent with criteria (c) of Infill Exemption 15332.

Air Quality

Raney has concluded that the Air Quality/Greenhouse Gas analysis was completed in accordance with current industry standards, and in compliance with the recommended guidance of the Bay Area Air Quality Management District (BAAQMD). The general methodology of the Technical Memorandum included estimating potential air quality and greenhouse gas (GHG) emissions from construction and operation of the proposed project, using the most-up-to-date version of the California Emissions Estimator Model (CalEEMod) software. To assess the adequacy of the Air Quality/GHG analysis presented in the Technical Memorandum, Raney reviewed the methods, assumptions, and CalEEMod outputs provided by Ambient Consulting. The initial peer review comments provided by Raney to the City on July 20, 2018 and September 7, 2018 have been adequately addressed in the final September 24, 2018 report. The report concludes that the proposed project would result in construction and operational emissions below the BAAQMD's thresholds of significance. Thus, the proposed project would not result in any significant air quality effects, consistent with criteria (d) of Infill Exemption 15332.

Noise

Raney hired j.c. brennan & associates, Inc., a noise technical expert, to perform a technical peer review of the project-specific noise and vibration study. j.c. brennan & associates reviewed the report methodology and results and determined that the report was completed in accordance with current industry standards and adequately addresses whether the proposed project would exceed the City of Clayton's General Plan Noise Element and/or Noise Ordinance standards. The report concludes that the proposed project would result in operational noise levels below the relevant City noise thresholds. With respect to construction noise, the report correctly notes that construction activities occurring between the allowable hours specified in Clayton Municipal Code Section 15.01.101 are not subject to the City's noise level thresholds. Per City Ordinance, construction hours for the project would be limited. Thus, the proposed project would not result in any significant noise effects, consistent with criteria (d) of Infill Exemption 15332.

Traffic

Raney consulted with Abrams Associates Traffic Engineering, Inc. to advise on the accuracy of a Trip Generation Study prepared for the proposed project by Kimley Horn. On May 9, 2018, Abrams Associates confirmed that the method of analysis used in the Trip Generation Study was correct, and that the resulting trip estimates are accurate. The Trip Generation Study concludes that the proposed project would generate 16 AM peak hour trips and 19 PM peak hour trips using the ITE Trip Generation Manual. The expected AM and PM peak hour trips are well below the Contra Costa Transportation Authority's 100 peak hour trip threshold for warranting a traffic impact analysis. Additionally, the nearby intersection of Marsh Creek Road/Clayton Road was analyzed and it was determined that the intersection would not be impacted by the relatively small increase in trips in the vicinity. Thus, the proposed project would not result in any significant traffic effects, consistent with criteria (d) of Infill Exemption 15332.

Hydrology

The City Engineer has reviewed the proposed project's potential to significantly effect water quality in the vicinity and has determined that compliance with existing stormwater regulations would ensure no significant adverse water quality effects would occur, as the following will demonstrate. The proposed project would implement the City of Clayton development standards, as well as adhere to all regulations set forth by the Regional Water Quality Control Board, including Section C.3 of the Municipal Regional Storm Water Permit. Additionally, the proposed project would adhere to all requirements for sewerage collection and purveyance of drinking water enforced by the Contra Costa Water District. The City Engineer determined that the proposed project would not introduce any extraordinary issues that would negatively impact water quality on the project site or in the surrounding area. Thus, the proposed project would not result in any significant water quality effects, consistent with criteria (d) of Infill Exemption 15332.

Conclusion

As discussed above, the project site does not contain valuable habitat for endangered, rare or threatened species. Based on an air quality analysis conducted for the proposed project, emissions of criteria pollutants associated with the project would not exceed applicable thresholds established by BAAQMD. Additionally, as determined by the technical studies, the proposed project would be consistent with all applicable regulations set forth by the City and Contra Costa County with regard to noise and traffic. Finally, the City Engineer has evaluated the project site plans and determined that the proposed project would not create any significant adverse effects to water quality on the project site or in the surrounding area. Based on the above, the Clayton Senior Housing Project would satisfy the Infill Exemption conditions (c) related to biological resources and (d) related to air quality, noise, traffic, and water quality.

Exceptions to Categorical Exemptions

Even if a project is ordinarily exempt under any of the categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. The following is a discussion of any possible exceptions to the CEQA exemption.

Criterion 15300.2(a): Location

This exception only applies to CEQA exemptions under Classes 3,4,5,6, or 11. Since the proposed project qualifies as a Class 32 Infill Exemption, Criterion 15300.2(a) would not apply.

Criterion 15300.2(b): Cumulative Impact

The project site is currently designated Multifamily High Density Residential in the Clayton General Plan and zoned Planned Development. The proposed project is consistent with the site's General Plan and zoning designations. Therefore, impacts of the project have been anticipated by the City and analyzed in the General Plan EIR. Furthermore, the proposed project would not create a significant impact related to modification of habitat for endangered, rare, or threatened species, air quality, noise, traffic, or water quality. Thus, the overall effects of the proposed project would be less than significant and would not contribute to significant cumulative impacts.

Criterion 15300.2(c): Unusual Circumstances

The proposed project would develop a senior housing facility on a project site currently planned for residential development. As discussed above, the Biological Assessment determined that the site does not contain any suitable habitat for endangered, rare, or threatened species; and, such species are not anticipated to occur on-site. Additionally, the project site has not been identified as a source of potentially hazardous materials or waste contamination which could pose a risk to surrounding residents. Based on the above, the project site is not affected by any unusual circumstances. Thus, the exception regarding significant effects on the environment due to unusual circumstances would not apply.

Criterion 15300.2(d): Scenic Highway

The project site would not be located within view of any Officially Designated Scenic Highway. Interstate 680 (I-680), an Officially Designated Scenic Highway, is located approximately 7.5 miles southwest of the project site; however, I-680 would not provide views of the project site.¹ Thus, the exception regarding scenic highways would not apply.

Criterion 15300.2(e): Hazardous Waste Sites

The Cortese List, consisting of databases identified in California Government Code Section 65962.5, was consulted to identify sites with known hazardous materials or waste contamination within or adjacent to the project site; however, none were found. Thus, an exception to the Class 32 exemption based on the presence of a hazardous waste site would not apply.

Criterion 15300.2(f): Historical Resources

The City of Clayton's *Heritage Preservation Task Force Report* includes a list of any potentially historic resources located within the City, including historic resources listed on either the California Register of Historical Resources or the National Register. Based on the Report, the existing on-site structures are not listed as historical resources and the project site does not contain any other structures which are considered historic by the City. In addition, the project site is located within an urbanized area of the City of Clayton and is surrounded by development. Thus, archaeological and paleontological resources are not anticipated be present at or near the project site. Therefore, the exception based on presence of historical resources would not apply.

Conclusion

Based on the above discussions, the proposed project would be consistent with the General Plan and zoning designations. Consistency with such would ensure that the project would not result in any cumulative impacts which have not already been anticipated by the City. In addition, the project site does not contain any unusual circumstances. Finally, the project site is not within view of a Scenic Highway, identified as a source of hazardous materials, and does not contain any recorded historic resources. Based on the above, the proposed project would not meet any of the exception criteria for a Class 32 Infill Exemption.

Please contact me at (916) 372-6100 if you have any questions regarding this Infill Exemption analysis.

Sincerely,

Nick Pappani
Vice President
Raney Planning and Management, Inc.

¹ California Department of Transportation. *California Scenic Highway Mapping System Contra Costa County*. Accessed June 2019. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/.

Attachment C

**Proposed Resolution Approving the
Affordable Housing Density Bonus
Application, Site Plan Review Permit
and Tree Removal Permit**

RESOLUTION NO. YY-2020

A RESOLUTION GRANTING THE APPEAL AND APPROVING THE AFFORDABLE HOUSING DENSITY BONUS APPLICATION (DBA-01-19), SITE PLAN REVIEW (SPR-04-17), AND TREE REMOVAL PERMIT (TRP-24-17) FOR THE OLIVIA ON MARSH CREEK SENIOR HOUSING PROJECT

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

WHEREAS, the City received an application from William Jordan requesting review and consideration of an Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17), and related Environmental Review (ENV-01-17) for development of an 81-unit senior residential project located on three adjacent parcels with a total area of 3.02 acres ("Project"), known as The Olivia on Marsh Creek, located at the southwest intersection of High Street and Marsh Creek Road (Assessor's Parcel Nos. [APNs] 119- 021-063, 119-021-055, and 119-021-013); and

WHEREAS, the City commissioned an independent analysis of the Project's eligibility for an Infill Exemption by Raney Planning & Management, Inc., entitled "Infill Exemption Environmental Analysis for Clayton Senior Housing Project," and dated June 14, 2019, which analyzes whether the Project meets all criteria of the Class 32 Infill Exemption as stated in California Environmental Quality Act (CEQA) Guidelines Section 15332; and

WHEREAS, on November 12 and December 10, 2019, the Clayton Planning Commission held duly-noticed public hearings on the Project and received and considered testimony and evidence, both oral and documentary, and

WHEREAS, on December 10, 2019, the Planning Commission, by 3-1 vote, approved a motion to adopt proposed Resolution No. 05-19 determining that the Project is Categorically Exempt from environmental review under Class 32 (Infill Development Projects) of the CEQA Guidelines; and

WHEREAS, on December 10, 2019, the Planning Commission voted 2-2 on a motion to adopt proposed Resolution No. 06-19 approving with conditions the planning entitlements for the project, including an Affordable Housing Density Bonus Application, Site Plan Review Permit, and Tree Removal Permit, resulting in an action of "No Decision";

WHEREAS, on December 30, 2019, Kent Ipsen, the owner of a property adjacent to the subject site, filed an appeal of the Planning Commission approval of the CEQA Categorical Exemption (Class 32, Infill Development Projects) for the proposed project; and

WHEREAS, on January 2, 2020, Dan Hummer, the owner of a property in the vicinity of the subject site, filed an appeal of the Planning Commission approval of the CEQA Categorical Exemption (Class 32, Infill Development Projects) for the proposed project; and

WHEREAS, on January 2, 2020, Irina and Alexander Liskovich, the owners of a property in the vicinity of the subject site, filed an appeal of the Planning Commission approval of the CEQA Categorical Exemption (Class 32, Infill Development Projects) for the proposed project; and

WHEREAS, on January 2, 2020, William Jordan, the Project applicant, filed an appeal of the “No Decision” action on the planning entitlements by the Planning Commission; and

WHEREAS, on February 4, 2020, the City Council held a duly noticed public hearing, accepting testimony from the appellant, the applicant and the public, and discussed the appeals and staff’s recommended determination of a Class 32 Categorical Exemption (Infill Development Projects) pursuant to the CEQA Guidelines and the recommended conditional approval of the planning entitlements for the project; and

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

WHEREAS, on February 4, 2020, the City Council adopted Resolution No. XX-2020 determining that the project is Categorically Exempt from environmental review pursuant to CEOA, under Class 32 (Infill Development Projects) of the CEOA Guidelines.

NOW THEREFORE, BE IT RESOLVED, the City Council of Clayton does determine the foregoing recitals are true and correct and makes the following findings for approval of the Project:

Clayton Municipal Code (CMC) Section 17.90.090 and State Density Bonus law state that the City shall grant the concessions or incentives requested by a project applicant unless the City makes a written finding, based upon substantial evidence, of either of the following:

- A. The concession or incentive is not required in order to provide for Affordable Housing Costs;*
- B. The concession or incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the Federal Register of Historical Resources or any locally officially designated architecturally and historically significant buildings and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Low and Moderate Income households.*

The applicant has submitted documentation demonstrating that the two requested concessions are required in order to make the development project economically feasible with inclusion of the affordable units. According to the independent analysis prepared on the applicant's behalf, and subject to a peer review by the City's independent consultant, for the cost savings of the concessions: (1) a reduction in setback requirements for buildings and parking spaces; and (2) a reduction in the required number of parking spaces; the total cost savings makes it possible to offer seven units at reduced rents to Very Low Income households.

The City further finds that the requested concessions would not have an adverse impact on public health or safety, the physical environment, or historic resources as defined in Government Code section 65589.5(d)(2). There are no environmentally sensitive areas or historic resources on or adjacent to the project site. With one parking space provided per dwelling unit, the project will avoid potential negative impacts related to parking.

NOW THEREFORE BE IT FURTHER RESOLVED, the City Council hereby makes the following required findings for approval of a Site Plan Review Permit:

1. That the project is consistent with the General Plan and Town Center Specific Plan designations and policies.

The General Plan designation of the project site is Multifamily High Density (MHD) (20 units per acre), and the Specific Plan designation is Multi-Family High Density Residential (15.1-20 units per acre). These designations are intended to facilitate development of apartments or condominiums, and include affordable housing, two stories or higher in areas of Clayton where higher densities are appropriate, such as near the commercial center. The proposed development is partially within and immediately adjacent to the commercial Town Center of Clayton. The proposed design is complementary to the western design theme of the Town Center Specific Plan. The land use designation allows for maximum structural coverage of 65 percent of the site area. The proposed project is well below this maximum, with lot coverages of 24.1 percent for 6170 High Street, 24.5 percent for 6450 Marsh Creek Road, and 26.1 percent for 6490 Marsh Creek Road.

The policies for the MHD land use designation encourage new development to use "Planned Development concepts and standards, with incorporation of significant design and amenity in the project." The project site is subject to the Planned Development District zoning regulations and corresponding development standards. The project is well designed, with quality building materials, articulated facades, ample open space, diverse and attractive landscaping, and other amenities including outdoor furnishings, bicycle racks and an assigned parking space for each unit.

Due to the project incorporating a density bonus, pursuant to State law and the City's Affordable Housing Density Bonus Requirements Ordinance, it exceeds the 20 unit per acre residential density for the MHD land use designation. Proposed residential density for the project with the bonus units is 26.8 units per acre. However, the state Density Bonus Law allows a development project to exceed the maximum density allowed under the General Plan when affordable housing units are included, and the granting of the density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment. Furthermore, the Density Bonus Law requires the City to approve the project with the additional density, provided that it meets all requirements of the law and does not result in specific adverse impacts as defined in Government Code section 65589.5(d)(2). Thus, in this case, the project is allowed and is consistent with State law and the City's general plan and local regulations (CMC Chapter 17.90) at the proposed density of 26.8 units per acre.

2. *Meets the standards and requirements of the Zoning Ordinance.*

The project meets the requirements of CMC Chapter 17.90, the Affordable Housing Density Bonus Requirements. Eleven percent of the number of 60 residential units allowed under the General Plan are set aside for households meeting the U.S. Department of Housing and Urban Development's (HUD's) definition of Very Low Income. Therefore, the project is entitled to a 35 percent density bonus, equivalent to 21 additional units. The type and size of affordable units reflects the range and sizes of units in the project as a whole (five one- bedroom units and two two-bedroom units are designated as below market rate [BMR]). The units are dispersed throughout the three buildings and are identical in design and construction quality to the market-rate units.

The applicant has submitted all required materials for the Affordable Housing Unit Plan that are listed in CMC Section 17.90.140. A requirement for an Affordable Housing Unit Agreement pursuant to CMC Section 17.90.150 has been included as a Condition of Approval for the project.

In addition, the project complies with the zoning standards of the Planned Development District in CMC Chapter 17.28. As prescribed in CMC Section 17.28.050.B, the applicable development standards are the Multiple Family Residential High Density (M-R-H) District standards in Chapter 17.20. With the exception of minor variations in required setbacks and building height and the reduced parking requirements that are permitted through the granting of concessions and waivers/reductions pursuant to the Density Bonus Law, which shall not require, or be interpreted, in and of itself, to require a zoning change, the project meets the development standards for the M-R-H District.

3. *Preserves the general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.*

The project is located on a mostly level site that is not impacted by landslide hazard and is not located in an area at risk of flooding. The project will comply with local and State building codes for seismic safety and fire prevention.

4. *Maintains solar rights of adjacent properties.*

The project is located on a relatively flat site and maintains adequate building setbacks from property lines, thereby avoiding shadow impacts and protecting solar access for adjacent properties.

5. *Reasonably maintains the privacy of adjacent property owners and/or occupants.*

Mature existing trees along the western property line of the subject parcels and along the southern property line of 6490 Marsh Creek Road will be maintained, helping to ensure privacy for adjacent properties to the west and south. In addition, new Oak and Bay trees will be planted along the western property line of 6170 High Street to provide additional screening. Along the "flagpole" section of 6470 Marsh Creek Road that is located

between the two subject parcels at 6450 and 6490 Marsh Creek Road, six-foot high solid wood fencing is proposed to ensure privacy for the former parcel. To reduce intrusion of potential spillover parking from the project into the nearby residential Stranahan subdivision, the developer should be required to contribute funding toward a permit parking program.

6. *Reasonably maintains the existing views of adjacent property owners and/or occupants.*

The project is located on a relatively flat site and is downhill from the adjacent property to the west. Because of the significant difference in elevation between the subject site (approximate elevation of 400 feet above sea level) and the properties to the west, 6470 Marsh Creek Road and 6061 Clayton View Lane, {approximate elevation of 450 feet above sea level) the proposed buildings will not obstruct views from these neighboring properties to the west. No other properties adjacent to the project site have significant views.

7. *Is complementary, although not identical, with adjacent existing structures in terms of design, materials, colors, size, and bulk.*

The applicant has requested a waiver of this standard pursuant to the Density Bonus Law. The size and bulk of the proposed buildings (three stories in height) exceed that of many of the existing structures in the surrounding area. However, the topography in the vicinity of the project site, specifically the hill immediately to the west, has the effect of lessening the visual impact of the taller buildings. In addition, variations in exterior wall planes and design articulation of the facades helps to create a less bulky appearance.

Building materials such as smooth hardiplank siding, brick and composition shingle roofing, as well as stone retaining walls, are similar and complementary to the design and rustic character of nearby structures. Proposed exterior colors for the buildings are primarily neutral and natural earth-tones, such as beiges, browns, grays, and brownish shades of red, which are complementary with the character of the surrounding area.

8. *Is in accordance with the design standards for manufactured homes per Section 17.36.078. of the CMC.*

The project does not include manufactured homes.

9. *Proposed tree removal with proposed tree replacement will not adversely impact the health, safety, and general welfare of the residents, while balancing the right of an individual to develop private property per Section 15.70.010 of the CMC.*

The applicant is proposing and the City is requiring replacement trees both on-site and off-site with this proposed project.

NOW THEREFORE BE IT FURTHER RESOLVED, the City Council does hereby approve the Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit

(SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek Road, an 81-unit senior residential development located on three adjacent parcels with a total area of 3.02 acres, located at the southwest intersection of High Street and Marsh Creek Road (APNs 119-021-063, 119-021-055, and 119-021-013), subject to the following conditions:

PLANNING CONDITIONS

1. An Affordable Housing Unit Agreement (AUA) shall be recorded as a restriction on each parcel on which the Affordable Housing units will be constructed in a form acceptable to the City Attorney. The approval and recordation of the AUA shall take place prior to issuance of building permits. The AUA shall be binding on all future owners and successors interest. The AUA shall include, at minimum, but shall not be limited to the following:
 - a. A description of the development, including the total number of units, the number of Affordable Housing Units, and the tenure of the Affordable Housing Units;
 - b. The size, in square footage, and location of Affordable Housing Units;
 - c. A description of the household income group to be accommodated by the Affordable Housing Units, and the formula for determining the monthly rent amount for each Affordable Housing Unit;
 - d. The term of affordability for the Affordable Housing Units;
 - e. A schedule for completion and occupancy of the Affordable Housing Units;
 - f. Provisions and/or documents for rights of first refusal or rental restrictions;
 - g. The Marketing Plan for rental of the Affordable Housing Units;
 - h. Provisions for monitoring the ongoing affordability of the Affordable Housing Units, and the process for qualifying prospective resident households for income eligibility; and
 - i. A description of the concession(s) or incentive(s) provided by the City.
 - j. Specific property management procedures for qualifying and documenting tenant income eligibility, establishing affordable rent and maintaining Affordable Housing units for qualified tenants;
 - k. Provisions requiring property owners to verify household incomes and maintain books and record to demonstrate compliance with this chapter;
 - l. Provisions requiring the Property Owner to submit an annual report to the city, which includes the name(s), address, and income of each household occupying target units, and which identifies the bedroom size and monthly rent or cost of each Affordable Housing unit;
 - m. Provisions describing the amount of, and timing for payment of, Administrative Fees to be paid to the City for the mandated term of compliance monitoring in accordance with the provisions of this chapter; and
 - n. Any additional obligations relevant to the compliance with Chapter 17.90 of the Clayton Municipal Code, *Affordable Housing Density Bonus Requirements*.

2. 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.
3. Any major changes to the project as determined by the Community Development Director shall require Planning Commission review and approval. Any minor changes to the project as determined by the Community Development Director shall be subject to City staff review and approval.
4. 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.
5. Parking spaces shall be assigned to specific residential units. Each unit shall have one (1) assigned parking space. The number and location of the assigned parking space shall be stated in the rental agreement for each unit.
6. The applicant shall execute a shared parking agreement between 6170 High Street and 6450 Marsh Creek Road allowing for three (3) resident parking spaces and one (1) guest parking space for 6170 High Street to be located on the 6450 Marsh Creek Road parcel. The shared parking agreement shall be recorded on the deed for each parcel and shall be in a form acceptable to the City Attorney.
7. Prior to issuance of a building permit, the applicant shall assure there is a recorded easement in a form acceptable to the City Attorney between Site 1 and Site 2 for pedestrian access between parking lot areas.
8. 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.
9. Prior to issuance of demolition permits for on-site structures, 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.

10. 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 parts per million (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 parts per billion (ppb) in accordance with an approved disposal plan to be submitted to the Community Development Department prior to issuance of demolition permits.
11. 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.
12. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgments, liens, levies, costs, and expenses of whatever nature, including attorney's fees and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, or the environmental review conducted under the California Environmental Quality Act for this entitlement and related actions. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.

GENERAL CONDITIONS

13. The project shall comply with the Clayton Municipal Code. All construction shall conform to the requirements of the California Building Code and City of Clayton standards.

14. The project shall be implemented as indicated on the application form and accompanying materials provided to the City and in compliance with the Clayton Municipal Code, or as amended by the Planning Commission.
15. No building permit will be issued unless the plan conforms to the project description and materials as approved by the Planning Commission and the standards of the City.
16. This approval expires two years from the date of approval (expires _____, 2021), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Planning Commission. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one-year extension shall be granted.
17. This approval supersedes previous approvals, if any, that have been granted for this site.
18. The general contractor shall install and maintain the erosion and sedimentation control devices around the work premises per the most current NPDES Municipal Regional Permit (MRP). Current MRP Is 2.0 and upcoming permit will be MRP-3.0.
19. All required easements or rights-of-way shall be obtained by the applicant at no cost to the City of Clayton. Advance permission shall be obtained from any property owners or easement holders for any work done within such property or easements.
20. Prior to Issuance of the certificate of occupancy for each property, the public Improvement for that property including streets, sewers, storm drains, street lights, and traffic signs required for access to the site shall be completed to the sole satisfaction of the City Engineer or City Traffic Engineer.
21. City staff shall inspect the site for compliance with conditions of approval and approved plans prior to final inspection approval.
22. The applicant shall obtain an encroachment permit for all work to be done within the public right-of-way or easement, and peak commute-hour traffic shall not be impeded by construction-related activity. All on-site improvements not covered by the building permit including walkways, driveways, paving, sewers, drainage, curbs, an gutters must be constructed in accordance with approved plans and/or standards and a Site Development Permit approved by the City Engineer.
23. All existing easements shall be identified on the site plan and all plans that encroach into existing easements shall be submitted to the easement holder for review and approval, and advance written permission shall be obtained from any

property owner or easement holder for any work done within such property or easement.

24. Building permits for retaining walls shall be obtained as follows:
 - a. For major walls over three feet in height to be constructed during the mass grading phase, obtain a building permit prior to issuance of the grading permit.
 - b. For all other walls, obtain a building permit prior to issuance of permits for structures on the respective lot in accordance with the applicable California Building Code Standards.

NOISE CONTROL, DUST AND CONDITIONS FOR CONSTRUCTION ACTIVITY

25. An encroachment permit is required for all work in the public right-of-way. Restoration of existing improvements (curb, gutter, sidewalk, street section, etc.) shall be to the City of Clayton standards and as approved by the City Engineer.
26. The use of construction equipment shall be restricted to weekdays between the hours of 8:00 a.m. and 5:00 p.m., or as approved in writing by the City Manager.
27. The project shall be in compliance with and supply all the necessary documentation to comply with the City of Clayton Construction and Demolition Debris Recycling Program.
28. Driveway access to neighboring properties shall be maintained at all times during construction.
29. Standard dust control methods shall be used to stabilize the dust generated by construction activities in accordance with the Bay Area Air Quality Management District standards.
30. The site shall be fenced with locked gates by 7:00 p.m. The gates shall remain locked until 7:00 a.m. Contractors shall not arrive at the site prior to the opening of the gates. The name and contact information shall be placed at locations on the site for neighbors to contact in the circumstance there is a concern that needs to be addressed to the satisfaction of the City Engineer.
31. All construction equipment utilizing combustion engines shall be equipped with "critical" grade (rather than "stock" grade) noise mufflers or silencers that are in good condition. Back up "beepers" shall be tuned to insure lowest possible noise levels while also serving the safety purpose of the backup sound indicator.
32. Stationary noise sources shall be located at least 300 feet away from any occupied residential or business dwellings unless noise-reducing engine housing enclosures or other appropriate noise screens are provided.

33. Speeds of construction equipment shall be limited to 10 miles per hour (mph). This includes equipment traveling on local streets to and from the site.
34. Access shall be maintained to all driveways at all times.
35. There shall be no parking of construction equipment or construction worker's cars on residential or business streets at any time. A staging area shall be secured prior to issuance of a grading or building permit as determined necessary by the City Engineer.
36. Truck routes for the import or export of cut/fill material shall be identified and approved by the City Engineer prior to the issuance of any permits. Applicant shall be responsible for the repair of any damage to City streets (private and public) caused by the contractor's or subcontractor's vehicles.
37. Prior to construction, applicant shall ensure that the contractor shall contact City inspector for a pre-construction meeting. Haul route shall be submitted for review and approval by the City Engineer.
38. All construction activities must be designed to minimize potential spills from equipment and to provide a planned response in the event an accidental spill occurs. The applicant shall maintain spill equipment on site; there shall be a designated area if refueling takes place on site. Applicant shall insure all construction personnel are trained in proper material handling, cleanup and disposal procedures.
39. Prior to any demolition activities, a demolition permit shall be obtained and all demolition activities be performed in accordance with the Bay Area Air Quality Management District Regulation 11 Hazardous Pollutants, Rule 2 Asbestos Demolition, Renovation, and Manufacturing. The purpose of this Rule is to control emissions of asbestos to the atmosphere during demolition, renovation, milling and manufacturing and establish appropriate waste disposal procedures. These requirements specify the appropriate methods for survey, demolition/removal, and disposal of asbestos materials to control emissions and prevent hazardous conditions. Specifications developed for the demolition activities shall include the proper packaging, manifesting and transport of demolition wastes by trained workers to a permitted facility for disposal in accordance with local, State, and Federal requirements.
40. Prior to demolition or renovation activities that may disturb suspected lead based paint (LBP), actual material samples shall be collected or an XRF survey performed in order to determine if LBP is present. It should be noted that construction activities that disturb materials or paints containing any amount of lead are subject to certain requirements of the Occupational Safety and Health Administration (OSHA) lead standard contained in 29 CFR 1910.1025 and 1926.62. If lead-based paint is identified, the paint shall be removed by a qualified lead abatement contractor. Specifications developed for the demolition

activities shall include the proper packaging, manifesting, and transport of demolition wastes by trained workers to a permitted facility for disposal in accordance with local, State, and Federal requirements.

PROPERTY MAINTENANCE

41. A parking lot sweeping program shall be implemented that, at a minimum, provides for sweeping immediately prior to the storm season and prior to each storm event.
42. The site shall be kept clean of all debris (litter, boxes, junk, garbage, etc.) at all times.
43. No signs shall be installed on this site without prior City approval.
44. Any undeveloped areas on-site shall be maintained in an attractive manner that ensures fire safety and prevents any runoff onto the adjacent sidewalks.

AGENCY REQUIREMENTS

45. Applicable requirements of other agencies including, but not limited to the Contra Costa County Fire District, the Contra Costa Water District, City of Concord (Sanitation), and the East Contra Costa County Habitat Conservancy shall be met.

FEES

46. The applicant shall pay all fees required by the City Council and other applicable agencies.
47. The applicant shall pay all required fees at the time of building permit issuance.

GRADING

48. All grading shall be required grading and drainage plan prepared by a registered Civil Engineer, a soils report prepared by a registered Geotechnical Engineer and a Grading Permit approved by the City Engineer. The grading plans and soils report shall require review by the City's geotechnical consultant with all costs to be borne by the applicant.
49. All recommendations made in the Soil Engineers report (unless amended through the City's review) and all recommendations made by the City's geotechnical consultant shall be incorporated into the design and construction of the project.
50. Contour grading techniques with spot elevations shall be employed throughout the project to achieve a more natural appearance, even where this will increase the amount of grading.

51. Tops of cuts or toes of fills adjacent to existing public rights-of-way or easements shall be set back two feet minimum from said rights-of-way and easements.
52. Erosion control measures shall be implemented by the applicant per plans approved by the City Engineer for all grading work not completed before October 1. At the time of approval of the improvement and/or grading plans, an approved Erosion Control Plan prepared by a registered Civil Engineer shall be filed with the City Engineer.
53. All graded slopes in excess of 5 feet in height shall be hydroseeded no later than September 15 and irrigated (if necessary) to ensure establishment prior to the onset of the rainy season
54. The applicant's engineer shall certify the actual pad elevation for the lot in accordance with City standards prior to issuance of Building Permit.
55. Any grading on adjacent properties will require written approval of those property owners affected.
56. If cultural resources are discovered during subsurface excavations, the Contractor shall cease construction and a qualified archeologist shall be contacted to make recommendations for mitigation.
57. The plans shall include the boundary treatment shown on cross sections, drawn to scale, for retaining walls, fencing and drainage.
58. All elevations shown on the grading and improvement plans shall be on the USGS 1929 sea level datum or NAVD 88 with conversion information, or as approved by the City Engineer.

UTILITIES

59. In the circumstance the applicant or successor-in-interest applies to convert the project from a rental apartment project to a condominium subdivision, the applicant or successor-in-interest shall be required to underground all existing and proposed utilities in accordance with the applicable provisions of the Clayton Municipal Code (CMC) at that time.
60. Trash enclosures shall drain to sanitary sewer and shall incorporate methods to contain runoff at the front-gate and pedestrian access point to prevent storm water from entering the enclosure.
61. The sewer collection system shall be constructed to function as a gravity system. Sanitary sewer collection system shall be constructed to the standards of the City of Concord and Central Contra Costa Sanitary District. Inspections of sanitary sewer collection system shall be performed by City of Concord under contract to City of Clayton.

62. Water system facilities shall be designed to meet the requirements of Contra Costa Water District and the fire flow requirements of the Contra Costa County Fire Protection District. All requirements of the responsible agency shall be guaranteed prior to approval of the improvement plans. Any required offsite easements shall be obtained by the applicant at his/her own expense.
63. A reduced pressure backflow preventer assembly shall be installed on all water meter services.
64. Double detector check fire line backflow assemblies shall be enclosed within an easement granted to Contra Costa Water District, as needed, and at no cost to the City or the District.
65. The applicant shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer. This will include a minimum residual pressure of 20 pounds per square inch (psi) with all losses included at the highest point of water service and a minimum static pressure of 50 psi.
66. All onsite utilities shall be privately maintained and connected to public facilities in accordance with City and applicable agency standards, as approved by the City Engineer.
67. All sanitary sewer system connections and improvements shall be submitted for reviewed and approved by the City Engineer and review and comment by the City of Concord (Sanitation).

DRAINAGE AND WATER QUALITY

68. For projects disturbing one (1) acre or more, the applicant shall comply with the State Construction General Permit requirements. The applicant shall be responsible for preparing the Stormwater Pollution Prevention Program (SWPPP), submit all required documents, and obtaining coverage by filing a Notice of Intent (NOI) with State Water Resource Control Board (SWRQB).
69. A copy of the SWPPP and the Notice of Intent (WDID) shall be submitted to the City prior to issuing permits for construction. The SWPPP and the WDID shall be kept at the job site during construction. The WDID number shall be included onto the cover sheet of the Grading Plans for the project.
70. Prior to approval of the grading plans, the applicant shall submit a drainage study to the City for review and approval, and to the Contra Costa County Flood Control and Water Conservation District (FC District) for review and comment. The applicant shall be responsible to pay directly for the agency's review.

71. Applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Permit (MRP) of the State Regional Water Resources Control Board NPDES Permit as applicable to this project.
72. Stormwater control facilities (C.3 facilities) shall be maintained and operated by the applicant/property owner, in perpetuity, in accordance with the Operation and Maintenance Plan. The applicant/property owner shall provide periodic and annual inspection reports.
73. Applicant shall submit a comprehensive Stormwater Control Plan, construction plans, details, and calculations in accordance with the current Contra Costa Clean Water Program (CCCWP) C.3 Guidebook. Required offsite improvements and street(s) frontage improvement work shall be considered and included as a part of this project for compliance with C.3 requirements. The Stormwater Control Plan watershed drainage map shall include all impervious surface locations (i.e. streets, buildings, parking lots, walkways, etc.) to be used in the calculations for sizing C.3 facilities.
74. CCCWP C.3 online calculator shall be used in determining the size of the required C.3 facilities. Submit a printout and attach a copy in the Stormwater Control Plan.
75. Bio-retention basin side slopes shall not be steeper than 3H:1V.
76. Using C.3 bio-retention basin(s) as a detention basin(s) for the mitigation of increased peak flows shall be subject to the City Engineer's approval. If approved by the City Engineer, applicant shall submit hydrology and hydraulic study, calculations, and details to demonstrate compliance with the C.3 requirements as well as flood control requirements. Detention basin(s) design parameters and the calculations shall also be in accordance with Contra Costa County Flood Control guidelines.
77. Prior to City Approval of the plans and issuance of permits, the applicant shall submit a signed operation and maintenance agreement. The agreement shall be the City's standard form and subject to the review and approval by the City.
78. All storm water flows shall be collected onsite and discharged into an approved public storm drain system. No onsite drainage is allowed to flow over the sidewalk.
79. Applicant shall not increase storm water runoff to adjacent downhill lots unless either: (1) a Drainage Release is signed by the property owner(s) of the affected downhill lots and recorded in the office of the County Recorder; or (2) site drainage is collected and conveyed in approved drainage facilities within a private drainage easement through a downhill property. This condition may require collection of on-site runoff and construction of an off-site storm drainage

system. All required releases and/or easements shall be obtained prior to issuance of any building permits.

80. A structure shall be installed at all pipe intersections, change of direction, or change in slope as approved by the City Engineer.

STREET IMPROVEMENTS

81. Sidewalks, curb, gutter, sidewalk and street pavement shall be constructed and/or replaced (if cracked, broken or damaged) in the public right-of-way along the entire project frontage as required by the City Engineer and at no cost to the City. Driveway aprons shall be removed and/or replaced with new curb, gutter and sidewalk to match the proposed development. Corner curb ramps (handicap ramps) that do not meet current Federal ADA and State Title 24 Standards shall be replaced to current standards. Existing street pavement section shall be removed and replaced along the frontage of the property to the centerline of the street if the section is cracked or damaged in any way (regardless if it is damaged by project construction or not), or other roadway preservation methods as approved by the City Engineer. All required public easements or rights-of-way shall be offered to the City. All improvements shall be designed and constructed to the satisfaction of the City Engineer.
82. All streets shall be paved and improved after utilities are installed in accordance with the City of Clayton Standard Drawings and Design Guidelines and the approved plans.

LANDSCAPING

83. Sight distance triangles shall be maintained per Chapter 12.08 of the CMC, Site Obstructions at Intersections, or as approved by the City Engineer. Landscaping and signage shall not create a sight distance problem.
84. Detailed landscaping and irrigation plans for the entire site shall be submitted to the City for review and approval. All landscaping and irrigation shall be installed in accordance with approved plans prior to the issuance of certificates of occupancy for this building.
85. Landscaping for the project shall be designed to comply with the applicable requirements of City of Clayton Municipal Code. The State Model Water Efficient Landscape Ordinance (MWELo). Prior to issuance of a building permit, the applicant shall demonstrate compliance with the applicable requirements of the MWELo in the landscape and irrigation plans submitted to the City.
86. Landscape shall show immediate results. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed, and/or otherwise maintained as necessary. Plant materials shall be replaced as needed to maintain the landscaping in accordance with the approved plans. Plant material selection shall avoid plant

species that are known to be susceptible to disease (e.g., Platanus Blood Good) or drop fruit on hard surfaces and walkways causing a maintenance or safety concern.

87. All trees shall be a minimum 15-gallon size and all shrubs shall be a minimum 5-gallon size.

PROJECT SPECIFIC CONDITIONS

88. Any cracked or broken sidewalks shall be replaced as required by the City Engineer.
89. All rooftop mechanical equipment shall be screened from the public right-of-way and the residential properties to the west of the subject property. A line of sight study shall be submitted with the building permit submittal confirming the equipment is screened.
90. Asphalt paving shall have a minimum slope of two percent (2%), concrete paving shall have a minimum slope of 0.75%, except asphalt paving for identified accessible parking stalls and access routes shall have a minimum slope of 1.5% and a maximum slope of 2%, or as approved by the City Engineer.
91. All on-site curbs, gutters and sidewalks shall be constructed of Portland cement concrete.
92. All walkways adjacent to parking areas with vehicle overhang shall be a minimum of six and a half (6½) feet wide.

TREE PROTECTION CONDITIONS

93. The following construction policies and guidelines for tree preservation and protection put forth by the City of Clayton shall be followed during project implementation:
 - 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.
- 94. 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 in-lieu fee equal to 200% of the value (as established by the International Society of Arboriculture) of the original tree(s) to be preserved.
- 95. The Community Development Department shall review and approve grading and improvement plans to ensure adequate measures are taken to protect trees.

LANDSCAPING CONDITIONS

- 96. The project shall comply with all applicable requirements and regulations as they pertain to the Landscape Water Conservation Standards and the Water Efficient Landscape Ordinance.
- 97. Three sets of the landscape and irrigation plans 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 prepared by a landscape architect.
- 98. 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.
- 99. 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.

EXPIRATION CONDITIONS

- 100. The Tree Removal Permit (TRP-24-17) shall expire simultaneously with the expiration of the Site Plan Review Permit (SRP-04-17), pursuant to the permit expiration provisions listed in Chapter 17.64 of the Clayton Municipal Code.

GENERAL CONDITIONS

- 101. The applicant shall obtain the necessary approvals from the Contra Costa County Fire Protection District.

102. The applicant shall provide an adequate and reliable water supply for fire protection as set forth in the Uniform Fire Code.
103. The access driveway/roadway and turnaround improvements must be completed and inspected by the Contra Costa County Fire Protection District (CCCFPD) prior to construction on the two residential lots.
104. All proposed residences are required to be protected with an approved automatic fire sprinkler system complying with the 2013 edition of NFPA 130 or Section R313.3 of the 2013 California Residential Code. A minimum of two (2) sets of sprinkler plans shall be submitted to the CCCFPD for both residences for review and approval prior to installation.
105. Additional requirements may be imposed by the CCCFPD. Before proceeding with the project, it is advisable to check with the CCCFPD located at 4005 Port Chicago Highway, Concord, 925-941-3300.
106. The applicant shall comply with all applicable State, County, and City codes, regulations, and standards as well as pay all associated fees and charges.
107. All construction and other work shall occur only between 7:00 a.m. and 5:00 p.m. Monday through Friday. Any such work beyond these hours and days is strictly prohibited unless specifically authorized in writing by the City Engineer (Clayton Municipal Code Section 15.01.101).
108. The applicant shall obtain the necessary building permits from the Contra Costa County Building Inspection Department. All construction shall conform to the California Building Code.
109. Prior to issuance of a Certificate of Occupancy for any residential building, the applicant shall install security cameras to monitor primary individual building entries and parking areas with the ability to archive and monitor the imaging to the satisfaction of the Chief of Police.
110. In the circumstance the applicant or successor-in-interest applies to convert the rental apartment project to a condominium subdivision, the applicant or successor-in-interest shall pay Quimby Act fees in accordance with applicable provisions of the Clayton Municipal Code (CMC) and City adopted fee schedule in effect at that time.
111. The applicant shall prepare a property maintenance program to address on-going building maintenance, landscaping, parking lot maintenance, and tenant maintenance responsibilities to the satisfaction of the City Attorney.
112. Prior to issuance of a City demolition and/or grading permit the applicant shall complete a Green Infrastructure Feasibility analysis, as required by the San Francisco Rational Water Quality Control Board in MRP 2.0, to determine

opportunities to address existing frontage runoff into planned or new bio-retention areas behind the back of curb. If such analysis determines these are feasible, any Green Infrastructure shall be maintained by the abutting property owner in perpetuity.

113. The applicant is advised this project is subject in perpetuity to the required (annual) Operations and Maintenance inspections by the City for the C.3 facilities at the costs established and updated annually in the City Fees and Charges Schedule.
114. The trash enclosures shall have solid metal doors, a solid roof and ventilation. The proposed trash enclosures need to be enlarged in order to have internal clear dimensions that are adequate to accommodate the required refuse and recycling dumpsters/containers and resident accessibility to utilize them. The trash enclosures must be located in close proximity to the access driveway near the public right-of-way to the satisfaction of Republic Services and the City Engineer to assure accessibility for trash removal and adequate sight distance to assure the public the safety.
115. All landscaping along Marsh Creek Road and along High Street behind the back of curb shall be maintained by the abutting property owner in perpetuity.
116. Prior to the issuance of the first Certificate of Occupancy the applicant shall obtain City Council approval of and contribute up to \$20,000 to establish a Permit Parking Program System for the Stranahan Subdivision located across Marsh Creek Road to the east of the project to limit possible spillover parking from outside that neighborhood to the satisfaction of the City Engineer and Chief of Police.
117. Prior to the issuance of the first Certificate of Occupancy the applicant shall install electronic speed indicator signage on Marsh Creek Road in the vicinity of the intersection of Marsh Creek Road and Stranahan Circle to facilitate reducing speeding in this area to the satisfaction of the City Engineer and Chief of Police.
118. Prior to the issuance of the first Certificate of Occupancy the applicant shall install pedestrian activated crosswalk flashers at the trail crosswalk south of the project site on Marsh Creek Road to facilitate pedestrian safety to the satisfaction of the City Engineer.
119. The property owner shall provide annual bus passes to the tenants in the development and establish a car share program to facilitate reducing on-site parking demand to the satisfaction of the Community Development Director.
120. Prior to the issuance of the first Certificate of Occupancy the applicant shall provide and install fifty 15-gallon trees off-site within the City of Clayton to increase carbon absorption to the satisfaction of the City Maintenance Supervisor and City Manager.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 4^h day of February 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Julie Pierce, Mayor

ATTEST:

Janet Calderon, City Clerk

Attachment D

**Staff Report from November 12, 2019,
Planning Commission Meeting
(without attachments)**

**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: November 12, 2019

Item Number: 5.a

From: David Woltering, AICP, MPA
Interim Community Development Director



Prepared By: Holly Pearson, AICP
Contract Planner

Subject: Public Hearing to review and consider an Infill Exemption in accordance with the California Environmental Quality Act (CEQA), Affordable Housing Density Bonus Application, Site Plan Review Permit, and Tree Removal Permit for The Olivia on Marsh Creek, an 81-unit Senior Rental Housing Development (ENV-01-17, DBA-01-19, SPR-04-17, TRP-24-17)

Applicant: William Jordan

REQUEST

The applicant, William Jordan, requests a public hearing before the Clayton Planning Commission for the purpose of reviewing the Infill Exemption (ENV-01-17), Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek, a proposed 81-unit senior (55 and older) rental housing project. The project includes seven affordable units designated for Very Low Income households (as defined by the U.S. Department of Housing and Urban Development [HUD]). The proposed development is located on three adjacent parcels at the southwest corner of the intersection of High Street and Marsh Creek Road in the Town Center (6170 High Street) and just south of the Town Center (6450 Marsh Creek Road and 6490 Marsh Creek Road) of Clayton. The total area of the project site is 3.02 acres (see **Attachment A** for Vicinity Map).

The Affordable Housing Density Bonus application involves a request to allow a greater number of residential units than is normally permitted on the site under the General Plan land use designation and zoning (81 units proposed, as compared to 60 normally permitted) in exchange for the provision of the seven affordable units, in accordance with State and local Density Bonus Law provisions. The Site Plan Review Permit request involves consideration of the

architecture, landscaping, parking, lighting, and fencing for the construction of three multi-unit residential buildings on three separate parcels, each consisting of between 25 and 30 units. The Tree Removal Permit request is for the proposed removal of 106 total trees on the three parcels to accommodate construction of the buildings and other improvements, with a tree replacement plan provided.

PROJECT INFORMATION

Applicant/Property Owner: William Jordan
P.O. Box 547
Clayton, CA 94517

Acreage/Location: Total of 3.02 acres comprised of three lots:
6170 High Street (APN: 119-021-063) (1.11 acres)
6450 Marsh Creek Road (APN: 119-021-055) (0.97 acres)
6490 Marsh Creek Road (APN: 119-021-013) (0.93 acres)

General Plan Designation: Multifamily High Density (20 units per acre)
Town Center Commercial (for 6170 High Street only)

Town Center Specific Plan Designation: Multi-Family High Density Residential
(15.1 to 20 units per acre)

Zoning Classification: Planned Development (PD) District

Surrounding General Plan Designations:
North: Town Center Commercial
South: Rural Estate (0 to 1.0 units per acre)
Multifamily High Density (20 units per acre)
East: Single Family High Density (5.1 to 7.5 units per acre)
Town Center Commercial
West: Town Center Commercial
Rural Estate (0 to 1.0 units per acre)

Surrounding Zoning Classifications:
North: Planned Development (PD) District
South: Planned Development (PD) District
East: Planned Development (PD) District
West: Planned Development (PD) District
Single Family Residential R-40-H (minimum lot area 40,000 square feet with equestrian uses)

Environmental Review: Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Section 15332, Infill Development Projects.

Public Notice: On November 1, 2019, a Public Hearing Notice was published in the Contra Costa Times, posted on the notice boards, and mailed to property owners located within 300 feet of the project site.

Authority: Section 17.44.020 of the Clayton Municipal Code (CMC) authorizes the Planning Commission to approve a Site Plan Review Permit in accordance with the standards of review in CMC Section 17.44.040.

Section 15.70.030.C of the CMC authorizes the Planning Commission to approve, conditionally approve, or deny a tree removal permit.

Chapter 17.90 of the CMC incorporates the State requirements set forth in California Government Code § 65915, authorizes the City to approve additional density for a residential development beyond the maximum density allowed in the applicable zoning district, in exchange for the inclusion of affordable housing units in the development.

BACKGROUND

On September 6, 2017, the applicant, William Jordan, filed an application with the Clayton Planning Department to construct a multi-family residential development project at the corner of High Street and Marsh Creek Road, including a request for the granting of a density bonus pursuant to the State's Density Bonus Law (California Government Code Sections 65915 to 65918) and the City's Affordable Housing Density Bonus Requirements Ordinance (Chapter 17.90 of the Clayton Municipal Code [CMC]). The proposed development would consist of for-rent units and would be restricted to occupancy by residents age 55 and older.

The 3.02-acre project site consists of three separate parcels: 6170 High Street, 6450 Marsh Creek Road, and 6490 Marsh Creek Road. The three parcels would remain separate; no merging of lots is proposed. A portion of the rear lot line of 6170 High Street abuts the side lot line of 6450 Marsh Creek Road. A 20-foot wide "pole" portion of a flag lot immediately to the west of 6450 Marsh Creek Road separates the latter parcel from 6490 Marsh Creek Road.

All three parcels have a General Plan land use designation of Multifamily High Density; in addition, 6170 High Street is located within the Town Center Specific Plan area, which applies additional design standards to development on that lot. All three parcels have a zoning designation of Planned Development (PD) District. Per CMC Section 17.28.050, for properties zoned Planned Development and with a General Plan land use designation of Multifamily High Density, the development standards for the Multiple Family Residential (M-R-H) District apply to multifamily residential development projects.

The three parcels associated with this application were identified as affordable housing opportunity (AHO) sites in the City's 2009-2014 Housing Element Update. Accordingly, in 2011, the properties were re-designated in the City's General Plan to Multifamily High Density Residential to allow a maximum of 20 units per acre, increasing the allowed densities from a maximum of five units per acre along Marsh Creek Road and 15 units per acre on High Street. The City had determined that the proximity of these parcels to the Town Center, services and nearby bus transit offered for Clayton an appropriate opportunity to locate affordable housing. Subsequently, in 2016, the City designated these sites for 20 units per acre to assure achieving density levels that would enable a developer to construct affordable units on these parcels. The current developer has been working with the City since 2015, considering different options for developing these properties. The developer shifted from an earlier townhome development proposal at about 15 units per acre to this current senior housing proposal with seven affordable housing units as a concept that would offer higher density close to services and transit with affordable units in support of the City's Housing Element objectives. The 81 units would additionally offer economic development advantages for the Town Center restaurants and merchants, given the population that would occupy this development could walk to these establishments.

AFFORDABLE HOUSING DENSITY BONUS APPLICATION

The project site's General Plan land use designation, Multifamily High Density, allows a maximum density of 20 units per acre, or 60 total units for the 3.02-acre site. Under California's Density Bonus Law, because the proposed project provides seven affordable (below market rate) units, or 11 % of the maximum allowed number of units, the project is eligible for a density bonus of 35 %, or 21 units, for a total of 81 proposed units.

As noted above, the seven affordable units in the proposed development would be designated for residents meeting HUD's definition of Very Low Income for the Oakland-Fremont HUD Metro Fair Market Rate (FMR) Area (the federally-defined geographical area in which Contra Costa County is located, for the purpose of calculating area median income as well as local income limits for eligibility for federal housing subsidies). For 2019 the definition of Very Low Income for the Oakland-Fremont HUD Metro FMR Area is a maximum annual income of \$43,400 for a one person, \$49,600 for a family of two persons, and \$61,950 for a family of four persons.

The affordable units are dispersed throughout the proposed development. The locations and sizes of these units are as follows:

- | | |
|------------------------|---|
| 6170 High Street: | 1 bdrm 1 bath / 683 sq. ft. / 2nd floor |
| | 1 bdrm 1 bath / 566 sq. ft. / 2nd floor |
| | 2 bdrm 2 bath / 950 sq. ft. / 2nd floor |
| 6450 Marsh Creek Road: | 1 bdrm 1 bath / 671 sq. ft. / 2nd floor |
| | 1 bdrm 1 bath / 567 sq. ft. / 2nd floor |

6490 Marsh Creek Road: 1 bdrm 1 bath / 567 sq. ft. / 2nd floor
2 bdrm 2 bath / 950 sq. ft. / 2nd floor

Legal Context and Requirements

California Density Bonus Law

The State's Density Bonus Law is a package of incentives intended to help make development of affordable and senior housing more affordable. In addition to provisions allowing additional residential density for qualifying projects, the law provides for incentives and concessions such as a reduction in parking requirements, reduction or relaxation of development or design standards, and other similar project modifications that reduce the cost of development, thereby helping to make the inclusion of below market rate units financially feasible. The Density Bonus Law specifies that a development meeting the requirements of the law is entitled to receive the density bonus and accompanying concessions by right, provided that the project would not result in adverse impacts (e.g. harmful public health or safety effects, environmental degradation, or damage to a historic resource). In other words, a local jurisdiction is required to grant a density bonus, along with the incentives and concessions that have been demonstrated to be necessary to make the project feasible, when the proposed project complies with the Density Bonus Law.

The Density Bonus Law includes three categories of incentives: maximum parking requirements, concessions, and waivers/reductions of development standards. Maximum parking requirements are established based on unit size. For a project seeking a density bonus, the local jurisdiction with approval authority is allowed to require a maximum of one parking space per one-bedroom unit and two spaces per two-bedroom unit. However, an applicant can request a lower parking standard as a concession.

Concessions are defined under the law as modifications to development standards, including zoning regulations and design standards that result in actual and verifiable cost reductions. The applicant must demonstrate that a requested concession is necessary to make the project financially feasible. The law stipulates that, for a project proposing to designate between 10% and 15% of the total units for Very Low Income households (as defined by HUD), the developer is entitled to receive two concessions.

A developer is also entitled to a waiver or reduction of any development standard that is shown to physically preclude construction of the proposed project at the residential density that is allowed with the bonus. The Density Bonus Law does not impose a limit on the number of waivers a developer may request. For waivers, the project applicant does not need to demonstrate economic necessity. As with concessions, the local jurisdiction must grant the waiver or reduction if it is found to be necessary to physically accommodate the project and there is not a resulting adverse impact to the public health, welfare, and safety.

Clayton Affordable Housing Density Bonus Requirements Ordinance

Chapter 17.90 of the CMC is the City's Affordable Housing Density Bonus Ordinance, which was adopted to comply with the State's Density Bonus Law. The ordinance establishes the

procedure and submittal requirements for a proposed residential development with affordable units to request a density bonus. Among other requirements, the applicant must provide information that describes the concessions being requested and verify the cost reductions associated with these concessions.

Project Requests under Affordable Housing Density Bonus Application

Requested Concessions

As noted above, because the proposed development would restrict 11 % of the permitted number of units to Very Low Income households, based on the provisions of the Density Bonus Law the project is entitled to receive two (2) concessions. The applicant has requested the two concessions described below as part of the Affordable Housing Density Bonus application:

1. Reduction in Setback Requirements

The applicant is requesting a reduction in some of the required building setbacks for the development. The table below summarizes the specific parcels and building setbacks for which a reduced standard is sought, and shows both the required and proposed building setbacks:

6170 High Street	Required by Code	Requested for Project
Front	20 ft	8 ft
6450 Marsh Creek Road	Required by Code	Requested for Project
Side - South	15 ft	11 ft

In addition the applicant requests a reduction in the required front setback for parking spaces (*CMC Section 17.37.090.A.2 prohibits parking in the front setback*). The required and proposed front parking setbacks are shown below:

6170 High Street	Required by Code	Requested for Project
Front (north)	20 ft	12 ft
6450 Marsh Creek Road	Required by Code	Requested for Project
Front	20 ft	0 ft
6490 Marsh Creek Road	Required by Code	Requested for Project
Front	20 ft	4 ft (approx.)

2. Reduction in Required Number of Parking Spaces

The second concession requested is a reduced parking requirement (please note: as previously described, the Density Bonus Law sets forth a *maximum* parking requirement that may be imposed by the local jurisdiction of one space per one-bedroom unit and two spaces per two-bedroom unit. In this case, the applicant is requesting a reduction below this maximum as a concession). The proposed Olivia on Marsh Creek development includes 45 one-bedroom units and 36 two-bedroom units. Under CMC Section 17.37.030, this unit count would result in 180 required parking spaces (including guest parking) and, under the Density Bonus Law, the maximum number of parking spaces that the City may require is 117.

The applicant's original request for reduction of the parking requirement was 62 spaces (0.76 spaces per unit). Staff felt that this amount of parking was insufficient to serve the need and demand of the residential development and would cause spillover parking effect into adjacent residential areas. Because the requested concession would result in an adverse impact on the surrounding area, staff requested that the developer provide at least one assigned parking space per unit on-site plus a small amount of guest parking. Accordingly, the developer revised the parking plan to provide up to 86 spaces, equal to one space per residential unit plus 5 guest spaces). Each residential unit will have an assigned parking space.

The applicant has submitted an economic analysis (report) of the requested concessions, prepared by PlaceWorks, to verify that these concessions result in actual cost reductions and are necessary to make the development project financially feasible. The report concludes that the requested concessions are warranted under the Density Bonus Law and Clayton's affordable housing regulations, and that both concessions are necessary for the project to be financially feasible (see **Attachment F**). The conclusions of this report were supported by a peer review prepared by Michael Baker International (see **Attachment G**).

The applicant also provided a parking study by Kimley-Horn (**Attachment H**) that analyzed whether the original parking proposal of 62 spaces was sufficient to meet the estimated parking demand for the residential development. The study concluded that, based on the land use category of Senior Adult Housing – Attached from the Institute of Transportation Engineers (ITE) *Parking Generation Manual*, the parking demand for The Olivia would be 53 parking spaces, and therefore the 62 proposed parking spaces would be adequate. The City retained Michael Baker International to conduct a peer review of the Kimley-Horn parking study (**Attachment I**). This peer review noted that the ITE *Parking Generation Manual* is only one source for parking demand data, and suggested that the data behind ITE's Senior Adult Housing–Attached category are outdated and based on data collected from sites in Pennsylvania, and therefore do not accurately represent parking demand in Clayton. The peer review noted the importance of taking into consideration the local conditions when estimating parking demand for the project (e.g. rural area with limited shopping and employment, limited transit service, actual auto ownership rates of residents age 55 and older, lack of on-street parking in the immediate area around the project site). The peer review concludes that, based on the common practice of estimating the senior age-restricted parking rate at 50% of the standard rate for multifamily housing, the actual parking demand for The Olivia would be approximately 90 spaces.

Requested Waivers

The applicant is requesting a total of seven waivers or reductions of development and design standards for the proposed project. Staff has worked with the applicant to develop understandings regarding the details of several of these items as the proposed project has evolved. Staff supports the granting of the waivers and reductions described below. In order to physically accommodate the number of dwelling units allowed under the Density Bonus Law

as well as the required amount of open space and the 86 parking spaces requested by staff on the project site, it is necessary to reduce or waive the standards noted below.

1. Parking Lot Landscaping Requirements

Section 17.37.090.H of the CMC sets requirements for the size and configuration of landscaping for new parking lots. The applicant requests reductions for the following four standards in this section:

- One tree per 150 square feet of perimeter planting area;
- Internal planting areas equal to at least 10 % of the total parking lot area;
- Minimum area of 25 feet and minimum width of five feet for parking lot landscape areas; and
- Minimum of one tree for every three parking spaces.

For each standard, the code requirement and the details of the proposed project are shown below.

Code Requirement: Internal planting area equal to at least 10 % of parking lot area

	Parking lot area	Landscape area required	Landscape area proposed
6170 High Street	10,721 sf	1,072 sf (10%)	2,857 sf (27%)
6450 Marsh Creek Road	10,306 sf	1,031 sf (10%)	2,099 sf (20%)
6490 Marsh Creek Road	9,211 sf	921 sf (10%)	2,654 sf (29%)

On each of the three parcels the proposed landscaping plan exceeds the minimum required planting area of 10% of the total parking lot area, but planting areas are along the perimeter of parking lots rather than internal, as is stated in the zoning code.

Code Requirement: One tree per 150 sf of perimeter planting area

	Perimeter planting Area	Trees required	Trees proposed
6170 High Street	1310 sf	8	5
6450 Marsh Creek Road	807 sf	5	4
6490 Marsh Creek Road	1238 sf	8	10

The applicant notes that C.3 stormwater management requirements and space dedicated to C.3 features such as bioretention areas places constraints on the number of trees that can be planted in the parking lot perimeter areas.

Code Requirement: One tree per three parking spaces

	Number of parking spaces	Trees required	Trees proposed
6170 High Street	27	9	5
6450 Marsh Creek Road	31	10	4
6490 Marsh Creek Road	28	9	10

2. Site Plan Review Standard for Size and Bulk

Section 17.44.040 of the CMC provides standards for the review and approval of a Site Plan Review Permit. Section 17.44.040.G states that the new development should be complementary with adjacent existing structures in terms of materials, color, bulk and size. The applicant has requested a waiver or relaxing of this standard of compatibility with the surrounding area in terms of size and bulk. Although the height and bulk of the proposed development are greater than that of the structures on adjacent properties, there are existing site conditions which reduce or mitigate the impact of the buildings' height and bulk. This is discussed further below in the "Building Height" section under *Site Plan Review Permit*.

3. Preservation of Natural Features

The Town Center Specific Plan, which sets regulations applicable to the 6170 High Street parcel, includes site design guidelines stating that "All mature trees should be retained where feasible" and encouraging minimization of "grading and alteration of natural landforms." Staff's review of the proposed grading and tree removal for 6170 High Street found that the two existing, mature trees on the eastern side property line are located within a stormwater treatment area (flow-through planter) which cannot be relocated due to site constraints; therefore, it is not feasible to preserve these trees. Staff also finds that the proposed site design minimizes grading and preserves the site's natural topography.

4. Covered Parking

Schedule 17.37.030.A of the CMC includes requirements for a certain proportion of required parking spaces to be covered. For multi-family dwellings the Code requires at least one out of every 1.5 parking spaces for one-bedroom units to be covered, and one out of every two parking spaces for two-bedroom units to be covered. The current parking proposal has all 86 parking spaces as open (no covered parking). Staff supports the waiver of this standard in particular due to concerns that covered/enclosed parking (garages) would likely be used for storage rather than parking, which would further exacerbate the condition of limited parking on site.

5. Percentage of Regular and Compact Parking Spaces

Section 17.37.080 of the CMC requires all resident parking spaces, and at least 90 % of guest spaces, to be standard spaces. In order to accommodate staff's direction to provide at least one parking space per dwelling unit plus a small amount of guest parking, the applicant's revised parking plan has a higher percentage of compact spaces, as shown below:

	Standard Spaces	Compact Spaces
6170 High Street	14 (51.9%)	13 (48.1%)
6450 Marsh Creek Road	21 (67.7%)	10 (32.3%)
6490 Marsh Creek Road	18 (64.3%)	10 (35.7%)

6. Building Height limit of 35 feet within 50 feet of abutting single family residential district

The development standards for the M-R-H zoning district in Section 17.20.080.C of the CMC set a building height limit of 40 feet, except that within 50 feet of an abutting single family residential district the building height limit is 35 feet. This standard applies only to 6170 High Street, as this is the only one of the three parcels that abuts a single family residential district, the R-40-H zone immediately to the west.

Only a very small portion, approximately four horizontal feet, of the proposed building at 6170 High Street that is within 50 feet of the abutting R-40-H-zoned parcel exceeds the 35-foot height limit. This section of the building within the 50-foot distance of the single family residential district is 36 feet 9 inches above finished grade.

7. Tree Replacement – Trunk Diameter Ratio

The Tree Replacement Plan requirements in Section 15.70.040.A of the CMC include two options for the cumulative trunk diameter of replacement trees: either (1) a cumulative trunk diameter of at least 50 % of the trunk diameter of trees to be removed if the replacement trees are not of the varieties listed in Section 15.70.015.C as "Protected Trees"; or (2) a cumulative trunk diameter of at least 33 % of the trunk diameter of the trees to be removed if the replacement trees are of the varieties listed in Section 15.70.015.C as Protected Trees. The City's list of Protected Trees includes, but is not limited to, native species such as Ash, Bay, Box Elder, Madrone, Maple, Oak, and Walnut varieties.

The applicant has opted to provide replacement trees with a cumulative trunk diameter of 33% of the diameter of trees to be removed, and is requesting a waiver of the requirement for all replacement trees to be species on the City's Protected Tree list. The project's landscape architect states that most of the trees on the City's Protected Tree list are considered weed trees and are not suitable for modern landscape purposes (e.g.

not suitable for planting as part of high-density housing projects). The applicant also submitted an analysis of the tree sizes (DBH) that would be required to meet the replacement ratio requirements of 33% (if using Protected Tree species only) and 50% (if using non-protected tree species). The conclusion is that it is generally not feasible to landscape the project using the large sizes of trees (4.75 inches average trunk diameter, which equates to a 60-inch box tree) that would be required to comply with the 50% ratio.

Staff worked with the applicant to develop a solution that would meet both the applicant’s needs for landscape design and the City’s objective for plantings that are compatible with the natural landscape and setting of the project site and the surrounding area. Staff requested that the applicant create a “blended” landscape palette that includes both oak and other native tree species, and non-native/ornamental tree species. The intent is for new and replacement trees and landscaping to complement the existing trees in the surrounding area as they grow and mature. The current planting plan fulfills this objective.

SITE PLAN REVIEW PERMIT

The Site Plan Review Permit process, as outlined in CMC Chapter 17.44, is intended to ensure that new development is compatible with Clayton’s character and does not create adverse impacts on adjacent properties. The Site Plan Review Permit involves consideration of the project’s compliance with applicable development standards (lot coverage, building height, building setbacks) as well as architectural design, site planning, open space, landscaping, parking, and vehicular access. It also considers protection of solar access, privacy, and views for adjacent properties.

Project Overview

Each of the three lots is proposed to be improved with a three-story multi-family residential building, plus landscaping, open space amenities, and parking. The table below summarizes the significant components of each property:

	Lot Area	Building Footprint	Number of Residential Units	Number of Parking Spaces
6170 High Street	48,378 sf	11,659 sf	30	27
6450 Marsh Creek Road	42,361 sf	10,966 sf	26	31
6490 Marsh Creek Road	40,603 sf	10,916 sf	25	28

Multiple Family Residential High Density (M-R-H) Development Standards

Lot Coverage

The maximum lot coverage in the M-R-H zoning district is 65 % of the lot area. Each of the three project sites is well below the maximum lot coverage, as shown below:

6170 High Street: Lot coverage 24.1 %
 6450 Marsh Creek Road: Lot coverage 25.9 %
 6490 Marsh Creek Road: Lot coverage 26.9 %

Building Height

The M-R-H zone sets a maximum building height of 40 feet, except that within 50 feet of an abutting single family residential district the maximum building height is 35 feet. The heights of buildings on all three lots comply with this standard, with two permitted exceptions:

- (1) As noted above in the *Requested Waivers* section of the Affordable Housing Density Bonus discussion, Waiver #6, described previously, allows a small, horizontal four-foot portion of the 6170 High Street building that is within 50 feet of the abutting R-40-H zone to exceed 35 feet (proposed height: 36 feet 9 inches).
- (2) Each of the three buildings has a corner decorative roof element that is an allowed projection above the maximum building height per CMC Section 17.36.020.

Maximum building heights for each building are shown below:

	Height to Parapet	Height of Decorative Roof Element
6170 High Street:	39 feet 2-½ inches	45 feet 8 inches
6450 Marsh Creek Road:	37 feet 6 inches	42 feet 0-½ inches
6490 Marsh Creek Road:	38 feet 6 inches	44 feet 7 inches

Setbacks

The minimum building setbacks in the M-R-H zone are 20 feet from front lot lines, 15 feet from interior side lot lines, and 15 feet from rear lot lines. The setbacks for the proposed project are shown in the following table (note: all side lot lines for the three parcels are interior).

ADDRESS OF PARCEL	FRONT SETBACK	SIDE SETBACK	SIDE SETBACK	REAR SETBACK
6170 High Street	8 ft*	37 ft 9 in (west side)	58 ft 3 in (east side)	57 ft 3 in
6450 Marsh Creek Road	20 ft	86 ft 6 in (north side)	11 ft * (south side)	52 ft
6490 Marsh Creek Road	28 ft	90 ft (north side)	27 ft 6 in (south side)	24 ft

* A concession for a reduced building setback is requested pursuant to the Density Bonus Law.

Architectural Design

Architectural Style and Concept

The building design is intended to be reminiscent of the architectural style of old western communities or mining towns and to blend into the semi-rural context and character of

Clayton. Exterior features that define this style include horizontal siding, batten board siding, tall windows, parapet roof styles, porches, heavy trim for shadows, and rustic color schemes.

Exterior Colors and Materials

Building materials such as smooth hardiplank siding, brick, wooden beams and railings, and metal and composition shingle roofing, as well as stone retaining walls, are similar and complementary to the design and rustic character of nearby structures. Proposed exterior color for the buildings are primarily neutral and natural earth-tones, such as beiges, browns, grays, and earthy shades of red, which are complementary with the rustic character of the surrounding area. Exterior colors vary from one building to the next in order to create visual interest and distinct design between the three properties.

6170 High Street is subject to the design guidelines in the Town Center Specific Plan, which are intended to preserve the historic and semi-rural character of Clayton's center. The building is consistent with the guidelines in the Specific Plan that call for breaking up of the façade into smaller human-scale forms; covered porches/walkways; a low brick building base; wood detailing such as beams, railings and corbels; natural-looking building materials such as composition shingle roofing and hardiplank siding (with the appearance of wood); and natural and earth-tone colors.

Exterior Lighting

Wall-mounted lighting is provided at all main building entrances/exits and all exterior doors to individual units. Lighting fixtures are metal gooseneck type, appropriate for the architectural style and semi-rural setting. The outdoor open space areas have three-foot six-inch high bollard lighting.

Signage

Each of the three buildings has a wall-mounted wood sign with the name of the development, "The Olivia on Marsh Creek," that is visible from the public street (dimensions: 2 feet 6 inches by 12 feet for 6170 High Street and 4 feet 6 inches by 20 feet for both 6450 Marsh Creek Road and 6490 Marsh Creek Road). At the driveway entrances to the 6450 Marsh Creek Road and 6490 Marsh Creek Road sites there is a brick veneer wall with pilasters and sign panel with the name "The Olivia on Marsh Creek" (8 square feet). The font on all signs is a rustic style that fits with the western architectural theme.

Fencing

The 6170 High Street property has four-foot high wood ranch fencing with horizontal rails along the front and rear property lines, consistent with the design guidelines for the Town Center Specific Plan. Existing fencing along the side property lines would remain.

Both 6450 Marsh Creek Road and 6490 Marsh Creek Road have 40-inch wood picket fencing along the front property lines, and six- to eight-foot deer fencing (wood posts with wire mesh) along the rear property lines. The deer fencing would also extend along the south side (interior) property line of 6490 Marsh Creek Road. Existing fencing would remain on the north

side property line of 6450 Marsh Creek Road that abuts the existing AT&T Switching Facility located on the southwest corner of High Street and Marsh Creek Road (height/materials?). Along the south side property line of 6450 Marsh Creek Road and the north side property line of 6490 Marsh Creek Road, which abut the “pole” section of the flag lot to the west, six-foot solid wood fencing is proposed to protect privacy for the neighboring lot.

Site Design

Open Space

The open space regulations for the Planned Development District zone in Section 17.28.100 of the CMC require that at least 20 % of the project site be dedicated to open space areas, with 10% provided as passive open space and 10% designed for active open space.

In the site plans for the proposed project, passive open spaces include sloped areas with natural vegetation. Active open spaces include lawn areas, landscaped areas, patios, and paved walkways. Open space area on the three subject parcels is summarized below:

	Total Lot Area	Total Open Space	Active Open Space
6170 High Street	48,378 sf	25,998 sf (54%)	9,716 sf (20.1%)*
6450 Marsh Creek Rd	42,361 sf	21,059 sf (49.7%)	12,863 sf (30.4%)*
6490 Marsh Creek Rd	40,603 sf	21,047 (51.8%)	19,834 sf (48.8%)*

** For active open space the required amount is 50 % of the required total amount of open space at 20 % of lot area, i.e. 10 % of total lot area. Percentages of active open space shown above are expressed as percentages of total lot area.*

Amenities provided in active open spaces include a small fenced dog park on each of the three sites and patio areas with enhanced paving, shade arbors, seating and tables, grills, fire pits and water features.

Landscaping - Trees

The planting plan includes a variety of native (Coast Live Oak, Valley Oak, California Bay) and non-native (Marina Strawberry, Deodar Cedar, Chinese Pistache, Western Redbud, Golden Rain Tree, Lavender Crape Myrtle, London Plane, Southern Magnolia) tree species. This palette follows staff’s direction to the applicant regarding the requested waiver under the Density Bonus Law to include non-native trees not included on the City’s Protected Tree list (CMC Section 15.70.015.C) in the tree replacement plan. See the following section, *Tree Removal Permit*, for discussion of existing trees on the project site and proposed new trees to be planted.

Landscaping - Shrubs and Groundcover

The planting palette features a rich mix of shrub and groundcover varieties, with 38 proposed varieties of shrubs and perennials and 12 varieties of grasses and vines. The overall planting theme provides an assortment of colors, textures, and heights. Staff has concerns that a large proportion of the shrub and groundcover varieties are moderate water demand species, which is not fully consistent with the intent of the Landscape Water Conservation Standards in CMC Chapter 17.80. As a result, staff has included a condition that the planting list be updated to replace moderate water species with low or very low water varieties, subject to review and approval by City staff.

Parking and Vehicular Access

As discussed above, the project is requesting a reduced requirement for parking spaces as a concession under the Density Bonus Law. One parking space per residential unit plus five guest parking spaces are proposed, for a total of 86 spaces. The applicant is also seeking a waiver of the standard in CMC Section 17.37.080 relating to the required percentages of regular and compact parking spaces. Under the proposed parking layout, the following would be percentages of compact spaces on each lot: 48.1 % on 6170 High Street, 32.3 % on 6450 Marsh Creek Road, and 35.7 % on 6490 Marsh Creek Road.

Each parcel has one proposed point of vehicular access to the street, with driveway width of 25 feet (minimum requirement per CMC Section 17.37.090 is 20 feet). The parking plans for each lot also comply with zoning requirements for 25-foot aisle width and additional two-foot width for all parking spaces adjacent to obstructions such as walls or columns.

Solar Access, Privacy and Views

The project is located on a relatively flat site and maintains adequate building setbacks from property lines, thereby avoiding shadow impacts and protecting solar access for adjacent properties. Because the subject lots are downhill from the adjacent properties to the west, with a significant difference in elevation of about 50 feet between the subject site and the uphill lots to the west of the subject site, the proposed buildings will not obstruct views from these neighboring properties to the west. No other properties adjacent to the project site have significant views.

Mature existing trees along the western property line of the subject parcels and along the southern property line of 6490 Marsh Creek Road will be maintained, helping to ensure privacy for adjacent properties to the west and south. In addition, new Oak and Bay trees will be planted along the western property line of the AT&T Switching Facility property to provide additional screening. As noted above, along the "pole" section of 6470 Marsh Creek Road that is located between 6450 Marsh Creek Road and 6490 Marsh Creek Road, six-foot high solid wood fencing is proposed to ensure privacy for the former parcel.

TREE REMOVAL PERMIT

As part of the project, the applicant is requesting approval of a Tree Removal Permit to remove both protected and non-protected trees to accommodate the proposed development. The

applicant has submitted an Arborist Report dated December 2015, plus an addendum for 6490 Marsh Creek Road dated January 25, 2018 (see Attachment J).

	Trunk Diameter Inches to be Removed	Required Trunk Diameter Inches for Replacement at 33%	Proposed Trunk Diameter Inches for Replacement
6170 High Street	124.5	41	42
6450 Marsh Creek Road	120	40	54
6490 Marsh Creek Road	86	29	41

The following table shows the total number of trees on each parcel, both protected and non-protected, and the number of trees in each category that are proposed to be removed.

The tree replacement plan proposes to provide replacement trees with a cumulative trunk

	Total Trees	Trees to be Removed (all)	Protected Trees	Protected Trees to be Removed
6170 High Street	21	13	13	7
6450 Marsh Creek Road	45	16	14	13
6490 Marsh Creek Road	86	78	7	4

diameter of 33% of the trunk diameter of the trees to be removed, as allowed by CMC 15.70.0405.A.2. Tree replacement details are presented in the table below:

As previously discussed, the applicant is requesting a Density Bonus Law waiver to allow some of the replacement trees to be species not defined as “Protected Trees” per CMC Section 15.70.015.C. Proposed non-protected replacement trees include Marina Strawberry, Deodar Cedar, Chinese Pistache, Western Redbud, Golden Rain Tree, Lavender Crape Myrtle, London Plane, and Southern Magnolia. Staff is suggesting the Platanus Columbia variety of London Plane tree be selected for its known resistance to disease.

ENVIRONMENTAL REVIEW

The project is Categorically Exempt pursuant to the CEQA Guidelines Section 15332, Infill Development Projects (also referred to as a Class 32 Infill Exemption). The project meets all the conditions outlined in Section 15332: (1) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (2) The proposed development occurs within the city limits on a project site of no more than five acres, surrounded by developed areas; (3) The project site has no value as habitat for endangered, rare, or threatened species; (4) Project approval would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (5) The

site can be adequately served by all required utilities and public services. In addition, none of the exceptions to the Categorical Exemption listed in CEQA Guidelines Section 15300.2 apply to this project.

Staff retained Raney Planning & Management to prepare an environmental analysis of the project to determine whether the proposed development meets the criteria for a Class 32 Infill Exemption. The analysis reviewed the biological, air quality, noise, traffic, and water qualities studies prepared for the project and concluded that the project satisfies all criteria for an Infill Exemption (see Attachment K).

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) Adopt Planning Commission Resolution No. 05-19 making the determination that the project qualifies for a Categorical Exemption, under Class 32 Infill Development Projects, pursuant to the California Environmental Quality Act (ENV-01-17)(see Attachment B); and
- 2) Adopt Planning Commission Resolution No. 06-19 approving the Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SRP-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek, an 81-unit senior residential development project (see Attachment C).

ATTACHMENTS

- A Vicinity Map
- B Planning Commission Resolution No. 05-19
- C Planning Commission Resolution No. 06-19
- D Project Plans for The Olivia on Marsh Creek, including:
 - Architectural Plans (Color renderings, Floor Plans, Roof Plans, and Elevations)
 - Landscape Plans (Conceptual Landscape Plans, Conceptual Planting Palettes, Planting Images, Conceptual Landscape Details)
 - Civil Plans (Site Plans, Existing Site Conditions, Demolition and Tree Removal Plans, Utility Plans, Offsite Storm Drain Plans, C-3 Compliance Exhibits)
- E The Olivia on Marsh Creek Colors and Materials Examples (to be distributed at the November 12, 2019 Planning Commission meeting)
- F “Economic Analysis of Requested Concessions – Clayton Senior Housing Project” by PlaceWorks
- G “Peer Review of Economic Analysis” by Michael Baker International
- H “The Olivia on Marsh Creek Parking Study – Final Memorandum” by Kimley-Horn
- I Peer Review of Kimley-Horn Parking Study by Michael Baker International
- J Arborist Report and Addendum
- K CEQA Infill Exemption Report from Raney Planning & Management, Inc.

Attachment E

Staff Report from December 10, 2019,
Planning Commission Meeting
(without attachments)

**PLANNING COMMISSION
STAFF REPORT**

Meeting Date: December 10, 2019

Item Number: 5.a

From: David Woltering, AICP, MPA
Interim Community Development Director



Subject: Public Hearing to review and consider an Infill Exemption in accordance with the California Environmental Quality Act (CEQA), Affordable Housing Density Bonus Application, Site Plan Review Permit, and Tree Removal Permit for The Olivia on Marsh Creek, an 81-unit Senior Rental Housing Development (ENV-01-17, DBA-01-19, SPR-04-17, TRP-24-17)

Applicant: William Jordan

REQUEST

The applicant, William Jordan, requests a public hearing before the Clayton Planning Commission for the purpose of reviewing the Infill Exemption (ENV-01-17), Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek, a proposed 81-unit senior (55 and older) rental housing project. The project includes seven affordable units designated for Very Low Income households (as defined by the U.S. Department of Housing and Urban Development [HUD]). The proposed development is located on three adjacent parcels at the southwest corner of the intersection of High Street and Marsh Creek Road in the Town Center (6170 High Street) and just south of the Town Center (6450 Marsh Creek Road and 6490 Marsh Creek Road) of Clayton. The total area of the project site is 3.02 acres (see Attachment A for Vicinity Map).

The Affordable Housing Density Bonus application involves a request to allow a greater number of residential units than is normally permitted on the site under the General Plan land use designation and zoning (81 units proposed, as compared to 60 normally permitted) in exchange for the provision of the seven affordable units, in accordance with State and local Density Bonus Law provisions. The Site Plan Review Permit request involves consideration of the architecture, landscaping, parking, lighting, and fencing for the construction of three multi-unit residential buildings on three separate parcels, each consisting of between 25 and 30 units. The Tree Removal Permit request is for the proposed removal of 106 total trees on the three parcels to accommodate construction of the buildings and other improvements, with a tree replacement plan provided.

PROJECT INFORMATION

Applicant/Property Owner: William Jordan
P.O. Box 547
Clayton, CA 94517

Acres/Location: Total of 3.02 acres comprised of three lots:
6170 High Street (APN: 119-021-063) (1.11 acres)
6450 Marsh Creek Road (APN: 119-021-055) (0.97 acres)
6490 Marsh Creek Road (APN: 119-021-013) (0.93 acres)

General Plan Designation: Multifamily High Density (20 units per acre)
Town Center Commercial (for 6170 High Street only)

Town Center Specific Plan Designation: Multi-Family High Density Residential (15.1 to 20 units per acre)
(for 6170 High Street only)

Zoning Classification: Planned Development (PD) District

Surrounding General Plan Designations:
North: Town Center Commercial
South: Multifamily High Density (20 units per acre)
Rural Estate (0 to 1.0 units per acre)
East: Town Center Commercial
Single Family High Density (5.1 to 7.5 units per acre)
West: Multifamily High Density (20 units per acre)
Rural Estate (0 to 1.0 units per acre)

Surrounding Zoning Classifications:
North: Planned Development (PD) District
South: Planned Development (PD) District
East: Planned Development (PD) District
West: Planned Development (PD) District
Single Family Residential R-40-H (minimum lot area 40,000 square feet with equestrian uses)

Environmental Review: Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Section 15332, Infill Development Projects.

Public Notice: On November 29, 2019, a Public Hearing Notice was published in the Contra Costa Times, posted on the notice boards, and mailed to property owners located within 300 feet of the project site.

Authority: Section 17.44.020 of the Clayton Municipal Code (CMC) authorizes the Planning Commission to approve a Site Plan Review Permit in accordance with the standards of review in CMC Section 17.44.040.

Chapter 17.90 of the CMC incorporates the State requirements set forth in California Government Code Section 65915 authorizes the City to approve additional density for a residential development beyond the maximum density allowed in the applicable zoning district, in exchange for the inclusion of affordable housing units in the development.

BACKGROUND

This request was considered by the Planning Commission at its November 12, 2019 meeting and, then, continued at that meeting by the Planning Commission to its meeting on December 10, 2019 to receive further information as well as allow additional input, discussion, and action on the matter. At the November 12th meeting, there was considerable discussion and input received from the public and Planning Commissioners on this proposal. Staff has attached to this report the November 12th Staff Report (see Attachment D), the Draft Minutes from that meeting (see Attachment E), and a paper describing and responding to questions raised at or related to the November 12th Planning Commission meeting on this matter (see Attachment F).

Based on input and suggestions received at the November 12th meeting, staff continued to work with the applicant to address concerns raised regarding the proposed project. The modifications provided as a result of input and suggestions are described below and supported by added conditions of approval in the project resolution (see Attachment C).

Project Modifications

During the public testimony at the November 12th meeting, there were specific concerns raised about a number of issues, including spillover parking, traffic speeds on Marsh Creek Road, pedestrian safety, and the adequacy of tree replacement in terms of loss of carbon absorption. Added recommended Condition No. 119 requires the applicant to fund a Permit Parking Program System for the Stranahan Subdivision to limit possible spillover parking there from outside that neighborhood. Condition No. 122 requires the property owner to provide annual bus passes to tenants and establish a car share program for the project to facilitate reducing parking demand within the project. Electronic speed indicator signage is required by added Condition No. 120 in the vicinity of the intersection of Marsh Creek Road and Stranahan Circle to reduce traffic speeds on Marsh Creek Road. Crosswalk flashers are required with Condition No. 121 on Marsh Creek Road at the trail crosswalk south of the project site. The applicant is required to provide and install 50 additional trees off-site in the community to provide for carbon absorption.

Overall, there are over 120 conditions being recommended for approving this proposed project. These conditions include a full program to regulate the affordable housing units under Condition No. 1; installation of cameras to monitor the parking areas and key access points to the property as described in Condition No. 112; and a property maintenance program detailed in Condition No. 114.

ENVIRONMENTAL REVIEW

The project is Categorically Exempt pursuant to the CEQA Guidelines Section 15332, Infill Development Projects (also referred to as a Class 32 Infill Exemption). The project meets all the conditions outlined in Section 15332: (1) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (2) The proposed development occurs within the city limits on a project site of no more than five acres, surrounded by developed areas; (3) The project site has no value as habitat for endangered, rare, or threatened species; (4) Project approval would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (5) The site can be adequately served by all required utilities and public services. In addition, none of the exceptions to the Categorical Exemption listed in CEQA Guidelines Section 15300.2 apply to this project.

Staff retained Raney Planning & Management to prepare an environmental analysis of the project to determine whether the proposed development meets the criteria for a Class 32 Infill Exemption. The analysis reviewed the biological, air quality, noise, traffic, and water qualities studies prepared for the project and concluded that the project satisfies all criteria for an Infill Exemption (see Attachment N).

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) Adopt Planning Commission Resolution No. 05-19 making the determination that the project qualifies for a Categorical Exemption, under Class 32 Infill Development Projects, pursuant to the California Environmental Quality Act (ENV-01-17)(see Attachment B); and
- 2) Adopt Planning Commission Resolution No. 06-19 approving the Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek, an 81-unit senior residential development project (see Attachment C).

ATTACHMENTS

- A Vicinity Map
- B Planning Commission Resolution No. 05-19
- C Planning Commission Resolution No. 06-19
- D Staff Report from the November 12, 2019 Planning Commission Meeting
- E Minutes from the November 12, 2019 Planning Commission Meeting
- F Responses to Questions Raised at or Related to the November 12, 2019 Planning Commission Meeting
- G Project Plans for The Olivia on Marsh Creek, including:
 - Architectural Plans (Color renderings, Floor Plans, Roof Plans, and Elevations)
 - Landscape Plans (Conceptual Landscape Plans, Conceptual Planting Palettes, Planting Images, Conceptual Landscape Details)
 - Civil Plans (Site Plans, Existing Site Conditions, Demolition and Tree Removal Plans, Utility Plans, Offsite Storm Drain Plans, C-3 Compliance Exhibits)

- H The Olivia on Marsh Creek Colors and Materials Examples (to be distributed at the November 12, 2019 Planning Commission meeting)
- I “Economic Analysis of Requested Concessions – Clayton Senior Housing Project” by PlaceWorks
- J “Peer Review of Economic Analysis” by Michael Baker International
- K “The Olivia on Marsh Creek Parking Study – Final Memorandum” by Kimley-Horn
- L Peer Review of Kimley-Horn Parking Study by Michael Baker International
- M Arborist Report and Addendum
- N CEQA Infill Exemption Report from Raney Planning & Management, Inc.

Attachment F

Responses to Questions Raised at or
Related to the November 12, 2019,
Planning Commission Meeting

Staff Responses to Questions raised at the November 12, 2019 Planning Commission Meeting regarding Olivia on Marsh Creek 81-Unit Senior Housing Project

1. Provide clarification of State Density Bonus Law, including Concessions and Waivers, pertaining to the subject project? Does the City have discretion to deny the request for the Density Bonus, Concessions, and/or Waivers?

State Density Bonus Law is found in Government Code Sections 65915 – 65918. If a development provides the required affordable housing, the applicable Density Bonus must be provided by the local jurisdiction. A city cannot deny Concessions and Waivers, unless it can find that the threshold requirements for the Concessions and/or Waivers do not exist or after making specific findings that the approval of the Concessions/Waivers would have a specific, adverse impact upon health, safety, or physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the impact or find that to grant the Concessions/Waivers would be contrary to State or Federal law. These findings can be difficult to make and an applicant is entitled to attorney's fees and costs for any denial in violation of density bonus law.

2. How did the current General Plan, Specific Plan, and Zoning designations/classification come to be for the three subject parcels that are part of this application?

The current Multifamily High Density Residential General Plan (20 units per acre) and Multi-Family High Density Residential Town Center Specific Plan (15.1 to 20 units per acre) designations, and the Planned Development District (PD) zoning classifications have been the results of re-designations and re-classifications over time in response to State mandates for communities to assign designations and classifications to properties at higher densities that can facilitate the production of affordable housing to meet Regional Housing Needs Allocation (RHNA) assignments and be eligible to receive certification of General Plan Housing Elements from the State Department of Housing and Community Development (HCD). Not having a certified Housing Element by HCD can result in not being eligible for State grants, fines and penalties, and possible loss of local land-use decision-making authority. While a 20 units per acre Multifamily High Density General Plan designation is appropriate for a community of the size and geographical characteristics of the City of Clayton, this designation can have a much higher allowance for units per acre in more urbanized communities.

3. How was it determined that the allowed density bonus for this project should be of seven units (State Density Bonus Law, Section 65915)? Is the developer required to apply for a Density Bonus?

The overall project site is just over three acres in size and the allowed density, given the General Plan and Specific Plan designations at 20 units per acre, is 60 units. If the applicant offers between 10% and 15% of the allowed units to Very Low Income households, a 35% density bonus must be granted to the applicant. 35% of 60 units is 21 units; accordingly, the applicant is proposing an 81-unit senior residential apartment development comprised of 74 market-rate units and seven units deed-restricted to Very Low Income households.

The developer is not required to apply for a Density Bonus. However, it should be noted that in the City's adopted and certified 2015-2023 Housing Element, the State Regional Housing Needs Allocation (RHNA) for the period 2014-2022 for the City of Clayton has a combined target housing production goal of 141 housing units across all income categories. The City has produced 10 units thus far and none in the Very Low or Extremely Low categories, which have production targets of 26 and 25 housing units, respectively. While local communities are not typically builders of housing, their role, as envisioned through State housing law, is to facilitate private construction of housing to achieve RHNA housing production targets through implementation of their goals, policies, and programs in their respective adopted and State-certified Housing Elements. Each year in April, local jurisdictions must report to State HCD on their progress towards meeting the RHNA targets and completing their Housing Element Program goals in what is referred to as an Annual Progress Report (APR).

4. What does the City's State certified Housing Element, which is part of the City's adopted General Plan, state about the subject properties?

The subject properties are identified as housing opportunity sites that were purposefully designated at Multifamily High Density (20 units per acre) to achieve State HCD mandated requirements that local jurisdictions facilitate the production of affordable housing by designating properties at those higher densities so that private developers could feasibly produce affordable housing. The City's General Plan specifically assumes that these properties will be developed with apartments and/or condominiums at two-stories or higher and would facilitate the production of affordable housing in support of RHNA housing production targets.

5. Why is it important for a local jurisdiction to maintain a certified Housing Element?

Maintaining a State certified Housing Element by demonstrating to HCD a good faith effort and actual progress toward implementing the goals, policies, and programs in a jurisdiction's General Plan Housing Element helps assure that a local community retains its eligibility to apply for and obtain State grants/funds; avoids fines, penalties, and litigation; and, retains local land-use authority.

6. What are the anticipated traffic and circulation impacts of the proposed project? Describe the assumptions and methodologies used in analyzing the traffic and circulation impacts of the proposed project. How will current concerns about speeding on Marsh Creek Road be addressed?

A traffic study was prepared for the proposed project by a qualified traffic engineer and a peer review of the study was completed. Trip generation was calculated based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, methodology. This is the standard in the industry. Intersections within the area of the project operate within acceptable levels of service (LOS), A or B, with LOS-A (free-flow) and LOS-F (gridlock). The additional traffic trips from the proposed project are not expected to change the existing acceptable LOS standards.

Conditions of approval are being recommended by staff for this proposed project to include electronic speed indicator signage in the vicinity of Marsh Creek Road and Stranahan Circle. Additionally, staff is recommending a condition for the applicant to install pedestrian crosswalk flashing signage at the trail crossing on Marsh Creek Road just south of the project site.

7. Why is it assumed that the proposed parking will be adequate for the proposed project? The actual parking need seems significantly understated for the project? Describe the assumptions and methodologies used to prepare the Parking Study?

The Parking Study prepared for the project assumed a "Senior Adult Housing" population based on the ITE Manual, with the result of 49 spaces being sufficient and, initially, 62 on-site parking spaces were proposed. Staff had this Parking Study peer reviewed and it was determined in the peer review that the number of spaces proposed for the project was understated. The peer review suggested that for a senior population like that anticipated for this project, a number closer to one half the City's standard would be more appropriate. The City's standard for a multi-family, non-age restricted project would be approximately 180 spaces and one half of that number would be 90 spaces. It should be noted that after submitting the application, the applicant modified his

requested State mandated Concessions (2 Concessions being allowed) to include a reduction in the number of on-site parking spaces. The applicant is entitled to two Concessions, and the number of parking spaces is an allowable Concession. To deny the Concession, the City would need to make a finding that the number of parking spaces proposed would result in a specific, adverse impact upon health, safety, or the physical environment. By eliminating the proposed garages, the applicant was able to increase the proposed number of on-site parking spaces to approximately 86 spaces from the originally proposed 62 spaces. Accordingly, given that the peer review consultant suggested approximately 90 on-site spaces would be a reasonable target for this project and the fact the Economic Analysis for the project supports the reduction in on-site parking to support development of the affordable housing units, it does not appear to staff that the required findings could be made to deny the requested Concession that now includes approximately 86 on-site parking spaces. To further address this issue, recommended conditions of approval have been added for this project that the applicant has agreed to require that annual bus passes are provided to the tenants and that the property owner establishes a car share program for the project in order to reduce the need for on-site parking spaces.

8. It was indicated in the staff report that the proposed project qualifies for an “Infill Exemption” from the California Environmental Quality Act (CEQA). What are the criteria/conditions for a CEQA Infill Exemption and how does this proposed project satisfy, i.e., meet the conditions for a CEQA Infill Exemption? What recourse would the applicant have if the Planning Commission were to challenge the claim that the project satisfies conditions to support an Infill Exemption?

The proposed project fits within the terms of the Class 32 Infill Exemption of CEQA, and none of the exceptions in Section 15300.2 apply. Accordingly, CEQA does not apply to the proposed project. Class 32 conditions are as follows:

- a. Project is consistent with applicable General Plan and Zoning;*
- b. Project is within city limits and less than five acres in size and substantially surrounded by urban areas;*
- c. Project site has no value as habitat for endangered, rare, or threatened species;*
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and,*
- e. The site can be adequately served by all required utilities and public services.*

If the Planning Commission challenges the claim that the project satisfies conditions for the Infill Exemption, the applicant could appeal the Planning Commission's determination to the City Council. Subsequently, should the City Council challenge the claim, the applicant could seek a legal remedy through the courts.

9. The proposed project is presented as for seniors 55 years of age and older. Please explain under what circumstances can individuals under the age of 55 reside within the project?

Based on staff's understanding of California law, all of the units in the project must house seniors who are 55 years of age or older. California State law allows a senior to reside with a spouse, domestic partner or person providing physical or economic support to the senior, who is 45 years of age or older; and/or a disabled child or grandchild of the senior, spouse, or partner, who must live in the household due to the disability.

10. It is understood that seven of the units in the subject Senior Housing Project would be affordable to Very Low Income households and 74 of the units would be offered at market rate rents. How are the rents calculated? Do the rents for the affordable units take into account utility costs?

The rents for the market rate units will be based on prevailing, comparable rates as determined by the property owner. However, for the deed-restricted affordable units, the rents will be determined based on satisfying applicable federal and State regulations. The rents would be related to State statutory limits for Very Low Income households. These limits vary based on household size and are adjusted for local area median income (AMI). Typically, rents would not be more than 30% of household income. There would be a third party administrator to assure that households meet applicable thresholds for income eligibility and that rents meet applicable standards. The property owner would be required to pay the cost for the third party administrator. Yes, reasonable utility costs would be factored into the household's determined rent obligation.

11. How will the affordable Senior Housing units be managed over time to assure that households satisfy the established affordability standards? How do the proposed rents relate to the City's Regional Housing Needs Allocation (RHNA) numbers and the related assigned household income levels?

A third party administrator will be required to assure the households in the affordable units meet the Very Low Income household income thresholds and that the appropriate rents are being collected by the property owner. There would be a direct correlation in that households would need to meet eligibility requirements in terms of household size and income consistent with the State and federal determined Very Low Income category.

12. Various questions about parking including how many Americans With Disabilities Act (ADA) accessible parking spaces are required and would they be assigned? Would there be parking for on-site staff? The City should determine the appropriateness of compact parking spaces? How would parking enforcement be handled?

ADA accessible parking spaces relate to the number of parking spaces required for a project. Approximately four accessible parking spaces are anticipated with this project. It is likely there will be one unassigned accessible parking space on each of the three parcels that comprise the project. Staff for the project would be limited and likely park on the street. The parking spaces being proposed by the applicant generally meet the standard size depth requirement of 19 feet. Standard size parking spaces are 9 feet by 19 feet and compact spaces are 8 feet by 16 feet. The applicant is proposing a large number of spaces that would be 8 feet wide by approximately 19 feet deep. Staff is working with the applicant to determine the feasibility of achieving a minimum of 8.5 feet in width for as many of the compact spaces as possible without reducing the overall number of parking space provided on-site. Staff has added recommended conditions of approval for the proposed project that would require the applicant to fund a Parking Permit Program System for the Stranahan subdivision in order to limit spillover parking from outside that neighborhood. Additionally, there are recommended conditions that the property owner would need to provide annual bus passes to the tenants and establish a car share program to reduce on-site parking demand.

13. Which projects have been given parking waivers in the Town Center Parking Waiver Program?

The City's Town Center Parking Waiver Program assumes approximately 200 extra parking spaces (outside of event periods) in the overall Town Center area. In order to encourage new development in the Town Center area, on-site parking reductions or complete waivers are offered to encourage particularly retail and restaurant businesses in the Town Center area. Since this program was approved in approximately 2007 and extended since, three projects—Flora Square, Creekside Terrace, and Skipolini's Bocce Courts—have been granted waivers for a total of approximately 77 spaces. The Creekside Terrace project was granted a waiver and is still an active approval but has not been constructed.

14. What incentives and Transportation Demand Management (TDM) measures are being proposed to encourage people not to use personal automobiles in the project? Can the developer limit tenants to only having one vehicle per unit?

As described above, conditions of approval are being recommended to require the applicant/property owner to issue annual bus passes to tenants and to establish a car share program. Additionally, a condition is recommended to require the applicant to fund establishing a Parking Permit Program System in the Stranahan subdivision. The property owner will need to actively work with tenants to manage parking demand over time. The property owner can assign and manage parking spaces and demand with incentives, but cannot actually limit a tenant to own only one vehicle.

15. Is it allowed that the application include three individual parcels?

Yes, a development project can be comprised of more than one parcel.

