



**Agenda**  
**Planning Commission Meeting**  
**7:00 P.M. on Tuesday, January 11, 2011**  
Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton

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

**Administrative**

- 1A. Review of agenda items.
- 1B. Commissioner Armstrong to report at the City Council meeting on January 18, 2011.

**Public Comment**

**Approval of Minutes**

2. Approval of minutes from the meeting of December 14, 2010.

**Public Hearings**

3. **ENV 05-10, Environmental Review, City of Clayton**, Clayton Community Park (APN 118-520-013). Recommendation of City Council approval of the Community Park Parking Lot Expansion project and related Community Park Parking Lot Expansion Initial Environmental Study/Mitigated Negative Declaration (IES/MND) that analyzes the expansion of the existing Community Park parking which will add a total of one-hundred (100) new parking spaces along a paved driveway parallel with Marsh Creek Road. Improvements would include construction of the new driveway, new asphalt and concrete paths, stairs, a patio extension, stormwater filtration planters and appurtenances, and new lighting.

Proposed Action: Recommend City Council approval.

**Old Business**

4. None.

**New Business**

5. None.

**Communications**

- 6A. Staff.
- 6B. Commission.

**Adjournment**

7. The next meeting of the Planning Commission is scheduled for **Tuesday, January 25, 2011**.

Most Planning Commission decisions are appealable to the City Council within ten (10) calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in oral testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter. If you have a physical impairment that requires special accommodations to participate, please contact the Community Development Department at least 72 hours in advance of the meeting at 925-673-7340. An affirmative vote of the Planning Commission is required for approval. A tie vote (e.g., 2-2) is considered a denial. Therefore, applicants may wish to request a continuance to a later Commission meeting if only four Planning Commissioners are present. Any writing or documents provided to the majority of the Planning Commission after distribution of the agenda packet regarding any item on this agenda will be made available for public inspection in the Community Development Department located at 6000 Heritage Trail during normal business hours.

**Minutes**  
**Clayton Planning Commission Meeting**  
**Tuesday, December 14, 2010**

**Call to Order**

Chair Sandra Johnson called the meeting to order at 7:03 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton.

Present: Chair Sandra Johnson, Vice Chair Dan Richardson, Commissioner Tuija Catalano, Commissioner Ted Meriam

Absent: Commissioner Bob Armstrong

Staff: Community Development Director David Woltering  
Assistant Planner Milan Sikela, Jr.

**Administrative**

1A. Review of agenda items.

1B. Vice Chair Richardson to report at the City Council meeting on December 21, 2010.

**Public Comment**

None.

Commissioner Armstrong arrived at 7:05 p.m.

**Approval of Minutes**

2. Approval of minutes from the meeting of November 9, 2010.

**Vice Chair Richardson moved and Commissioner Catalano seconded the motion to approve the minutes from the meeting of November 9, 2010, as submitted. The motion passed 4-1 (Commissioner Meriam abstained since he did not attend the November 9, 2010 Planning Commission meeting due to illness).**

**Public Hearings**

3. **ENV 05-10, Environmental Review, City of Clayton**, Clayton Community Park (APN 118-520-013). A review of the Community Park Parking Lot Expansion Initial Environmental Study/Mitigated Negative Declaration (IES/MND) which analyzes the expansion of the existing Community Park parking lot by adding a total of one-hundred (100) new parking spaces along a paved driveway parallel with Marsh Creek Road. Improvements would include construction of the new driveway, new asphalt and concrete paths, stairs, a patio extension, stormwater filtration planters and appurtenances, and new lighting.

Director Woltering presented the staff report and indicated the following:

- Staff has received comments regarding the IES/MND from the East Contra Costa County Conservancy indicating that the proposed location of this project is not subject to Habitat Conservation Plan Mitigation requirements.
- The comments period is from November 22, 2010 to December 22, 2010.
- Access from Gym Lane to the project (i.e. expanded parking lot) site will provide improved circulation.
- The scope of the project does not include the addition of recreational uses.

Project Consultant, Nick Pappani from Raney Planning and Management, indicated the following:

- The four potential significant impacts are: air quality, biology, cultural resources, and geology and soils.
- Regarding Air Quality Issues:
  - Dust generated during the construction phase of the project would be mitigated by daily watering of the construction site.
  - Alleviation of congestion and vehicle emissions generated by vehicles circling through nearby neighborhoods would be provided by the increase in available on-site parking spaces.
- Regarding Biology:
  - Since the Community Park already exists, the natural habitat is limited to existing trees and shrubs used by migratory birds.
  - Prior to construction, a biologist will inspect the site for nesting bird species.
  - The East Contra Contra Habitat Conservation Plan categorizes this project as exempt since the project site is classified as urban.
- Regarding Cultural Resources:
  - The Keller Ranch site is located to the south of the project site.
- Regarding Geology and Soils:
  - The potential of top soils to become transportable into downstream water areas will be mitigated by the erosion control plan which is regulated by the State.
- The project photosimulations show that there will be no visual impacts to the Marsh Creek Road corridor. Screening will be increased by landscaping. The mitigating landscape design aspects conform to the Marsh Creek Road Specific Plan guidelines.

Director Woltering added that anticipated project refinement would be as follows:

- A sign will be added to better identify the Gym Lane point of access to the Community Park.
- Removal of the steps along Marsh Creek Road.
- Two additional landscape islands will be installed within the expanded parking lot area for improved shading and screening.
- Modifications to the landscape planting palette to reduce maintenance and water usage requirements.
- Confirmed with Consultant Nick Pappani that these adjustments would not result in any significant environmental impacts.

The public hearing was opened by Chair Johnson.