16. Why are storypoles not required for this project?

It is not a standard practice in the City of Clayton to require storypoles. This proposed project is comprised of three separate buildings on three separate adjoining parcels, separated by drive aisles and parking areas. The proposed architectural style of the buildings is consistent with the Town Center Specific Plan design guidelines. The project complies with applicable height limits with a single minor encroachment that is approximately 1 foot 9 inches above standard and the applicant has requested an allowable waiver to address any concerns pertaining to this issue. Moreover, the proposed buildings back up to a steep slope that extends above and provides a backdrop to these individual buildings. Individuals have mentioned the Clayton Community Church as an example of storypoles being requested previously for a proposed project within Clayton. That is accurate. In that case, a single large use was being proposed on Main Street on generally level land which was exposed on all sides. The Town Center Specific Plan design criteria specifically described and envisioned a development pattern and form for Main Street that would result in a "Main Street" type of development pattern, with individual storefronts and businesses creating a vital and active traditional downtown. The proposed single-use building was different from that vision. Comparatively, the adopted Clayton General Plan envisions the development of the subject parcels with apartments and/or condominiums two stories or higher.

17. Are project identification signs required for this project?

They are not required but project identification signage is appropriate for a development like this. The Planning Commission has discretion in terms of the design, colors, materials, size, and fit of these signs.

18. Isn't Marsh Creek Road identified as a Scenic Corridor? If so, what are the regulations for development in a Scenic Corridor?

Yes, Marsh Creek Road is listed as a Scenic Route and Corridor within the Clayton General Plan. Additionally, Clayton Road and Oakhurst Drive/Concord Boulevard are listed as Scenic Routes and Corridors as well. These routes were selected as they extend through Clayton and have incidental and panoramic views of Mount Diablo and the foothills surrounding Mount Diablo. This proposed development is not inconsistent with this listing.

19. In the past, the applicant had proposed a smaller, approximately 44-unit townhome project for the project site. Why did the applicant revise the project?

Staff does not know the rationale for the change in proposed development for the project site. However, the property owner must develop the property in compliance with applicable local, State, and Federal policies and laws. Based on staff's review of the currently proposed project, it appears to satisfy applicable policies and laws.

20. What's the basis for assuming an economic development benefit from this project for the City's Town Center Area?

It is logical to assume that if an 81-unit Senior Housing Development occupies property that was previously developed with approximately 2 to 3 households, adjacent to a downtown with existing businesses, including a CVS Pharmacy, convenience store, boutiques, restaurants, etc., all within walking distance, that there will be a net economic development benefit for those businesses.

21. If the project would be converted from a "for rent" to a "for sale" condominium project in the future, would there be additional CEQA review at that time?

Yes, there would be an analysis to determine if a CEQA review would be required. If the project remains essentially as it is, with no additional lands, units, land disturbance, etc., the Infill Exemption finding would likely hold. However, if there are any substantive changes, further environmental review of the project in accordance with CEQA may be required.

22. What are the fiscal impacts of this project in terms of revenues for the City vis-à-vis costs for services?

The most significant contribution from the project would be property tax, with some sales tax. Assuming about a \$30 million project, property tax to the City of Clayton is estimated to be approximately \$30,000 annually. Annual, overall property tax collected by the City of Clayton is approximately \$907,000. The project would be provided general City services.

23. What is the impact of this project in terms of possible wildland fire evacuation needs?

The proposed project is located on Marsh Creek Road with direct access to that roadway. Marsh Creek Road connects to multiple other collector and arterial roadways, including Clayton Road and Oakhurst Drive/Concord Boulevard for evacuation purposes.

24. What are the frequencies for Contra Costa Transit bus service from the Clayton Town Center to the Concord BART station?

Service by Bus 10: BART Concord/Clayton – 5:00 a.m. – 11:00 p.m., every 15 minutes during peak/30 minutes off-peak, weekdays. <https://countyconnection.com/routes/10/>

Updated to reflect minor proofing edits

Attachment G

**Minutes Excerpt from the
November 12, 2019,
Planning Commission Meeting**

**Minutes
(Excerpt)
Clayton Planning Commission Meeting
Tuesday, November 12, 2019**

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

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

Present: Chair Peter Cloven
Vice Chair A.J. Chippero
Commissioner Bassam Altwal
Commissioner Frank Gavidia

Absent: None

Staff: Interim Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.
Contract City and Regional Planning Consultant Holly Pearson

5. PUBLIC HEARINGS

- 5.a. **ENV-01-17, DBA-01-19, SPR-04-17, TRP-24-17; Environmental Review, Density Bonus, Site Plan Review Permit, Tree Removal Permit; William Jordan; 6170 High Street (APN: 119-021-063), 6450 Marsh Creek Road (APN: 119-021-055), and 6490 Marsh Creek Road (APN: 119-021-063).** Review and consideration of a request for an California Environmental Quality Act (CEQA) Infill Exemption, Density Bonus, Site Plan Review Permit, and Tree Removal Permit for a three-parcel project site measuring a combined total of approximately three acres to be developed with three, three-story buildings (one building per parcel) consisting of a combined total of 81 units of rental senior housing, a community room, fitness center, and coffee bar. Seven of the units are proposed to be deed-restricted for very low income households. The project will include approximately 86 off-street parking spaces.

Interim Director Woltering introduced Contract City and Regional Planning Consultant Holly Pearson and then presented the staff report.

Commissioner Altwal had the following comments and questions:

- So if the project provides 15% of the units as very low income then that would result in the project being entitled to a 35% density bonus? Interim Director Woltering indicated that was correct, given that 10% to 15% of the units being provided as very low income would result in the 35% density bonus.
- Since the project entail three separate building with each building located on a separate parcel, this project should be treated as three separate projects.

- With regard to density bonus law, Section 65915 of the State Government Code indicated that the calculations for number of very low income should be rounded up which would result in a requirement for nine very low income units—three very low income units per parcel—rather than the seven very low income units being proposed by the applicant.
- In looking at the definition of affordable units, the per-unit rent is classified as \$800 per month for both one-bedroom units and two-bedroom so the rent would be the same regardless of the number of bedrooms? Interim Director Woltering indicated that the intent of affordable housing law is not to have a household spend more than 30% of its household income on direct housing expenses.
- According to the affordable housing cost calculation, the maximum rent for a one-bedroom unit would be \$914 and for a two-bedroom unit would be \$1,044; so if the occupant spends more than \$914 for the unit, then the unit would no longer be considered a very low income unit. Planning Consultant Holly Pearson indicated that, based on the affordable housing calculation, the rental amount is determined by the household income rather than by the unit size. Interim Director Woltering added that an affordable housing agreement would be established in order to conduct monitoring and regular reporting performed by a third party paid by the property owner in order to ensure that the applicable State and Federal income verification criteria would be adhered to and that people who meet the criteria would be housed in the project.
- Concerned about the number of parking spaces proposed. Interim Director Woltering explained that, as indicated in the peer review parking analysis, 180 spaces would be the high end amount of parking spaces but in communities where senior projects are established, often one half of the required spaces are allowed which, for the Olivia on Marsh Creek project, would be 90 spaces and, with the 86 parking spaces provided, the project would provide approximately the number of spaces needed as adjusted for senior living facilities.

Vice Chair Chippero had the following questions and comments:

- Do rental units count toward the Regional Housing Needs Allocation (RHNA) amount for Clayton? Interim Director Woltering indicated that rental units count toward RHNA as well as for-sale units and this project would provide seven low-income units and a surplus of moderate-income units.
- Did the City require the applicant to submit a three-story project? Interim Director Woltering said the City did not require any number of floors. The applicant had initially submitted a two-story proposal but the structural length of the building in the initial proposal was too long and did not comply with the Town Center Specific Plan architectural guidelines which, in part, encourage breaking up excessively long facades into smaller components. As a result, staff asked the applicant to revise the plans to comply with these guidelines and the current proposal is what the applicant submitted; however, staff did not suggest nor imply that the revised proposal be three stories in height.
- What projects in the Town Center received parking waivers? Interim Director Woltering indicated that three projects total have received parking waivers but only two of the three projects have been constructed: Flora Square and Bocce Courts. The other project to receive parking exemptions, Creekside Terrace, has not been constructed.

- Does the Stranahan subdivision have public or private streets? Interim Director Woltering indicated that the Stranahan subdivision contains public streets.
- Would be interested to know how long it takes on public transportation during commute hours to get from the project site to the nearest Bay Area Rapid Transit (BART) station.
- Since storypoles were used on the proposed Clayton Community Church project, it may be good to use storypoles for this project. Interim Director Woltering indicated that, from staff's perspective, the two sites are different. The setting for the subject project site is different than the former Clayton Community Church project site in that the subject project site backs up to a steep slope with neighboring residences to the west being much higher in elevation than the project with negligible visual impacts in terms of views being blocked whereas the former Clayton Community Church project site was level and extremely visible in all directions.
- Are the exterior signs proposed for the project a requirement? Interim Director Woltering indicated that exterior signage was not required by the staff.
- Does State law pre-empt local regulations regarding density bonus? Interim Director Woltering responded, yes, State law pre-empts local regulations.

Commissioner Gavidia had the following questions and comments:

- Have concerns regarding the economic necessity vs financial viability for the project.
- It appears that staff worked extra hours to complete and distribute the staff report for the project. Interim Director Woltering indicated that, as is typical for larger projects in communities with small staffing, a complex project of this nature can take additional time to process and prepare for a meeting.
- I think installation of storypoles would be beneficial given the potential impacts to the scenic corridor along Marsh Creek Road.
- What was the rationale behind the City increasing the density of the project site from 15 units per acre to 20 units per acre. Interim Director Woltering indicated densities were increased related to General Plan Housing Element mandates in order to facilitate the production of affordable housing.
- Why the difference of four parking spaces between the target number of 90 spaces as addressed in the peer review parking report and the 86 spaces proposed by the applicant. Interim Director Woltering indicated that other competing interests come into play such as trash enclosures, landscaping, etc. The applicant removed garages and carports to achieve 90 spaces and was able to provide 86 spaces which, from staff's perspective, fell within a reasonable range of the target amount of 90 spaces.
- Concerned that, given the definition of age restriction at 55 years, many people will have children that drive vehicles which results in far more spaces than 86 and there may be some overflow impacts.
- It would appear that, given 6170 High Street being located in the Town Center Specific Plan area, the project should be treated as separate projects with one lot subject to Town Center Specific Plan guidelines and the other two lots treated differently as they are outside of the Town Center Specific Plan area.
- Concerned we are losing two mature trees on the 6170 High Street parcel. Planning Consultant Holly Pearson indicated that the trees would need to be removed in order to allow for on-site installation of State-required stormwater facilities.

- Concerned that the replacement trees being proposed do not appear on the City's list of approved trees.
- Would the City be impacted by public service costs as a result of the project? Interim Director Woltering indicated that there would be increased costs for services as well as increased revenue generated by the project.
- Request an explanation as to how the project was defined as an Infill development. Interim Director Woltering explained that the project qualifies as an Infill development based on the determination that the project complies with all the criteria listed in Section 15332 of the CEQA guidelines.

Chair Cloven indicated that many of his questions were answered based on the questions asked by the other Planning Commissioners and had the following questions and comments:

- The project should be compliant with the CMC standard of review that the project does not have to be identical but should be complementary with adjacent existing structures in terms of materials, colors, size, and bulk.
- As with the other Planning Commissioners, I have concerns over the off-street parking proposed for the project, parking impacts to the Stranahan subdivision, number of compact spaces factored in, and the determination that removing covered parking and garages would increase the number of off-street parking spaces. Interim Director Woltering indicated that the rationale behind removal of the garages was based on garages being more commonly used for storage rather than for parking. By removing the garages, the parking spaces would then be used for parking rather than for storage.
- How would the age of the tenants being 55 or older be verified? Interim Director Woltering indicated that a third party administrator would be hired by and paid for by the property owner in order to ensure that the main tenants of each unit would fall into the age-restricted category of 55 years old.
- The Planning Commission may wish to challenge the CEQA determination that the project would not cause traffic impacts and, as a result, it would be beneficial to have the City Attorney attend the next meeting as the Planning Commission continues to review the project. Interim Director Woltering indicated that the City Attorney would attend the next Planning Commission meeting and that the public hearing for the project would likely be continued and would benefit from her attendance.

The public hearing was opened.

Charlie Knox, planning consultant for the developer, described aspects of connectivity between the three parcels as related to pathways and explained that the first iteration of project design began five years ago but, as we have moved forward through time, we think a senior project would generate less traffic and create less impacts. He indicated that, had the developer proposed a 62-and-older project, State law requires only 0.5 spaces per unit which would have resulted in far less off-street parking spaces than the 86 spaces being proposed.

Leila Hakimzadeh, architectural consultant for the developer, described various architectural aspects of the project and how these proposed attributes comply with the Town Center Specific Plan architectural guidelines.

William Jordan, the developer, explained the history of the project and described the hard work involved in bringing a quality project before the Planning Commission with an emphasis on integrating the proposal into the fabric of the community.

The following questions were asked of the developer as well as comments provided by the Planning Commission:

- Was the increase in the number of units as a result of the density range being modified from 15 units per acre to 20 units per acre? Mr. Jordan responded yes.
- What happens in the instance that the first year a senior tenant moves into one of the very low income units by qualifying based on only living on social security but then the next year retirement benefits commence and suddenly the tenant is earning much more money? Mr. Jordan indicated that the senior tenant would have the option to either move to a moderate income unit or move out of the complex.
- Regarding the coffee bar and anticipated employees serving the tenants, this may lead to yet more impacts to the off-street parking.
- It would be beneficial to incorporate solar into the project.
- As part of the proposed transportation management plan, are there any other transportation options to reduce the parking burden other than public transportation? Mr. Jordan indicated that zip cars would be a possible option.

The following comments were expressed in opposition to the project as provided by Dan Hummer, Joanna Welch, Brian Buddell, Irina Liskovich, Dan Manista, Kent Ipsen, Dana Pinaula, Doug Rogers, Brian Kreft, Wendi Laughlin, and Tony Gianni:

- There is insufficient off-street parking proposed for the project.
- Public safety is a concern in terms of the volume of traffic generated by the project and how the traffic will impact the busy Marsh Creek Road corridor.
- There will be view impacts to residences located within the Stranahan subdivision.
- Drought conditions will be exacerbated by the increased use of water.
- Impacts to sewer capacity are a concern.
- Requiring compact parking spaces seems presumptuous since we cannot predict the size of cars that tenants will drive.
- Appears to be infeasible to have the City hire out for an age and income monitoring consultant that would be paid for by the developer.
- Concerned over impacts caused by drainage, water use, medical personnel, police personnel, ambulance sirens, reduction of property values, and fire safety ingress and egress.
- The Planning Commission's job is to protect our community from projects such as this.
- The parking overflow will impact the Stranahan subdivision, Town Center, and the Village Oaks parking lot.
- The project should be vetted better will all the issues addressed.
- Concerns over people in their 50s and 60s bringing their entire family to live in Olivia on Marsh Creek the project which will cause many more young people to live in the project.
- I do not trust real estate agents to be good developers.
- The project will impact the privacy of surrounding properties.

- In defense of former Community Development Director Mindy Gentry, Ms. Gentry did not require the developer to propose a three-story project.
- Drainage, traffic, circulation, and environmental concerns should be addressed.
- Storypoles should be used for the project.
- The massing of the project is too large.
- The quaintness of our community will be ruined by the project.
- It is a misrepresentation to identify Olivia on Marsh Creek as a senior living facility.
- While not opposed to the project, the shortfall in off-street parking is a concern.
- Typically, each person has their own car.
- Using parking comparison examples from the east coast is irrelevant to conditions in California.
- Even locally, conditions in San Francisco are not conducive to using a car; however, in rural areas a car is necessary.
- It would be detrimental to Clayton to approve the project with the limited on-site parking being proposed.
- I own four cars so it would be expected that residents of this project would have more than one car.
- Replacement trees can take many years to mature.
- I think a project of this type would benefit from including people with disabilities which would reduce traffic and parking impacts.
- I understand that change will happen, but the project just seems so large.
- Marsh Creek Road is dangerous and I worry that the project will just make the dangerous traffic conditions worse.
- We have so many festivals in the Town Center where people park their cars in the Stranahan subdivision. The project would exacerbate the parking impacts.
- I have lived in Clayton for 40 years.
- This project is not a good fit for Clayton.
- We have Clayton-specific standards that we have to adhere to and a three-story building does not comply with our community standards.
- The project would ruin the aspects that we love about our community and disrupts the ambience of Clayton.
- Why are we considering a three-story project when no one else has been allowed to build a project that tall?
- Storypoles are crucial to assist the community in understanding how the project will appear.

The following comments were expressed in support of the project as provided by Adam Harris, Dee Vieira, Michael Jordan, Robert Hoyer, Howard Geller,

- I commend Mr. Jordan on his hard work in bringing a quality project before the Planning Commission and I think he has done an excellent job in being dedicated to our community.
- I embrace change and it is unrealistic to expect a developable infill property to remain vacant forever.
- Property owners of vacant lots have a right to develop their properties.
- The impacts to our infrastructure caused by the project are minimal.
- Affordable housing is needed in the Bay Area.
- Mr. Jordan is also a Clayton resident and he has put a lot of effort into proposing a quality project that he, his family, and the community would be proud of.

- The project benefits the community by helping people 55-and-older to afford to move to Clayton.
- It appears that Mr. Jordan has gone above and beyond to comply with applicable requirements and propose a quality project.
- I would ask Mr. Jordan that, in order for the project to increase the benefits to our community, could you enhance this project by sponsoring a parcourse along the Donner Creek Trail which would be a perk for everyone in our community to use to better the health and longevity of our citizens.
- We have anticipated the negative response to the project from this community.
- Every comment in opposition to the project entails a “not in my back yard” attitude.
- I have lived in Clayton for 59 years and I can remember when none of the subdivisions that exist today were built yet.
- There were only 800 people in Clayton when I first moved here.
- I remember when there was a beautiful orchard where the Stranahan subdivision is now located. I loved looking at the orchard but I didn’t stare at the orchard all day.
- I remember when the City approved the construction of 1,800 units in the Keller Ranch and Oakhurst areas of Clayton. Many people were opposed to the construction of so many homes in the hills of Clayton yet none of the concerns expressed at that time ever became issues.
- The people opposed to the Olivia on Marsh Creek project don’t realize that there was community opposition to the construction of the subdivisions that they now live in.
- Change is part of the developable evolution of our community.
- I think this is a very good project.
- Of course there are project-related issues to iron out, but professional experts have provided studies related to the parking.
- If a prospective tenant were to have four cars, the owners of Olivia on Marsh Creek could make the decision not to rent to them.
- The parking impacts can be mitigated.
- Mr. Jordan has proposed a quality development.
- The issues around parking are easily solved by not renting to prospective tenants that have too many cars. It’s a problem that is easily solved.
- Mr. Jordan has worked for many years to make this project viable.
- The State has mandated affordable high density projects and encourages this type of development.

The public hearing was closed.

Interim Director Woltering indicated that, given the further research needed by staff and the legal questions provided by the Planning Commission, it would be helpful to continue to public hearing.

Commissioner Altwal and Vice Chair Chippero asked the following questions:

- Are storypoles required for projects? Interim Director Woltering indicated that installation of storypoles is not a mandatory requirement.

- Why were storypoles provided for the former Clayton Community Church project? Interim Director Woltering indicated that the reason storypoles were required for the formerly-proposed Clayton Community Church project was because the setting for the former Clayton Community Church project site was level and extremely visible in all directions.
- Why were storypoles provided for a two-story residence located on Bigelow Street? Interim Director Woltering indicated that, as with the Clayton Community Church project site, the setting for the Bigelow Street residence was quite prominent and was extremely visible in all directions as well as being located in close proximity to adjacent residential properties.

By consensus, the Planning Commission agreed that more time was needed to review the project and allow for further research to be conducted as well as to provide an opportunity for the City Attorney to attend the public hearing.

Commissioner Altwal made a motion and Vice Chair Chippero seconded a motion to continue the public hearing to the regularly-scheduled Planning Commission on December 10, 2019. The motion passed 4-0.

Attachment H

**Minutes Excerpt from the
December 10, 2019,
Planning Commission Meeting**

**Minutes
(Excerpt)
Clayton Planning Commission Meeting
Tuesday, December 10, 2019**

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

Chair Peter Cloven called the meeting to order at 7:04 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton, California.

Present: Chair Peter Cloven
Vice Chair A.J. Chippero
Commissioner Bassam Altwal
Commissioner Frank Gavidia

Absent: None

Staff: Interim Community Development Director David Woltering
Assistant Planner Milan Sikela, Jr.
City Engineer Scott Alman
City Traffic Engineer Lynne Filson
Contract City and Regional Planning Consultant Holly Pearson
Contract Environmental Consultant Nick Pappani

2. ADMINISTRATIVE

- 2.a. Review of agenda items.
- 2.b. Declaration of Conflict of Interest.
- 2.c. Commissioner Frank Gavidia to report at the City Council meeting of December 17, 2019.

3. PUBLIC COMMENT

Commissioner Bassam Altwal praised Assistant Planner Sikela for his diligence and extra effort with working past regular business hours in order to complete and distribute the Planning Commission packet.

4. MINUTES

- 4.a. Approval of the minutes for the October 22, 2019, Planning Commission meeting.

Commissioner Altwal moved and Vice Chair Chippero seconded a motion to approve the minutes, as amended. The motion passed 4-0.

5. PUBLIC HEARINGS

- 5.a. **ENV-01-17, DBA-01-19, SPR-04-17, TRP-24-17; Environmental Review, Density Bonus, Site Plan Review Permit, Tree Removal Permit; William Jordan; 6170 High Street (APN: 119-021-063), 6450 Marsh Creek Road (APN: 119-021-055), and 6490 Marsh Creek Road (APN: 119-021-063).** Review and consideration of a request for a California Environmental Quality Act (CEQA) Infill Exemption, Density Bonus, Site Plan Review Permit, and Tree Removal Permit for a three-parcel project site measuring a combined total of approximately three acres to be developed with three, three-story buildings (one building per parcel) consisting of a combined total of 81 units of rental senior housing, a community room, fitness center, and coffee bar. Seven of the units are proposed to be deed-restricted for very low income households. The project includes approximately 86 off-street parking spaces.

The following City staff members provided the following information:

- Interim Director Woltering explained the latest developments in the project review by the Planning Commission and recent work done by City staff to provide additional information as part of the public hearing as well as reviewing the staff responses to comments received regarding the project.
- City Attorney Mala Subramanian provided an overview of the Density Bonus application.
- City Traffic Engineer Lynn Filson provided an overview of the traffic, circulation, and level-of-service analysis for the project.
- Contract Environmental Consultant Nick Pappani provided an overview of the CEQA infill exemption qualification for the project.

Chair Cloven opened the public hearing.

The applicant, William Jordan, introduced his project team Ken Alcock (civil engineer), Corey Simon (planner), and Steve Velyvis (attorney).

Mr. Velyvis, the applicant's land use attorney, explained the Housing Accountability Act and described how the project complies with the Town Center Specific Plan, General Plan Land Use Element, General Plan Housing Element, Zoning, CEQA, and Density Bonus Law.

The following comments were expressed in opposition to the project as provided by Irina Liskovich, Allison Snow, John Tashjian, Janet Easton, Joanna Welch, Dan Hummer, Brian Buddell, Kent Ipsen, Amy Goodspeed, Sonja Trauss, David Nieman, Karen Cichurski, Anthony Gianni, Rebecca Nolen, and Cristina Reyes:

- Concerns over impacts to fire safety egress from the Stranahan subdivision to Marsh Creek Road that may be caused by the project.
- Clayton is at risk for being subject to a fire similar to the Camp Fire that impacted the community of Paradise.
- Concerns over traffic congestion caused by the project.
- Regarding the age-restricted component proposed for the project, Clayton already has the Diamond Terrace senior living facility.
- There is no public benefit to this project but, instead, only a private benefit to the applicant.

- This project would urbanize Clayton.
- The size and height of the three proposed buildings do not fit with the existing structural designs throughout Clayton.
- The project would cause overflow parking issues.
- Regarding issuance of bus passes for elderly residents of the project for use of public transportation, the County Connection bus only comes through Clayton once per hour which is too infrequent for practical use by elderly people.
- The three-story design of proposed buildings would make Clayton look like Daly City.
- The proposed project name "Olivia" does not fit in with local nomenclature.
- The staff report claimed that the existing buildings on the project site do not have a historical value which is untrue since two of the existing buildings were constructed by my grandfather for my grandmother and aunt.
- It is not realistic to monitor who has disabled children.
- This project would be detrimental to the Stranahan subdivision.
- The developer should have been required to install story poles.
- There is not enough on-site parking.
- The project would block the view of the sunrise for the residences located to the west of the project site.
- Only seven units out of 81 units are not enough to have an impact on the affordable housing shortage in Clayton.
- It would be good for the City to conduct a parking study for this project as it relates to the Town Center.
- It is not realistic to expect the tenants of this project to only own one vehicle.
- Based on national vehicles-per-household data, Concord has 1.86 vehicles per household and Antioch has 2.24 vehicles per household which, since Clayton is located between both cities, would put Clayton's average at 2.05 vehicles per household. The project only anticipates one vehicle per unit which is far below the average supported by national statistics.
- The public bus system in Clayton does not travel with enough frequency to accommodate the mobility needs of the tenants.
- The parking case study referred to by the consultants analyzed an example from Pennsylvania but did not factor in parking needs based on age or whether the data was urban or rural.
- This project would negatively change the character of Clayton; the existing on-site barn and house are part of the character of Clayton.
- This project would impact the privacy of neighboring existing properties.
- The applicant is asking for too many exemptions.
- It is wrong for the developer to resist installing traffic calming devices and to reject planting replacement trees.
- Open space is a necessary amenity and the project would destroy the existing open space that benefits the community.
- This project would be better suited for Concord.
- This project defines elderly as 55 years old, and it is unrealistic that tenants of this age group, or older, would not have two or more vehicles.
- The project does not incorporate a Western theme as other buildings in the Town Center do.

- This project is in direct violation of Article 34 of the California Constitution which stipulates that no low rent housing project can be constructed without electoral approval by a majority of the voters.
- This project does not preserve the integrity of the community.
- This project would make the value of surrounding properties go down.
- This project would exacerbate the already congested traffic situation in this area, as it takes an hour to get from Walnut Creek to Clayton.

The following comments were expressed in support of the project as provided by John Nunes, Geri Phillips, Dee Vieira, Paxy Flores, Sonja Trauss, Armand Domalewski, and Phil Rooss:

- As an elderly person, I still have much to contribute to the community, and this is a good project which would facilitate senior involvement in the community.
- The Diamond Terrace senior facility is too expensive, whereas this project provides an alternative for elderly people who are on a fixed income.
- We need more affordable housing and living options, which this project provides.
- This project fills a need for elderly people who want to downsize from their single-family residence to something more manageable.
- This project addresses the housing shortage in California, and the housing needs here are tremendous.
- The homeless population is increasing and, as a result, these types of projects are needed.
- There are studies showing that issued bus passes are used especially by the elderly and help to increase ridership on public transportation.
- The applicant, Mr. Jordan, is a developer that loves this community.

The public hearing was closed.

Mr. Velyvis confirmed the number of on-site parking spaces as 86. He indicated that he researched Article 34 of the California Constitution and that it applies only to affordable housing projects constructed or funded by State or Federal public agencies, and it would not apply to this project since this project is privately funded. He stated that many of the opposition comments do not apply to this project and should have been made at the time City increased the density for the General Plan and Town Center Specific Plan land use designations to allow for 20 units per acre, and that the Diamond Terrace project has 86 units yet only provides 53 on-site parking spaces.

The Planning Commissioners had the following questions and comments for the applicant and the applicant's team:

- Why do you want the CEQA-related Conditions to be removed? Mr. Velyvis explained that the applicant is requesting the CEQA-related Conditions to be removed since they do not apply.
- Is the project being built with the intention to convert to for-sale condominiums? Mr. Jordan responded yes.
- It would be good have further economic analysis of the financial feasibility of the project.
- In the economic analysis as well as the peer review of the economic analysis, there is nothing to substantiate the conclusions provided in both documents.

The Planning Commissioners had the following questions and comments for City staff:

- Can we delete Condition 14 which is the CEQA-related Condition? Interim Director Woltering responded that, if the Planning Commission adopted the Resolution No. 05-19 supporting the infill exemption, Condition 14 could be deleted.
- What would happen if the project was approved as for-rent project and then converted to privately-sold condominiums? Interim Director Woltering responded that, if the project was converted to condominiums, it would come before the Planning Commission and, depending on the changes involved, may require additional environmental review as well as other components of the conversion necessitating further review; however, speculation regarding conversion to condominiums is not what is before the Planning Commission tonight, and the focus should remain on the project as it is currently proposed.
- Staff should research the deadline listed in Condition 18 to see if it is a one-year deadline or a two-year deadline.
- What is the zoning classification for the project site and the surrounding adjacent properties? Interim Director Woltering responded that the zoning classification for the project site is Planned Development, and Assistant Planner Sikela added that all surrounding adjacent properties are zoned Planned Development.
- Regarding amendment to the General Plan and Town Center Specific Plan land use designations to allow for higher density development at 20 units per acre, do the current property owners have to consent to this or can they resist this change? Interim Director Woltering indicated that property owners do not have to consent to this but the City ultimately has the land use authority to change land use designations or zoning classifications after extensive analysis and public review.
- There are not any “no parking signs” on Marsh Creek Road, and given that there are bike lanes on both sides, should there be “no parking” signs? Traffic Engineer Lynne Filson indicated that, generally, there would be “no parking” signs installed in those areas; however, the City would typically analyze the demand for parking in those areas prior to installing the “no parking” signs or painting the curbs red.
- A parking permit program for the Stranahan subdivision should be established and paid for by the applicant in order to prevent spillover parking in the Stranahan subdivision that may be caused by those living in, working at, or visiting the project.
- If the applicant was proposing a for-sale condominium project rather than a for-rent apartment project, would the applicant still be eligible for the concessions and waivers? City Attorney Mala Subramanian responded yes and Interim Director Woltering added that, since the project is proposed as for-rent apartments, the City cannot impose the undergrounding of utilities as well as payment of parkland dedication developer impact fees which could amount to over one million dollars; however, utility underground and payment of parkland dedication developer impact fees would be required if the project was proposed as for-sale condominiums.
- If this project was approved and the applicant sold the property as well as the entitlements that ran with the land, would the new developer have to comply with the Conditions of Approval? Interim Director Woltering responded yes.

Following Planning Commission questions of City staff, the applicant, and the applicant's team, the Planning Commission deliberated on Resolution No. 05-19 with the following comments prior to rendering a decision:

- It would be a good idea to consider cumulative impacts based on a reasonable assumption that the lots adjoining the project site would be developed in the future.
- We need to focus on the entitlement requests before us at this moment and avoid speculating on what could be proposed for the adjacent lots at some future time.
- My initial concern with the infill exemption was the possible traffic impacts that would be caused by the project, but it appears that my concerns have been addressed.

Commissioner Altwal moved and Vice Chair Chippero seconded a motion to adopt Planning Commission Resolution No. 05-19 making the determination that the project qualifies for a Categorical Exemption, under Class 32 Infill Development Projects, pursuant to the California Environmental Quality Act. The motion passed 3-1 (Chair Cloven, Vice Chair Chippero, and Commissioner Altwal voted yes; Commissioner Gavidia voted no).

The Planning Commission deliberated on Resolution No. 06-19 with the following comments prior to rendering a decision:

- The 86 on-site parking spaces proposed for the project seems a low number that would result in parking impacts to surrounding areas such as the Stranahan subdivision and the Town Center.
- To protect the Stranahan subdivision from parking impacts, we should require the developer to establish a parking permit program in accordance with Condition 119.
- I understand the applicant's concern regarding the \$129,000 amount to install flashing crosswalk signs and speed indicator signs, but the parking impacts upon the Stranahan subdivision and the Town Center are very concerning.
- The parking comparison between the project and the Diamond Terrace senior assisted living facility is not accurate since the project would have tenants who are 55 years and older and people are still driving cars at that age, whereas an elderly person needing assistance who lives at Diamond Terrace would not have a vehicle.
- I have no problem with the project buildings being proposed with three floors as long as the structures comply with the maximum height requirements.
- This project does not appear to maintain Clayton's character.
- Given the vehicular speed concerns on Marsh Creek Road and the potential parking impacts caused by the project, I desire to protect our community and was surprised to hear the applicant's team disagree with the citizens' and Planning Commissioners' concerns over these safety issues and significance of the impacts.
- I read online that the City required the applicant to propose a three-story structure which is untrue because the City never required the project to be three floors in height.

- I am for development, but it should be smart development that does not burden the community and, given the potential parking implications, this project would perhaps fit better in San Francisco or Oakland but does not work in Clayton.

Commissioner Altwal moved to adopt Planning Commission Resolution No. 06-19 approving the Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek, an 81-unit senior residential development project, with Condition 14 removed and Condition 18 modified to read “one year” rather than “two years.”

The Planning Commission continued its discussion, which included the following comments:

- I feel that the State is forcing a San Francisco-like development to be constructed in Clayton.
- This project does not fit in our community, and I will not vote to approve it.
- The State is taking a one-size-fits-all approach, and we should take a stand to protect our community and send a message to the State that this project and the significant parking impacts it will cause are unacceptable.
- I understand that we need more rental apartment options, as 95 percent of Clayton’s housing stock is comprised of single-family residences, but the developer could propose a rental apartment project that would provide more on-site parking in order to reduce parking impacts to surrounding areas.
- I am also concerned that this project is being represented as a rental project but the applicant has made his intentions clear that, if approved and constructed, the project would then be converted to a for-sale condominium project.

City Attorney Mala Subramanian indicated that, given the Planning Commissioners discussing an anticipated 2-2 split in considering approval of Resolution No. 06-19, by default, a 2-2 vote would result in the Resolution not being approved. Since there is no motion to deny Resolution No. 06-19 and no finding of denial, this would result in a “no decision” by the Planning Commission.

Chair Cloven seconded the motion to adopt Planning Commission Resolution No. 06-19 approving the Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek, an 81-unit senior residential development project, with Condition 14 removed and Condition 18 modified to read “one year” rather than “two years.” The motion was not approved 2-2 (Chair Cloven and Commissioner Altwal voted yes; Vice Chair Chippero and Commissioner Gavidia voted no). By a 2-2 vote, there was no decision by the Planning Commission regarding Planning Commission Resolution No. 06-19 for Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek, an 81-unit senior residential development project, with Condition 14 removed and Condition 18 modified to read “one year” rather than “two years.”

Attachment I

**Planning Commission Notice of
Decision, dated December 20, 2019**



6000 Heritage Trail • Clayton, California 94517
925-673-7300 • Fax 925-672-4917

PLANNING COMMISSION NOTICE OF DECISION

DATE: December 20, 2019

FILED WITH: Secretary of the Commission
City Clerk

RE: The Olivia on Marsh Creek Project Environmental Review (ENV-01-17), Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17)

At the conclusion of a duly noticed public hearing on December 10, 2019, which had been initiated at and continued from a public hearing on November 12, 2019, the Clayton Planning Commission made the following decision and no decision, A. and B., respectively, for the project described below.

PROJECT DESCRIPTION

The applicant, William Jordan, requested a public hearing before the Clayton Planning Commission for the purpose of reviewing the Infill Exemption (ENV-01-17), Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek, a proposed 81-unit senior (55 and older) rental housing project. The project includes seven affordable units designated for Very Low Income households (as defined by the U.S. Department of Housing and Urban Development [HUD]). The proposed development is located on three adjacent parcels at the southwest corner of the intersection of High Street and Marsh Creek Road in the Town Center of Clayton.

At the December 10, 2020 public hearing, the Clayton Planning Commission considered two resolutions related to the project: A., Resolution No. 05-19, regarding the Environmental Infill Exemption (ENV-01-17) and B., Resolution No. 06-19, regarding the Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17). By a 3-1 vote the Planning Commission approved Resolution No. 05-19 regarding ENV-01-17. By a 2-2 vote a no decision was the resulting action on Resolution No. 06-19 regarding DBA-01-19, SPR-04-17, and TRP-24-17.

These actions of the Planning Commission shall be final unless appealed to the City Council with the appeal fee, within ten (10) days from the date of the Notice of Decision in accordance with Chapter 17.68 Decisions and Appeals of the Clayton Municipal Code. The date of this Notice of Decision is December 20, 2019. Given that there are City holidays on December 24 and 25, 2019, and January 1, 2020, the appeal period is extended to January 2, 2020. The fee to file an appeal of a Planning Commission action on this residential project is \$324.00 in accordance with the City's Master Fee Schedule for Fiscal Year 2019-20. There were two actions (A. and B.) of the Planning Commission

related to this application as described above. If appeals would be filed separately for the actions, each appeal would pay the \$324.00 fee; if a single appeal would be filed for both actions, one fee of \$324.00 would be charged. An appeal form is available at the Community Development Department:

https://ci.clayton.ca.us/fc/onlineforms/cddforms/Appeal_PC_Decision.pdf

A. ENVIRONMENTAL REVIEW INFILL EXEMPTION (ENV-01-17)

PLANNING COMMISSION DECISION FOR ENVIRONMENTAL REVIEW INFILL EXEMPTION (ENV-01-17)

By a 3-1 vote, the Planning Commission adopted the attached Planning Commission Resolution No. 05-19 making the determination that the project qualifies for a Categorical Exemption, under Class 32 Infill Development Projects, pursuant to the California Environmental Quality Act (CEQA), for The Olivia on Marsh Creek, an 81-unit senior residential development project.

B. AFFORDABLE HOUSING DENSITY BONUS APPLICATION (DBA-01-19), SITE PLAN REVIEW PERMIT (SPR-04-17), AND TREE REMOVAL PERMIT (TRP-24-17)

PLANNING COMMISSION NO-DECISION FOR AFFORDABLE HOUSING DENSITY BONUS APPLICATION (DBA-01-19), SITE PLAN REVIEW PERMIT (SPR-04-17), AND TREE REMOVAL PERMIT (TRP-24-17)

The Planning Commission rendered a 2-2 no-decision for the attached Planning Commission Resolution No. 06-19 regarding the approval of the Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek, an 81-unit senior residential development project.



David Woltering, AICP, MPA
Interim Community Development Director

12-20-2019

Date

Attachments

Planning Commission Resolution No. 05-19

Planning Commission Resolution No. 06-19

**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 05-19**

**A RESOLUTION OF THE CLAYTON PLANNING COMMISSION DETERMINING THAT THE OLIVIA
ON MARSH CREEK SENIOR HOUSING PROJECT QUALIFIES FOR A CATEGORICAL EXEMPTION
UNDER CLASS 32 – INFILL DEVELOPMENT PROJECTS
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(ENV-01-17)**

WHEREAS, the City received an application from William Jordan requesting review and consideration of an Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), Tree Removal Permit (TRP-24-17), and related Environmental Review (ENV-01-17) for development of an 81-unit senior residential development located on three adjacent parcels with a total area of 3.02 acres (“Project”), located at the southwest intersection of High Street and Marsh Creek Road (APNs: 119-021-063, 119-021-055, and 119-021-013); and

WHEREAS, the Project meets the definition of an infill development project as specified in Section 15332 of Title 14 of the California Code of Regulations, the California Environmental Quality Act (“CEQA”) Guidelines; and

WHEREAS, the City commissioned an independent analysis of the Project’s eligibility for a Class 32 Infill Exemption by Raney Planning & Management, Inc., titled “Infill Exemption Environmental Analysis for Clayton Senior Housing Project” and dated June 14, 2019, which analyzes whether the Project meets all criteria of the Class 32 infill Exemption as stated in CEQA Guidelines Section 15332, and which is attached as Exhibit A to this Resolution; and

WHEREAS, the Clayton Planning Commission has reviewed the “Infill Exemption Environmental Analysis for Clayton Senior Housing Project”; and

WHEREAS, on November 12, 2019, and December 10, 2019, the Clayton Planning Commission held a duly-noticed public hearings on the Project, including staff’s recommended determination of a Class 32 Categorical Exemption (Infill Development Projects) pursuant to the CEQA Guidelines.

Planning Commission
Resolution No. 05-19

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, that:
 - a. The City of Clayton exercised overall control and direction over the CEQA review for the Project, including the preparation of the “Infill Exemption Environmental Analysis for Clayton Senior Housing”, and independently reviewed the same; and
 - b. There is no substantial evidence that the Project will have a significant effect on the environment; and
 - c. The “Infill Exemption Environmental Analysis for Clayton Senior Housing” reflects the City’s independent judgment and analysis.
3. The Clayton Planning Commission hereby determines that the Project is Categorically Exempt, under Class 32 – Infill Development Projects, from further review pursuant to the California Environmental Quality Act.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 10th day of December, 2019.

APPROVED:



Peter Cloven
Chair

ATTEST:



David Woltering
Interim Community Development Director

ATTACHMENTS

Exhibit A – Infill Exemption Environmental Analysis for Clayton Senior Housing Project by Raney Planning & Management, Inc. (supporting technical studies are available for review in the Community Development Department at Clayton City Hall)



WWW.RANEYMANAGEMENT.COM

NORTHERN CALIFORNIA
1501 SPORTS DRIVE
SACRAMENTO, CA 95834

TEL: 916.372.6100 • FAX: 916.415.6106

June 14, 2019

David Woltering
Interim Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA

Subject: Infill Exemption Environmental Analysis for Clayton Senior Housing Project

Dear Mr. Woltering:

The City of Clayton retained Raney Planning & Management, Inc. (Raney) to determine whether the Clayton Senior Housing Project satisfies criteria (c) and (d) of the Class 32 Infill Exemption included in the California Environmental Quality Act (CEQA) Guidelines. The specific conditions identified in the Class 32 Infill Exemption in the CEQA Guidelines are as follows (specific emphasis has been added for criteria (c) and (d)):

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- (c) *The project site has no value as habitat for endangered, rare or threatened species.*
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) *The site can be adequately served by all required utilities and public services.*

The applicant team prepared several technical studies for the project, which provide information needed to determine whether the project satisfies criteria (c) and (d). To that end, the Raney team performed peer reviews of the applicant-prepared reports to determine their adequacy. The technical reports for the Clayton Senior Housing Project are as follows:

- *6170 High Street/6450 Marsh Creek Road, 6490 Marsh Creek Road – Revised Biological Constraints Assessment Survey Results (November 6, 2018), prepared by Olberding Environmental;*
- *Air Quality & Greenhouse Gas Impact Assessment for the Proposed Clayton Senior Housing Project, Clayton, CA, prepared by Ambient Air Quality & Noise Consulting (September 24, 2018);*
- *Noise & Groundborne Vibration Impact Assessment for the Proposed Clayton Senior Housing Project, Clayton, CA, prepared by Ambient Air Quality & Noise Consulting (September 21, 2018); and*
- *Clayton Senior Housing Trip Generation Study Final Letter (May 8, 2017), prepared by Kimley Horn.*

The following section provides a summary of Raney's review of the technical biological, air quality, noise, traffic, and water quality studies.

Biological

Raney has determined that the methods employed by Olberding Environmental are in general conformance with industry standard practice for biological assessments. For example, the report includes a search of the California Natural Diversity Database (CNDDDB) maintained by the California Department of Fish and Wildlife, and reports the special-status species recorded within an extended radius around the project site (presumably 5 miles). The initial peer review comments provided by Raney to the City on September 19, 2018 have been adequately addressed in the final November 6, 2018 report. The report concludes that the project site has no value as habitat for endangered, rare or threatened species, consistent with criteria (c) of Infill Exemption 15332.

Air Quality

Raney has concluded that the Air Quality/Greenhouse Gas analysis was completed in accordance with current industry standards, and in compliance with the recommended guidance of the Bay Area Air Quality Management District (BAAQMD). The general methodology of the Technical Memorandum included estimating potential air quality and greenhouse gas (GHG) emissions from construction and operation of the proposed project, using the most-up-to-date version of the California Emissions Estimator Model (CalEEMod) software. To assess the adequacy of the Air Quality/GHG analysis presented in the Technical Memorandum, Raney reviewed the methods, assumptions, and CalEEMod outputs provided by Ambient Consulting. The initial peer review comments provided by Raney to the City on July 20, 2018 and September 7, 2018 have been adequately addressed in the final September 24, 2018 report. The report concludes that the proposed project would result in construction and operational emissions below the BAAQMD's thresholds of significance. Thus, the proposed project would not result in any significant air quality effects, consistent with criteria (d) of Infill Exemption 15332.

Noise

Raney hired j.c. brennan & associates, Inc., a noise technical expert, to perform a technical peer review of the project-specific noise and vibration study. j.c. brennan & associates reviewed the report methodology and results and determined that the report was completed in accordance with current industry standards and adequately addresses whether the proposed project would exceed the City of Clayton's General Plan Noise Element and/or Noise Ordinance standards. The report concludes that the proposed project would result in operational noise levels below the relevant City noise thresholds. With respect to construction noise, the report correctly notes that construction activities occurring between the allowable hours specified in Clayton Municipal Code Section 15.01.101 are not subject to the City's noise level thresholds. Per City Ordinance, construction hours for the project would be limited. Thus, the proposed project would not result in any significant noise effects, consistent with criteria (d) of Infill Exemption 15332.

Traffic

Raney consulted with Abrams Associates Traffic Engineering, Inc. to advise on the accuracy of a Trip Generation Study prepared for the proposed project by Kimley Horn. On May 9, 2018, Abrams Associates confirmed that the method of analysis used in the Trip Generation Study was correct, and that the resulting trip estimates are accurate. The Trip Generation Study concludes that the proposed project would generate 16 AM peak hour trips and 19 PM peak hour trips using the ITE Trip Generation Manual. The expected AM and PM peak hour trips are well below the Contra Costa Transportation Authority's 100 peak hour trip threshold for warranting a traffic impact analysis. Additionally, the nearby intersection of Marsh Creek Road/Clayton Road was analyzed and it was determined that the intersection would not be impacted by the relatively small increase in trips in the vicinity. Thus, the proposed project would not result in any significant traffic effects, consistent with criteria (d) of Infill Exemption 15332.

Hydrology

The City Engineer has reviewed the proposed project's potential to significantly effect water quality in the vicinity and has determined that compliance with existing stormwater regulations would ensure no significant adverse water quality effects would occur, as the following will demonstrate. The proposed project would implement the City of Clayton development standards, as well as adhere to all regulations set forth by the Regional Water Quality Control Board, including Section C.3 of the Municipal Regional Storm Water Permit. Additionally, the proposed project would adhere to all requirements for sewerage collection and purveyance of drinking water enforced by the Contra Costa Water District. The City Engineer determined that the proposed project would not introduce any extraordinary issues that would negatively impact water quality on the project site or in the surrounding area. Thus, the proposed project would not result in any significant water quality effects, consistent with criteria (d) of Infill Exemption 15332.

Conclusion

As discussed above, the project site does not contain valuable habitat for endangered, rare or threatened species. Based on an air quality analysis conducted for the proposed project, emissions of criteria pollutants associated with the project would not exceed applicable thresholds established by BAAQMD. Additionally, as determined by the technical studies, the proposed project would be consistent with all applicable regulations set forth by the City and Contra Costa County with regard to noise and traffic. Finally, the City Engineer has evaluated the project site plans and determined that the proposed project would not create any significant adverse effects to water quality on the project site or in the surrounding area. Based on the above, the Clayton Senior Housing Project would satisfy the Infill Exemption conditions (c) related to biological resources and (d) related to air quality, noise, traffic, and water quality.

Exceptions to Categorical Exemptions

Even if a project is ordinarily exempt under any of the categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. The following is a discussion of any possible exceptions to the CEQA exemption.

Criterion 15300.2(a): Location

This exception only applies to CEQA exemptions under Classes 3,4,5,6, or 11. Since the proposed project qualifies as a Class 32 Infill Exemption, Criterion 15300.2(a) would not apply.

Criterion 15300.2(b): Cumulative Impact

The project site is currently designated Multifamily High Density Residential in the Clayton General Plan and zoned Planned Development. The proposed project is consistent with the site's General Plan and zoning designations. Therefore, impacts of the project have been anticipated by the City and analyzed in the General Plan EIR. Furthermore, the proposed project would not create a significant impact related to modification of habitat for endangered, rare, or threatened species, air quality, noise, traffic, or water quality. Thus, the overall effects of the proposed project would be less than significant and would not contribute to significant cumulative impacts.

Criterion 15300.2(c): Unusual Circumstances

The proposed project would develop a senior housing facility on a project site currently planned for residential development. As discussed above, the Biological Assessment determined that the site does not contain any suitable habitat for endangered, rare, or threatened species; and, such species are not anticipated to occur on-site. Additionally, the project site has not been identified as a source of potentially hazardous materials or waste contamination which could pose a risk to surrounding residents. Based on the above, the project site is not affected by any unusual circumstances. Thus, the exception regarding significant effects on the environment due to unusual circumstances would not apply.

Criterion 15300.2(d): Scenic Highway

The project site would not be located within view of any Officially Designated Scenic Highway. Interstate 680 (I-680), an Officially Designated Scenic Highway, is located approximately 7.5 miles southwest of the project site; however, I-680 would not provide views of the project site.¹ Thus, the exception regarding scenic highways would not apply.

Criterion 15300.2(e): Hazardous Waste Sites

The Cortese List, consisting of databases identified in California Government Code Section 65962.5, was consulted to identify sites with known hazardous materials or waste contamination within or adjacent to the project site; however, none were found. Thus, an exception to the Class 32 exemption based on the presence of a hazardous waste site would not apply.

Criterion 15300.2(f): Historical Resources

The City of Clayton's *Heritage Preservation Task Force Report* includes a list of any potentially historic resources located within the City, including historic resources listed on either the California Register of Historical Resources or the National Register. Based on the Report, the existing on-site structures are not listed as historical resources and the project site does not contain any other structures which are considered historic by the City. In addition, the project site is located within an urbanized area of the City of Clayton and is surrounded by development. Thus, archaeological and paleontological resources are not anticipated be present at or near the project site. Therefore, the exception based on presence of historical resources would not apply.

Conclusion

Based on the above discussions, the proposed project would be consistent with the General Plan and zoning designations. Consistency with such would ensure that the project would not result in any cumulative impacts which have not already been anticipated by the City. In addition, the project site does not contain any unusual circumstances. Finally, the project site is not within view of a Scenic Highway, identified as a source of hazardous materials, and does not contain any recorded historic resources. Based on the above, the proposed project would not meet any of the exception criteria for a Class 32 Infill Exemption.

Please contact me at (916) 372-6100 if you have any questions regarding this Infill Exemption analysis.

Sincerely,

Nick Pappani
Vice President
Raney Planning and Management, Inc.

¹ California Department of Transportation. *California Scenic Highway Mapping System Contra Costa County*. Accessed June 2019. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/.

**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 06-19**

A RESOLUTION APPROVING THE AFFORDABLE HOUSING DENSITY BONUS APPLICATION (DBA-01-19), SITE PLAN REVIEW (SPR-04-17), AND TREE REMOVAL PERMIT (TRP-S4-17) FOR THE OLIVIA ON MARSH CREEK SENIOR HOUSING PROJECT

WHEREAS, the City received an application from William Jordan requesting review and consideration of an Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17), and related Environmental Review (ENV-01-17) for development of an 81-unit senior residential project located on three adjacent parcels with a total area of 3.02 acres (“Project”), known as The Olivia on Marsh Creek Road, located at the southwest intersection of High Street and Marsh Creek Road (APNs: 119-021-063, 119-021-055, and 119-021-013); and

WHEREAS, the City commissioned an independent analysis of the Project’s eligibility for an Infill Exemption by Raney Planning & Management, Inc., titled “Infill Exemption Environmental Analysis for Clayton Senior Housing Project” and dated June 14, 2019, which analyzes whether the Project meets all criteria of the Class 32 Infill Exemption as stated in California Environmental Quality Act (CEQA) Guidelines Section 15332; and

WHEREAS, the Clayton Planning Commission adopted Resolution No. 05-19 determining that the Project is Categorically Exempt from environmental review pursuant to CEQA, under Class 32 (Infill Development Projects) of the CEQA Guidelines, at the Planning Commission meeting of December 10, 2019; and

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

WHEREAS, on November 12, 2019, and on December 10, 2019, the Clayton Planning Commission held a duly-noticed public hearing on the Project and 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 Project:

Clayton Municipal Code (CMC) Section 17.90.090 and State Density Bonus law states that the City shall grant the concessions or incentives requested by a project applicant unless the City makes a written finding, based upon substantial evidence, of either of the following:

- A. The concession or incentive is not required in order to provide for Affordable Housing Costs;**
- B. The concession or incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the Federal Register of Historical Resources or any locally officially designated architecturally and historically significant buildings and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Low and Moderate Income households.**

The applicant has submitted documentation demonstrating that the two requested concessions are required in order to make the development project economically feasible with inclusion of the affordable units. According to the independent analysis prepared on the applicant's behalf, and subject to a peer review by the City's independent consultant, for the cost savings of the concessions: (1) a reduction in setback requirements for buildings and parking spaces; and (2) a reduction in the required number of parking spaces; the total cost savings makes it possible to offer seven units at reduced rents to Very Low Income households.

The City further finds that the requested concessions would not have an adverse impact on public health or safety, the physical environment, or historic resources as defined in Government Code section 65589.5(d)(2). There are no environmentally sensitive areas or historic resources on or adjacent to the project site. With one parking space provided per dwelling unit, the project will avoid any potential negative impacts related to parking.

NOW THEREFORE BE IT FURTHER RESOLVED, the Planning Commission hereby makes the following required findings for approval of a Site Plan Review Permit:

- 1. That the project is consistent with the General Plan and Town Center Specific Plan designations and policies.**

The General Plan designation of the project site is Multifamily High Density (MHD) (20 units per acre) and the Specific Plan designation is Multi-Family High Density Residential (15.1-20 units per acre). These designations are intended to facilitate development of apartments or condominiums, and include affordable housing, two stories or higher in areas of Clayton where higher densities are appropriate, such as near the commercial center. The proposed development is partially within and immediately adjacent to the commercial Town Center of Clayton. The proposed design is complementary to the western design theme of the Town Center Specific Plan. The land use designation allows for maximum structural coverage of 65% of the site area. The proposed project is well below this maximum, with lot coverages of 24.1% for 6170 High Street, 24.5% for 6450 Marsh Creek Road, and 26.1% for 6490 Marsh Creek Road.

The policies for the MHD land use designation encourage new development to use "Planned Development concepts and standards, with incorporation of significant design and amenity in the project." The project site is subject to the Planned Development District zoning regulations and corresponding development standards. The project is well designed, with quality building materials, articulated facades, ample open space, diverse and attractive landscaping, and other amenities including outdoor furnishings, bicycle racks and an assigned parking space for each unit.

Due to the project incorporating a density bonus, pursuant to State law and the City's Affordable Housing Density Bonus Requirements Ordinance, it exceeds the 20 unit per acre residential density for the MHD land use designation. Proposed residential density for the project with the bonus units is 26.8 units per acre. However, the state Density Bonus Law allows a development project to exceed the maximum density allowed under the General Plan when affordable housing units are included and the granting of the density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment. Furthermore, the Density Bonus Law requires the City to approve the project with the additional density, provided that it meets all requirements of the law and does not result in specific adverse impacts as defined in Government Code section 65589.5(d)(2). Thus, in this case the project is allowed and is consistent with state law and the City's general plan and local regulations (CMC Chapter 17.90) at the proposed density of 26.8 units per acre.

2. *Meets the standards and requirements of the Zoning Ordinance.*

The project meets the requirements of CMC Chapter 17.90, the Affordable Housing Density Bonus Requirements. Eleven percent of the number of 60 residential units allowed under the General Plan are set aside for households meeting HUD's definition of Very Low Income. Therefore, the project is entitled to a 35 percent density bonus, equivalent to 21 additional units. The type and size of affordable units reflects the range and sizes of units in the project as a whole (five one-bedroom units and two two-bedroom units are designated as below market rate [BMR]). The units are dispersed throughout the three buildings and are identical in design and construction quality to the market-rate units.

The applicant has submitted all required materials for the Affordable Housing Unit Plan that are listed in CMC Section 17.90.140. A requirement for an Affordable Housing Unit Agreement pursuant to CMC Section 17.90.150 has been included as a Condition of Approval for the project.

In addition, the project complies with the zoning standards of the Planned Development District in CMC Chapter 17.28. As prescribed in CMC Section 17.28.050.B, the applicable development standards are the Multiple Family Residential High Density (M-R-H) District standards in Chapter 17.20. With the

exception of minor variations in required setbacks and building height and the reduced parking requirements that are permitted through the granting of concessions and waivers/reductions pursuant to the Density Bonus Law, which shall not require, or be interpreted, in and of itself, to require a zoning change the project meets the development standards for the M-R-H District.

3. *Preserves the general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.*

The project is located on a mostly level site that is not impacted by landslide hazard and is not located in an area at risk of flooding. The project will comply with local and State building codes for seismic safety and fire prevention.

4. *Maintains solar rights of adjacent properties.*

The project is located on a relatively flat site and maintains adequate building setbacks from property lines, thereby avoiding shadow impacts and protecting solar access for adjacent properties.

5. *Reasonably maintains the privacy of adjacent property owners and/or occupants.*

Mature existing trees along the western property line of the subject parcels and along the southern property line of 6490 Marsh Creek Road will be maintained, helping to ensure privacy for adjacent properties to the west and south. In addition, new Oak and Bay trees will be planted along the western property line of 6170 High Street to provide additional screening. Along the "flagpole" section of 6470 Marsh Creek Road that is located between the two subject parcels at 6450 and 6490 Marsh Creek Road, six-foot high solid wood fencing is proposed to ensure privacy for the former parcel.

6. *Reasonably maintains the existing views of adjacent property owners and/or occupants.*

The project is located on a relatively flat site and is downhill from the adjacent property to the west. Because of the significant difference in elevation between the subject site (approximate elevation of 400 feet above sea level) and the properties to the west, 6470 Marsh Creek Road and 6061 Clayton View Lane, (approximate elevation of 450 feet above sea level) the proposed buildings will not obstruct views from these neighboring properties to the west. No other properties adjacent to the project site have significant views.

7. *Is complementary, although not identical, with adjacent existing structures in terms of design, materials, colors, size, and bulk.*

The applicant has requested a waiver of this standard pursuant to the Density Bonus Law. The size and bulk of the proposed buildings (three stories in height) exceed that of many of the existing structures in the surrounding area. However, the topography in the vicinity of the project site, specifically the hill immediately to the west, has the effect of lessening the visual impact of the taller buildings. In addition, variations in exterior wall planes and design articulation of the facades helps to create a less bulky appearance.

Building materials such as smooth hardiplank siding, brick and composition shingle roofing, as well as stone retaining walls, are similar and complementary to the design and rustic character of nearby structures. Proposed exterior colors for the buildings are primarily neutral and natural earth-tones, such as beiges, browns, grays, and brownish shades of red, which are complementary with the character of the surrounding area.

8. *Is in accordance with the design standards for manufactured homes per Section 17.36.078. of the CMC*

Not applicable – the project does not include manufactured homes.

9. *Proposed tree removal with proposed tree replacement will not adversely impact the health, safety, and general welfare of the residents, while balancing the right of an individual to develop private property per Section 15.70.010 of the CMC.*

The applicant is proposing and the City is requiring replacement trees both on-site and off-site with this proposed project.

NOW THEREFORE BE IT FURTHER RESOLVED, The Clayton Planning Commission does hereby approve the Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek Road, an 81-unit senior residential development located on three adjacent parcels with a total area of 3.02 acres, located at the southwest intersection of High Street and Marsh Creek Road (APNs: 119-021-063, 119-021-055, and 119-021-013), subject to the following conditions:

PLANNING CONDITIONS

1. An Affordable Housing Unit Agreement (AUA) shall be recorded as a restriction on each parcel on which the Affordable Housing units will be constructed in a form acceptable to the City Attorney. The approval and recordation of the AUA shall take place prior to issuance of building permits. The AUA shall be binding on all future owners and successors interest. The AUA shall include, at minimum, but shall not be limited to the following:
 - a. A description of the development, including the total number of units, the number of Affordable Housing Units, and the tenure of the Affordable Housing Units;

- b. The size, in square footage, and location of Affordable Housing Units;
 - c. A description of the household income group to be accommodated by the Affordable Housing Units, and the formula for determining the monthly rent amount for each Affordable Housing Unit;
 - d. The term of affordability for the Affordable Housing Units;
 - e. A schedule for completion and occupancy of the Affordable Housing Units;
 - f. Provisions and/or documents for rights of first refusal or rental restrictions;
 - g. The Marketing Plan for rental of the Affordable Housing Units;
 - h. Provisions for monitoring the ongoing affordability of the Affordable Housing Units, and the process for qualifying prospective resident households for income eligibility; and
 - i. A description of the concession(s) or incentive(s) provided by the City.
 - j. Specific property management procedures for qualifying and documenting tenant income eligibility, establishing affordable rent and maintaining Affordable Housing units for qualified tenants;
 - k. Provisions requiring property owners to verify household incomes and maintain books and record to demonstrate compliance with this chapter;
 - l. Provisions requiring the Property Owner to submit an annual report to the city, which includes the name(s), address, and income of each household occupying target units, and which identifies the bedroom size and monthly rent or cost of each Affordable Housing unit;
 - m. Provisions describing the amount of, and timing for payment of, Administrative Fees to be paid to the city for the mandated term of compliance monitoring in accordance with the provisions of this chapter; and
 - n. Any additional obligations relevant to the compliance with Chapter 17.90 of the Clayton Municipal Code, *Affordable Housing Density Bonus Requirements*.
2. 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.
 3. Any major changes to the project as determined by the Community Development Director shall require Planning Commission review and approval. Any minor changes to the project as determined by the Community Development Director shall be subject to City staff review and approval.
 4. 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.
 5. Parking spaces shall be assigned to specific residential units. Each unit shall have one (1) assigned parking space. The number and location of the assigned parking space shall be stated in the rental agreement for each unit.

6. The applicant shall execute a shared parking agreement between 6170 High Street and 6450 Marsh Creek Road allowing for three (3) resident parking spaces and one (1) guest parking space for 6170 High Street to be located on the 6450 Marsh Creek Road parcel. The shared parking agreement shall be recorded on the deed for each parcel and shall be in a form acceptable to the City Attorney.
7. Prior to issuance of a building permit, the applicant shall assure there is a recorded easement in a form acceptable to the City Attorney between Site 1 and Site 2 for pedestrian access between parking lot areas.
8. 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.
9. Prior to issuance of demolition permits for on-site structures, 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.
10. 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.

11. 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.
12. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgments, liens, levies, costs, and expenses of whatever nature, including attorney's fees and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, or the environmental review conducted under the California Environmental Quality Act for this entitlement and related actions. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.

GENERAL CONDITIONS

13. The project shall comply with the Clayton Municipal Code. All construction shall conform to the requirements of the California Building Code and City of Clayton standards.
14. The project shall be implemented as indicated on the application form and accompanying materials provided to the City and in compliance with the Clayton Municipal Code, or as amended by the Planning Commission.
15. No building permit will be issued unless the plan conforms to the project description and materials as approved by the Planning Commission and the standards of the City.
16. This approval expires one year from the date of approval (expires _____, 2021), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Planning Commission. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one-year extension shall be granted.
17. This approval supersedes previous approvals, if any, that have been granted for this site.
18. The general contractor shall install and maintain the erosion and sedimentation control devices around the work premises per the most current NPDES Municipal Regional Permit (MRP). Current MRP is 2.0 and upcoming permit will be MRP-3.0.

19. All required easements or rights-of-way shall be obtained by the applicant at no cost to the City of Clayton. Advance permission shall be obtained from any property owners or easement holders for any work done within such property or easements.
20. Prior to issuance of the certificate of occupancy for each property, the public improvement for that property including streets, sewers, storm drains, street lights, and traffic signs required for access to the site shall be completed to the sole satisfaction of the City Engineer or City Traffic Engineer.
21. City staff shall inspect the site for compliance with conditions of approval and approved plans prior to final inspection approval.
22. The applicant shall obtain an encroachment permit for all work to be done within the public right-of-way or easement, and peak commute-hour traffic shall not be impeded by construction-related activity. All on-site improvements not covered by the building permit including walkways, driveways, paving, sewers, drainage, curbs, and gutters must be constructed in accordance with approved plans and/or standards and a Site Development Permit approved by the City Engineer.
23. All existing easements shall be identified on the site plan and all plans that encroach into existing easements shall be submitted to the easement holder for review and approval, and advance written permission shall be obtained from any property owner or easement holder for any work done within such property or easement.
24. Building permits for retaining walls shall be obtained as follows:
 - a. For major walls over three feet in height to be constructed during the mass-grading phase, obtain a building permit prior to issuance of the grading permit.
 - b. For all other walls, obtain a building permit prior to issuance of permits for structures on the respective lot in accordance with the applicable California Building Code Standards.

NOISE CONTROL, DUST, AND CONSTRUCTION ACTIVITY CONDITIONS

25. An encroachment permit is required for all work in the public right-of-way. Restoration of existing improvements (curb, gutter, sidewalk, street section, etc.) shall be to the City of Clayton standards and as approved by the City Engineer.
26. The use of construction equipment shall be restricted to weekdays between the hours of 8:00 a.m. and 5:00 p.m., or as approved in writing by the City Manager.
27. The project shall be in compliance with and supply all the necessary documentation to comply with the City of Clayton Construction and Demolition Debris Recycling Program.
28. Driveway access to neighboring properties shall be maintained at all times during construction.

29. Standard dust control methods shall be used to stabilize the dust generated by construction activities in accordance with the Bay Area Air Quality Management District standards.
31. The site shall be fenced with locked gates by 7:00 PM. The gates shall remain locked until 7:00 AM. Contractors shall not arrive at the site prior to the opening of the gates. The name and contact information shall be placed at locations on the site for neighbors to contact in the circumstance there is a concern that needs to be addressed to the satisfaction of the City Engineer.
32. All construction equipment utilizing combustion engines shall be equipped with "critical" grade (rather than "stock" grade) noise mufflers or silencers that are in good condition. Back up "beepers" shall be tuned to insure lowest possible noise levels while also serving the safety purpose of the backup sound indicator.
33. Stationary noise sources shall be located at least 300 feet away from any occupied residential or business dwellings unless noise-reducing engine housing enclosures or other appropriate noise screens are provided.
34. Speeds of construction equipment shall be limited to 10 mph. This includes equipment traveling on local streets to and from the site.
35. Access shall be maintained to all driveways at all times.
36. There shall be no parking of construction equipment or construction worker's cars on residential or business streets at any time. A staging area shall be secured prior to issuance of a grading or building permit as determined necessary by the City Engineer.
37. Truck routes for the import or export of cut/fill material shall be identified and approved by the City Engineer prior to the issuance of any permits. Applicant shall be responsible for the repair of any damage to City streets (private and public) caused by the contractor's or subcontractor's vehicles.
38. Prior to construction, applicant shall ensure that the contractor shall contact City inspector for a pre-construction meeting. Haul route shall be submitted for review and approval by the City Engineer.
39. All construction activities must be designed to minimize potential spills from equipment and to provide a planned response in the event an accidental spill occurs. The applicant shall maintain spill equipment on site; there shall be a designated area if refueling takes place on site. Applicant shall insure all construction personnel are trained in proper material handling, cleanup and disposal procedures.

40. Prior to any demolition activities, a demolition permit shall be obtained and all demolition activities be performed in accordance with the Bay Area Air Quality Management District Regulation 11 Hazardous Pollutants, Rule 2 Asbestos Demolition, Renovation, and Manufacturing. The purpose of this Rule is to control emissions of asbestos to the atmosphere during demolition, renovation, milling and manufacturing and establish appropriate waste disposal procedures. These requirements specify the appropriate methods for survey, demolition/removal, and disposal of asbestos materials to control emissions and prevent hazardous conditions. Specifications developed for the demolition activities shall include the proper packaging, manifesting and transport of demolition wastes by trained workers to a permitted facility for disposal in accordance with local, State, and Federal requirements.
41. Prior to demolition or renovation activities that may disturb suspected lead-based paint (LBP), actual material samples shall be collected or an XRF survey performed in order to determine if LBP is present. It should be noted that construction activities that disturb materials or paints containing any amount of lead are subject to certain requirements of the Occupational Safety and Health Administration (OSHA) lead standard contained in 29 CFR 1910.1025 and 1926.62. If lead-based paint is identified, the paint shall be removed by a qualified lead abatement contractor. Specifications developed for the demolition activities shall include the proper packaging, manifesting, and transport of demolition wastes by trained workers to a permitted facility for disposal in accordance with local, State, and Federal requirements.

PROPERTY MAINTENANCE CONDITIONS

42. A parking lot sweeping program shall be implemented that, at a minimum, provides for sweeping immediately prior to the storm season and prior to each storm event.
43. The site shall be kept clean of all debris (litter, boxes, junk, garbage, etc.) at all times.
44. No signs shall be installed on this site without prior City approval.
45. Any undeveloped areas on-site shall be maintained in an attractive manner that ensures fire safety and prevents any runoff onto the adjacent sidewalks.

AGENCY REQUIREMENT CONDITION

46. Applicable requirements of other agencies including, but not limited to the Contra Costa County Fire District, the Contra Costa Water District, City of Concord (Sanitation), and the East Contra Costa County Habitat Conservancy shall be met.

FEE CONDITIONS

47. The applicant shall pay all fees required by the City Council and other applicable agencies.
48. The applicant shall pay all required fees at the time of building permit issuance.

GRADING CONDITIONS

49. All grading shall be required grading and drainage plan prepared by a registered Civil Engineer, a soils report prepared by a registered Geotechnical Engineer and a Grading Permit approved by the City Engineer. The grading plans and soils report shall require review by the City's geotechnical consultant with all costs to be borne by the applicant.
50. All recommendations made in the Soil Engineers report (unless amended through the City's review) and all recommendations made by the City's geotechnical consultant shall be incorporated into the design and construction of the project.
51. Contour grading techniques with spot elevations shall be employed throughout the project to achieve a more natural appearance, even where this will increase the amount of grading.
52. Tops of cuts or toes of fills adjacent to existing public rights-of-way or easements shall be set back two feet minimum from said rights-of-way and easements.
53. Erosion control measures shall be implemented by the applicant per plans approved by the City Engineer for all grading work not completed before October 1. At the time of approval of the improvement and/or grading plans, an approved Erosion Control Plan prepared by a registered Civil Engineer shall be filed with the City Engineer.
54. All graded slopes in excess of 5 feet in height shall be hydroseeded no later than September 15 and irrigated (if necessary) to ensure establishment prior to the onset of the rainy season
55. The applicant's engineer shall certify the actual pad elevation for the lot in accordance with City standards prior to issuance of Building Permit.
56. Any grading on adjacent properties will require written approval of those property owners affected.
57. If cultural resources are discovered during subsurface excavations, the Contractor shall cease construction and a qualified archeologist shall be contacted to make recommendations for mitigation.
58. The plans shall include the boundary treatment shown on cross sections, drawn to scale, for retaining walls, fencing and drainage.
59. All elevations shown on the grading and improvement plans shall be on the USGS 1929 sea level datum or NAVD 88 with conversion information, or as approved by the City Engineer.

UTILITY CONDITIONS

60. In the circumstance the applicant or successor-in-interest applies to convert the project from a rental apartment project to a condominium subdivision, the applicant or successor-in-interest shall be required to underground all existing and proposed utilities in accordance with the applicable provisions of the Clayton Municipal Code (CMC) at that time.
61. Trash enclosures shall drain to sanitary sewer and shall incorporate methods to contain runoff at the front-gate and pedestrian access point to prevent storm water from entering the enclosure.
62. The sewer collection system shall be constructed to function as a gravity system. Sanitary sewer collection system shall be constructed to the standards of the City of Concord and Central Contra Costa Sanitary District. Inspections of sanitary sewer collection system shall be performed by City of Concord under contract to City of Clayton.
63. Water system facilities shall be designed to meet the requirements of Contra Costa Water District and the fire flow requirements of the Contra Costa County Fire Protection District. All requirements of the responsible agency shall be guaranteed prior to approval of the improvement plans. Any required offsite easements shall be obtained by the applicant at his/her own expense.
64. A reduced pressure backflow preventer assembly shall be installed on all water meter services.
65. Double detector check fire line backflow assemblies shall be enclosed within an easement granted to Contra Costa Water District, as needed, and at no cost to the City or the District.
66. The applicant shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi.
67. All onsite utilities shall be privately maintained and connected to public facilities in accordance with City and applicable agency standards, as approved by the City Engineer.
68. All sanitary sewer system connections and improvements shall be submitted for reviewed and approved by the City Engineer and review and comment by the City of Concord (Sanitation).

DRAINAGE AND WATER QUALITY CONDITIONS

69. For projects disturbing one (1) acre or more, the applicant shall comply with the State Construction General Permit requirements. The applicant shall be responsible for preparing the SWPPP, submit all required documents, and obtaining coverage by filing a Notice of Intent (NOI) with State Water Resource Control Board (SWRCB).
70. A copy of the SWPPP and the Notice of Intent (WDID) shall be submitted to the City prior to issuing permits for construction. The SWPPP and the WDID shall be kept at the job site during construction. The WDID number shall be included onto the cover sheet of the Grading Plans for the project.
71. Prior to approval of the grading plans, the applicant shall submit a drainage study to the City for review and approval, and to the Contra Costa County Flood Control and Water Conservation District (FC District) for review and comment. The applicant shall be responsible to pay directly for the agency's review.
72. Applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Permit (MRP) of the State Regional Water Resources Control Board NPDES Permit as applicable to this project.
73. Stormwater control facilities (C.3 facilities) shall be maintained and operated by the applicant/property owner, in perpetuity, in accordance with the Operation and Maintenance Plan. The applicant/property owner shall provide periodic and annual inspection reports.
74. Applicant shall submit a comprehensive Stormwater Control Plan, construction plans, details, and calculations in accordance with the current Contra Costa Clean Water Program (CCCWP) C.3 Guidebook (7th Edition). Required offsite improvements and street(s) frontage improvement work shall be considered and included as a part of this project for compliance with C.3 requirements. The Stormwater Control Plan watershed drainage map shall include all impervious surface locations (i.e. streets, buildings, parking lots, walkways, etc.) to be used in the calculations for sizing C.3 facilities.
75. CCCWP C.3 online calculator shall be used in determining the size of the required C.3 facilities. Submit a printout and attach a copy in the Stormwater Control Plan.
76. Bio-retention basin side slopes shall not be steeper than 3H:1V.
77. Using C.3 bio-retention basin(s) as a detention basin(s) for the mitigation of increased peak flows shall be subject to the City Engineer's approval. If approved by the City Engineer, applicant shall submit hydrology and hydraulic study, calculations, and details to demonstrate compliance with the C.3 requirements as well as flood control requirements. Detention basin(s) design parameters and the calculations shall also be in accordance with Contra Costa County Flood Control guidelines.

78. Prior to City Approval of the plans and issuance of permits, the applicant shall submit a signed operation and maintenance agreement. The agreement shall be the City's standard form and subject to the review and approval by the City.
79. All storm water flows shall be collected onsite and discharged into an approved public storm drain system. No onsite drainage is allowed to flow over the sidewalk.
80. Applicant shall not increase storm water runoff to adjacent downhill lots unless either, (1) a Drainage Release is signed by the property owner(s) of the affected downhill lots and recorded in the office of the County Recorder; or (2) site drainage is collected and conveyed in approved drainage facilities within a private drainage easement through a downhill property. This condition may require collection of on-site runoff and construction of an off-site storm drainage system. All required releases and/or easements shall be obtained prior to issuance of any building permits.
81. A structure shall be installed at all pipe intersections, change of direction, or change in slope as approved by the City Engineer.

STREET IMPROVEMENT CONDITIONS

82. Sidewalks, curb, gutter, sidewalk and street pavement shall be constructed and/or replaced (if cracked, broken or damaged) in the public right-of-way along the entire project frontage as required by the City Engineer and at no cost to the City. Driveway aprons shall be removed and/or replaced with new curb, gutter and sidewalk to match the proposed development. Corner curb ramps (handicap ramps) that do not meet current Federal ADA and State Title 24 Standards shall be replaced to current standards. Existing street pavement section shall be removed and replaced along the frontage of the property to the centerline of the street if the section is cracked or damaged in any way (regardless if it is damaged by project construction or not), or other roadway preservation methods as approved by the City Engineer. All required public easements or rights-of-way shall be offered to the City. All improvements shall be designed and constructed to the satisfaction of the City Engineer.
83. All streets shall be paved and improved after utilities are installed in accordance with the City of Clayton Standard Drawings and Design Guidelines and the approved plans.

LANDSCAPING CONDITIONS

84. Sight distance triangles shall be maintained per Chapter 12.08 of the CMC, Site Obstructions at Intersections, or as approved by the City Engineer. Landscaping and signage shall not create a sight distance problem.
85. Detailed landscaping and irrigation plans for the entire site shall be submitted to the City for review and approval. All landscaping and irrigation shall be installed in accordance with approved plans prior to the issuance of certificates of occupancy for this building.

86. Landscaping for the project shall be designed to comply with the applicable requirements of City of Clayton Municipal Code. The State Model Water Efficient Landscape Ordinance (MWELo). Prior to issuance of a building permit, the applicant shall demonstrate compliance with the applicable requirements of the MWELo in the landscape and irrigation plans submitted to the City.
87. Landscape shall show immediate results. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed, and/or otherwise maintained as necessary. Plant materials shall be replaced as needed to maintain the landscaping in accordance with the approved plans. Plant material selection shall avoid plant species that are known to be susceptible to disease (e.g., Platanus Blood Good) or drop fruit on hard surfaces and walkways causing a maintenance or safety concern.
88. All trees shall be a minimum 15-gallon size and all shrubs shall be a minimum 5- gallon size.

PROJECT SPECIFIC CONDITIONS

89. Any cracked or broken sidewalks shall be replaced as required by the City Engineer.
90. All rooftop mechanical equipment shall be screened from the public right-of-way and the residential properties to the west of the subject property. A line of sight study shall be submitted with the building permit submittal confirming the equipment is screened.
91. Asphalt paving shall have a minimum slope of two percent (2%), concrete paving shall have a minimum slope of 0.75%, except asphalt paving for identified accessible parking stalls and access routes shall have a minimum slope of 1.5% and a maximum slope of 2%, or as approved by the City Engineer.
92. All on-site curbs, gutters and sidewalks shall be constructed of Portland cement concrete.
93. All walkways adjacent to parking areas with vehicle overhang shall be a minimum of six and a half (6½) feet wide.

TREE PROTECTION CONDITIONS

94. The following construction policies and guidelines for tree preservation and protection put forth by the City of Clayton shall be followed during project implementation:
 - 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.
95. 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 in-lieu fee equal to 200% of the value (as established by the International Society of Arboriculture) of the original tree(s) to be preserved.
96. The Community Development Department shall review and approve grading and improvement plans to ensure adequate measures are taken to protect trees.

LANDSCAPING CONDITIONS

97. The project shall comply with all applicable requirements and regulations as they pertain to the Landscape Water Conservation Standards and the Water Efficient Landscape Ordinance.
98. Three sets of the landscape and irrigation plans 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 prepared by a landscape architect.
99. 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.
100. 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.

EXPIRATION CONDITION

103. The Tree Removal Permit (TRP-24-17) shall expire simultaneously with the expiration of the Site Plan Review Permit (SRP-04-17), pursuant to the permit expiration provisions listed in Chapter 17.64 of the Clayton Municipal Code.

GENERAL CONDITIONS

104. The applicant shall obtain the necessary approvals from the Contra Costa County Fire Protection District.
105. The applicant shall provide an adequate and reliable water supply for fire protection as set forth in the Uniform Fire Code.
106. The access driveway/roadway and turnaround improvements must be completed and inspected by the Contra Costa County Fire Protection District (CCCYPD) prior to construction on the two residential lots.
107. All 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 both residences for review and approval prior to installation.
108. Additional requirements may be imposed by the CCCYPD. Before proceeding with the project, it is advisable to check with the CCCYPD located at 4005 Port Chicago Highway, Concord, 925-941-3300.
109. The applicant shall comply with all applicable State, County, and City codes, regulations, and standards as well as pay all associated fees and charges.
110. All construction and other work shall occur only between 7:00 a.m. and 5:00 p.m. Monday through Friday. Any such work beyond these hours and days is strictly prohibited unless specifically authorized in writing by the City Engineer, 925-969-8181, scott.alman@weareharris.com (Clayton Municipal Code Section 15.01.101).
111. The applicant shall obtain the necessary building permits from the Contra Costa County Building Inspection Department. All construction shall conform to the California Building Code.
112. Prior to issuance of a Certificate of Occupancy for any residential building, the applicant shall install security cameras to monitor primary individual building entries and parking areas with the ability to archive and monitor the imaging to the satisfaction of the Chief of Police.
113. In the circumstance the applicant or successor-in-interest applies to convert the rental apartment project to a condominium subdivision, the applicant or successor-in-interest shall pay Quimby Act fees in accordance with applicable provisions of the Clayton Municipal Code (CMC) and City adopted fee schedule in effect at that time.

Planning Commission
Resolution No. 06-19

114. The applicant shall prepare a property maintenance program to address on-going building maintenance, landscaping, parking lot maintenance, and tenant maintenance responsibilities to the satisfaction of the City Attorney.
115. Prior to issuance of a City demolition and/or grading permit the applicant shall complete a Green Infrastructure Feasibility analysis, as required by the San Francisco Rational Water Quality Control Board in MRP 2.0, to determine opportunities to address existing frontage runoff into planned or new bio retention areas behind the back of curb. If such analysis determines these are feasible, any Green Infrastructure shall be maintained by the abutting property owner in perpetuity.
116. The applicant is advised this project is subject in perpetuity to the required (annual) Operations and Maintenance inspections by the City for the C.3 facilities at the costs established and updated annually in the City Fees and Charges Schedule.
117. The trash enclosures shall have solid metal doors, a solid roof and ventilation. The proposed trash enclosures need to be enlarged in order to have internal clear dimensions that are adequate to accommodate the required refuse and recycling dumpsters/containers and resident accessibility to utilize them. The trash enclosures must be located in close proximity to the access driveway near the public right-of-way to the satisfaction of Republic Services and the City Engineer to assure accessibility for trash removal and adequate sight distance to assure the public the safety.
118. All landscaping along Marsh Creek Road and along High Street behind the back of curb shall be maintained by the abutting property owner in perpetuity.
119. Prior to the issuance of the first Certificate of Occupancy the applicant shall contribute up to \$20,000. to establish a Permit Parking Program System for the Stranahan Subdivision located across Marsh Creek Road to the east of the project to limit possible spillover parking from outside that neighborhood to the satisfaction of the City Engineer and Chief of Police.
120. Prior to the issuance of the first Certificate of Occupancy the applicant shall install electronic speed indicator signage on Marsh Creek Road in the vicinity of the intersection of Marsh Creek Road and Stranahan Circle to facilitate reducing speeding in this area to the satisfaction of the City Engineer and Chief of Police.
121. Prior to the issuance of the first Certificate of Occupancy the applicant shall install pedestrian activated crosswalk flashers at the trail crosswalk south of the project site on Marsh Creek Road to facilitate pedestrian safety to the satisfaction of the City Engineer.
122. The property owner shall provide annual bus passes to the tenants in the development and establish a car share program to facilitate reducing on-site parking demand to the satisfaction of the Community Development Director.

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123. Prior to the issuance of the first Certificate of Occupancy the applicant shall provide and install fifty 15-gallon trees off-site within the City of Clayton to increase carbon absorption to the satisfaction of the City Maintenance Supervisor and City Manager.

NO DECISION WITH A 2-2 VOTE by the Planning Commission of the City of Clayton at a regular meeting on the 10th day of December 2019.

NO DECISION:

ATTEST:



Peter Cloven
Chair



David Woltering
Interim Community Development Director

Attachment J

**Appeal of Planning Commission
Approval of CEQA Infill Exemption
submitted by Kent Ipsen, dated
December 30, 2019**

Appeal of a Planning Commission Decision

Below: Office Use Only



File No. _____ Fee(s) 324⁰⁰

Received By: S. Hoffmeister

Date 12/30/19 Receipt No. 029135

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT.
Heritage Trail, Clayton, CA 94517
Phone No. 925.673.7300 Fax No. 925.672.4917
www.ci.clayton.ca.us

Please clarify any questions with the Planning Staff prior to completing this form. Please print or type legibly. Attach additional sheets if necessary. Incomplete applications will not be accepted.

1. Personal Information (Appellant):

- a. Name: Kent Ipsen Signature: [Signature]
- b. Address: 6061 Clayton View Ln Clayton, CA 94517
- c. Phone: (925) 595-8720
- d. interest in project (e.g., applicant, neighbor, etc): Neighbor

2. Appeal Instructions:

- a. To file an appeal, take the form and appeal fee to the City Clerk at City Hall, Third Floor, 6000 Heritage Trail. City Hall is open Monday through Friday, 9:00 a.m. to 5:00 p.m.
- b. The appeal must be filed within 10 calendar days of the Planning Commission Notice of Decision.
- c. A public hearing will be held by the City Council. The appellant, applicant, and any other person(s) who requested notice of an appeal hearing in writing will be mailed a notice of the public hearing.
- d. Attach a copy of the written decision/ruling.

3. Specify Grounds of Appeal:

- a. Date of Planning Commission Decision on Project: December 20, 2019
- b. State your rationale for arguing that the Planning Commission ruling was an improper or erroneous interpretation of the Ordinance:
- The specified findings of Resolution # 05-19 by the Planning Commission are not supported by the evidence

4. Certification: I recognize that the Clayton City Council may, in conformity with the Unified Development Ordinance, reverse or affirm, wholly or partly, or may modify the order; requirement, decision or determination appealed from, and may by a resolution make any necessary order, requirement, decision or determination. Furthermore, I have read Sections 17.68.020 and .030 of the Municipal Code found on the alternate side of this form.

Applicant Signature: [Signature] Date: 12/23/19

17.68.020 Appeal--Allowed when.

Appeal from any decision of the Planning Commission shall be governed by the provisions of this section and Section 17.68.030. For the purpose of appeal from any action of the Planning Commission, an aggrieved person must be either a subdivider, if he is dissatisfied with any action with respect to the tentative map, or to the kinds, nature and extent of the improvements required for a subdivision, or an applicant or any person alleging:

- A. That his property rights or the value of his property is adversely affected and the decision does not comply with the General Plan, if one is in effect at the time; or
- B. That the required standards, which must be specified, are or are not satisfied by the evidence presented at the hearing for rezoning, land use permit, or variance permit; or
- C. That specified findings of the Planning Commission are not supported by the evidence; or
- D. That specified limitations or conditions imposed in granting a permit are not reasonably required; or
- E. That specified limitations or conditions recommended but not imposed are reasonably required in granting a permit. (Ord. 52 Ch. III Sec. 5(a), 1968).

17.68.030 Appeal--Notice--Fee--Hearing and notice--Council conclusions.

An aggrieved party may appeal a decision of the Planning Commission to the City Council by filing a written notice of appeal with the City Clerk specifying the grounds for the appeal along with an appeal fee in such amount as may from time to time be fixed by resolution of the City Council, within ten days after the filing with the appropriate officials of the decision being appealed. When an appeal from the decision of the Planning Commission is properly filed, the City Clerk shall transmit to the City Council copies of the letter of appeal, the application and findings and decision of the Planning Commission. Upon receipt of said matter, the City Council shall order the matter heard before itself. The City Council shall proceed to schedule a public hearing in the matter before it and cause notice of the hearing time, place and nature of the appeal to be given by mailing copies of such notice by United States mail, first-class, postage prepaid to the appellant, the applicant or subdivider, and any other interested person or persons who shall have recorded his name and mailing address along with a request for a notice of hearing on appeal with the City Clerk and/or Secretary of the Planning Commission. The City Council shall then hear the matter as directed in the order fixing hearing and following this shall make its findings and conclusions in writing and file them with the City Clerk within thirty days after the close of the hearing, with copies being forwarded to the Planning Commission, the appellant and the applicant or subdivider. In its conclusions the City Council may approve with conditions, or deny the appeal. The conclusion of the City Council shall be final and the application shall be disposed of in accordance with the City Council's decision with no further administrative action being taken on the application. (Ord. 172 Sec. 5, 1977; Ord. 52 Ch. III Sec. 5(b), 1968).

**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 05-19**

**A RESOLUTION OF THE CLAYTON PLANNING COMMISSION DETERMINING THAT THE OLIVIA
ON MARSH CREEK SENIOR HOUSING PROJECT QUALIFIES FOR A CATEGORICAL EXEMPTION
UNDER CLASS 32 – INFILL DEVELOPMENT PROJECTS
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(ENV-01-17)**

WHEREAS, the City received an application from William Jordan requesting review and consideration of an Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), Tree Removal Permit (TRP-24-17), and related Environmental Review (ENV-01-17) for development of an 81-unit senior residential development located on three adjacent parcels with a total area of 3.02 acres (“Project”), located at the southwest intersection of High Street and Marsh Creek Road (APNs: 119-021-063, 119-021-055, and 119-021-013); and

WHEREAS, the Project meets the definition of an infill development project as specified in Section 15332 of Title 14 of the California Code of Regulations, the California Environmental Quality Act (“CEQA”) Guidelines; and

WHEREAS, the City commissioned an independent analysis of the Project’s eligibility for a Class 32 Infill Exemption by Raney Planning & Management, Inc., titled “Infill Exemption Environmental Analysis for Clayton Senior Housing Project” and dated June 14, 2019, which analyzes whether the Project meets all criteria of the Class 32 Infill Exemption as stated in CEQA Guidelines Section 15332, and which is attached as Exhibit A to this Resolution; and

WHEREAS, the Clayton Planning Commission has reviewed the “Infill Exemption Environmental Analysis for Clayton Senior Housing Project”; and

WHEREAS, on November 12, 2019, and December 10, 2019, the Clayton Planning Commission held a duly-noticed public hearings on the Project, including staff’s recommended determination of a Class 32 Categorical Exemption (Infill Development Projects) pursuant to the CEQA Guidelines.

Planning Commission
Resolution No. 05-19

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, that:
 - a. The City of Clayton exercised overall control and direction over the CEQA review for the Project, including the preparation of the "Infill Exemption Environmental Analysis for Clayton Senior Housing", and independently reviewed the same; and
 - b. There is no substantial evidence that the Project will have a significant effect on the environment; and
 - c. The "Infill Exemption Environmental Analysis for Clayton Senior Housing" reflects the City's independent judgment and analysis.
3. The Clayton Planning Commission hereby determines that the Project is Categorically Exempt, under Class 32 – Infill Development Projects, from further review pursuant to the California Environmental Quality Act.

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 10th day of December, 2019.

APPROVED:

ATTEST:


Peter Cloven
Chair


David Woltering
Interim Community Development Director

ATTACHMENTS

Exhibit A – Infill Exemption Environmental Analysis for Clayton Senior Housing Project by Raney Planning & Management, Inc. (supporting technical studies are available for review in the Community Development Department at Clayton City Hall)

EXHIBIT A



WWW.RANEYMANAGEMENT.COM

NORTHERN CALIFORNIA

1501 SPORTS DRIVE
SACRAMENTO, CA 95834

TEL: 916.572.6100 • FAX: 916.419.6106

June 14, 2019

David Woltering
Interim Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA

Subject: Infill Exemption Environmental Analysis for Clayton Senior Housing Project

Dear Mr. Woltering:

The City of Clayton retained Raney Planning & Management, Inc. (Raney) to determine whether the Clayton Senior Housing Project satisfies criteria (c) and (d) of the Class 32 Infill Exemption included in the California Environmental Quality Act (CEQA) Guidelines. The specific conditions identified in the Class 32 Infill Exemption in the CEQA Guidelines are as follows (specific emphasis has been added for criteria (c) and (d)):

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- (c) *The project site has no value as habitat for endangered, rare or threatened species.*
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) *The site can be adequately served by all required utilities and public services.*

The applicant team prepared several technical studies for the project, which provide information needed to determine whether the project satisfies criteria (c) and (d). To that end, the Raney team performed peer reviews of the applicant-prepared reports to determine their adequacy. The technical reports for the Clayton Senior Housing Project are as follows:

- *6170 High Street/6450 Marsh Creek Road, 6490 Marsh Creek Road – Revised Biological Constraints Assessment Survey Results (November 6, 2018), prepared by Olberding Environmental;*
- *Air Quality & Greenhouse Gas Impact Assessment for the Proposed Clayton Senior Housing Project, Clayton, CA, prepared by Ambient Air Quality & Noise Consulting (September 24, 2018);*
- *Noise & Groundborne Vibration Impact Assessment for the Proposed Clayton Senior Housing Project, Clayton, CA, prepared by Ambient Air Quality & Noise Consulting (September 21, 2018); and*
- *Clayton Senior Housing Trip Generation Study Final Letter (May 8, 2017), prepared by Kimley Horn.*

The following section provides a summary of Raney's review of the technical biological, air quality, noise, traffic, and water quality studies.

Biological

Raney has determined that the methods employed by Olberding Environmental are in general conformance with industry standard practice for biological assessments. For example, the report includes a search of the California Natural Diversity Database (CNDDDB) maintained by the California Department of Fish and Wildlife, and reports the special-status species recorded within an extended radius around the project site (presumably 5 miles). The initial peer review comments provided by Raney to the City on September 19, 2018 have been adequately addressed in the final November 6, 2018 report. The report concludes that the project site has no value as habitat for endangered, rare or threatened species, consistent with criteria (c) of Infill Exemption 15332.

Air Quality

Raney has concluded that the Air Quality/Greenhouse Gas analysis was completed in accordance with current industry standards, and in compliance with the recommended guidance of the Bay Area Air Quality Management District (BAAQMD). The general methodology of the Technical Memorandum included estimating potential air quality and greenhouse gas (GHG) emissions from construction and operation of the proposed project, using the most-up-to-date version of the California Emissions Estimator Model (CalEEMod) software. To assess the adequacy of the Air Quality/GHG analysis presented in the Technical Memorandum, Raney reviewed the methods, assumptions, and CalEEMod outputs provided by Ambient Consulting. The initial peer review comments provided by Raney to the City on July 20, 2018 and September 7, 2018 have been adequately addressed in the final September 24, 2018 report. The report concludes that the proposed project would result in construction and operational emissions below the BAAQMD's thresholds of significance. Thus, the proposed project would not result in any significant air quality effects, consistent with criteria (d) of Infill Exemption 15332.

Noise

Raney hired j.c. brennan & associates, Inc., a noise technical expert, to perform a technical peer review of the project-specific noise and vibration study. j.c. brennan & associates reviewed the report methodology and results and determined that the report was completed in accordance with current industry standards and adequately addresses whether the proposed project would exceed the City of Clayton's General Plan Noise Element and/or Noise Ordinance standards. The report concludes that the proposed project would result in operational noise levels below the relevant City noise thresholds. With respect to construction noise, the report correctly notes that construction activities occurring between the allowable hours specified in Clayton Municipal Code Section 15.01.101 are not subject to the City's noise level thresholds. Per City Ordinance, construction hours for the project would be limited. Thus, the proposed project would not result in any significant noise effects, consistent with criteria (d) of Infill Exemption 15332.

Traffic

Raney consulted with Abrams Associates Traffic Engineering, Inc. to advise on the accuracy of a Trip Generation Study prepared for the proposed project by Kimley Horn. On May 9, 2018, Abrams Associates confirmed that the method of analysis used in the Trip Generation Study was correct, and that the resulting trip estimates are accurate. The Trip Generation Study concludes that the proposed project would generate 16 AM peak hour trips and 19 PM peak hour trips using the ITE Trip Generation Manual. The expected AM and PM peak hour trips are well below the Contra Costa Transportation Authority's 100 peak hour trip threshold for warranting a traffic impact analysis. Additionally, the nearby intersection of Marsh Creek Road/Clayton Road was analyzed and it was determined that the intersection would not be impacted by the relatively small increase in trips in the vicinity. Thus, the proposed project would not result in any significant traffic effects, consistent with criteria (d) of Infill Exemption 15332.

Hydrology

The City Engineer has reviewed the proposed project's potential to significantly effect water quality in the vicinity and has determined that compliance with existing stormwater regulations would ensure no significant adverse water quality effects would occur, as the following will demonstrate. The proposed project would implement the City of Clayton development standards, as well as adhere to all regulations set forth by the Regional Water Quality Control Board, including Section C.3 of the Municipal Regional Storm Water Permit. Additionally, the proposed project would adhere to all requirements for sewerage collection and purveyance of drinking water enforced by the Contra Costa Water District. The City Engineer determined that the proposed project would not introduce any extraordinary issues that would negatively impact water quality on the project site or in the surrounding area. Thus, the proposed project would not result in any significant water quality effects, consistent with criteria (d) of Infill Exemption 15332.

Conclusion

As discussed above, the project site does not contain valuable habitat for endangered, rare or threatened species. Based on an air quality analysis conducted for the proposed project, emissions of criteria pollutants associated with the project would not exceed applicable thresholds established by BAAQMD. Additionally, as determined by the technical studies, the proposed project would be consistent with all applicable regulations set forth by the City and Contra Costa County with regard to noise and traffic. Finally, the City Engineer has evaluated the project site plans and determined that the proposed project would not create any significant adverse effects to water quality on the project site or in the surrounding area. Based on the above, the Clayton Senior Housing Project would satisfy the Infill Exemption conditions (c) related to biological resources and (d) related to air quality, noise, traffic, and water quality.

Exceptions to Categorical Exemptions

Even if a project is ordinarily exempt under any of the categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. The following is a discussion of any possible exceptions to the CEQA exemption.

Criterion 15300.2(a): Location

This exception only applies to CEQA exemptions under Classes 3,4,5,6, or 11. Since the proposed project qualifies as a Class 32 Infill Exemption, Criterion 15300.2(a) would not apply.

Criterion 15300.2(b): Cumulative Impact

The project site is currently designated Multifamily High Density Residential in the Clayton General Plan and zoned Planned Development. The proposed project is consistent with the site's General Plan and zoning designations. Therefore, impacts of the project have been anticipated by the City and analyzed in the General Plan EIR. Furthermore, the proposed project would not create a significant impact related to modification of habitat for endangered, rare, or threatened species, air quality, noise, traffic, or water quality. Thus, the overall effects of the proposed project would be less than significant and would not contribute to significant cumulative impacts.

Criterion 15300.2(c): Unusual Circumstances

The proposed project would develop a senior housing facility on a project site currently planned for residential development. As discussed above, the Biological Assessment determined that the site does not contain any suitable habitat for endangered, rare, or threatened species; and, such species are not anticipated to occur on-site. Additionally, the project site has not been identified as a source of potentially hazardous materials or waste contamination which could pose a risk to surrounding residents. Based on the above, the project site is not affected by any unusual circumstances. Thus, the exception regarding significant effects on the environment due to unusual circumstances would not apply.

Criterion 15300.2(d): Scenic Highway

The project site would not be located within view of any Officially Designated Scenic Highway. Interstate 680 (I-680), an Officially Designated Scenic Highway, is located approximately 7.5 miles southwest of the project site; however, I-680 would not provide views of the project site.¹ Thus, the exception regarding scenic highways would not apply.

Criterion 15300.2(e): Hazardous Waste Sites

The Cortese List, consisting of databases identified in California Government Code Section 65962.5, was consulted to identify sites with known hazardous materials or waste contamination within or adjacent to the project site; however, none were found. Thus, an exception to the Class 32 exemption based on the presence of a hazardous waste site would not apply.

Criterion 15300.2(f): Historical Resources

The City of Clayton's *Heritage Preservation Task Force Report* includes a list of any potentially historic resources located within the City, including historic resources listed on either the California Register of Historical Resources or the National Register. Based on the Report, the existing on-site structures are not listed as historical resources and the project site does not contain any other structures which are considered historic by the City. In addition, the project site is located within an urbanized area of the City of Clayton and is surrounded by development. Thus, archaeological and paleontological resources are not anticipated be present at or near the project site. Therefore, the exception based on presence of historical resources would not apply.

Conclusion

Based on the above discussions, the proposed project would be consistent with the General Plan and zoning designations. Consistency with such would ensure that the project would not result in any cumulative impacts which have not already been anticipated by the City. In addition, the project site does not contain any unusual circumstances. Finally, the project site is not within view of a Scenic Highway, identified as a source of hazardous materials, and does not contain any recorded historic resources. Based on the above, the proposed project would not meet any of the exception criteria for a Class 32 Infill Exemption.

Please contact me at (916) 372-6100 if you have any questions regarding this Infill Exemption analysis.

Sincerely,

Nick Pappani
Vice President
Raney Planning and Management, Inc.

¹ California Department of Transportation. *California Scenic Highway Mapping System Contra Costa County*. Accessed June 2019. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/.

Attachment K

**Appeal of Planning Commission
Approval of CEQA Infill Exemption
submitted by Dan Hummer, dated
January 2, 2020**

APPROVED



Appeal of a Planning Commission Decision

JAN 02 2020

Below: Office Use Only
CLAYTON COMMUNITY DEVELOPMENT DEPT

6000 Heritage Trail, Clayton, CA 94517
Phone No. 925.673.7300 Fax No. 925.672.4917
www.ci.clayton.ca.us

File No. _____ Fee(s) 324⁰⁰
Received By: J. Calderon
Date January 2, 2020 Receipt No. 029404

Please clarify any questions with the Planning Staff prior to completing this form. Please print or type legibly. Attach additional sheets if necessary. Incomplete applications will not be accepted.

1. Personal Information (Appellant):

a. Name: Dan Hummer Signature: [Signature]
b. Address: 282 Stranahan Circle, Clayton, CA 94517
c. Phone: 925-766-3067
d. Interest in project (e.g., applicant, neighbor, etc.): neighbor

2. Appeal Instructions:

- a. To file an appeal, take the form and appeal fee to the City Clerk at City Hall, Third Floor, 6000 Heritage Trail. City Hall is open Monday through Friday, 9:00 a.m. to 5:00 p.m.
- b. The appeal must be filed within 10 calendar days of the Planning Commission Notice of Decision.
- c. A public hearing will be held by the City Council. The appellant, applicant, and any other person(s) who requested notice of an appeal hearing in writing will be mailed a notice of the public hearing.
- d. Attach a copy of the written decision/ruling.

3. Specify Grounds of Appeal:

a. Date of Planning Commission Decision on Project: Dec 10, 2019
b. State your rationale for arguing that the Planning Commission ruling was an improper or erroneous interpretation of the Ordinance:

I have attached a document to this appeal as there was not enough room to include all the reasons on why the OLIVIA project does not meet CEQA requirements and thus not being eligible for a density bonus.

4. Certification: I recognize that the Clayton City Council may, in conformity with the Unified Development Ordinance, reverse or affirm, wholly or partly, or may modify the order; requirement, decision or determination appealed from, and may by a resolution make any necessary order, requirement, decision or determination. Furthermore, I have read Sections 17.68.020 and .030 of the Municipal Code found on the alternate side of this form.

Applicant Signature: [Signature] Date: 12/31/2019

17.68.020 Appeal--Allowed when.

Appeal from any decision of the Planning Commission shall be governed by the provisions of this section and Section 17.68.030. For the purpose of appeal from any action of the Planning Commission, an aggrieved person must be either a subdivider, if he is dissatisfied with any action with respect to the tentative map, or to the kinds, nature and extent of the improvements required for a subdivision, or an applicant or any person alleging:

- A. That his property rights or the value of his property is adversely affected and the decision does not comply with the General Plan, if one is in effect at the time; or
- B. That the required standards, which must be specified, are or are not satisfied by the evidence presented at the hearing for rezoning, land use permit, or variance permit; or
- C. That specified findings of the Planning Commission are not supported by the evidence; or
- D. That specified limitations or conditions imposed in granting a permit are not reasonably required; or
- E. That specified limitations or conditions recommended but not imposed are reasonably required in granting a permit. (Ord. 52 Ch. III Sec. 5(a), 1968)

17.68.030 Appeal--Notice--Fee--Hearing and notice--Council conclusions.

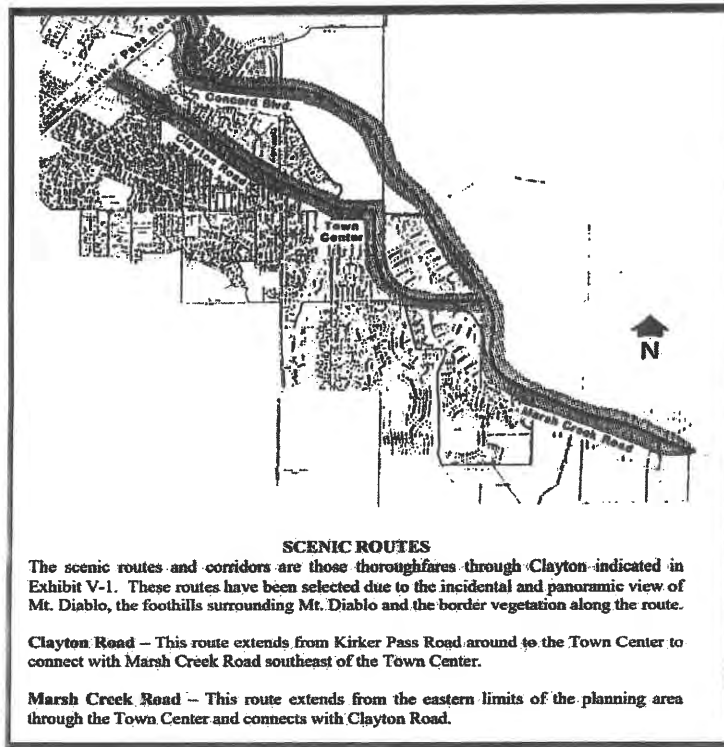
An aggrieved party may appeal a decision of the Planning Commission to the City Council by filing a written notice of appeal with the City Clerk specifying the grounds for the appeal along with an appeal fee in such amount as may from time to time be fixed by resolution of the City Council, within ten days after the filing with the appropriate officials of the decision being appealed. When an appeal from the decision of the Planning Commission is properly filed, the City Clerk shall transmit to the City Council copies of the letter of appeal, the application and findings and decision of the Planning Commission. Upon receipt of said matter, the City Council shall order the matter heard before itself. The City Council shall proceed to schedule a public hearing in the matter before it and cause notice of the hearing time, place and nature of the appeal to be given by mailing copies of such notice by United States mail, first-class, postage prepaid to the appellant, the applicant or subdivider, and any other interested person or persons who shall have recorded his name and mailing address along with a request for a notice of hearing on appeal with the City Clerk and/or Secretary of the Planning Commission. The City Council shall then hear the matter as directed in the order fixing hearing and following this shall make its findings and conclusions in writing and file them with the City Clerk within thirty days after the close of the hearing, with copies being forwarded to the Planning Commission, the appellant and the applicant or subdivider. In its conclusions the City Council may approve with conditions, or deny the appeal. The conclusion of the City Council shall be final and the application shall be disposed of in accordance with the City Council's decision with no further administrative action being taken on the application. (Ord. 172 Sec. 5, 1977; Ord. 52 Ch. III Sec. 5(b), 1968)

The Olivia project does not meet the CEQA infill development requirements, and thus does not qualify for a density bonus exception. The Planning Commission's decision should be overturned, and the project should not be allowed to be built as proposed. Just one of the reasons noted below should be enough proof that the project does not qualify, but I have supplied seven reasons.

Reason	Siting	Comments
1	<p>"The density bonus statute provides for a density bonus of up to 25% for condominium conversion projects providing at least 33% for the total units to low or moderate income households or 15% of the units to lower income households. Many condominium conversion projects are not designed in a manner that allows them to take advantage of the opportunity to construct additional units, but some projects may find this helpful. While condominium conversions are not presently a viable development alternative, this provision may be of some value in limited situations in the future."</p>	<p>It is stated on the proposed project that this project will be a condominium conversion, and Mr. Jordan acknowledged this in the last planning commission meeting on Dec 10. So this means that the project would only be able to have an additional 25% of the units, which would make it 75 units. But this increase is only allowed if 33% of the units are for low or moderately low income. This would mean that 24 units would need to be designated as such. The project is only allotting for 7 units in the proposal. We do not want to create a mini "Projects" here in Clayton. Seeing as how this will be a condominium conversion, this reason alone proves that the project does not qualify.</p>
2	<p>"the new statutory exemption applies to residential or mixed-use housing projects "within an unincorporated area of a county on a project site of no more than five acres substantially surrounded by qualified urban uses" (Pub. Resources Code, § 21159.25(b)(3))"</p>	<p>The California Legislature has enacted new Public Resources Code § 21159.25, effective as of January 1, 2019 (Stats. 2018, c. 670 (A.B. 1804)). This amendment states that the infill would need to be in an unincorporated area of the county. The proposed site is located within the city of Clayton, which has been incorporated since 1964. The Raney evaluation did not include the red highlighted wording from the Class 32 Infill Exemption. This reason alone proves that the project does not qualify.</p>
3	<p>"the project must not result in significant effects relating to transportation"</p>	<p>The "Exhibit A" analysis from Raney is incomplete. Vehicle parking is considered a type of traffic. There is the potential of up to 234 residents still in working age range. This creates an unacceptable amount of additional traffic/parking, and when the other non-developed adjacent parcels are developed, the traffic/parking will be excessive. If a conservative 75% of the 234 residents have a vehicle, this would mean that parking for 175 vehicles is necessary. This reason alone proves that the project does not qualify.</p>
4	<p>"...the project must be consistent with the applicable general plan and zoning..."</p>	<p>This is not consistent with the general plan, and only complies with the zoning for multi-family high density. In the general plan, it is stated "Retention of large estates should be encouraged, but if they are to be redeveloped, then development should be done in such a way as to preserve trees, provide adequate screening from roads, and prevent the loss of atmosphere."</p> <p>To further quote the general plan, in section two "Land Use Element", the first three goals are noted as below:</p> <p>"1. To maintain the rural character that has been the pride and distinction of Clayton." "2. To encourage a balance of housing types and densities consistent with the rural character of Clayton." "3. To preserve the natural features, ecology, and scenic vistas of the Clayton area."</p> <p>This project is requesting the removal of large established trees, minimal setbacks, and three stories which is not consistent with the general plan, and is exactly the opposite of the general plan. This reason alone proves that the project does not qualify.</p>

5	"the new statutory exemption is subject to familiar exceptions where the project could have a significant effect due to cumulative impacts"	<p>There will be a significant cumulative impacts.</p> <p>Impact 1: With the necessary parking of over 175 spaces, this will fill up available parking for the project, the existing surrounding developments, and parking downtown which will adversely impact businesses. This creates a major safety concern as residents of the new project will need to park offsite from the proposed project's grounds, and will need to cross Marsh Creek Road which has a blind curve in order to get to their homes.</p> <p>Impact 2: Traffic on Marsh Creek Road travels at excessive speeds (50MPH+) for pedestrian crossing . So 55+ "seniors" are supposed to cross this busy section of Clayton day or night to get to their residence?</p> <p>Impact 3: The city's fire department is not equipped with a three story ladder, which is another safety concern.</p> <p>Impact 4: The project is to be later sold as condo units. Once these are condo units, the ability to enforce any parking restrictions and how many people or vehicles are permitted per unit will be extremely difficult if not impossible. The reasons in this section prove cumulative impacts, and this alone proves that the project does not qualify.</p> <p>Impact 5: The high density and tall buildings proposed in this project if built would adversely affect the housing pricing of the surrounding exiting homes.</p>
6	"could cause a substantial adverse change in the significance of a historical resource"	<p>I am not sure how a property is considered for historical purposes, but the two houses on Marsh Creek Road which would be demolished for this project are both over 70 years old. In fact, the home at 6450 Marsh Creek is 89 years old. There are only a few houses left in Clayton which are this old, and these should be preserved.</p>
7	"or would damage scenic resources"	<p>On the City's website, this section of Marsh Creek Road is considered to be a scenic corridor. Some people may not feel that this is, but anyone's house whom will be facing this proposed development will be losing a very scenic view. Several citizens in the various meetings have also noted that this is a scenic drive, and that it would be a shame to lose. Link to the city's document (page V-9), and related image is below for easy reference. This reason alone proves that the project does not qualify.</p>

<https://ci.clayton.ca.us/fc/community-development/planning/long-range-planning/general-plan/section-v-community-design-element.pdf>



Attachment L

Appeal of Planning Commission
Approval of CEQA Infill Exemption
submitted by Irina and Alexander
Liskovich, dated January 2, 2020



Appeal of a Planning Commission **RECEIVED**
Decision JAN 02 2020

Below: Office Use Only

City of Clayton

File No. _____ Fee(s) 324

Received By: J. Caldern

Date January 2, 2020 Receipt No. 029406

6000 Heritage Trail., Clayton, CA 94517
Phone No. 925.673.7300 Fax No. 925.672.4917
www.ci.clayton.ca.us

Please clarify any questions with the Planning Staff prior to completing this form. Please print or type legibly. Attach additional sheets if necessary. Incomplete applications will not be accepted.

1. Personal Information (Appellant):

a. Name: LISKOVICH IRINA, ALEXANDER Signature: [Signature]
b. Address: 218 STRANAHAN CIRCLE, CLAYTON, CA 94517
c. Phone: (925) 672-4991
d. interest in project (e.g., applicant, neighbor, etc): NEIGHBOR

2. Appeal Instructions:

- a. To file an appeal, take the form and appeal fee to the City Clerk at City Hall, Third Floor, 6000 Heritage Trail. City Hall is open Monday through Friday, 9:00 a.m. to 5:00 p.m.
- b. The appeal must be filed within 10 calendar days of the Planning Commission Notice of Decision.
- c. A public hearing will be held by the City Council. The appellant, applicant, and any other person(s) who requested notice of an appeal hearing in writing will be mailed a notice of the public hearing.
- d. Attach a copy of the written decision/ruling.

3. Specify Grounds of Appeal:

a. Date of Planning Commission Decision on Project: 12/10/2019
b. State your rationale for arguing that the Planning Commission ruling was an improper or erroneous interpretation of the Ordinance:

SEE ATTACHMENT

4. Certification: I recognize that the Clayton City Council may, in conformity with the Unified Development Ordinance, reverse or affirm, wholly or partly, or may modify the order; requirement, decision or determination appealed from, and may by a resolution make any necessary order, requirement, decision or determination. Furthermore, I have read Sections 17.68.020 and .030 of the Municipal Code found on the alternate side of this form.

Applicant Signature: [Signature] Date: 01/02/2020

17.68.020 Appeal--Allowed when.

Appeal from any decision of the Planning Commission shall be governed by the provisions of this section and Section 17.68.030. For the purpose of appeal from any action of the Planning Commission, an aggrieved person must be either a subdivider, if he is dissatisfied with any action with respect to the tentative map, or to the kinds, nature and extent of the improvements required for a subdivision, or an applicant or any person alleging:

- A. That his property rights or the value of his property is adversely affected and the decision does not comply with the General Plan, if one is in effect at the time; or
- B. That the required standards, which must be specified, are or are not satisfied by the evidence presented at the hearing for rezoning, land use permit, or variance permit; or
- C. That specified findings of the Planning Commission are not supported by the evidence; or
- D. That specified limitations or conditions imposed in granting a permit are not reasonably required; or
- E. That specified limitations or conditions recommended but not imposed are reasonably required in granting a permit. (Ord. 52 Ch. III Sec. 5(a), 1968).

17.68.030 Appeal--Notice--Fee--Hearing and notice--Council conclusions.

An aggrieved party may appeal a decision of the Planning Commission to the City Council by filing a written notice of appeal with the City Clerk specifying the grounds for the appeal along with an appeal fee in such amount as may from time to time be fixed by resolution of the City Council, within ten days after the filing with the appropriate officials of the decision being appealed. When an appeal from the decision of the Planning Commission is properly filed, the City Clerk shall transmit to the City Council copies of the letter of appeal, the application and findings and decision of the Planning Commission. Upon receipt of said matter, the City Council shall order the matter heard before itself. The City Council shall proceed to schedule a public hearing in the matter before it and cause notice of the hearing time, place and nature of the appeal to be given by mailing copies of such notice by United States mail, first-class, postage prepaid to the appellant, the applicant or subdivider, and any other interested person or persons who shall have recorded his name and mailing address along with a request for a notice of hearing on appeal with the City Clerk and/or Secretary of the Planning Commission. The City Council shall then hear the matter as directed in the order fixing hearing and following this shall make its findings and conclusions in writing and file them with the City Clerk within thirty days after the close of the hearing, with copies being forwarded to the Planning Commission, the appellant and the applicant or subdivider. In its conclusions the City Council may approve with conditions, or deny the appeal. The conclusion of the City Council shall be final and the application shall be disposed of in accordance with the City Council's decision with no further administrative action being taken on the application. (Ord. 172 Sec. 5, 1977; Ord. 52 Ch. III Sec. 5(b), 1968).

The Olivia project does not meet the CEQA infill development requirements, and thus does not qualify for a density bonus exception. The Planning Commission's decision should be overturned, and the project should not be allowed to be built as proposed.

Reason	Siting	Comments
6	"Preserves the general safety of the community regarding seismic, landslide, flooding, fire and traffic hazards"	During the public hearings it became apparent that the parking allotment is woefully inadequate. Everyone agreed that Stranahan Circle will be used to absorb the additional vehicles that will create a traffic hazard. Stranahan Circle is a playground for small children. The movements of 100 additional cars parked on the street presents a clear danger to the playing kids, pedestrians and bike riders. NONE of these concerns is addressed by Raney. And NO effective parking enforcement exists in Clayton. Therefore resolution 06-19 was approved without taking any traffic hazard into account and its approval should be overturned.
	"Preserves the general safety of the community regarding seismic, landslide, flooding, fire and traffic hazards"	California has become in recent years an extreme fire danger state. Clayton is specifically susceptible. To escape the fire people living on Stranahan will have 2 choices: Turn right to reach Clayton Road, or to turn left to reach Marsh Creek road. If the fire is moving from Morgan Territory, driving towards Brentwood is not an option. With additional 200 vehicles clogging the intersection between Stranahan Circle and Marsh Creek Road, this will be a deadly fire trap. The majority of Clayton residents at the hearing agreed that at least a hundred additional vehicles from the Olivia complex will be parked on Stranahan and adding to the congestion and panic when the fire is intense and encroaching. This very possible scenario received zero attention from Raney and the planning commission. During both public hearings this question was asked twice and received no answers from either applicant or David Voltering. In light of fire storm in Paradise we are really concerned that this new development will cost lives. Just citing compliance with "fire prevention" is not an answer. Approval of the resolution 06-19 should be overturned.

Attachment M

**Appeal of No Decision by Planning
Commission on Project Entitlements
submitted by William Jordan, dated
January 2, 2020**



6000 Heritage Trail, Clayton, CA 94517
Phone No. 925.673.7300 Fax No. 925.672.4917
www.ci.clayton.ca.us

Appeal of a Planning Commission Decision

As Provided in the Clayton Municipal Code Title 17.00
RECEIVED

Below: Office Use Only

JAN 02 2020

File No:

Total Fee(s):

Residential Fee:

Non-Residential Fee:

City of Clayton

Received By:

Date:

Receipt No:

Please clarify any questions with the Planning Staff prior to completing this form. Please print or type legibly. Attach additional sheets if necessary. Incomplete applications will not be accepted.

1. Appellant Contact Information:

Appellant Name: William Jordan Appellant Address: P.O. Box 547
Appellant Phone#: 925.872.7249 Clayton, CA 94517

2. Appeal Instructions:

To file an appeal, take the form and appeal fee to the City Clerk at City Hall, Third Floor, 6000 Heritage Trail. City Hall is open Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding holidays.

The appeal must be filed within 10 calendar days of the Planning Commission Notice of Decision.

A public hearing will be held by the City Council. The appellant, agent, applicant, and any other person(s) who requested notice of an appeal hearing in writing will be mailed a notice of the appeal hearing.

3. Submittal Requirements:

Community Development General Application

Appeal of a Planning Commission Decision Application

Processing Fee: Residential \$ 324 Non-Residential \$ _____ (Make check payable to the City of Clayton)

Copy of the written decision/ruling to be appealed - See Exhibit B

Date of the Planning Commission decision on the project/matter: PC Vote 12/10/19; PC Notice

Letter of Explanation: Mark if response is attached

of decision 12/20/19

State your rationale for arguing that the Planning Commission ruling was an improper or erroneous interpretation of the Ordinance:

See Exhibit A

Please send Notice of Appeal hearing and ALL Appeal-related correspondence electronically to Both:

Appellant

William Jordan - billjordan@sbcglobal.net

Counsel for Appellant

Stephen Velyvis - svelyvis@bwslaw.com

Burke Williams & Sorensen LLP
1901 Hamson St, Suite 900
Oakland, CA 94612

4. Important Implementing Information from the City of Clayton Municipal Code:

17.68.020 Appeal--Allowed when.

Appeal from any decision of the Planning Commission shall be governed by the provisions of this section and Section 17.68.030. For the purpose of appeal from any action of the Planning Commission, an aggrieved person must be either a subdivider, if he is dissatisfied with any action with respect to the tentative map, or to the kinds, nature and extent of the improvements required for a subdivision, or an applicant or any person alleging:

- A. That his/her property rights or the value of his property is adversely affected and the decision does not comply with the General Plan, if one is in effect at the time; or
- B. That the required standards, which must be specified, are or are not satisfied by the evidence presented at the hearing for rezoning, land use permit, or variance permit; or
- C. That specified findings of the Planning Commission are not supported by the evidence; or
- D. That specified limitations or conditions imposed in granting a permit are not reasonably required; or
- E. That specified limitations or conditions recommended but not imposed are reasonably required in granting a permit. (Ord. 52 Ch. III Sec. 5(a), 1968).

17.68.030 Appeal--Notice--Fee--Hearing and notice--Council conclusions.

An aggrieved party may appeal a decision of the Planning Commission to the City Council by filing a written notice of appeal with the City Clerk specifying the grounds for the appeal along with an appeal fee in such amount as may from time to time be fixed by resolution of the City Council, within ten days after the filing with the appropriate officials of the decision being appealed. When an appeal from the decision of the Planning Commission is properly filed, the City Clerk shall transmit to the City Council copies of the letter of appeal, the application and findings and decision of the Planning Commission. Upon receipt of said matter, the City Council shall order the matter heard before itself. The City Council shall proceed to schedule a public hearing in the matter before it and cause notice of the hearing time, place and nature of the appeal to be given by mailing copies of such notice by United States mail, first-class, postage prepaid to the appellant, the applicant or subdivider, and any other interested person or persons who shall have recorded his name and mailing address along with a request for a notice of hearing on appeal with the City Clerk and/or Secretary of the Planning Commission. The City Council shall then hear the matter as directed in the order fixing hearing and following this shall make its findings and conclusions in writing and file them with the City Clerk within thirty days after the close of the hearing, with copies being forwarded to the Planning Commission, the appellant and the applicant or subdivider. In its conclusions the City Council may approve with conditions, or deny the appeal. The conclusion of the City Council shall be final and the application shall be disposed of in accordance with the City Council's decision with no further administrative action being taken on the application. (Ord. 172 Sec. 5, 1977; Ord. 52 Ch. III Sec. 5(b), 1968).

5. Certification:

General Certification:

I (We):

- consent to the submission of this application.
- understand that an incomplete application may be denied.
- hereby declare under penalty of perjury under the laws of the State of California that the information in this application and its attachments is true, complete and correct.
- certify that I (We) have read and understand Title 17, Chapter 17.68 found in Part 4 of this application and in the City of Clayton's Municipal Code.

Form Specific Certification:

I (We):

- recognize that the Clayton City Council may, in conformity with the Unified Development Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may by a resolution make any necessary order, requirement, decision or determination.

Appellant's Signature: _____

Counsel for
Appellant's Signature: _____

Date: 1/2/2020

Date: 1/2/2020



6000 Heritage Trail, Clayton, CA 94517
Phone No. 925.673.7300 Fax No. 925.672.4917
www.ci.clayton.ca.us

Community Development General Application Form

RECEIVED

Below: Office Use Only

JAN 02 2020

File No:

Fee(s)/Deposit(s):

Received By: J. Calderon

City of Clayton

Date: January 2, 2020 Receipt No: 029402

Please clarify any questions with the Planning Staff prior to completing this form. Please print or type legibly. Attach additional sheets if necessary. Incomplete applications will not be accepted.

1. Type of Application(s) Requested:

- | | | |
|--|--|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Lot-Line Adjustment/Merger | <input type="checkbox"/> Tentative Map |
| <input type="checkbox"/> Appeal - Administrative | <input type="checkbox"/> Prezoning/Rezoning | <input type="checkbox"/> Tentative Parcel Map |
| <input checked="" type="checkbox"/> Appeal - Planning Commission | <input type="checkbox"/> Second Dwelling Unit Permit | <input type="checkbox"/> Use Permit |
| <input type="checkbox"/> Development Plan | <input type="checkbox"/> Site Plan Review Permit | <input type="checkbox"/> Use Permit- Fences |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Specific Plan Amendment | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Large Family Day Care Permit | <input type="checkbox"/> Temporary Use Permit | <input type="checkbox"/> Other: _____ |

2. Property/Site Information:

Assessors Parcel Number(s): 119 021 063, 119 021 055, 119 021 013
 Address: 6170 High St., 6450 Marsh Creek Rd, 6490 Marsh Creek Rd
 Zoning Classification: PD General Plan Designation: MAD
 Total Square Feet: 134131 Total Acres: 3.02

3. Requested Action:

Mark if response is attached Exhibit A

- ① To overturn Planning Commission decision on Dec 10 2019 for Site Plan Review Permit, Density Bonus Application & Tree Removal Permit.
- ② To remove five conditions of approval (119-123)

4. Property Owner:

In signing this application, I, as property owner, have full legal capacity to, and hereby do authorize the filing of this application. I understand that any conditions of approval for this application are binding. I agree to be bound by those conditions, subject only to the right to object at the hearings or during the appeal period.

Signature: [Signature]
 Name: William Jordan
 Company: _____
 Address: PO Box 547 Clayton, CA 94517
 Home Phone No: _____
 Cell Phone No: 925 872 7249
 Work Phone No: _____
 Fax No: _____
 Email: billjordan@sheslobal.net

5. Applicant/Agent:

In signing this application, I, as applicant/agent have obtained authorization of the property owner to file this application. I understand that any conditions of approval for this application are binding. I agree to be bound to conditions of approval, subject only to the right to object at the hearings or during the appeal period. If this application has not been signed by the property owner, I have attached a separate documentation of full legal capacity to file this application and agreement to conditions of approval subject to the right to object at the hearings or during the appeal period.

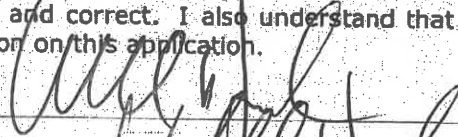
Signature: [Signature]
 Name: William Jordan
 Company: _____
 Address: PO Box 547 Clayton CA 94517
 Home Phone No: _____
 Cell Phone No: 925 872 7249
 Work Phone No: _____
 Fax No: _____
 Email: billjordan@sheslobal.net

6. Certification:

As the Property Owner and/or Applicant/Agent in the request made by this filing, I hereby certify that I acknowledge, understand and concur with the following statements:

- This application might be subject to the California Environmental Quality Act (CEQA) of 1970. The City of Clayton (City) in granting this application may attach any condition(s) necessary to ensure that the proposal will not be injurious or detrimental to the welfare of persons residing or working in the neighborhood or city.
- Property Owner and/or Applicant/Agent agree to hold the City of Clayton (City) harmless for all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceeding brought in any state or federal court challenging the City's actions with respect to the applicant's project.
- There are no assurances at any time, implicitly or otherwise, regarding final staff recommendations to the decision making regarding this application.
- Changes to the proposed project may require a new application and payment of new fees.
- That to the best of my knowledge the information I have presented in this form and the accompanying materials is true and correct. I also understand that additional data and information may be required prior to final action on this application.

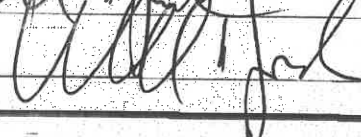
Applicant's Signature: _____



Date: _____

1/2/2020

Property Owner's Signature: _____



Date: _____

1/2/2020

JAN 02 2020

City of Clayton

**City of Clayton
Appeal of Planning Commission Decision Denying Housing Application
for the Olivia on Marsh Creek Project
Exhibit A**

On December 10, 2019, the Planning Commission acted against the recommendations of City Planning staff and the advice of the City Attorney by failing to approve an application to develop needed units of infill rental housing for seniors, including seven apartments for seniors with very low incomes, on three adjacent parcels located at 6170 High Street, 6450, and 6490 Marsh Creek Road.

The Planning Commission published its Notice of Decision on December 20, 2019 confirming that the Planning Commission “rendered a 2-2 no-decision” for Resolution No. 06-19 regarding a request for a density bonus (DBA-01-19), site plan review permit (SPR-04-17), and tree removal permit (TRP-25-17) to develop 81 rental apartments for seniors, including seven units reserved to be rented at an affordable level to very low income households subject to recorded affordability restrictions (the “Housing Application”). This Planning Commission Decision is appealed by the Applicant under Clayton Municipal Code Section 17.68.020, paragraphs (B), (C), and (D).¹

Under the Clayton Municipal Code and California law, the Planning Commission is required to make specific findings based on actual, substantial evidence in the record in order to deny the housing development application.² As explained below:

- The Planning Commission failed to make the legally-required findings for denial;
- No evidence in the record would support findings for denial; and
- Certain proposed conditions of approval were not reasonably required.

Therefore, this Appeal respectfully asks the City Council to:

- Overturn the Planning Commission Decision and approve the Housing Application; and
- Remove certain conditions of approval considered by the Planning Commission in connection with the City Council’s approval of the Housing Application.

¹ Before considering Resolution No. 06-19, the Planning Commission approved Resolution No. 05-19 determining that the Housing Application qualifies for a Categorical Exemption from the California Environmental Quality Act (CEQA). The approval of Resolution No. 05-19 is not included within this Appeal.

² At the conclusion of a public hearing, Clayton Municipal Code Section 17.64.110 requires the Planning Commission to make determinations regarding permit requests with findings and conditions by an affirmative vote of a majority of Planning Commission members present. Because a majority vote was not obtained, the Housing Application was effectively denied, but no findings were made.

I. The Housing Application is Consistent with Applicable City Standards and Policies.

The Planning Commission considered the Housing Application at a public hearing on November 12, 2019, which was continued to December 10, 2019. Page 3 of the November 12, 2019 Staff Report explains that the Housing Application's three adjacent parcels have a General Plan land use designation of Multifamily High Density with a zoning designation of Planned Development (PD), which requires conformity to the development standards in the Multiple Family Residential (M-R-H) zoning designation. In addition, one of the project's parcels is located within the Town Center Specific Plan area.

On page 4, the November 12, 2019 Staff Report says that the "proximity of these parcels to the Town Center, services and nearby bus transit" made the property appropriate for higher density housing, which caused the City to designate the properties for 20 dwelling units per acre in the General Plan. It continues to explain that the Housing Application would both support the City's Housing Element objectives and offer economic development advantages for the Town Center in support of the Staff recommendation to approve the Housing Application. The remainder of the November 12, 2019 Staff Report provides in-depth and well-reasoned analysis explaining how and why the Housing Application is consistent with the applicable General Plan, Town Center Specific Plan, and zoning regulations, with the exception of modifications authorized by and requested pursuant to the Density Bonus Law discussed below.

In addition to the analysis included in the November 12, 2019 Staff Report, the City's 2015-2023 Housing Element policies support approval of the Housing Application. One of the three parcels, 6170 High Street, is identified as Site V-2 in the Housing Element's inventory of vacant land available for high density residential development. (See Housing Element Table 47, page 69.) The other two parcels are Sites U-1 and U-3 in the Housing Element's inventory of underdeveloped land available for high density residential development. (See Housing Element Table 48, page 72.) The Housing Element identifies a maximum density of 81 units for the three parcels (60 units at 20 dwelling units per acre plus a 35 percent density bonus), exactly the number of units included in the Housing Application.³

As analyzed and demonstrated by the City's staff, the Housing Application conforms to all of the City's applicable policies and development standards. In addition, the Housing Application proposes precisely the amount of housing the City identified as being appropriate for the properties in its Housing Element. Therefore, the Housing Application should be approved.

³ Refusal to approve projects that are consistent with the Housing Element may cause the California Department of Housing and Community Development (HCD) to evaluate the City's compliance with the programs it committed to implement in its Housing Element. HCD is empowered to revoke certifications of Housing Element legal compliance and refer violations of state housing law to the California Attorney General. (Gov. Code § 65585(i)-(j).)

II. The Planning Commission’s Denial of the Housing Application violates the Housing Accountability Act.

The Housing Accountability Act applies to the review of any “housing development project,” which includes residential units, mixed-use developments with at least two-thirds of the square footage designated for residential use, and transitional or supportive housing. (Gov. Code § 65589.5(h)(2).)⁴ Here, the Housing Application includes residential units without any commercial component, so it qualifies as a protected “housing development project.”

The Housing Application was submitted to the City on September 6, 2017. Under the Housing Accountability Act, the City was obligated to identify any potential inconsistencies between the Housing Application and its objective standards in writing within 30 days of the Housing Application being deemed complete; the Housing Application is “deemed consistent” with any all City standards not identified. (*Id.* at § 65589.5(j)(2)(A)(i).) No such inconsistencies were identified within the required timeframe or at any point during the City’s review process. Rather, as discussed in Section I of this Appeal above, the November 12, 2019 Staff Report provides substantial evidence that the Housing Application is consistent with the City’s applicable standards.⁵ Therefore, the Housing Application has both been automatically deemed consistent by operation of law and actively determined to be consistent with the City’s applicable objective standards.

Because there is substantial evidence in the record that the Housing Application complies with all applicable objective standards, the City may only deny or reduce the density of the project if it makes written findings based on a preponderance of the evidence that the Housing Application would have a “specific, adverse impact” on public health and safety. (*Id.* at § 65589.5(j)(1).)⁶ In other words, the City must approve the Housing Application without reducing its density unless it first makes findings regarding a specific, adverse impact to be caused by the project. The Planning Commission made no such findings, and no evidence in the record – let alone a preponderance of the evidence – demonstrates a specific, adverse impact exists. Therefore, the Planning Commission improperly failed to approve the Housing Application, and its decision should be overturned.

Not only did the Planning Commission fail to make the required findings to deny the Housing Application, the only basis for denial that the Commission did discuss cannot legally be used to support denial under the Housing Accountability Act. During the December 10, 2019 Planning

⁴ The Housing Accountability Act applies to all housing development projects, regardless of whether the project is market-rate or affordable housing. (*See Honchariw v. County of Stanislaus* (2011) 200 Cal.App.4th 1066, 1077.)

⁵ Any modifications made to the City’s standards under density bonus concessions/waivers/reductions are considered “consistent” with the City’s development standards for purposes of both the Housing Accountability Act (Gov. Code § 65589.5(j)(3)) and the CEQA In-fill Exemption (*Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1347-1351.)

⁶ A “specific adverse, impact” is a “significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards” in effect when the preliminary application was submitted, and there is no feasible method to mitigate the impact. (Gov. Code § 65589.5(j)(1)(A).) Conditions that would have a specific, adverse impact upon the public health and safety are intended to “arise infrequently.” (*Id.* at § 65589.5(a)(3).)

Commission hearing, some Commissioners expressed concern that the Housing Application would cause spillover parking impacts on nearby residential streets. No evidence exists in the record to support this claim. The Housing Application proposes to provide 86 spaces on site, far in excess of the 53 parking spaces Kimley-Horn's parking study identified as the demand (*see* Kimley-Horn and Associates, Inc. Memorandum re: The Olivia on Marsh Creek Parking Study, June 10, 2019, page 7) and nearly equal to the approximately 90 parking spaces identified by the City's peer review of the parking study.

Given these expert studies, there is no evidence in the record to support the idea that the Housing Application would negatively impact parking. Even if the parking supply did result in some spillover parking in adjacent residential areas, this would not meet the definition of a specific, adverse impact, because the City does not have written public health or safety standards regarding parking supply. Accordingly, the City's Planning staff correctly proposed findings that the Housing Application's proposed parking plan would not have a specific, adverse impact on public health or safety. Therefore, the Housing Accountability Act forbids denial of the Housing Application for spillover parking concerns because the proposed number of parking spaces would not result in a specific, adverse impact.

When a project is denied in violation of the Housing Accountability Act, an applicant, a housing organization, or a person eligible for residency in the housing development all have standing to challenge the denial in court. (*Id.* at § 65589.5(k)(1)(A).) A reviewing court has the power to order the reconsideration of the project (or order the project's approval if it was denied in bad faith)⁷ and shall award attorneys' fees to successful plaintiffs. (*Id.*) In addition to substantial attorneys' fees, continued noncompliance can lead to a minimum penalty of \$10,000 per unit (*Id.* at § 65589.5(k)(1)(B)), and such penalty shall be increased to \$50,000 per unit when the continued noncompliance is done in bad faith. (*Id.* at § 65589.5(l).) For the 81-unit Housing Application, the maximum fine for continued, bad faith noncompliance with the Housing Accountability Act would be \$4,050,000 plus attorneys' fees.

In sum, it is the Applicant's sincere hope that the City Council heeds the advice of the City Attorney, consistent with the recommendation of its Planning staff supported by evidence in the record, and approves the Housing Application as required by the Housing Accountability Act.

⁷ It is noted that after considering all the evidence presented, the City Attorney advised the Planning Commission to either approve the Housing Application or make the legally required findings for denial. Further, the City Attorney advised that those findings are very challenging to make and defend and that the Planning Commission's concern about the potential for spillover parking to utilize adjacent legal street parking did not qualify as a specific, adverse impact upon which a finding for denial could legitimately be made. In response the Planning Commission evidenced bias against the project and ultimately did neither, failing to approve the Housing Application or make any actual denial findings. Such failure to comply with the law against the advice of counsel could be considered bad faith. The Applicant trusts that its Appeal hearing before the City Council will not be similarly tainted by any such bad faith or further bias, but the Applicant reserves all rights to pursue this claim if necessary.

III. Density Bonus Law Requires Approval of the Housing Application with Proposed Concessions and Reductions.

In addition to the Housing Accountability Act, Clayton Municipal Code Chapter 17.90 and Government Code Section 65915 (together, the “Density Bonus Law”) require approval of the Housing Application with its proposed concessions and reductions in development standards. Because the Housing Application proposes to provide 11 percent of its base density (7 units) as affordable housing for very low income households, it is entitled to: a 35% density bonus; parking standards consistent with Government Code Section 65915(p); two concessions; and unlimited waivers and reductions. (Gov. Code § 65915(b)(1).)

Density Bonus Law requires the City to approve the Housing Application’s two requested concessions unless it makes a written finding based on substantial evidence that the concessions do not result in identifiable and actual cost reductions to provide for affordable rents. (*Id.* at § 65915(d)(1)(A).) The only exceptions are that the City may deny concessions that are contrary to state or federal law; that have a specific, adverse impact to a property listed in the California Register of Historical Resources, or if the concession would have “a specific, adverse impact” as defined in the Housing Accountability Act. (*Id.* at § 65915(d)(1)(B).) In either case, the City bears the burden of proof for denial. (*Id.* at § 65915(d)(3).) As discussed below, the undisputed evidence in the record shows that the concessions will result in significant, identified and actual cost reductions, that the Housing Application is consistent with all applicable laws, and that it will not have a specific adverse impact to a historical property or to the public health and safety.

The Applicant provided a complete economic analysis of its requested concessions that identified specific cost reductions and demonstrated why those cost reductions were necessary to feasibly provide rental housing for 7 very low income households. The City’s Planning staff agreed; and the November 12, 2019 Staff Report concluded that the City should approve the concessions and recommended findings that explained precisely why no specific, adverse impact would result from approving the concessions. The Planning Commission provided no evidence – let alone substantial evidence – and adopted no written findings that would support denial of the concessions. Therefore, the concessions should have been approved.

Similarly, Density Bonus Law requires the City to waive or reduce any development standard that would physically preclude development of the Housing Application. (*Id.* at § 65915(e)(1).)⁸ As with concessions, the only exceptions are that the City may deny a waiver or reduction if it is contrary to state or federal law, would have a specific, adverse impact of a property listed in the California Register of Historical Resources, or would have “a specific, adverse impact” as defined in the Housing Accountability Act. (*Id.* at § 65915(e)(1).) The Housing Application has identified several development standards that would preclude development of the permitted 81 units and proposed reductions of such standards. Like the requested concessions, the November 12, 2019 Staff Report concluded that the City should approve the proposed reductions consistent with Density Bonus Law. The Planning Commission again provided no evidence – let alone

⁸ “Standards may be waived that physically preclude construction of a housing development meeting the requirements for a density bonus, period.” (*Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329.)

substantial evidence – and adopted no written findings that would support denial of the reductions. Therefore, the reductions should have been approved.

We do ask that the City Council make one correction to the record concerning the requested reductions. The November 12, 2019 Staff Report describes the Housing Application's request for uncovered parking as a waiver. However under Government Code Section 65915(p)(4) and (5), the Housing Application has a right to provide the required parking via uncovered spaces. Accordingly, this request does not require a concession or waiver. (*Id.* at § 65915(p)(8).)

Because the Housing Application meets the standards necessary to qualify for a density bonus, parking modification, concessions, and waivers and reductions, the City is required to approve the requests unless it makes specific findings. The Planning Commission did not make the required findings as there is no evidence in the record to support any such findings.⁹ Therefore, this Appeal requests that the City Council approve the Housing Application with the requested density bonus, concessions, and reductions.

IV. Certain Proposed Conditions of Approval are Not Reasonably Required.

Throughout the November 12, 2019 Staff Report, the City's Planning staff concluded that the Housing Application was properly conditioned to not result in adverse impacts. However, when the December 10, 2019 Staff Report as released, it included five new proposed conditions of approval (Conditions 119 through 123) without providing any basis for why they would be required. These five proposed conditions required significant and additional financial commitments from the Applicant to address generally desired neighborhood parking permits, electronic interactive speed limit signs, pedestrian-activated crosswalk flashers, bus passes, a car sharing program, and additional off-site tree replacement beyond the proposed on-site tree replacement proposed as part of the project,¹⁰ but no evidence in the record demonstrates that the Housing Application would create impacts necessitating such conditions.

A condition is an unconstitutional taking unless the City proves a nexus and rough proportionality between the condition and the impact of the development. (*Nollan v California Coastal Comm'n* (1987) 483 US 825; *Dolan v City of Tigard* (1994) 512 US 374.) The prohibition against unconstitutional takings applies equally to dedication requirements and any requirement to pay fees. (*Koontz v St. Johns River Water Mgmt. Dist.* (2013) 570 US 595.) Because the City did not present evidence of a nexus or rough proportionality, these conditions would constitute an unconstitutional taking if they were imposed on the Housing Application.

⁹ Under Government Code Section 65915(d) and (e), if a court finds that the City improperly denied concessions or waivers and reductions, it can award a successful plaintiff its attorneys' fees and require the City to pay them.

¹⁰ The Housing Application does include a tree removal permit, but it would replace all the required trees on site. Some of the replacement trees proposed differ from the City's preferred plant pallet, but the proposed trees are larger, better suited for the site, and more likely to thrive than the City's default plantings. Therefore, there is no reason to require additional off-site plantings based on the Housing Application's proposal to use superior plantings on site. In addition to removing the Condition of Approval, the City Council's findings should reflect that the Applicant is not proposing off-site replacement trees.

In addition to the takings concerns, the proposed conditions would violate the Housing Accountability Act. As discussed in Section II of this Appeal, the City may not “impose a condition that the project be developed at a lower density” because the Housing Application is consistent with the City’s applicable standards. (Gov. Code § 65589.5(j)(1).)¹¹ Moreover, the Housing Accountability Act requires that any conditions of approval be applied “to facilitate and accommodate development at the density permitted on the site and proposed by the development.” (*Id.* at § 65589.5(f)(1)). Prior to the December 10, 2019 Planning Commission meeting, the Applicant provided additional economic analysis that demonstrated that Conditions 119 through 123 would cost so much as to render the entire Housing Application financially infeasible. By definition, conditions that make a project infeasible reduce that project’s density, and they negatively affect the project’s ability to provide housing permitted on the site.

Accordingly, the City Council should remove Conditions 119 through 123 from its action to approve the Housing Application after considering these issues on appeal.

V. Conclusion

Each of the issues discussed above provides a separate and sufficient basis to overturn the Planning Commission’s refusal to approve the Housing Application. The record strongly supports approval of the Housing Application as proposed, and we respectfully request that the City Council accept the recommendations from its Planning staff in favor of the project.

The Applicant looks forward to a public hearing before the City Council and hopes that this Appeal will result in approval of the Housing Application in compliance with the Clayton Municipal Code and California Law so that development of much-needed housing for seniors can commence in a timely manner. Indeed, several seniors testified in support of the project before the Planning Commission and indicated that they would be very interested in renting one of the planned apartments so that they could downsize and remain in their beloved town.

Thank you for your consideration.

¹¹ “Lower density” means any condition that could “have the same effect or impact on the ability of the project to provide housing.” (Gov. Code § 65589.5(j)(5).)

Exhibit B



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JAN 02 2020

City of Clayton

6000 Heritage Trail • Clayton, California 94517
925-673-7300 • Fax 925-672-4917

PLANNING COMMISSION NOTICE OF DECISION

DATE: December 20, 2019

FILED WITH: Secretary of the Commission
City Clerk

RE: The Olivia on Marsh Creek Project Environmental Review (ENV-01-17), Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17)

At the conclusion of a duly noticed public hearing on December 10, 2019, which had been initiated at and continued from a public hearing on November 12, 2019, the Clayton Planning Commission made the following decision and no decision, A. and B., respectively, for the project described below.

PROJECT DESCRIPTION

The applicant, William Jordan, requested a public hearing before the Clayton Planning Commission for the purpose of reviewing the Infill Exemption (ENV-01-17), Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek, a proposed 81-unit senior (55 and older) rental housing project. The project includes seven affordable units designated for Very Low Income households (as defined by the U.S. Department of Housing and Urban Development [HUD]). The proposed development is located on three adjacent parcels at the southwest corner of the intersection of High Street and Marsh Creek Road in the Town Center of Clayton.

At the December 10, 2020 public hearing, the Clayton Planning Commission considered two resolutions related to the project: A., Resolution No. 05-19, regarding the Environmental Infill Exemption (ENV-01-17) and B., Resolution No. 06-19, regarding the Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17). By a 3-1 vote the Planning Commission approved Resolution No. 05-19 regarding ENV-01-17. By a 2-2 vote a no decision was the resulting action on Resolution No. 06-19 regarding DBA-01-19, SPR-04-17, and TRP-24-17.

These actions of the Planning Commission shall be final unless appealed to the City Council with the appeal fee, within ten (10) days from the date of the Notice of Decision in accordance with Chapter 17.68 Decisions and Appeals of the Clayton Municipal Code. The date of this Notice of Decision is December 20, 2019. Given that there are City holidays on December 24 and 25, 2019, and January 1, 2020, the appeal period is extended to January 2, 2020. The fee to file an appeal of a Planning Commission action on this residential project is \$324.00 in accordance with the City's Master Fee Schedule for Fiscal Year 2019-20. There were two actions (A. and B.) of the Planning Commission

related to this application as described above. If appeals would be filed separately for the actions, each appeal would pay the \$324.00 fee; if a single appeal would be filed for both actions, one fee of \$324.00 would be charged. An appeal form is available at the Community Development Department:

https://ci.clayton.ca.us/fc/onlineforms/cddforms/Appeal_PC_Decision.pdf

A. ENVIRONMENTAL REVIEW INFILL EXEMPTION (ENV-01-17)

PLANNING COMMISSION DECISION FOR ENVIRONMENTAL REVIEW INFILL EXEMPTION (ENV-01-17)

By a 3-1 vote, the Planning Commission adopted the attached Planning Commission Resolution No. 05-19 making the determination that the project qualifies for a Categorical Exemption, under Class 32 Infill Development Projects, pursuant to the California Environmental Quality Act (CEQA), for The Olivia on Marsh Creek, an 81-unit senior residential development project.

B. AFFORDABLE HOUSING DENSITY BONUS APPLICATION (DBA-01-19), SITE PLAN REVIEW PERMIT (SPR-04-17), AND TREE REMOVAL PERMIT (TRP-24-17)

PLANNING COMMISSION NO-DECISION FOR AFFORDABLE HOUSING DENSITY BONUS APPLICATION (DBA-01-19), SITE PLAN REVIEW PERMIT (SPR-04-17), AND TREE REMOVAL PERMIT (TRP-24-17)

The Planning Commission rendered a 2-2 no-decision for the attached Planning Commission Resolution No. 06-19 regarding the approval of the Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek, an 81-unit senior residential development project.

David Woltering /s/

December 20, 2019

David Woltering, AICP, MPA
Interim Community Development Director

Date

Attachments

Planning Commission Resolution No. 05-19
Planning Commission Resolution No. 06-19

**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 05-19**

**A RESOLUTION OF THE CLAYTON PLANNING COMMISSION DETERMINING THAT THE OLIVIA
ON MARSH CREEK SENIOR HOUSING PROJECT QUALIFIES FOR A CATEGORICAL EXEMPTION
UNDER CLASS 32 – INFILL DEVELOPMENT PROJECTS
PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(ENV-01-17)**

WHEREAS, the City received an application from William Jordan requesting review and consideration of an Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), Tree Removal Permit (TRP-24-17), and related Environmental Review (ENV-01-17) for development of an 81-unit senior residential development located on three adjacent parcels with a total area of 3.02 acres ("Project"), located at the southwest intersection of High Street and Marsh Creek Road (APNs: 119-021-063, 119-021-055, and 119-021-013); and

WHEREAS, the Project meets the definition of an infill development project as specified in Section 15332 of Title 14 of the California Code of Regulations, the California Environmental Quality Act ("CEQA") Guidelines; and

WHEREAS, the City commissioned an independent analysis of the Project's eligibility for a Class 32 Infill Exemption by Raney Planning & Management, Inc., titled "Infill Exemption Environmental Analysis for Clayton Senior Housing Project" and dated June 14, 2019, which analyzes whether the Project meets all criteria of the Class 32 Infill Exemption as stated in CEQA Guidelines Section 15332, and which is attached as Exhibit A to this Resolution; and

WHEREAS, the Clayton Planning Commission has reviewed the "Infill Exemption Environmental Analysis for Clayton Senior Housing Project"; and

WHEREAS, on November 12, 2019, and December 10, 2019, the Clayton Planning Commission held a duly-noticed public hearings on the Project, including staff's recommended determination of a Class 32 Categorical Exemption (Infill Development Projects) pursuant to the CEQA Guidelines.

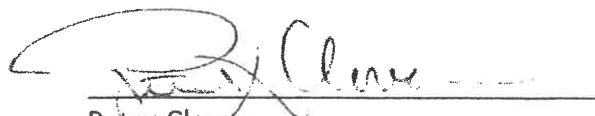
NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The foregoing recitals are true and correct.
2. The Clayton Planning Commission hereby finds, on the basis of the whole record before it, that:
 - a. The City of Clayton exercised overall control and direction over the CEQA review for the Project, including the preparation of the "Infill Exemption Environmental Analysis for Clayton Senior Housing", and independently reviewed the same; and
 - b. There is no substantial evidence that the Project will have a significant effect on the environment; and
 - c. The "Infill Exemption Environmental Analysis for Clayton Senior Housing" reflects the City's independent judgment and analysis.
3. The Clayton Planning Commission hereby determines that the Project is Categorically Exempt, under Class 32 – Infill Development Projects, from further review pursuant to the California Environmental Quality Act.


PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 10th day of December, 2019.

APPROVED:

ATTEST:



Peter Cloven
Chair



David Woltering
Interim Community Development Director

ATTACHMENTS

Exhibit A – Infill Exemption Environmental Analysis for Clayton Senior Housing Project by Raney Planning & Management, Inc. (supporting technical studies are available for review in the Community Development Department at Clayton City Hall)



WWW.RANEYMANAGEMENT.COM

NORTHERN CALIFORNIA

1500 SPORTS DRIVE

CLAYTON, CA 94520

TEL: 925.471.6100 FAX: 925.471.6101

June 14, 2019

David Woltering
Interim Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA

Subject: Infill Exemption Environmental Analysis for Clayton Senior Housing Project

Dear Mr. Woltering:

The City of Clayton retained Raney Planning & Management, Inc. (Raney) to determine whether the Clayton Senior Housing Project satisfies criteria (c) and (d) of the Class 32 Infill Exemption included in the California Environmental Quality Act (CEQA) Guidelines. The specific conditions identified in the Class 32 Infill Exemption in the CEQA Guidelines are as follows (specific emphasis has been added for criteria (c) and (d)):

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- (c) *The project site has no value as habitat for endangered, rare or threatened species.*
- (d) *Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.*
- (e) *The site can be adequately served by all required utilities and public services.*

The applicant team prepared several technical studies for the project, which provide information needed to determine whether the project satisfies criteria (c) and (d). To that end, the Raney team performed peer reviews of the applicant-prepared reports to determine their adequacy. The technical reports for the Clayton Senior Housing Project are as follows:

- *6170 High Street/6450 Marsh Creek Road, 6490 Marsh Creek Road – Revised Biological Constraints Assessment Survey Results (November 6, 2018), prepared by Olberding Environmental;*
- *Air Quality & Greenhouse Gas Impact Assessment for the Proposed Clayton Senior Housing Project, Clayton, CA, prepared by Ambient Air Quality & Noise Consulting (September 24, 2018);*
- *Noise & Groundborne Vibration Impact Assessment for the Proposed Clayton Senior Housing Project, Clayton, CA, prepared by Ambient Air Quality & Noise Consulting (September 21, 2018); and*
- *Clayton Senior Housing Trip Generation Study Final Letter (May 8, 2017), prepared by Kimley Horn.*

The following section provides a summary of Raney's review of the technical biological, air quality, noise, traffic, and water quality studies.



Biological

Raney has determined that the methods employed by Olberding Environmental are in general conformance with industry standard practice for biological assessments. For example, the report includes a search of the California Natural Diversity Database (CNDDDB) maintained by the California Department of Fish and Wildlife, and reports the special-status species recorded within an extended radius around the project site (presumably 5 miles). The initial peer review comments provided by Raney to the City on September 19, 2018 have been adequately addressed in the final November 6, 2018 report. The report concludes that the project site has no value as habitat for endangered, rare or threatened species, consistent with criteria (c) of Infill Exemption 15332.

Air Quality

Raney has concluded that the Air Quality/Greenhouse Gas analysis was completed in accordance with current industry standards, and in compliance with the recommended guidance of the Bay Area Air Quality Management District (BAAQMD). The general methodology of the Technical Memorandum included estimating potential air quality and greenhouse gas (GHG) emissions from construction and operation of the proposed project, using the most-up-to-date version of the California Emissions Estimator Model (CalEEMod) software. To assess the adequacy of the Air Quality/GHG analysis presented in the Technical Memorandum, Raney reviewed the methods, assumptions, and CalEEMod outputs provided by Ambient Consulting. The initial peer review comments provided by Raney to the City on July 20, 2018 and September 7, 2018 have been adequately addressed in the final September 24, 2018 report. The report concludes that the proposed project would result in construction and operational emissions below the BAAQMD's thresholds of significance. Thus, the proposed project would not result in any significant air quality effects, consistent with criteria (d) of Infill Exemption 15332.

Noise

Raney hired j.c. brennan & associates, Inc., a noise technical expert, to perform a technical peer review of the project-specific noise and vibration study. j.c. brennan & associates reviewed the report methodology and results and determined that the report was completed in accordance with current industry standards and adequately addresses whether the proposed project would exceed the City of Clayton's General Plan Noise Element and/or Noise Ordinance standards. The report concludes that the proposed project would result in operational noise levels below the relevant City noise thresholds. With respect to construction noise, the report correctly notes that construction activities occurring between the allowable hours specified in Clayton Municipal Code Section 15.01.101 are not subject to the City's noise level thresholds. Per City Ordinance, construction hours for the project would be limited. Thus, the proposed project would not result in any significant noise effects, consistent with criteria (d) of Infill Exemption 15332.

Traffic

Raney consulted with Abrams Associates Traffic Engineering, Inc. to advise on the accuracy of a Trip Generation Study prepared for the proposed project by Kimley Horn. On May 9, 2018, Abrams Associates confirmed that the method-of analysis used in the Trip Generation Study was correct, and that the resulting trip estimates are accurate. The Trip Generation Study concludes that the proposed project would generate 16 AM peak hour trips and 19 PM peak hour trips using the ITE Trip Generation Manual. The expected AM and PM peak hour trips are well below the Contra Costa Transportation Authority's 100 peak hour trip threshold for warranting a traffic impact analysis. Additionally, the nearby intersection of Marsh Creek Road/Clayton Road was analyzed and it was determined that the intersection would not be impacted by the relatively small increase in trips in the vicinity. Thus, the proposed project would not result in any significant traffic effects, consistent with criteria (d) of Infill Exemption 15332.

Hydrology

The City Engineer has reviewed the proposed project's potential to significantly effect water quality in the vicinity and has determined that compliance with existing stormwater regulations would ensure no significant adverse water quality effects would occur, as the following will demonstrate. The proposed project would implement the City of Clayton development standards, as well as adhere to all regulations set forth by the Regional Water Quality Control Board, including Section C.3 of the Municipal Regional Storm Water Permit. Additionally, the proposed project would adhere to all requirements for sewerage collection and purveyance of drinking water enforced by the Contra Costa Water District. The City Engineer determined that the proposed project would not introduce any extraordinary issues that would negatively impact water quality on the project site or in the surrounding area. Thus, the proposed project would not result in any significant water quality effects, consistent with criteria (d) of Infill Exemption 15332.

Conclusion

As discussed above, the project site does not contain valuable habitat for endangered, rare or threatened species. Based on an air quality analysis conducted for the proposed project, emissions of criteria pollutants associated with the project would not exceed applicable thresholds established by BAAQMD. Additionally, as determined by the technical studies, the proposed project would be consistent with all applicable regulations set forth by the City and Contra Costa County with regard to noise and traffic. Finally, the City Engineer has evaluated the project site plans and determined that the proposed project would not create any significant adverse effects to water quality on the project site or in the surrounding area. Based on the above, the Clayton Senior Housing Project would satisfy the Infill Exemption conditions (c) related to biological resources and (d) related to air quality, noise, traffic, and water quality.

Exceptions to Categorical Exemptions

Even if a project is ordinarily exempt under any of the categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. The following is a discussion of any possible exceptions to the CEQA exemption.

Criterion 15300.2(a): Location

This exception only applies to CEQA exemptions under Classes 3,4,5,6, or 11. Since the proposed project qualifies as a Class 32 Infill Exemption, Criterion 15300.2(a) would not apply.

Criterion 15300.2(b): Cumulative Impact

The project site is currently designated Multifamily High Density Residential in the Clayton General Plan and zoned Planned Development. The proposed project is consistent with the site's General Plan and zoning designations. Therefore, impacts of the project have been anticipated by the City and analyzed in the General Plan EIR. Furthermore, the proposed project would not create a significant impact related to modification of habitat for endangered, rare, or threatened species, air quality, noise, traffic, or water quality. Thus, the overall effects of the proposed project would be less than significant and would not contribute to significant cumulative impacts.

Criterion 15300.2(c): Unusual Circumstances

The proposed project would develop a senior housing facility on a project site currently planned for residential development. As discussed above, the Biological Assessment determined that the site does not contain any suitable habitat for endangered, rare, or threatened species; and, such species are not anticipated to occur on-site. Additionally, the project site has not been identified as a source of potentially hazardous materials or waste contamination which could pose a risk to surrounding residents. Based on the above, the project site is not affected by any unusual circumstances. Thus, the exception regarding significant effects on the environment due to unusual circumstances would not apply.

Criterion 15300.2(d): Scenic Highway

The project site would not be located within view of any Officially Designated Scenic Highway. Interstate 680 (I-680), an Officially Designated Scenic Highway, is located approximately 7.5 miles southwest of the project site; however, I-680 would not provide views of the project site.¹ Thus, the exception regarding scenic highways would not apply.

Criterion 15300.2(e): Hazardous Waste Sites

The Cortese List, consisting of databases identified in California Government Code Section 65962.5, was consulted to identify sites with known hazardous materials or waste contamination within or adjacent to the project site; however, none were found. Thus, an exception to the Class 32 exemption based on the presence of a hazardous waste site would not apply.

Criterion 15300.2(f): Historical Resources

The City of Clayton's *Heritage Preservation Task Force Report* includes a list of any potentially historic resources located within the City, including historic resources listed on either the California Register of Historical Resources or the National Register. Based on the Report, the existing on-site structures are not listed as historical resources and the project site does not contain any other structures which are considered historic by the City. In addition, the project site is located within an urbanized area of the City of Clayton and is surrounded by development. Thus, archaeological and paleontological resources are not anticipated be present at or near the project site. Therefore, the exception based on presence of historical resources would not apply.

Conclusion

Based on the above discussions, the proposed project would be consistent with the General Plan and zoning designations. Consistency with such would ensure that the project would not result in any cumulative impacts which have not already been anticipated by the City. In addition, the project site does not contain any unusual circumstances. Finally, the project site is not within view of a Scenic Highway, identified as a source of hazardous materials, and does not contain any recorded historic resources. Based on the above, the proposed project would not meet any of the exception criteria for a Class 32 Infill Exemption.

Please contact me at (916) 372-6100 if you have any questions regarding this Infill Exemption analysis.

Sincerely,

Nick Pappani
Vice President
Raney Planning and Management, Inc.

¹ California Department of Transportation. *California Scenic Highway Mapping System Contra Costa County*. Accessed June 2019. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/.

**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 06-19**

A RESOLUTION APPROVING THE AFFORDABLE HOUSING DENSITY BONUS APPLICATION (DBA-01-19), SITE PLAN REVIEW (SPR-04-17), AND TREE REMOVAL PERMIT (TRP-S4-17) FOR THE OLIVIA ON MARSH CREEK SENIOR HOUSING PROJECT

WHEREAS, the City received an application from William Jordan requesting review and consideration of an Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17), and related Environmental Review (ENV-01-17) for development of an 81-unit senior residential project located on three adjacent parcels with a total area of 3.02 acres ("Project"), known as The Olivia on Marsh Creek Road, located at the southwest intersection of High Street and Marsh Creek Road (APNs: 119-021-063, 119-021-055, and 119-021-013); and

WHEREAS, the City commissioned an independent analysis of the Project's eligibility for an Infill Exemption by Raney Planning & Management, Inc., titled "Infill Exemption Environmental Analysis for Clayton Senior Housing Project" and dated June 14, 2019, which analyzes whether the Project meets all criteria of the Class 32 Infill Exemption as stated in California Environmental Quality Act (CEQA) Guidelines Section 15332; and

WHEREAS, the Clayton Planning Commission adopted Resolution No. 05-19 determining that the Project is Categorically Exempt from environmental review pursuant to CEQA, under Class 32 (Infill Development Projects) of the CEQA Guidelines, at the Planning Commission meeting of December 10, 2019; and

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

WHEREAS, on November 12, 2019, and on December 10, 2019, the Clayton Planning Commission held a duly-noticed public hearing on the Project and 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 Project:

Clayton Municipal Code (CMC) Section 17.90.090 and State Density Bonus law states that the City shall grant the concessions or incentives requested by a project applicant unless the City makes a written finding, based upon substantial evidence, of either of the following:

- A. *The concession or incentive is not required in order to provide for Affordable Housing Costs;*
- B. *The concession or incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the Federal Register of Historical Resources or any locally officially designated architecturally and historically significant buildings and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Low and Moderate Income households.*

The applicant has submitted documentation demonstrating that the two requested concessions are required in order to make the development project economically feasible with inclusion of the affordable units. According to the independent analysis prepared on the applicant's behalf, and subject to a peer review by the City's independent consultant, for the cost savings of the concessions: (1) a reduction in setback requirements for buildings and parking spaces; and (2) a reduction in the required number of parking spaces; the total cost savings makes it possible to offer seven units at reduced rents to Very Low Income households.

The City further finds that the requested concessions would not have an adverse impact on public health or safety, the physical environment, or historic resources as defined in Government Code section 65589.5(d)(2). There are no environmentally sensitive areas or historic resources on or adjacent to the project site. With one parking space provided per dwelling unit, the project will avoid any potential negative impacts related to parking.

NOW THEREFORE BE IT FURTHER RESOLVED, the Planning Commission hereby makes the following required findings for approval of a Site Plan Review Permit:

- 1. *That the project is consistent with the General Plan and Town Center Specific Plan designations and policies.***

The General Plan designation of the project site is Multifamily High Density (MHD) (20 units per acre) and the Specific Plan designation is Multi-Family High Density Residential (15.1-20 units per acre). These designations are intended to facilitate development of apartments or condominiums, and include affordable housing, two stories or higher in areas of Clayton where higher densities are appropriate, such as near the commercial center. The proposed development is partially within and immediately adjacent to the commercial Town Center of Clayton. The proposed design is complementary to the western design theme of the Town Center Specific Plan. The land use designation allows for maximum structural coverage of 65% of the site area. The proposed project is well below this maximum, with lot coverages of 24.1% for 6170 High Street, 24.5% for 6450 Marsh Creek Road, and 26.1% for 6490 Marsh Creek Road.

The policies for the MHD land use designation encourage new development to use "Planned Development concepts and standards, with incorporation of significant design and amenity in the project." The project site is subject to the Planned Development District zoning regulations and corresponding development standards. The project is well designed, with quality building materials, articulated facades, ample open space, diverse and attractive landscaping, and other amenities including outdoor furnishings, bicycle racks and an assigned parking space for each unit.

Due to the project incorporating a density bonus, pursuant to State law and the City's Affordable Housing Density Bonus Requirements Ordinance, it exceeds the 20 unit per acre residential density for the MHD land use designation. Proposed residential density for the project with the bonus units is 26.8 units per acre. However, the state Density Bonus Law allows a development project to exceed the maximum density allowed under the General Plan when affordable housing units are included and the granting of the density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment. Furthermore, the Density Bonus Law requires the City to approve the project with the additional density, provided that it meets all requirements of the law and does not result in specific adverse impacts as defined in Government Code section 65589.5(d)(2). Thus, in this case the project is allowed and is consistent with state law and the City's general plan and local regulations (CMC Chapter 17.90) at the proposed density of 26.8 units per acre.

2. *Meets the standards and requirements of the Zoning Ordinance.*

The project meets the requirements of CMC Chapter 17.90, the Affordable Housing Density Bonus Requirements. Eleven percent of the number of 60 residential units allowed under the General Plan are set aside for households meeting HUD's definition of Very Low Income. Therefore, the project is entitled to a 35 percent density bonus, equivalent to 21 additional units. The type and size of affordable units reflects the range and sizes of units in the project as a whole (five one-bedroom units and two two-bedroom units are designated as below market rate [BMR]). The units are dispersed throughout the three buildings and are identical in design and construction quality to the market-rate units.

The applicant has submitted all required materials for the Affordable Housing Unit Plan that are listed in CMC Section 17.90.140. A requirement for an Affordable Housing Unit Agreement pursuant to CMC Section 17.90.150 has been included as a Condition of Approval for the project.

In addition, the project complies with the zoning standards of the Planned Development District in CMC Chapter 17.28. As prescribed in CMC Section 17.28.050.B, the applicable development standards are the Multiple Family Residential High Density (M-R-H) District standards in Chapter 17.20. With the

exception of minor variations in required setbacks and building height and the reduced parking requirements that are permitted through the granting of concessions and waivers/reductions pursuant to the Density Bonus Law, which shall not require, or be interpreted, in and of itself, to require a zoning change the project meets the development standards for the M-R-H District.

3. *Preserves the general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.*

The project is located on a mostly level site that is not impacted by landslide hazard and is not located in an area at risk of flooding. The project will comply with local and State building codes for seismic safety and fire prevention.

4. *Maintains solar rights of adjacent properties.*

The project is located on a relatively flat site and maintains adequate building setbacks from property lines, thereby avoiding shadow impacts and protecting solar access for adjacent properties.

5. *Reasonably maintains the privacy of adjacent property owners and/or occupants.*

Mature existing trees along the western property line of the subject parcels and along the southern property line of 6490 Marsh Creek Road will be maintained, helping to ensure privacy for adjacent properties to the west and south. In addition, new Oak and Bay trees will be planted along the western property line of 6170 High Street to provide additional screening. Along the "flagpole" section of 6470 Marsh Creek Road that is located between the two subject parcels at 6450 and 6490 Marsh Creek Road, six-foot high solid wood fencing is proposed to ensure privacy for the former parcel.

6. *Reasonably maintains the existing views of adjacent property owners and/or occupants.*

The project is located on a relatively flat site and is downhill from the adjacent property to the west. Because of the significant difference in elevation between the subject site (approximate elevation of 400 feet above sea level) and the properties to the west, 6470 Marsh Creek Road and 6061 Clayton View Lane, (approximate elevation of 450 feet above sea level) the proposed buildings will not obstruct views from these neighboring properties to the west. No other properties adjacent to the project site have significant views.

7. *Is complementary, although not identical, with adjacent existing structures in terms of design, materials, colors, size, and bulk.*

The applicant has requested a waiver of this standard pursuant to the Density Bonus Law. The size and bulk of the proposed buildings (three stories in height) exceed that of many of the existing structures in the surrounding area. However, the topography in the vicinity of the project site, specifically the hill immediately to the west, has the effect of lessening the visual impact of the taller buildings. In addition, variations in exterior wall planes and design articulation of the facades helps to create a less bulky appearance.

Building materials such as smooth hardiplank siding, brick and composition shingle roofing, as well as stone retaining walls, are similar and complementary to the design and rustic character of nearby structures. Proposed exterior colors for the buildings are primarily neutral and natural earth-tones, such as beiges, browns, grays, and brownish shades of red, which are complementary with the character of the surrounding area.

8. *Is in accordance with the design standards for manufactured homes per Section 17.36.078. of the CMC*

Not applicable – the project does not include manufactured homes.

9. *Proposed tree removal with proposed tree replacement will not adversely impact the health, safety, and general welfare of the residents, while balancing the right of an individual to develop private property per Section 15.70.010 of the CMC.*

The applicant is proposing and the City is requiring replacement trees both on-site and off-site with this proposed project.

NOW THEREFORE BE IT FURTHER RESOLVED, The Clayton Planning Commission does hereby approve the Affordable Housing Density Bonus Application (DBA-01-19), Site Plan Review Permit (SPR-04-17), and Tree Removal Permit (TRP-24-17) for The Olivia on Marsh Creek Road, an 81-unit senior residential development located on three adjacent parcels with a total area of 3.02 acres, located at the southwest intersection of High Street and Marsh Creek Road (APNs: 119-021-063, 119-021-055, and 119-021-013), subject to the following conditions:

PLANNING CONDITIONS

1. An Affordable Housing Unit Agreement (AUA) shall be recorded as a restriction on each parcel on which the Affordable Housing units will be constructed in a form acceptable to the City Attorney. The approval and recordation of the AUA shall take place prior to issuance of building permits. The AUA shall be binding on all future owners and successors interest. The AUA shall include, at minimum, but shall not be limited to the following:
 - a. A description of the development, including the total number of units, the number of Affordable Housing Units, and the tenure of the Affordable Housing Units;

- b. The size, in square footage, and location of Affordable Housing Units;
 - c. A description of the household income group to be accommodated by the Affordable Housing Units, and the formula for determining the monthly rent amount for each Affordable Housing Unit;
 - d. The term of affordability for the Affordable Housing Units;
 - e. A schedule for completion and occupancy of the Affordable Housing Units;
 - f. Provisions and/or documents for rights of first refusal or rental restrictions;
 - g. The Marketing Plan for rental of the Affordable Housing Units;
 - h. Provisions for monitoring the ongoing affordability of the Affordable Housing Units, and the process for qualifying prospective resident households for income eligibility; and
 - i. A description of the concession(s) or incentive(s) provided by the City.
 - j. Specific property management procedures for qualifying and documenting tenant income eligibility, establishing affordable rent and maintaining Affordable Housing units for qualified tenants;
 - k. Provisions requiring property owners to verify household incomes and maintain books and record to demonstrate compliance with this chapter;
 - l. Provisions requiring the Property Owner to submit an annual report to the city, which includes the name(s), address, and income of each household occupying target units, and which identifies the bedroom size and monthly rent or cost of each Affordable Housing unit;
 - m. Provisions describing the amount of, and timing for payment of, Administrative Fees to be paid to the city for the mandated term of compliance monitoring in accordance with the provisions of this chapter; and
 - n. Any additional obligations relevant to the compliance with Chapter 17.90 of the Clayton Municipal Code, *Affordable Housing Density Bonus Requirements*.
2. 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.
3. Any major changes to the project as determined by the Community Development Director shall require Planning Commission review and approval. Any minor changes to the project as determined by the Community Development Director shall be subject to City staff review and approval.
4. 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.
5. Parking spaces shall be assigned to specific residential units. Each unit shall have one (1) assigned parking space. The number and location of the assigned parking space shall be stated in the rental agreement for each unit.

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6. The applicant shall execute a shared parking agreement between 6170 High Street and 6450 Marsh Creek Road allowing for three (3) resident parking spaces and one (1) guest parking space for 6170 High Street to be located on the 6450 Marsh Creek Road parcel. The shared parking agreement shall be recorded on the deed for each parcel and shall be in a form acceptable to the City Attorney.
7. Prior to issuance of a building permit, the applicant shall assure there is a recorded easement in a form acceptable to the City Attorney between Site 1 and Site 2 for pedestrian access between parking lot areas.
8. 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.
9. Prior to issuance of demolition permits for on-site structures, 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.
10. 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.

11. 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.
12. The applicant agrees to indemnify, protect, defend, and hold harmless the City and its elected and appointed officials, officers, employees, and agents from and against any and all liabilities, claims, actions, causes, proceedings, suits, damages, judgments, liens, levies, costs, and expenses of whatever nature, including attorney's fees and disbursements arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City relating to this entitlement, or the environmental review conducted under the California Environmental Quality Act for this entitlement and related actions. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.

GENERAL CONDITIONS

13. The project shall comply with the Clayton Municipal Code. All construction shall conform to the requirements of the California Building Code and City of Clayton standards.
14. The project shall be implemented as indicated on the application form and accompanying materials provided to the City and in compliance with the Clayton Municipal Code, or as amended by the Planning Commission.
15. No building permit will be issued unless the plan conforms to the project description and materials as approved by the Planning Commission and the standards of the City.
16. This approval expires one year from the date of approval (expires _____, 2021), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Planning Commission. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one-year extension shall be granted.
17. This approval supersedes previous approvals, if any, that have been granted for this site.
18. The general contractor shall install and maintain the erosion and sedimentation control devices around the work premises per the most current NPDES Municipal Regional Permit (MRP). Current MRP is 2.0 and upcoming permit will be MRP-3.0.

19. All required easements or rights-of-way shall be obtained by the applicant at no cost to the City of Clayton. Advance permission shall be obtained from any property owners or easement holders for any work done within such property or easements.
20. Prior to issuance of the certificate of occupancy for each property, the public improvement for that property including streets, sewers, storm drains, street lights, and traffic signs required for access to the site shall be completed to the sole satisfaction of the City Engineer or City Traffic Engineer.
21. City staff shall inspect the site for compliance with conditions of approval and approved plans prior to final inspection approval.
22. The applicant shall obtain an encroachment permit for all work to be done within the public right-of-way or easement, and peak commute-hour traffic shall not be impeded by construction-related activity. All on-site improvements not covered by the building permit including walkways, driveways, paving, sewers, drainage, curbs, and gutters must be constructed in accordance with approved plans and/or standards and a Site Development Permit approved by the City Engineer.
23. All existing easements shall be identified on the site plan and all plans that encroach into existing easements shall be submitted to the easement holder for review and approval, and advance written permission shall be obtained from any property owner or easement holder for any work done within such property or easement.
24. Building permits for retaining walls shall be obtained as follows:
 - a. For major walls over three feet in height to be constructed during the mass-grading phase, obtain a building permit prior to issuance of the grading permit.
 - b. For all other walls, obtain a building permit prior to issuance of permits for structures on the respective lot in accordance with the applicable California Building Code Standards.

NOISE CONTROL, DUST, AND CONSTRUCTION ACTIVITY CONDITIONS

25. An encroachment permit is required for all work in the public right-of-way. Restoration of existing improvements (curb, gutter, sidewalk, street section, etc.) shall be to the City of Clayton standards and as approved by the City Engineer.
26. The use of construction equipment shall be restricted to weekdays between the hours of 8:00 a.m. and 5:00 p.m., or as approved in writing by the City Manager.
27. The project shall be in compliance with and supply all the necessary documentation to comply with the City of Clayton Construction and Demolition Debris Recycling Program.
28. Driveway access to neighboring properties shall be maintained at all times during construction.

29. Standard dust control methods shall be used to stabilize the dust generated by construction activities in accordance with the Bay Area Air Quality Management District standards.
31. The site shall be fenced with locked gates by 7:00 PM. The gates shall remain locked until 7:00 AM. Contractors shall not arrive at the site prior to the opening of the gates. The name and contact information shall be placed at locations on the site for neighbors to contact in the circumstance there is a concern that needs to be addressed to the satisfaction of the City Engineer.
32. All construction equipment utilizing combustion engines shall be equipped with "critical" grade (rather than "stock" grade) noise mufflers or silencers that are in good condition. Back up "beepers" shall be tuned to insure lowest possible noise levels while also serving the safety purpose of the backup sound indicator.
33. Stationary noise sources shall be located at least 300 feet away from any occupied residential or business dwellings unless noise-reducing engine housing enclosures or other appropriate noise screens are provided.
34. Speeds of construction equipment shall be limited to 10 mph. This includes equipment traveling on local streets to and from the site.
35. Access shall be maintained to all driveways at all times.
36. There shall be no parking of construction equipment or construction worker's cars on residential or business streets at any time. A staging area shall be secured prior to issuance of a grading or building permit as determined necessary by the City Engineer.
37. Truck routes for the import or export of cut/fill material shall be identified and approved by the City Engineer prior to the issuance of any permits. Applicant shall be responsible for the repair of any damage to City streets (private and public) caused by the contractor's or subcontractor's vehicles.
38. Prior to construction, applicant shall ensure that the contractor shall contact City inspector for a pre-construction meeting. Haul route shall be submitted for review and approval by the City Engineer.
39. All construction activities must be designed to minimize potential spills from equipment and to provide a planned response in the event an accidental spill occurs. The applicant shall maintain spill equipment on site; there shall be a designated area if refueling takes place on site. Applicant shall insure all construction personnel are trained in proper material handling, cleanup and disposal procedures.

40. Prior to any demolition activities, a demolition permit shall be obtained and all demolition activities be performed in accordance with the Bay Area Air Quality Management District Regulation 11 Hazardous Pollutants, Rule 2 Asbestos Demolition, Renovation, and Manufacturing. The purpose of this Rule is to control emissions of asbestos to the atmosphere during demolition, renovation, milling and manufacturing and establish appropriate waste disposal procedures. These requirements specify the appropriate methods for survey, demolition/removal, and disposal of asbestos materials to control emissions and prevent hazardous conditions. Specifications developed for the demolition activities shall include the proper packaging, manifesting and transport of demolition wastes by trained workers to a permitted facility for disposal in accordance with local, State, and Federal requirements.
41. Prior to demolition or renovation activities that may disturb suspected lead-based paint (LBP), actual material samples shall be collected or an XRF survey performed in order to determine if LBP is present. It should be noted that construction activities that disturb materials or paints containing any amount of lead are subject to certain requirements of the Occupational Safety and Health Administration (OSHA) lead standard contained in 29 CFR 1910.1025 and 1926.62. If lead-based paint is identified, the paint shall be removed by a qualified lead abatement contractor. Specifications developed for the demolition activities shall include the proper packaging, manifesting, and transport of demolition wastes by trained workers to a permitted facility for disposal in accordance with local, State, and Federal requirements.

PROPERTY MAINTENANCE CONDITIONS

42. A parking lot sweeping program shall be implemented that, at a minimum, provides for sweeping immediately prior to the storm season and prior to each storm event.
43. The site shall be kept clean of all debris (litter, boxes, junk, garbage, etc.) at all times.
44. No signs shall be installed on this site without prior City approval.
45. Any undeveloped areas on-site shall be maintained in an attractive manner that ensures fire safety and prevents any runoff onto the adjacent sidewalks.

AGENCY REQUIREMENT CONDITION

46. Applicable requirements of other agencies including, but not limited to the Contra Costa County Fire District, the Contra Costa Water District, City of Concord (Sanitation), and the East Contra Costa County Habitat Conservancy shall be met.

FEE CONDITIONS

47. The applicant shall pay all fees required by the City Council and other applicable agencies.
48. The applicant shall pay all required fees at the time of building permit issuance.

GRADING CONDITIONS

49. All grading shall be required grading and drainage plan prepared by a registered Civil Engineer, a soils report prepared by a registered Geotechnical Engineer and a Grading Permit approved by the City Engineer. The grading plans and soils report shall require review by the City's geotechnical consultant with all costs to be borne by the applicant.
50. All recommendations made in the Soil Engineers report (unless amended through the City's review) and all recommendations made by the City's geotechnical consultant shall be incorporated into the design and construction of the project.
51. Contour grading techniques with spot elevations shall be employed throughout the project to achieve a more natural appearance, even where this will increase the amount of grading.
52. Tops of cuts or toes of fills adjacent to existing public rights-of-way or easements shall be set back two feet minimum from said rights-of-way and easements.
53. Erosion control measures shall be implemented by the applicant per plans approved by the City Engineer for all grading work not completed before October 1. At the time of approval of the improvement and/or grading plans, an approved Erosion Control Plan prepared by a registered Civil Engineer shall be filed with the City Engineer.
54. All graded slopes in excess of 5 feet in height shall be hydroseeded no later than September 15 and irrigated (if necessary) to ensure establishment prior to the onset of the rainy season
55. The applicant's engineer shall certify the actual pad elevation for the lot in accordance with City standards prior to issuance of Building Permit.
56. Any grading on adjacent properties will require written approval of those property owners affected.
57. If cultural resources are discovered during subsurface excavations, the Contractor shall cease construction and a qualified archeologist shall be contacted to make recommendations for mitigation.
58. The plans shall include the boundary treatment shown on cross sections, drawn to scale, for retaining walls, fencing and drainage.
59. All elevations shown on the grading and improvement plans shall be on the USGS 1929 sea level datum or NAVD 88 with conversion information, or as approved by the City Engineer.

UTILITY CONDITIONS

60. In the circumstance the applicant or successor-in-interest applies to convert the project from a rental apartment project to a condominium subdivision, the applicant or successor-in-interest shall be required to underground all existing and proposed utilities in accordance with the applicable provisions of the Clayton Municipal Code (CMC) at that time.
61. Trash enclosures shall drain to sanitary sewer and shall incorporate methods to contain runoff at the front-gate and pedestrian access point to prevent storm water from entering the enclosure.
62. The sewer collection system shall be constructed to function as a gravity system. Sanitary sewer collection system shall be constructed to the standards of the City of Concord and Central Contra Costa Sanitary District. Inspections of sanitary sewer collection system shall be performed by City of Concord under contract to City of Clayton.
63. Water system facilities shall be designed to meet the requirements of Contra Costa Water District and the fire flow requirements of the Contra Costa County Fire Protection District. All requirements of the responsible agency shall be guaranteed prior to approval of the improvement plans. Any required offsite easements shall be obtained by the applicant at his/her own expense.
64. A reduced pressure backflow preventer assembly shall be installed on all water meter services.
65. Double detector check fire line backflow assemblies shall be enclosed within an easement granted to Contra Costa Water District, as needed, and at no cost to the City or the District.
66. The applicant shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi.
67. All onsite utilities shall be privately maintained and connected to public facilities in accordance with City and applicable agency standards, as approved by the City Engineer.
68. All sanitary sewer system connections and improvements shall be submitted for reviewed and approved by the City Engineer and review and comment by the City of Concord (Sanitation).

DRAINAGE AND WATER QUALITY CONDITIONS

69. For projects disturbing one (1) acre or more, the applicant shall comply with the State Construction General Permit requirements. The applicant shall be responsible for preparing the SWPPP, submit all required documents, and obtaining coverage by filing a Notice of Intent (NOI) with State Water Resource Control Board (SWRQB).
70. A copy of the SWPPP and the Notice of Intent (WDID) shall be submitted to the City prior to issuing permits for construction. The SWPPP and the WDID shall be kept at the job site during construction. The WDID number shall be included onto the cover sheet of the Grading Plans for the project.
71. Prior to approval of the grading plans, the applicant shall submit a drainage study to the City for review and approval, and to the Contra Costa County Flood Control and Water Conservation District (FC District) for review and comment. The applicant shall be responsible to pay directly for the agency's review.
72. Applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Permit (MRP) of the State Regional Water Resources Control Board NPDES Permit as applicable to this project.
73. Stormwater control facilities (C.3 facilities) shall be maintained and operated by the applicant/property owner, in perpetuity, in accordance with the Operation and Maintenance Plan. The applicant/property owner shall provide periodic and annual inspection reports.
74. Applicant shall submit a comprehensive Stormwater Control Plan, construction plans, details, and calculations in accordance with the current Contra Costa Clean Water Program (CCCWP) C.3 Guidebook (7th Edition). Required offsite improvements and street(s) frontage improvement work shall be considered and included as a part of this project for compliance with C.3 requirements. The Stormwater Control Plan watershed drainage map shall include all impervious surface locations (i.e. streets, buildings, parking lots, walkways, etc.) to be used in the calculations for sizing C.3 facilities.
75. CCWP C.3 online calculator shall be used in determining the size of the required C.3 facilities. Submit a printout and attach a copy in the Stormwater Control Plan.
76. Bio-retention basin side slopes shall not be steeper than 3H:1V.
77. Using C.3 bio-retention basin(s) as a detention basin(s) for the mitigation of increased peak flows shall be subject to the City Engineer's approval. If approved by the City Engineer, applicant shall submit hydrology and hydraulic study, calculations, and details to demonstrate compliance with the C.3 requirements as well as flood control requirements. Detention basin(s) design parameters and the calculations shall also be in accordance with Contra Costa County Flood Control guidelines.

78. Prior to City Approval of the plans and issuance of permits, the applicant shall submit a signed operation and maintenance agreement. The agreement shall be the City's standard form and subject to the review and approval by the City.
79. All storm water flows shall be collected onsite and discharged into an approved public storm drain system. No onsite drainage is allowed to flow over the sidewalk.
80. Applicant shall not increase storm water runoff to adjacent downhill lots unless either, (1) a Drainage Release is signed by the property owner(s) of the affected downhill lots and recorded in the office of the County Recorder; or (2) site drainage is collected and conveyed in approved drainage facilities within a private drainage easement through a downhill property. This condition may require collection of on-site runoff and construction of an off-site storm drainage system. All required releases and/or easements shall be obtained prior to issuance of any building permits.
81. A structure shall be installed at all pipe intersections, change of direction, or change in slope as approved by the City Engineer.

STREET IMPROVEMENT CONDITIONS

82. Sidewalks, curb, gutter, sidewalk and street pavement shall be constructed and/or replaced (if cracked, broken or damaged) in the public right-of-way along the entire project frontage as required by the City Engineer and at no cost to the City. Driveway aprons shall be removed and/or replaced with new curb, gutter and sidewalk to match the proposed development. Corner curb ramps (handicap ramps) that do not meet current Federal ADA and State Title 24 Standards shall be replaced to current standards. Existing street pavement section shall be removed and replaced along the frontage of the property to the centerline of the street if the section is cracked or damaged in any way (regardless if it is damaged by project construction or not), or other roadway preservation methods as approved by the City Engineer. All required public easements or rights-of-way shall be offered to the City. All improvements shall be designed and constructed to the satisfaction of the City Engineer.
83. All streets shall be paved and improved after utilities are installed in accordance with the City of Clayton Standard Drawings and Design Guidelines and the approved plans.

LANDSCAPING CONDITIONS

84. Sight distance triangles shall be maintained per Chapter 12.08 of the CMC, Site Obstructions at Intersections, or as approved by the City Engineer. Landscaping and signage shall not create a sight distance problem.
85. Detailed landscaping and irrigation plans for the entire site shall be submitted to the City for review and approval. All landscaping and irrigation shall be installed in accordance with approved plans prior to the issuance of certificates of occupancy for this building.

86. Landscaping for the project shall be designed to comply with the applicable requirements of City of Clayton Municipal Code. The State Model Water Efficient Landscape Ordinance (MWELo). Prior to issuance of a building permit, the applicant shall demonstrate compliance with the applicable requirements of the MWELo in the landscape and irrigation plans submitted to the City.
87. Landscape shall show immediate results. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed, and/or otherwise maintained as necessary. Plant materials shall be replaced as needed to maintain the landscaping in accordance with the approved plans. Plant material selection shall avoid plant species that are known to be susceptible to disease (e.g., Platanus Blood Good) or drop fruit on hard surfaces and walkways causing a maintenance or safety concern.
88. All trees shall be a minimum 15-gallon size and all shrubs shall be a minimum 5-gallon size.

PROJECT SPECIFIC CONDITIONS

89. Any cracked or broken sidewalks shall be replaced as required by the City Engineer.
90. All rooftop mechanical equipment shall be screened from the public right-of-way and the residential properties to the west of the subject property. A line of sight study shall be submitted with the building permit submittal confirming the equipment is screened.
91. Asphalt paving shall have a minimum slope of two percent (2%), concrete paving shall have a minimum slope of 0.75%, except asphalt paving for identified accessible parking stalls and access routes shall have a minimum slope of 1.5% and a maximum slope of 2%, or as approved by the City Engineer.
92. All on-site curbs, gutters and sidewalks shall be constructed of Portland cement concrete.
93. All walkways adjacent to parking areas with vehicle overhang shall be a minimum of six and a half (6½) feet wide.

TREE PROTECTION CONDITIONS

94. The following construction policies and guidelines for tree preservation and protection put forth by the City of Clayton shall be followed during project implementation:
 - 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.
95. 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 in-lieu fee equal to 200% of the value (as established by the International Society of Arboriculture) of the original tree(s) to be preserved.
96. The Community Development Department shall review and approve grading and improvement plans to ensure adequate measures are taken to protect trees.

LANDSCAPING CONDITIONS

97. The project shall comply with all applicable requirements and regulations as they pertain to the Landscape Water Conservation Standards and the Water Efficient Landscape Ordinance.
98. Three sets of the landscape and irrigation plans 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 prepared by a landscape architect.
99. 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.
100. 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.

EXPIRATION CONDITION

103. The Tree Removal Permit (TRP-24-17) shall expire simultaneously with the expiration of the Site Plan Review Permit (SRP-04-17), pursuant to the permit expiration provisions listed in Chapter 17.64 of the Clayton Municipal Code.

GENERAL CONDITIONS

104. The applicant shall obtain the necessary approvals from the Contra Costa County Fire Protection District.
105. The applicant shall provide an adequate and reliable water supply for fire protection as set forth in the Uniform Fire Code.
106. The access driveway/roadway and turnaround improvements must be completed and inspected by the Contra Costa County Fire Protection District (CCCYPD) prior to construction on the two residential lots.
107. All 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 both residences for review and approval prior to installation.
108. Additional requirements may be imposed by the CCCYPD. Before proceeding with the project, it is advisable to check with the CCCYPD located at 4005 Port Chicago Highway, Concord, 925-941-3300.
109. The applicant shall comply with all applicable State, County, and City codes, regulations, and standards as well as pay all associated fees and charges.
110. All construction and other work shall occur only between 7:00 a.m. and 5:00 p.m. Monday through Friday. Any such work beyond these hours and days is strictly prohibited unless specifically authorized in writing by the City Engineer, 925-969-8181, scott.alman@weareharris.com (Clayton Municipal Code Section 15.01.101).
111. The applicant shall obtain the necessary building permits from the Contra Costa County Building Inspection Department. All construction shall conform to the California Building Code.
112. Prior to issuance of a Certificate of Occupancy for any residential building, the applicant shall install security cameras to monitor primary individual building entries and parking areas with the ability to archive and monitor the imaging to the satisfaction of the Chief of Police.
113. In the circumstance the applicant or successor-in-interest applies to convert the rental apartment project to a condominium subdivision, the applicant or successor-in-interest shall pay Quimby Act fees in accordance with applicable provisions of the Clayton Municipal Code (CMC) and City adopted fee schedule in effect at that time.

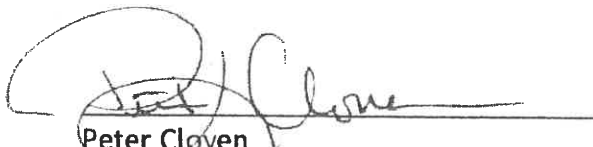
114. The applicant shall prepare a property maintenance program to address on-going building maintenance, landscaping, parking lot maintenance, and tenant maintenance responsibilities to the satisfaction of the City Attorney.
115. Prior to issuance of a City demolition and/or grading permit the applicant shall complete a Green Infrastructure Feasibility analysis, as required by the San Francisco Rational Water Quality Control Board in MRP 2.0, to determine opportunities to address existing frontage runoff into planned or new bio retention areas behind the back of curb. If such analysis determines these are feasible, any Green Infrastructure shall be maintained by the abutting property owner in perpetuity.
116. The applicant is advised this project is subject in perpetuity to the required (annual) Operations and Maintenance inspections by the City for the C.3 facilities at the costs established and updated annually in the City Fees and Charges Schedule.
117. The trash enclosures shall have solid metal doors, a solid roof and ventilation. The proposed trash enclosures need to be enlarged in order to have internal clear dimensions that are adequate to accommodate the required refuse and recycling dumpsters/containers and resident accessibility to utilize them. The trash enclosures must be located in close proximity to the access driveway near the public right-of-way to the satisfaction of Republic Services and the City Engineer to assure accessibility for trash removal and adequate sight distance to assure the public the safety.
118. All landscaping along Marsh Creek Road and along High Street behind the back of curb shall be maintained by the abutting property owner in perpetuity.
119. Prior to the issuance of the first Certificate of Occupancy the applicant shall contribute up to \$20,000. to establish a Permit Parking Program System for the Stranahan Subdivision located across Marsh Creek Road to the east of the project to limit possible spillover parking from outside that neighborhood to the satisfaction of the City Engineer and Chief of Police.
120. Prior to the issuance of the first Certificate of Occupancy the applicant shall install electronic speed indicator signage on Marsh Creek Road in the vicinity of the intersection of Marsh Creek Road and Stranahan Circle to facilitate reducing speeding in this area to the satisfaction of the City Engineer and Chief of Police.
121. Prior to the issuance of the first Certificate of Occupancy the applicant shall install pedestrian activated crosswalk flashers at the trail crosswalk south of the project site on Marsh Creek Road to facilitate pedestrian safety to the satisfaction of the City Engineer.
122. The property owner shall provide annual bus passes to the tenants in the development and establish a car share program to facilitate reducing on-site parking demand to the satisfaction of the Community Development Director.

123. Prior to the issuance of the first Certificate of Occupancy the applicant shall provide and install fifty 15-gallon trees off-site within the City of Clayton to increase carbon absorption to the satisfaction of the City Maintenance Supervisor and City Manager.


NO DECISION WITH A 2-2 VOTE by the Planning Commission of the City of Clayton at a regular meeting on the 10th day of December 2019.

NO DECISION:

ATTEST:



Peter Cloven
Chair



David Woltering
Interim Community Development Director

Attachment N

Project Plans for The Olivia on Marsh Creek

"THE OLIVIA ON MARSH CREEK" A 55+ COMMUNITY

6170 High St.
Clayton, CA 94517

CONSULTANTS

Structural Engineer:
AG Schmidt
Peter Schmidt
4143 Cowell Rd
Concord CA 94518
(925) 589-9130

Consultant:
John Newton
3556 Telegraph Ave. Suite A
Oakland, CA 94609
jnewton@9880global.net
JNewton@9880global.com
Attan: John Newson/Lela Mashhood

Civil Engineer:
Milari and Associates Engineering
2555 Starwell Dr. #105
Concord, CA 94520
kalcoc@milari-eng.com
Attan: Kim Alcock

MD Fotheringham, Landscape Architects Inc.
1700 North Broadway, Suite 350
Walnut Creek, CA 94596
MFO@fotheringham.com
Attan: Michael Fotheringham/Ben Hu

Planning Consultants:
PlaceWorks
1625 Shattuck Ave. #300
Berkeley, CA 94709
Cknox@placeworks.com
Attan: Charlie Knox

Biologist:
Oberlander Environmental Inc.
(Wetland Regulation and Permitting)
3170 Crow Canyon Place, Suite 260
San Ramon, CA 94583
Jeff@oberlandergov.com

Soils Engineer:
Frier Associates, Incorporated
(Geologist and Soils)
2656 Nicholson Street
San Leandro, CA 94577
Frier4515@gmail.com
Attan: John Frier

Notes:
Thorburn Associates
20880 Baker Road
Castro Valley, CA 94546
j@thorburn.com
Attan: Steven Thorburn

Traffic Engineer:
Kimley-Horn
4637 Chabot Drive Suite 300
Pleasanton, CA 94563
ben.lai@kimley-horn.com
Attan: Ben Hule

Up Light Electrical Engineering
3130 Twitchell Island rd
West Sacramento, CA 95691
jlevy@uplight.com
Attan: Jim Levy

PROJECT STATEMENT

The project was designed to fit into the context of downtown Clayton while paying attention to the Town Center Specific Plan urban guidelines.
Authenticity was a word we kept going back to when we were looking at elevations. The project architect captured this by using horizontal siding, pattern board siding, tall windows, parapet roof styles, porches, heavy trim for shadows, brick features, and colors that are meant to be reminiscent of an old Western or 19th town architecture style.
The buildings fit within the downtown with similar features of neighboring commercial development. This development will cater to adults who are ready to downsize as well as working professionals. The project will have social events and clubs. The units will have luxury features that this demographic seeks. It will free up local homes for the residents' children to move or to sell to while remaining close to family and their existing social life.
The project will enhance and realize a downtown that is known for struggling businesses and vacancies. A condominium conversion will be forthcoming on this project for future sales.