Commissioner Armstrong had the following questions:

- Is Gym Lane going to extend to Marsh Creek Road? Director Woltering indicated that Gym Lane currently connects with Marsh Creek Road but that the drive aisle associated with the Community Park area will be connected to Gym Lane to improve circulation.
- What does “A C” stand for on the site plan? Consultant Nick Pappani indicated that “A C” stands for “asphalt”, the material to be used for the proposed extended footpath.

Vice Chair Richardson had the following questions and comments:

- On Page 14, change “San Joaquin County” to “Contra Costa County”.
- Are mitigations addressing lighting and spillage for the construction phase of the project only, or do the mitigation measures address vehicles using the parking lot? Consultant Nick Pappani indicated that since no new vehicles would be added and the parking lot was being constructed in order to alleviate congestion, traffic, and vehicle emissions generated by vehicles circling through adjacent neighborhoods to find parking, the mitigation measures do not address the vehicles themselves.

- Are the bio-swales a mitigation or a mandate? Consultant Nick Pappani indicated that the bio-swales were mandated. The City Engineer included the bio-swales in the project design in accordance with State stormwater requirements.

Commissioner Catalano had the following questions and comments:

- It appears that the landscape plan addresses removed trees vis-à-vis planted/replacement trees. Director Woltering indicated that the landscape plan adequately compensates the loss of any trees by the inclusion of replacement trees. The removed vegetation will be replaced with ground cover, shrubs, and trees which will provide increased screening and aesthetics for the project.
- Is the median in Marsh Creek Road getting landscaped as part of the project? Director Woltering indicated that the landscaping area will be scaled back to address the project area only.
- What will happen to the pedestrian entry? Director Woltering indicated that the proposed concrete steps will be removed from the plan.
- Will there be any addressing of public services and traffic? Director Woltering indicated that there will be no expansion of recreational facilities. Staff anticipates that increased available parking will primarily be used by those individuals who would otherwise park their cars in nearby neighborhood areas.

Commissioner Meriam had the following questions and comments:

- Clarified that there will be no expansion of the park itself.
- Given that the parking lot is higher in elevation than Marsh Creek Road, the reason for providing increased screening is to screen the undercarriages of vehicles so they will be less visible from Marsh Creek Road? Director Woltering indicated that was correct.
- Where will the filtration planters be located? Consultant Nick Pappani indicated that the water will be directed to planters, as indicated by the schematic rendering on Page 13 of the IES/MND, where it can be reabsorbed by permeable material in the planters. The permeable material will capture particulate matter and filter the water before it is returned to the soil.
- Do the planters have to be maintained? Director Woltering explained that the planters will be maintained and indicated the specific locations of the planters.
- On Page 22, regarding light pollution, was any consideration given to using L.E.D. lighting? Director Woltering indicated that L.E.D. lighting was not proposed, maintaining consistency with the other existing light standards on the site.
- I think the proposed modifications to the landscape plan are good since they reflect a cost-minded approach toward water and maintenance expenditures.

Chair Johnson had the following questions and comments:

- Regency Drive residents will be pleased since the parking lot will alleviate congestion, traffic, and vehicle emissions generated by vehicles circling through adjacent neighborhoods to find parking.
- Will the watering down of the construction site occur every day or only during days of construction? Consultant Nick Pappani indicated that the watering would only occur during days of construction.
- The \$5,279 Habitat Conservation Plan fee will not be required since the project site is already classified as urban? Director Woltering indicated that was correct.

Commissioner Armstrong asked if any public comments had been received regarding the IES/MND. Director Woltering indicated that no public comments were received; only one agency comment was received from the East Contra Costa Conservancy.

**Vice Chair Richardson moved and Commissioner Catalano seconded a motion to continue the public hearing to the Planning Commission meeting on January 11, 2011. The motion passed 4-0.**

**Old Business**

4. None.

**New Business**

5. Review and discussion pertaining to standard guidelines for Planning Commission participation in hearings and avoiding potential conflict of interest.

Director Woltering presented the staff report and indicated the following:

- Any Planning Commissioner living within 500 feet of a project site is advised to contact the Fair Political Practices Commission (FPPC) in the circumstance that the Commissioner may have a conflict of interest and is considering the possibility of participating in the action.
- A Planning Commissioner’s residence location is only one of the criteria for recusing yourself in a conflict-of-interest situation.
- The decision to recuse oneself is ultimately a Commissioner’s decision.

Vice Chair Richardson indicated that he brought the issue up with staff for clarification purposes based on the fact that the scope of an anticipated upcoming project may involve the need for a Commissioner to recuse themselves. He said, however, that he felt the Commission’s ultimate goal is to have all five Commissioners participate, if allowable given FPPC regulations.

Commissioner Catalano thanked Director Woltering for his work in gathering the requested information. The impetus for the Commission’s request was to ensure that work done by the Commission in reviewing projects would not be invalidated because of a conflict-of-interest violation. We need to ensure that our public hearing process is procedurally correct.

Commissioner Meriam indicated that, based on the fact that his residence was within 500 feet of an anticipated upcoming project, he contacted the FPPC and a subsequent letter has been issued. He added that he is looking forward to comments from the FPPC.

**Communications**

6A. Staff.

Director Woltering updated the Commission on the status of the ground-floor Pilates studio in the Flora Square Building as well as proposals for a produce market and Subway sandwich shop in adjacent ground-floor tenant spaces within the same building.

6B. Commission.

Commissioner Armstrong inquired if the Clayton Community Church would be brought before the Commission at the January 11, 2011 meeting. Director Woltering indicated that it would not be heard at the January 11, 2011 Planning Commission meeting.