VICINITY MAP



PROJECT INFO

Project: "The Olivia on Marsh Creek"
Address:
6170 High St., Clayton
6450 Marsh Creek Rd., Clayton
6490 Marsh Creek Rd., Clayton

General Plan Designation: Multi-Family High Density (PHD)
Zoning: Planned Development (PD)
Specific Plan: Town Center Specific Plan (for 6170 High St. only)
Applicable City of Clayton Policy:
City of Clayton Housing Element: 205-2023
Applicable Laws:
Clayton Municipal Code
California Density Bonus Law
Housing Accountability Act

General Info:
6170 High St. Lot Size: 48,378 SF
6450 Marsh Creek Rd. Lot Size: 42,361 SF
6490 Marsh Creek Rd. Lot Size: 40,663 SF
Base number of units: 59 units
Density Bonus Law for 53% increase for 7 very low income units
Total Number of units: 81
Number of units per lot:
6170 High St.: 30 units
6450 Marsh Creek Rd.: 26 units
6490 Marsh Creek Rd.: 25 units
Unit mix:
6170 High St.:
2 bedrooms 2 bath units: 9
1 bedroom 1 bath units: 21
Base VU: 1 1/2

Class room: 1
Fitness room: 1
Reception entry: 1
6450 Marsh Creek Rd.
2 bedrooms 2 bath units: 13
1 bedroom 1 bath units: 13
Base VU: 2 1/2

Class room: 1
Fitness room: 1
Reception entry: 1
6490 Marsh Creek Rd.
2 bedrooms 2 bath units: 14
1 bedroom 1 bath units: 11
Base VU: 1 1/2

Class room: 1
Fitness room: 1
Reception entry: 1
6170 High St.: 29,929 SF
6450 Marsh Creek Rd.: 27,822 SF
6490 Marsh Creek Rd.: 27,822 SF
Building Height Allowed:
40 feet
Building Height via Density Bonus Law Waiver:
6170 High St.: 39'-2 1/2"
6450 Marsh Creek Rd.: 37'-4"
6490 Marsh Creek Rd.: 38'-4"

Setbacks via Density Bonus Law Waiver:
See Civil plans and Landscape plans

Parking Required:
See Civil plans and Landscape plans
Lot Coverage Max: 65%
Lot Coverage:
See Civil plans and Landscape plans

SHEET INDEX

A10 COVER SHEET, PROJECT INFO, & RENDERING
A11 1st FLOOR PLAN
A12 2nd FLOOR PLAN
A13 3rd FLOOR PLAN
A14 ROOF PLAN
A15 LEFT AND REAR ELEVATIONS
A16 FRONT AND RIGHT ELEVATIONS
A17 TRASH FLOOR PLANS & ELEVATIONS
A18 COLOR RENDERINGS
A19 MATERIALS
A20 HIGH-RISEWOOD CONTEXT

William Jordan
Design & Development
PO Box 547
Clayton, CA 94517
(925) 872-7249

"The Olivia on Marsh
Creek"
A 55+ Community

PROJECT ADDRESS:
6170 High St.
Clayton, CA 94517
APN: 119-021-0653

OWNER:
William Jordan
P.O. Box 547
Clayton, CA 94517
(925) 872-7249

COVER SHEET,
PROJECT INFO,
& RENDERING

REVISION

No.	Description	Date
Δ 1	DESIGN REV	1/22/19

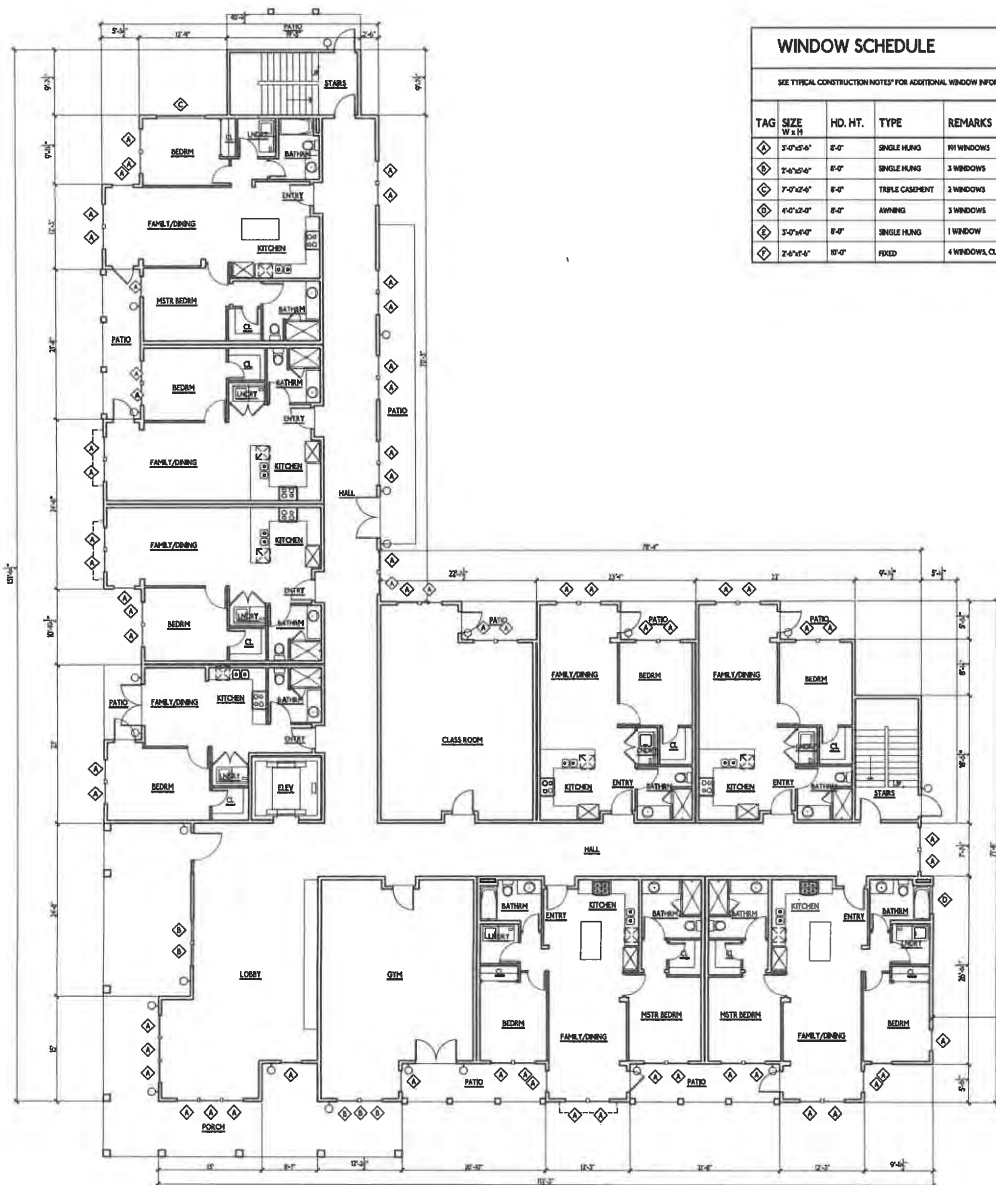
RECEIVED
OCT 14 2019
CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT.

PROJECT No.:
DRAWN BY: WJP
CHECKED BY: WJP
DATE: 10/2/19

A1.0



1
A10 VIEW FROM HIGH ST RENDERING



WINDOW SCHEDULE				
SEE TYPICAL CONSTRUCTION NOTES FOR ADDITIONAL WINDOW INFORMATION				
TAG	SIZE W x H	HD. HT.	TYPE	REMARKS
◇	3'-0" x 4'-0"	8'-0"	SINGLE HUNG	11 WINDOWS
◇	2'-0" x 2'-0"	8'-0"	SINGLE HUNG	3 WINDOWS
◇	7'-0" x 2'-0"	8'-0"	TRIPLE CASHEMENT	3 WINDOWS
◇	6'-0" x 2'-0"	8'-0"	AWNING	3 WINDOWS
◇	3'-0" x 4'-0"	8'-0"	SINGLE HUNG	1 WINDOW
◇	2'-0" x 4'-0"	8'-0"	FIXED	4 WINDOWS, CUSTOM (SEE ELEVATION)

ELECTRICAL PLAN LEGEND
 NOTE: ELECTRICAL FIXTURES TO BE SELECTED BY OWNER UNLESS OTHERWISE NOTED
 SEE A4.0 FOR CUI SHEET
 □ wall mounted light fixture (typical), □ ceiling mounted light fixture, □ recessed ceiling light fixture, □ ceiling mounted light fixture (typical), □ recessed ceiling light fixture, □ ceiling mounted light fixture (typical), □ ceiling mounted light fixture (typical)
 □ wall mounted light fixture (typical), □ ceiling mounted light fixture (typical), □ recessed ceiling light fixture (typical), □ ceiling mounted light fixture (typical), □ ceiling mounted light fixture (typical)

1st FLOOR PLAN
 1/8" = 1'-0"
 TOTAL 29929 SF
 0 2 4 8 FEET NORTH

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"The Olivia on Marsh
 Creek"
 A 55+ Community

PROJECT ADDRESS:
 6170 High St.
 Clayton, CA 94517
 APN: 119-021-063

OWNER:
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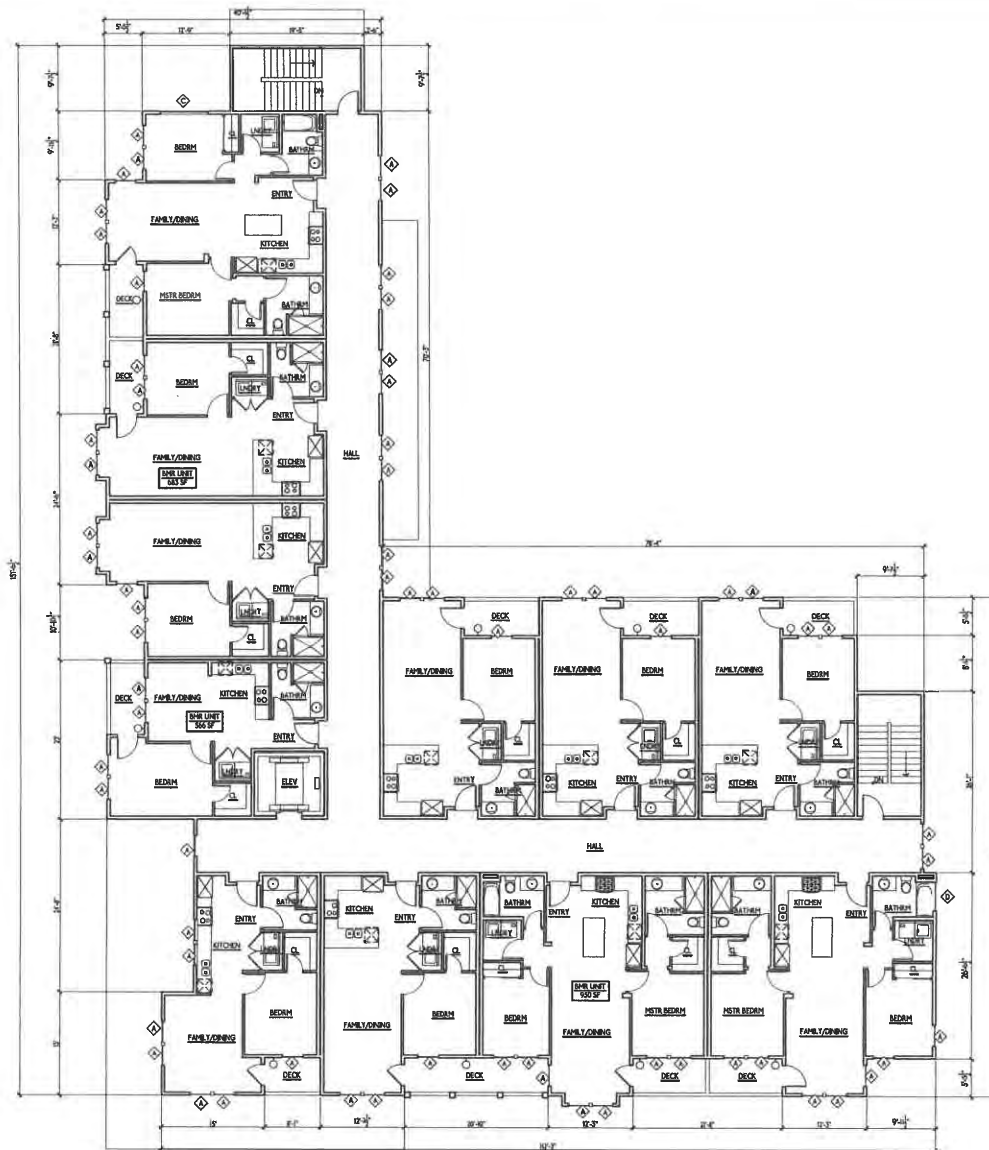
1st FLOOR PLAN

REVISION

No.	Description	Date
1	DESIGN REV	1/22/19

PROJECT No.:
 DRAWN BY: WJP
 CHECKED BY: WJP
 DATE: 10/2/19

A2.0



ELECTRICAL PLAN LEGEND
 NOTE: ELECTRICAL FIXTURES TO BE SELECTED BY OWNER UNLESS OTHERWISE NOTED
 SEE ALSO FOR CUT SHEET
 □ well mounted light (high efficiency lamp typical U.A.N.), "FL" fluorescent w/ electronic ballast
 □ "A" damp main, "P/A" photoconduction sensor controlled

2nd FLOOR PLAN
 1/17/19 210 TLA 1001 SF TRUE NORTH

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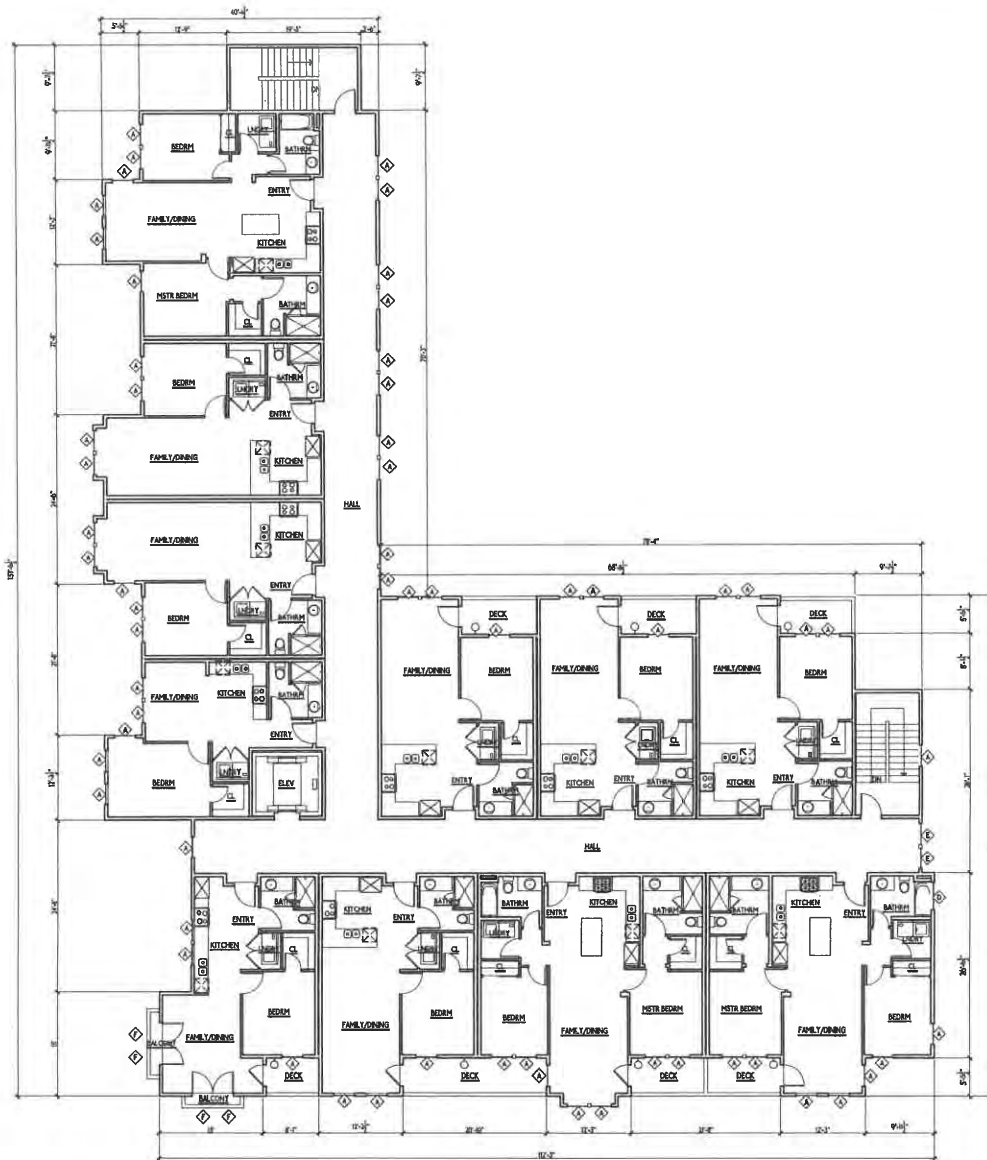
2nd FLOOR PLAN

REVISION

No.	Description	Date
1	DESIGN REV	1/22/19

PROJECT No.:
 DRAWN BY: WJP
 CHECKED BY: WJP
 DATE: 1/22/19

A2.1



ELECTRICAL PLAN LEGEND

NOTE: ELECTRICAL FIXTURES TO BE SELECTED BY OWNER UNLESS OTHERWISE NOTED SEE A&P FOR CUT SHEET

- ⊕ wall mounted light (high efficacy lamp typical s.d.a.s.), "L" measurement of elec fixture
- ⊕ "amp rated," "PM" photoconduction sensor controlled

1 3rd FLOOR PLAN
 1/2" = 1'-0" 3RD FLS: 1000 SF
 0 2 4 8
 TRUE NORTH

William Jordan
 Design & Development
 PO Box 547
 Clayton, CA 94517
 (925) 872-7249

"The Olivia on Marsh
 Creek"
 A 55+ Community

PROJECT ADDRESS:
 6170 High St.
 Clayton, CA 94517
 APN: 119-021-063

OWNER:
 William Jordan
 P.O.Box 547
 Clayton, CA 94517
 (925) 872-7249

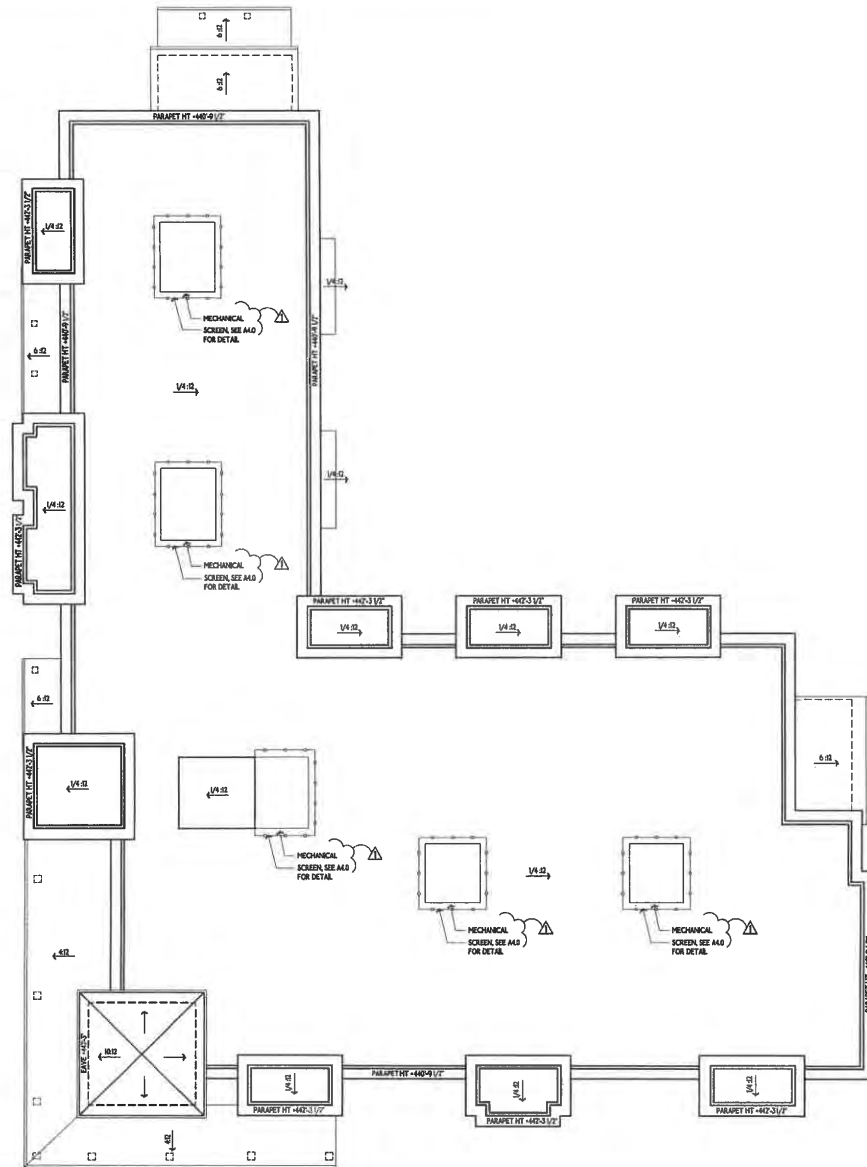
3rd FLOOR PLAN

REVISION

No.	Description	Date
1	DESIGN REV	1/2/19

PROJECT No.:
 DRAWN BY: WJZ
 CHECKED BY: WJZ
 DATE: 10/2/18

A2.2



1 ROOF PLAN
 1/8" = 1'-0" TELE NORTH

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ROOF PLAN

REVISION

No.	Description	Date
1	DESIGN REV	1/22/19

PROJECT No.:
 DRAWN BY: YPJ
 CHECKED BY: YPJ
 DATE: 10/7/18

A2.3



SEE M.2 FOR TYPICAL MATERIALS
REAR (SOUTH) ELEVATION
 1/13 1/8" = 1'-0"



SEE M.2 FOR TYPICAL MATERIALS
LEFT (EAST) ELEVATION
 1/13 1/8" = 1'-0"

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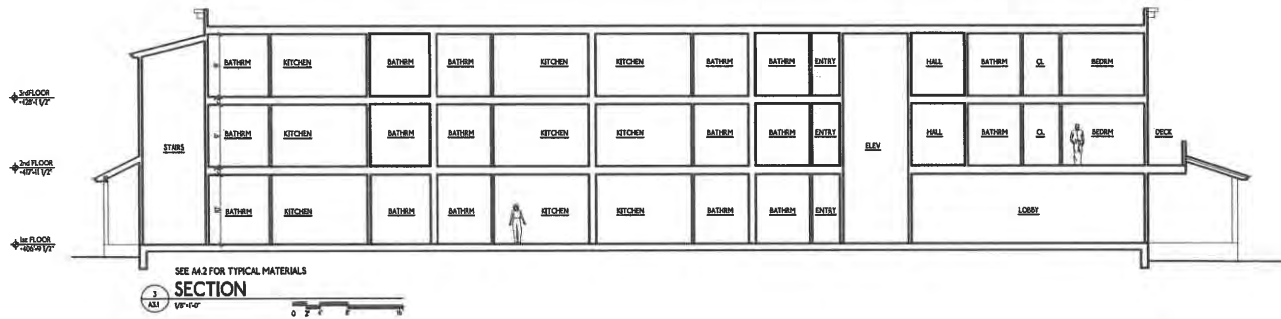
LEFT (EAST) &
 REAR (SOUTH)
 ELEVATIONS

REVISION

No.	Description	Date
1	DESIGN REV	1/22/19

PROJECT No.:
 DRAWN BY: WJJ
 CHECKED BY: WJJ
 DATE: 10/7/19

A3.0



SEE A4.2 FOR TYPICAL MATERIALS
SECTION
 1
 VP-107'



SEE A4.2 FOR TYPICAL MATERIALS
RIGHT (WEST) ELEVATION
 2
 VP-107'



SEE A4.2 FOR TYPICAL MATERIALS
FRONT (NORTH) ELEVATION
 3
 VP-107'

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FRONT (NORTH),
 RIGHT (WEST)
 ELEVATIONS &
 SECTION

REVISION

No.	Description	Date
Δ	DESIGN REV	1/22/19

PROJECT No.:
 DRAWN BY: WJP
 CHECKED BY: WJP
 DATE: 10/2/19

A3.1

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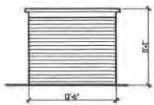
TRASH BIN ENC.
 FLOOR PLANS &
 ELEVATIONS

REVISION

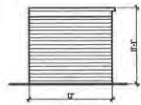
No.	Description	Date
1	DESIGN REV	1/21/19

PROJECT No.:
 DRAWN BY: WJP
 CHECKED BY: WJP
 DATE: 10/7/19

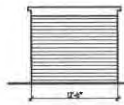
A3.2



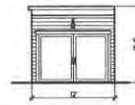
3 BIN TRASH ENCLOSURE
 LEFT ELEVATION
 1
 ALL VP-102



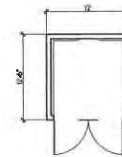
3 BIN TRASH ENCLOSURE
 REAR ELEVATION
 1
 ALL VP-102



3 BIN TRASH ENCLOSURE
 RIGHT ELEVATION
 1
 ALL VP-102



3 BIN TRASH ENCLOSURE
 FRONT ELEVATION
 1
 ALL VP-102



3 BIN TRASH ENCLOSURE
 FLOOR PLAN
 1
 ALL VP-102 TRASH ENCLOSURE

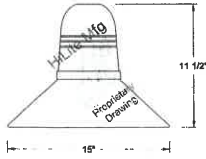


**H-13115
Pacific Collection**

Job Name: _____
Type: _____
Quantity: _____

**HI-LITE MFG.
CO., INC**

13450 Monte Vista Avenue
Chino, California 91710
Telephone: (909) 465-1999
Toll Free: (800) 465-0211
Fax: (909) 465-0907
web: www.hilitemfg.com
email: sales@hilitemfg.com



FINISH - Offered in exceptional finishes, comprised of: polyurethane/powder coated, baking enamel liquid, new metal, or galvanized finishes.
Standard Finishes inc: S1 (Black), S2 (White), S3 (Dark Green), S5 (Silver/Galvanized), BR47 (Powder Coat Rust), BK01 (Black Texture), GN22 (Powder Coat Patina).
Upgraded Finishes are: 29, 60, 62, 60, 62, 64, 67, 68, 100, 103, 104, 105, 110, 112, 113, 114, 116, 117, 118, 119, 120, 127, 128, 129, 130, 134, 135, 136, 68, 101, 102, 137, 138, 139, 140, 121, 122, 123, 124, 125, 126, 11, 01, 22, 25, 33, 77, 89, 24, 44, 45, 49, 55, 16.

For interior finish of fixture refer to color chart on pages 244-246.

MOUNTING - Cord, Stem, Arm, and Flush mounting available.

ACCESSORIES - CGU (Cast Guard and Glass), LCGU (Large Cast Guard and Glass), WGU (Wire Guard and Glass), LWGU (Large Wire Guard and Glass), AAG (Acorn Globe), LAAG (Large Acorn Globe), SK (Swivel Knuckle) and FXF (flexible tubing for cord mounted fixture only) available.

REFLECTOR - Heavy duty, spun shade, aluminum 6061-T6 and/or 1100-O, galvanized 22 gauge, steel 2002 gauge, copper 032040 and brass 032040 construction. Dependent on finish.

SOCKETS/LAMPS - Available in: Incandescent - rated 200 watt max/120 volt, medium base. Compact Fluorescent (CFL) - rated 131/125/25/42/57 watt max/120/277 volt, G24Q base. Metal Halide (MH) - rated 300/370/100/150/175 watt max/120/208/240/277 volt, medium base, 4KV socket. High Pressure Sodium (HPS) - rated 60/70/100/150 watt max/120/277 volt, medium base. Light-Emitting Diode (LED) - See LED specification sheet.

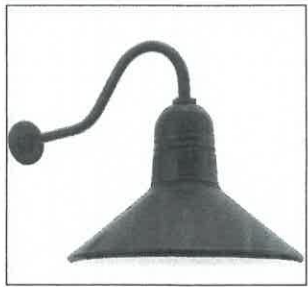
ON BOARD BALLAST OPTION(OBB) - CFL 13 - 57 watt.

MADE IN THE U.S.A.

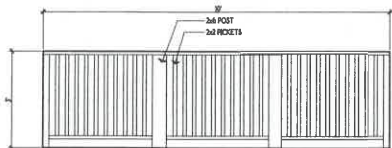
Suitable for wet location. (Except when cord mounted)



1 **ME** **VIEW PARKING LOT RENDERING**



EXTERIOR LIGHT TO BE INSTALLED AT ALL ENTRANCES, EXITS, PORCHES, GARAGES



MECHANICAL SCREEN ELEVATION



2 **ME** **REAR VIEW RENDERING**

William Jordan
Design & Development
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Clayton, CA 94517
(925) 872-7249

"The Olivia on Marsh
Creek"
A 55+ Community

PROJECT ADDRESS:
6170 High St.
Clayton, CA 94517
APR: 119-021-063

OWNER:
William Jordan
P.O. Box 547
Clayton, CA 94517
(925) 872-7249

**RENDERINGS &
EXTERIOR LIGHTING
CUT SHEET**

REVISION		
No.	Description	Date
1	DESIGN REV	1/22/19

PROJECT No.: _____
DRAWN BY: WJ
CHECKED BY: WJ
DATE: 10/11/19

A4.0

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MATERIAL &
 COLOR BOARD

REVISION

No.	Description	Date
1	DESIGN REV	1/22/19

PROJECT No.:
 DRAWN BY: WPI
 CHECKED BY: WPI
 DATE: 10/21/19

A4.1

MATERIALS



SMOOTH HARDIE LAP SIDING



BRICK BASE



SMOOTH HARDIE BOARD & BATTEN



COMP. SHINGLE ROOF



CORRUGATED METAL ROOF

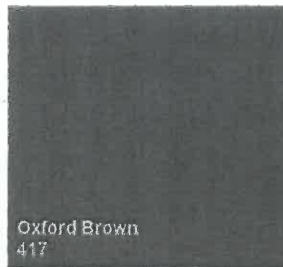


RETAINING WALL

COLORS
 (KELLY MOORE PAINTS)



TRIM COLOR



TOWER WALL COLOR



WALL COLOR



WALL COLOR



ROOF COLOR



1381 SHELL LN = 28' TALL



1754-1756 INDIAN WELLS WAY=30' TALL



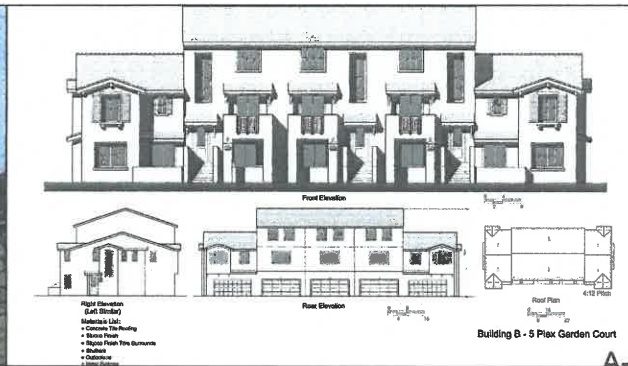
1784-1786 INDIAN WELLS WAY=32' TALL



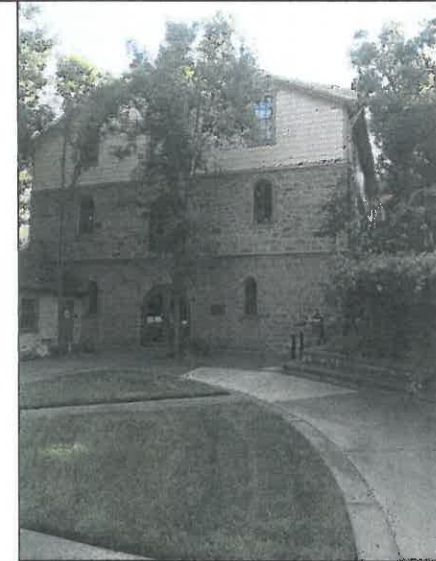
4805 KELLER RIDGE=26' TALL



6061 CLAYTON VIEW= 42' TALL (4-STORIES)



PROJECT UNDER REVIEW, 5701 CLAYTON RD= 37'-9" TALL



CLAYTON CITY HALL
6000 HERITAGE TRAIL=40' TALL



6024 HIGH ST=34' TALL

William Jordan
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OWNER:
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(925) 872-7249

HIGH DENSITY
NEIGHBORHOOD
CONTEXT

REVISION

No.	Description	Date
1	DESIGN REV	1/22/19

PROJECT No. :
DRAWN BY: WPJ
CHECKED BY: WPJ
DATE: 10/7/19

A5.0

"THE OLIVIA ON MARSH CREEK"

A 55+ COMMUNITY

6450 Marsh Creek Rd.
Clayton, CA 94517

CONSULTANTS

Structural Engineer:
AG Schwelt
Peter Schmidt
4115 Cowell Rd
Concord CA 94518
(925) 899-9130

Consultant:
John Newton
5666 Telegraph Ave, Suite A
Oakland, CA 94609
JNewton7@SBCglobal.net
JNewton@ag.com
Attan: John Newton, Lela Mashwood

Civil Engineer:
M&L and Associates Engineering
2555 Starwell Dr. #105
Concord, CA 94520
K@rockhillm&l-eng.com
Attan: Ken Alcock

MD Fotheringham, Landscape Architects Inc.
1700 North Broadway, Suite 350
Walrus Creek, CA 94596
MDF@Fotheringham.com
Attan: Michael Fotheringham, Ben Hu

Planning Consultants:
PlaceWorks
1625 Shattuck Ave. #300
Berkeley, CA 94709
Cinco@placeworks.com
Attan: Charlie Knox

Biologist:
Oberding Environmental Inc.
(Wetland Regulation and Permitting)
3170 Crow Canyon Place, Suite 260
San Ramon, CA 94583
Jeff@oberdingenv.com

Soils Engineer:
Frier Associates, Incorporated
(geologist and soils)
2656 Nicholson Street
San Leandro, CA 94577
Frier451@gmail.com
Attan: John Frier

Notes:
Thornburn Associates
20880 Baker Road
Castro Valley, CA 94546
3j@thornburn.com
Attan: Steven Thornburn

Traffic Engineer:
Kinley Horn
4657 Chabot Drive Suite 300
Pleasanton, CA 94588
Ben.k@kinley-horn.com
Attan: Ben Hale

Up Light Electrical Engineering
3130 Twitchell Island rd
West Sacramento, CA 95691
Eney@uplightee.com
Attan: Jim Levy

PROJECT STATEMENT

The project was designed to fit into the context of downtown Clayton while paying attention to the Town Center Specific Plan urban guidelines. Authenticity was a word we kept going back to when we looking at elevations. The project architect captured this by using horizontal siding, beamed board siding, tall windows, pergola roof styles, porches, heavy trim for shadows, brick features, and colors that are meant to be reminiscent of an old Western or Mining town architecture style. The buildings fit within the downtown with similar features of neighboring commercial development. This development will cater to adults who are ready to downsize as well as working professionals. The project will have social events and clubs. The units will have luxury features that this demographic seeks. It will have up local homes for the resident's children to rent or to sell to while remaining close to family and their existing social life. The project will enhance and reinvigorate a downtown that is known for struggling businesses and vacancies. A condominium conversion will be forthcoming on this project for future sales.

VICINITY MAP



PROJECT INFO

Project: "The Olivia on Marsh Creek"
Address:
6070 High St., Clayton
6450 Marsh Creek Rd., Clayton
6490 Marsh Creek Rd., Clayton

General Plan Designation: Multi-Family High Density (P4-D)
Zoning: Planned Development (PD)

Specific Plan: Town Center Specific Plan (for 6170 High St. only)

Applicable City of Clayton Policy:
City of Clayton Housing Element 2015-2033

Applicable Laws:
Clayton Planning Code
California Density Bonus Law
Housing Accountability Act

General Info:
6070 High St. Lot Size: 48,378 SF
6450 Marsh Creek Rd. Lot Size: 42,361 SF
6490 Marsh Creek Rd. Lot Size: 40,603 SF

Base number of units: 59 units

Density Bonus Law for 35% increase for 7 very low income units

Total Number of units: 66

Number of units per lot:
6070 High St.: 30 units
6450 Marsh Creek Rd.: 26 units
6490 Marsh Creek Rd.: 25 units

Unit mix:
6070 High St.:
2 bedrooms 2 bath units: 9
1 bedroom 1 bath units: 21

6450 Marsh Creek Rd.:
2 bedrooms 2 bath units: 13
1 bedroom 1 bath units: 13

6490 Marsh Creek Rd.:
2 bedrooms 2 bath units: 14
1 bedroom 1 bath units: 11

6070 High St.:
2 bedrooms 2 bath units: 9
1 bedroom 1 bath units: 21

6450 Marsh Creek Rd.:
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1 bedroom 1 bath units: 13

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6490 Marsh Creek Rd.:
2 bedrooms 2 bath units: 14
1 bedroom 1 bath units: 11



VIEW FROM MARSH CREEK RD TOWER VIEW RENDERING

William Jordan
Design & Development
PO Box 547
Clayton, CA 94517
(925) 872-7249

"The Olivia On Marsh
Creek"
A 55+ Community

PROJECT ADDRESS:
6450 Marsh Creek Rd.
Clayton, CA 94517
APN: 119-021-055

OWNER:
William Jordan
P.O. Box 547
Clayton, CA 94517
(925) 872-7249

**COVER SHEET,
PROJECT INFO,
& RENDERING**

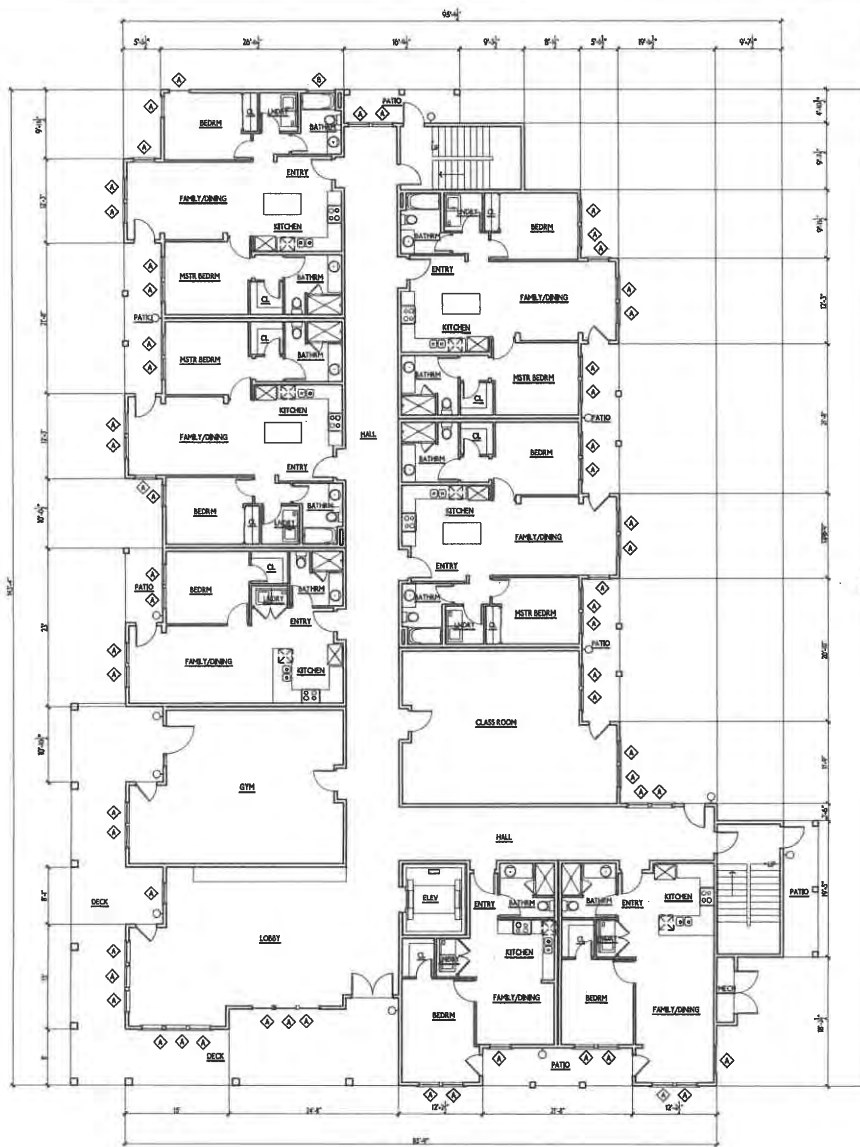
REVISION

No.	Description	Date

PROJECT No.:
DRAWN BY: WJP
CHECKED BY: WJP
DATE: 10/18

RECEIVED
OCT 14 2019
CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT.

A1.0



WINDOW SCHEDULE				
SEE TYPICAL CONSTRUCTION NOTES FOR ADDITIONAL WINDOW INFORMATION				
TAG	SIZE W x H	HD. HT.	TYPE	REMARKS
◇	3'-0" x 3'-6"	8'-0"	SINGLE HUNG	214 WINDOWS
◇	6'-0" x 3'-0"	8'-0"	AWNING	3 WINDOWS
◇	8'-0" x 2'-6"	12'-0"	FIXED	3 WINDOWS

ELECTRICAL PLAN LEGEND
 NOTE: ELECTRICAL FIXTURES TO BE SELECTED BY OWNER UNLESS OTHERWISE NOTED
 SEE A44 FOR CUT SHEET

- wall mounted light (high efficacy lamp hybrid LED), "FL" fluorescent w/ auto ballast
- dimmer rated, "PM" photocell/occupancy sensor controlled

1st FLOOR PLAN
 12/18/18
 TOTAL SHEET 10
 TRUE NORTH

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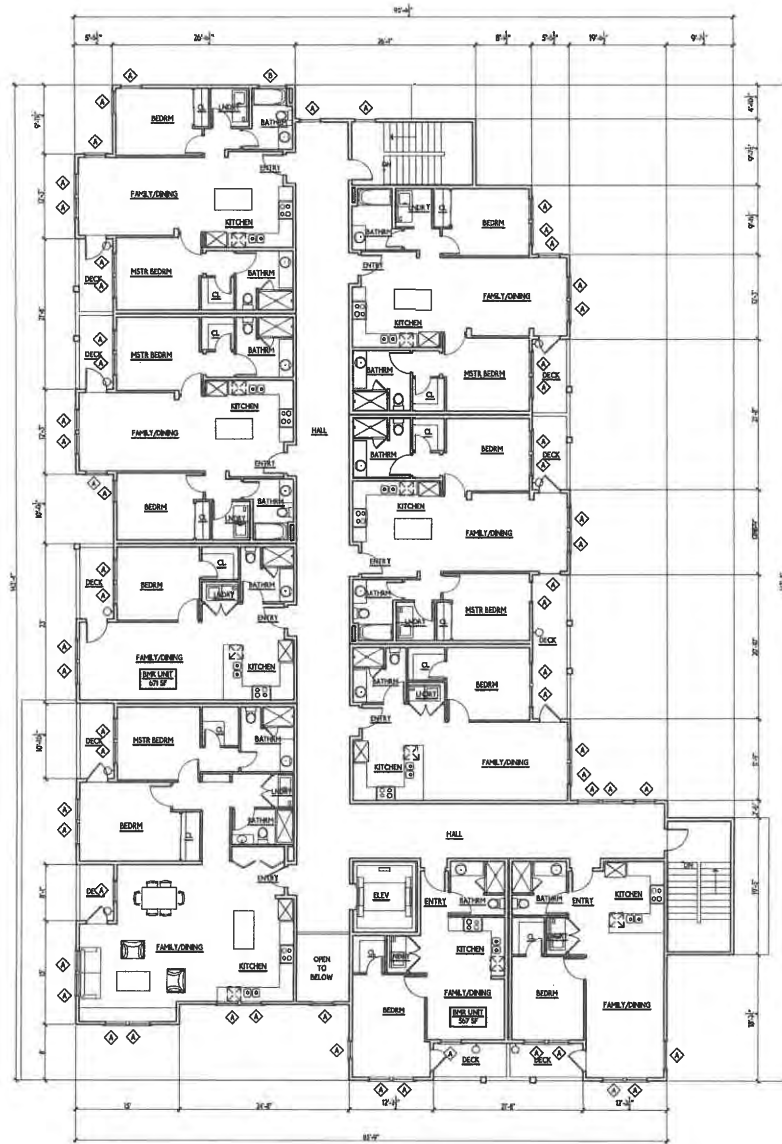
1st FLOOR PLAN

REVISION

No.	Description	Date

PROJECT No. _____
 DRAWN BY: WPI
 CHECKED BY: WPI
 DATE: 10/18/18

A2.0



ELECTRICAL PLAN LEGEND
 NOTE ELECTRICAL FIXTURES TO BE SELECTED BY OWNER UNLESS OTHERWISE NOTED
 SEE A/E FOR CUTOFF SHEET

□ wall mounted light (high efficacy lamp typical unless noted), "FL" - fluorescent of same ballast
 □ "A" - damp rated, "PM" - photoconduction sensor controlled

2nd FLOOR PLAN
 1/4" = 1'-0" 2ND FLOOR: 935 SF
 TRUE NORTH

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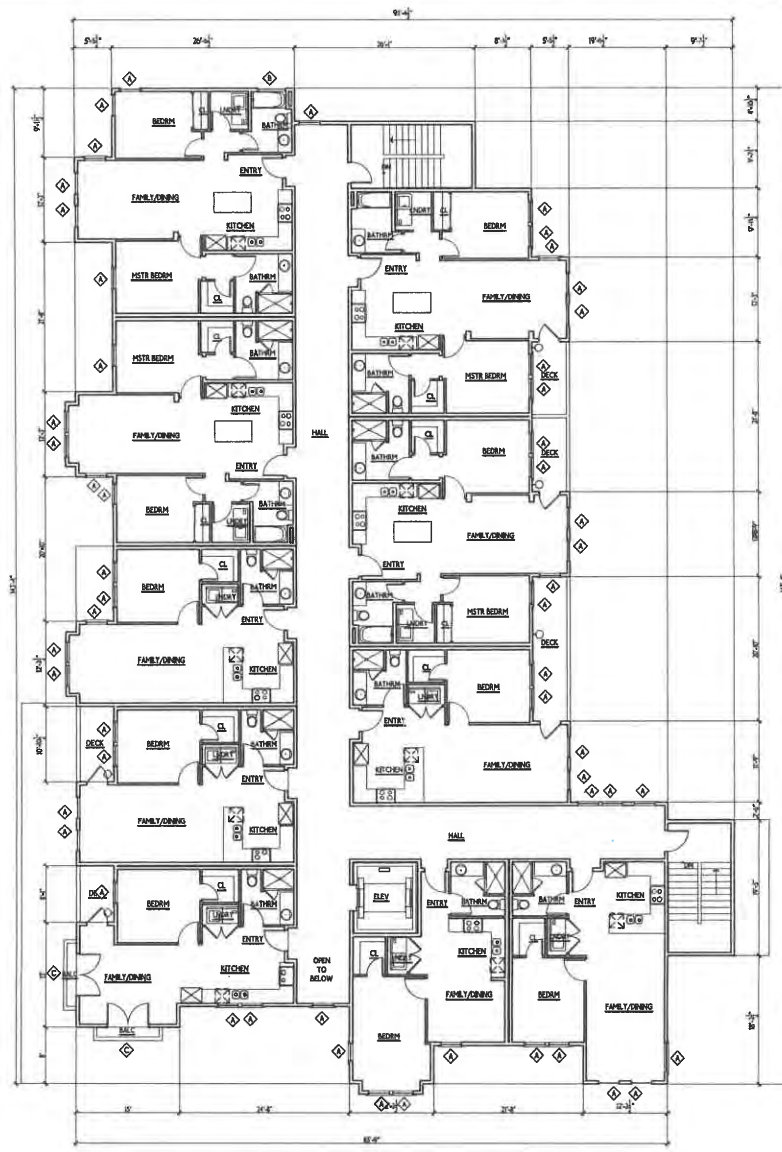
2nd FLOOR PLAN

REVISION

No.	Description	Date

PROJECT No.:
 DRAWN BY: WJP
 CHECKED BY: WJP
 DATE: 10/21/18

A2.1



ELECTRICAL PLAN LEGEND
 NOTE: ELECTRICAL FIXTURES TO BE SELECTED BY OWNER UNLESS OTHERWISE NOTED
 SEE A&E FOR CUT SHEET

- wall mounted light (high efficacy lamp hybrid LED), "FL" fluorescent w/ dim ballast
- "A" damp rated, "PM" photoconduction sensor controlled

3rd FLOOR PLAN
 1 A2.2 1/8"=1'-0" 3RD F.L. 10/17/18 TRUE NORTH

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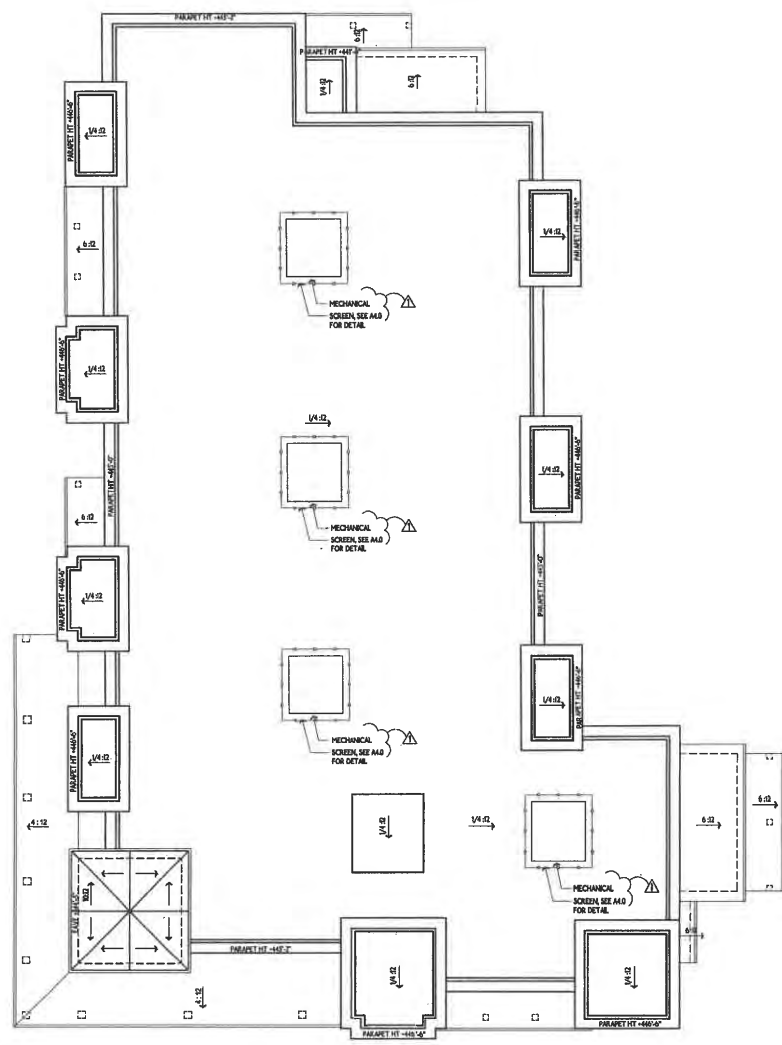
3rd FLOOR PLAN

REVISION

No.	Description	Date

PROJECT No. :
 DRAWN BY: WPI
 CHECKED BY: WPI
 DATE: 10/17/18

A2.2



1
A2.3 ROOF PLAN
1/8"=1'-0"
TRUE NORTH

William Jordan
Design & Development
PO Box 547
Clayton, CA 94517
(925) 872-7249

"The Olivia On Marsh
Creek"
A 55+ Community

PROJECT ADDRESS:
6450 Marsh Creek Rd.
Clayton, CA 94517
APN: 19-021-055

OWNER:
William Jordan
P.O. Box 547
Clayton, CA 94517
(925) 872-7249

ROOF PLAN

REVISION

No.	Description	Date

PROJECT No.:
DRAWN BY: WJP
CHECKED BY: WJP
DATE: 10/1/18

A2.3



3
ASD
1" = 4'-0"
0 2 4 6 8 10
REAR (SOUTH) ELEVATION



1
ASD
1" = 4'-0"
0 2 4 6 8 10
LEFT (EAST) ELEVATION

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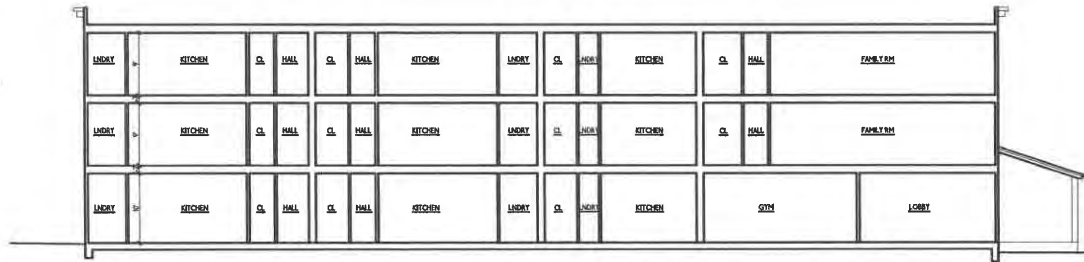
LEFT (EAST) &
REAR (SOUTH)
ELEVATIONS

REVISION

No.	Description	Date

PROJECT No.:
DRAWN BY: WPI
CHECKED BY: WPI
DATE: 10.7.18

A3.0



SECTION
 3
 A3.1
 0 2 4 6 8



RIGHT (WEST) ELEVATION
 2
 A3.1
 0 2 4 6 8



FRONT (NORTH) ELEVATION
 1
 A3.1
 0 2 4 6 8

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FRONT (SOUTH),
 RIGHT (EAST)
 ELEVATIONS, &
 SECTION

REVISION

No.	Description	Date

PROJECT No.:
 DRAWN BY: WPI
 CHECKED BY: WPI
 DATE: 10/7/18

A3.1

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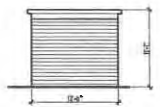
TRASH BIN ENC.
 FLOOR PLANS &
 ELEVATIONS

REVISION

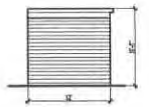
No.	Description	Date

PROJECT No.:
 DRAWN BY: WPP
 CHECKED BY: WPP
 DATE: 10/17/18

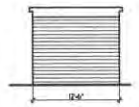
A3.2



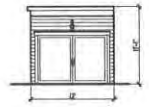
1
 A3.2
 3 BIN TRASH ENCLOSURE
 LEFT ELEVATION



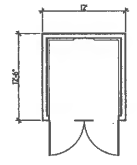
1
 A3.2
 3 BIN TRASH ENCLOSURE
 REAR ELEVATION



1
 A3.2
 3 BIN TRASH ENCLOSURE
 RIGHT ELEVATION

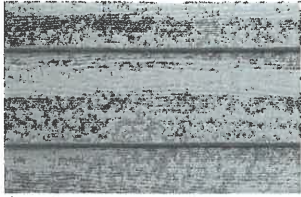


2
 A3.2
 3 BIN TRASH ENCLOSURE
 FRONT ELEVATION



1
 A3.2
 3 BIN TRASH ENCLOSURE
 FLOOR PLAN

MATERIALS



SMOOTH HARDIE LAP SIDING



BRICK BASE



SMOOTH HARDIE BOARD & BATTEN

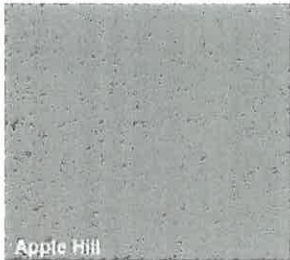


COMP. SHINGLE ROOF



CORRUGATED METAL ROOF

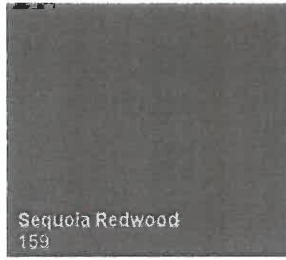
**COLORS
(KELLY MOORE PAINTS)**



Apple Hill
WALL COLOR



Gray Spell
KM4899
WALL COLOR



Sequoia Redwood
159
TOWER WALL COLOR



Sausalito Ridge
KM5800
TRIM COLOR

Whitest White
KMW43
WALL COLOR



TERRA-COTTA
METAL ROOF COLOR



NATIONAL BLUE
SHINGLE ROOF COLOR



RETAINING WALL

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(925) 872-7249

MATERIAL &
COLOR BOARD

REVISION

No.	Description	Date

PROJECT No.:
DRAWN BY: WPI
CHECKED BY: WPI
DATE: 10/7/18

A4.1



1381 SHELL LN= 28' TALL



1754-1756 INDIAN WELLS WAY=30' TALL



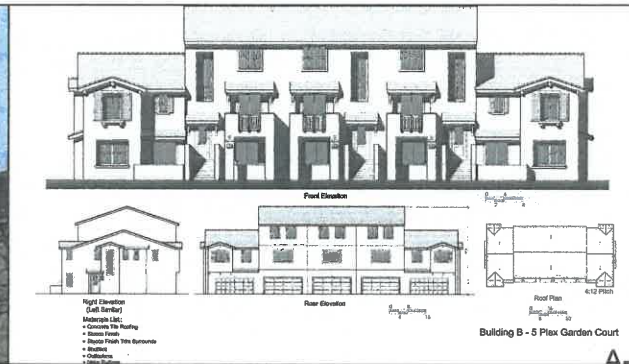
1784-1786 INDIAN WELLS WAY=32' TALL



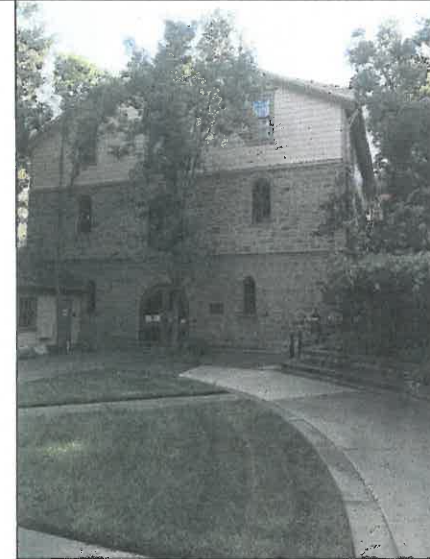
4805 KELLER RIDGE=26' TALL



6061 CLAYTON VIEW= 42' TALL (4-STORIES)



PROJECT UNDER REVIEW, 5701 CLAYTON RD= 37'-9" TALL



CLAYTON CITY HALL
6000 HERITAGE TRAIL=40' TALL



6024 HIGH ST=34' TALL

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HIGH DENSITY
NEIGHBORHOOD
CONTEXT

REVISION

No.	Description	Date

PROJECT No.:
DRAWN BY: WPJ
CHECKED BY: WPJ
DATE: 10/7/18

A5.0

"THE OLIVIA ON MARSH CREEK"

A 55+ COMMUNITY

6490 Marsh Creek Rd.
Clayton, CA 94517

CONSULTANTS

Structural Engineer:
AG Schmidt
Peter Schmidt
4185 Conwell Rd
Concord, CA 94518
(925) 689-9100

Consultant:
John Newton
2656 Telegraph Ave, Suite A
Oakland, CA 94609
jnewton@msc2.com
LH@hshs@msc2.com
Attn: John Newton/Lela Mashhood

Civil Engineer:
Milani and Associates Engineering
2565 Stearns Dr., #103
Concord, CA 94520
Kakook@milani-eng.com
Attn: Ken Akooch

MD Featheringham, Landscape Architects Inc.
1700 North Broadway, Suite 390
Walrus Creek, CA 94596
MFF@featheringham.com
Attn: Michael Featheringham/Ben Hu

Planning Consultants:
PlaceWorks
1625 Shattuck Ave., #300
Berkeley, CA 94709
Cmor@placeworks.com
Attn: Charlie Knox

Biologist:
Olberding Environmental, Inc.
(Wetland Regulation and Permitting)
3170 Crow Canyon Place, Suite 200
San Ramon, CA 94583
Jeff@olberdingenv.com

Soils Engineer:
Frier Associates, Incorporated
(geologic and social)
2656 Nicholson Street
San Leandro, CA 94577
Frier4315@gmail.com
Attn: John Frier

Notes:
Thornburn Associates
20880 Baker Road
Castro Valley, CA 94546
S@thornburn.com
Attn: Steven Thornburn

Traffic Engineer:
Kinley Horn
4637 Chabot Drive Suite 300
Pleasanton, CA 94568
BenHue@kinley-horn.com
Attn: Ben Hulse

Up Light Electrical Engineering
3100 Twitshall Island rd
West Sacramento, CA 95691
jlevy@uplight.com
Attn: Jim Levy

PROJECT STATEMENT

The project was designed to fit into the context of downtown Clayton while paying attention to the Town Center Specific Plan urban guidelines. Authenticity was a word we kept going back to when we were looking at elevations. The project architect captured this by using horizontal siding, basket weave siding, tall windows, parapet roof styles, porches, heavy trim for shadows, brick features, and colors that are meant to be reminiscent of an old Western or Flamingo town architecture style. The buildings fit within the downtown with similar features of neighboring commercial development. This development will cater to adults who are ready to downsize as well as working professionals. The project will have social events and clubs. The units will have luxury features that fit demographic needs. It will bring up local homes for the residents' children to move or sell to while remaining close to family and their existing social life. The project will enhance and realize a downtown that is known for struggling businesses and vacancies. A condominium conversion will be forthcoming on the project for future sales.

VICINITY MAP



William Jordan
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(925) 872-7249

PROJECT INFO

Project: "The Olivia on Marsh Creek"
Address:
6700 High St., Clayton
6490 Marsh Creek Rd., Clayton
6490 Marsh Creek Rd., Clayton

General Plan Designation: Multi-Family High Density (P-4D)
Zoning: Planned Development (PD)
Specific Plan: Town Center Specific Plan (for 6700 High St. only)
Applicable City of Clayton Policy:
City of Clayton Housing Element: 2015-2023
Applicable Law:
Clayton Municipal Code
California Density Bonus Law
Housing Accountability Act

General Info:
6700 High St Lot Size: 46,376 SF
6490 Marsh Creek Rd Lot Size: 42,361 SF
6490 Marsh Creek Rd Lot Size: 40,603 SF
Base number of units: 59 units
Density Bonus Law for 35% increase for 7 very low income units
Total Number of units: 81
Number of units per lot:
6700 High St: 30 units
6490 Marsh Creek Rd: 26 units
6490 Marsh Creek Rd: 25 units
Unit mix:
6700 High St:
2 bedrooms 2 bath units: 9
1 bedroom 1 bath units: 21
6700 High St:
1/2/2

Class room: 1
Fitness room: 1
Reception entry: 1
6490 Marsh Creek Rd.
2 bedrooms 2 bath units: 14
1 bedroom 1 bath units: 13
6700 High St:
1/2/2

Class room: 1
Fitness room: 1
Reception entry: 1
6490 Marsh Creek Rd.
2 bedrooms 2 bath units: 14
1 bedroom 1 bath units: 13
6700 High St:
1/2/2

Square Feet of Building:
6700 High St.: 29,929 SF
6490 Marsh Creek Rd.: 27,883 SF
6490 Marsh Creek Rd.: 27,883 SF
Build Height Allowed:
40 Feet
Building Height via Density Bonus Law Waiver:
6700 High St.: 39'-4"
6490 Marsh Creek Rd.: 37'-4"
6490 Marsh Creek Rd.: 38'-6"

Setbacks via Density Bonus Law Waiver:
See Civil plans and Landscape plans
Parking Required:
See Civil plans and Landscape plans
Lot Coverage Max: 65%
Lot Coverage:
See Civil plans and Landscape plans

SHEET INDEX

- A1.0 COVER SHEET, PROJECT INFO, & RENDERING
- A2.0 1st FLOOR PLAN
- A3.1 3rd FLOOR PLAN
- A3.2 4th FLOOR PLAN
- A3.3 ROOF PLAN
- A3.0 LEFT AND REAR ELEVATIONS
- A3.1 FRONT AND RIGHT ELEVATIONS
- A3.2 TRASH/FLOOR PLANS & ELEVATIONS
- A4.0 COLOR RENDERINGS
- A4.1 MATERIALS
- A5.0 NEIGHBORHOOD CONTEXT

"The Olivia On
Marsh Creek"
A 55+ Community

PROJECT ADDRESS:
6490 Marsh Creek Rd.
Clayton, CA 94517
APN: 119-021-013

OWNER:
William Jordan
P.O. Box 547
Clayton, CA 94517
(925) 872 7249

**COVER SHEET,
PROJECT INFO,
& RENDERING**

REVISION

No.	Description	Date
1	DESIGN REV	11/3/18

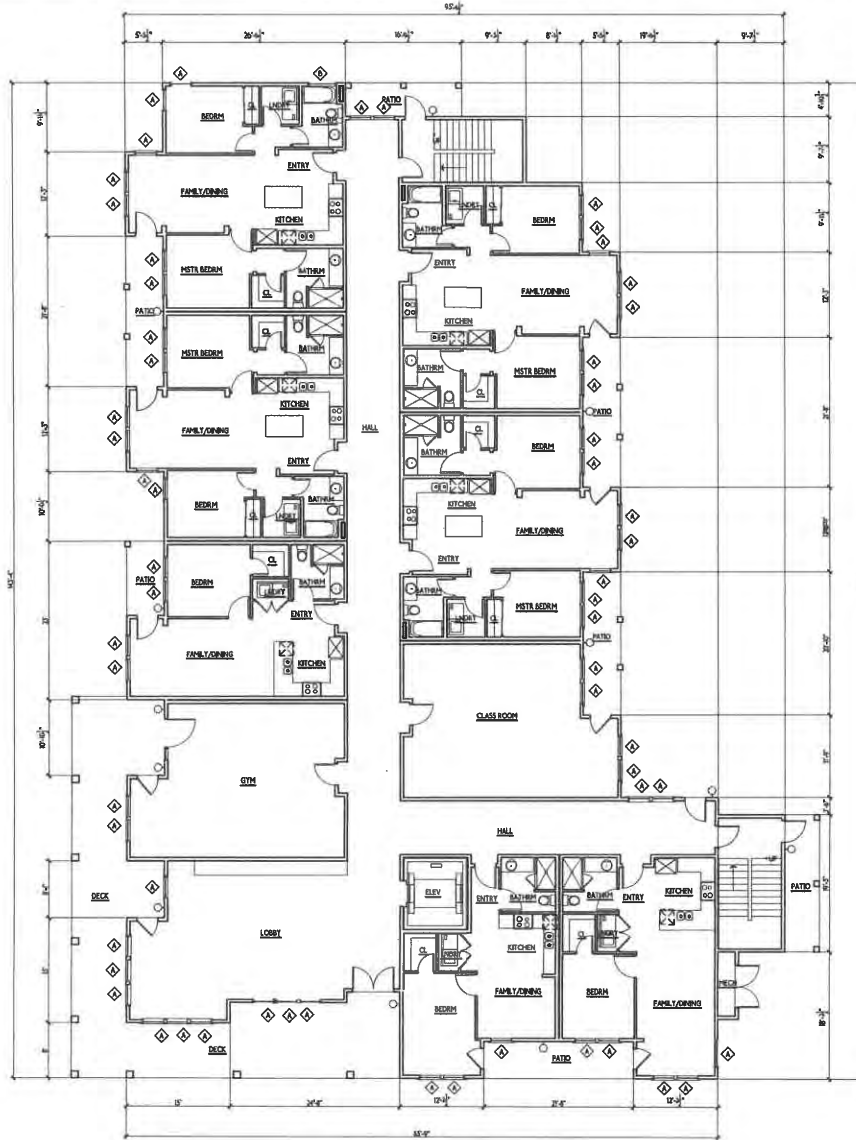
PROJECT No.:
DRAWN BY: WPI
CHECKED BY: WPI
DATE: 11/7/18

A1.0



RECEIVED
OCT 14 2019
CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT.

1 AD VIEW FROM MARSH CREEK RD TOWER VIEW RENDERING



WINDOW SCHEDULE

SEE TYPICAL CONSTRUCTION NOTES FOR ADDITIONAL WINDOW INFORMATION

TAG	SIZE W x H	HD. HT.	TYPE	REMARKS
◇	3'-0" x 4'-0"	8'-0"	SINGLE HUNG	124 WINDOWS
◇	4'-0" x 2'-0"	8'-0"	AWNING	3 WINDOWS
◇	6'-0" x 2'-0"	8'-0"	FIXED	2 WINDOWS

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1st FLOOR PLAN

REVISION

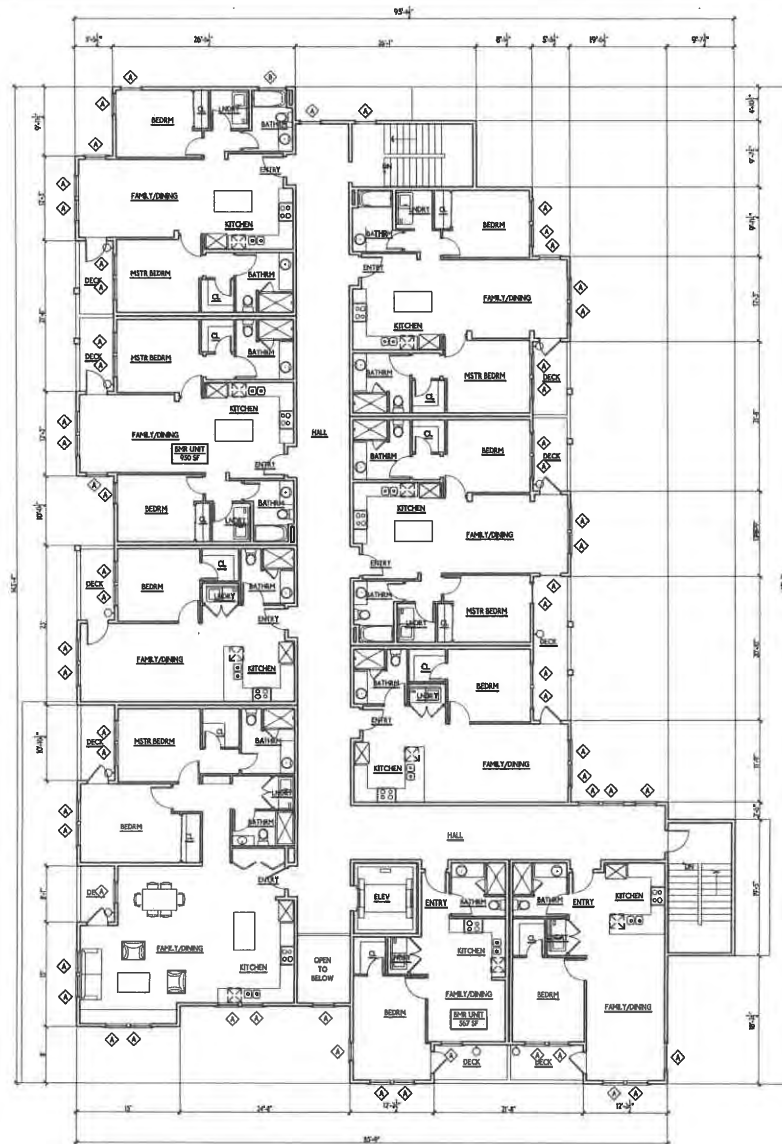
No.	Description	Date
1	DESIGN REV	12/3/18

PROJECT No.:
DRAWN BY: WJP
CHECKED BY: WJP
DATE: 10/7/19

A2.0

ELECTRICAL PLAN LEGEND
NOTE ELECTRICAL FIXTURES TO BE SELECTED BY OWNER UNLESS OTHERWISE NOTED
SEE APP FOR CUTO SHEET
□ wall mounted light (high efficacy lamp typical S.A.S.), "FL" fluorescent w/ auto ballast
○ dimmer rated, "PM" photoconstruction sensor controlled





ELECTRICAL PLAN LEGEND
 NOTE: ELECTRICAL FIXTURES TO BE SELECTED BY OWNER UNLESS OTHERWISE NOTED
 SEE A4 FOR CUT SHEET

wall mounted light fixture (high efficacy lamp typical S.A.S.), *PL* - placement of elect ballast
 DM - photocorrelation sensor controlled

2nd FLOOR PLAN
 1 ALL 1/8"=1'-0" 2ND FLOOR: 1/8"=8'-0"
 TRUE NORTH

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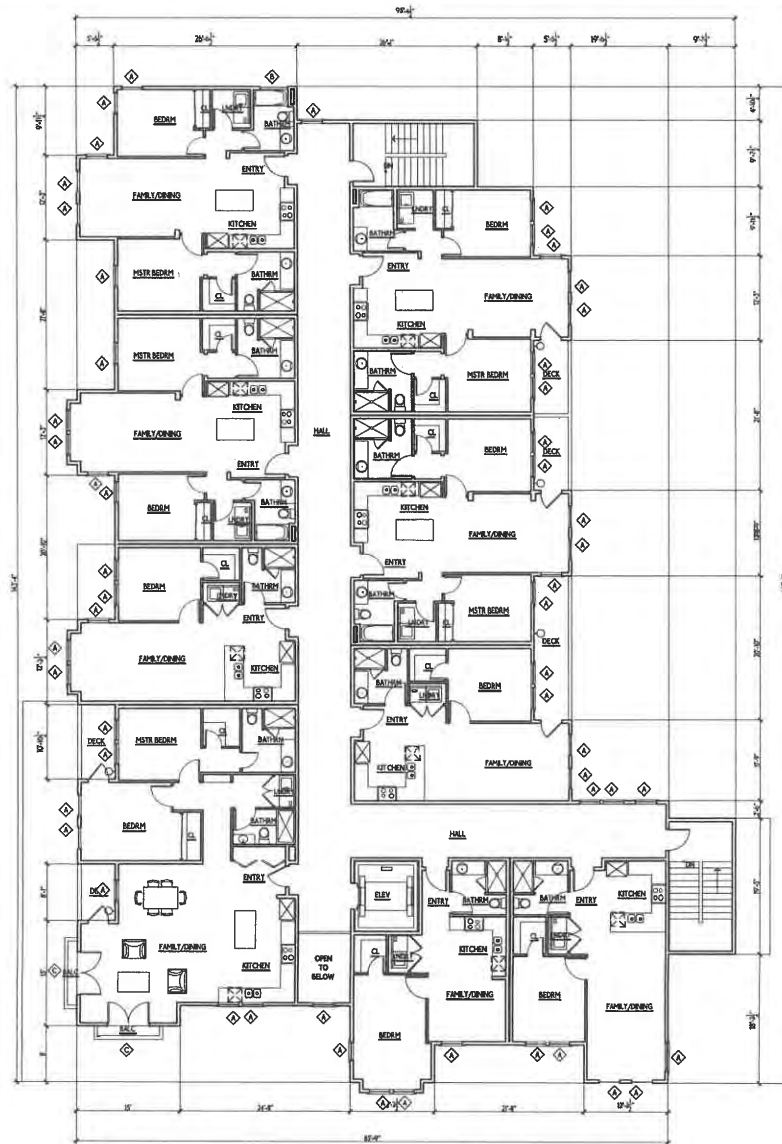
2nd FLOOR PLAN

REVISION

No.	Description	Date
1	DESIGN REV	12/3/18

PROJECT No.:
 DRAWN BY: WJP
 CHECKED BY: WJP
 DATE: 10/7/19

A2.1



ELECTRICAL PLAN LEGEND
 NOTE: ELECTRICAL FIXTURES TO BE SELECTED BY OWNER, UNLESS OTHERWISE NOTED. SEE AG-0 FOR CLUT SYMBOLS.
 □ wall mounted light (high efficacy lamp typical w/ULN), "PL" reflectance w/ shade bellcast.
 □ "C"=comp rated, "PM"=photoconductive sensor controlled.

3rd FLOOR PLAN
 1/8" = 1'-0" 3RD FLOOR 1997 SF TRUE NORTH

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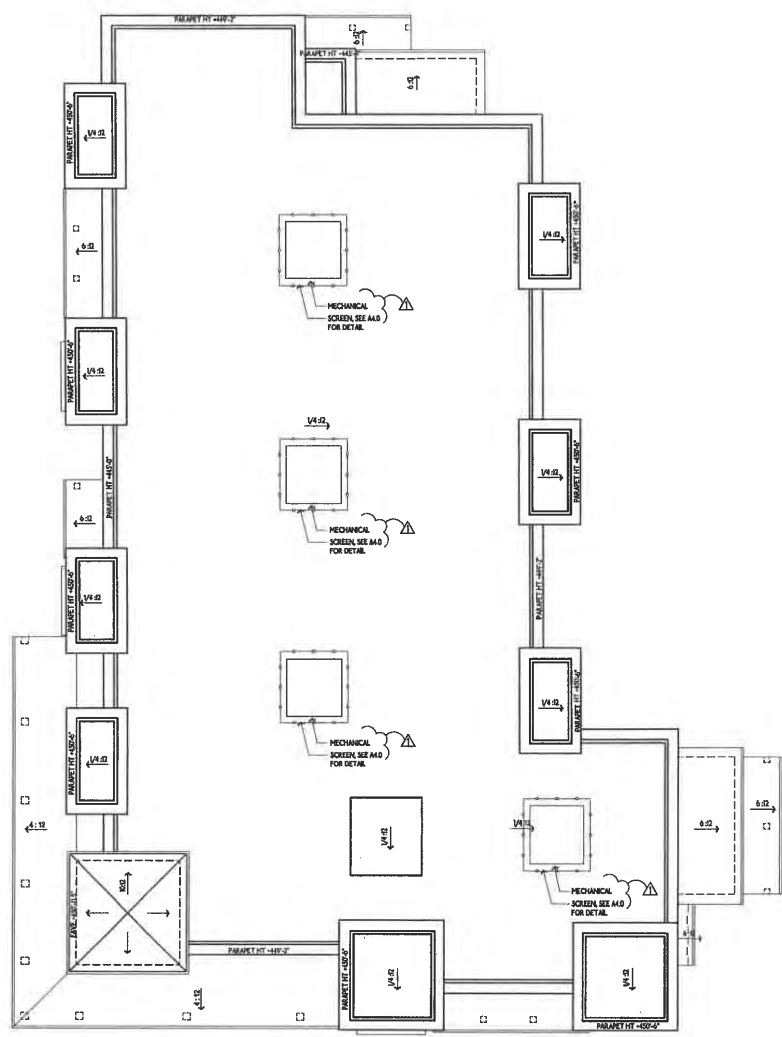
3rd FLOOR PLAN

REVISION

No.	Description	Date
1	DESIGN REV	12/3/16

PROJECT No.:
 DRAWN BY: WPI
 CHECKED BY: WPI
 DATE: 10/2/19

A2.2



1 ROOF PLAN
 VP-V-07
 0 7 14
 TRUE NORTH

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ROOF PLAN

REVISION

No.	Description	Date
1	DESIGN REV	12/3/18

PROJECT No.:
 DRAWN BY: WJP
 CHECKED BY: WJP
 DATE: 10/2/19

A2.3

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LEFT (EAST) &
 REAR (SOUTH)
 ELEVATIONS



REAR (SOUTH) ELEVATION
 1/8" = 1'-0"

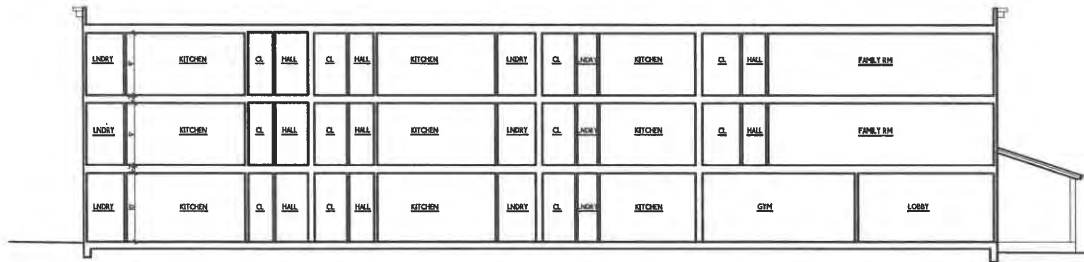


LEFT (EAST) ELEVATION
 1/8" = 1'-0"

REVISION		
No.	Description	Date
1	DESIGN REV	12/3/18

PROJECT No.:
 DRAWN BY: WPI
 CHECKED BY: WPI
 DATE: 10/27/19

A3.0



SECTION
1/2" = 1'-0"



RIGHT (WEST) ELEVATION
1/2" = 1'-0"



FRONT (NORTH) ELEVATION
1/2" = 1'-0"

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FRONT (SOUTH),
RIGHT (EAST)
ELEVATIONS, &
SECTION

REVISION		
No.	Description	Date
1	DESIGN REV	12/3/18
PROJECT No.:		
DRAWN BY:		WPI
CHECKED BY:		WPI
DATE:		10/2/19

A3.1

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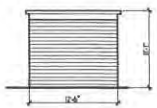
TRASH BIN ENC.
 FLOOR PLANS &
 ELEVATIONS

REVISION

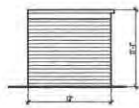
No.	Description	Date
1	DESIGN REV	12/3/18

PROJECT No.:
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 CHECKED BY: WPI
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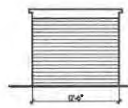
A3.2



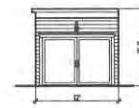
3 BIN TRASH ENCLOSURE
 LEFT ELEVATION
 1
 A3.2 WPI/CR



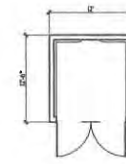
3 BIN TRASH ENCLOSURE
 REAR ELEVATION
 1
 A3.2 WPI/CR



3 BIN TRASH ENCLOSURE
 RIGHT ELEVATION
 1
 A3.2 WPI/CR



3 BIN TRASH ENCLOSURE
 FRONT ELEVATION
 1
 A3.2 WPI/CR



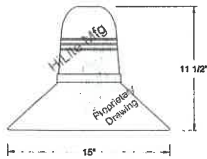
3 BIN TRASH ENCLOSURE
 FLOOR PLAN
 1
 A3.2 WPI/CR TRASH ENC 150 SF



13450 Monte Vista Avenue
Chico, California 94710
Telephone: (925) 455-1999
Toll Free: (800) 455-0211
Fax: (925) 455-0002
web: www.hilitemfg.com
email: sales@hilitemfg.com

H-13115
Pacific Collection

Job Name: _____
Type: _____
Quantity: _____



FINISH - Offered in exceptional finishes, comprised of: polymer/polished powder coat, baking enamel liquid, raw metal, or galvanized finishes.
Standard Finishes are: 91 (Black), 83 (White), 85 (Dark Green), 86 (Charcoal), 87 (Powder Coat Rust), 8K01 (Black Texture), 8K02 (Powder Coat Peina).
Upgraded Finishes are: 28, 66, 82, 90, 92, 94, 97, 99, 100, 103, 104, 105, 110, 112, 113, 114, 115, 117, 118, 119, 120, 127, 128, 129, 133, 134, 135, 136, 138, 141, 105, 121, 136, 138, 140, 121, 122, 124, 125, 126, 11, 01, 22, 25, 33, 77, 83, 84, 44, 48, 49, 15, 16.

For interior finish of fixtures refer to color chart on pages 344-349.

MOUNTING - Cord, Stem, Arm, and Flush mounting available.

ACCESSORIES - CGU (Cast Guard and Glass), LCGL (Large Cast Guard and Glass), WGU (Wire Guard and Glass), LWGU (Large Wire Guard and Glass), ARN (Acorn Globe), LARN (Large Acorn Globe), BK (Bowl Knobs) and FXP (fixture tubing for cord mounted fixture only) available.

REFLECTOR - Heavy duty, spun shade, aluminum 6061-T6 and/or 1100-T6, galvanized 22 gauge, steel 2022 gauge, copper 1020/40 and brass 032/40 construction. Dependent on finish.

SOCKET/LAMP - Available in:
Incandescent
- rated 200 watt max/120 volt, medium base.
Compact Fluorescent (CFL)
- rated 13W/26/32/34/37 watt max/120/277 volt, G24/Q base.
Metal Halide (MH)
- rated 250/70/100/150/175 watt max/120/208/240/277 volt, medium base, 4KV socket.

High Pressure Sodium (HPS)
- rated 50/70/100/150 watt max/120/277 volt, medium base.
Light-Emitting Diode (LED)
- See LED specification sheet.

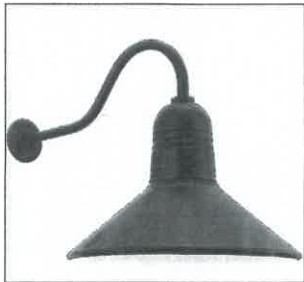
ON BOARD BALLAST OPTION(OBB) - CFL 15 - 57 watt.

MADE IN THE U.S.A.

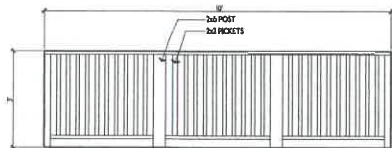
Suitable for wet location.
(Except when cord mounted)



VIEW FROM MARSH CREEK RD RENDERING



EXTERIOR LIGHT TO BE INSTALLED AT ALL ENTRANCES, EXITS, PORCHES, GARAGES



MECHANICAL SCREEN ELEVATION



REAR VIEW RENDERING

William Jordan
Design & Development
PO Box 547
Clayton, CA 94517
(925) 872-7249

"The Olivia On
Marsh Creek"
A 55+ Community

PROJECT ADDRESS:
6490 Marsh Creek Rd.
Clayton, CA 94517
APN: 19-024-013

OWNER:
William Jordan
P.O. Box 547
Clayton, CA 94517
(925) 872-7249

RENDERINGS &
EXTERIOR LIGHTING
CUT SHEET

REVISION

No.	Description	Date
1	DESIGN REV	12/3/18

PROJECT No.: _____
DRAWN BY: WPI
CHECKED BY: WPI
DATE: 10/7/19

A4.0

William Jordan
 Design & Development
 PO Box 547
 Clayton, CA 94517
 (925) 872-7249

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OWNER:
 William Jordan
 P.O. Box 547
 Clayton, CA 94517
 (925) 872-7249

MATERIAL &
 COLOR BOARD

REVISION

No.	Description	Date
Δ	DESIGN REV	11/3/18

PROJECT No. :
 DRAWN BY: WPP
 CHECKED BY: WPP
 DATE: 10/7/19

A4.1

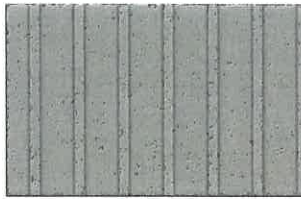
MATERIALS



SMOOTH HARDIE LAP SIDING



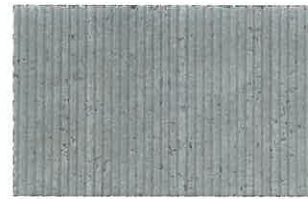
BRICK BASE



SMOOTH HARDIE BOARD & BATTEN



COMP. SHINGLE ROOF



CORRUGATED METAL ROOF

COLORS
 (KELLY MOORE & BENJAMIN MOORE PAINTS)



WALL COLOR



WALL COLOR



TOWER WALL COLOR



TRIM COLOR



METAL ROOF COLOR



SHINGLE ROOF COLOR



RETAINING WALL



1381 SHELL LN= 28' TALL



1754-1756 INDIAN WELLS WAY=30' TALL



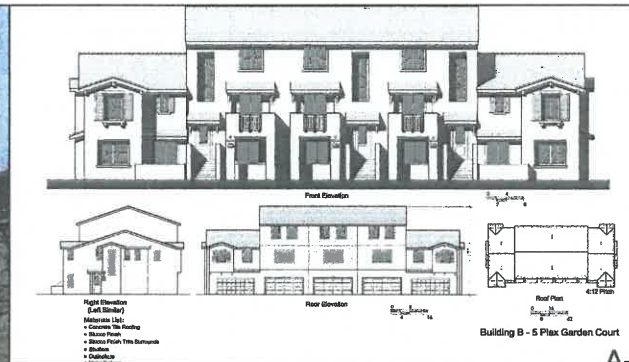
1784-1786 INDIAN WELLS WAY=32' TALL



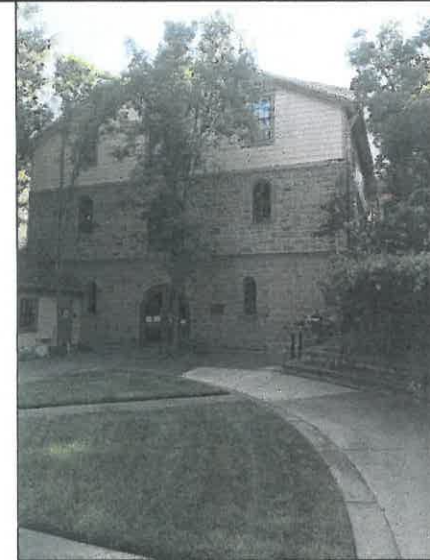
4805 KELLER RIDGE=26' TALL



6061 CLAYTON VIEW= 42' TALL (4-STORIES)



PROJECT UNDER REVIEW, 5701 CLAYTON RD= 37'-9" TALL



CLAYTON CITY HALL
6000 HERITAGE TRAIL=40' TALL



6024 HIGH ST=34' TALL

William Jordan
Design & Development
PO Box 547
Clayton, CA 94517
(925) 872-7249

"The Olivia On
Marsh Creek"
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6490 Marsh Creek Rd.
Clayton, CA 94517
APN: 119-021-013

OWNER:
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Clayton, CA 94517
(925) 872 7249

△ HIGH DENSITY
NEIGHBORHOOD
CONTEXT

REVISION

No.	Description	Date
1	DESIGN REV	12/3/18

PROJECT No. :
DRAWN BY: WPP
CHECKED BY: WPP
DATE: 10/7/19

A5.0

SITE 1

The Olivia on Marsh Creek

6170 High Street
Clayton, CA 94517



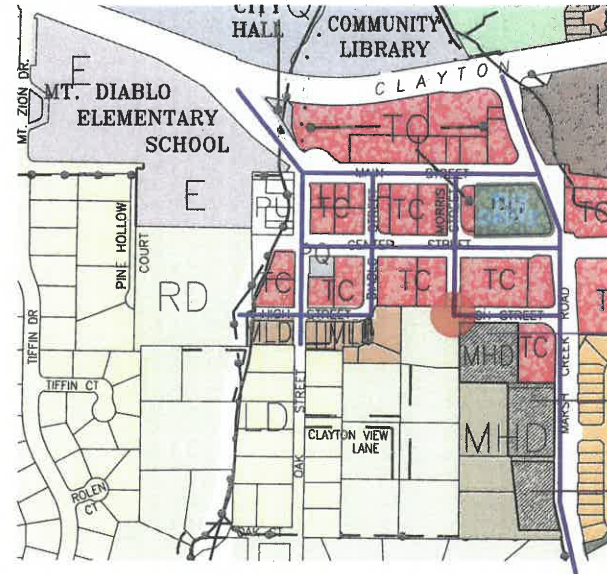
SITE 1
The Olivia on
Marsh Creek

SITE 2
The Olivia on
Marsh Creek



SITE 3
The Olivia on
Marsh Creek

DOWNTOWN DISTRICT

-  BUILDING FOOTPRINTS IN DOWNTOWN CLAYTON
-  PROPOSED PROJECT



CONNECTIVITY DIAGRAM

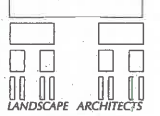
-  PEDESTRIAN NETWORK IN DOWNTOWN CLAYTON
-  NEW SIDEWALK

RECEIVED

OCT 14 2019

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT.

M. D. FOTHERINGHAM



LANDSCAPE ARCHITECTS

1700 Marsh Blv., Suite 390
Walpole, CA 94595
Telephone: 925-929-8292
Fax: 925-929-8294
email: mdf@mdfotheringham.com



Consultants

Project
THE OLIVIA ON MARSH CREEK
Clayton, CA
SITE 1
6170 High Street
Clayton, CA 94517
Client
William P. Jordan Trust

Sheet Title
CONTEXT PLAN

Preliminary Design Submittal #2

Scale
As Shown on Plan

Designed by
MDF

Drawn by
BVS/PJ/MDF

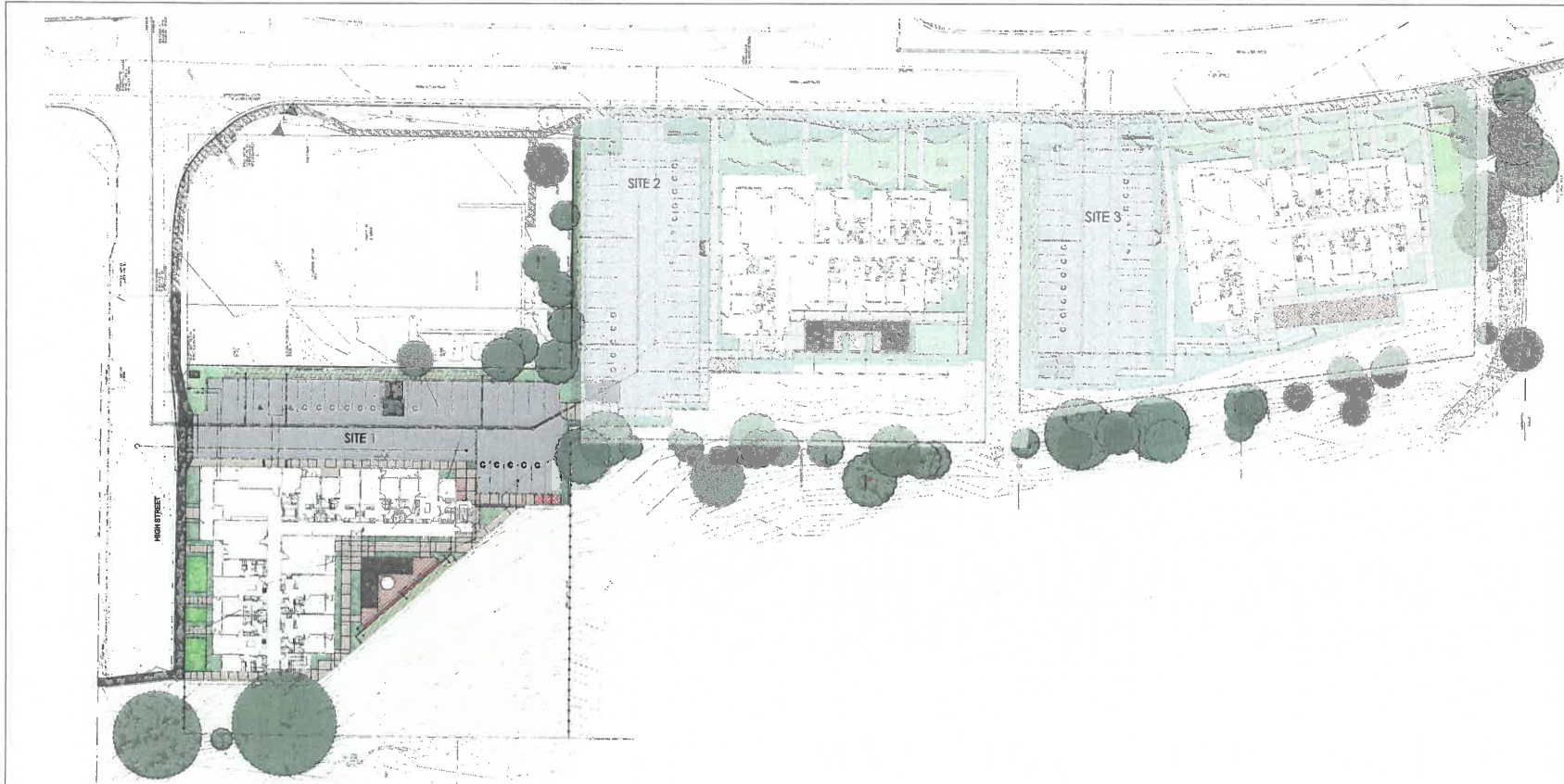
Checked by
MDF

Revisions

Sheet Date: JUNE 1, 2018
Issue Date: OCTOBER 7, 2019

Project Number
1707

Sheet Number
L-1



**SITE 1
LOCATION PLAN**

M. D. FOTHERINGHAM



1740 North Broadway, Suite 306
 Walnut Creek, CA 94596
 Telephone: 925-939-8221
 Fax: 925-939-8344
 email: md@mdfotheringham.com



Countdown

Project
**THE OLIVIA ON
 MARSH CREEK**
 Clayton, CA
SITE 1
 4170 High Street
 Clayton, CA 94517
 Client
 William P. Jordan Trust

Sheet Title

**SITE 1
LOCATION
PLAN**

Preliminary Design Submittal #2

Scale
 As Shown on Plan

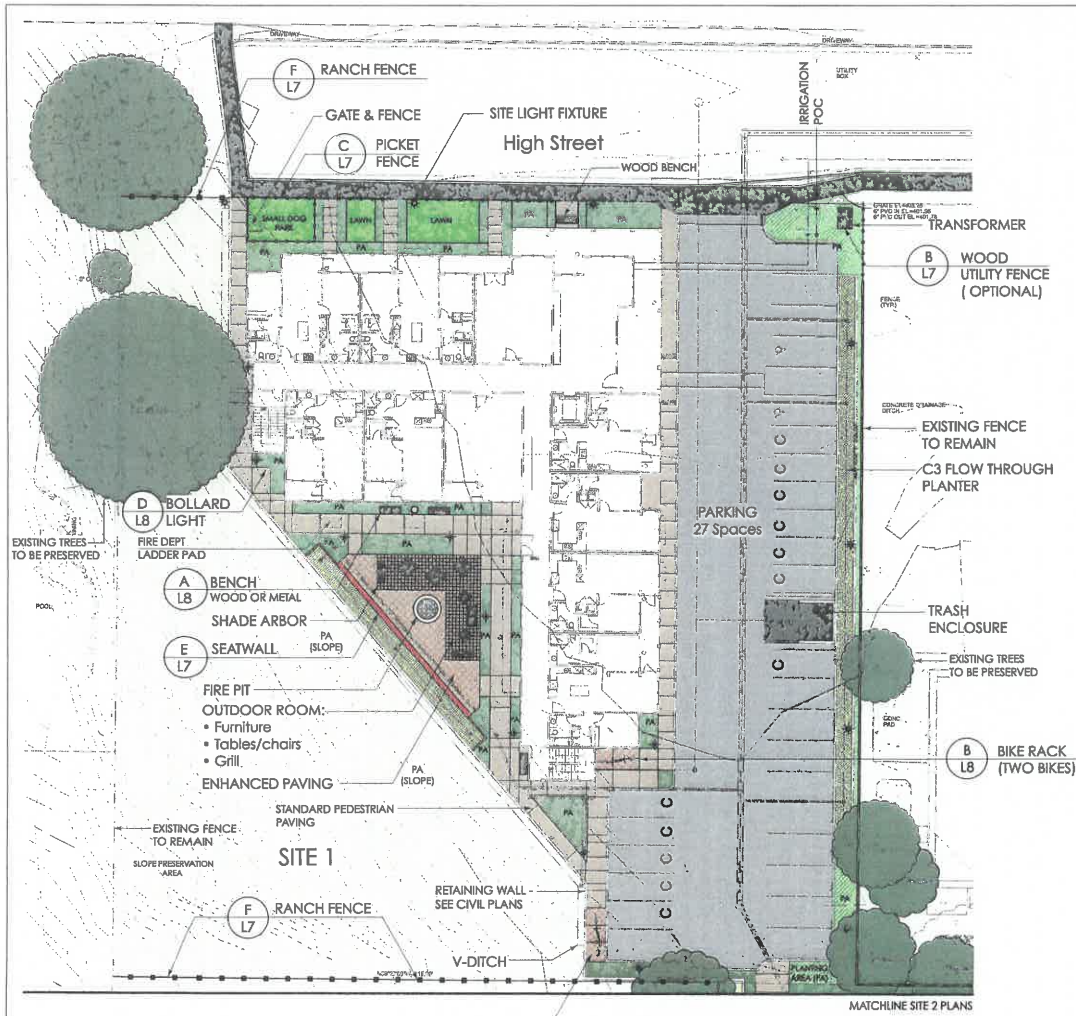
Designed by
 M.D.F.

Drawn by
 BH/SP/MDF

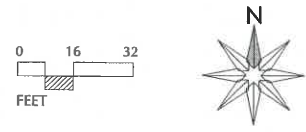
Checked by
 M.D.F.

Revisions

Sheet Date: JUNE 1, 2018
 Issue Date: OCTOBER 7, 2011
 Project Number
 1707
 Sheet Number

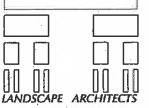


**SITE 1
LAYOUT PLAN**



NOTE:
SEE SHEET L-6 FOR PLANTING DESIGN OF SITE 1

M. D. FOTHERINGHAM



1700 North Broadway, Suite 300
Walnut Creek, CA 94596
Telephone: 925-939-8392
Direct: 415-623-5244
email: mdf@mddfcofdesign.com

License Stamp



Consultants

Project
**THE OLIVIA ON
MARSH CREEK**

Clayton, CA
SITE 1
4170 High Street
Clayton, CA 94517

Client
William P. Jordan Trust

Sheet Title

**LAYOUT
PLAN**

Preliminary Design Submittal #2

Scale
As Shown on Plan

Designed by
MDF

Drawn by
BR/SP/MDF

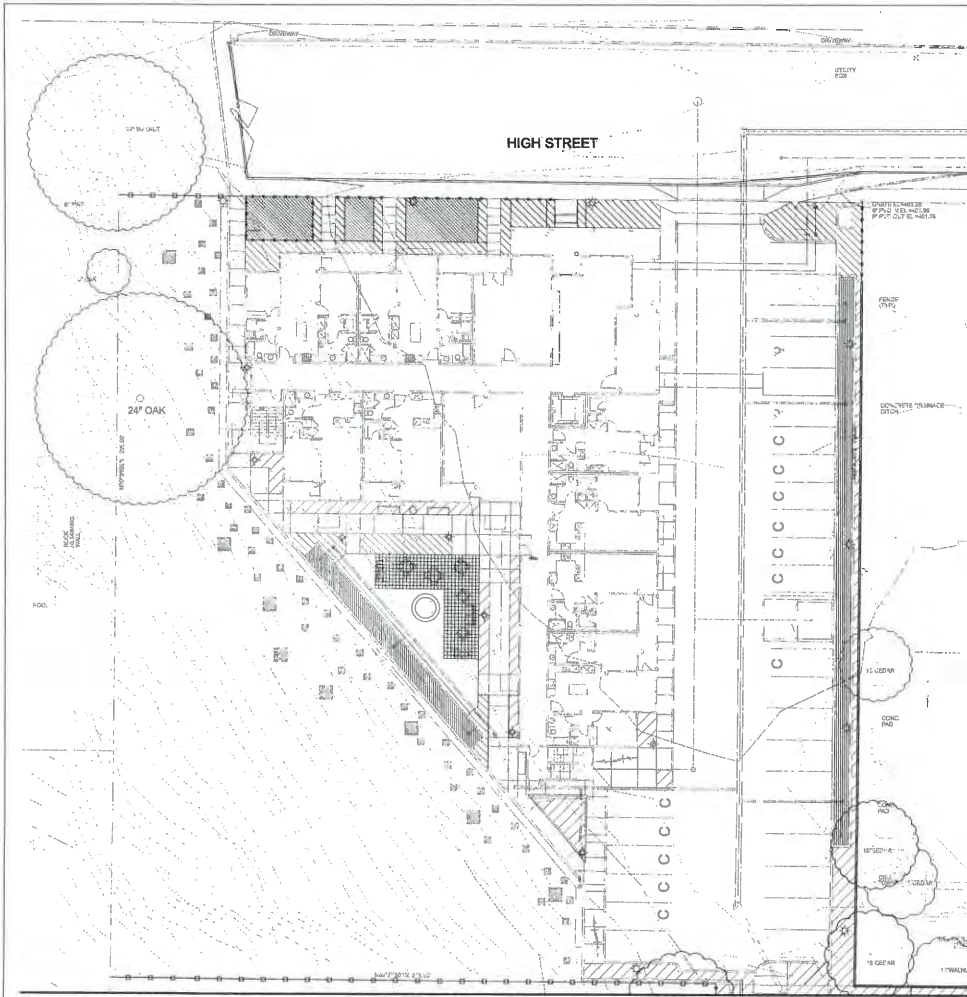
Checked by
MDF

Revisions







2. Revised Site & Vegetated Area: 10/9/17

Sheet Date: JUNE 1, 2018
Issue Date: OCTOBER 7, 2019

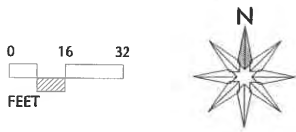
Project Number
1707
Sheet Number



HYDROZONE LEGEND

-  S/W PLANTING - LOW WATER DEMAND
-  N/E PLANTING - MODERATE WATER DEMAND
-  LAWN/TURF/ANNUALS - HIGH WATER DEMAND
-  C3 FLOW THROUGH PLANTER - MODERATE WATER DEMAND
-  C3 SWALE PLANTING - MODERATE WATER DEMAND
-  SLOPED OPEN SPACE REVEGETATION PLANTING - LOW WATER DEMAND

**SITE 1
HYDROZONE PLAN**



MATCHLINE SITE 2 PLANS

M. D. FOTHERINGHAM
 LANDSCAPE ARCHITECTS
 1700 North Broadway, Suite 300
 Walnut Creek, CA 94597
 Telephone: 925-938-8223
 E-mail: md@totaldesigngroup.com



Consultant

Project
**THE OLIVIA ON
 MARSH CREEK**
 Clayton, CA
SITE 1
 4170 High Street
 Clayton, CA 94517

Client
 William P. Jordan Trust

Sheet Title

**HYDROZONE
 PLAN**

Preliminary Design Submittal #2
 Scale
 As Shown on Plan

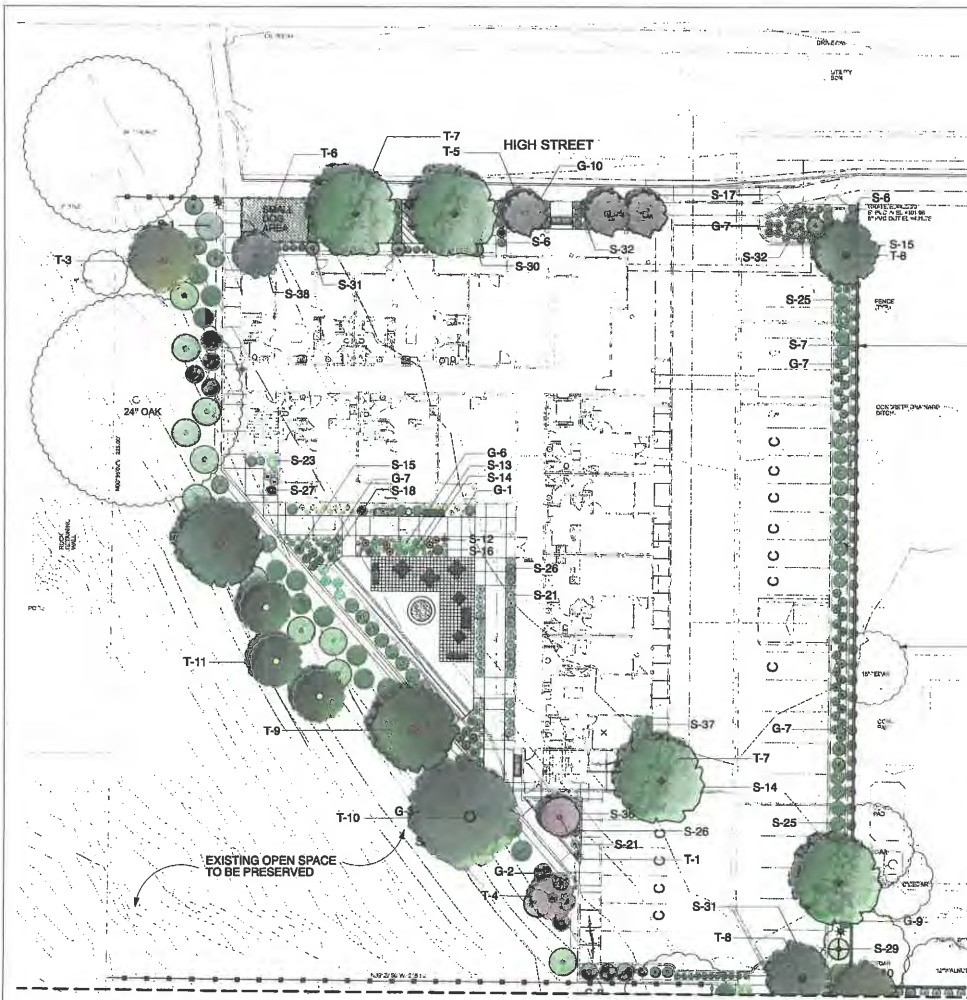
Designed by
 M.D.F.

Drawn by
 B4/S/P/M.D.F.

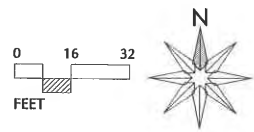
Checked by
 M.D.F.

Revisions

Sheet Date: JUNE 1, 2018
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 Project Number
 1707
 Sheet Number



SITE 1 PLANTING PLAN



NOTE: SHRUB & GROUND COVER PLANTING IS INDICATIVE OF SPACING AND MATURE GROWTH EXPECTATIONS. NOT ALL PLANTS IN THE PLANT SCHEDULE ARE LABELED ON THESE PLANS.

TREE REPLACEMENT CHART							
SITE 1			SITE 2				
	Existing Trees - Removed Data			New Trees			
	Number	Trunk Inches Removed	Replacement Ratio	Proposed Tree	Required Replacement	Required Replacement	Required Replacement
Protected Trees Removed	7	124.5	.88				
Tree Tags	1, 5, 8 & 16						
Other Trees Removed	0						
Tree Tags	10, 11, 12, 14, 16, 18						
Trees Removal Impacts	13	124.5					
New Trees							
Required Replacement Trunk Inches:			41	10	11	7	0
Mitigation Tree Replacement:				18	11	7	0

	SITE 1		SITE 2		SITE 3	
	Quantities	Replacement Ratio at 33%	Quantities	Replacement Ratio at 33%	Quantities	Replacement Ratio at 33%
Protected Trees Removed	7		18		28	
Removed Inches	103"		303.2"		389.5"	
Replacement Inches	34"	33%	92"	30%	129"	33%
New Trees	18	1.8"	27	2.2"	41	4.7"
Average New Trunk Diameter (DBH)						

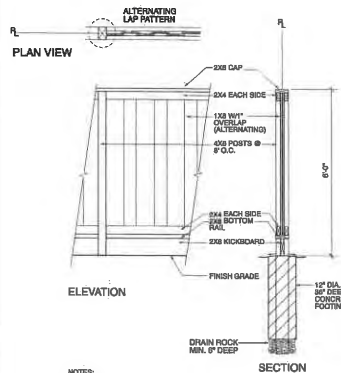
Americas Standard for Nursery Stock (ANSI Z60.1-2004)

Table 6 - Root ball diameters - field grown trees

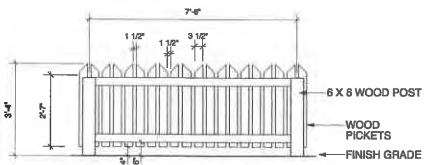
Caliper	Type 1 and Type 2 Shade Trees		Type 3 and Type 4 Small Upright and Small Spreading Trees	
	Minimum diameter root ball	Minimum diameter root ball	Minimum diameter root ball	Minimum diameter root ball
1/4 in.	12 in.	12 in.	2 ft.	19 in.
3/8 in.	14 in.	14 in.	3 ft.	19 in.
1 in.	16 in.	16 in.	4 ft.	20 in.
1 1/2 in.	18 in.	18 in.	5 ft.	22 in.
2 in.	20 in.	20 in.	6 ft.	24 in.
2 1/2 in.	22 in.	22 in.	7 ft.	26 in.
3 in.	24 in.	24 in.	8 ft.	28 in.
3 1/2 in.	26 in.	26 in.	9 ft.	30 in.
4 in.	28 in.	28 in.	10 ft.	32 in.
4 1/2 in.	30 in.	30 in.	11 ft.	34 in.
5 in.	32 in.	32 in.	12 ft.	36 in.
5 1/2 in.	34 in.	34 in.	13 ft.	38 in.
6 in.	36 in.	36 in.	14 ft.	40 in.
7 in.	42 in.	42 in.	15 ft.	42 in.
8 in.	48 in.	48 in.	16 ft.	44 in.
			17 ft.	46 in.
			18 ft.	48 in.
			19 ft.	50 in.
			20 ft.	52 in.
			21 ft.	54 in.
			22 ft.	56 in.
			23 ft.	58 in.
			24 ft.	60 in.
			25 ft.	62 in.
			26 ft.	64 in.
			27 ft.	66 in.
			28 ft.	68 in.
			29 ft.	70 in.
			30 ft.	72 in.
			31 ft.	74 in.
			32 ft.	76 in.
			33 ft.	78 in.
			34 ft.	80 in.

PRELIMINARY PLANT LIST

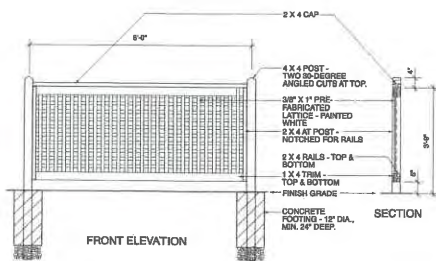
Symbol	Botanical Name	Common Name	Installation Size	Water Demand	Plant Spacing
T-1	<i>Arbutus Menziesii</i> (N-6)	Manzanita Strawberry Tree	See Replacement Chart	Low	See Plan
T-2	<i>Cercocarpus</i> (R)	Red Rock	See Replacement Chart	Low	See Plan
T-3	<i>Philadelphus</i> (R)	Chinese Parrot	See Replacement Chart	Low	See Plan
T-4	<i>Quercus laevis</i> (R)	Western White Oak	See Replacement Chart	Very Low	See Plan
T-5	<i>Chilopsis linearis</i> (R)	Golden Rain Tree	See Replacement Chart	Low	See Plan
T-6	<i>Lagerflora</i> x <i>Impatiens</i> (R)	K Alexander Crane Marigold	See Replacement Chart	Low	See Plan
T-7	<i>Philadelphus</i> (R)	Woodland London Clem	See Replacement Chart	Moderate	See Plan
T-8	<i>Moroneja</i> (R)	Little Gem Southern Marigold	See Replacement Chart	Moderate	See Plan
T-9	<i>Quercus laevis</i> (R)	Coast Live Oak	See Replacement Chart	Very Low	See Plan
T-10	<i>Quercus laevis</i> (R)	White Oak	See Replacement Chart	Low	See Plan
T-11	<i>Umbellularia californica</i> (R)	California Bay Tree	See Replacement Chart	Moderate	See Plan
SHRUBS & PERENNIALS					
R-1	<i>Asya</i>	Phlox	6 Gallon	Moderate	2' O.C.
R-2	<i>Asperula</i>	Blue Lily-Cit-Melia	1 Gallon	Moderate	2' O.C.
R-3	<i>Asperula</i>	White Lily-Cit-Melia	1 Gallon	Moderate	2' O.C.
R-4	<i>Asperula</i>	Spurred Asparagus	6 Gallon	Moderate	2' O.C.
R-5	<i>Asperula</i>	Blue Johnson	6 Gallon	Low	2' O.C.
R-6	<i>Bursera</i>	Queen Gem Rosewood (Shrub)	5 Gallon	Moderate	2' O.C.
R-7	<i>Callistemon</i>	Dwarf Bottlebrush	6 Gallon	Low	2' O.C.
R-8	<i>Ceanothus</i>	Blue Daze	6 Gallon	Low	2' O.C.
R-9	<i>Celastrus</i>	Orange California Lilac	1 Gallon	Low	2' O.C.
R-10	<i>Celastrus</i>	Redland Rockrose	1 Gallon	Low	2' O.C.
R-11	<i>Ceanothus</i>	Blue Daze	6 Gallon	Low	2' O.C.
R-12	<i>Hemiphragma</i>	Shrubland Santa Cecilia (Shrub)	1 Gallon	Moderate	2' O.C.
R-13	<i>Hemiphragma</i>	Shrubland Santa Cecilia (Shrub)	1 Gallon	Moderate	2' O.C.
R-14	<i>Hemiphragma</i>	Golden Yellow Daphne (Shrub)	1 Gallon	Moderate	2' O.C.
R-15	<i>Hemiphragma</i>	Pravine Blue Eyes Daphne (Shrub)	1 Gallon	Moderate	2' O.C.
R-16	<i>Hemiphragma</i>	Little Gravelle Dwarf Daphne (Shrub)	1 Gallon	Moderate	1.8' O.C.
R-17	<i>Hemiphragma</i>	Pravine Blue Eyes Daphne (Shrub)	1 Gallon	Moderate	1.8' O.C.
R-18	<i>Hemiphragma</i>	Shrubland Santa Cecilia (Shrub)	1 Gallon	Moderate	1' O.C.
R-19	<i>Hemiphragma</i>	Shrubland Santa Cecilia (Shrub)	1 Gallon	Moderate	1.8' O.C.
R-20	<i>Hemiphragma</i>	Dwarf Crane Marigold	1 Gallon	Low	2' O.C.
R-21	<i>Larococcus</i>	English Lavender	1 Gallon	Low	2' O.C.
R-22	<i>Larococcus</i>	French Lavender	6 Gallon	Low	4' O.C.
R-23	<i>Larococcus</i>	Yellow Lantana	6 Gallon	Low	2' O.C.
R-24	<i>Larococcus</i>	Orange	6 Gallon	Low	2' O.C.
R-25	<i>Mulberry</i>	Dear Grass	1 Gallon	Low	4' O.C.
R-26	<i>Nandina</i>	Dwarf Heavenly Bamboo	1 Gallon	Low	2' O.C.
R-27	<i>Nandina</i>	Orange	1 Gallon	Low	2' O.C.
R-28	<i>Platanus</i>	Dwarf Maple Pine	6 Gallon	Low	2' O.C.
R-29	<i>Philadelphus</i>	White Star	6 Gallon	Low	2' O.C.
R-30	<i>Philadelphus</i>	Orange Star	6 Gallon	Moderate	2' O.C.
R-31	<i>Philadelphus</i>	Bella Bella Indian Heartform	6 Gallon	Low	4' O.C.
R-32	<i>Platanus</i>	Red Flowering Maple	6 Gallon	Moderate	2' O.C.
R-33	<i>Philadelphus</i>	Orange Star	6 Gallon	Low	2' O.C.
R-34	<i>Philadelphus</i>	Orange Star	6 Gallon	Low	2' O.C.
R-35	<i>Philadelphus</i>	Mexican Bush Sage	1 Gallon	Low	2' O.C.
R-36	<i>Philadelphus</i>	Red Flowering Maple	1 Gallon	Low	2' O.C.
R-37	<i>Philadelphus</i>	Australian Bluebell Flower	1 Gallon	Low	2' O.C.
R-38	<i>Philadelphus</i>	Dwarf Lavender	6 Gallon	Moderate	2' O.C.
SHRUBS, GROUNDCOVERS & VINES					
G-1	<i>Arctostaphylos</i>	Cape Weed	1 Gallon	Low	1.8' O.C.
G-2	<i>Arctostaphylos</i>	Emerald Carpet Manzanita	1 Gallon	Moderate	2' O.C.
G-3	<i>Arctostaphylos</i>	Redland Rockrose	1 Gallon	Low	2' O.C.
G-4	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-5	<i>Arctostaphylos</i>	Yellow Lantana	1 Gallon	Low	2' O.C.
G-6	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-7	<i>Arctostaphylos</i>	Redland Rockrose	1 Gallon	Low	2' O.C.
G-8	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-9	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-10	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-11	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-12	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-13	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-14	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-15	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-16	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-17	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-18	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-19	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-20	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-21	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-22	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-23	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-24	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-25	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-26	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-27	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-28	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-29	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-30	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-31	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-32	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-33	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-34	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-35	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-36	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-37	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-38	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-39	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-40	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-41	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-42	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-43	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-44	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-45	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-46	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-47	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-48	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-49	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-50	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-51	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-52	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-53	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-54	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-55	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-56	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-57	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-58	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-59	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-60	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-61	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-62	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-63	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-64	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-65	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-66	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-67	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-68	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-69	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-70	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-71	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-72	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-73	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-74	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-75	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-76	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-77	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-78	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-79	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-80	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-81	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-82	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-83	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-84	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-85	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-86	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-87	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-88	<i>Arctostaphylos</i>	Orange	1 Gallon	Low	2' O.C.
G-89	<				



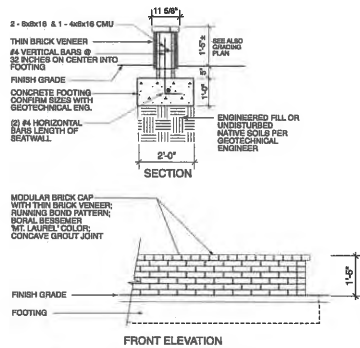
D
L7
GOOD NEIGHBOR FENCE
1/2" = 1'-0"



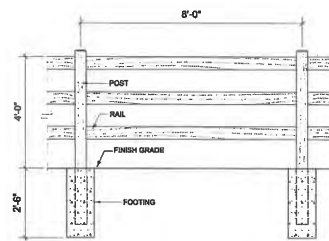
C
L7
40 IN. HIGH PICKET FENCE
1/2" = 1'-0"



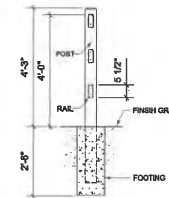
B
L7
WOOD UTILITY SCREEN
1/2" = 1'-0"



E
L7
BRICK VENEER SEAT WALL
1/2" = 1'-0"



F
L7
RANCH FENCE
1/2" = 1'-0"



SECTION - 3 RAIL FENCE

M. D. FOTHERINGHAM
LANDSCAPE ARCHITECTS
1700 North Broadway, Suite 300
Walnut Creek, CA 94596
Telephone: 925-954-8224
Direct: 415-435-2334
email: mdf@mdfotheringham.com



Coordinator

Project
THE OLIVIA ON MARSH CREEK
Clayton, CA
SITE 1
4170 High Street
Clayton, CA 94517
Client
William P. Jordan Trust

Sheet Title

CONSTRUCTION DETAILS 1

Preliminary Design Submittal #2
Scale
As Shown on Plan

Designed by
MDF

Drawn by
BH/SP/MDF

Checked by
MDF

Revisions

Sheet Date: JUNE 1, 2018
Issue Date: OCTOBER 2, 2019
Project Number
1707
Sheet Number
L-7

WELO CALCULATIONS

WATER EFFICIENCY LANDSCAPE ORDINANCE PROJECT SUMMARY

MD Fotheringham, Landscape Architects, Inc.
1700 North Broadway, Suite 200
Marina del Rey, CA 90292
925-638-6292

PROJECT NAME: The Olivia at Marsh Creek - Site 1 Date: 10/7/19
CITY LOCATION: Clayton ETS LOCATION: Concord
LANDSCAPE ARCHITECT: Michael D. Fotheringham, Landscape Architects, CA #12181
Total Landscape Area (SLA) 5,221 Total Calculated Hydrozone Area (HZA) 5,221
Annual ET₀ (gallons) 43.3 Total Special Landscape Areas 0

INCLUDED IN THIS PROJECT SUBMITTAL PACKAGE:
(Check to indicate completion)

- 1 Maximum Applied Water Allowance 77,090 gallons/year with rainfall 77,090
- 2 Submittal Data Water Use 64,907
- 3 Computed Water from Effective Precipitation: 0
- 4 Expected Water Savings Percent Savings: 15.80% 13.80%
- 5 Hydration Report
- 6 Soil Fertility Analysis
- 8 Grading Design Plan
- 7 Planting Design Plan
- 9 Irrigation Design Plan
- 10 Mulch Schedule
- POST-INSTALLATION INSPECTION:**
 - A Maintenance Schedule
 - B Irrigation Audit
 - C Plants Installed as specified (substitutions accepted)
 - D Irrigation system installed as designed (as-built included)
 - E Landscape irrigation audit performed
 - F Submittal package and site certification package have been provided to owner, building or site manager and final report signed.

WELO ESTIMATED TOTAL WATER USE

MD Fotheringham, Landscape Architects, Inc.
1700 North Broadway, Suite 200
Marina del Rey, CA 90292
925-638-6292

PROJECT NAME: The Olivia at Marsh Creek - Site 1 Date: 10/7/19
CITY DP: Clayton ETS City: Concord
SECTION 83 ESTIMATED TOTAL WATER USE (ETWU, gallons per year)
ETWU = ET₀ x .82 x (PPF x HAZ/ET₀) + SLA
Calculate the following for each Hydrozone (H2):
YEARLY ET₀ (gallons per year) 43.3
CONVERSION FACTOR (in gallons per square foot) 0.82
AVG PPF - PLANT FACTOR (grant water demand, defined for each hydrozone) 0.34
TOTAL IRRIGATED LANDSCAPE AREA (HA in Square Feet) 5,221
SPECIAL LANDSCAPE AREA (SLA in Square Feet) 0
AVG I_E - IRRIGATION EFFICIENCY FACTOR (minimum .75) 0.80
TOTAL ESTIMATED TOTAL WATER USE (gallons/year): 64,907
TOTAL ACRE FEET: 0.20

CALCULATIONS:

YEARLY CONVERSION H2 ET ₀ FACTOR	H2	PLANT SPECIES	HYDRATION FACTOR	IRRIGATION EFFICIENCY	ETWU (GAL)	AREA (SQ FT)	ETWU (GAL)	% LANDSCAPE AREA	ETWU (GAL)
43.3	0.82	1	0.34	0.80	5,221	1,732	27.24%	702	
43.3	0.82	2	0.34	0.80	0	0	0.00%	0	
43.3	0.82	3	0.34	0.80	0	0	0.00%	0	
43.3	0.82	4	0.34	0.80	0	0	0.00%	0	
43.3	0.82	5	0.34	0.80	0	0	0.00%	0	
43.3	0.82	6	0.34	0.80	0	0	0.00%	0	
43.3	0.82	7	0.34	0.80	0	0	0.00%	0	
43.3	0.82	8	0.34	0.80	0	0	0.00%	0	
43.3	0.82	9	0.34	0.80	0	0	0.00%	0	
43.3	0.82	10	0.34	0.80	0	0	0.00%	0	
43.3	0.82	11	0.34	0.80	0	0	0.00%	0	
43.3	0.82	12	0.34	0.80	0	0	0.00%	0	
43.3	0.82	13	0.34	0.80	0	0	0.00%	0	
43.3	0.82	14	0.34	0.80	0	0	0.00%	0	
43.3	0.82	15	0.34	0.80	0	0	0.00%	0	
43.3	0.82	16	0.34	0.80	0	0	0.00%	0	
43.3	0.82	17	0.34	0.80	0	0	0.00%	0	
43.3	0.82	18	0.34	0.80	0	0	0.00%	0	
43.3	0.82	19	0.34	0.80	0	0	0.00%	0	
43.3	0.82	20	0.34	0.80	0	0	0.00%	0	
43.3	0.82	21	0.34	0.80	0	0	0.00%	0	
43.3	0.82	22	0.34	0.80	0	0	0.00%	0	
43.3	0.82	23	0.34	0.80	0	0	0.00%	0	
43.3	0.82	24	0.34	0.80	0	0	0.00%	0	
43.3	0.82	25	0.34	0.80	0	0	0.00%	0	
43.3	0.82	26	0.34	0.80	0	0	0.00%	0	
43.3	0.82	27	0.34	0.80	0	0	0.00%	0	
43.3	0.82	28	0.34	0.80	0	0	0.00%	0	
43.3	0.82	29	0.34	0.80	0	0	0.00%	0	
43.3	0.82	30	0.34	0.80	0	0	0.00%	0	
43.3	0.82	31	0.34	0.80	0	0	0.00%	0	
43.3	0.82	32	0.34	0.80	0	0	0.00%	0	
43.3	0.82	33	0.34	0.80	0	0	0.00%	0	
43.3	0.82	34	0.34	0.80	0	0	0.00%	0	
43.3	0.82	35	0.34	0.80	0	0	0.00%	0	
43.3	0.82	36	0.34	0.80	0	0	0.00%	0	
43.3	0.82	37	0.34	0.80	0	0	0.00%	0	
43.3	0.82	38	0.34	0.80	0	0	0.00%	0	
43.3	0.82	39	0.34	0.80	0	0	0.00%	0	
43.3	0.82	40	0.34	0.80	0	0	0.00%	0	
43.3	0.82	41	0.34	0.80	0	0	0.00%	0	
43.3	0.82	42	0.34	0.80	0	0	0.00%	0	
43.3	0.82	43	0.34	0.80	0	0	0.00%	0	
43.3	0.82	44	0.34	0.80	0	0	0.00%	0	
43.3	0.82	45	0.34	0.80	0	0	0.00%	0	
43.3	0.82	46	0.34	0.80	0	0	0.00%	0	
43.3	0.82	47	0.34	0.80	0	0	0.00%	0	
43.3	0.82	48	0.34	0.80	0	0	0.00%	0	
43.3	0.82	49	0.34	0.80	0	0	0.00%	0	
43.3	0.82	50	0.34	0.80	0	0	0.00%	0	
43.3	0.82	51	0.34	0.80	0	0	0.00%	0	
43.3	0.82	52	0.34	0.80	0	0	0.00%	0	
43.3	0.82	53	0.34	0.80	0	0	0.00%	0	
43.3	0.82	54	0.34	0.80	0	0	0.00%	0	
43.3	0.82	55	0.34	0.80	0	0	0.00%	0	
43.3	0.82	56	0.34	0.80	0	0	0.00%	0	
43.3	0.82	57	0.34	0.80	0	0	0.00%	0	
43.3	0.82	58	0.34	0.80	0	0	0.00%	0	
43.3	0.82	59	0.34	0.80	0	0	0.00%	0	
43.3	0.82	60	0.34	0.80	0	0	0.00%	0	
43.3	0.82	61	0.34	0.80	0	0	0.00%	0	
43.3	0.82	62	0.34	0.80	0	0	0.00%	0	
43.3	0.82	63	0.34	0.80	0	0	0.00%	0	
43.3	0.82	64	0.34	0.80	0	0	0.00%	0	
43.3	0.82	65	0.34	0.80	0	0	0.00%	0	
43.3	0.82	66	0.34	0.80	0	0	0.00%	0	
43.3	0.82	67	0.34	0.80	0	0	0.00%	0	
43.3	0.82	68	0.34	0.80	0	0	0.00%	0	
43.3	0.82	69	0.34	0.80	0	0	0.00%	0	
43.3	0.82	70	0.34	0.80	0	0	0.00%	0	
43.3	0.82	71	0.34	0.80	0	0	0.00%	0	
43.3	0.82	72	0.34	0.80	0	0	0.00%	0	
43.3	0.82	73	0.34	0.80	0	0	0.00%	0	
43.3	0.82	74	0.34	0.80	0	0	0.00%	0	
43.3	0.82	75	0.34	0.80	0	0	0.00%	0	
43.3	0.82	76	0.34	0.80	0	0	0.00%	0	
43.3	0.82	77	0.34	0.80	0	0	0.00%	0	
43.3	0.82	78	0.34	0.80	0	0	0.00%	0	
43.3	0.82	79	0.34	0.80	0	0	0.00%	0	
43.3	0.82	80	0.34	0.80	0	0	0.00%	0	
43.3	0.82	81	0.34	0.80	0	0	0.00%	0	
43.3	0.82	82	0.34	0.80	0	0	0.00%	0	
43.3	0.82	83	0.34	0.80	0	0	0.00%	0	
43.3	0.82	84	0.34	0.80	0	0	0.00%	0	
43.3	0.82	85	0.34	0.80	0	0	0.00%	0	
43.3	0.82	86	0.34	0.80	0	0	0.00%	0	
43.3	0.82	87	0.34	0.80	0	0	0.00%	0	
43.3	0.82	88	0.34	0.80	0	0	0.00%	0	
43.3	0.82	89	0.34	0.80	0	0	0.00%	0	
43.3	0.82	90	0.34	0.80	0	0	0.00%	0	
43.3	0.82	91	0.34	0.80	0	0	0.00%	0	
43.3	0.82	92	0.34	0.80	0	0	0.00%	0	
43.3	0.82	93	0.34	0.80	0	0	0.00%	0	
43.3	0.82	94	0.34	0.80	0	0	0.00%	0	
43.3	0.82	95	0.34	0.80	0	0	0.00%	0	
43.3	0.82	96	0.34	0.80	0	0	0.00%	0	
43.3	0.82	97	0.34	0.80	0	0	0.00%	0	
43.3	0.82	98	0.34	0.80	0	0	0.00%	0	
43.3	0.82	99	0.34	0.80	0	0	0.00%	0	
43.3	0.82	100	0.34	0.80	0	0	0.00%	0	

WELO MAXIMUM APPLIED WATER ALLOWANCE

MD Fotheringham, Landscape Architects, Inc.
1700 North Broadway, Suite 200
Marina del Rey, CA 90292
925-638-6292

PROJECT NAME: The Olivia at Marsh Creek - Site 1 Date: 10/7/19
CITY DP: Clayton ETS LOCATION: Concord
SECTION 81 MAXIMUM APPLIED WATER ALLOWANCE
MAWA = ET₀ x .82 x (.55 x HA) + (.45 x SLA)
YEARLY ET₀ 43.3
CONVERSION FACTOR 0.62
ET ADJUSTMENT FACTOR 0.55
TOTAL IRRIGATED LANDSCAPE AREA (HA in Square Feet) 5,221
SPECIAL LANDSCAPE AREA (SLA in Square Feet) 0
MAXIMUM APPLIED WATER ALLOWANCE (gallons/year) 77,090
TOTAL ACRE FEET 0.24

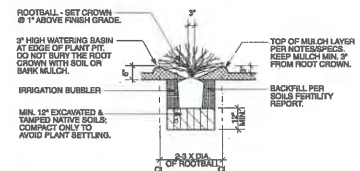
CALCULATIONS:
43.3 x 0.62 x 0.55 x 5,221 + 0.45 x 0 = 77,090

Effective Precipitation (Eppit)
Use 25% of annual precipitation in the following equation:
MAWA = (ET₀ - Eppit) x .82 x (.55 x HA) + (.45 x SLA)

YEARLY ET₀ 43.3
EFFECTIVE PRECIPITATION (Eppit) = .25 x 25 = 6.25
NET ET₀ 43.3
CONVERSION FACTOR 0.62
ET ADJUSTMENT FACTOR 0.55
TOTAL IRRIGATED LANDSCAPE AREA (HA in Square Feet) 5,221
SPECIAL LANDSCAPE AREA (SLA in Square Feet) 0
MAXIMUM APPLIED WATER ALLOWANCE (gallons/year) 77,090
TOTAL ACRE FEET 0.24

CALCULATIONS:
43.3 x 0.62 x 0.55 x 5,221 + 0.45 x 0 = 77,090

RESULTS: Irrigation reductions by adding precipitation (gallons/year): 0

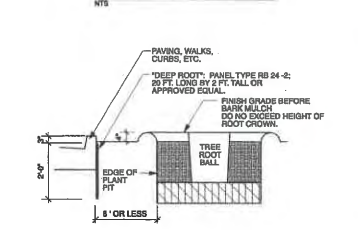


- NOTES:**
1. PLACE STAKE PLUMB & AS SHOWN IN STAKE LOCATION PLAN.
 2. TREES SHALL NOT BE ROOT-SHOWN. CAREFULLY SCARIFY ROOTBALL BEFORE PLANTING.
 3. ELIMINATE WATER BASIN WHEN TREES ARE PLANTED IN LAWN.
 4. USE WOOD STAKES FOR 18 GALLON & 24" SOX CONTAINERS.
 5. TREE PIT SHALL BE 3 TO 5 TIMES DIAMETER OF ROOT BALL IN CLAY SOILS OR WAREHOUSING CONDITIONS.
 6. TREE PIT PERCOLATION TESTS SHALL BE PERFORMED IN CLAY SOILS OR WAREHOUSING CONDITIONS. SEE PLANTING NOTE #9, SHEET L-10 FOR TEST PARAMETERS.
 7. SEE ADDITIONAL NOTES ON COVER SHEET.



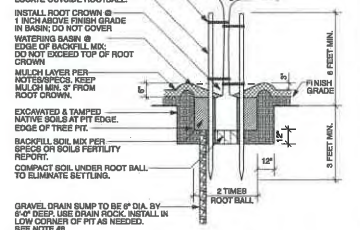
- NOTES:**
1. FOR GROUND COVER AREAS, ROTOTILL AMENDMENTS AS RECOMMENDED BY SOILS REPORT OR TO 9" DEPTH AFTER CROSS-TIPPING SUBGRADE TO 12" DEPTH.
 2. SIDES AND BOTTOM OF PLANT PIT SHALL BE SCARIFIED BEFORE PLANTING.
 3. ADD AGRIFORM PLANT TABLETS OR APPROVED EQUAL AT MANUFACTURER'S RATES, 1/5 DOWN FROM TOP OF BACKFILL.

SHRUB PLANTING DETAIL



- STAKE LOCATION PLAN**
2 STAKES FOR 18 GAL. TREES
3 STAKES FOR 24" SOX TREES
- 24 INCH CORROD RUBBER**
STAKE ATTACHED TO TRUNK WITH GALVANIZED NAILS.
- 2 INCH DIA. X 8 FOOT LONG**
LOOK-ALIKE PINE STAKE - LOCATE OUTSIDE ROOTBALL.
- INSTALL ROOT CROWN** - 1 INCH ABOVE FINISH GRADE IN BASIN; DO NOT COVER.
- WATERING BASIN** - 24" DIA. X 8" DEEP. DO NOT EXCEED TOP OF ROOT CROWN.
- MULCH LAYER PER NOTES/SPEC.** KEEP MULCH MIN. 2" FROM ROOT CROWN.
- EXCAVATED & TAMPED** NATIVE SOILS AT PIT EDGE. EDGE OF TREE PIT.
- BACKFILL SOIL MIX PER SPEC OR SOILS FERTILITY REPORT.** COMPACT SOIL UNDER ROOT BALL TO ELIMINATE BETTLING.
- GRAVEL DRAIN SLUMP** TO BE 1/2" DIA. BY 6"-0" DEEP. USE DRAIN ROCK. INSTALL IN LOW CORNER OF PIT AS NEEDED. SEE NOTE #4.

ROOT BARRIER DETAIL



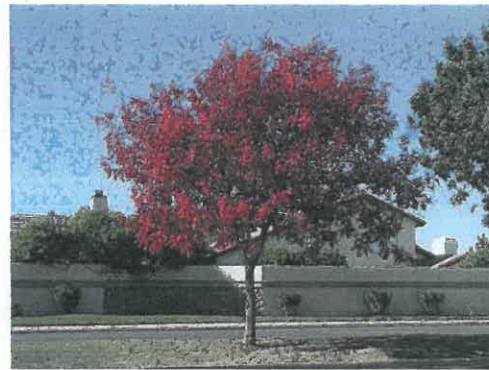
TREE INSTALLATION DETAIL



T-1 *Arbutus x. 'Marina'* or *Arbutus unedo* (N-E)
Strawberry Tree



T-2 *Cedrus deodara* (E)
Deodar Cedar



T-3 *Pistacia chinensis* (D)
Chinese Pistache



T-4 *Cercis occidentalis* (N-D)
Western Redbud



T-5 *Chilopsis linearis* (N-D)
Desert Willow



T-6 *Lagerstroemia x. 'Muskogee'* (D)
Lavender Crape Myrtle



T-7 *Platanus a. 'Bloodgood'* (D)
London Plane Tree



T-8 *Magnolia grandiflora* (E)
Southern Magnolia



T-9 *Quercus agrifolia* (N-E)
Coast Live Oak

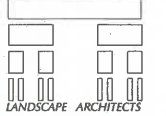


T-10 *Quercus lobata* (N-D)
Valley Oak



T-11 *Umbellularia californica* (N-E)
California Bay Tree

M. D. FOTHERINGHAM



1700 North Hacienda, Suite 300
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Landscape Design



Consultant

Project
**THE OLIVIA ON
MARSH CREEK**
Clayton, CA
ALL SITES

Client
William P. Jordan Trust

Sheet Title

**TREE
IMAGES**

Preliminary Design, Submittal #2

Scale
As Shown on Plans

Designed by

MDF

Drawn by

BH/SP/MDF

Checked by

MDF

Revisions



Start Date: JUNE 1, 2018

Issue Date: OCTOBER 7, 2019

Project Number

1702

Sheet Number

L-9

SITE 2

The Olivia on Marsh Creek

6450 Marsh Creek Road
Clayton, CA 94517



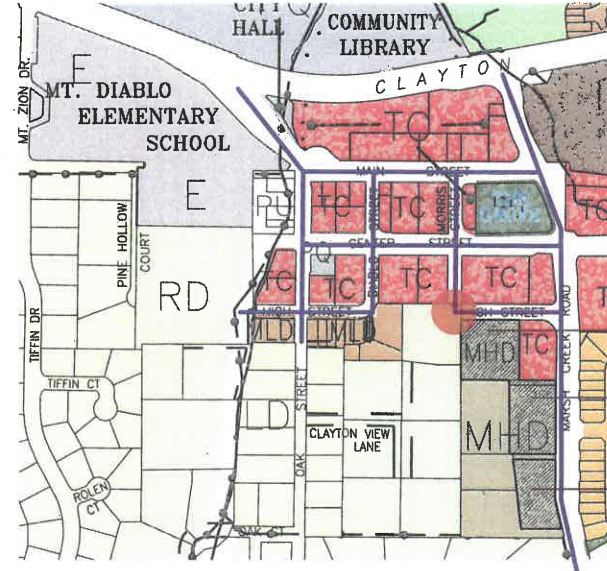
SITE 1
The Olivia on Marsh Creek

SITE 2
The Olivia on Marsh Creek

SITE 3
The Olivia on Marsh Creek

DOWNTOWN DISTRICT

- BUILDING FOOTPRINTS IN DOWNTOWN CLAYTON
- PROPOSED PROJECT

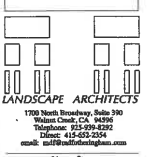


CONNECTIVITY DIAGRAM

- PEDESTRIAN NETWORK IN DOWNTOWN CLAYTON
- NEW SIDEWALK

RECEIVED
OCT 14 2019
CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT.

M. D. FOTHERINGHAM



Contract

Project
THE OLIVIA ON MARSH CREEK
Clayton, CA
SITE 2
6450 Marsh Creek Road
Clayton, CA 94517
Client
William P. Jordan Trust

Sheet Title
CONTEXT PLAN

Preliminary Design **Submitted #2**
Scale
As Shown on Plan

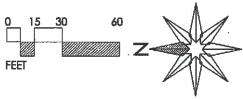
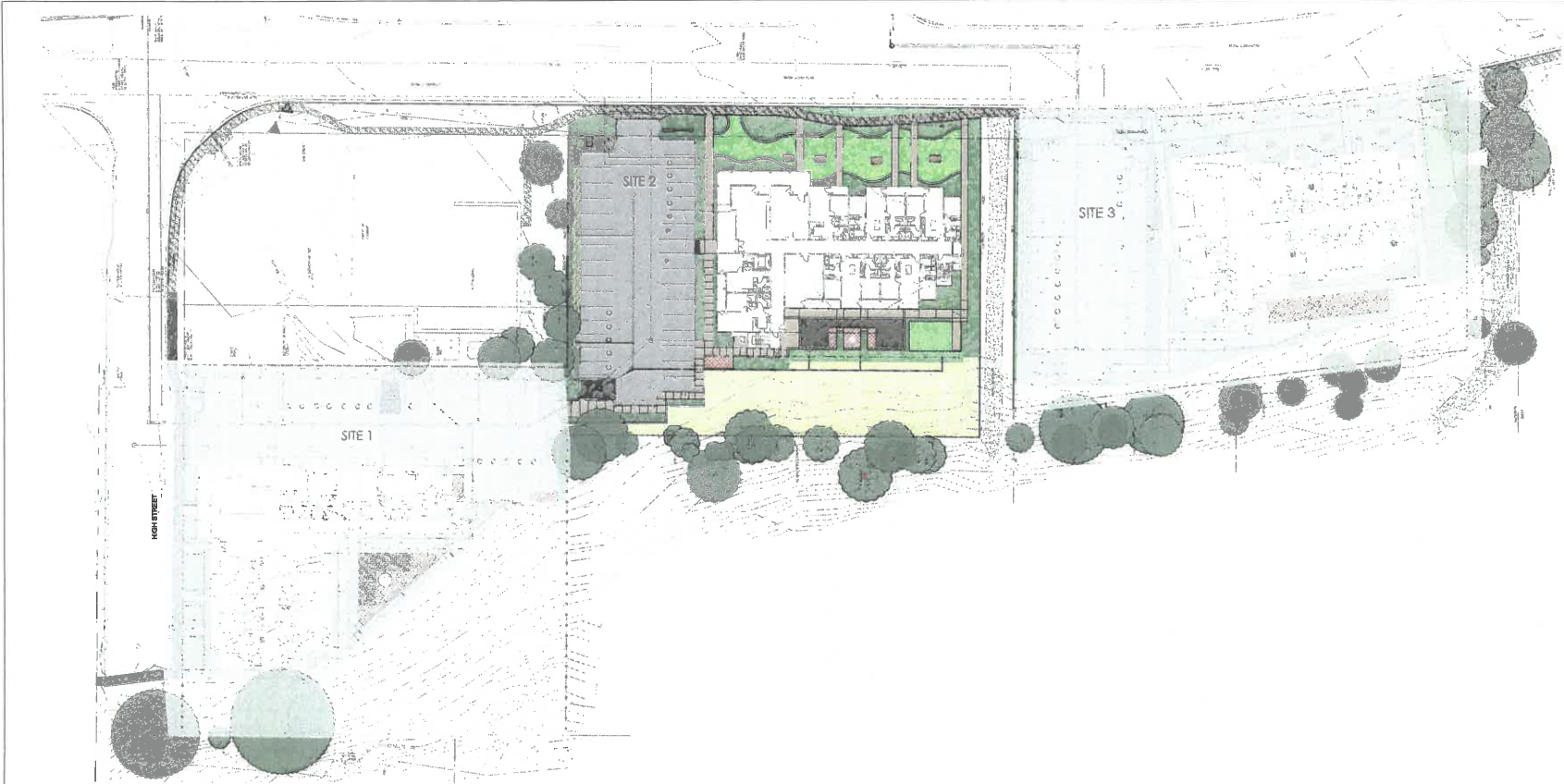
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MDF

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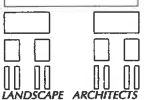
Revisions

Sheet Date: JUNE 1, 2018
Issue Date: OCTOBER 7, 2019
Project Number
1707
Sheet Number



**SITE 2
LOCATION PLAN**

M. D. FOTHERINGHAM



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License Stamp



Consultants

Project
**THE OLIVIA ON
MARSH CREEK**
Clayton, CA
SITE 2
6450 Marsh Creek Road
Clayton, CA 94517
Client
William P. Jordan Trust

Sheet Title
**SITE 2
LOCATION
PLAN**

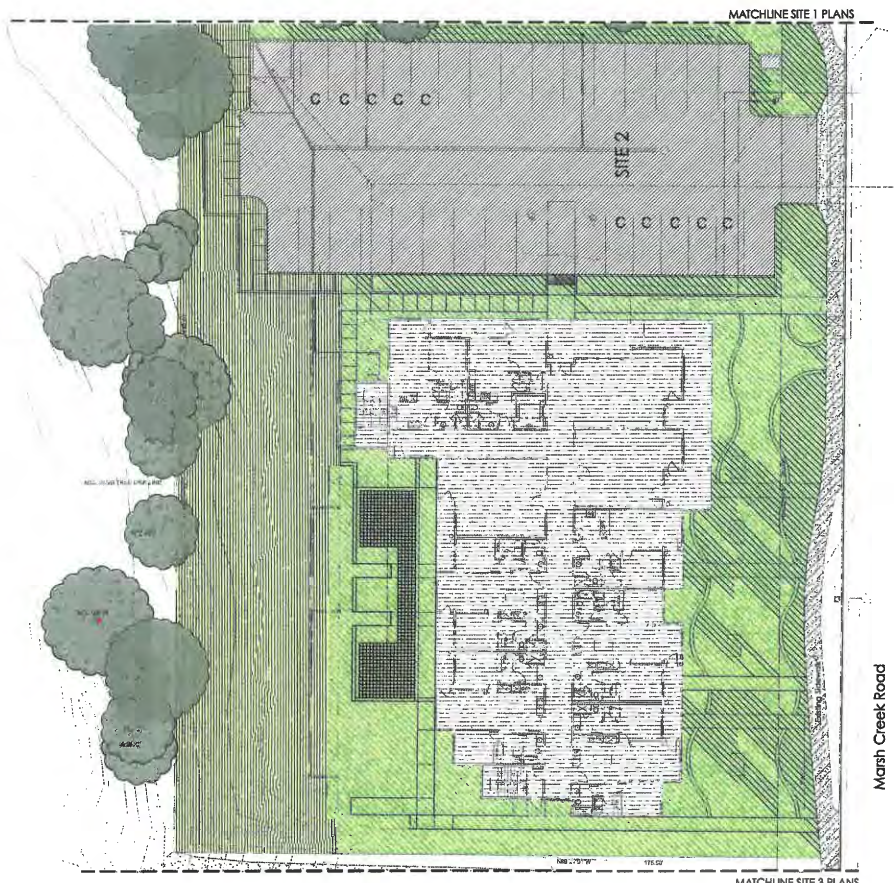
Preliminary Design Submittal #2
Scale
As Shown on Plan

Designed by
MDF
Drawn by
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Checked by
MDF

Revisions

Scale
Sent Date: JUNE 1, 2018
Issue Date: OCTOBER 7, 2019
Project Number
1707
Sheet Number

L-2



SITE 2
OPEN SPACES PLAN VIEW



- SITE 2 LAND ACCOUNT**
-  BUILDING FOOTPRINT: 10,966 SF
 -  PARKING/UTILITY PAVEMENT: 10,336 SF
 -  ACTIVE OPEN SPACE: 12,863 SF
 -  PASSIVE OPEN SPACE/SLOPE AREA: 8,196 SF

TOTAL LOT AREA: 42,361 SF (Does not include offsite)

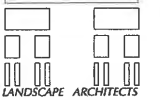
17.20.150 Item C
 Minimum Landscape Area Required = 20% of 42,361 SF = 8,472 SF
 Landscape Area Provided = 19,338 SF (45.7%)
 Minimum Vegetated Landscape Required = 75% of 8,472 SF = 6,354 SF
 Vegetated Landscape Provided = 14,643 SF

17.28.100
 Minimum Open Space Required = 20% of 42,361 SF = 8,472 SF
 Open Space Provided = 21,059 SF (49.7%)
 Minimum Active Open Space Required = 51% of 8,472 SF = 4,321 SF
 Active Open Space Provided = 12,863 SF

**THE OLIVIA ON MARSH CREEK - SITE 2
LANDSCAPE & OPEN SPACE CALCULATIONS**

SITE IMPROVEMENT	QUANTITY
Building Footprint	10,966 SF
Garage Footprint	0 SF
Parking	10,306 SF
Sidewalk	1,368 SF
Utility Pavement	30 SF
C-3 Planters & Basins	92 SF
Shrub Planting Areas (includes offsite)	6,281 SF
Lawn	3,451 SF
Scalped Open Space Revegetation	2,345 SF
Sloped Open Space Reserve	5,052 SF
Moatband	331 SF
Pedestrian Circulation	4,722 SF
Actual number listed (includes offsite)	44,714 SF
TOTAL LANDSCAPE AREA	18,349 SF
TOTAL OPEN SPACE AREA	23,412 SF
TOTAL LOT AREA	44,714 SF
OPEN SPACE AREA PERCENTAGE	52.34%
LANDSCAPE AREA PERCENTAGE	41.06%

NOTE: The landscape improvements listed above include offsite improvements along the Marsh Creek Road frontage.



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License Stamp



Contractors

Project
THE OLIVIA ON MARSH CREEK
 Clayton, CA
SITE 2
 6450 Marsh Creek Road
 Clayton, CA 94517
 Client
 William P. Jordan Trust

Sheet Title

OPEN SPACE CALCULATIONS

Preliminary Design **Submital #2**

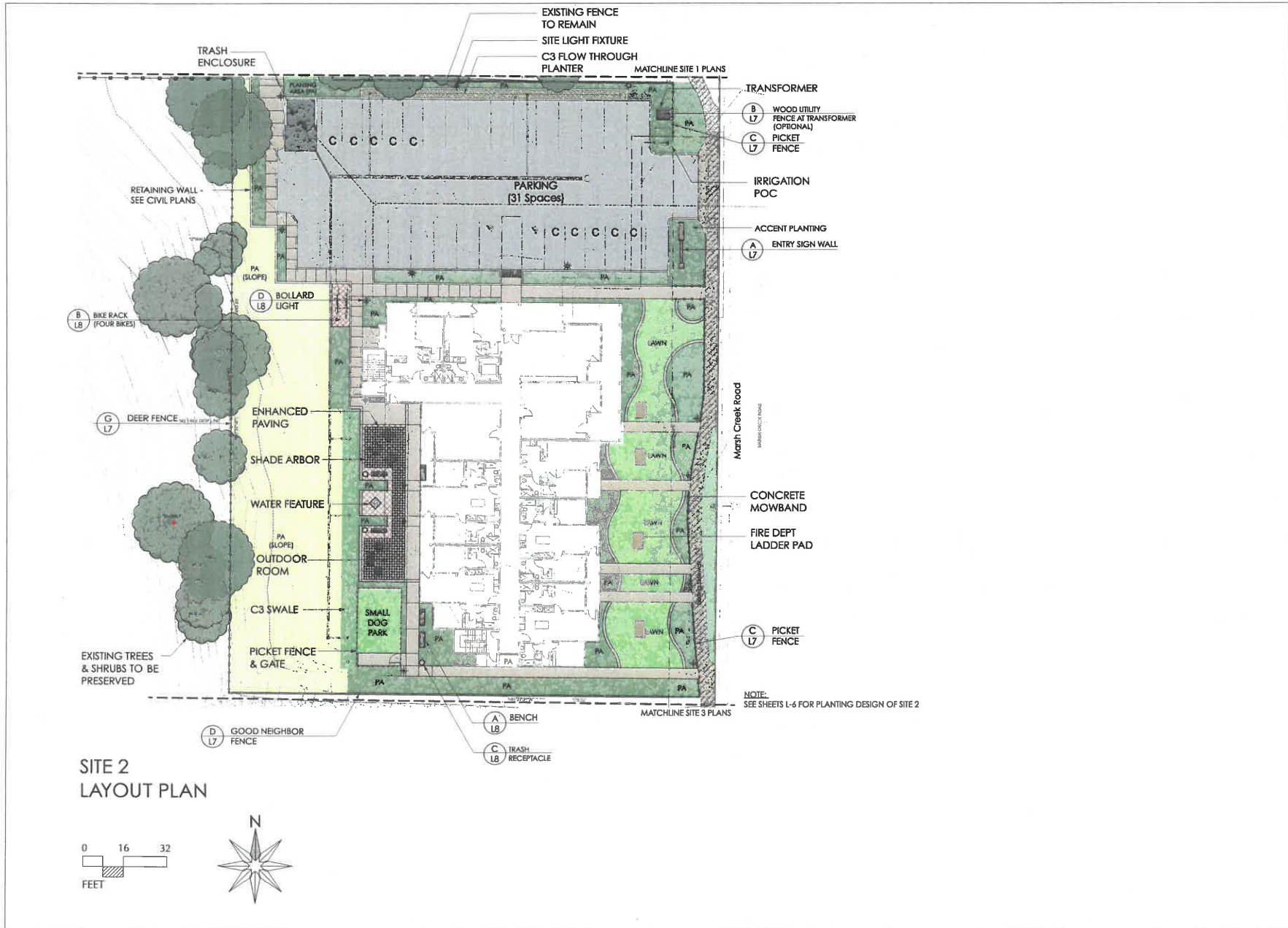
Scale
 As Shown on Plan

Designed by
 MDF

Drawn by
 BHSP/MDF

Checked by
 MDF

Revisions



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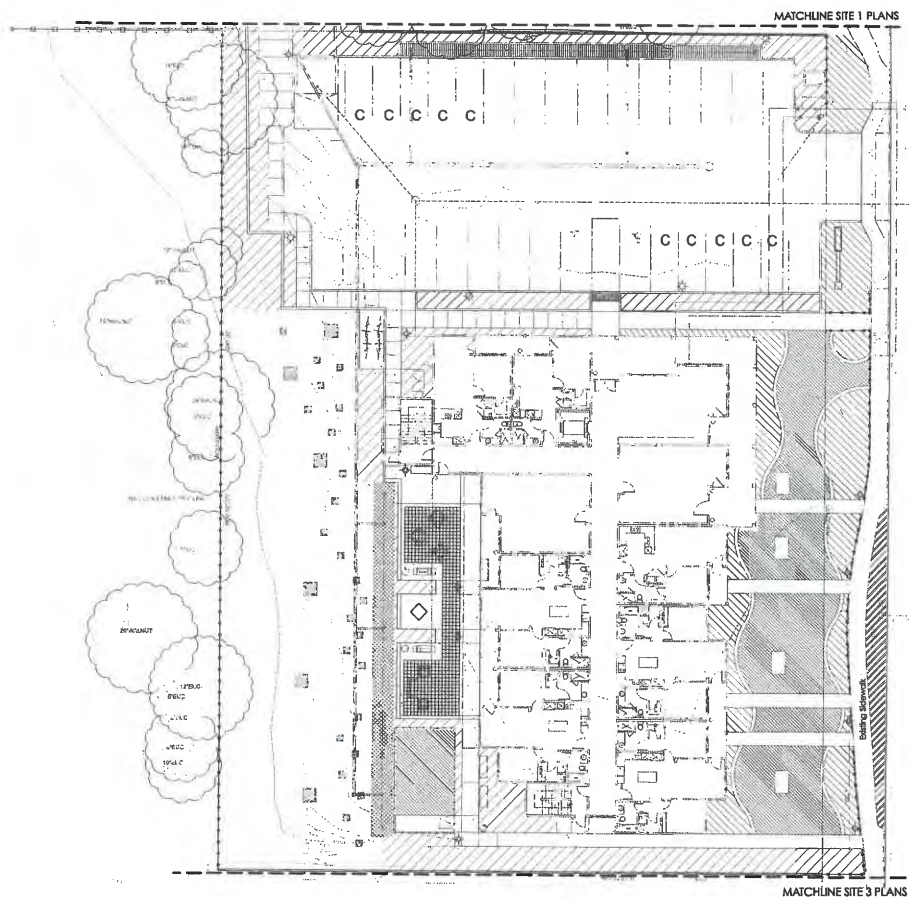


Project
THE OLIVIA ON MARSH CREEK
 Clayton, CA
SITE 2
 6450 Marsh Creek Road
 Clayton, CA 94517
 Client
 William P. Jordan Trust

LAYOUT PLAN

Preliminary Design Submittal #2
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 As Shown on Plan
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 MDF
 Revisions

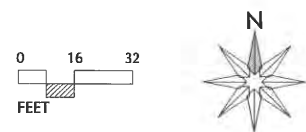
Sheet Date: JUNE 1, 2018
 Issue Date: OCTOBER 7, 2019
 Project Number
 1707
 Sheet Number



HYDROZONE LEGEND

- S/W PLANTING - LOW WATER DEMAND
- N/E PLANTING - MODERATE WATER DEMAND
- LAWN/TURF/ANNUALS - HIGH WATER DEMAND
- C3 FLOW THROUGH PLANTER - MODERATE WATER DEMAND
- C3 SWALE PLANTING - MODERATE WATER DEMAND
- SLOPED OPEN SPACE REVEGETATION PLANTING - LOW WATER DEMAND
- PARKWAY STRIP PLANTING - LOW WATER DEMAND

**SITE 2
HYDROZONE PLAN**



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Consultants

Project
**THE OLIVIA ON
MARSH CREEK**
Clayton, CA
SITE 2
6450 Marsh Creek Road
Clayton, CA 94517
Client
William P. Jordan Trust

Sheet Title

**HYDROZONE
PLAN**

Preliminary Design Submitted #2

Scale
As Shown on Plan

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MDF

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NOTE:
SHRUB & GROUND COVER PLANTING IS
INDICATIVE OF SPACING AND MATURE GROWTH
EXPECTATIONS. NOT ALL PLANTS IN THE PLANT
SCHEDULE ARE LABELED ON THESE PLANS.



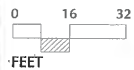
**OLIVIA - Site 2 Marsh Creek Road
LANDSCAPE REQUIREMENTS**

ITEM	AREA/RATIO
SITE 2	
Parking Lot Area	10,306 SF
Landscape Area of Parking Lot	2,099 SF
Percentage of Landscape Required	10%
Percentage of Landscape Provided	20%
Total Landscape Area (triplicated)	11,058 SF
Required Trees of 1 per 300 SF	37
Provided Trees	37
Existing Onsite Trees Preserved	2
Parking Perimeter Landscape Area*	807 SF
Required Trees of 1 per 150 SF	5
Provided Trees*	4
Required Trees of 1 per 3 parking spaces (3)	10
Provided Trees*	4
*Limited due to C&G facility & offsite trees	

**TREE REPLACEMENT CHART
SITE 2**

	Existing Trees - Removed Data		Proposed Trees	New Trees		
	Number	Trunk Inches Removed		Required Replacement	Required Replacement	Required Replacement
Protected Trees Removed	8	33				
Tree Tags	36, 34, 48, 48, 48, 48			18 Gallon (ave. 1.7" caliper)	24-inch Box (ave. 1.7" caliper)	38-inch Box (ave. 3.2" caliper)
Other Trees Removed						0
Tree Tags	27, 28, 28, 30, 31, 31, 32, 32					
Tree Removal Impacts	14	120	40 inches			
New Trees			36	33	0	4
Required Replacement Trunk Inches:			64 inches	38 inches	0 inches	18 inches
Mitigation Tree Replacement			40	35	0	5

**SITE 2
PLANTING PLAN**



American Standard for Nursery Stock (ANSI Z60.1-2004)

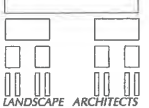
Table 6 - Root ball diameters - field grown trees

Type 1 and Type 2 Shade Trees		Type 3 and Type 4 Small Upright and Small Spreading Trees
Caliper	Minimum diameter root ball	Minimum diameter Caliper (6" and over) Minimum diameter root ball
1/2 in.	12 in.	3 ft.
3/4 in.	14 in.	4 ft.
1 in.	16 in.	5 ft.
1 1/4 in.	18 in.	6 in.
1 1/2 in.	20 in.	7 in.
1 3/4 in.	22 in.	8 in.
2 in.	24 in.	1 1/4 in.
2 1/4 in.	28 in.	1 1/2 in.
3 in.	32 in.	1 3/4 in.
3 1/2 in.	38 in.	2 in.
4 in.	42 in.	2 1/4 in.
4 1/2 in.	48 in.	3 in.
5 in.	54 in.	3 1/2 in.
5 1/2 in.	57 in.	4 in.
6 in.	60 in.	4 1/2 in.
7 in.	70 in.	5 in.
8 in.	80 in.	5 1/2 in.
		6 in.
		7 in.
		8 in.

PRELIMINARY PLANT LIST

Symbol	Botanical Name	Common Name	Installation Size	Water Demand	Plant Spacing
T-1	Acacia saligna (N)	Manilla Sheoak Tree	See Replacement Chart	Low	See Plan
T-2	Cedrus deodara (E)	Deodar Cedar	See Replacement Chart	Low	See Plan
T-3	Pinus oregonae (E)	Chinese Pine	See Replacement Chart	Low	See Plan
T-4	Quercus laevis (N)	White Oak	See Replacement Chart	Very Low	See Plan
T-5	Chiosalis laevis (N)	Golden Rain Tree	See Replacement Chart	Low	See Plan
T-6	Lagerströmia x. Makoyana (E)	Lawsonia Tree	See Replacement Chart	Low	See Plan
T-7	Platanus x. 'Bloodgood' (E)	Bloodgood London Plane	See Replacement Chart	Moderate	See Plan
T-8	Magnolia grandiflora 'Little Gem' (E)	Little Gem Southern Magnolia	See Replacement Chart	Moderate	See Plan
T-9	Quercus agrifolia (N)	Coast Live Oak	See Replacement Chart	Very Low	See Plan
T-10	Quercus laevis (N)	White Oak	See Replacement Chart	Low	See Plan
T-11	Ulmus americana (N)	California Elm Tree	See Replacement Chart	Moderate	See Plan
SHRUBS & PERENNIALS					
S-1	Acacia saligna	Manilla Sheoak	5 Gallon	Moderate	2' O.C.
S-2	Asplenium 'Polar Bear'	Blue Lily-of-the-Valley	1 Gallon	Moderate	2' O.C.
S-3	Asplenium 'White Star'	White Lily-of-the-Valley	1 Gallon	Moderate	2' O.C.
S-4	Asplenium 'Starburst'	Starburst Asplenium	5 Gallon	Moderate	2' O.C.
S-5	Artemisia x. 'Nero' Johnson'	Red Johnson Artemisia	5 Gallon	Moderate	2' O.C.
S-6	Buxus x. 'Green Giant'	Green Giant Boxwood	5 Gallon	Moderate	2' O.C.
S-7	Callistemon x. 'Sunny Yellow'	Yellow Bottlebrush	5 Gallon	Low	2' O.C.
S-8	Crataegus x. 'Crimson Snow'	Red Hawthorn	5 Gallon	Low	2' O.C.
S-9	Chamaecyparis x. 'Minimus'	Minimus Japanese Cypress	5 Gallon	Low	2' O.C.
S-10	Hamamelis x. 'Moria'	Hamamelis	5 Gallon	Moderate	2' O.C.
S-11	Hamamelis x. 'Shanwood Cheer'	Shanwood Cheer Hamamelis	5 Gallon	Moderate	2' O.C.
S-12	Hamamelis x. 'Mardi' (E)	Mardi Yellow Hamamelis	5 Gallon	Moderate	2' O.C.
S-13	Hamamelis x. 'Travis Blue Eyes'	Travis Blue Eyes Hamamelis	5 Gallon	Moderate	2' O.C.
S-14	Hamamelis x. 'Lilla Graciosa'	Lilla Graciosa Hamamelis	5 Gallon	Moderate	2' O.C.
S-15	Hamamelis x. 'Purple de Cap'	Purple de Cap Hamamelis	5 Gallon	Moderate	2' O.C.
S-16	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-17	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-18	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-19	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-20	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-21	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-22	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-23	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-24	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-25	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-26	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-27	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-28	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-29	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-30	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-31	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-32	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-33	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-34	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-35	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-36	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
S-37	Hamamelis x. 'Shanwood Gladstone'	Shanwood Gladstone Hamamelis	5 Gallon	Moderate	2' O.C.
GRASSES, BROOMCOVERS & VINERS					
G-1	Andropogon scoparius	Coast Broomgrass	5 Gallon	High	See Plan
G-2	Andropogon scoparius	Coast Broomgrass	5 Gallon	High	See Plan
G-3	Andropogon scoparius	Coast Broomgrass	5 Gallon	High	See Plan
G-4	Andropogon scoparius	Coast Broomgrass	5 Gallon	High	See Plan
G-5	Andropogon scoparius	Coast Broomgrass	5 Gallon	High	See Plan
G-6	Andropogon scoparius	Coast Broomgrass	5 Gallon	High	See Plan
G-7	Andropogon scoparius	Coast Broomgrass	5 Gallon	High	See Plan
G-8	Andropogon scoparius	Coast Broomgrass	5 Gallon	High	See Plan
G-9	Andropogon scoparius	Coast Broomgrass	5 Gallon	High	See Plan
G-10	Andropogon scoparius	Coast Broomgrass	5 Gallon	High	See Plan
LAWN	Styria	Styria	5 Gallon	High	See Plan

M D FOTHERINGHAM



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Landscape Design



Clayton, CA

Project
**THE OLIVIA ON
MARSH CREEK**

Clayton, CA
SITE 2
6450 Marsh Creek Road
Clayton, CA 94517

Client
William P. Jordan Trust

Sheet Title

**PLANTING
PLAN**

Preliminary Design Submitted #2
Scale
As Shown on Plan

Designed by
MDF

Drawn by
BVS/MDF

Checked by
MDF

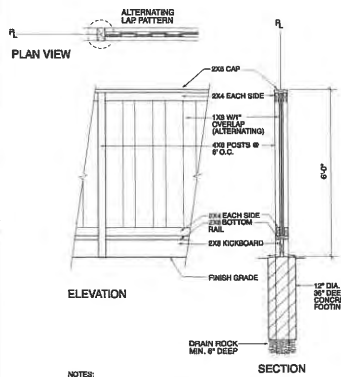
Revisions

Scale Date: JAN 1, 2018
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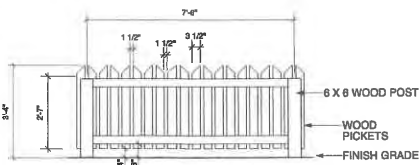
Project Number
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Sheet Number

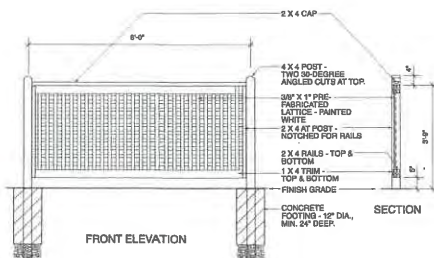
L-6



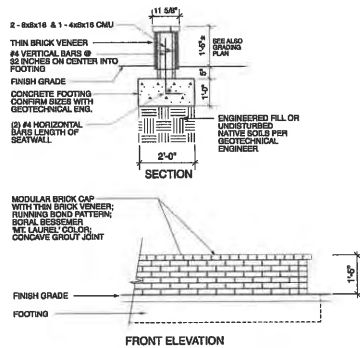
D L7 **GOOD NEIGHBOR FENCE**
1/2" = 1'-0"



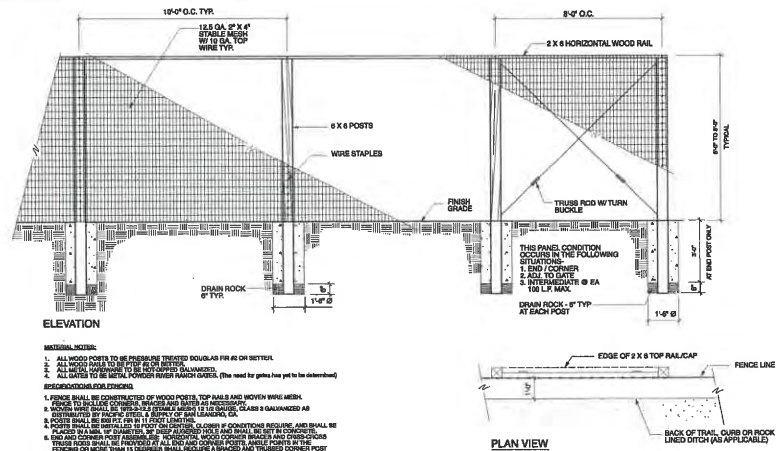
C L7 **40 IN. HIGH PICKET FENCE**
1/2" = 1'-0"



B L7 **WOOD UTILITY SCREEN**
1/2" = 1'-0"



E L7 **BRICK VENEER SEAT WALL**
1/2" = 1'-0"

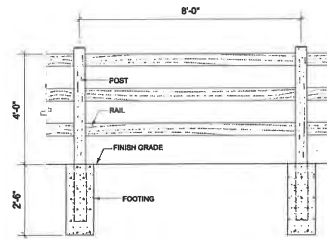


ELEVATION

PLAN VIEW

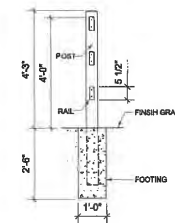
- GENERAL NOTES:**
1. ALL WOOD POSTS TO BE PRESERVE TREATED DOUGLAS FIR #2 OR BETTER.
 2. ALL WOOD JOINTS TO BE PROPERLY DETAILED.
 3. ALL WIRE TO BE HEAVY GROUND SPUN RATCH GAUGE. (This need for galvanized has yet to be determined)
- REGULATORY CONDITIONS:**
1. FENCE SHALL BE CONSTRUCTION OF WOOD PICKETS TOP RAIL & HIDDEN BRICK MESH.
 2. FENCE TO BE CONSTRUCTED OF WOOD PICKETS TOP RAIL & HIDDEN BRICK MESH AS DETERMINED BY PACIFIC TITLE & TITLE OF SAN LEANDRO, CA.
 3. PICKETS SHALL BE 1 1/2" IN LENGTH.
 4. PICKETS SHALL BE 3/8" X 1" PRE-FABRICATED LATTICE AND SHALL BE PLACED 1/2" APART WITH 1/2" GAP BETWEEN TOP AND BOTTOM.
 5. END AND CORNER POST DETAIL TO BE DETERMINED BY ARCHITECT. ALL CORNER POSTS SHALL BE 6" X 6" OR MORE THAN 12" SQUARE SMALL ANGLE BRACES AND TRUSSED CORNER POST REQUIRED.
 6. FENCE BRACES ADJACENT TO DRIVE. FENCE PANELS DIRECTLY ADJACENT TO DRIVE SHALL BE 10' LONG.
 7. FENCE BRACES SHALL BE 2" X 4" OR MORE THAN 12" SQUARE SMALL ANGLE BRACES AND TRUSSED CORNER POST REQUIRED.

G L7 **DEER FENCE**
3/8" = 1'-0"



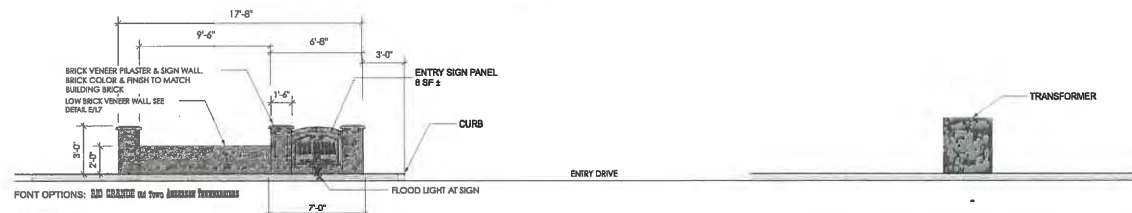
ELEVATION - 3 RAIL FENCE

NOTE: FENCE CAN BE CONSTRUCTED OF WOOD OR CONCRETE



SECTION - 3 RAIL FENCE

F L7 **RANCH FENCE**
1/2" = 1'-0"



A L7 **SECTION AT ENTRY SIGN**
1/4" = 1'-0"

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Contract

Project
THE OLIVIA ON MARSH CREEK
Clayton, CA
SITE 2
4450 Marsh Creek Road
Clayton, CA 94517

Client
William F. Jordan Trust

Sheet Title

CONSTRUCTION DETAILS 1

Preliminary Design Submittal #2

Scale
As Shown on Plan

Designed by
MDF

Drawn by
BMS/PJ/MDF

Checked by
MDF

Revisions

Sheet Date: JUNE 1, 2016

Issue Date: OCTOBER 7, 2019

Project Number
1707

Sheet Number

L-7

WELO CALCULATIONS

WATER EFFICIENCY LANDSCAPE ORDINANCE PROJECT SUMMARY

prepared by: MD Fotheringham, Landscape Architects, Inc. 1700 North Broadway, Suite 300 Walnut Creek, CA 94598 925-938-6282

PROJECT NAME: The Olivia at Marsh Creek - Site 2 Date: 10/7/19
 CITY LOCATION: Clayton ETo LOCATION: Concord
 LANDSCAPE ARCHITECT: Michael D. Fotheringham, Landscape Architects - CA #2181
 Total Landscape Area (SFL) 12,021 Total Calculated Irrigation Area (SFL) 12,021
 Annual ETo (inches) 43.3 Total Special Landscape Areas: 0

INCLUDED IN THIS PROJECT SUBMITTAL PACKAGE: (Check to indicate completion)

	gallons/year without mulch	gallons/year with mulch
<input checked="" type="checkbox"/> 1 Maximum Applied Water Allowance:	177,484	177,484
<input checked="" type="checkbox"/> 2 Estimated Total Water Use:	169,521	169,521
<input checked="" type="checkbox"/> 3 Estimated Water Savings:	7,963	7,963
	4.5%	4.50%

Note: If the design assumes that a part of the ETWU will be provided by precipitation, the Effective Precipitation (Epppt) statement shall be completed and submitted.

- 4 Hydrozone Report
- 5 Soil Fertility Analysis
- 6 Grading Design Plan
- 7 Planting Design Plan
- 8 Irrigation Design Plan
- 9 Irrigation Schedule

POST-INSTALLATION INSPECTION:

- Maintenance Schedule
- Irrigation Audit
- Photo (submitted as specified) (substitutions accepted)
- Irrigation system tender as designed (as-built included)
- Landscape Irrigation audit performed
- Submitted package and this certification package have been provided to owner, holding of the manager and local water agency.

1

WELO MAXIMUM APPLIED WATER ALLOWANCE

prepared by: MD Fotheringham, Landscape Architects, Inc. 1700 North Broadway, Suite 300 Walnut Creek, CA 94598 925-938-6282

PROJECT NAME: The Olivia at Marsh Creek - Site 2 Date: 10/7/19
 CITY OF: Clayton ETo Location: Concord
 SECTION B1 MAXIMUM APPLIED WATER ALLOWANCE
 MAMA = ETo x .82 x (.55 x HA) + (.45 x SLA)
 YEARLY ETo 43.3
 CONVERSION FACTOR 0.62
 ET ADJUSTMENT FACTOR 0.55
 TOTAL IRRIGATED LANDSCAPE AREA (HA In Square Feet) 12,021
 SPECIAL LANDSCAPE AREA (SLA In Square Feet) 0
 MAXIMUM APPLIED WATER ALLOWANCE (gallons/year) 177,484
 TOTAL ACRE FEET 0.54

CALCULATIONS:
 $43.3 \times 0.62 \times 0.55 \times 12,021 + 0.45 \times 0 = 177,484$

Effective Precipitation (Epppt) Use 25% of annual precipitation in the following equation:
 MAMA = (ETo - Epppt) x .82 x (.55 x HA) + (.45 x SLA)

YEARLY ETo 43.3
 EFFECTIVE PRECIPITATION (Epppt) = .XX.XX in/yr x .25 0
 NET ETo 43.3
 CONVERSION FACTOR 0.62
 ET ADJUSTMENT FACTOR 0.55
 TOTAL IRRIGATED LANDSCAPE AREA (HA In Square Feet) 12,021
 SPECIAL LANDSCAPE AREA (SLA In Square Feet) 0
 MAXIMUM APPLIED WATER ALLOWANCE (gallons/year) 177,484
 TOTAL ACRE FEET 0.54
 CALCULATIONS:
 $43.3 \times 0.62 \times 0.55 \times 12,021 + 0.45 \times 0 = 177,484$

RESULTS: Irrigation reductions by adding precipitation (gallons/year): 0

2

WELO ESTIMATED TOTAL WATER USE

prepared by: MD Fotheringham, Landscape Architects, Inc. 1700 North Broadway, Suite 300 Walnut Creek, CA 94598 925-938-6282

PROJECT NAME: The Olivia at Marsh Creek - Site 2 Date: 10/7/19
 CITY OF: Clayton ETo City: Concord
 SECTION B2 ESTIMATED TOTAL WATER USE (ETWU, gallons per year)
 ETWU = ETo x .82 x (SFL x HA/1E) + SLA

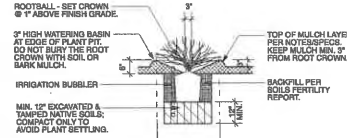
Calculate the following for each Hydrozone (HZ):
 YEARLY ETo (inches per year) 43.3
 CONVERSION FACTOR (to gallons per square foot) 0.62
 AVG P/P - PLANT FACTOR (plant water demand, defined for each hydrozone) 0.33
 TOTAL IRRIGATED LANDSCAPE AREA (HA In Square Feet) 12,021
 SPECIAL LANDSCAPE AREA (SLA In Square Feet) 0
 AVG IE - IRRIGATION EFFICIENCY FACTOR (minimum .75) 0.80
 TOTAL ESTIMATED TOTAL WATER USE (gallons/year) 169,521
 TOTAL ACRE FEET 0.52

CALCULATIONS:

YEARLY CONVERSION ETo FACTOR	HZ	PLANT SPECIFICATION	IRRIGATION FACTOR	ETWU PER SQ FT	ETWU PER ACRE	ETWU PER ACRE	% LANDSCAPE	ETWU PER ACRE
43.3	0.62	0.33	0.80	0.81	0.25	2,629	20.9%	112
43.3	0.62	1	0.80	0.81	0.48	21,844	19.8%	118
43.3	0.62	3	0.80	0.81	0.25	98	0.8%	54
43.3	0.62	4	0.80	0.75	1.07	6,832	25.3%	328
43.3	0.62	5	0.80	0.81	0.25	1,681	3.7%	162
43.3	0.62	6	0.80	0.81	0.48	812	1.1%	382
43.3	0.62	7	0.80	0.81	0.25	618	3.2%	123
43.3	0.62	8	0.80	0.81	0.12	18	0.1%	7
43.3	0.62	9	0.80	0.81	0.48	144	1.0%	71
43.3	0.62	10	0.80	0.25	384	2.6%	3.9%	61
Special Landscape Area 0								

TOTALS:
 200,000 GPD
 0.52 ACRE FEET
 169,521 GPD
 0.52 ACRE FEET

3

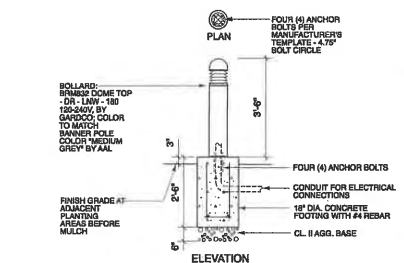
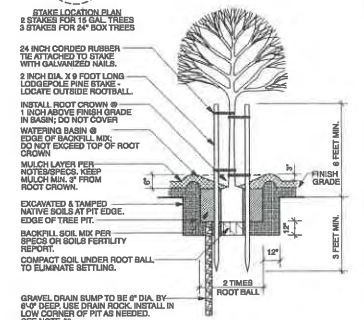
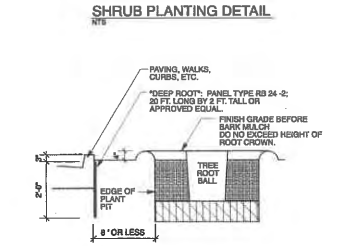


- NOTES:
 1. PLACE STAKES PLUMB & AS SHOWN IN STAKE LOCATION PLAN.
 2. TREES SHALL NOT BE ROOT-BOUND. CAREFULLY SOAKY ROOTBALL BEFORE PLANTING.
 3. ELIMINATE WATER BASIN WHEN TREES ARE PLANTED IN LAWN.
 4. USE WOOD STAKES FOR 16 GALLON & 24" BOX CONTAINERS.
 5. TREE PIT SHALL BE 1 TO 1. THESE DIMETERS OF ROOT BALL IN CLAY SOILS OR SANDY CONDITIONS.
 6. TREE PIT PERCOLATION TESTS SHALL BE PERFORMED IN CLAY SOILS OR SANDY CONDITIONS. SEE PLANTING NOTE #1, SHEET L-13 FOR TEST PARAMETERS.
 7. SEE ADDITIONAL NOTES ON COVER SHEET.



- STAKE LOCATION PLAN
 2 STAKES FOR 16 GAL. TREES
 3 STAKES FOR 24" BOX TREES

- NOTES:
 1. FOR GROUND COVER AREAS, ROOTBALL AMENDMENTS AS RECOMMENDED BY SOILS REPORT OR TO 6" DEPTH AFTER CROSS-RIPPING SUBGRADE TO 12" DEPTH.
 2. SIDES AND BOTTOM OF PLANT PIT SHALL BE SCARIFIED BEFORE PLANTING.
 3. ADD AGRIFORM PLANT TABLETS OR APPROVED EQUAL AT MANUFACTURER'S RATES, 1/2 DOWN FROM TOP OF BACKFILL.



D L8 LIGHT BOLLARD
 1 1/2" x 1'-0"



C L8 TRASH RECEPTACLE
 NTS

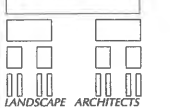


B L8 BICYCLE RACK
 NTS



A L8 BENCH W/BACK/BACKLESS
 NTS
 (See architectural dwgs for alternate wood bench)

M D FOTHERINGHAM



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 Email: md@mdfotheringham.com

Landscape Architects



Concumbate

Project
THE OLIVIA ON MARSH CREEK
 Clayton, CA
SITE 2
 6450 Marsh Creek Road
 Clayton, CA 94517

Client
 William P. Jordan Trust

Sheet Title

CONSTRUCTION DETAILS 2

Preliminary Design: Submittal #2

Scale
 As Shown on Plan

Designed by
 MDF

Drawn by
 BHP/MDF

Checked by
 MDF

Revised

Sheet Date: JUNE 1, 2018
 Issue Date: OCTOBER 2, 2019

Project Number
 1707

Sheet Number

L-8



T-1 *Arbutus x 'Marina'* or *Arbutus unedo* (N-E)
Strawberry Tree



T-2 *Cedrus deodara* (E)
Deodar Cedar



T-3 *Pistacia chinensis* (D)
Chinese Pistache



T-4 *Cercis occidentalis* (N-D)
Western Redbud



T-5 *Chilopsis linearis* (N-D)
Desert Willow



T-6 *Lagerstroemia x 'Muskogee'* (D)
Lavender Crape Myrtle



T-7 *Platanus a. 'Bloodgood'* (D)
London Plane Tree



T-8 *Magnolia grandiflora* (E)
Southern Magnolia



T-9 *Quercus agrifolia* (N-E)
Coast Live Oak

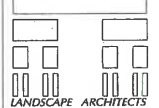


T-10 *Quercus lobata* (N-D)
Valley Oak



T-11 *Umbellularia californica* (N-E)
California Bay Tree

M D FOTHERINGHAM



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License Stamp



Consultants

Project
**THE OLIVIA ON
MARSH CREEK**
Clayton, CA
ALL SITES

Client
William P. Jordan Trust

Sheet Title

TREE IMAGES

Preliminary Design Submittal #2

Scale
As Shown on Plan

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MDF

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Checked by
MDF

Revisions

Issue Date: JUNE 1, 2018
Issue Date: OCTOBER 7, 2019

Project Number
1707

Sheet Number

SITE 3

The Olivia on Marsh Creek

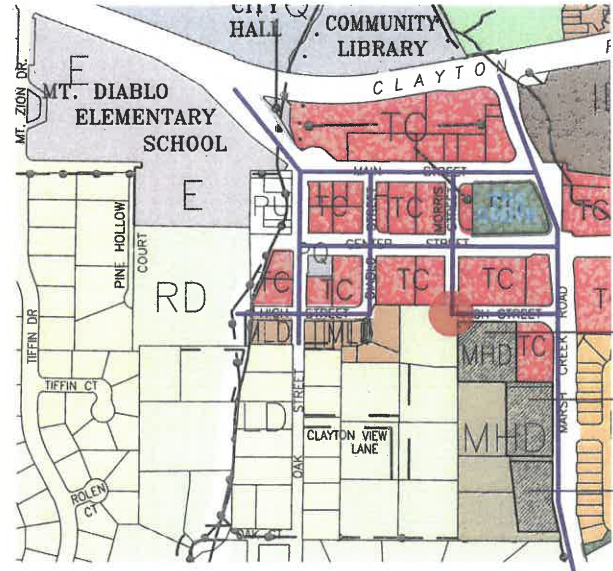
6490 Marsh Creek Road
Clayton, CA 94517



- SITE 1
The Olivia on Marsh Creek
- SITE 2
The Olivia on Marsh Creek
- SITE 3
The Olivia on Marsh Creek

DOWNTOWN DISTRICT

-  BUILDING FOOTPRINTS IN DOWNTOWN CLAYTON
-  PROPOSED PROJECT



CONNECTIVITY DIAGRAM

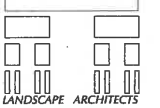
-  PEDESTRIAN NETWORK IN DOWNTOWN CLAYTON
-  NEW SIDEWALK

RECEIVED

OCT 14 2019

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT.

M. D. FOTHERINGHAM



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Project
THE OLIVIA ON MARSH CREEK
Clayton, CA
SITE 3
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Clayton, CA 94517
Client
William P. Jordan Trust

Sheet Title

CONTEXT PLAN

Preliminary Design Submittal #2

Scale
As Shown on Plan

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MDF

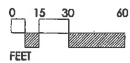
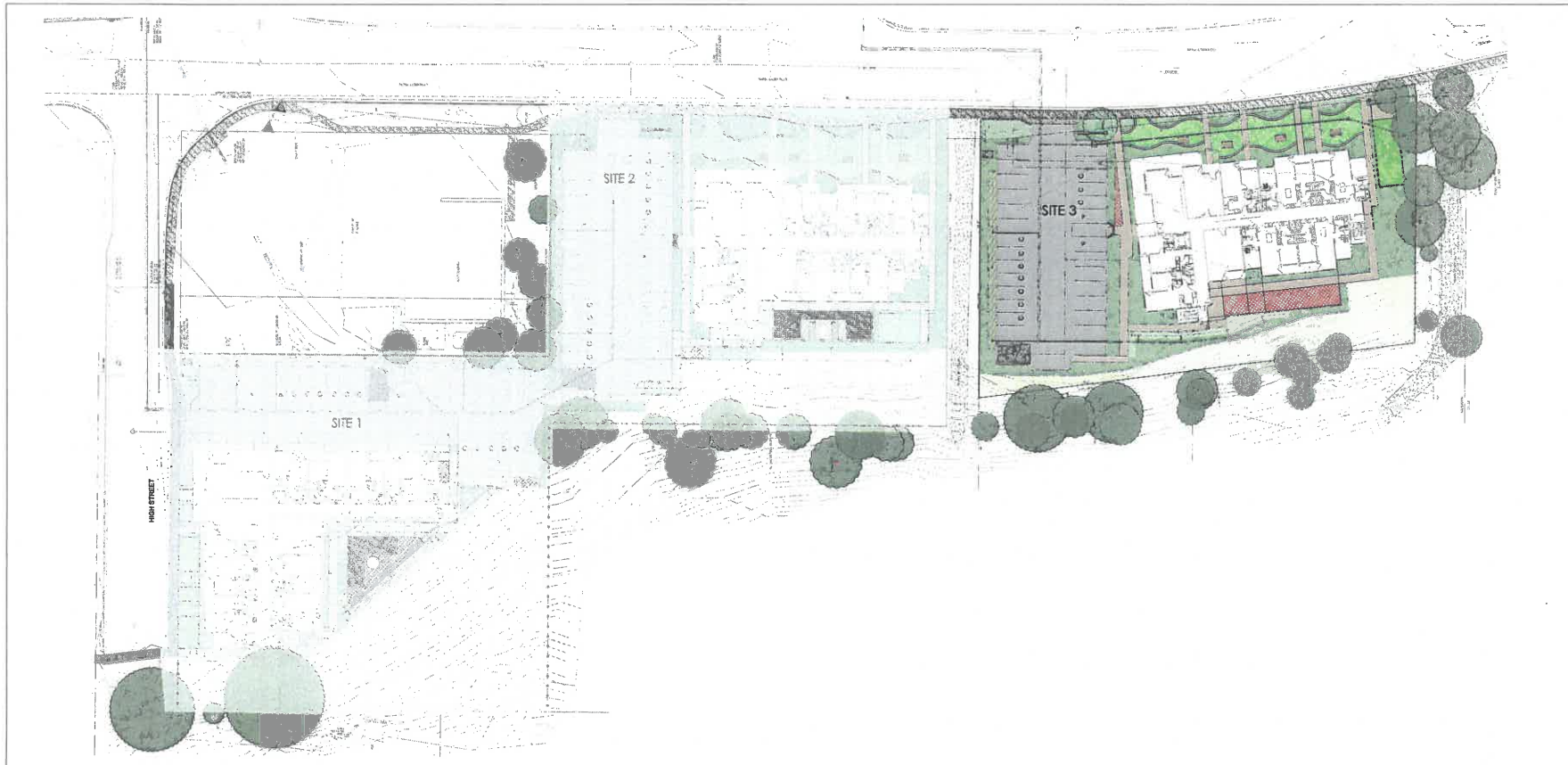
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MDF

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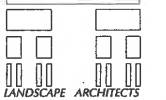
Sheet Date: JUNE 1, 2018
Issue Date: OCTOBER 7, 2019
Project Number
1707
Sheet Number

L-1



**SITE 3
LOCATION PLAN**

M. D. FOTHERINGHAM



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License Stamp



Coordinates

Project
**THE OLIVIA ON
MARSH CREEK**
Clayton, CA
SITE 3
6490 Marsh Creek Road
Clayton, CA 94517

Client
William F. Jordan Trust

Sheet Title

**SITE 3
LOCATION
PLAN**

Preliminary Design Submittal #2

Scale
As Shown on Plan

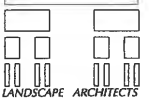
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Sheet Date: JUNE 1, 2018
Issue Date: OCTOBER 7, 2019
Project Number
1707
Sheet Number



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Lianne Shung



Coauthors

Project
THE OLIVIA ON MARSH CREEK
Clayton, CA
SITE 3
6490 Marsh Creek Road
Clayton, CA 94517
Client
William P. Jordan Trust

Sheet Title

OPEN SPACE CALCULATIONS

Preliminary Design Submittal #2

Scale
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Project Number
1707

Sheet Number
L-3



OPEN SPACES PLAN VIEW

SITE 3 LAND ACCOUNT

-  BUILDING FOOTPRINT: 10,916 SF
-  PARKING/UTILITY PAVEMENT: 9,240 SF
-  ACTIVE OPEN SPACE: 15,991 SF
-  PASSIVE OPEN SPACE/SLOPE AREA: 4,456 SF

TOTAL: 40,603 SF (Does not include offsite)

17.20.150 Item C
Minimum Landscape Area Required = 20% of 40,603 SF = 8,121 SF
Landscape Area Provided = 21,047 SF (51.8%)
Minimum Vegetated Landscape Required = 75% of 8,121 SF = 6,091 SF
Vegetated Landscape Provided = 15,261 SF

17.28.100
Minimum Open Space Required = 20% of 40,603 SF = 8,121 SF
Open Space Provided = 21,047 SF (51.8%)
Minimum Active Open Space Required = 51% of 8,121 SF = 4,142 SF
Active Open Space Provided = 19,834 SF

**THE OLIVIA ON MARSH CREEK - SITE 3
LANDSCAPE & OPEN SPACE CALCULATIONS**

SITE IMPROVEMENT	QUANTITY
Building Footprint	10,916 SF
Concrete Footprint	0 SF
Parking	9,211 SF
Sidewalk	613 SF
Utility Pavement	29 SF
Grass Planted & Built	1,901 SF
Street Planting Areas (includes offsite)	8,258 SF
Lawn	7,578 SF
Sloped Open Space Revegetation	4,653 SF
Sloped Open Space Reserve	0 SF
Manhole	27 SF
Pedestrian Circulation	4,798 SF
Actual number totalled (includes offsite)	41,814 SF
TOTAL LANDSCAPE AREA	31,690 SF
TOTAL OPEN SPACE AREA	21,650 SF
TOTAL LOT AREA (includes offsite areas)	41,814 SF
OPEN SPACE AREA PERCENTAGE	51.8%
LANDSCAPE AREA PERCENTAGE	51.8%

NOTE: The landscape improvements listed above include offsite improvements along the Marsh Creek Road frontage.