**Adjournment**

7. The meeting was adjourned at 8:12 p.m. Since the next meeting of the Planning Commission scheduled for **Tuesday, December 28, 2010** will be cancelled, the Planning Commission adjourned to the following regularly-scheduled meeting of **January 11, 2011**.

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Submitted by  
 David Woltering, AICP  
 Community Development Director

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Approved by  
 Sandra Johnson  
 Chair

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# PLANNING COMMISSION STAFF REPORT

**Meeting Date:** January 11, 2011

**From:** David Woltering, AICP, Community Development Director 

**Subject:** Community Park Parking Lot Expansion Project (ENV 05-10; CDD 03-10) - Continued from the December 14, 2010 Planning Commission Meeting

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## **PROJECT DESCRIPTION**

The proposed project is located in the City of Clayton, northwest of the intersection of Marsh Creek Road and Regency Drive, on the Clayton Community Park property. Diablo View Middle School (DVMS) is located directly north of the property. The proposed project involves an expansion of the existing Community Park parking lot by adding a total of 100 new parking spaces along a paved driveway parallel with Marsh Creek Road. More specifically, this expansion of the existing parking lot area would consist of the construction of seven new parking spaces (five standard plus two handicap accessible) within the existing Community Park parking lot area and the construction of a 25-foot-wide driveway, double loaded with perpendicular parking (89 standard stalls plus four handicap stalls), from the north end of the existing parking lot to the driveway serving DVMS's gymnasium parking lot. The City, Clayton Redevelopment Agency, and the Mount Diablo School District entered into a 40-year agreement to share funding and use of the school gymnasium, driveway, and parking lot.

Additionally, improvements would include lighting, construction of a new asphalt path along the easterly side of the new parking driveway, a concrete path and stairs to Marsh Creek Road, a patio expansion near existing bathrooms for the relocation of an existing picnic area being removed, and the construction of stormwater filtration planters and appurtenances for the treating of stormwater runoff prior to discharge from the site.

An *Initial Environmental Study/Mitigated Negative Declaration (IES/MND)* (see **Attachment 1**), prepared in accordance with applicable provisions of the *California Environmental Quality Act (CEQA)* by a consultant, Raney Planning & Management, under contract with the City, analyzes the impacts associated with construction and implementation of this proposed project. Given the limited improvements proposed for the project, the *IES/MND* concludes that, with the incorporation of the City's standard mitigation measures addressing four identified issues, there would be no significant impacts resulting from the project. The mitigation measures for the project pertain to air quality, biological resources, cultural resources, and geology.

The 30-day public review period for the *IES/MND* concluded on December 22, 2010. On November 22, 2010, a “Public Hearing Notice of Intent to Adopt a Negative Declaration” was mailed to property owners within 300 feet of the site and interested parties. The same public hearing notice was submitted to the *Contra Costa Times* for publication and the County Clerk for posting. The Planning Commission held a noticed meeting on the *IES/MND* on December 14, 2010 to review and comment on that document. Besides the comments received at the Planning Commission meeting, staff received comments on this *IES/MND* from four agencies: the Contra Costa County Transportation Agency (CCCTA), the Contra Costa Water District (CCWD), the East Contra Costa County Habitat Conservancy, and the State Clearinghouse. A supplemental Chapter VIII. Comments and Responses was prepared to the *IES/MND* to address the comments received (see **Attachment 2**). Based on the comments received and the responses provided, specified modifications were made to the *IES/MND*. These modifications are described in the attached Errata Sheet (see **Attachment 3**). None of the modifications resulted in a change of the basic finding of the *IES/MND* that, with incorporation of the recommended mitigation measures, no significant adverse impacts would result from the project.

### **DISCUSSION**

As mentioned at the December 14, 2010 Planning Commission meeting, several modifications to the project design have been made as described and explained below. None of these modifications will change the base conclusion of the *IES/MND* that the proposed project, with recommended mitigation measures, would not result in a significant adverse impact.

A monument sign has been added for traffic circulation and public information purposes at the Gym Lane entry to identify this entry as an access to the Middle School gymnasium and the Clayton Community Park site (see **Attachment 5**).

The steps proposed to extend from the parking area down to Marsh Creek Road were eliminated to reduce project costs, given, after further consideration, it was not anticipated the steps would gain sufficient use to warrant the initial costs as well as the associated on-going maintenance and repair costs (see **Attachment 6**).

Approximately midpoint in the northernmost segment of the proposed parking area one additional landscape projection (i.e., landscape island) was added on either side of the driveway aisle to provide more shade in the parking area (see **Attachment 6**). This was accomplished without losing any parking spaces.

The landscape plan was modified to reduce the intensity of plantings, while still assuring the screening of the undercarriages of the vehicles parked in the proposed parking lot area to reduce on-going maintenance requirements and water demand (see **Attachment 6**).

### **RECOMMENDATION**

Staff recommends that the Planning Commission take the following action on the *IES/MND*, the *Mitigation Monitoring Program* (see **Attachment 4**), and the associated proposed Project:

Recommend City Council approval of 1) the *Community Park Parking Lot Expansion Project Initial Environmental Study/Mitigated Negative Declaration Public Review Draft*, dated November 2010, as amended with the addition of Chapter VIII. Comments and Responses (see

**Attachment 2)** and the attached Errata Sheet (see **Attachment 3**) and the attached details of project modifications (see **Attachments 5 and 6**); 2) the Project *Mitigation Monitoring Program* (see **Attachment 4**); and 3) the associated Project, as modified (see **Attachments 3, 5, and 6**), subject to the following findings, conditions of approval, and advisory notes:

**Findings for Approvals:**

Based on the staff report, which includes relevant information from the project file, the environmental document and related materials, as well as testimony at the public hearing(s), the Planning Commission makes the following findings regarding the recommended project and related actions:

1. Was reviewed in accordance with and satisfies the requirements of the California Environmental Quality Act (CEQA).
2. Is consistent with the applicable designations and policies of the City of Clayton General Plan and the Marsh Creek Road Specific Plan.
3. Is consistent with the applicable requirements and designations of the City of Clayton Zoning Ordinance.
4. Preserves general safety of the community regarding seismic, landslide, flooding, fire, and traffic hazards.
5. Maintains solar rights of adjacent properties.
6. Reasonably maintains the privacy of adjacent property owners and/or occupants.
7. Reasonably maintains the existing views of adjacent property owners and/or occupants.
8. Is complementary, although not identical, with adjacent existing structures in terms of materials, colors, size, and bulk.
9. Is compatible with the neighborhood and surrounding land uses.