TRASH ENCLOSURE

D GOOD NEIGHBOR L7 FENCE

MATCHLINE SITE 2 PLANS

C3 FLOW THROUGH PLANTER

C C C C C C C C C C

PARKING (28 Spaces)

TRANSFORMER

IRRIGATION POC

A L7 ENTRY SIGN WALL

B L8 BIKE RACK (FOUR BIKES)

Marsh Creek Road

D L8 BOLLARD LIGHT

C3 SWALE

G L7 DEER FENCE

ENHANCED PAVING

A L8 BENCH

OUTDOOR ROOM

C L8 TRASH RECEPTACLE

SHADE ARBOR

RETAINING WALL - SEE CIVIL PLANS

C L7 PICKET FENCE

FIRE DEPT LADDER PAD

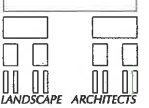
SITE LIGHT FIXTURE

PICKET FENCE & GATE SURROUNDING SMALL DOG PARK WITH BENCHES

EXISTING TREES TO BE PRESERVED

SITE 3 LAYOUT PLAN

M. D. FOTHERINGHAM



LANDSCAPE ARCHITECTS

License Stamp



Contributor

Project
THE OLIVIA ON MARSH CREEK
Clayton, CA

SITE 3
6490 Marsh Creek Road
Clayton, CA 94517

Client
William P. Jordan Trust

Sheet Title

LAYOUT PLAN

Preliminary Design Submittal #2

Scale
As Shown on Plan

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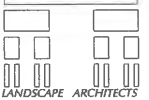
Revisions

Start Date: JUNE 1, 2019
Issue Date: OCTOBER 7, 2019

Project Number
1707

Sheet Number

L-4



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Louise Sharp



Consultant

Project
THE OLIVIA ON MARSH CREEK
 Clayton, CA
SITE 3
 6490 Marsh Creek Road
 Clayton, CA 94517

Client
 William P. Jordan Trust

Sheet Title

HYDROZONE PLAN

Preliminary Design Submitted #2

Scale
 As Shown on Plan

Designed by
 MDF

Drawn by
 RHSP/MDF

Checked by
 MDF

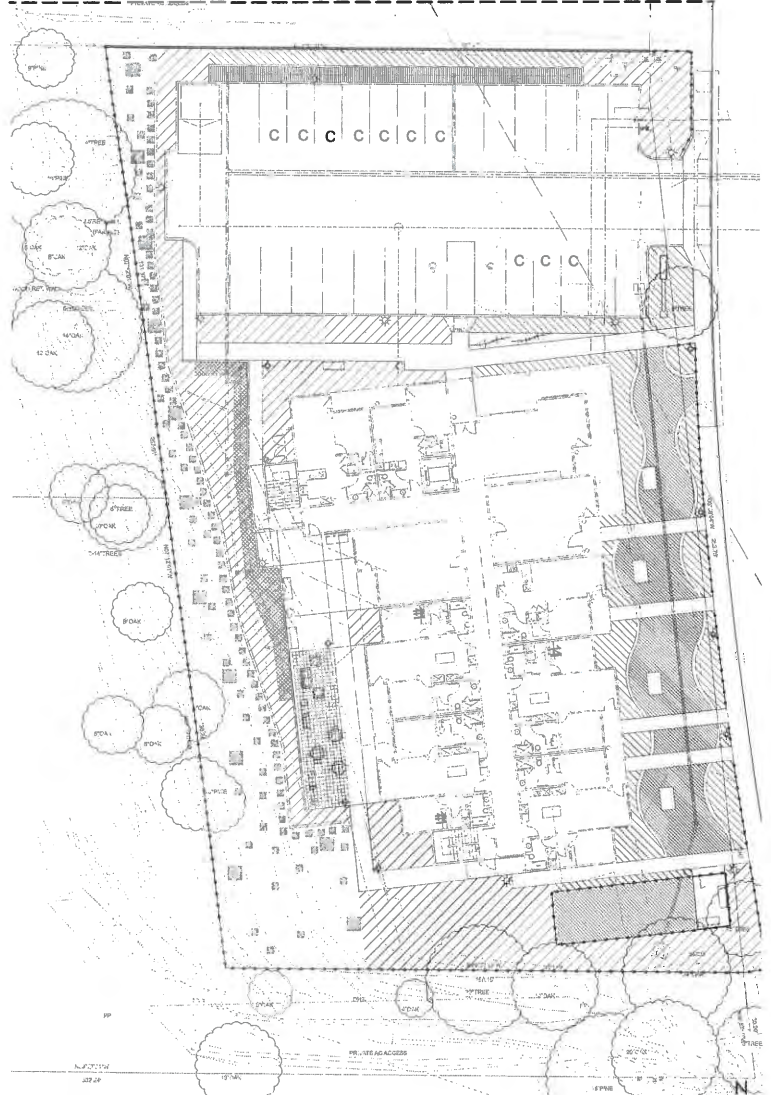
Revisions









Issue Date: JUNE 1, 2018
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Project Number
 1707
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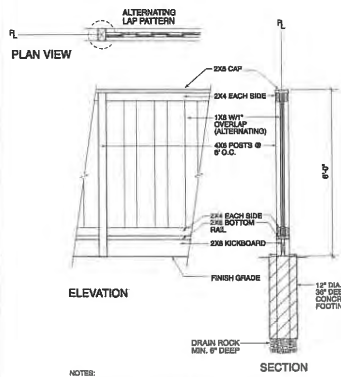
MATCHLINE SITE 2 PLANS



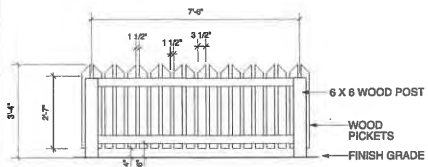
HYDROZONE LEGEND

-  S/W PLANTING - LOW WATER DEMAND
-  N/E PLANTING - MODERATE WATER DEMAND
-  LAWN/TURF/ANNUALS - HIGH WATER DEMAND
-  C3 FLOW THROUGH PLANTER - MODERATE WATER DEMAND
-  C3 SWALE PLANTING - MODERATE WATER DEMAND
-  SLOPED OPEN SPACE REVEGETATION PLANTING - LOW WATER DEMAND

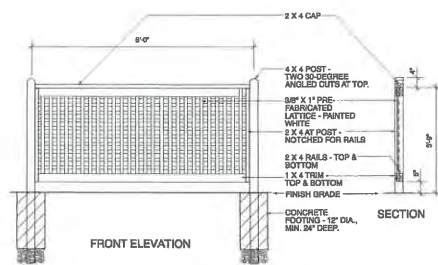
**SITE 3
 HYDROZONE PLAN**



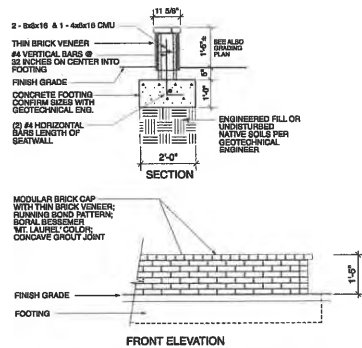
D
L7
GOOD NEIGHBOR FENCE
1/2" = 1'-0"



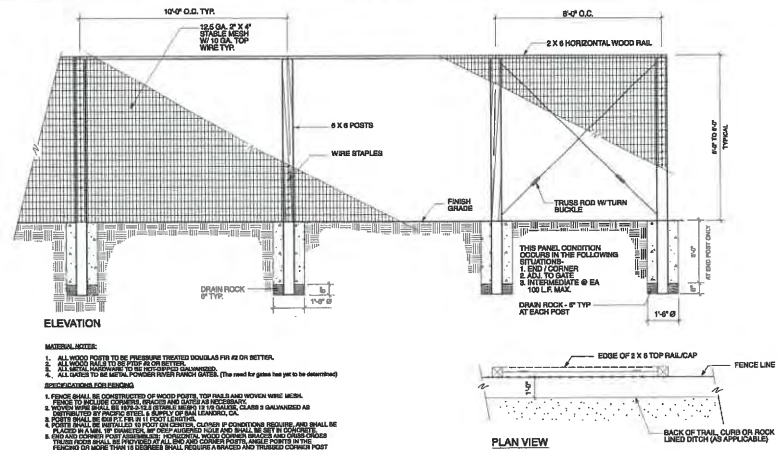
C
L7
40 IN. HIGH PICKET FENCE
1/2" = 1'-0"



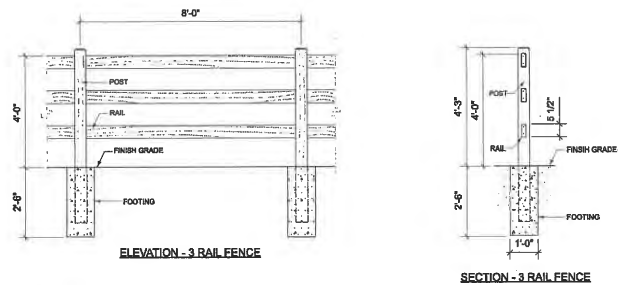
B
L7
WOOD UTILITY SCREEN
1/2" = 1'-0"



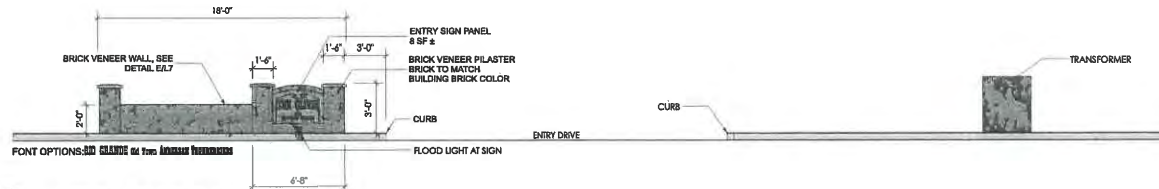
E
L7
BRICK VENEER SEAT WALL
1/2" = 1'-0"



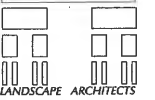
G
L7
DEER FENCE
3/8" = 1'-0"



F
L7
RANCH FENCE
1/2" = 1'-0"



A
L7
SECTION AT ENTRY SIGN
1/2" = 1'-0"



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Fax: 925-939-5394
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License No. 10000



Contract

Project
THE OLIVA ON MARSH CREEK

Clayton, CA
SITE 3
6490 Marsh Creek Road
Clayton, CA 94517

Client
William P. Jordan Trust

Sheet Title

CONSTRUCTION DETAILS 1

Preliminary Design Submittal #2

Scale
As Shown on Plan

Designed by
MDF

Drawn by
BVS/MDF

Checked by
MDF

Revisions



Start Date: JUNE 1, 2018
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1707

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L-7

WELO CALCULATIONS

WATER EFFICIENCY LANDSCAPE ORDINANCE

PROJECT SUMMARY

PROJECT NAME: The Olivia at Marsh Creek - Site 3 Date: 10/7/19

CITY LOCATION: Clayton ETo LOCATION: Concord

LANDSCAPE ARCHITECT: Michael D. Fotheringham, Landscape Architects, CA #1287

Total Landscape Area (ETo)	13,089	Total Calculated Hydrozone Area (ETo)	13,089
Annual ETo (gallons)	43.3	Total Annual Landscape Areas	0

INCLUDED IN THIS PROJECT SUBMITTAL PACKAGE

- Check to indicate completion:
- 1 Maximum Applied Water Allowance: 183,411 183,411 183,411
 - 2 Estimated Total Water Use: 104,987 184,987
 - 3a Estimated Water from Effective Precipitation: 0
 - 3b Estimated Water Savings: 28,424 28,424 183,411
 - 3c Estimated Water Savings: 14,706 14,706
- Note: ETo design assumes that a part of the ETo will be provided by precipitation, the Effective Precipitation (Epp) value shall be completed and submitted.
- 4 Hydrozone Report
 - 5 Soil Fertility Analysis
 - 6 Grading Design Plan
 - 7 Planting Design Plan
 - 8 Irrigation Design Plan
 - 9 Irrigation Schedule
- POST-INSTALLATION INSPECTION:**
- A Maintenance Schedule
 - B Irrigation Audit
 - C Plants installed as specified (substitutions accepted)
 - D Irrigation system installed as designed (as-built included)
 - E Landscape irrigation audit performed
 - F Submitted package and site certification package have been provided to owner, building or utility manager and local water agency.

MD Fotheringham, Landscape Architects, Inc.
1700 North Broadway, Suite 300
Walnut Creek, CA, 94598
925-939-8292

WELO MAXIMUM APPLIED WATER ALLOWANCE

MD Fotheringham, Landscape Architects, Inc.
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Walnut Creek, CA, 94598
925-939-8292

PROJECT NAME: The Olivia at Marsh Creek - Site 3 Date: 10/7/19

CITY OF: Clayton ETo Location: Concord

SECTION B1 MAXIMUM APPLIED WATER ALLOWANCE
MAWA = ETo x .55 x (HA) + (.45 x SLA)

YEARLY ETo	43.3
CONVERSION FACTOR	0.62
ET ADJUSTMENT FACTOR	0.55
TOTAL IRRIGATED LANDSCAPE AREA (HA in Square Feet)	13,089
SPECIAL LANDSCAPE AREA (SLA in Square Feet)	0
MAXIMUM APPLIED WATER ALLOWANCE (gallons/year)	183,411
TOTAL ACRE FEET	0.59

CALCULATIONS:
43.3 x 0.62 x 0.55 x 13,089 + 0.45 x 0 = 183,411

Effective Precipitation (Epp)
Use 25% of annual precipitation in the following equation:
MAWA = (ETo - Epp) x .62 x (HA) + (.45 x SLA)

YEARLY ETo	43.3
EFFECTIVE PRECIPITATION (Epp) = XXX in/yr x .25	0
NET ETo	43.3
CONVERSION FACTOR	0.62
ET ADJUSTMENT FACTOR	0.55
TOTAL IRRIGATED LANDSCAPE AREA (HA in Square Feet)	13,089
SPECIAL LANDSCAPE AREA (SLA in Square Feet)	0
MAXIMUM APPLIED WATER ALLOWANCE (gallons/year)	183,411
TOTAL ACRE FEET	0.59

CALCULATIONS:
43.3 x 0.62 x 0.55 x 13,089 + 0.45 x 0 = 183,411

RESULTS: Irrigation reduction by adding precipitation (gallons/year): 0

WELO ESTIMATED TOTAL WATER USE

MD Fotheringham, Landscape Architects, Inc.
1700 North Broadway, Suite 300
Walnut Creek, CA, 94598
925-939-8292

PROJECT NAME: The Olivia at Marsh Creek - Site 3 Date: 10/7/19

CITY OF: Clayton ETo City: Concord

SECTION B2 ESTIMATED TOTAL WATER USE (ETWU, gallons per year)
ETWU = ETo x .52 x (ETo) + (SLA)

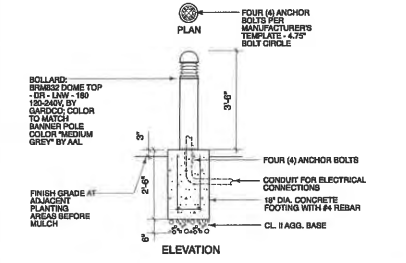
Calculate the following for each Hydrozone (H2):

YEARLY ETo (gallons per year)	43.3
CONVERSION FACTOR (to gallons per square foot)	0.62
AVG PF - PLANT FACTOR (plant water demand, desired for each hydrozone)	0.34
TOTAL IRRIGATED LANDSCAPE AREA (HA in Square Feet)	13,089
SPECIAL LANDSCAPE AREA (SLA in Square Feet)	0
AVG IE - IRRIGATION EFFICIENCY FACTOR (minimum .75)	0.80
TOTAL ESTIMATED TOTAL WATER USE (gallons/year)	164,987
TOTAL ACRE FEET:	0.51

CALCULATIONS:

YEARLY COMBINED H2 ETo FACTOR	H2	HYDROZONE NO.	PLANT FACTOR	IRRIGATION EFFICIENCY	ETWU (GALLONS PER YEAR)	ETWU (ACRE FEET)	% OF TOTAL ETWU
43.3	0.82	1	Special Landscape Area	0.80	0.81	0.25	0.25%
43.3	0.82	2	Non-Plant Medium	0.30	0.21	0.40	0.40%
43.3	0.82	3	Non-Plant High	0.20	0.20	0.20	0.20%
43.3	0.82	4	Annual-Low	0.80	0.76	1.07	1.07%
43.3	0.82	5	Annual-Medium	0.60	0.50	0.66	0.66%
43.3	0.82	6	Annual-High	0.40	0.33	0.44	0.44%
43.3	0.82	7	Tree-Low	0.30	0.25	0.33	0.33%
43.3	0.82	8	Tree-Medium	0.20	0.17	0.22	0.22%
43.3	0.82	9	Tree-High	0.10	0.08	0.11	0.11%
43.3	0.82	10	Special Landscape Area	0.80	0.81	0.25	0.25%

TOTAL: 164,987 0.51 100.00%



D LB LIGHT BOLLARD
12" x 1'-0"



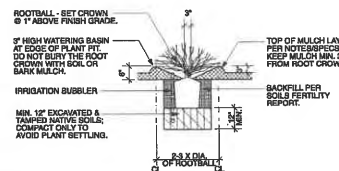
C LB TRASH RECEPTACLE
NTS



B LB BICYCLE RACK
NTS

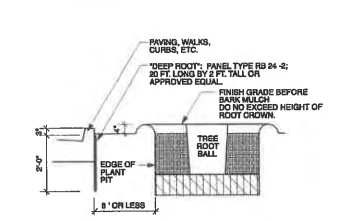


A LB BENCH W/BACK/BACKLESS
NTS
(See architectural dwgs for alternate wood bench)



- NOTES:
- FOR GROUND COVER AREAS, ROOTBALL AMENDMENTS AS RECOMMENDED BY SOILS REPORT OR TO 8\"/>
 - SIDES AND BOTTOM OF PLANT PIT SHALL BE SCARIFIED BEFORE PLANTING.
 - ADD AGRIFORM PLANT TABLETS OR APPROVED EQUAL AT MANUFACTURER'S RATES, 1/2 DOWN FROM TOP OF BACKFILL.

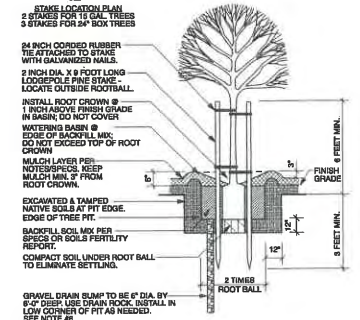
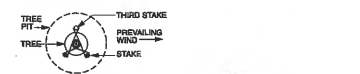
SHRUB PLANTING DETAIL



ROOT BARRIER DETAIL



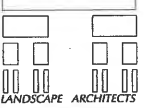
- NOTES:
- PLACE STAKES PLUMB & AS SHOWN IN STAKE LOCATION PLAN.
 - TREES SHALL NOT BE ROOT-BOUNDED. CAREFULLY SCARIFY ROOTBALL BEFORE PLANTING.
 - ELIMINATE WATER BASIN WHEN TREES ARE PLANTED IN LAWN.
 - USE WOOD STAKES FOR 16 GALLON & 24\"/>
 - TREE PIT SHALL BE 3 TO 5 TIMES DIAMETER OF ROOT BALL IN CLAY SOILS OR HARDENED CONDITIONS.
 - TREE PIT PERCOLATION TESTS SHALL BE PERFORMED IN CLAY SOILS OR HARDENED CONDITIONS. SEE PLANTING NOTE #6, SHEET L-13 FOR TEST PARAMETERS.
 - SEE ADDITIONAL NOTES ON COVER SHEET.



TREE INSTALLATION DETAIL



M. D. FOTHERINGHAM



1700 North Broadway, Suite 300
Walnut Creek, CA 94598
Telephone: 925-939-8292
Fax: 925-939-8294
email: mdf@mdfotheringham.com

Landscape Design



Consultants

Project
THE OLIVIA ON MARSH CREEK

Clayton, CA
SITE 3
6490 Marsh Creek Road
Clayton, CA 94517

Client:
William P. Jordan Trust

Sheet Title

CONSTRUCTION DETAILS 2

Preliminary Design Submittal #2

Scale:
As Shown on Plan

Designed by:
MDF

Drawn by:
BVS/P/MDF

Checked by:
MDF

Revisions:

Sheet Date: JUNE 1, 2018
Issue Date: OCTOBER 7, 2019

Project Number:
1707

Sheet Number



T-1 *Arbutus x. 'Marina'* or *Arbutus unedo* (N-E)
Strawberry Tree



T-2 *Cedrus deodara* (E)
Deodar Cedar



T-3 *Pistacia chinensis* (D)
Chinese Pistache



T-4 *Cercis occidentalis* (N-D)
Western Redbud



T-5 *Chilopsis linearis* (N-D)
Desert Willow



T-6 *Lagerstroemia x. 'Muskogee'* (D)
Lavender Crape Myrtle



T-7 *Platanus a. 'Bloodgood'* (D)
London Plane Tree



T-8 *Magnolia grandiflora* (E)
Southern Magnolia



T-9 *Quercus agrifolia* (N-E)
Coast Live Oak

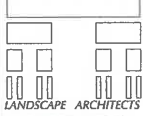


T-10 *Quercus lobata* (N-D)
Valley Oak



T-11 *Umbellularia californica* (N-E)
California Bay Tree

M. D. FOTHERINGHAM



1702 North Broadway, Suite 900
Walnut Creek, CA 94596
Telephone: 925-939-6582
Direct: 925-939-2254
email: md@mdfotheringham.com

License Stamp



Consultants

Project
**THE OLIVA ON
MARSH CREEK**
Clayton, CA
ALL SITES

Client
William P. Jordan Trust

Sheet Title

**TREE
IMAGES**

Preliminary Design Submittal #2

Scale
As Shown on Plan

Designed by
MDF

Drawn by
BH/SP/MDF

Checked by
MDF

Revisions



Sheet Date: JUNE 1, 2018
Issue Date: OCTOBER 7, 2019

Project Number
1707

Sheet Number

L-9

SITE PLAN

THE OLIVIA ON MARSH CREEK

6170 HIGH STREET

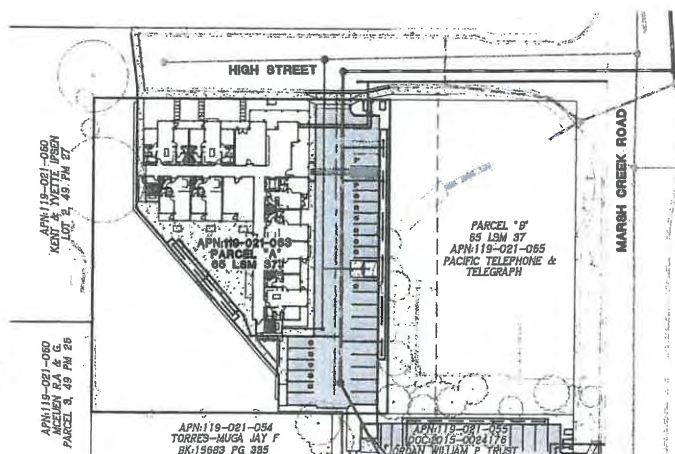
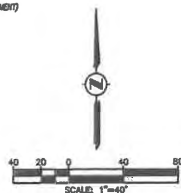
CITY OF CLAYTON, CONTRA COSTA COUNTY, CALIFORNIA

GENERAL NOTES

1. OWNER/DEVELOPER
WILLIAM P. JORDAN TRUST
8850 MARSH CREEK ROAD
CLAYTON, CA 94517
PHONE: (925) 672-7249
2. ARCHITECT
DESIGN & DEVELOPMENT
3085 TULLOCH AVENUE, SUITE A
OAKLAND, CA 94609
PHONE: (510) 535-7370
CONTACT: JOHN HEDSON
3. CIVIL ENGINEER
MILANI AND ASSOCIATES
2055 STAMPALE DRIVE, SUITE 105
CONCORD, CA 94529
PHONE: (925) 674-0082
CONTACT: KEVIN ALDOCK
4. GEOTECHNICAL ENGINEER
FRAN ASSOCIATES, INC.
2630 HICKOLSON STREET
SAN LEANDRO, CA 94577
PHONE: (510) 351-3630
CONTACT: GREG FRANK
GEOTECHNICAL PROJECT NO. 1794
5. ARBORIST
SICA TREE CONSULTING
1534 ROSE STREET
CONCORD, CA 94529
PHONE: (510) 782-3075
CONTACT: STEVE BACHELDER
6. SITE ADDRESS: 6170 HIGH STREET, CLAYTON, CA 94517
7. ASSESSOR PARCEL NUMBER: 119-021-083
8. TOTAL SITE AREA: 1.11 AC (48,378 SF)
9. CA DESIGNATION: MND (5.1 TO 20 UNITS PER GROSS ACRE)
10. EXISTING ZONING: PD (PLANNED DEVELOPMENT)
11. PROPOSED ZONING: MND (MULTI-FAMILY, HIGH DENSITY); PD (PLANNED DEVELOPMENT)
12. EXISTING USE: VACANT LOT
13. PROPOSED USE: MULTI-FAMILY RESIDENTIAL/APARTMENTS
14. TOTAL NUMBER OF UNITS: 1 LOT
15. UTILITIES & SERVICES
WATER: CONTRA COSTA WATER DISTRICT
SEWER: CITY OF CONCORD
GAS & ELECTRIC: PACIFIC GAS & ELECTRIC
TELEPHONE: AT&T
CABLE: COMCAST
POLICE: CITY OF CLAYTON
DRAINAGE: CONTRA COSTA COUNTY FLOOD CONTROL & CONSERVATION DISTRICT (CCCD/CARD)
16. NO PUBLIC AREAS ARE PROPOSED.
17. FLOOD ZONE: "X" (OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLANE)
(PANEL 0302F DATED: 06/16/2009)
18. LEGAL DESCRIPTION: PARCEL "A" AS SHOWN ON THE RECORD OF SURVEY, RECORDED MARCH 7, 1979
IN BOOK 81 OF UNDEVELOPED SURVEYORS' MAPS, PAGE 17, CONTRA COSTA COUNTY.
19. EXISTING CONDITIONS BASED ON FIELD TOPOGRAPHIC SURVEY BY MILANI & ASSOCIATES COMPLETED NOVEMBER, 2013.

BASIS OF BEARINGS:
FOUND TWO 1/4" IRON PIPES AS SHOWN
ON 68 LSM 37, TAKEN AS N00035127E

BENCHMARK:
FOUND BRASS DISK STAMPED
"PT 26 LS 5672 1950" AT THE ENTRANCE
TO CLAYTON CITY OFFICES AT THE TOP OF
A CATCH BASIN ON CLAYTON ROAD.
ELEVATION TAKEN AS 412.90 (NAVD83) PROJECT BASED ON 1988 DATUM.
ELEVATION TAKEN AS 410.208 (NGVD 1929)



VICINITY MAP
N.T.S.

SHEET INDEX	
SHEET NUMBER	DESCRIPTION
C-1	COVER SHEET
C-2	EXISTING SITE CONDITIONS
C-3	DEMOLITION AND TREE REMOVAL PLAN
C-4	ZONING MAP
C-5	OVERALL SITE PLAN
C-6	SITE PLAN-NORTH
C-7	SITE PLAN-SOUTH
C-8	OFFSITE STORM DRAIN
C-9	C.3 EXHIBIT
C-10	CLEAN BAY BLUE PRINT
C-11	SLOPE DENSITY MAP
C-12	SECTIONS
C-13	DETAILS

ABBREVIATIONS

ABBREVIATION	DESCRIPTION	ABBREVIATION	DESCRIPTION
ACP	ASBESTOS CEMENT PIPE	MIN	MINIMUM
AD	AREA DRAIN	NA	NOT APPLICABLE
AP	ANGLE POINT	OG	ORIGINAL GROUND
BC	BOUND CURVE	OU	OVERHEAD UTILITY
BF	BOTTOM OF FOOTING	P/W	PURCHASE
BO	BLOW OFF	PC	POINT OF COMPOUND CURVE
BOV	BOTTOM VERTICAL CURVE	POB	POINT OF BEGINNING
SW	BACK OF WALK	POC	POINT OF CURVE
CA	CENTURIES	POC	POINT OF VERTICAL CURVATURE
CG	CONCRETE CURB	PTC	POINT OF TANGENCY
DRY	DRAINAGE	PH	POINT OF VERTICAL INTERSECTION
EC	END OF CURVE	S	SLOPE
ELEV	ELEVATION	ROP	REINFORCED CONCRETE PIPE
ENC	END OF VERTICAL CURVE	RET	RETURN (CURB)
EX	EXISTING	R/S	RISER
RT	RIGHT	R/W	RIGHT OF WAY
FF	FRESH FLOOR	S	SLOPE
FG	FRESH GRADE	SD	STORM DRAIN
PH	PIPE HYDRANT	SO	SOIL GRADING
FL	FLOW LINE	SS	SANITARY SEWER
FSD	FLOW LINE SIDE OPENING	SSCO	SANITARY SEWER CLEAN OUT
FM	FIRE WATER MAIN	SSW	SANITARY SEWER MANHOLE
CS	CORNER CURB	SSW	SANITARY SEWER MANHOLE
GF	GARAGE FRESH FLOOR	SWK	SIDEWALK
GL	GARAGE LP	TC	TOP OF CURB
GV	GRAVE	TCB	TOP OF COMPRESSED CURB
HOPE	HIGH-DENSITY POLYETHYLENE	TCF	TOP OF FLASH CURB
HP	HIGH POINT	TP	TOP OF FINISHMENT
IN	INLET	TR	TOP OF RAMP
IN	INLET	TR	TOP OF RAMP
LAT	LATERAL	TW	TOP OF WALL
LP	LEFT	U/P	UTERED CLAY PIPE
		UL	UNDERGROUND UTILITY
		W	WATER MAIN OR WATER SERVICE
		W	WATER METER

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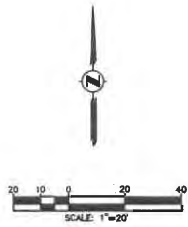
OCT 14 2019

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT.

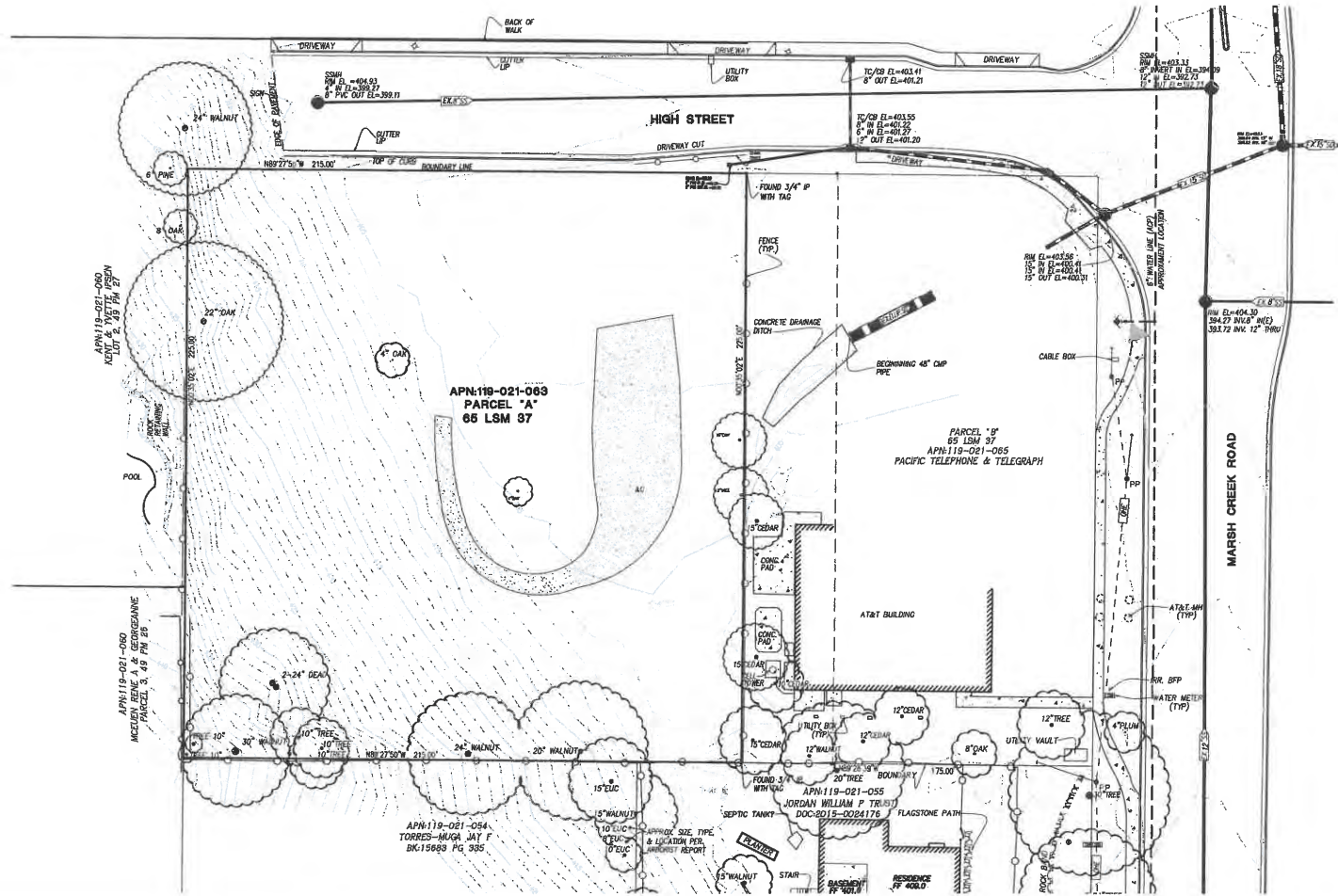
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COMPLETION OF THE WORK AND
ACCEPTANCE APPROVAL OF THE

Planning Surveying & Mapping Land Development Engineering Municipal Engineering Construction Staking Environmental Engineering SWPPP Monitoring & Reporting	 MILANI & ASSOCIATES	2655 Stornell Drive, Suite 105 Concord, CA 94520 Phone: (925) 674-0082 Fax: (925) 674-9279 Web: www.milaniassociates.com	JORDAN PROPERTY THE OLIVIA ON MARSH CREEK 6170 HIGH STREET COVER SHEET CONTRA COSTA COUNTY	A.P.N. 119-021-083 DESIGNED UNDER THE DIRECTION OF: MICHAEL E. MILANI REG. NO. 51181 EXP. 08-01-21 DATE: _____ DESIGN: KRA JOB NO: 740 DRAWN: KRAYS/S/L/M/L DATE: OCTOBER 2019 CHECKED: MEM SCALE: AS SHOWN	STATE OF CALIFORNIA PROFESSIONAL ENGINEER No. 51181 Exp. 08/01/21 MICHAEL E. MILANI	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>REVISIONS</th> <th>BY</th> <th>APP</th> <th>DATE</th> <th>SHEET</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td style="text-align: center; font-weight: bold; font-size: 24px;">C-1</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td style="text-align: center; font-weight: bold; font-size: 24px;">13</td> </tr> </tbody> </table>	NO.	REVISIONS	BY	APP	DATE	SHEET						C-1						13
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S:\John\Yolo\Site Plan\Yolo-Site-Plan-1.dwg, Contour: 20, C-1, 10-04-19, 12:27:26 PM, Stanley Howard



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 AGENCY APPROVAL OF MAP



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 Environmental Engineering
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2655 Starnell Drive, Suite 105
 Concord, CA 94520
 Phone: (925) 674-9082
 Fax: (925) 674-6279
 Web: www.milaniassociates.com

JORDAN PROPERTY
 CITY OF CLAYTON

THE OLIVIA ON MARSH CREEK
6170 HIGH STREET
EXISTING SITE CONDITIONS

CONTRA COSTA COUNTY




A.P.N. 119-021-063
 CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. MILANI
 LICENSE NO. 50171 - 8/19/19-9-03-01 DATE
 DESIGNER: KRA
 JOB NO: 740
 DRAWN: KRASHMSJML
 DATE: OCTOBER 2019
 CHECKED: MEM
 SCALE: AS SHOWN

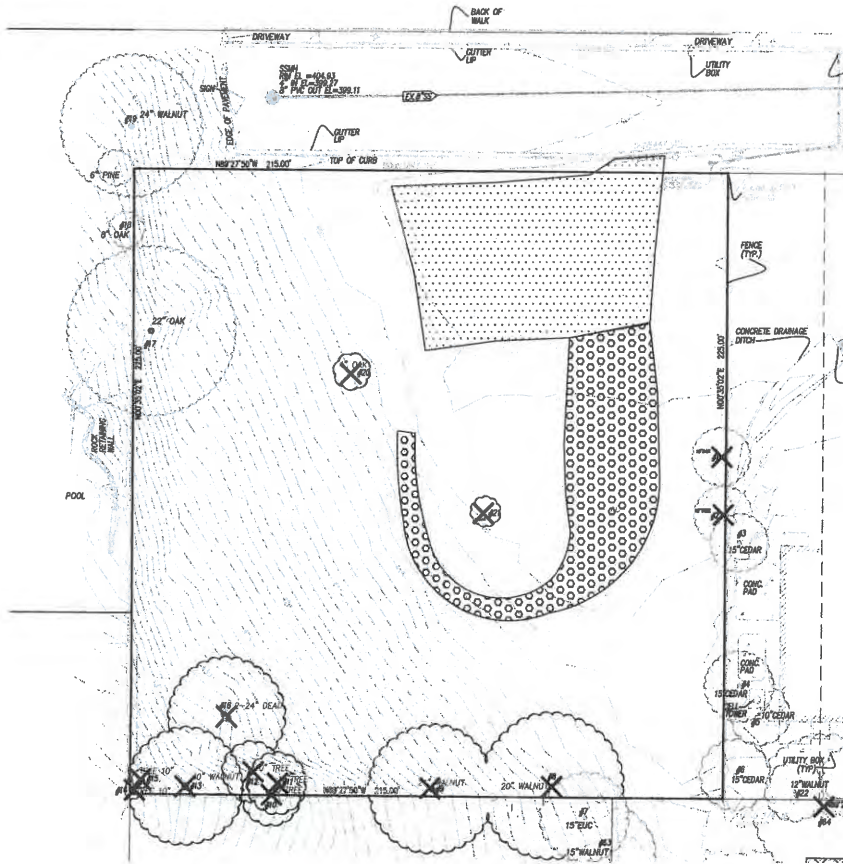
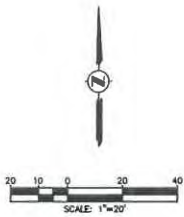


NO.	REVISIONS	BY	APP	DATE	SHEET
					C-2
					13
					SHEETS

DEMOLITION LEGEND

-  EXISTING TREE TO BE REMOVED
-  EXISTING GRAVEL/ROCK TO BE REMOVED
-  EXISTING ASPHALT PAVEMENT TO BE REMOVED

DEMOLITION QUANTITIES
 ASPHALT 3,726 SQFT
 TREE REMOVAL 13 TOTAL



TREE REMOVAL NOTES:

Tag #	Species	Common name	DBH	Height	Spread	Health	Structure	Protocol (Tree)	Subsidiary for Retention	Notes
#1	Quercus lobata	Valley Oak	11.5	30	20	G	G	Y	G	Nice tree, On property line
#2	Allanhus obtusina	Tree of Heaven	4.5, 5.5	25	20	P	P	N	P	On property line
#3	Calocedrus decurrens	Incense Cedar	15	30	20	G	F	Y	G	CD, On adjacent property
#4	Calocedrus decurrens	Incense Cedar	11, 9.5	25	20	G	P	Y	G	CDEB, On adjacent property
#5	Calocedrus decurrens	Incense Cedar	9, 8	20	15	G	G	Y	G	On adjacent property
#6	Calocedrus decurrens	Incense Cedar	14	25	20	G	G	Y	G	On adjacent property line
#7	Thuoclyptis complanatoides	River Red Gum	25, 50	55	35	F	P	N	P	On adjacent property, ES, Main stem located, CD
#8	Juglans hindsii	California Black Walnut	17.5	30	30	G	F-P	Y	F-P	On property line, Breakouts, DW
#9	Juglans hindsii	California Black Walnut	23	30	30	D	P	Y	-P	Dead, On property line
#10	Allanhus obtusina	Tree of Heaven	7	30	10	F	G	N	P	On property line, Sucker from #16
#11	Allanhus obtusina	Tree of Heaven	9	30	15	F	G	N	P	Sucker from #16
#12	Allanhus obtusina	Tree of Heaven	9	30	15	F	G	N	P	Sucker from #16
#13	Juglans hindsii	California Black Walnut	7, 6.5, 5.5, 10, 11	30	30	F	P	Y	F-P	On property line, DW, Multi, Dead main stem
#14	Allanhus obtusina	Tree of Heaven	10.5	10	5	F	P	N	P	Sucker from #16, On property line
#15	Allanhus obtusina	Tree of Heaven	4, 7	20	10	F	P	N	P	Sucker from #16, On property line
#16	Allanhus obtusina	Tree of Heaven	22	45	55	F	H	N	P	Double CDEB, Breakout
#17	Quercus lobata	Valley Oak	22.5	45	40	G	P	Y	P	CDEB, Breakout
#18	Quercus lobata	Valley Oak	7	20	10	F	G	Y	G	On adjacent property
#19	Juglans hindsii	California Black Walnut	11.5, 9, 7.5, 9.5, 10	25	40	G	F-P	Y	F	On adjacent property
#20	Quercus lobata	Valley Oak	9, 2, 2.5	20	15	G	F-P	Y	G	Multi from stump sprouts
#21	Quercus lobata	Valley Oak	4, 4.5, 4.5, 2.5	20	20	G	F	Y	G	Multi

Suitability for Retention - Based on Tree Condition: G is Good, F is Fair, P is Poor

- * TO BE REMOVED
- ** PROTECTED TREE & TO BE REMOVED

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 Concord, CA 94520
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 Fax: (925) 674-9278
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 CITY OF CLAYTON

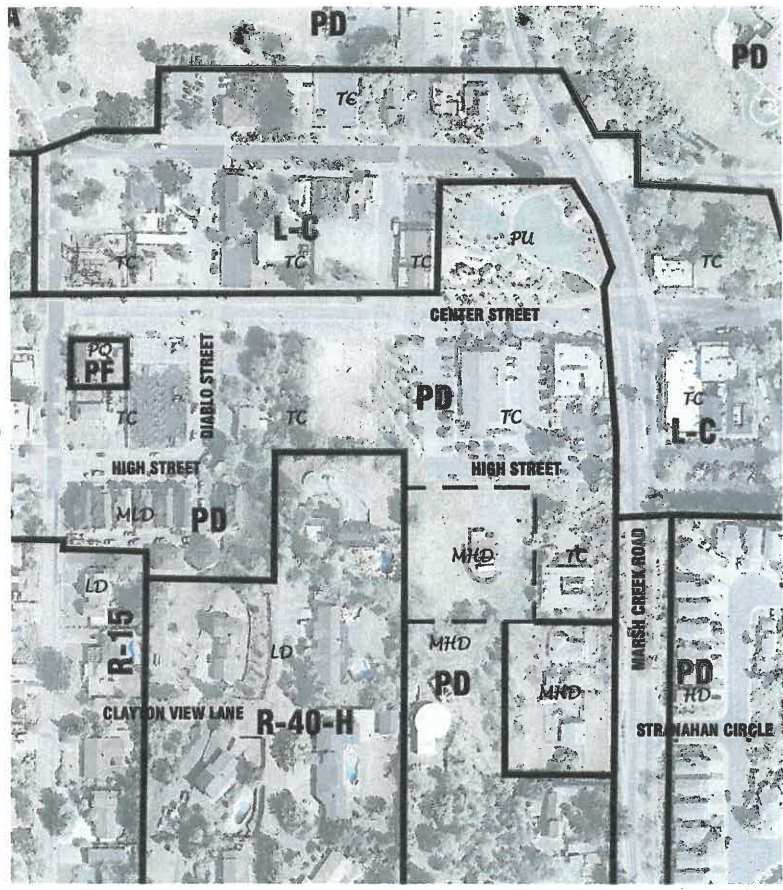
THE OLIVIA ON MARSH CREEK
6170 HIGH STREET
DEMOLITION & TREE REMOVAL PLAN
 CONTRA COSTA COUNTY

A.P.N. 119-021-063
 CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. MALARD
 LICENSE NO. 36101 - REGISTERED 9-20-01
 DESIGN: KRA
 DRAWN: KRAVISMJML
 CHECKED: MEM
 JOB NO: 740
 DATE: OCTOBER 2019
 SCALE: AS SHOWN



NO.	REVISIONS	BY	APP	DATE	SHEET
					C-3
					13
					SHEETS



LEGEND AND ABBREVIATIONS

- HD SINGLE FAMILY HIGH DENSITY (PER GENERAL PLAN - 5.1 TO 7.5 UNITS PER GROSS ACRE)
- PU OPEN SPACE/RECREATIONAL (PER GENERAL PLAN)
- RD RURAL ESTATE (PER GENERAL PLAN - 0 TO 1 UNITS PER GROSS ACRE)
- PQ PUBLIC/QUASI PUBLIC (PER GENERAL PLAN)
- LD SINGLE FAMILY, LOW DENSITY (PER GENERAL PLAN - 1 TO 3 UNITS PER GROSS ACRE)
- TC TOWN CENTER (PER GENERAL PLAN)
- MLD MULTI FAMILY, LOW DENSITY (PER GENERAL PLAN - 7.0 TO 10 UNITS PER GROSS ACRE)
- MHD MULTI FAMILY, HIGH DENSITY (PER GENERAL PLAN - 15.1 TO 20 UNITS PER GROSS ACRE)

- PD PLANNED DEVELOPMENT
- PF PUBLIC FACILITY
- R-15 15,000 SF MIN. LOT SIZE
- R-40-H 40,000 SF MIN. LOT SIZE, HORSES ALLOWED
- L-C LIMITED COMMERCIAL

- SITE BOUNDARY
- ==== ZONING BOUNDARY

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 Phone: (925) 674-9082
 Fax: (925) 674-9278
 Web: www.milaniassociates.com

JORDAN PROPERTY

THE OLIVIA ON MARSH CREEK
6170 HIGH STREET
 ZONING EXHIBIT

A.P.N. 119-021-063

CITY OF CLAYTON
 CONTRA COSTA COUNTY
 CALIFORNIA

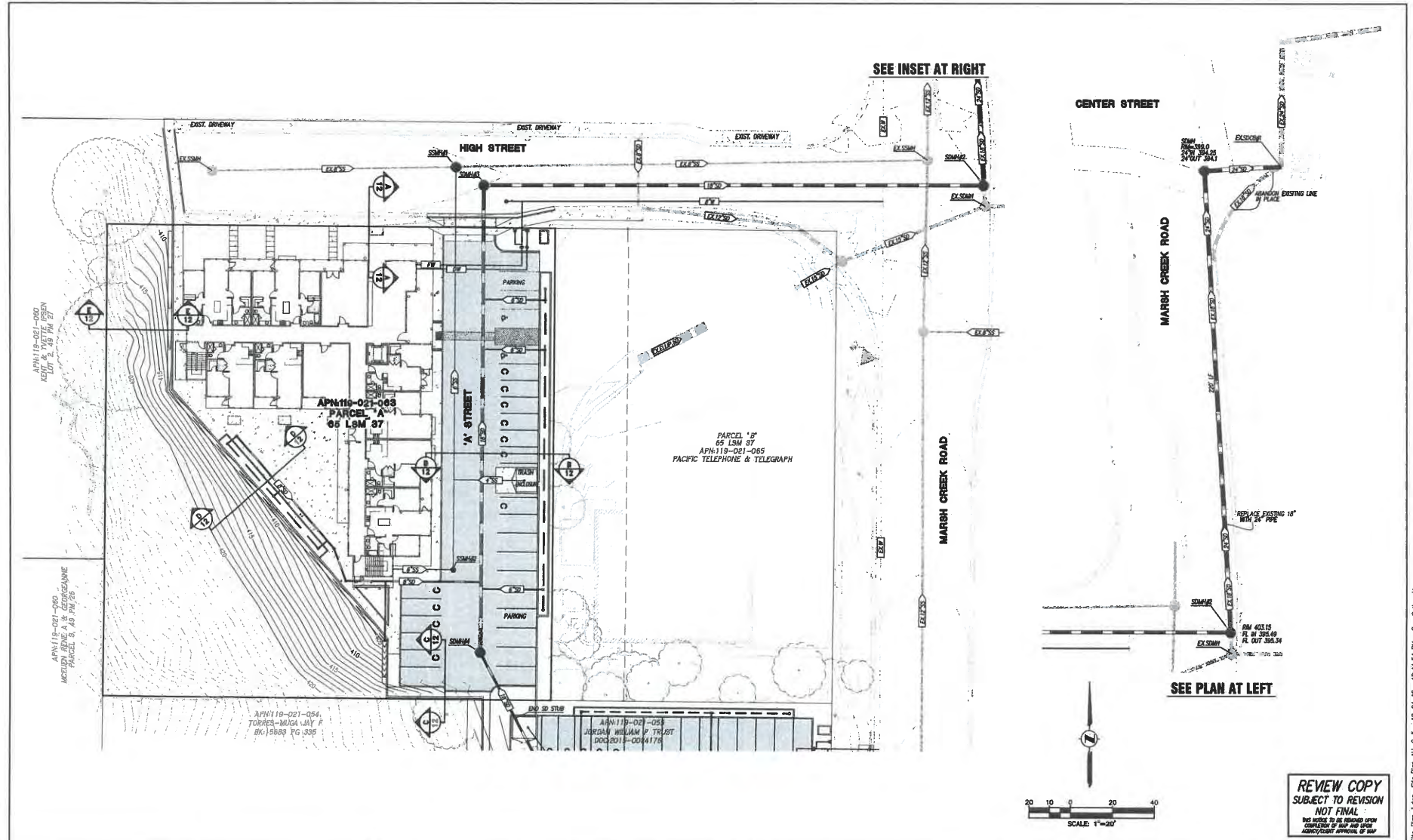
DESIGNED UNDER THE DIRECTION OF:

MICHAEL E. MILANI
 LICENSE NO. 92571 EXPIRES 9-30-21 DATE

DESIGN: KPA JOB NO: 740
 DRAWN: KHASIMBALM DATE: OCTOBER 2019
 CHECKED: MEM SCALE: AS SHOWN



NO.	REVISIONS	BY	APP	DATE	SHEET
					C-4
					13
					SHEETS



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CONSTRUCTION OF THIS AND OTHER
PROJECTS WITHOUT APPROVAL OF DWP

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Municipal Engineering
Construction Staging
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SWPPP Monitoring & Reporting

MILANI
& Associates

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JORDAN PROPERTY

THE OLIVIA ON MARSH CREEK
6170 HIGH STREET
OVERALL SITE PLAN

A.P.N. 119-021-063

DESIGNED UNDER THE DIRECTION OF:

MICHAEL E. MILANI
REGISTERED PROFESSIONAL ENGINEER
NO. 45812
STATE OF CALIFORNIA

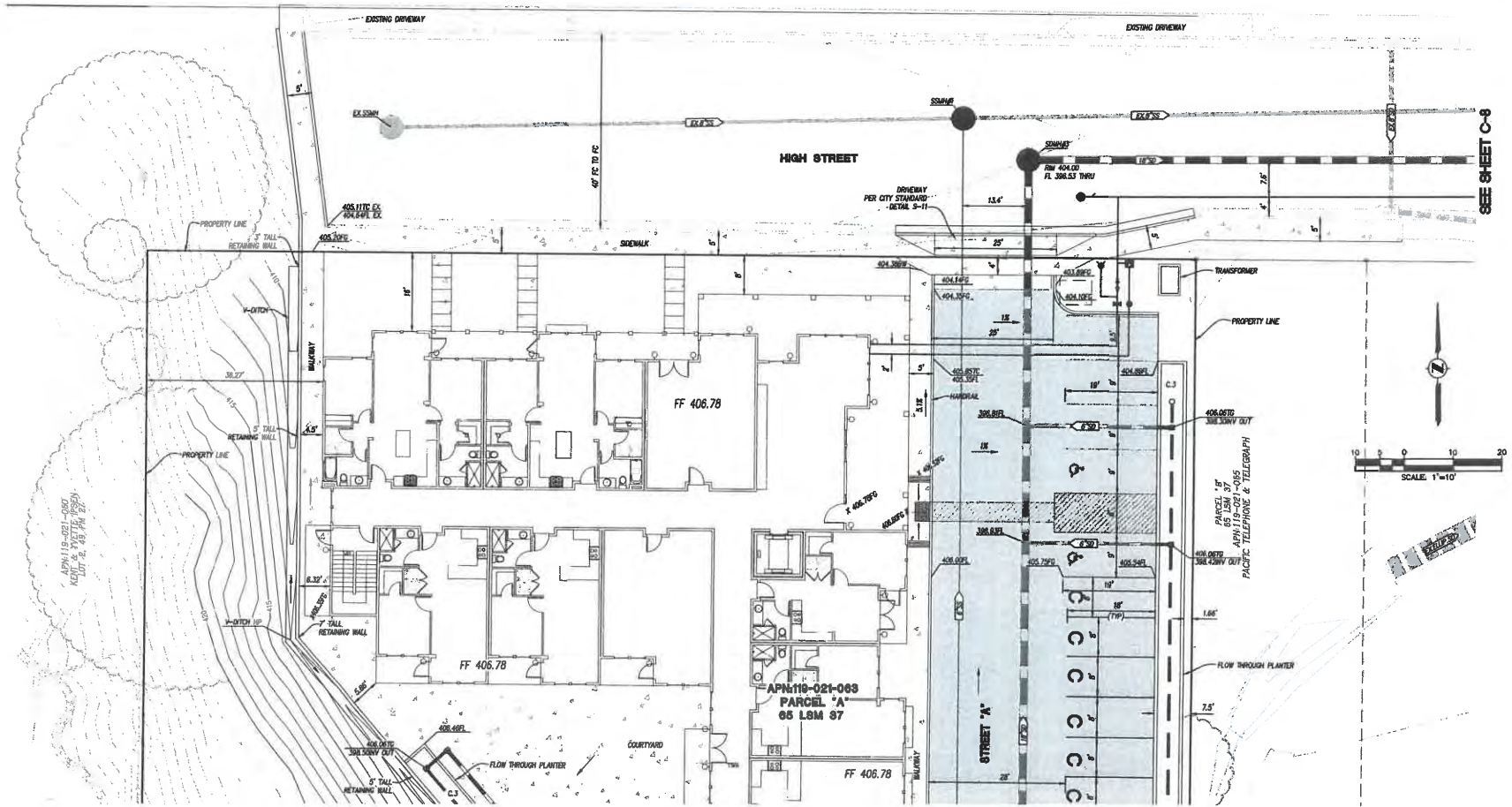
DESIGN: KPA
DRAWN: KRASMSJML
CHECKED: MEM

JOB NO: 740
DATE: OCTOBER 2019
SCALE: AS SHOWN

CITY OF CLAYTON
CONTRA COSTA COUNTY
CALIFORNIA

NO.	REVISIONS	BY	APP	DATE	SHEET
					C-5
					13
					SHEETS

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JORDAN PROPERTY

THE OLIVIA ON MARSH CREEK
6170 HIGH STREET
SITE PLAN

A.P.N. 119-021-063

CITY OF CLAYTON **CONTRA COSTA COUNTY** **CALIFORNIA**

DESIGNED UNDER THE DIRECTION OF:

MICHAEL E. MILANI DATE: _____

REGISTERED PROFESSIONAL ENGINEER
 LICENSE NO. 39917 5097629-9-09-01

DESIGN: KPA JOB NO: 740

DRAWN: KRASMSJML DATE: OCTOBER 2019

CHECKED: MEM SCALE: AS SHOWN

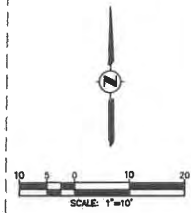
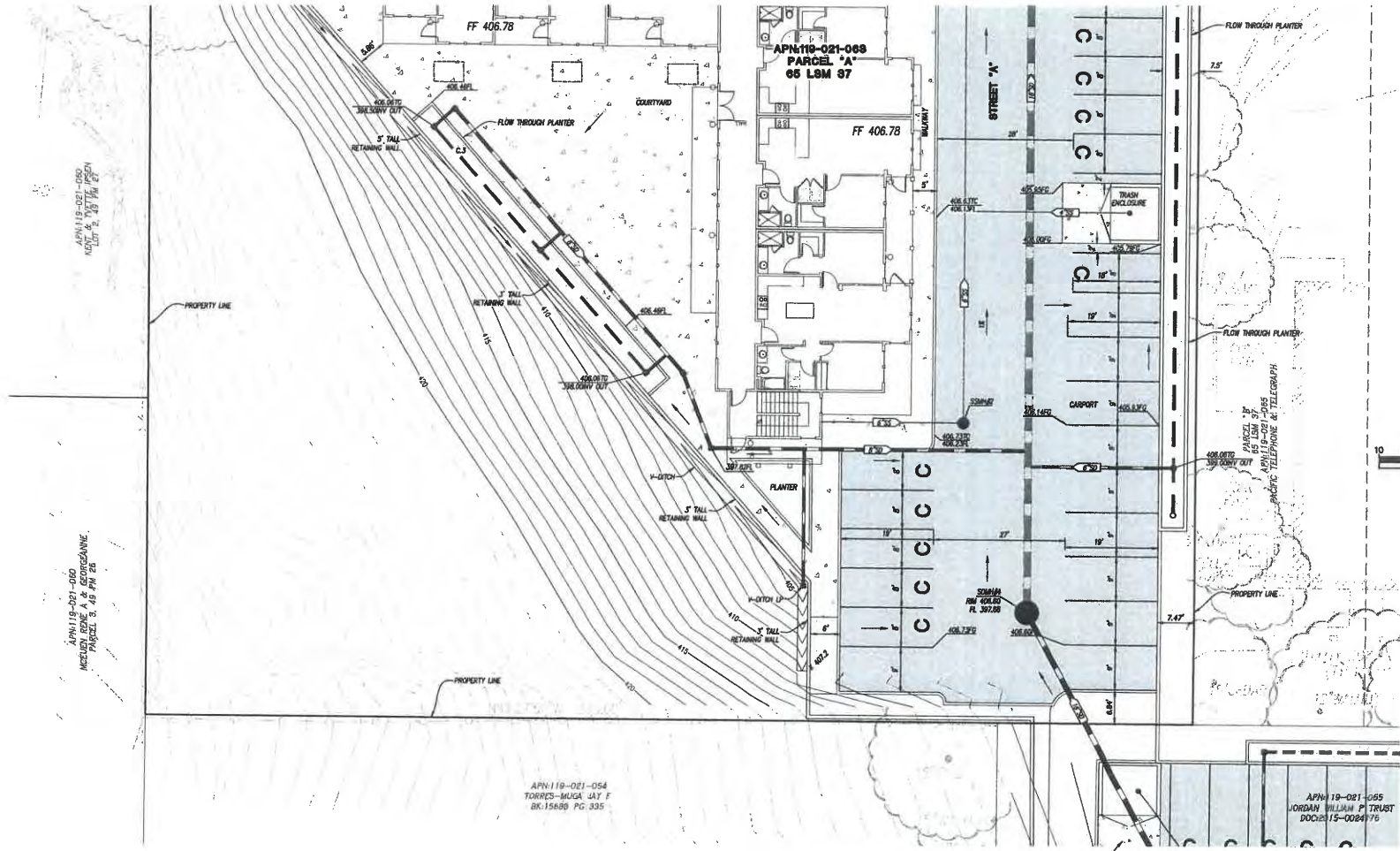


NO.	REVISIONS	BY	APP	DATE	SHEET

C-6

13
OF SHEETS

SEE SHEET C-6



SEE SITE 2 PLAN FOR CONTINUED WALKWAY

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Fax: (925) 674-0279
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CITY OF CLAYTON

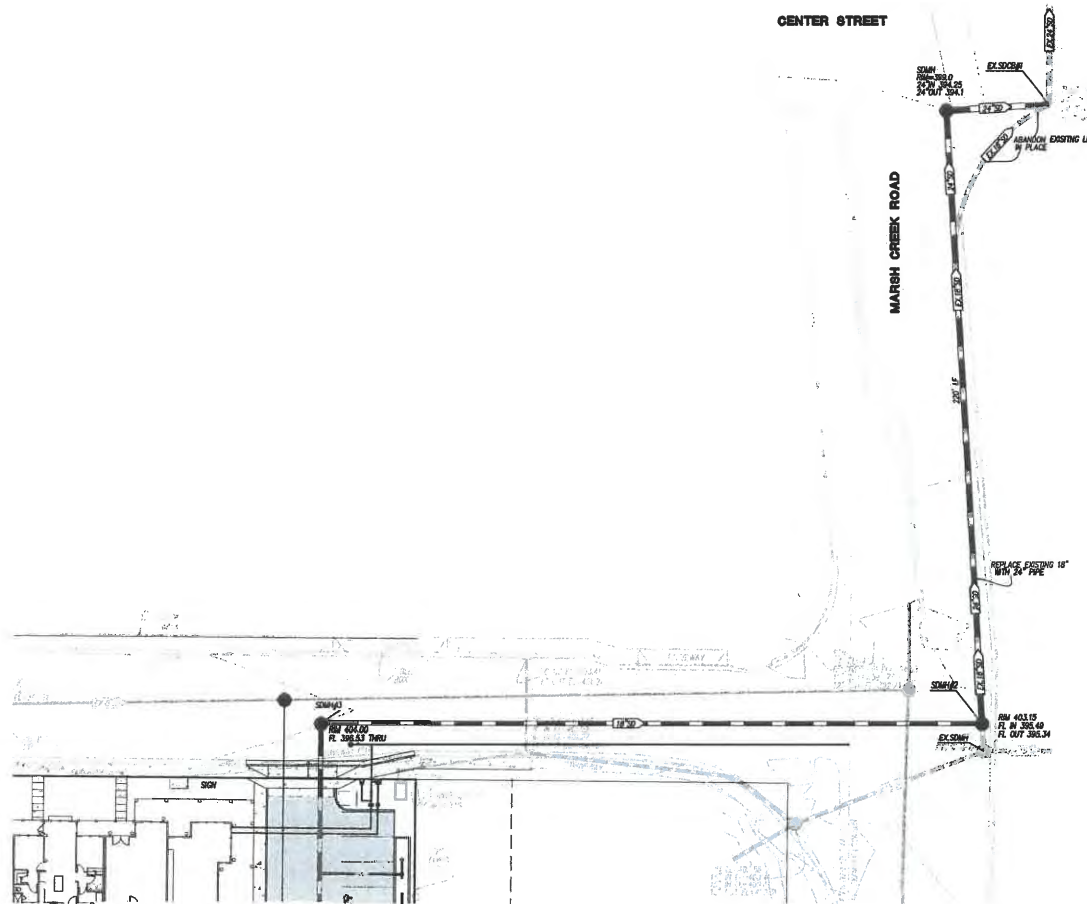
THE OLIVIA ON MARSH CREEK
6170 HIGH STREET
SITE PLAN
CONTRA COSTA COUNTY

A.P.M. 119-021-063
CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:
MICHAEL E. MILANI
REGISTERED PROFESSIONAL ENGINEER
LICENSE NO. 50114 EXP. 08/28/21
DATE: OCTOBER 2019
SCALE: AS SHOWN
CHECKED: MEM



NO.	REVISIONS	BY	APP	DATE	SHEET
					C-7
					13



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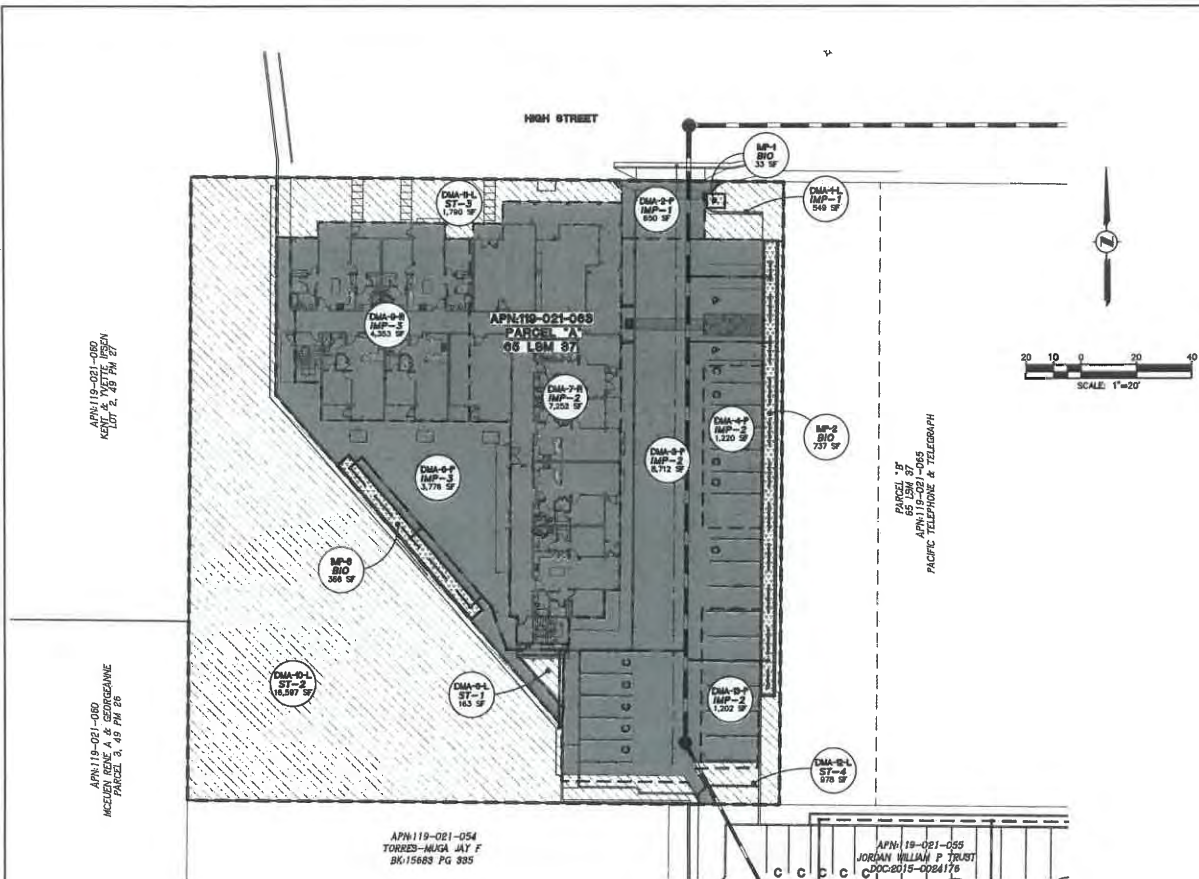
THE OLIVIA ON MARSH CREEK
6170 HIGH STREET
OFFSITE STORM DRAIN PLAN
 CONTRA COSTA COUNTY

A.P.N. 110-021-063
 CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. MILANI
 R.C.E. No. 20157 EXP. FEB 9-30-21 DATE
 DESIGN: KRA JOB NO: 740
 DRAWN: KRASMSJML DATE: OCTOBER 2019
 CHECKED: MEM SCALE: AS SHOWN



NO.	REVISIONS	BY	APP	DATE	SHEET
					C-8
					13
					OF SHEETS



Project Name: Site 1
 Project Type: Treatment Only
 APN: 119-021-068
 Drainage Area: 48,378
 Mean Annual Precipitation: 18.0

Self-Treating DMAs

DMA Name	Area (sq ft)	4-inch (sq ft)
DMA0	163.0	
DMA10	1,889.0	
DMA11	17,902.0	
DMA12	878.0	

IV. Areas Draining to IMPs

IMP Name: IMP1
 IMP Type: Stormwater Facility
 Soil Group: IMP1

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
DMA1	548	Landscape	0.10	54.8				
DMA2	680	Concrete or Asphalt	1.00	680				
Total				724.8	0.540	1.000	38	33

IMP Name: IMP2
 IMP Type: Flow-Through Planter
 Soil Group: IMP2

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
DMA3	8,172	Concrete or Asphalt	1.00	8,172				
DMA4	1,220	Concrete or Asphalt	1.00	1,220				
DMA7	7,252	Conventional Roof	1.00	7,252				
DMA13	1,202	Conventional Roof	1.00	1,202				
Total				18,388	0.540	1.000	752	737

IMP Name: IMP3
 IMP Type: Flow-Through Planter
 Soil Group: IMP3

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
DMA5	3,778	Concrete or Asphalt	1.00	3,778				
DMA9	4,383	Conventional Roof	1.00	4,383				
Total				8,161	0.540	1.000	355	368

Report generated on 1/20/2019 12:00:00 AM by the Contra Costa Clean Water Program IMP Sizing Tool software (version 1.3.1.0).

LEGEND

- IMPERVIOUS SURFACE
- BIO-RETENTION AREA
- PERVIOUS SURFACE
- C-3 AND PROJECT BOUNDARY
- - - - C-3 DMA BOUNDARY
- C-3 BMP BOUNDARY
- (DMA-X-Y) IMP-X (XXX SF) C-3 BMP OR DMA DESIGNATION-TYPE
- (IMP-X) IMP-X (XXX SF) C-3 BMP OR DMA AREA SQUARE FEET
- (C-3 ELEMENT #) C-3 ELEMENT #
- (IMP #) IMP # (XXX SF) INTEGRATED MANAGEMENT PRACTICES AREA IN FT
- (BIO-RETENTION FACILITY #) BIO-RETENTION FACILITY #

- NOTES:**
- SITE HYDROLOGIC SOIL TYPE: D
 - GROUNDWATER ENCOUNTERED AT A DEPTH OF 11 TO 24 FEET.
 - CONTRACTOR SHALL FOLLOW CONTRA COSTA COUNTY CLEAN WATER PROGRAM 7TH EDITION.

- ABBREVIATIONS:**
- BIF BIO-RETENTION FACILITY CAPACITY
 - CAP. CAPACITY
 - EX. EXISTING
 - DMA DRAINAGE MANAGEMENT AREA
 - F/C FACE OF CURB
 - BO BIO-RETENTION
 - IMP INTEGRATED MANAGEMENT PRACTICES
 - L LANDSCAPE
 - NOT A PAVED AREA EXCLUDED FROM C-3 REQUIREMENTS
 - P PAVEMENT
 - PL PLANTER
 - R ROOF
 - RP RP IMP
 - R/W RIGHT OF WAY
 - SF SQUARE FEET
 - SELF SELF-RETAINING
 - ST SELF-TREATING
 - S/W SIDEWALK
 - UNPAVED

IMPERVIOUS AREAS:

SITE 1:
 EXISTING LOT SIZE 48,378 SQFT
 EXISTING IMPERVIOUS AREA 3,728 SQFT
 PROPOSED IMPERVIOUS AREA 27,162 SQFT
 NET INCREASE OF IMPERVIOUS AREA 23,436 SQFT

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JORDAN PROPERTY

THE OLIVIA ON MARSH CREEK
6170 HIGH STREET
C-3 COMPLIANCE EXHIBIT

APN. 119-021-063

CITY OF CLAYTON CONTRA COSTA COUNTY CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:

MICHAEL E. MILANI
 R.C.L. No. 51511 EXPIRES 9-30-21

DESIGN: MFA JOB NO. 740

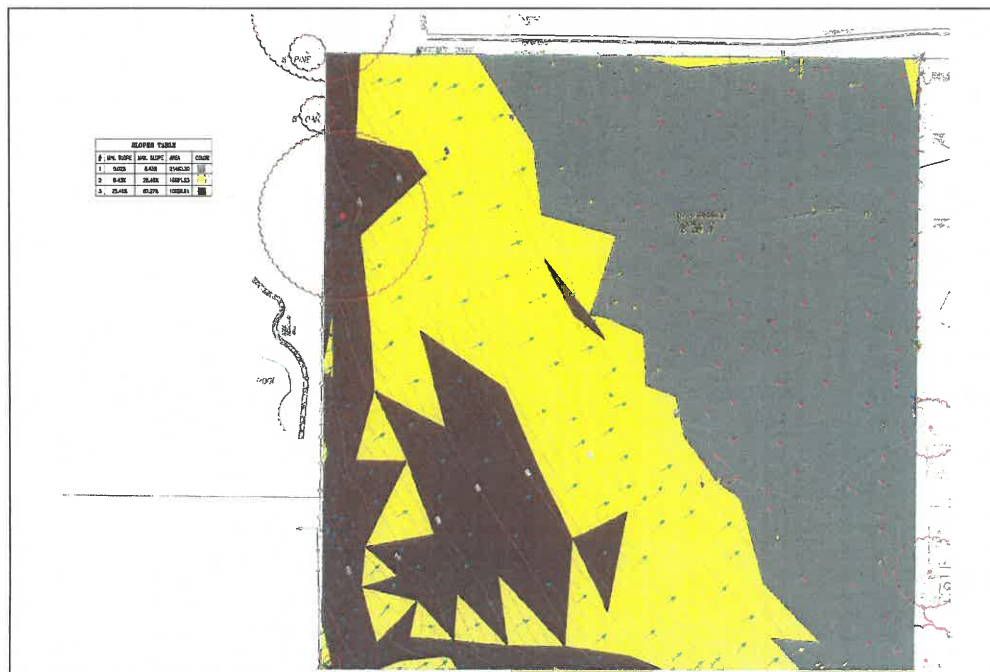
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CHECKED: MEM SCALE: AS SHOWN



NO.	REVISIONS	BY	APP	DATE	SHEET
					C-9
					13

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JORDAN PROPERTY

CITY OF CLAYTON

THE OLIVIA ON MARSH CREEK
6170 HIGH STREET
SLOPE DENSITY MAP

 CONTRA COSTA COUNTY

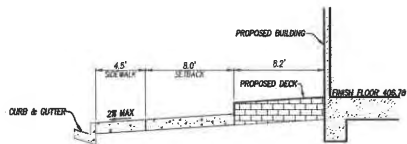
A.P.N. 119-021-063

CALIFORNIA

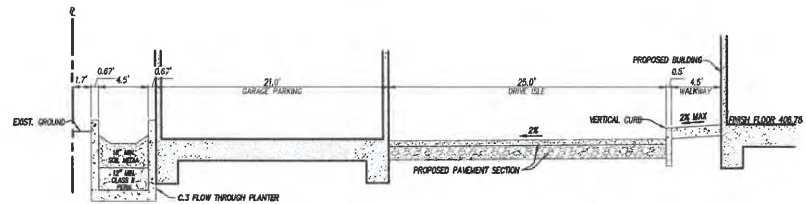
DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. MILANI
 REG. NO. 87111 SUPPLEMENT 9-24-21 DATE _____
 DESIGN: KPA JOB NO: 740
 DRAWN: KRASMSAJL DATE: OCTOBER 2019
 CHECKED: JMEM SCALE: AS SHOWN



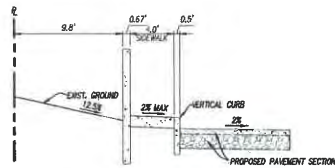
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					C-11
					13
					SHEETS



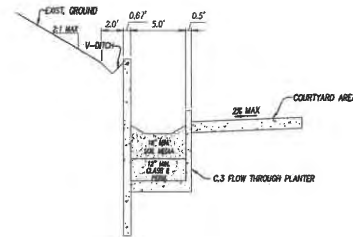
SECTION A
 HORIZ: 1"=5'
 VERT: 1"=2.5'



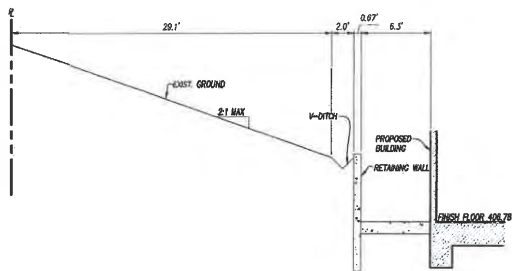
SECTION B
 HORIZ: 1"=5'
 VERT: 1"=2.5'



SECTION C
 HORIZ: 1"=5'
 VERT: 1"=2.5'



SECTION D
 HORIZ: 1"=5'
 VERT: 1"=2.5'



SECTION E
 HORIZ: 1"=5'
 VERT: 1"=2.5'

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JORDAN PROPERTY
 CITY OF CLAYTON

THE OLIVIA ON MARSH CREEK
6170 HIGH STREET
 SECTIONS
 CONTRA COSTA COUNTY

A.P.N. 119-021-083
 CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. MILANI
 REG. NO. 26107 - EXPIRES 9-30-21 DATE
 DESIGN: KRA JOB NO: 740
 DRAWN: KRASHMSJML DATE: OCTOBER 2019
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NO.	REVISIONS	BY	APP	DATE	SHEET
					C-12
					13
					SHEETS

SITE PLAN

THE OLIVIA ON MARSH CREEK

6450 MARSH CREEK ROAD CITY OF CLAYTON, CONTRA COSTA COUNTY, CALIFORNIA

GENERAL NOTES

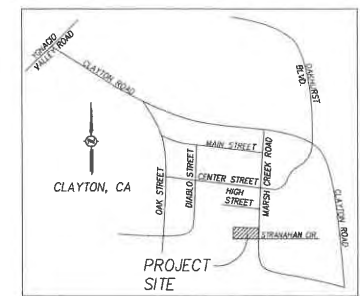
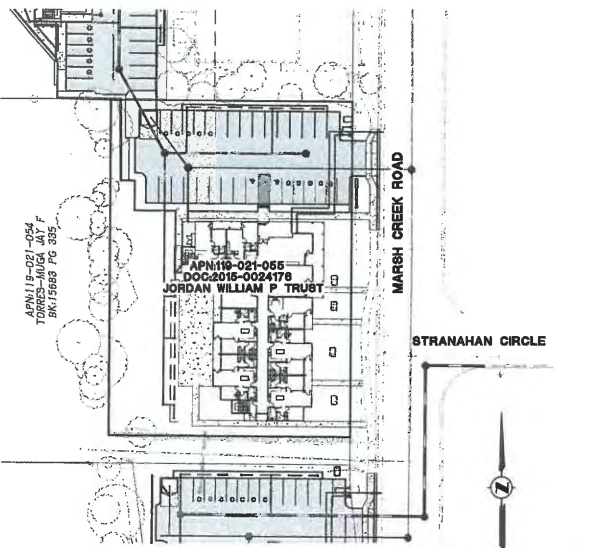
1. OWNER/DEVELOPER
WILLIAM P. JORDAN TRUST
6690 MARSH CREEK ROAD
CLAYTON, CA 94517
PHONE: (925) 674-7240
2. ARCHITECT
DESIGN & DEVELOPMENT
5648 TELEGRAPH AVENUE, SUITE A
OAKLAND, CA 94609
PHONE: (510) 530-7370
CONTACT: JOHN HEWSON
3. CIVIL ENGINEER
MILANI AND ASSOCIATES
2655 STANWELL DRIVE, SUITE 105
CONCORD, CA 94520
PHONE: (925) 674-9082
CONTACT: KEVIN ALCOCK
4. GEOTECHNICAL ENGINEER
RRAR ASSOCIATES INC
2656 NICHOLSON STREET
SAN LEANARD, CA 94577
PHONE: (925) 350-3830
CONTACT: ERIC RRAR
GEOTECHNICAL PROJECT NO. 1794
5. ARBORIST
SIRCA TREE CONSULTING
1534 PROSE STREET
CROCKETT, CA 94529
PHONE: (925) 787-3075
CONTACT: STEVE BATCHELDER
6. SITE ADDRESS: 6450 MARSH CREEK ROAD, CLAYTON, CA 94517
7. ASSESSOR PARCEL NUMBER: 119-091-055
8. TOTAL SITE AREA: 0.87 AC (42,361)
9. I.P. DESIGNATION: MND (1:1 TO 20 UNITS PER GROSS ACRE)
10. EXISTING ZONING: PD (PLANNED DEVELOPMENT)
11. PROPOSED ZONING: MND (MULTI FAMILY, HIGH DENSITY); PD (PLANNED DEVELOPMENT)
12. EXISTING USE: SINGLE FAMILY RESIDENTIAL
13. PROPOSED USE: MULTI FAMILY RESIDENTIAL/APARTMENTS
14. TOTAL NUMBER OF LOTS: 1 LOT
15. UTILITIES & SERVICES
WATER: CONTRA COSTA WATER DISTRICT
SEWER: CITY OF CONCORD
GAS & ELECTRIC: PACIFIC GAS & ELECTRIC
TELEPHONE: AT&T
CABLE: COMCAST
POLICE: CITY OF CLAYTON
DRAINAGE: CONTRA COSTA COUNTY FLOOD CONTROL & CONSERVATION DISTRICT (COOFC&CD)
16. NO PUBLIC AREAS ARE PROPOSED.
17. FLOOD ZONE: "X" (OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLANE)
(PANEL C300F DATED: 06/16/2009)
18. LEGAL DESCRIPTION: PARCEL "A" AS SHOWN ON THE RECORD OF SURVEY, RECORDED MARCH 7, 1979 IN BOOK 65 OF LICENSED SURVEYOR'S MAP, PAGE 37, CONTRA COSTA COUNTY.
19. EXISTING CONDITIONS BASED ON FIELD TOPOGRAPHIC SURVEY BY MILANI & ASSOCIATES COMPLETED NOVEMBER, 2013.

BASIS OF BEARINGS:

FOUND TWO 3/4" IRON PIPES AS SHOWN ON 65 LSW 37; TAKEN AS 100°35'07"E

BENCHMARK:

FOUND BRASS DISK STAMPED "77 26 LS 5072 1990" AT THE ENTRANCE TO CLAYTON CITY OFFICE AT THE TOP OF A CLAYTON BASIN ON CLAYTON ROAD. ELEVATION TAKEN AS 410.208 (NAD83) PROJECT BASED ON 1988 DATUM. ELEVATION TAKEN AS 410.208 (NAD83 1929)



SHEET INDEX	
SHEET NUMBER	DESCRIPTION
C-1	COVER SHEET
C-2	EXISTING SITE CONDITIONS
C-3	DEMOLITION AND TREE REMOVAL PLAN
C-4	ZONING MAP
C-5	OVERALL SITE PLAN
C-6	SITE PLAN-NORTH
C-7	SITE PLAN-SOUTH
C-8	C.3 EXHIBIT
C-9	CLEAN BAY BLUE PRINT
C-10	SECTIONS
C-11	DETAILS

ABBREVIATIONS			
ABBREVIATION	DESCRIPTION	ABBREVIATION	DESCRIPTION
ADP	ASBESTOS CEMENT PIPE	MIN	MINIMUM
AD	AREA DRAIN	N/A	NOT APPLICABLE
AP	ANGLE POINT	OG	ORIGINAL GROUND
BC	BEGIN CURVE	O.U.E.	OVERHEAD UTILITY
BF	BOTTOM OF FOOTING	PAV	PAVEMENT
BO	BLOW OFF	PC	POINT OF COMPOUND CURVE
BVC	BEGIN VERTICAL CURVE	PPF	PERFORATED PIPE
BF	BACK OF WALK	POC	POINT OF CURVE
CL	CENTERLINE	PC	POINT OF BEGINNING CURVATURE
CG	COMPOUNDED GRANITE	PIC	POLYETHYLENE GLYCOL
CRV	CURVE	PI	POINT OF VERTICAL INTERSECTION
ED	END OF CURVE	R	RADIUS
ELEV	ELEVATION	RCP	REINFORCED CONCRETE PIPE
EVC	END OF VERTICAL CURVE	RET	RETURN (CURB)
EW	END WALL	RSP	RISER
EX	EXISTING	RT	RIGHT
FF	FINISH FLOOR	RW	RIGHT OF WAY
FG	FINISH GRADE	S	SLOPE
FI	FIRE HYDRANT	SD	STORM DRAIN
FL	FLOW LINE	SO	SIDE OPENING
FO	FLOW LINE SIDE OPENING	SS	SANITARY SEWER
FW	FIRE WATER MAIN	SSCO	SANITARY SEWER CLEAN OUT
GF	GRADE BREAK	SSMH	SANITARY SEWER MANHOLE
GL	GARAGE FLOOR	SW	SIDEWALK
GL	GARAGE LIP	TC	TOP OF CURB
GR	GRAVEL	TCC	TOP OF COMPRESSED CURB
HPE	HIGH-DENSITY POLYETHYLENE	TPC	TOP OF FLUSH CURB
HP	HIGH POINT	TP	TOP OF PAVEMENT
HW	HEAD	TR	TOP OF RAMP
LAT	LATERAL	TW	TOP OF WALL
LT	LEFT	WCF	WETTED CLAY PIPE
		ULU	UNDERGROUND UTILITY
		W	WATER MAIN OR WATER SERVICE
		WM	WATER METER

RECEIVED

OCT 14 2019

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT.