**Conditions of Approval:**

**Air Quality**

1. The following measures shall be adhered to during all construction phases of the Project:
  - Earthmoving or other dust-producing activities shall be suspended during periods of high winds, (i.e., instantaneous wind gusts of 25 mph or greater);
  - All exposed or disturbed soil surfaces shall be watered at least twice daily on any day of high winds or when construction activities occur, including weekends and holidays;
  - Stockpiles of debris, soil, sand, or other materials that can be blown by the wind, shall be watered with a soil stabilizer or covered;
  - Construction areas, adjacent streets, and routes for construction traffic shall be swept of all mud and debris by a water sweeper on a daily basis (minimum) on any day when construction activities occur, including weekends and holidays;
  - All trucks hauling soil, sand, or other loose materials shall be covered or maintain at least two feet of freeboard;
  - A compliance officer (City Engineer unless otherwise identified as part of the grading permit process), shall be responsible for implementation and monitoring of the above requirements.

## **Biological Resources**

2. Pre-construction nesting surveys for raptors and migratory birds protected under the federal Migratory Bird Treaty Act shall be conducted if initial grading and building demolition is to be conducted during the months of March through August. A qualified biologist shall conduct the surveys no more than 14 days prior to initiation of grading, building demolition, or tree removal. If any of these species are found within the construction area after April of the construction year, grading and construction in the area shall either stop or continue only after the nests are protected by an adequate setback approved by a qualified biologist. If permanent avoidance of nests is not feasible, impacts on raptor and migratory bird nests shall be minimized by avoiding disturbances to the nest location during the nesting season unless a qualified biologist verifies that the birds have either a) not begun egg-laying and incubation, or b) that the juveniles from those nests are foraging independently and capable of independent survival at an earlier date. No preconstruction surveys are required if grading, building demolition, or tree removal occurs outside the nesting season (September through February).

## **Cultural Resources**

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

4. Pursuant to State Health and Safety Code §7050.5(c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the Contra Costa County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify the person believed to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for reinternment of the human remains and any associated artifacts. Additional work is not to take place in the immediate vicinity of the find, which shall be identified by the qualified archaeologist, until the identified appropriate actions have been implemented.

## **Geology and Soils**

5. Prior to the issuance of a grading permit, the City shall prepare, to the satisfaction of the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the proposed project. Actions should include, but are not limited to:

- Hydro-seeding;
- Placement of erosion control measures within drainageways and ahead of drop inlets;
- The temporary lining (during construction activities) of drop inlets with “filter fabric”;
- The placement of straw wattles along slope contours;
- Use of a designated equipment and vehicle “wash-out” location;
- Use of siltation fences;

- Use of on-site rock/gravel road at construction access points; and
- Use of sediment basins and dust palliatives.

**Advisory Notes:**

Advisory notes are provided to inform the applicant of: (a) Clayton Municipal Code requirements; or (b) requirements imposed by other agencies. The advisory notes state requirements that may be in addition to the conditions of approval.

1. The applicant shall comply with all applicable state, county, and city codes, regulations, and adopted standards.
2. Prior to obtaining a building permit, the applicant shall prepare an erosion and stormwater control plan for review and approval by the City Engineer (CMC §13.12.050).
3. Prior to the commencement of grading, demolition, or construction activities, the applicant shall obtain City approval of a construction and demolition recycling plan (CMC § 15.80.040).
4. All grading, 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 previously authorized in writing by the City Engineer (CMC §15.01.010) located at 1005 Oak Street, 925-672-9700.
5. The applicant shall obtain the necessary building permits from the Contra Costa County Building Inspection Department.
6. Additional requirements may be imposed by the Contra Costa County Fire Protection District. Before proceeding with the project, it is advisable to check with the Fire District located at 2010 Geary Road, Pleasant Hill, 925-930-5500.

**ATTACHMENTS**

1. *Community Park Parking Lot Expansion Project Initial Environmental Study/Mitigated Negative Declaration Public Review Draft*, dated November 2010. (Previously provided to Planning Commissioners and available online at <http://www.ci.clayton.ca.us/index.php?section=48>).
2. *Chapter VIII. Comments and Responses (Added), Community Park Parking Lot Expansion Project Initial Environmental Study/Mitigated Negative Declaration Public Review Draft*, dated November 2010.
3. *Errata Sheet, January 11, 2011, Community Park Parking Lot Expansion Project Initial Environmental Study/Mitigated Negative Declaration Public Review Draft*, dated November 2010.
4. *Mitigation Monitoring Program (ENV 05-10), January 11, 2011, Community Park Parking Lot Expansion Project Initial Environmental Study/Mitigated Negative Declaration Public Review Draft*, dated November 2010.
5. *Signage/Fencing Detail, Clayton Community Park, CIP No. 10413.*
6. *Clayton Community Park Landscape Design (Revised, 12/15/10).*

comdev/ENV/2010/05-10.Community Park IES.sr2

## VIII. COMMENTS AND RESPONSES

### ***Introduction***

*The Initial Environmental Study/Negative Declaration (IES/MND) (dated November 2010) was released for public review on November 23, 2010. The review period for the IES/MND closed on December 22, 2010.*

*This section contains all public comments received during the public review period and two late comment letters. Following each public comment, responses have been provided by the City of Clayton. Under the California Environmental Quality Act (CEQA) and implementing Guidelines, the City of Clayton, as the “lead agency” is not required to respond to comments on a mitigated negative declaration. In order to ensure that public questions and concerns regarding environmental issues are addressed, responses are provided to all comments on environmental issues. Comments on various features of the project or the proposed conditions of approval, which may not be related to the project’s environmental impacts, are noted for decision-makers. Formal responses are not required nor provided for these issues.*

<b>Number</b>	<b>Commentator</b>	<b>Date</b>
	<b>Planning Commission Public Hearings</b>	
1	Minutes	December 14, 2010
	<b>Agencies</b>	
2	CCCTA	January 5, 2011
3	CCWD	January 5, 2011
4	East Contra Costa County Habitat Conservancy	December 6, 2010
5	State Clearinghouse	December 23, 2010

**Draft**  
**Minutes**  
**Clayton Planning Commission Meeting**  
**Tuesday, December 14, 2010**

**Call to Order**

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Absent: Commissioner Bob Armstrong

Staff: Community Development Director David Woltering  
Assistant Planner Milan Sikela, Jr.

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**Public Comment**

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Commissioner Armstrong arrived at 7:05 p.m.

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**Public Hearings**

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  - Prior to construction, a biologist will inspect the site for nesting bird species.
  - The East Contra Contra Habitat Conservation Plan categorizes this project as exempt since the project site is classified as urban.
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  - The Keller Ranch site is located to the south of the project site.
- Regarding Geology and Soils:
  - The potential of top soils to become transportable into downstream water areas will be mitigated by the erosion control plan which is regulated by the State.
- The project photosimulations show that there will be no visual impacts to the Marsh Creek Road corridor. Screening will be increased by landscaping. The mitigating landscape design aspects conform to the Marsh Creek Road Specific Plan guidelines.

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- Two additional landscape islands will be installed within the expanded parking lot area for improved shading and screening.
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The public hearing was opened by Chair Johnson.

Commissioner Armstrong had the following questions:

- |     |   |
|-----|---|
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Vice Chair Richardson had the following questions and comments:

- |     |  |
|-----|--|
| 1-3 | <ul style="list-style-type: none"><li>• On Page 14, change “San Joaquin County” to “Contra Costa County”.</li></ul>  |
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- 1-5
- Are the bio-swailes a mitigation or a mandate? Consultant Nick Pappani indicated that the bio-swailes were mandated. The City Engineer included the bio-swailes in the project design in accordance with State stormwater requirements.

Commissioner Catalano had the following questions and comments:

- 1-6
- It appears that the landscape plan addresses removed trees vis-à-vis planted/replacement trees. Director Woltering indicated that the landscape plan adequately compensates the loss of any trees by the inclusion of replacement trees. Any removed vegetation will be replaced with ground cover, shrubs, and trees which will provide increased screening and aesthetics for the project.
- 1-7
- Is the median in Marsh Creek Road getting landscaped as part of the project? Director Woltering indicated that the landscaping area will be scaled back to address the project area only.
- 1-8
- What will happen to the pedestrian entry? Director Woltering indicated that the proposed concrete steps will be removed from the plan.
- 1-9
- Will there be any addressing of public services and traffic? Director Woltering indicated that there will be no expansion of recreational facilities. Staff anticipates that increased available parking will primarily be used by those individuals who would otherwise park their cars in nearby neighborhood areas.

Commissioner Meriam had the following questions and comments:

- 1-10
- Clarified that there will be no expansion of the park itself.
- 1-11
- Given that the parking lot is higher in elevation than Marsh Creek Road, the reason for providing increased screening is to screen the undercarriages of vehicles so they will be less visible from Marsh Creek Road? Director Woltering indicated that was correct.
- 1-12
- Where will the filtration planters be located? Consultant Nick Pappani indicated that the water will be directed to planters, as indicated by the schematic rendering on Page 13 of the IES/MND, where it can be reabsorbed by permeable material in the planters. The permeable material will capture particulate matter and filter the water before it is returned to the soil.
- 1-13
- Do the planters have to be maintained? Director Woltering explained that the planters will be maintained and indicated the specific locations of the planters.
- 1-14
- On Page 22, regarding light pollution, was any consideration given to using L.E.D. lighting? Director Woltering indicated that L.E.D. lighting was not proposed, maintaining consistency with the other existing light standards on the site.
- 1-15
- I think the proposed modifications to the landscape plan are good since they reflect a cost-minded approach toward water and maintenance expenditures.

Chair Johnson had the following questions and comments:

- 1-16
- Regency Drive residents will be pleased since the parking lot will alleviate congestion, traffic, and vehicle emissions generated by vehicles circling through adjacent neighborhoods to find parking.
- 1-17
- Will the watering down of the construction site occur every day or only during days of construction? Consultant Nick Pappani indicated that the watering would only occur during days of construction.
- 1-18
- The \$5,279 Habitat Conservation Plan fee will not be required since the project site is already classified as urban? Director Woltering indicated that was correct.

Commissioner Armstrong asked if any public comments had been received regarding the IES/MND. Director Woltering indicated that no public comments were received; only one agency comment was received from Contra Costa Conservancy.