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Web: www.milaniassociates.com

JORDAN PROPERTY **THE OLIVIA ON MARSH CREEK** A.P.N. 119-021-055

6450 MARSH CREEK ROAD

COVER SHEET

CITY OF CLAYTON CONTRA COSTA COUNTY CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:

MICHAEL E. MILANI
P.C.E. No. 91021 EXP. RES. 9-30-21 DATE: _____

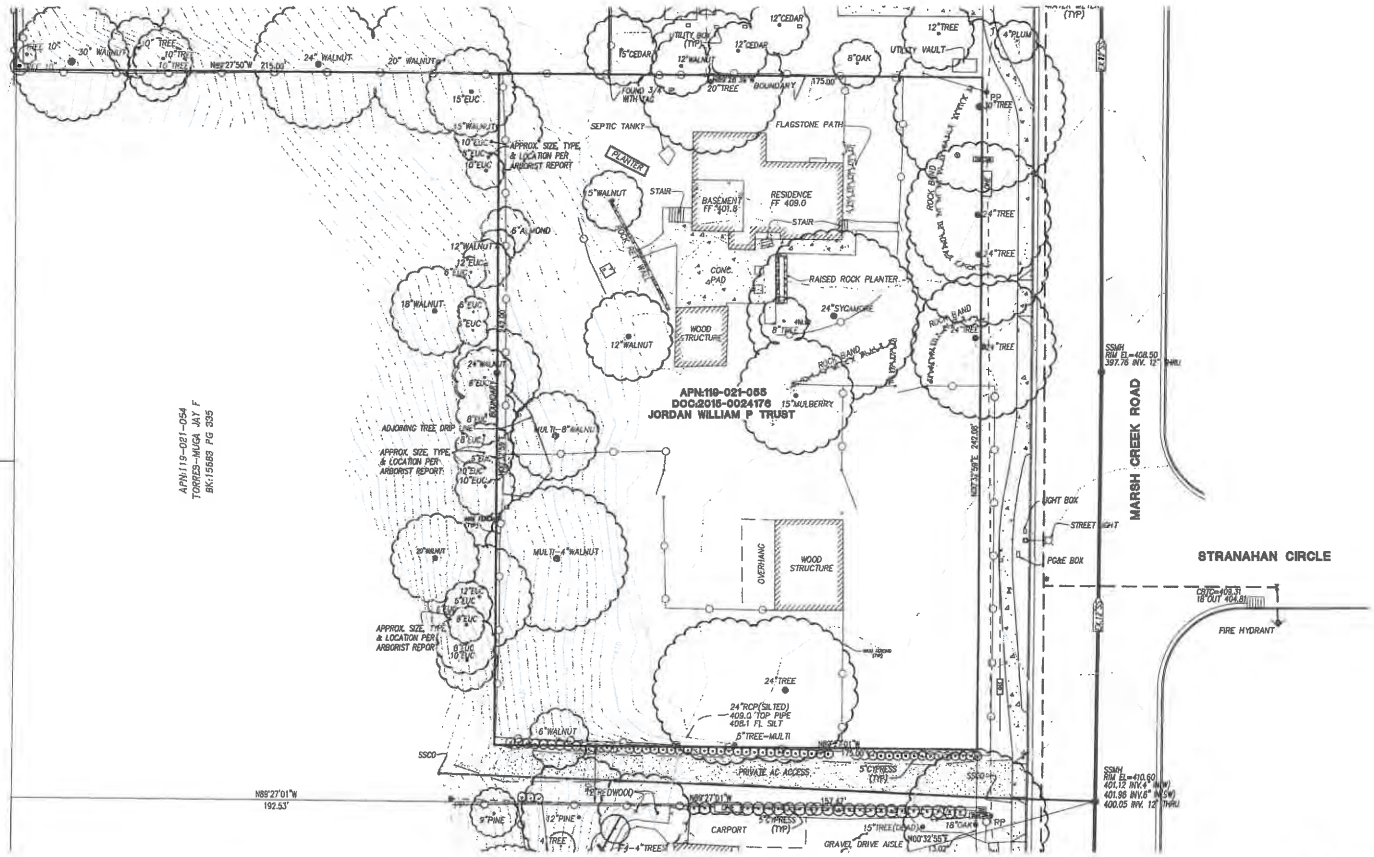
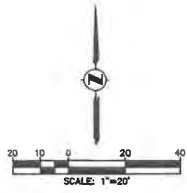
DESIGNER: KRA JOB NO: 740

DRAWN: KRA/MS/MLM DATE: OCTOBER 2019

CHECKED: MEM SCALE: AS SHOWN



NO.	REVISIONS	BY	APP	DATE	SHEET
					C-1
					11
					OF SHEETS



APN: 119-021-054
 TORRES-MAGA JAY F
 BK: 15683 PG 335

APN: 119-021-055
 DOC: 2016-0024178
 JORDAN WILLIAM P. TRUST

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JORDAN PROPERTY
THE OLIVIA ON MARSH CREEK
6450 MARSH CREEK ROAD
 EXISTING SITE CONDITIONS
 CITY OF CLAYTON CONTRA COSTA COUNTY CALIFORNIA







A.P.N. 119-021-055

DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. MILANI
 REG. NO. 51878 EXP. 09-30-21
 DESIGN: KRA JOB NO: 740
 DRAWN: KRA/BMS/LML DATE: OCTOBER 2019
 CHECKED: MEM SCALE: AS SHOWN



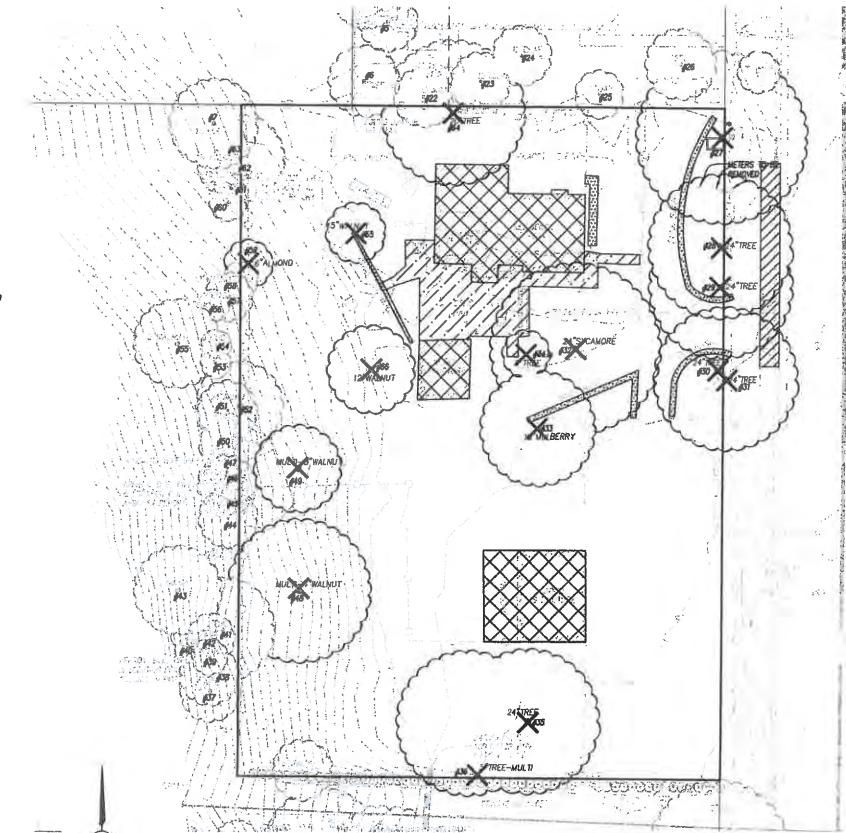
NO.	REVISIONS	BY	APP	DATE	SHEET
					C-2
					11
					SHEETS

DEMOLITION LEGEND

-  EXISTING TREE TO BE REMOVED
-  EXISTING CURB, GUTTER AND SIDEWALK TO BE REMOVED
-  EXISTING STRUCTURE TO BE REMOVED
-  EXISTING GRAVEL/ROCK TO BE REMOVED
-  EXISTING CONCRETE TO BE REMOVED
-  EXISTING WOOD DECK AND WALL TO BE REMOVED

DEMOLITION QUANTITIES

STRUCTURE REMOVAL	3,300 SF
CONCRETE BASEMENT	300 SF
CONCRETE FLAT WORK REMOVAL	1,900 SF
GRAVEL/ROCK REMOVAL	5,725 SF
CONCRETE CURB, GUTTER & SIDEWALK REMOVAL	148 SF
WOOD FENCE REMOVAL (6" WOOD AND 3-RAIL)	604 LF
TREE REMOVAL	19 TOTAL



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TREE REMOVAL NOTES:

Tag #	Species	Common name	DBH	Height	Spread	Health	Structure	Protected Tree?	Install Rip Rap Retention?	Notes
22	Juglans hindsii	California Black Walnut	6, 1	20	20	F	P	Y	P	On adjacent property, Main stem gone, Rootstock
23	Calocedrus decurrens	Incense Cedar	13.5	20	20	G	G	Y	G	On adjacent property, Old RL72, Lean
24	Calocedrus decurrens	Incense Cedar	8.5	15	15	F	F	Y	G	On adjacent property, Old RL72, Lean
25	Quercus lobata	Valley Oak	9.5	30	20	F	F	Y	G	On adjacent property, CD, DW
26	Ulmus parviflora	Siberian Elm	8, 7, 6, 6.5	25	40	F	P	N	G	On adjacent property, Surface roots, CDB
27	Ulmus parviflora	Siberian Elm	31	30	70	F	P	N	P	Street Tree, Headed for high voltage clearance, CD
28	Ulmus parviflora	Siberian Elm	29	30	40	F	P	N	P	Street Tree, Headed for high voltage clearance, CD
29	Ulmus parviflora	Siberian Elm	22.5	20	35	F	P	N	P	Street Tree, Headed for high voltage clearance, CD
30	Ulmus parviflora	Siberian Elm	11, 8.5, 10, 8	30	65	F	P	N	P	Street Tree, Headed for high voltage clearance, Multi
31	Ulmus parviflora	Siberian Elm	8, 11, 10, 12	30	50	F	P	N	P	Street Tree, Headed for high voltage clearance, Multi, CDB
32	Platanus hispidula	London Plane	19.5	50	50	G	G	N	G	CD
33	Morus alba	Mulberry	20.5	40	55	G	P	N	P	Headed
34	Prunus avium	Cherry Plum	6.5, 4.5	25	20	F	P	N	P	ID, Headed
35	Sambucus racemosa	Elderberry	10, 3	25	30	F	P	Y	P	PP, Breakouts, 1/2 tree gone
36	Sambucus racemosa	Elderberry	6.5, 4.5, 5	20	30	G	P	Y	P	PP, Large pruning wounds, On property line
37	Eucalyptus polythamnos	Silver Dollar Gum	10	40	25	G	N	N	G	Nice tree, On adjacent property
38	Eucalyptus polythamnos	Silver Dollar Gum	8	15	20	G	F	N	G	Lean, On adjacent property
39	Eucalyptus polythamnos	Silver Dollar Gum	8	25	15	G	F	N	G	Lean, On adjacent property
40	Eucalyptus polythamnos	Silver Dollar Gum	6	30	15	G	G	N	G	On adjacent property
41	Eucalyptus camaldulensis	River Red Gum	12	25	30	G	F	N	G	Lean on fence, On adjacent property
42	Eucalyptus polythamnos	Silver Dollar Gum	6	25	15	G	P	N	P	CDB, On adjacent property
43	Juglans hindsii	California Black Walnut	20	25	35	P	P	Y	P	Breakouts, Multi from stump sprouts, On adjacent property
44	Eucalyptus polythamnos	Silver Dollar Gum	10	45	G	G	N	G	G	On adjacent property
45	Eucalyptus camaldulensis	River Red Gum	12	55	30	G	G	N	G	On adjacent property
46	Eucalyptus camaldulensis	River Red Gum	8	30	15	G	G	N	G	On adjacent property
47	Eucalyptus camaldulensis	River Red Gum	10	25	20	G	F	N	G	Lean on fence, On adjacent property, Large pruning wounds
48	Juglans hindsii	California Black Walnut	4, 4, 4, 4, 4, 3.5, 2.5, 3	15	30	P	P	Y	P	Multi from stump sprouts
49	Juglans hindsii	California Black Walnut	5, 5, 5.5, 4.5, 7, 7.5	15	30	P	P	Y	P	Mistletoe, Multi from stump sprouts
50	Eucalyptus polythamnos	Silver Dollar Gum	8	30	20	G	F	N	G	CD, On adjacent property
51	Eucalyptus polythamnos	Silver Dollar Gum	8	35	15	F	G	N	G	On adjacent property
52	Juglans hindsii	California Black Walnut	24' multi	25	30	P	P	Y	P	Multi from stump sprouts, On property line
53	Eucalyptus polythamnos	Silver Dollar Gum	6	35	20	G	F-G	N	G	EB, On adjacent property
54	Eucalyptus polythamnos	Silver Dollar Gum	6	30	15	G	F	N	G	On adjacent property
55	Juglans hindsii	California Black Walnut	12, 8	25	25	P	P	Y	P	DW, Multi from stump sprouts, On adjacent property
56	Eucalyptus polythamnos	Silver Dollar Gum	6	25	20	G	G	N	G	CD, On adjacent property
57	Eucalyptus camaldulensis	River Red Gum	12	65	25	F	G	N	P	On adjacent property
58	Juglans hindsii	California Black Walnut	12	20	15	P-D	P	Y	P	Dead?, On property line
59	Prunus dulcis	Almond	3, 3, 3	20	15	F	F-P	N	F-P	Multi, On property line in fence
60	Eucalyptus polythamnos	Silver Dollar Gum	8	25	20	G	G	N	G	On adjacent property
61	Eucalyptus polythamnos	Silver Dollar Gum	8	20	15	G	F	N	G	Lean, On adjacent property
62	Eucalyptus polythamnos	Silver Dollar Gum	10.5	60	25	G	G	N	G	On adjacent property
63	Juglans hindsii	California Black Walnut	18	25	25	P-D	P	Y	P	On adjacent property, CD, Almost dead
64	Alnus incana	Tree of Heaven	18	35	35	G	P	N	P	ID, Hollow, Large pruning wounds, CD
65	Juglans hindsii	California Black Walnut	6.5	20	20	P	P	Y	P	Multi from stump sprouts
66	Juglans hindsii	California Black Walnut	10, 6.5	20	20	P	P	Y	P	PP, Multi from stump sprouts

Subtlety for Retention - Based on Tree Condition: G is Good, F is Fair, P is Poor

* TO BE REMOVED ** PROTECTED TREE & TO BE REMOVED

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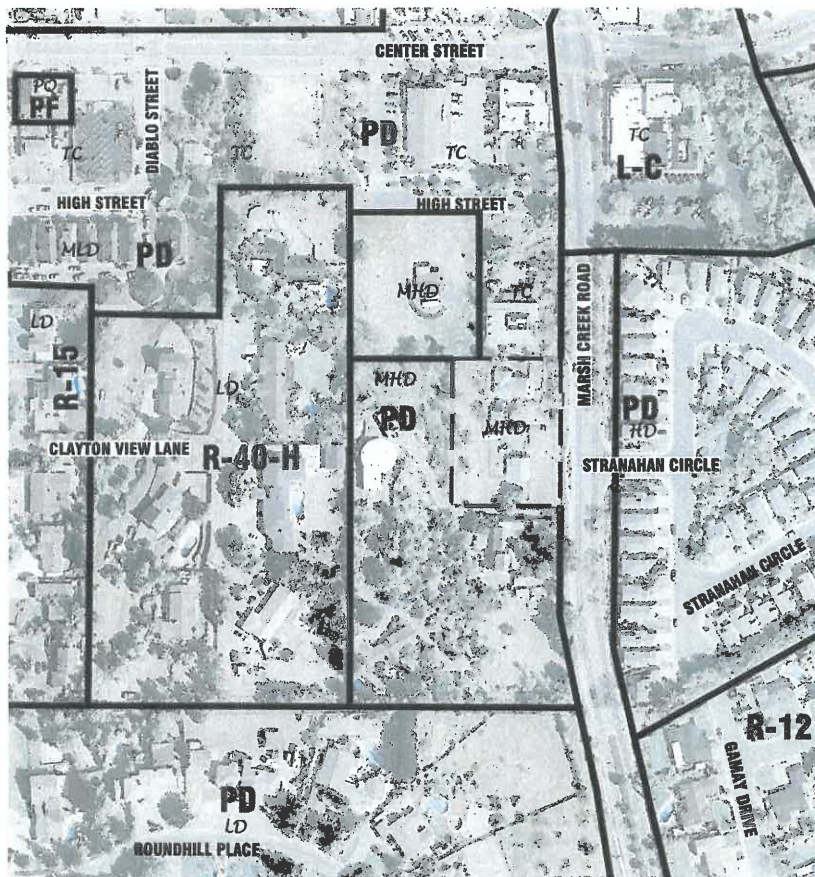
2655 Starnwall Drive, Suite 105
Concord, CA 94502
Phone: (925) 674-9082
Fax: (925) 674-9279
Web: www.milaniassociates.com

JORDAN PROPERTY
THE OLIVIA ON MARSH CREEK
6450 MARSH CREEK ROAD
TREE REMOVAL & DEMOLITION PLAN
A.P.N. 119-021-955
CITY OF GLAYTON
CONTRA COSTA COUNTY
CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:
MICHAEL E. MILANI
P.E. No. 36521 | DPOPR 9-30-01
DATE: _____
DESIGN: KRA
JOB NO: 740
DRAWN: KRASMBLML
DATE: OCTOBER 2019
CHECKED: MEM
SCALE: AS SHOWN



NO.	REVISIONS	BY	APP	DATE	SHEET
					C-3
					11



LEGEND AND ABBREVIATIONS

- HD SINGLE FAMILY HIGH DENSITY (PER GENERAL PLAN - 5.1 TO 7.5 UNITS PER GROSS ACRE)
- PU OPEN SPACE/RECREATIONAL (PER GENERAL PLAN)
- RD RURAL ESTATE (PER GENERAL PLAN - 0 TO 1 UNITS PER GROSS ACRE)
- PQ PUBLIC/QUASI PUBLIC (PER GENERAL PLAN)
- LD SINGLE FAMILY, LOW DENSITY (PER GENERAL PLAN - 1 TO 3 UNITS PER GROSS ACRE)
- TC TOWN CENTER (PER GENERAL PLAN)
- MLD MULTI FAMILY, LOW DENSITY (PER GENERAL PLAN - 7.6 TO 10 UNITS PER GROSS ACRE)
- MHD MULTI FAMILY, HIGH DENSITY (PER GENERAL PLAN - 15.1 TO 20 UNITS PER GROSS ACRE)

- PD PLANNED DEVELOPMENT
- PF PUBLIC FACILITY
- R-15 15,000 SF MIN. LOT SIZE
- R-40-H 40,000 SF MIN. LOT SIZE, HORSES ALLOWED
- L-C LIMITED COMMERCIAL

- - - - - SITE BOUNDARY
- ZONING BOUNDARY



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 CITY OF CLAYTON

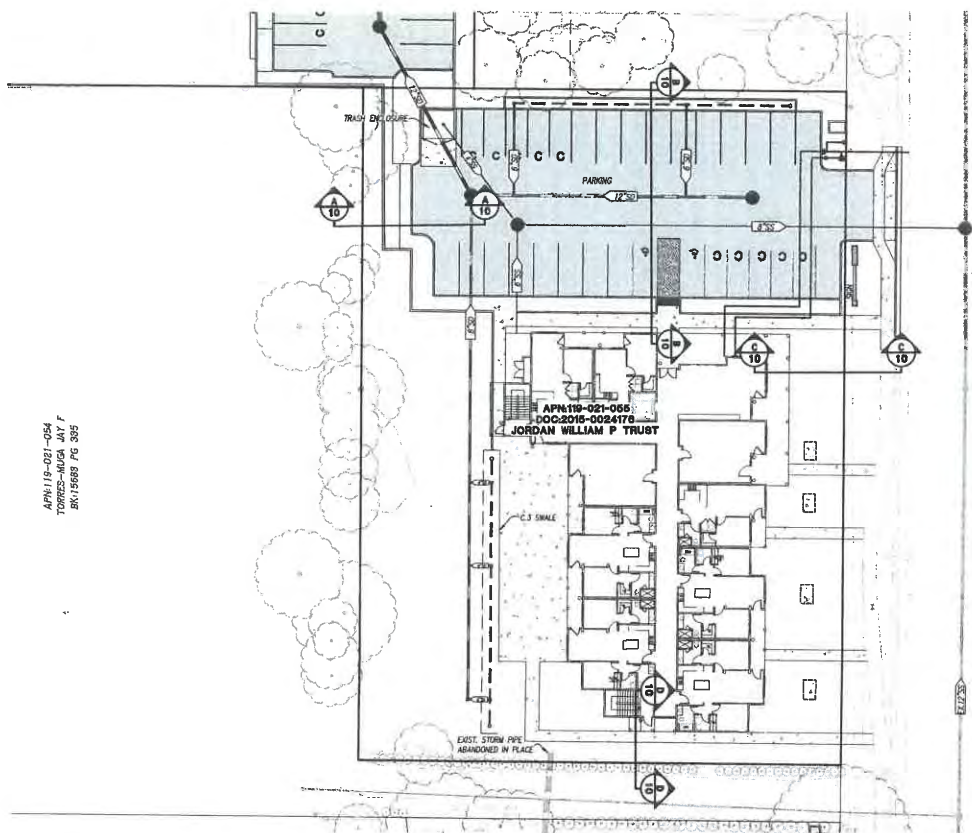
THE OLIVIA ON MARSH CREEK
6450 MARSH CREEK ROAD
ZONING EXHIBIT
 CONTRA COSTA COUNTY

A.P.N. 119-021-055
 CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. MILANI
 LICENSE NO. 26171 - BOP/PEB 9-00-01
 DATE: _____
 DESIGN: KRA
 DRAWN: KRASHMSJML
 CHECKED: MEM
 JOB NO. 740
 DATE: OCTOBER 2019
 SCALE: AS SHOWN

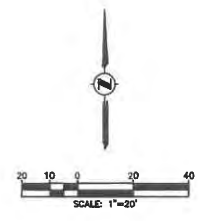


NO.	REVISIONS	BY	APP	DATE	SHEET
					C-4
					11



APN 119-021-054
 TORRES-ADUCA AY F
 SK 15683 PG 395

APN 119-021-055
 DOC 2015-0024178
 JORDAN WILLIAM P TRUST



MARSH CREEK ROAD

STRANAHAN CIRCLE

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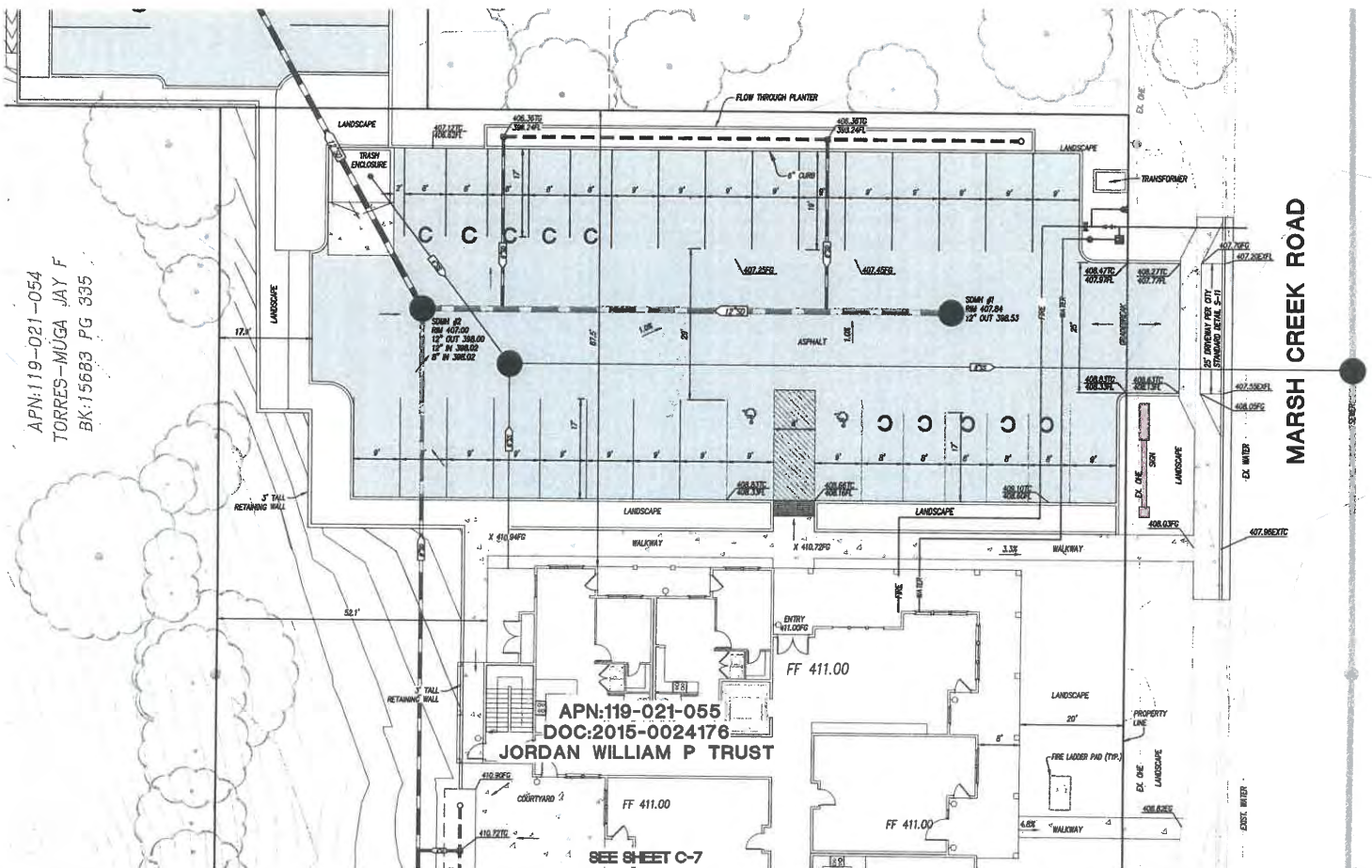
THE OLIVIA ON MARSH CREEK
6450 MARSH CREEK ROAD
OVERALL SITE PLAN
 CONTRA COSTA COUNTY

A.P.M. 119-021-055
 CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. MILANI
 REG. NO. 36761 EXP. 09-30-21
 DATE: _____
 DESIGN: KRA
 JOB NO: 740
 DRAWN: KRASMSJLM
 DATE: OCTOBER 2019
 CHECKED: MEM
 SCALE: AS SHOWN



NO.	REVISIONS	BY	APP	DATE	SHEET
					C-5
					11
					SHEETS



APN:119-021-054
 TORRES-MUGA JAY F
 BK:15683 PG 335

APN:119-021-055
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THE OLIVIA ON MARSH CREEK
6450 MARSH CREEK ROAD
SITE PLAN
 CONTRA COSTA COUNTY

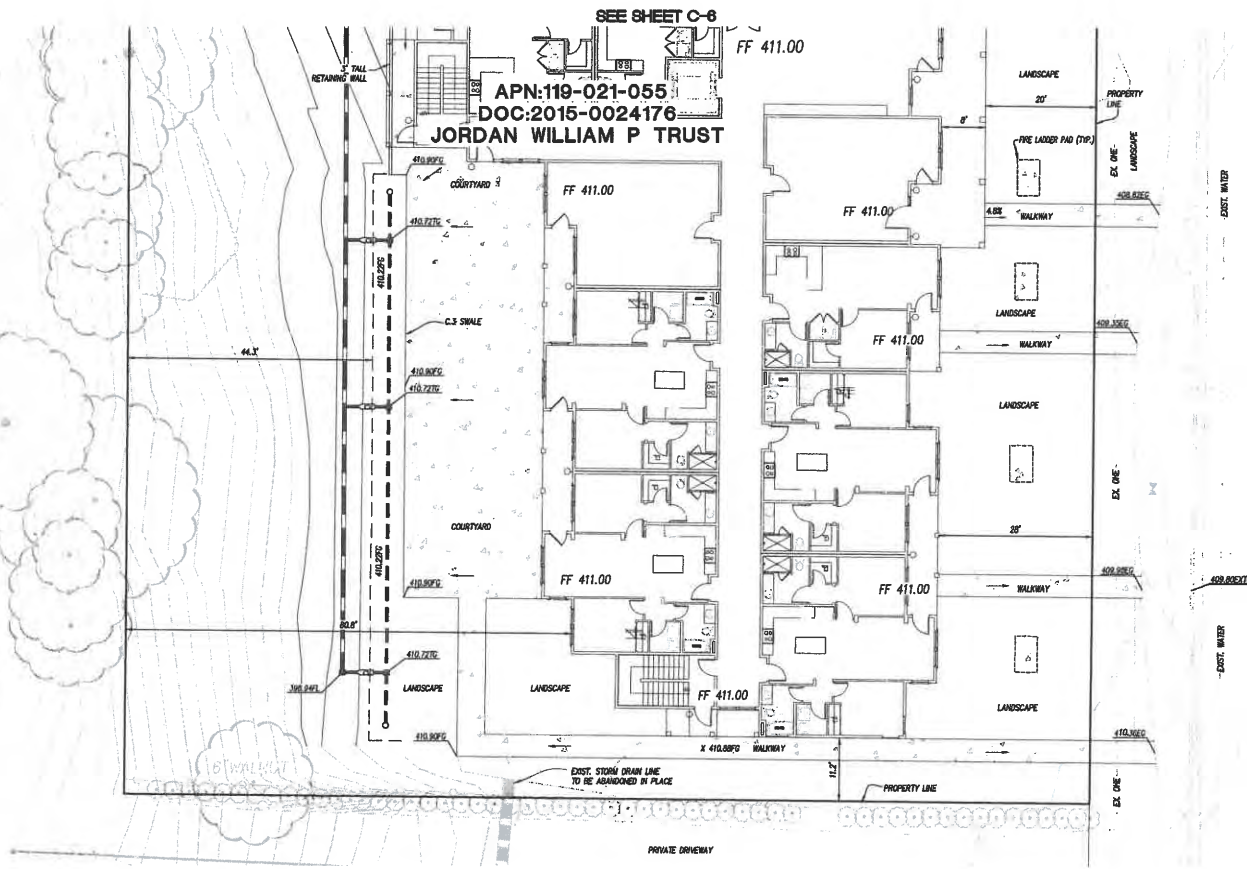
A.P.N. 119-021-055
 CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. MILANI
 P.C.E. No. 38121 - EXPIRES 0-30-21
 DATE: _____
 DESIGN: KRA
 JOB NO: 740
 DRAWN: KRA/MSJ/MJL
 DATE: OCTOBER 2019
 CHECKED: MEM
 SCALE: AS SHOWN



NO.	REVISIONS	BY	APP	DATE	SHEET
					C-6
					11
					SHEETS

APN:119-021-054
 TORRES-MUGA JAY F
 BK:15663 PG 335



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MARSH CREEK ROAD



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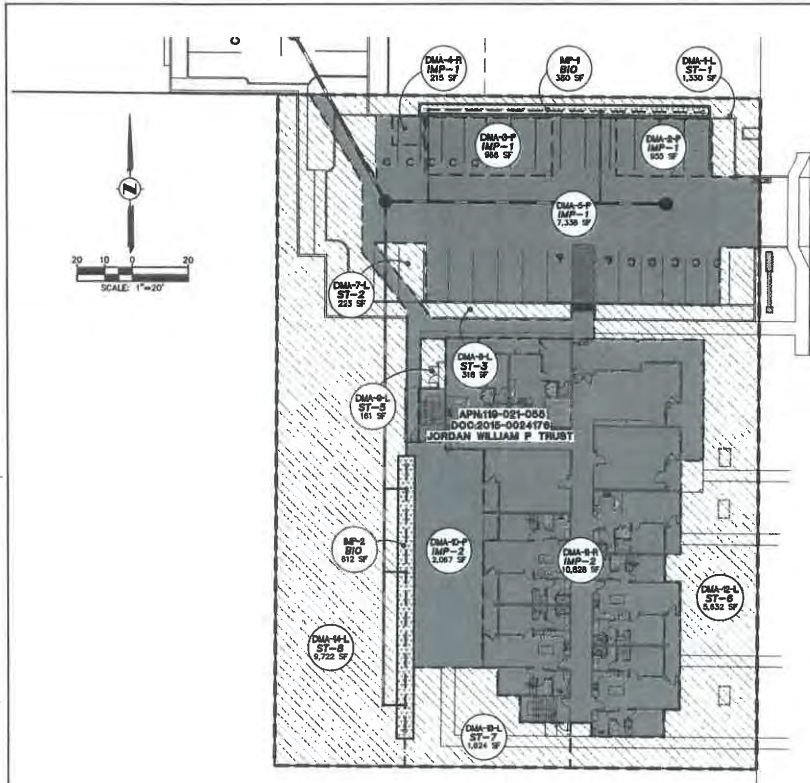
JORDAN PROPERTY
THE OLIVIA ON MARSH CREEK
6450 MARSH CREEK ROAD
SITE PLAN
 CITY OF CLAYTON
 CONTRA COSTA COUNTY
 CALIFORNIA

A.P.N. 119-021-055

DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. MILANI
 REG. NO. 36827 - EXPIRES 9-30-21
 DATE: _____
 DESIGNER: MPA
 DRAWN: KRASMSJLM
 CHECKED: MEM
 JOB NO: 740
 DATE: OCTOBER 2019
 SCALE: AS SHOWN



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					11
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Project Name: Clayton Senior Housing North Site 2
 Project Type: Treatment Only
 APN: 119-021-055
 Drainage Area: 42,361
 Mean Annual Precipitation: 18.0

Self-Treating DMAs

DMA Name	Area (sq ft)
DMA1	1,200.0
DMA2	223.0
DMA3	318.0
DMA4	215.0
DMA12	5,832.0
DMA13	1,824.0
DMA14	9,722.0

IV. Areas Draining to IMPs

IMP Name: IMP1
 IMP Type: Flow-Through Planter
 Soil Group: IMP1

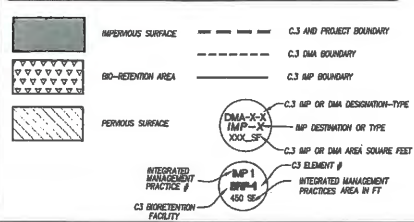
DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing Factor	IMP Sizing	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
DMA2	968	Concrete or Asphalt	1.00	968					
DMA3	968	Concrete or Asphalt	1.00	968					
DMA4	215	Conventional Roof	1.00	215					
DMA3	7,339	Concrete or Asphalt	1.00	7,339					
Total				9,474	Area	0.040	1.000	376	380

IMP Name: IMP2
 IMP Type: Bioretention Facility
 Soil Group: IMP2

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing Factor	IMP Sizing	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
DMA10	2,087	Concrete or Asphalt	1.00	2,087					
DMA11	10,828	Conventional Roof	1.00	10,828					
Total				12,915	Area	0.040	1.000	518	612

Report generated on 1/8/2019 12:00:00 AM by the Contra Costa Clean Water Program IMP Sizing Tool software (version 1.3.1.0).

LEGEND



NOTES:

1. SITE HYDROLOGIC SOIL TYPE: D
2. GROUNDWATER ENCOUNTERED AT A DEPTH OF 11 TO 24 FEET.
3. CONTRACTOR SHALL FOLLOW CONTRA COSTA COUNTY CLEAN WATER PROGRAM TYP ADDITION.

ABBREVIATIONS:

- BRF BIODEGRADATION FACILITY
- CAP CAPACITY
- EX EXISTING
- DMA DRAINAGE MANAGEMENT AREA
- F/C FACE OF CURB
- ISO IMP RETENTION
- IMP INTEGRATED MANAGEMENT PRACTICES
- L LANDSCAPE
- NOT A PART, AREA EXCLUDED FROM C.3 REQUIREMENTS
- I IMP
- IMP IMP
- P PAVEMENT
- PL PLANTER
- R ROOF
- R/W RIGHT OF WAY
- SF SQUARE FEET
- SR SELF TREATING
- ST SELF TREATING
- S/W SENSIBLE
- U UNTREATED

IMPERVIOUS AREAS:

- SITE #
- EXISTING LOT SIZE 42,361 SQFT
- EXISTING IMPERVIOUS AREA 5,438 SQFT
- PROPOSED IMPERVIOUS AREA 22,370 SQFT
- NET INCREASE OF IMPERVIOUS AREA 16,934 SQFT

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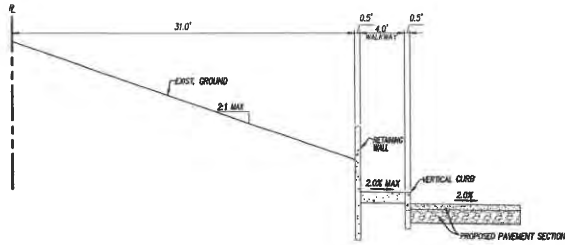
THE OLIVIA ON MARSH CREEK
6450 MARSH CREEK ROAD
C.3 COMPLIANCE EXHIBIT

A.P.N. 119-021-055
 CALIFORNIA

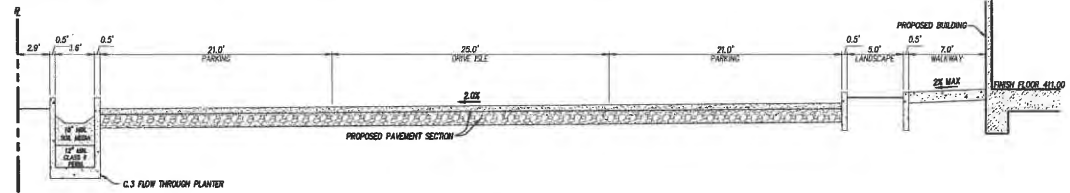
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 MICHAEL E. MILANI
 REG. NO. 30101 ENGINEER 9-20-21
 DATE: _____
 DESIGNER: KRA
 JOB NO: 740
 DRAWN: KRASMBJML
 DATE: OCTOBER 2019
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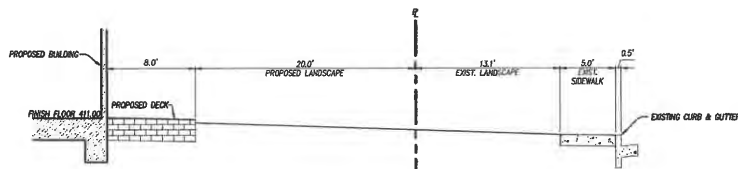
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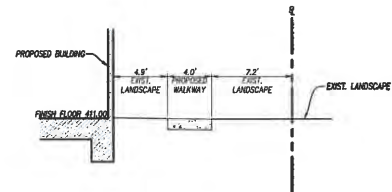
SECTION A
HORIZ: 1"=3'
VERT: 1"=2.5'



SECTION B
HORIZ: 1"=3'
VERT: 1"=2.5'



SECTION C
HORIZ: 1"=3'
VERT: 1"=2.5'



SECTION D
HORIZ: 1"=3'
VERT: 1"=2.5'

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CONSTRUCTION APPROVAL OF MAP

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CITY OF CLAYTON

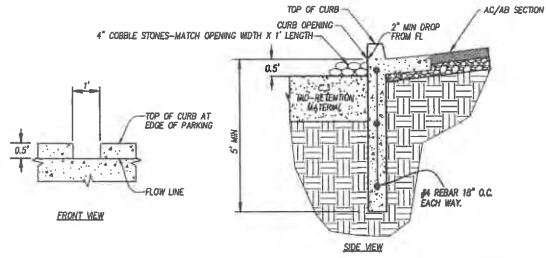
THE OLIVIA ON MARSH CREEK
6450 MARSH CREEK ROAD
SECTIONS
CONTRA COSTA COUNTY

A.P.N. 119-021-055
CALIFORNIA

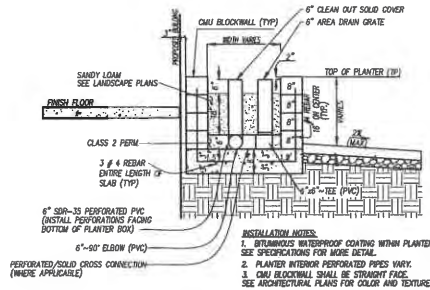
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MICHAEL E. MILANI
A.C.E. NO. 58151 EXP. 09-30-21
DATE: _____
DESIGN: KPA
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DRAWN: KRASMSLML
DATE: OCTOBER 2019
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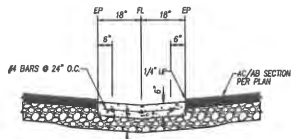
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					11
					OF SHEETS



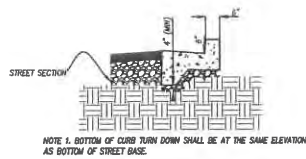
DEEPEMED CURB AT C3 BIO-RETENTION BASINS
NOT TO SCALE



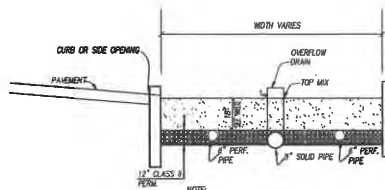
C3 PLANTER
NOT TO SCALE



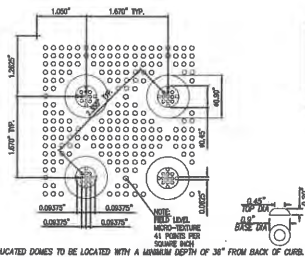
36" VALLEY GUTTER
NOT TO SCALE
NOTE: FL = EP - 0.12"



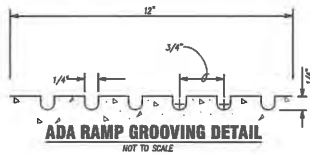
STANDARD 6" CURB & GUTTER
NOT TO SCALE
NOTE: BOTTOM OF CURB TURN DOWN SHALL BE AT THE SAME ELEVATION AS BOTTOM OF STREET BASE.



BIO-RETENTION FACILITY
NOT TO SCALE



RAISED TRUNCATED DOME DETAILS
NOT TO SCALE



ADA RAMP GROOVING DETAIL
NOT TO SCALE

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Web: www.milaniassociates.com

JORDAN PROPERTY

THE OLIVIA ON MARSH CREEK
6450 MARSH CREEK ROAD
DETAILS

A.P.N. 119-021-055

CITY OF CLAYTON

CONTRA COSTA COUNTY

CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:

MICHAEL E. MILANI
P.E. No. 31171
DESIGN: KPA
DRAWN: KRA/SBAJML
CHECKED: MEM

DATE: OCTOBER 2019
SCALE: AS SHOWN

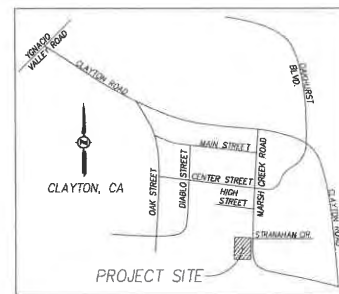


NO.	REVISIONS	BY	APP	DATE	SHEET
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					11

SITE PLAN

THE OLIVIA ON MARSH CREEK

6490 MARSH CREEK ROAD CITY OF CLAYTON, CONTRA COSTA COUNTY, CALIFORNIA

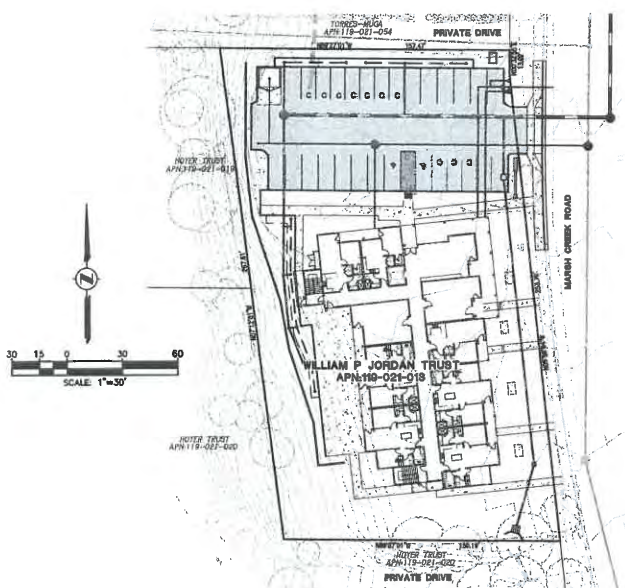


VICINITY MAP
N.T.S.

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GENERAL NOTES

- OWNER/DEVELOPER**
WILLIAM P JORDAN TRUST
6590 MARSH CREEK ROAD
CLAYTON, CA 94517
PHONE: (925) 672-7249
- ARCHITECT**
DESIGN & DEVELOPMENT
6806 TELEGRAPH AVENUE, SUITE A
OAKLAND, CA 94609
PHONE: (510) 526-7230
CONTACT: JOHN NEWSON
- CIVIL ENGINEER**
MILANI AND ASSOCIATES
2655 STANWELL DRIVE, SUITE 105
CONCORD, CA 94520
PHONE: (925) 674-9279
CONTACT: KEN ALDOCK
- GEOTECHNICAL ENGINEER**
FRAN ASSOCIATES, INC.
8000 HIGHLAND STREET
SAN LEANDRO, CA 94577
PHONE: (510) 339-3350
CONTACT: ERIC FRANZ
- ARBORIST**
SBCA TREE CONSULTING
1504 RIDGE STREET
CROCKETT, CA 94525
PHONE: (510) 787-3025
CONTACT: STEVE BACHOLDER
- SITE ADDRESS:** 6490 MARSH CREEK ROAD, CLAYTON, CA 94517
- ASSESSOR PARCEL NUMBER:** 119-021-013
- TOTAL SITE AREA:** 0.63 AC (44,693 SF)
- C.P. DESIGNATION:** MND (15.1 TO 20 UNITS PER GROSS ACRE)
- EXISTING ZONING:** PD (PLANNED DEVELOPMENT)
- PROPOSED ZONING:** PD (PLANNED DEVELOPMENT)
- EXISTING USE:** SINGLE FAMILY RESIDENTIAL
- PROPOSED USE:** MULTI FAMILY RESIDENTIAL/APARTMENTS
- TOTAL NUMBER OF LOTS:** 1 LOT
- UTILITIES & SERVICES**
 - WATER: CONTRA COSTA WATER DISTRICT
 - SEWER: CITY OF CONCORD
 - GAS & ELECTRIC: PACIFIC GAS & ELECTRIC
 - TELEPHONE: AT&T
 - CABLE: COMCAST
 - POLICE: CITY OF CLAYTON
 - DRAINAGE: CONTRA COSTA COUNTY FLOOD CONTROL & CONSERVATION DISTRICT (DCCF/CAWS)



- NO PUBLIC AREAS ARE PROPOSED.
- FLOOD ZONE:** "X" (OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLANE)
(PANEL 0308F DATED: 06/16/2009)
- LEGAL DESCRIPTION:**
PORTION OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 1 NORTH, RANGE 1 WEST, MOUNT Diablo BASE AND MERIDIAN, DESCRIBED AS FOLLOWS:
BEGINNING ON THE NORTH LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM CLARENCE E. FRANK ET. UX., TO ALBERT C. RASMUSSEN, RECORDED APRIL 8, 1929, IN BOOK 173 OF OFFICIAL RECORDS, PAGE 437, AT THE EASTERLY LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO ROBERT WILLIAM NOTES, ET. UX., RECORDED APRIL 10, 1936, IN BOOK 2742 OF OFFICIAL RECORDS AT PAGE 125; THENCE FROM SAID POINT OF BEGINNING ALONG THE EXTERIOR LINES OF SAID DEED (2742 OR T1) AS FOLLOWS: SOUTH 74°42' EAST 267.81 FEET AND EAST 128.19 FEET TO THE EASTERLY LINE OF SAID DEED (173 OR O1); THENCE ALSO THE EASTERLY LINE OF MARSH CREEK ROAD; THENCE ALONG THE LAST NAMED LINE NORTHERLY TO THE NORTH LINE OF SAID DEED (173 OR 437); THENCE ALONG THE LAST NAMED LINE WEST; 157.47 FEET TO THE POINT OF BEGINNING.
- EXISTING CONDITIONS BASED ON FIELD TOPOGRAPHIC SURVEY BY MILANI & ASSOCIATES COMPLETED MAY, 2014.**
- BASES OF BEARINGS:**
FOUND TWO 3/4" IRON PIPES AS SHOWN ON OS L&M 37, TAKEN AS INDICATED.
- BENCHMARK:**
FOUND BRASS DISK STAMPED
"77 26 LS 9272 1907" AT THE ENTRANCE TO CLAYTON CITY OFFICES AT THE TOP OF A CATCH BASIN ON CLAYTON ROAD.
ELEVATION TAKEN AS 412.80 (NAD83) PROJECT BASED ON 1988 DATUM.
ELEVATION TAKEN AS 410.208 (NVD 1929)

RECEIVED

OCT 14 2019

CITY OF CLAYTON
COMMUNITY DEVELOPMENT DEPT.

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ABBREVIATIONS			
ABBREVIATION	DESCRIPTION	ABBREVIATION	DESCRIPTION
ACP	ASSISTED CEMENT PIPE	AW	MINIMUM
AD	AREA DRAIN	N/A	NOT APPLICABLE
AP	ANGLE POINT	CG	ORIGINAL GROUND
BC	BEAM CURVE	CHL	OVERHEAD UTILITY
BF	BOTTOM OF FOOTING	PAY	PAVEMENT
BO	BLOW OFF	PC	POINT OF COMPOUND CURVE
BVC	BEAM VERTICAL CURVE	PPFP	PERFORATED PIPE
BW	BANK OF WALK	POC	POINT OF CURVE
CL	CENTRALISE	PRC	POINT OF REVERSE CURVATURE
DG	DECOMPOSED GRANITE	PCV	POLYETHYLENE CHLORIDE
DWB	DRAINWAY	PM	POINT OF VERTICAL INTERSECTION
ED	END OF CURVE	R	RADIUS
ELEV	ELEVATION	RSP	REINFORCED CONCRETE PIPE
ENC	END OF VERTICAL CURVE	RET	RETURN (CURS)
EW	END WALL	RSR	RISER
EX	EXISTING	RT	RIGHT
FF	FRESH FLOOR	RW	RIGHT OF WAY
FD	FRESH GRADE	S	SLOPE
FW	FIRE WYHOSE	SD	STORM DRAIN
FL	FLOW LINE	SO	SIDE OPENING
FV	FIRE WATER MAIN	SS	SANITARY SENSER
GB	GARAGE BREAK	SSCO	SANITARY SENSER CLEAN OUT
GF	GARAGE FINISH FLOOR	SSM	SANITARY SENSER MANHOLE
GL	GARAGE LIP	SW	SIDEWALK
GR	GRATE	TC	TOP OF CURB
HDP	HIGH-DENSITY POLYETHYLENE	TCC	TOP OF DEPRESSION CURB
HP	HIGH POINT	TP	TOP OF PAVEMENT
HW	HOVER	TR	TOP OF CURB
LAT	LATERAL	TW	TOP OF WALL
LFT	LEFT	WCF	WETTED CLAY PIPE
		ULL	UNDERGROUND UTILITY
		W	WATER MAIN OR WATER SERVICE
		WM	WATER METER

MILANI & ASSOCIATES
2655 Stanwell Drive, Suite 105
Concord, CA 94520
Phone: (925) 674-9279
Fax: (925) 674-9279
Web: www.milaniasociates.com

JORDAN PROPERTY
THE OLIVIA ON MARSH CREEK
6490 MARSH CREEK ROAD
COVER SHEET

A.P.M. 119-021-013
CITY OF CLAYTON
CONTRA COSTA COUNTY
CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:

MICHAEL E. MALIN
FILE NO. 36101 - SEPTEMBER 9-20-21

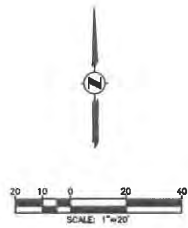
DESIGN: KRA
JOB NO: 740

DRAWN: KRASMMJML
DATE: OCTOBER 2019

CHECKED: MEM
SCALE: AS SHOWN



NO.	REVISIONS	BY	APP.	DATE	SHEET
					C-1
					11
					SHEETS



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JORDAN PROPERTY
 CITY OF CLAYTON

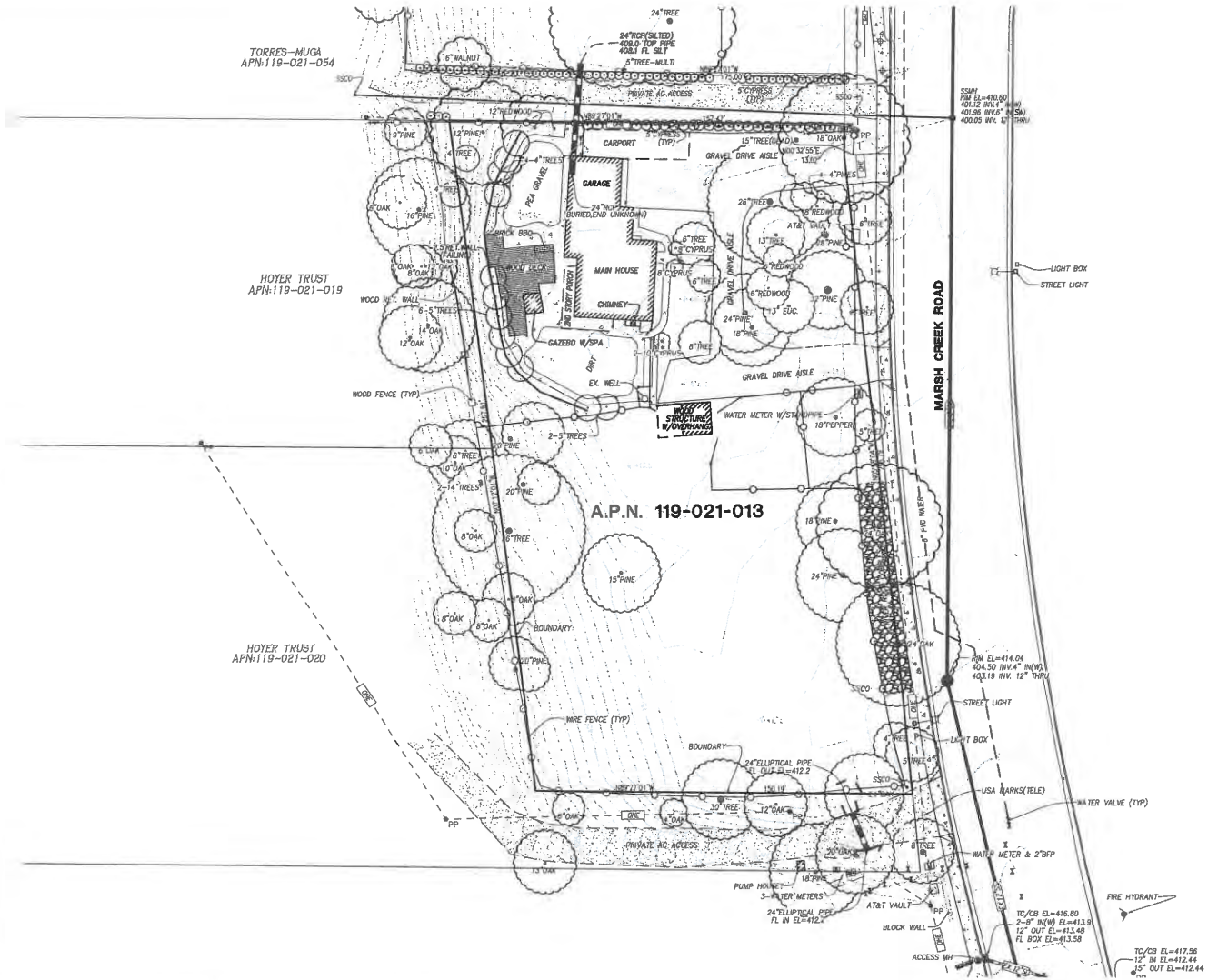
THE OLIVIA ON MARSH CREEK
6490 MARSH CREEK ROAD
EXISTING SITE CONDITIONS

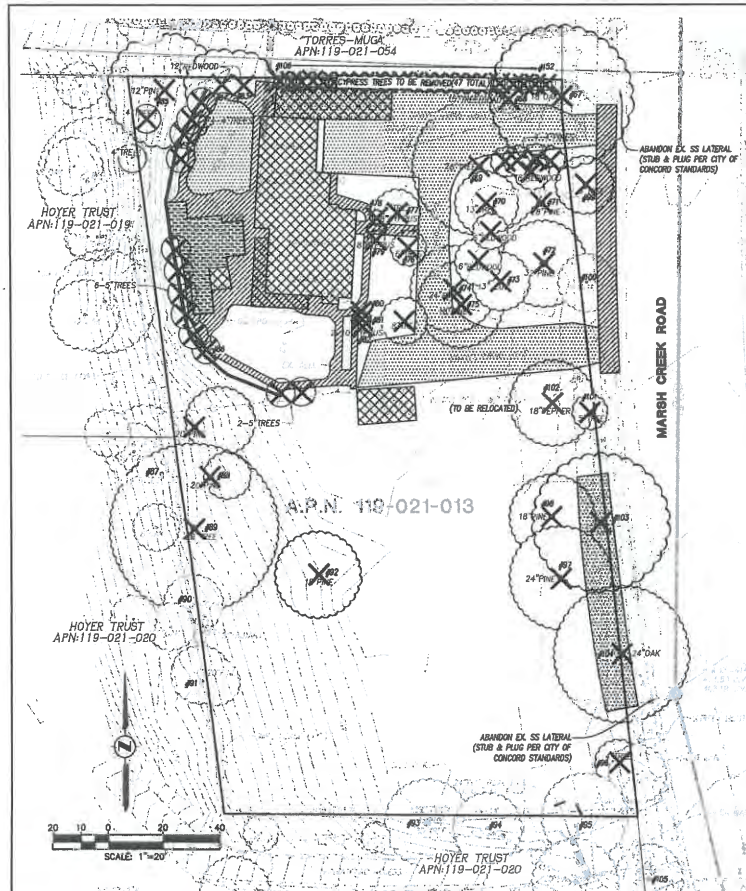
A.P.N. 119-021-013
 CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. NEJARI
 P.C.E. No. 50711 EXP. 09-30-21 DATE
 DESIGN: KRA JOB NO: 740
 DRAWN: KRA/SMS/LML DATE: OCTOBER 2019
 CHECKED: MEM SCALE: AS SHOWN



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					SHEETS





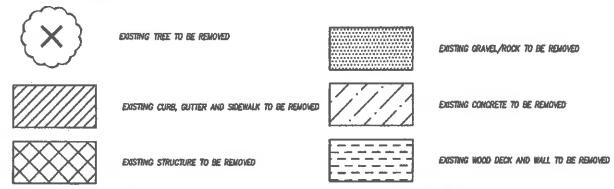
TREE REMOVAL NOTES:

#	Tree Name	Species	DBH	H	C	Q	Y	W	Notes
67	Quercus lobata	Valley Oak	13.5	30	45	0	0	0	OH, High voltage power line
68	Asplenium nidus	California Black Walnut	17.5	25	20	0	0	0	Seed, Near road
69	Rhus glabra	Black Locust	24.5	50	50	0	0	0	COE 1 & 2
70	Biologium japonicum	Shaw Dollar Gum	18.0	60	40	0	0	0	
71	Pinus attenuata	Aliso Pine	28	70	50	0	0	0	Lean, COE
72	Pinus jeffreyi	Aliso Pine	28.5	70	50	0	0	0	CD
73	Kalmegalia	Red Iron Bark	11	25	20	0	0	0	PP
74	Pinus radiata	Monterey Pine	21	60	30	0	0	0	Noise tree
75	Pinus jeffreyi	Italian Stone Pine	15	10	30	0	0	0	Lean, Large pruning cuts
76	Pinus radiata	Monterey Pine	7	20	15	0	0	0	Crack, Oldback
77	Pinus castanifera	Purple Leaf Plym	8	25	20	0	0	0	COE
78	Quercus agrifolia	Italian Cypress	9	40	5	0	0	0	
79	Quercus agrifolia	Italian Cypress	9	40	5	0	0	0	
80	Quercus agrifolia	Italian Cypress	7.5	35	5	0	0	0	Crowded
81	Quercus agrifolia	Italian Cypress	6.5, 8.0	20	5	0	0	0	Crowded
82	Quercus agrifolia	Italian Cypress	8.5	40	5	0	0	0	Crowded
83	Quercus agrifolia	Coast Redwood	14	30	15	0	0	0	Toppled, Not suitable for under powerlines
84	Quercus agrifolia	Coast Redwood	12.5	30	15	0	0	0	Toppled, Not suitable for under powerlines
85	Pinus radiata	Monterey Pine	22.5	45	30	0	0	0	Diblock
86	Melinis sp.	Apple	8, 8.3	15	15	0	0	0	
87	Disopygus sibiriacus	Red Iron Bark	18, 13	40	40	0	0	0	OH, use a stem girdle, On property line
88	Pinus radiata	Monterey Pine	35	80	30	0	0	0	Significant lean, Large trunk wounds
89	Agave sp.	English Yucca	39	75	45	0	0	0	OH, Large trunk wounds, On property line
90	Quercus agrifolia	Blue Oak	7	30	15	0	0	0	On property line, OH, girdled trunk
91	Quercus agrifolia	Italian Cypress	8	25	30	0	0	0	On property line, Fallen over, Large pruning wounds
92	Pinus radiata	Monterey Pine	13	25	25	0	0	0	Large trunk wound, Lean, Stripped
93	Pseudotsuga densata	French Poplar	27	50	30	0	0	0	On adjacent property, Healed, OH, High voltage power line
94	Quercus lobata	Valley Oak	10.0	25	25	0	0	0	On adjacent property, High voltage power line
95	Quercus lobata	Valley Oak	5, 15.5	55	50	0	0	0	On property line, Nice tree
96	Alnus sp.	Tree of Heaven	6	30	20	0	0	0	In space
97	Pinus radiata	Monterey Pine	20.0	60	30	0	0	0	Stripped
98	Pinus radiata	Monterey Pine	16.5	30	25	0	0	0	In canopy of oak
99	Pinus sabiniana	Chinese Pistache	6	25	30	0	0	0	Street tree
100	Pinus sabiniana	Chinese Pistache	7.5	23	30	0	0	0	Street tree
101	Pinus sabiniana	Chinese Pistache	5	25	30	0	0	0	Street tree
102	Sida acuminata	W'low	18	10	10	0	0	0	Healed
103	Quercus lobata	Valley Oak	24.5	60	45	0	0	0	Street tree, High voltage power line, but pruning area ok, Lean
104	Quercus douglasii	Blue Oak	24.5	25	30	0	0	0	Street tree, High voltage power line
105	Pinus sabiniana	Chinese Pistache	4.5	25	20	0	0	0	Street tree, Lean

* TO BE REMOVED
** PROTECTED TREE TO BE REMOVED

106	Quercus agrifolia	Italian Cypress	4.5	25	2	0	0	0	North property line row
107	Quercus agrifolia	Italian Cypress	4.5	25	2	0	0	0	North property line row
108	Quercus agrifolia	Italian Cypress	4	25	2	0	0	0	North property line row
109	Quercus agrifolia	Italian Cypress	4	20	2	0	0	0	North property line row
110	Quercus agrifolia	Italian Cypress	4.5	25	2	0	0	0	North property line row
111	Quercus agrifolia	Italian Cypress	4.5	20	2	0	0	0	North property line row
112	Quercus agrifolia	Italian Cypress	4.5	20	2	0	0	0	North property line row
113	Quercus agrifolia	Italian Cypress	4	25	2	0	0	0	North property line row
114	Quercus agrifolia	Italian Cypress	3	20	2	0	0	0	North property line row
115	Quercus agrifolia	Italian Cypress	4	20	2	0	0	0	North property line row
116	Quercus agrifolia	Italian Cypress	4	20	2	0	0	0	North property line row
117	Quercus agrifolia	Italian Cypress	4.5	25	2	0	0	0	North property line row
118	Quercus agrifolia	Italian Cypress	4	20	2	0	0	0	North property line row
119	Quercus agrifolia	Italian Cypress	4.5	20	2	0	0	0	North property line row
120	Quercus agrifolia	Italian Cypress	4	25	2	0	0	0	North property line row
121	Quercus agrifolia	Italian Cypress	5	25	2	0	0	0	North property line row
122	Quercus agrifolia	Italian Cypress	4.5	25	2	0	0	0	North property line row
123	Quercus agrifolia	Italian Cypress	6	25	2	0	0	0	North property line row
124	Quercus agrifolia	Italian Cypress	6.5	25	2	0	0	0	North property line row
125	Quercus agrifolia	Italian Cypress	5.5	25	2	0	0	0	North property line row
126	Quercus agrifolia	Italian Cypress	5	25	2	0	0	0	North property line row
127	Quercus agrifolia	Italian Cypress	4	25	2	0	0	0	North property line row
128	Quercus agrifolia	Italian Cypress	5	25	2	0	0	0	North property line row
129	Quercus agrifolia	Italian Cypress	6.5	25	2	0	0	0	North property line row
130	Quercus agrifolia	Italian Cypress	5	25	2	0	0	0	North property line row
131	Quercus agrifolia	Italian Cypress	5.5	25	2	0	0	0	North property line row
132	Quercus agrifolia	Italian Cypress	6	25	2	0	0	0	North property line row
133	Quercus agrifolia	Italian Cypress	4, 4.5	25	2	0	0	0	North property line row
134	Quercus agrifolia	Italian Cypress	6	25	2	0	0	0	North property line row
135	Quercus agrifolia	Italian Cypress	6.5	25	2	0	0	0	North property line row
136	Quercus agrifolia	Italian Cypress	5	25	2	0	0	0	North property line row
137	Quercus agrifolia	Italian Cypress	4, 3	25	2	0	0	0	North property line row
138	Quercus agrifolia	Italian Cypress	6.5	25	2	0	0	0	North property line row
139	Quercus agrifolia	Italian Cypress	6	25	2	0	0	0	North property line row
140	Quercus agrifolia	Italian Cypress	5, 5	25	2	0	0	0	North property line row
141	Quercus agrifolia	Italian Cypress	6	25	2	0	0	0	North property line row
142	Quercus agrifolia	Italian Cypress	7	25	2	0	0	0	North property line row
143	Quercus agrifolia	Italian Cypress	6.5	25	2	0	0	0	North property line row
144	Quercus agrifolia	Italian Cypress	6	25	2	0	0	0	North property line row
145	Quercus agrifolia	Italian Cypress	4.5	25	2	0	0	0	North property line row
146	Quercus agrifolia	Italian Cypress	6	25	2	0	0	0	North property line row
147	Quercus agrifolia	Italian Cypress	5.5	25	2	0	0	0	North property line row
148	Quercus agrifolia	Italian Cypress	5.5	25	2	0	0	0	North property line row
149	Quercus agrifolia	Italian Cypress	6	25	2	0	0	0	North property line row
150	Quercus agrifolia	Italian Cypress	5	25	2	0	0	0	North property line row
151	Quercus agrifolia	Italian Cypress	5	25	2	0	0	0	North property line row
152	Quercus agrifolia	Italian Cypress	6	25	2	0	0	0	North property line row

DEMOLITION LEGEND



DEMOLITION QUANTITIES	
STRUCTURE REMOVAL	2,800 SF
CONCRETE REMOVAL	1,750 SF
GRAVEL/ROCK REMOVAL	5,450 SF
CONCRETE CURB, GUTTER & SIDEWALK REMOVAL	680 SF
WOOD DECKING REMOVAL	570 SF
WOOD RETAINING WALL REMOVAL	400 SF
TREE REMOVAL	77 TOTAL

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Planning
Surveying & Mapping
Land Development Engineering
Municipal Engineering
Construction Staking
Environmental Engineering
SWPPP Monitoring & Reporting

MILANI

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JORDAN PROPERTY

THE OLIVIA ON MARSH CREEK
6490 MARSH CREEK ROAD
DEMOLITION & TREE REMOVAL PLAN

CITY OF CLAYTON CONTRA COSTA COUNTY CALIFORNIA

A.P.N. 119-021-013

DESIGNED UNDER THE DIRECTION OF:

MICHAEL E. MILANI
R.C.D. No. 94121 Stamp 9-20-21

DATE: _____

DRAWN: KRA/MSJ/LM CHECKED: MEM

JOB NO: 740 DATE: OCTOBER 2019 SCALE: AS SHOWN

NO.	REVISIONS	BY	APP	DATE	SHEET
7	ARBORIST REPORT ADDITION	KA/MI		10/4/2019	C-3

11 SHEETS

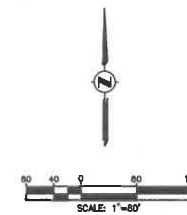


LEGEND AND ABBREVIATIONS

- HD SINGLE FAMILY HIGH DENSITY (PER GENERAL PLAN - 5.1 TO 7.5 UNITS PER GROSS ACRE)
- PU OPEN SPACE/RECREATIONAL (PER GENERAL PLAN)
- RD RURAL ESTATE (PER GENERAL PLAN - 0 TO 1 UNITS PER GROSS ACRE)
- PQ PUBLIC/QUASI PUBLIC (PER GENERAL PLAN)
- LD SINGLE FAMILY, LOW DENSITY (PER GENERAL PLAN - 1 TO 3 UNITS PER GROSS ACRE)
- TC TOWN CENTER (PER GENERAL PLAN)
- MLD MULTI FAMILY, LOW DENSITY (PER GENERAL PLAN - 7.6 TO 10 UNITS PER GROSS ACRE)
- MHD MULTI FAMILY, HIGH DENSITY (PER GENERAL PLAN - 15.1 TO 20 UNITS PER GROSS ACRE)

- PD PLANNED DEVELOPMENT
- PF PUBLIC FACILITY
- R-15 15,000 SF MIN. LOT SIZE
- R-40-H 40,000 SF MIN. LOT SIZE, HORSES ALLOWED
- L-C LIMITED COMMERCIAL

- - - - - SITE BOUNDARY
- ZONING BOUNDARY



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 Mechanical Engineering
 Construction Staking
 Environmental Engineering
 SWPPP Monitoring & Reporting



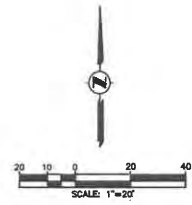
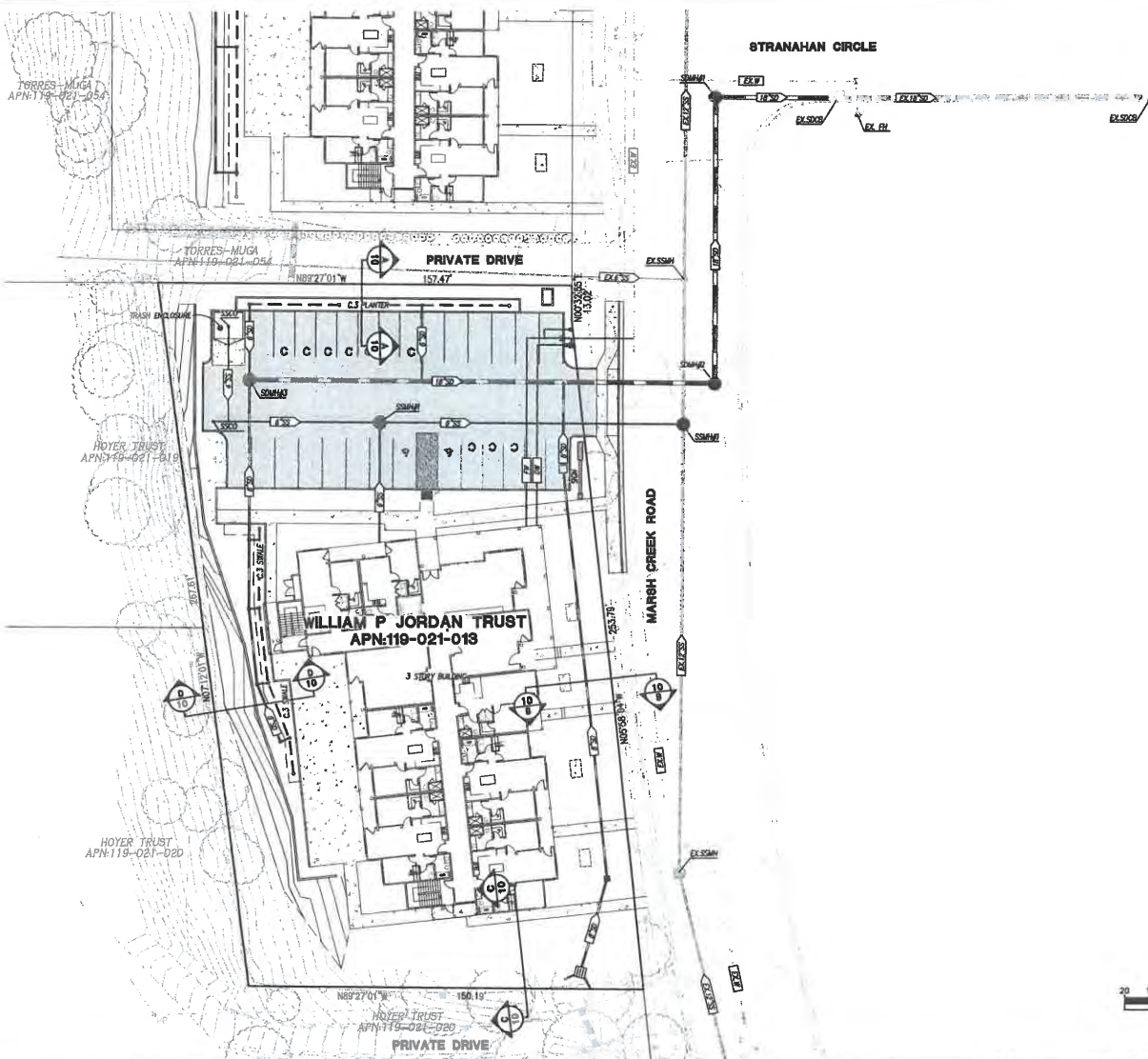
2655 Starwell Drive, Suite 105
 Concord, CA 94520
 Phone: (925) 674-6062
 Fax: (925) 674-9279
 Web: www.milaniassociates.com

JORDAN PROPERTY THE OLIVIA ON MARSH CREEK A.P.M. 119-021-013
6490 MARSH CREEK ROAD
ZONING EXHIBIT
 CITY OF CLAYTON CONTRA COSTA COUNTY CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. MEANE DATE
 P.C.E. No. 92117 EOPPER 9-30-01
 DESIGN: KRA JOB NO: 740
 DRAWN: KRASMBLML DATE: OCTOBER 2019
 CHECKED: MEM SCALE: AS SHOWN



NO.	REVISIONS	BY	APP	DATE	SHEET
					C-4
					11
					OF SHEETS



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Planning
 Surveying & Mapping
 Lead Development Engineering
 Hydraulic Engineering
 Construction Staking
 Environmental Engineering
 SWPPP Monitoring & Reporting



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 Web: www.milaniasociates.com

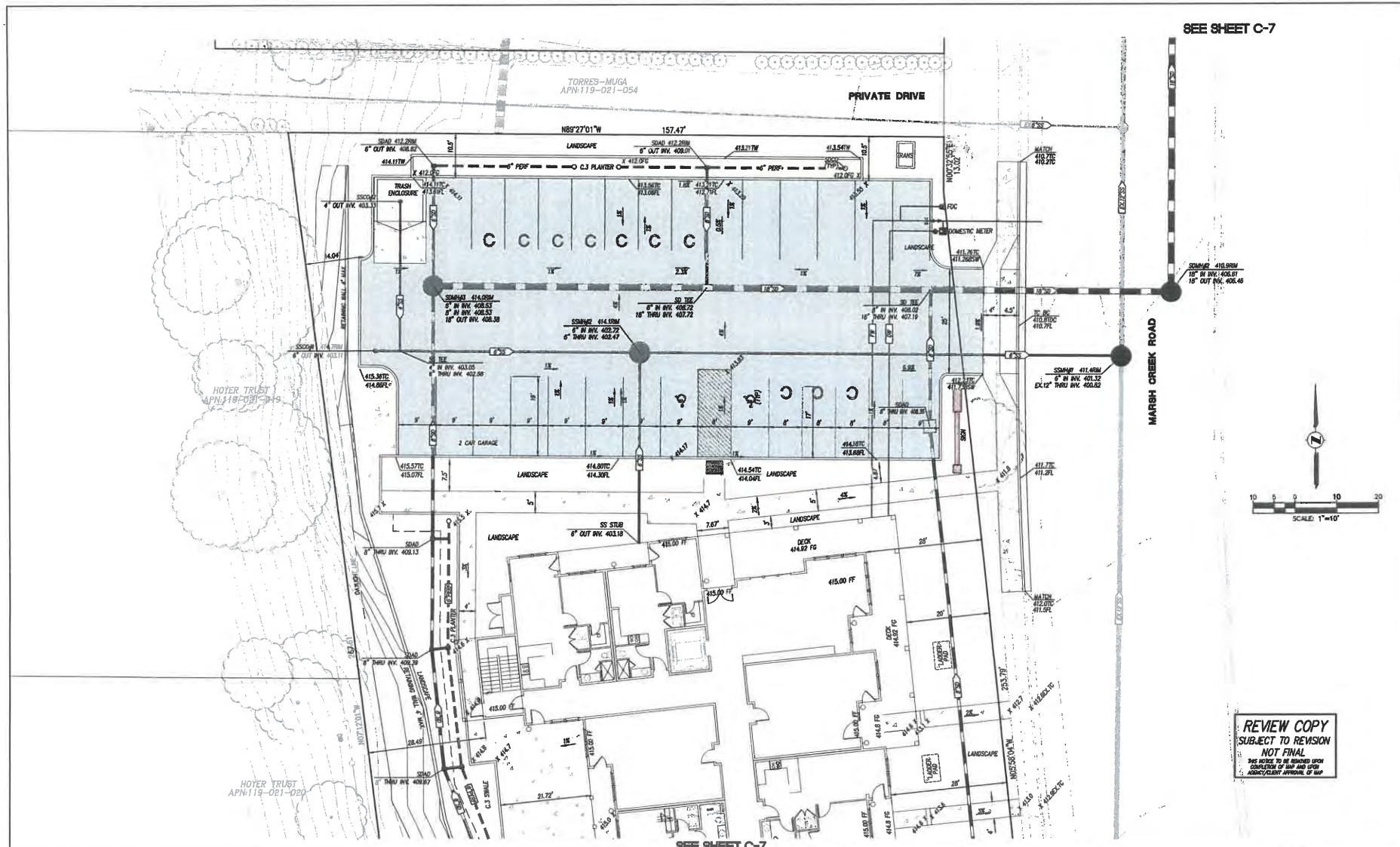
JORDAN PROPERTY
THE OLIVIA ON MARSH CREEK
6490 MARSH CREEK ROAD
OVERALL SITE PLAN
 A.P.N. 119-021-013
 CITY OF CLAYTON
 CONTRA COSTA COUNTY
 CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. MILANI
 P.E. No. 30141 EXP. 09/30/21 DATE: _____
 DESIGN: KRA JOB NO: 740
 DRAWN: KRASIMIR LML DATE: OCTOBER 2019
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NO.	REVISIONS	BY	APP	DATE	SHEET

C-5
 11
 SHEETS



SEE SHEET C-7



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SEE SHEET C-7

Planning
 Surveying & Mapping
 Land Development Engineering
 Municipal Engineering
 Construction Staging
 Environmental Engineering
 SHRP Monitoring & Reporting

MILANI & Associates

2855 Stowell Drive, Suite 105
 Concord, CA 94520
 Phone: (925) 674-9092
 Fax: (925) 674-9279
 Web: www.milaniasociates.com

JORDAN PROPERTY
THE OLIVIA ON MARSH CREEK
6490 MARSH CREEK ROAD
SITE PLAN-NORTH

A.P.N. 119-021-013

CITY OF CLAYTON
 CONTRA COSTA COUNTY
 CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:

MICHAEL E. MILANI
 REG. NO. 8078 EXP. 09-30-21

DATE: _____

DESIGN: KRA
 JOB NO: 740

DRAWN: KRAS/MS/LML
 DATE: OCTOBER 2019

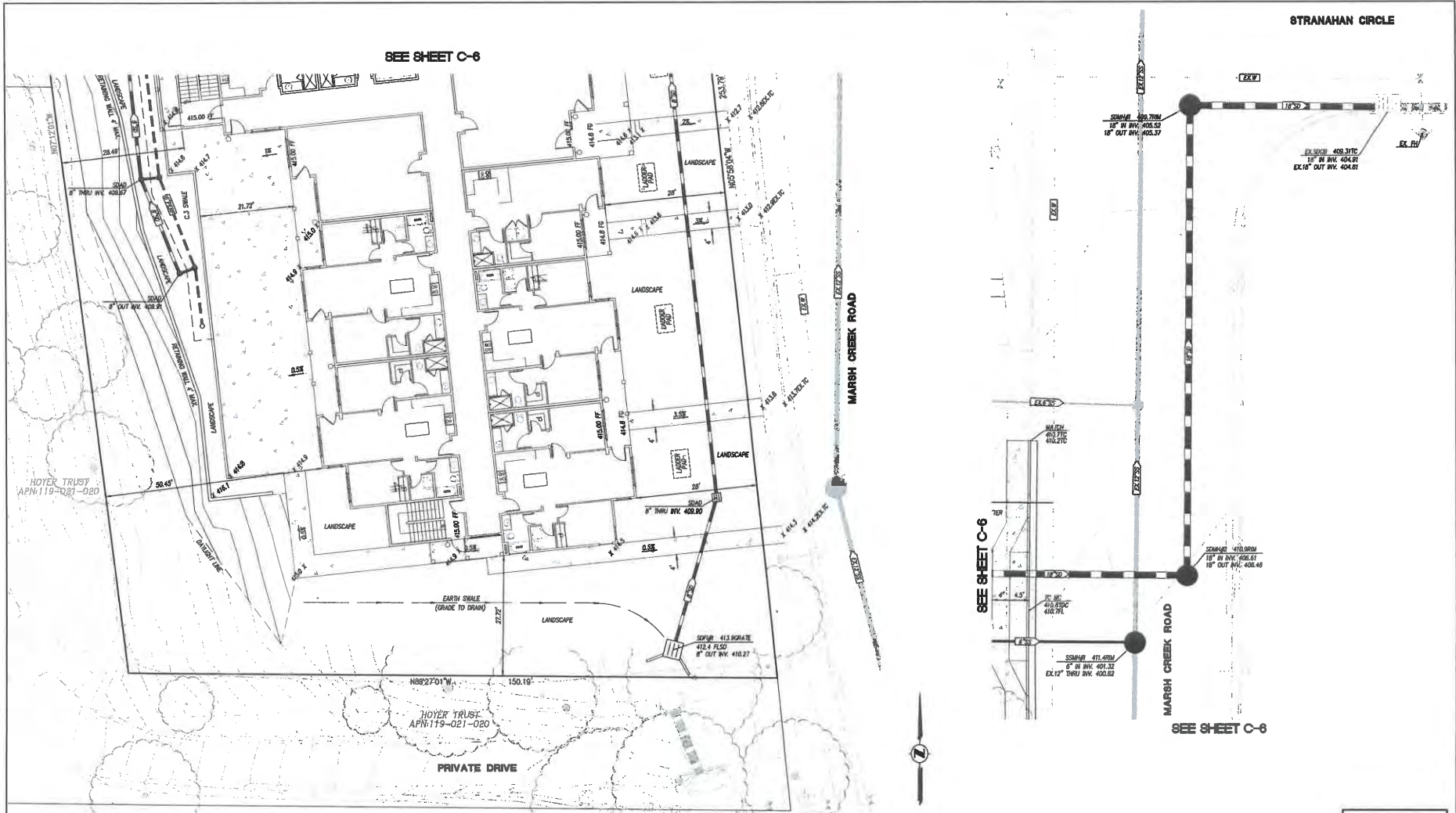
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NO.	REVISIONS	BY	APP	DATE	SHEET

C-6

11
SHEETS



Planning
 Surveying & Mapping
 Land Development Engineering
 Municipal Engineering
 Construction Staking
 Environmental Engineering
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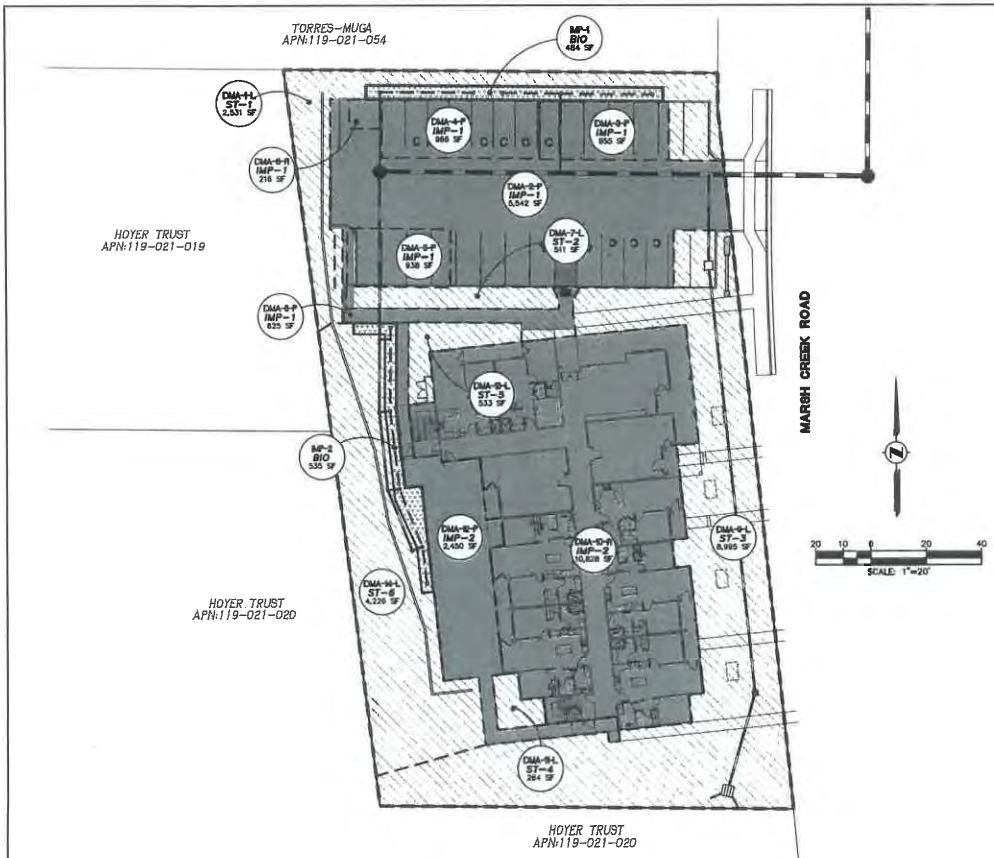
JORDAN PROPERTY
THE OLIVIA ON MARSH CREEK
6490 MARSH CREEK ROAD
SITE PLAN-SOUTH
 A.P.N. 119-021-013
 CITY OF CLAYTON
 CONTRA COSTA COUNTY
 CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. MELANI
 REG. ARCH. 90118 EXP. 09-30-21
 DATE: _____
 DESIGN: KVA
 JOB NO. 740
 DRAWN: KRASMSILML
 DATE: OCTOBER 2019
 CHECKED: MEM
 SCALE: AS SHOWN



NO.	REVISIONS	BY	APP	DATE	SHEET
					C-7
					11
					SHEETS

REVIEW COPY
 SUBJECT TO REVISION
 NOT FINAL
 THIS PROJECT TO BE REMOVED UPON
 COMPLETION OF PERMITS AND OPEN
 NON-COMPLIANT APPROVAL OF PERMITS



Project Name: Clayton Senior Housing North Site 3
 Project Type: Treatment Only
 APN: 119-021-013
 Drainage Area: 40,803
 Mean Annual Precipitation: 18.0

Self-Treating DMAs

DMA Name	Area (sq ft)
DMA1	2,931.0
DMA2	111.0
DMA3	8,668.0
DMA11	264.0
DMA13	833.0
DMA14	4,330.0

IV. Areas Draining to IMPs

IMP Name: IMP1
 IMP Type: Flow-Through Planter
 Soil Group: BMP1

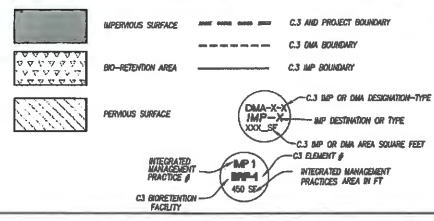
DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
DMA2	5,542	Concrete or Asphalt	1.00	5,542	0.046	1.000	370	464
DMA3	865	Concrete or Asphalt	1.00	865				
DMA4	968	Concrete or Asphalt	1.00	968				
DMA5	838	Concrete or Asphalt	1.00	838				
DMA8	218	Conventional Road	1.00	218				
DMA9	628	Concrete or Asphalt	1.00	628				
Total				9,242				

IMP Name: IMP2
 IMP Type: Bioretention Facility
 Soil Group: BMP2

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor	IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
DMA10	10,828	Conventional Road	1.00	10,828	0.046	1.000	681	638
DMA12	2,450	Concrete or Asphalt	1.00	2,450				
Total				13,278				

Report generated on 8/29/2016 12:00:00 AM by the Contra Costa Clean Water Program IMP Sizing Tool software (version 1.3.1.0).

LEGEND



NOTES:

1. SITE HYDROLOGIC SOIL TYPE: D
2. GROUNDWATER ENCOUNTERED AT A DEPTH OF 11 TO 24 FEET
3. CONTRACTOR SHALL FOLLOW CONTRA COSTA COUNTY CLEAN WATER PROGRAM 7TH EDITION.

ABBREVIATIONS:

- BMP BIORETENTION FACILITY CAPACITY
- EL EXISTING
- DMA DRAINAGE MANAGEMENT AREA
- F/C FACE OF CURB
- RD BIO RETENTION
- IMP INTEGRATED MANAGEMENT PRACTICES
- LANDSCAPE
- NOT A PART AREA EXCLUDED FROM C.3 REQUIREMENTS
- PANEMENT
- PLANER
- R ROAD
- RP RP
- R/W RIGHT OF WAY
- SF SQUARE FEET
- ST SELF TREATING
- SUBAREA
- UNTREATED

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JORDAN PROPERTY
THE OLIVIA ON MARSH CREEK
6490 MARSH CREEK ROAD
C.3 COMPLIANCE EXHIBIT

APN. 119-021-013
 CITY OF CLAYTON
 CONTRA COSTA COUNTY
 CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. MILANI
 P.C.E. NO. 3078 EXPRES 6-30-21

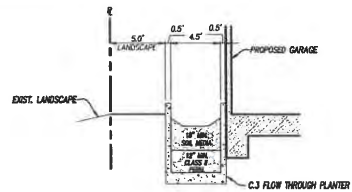
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 DRAWN: KR/BS/MLM
 CHECKED: MEM

JOB NO: 740
 DATE: OCTOBER 2019
 SCALE: AS SHOWN

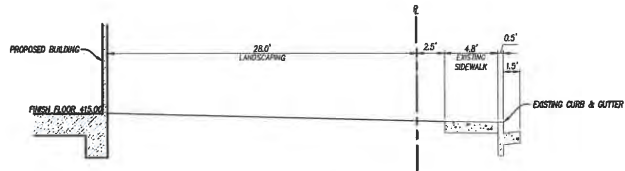


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					11

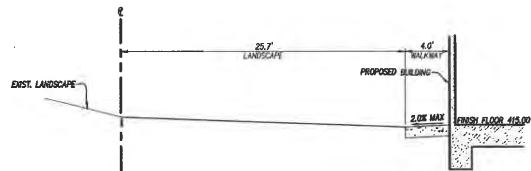
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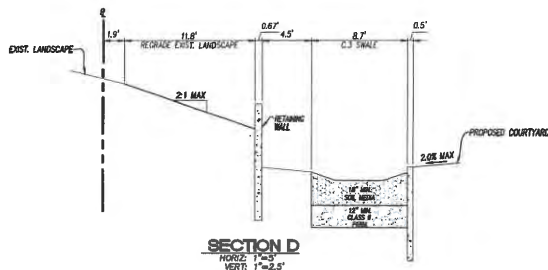
SECTION A
 HORIZ: 1"=3'
 VERT: 1"=2.5'



SECTION B
 HORIZ: 1"=3'
 VERT: 1"=2.5'



SECTION C
 HORIZ: 1"=3'
 VERT: 1"=2.5'



SECTION D
 HORIZ: 1"=3'
 VERT: 1"=2.5'

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 COMPLETION OF THIS AND OTHER
 ASSOCIATED SHEETS APPROVAL OF LAW

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JORDAN PROPERTY
 CITY OF CLAYTON

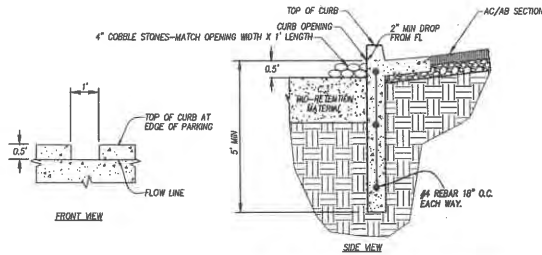
THE OLIVIA ON MARSH CREEK
6490 MARSH CREEK ROAD
 SECTIONS
 CONTRA COSTA COUNTY

A.P.N. 119-021-013
 CALIFORNIA

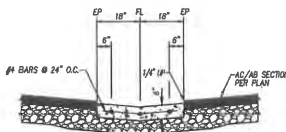
DESIGNED UNDER THE DIRECTION OF:
 MICHAEL E. MILANI
 P.C.E. NO. 58101 EXP 09/08 0-00-21 DATE
 DESIGN: KRA DATE: OCTOBER 2019
 DRAWN: KRA/SMB/LML DATE: OCTOBER 2019
 CHECKED: MEM SCALE: AS SHOWN



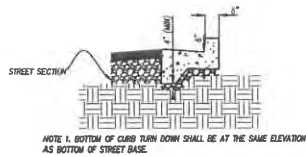
NO.	REVISIONS	BY	APP	DATE	SHEET
					C-10
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					CF SHEETS



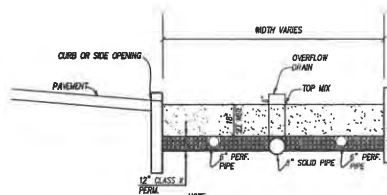
DEEPENED CURB AT C3 BIO-RETENTION BASINS
NOT TO SCALE



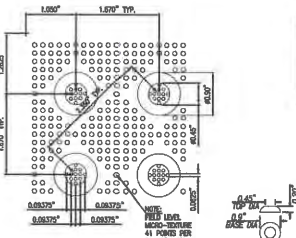
36" VALLEY GUTTER
NOT TO SCALE
NOTE: FL = EP - 0.12'



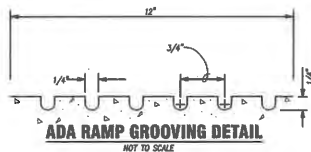
STANDARD 6" CURB & GUTTER
NOT TO SCALE



BIO-RETENTION FACILITY
NOT TO SCALE



TRUNCATED DOMES TO BE LOCATED WITH A MINIMUM DEPTH OF 3/8" FROM BACK OF CURB.
RAISED TRUNCATED DOME DETAILS
NOT TO SCALE



ADA RAMP GROOVING DETAIL
NOT TO SCALE

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Web: www.milaniasociates.com

JORDAN PROPERTY
CITY OF CLAYTON

THE OLIVIA ON MARSH CREEK
6490 MARSH CREEK ROAD
DETAILS
CONTRA COSTA COUNTY

A.P.N. 119-021-013
CALIFORNIA

DESIGNED UNDER THE DIRECTION OF:
MICHAEL E. MILANI
P.C.E. NO. 30121 EXP. 09/20-21
DATE: _____
DESIGN: IONA
JOB NO: 740
DRAWN: KRA/SMS/LML
DATE: OCTOBER 2019
CHECKED: MEM
SCALE: AS SHOWN



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					11

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COMPLETION OF MAP AND UPON
ARCHITECT'S APPROVAL OF MAP

Attachment O

**“Economic Analysis of Requested
Concessions – Clayton Senior Housing
Project” by PlaceWorks**

MEMORANDUM

Date: June 6, 2019

To: William Jordan

From: Steve Gunnells, Chief Economist

Subject: **Economic Analysis of Requested Concessions
Clayton Senior Housing Project**

This memo summarizes the economic analysis conducted for the requested concessions related to the state density bonus law, the Clayton Municipal Code (CMC), and the Housing Element of the Clayton General Plan.

SUMMARY

The proposed project would develop 81 for-rent apartments on three parcels. Seven of the units would be restricted to occupancy by households with qualifying very-low incomes, and all of the units would be restricted to occupancy by residents age 55 and older. The project site comprises three parcels, totaling 3.01 acres. The current general plan land use designation allows a maximum density of 20 units per acre, or 60 total units. Because the proposed project provides 11 percent of the units for very-low income households, it is eligible for a density bonus of 35 percent, or 21 units.

Under the state's density bonus law and the affordable housing regulations of the Clayton Municipal Code, the proposed project is allowed one or two concessions—changes to development standards and other regulatory relief that result in actual cost reductions to provide for affordable-housing costs.

The proposed project includes two requested concessions. The first concession, a reduction in required setbacks to accommodate buildings, parking lots and parking spaces, would reduce total development costs by \$500,000. The second concession, a reduction in the number of parking spaces required for multifamily housing to 62 spaces (0.76 spaces per unit), would reduce the total development cost by \$3,120,540. This memo provides a financial feasibility analysis of the proposed project, with and without the each of the requested concessions. The analysis shows that the proposed project with either of the concessions is not financially feasible. The two concessions are necessary for the project to be financially feasible. From an economic perspective, the requested concessions result in actual cost reductions and are necessary for the project to be developed.

Affordable-housing density-bonus development projects are allowed waivers or reductions in development standards that are necessary to physically accommodate the residential development. The proposed project includes eight such waivers. The memo describes the waivers, but they are not the subject of the financial feasibility analysis.

The analysis finds that the requested concessions are warranted under the state density bonus law and the affordable housing regulations of the City of Clayton. Furthermore, the state density bonus law

states that it is intended to be interpreted liberally in favor of producing the maximum number of housing units. And the Clayton Housing Element, policies I.2 and II.2, commit the City to granting regulatory incentives to projects that provide affordable units.

This memo presents the analysis in seven comment sections:

1. Proposed Project	2
2. Regulatory Context.....	3
3. Density.....	3
4. Density Bonus Concessions	4
5. Waivers and Reductions of Development Standards.....	5
6. Economic Analysis of Requested Concession.....	6
7. Findings.....	7

COMMENTS

1. Proposed Project

The proposed project encompasses three parcels, all of which are designated in the Clayton General Plan as Multifamily High Density (MHD) and zoned Planned Development (PD). The geographic size of the three parcels is 3.01 acres.

The proposed project will provide three multifamily housing buildings, with a total of 81 rental apartments, as described in Table 1. Seven of the units will be leased at below market rates (BMR) to very-low-income households. All of the units in the proposed project would be restricted to occupancy by residents age 55 and older.

There will be 62 parking spaces, which is 0.76 parking spaces per unit. Forty-five of the units would have one bedroom with an average-size of 675 square feet. The other 36 units would have two bedrooms and two bathrooms, with an average size of 950 square feet.

Table 1: Dwelling Unit Descriptions

Unit Type	Number of Units	Average Size (sq. ft.)	Average Unit Rent (\$ per month)	Average Unit Rent (\$ per sq. ft.)
Market Rate Units				
1 Bed / 1 Bath	41	675	\$ 2,000	\$ 2.80
2 Bed / 2 Bath	33	950	\$ 2,400	\$ 2.39
Below Market Rate Units				
1 Bed / 1 Bath	4	675	\$ 800	\$ 1.19
2 Bed / 2 Bath	3	950	\$ 800	\$ 0.84
Project Total				
Total	81	65,675 (unit area) 85,693 (gross floor area)	\$ 166,800	
Unit Average		1,058	\$ 2,059	\$ 2.54

Source: Project Applicant; Colliers International.

2. Regulatory Context

The application of the affordable housing density bonus for this project is subject to four legislative requirements:

2A. State Density Bonus Law

The state's density bonus law for affordable housing (CA Government Code, Section 65915) sets forth the number of density bonus units that a project is eligible for based on the number and types of BMR units provided; establishes a density bonus project's entitlement to incentives or concessions, waivers or reductions of development standards, and reduced parking ratios; and requires cities and counties to adopt an ordinance implementing the state's housing density bonus law.

Although specific portions of the state's density bonus law are discussed in detail in subsequent sections of this report, two provisions are noted here. First, Section 65915(q) directs that unit calculations resulting in a fraction are to be rounded up to the next whole number. Second, Section 65915(r) states, "This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units."

2B. Clayton Affordable Housing Density Bonus Requirements

Clayton's Affordable Housing Density Bonus Requirements (City of Clayton Municipal Code [CMC], Chapter 17.90) is the local ordinance that implements the state's density bonus law. The local ordinance replicates many of the standards in the state law; it also provides specifications for density bonus applications and recording an instrument to legally restrict rents and sales prices for affordable units.

2C. Clayton Housing Element

The housing element of the Clayton General Plan addresses topics required of housing elements by state law. In addition to documenting the need for additional affordable housing, the element also provides goals and policies on housing-related topics, including regulatory relief and incentives. The housing element identifies the need for affordable housing and for senior housing. In addition, provisions of the housing element relevant to waivers and concessions include:

Policy I.2, which states, in part, "...the City shall help facilitate the provision of affordable housing through the granting of regulatory concessions...."

POLICY II.2, which states, "The City shall encourage affordable housing by granting regulatory incentives to projects that provide affordable units."

Quantified Objectives, which sets the objective for construction of at least 26 housing units for very-low-income households.

2D. Clayton Town Center Specific Plan

Adopted in 1990, the specific plan provides land use regulations, development standards, and design guidelines that supersede similar provisions in the citywide zoning ordinance. The specific plan area applies to one of the three parcels in the subject property, 6170 High Street.

3. Density

3A. Allowable Density

Under the current PD zoning of the subject property, the maximum density is governed by the general plan land use designation. The MHD land use designation allows a maximum density of 20 residential

dwelling units per acre. The site encompasses 3.01 acres, so the resulting maximum density is 60 dwelling units.

3B. Density Bonus

The proposed project will restrict seven of the units (11.6 percent of the allowable density of 60 units) to occupancy by households with very-low income. CMC Section 17.90.040.B grants a density bonus of 35 percent to a residential development project that provides 11 percent of the units at affordable costs for very-low income housing. For the 60 units allowed under the existing zoning, the 35 percent density bonus would be 21 additional units, for a total of 81 residential dwelling units. The number of units and the number of BMR units are provided in Table 1.

4. Density Bonus Concessions

State law and the local ordinance refer to “incentives or concessions” as one and the same, but this report uses the single term “concession” for brevity’s sake.

4A. Concessions Defined

Concessions are changes in development regulations applied to a qualified density-bonus housing project, which changes result in identifiable and actual cost reductions to provide for affordable housing costs. Examples of potential concessions include:

- + A reduction in site development standards
- + A modification of zoning requirements
- + A modification of architectural design requirements that exceed minimum building standards
- + A reduction in required setbacks
- + A reduction in in square footage requirements
- + A reduction in the ratio of parking spaces
- + Approval of mixed-use zoning (if the non-residential uses reduce the cost of the housing)
- + Other regulatory incentives or concessions proposed by the developer or city

4B. Number of Concessions

The City’s affordable housing density bonus requirements allow two concessions for a density bonus project that provides 10 percent of the units for very-low-income households (CMC 17.90.100.B). The proposed project, with 11 percent of the units for very-low-income households, includes two requested concessions. The developer reserves the right to add, delete, and/or substitute requested concessions to facilitate entitlement and development of the proposed project.

4C. Setback/Parking Concession

The City’s zoning regulations prohibit buildings and parking lots/spaces in the required setback areas (CMC 17.37.090.A). In order to accommodate the proposed buildings and number of parking spaces outside of the required setbacks, extensive grading, installation of retaining walls, and additional drainage would be required. In consultation with the project’s architects/engineers, the developer has determined that this requirement would add \$500,000 to the cost to develop the proposed project.

The applicant is requesting, as a concession, that the City reduce the required setbacks (CMC 17.20.090, 17.20.100, 17.20.105, 17.020.110, and 17.20.120) to accommodate the proposed project, as shown on the site plan.

4D. Reduction in Required Number of Parking Spaces Concession

Under CMC Schedule 17.37.030A, the proposed number of dwelling units would require 180 parking spaces. The developer has determined that reducing the number of parking spaces to 62 would reduce the project cost by \$3,120,540 by eliminating the need for podium construction or subterranean parking. The applicant is requesting, as a concession, that the City reduce the required parking to accommodate the proposed development.

5. Waivers and Reductions of Development Standards

State density bonus law recognizes waivers and reductions of development standards (CA Gov't Code, Section 65915[e]) as distinct from concessions (CA Gov't Code, Section 65915[d]). State law does not limit the number of waivers or reductions in development standards, and the number of requested waivers and modifications of development standards does not affect the number of concessions to which a project is entitled (CA Gov't Code, Section 65915[e][2]).

5A. Waivers and Reductions of Development Standards Defined

State density bonus law prohibits a jurisdiction from applying "any development standard that will have the effect of physically precluding the construction" of a qualified density-bonus development project with density bonus units and requested concessions. Applicants propose the waivers and reductions of development standards needed to accommodate their proposed projects.

A specific regulatory relief may be requested as a concession or as a waiver. A concession is granted for regulatory relief needed to reduce the development costs in order to provide BMR units. A waiver is granted for regulatory relief needed to physically accommodate a density-bonus residential development project on a site.

5B. Requested Waivers and Reductions of Development Standards

The applicant is requesting eight waivers:

5B(i) Parking Lot Landscaping.

A waiver of the development standards for parking lot landscaping required by CMC 17.37.090.H1, H2, H3, and H5. With the density bonus units and the parking needed for the project to be marketable, the subject properties cannot physically accommodate this development standard. A similar waiver is also requested for the Clayton Town Center Specific Plan design guideline for internal parking lot planting.

5B(ii) Parking Lot Lighting Height.

A reduction in the development standard limiting parking lot lighting to ten feet in height, as set forth in CMC 17.37.90.G. To accommodate the proposed parking and provide sufficient lighting a higher lighting pole is necessary.

5B(iii) Building Separation.

A reduction in the development standard requiring buildings to be at least 20 feet apart, as set forth in CMC 17.20.160. To accommodate the proposed parking a reduced building separation is necessary.

5B(iv) Building Height

A reduction in the development standard that limits the height of multifamily buildings and within 50 feet of abutting single family residential district to 35 feet, as set forth in CMC 17.40.080.

5B(v) Site Plan Review Standard for Size and Bulk.

A waiver of the site plan review standards that new development should protect privacy, views, and be complementary with the adjacent existing structures in terms of size and bulk, which are reductions of the full standard set forth in CMC 17.44.040.E, F, and G. As mentioned in Comment 5A, because the proposed project is an affordable-housing density-bonus project, development standards that physically preclude the proposed project are not applicable. This requested waiver extends this regulatory relief to the corresponding site plan review standard also.

5B(vi) Preservation of Natural Features.

A waiver of the Town-Center Specific Plan's site design guidelines that "All mature trees should be retained where feasible," and to "minimize grading and alteration of natural landforms." The specific plan applies only to the property at 6170 High Street, and this waiver request applies only to that property. All three properties are subject to CMC 15.70.030.A.3, which permits tree removal to allow construction of an improvement that is related to a development application, if the improvement cannot be reasonably relocated or modified to retain the subject tree. The proposed project cannot be physically accommodated on the site and preserve the trees.

5B(vii) Covered Parking

A waiver of the development standard that required parking spaces for multifamily dwellings be covered, as required by CMC Schedule 17.37.030A.

5B(viii) Guest Parking

A waiver of the development standard that multifamily dwellings provide 0.5 guest parking spaces per unit, as required by CMC Schedule 17.37.030A.

5C. Review of Requested Waivers and Reductions in Development Standards

Waivers and reductions in development standards are based on physically accommodating the proposed development with the density bonus units and the requested concessions. There is no requirement or standard that the waivers have an economic or financial rationale. Therefore, this report does not provide analysis of the cost or other economic implications of the requested waivers. The developer reserves the right to add, delete, and/or substitute requested waivers and reductions in development standards to facilitate entitlement and development of the proposed project.

6. Economic Analysis of Requested Concessions

As required under state law and the local ordinance, a requested concession should result in identifiable and actual cost reductions to provide for affordable housing costs. To evaluate this requirement, this report provides a pro forma analysis quantifying the expected return on investment for the proposed project with and without the requested concessions.

6A. Pro Forma Analysis

Table 2, at the end of the report, provides the analysis for three scenarios—column A represents the proposed project with only the requested concession for setback/parking, column B represents the

proposed project with only requested concession for number of parking spaces, and column C represents the proposed project with both requested concessions.

In the pro forma, the project description is the same for the three scenarios. The requested concession would not change the site plan, building plan, or occupancy of the residential units. The gross annual revenue and the net operating income are also the same for the three scenarios.

The hard construction costs are the same for the three scenarios. Scenario A includes other cost of \$3,120,540 for podium construction or construction of subterranean parking to accommodate the required number of parking space. Scenario B includes other cost of \$500,000 for grading, retaining walls, and additional drainage to accommodate parking without encroaching into setbacks. The soft construction costs, which are a percentage of the hard construction costs and other costs, also differ. The net result is that the total development cost decreases from \$347,500 per unit under scenario A and \$348,000 per unit under scenario B, to \$336,500 per unit when both requested concessions are factored in.

With both concessions, the total annual return increases from \$511,100 (scenario A) and \$597,500 (scenario B) to \$614,000, and the equity that the developer must invest in the proposed project decreases from \$12,388,000 (scenario A) and \$11,141,000 (scenario B) to \$10,903,000. The resulting return increases to 5.02 percent (measured as the yield) or 5.63 percent (measured as return on equity).

6B. Requested Concession Necessary for Feasibility

In order to attract investment, developers usually need to demonstrate a yield of 5.5 percent or a return on equity of 6.0 percent. Projects with a yield between 5.0 and 5.5 percent (or a return on equity of 5.5 to 6.0 percent) may still be feasible, but the developer may face challenges in attracting equity investment. Projects with a yield below 5.0 percent and a return on equity below 5.5 percent are unlikely to attract equity investment and are considered infeasible.

As the pro forma analysis in Table 2 demonstrates, the requested concessions improve the yield from an infeasible 4.42 percent (scenario A) and 4.92 percent (scenario B) to a marginally feasible 5.02 percent and increases the return on equity from an infeasible 4.13 percent (scenario A) and 5.36 percent (scenario B) to a feasible 5.63 percent. Thus, from an economic perspective, both requested concessions are necessary to reduce costs to provide for affordable housing cost. The density bonus alone is not sufficient, and either concession on its own is insufficient.

7. Findings

The analysis finds that both requested concessions are necessary and warranted under the state density bonus law and the affordable housing regulations of the City of Clayton.