**Vice Chair Richardson moved and Commissioner Catalano seconded a motion to continue the public hearing to the Planning Commission meeting on January 11, 2011. The motion passed 4-0.**

## Old Business

4. None.

## New Business

5. Review and discussion pertaining to standard guidelines for Planning Commission participation in hearings and avoiding potential conflict of interest.

Director Woltering presented the staff report and indicated the following:

- Any Planning Commissioner living within 500 feet of a project site is advised to contact the Fair Political Practices Commission (FPPC) in the circumstance that the Commissioner may have a conflict of interest and is considering the possibility of participating in the action.
- A Planning Commissioner's residence location is only one of the criteria for recusing yourself in a conflict-of-interest situation.
- The decision to recuse oneself is ultimately a Commissioner's decision.

Vice Chair Richardson indicated that he brought the issue up with staff for clarification purposes based on the fact that the scope of an anticipated upcoming project may involve the need for a Commissioner to recuse themselves. He said, however, that he felt the Commission's ultimate goal is to have all five Commissioners participate, if allowable given FPPC regulations.

Commissioner Catalano thanked Director Woltering for his work in gathering the requested information. The impetus for the Commission's request was to ensure that work done by the Commission in reviewing projects would not be invalidated because of a conflict-of-interest violation. We need to ensure that our public hearing process is procedurally correct.

Commissioner Meriam indicated that, based on the fact that his residence was within 500 feet of an anticipated upcoming project, he contacted the FPPC and a subsequent letter has been issued. He added that he is looking forward to comments from the FPPC.

## Communications

- 6A. Staff.

Director Woltering updated the Commission on the status of the ground-floor Pilates studio in the Flora Square Building as well as proposals for a produce market and Subway sandwich shop in adjacent ground-floor tenant spaces within the same building.

- 6B. Commission.

Commissioner Armstrong inquired if the Clayton Community Church would be brought before the Commission at the January 11, 2011 meeting. Director Woltering indicated that it would not be heard at the January 11, 2011 Planning Commission meeting.

## Adjournment

7. The meeting was adjourned at 8:12 p.m. Since the next meeting of the Planning Commission scheduled for **Tuesday, December 28, 2010** will be cancelled, the Planning Commission adjourned to the following regularly-scheduled meeting of **January 11, 2011**.

---

Submitted by  
David Woltering, AICP  
Community Development Director

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Approved by  
Sandra Johnson  
Chair

Plng Comm\Minutes\2010\1214

## Letter 1, City of Clayton Planning Commission Meeting Minutes – December 14, 2010

### Response 1-1

As indicated by the Community Development Director, Gym Lane currently connects with Marsh Creek Road but implementation of the project would allow better connection between the existing community park parking lot and Gym Lane/Marsh Creek Road.

### Response 1-2

The comment pertains to project details that do not address the adequacy of the IES/MND. For informational purposes, “AC” stands for “asphalt concrete” and it refers to both the existing and proposed pedestrian paths.

### Response 1-3

As a result of the comment, Mitigation Measure 4 on pages 14 and 39 of the IES/MND is hereby revised as follows:

*Mitigation Measure 4. Pursuant to State Health and Safety Code §7050.5(c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the ~~San Joaquin~~ Contra Costa County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify the person believed to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for reinternment of the human remains and any associated artifacts. Additional work is not to take place in the immediate vicinity of the find, which shall be identified by the qualified archaeologist, until the identified appropriate actions have been implemented.*

### Response 1-4

As indicated on page 22 of the IES/MND, in order to minimize the potential impact from the additional lighting on the surrounding areas, particularly for the surrounding residences to the west, the proposed project would comply with Section 8.09 of the Municipal Code, which pertains to outdoor illumination and the minimization of light and glare. Per the Code, the height of the light poles would be kept to a maximum of 14 feet and high pressure sodium light fixtures of the box type would be implemented, which direct illumination downward and include shields to eliminate any upward lighting and impact to the night sky. In addition, as shown in Exhibits 8-11 of the IES/MND, vehicles in the proposed drive aisle would be adequately screened by the proposed landscaping and fencing.

### Response 1-5

As indicated in the comment, the proposed bio-swales are part of the proposed project design as reflected on Exhibit 3 of the IES/MND, Site Plan. The City Engineer included the bio-swales in

the project design in accordance with RWQCB C.3 stormwater requirements.

Response 1-6

As indicated by the Community Development Director, the landscape plan adequately compensates for the loss of any trees as a result of implementation of the project by the inclusion of replacement trees. Any removed vegetation will be replaced with ground cover, shrubs, and trees which will provide increased screening and aesthetics for the project. The Landscape Plan has been designed in compliance with Clayton's Tree Protection Ordinance (Chapter 15.70 of the Zoning Code).

Response 1-7

The comment pertains to landscape details that do not address the adequacy of the IES/MND. For informational purposes, the Community Development Director noted in the comment that some of the landscaping shown on the proposed Landscape Plan and in the photo-simulations (See Exhibits 8-11 of the IES/MND) may be scaled-back, due to long-term water conservation considerations; however, sufficient tree, shrub, and groundcover plantings would remain to adequately screen the project.

Response 1-8

The comment pertains to project details that do not address the adequacy of the IES/MND.

Response 1-9

The project would not result in additional demand for public services beyond what was originally anticipated for the park. The project is specifically designed to provide an unmet need for parking. The project itself is not expected to increase park use, thereby, increasing the demand for services. Regarding traffic, the new parking areas of the proposed project would allow for adequate parking on-site and would eliminate the need of park users to park in the nearby residential area. Development of the proposed project would not generate vehicle trips, worsen level of service at nearby intersections, or increase traffic in the area. Traffic in the nearby neighborhoods would be reduced with implementation of the proposed project, minimizing the potential hazards caused by the current traffic in the area.