Table 2: Density Bonus Financial Feasibility Analysis of Requested Concession

		A Proposed Project with Set-back/Parking Concession Only		B Proposed Project Reduced Parking Concession Only		C Proposed Project	
Project Description							
(1)	Total Number of Units	81		81		81	
	<u>Market Rate Units</u>	<u>Number</u>	<u>Average Size</u>	<u>Number</u>	<u>Average Size</u>	<u>Number</u>	<u>Average Size</u>
(2)	1-Bedroom	41	675	41	675	41	675
(3)	2-Bedroom	33	950	33	950	33	950
(4)	Subtotal: Market Rate Units	74		74		74	
	<u>Below Market Rate Units</u>	<u>Number</u>	<u>Average Size</u>	<u>Number</u>	<u>Average Size</u>	<u>Number</u>	<u>Average Size</u>
(5)	1-Bedroom	4	675	4	675	4	675
(6)	2-Bedroom	3	950	3	950	3	950
(7)	Subtotal: Below Market Rate Units	7		7		7	
Floor Area							
(8)	Gross Residential Floor Area (sq. ft.)	64,575		64,575		64,575	
(9)	Gross Common/Service Area (sq. ft.)	21,118		21,118		21,118	
(10)	Total Building Floor Area (sq. ft.)	85,693		85,693		85,693	
Site Area							
(11)	Total Site Area (sq. ft.)	131,120		131,120		131,120	
Project Revenue							
Potential Gross Annual Income							
	<u>Market Rate Units</u>	<u>Annual Total</u>	<u>Average Monthly per Unit</u>	<u>Annual Total</u>	<u>Average Monthly per Unit</u>	<u>Annual Total</u>	<u>Average Monthly per Unit</u>
(12)	1-Bedroom	\$984,000	\$2,000	\$984,000	\$2,000	\$984,000	\$2,000
(13)	2-Bedroom	\$950,400	\$2,400	\$950,400	\$2,400	\$950,400	\$2,400
(14)	Subtotal: Market Rate Units	\$1,934,400		\$1,934,400		\$1,934,400	

Table 2 continued

		A		B		C	
		Proposed Project with Set-back/Parking Concession Only		Proposed Project Reduced Parking Concession Only		Proposed Project	
	Below Market Rate Units	<i>Annual Total</i>	<i>Average Monthly per Unit</i>	<i>Annual Total</i>	<i>Average Monthly per Unit</i>	<i>Annual Total</i>	<i>Average Monthly per Unit</i>
(15)	1-Bedroom	\$38,400	\$800	\$38,400	\$800	\$38,400	\$800
(16)	2-Bedroom	\$28,800	\$800	\$28,800	\$800	\$28,800	\$800
(17)	Subtotal: Below Market Rate Units	\$67,200		\$67,200		\$67,200	
(18)	Total Gross Annual Income	\$2,001,600		\$2,001,600		\$2,001,600	
Expected Cash Flow							
(19)	Less Residential Vacancies	(\$60,048)		(\$60,048)		(\$60,048)	
(20)	Effective Gross Annual Income	\$1,941,552		\$1,941,552		\$1,941,552	
(21)	Less Operating Cost	(\$572,564)		(\$572,564)		(\$572,544)	
(22)	Net Operating Income	\$1,368,988		\$1,368,988		\$1,369,008	
Development Costs							
		<i>Total</i>	<i>Cost per Building Sq. Ft.</i>	<i>Total</i>	<i>Cost per Building Sq. Ft.</i>	<i>Total</i>	<i>Cost per Building Sq. Ft.</i>
(23)	Hard Cost (ex. other costs below)	\$21,000,000	\$245	\$21,000,000	\$245	\$21,000,000	\$245
Other Costs							
(24)	- Podium/Subterranean Parking Cost	\$3,120,540		\$0		\$0	
(25)	- Grading/drainage/retaining walls	\$0		\$500,000		\$0	
(26)	Soft Cost	\$4,582,903	\$53	\$4,085,000	\$48	\$3,990,000	\$47
(27)	Land Acquisition	\$2,266,500	\$26	\$2,266,500	\$26	\$2,266,500	\$26
(28)	Total Development Cost	\$30,969,943	\$361	\$27,851,500	\$325	\$27,256,500	\$318
(29)	Total Development Cost per Unit	\$382,345		\$343,846		\$336,500	

Table 2 continued

		A	B	C
		Proposed Project with Set-back/Parking Concession Only	Proposed Project Reduced Parking Concession Only	Proposed Project
Feasibility Analysis				
(30)	Amount Financed	\$18,581,966	\$16,710,900	\$16,353,900
(31)	Equity Required	\$12,387,977	\$11,140,600	\$10,902,600
(32)	Annual Debt Service	(\$1,149,785)	(\$1,034,011)	(\$1,011,921)
(33)	Net Cash Flow After Debt Service	\$219,203	\$334,978	\$357,087
(34)	Principal reduction	\$291,893	\$262,501	\$256,894
(35)	Total Annual Return	\$511,095	\$597,479	\$613,981
(36)	Yield (NOI/Cost)	4.42%	4.92%	5.02%
(37)	Return on Equity (Return/Equity)	4.13%	5.36%	5.63%

Notes to Table 2:

1. The number of units and average unit size data (rows 1 to 7) are from the project architect.
2. The gross residential floor area (row 8) is the area for residential dwelling units, derived by multiplying the number of units by the average floor area for each type of unit and summing across the types of units. The gross common area and service area (row 9) is the gross floor area for the lobby, hallways, stairwells, mechanical equipment, etc. and is from the project architect. The total building floor area (row 10) is the sum of the residential floor area (row 8) and the common area and service area (row 9).
3. Average per-unit rents (rows 12, 13, 15, and 16) are based on an analysis and recommendations from real estate brokerage Colliers International. The data reflect the expected lease rates in the first full year of operation. Rents may change over time in response to inflation and other market conditions.
4. The total gross annual income (row 18) is the total rent that would be generated over the course of a year if all residential units were leased for the entire year.
5. Residential vacancies (row 19) represent a 3.0 percent typical vacancy rate, based on recommendations by Colliers International. This datum is the amount of rent that will likely not be realized for time periods when units are vacant during transition between tenants.
6. Effective gross annual income (row 20) is the income that the project is expected to generate. It is derived by subtracting the expected vacancy loss (row 19) from the total annual gross income (row 18).

7. Operating costs (row 21) are based on recommendations by Colliers International and represent approximately 25.5 percent of effective gross income (row 18). Operating costs may change over time in response to inflation and other market conditions.
8. Net operating income (row 22) is a key metric for assessing the financial performance of a for-rent development project. It is derived by subtracting the operating costs (row 21) from the effective gross annual income (row 20).
9. Hard construction cost (row 23) is the total cost for site work and construction, excluding the cost to place utilities underground. The cost estimate was produced by the project architect. Other costs–podium/subterranean parking cost (row 24) is the estimated cost to construct a podium housing product or construct subterranean parking to accommodate the total number of re-quired parking spaces. Other costs–grading/drainage/retaining walls (row 25) is the estimated cost to grade the site, install retaining walls, and install additional drainage to accommodate buildings and parking without encroaching into required setbacks. The cost estimate was provided by the project engineer.
10. Soft construction cost (row 26) includes the costs for architecture and engineering, permitting fees, and so forth. The soft cost is assumed at 19 percent of the hard cost (row 22) and other costs (rows 24 and 25).
11. Land acquisition (row 27) is the price the developer paid to acquire the three properties.
12. The total development cost (row 28) is the sum of the hard construction cost (row 23), other construction costs–underground utility cost (row 24), other costs–grading/drainage/retaining walls (row 25), soft construction cost (row 26), and the land acquisition cost (row 27). The total development cost per unit (row 29) is derived by dividing the total development cost (row 28) by the total number of residential dwelling units (row 1).
13. The amount financed (row 30) represents the portion of the total development cost, 60 percent, that would be covered by the project's permanent financing. The equity required (row 31) is the amount that the developer will have to pay for the proposed project. It is derived by subtracting the amount financed (row 30) from the total development cost (row 28).
14. Annual debt service (row 32) is based on 30-year permanent financing at an annual rate of 4.65 percent.
15. Net cash flow after debt service (row 33) is the annual cash return the project is expected to generate for the owner of the project. It is derived by subtracting the annual debt service (row 32) from the net operating income (row 22).
16. Principal reduction (row 34) is the amount of principal repaid in the first year of debt service, and it is based on the financing terms specified in Note 14. Because the permanent financing is an amortized loan, the amount of principal reduction would increase each year.
17. Total annual return (row 35) is another metric for assessing the financial performance of a for-rent development project. It is the sum of the net cash flow after debt service (row 33) and the principal reduction (row 34).
18. The yield (row 36) is a measure of the project's financial performance, representing the annual project revenue and the total development cost. It is derived by dividing the net operating income (row 22) by the total development cost (row 28).
19. The return on equity (row 37) is another measure of the project's financial performance, representing the amount that the developer puts into the project and the total amount of return in the first full year of operation. It is derived by dividing the total annual return (row 35) in the first year of operation by the equity required (row 31) from the developer.
20. Actual numbers in Table 2 may vary plus or minus depending on market conditions at time of construction and completion.

Attachment P

**“Peer Review of Economic Analysis”
by Michael Baker International**

July 23, 2019

To: David Woltering

Director of Community Development
City of Clayton

From: Dino Serafini

Michael Baker International

RE: PEER REVIEW OF ECONOMIC ANALYSIS OF MARSH CREEK SENIOR HOUSING PROJECT

The following is our analysis of the Economic Analysis of Requested Concessions prepared by PlaceWorks (EA) dated June 6, 2019, for the Olivia on Marsh Creek senior housing/affordable housing project in the City of Clayton.

In accordance with our scope for this review:

1. We have assessed the market-rate and affordable rents and the estimated operating costs of the project to verify whether the net income assumptions in EA are reasonable and comparable to the local rents and industry standards
2. Reviewed the cost of parking/setback and parking reduction concessions.
3. We have conducted an independent pro-forma analysis resulting in return on investment and internal rate of return for the three scenarios:
 - a. The proposed project with both requested concessions
 - b. The project with only the parking/setback concession (parking allowed within the required zoning setback) but not the parking reduction to 62 spaces.
 - c. The project with only the parking reduction to 62 spaces (no parking/setback concession so that parking will not occupy the required setback).
4. We considered the waivers and modifications to development standards requested by the developer in addition to the concessions and have qualitatively evaluated those which might impact the project's financial performance.

Project Rental Rates

The monthly market-rate rents assumed for the project: \$2,000 for 1-bedroom units and \$2,400 for 2-bedroom units are reasonable for area. These rental rates are comparable to those in Concord (we did not find many apartments advertised for rent in Clayton). Very few apartment advertisements exceeded the rates assumed for the project.

Affordable Rents

Per CMC 17.90.020 the maximum housing costs for very low-income households is 30 percent of 50 percent of the area median income (AMI) for the given household size. For a 2-person household the Contra Costa County AMI is \$83,500 and is \$73,100 for single-person household.

The affordable housing cost is \$1,044 ($30\% \times 50\% \times 83,500/12$) for a 2-person household and \$914 ($30\% \times 50\% \times 73,100/12$) for a single-person. The EA gives \$800 per month for affordable unit rents for both the 1-bedroom and 2-bedroom units, which is about 23 and 26 percent of the 2-person and 1-person monthly income limits, respectively. However, the housing cost should include a utility allowance, which the PlaceWorks EA does not indicate. Adding a 15 percent utility allowance would increase the housing cost to \$920, about the equivalent of what the maximum cost is for a single-person household. The 2-bedroom units could be priced up to about \$900 (a total housing cost of \$1,035, including 15 percent utilities) and still comply with affordable cost limits.

Operating Costs and Net Operating Income

At about \$573,000, the assumed annual cost of operating the project might be low. No separate line item allowance is given for property tax, insurance, management, capital reserve, or maintenance. It is assumed that these costs are all included in the \$573,000 annual operating cost, which is about 28.7 percent of gross rent. Subtracting property tax of 1 percent of the project cost (including land), the remainder provides \$3,400 per year per unit for the other costs. For comparison, the National Apartment Association in its 2018 survey, reports operating costs of 35 percent (including taxes) of gross potential income for properties less than five years old. With \$2 million gross annual rent, the project's operating costs would be \$700,000 at 35 percent. Therefore, the net operating income (NOI) of about \$1.37 million for each of the scenarios might be overstated. A lower NOI would negatively impact the project's return on investment.

Construction and Other Costs

The "hard" construction costs for the three scenarios (that is, the structural and site costs common to all three scenarios) are the same \$21,000,000 for the 81-unit project. The cost per gross building area of \$245 per square foot is reasonable since this cost must include site development, utilities, landscaping, common area construction and surface parking. The cost differential between the scenarios is the cost of the structured parking (\$3,120,000) required without the parking reduction concession, and the grading and retaining walls (\$500,000) necessary without the setback/parking concession. Soft costs vary between the scenarios due to the additional design and engineering required for these elements. Land acquisition is \$2.67 million—the same for all three scenarios.

Financing and Return on Investment

All scenarios assume the same basic financing arrangement: permanent, fully-amortized 30-year financing of 60 percent of the total project development cost at 4.65 percent interest. Construction and lease-up will occur in one year. The first year of payment on principal is assumed as part of the first year's annual return.

We reviewed the calculations of return on investment and agree with the results of the three scenarios. The 5 percent return on investment feasibility threshold seems low for a land

development project, but this return is achieved after debt service. One thing to note is that the model does not include contingencies or a developer's fee, so we are assuming the 5 percent return must include those factors. The EA could have modeled other financing arrangements that are common to land development, such as an interest-only construction loan with interest due only on the construction draw (which tends to reduce financing costs). The thinking may be that, with the relatively short construction and lease-up period of one year, the analysis with the permanent loan would yield the same results.

Alternative Internal Rate of Return Model

To provide an alternative financial scenario this peer review presents a pro-forma that assumes the project will be sold to an investor/management entity. This may or may not be the case for this project, but it provides a useful comparison and validation of the financial performance presented in EA by using an alternative approach.

Financial Analysis of the Proposed Project

Our alternative analysis also assumes construction and "full-occupancy" in one year (the alternative model assumes the same 3 percent long-term vacancy rate as in the EA). We applied a 1 percent annual increase in rents. Other than applying a 2 percent increase in operating costs, we did not change the operating cost assumptions. The first-year NOI of \$1.38 million in our alternative model for the proposed project (with both concessions) is slightly higher than the PlaceWorks EA NOI of \$1.37 million. For our model, we assume interest-only construction financing at the same 4.65 percent. The alternative financial model shows a slightly lower return on equity of 5.47 percent versus 5.63 percent of the PlaceWorks EA, the difference is not significant and is due to the lower NOI in the first year.

Another common and useful financial metric for land development is the internal rate of return (IRR). The IRR provides the aggregate rate of return of the stream of net income over a period. At the end of the period the project is sold and the net proceeds (less the loan principal) is included in the stream of income. An IRR of 10-13 percent is the target for apartment projects. The proposed project's IRR is 4.4 percent based on a sales price of approximately \$28.5 million and net proceeds of \$11.6 million after repayment of the loan principal and brokerage fees. The sales price is based on a capitalization rate of 5 percent¹. The IRR assumes sale of the project at the end of the third year after completion of construction, allowing the NOI to increase due to rental rate increases. Note that the IRR approach is highly sensitive to the sales price, which in turn is subject to the local market for apartment projects. The utility of the IRR approach is that it allows comparison to alternative investments. In this case, the proposed project is somewhat better than a "zero-risk" 10 year U.S. treasury note, currently yielding 2 percent.

¹ The project's sale price is estimated as the NOI divided by the capitalization rate. The market capitalization rate for Contra Costa County is 5.79 percent for apartment projects. The low 5 percent cap rate assumed for the project is due to the new construction.

Financial Analyses: Other Scenarios

The alternative model is applied to the project without the requested concessions. As expected, all things being equal, the added development costs result in higher financing costs and lower returns (as presented in the EA the NOI is not much affected by the lack of concessions).

The EA calculates return on equity of 4.13 percent and 5.36 percent for the project with only the setback/parking concession and with only the reduced parking concession, respectively.

The IRR analysis for the scenarios is presented in the table below; these calculations also assume the sale will occur after a three-year holding period after the construction is completed:

Project Scenario Pro-Forma Summary

	Setback/Parking Concession Only	Reduced Parking Concession Only
Sales Price	\$28,546,945	\$28,546,945
Principal Balance	(\$18,526,618)	(\$16,691,256)
Closing costs & commissions	(\$570,930)	(\$570,930)
Net proceeds (less commission and closing costs)	\$9,449,397	\$11,284,759
Equity Contribution	(\$12,936,211)	(\$11,654,669)
Net return on operations to close of escrow (NOI minus interest on construction loan)	\$975,625	\$1,209,340
First year Return on Equity (show for model comparison)	3.92%	5.40%
Internal Rate of Return	(7.3%)	2.5%

As expected, the lack of concessions results in much less favorable financial performance. The IRR is negative in the setback/parking only scenario, illustrating the effect of the situation where the net proceeds of the sale plus the annual returns from operations do not cover the equity contribution. For this scenario the holding period would need to be several years longer

for an acceptable IRR. For the reduced parking only scenario, the IRR indicates the project is only marginally better than investing in 10-year treasury-notes.

Some caveats with both the PlaceWorks EA and the alternative models:

1. These analyses assume that the concessions do not impact the NOI to any great degree. The implication here is that increased supply of off-street parking does not carry a rental rate premium. It might be the case that the project with the structured parking might command higher rents.
2. No provision is made for low income housing tax credits. If LIHTC could be applied to the affordable units, the project financing burden could be reduced. The credits would apply to all scenarios regardless of the concessions, however they could help to improve each scenario's financial performance.
3. The general economic conditions affecting the project may be in flux. There is some uncertainty about whether interest rates will remain at their current low levels going forward. Construction costs have been high relative to net income particularly for housing. Raising rents to maintain even the relatively low financial performance of the project might be difficult for this target market.

Project Waivers and Reductions in Development Standards

The project developer is requesting eight waivers in addition to the two concessions described above. The justification for the waivers is the physical necessity to reduce or eliminate the applicable standards in order to construct the project. The EA states that there is no requirement for financial analysis of the waivers. However, among these waivers are the following that could have financial implications for the project:

- **Parking Lot Landscaping**—it is not clear in the EA whether the waiver request is for internal parking lot landscaping to be eliminated altogether. In any event, the savings in the cost of installing the landscaping and in the maintenance may have a significant effect on financial performance.
- **Preservation of Natural Features**—The cost to preserve trees on-site could be substantial; the City may want to know what the savings are.
- **Covered Parking**—It is not clear why the elimination of covered parking is needed. It is assumed that the development cost in the EA was based on uncovered spaces. However, from the site plan it appears that many, or most, of the spaces are in garages or under carports. How many of the remaining spaces would not be covered and what are the cost savings?
- **Guest Parking**—Eliminating the guest parking of one-half space per unit is a significant reduction. From our review of the project's site plan, it is not clear why the waiver is needed there appears to be space available for a number of guest parking spaces.

Conclusions

We found the EA and its assumptions to generally reasonable and supportable with no errors or inconsistencies. The items we question that may have a bearing on the project's financial feasibility are:

1. Based on the AMI income limits of a 2-person, the affordable rents for the 2-bedroom units could be increased from \$800 to \$900 per month. However, the increased annual revenue of \$3,600 for the three 2-bedroom affordable units would be negligible in terms of return on equity or the IRR of any of the scenarios.
2. The annual operating costs appear to be low, increasing these costs would negatively affect the financial performance

Attachment Q

“The Olivia on Marsh Creek Parking
Study – Final Memorandum”
by Kimley-Horn

MEMORANDUM

To: William Jordan

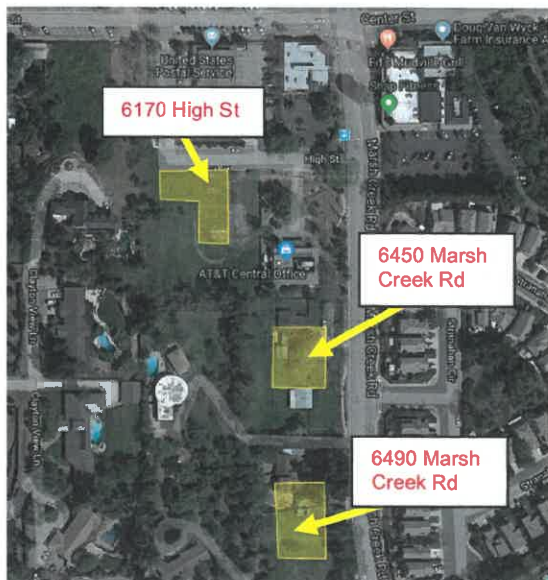
From: Ben Huie, P.E.
California Professional Engineer #C76682
Kimley-Horn and Associates, Inc.

Date: June 10, 2019

Subject: The Olivia on Marsh Creek Parking Study – Final Memorandum

A senior active adult housing project, restricted to residents 55 years or older, is proposed to be constructed on three different sites at 6170 High Street, 6450 Marsh Creek Road, and 6490 Marsh Creek Road in Clayton, CA. The senior housing units are located at the southwest corner of the intersection of High Street and Marsh Creek Road. **Figure 1** illustrates the location of the three senior adult housing sites in relation to adjacent uses in Clayton, CA. Since the project will be taking advantage of the lower parking requirements as afforded by the State Density Bonus law, a parking study is being requested for this proposed project to confirm if adequate parking is provided for the proposed project. This memorandum describes a quantitative analysis and presents the finding that The Olivia on Marsh Creek provides sufficient parking spaces to meet estimated demand.

Figure 1 – Study Area



Source: Google Maps

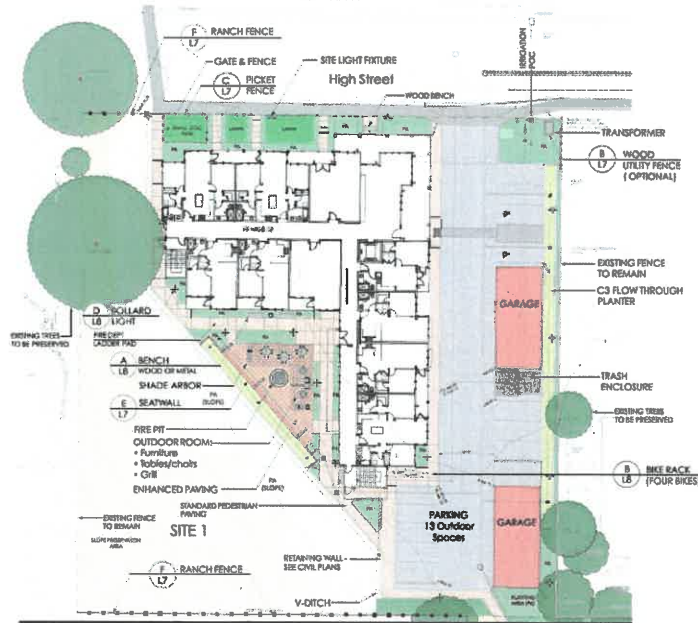
The senior adult housing project is proposing to construct a total of 81 units with the following number of units for each site:

- 6170 High Street (Site 1)
 - 9 units of 2-bedroom and 2-bathroom
 - 21 units of 1-bedroom and 1-bathroom
- 6450 Marsh Creek Road (Site 2)
 - 13 units of 2-bedroom and 2-bathroom
 - 13 units of 1-bedroom and 1-bathroom
- 6490 Marsh Creek Road (Site 3)
 - 14 units of 2-bedroom and 2-bathroom
 - 11 units of 1-bedroom and 1-bathroom

It should be noted that the allowable density for the project is 60 units. However, the project is applying for a density bonus of 35 percent since seven (7) of the 60 units, or 11 percent, is designated for very low-income housing. Therefore, the project’s new allowable density would result in 81 units.

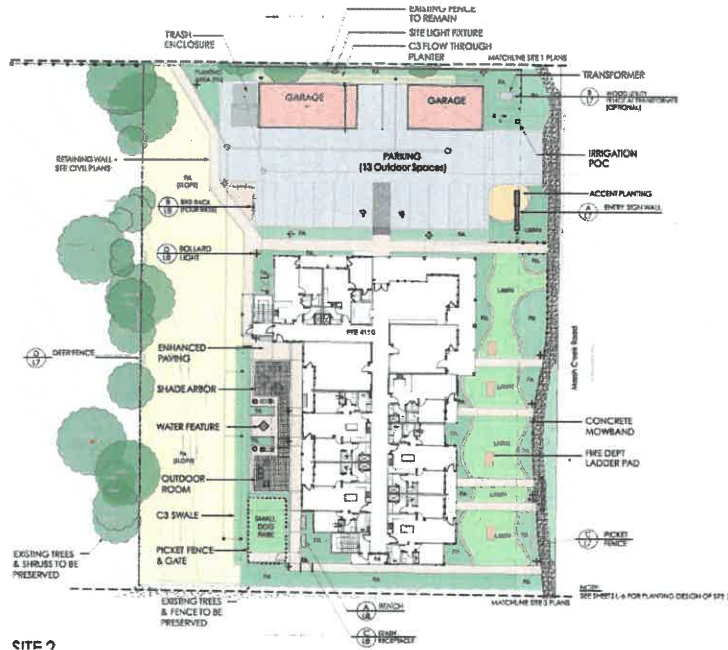
Site 1 will occupy 11,604 building square feet, Site 2 will occupy 10,880 building square feet, and Site 3 will occupy 10,833 building square feet. **Figures 2 through 4** show the site plan for each of the proposed buildings.

Figure 2 – Proposed 6170 High Street Site Plan



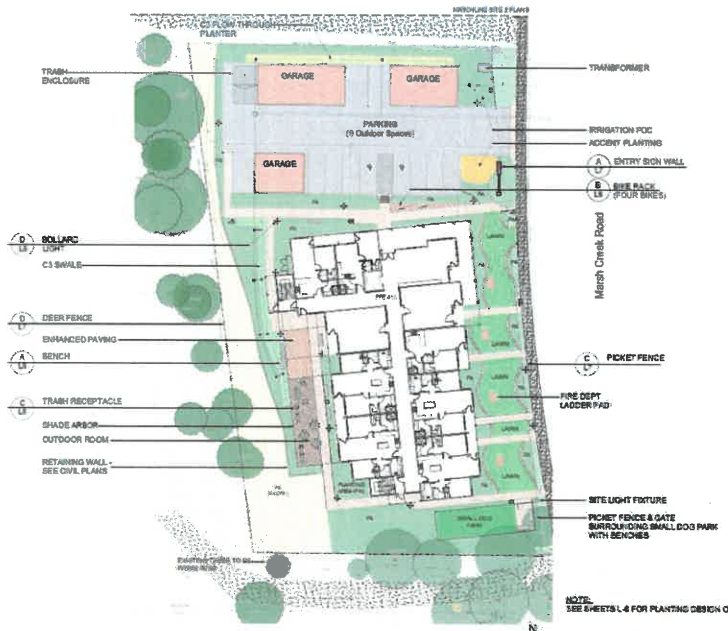
Source: MD Fotheringham Landscape Architects

Figure 3 – Proposed 6450 Marsh Creek Road Site Plan



Source: MD Fotheringham Landscape Architects

Figure 4 – Proposed 6490 Marsh Creek Road Site Plan



Source: MD Fotheringham Landscape Architects

Methodology

PARKING SUPPLY

Proposed Supply

The senior adult housing project is proposing to provide 0.76 parking spaces per unit for a total of 62 parking spaces for all three sites. Parking spaces for each site will consist of outdoor surface lot parking spaces and garage parking spaces.

CLAYTON PARKING REQUIREMENTS

The City of Clayton's Parking Requirements are based on the multi-family dwelling land use classification in the City of Clayton's Municipal Code.¹ The following are the parking requirements for multi-family dwelling units:

- For one bedroom, 1.5 vehicle spaces are required, one (1) of which should be covered
- For two or more bedrooms, two (2) vehicle spaces are required, one (1) of which should be covered
- For guest parking, 0.5 spaces are required

The required parking for the proposed senior adult housing project is estimated and shown in **Table 1**. Site 1, Site 2, and Site 3 are required to provide 64.5, 58.5 and 57 parking spaces. Therefore, the project is required to provide a total of 180 parking spaces, and 105 of which should be covered. Since the project is proposing to provide 21, 20, and 21 parking spaces for Site 1, Site 2, and Site 3, respectively, for a total of 62 parking spaces, the proposing parking spaces does not meet the City's parking requirement. However, since the project will be providing very low-income housing, it would be eligible for a parking reduction per the state density bonus law.

¹ City of Clayton Municipal Code, *Off-Street Parking Space Requirements Schedule 17.37.030A, August 2017*

Table 1 – City of Clayton Municipal Code – Parking Requirements

Site	One Bedroom			Two Bedrooms			Total Required Spaces	Proposed Parking Supply	Meets City Parking Requirement?
	# of Bedrooms	Required # of Parking Spaces per Unit (Including Guest Spaces)	Subtotal Requirement (Spaces)	# of Bedrooms	Required # of Parking Spaces per Unit (Including Guest Spaces)	Subtotal Requirement (Spaces)			
Site 1	21	2	42 total	9	2.5	22.5 total	64.5 total	21	No
Site 2	13	2	26 total	13	2.5	32.5 total	58.5 total	20	No
Site 3	11	2	22 total	14	2.5	35 total	57 total	21	No
Total	45	–	90	36	–	90	180	62	–

DENSITY BONUS PARKING REQUIREMENTS

As a senior adult housing development that limits residency based on age requirements, and given that the project meets Civil Code Sections 51.3 and 51.12, the project may be qualified for a restriction to the minimum parking requirement pursuant to the state density bonus law, Government Code Section 65915(p)(1). Additional reductions may be applicable if the criteria for Section 65915(p)(2) or Section 65915(p)(3)(A, B, or C) is met. However, the project does not meet the criterion for the additional reductions based on the following description:

- Section 65915(p)(2) – The project is not located within a ½ mile of a major transit stop as described in Section 21155 and Section 2064.3 of the Public Resources Code
- Section 65915(p)(3)(A) – The project is not located within a ½ mile of a major transit stop as described in Section 21155 and Section 2064.3 of the Public Resources Code
- Section 65915(p)(3)(B) – The project is restricted to residents of 55 years or older, rather than 62 years or older
- Section 65915(p)(3)(C) – The project is not intended as a special needs housing development.

Therefore, the project will only meet Section 65915(p)(1) which states the following parking requirement for the proposed project:

- Zero to one bedroom: one on-site parking space
- Two to three bedrooms: two on-site parking spaces
- Four or more bedrooms: 2.5 on-site parking spaces

Table 2 provides the parking requirements based on the above density bonus criterion.

Table 2 – Density Bonus Parking Requirements

Site	One Bedroom		Two Bedrooms		Total Required (Spaces)	Proposed Supply (Spaces)	Meets Requirement?
	# of Bedrooms	Requirement (Spaces)	# of Bedrooms	Requirement (Spaces)			
Site 1	21	21	9	18	39	21	No
Site 2	13	13	13	26	39	20	No
Site 3	11	11	14	28	39	21	No
Total	45	45	36	72	117	62	–

As shown in **Table 2**, based on the modified parking requirement allowed through the density bonus, the project is required to provide 39 parking spaces for each site, or 117 parking spaces total. Since the project is proposing to provide 21, 20, and 21 parking spaces for Site 1, Site 2, and Site 3, respectively, for a total of 62 parking spaces, the proposed parking spaces does not meet the City's parking requirement.

However, based on Government Code Section 65915(d), the project is allowed to request for two concessions since the project provides at least 10 percent of very low-income housing. Therefore, the project is requesting that one of the two requested concessions be a reduction in the number of required parking spaces to 0. 0.76 parking spaces per unit, or 62 total parking spaces. The City shall grant this concession unless the concession does not result in identifiable and actual cost reductions, unless the concession would have a specific, adverse impact, or unless the concession would be contrary to state or federal law. Placeworks prepared a technical memorandum² showing that this concession would provide a cost reduction. To show that this project would not adversely impact the surrounding parking, a parking demand analysis was completed.

PARKING DEMAND

Proposed Parking Demand

Parking demand is typically estimated using the Institute of Transportation Engineers (ITE) *Parking Generation Manual*. This is a reference based on parking surveys throughout the country. The parking demand for the senior adult housing was estimated based on parking data for Senior Adult Housing – Attached (ITE Land Use Code 252).³ According to ITE, the 85th percentile demand rate is 0.66 spaces per dwelling unit. Applying this rate to the proposed 81 dwelling units results in a parking demand of approximately 53 parking spaces. The parking demand for each site is provided in **Table 3**.

Table 3 – Proposed Parking Supply vs. ITE Parking Demand

Site	Dwelling Units	Proposed ITE Parking Demand	Proposed Parking Supply	Meets ITE Parking Demand?
Site 1	30	20	21	Yes
Site 2	26	17	20	Yes
Site 3	25	16	21	Yes
Total	81	53	62	-

As shown above, each site provides sufficient parking to meet the proposed parking demand and the total proposed parking supply of 62 parking spaces meets the total proposed demand of 53 parking spaces. Therefore, the project’s request for a parking concession to reduce the parking requirement to 0.76 parking spaces per unit meets the estimated ITE parking demand of 0.66 parking spaces per unit.

² Placeworks, *Economic Analysis of Requested Concessions, Clayton Senior Housing Project*, June 29, 2019.

³ Institute of Transportation Engineers, *Parking Generation, 4th Edition*.

CONCLUSIONS

It is proposed that a senior-adult housing development be constructed at 6170 High Street, 6450 Marsh Creek Road, and 6490 Marsh Creek Road in Clayton, CA. The project proposes to construct a total of 81 units and would provide 62 total parking spaces. Since the project is providing very low-income housing, it qualifies for a parking reduction per the state density bonus law, Government Code Section 65915 (p)(3)(B). The proposed project is eligible for a modified parking requirement of 117 total parking spaces or 39 parking spaces for each site. Since the project is providing 62 total parking spaces, the project does not meet the modified parking requirements. Therefore, the project is requesting as one of its two concessions, to reduce the parking requirement to the proposed parking supply of 0.76 parking spaces per unit or 62 total parking spaces. Based on the ITE parking demand for senior adult housing, it was estimated that the parking demand for the proposed project will result in 53 total parking spaces. Since the project is providing 62 total parking spaces, the proposed supply is sufficient to meet the proposed parking demand. Therefore, the proposed concession to reduce the parking requirement will meet the ITE parking demand. Based on this study, it is our professional opinion that the senior adult housing in Clayton, CA provides adequate parking supply to meet the parking demand.

Attachment R

**Peer Review of Kimley-Horn Parking
Study by Michael Baker International**

ClaytonSeniorHousingParkingStudy.FinalMemoV2 With MBI Comments 7-23-19.pdf Markup Summary

1 (1)



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Page Label: 1
Author: ROBERTDAVIS
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This statement suggests that the project has applied and is consistent with State Density Bonus Law reduced parking requirements. This is not accurate. The project is requesting that a further reduction in parking to a parking ratio that is below the Density Bonus Law parking requirements shown in Table 2. The lower parking ratio being offered by the project is being requested to be granted as a secession that is offered by the Density Bonus Law as an additional form of assistance. In this case the requested concession is a Waiver or Reduction of Development Standards and the parking study has been performed to assess if adequate parking will be provided for the project and if this waiver will cause an impact.



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While it is acknowledged that the project consists of three sites, the parking discussion should treat the individual sites separately since they are not contiguous and the total parking cannot be considered as a "pool" of parking that can be shared by all of the units. The tables correctly treat the sites separately when comparing parking supply to demand however the discussion of "parking rate provided should" should also be quantified for each site.



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As stated in the previous comment, parking supply and demand analysis for non-contiguous sites should be treat each site separately. According to the City's municipal code: "When the calculation of the required number of parking, loading, or bicycle spaces results in a fractional number, a fraction of one-half or more shall be adjusted to the next higher whole number of spaces." Therefore, Site 1 requires 65 spaces, Site 2 requires 59 spaces and Site 3 requires 57 spaces. A total of 181 parking spaces are required for the three sites. State Government Code 65915 requires all non-whole numbers in parking space calculations to be rounded up to the next whole number so the cumulative parking requirement for the three sites would also be 181 spaces.

For one be
For two or

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Replace with "For dwelling units with one"

mainly dwelling units.

- For one bedroom, 1.
- For two or more bedrooms covered
- For guest parking, 0.

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Author: ROBERTDAVIS
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Replace with "For dwelling units with two or more....."

of
Bedrooms

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Replace "Bedrooms" with "Dwelling Units"

of
Bedrooms

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Author: ROBERTDAVIS
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Replace "Bedrooms" with "Dwelling Units"

64.5 total
58.5 total

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Author: ROBERTDAVIS
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This number should be rounded up to 65 spaces

64.5 total
58.5 total
57 total

Subject: Highlight
Page Label: 5
Author: ROBERTDAVIS
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This number should be rounded up to 59 spaces.



Subject: Highlight
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Author: ROBERTDAVIS
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These total numbers are not relevant to the parking analysis since the sites are not contiguous.

of Bedrooms
9

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Replace with "Dwelling Units"

of Bedrooms
21

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Author: ROBERTDAVIS
Date: 7/22/2019 1:00:14 PM
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Space:

Replace with "Dwelling Units"

Subject: Highlight
Page Label: 6
Author: ROBERTDAVIS
Date: 7/22/2019 1:01:57 PM
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These total numbers are not relevant to the parking analysis since the sites are not contiguous.

39	21
39	20
39	21
--	--

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Note that the deficiency in the proposed supply is significantly less (49% less) than the reduced parking requirements allowed by the Density Bonus Law

39	20
39	21
117	62

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Note that the deficiency in the proposed supply is significantly less (46% less) than the reduced parking requirements allowed by the Density Bonus Law

Required (Spaces)	Supply (Spaces)
39	21
39	20
--	--

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Note that the deficiency in the proposed supply is significantly less (46% less) than the reduced parking requirements allowed by the Density Bonus Law. Also note that the reduced spaces required by the Density Bonus Law is only 60% of the 65 spaces required by the City for Site 1.



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This should read "does not meet the reduced State's Density Bonus Law parking criteria"

Zero to
 This to

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Add "Units with zero....."

Two to

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Add "Units with two....."

Two to
 Four or

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Add "Units with four....."



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It should be noted that this portion of the State's Density Bonus Law recognized that transit priority areas have reduced personal vehicle ownership and parking needs that would substantiate a lower parking requirement. This suggests that further reductions of the already reduced Density Bonus Law parking requirements are not acknowledged without good transit service. Furthermore, the lower parking ratio granted for developments that restrict rentals to individuals who are 62 years of age or older, recognizes that auto ownership and active driving status is substantially reduced as compared to residents between the ages of 55 and 62.

meet
 act:

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replace with "be subject to"



Subject: Highlight
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It should be noted that the ITE Parking Generation Manual only one source for parking generation/demand data. There should be more discussion about the applicability of the ITE data to the proposed Olivia on Marsh Creek project. The parking data included in the ITE Senior Adult Housing (LU Code 252) is based on three sites that are all located in PA and the data was collected in 2008. The description of the sites surveyed does not indicate whether the age restricted aspect of the sites included in the surveys were for ages 55 and above or ages 62 and above. The reality of current economic conditions require many persons between the ages of 55 and 65 to maintain a working status and this affects the automobile ownership and driver status of the residents of the project.

More recent research that has been performed on senior housing development in California has found that developments that are restricted to residents of age 55 and older generate more parking demand than those restricted to residents of age 62 and older.

The parking analysis does not provide any discussion of of the local setting that has a bearing on parking requirements. The project is located in a rural area that has limited shopping and employment opportunities. Additionally, the area has limited transit service. These factors have an influence on the auto ownership characteristics of individuals that will chose to live in the Project housing in that they will be more reliant on personal automobiles.

Project Site 1 is the only site that has available on-street parking in the event that the proposed 21 spaces are later determined to be inadequate. If the Project Sites 2 and 3 parking supply is later found to be inadequate, there is no on-street parking available on Marsh Creek Road. Residents or visitors who cannot find on-site parking would likely seek nearby on-street parking within the Stranahan Residential Subdivision. This potential impact has not been identified or discussed.



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The proposed Project parking ratios range from 0.70 to 0.84 spaces per unit and has a composite ratio of 0.76 spaces per unit. Clayton's code parking rate for multifamily housing results in a composite ratio of 2.23 spaces per unit. The proposed Project parking rate is only 34% of the City code rate.

By comparison, the California Density Bonus Law parking requirement results in a composite rate of 1.44 parking spaces per unit for 55+ senior housing. This California-based parking criteria is almost double the proposed Project parking rate.

It is common practice in many cities to set the senior age restricted housing parking rate at 50% of the standard rate for multifamily housing. Each city sets its parking rates and anticipated parking demand based on local conditions. If this practice is applied to the Clayton code rate, the Project would require a parking ratio of approximately 1.11 spaces per unit or 90 spaces. This rate, though lower, is fairly consistent with the State's rate for senior housing.

It is MBI's opinion that the Project parking analysis does not demonstrate that the proposed Project parking rate of 0.76 spaces per unit is reasonably consistent with California parking experience, nor does it provide sufficient evidence that the significantly reduced parking supply proposed for the Project will not cause parking impacts in the adjacent residential neighborhoods.

MEMORANDUM

To: William Jordan

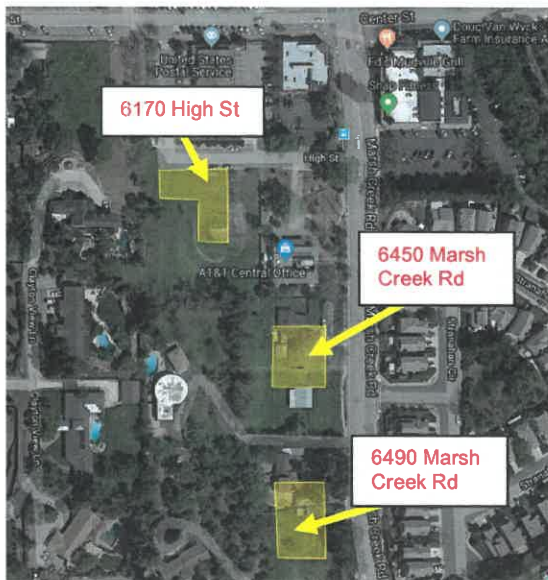
From: Ben Huie, P.E.
California Professional Engineer #C76682
Kimley-Horn and Associates, Inc.

Date: June 10, 2019

Subject: The Olivia on Marsh Creek Parking Study – Final Memorandum

A senior active adult housing project, restricted to residents 55 years or older, is proposed to be constructed on three different sites at 6170 High Street, 6450 Marsh Creek Road, and 6490 Marsh Creek Road in Clayton, CA. The senior housing units are located at the southwest corner of the intersection of High Street and Marsh Creek Road. **Figure 1** illustrates the location of the three senior adult housing sites in relation to adjacent uses in Clayton, CA. Since the project will be taking advantage of the lower parking requirements as afforded by the State Density Bonus law, a parking study is being requested for this proposed project to confirm if adequate parking is provided for the proposed project. This memorandum describes a quantitative analysis and presents the finding that The Olivia on Marsh Creek provides sufficient parking spaces to meet estimated demand.

Figure 1 – Study Area



Source: Google Maps

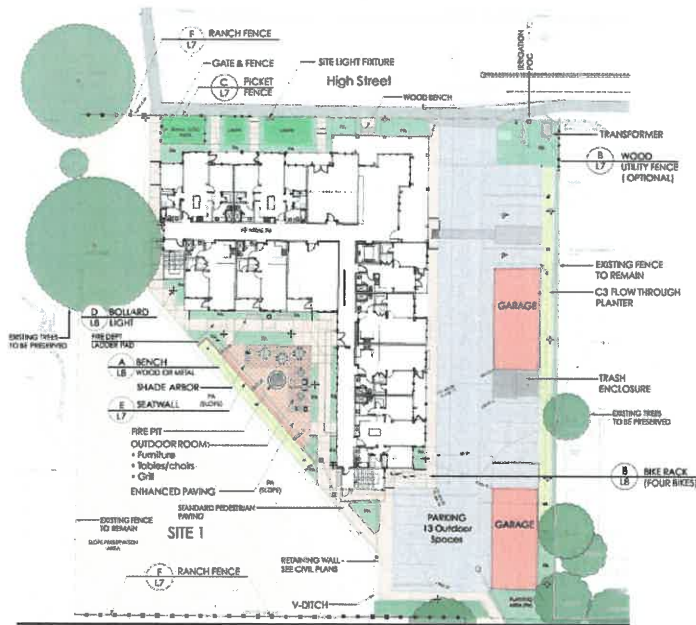
The senior adult housing project is proposing to construct a total of 81 units with the following number of units for each site:

- 6170 High Street (Site 1)
 - 9 units of 2-bedroom and 2-bathroom
 - 21 units of 1-bedroom and 1-bathroom
- 6450 Marsh Creek Road (Site 2)
 - 13 units of 2-bedroom and 2-bathroom
 - 13 units of 1-bedroom and 1-bathroom
- 6490 Marsh Creek Road (Site 3)
 - 14 units of 2-bedroom and 2-bathroom
 - 11 units of 1-bedroom and 1-bathroom

It should be noted that the allowable density for the project is 60 units. However, the project is applying for a density bonus of 35 percent since seven (7) of the 60 units, or 11 percent, is designated for very low-income housing. Therefore, the project’s new allowable density would result in 81 units.

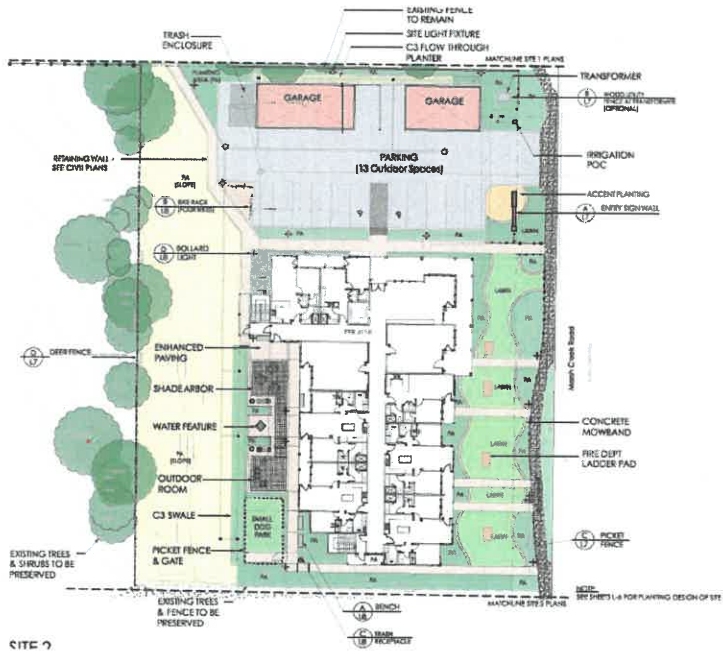
Site 1 will occupy 11,604 building square feet, Site 2 will occupy 10,880 building square feet, and Site 3 will occupy 10,833 building square feet. **Figures 2 through 4** show the site plan for each of the proposed buildings.

Figure 2 – Proposed 6170 High Street Site Plan



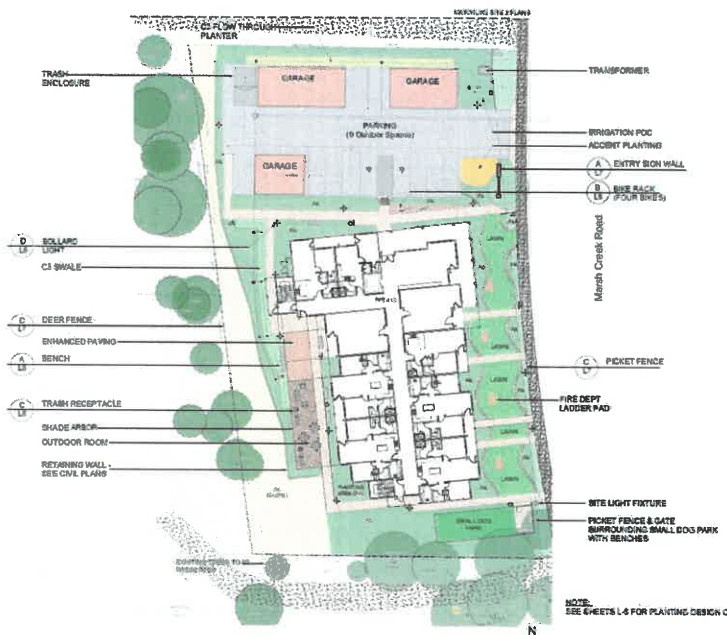
Source: MD Fotheringham Landscape Architects

Figure 3 – Proposed 6450 Marsh Creek Road Site Plan



Source: MD Fotheringham Landscape Architects

Figure 4 – Proposed 6490 Marsh Creek Road Site Plan



Source: MD Fotheringham Landscape Architects

Methodology

PARKING SUPPLY

Proposed Supply

The senior adult housing project is proposing to provide 0.76 parking spaces per unit for a total of 62 parking spaces for all three sites. Parking spaces for each site will consist of outdoor surface lot parking spaces and garage parking spaces.

CLAYTON PARKING REQUIREMENTS

The City of Clayton's Parking Requirements are based on the multi-family dwelling land use classification in the City of Clayton's Municipal Code.¹ The following are the parking requirements for multi-family dwelling units:

- For one bedroom, 1.5 vehicle spaces are required, one (1) of which should be covered
- For two or more bedrooms, two (2) vehicle spaces are required, one (1) of which should be covered
- For guest parking, 0.5 spaces are required

The required parking for the proposed senior adult housing project is estimated and shown in Table 1. Site 1, Site 2, and Site 3 are required to provide 64.5, 58.5 and 57 parking spaces. Therefore, the project is required to provide a total of 180 parking spaces, and 105 of which should be covered. Since the project is proposing to provide 21, 20, and 21 parking spaces for Site 1, Site 2, and Site 3, respectively, for a total of 62 parking spaces, the proposing parking spaces does not meet the City's parking requirement. However, since the project will be providing very low-income housing, it would be eligible for a parking reduction per the state density bonus law.

¹ City of Clayton Municipal Code, *Off-Street Parking Space Requirements Schedule 17.37.030A, August 2017*

Table 1 – City of Clayton Municipal Code – Parking Requirements

Site	One Bedroom			Two Bedrooms			Total Required Spaces	Proposed Parking Supply	Meets City Parking Requirement?
	# of Bedrooms	Required # of Parking Spaces per Unit (Including Guest Spaces)	Subtotal Requirement (Spaces)	# of Bedrooms	Required # of Parking Spaces per Unit (Including Guest Spaces)	Subtotal Requirement (Spaces)			
Site 1	21	2	42 total	9	2.5	22.5 total	64.5 total	21	No
Site 2	13	2	26 total	13	2.5	32.5 total	58.5 total	20	No
Site 3	11	2	22 total	14	2.5	35 total	57 total	21	No
Total	45	–	90	36	–	90	180	62	–

DENSITY BONUS PARKING REQUIREMENTS

As a senior adult housing development that limits residency based on age requirements, and given that the project meets Civil Code Sections 51.3 and 51.12, the project may be qualified for a restriction to the minimum parking requirement pursuant to the state density bonus law, Government Code Section 65915(p)(1). Additional reductions may be applicable if the criteria for Section 65915(p)(2) or Section 65915(p)(3)(A, B, or C) is met. However, the project does not meet the criterion for the additional reductions based on the following description:

- Section 65915(p)(2) – The project is not located within a ½ mile of a major transit stop as described in Section 21155 and Section 2064.3 of the Public Resources Code
- Section 65915(p)(3)(A) – The project is not located within a ½ mile of a major transit stop as described in Section 21155 and Section 2064.3 of the Public Resources Code
- Section 65915(p)(3)(B) – The project is restricted to residents of 55 years or older, rather than 62 years or older
- Section 65915(p)(3)(C) – The project is not intended as a special needs housing development.

Therefore, the project will only meet Section 65915(p)(1) which states the following parking requirement for the proposed project:

- Zero to one bedroom: one on-site parking space
- Two to three bedrooms: two on-site parking spaces
- Four or more bedrooms: 2.5 on-site parking spaces

Table 2 provides the parking requirements based on the above density bonus criterion.

Table 2 – Density Bonus Parking Requirements

Site	One Bedroom		Two Bedrooms		Total Required (Spaces)	Proposed Supply (Spaces)	Meets Requirement?
	# of Bedrooms	Requirement (Spaces)	# of Bedrooms	Requirement (Spaces)			
Site 1	21	21	9	18	39	21	No
Site 2	13	13	13	26	39	20	No
Site 3	11	11	14	28	39	21	No
Total	45	45	36	72	117	62	–

As shown in Table 2, based on the modified parking requirement allowed through the density bonus, the project is required to provide 39 parking spaces for each site, or 117 parking spaces total. Since the project is proposing to provide 21, 20, and 21 parking spaces for Site 1, Site 2, and Site 3, respectively, for a total of 62 parking spaces, the proposed parking spaces does not meet the City’s parking requirement.

However, based on Government Code Section 65915(d), the project is allowed to request for two concessions since the project provides at least 10 percent of very low-income housing. Therefore, the project is requesting that one of the two requested concessions be a reduction in the number of required parking spaces to 0. 0.76 parking spaces per unit, or 62 total parking spaces. The City shall grant this concession unless the concession does not result in identifiable and actual cost reductions, unless the concession would have a specific, adverse impact, or unless the concession would be contrary to state or federal law. Placeworks prepared a technical memorandum² showing that this concession would provide a cost reduction. To show that this project would not adversely impact the surrounding parking, a parking demand analysis was completed.

PARKING DEMAND

Proposed Parking Demand

Parking demand is typically estimated using the Institute of Transportation Engineers (ITE) *Parking Generation Manual*. This is a reference based on parking surveys throughout the country. The parking demand for the senior adult housing was estimated based on parking data for Senior Adult Housing – Attached (ITE Land Use Code 252).³ According to ITE, the 85th percentile demand rate is 0.66 spaces per dwelling unit. Applying this rate to the proposed 81 dwelling units results in a parking demand of approximately 53 parking spaces. The parking demand for each site is provided in **Table 3**.

Table 3 – Proposed Parking Supply vs. ITE Parking Demand

Site	Dwelling Units	Proposed ITE Parking Demand	Proposed Parking Supply	Meets ITE Parking Demand?
Site 1	30	20	21	Yes
Site 2	26	17	20	Yes
Site 3	25	16	21	Yes
Total	81	53	62	–

As shown above, each site provides sufficient parking to meet the proposed parking demand and the total proposed parking supply of 62 parking spaces meets the total proposed demand of 53 parking spaces. Therefore, the project's request for a parking concession to reduce the parking requirement to 0.76 parking spaces per unit meets the estimated ITE parking demand of 0.66 parking spaces per unit.

² Placeworks, *Economic Analysis of Requested Concessions, Clayton Senior Housing Project*, June 29, 2019.

³ Institute of Transportation Engineers, *Parking Generation, 4th Edition*.

CONCLUSIONS

It is proposed that a senior adult housing development be constructed at 6170 High Street, 6450 Marsh Creek Road, and 6490 Marsh Creek Road in Clayton, CA. The project proposes to construct a total of 81 units and would provide 62 total parking spaces. Since the project is providing very low-income housing, it qualifies for a parking reduction per the state density bonus law, Government Code Section 65915 (p)(3)(B). The proposed project is eligible for a modified parking requirement of 117 total parking spaces or 39 parking spaces for each site. Since the project is providing 62 total parking spaces, the project does not meet the modified parking requirements. Therefore, the project is requesting as one of its two concessions, to reduce the parking requirement to the proposed parking supply of 0.76 parking spaces per unit or 62 total parking spaces. Based on the ITE parking demand for senior adult housing, it was estimated that the parking demand for the proposed project will result in 53 total parking spaces. Since the project is providing 62 total parking spaces, the proposed supply is sufficient to meet the proposed parking demand. Therefore, the proposed concession to reduce the parking requirement will meet the ITE parking demand. Based on this study, it is our professional opinion that the senior adult housing in Clayton, CA provides adequate parking supply to meet the parking demand.

Attachment S

Arborist Report and Addendum

SBCA TREE CONSULTING

1534 Rose Street, Crockett, CA 94525

Phone: (510) 787-3075

Fax: (510) 787-3065

Website: www.sbcatree.com

Steve Batchelder, Consulting Arborist

WC ISA Certified Arborist #228

CUFC Certified Urban Forester #134

CA Contractor License #(C-27) 53367

E-mail: steve@sbcatree.com

Molly Batchelder, Consulting Arborist

WC ISA Certified Arborist #9613A

ISA Tree Risk Assessment Qualified

E-mail: molly@sbcatree.com

Date: January 25, 2018

To: Bill Jordan
PO Box 547
Clayton, CA 94517

Subject: Addendum to December 7, 2015: Tree Survey Report.

Location: 6490 Marsh Creek Road, Clayton

Assignment: SBCA Tree Consulting was asked return to the property to survey the row of cypress trees noted but not surveyed in the prior report and to provide tree protection guidelines for trees proposed to be retained.

Introduction

Appendix 1 provides the augmented survey data. *Appendix 2* provides the tree locations, with numbers that correspond to the metal number tags and survey data in *Appendix 1*. Due to the narrow distance between the cypress trees, not all tree numbers are used in the tree location map. All trees qualify as a "Tree" by City ordinance as all are over 15 feet in height; none qualifies as "Protected Trees".

Applicable City of Clayton Tree Ordinance

D. "Tree" means a live woody plant having a single perennial stem or a multi-stemmed perennial plant which is over fifteen (15) feet in height at maturity.

E. "Trunk Diameter" means the diameter of a tree trunk as measured four (4) feet, six (6) inches above natural grade.

Summary

The 2015 survey identified thirty-nine (39) trees on or adjacent to the site. The earlier survey utilized number tags #67-105. The recent survey recorded data on an additional 47 Italian Cypress trees not surveyed in the original report. Tag numbers utilized for the survey now include #67 through #152, with a total of 85 trees surveyed. The 47 cypress trees qualify as "Trees" but do not qualify as "Protected Trees".

Most numerous species – Italian Cypress (*Cupressus sempervirens*) is represented by (52) trees. The row of forty-seven (47) Italian Cypress is located on the north property line.

Table 1 – (Revised Species Information) Forty-seven Italian Cypress trees have been added to the prior survey data.

Species	Common Name	No. trees	No. of Protected Trees	No. Trees on Prop. line or Street	Suitability for Retention
<i>Ailanthus altissima</i>	Tree of Heaven	1	0	1	Poor
<i>Cupressus sempervirens</i>	Italian Cypress	52	0	0	Good
<i>Cupressus arizonica</i>	Arizona Cypress	1	0	1	Poor
<i>Eucalyptus polyanthemos</i>	Silver Dollar Gum	1	0	0	Good
<i>Eucalyptus sideroxylon</i>	Cider Gum	2	0	1	Poor
<i>Juglans hindsii</i>	Black Walnut	1	1	0	Poor
<i>Juglans regia</i>	English Walnut	1	0	1	Fair
<i>Malus spp.</i>	Flowering Crabapple	1	0	0	Fair
<i>Pinus halepensis</i>	Aleppo Pine	2	0	0	Good-Fair
<i>Pinus pinea</i>	Italian Stone Pine	1	0	0	Fair
<i>Pinus radiata</i>	Monterey Pine	7	0	0	Fair-Poor
<i>Pistacia chinensis</i>	Chinese Pistache	4	0	4	Street Trees
<i>Populus fremontii</i>	Fremont Poplar	1	1	1	Poor
<i>Prunus cercifera</i>	Cherry Plum	1	0	0	Poor
<i>Quercus douglasii</i>	Blue Oak	2	2	2	Fair-Poor
<i>Quercus lobata</i>	Valley Oak	4	4	3	Good
<i>Robinia pseudoacacia</i>	Black Locust	1	0	0	Fair
<i>Salix babylonica</i>	Weeping Willow	1	0	0	Poor
<i>Sequoia sempervirens</i>	Coast Redwood	2	0	0	Poor
	Totals:	85	8	14	

End Report

Report Submitted By:

Steve Batchelder

Steve Batchelder, Consulting Arborist
ISA Certified Arborist WE 228A
CaUFC Certified Urban Forester #138
Calif. Contractor Lic. (C-27) 533675

Appendix Items:

1. Tree Survey Data
2. Tree Location Map



Photo Supplement



Photo above shows the row of 47 Italian Cypress trees that has been added to the survey data for 6490 Marsh Creek Road.

Supplemental Report Submitted By:

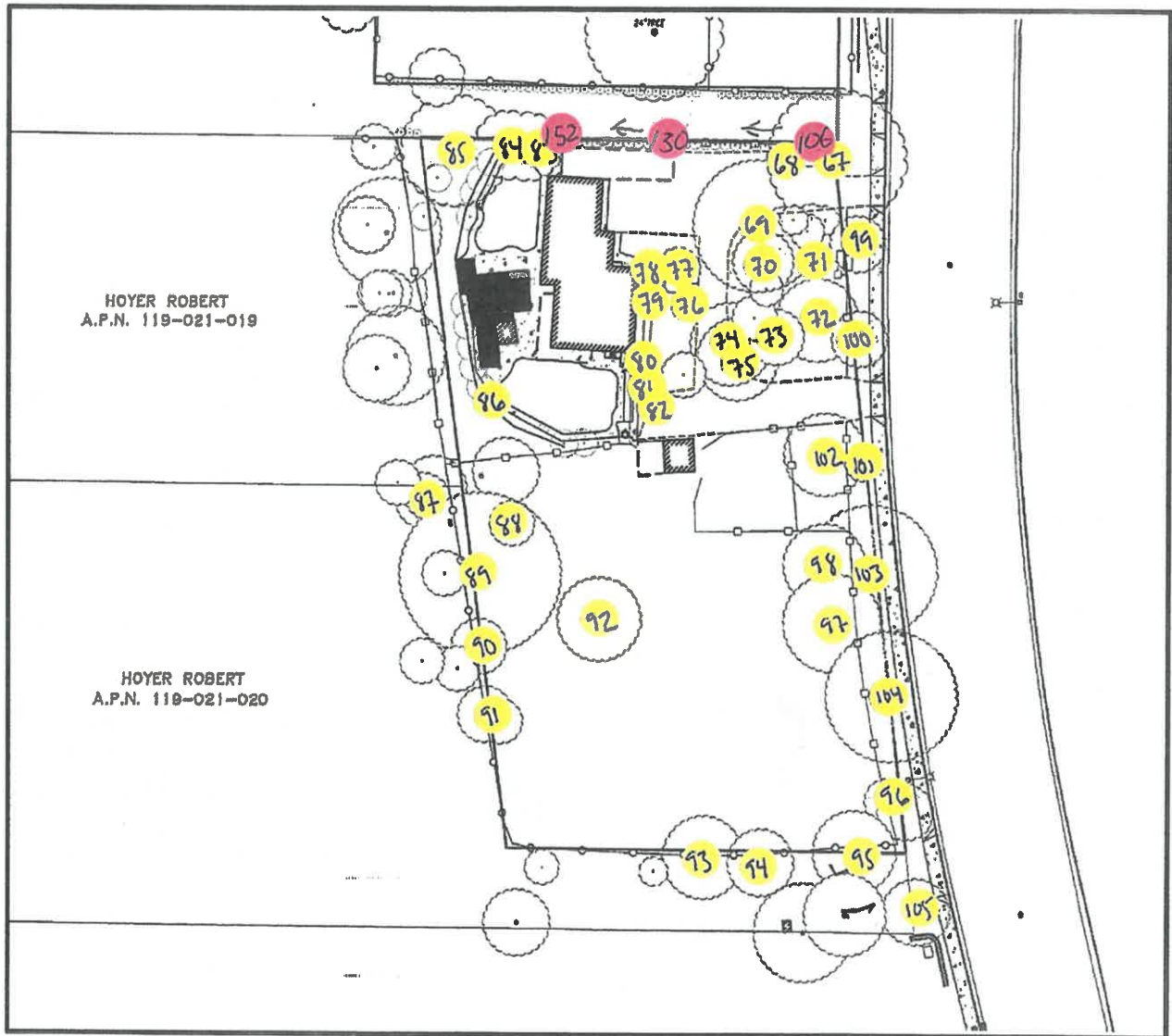
Steve Batchelder

*Steve Batchelder, Consulting Arborist
ISA Certified Arborist WE 228A
CaUFC Certified Urban Forester #138
Calif. Contractor Lic. (C-27) 533675*



Appended Tree Location Map

Red dots indicate row of Italian Cypress trees #106 thru #152. These trees were not included in the earlier survey conducted in 2015.



COLUMN HEADING DESCRIPTIONS

Tag# - Indicates the number tag attached to tree

Species - Scientific name

Common Name - Vernacular name

DBH - Diameter measured in inches at 4.5 feet above soil grade, unless otherwise indicated

Height - In feet

Spread - In feet

Health -Tree Health: E is Excellent, G is Good, F is Fair, P is Poor, D is Dead or Dying

Structure- Tree Structural Safety: E is Excellent, G is Good, F is Fair, P is Poor, H is Hazardous

Protected Tree? - As per City of Clayton Tree Ordinance: Y is Yes, N is No

Suitability for Retention - Based on Tree Condition: G is Good, F is Fair, P is Poor

Notes - See below

ABBREVIATIONS AND DEFINITIONS

Notes

Embedded Bark (EB) - AKA Included Bark, this is a structural defect where bark is included between the branch attachment so that the wood cannot join. Such defects have a higher propensity for failure.

Codominant (CD) - A situation where a tree has two or more stems which are of equal diameter and relative amounts of leaf area. Trees with codominant primary scaffolding stems are inherently weaker than stems, which are of unequal diameter and size.

Codominant w/ Embedded Bark (CDEB) - When bark is embedded between codominant stems, failure potential is very high and pruning to mitigate the defect is recommended.

Dead Wood (DW) - Interior dead branches noted in tree.

End Weight Reduction (EWR) - Reduction of end branch end weight recommended to reduce potential for limb failure.

Internal Decay (ID) - Noted by sounding with a mallet or visible cavities/large pruning wounds.

Multi (Multi) - Multiple trunks/stems emanate from below breast height (4.5' above soil grade).

Tag #	Species	Common name	DBH	Height	Spread	Health	Structure	Protected Tree?	Suitability for Retention	Notes
67	<i>Quercus lobata</i>	Valley Oak	17.5	30	45	G	G	Y	G	CD, High voltage power lines
68	<i>Juglans hindsii</i>	California Black Walnut	17.5	25	25	D	H	Y	P	Dead, Hazardous
69	<i>Robinia pseudoacacia</i>	Black Locust	24.5	50	50	F	P	N	F	CDEB x 2

Tag #	Species	Common name	DBH	Height	Spread	Health	Structure	Protected Tree?	Suitability for Retention	Notes
70	<i>Eucalyptus polyanthemos</i>	Silver Dollar Gum	13.5	60	40	G	G	N	G	
71	<i>Pinus halepensis</i>	Aleppo Pine	28	70	55	G	P	N	F	Lean, CDEB
72	<i>Pinus halepensis</i>	Aleppo Pine	32.5	70	50	G	G	N	G	CD
73	<i>Eucalyptus sideroxylon</i>	Red Iron Bark	11	25	20	G	P	N	P	PP
74	<i>Pinus radiata</i>	Monterey Pine	21	60	30	G	G	N	G	Nice tree
75	<i>Pinus pinea</i>	Italian Stone Pine	15	30	50	G	F	N	F	Lean, Large pruning cuts
76	<i>Pinus radiata</i>	Monterey Pine	7	20	15	P	P	N	P	Crack, Dieback
77	<i>Prunus cerasifera</i>	Purple Leaf Plum	9	25	20	G	P	N	P	CDEB
78	<i>Cupressus sempervirens</i>	Italian Cypress	9	40	5	G	G	N	G	
79	<i>Cupressus sempervirens</i>	Italian Cypress	9	40	5	G	G	N	G	
80	<i>Cupressus sempervirens</i>	Italian Cypress	7.5	35	5	G	G	N	G	Crowded
81	<i>Cupressus sempervirens</i>	Italian Cypress	6.5, 5.5	20	6	G	G	N	G	Crowded
82	<i>Cupressus sempervirens</i>	Italian Cypress	8.5	40	5	G	G	N	G	Crowded
83	<i>Sequoia sempervirens</i>	Coast Redwood	14	30	15	F-G	F	N	P	Topped, Not suitable for under powerlines
84	<i>Sequoia sempervirens</i>	Coast Redwood	12.5	30	15	F-G	F	N	P	Topped, Not suitable for under powerlines

Tag #	Species	Common name	DBH	Height	Spread	Health	Structure	Protected Tree?	Suitability for Retention	Notes
85	<i>Pinus radiata</i>	Monterey Pine	22.5	45	30	F-P	G	N	P	Dieback
86	<i>Malus spp.</i>	Apple	3, 3.5	15	15	G	G	N	F	
87	<i>Eucalyptus sideroxylon</i>	Red Iron Bark	13, 12	40	40	G	P	N	P	CD, one stem gone, On property line
88	<i>Pinus radiata</i>	Monterey Pine	16	30	50	G	P	N	P	Significant lean, Large trunk wounds
89	<i>Juglans regia</i>	English Walnut	29	25	45	G	F	N	F	Multi, Large trunk wound, On property line
90	<i>Quercus douglasii</i>	Blue Oak	7	25	15	P	P	Y	P	On property line, 60% girdled trunk
91	<i>Cupressus arizonica</i>	Arizona Cypress	8	25	20	G	P	N	P	On property line, Fallen over, Large pruning wounds
92	<i>Pinus radiata</i>	Monterey Pine	13	25	25	F	F	N	F	Large trunk wound, Lean, Stressed
93	<i>Populus fremontii</i>	Fremont Poplar	27	50	30	P	P	N	P	On adjacent property, Headed, DW, High voltage power lines
94	<i>Quercus lobata</i>	Valley Oak	10.5	25	25	G	F	Y	P	On adjacent property, High voltage power lines
95	<i>Quercus lobata</i>	Valley Oak	9, 15.5	55	50	G	G	Y	G	On property line, Nice tree
96	<i>Ailanthus altissima</i>	Tree of Heaven	6	20	20	G	G	N	P	In fence
97	<i>Pinus radiata</i>	Monterey Pine	20.5	60	30	F	G	N	F	Stressed
98	<i>Pinus radiata</i>	Monterey Pine	16.5	30	25	F	F	N	P	In canopy of oak
99	<i>Pistacia chinensis</i>	Chinese Pistache	6	25	30	F	F	N	G	Street tree

Tag #	Species	Common name	DBH	Height	Spread	Health	Structure	Protected Tree?	Suitability for Retention	Notes
100	<i>Pistacia chinensis</i>	Chinese Pistache	7.5	25	30	G	G	N	G	Street tree
101	<i>Pistacia chinensis</i>	Chinese Pistache	5	25	30	G	G	N	G	Street tree
102	<i>Salix babylonica</i>	Willow	15	10	10	P	P	N	P	Headed
103	<i>Quercus lobata</i>	Valley Oak	26.5	60	65	G	F	Y	G	Street tree, High voltage power lines, but pruning was ok, Lean
104	<i>Quercus douglasii</i>	Blue Oak	24.5	25	50	F-G	F	Y	F	Street tree, High voltage power lines
105	<i>Pistacia chinensis</i>	Chinese Pistache	4.5	25	20	G	G	N	G	Street tree, Lean
106	<i>Cupressus sempervirens</i>	Italian Cypress	4.5	25	2	G	G	N	G	North property line row
107	<i>Cupressus sempervirens</i>	Italian Cypress	4.5	25	2	G	G	N	G	North property line row
108	<i>Cupressus sempervirens</i>	Italian Cypress	4	25	2	G	G	N	G	North property line row
109	<i>Cupressus sempervirens</i>	Italian Cypress	4	20	2	G	G	N	G	North property line row
110	<i>Cupressus sempervirens</i>	Italian Cypress	4.5	25	2	G	G	N	G	North property line row
111	<i>Cupressus sempervirens</i>	Italian Cypress	4.5	20	2	G	G	N	G	North property line row
112	<i>Cupressus sempervirens</i>	Italian Cypress	4.5	20	2	G	G	N	G	North property line row
113	<i>Cupressus sempervirens</i>	Italian Cypress	4	25	2	G	G	N	G	North property line row
114	<i>Cupressus sempervirens</i>	Italian Cypress	3	20	2	G	G	N	G	North property line row

Tag #	Species	Common name	DBH	Height	Spread	Health	Structure	Protected Tree?	Suitability for Retention	Notes
115	<i>Cupressus sempervirens</i>	Italian Cypress	4	20	2	G	G	N	G	North property line row
116	<i>Cupressus sempervirens</i>	Italian Cypress	4	20	2	G	G	N	G	North property line row
117	<i>Cupressus sempervirens</i>	Italian Cypress	4.5	25	2	G	G	N	G	North property line row
118	<i>Cupressus sempervirens</i>	Italian Cypress	4	20	2	G	G	N	G	North property line row
119	<i>Cupressus sempervirens</i>	Italian Cypress	4.5	20	2	G	G	N	G	North property line row
120	<i>Cupressus sempervirens</i>	Italian Cypress	4	25	2	G	G	N	G	North property line row
121	<i>Cupressus sempervirens</i>	Italian Cypress	5	25	2	G	G	N	G	North property line row
122	<i>Cupressus sempervirens</i>	Italian Cypress	4.5	25	2	G	G	N	G	North property line row
123	<i>Cupressus sempervirens</i>	Italian Cypress	6	25	2	G	G	N	G	North property line row
124	<i>Cupressus sempervirens</i>	Italian Cypress	4.5	25	2	G	G	N	G	North property line row
125	<i>Cupressus sempervirens</i>	Italian Cypress	5.5	25	2	G	G	N	G	North property line row
126	<i>Cupressus sempervirens</i>	Italian Cypress	5	25	2	G	G	N	G	North property line row
127	<i>Cupressus sempervirens</i>	Italian Cypress	4	25	2	G	G	N	G	North property line row
128	<i>Cupressus sempervirens</i>	Italian Cypress	5	25	2	G	G	N	G	North property line row
129	<i>Cupressus sempervirens</i>	Italian Cypress	6.5	25	2	G	G	N	G	North property line row

Tag #	Species	Common name	DBH	Height	Spread	Health	Structure	Protected Tree?	Suitability for Retention	Notes
130	<i>Cupressus sempervirens</i>	Italian Cypress	5	25	2	G	G	N	G	North property line row
131	<i>Cupressus sempervirens</i>	Italian Cypress	5.5	25	2	G	G	N	G	North property line row
132	<i>Cupressus sempervirens</i>	Italian Cypress	6	25	2	G	G	N	G	North property line row
133	<i>Cupressus sempervirens</i>	Italian Cypress	4, 4.5	25	2	G	G	N	G	North property line row
134	<i>Cupressus sempervirens</i>	Italian Cypress	6	25	2	G	G	N	G	North property line row
135	<i>Cupressus sempervirens</i>	Italian Cypress	6.5	25	2	G	G	N	G	North property line row
136	<i>Cupressus sempervirens</i>	Italian Cypress	5	25	2	G	G	N	G	North property line row
137	<i>Cupressus sempervirens</i>	Italian Cypress	4, 3	25	2	G	G	N	G	North property line row
138	<i>Cupressus sempervirens</i>	Italian Cypress	6.5	25	2	G	G	N	G	North property line row
139	<i>Cupressus sempervirens</i>	Italian Cypress	8	25	2	G	G	N	G	North property line row
140	<i>Cupressus sempervirens</i>	Italian Cypress	5, 3	25	2	G	G	N	G	North property line row
141	<i>Cupressus sempervirens</i>	Italian Cypress	6	25	2	G	G	N	G	North property line row
142	<i>Cupressus sempervirens</i>	Italian Cypress	7	25	2	G	G	N	G	North property line row
143	<i>Cupressus sempervirens</i>	Italian Cypress	6.5	25	2	G	G	N	G	North property line row
144	<i>Cupressus sempervirens</i>	Italian Cypress	6	25	2	G	G	N	G	North property line row

Tag #	Species	Common name	DBH	Height	Spread	Health	Structure	Protected Tree?	Suitability for Retention	Notes
145	<i>Cupressus sempervirens</i>	Italian Cypress	4.5	25	2	G	G	N	G	North property line row
146	<i>Cupressus sempervirens</i>	Italian Cypress	6	25	2	G	G	N	G	North property line row
147	<i>Cupressus sempervirens</i>	Italian Cypress	5.5	25	2	G	G	N	G	North property line row
148	<i>Cupressus sempervirens</i>	Italian Cypress	5.5	25	2	G	G	N	G	North property line row
149	<i>Cupressus sempervirens</i>	Italian Cypress	6	25	2	G	G	N	G	North property line row
150	<i>Cupressus sempervirens</i>	Italian Cypress	5	25	2	G	G	N	G	North property line row
151	<i>Cupressus sempervirens</i>	Italian Cypress	5	25	2	G	G	N	G	North property line row
152	<i>Cupressus sempervirens</i>	Italian Cypress	6	25	2	G	G	N	G	North property line row

Attachment T

**CEQA Infill Exemption Report from
Raney Planning & Management, Inc.**



WWW.RANEYMANAGEMENT.COM

NORTHERN CALIFORNIA

1397 SPORTS DRIVE, SUITE A
SACRAMENTO, CA 95834

TEL: 916.372.6100 • FAX: 916.419.6108

June 14, 2019

David Woltering
Interim Community Development Director
City of Clayton
6000 Heritage Trail
Clayton, CA

Subject: Infill Exemption Environmental Analysis for Clayton Senior Housing Project

Dear Mr. Woltering:

The City of Clayton retained Raney Planning & Management, Inc. (Raney) to determine whether the Clayton Senior Housing Project satisfies criteria (c) and (d) of the Class 32 Infill Exemption included in the California Environmental Quality Act (CEQA) Guidelines. The specific conditions identified in the Class 32 Infill Exemption in the CEQA Guidelines are as follows (specific emphasis has been added for criteria (c) and (d)):

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (a) *The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.*
- (b) *The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.*
- (c) ***The project site has no value as habitat for endangered, rare or threatened species.***
- (d) ***Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.***
- (e) *The site can be adequately served by all required utilities and public services.*

The applicant team prepared several technical studies for the project, which provide information needed to determine whether the project satisfies criteria (c) and (d). To that end, the Raney team performed peer reviews of the applicant-prepared reports to determine their adequacy. The technical reports for the Clayton Senior Housing Project are as follows:

- *6170 High Street/6450 Marsh Creek Road, 6490 Marsh Creek Road – Revised Biological Constraints Assessment Survey Results (November 6, 2018), prepared by Olberding Environmental;*
- *Air Quality & Greenhouse Gas Impact Assessment for the Proposed Clayton Senior Housing Project, Clayton, CA, prepared by Ambient Air Quality & Noise Consulting (September 24, 2018);*
- *Noise & Groundborne Vibration Impact Assessment for the Proposed Clayton Senior Housing Project, Clayton, CA, prepared by Ambient Air Quality & Noise Consulting (September 21, 2018); and*
- *Clayton Senior Housing Trip Generation Study Final Letter (May 8, 2017), prepared by Kimley Horn.*

The following section provides a summary of Raney's review of the technical biological, air quality, noise, traffic, and water quality studies.

Biological

Raney has determined that the methods employed by Olberding Environmental are in general conformance with industry standard practice for biological assessments. For example, the report includes a search of the California Natural Diversity Database (CNDDDB) maintained by the California Department of Fish and Wildlife, and reports the special-status species recorded within an extended radius around the project site (presumably 5 miles). The initial peer review comments provided by Raney to the City on September 19, 2018 have been adequately addressed in the final November 6, 2018 report. The report concludes that the project site has no value as habitat for endangered, rare or threatened species, consistent with criteria (c) of Infill Exemption 15332.

Air Quality

Raney has concluded that the Air Quality/Greenhouse Gas analysis was completed in accordance with current industry standards, and in compliance with the recommended guidance of the Bay Area Air Quality Management District (BAAQMD). The general methodology of the Technical Memorandum included estimating potential air quality and greenhouse gas (GHG) emissions from construction and operation of the proposed project, using the most-up-to-date version of the California Emissions Estimator Model (CalEEMod) software. To assess the adequacy of the Air Quality/GHG analysis presented in the Technical Memorandum, Raney reviewed the methods, assumptions, and CalEEMod outputs provided by Ambient Consulting. The initial peer review comments provided by Raney to the City on July 20, 2018 and September 7, 2018 have been adequately addressed in the final September 24, 2018 report. The report concludes that the proposed project would result in construction and operational emissions below the BAAQMD's thresholds of significance. Thus, the proposed project would not result in any significant air quality effects, consistent with criteria (d) of Infill Exemption 15332.

Noise

Raney hired j.c. brennan & associates, Inc., a noise technical expert, to perform a technical peer review of the project-specific noise and vibration study. j.c. brennan & associates reviewed the report methodology and results and determined that the report was completed in accordance with current industry standards and adequately addresses whether the proposed project would exceed the City of Clayton's General Plan Noise Element and/or Noise Ordinance standards. The report concludes that the proposed project would result in operational noise levels below the relevant City noise thresholds. With respect to construction noise, the report correctly notes that construction activities occurring between the allowable hours specified in Clayton Municipal Code Section 15.01.101 are not subject to the City's noise level thresholds. Per City Ordinance, construction hours for the project would be limited. Thus, the proposed project would not result in any significant noise effects, consistent with criteria (d) of Infill Exemption 15332.

Traffic

Raney consulted with Abrams Associates Traffic Engineering, Inc. to advise on the accuracy of a Trip Generation Study prepared for the proposed project by Kimley Horn. On May 9, 2018, Abrams Associates confirmed that the method of analysis used in the Trip Generation Study was correct, and that the resulting trip estimates are accurate. The Trip Generation Study concludes that the proposed project would generate 16 AM peak hour trips and 19 PM peak hour trips using the ITE Trip Generation Manual. The expected AM and PM peak hour trips are well below the Contra Costa Transportation Authority's 100 peak hour trip threshold for warranting a traffic impact analysis. Additionally, the nearby intersection of Marsh Creek Road/Clayton Road was analyzed and it was determined that the intersection would not be impacted by the relatively small increase in trips in the vicinity. Thus, the proposed project would not result in any significant traffic effects, consistent with criteria (d) of Infill Exemption 15332.

Hydrology

The City Engineer has reviewed the proposed project's potential to significantly effect water quality in the vicinity and has determined that compliance with existing stormwater regulations would ensure no significant adverse water quality effects would occur, as the following will demonstrate. The proposed project would implement the City of Clayton development standards, as well as adhere to all regulations set forth by the Regional Water Quality Control Board, including Section C.3 of the Municipal Regional Storm Water Permit. Additionally, the proposed project would adhere to all requirements for sewerage collection and purveyance of drinking water enforced by the Contra Costa Water District. The City Engineer determined that the proposed project would not introduce any extraordinary issues that would negatively impact water quality on the project site or in the surrounding area. Thus, the proposed project would not result in any significant water quality effects, consistent with criteria (d) of Infill Exemption 15332.

Conclusion

As discussed above, the project site does not contain valuable habitat for endangered, rare or threatened species. Based on an air quality analysis conducted for the proposed project, emissions of criteria pollutants associated with the project would not exceed applicable thresholds established by BAAQMD. Additionally, as determined by the technical studies, the proposed project would be consistent with all applicable regulations set forth by the City and Contra Costa County with regard to noise and traffic. Finally, the City Engineer has evaluated the project site plans and determined that the proposed project would not create any significant adverse effects to water quality on the project site or in the surrounding area. Based on the above, the Clayton Senior Housing Project would satisfy the Infill Exemption conditions (c) related to biological resources and (d) related to air quality, noise, traffic, and water quality.

Exceptions to Categorical Exemptions

Even if a project is ordinarily exempt under any of the categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. The following is a discussion of any possible exceptions to the CEQA exemption.

Criterion 15300.2(a): Location

This exception only applies to CEQA exemptions under Classes 3,4,5,6, or 11. Since the proposed project qualifies as a Class 32 Infill Exemption, Criterion 15300.2(a) would not apply.

Criterion 15300.2(b): Cumulative Impact

The project site is currently designated Multifamily High Density Residential in the Clayton General Plan and zoned Planned Development. The proposed project is consistent with the site's General Plan and zoning designations. Therefore, impacts of the project have been anticipated by the City and analyzed in the General Plan EIR. Furthermore, the proposed project would not create a significant impact related to modification of habitat for endangered, rare, or threatened species, air quality, noise, traffic, or water quality. Thus, the overall effects of the proposed project would be less than significant and would not contribute to significant cumulative impacts.

Criterion 15300.2(c): Unusual Circumstances

The proposed project would develop a senior housing facility on a project site currently planned for residential development. As discussed above, the Biological Assessment determined that the site does not contain any suitable habitat for endangered, rare, or threatened species; and, such species are not anticipated to occur on-site. Additionally, the project site has not been identified as a source of potentially hazardous materials or waste contamination which could pose a risk to surrounding residents. Based on the above, the project site is not affected by any unusual circumstances. Thus, the exception regarding significant effects on the environment due to unusual circumstances would not apply.

Criterion 15300.2(d): Scenic Highway

The project site would not be located within view of any Officially Designated Scenic Highway. Interstate 680 (I-680), an Officially Designated Scenic Highway, is located approximately 7.5 miles southwest of the project site; however, I-680 would not provide views of the project site.¹ Thus, the exception regarding scenic highways would not apply.

Criterion 15300.2(e): Hazardous Waste Sites

The Cortese List, consisting of databases identified in California Government Code Section 65962.5, was consulted to identify sites with known hazardous materials or waste contamination within or adjacent to the project site; however, none were found. Thus, an exception to the Class 32 exemption based on the presence of a hazardous waste site would not apply.

Criterion 15300.2(f): Historical Resources

The City of Clayton's *Heritage Preservation Task Force Report* includes a list of any potentially historic resources located within the City, including historic resources listed on either the California Register of Historical Resources or the National Register. Based on the Report, the existing on-site structures are not listed as historical resources and the project site does not contain any other structures which are considered historic by the City. In addition, the project site is located within an urbanized area of the City of Clayton and is surrounded by development. Thus, archaeological and paleontological resources are not anticipated be present at or near the project site. Therefore, the exception based on presence of historical resources would not apply.

Conclusion

Based on the above discussions, the proposed project would be consistent with the General Plan and zoning designations. Consistency with such would ensure that the project would not result in any cumulative impacts which have not already been anticipated by the City. In addition, the project site does not contain any unusual circumstances. Finally, the project site is not within view of a Scenic Highway, identified as a source of hazardous materials, and does not contain any recorded historic resources. Based on the above, the proposed project would not meet any of the exception criteria for a Class 32 Infill Exemption.

Please contact me at (916) 372-6100 if you have any questions regarding this Infill Exemption analysis.

Sincerely,

Nick Pappani
Vice President
Raney Planning and Management, Inc.

¹ California Department of Transportation. *California Scenic Highway Mapping System Contra Costa County*. Accessed June 2019. Available at: http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/.

Attachment U

Letter from Stephen Velyvis of Burke,
Williams & Sorensen, LLP, dated
January 17, 2020



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January 17, 2020

Via E-Mail and U.S. Mail

Madam Mayor Julie Pierce and City of Clayton City Councilmembers
City of Clayton City Hall
6000 Heritage Trail
Clayton, CA 94517

Re: The Olivia on Marsh Creek Project

Dear Honorable Mayor Pierce and Councilmembers:

Our firm represents William Jordan, who has applied to the City for approval of the Olivia on Marsh Creek Project, which would develop much needed units of infill rental housing for seniors, including seven apartments for seniors with very low incomes, on three adjacent parcels located at 6170 High Street, 6450, and 6490 Marsh Creek Road ("Senior In-Fill Housing Development" or "Project"). On December 10, 2019, the Planning Commission approved Resolution No. 05-19 determining that the Senior In-Fill Housing Development qualifies for a Categorical Exemption from the California Environmental Quality Act ("CEQA").¹

The City has received three separate appeals of Resolution No. 05-19's CEQA Exemption Determination from the following members of the public: Kent Ipsen, submitted on December 30, 2019 ("Ipsen Appeal"); Dan Hummer, submitted on January 2, 2020 ("Hummer Appeal"); and Irina and Alexander Liskovich, submitted on January 2, 2020 ("Liskovich Appeal"). For the reasons detailed below, all three appeals are entirely without merit, and we urge the City Council to deny all three appeals and uphold the Planning Commission's approval of Resolution No. 05-19 and its determination that the Olivia on Marsh Creek Senior In-Fill Housing Development Project is categorically exempt from CEQA under the CEQA Guidelines' Class 32 exemption for in-fill development.

¹ After approving Resolution No. 05-19, the Planning Commission rendered a 2-2 "no decision" on the Senior In-Fill Housing Development entitlements that City planning staff had recommended for approval in Resolution No. 06-19. Mr. Jordan has separately appealed this action, but his appeal of the 2-2 no decision on Resolution No. 06-19 is not the subject of this letter.

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When a proposed project meets the five criteria described in CEQA Guidelines Section 15332, the in-fill development project qualifies for a categorical exemption from CEQA unless a specific exception listed in CEQA Guidelines Section 15300.2 applies. Absent substantial evidence demonstrating such an exception applies agencies are prohibited from requiring an environmental impact report ("EIR") for exempt in-fill development. (See CEQA Guidelines § 15300.4.) Based on the substantial and undisputed evidence in the record, Resolution No. 05-19 properly concluded that the proposed Olivia on Marsh Creek Senior In-Fill Housing Development Project meets all of the criteria for the in-fill exemption and that no exceptions apply, and accordingly, that the Project is categorically exempt from CEQA.

The Ipsen Appeal alleges one solitary basis for its appeal: that the Planning Commission's specified findings are not supported by the evidence. To the contrary, the Planning Commission relied on substantial evidence, and the Ipsen Appeal must fail. As detailed in the November 12, 2019 Staff Report, the City hired third-party consultant Raney Planning & Management, Inc. ("Raney") to evaluate and help determine the Project's eligibility for the in-fill CEQA exemption. On June 14, 2019, Raney submitted a memorandum to the City that analyzed the five criteria necessary to qualify for the in-fill exemption, along with the applicability of any exceptions. In that memorandum Raney indicated that it peer-reviewed all of the technical environmental resource assessments prepared by Mr. Jordan's expert consultants and performed its own analysis using resources that include the Caltrans Scenic Highway Mapping System, the Cortese List, and the City's *Heritage Preservation Task Force Report*. Based on its analysis, Raney concluded that the Project met all of the applicable criteria and thus qualified for the in-fill CEQA exemption, and that none of the exceptions were applicable. The Planning Commission considered and agreed with this information and incorporated the Raney analysis into Resolution No. 05-19 in support of its conclusion that the Project is exempt from CEQA. The Raney analysis provides relevant information that supports the Planning Commission's action, and therefore the Raney analysis constitutes "substantial evidence" as defined by CEQA Guidelines Section 15384. The Ipsen Appeal makes no effort to refute Raney's analysis or otherwise address it, and does not provide any evidence whatsoever to support its bald assertion that the Planning Commission's determination that the Project qualifies for the CEQA Class 32 in-fill exemption is not supported by the evidence. The Ipsen Appeal must be denied.

The Hummer and Liskovich Appeals allege additional grounds in support of their appeals, however, all of their claims are similarly without merit and should be rejected as well. As an initial matter, both appeals incorrectly conflate eligibility for a density

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bonus with eligibility for the CEQA in-fill exemption.² The in-fill exemption is based on criteria regarding a project's consistency with land use designations; size of the project site; and impacts related to biological resources, traffic, noise, air quality, water quality, utilities, and public services. (See CEQA Guidelines § 15332.) By contrast, a project qualifies for a density bonus by providing a specified percentage of its base density as affordable housing. (See Gov. Code § 65915(b).) Even if the appeals were correct that the Olivia on Marsh Creek Senior In-Fill Housing Development Project did not qualify for a density bonus (which they are not – the Project provides enough affordable housing to receive a 35% increase in unit count), this would not be a basis to overturn the Planning Commission's Resolution regarding the CEQA exemption as eligibility for a density bonus is not one of the in-fill exemption's criteria.

The Hummer Appeal goes on to identify seven potential grounds to overturn the Planning Commission's determination that the Project is exempt from CEQA under the categorical exemption for in-fill development. A brief explanation of why each of the Hummer Appeal's seven claims is incorrect follows.

1. The Hummer Appeal incorrectly asserts that the proposed Project is a condominium conversion that must provide additional affordable housing to qualify for a density bonus. The Senior In-Fill Housing Development proposes new construction of *rental housing for seniors*, not for-sale condominiums.³ The Project proposes to dedicate 11% of its base density for seniors with very low incomes at affordable rents, which entitles the Project to a 35% density bonus. (Gov. Code § 65915(b)(1).) Therefore, the allegation is false and does not provide a valid basis to grant the appeal.
2. The Hummer Appeal cites Public Resources Code Section 21159.25 – the *statutory* CEQA exemption for in-fill projects in *unincorporated* areas – as “proof” the Senior In-Fill Housing Development does not qualify for the *categorical* exemption for in-fill projects in *incorporated* areas under CEQA Guidelines Section 15332. It is correct that the Senior In-Fill Housing

² We also note that neither the Hummer nor the Liskovich appeal include a copy of the written decision being appealed as required, and as such they are procedurally deficient and should be dismissed.

³ The fact that the Project's rental apartments were designed to meet condominium standards just in case the current or a future owner wishes to apply to convert them to for-sale condominiums does NOT transform this Project application into one requesting the requisite Subdivision Map Act and other entitlements necessary for such condominium projects. Even if the project did propose for-sale condos instead of rental apartments the Housing Accountability Act and very low income Density Bonus Law provisions would apply in the exact same way and entitle it to the exact same 35% density bonus for promising to deed restrict more than 10% of the base units to persons with very low income. (Gov't Code §§ 65589.5(h)(2); 65915(b)(1)(B).)

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Development does not qualify for a statutory exemption under Public Resources Code Section 21159.25; however, CEQA Guidelines Section 15332, the actual exemption that was approved, requires projects to be within the limits of an incorporated City. The Senior In-Fill Housing Development clearly meets that criteria of the categorical exemption at issue here. In sum, Public Resources Code Section 21159.25 does not apply to the Project and thus is irrelevant and does not provide a valid basis to grant the appeal.

3. The Hummer Appeal asserts that the Project would create an “unacceptable amount of additional traffic/parking.” However, the appeal makes no effort – and provides no evidence beyond pure speculation – to show that any traffic generated or parking needed to serve the Senior In-Fill Housing Development would result in significant environmental effects. By contrast, the Project application included a trip generation study and a parking study prepared by a licensed engineer, each of which the City’s own consultants peer-reviewed. The studies and peer-reviews thereof demonstrated, and the Planning Commission agreed, that there was no evidence that the Project would result in significant environmental effects as a result of traffic or parking. Specifically, the peer-reviewed trip generation study concluded that the Project would result in 16 AM peak hour trips and 19 PM peak hour trips, far below the Contra Costa Transportation Authority’s threshold for a full traffic impact analysis of 100 peak hour trips. Additionally, the nearby intersection of Marsh Creek Road and Clayton Road was analyzed, and it was determined these relatively small increases in AM and PM peak trips would not result in significant traffic effects, even under cumulative conditions.⁴ Moreover, the lack of available parking is not an environmental impact in and of itself. (See *San Franciscans Upholding the Downtown Plan v City & County of San Francisco* (2002) 102 Cal.App.4th 656, 697.) Appendix G to the CEQA Guidelines was revised to remove analysis of adequate parking capacity from the checklist of direct environmental impacts that an EIR must study, and Public Resources Code Section 21099(b)(3) states that the “adequacy of parking for a project shall not support a finding of

⁴ Indeed, Raney’s Vice President, Nick Pappani, testified at the December 10th Planning Commission hearing that recent environmental analysis demonstrates that even assuming full buildout under the General Plan the Marsh Creek Road/Clayton Road intersection would continue to operate acceptably (LOS B in both AM and PM peak hours) for Cumulative 2030 conditions. (See Kimley Horn Trip Generation Study, May 8, 2017 [p. 3, referencing evaluation from the City’s Creekside Terrace Project Initial Study/Mitigated Negative Declaration].)

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significance pursuant to this section." Parking may only be considered for CEQA purposes if an inadequate parking supply would create secondary environmental impacts. (See *Covina Residents for Responsible Dev. v City of Covina* (2018) 21 Cal.App.5th 712, 728.) Here, the appeal claims the proposed number of parking spaces would itself be an environmental impact, but this claim is not consistent with CEQA. Therefore, the appeal's unsubstantiated and subjective assertion that the Senior In-Fill Housing Development results in an "unacceptable amount" of traffic and parking impacts does not provide a valid basis to grant the appeal.

4. The Hummer Appeal correctly notes that CEQA Guidelines Section 15332 requires projects to be consistent with the general plan and zoning. It then goes on to incorrectly cite modifications to development standards that are required to be granted under density bonus law to allege that the Senior In-Fill Housing Development is not consistent with the general plan. The appeal ignores the fact that any modifications made to the City's standards under density bonus concessions/waivers/reductions are considered "consistent" with the City's development standards for purposes of both the Housing Accountability Act (Gov. Code § 65589.5(j)(3)) and the in-fill CEQA exemption (*Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1347-1351.) The November 12, 2019 Staff Report includes a thorough and well-reasoned analysis of why the Senior In-Fill Housing Development is consistent with the City's applicable general plan and zoning requirements. Therefore, this claim does not provide a valid basis to grant the appeal.
5. The Hummer Appeal asserts without evidence that the Project would result in significant cumulative effects due to parking, traffic, fire protection, and the fear that the Senior In-Fill Housing Development will "adversely affect the housing pricing of surrounding homes." None of these unsupported claims demonstrate cumulative effects on the environment for purposes of CEQA. Moreover, the Raney analysis commissioned by the City correctly concluded that "the overall effects of the proposed project would be less than significant and would not contribute to significant cumulative impacts." Finally, the CEQA Guidelines expressly state that "[e]conomic or social effects of a project shall not be treated as significant effects on the environment" under CEQA. (CEQA Guidelines § 15131(a).) Therefore, this claim does not provide a valid basis to grant the appeal.

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6. The Hummer appeal correctly notes that one of the exceptions to the in-fill CEQA exemption applies if a project would cause a substantial adverse change in a historical resource. It goes on to assert that the two existing houses on the Project site should be preserved because of the speculation that the structures might be historic simply because they are old. As detailed in the Raney analysis commissioned by the City, neither structure is included in the City's *Heritage Preservation Task Force Report*, which identifies potential local historic resources, along with historic resources listed on the federal and state registers of historic resources. The Raney analysis analyzed potential impacts on historic resources and concluded that none of the structures slated for demolition qualified as historic resources. Accordingly, there would be no impact to historic resources, and therefore this claim does not provide a valid basis to grant the appeal.

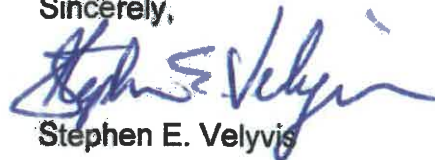
7. The Hummer Appeal asserts that the Senior In-Fill Housing Development would damage a "scenic resource" by blocking the view to Marsh Creek Road from some existing homes. However, as noted in the Raney analysis commissioned by the City, this exception is only applicable within the area of a highway officially designated as a state scenic highway. The closest designated state scenic highway is approximately 7.5 miles southwest of the Project site and is not visible from the area. Accordingly, there would be no impact to a state scenic highway, and therefore this claim does not provide a basis to grant the appeal.

Finally, the Liskovich Appeal claims that the Senior In-Fill Housing Development would result in traffic and parking impacts, but it provides no evidence of an environmental impact in this area. Point 3 above in response to the Hummer Appeal elaborates on the undisputed evidence the City relied on to support its conclusion that the Project would not result in significant environmental effects related to transportation. The Liskovich Appeal also speculates that the Senior In-Fill Housing Development will increase traffic during an evacuation in the event of a fire. Both the Project application's trip generation study and the Raney analysis concluded that the Senior In-Fill Housing Development would not generate sufficient traffic to trigger significant impacts. Accordingly, there is no valid basis to grant the Liskovich appeal.

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As discussed throughout this letter, none of the three appeals provide a factual or legal basis to overturn the Planning Commission's approval of Resolution No. 05-19 deeming the Project to be exempt from CEQA pursuant to the categorical exemption for in-fill development. We therefore respectfully request that all three appeals be denied and Resolution No. 05-19 be upheld.

Sincerely,



Stephen E. Velyvis

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