Response 1-10

The commenter rightly notes that the park facilities will not be expanded as part of the project.

Response 1-11

The comment does not address the adequacy of the IES/MND; rather, the commenter rightly summarizes some key project details.

#### Response 1-12

As indicated on page 46 of the IES/MND, as shown on the project Site Plan, the proposed project design has incorporated four infiltration planters to meet C.3 requirements. Stormwater runoff would be detained at certain drainage areas on the proposed driveway and routed to the infiltration planters for treatment in order to minimize the quantity of pollutants that enter the storm drainage system. A typical infiltration planter as presented in the Contra Costa County Stormwater C.3 Guidebook removes pollutants through a combination of overland flow through vegetation, surface detention, and filtration through the soil. The additional landscaping surrounding the driveway area would aid in minimizing the amount of potential pollutants entering the storm drainage system. In addition, per Section 13.12.050 of the City's Stormwater Management and Discharge Control Ordinance, the City will prepare a Stormwater Control Plan for the proposed project prior to start of construction. The Stormwater Control Plan will meet the criteria in the most recent version of the Contra Costa Clean Water Program Stormwater C.3 Guidebook.

#### Response 1-13

As indicated on page 48 of the IES/MND, an Operations and Maintenance Manual for the treatment system would be prepared and followed to assure ongoing treatment capabilities are met.

#### Response 1-14

L.E.D. lighting was not considered for the proposed project given that the IES/MND concluded that the project would have less-than-significant light and glare impacts because the proposed project would comply with Section 8.09 of the Municipal Code, which pertains to outdoor illumination and the minimization of light and glare. Per the Code, the height of the light poles would be kept to a maximum of 14 feet and high pressure sodium light fixtures of the box type would be implemented, which direct illumination downward and include shields to eliminate any upward lighting and impact to the night sky.

#### Response 1-15

The comment pertains to landscape details and does not address the adequacy of the IES/MND.

#### Response 1-16

The comment does not address the adequacy of the IES/MND.

#### Response 1-17

For clarification, Mitigation Measure 1 of the IES/MND, states that "*All exposed or disturbed soil surfaces shall be watered at least twice daily on **any** day of high winds **or** when construction activities occur, including weekends and holidays.*" (emphasis added).

Response 1-18

The commenter rightly notes that the HCP fee is not required for the project. See also responses to Letter 4 below.

**From:** Anne Muzzini [<mailto:muzzini@cccta.org>]  
**Sent:** Wednesday, January 05, 2011 4:40 PM  
**To:** [dwoltering@ci.clayton.ca.us](mailto:dwoltering@ci.clayton.ca.us)  
**Subject:** Community Park Parking Lot Expansion

To: Clayton Community Development Department  
Fr: Central Contra Costa Transit Authority Planning Department

2-1

To Whom it Concerns,  
In review of the draft Initial Environmental Study for the Community Park Parking Lot Expansion Project, I notice that the transit information cited on page 59 is incorrect. The nearest bus stop to the site is located at March Creek and Clayton Road. The report overstates the level of bus service to the site as the distance is a bit of a walk. The route that goes to Clayton is called the #10, not the #110.  
Thank you for the opportunity to comment.

--  
Anne Muzzini  
Director of Planning and Marketing  
Central Contra Costa Transit Authority  
2477 Arnold Industrial Way  
Concord, CA 94520  
925-680-2043  
cell: 925-207-9177

**Letter 2, Central Contra Costa Transit Authority – January 5, 2011**

Response 2-1

As a result of the comment, for clarification purposes, page 59 of the IES/MND is hereby revised as follows:

The project area is currently provided transit service by the Central Contra Costa Transit Authority. Bus Route 110 currently provides service within Clayton and in the vicinity of the project site along Marsh Creek Road. The nearest bus stop to the site is located at Marsh Creek Road and Clayton Road. The proposed project would not create an increase in population or use of the Community Park facility and would not result in the need for expanded bus service in Clayton. Current bike racks or any other infrastructure supporting alternative transportation would not be removed due to implementation of the proposed project. Therefore, the proposed project would result in a *less-than-significant* impact on alternative transportation.



**CONTRA COSTA  
WATER DISTRICT**

1331 Concord Avenue  
P.O. Box H2O  
Concord, CA 94524  
(925) 688-8000 FAX (925) 688-8122  
www.ccwater.com

**LETTER 3**

**Directors**  
Joseph L. Campbell  
*President*

Karl L. Wandry  
*Vice President*

Bette Boatman  
Lisa M. Borba  
John A. Burgh

Jerry Brown  
*General Manager*

January 5, 2011

*VIA FACSIMILE (925) 672-4917  
Hard Copy to Follow*

Mr. David Woltering  
Community Development Department  
City of Clayton  
6000 Heritage Trail  
Clayton, CA 94517

**Subject: Community Park Parking Lot Expansion Project – Initial  
Environmental Study/Mitigated Negative Declaration**

Dear Mr. Woltering:

3-1

The Contra Costa Water District (CCWD) is in receipt of an Agency Comment Request for review of the development of a community park parking lot expansion project northwest of Marsh Creek Road and Regency Drive in Clayton. The project is within CCWD's treated water service area and CCWD is the local water service provider for this project.

3-2

CCWD recommends that service conditions for approving the project include the following:

- Treated and Untreated water service is governed by CCWD Code of Regulations Section 5 (Reg 5).
- Existing water infrastructure should be protected during construction.
- Existing irrigation meter may require upgrading to irrigate new landscaping, to be determined at a subsequent date.
- Further information and answers to a number of frequently asked questions regarding water service and District regulations can be found on the District's web site at [www.ccwater.com](http://www.ccwater.com).

Mr. David Woltering  
City of Clayton  
January 5, 2011  
Page 2

**LETTER 3  
CONT'**

Please contact Richard Broad at CCWD regarding water service issues at (925) 688-8013. Alternatively, I may be contacted at (925) 688-8119 should you have further questions.

Sincerely,



Mark A. Seedall  
Principal Planner

MAS/jmt/

**Letter 3, Contra Costa Water District – January 5, 2011**

Response 3-1

The comment is introductory and notes that the project is within CCWD's treated water service area. The comment does not address the adequacy of the IES/MND.

Response 3-2

The comment provides the District's relevant standard service conditions, which the project will be required to comply with. CCWD's standard conditions will be included as necessary in the project conditions of approval.

## LETTER 4

4-1

The East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) was recently adopted by the participating agencies, and became effective in the City of Clayton in January 2008. The HCP/NCCP is intended to provide a coordinated, regional approach to special-status species conservation and development regulation. A total of 28 species are covered under the HCP/NCCP, including California red-legged frog, California tiger salamander, Alameda whipsnake, San Joaquin kit fox, vernal pool tadpole shrimp, and burrowing owl, among others. The HCP/NCCP provides streamlined permits from the U.S. Fish and Wildlife Service (USFWS) and California Department Fish and Game (CDFG) for covered species for all activities and ~~new urban~~ development projects within the HCP/NCCP Urban Development Area and a variety of public infrastructure projects. The goal is to eventually provide coverage for agency authorizations for wetland-related impacts, which are not currently covered under the HCP/NCCP.

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**Comment [k1]:** This statement is not entirely true, suggest deleting it or revising it. The Plan covers impacts to wetlands and streams, and currently the Conservancy is working on a Regional General Permit with the Army Core in order to allow impacts to wetlands and waters of the US be mitigated entirely through the Plan.

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4-2

The proposed project site is located within the HCP/NCCP boundaries, but is ~~not considered a regulated development project under the plan~~ exempt from compliance with the HCP/NCCP because the site is entirely mapped as urban and turf. This exemption is consistent with City Ordinance No. 412 implementing the HCP/NCCP. According to the HCP/NCCP Development Fee Zone Map, the Clayton Community Park site contains portions of development fee Zone II and Zone III. More specifically, the area of the proposed new parking driveway and other improvements is in Zone III and is made up of urban land cover. The development fee for areas within Zone III is \$5,279 per acre. However, the proposed project site is already developed land and in recreational use, consistent with the current HCP/NCCP zoning for the site. The vegetation required to be demolished for implementation of the proposed project are non-native, do not include any special-status or sensitive species or natural communities, and were planted as part of the park construction in the early to mid-1990s. The proposed project has nonetheless been designed consistent with the HCP/NCCP, including avoidance of possible inadvertent take of special-status species. Therefore, because the proposed project is consistent with the HCP/NCCP, a conflict with the conservation plan would not result and impacts would be considered *less-than-significant*.

**Comment [k2]:** I suggest deleting this because the site is not mapped in Zone III, only in Zone II. (It looks like Zone III because of the off white color when in fact that is actually the color for turf landcover which proves the site is exempt). The fee zone argument is not really relevant because it is exempt on the basis of landcover type.

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## Letter 4, East Contra Costa County Habitat Conservancy – January 5, 2011

### Response 4-1

In response to the comment, pages 36, 37, and 51 of the IES/MND are hereby clarified as follows:

#### Discussion

The East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) was recently adopted by the participating agencies, and became effective in the City of Clayton in January 2008. The HCP/NCCP is intended to provide a coordinated, regional approach to special-status species conservation and development regulation. A total of 28 species are covered under the HCP/NCCP, including California red-legged frog, California tiger salamander, Alameda whipsnake, San Joaquin kit fox, vernal pool tadpole shrimp, and burrowing owl, among others. The HCP/NCCP provides streamlined permits from the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) for covered species for ~~new~~ urban all activities and development projects within the HCP/NCCP Urban Development Area and a variety of public infrastructure projects. ~~The goal is to eventually provide coverage for agency authorizations for wetland-related impacts, which are not currently covered under the HCP/NCCP.~~

### Response 4-2

In response to the comment, pages 36, 37, and 51 of the IES/MND are hereby clarified as follows:

The proposed project site is located within the HCP/NCCP boundaries, but is ~~not~~ considered a regulated development project under the plan exempt from compliance with the HCP/NCCP because the site is entirely mapped as urban and turf. This exemption is consistent with City Ordinance No. 412 implementing the HCP/NCCP. According to the HCP/NCCP Development Fee Zone Map, the Clayton Community Park site contains portions of development fee Zone II and Zone III. More specifically, the area of the proposed new parking driveway and other improvements is in Zone III and is made up of urban land cover. The development fee for areas within Zone III is \$5,279 per acre. However, the proposed project site is already developed land and in recreational use, consistent with the current HCP/NCCP zoning for the site. The vegetation required to be demolished for implementation of the proposed project are non-native, do not include any special-status or sensitive species or natural communities, and were planted as part of the park construction in the early to mid-1990s. The proposed project has nonetheless been designed consistent with the HCP/NCCP, including avoidance of possible inadvertent take of special-status species. Therefore, because the proposed project is consistent with the HCP/NCCP, a conflict with the conservation plan would not result and impacts would be considered *less-than-significant*.



Arnold Schwarzenegger  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Cathleen Cox  
Acting Director

December 23, 2010

RECEIVED

DEC 30 2010

CLAYTON COMMUNITY  
DEVELOPMENT DEPT

David Woltering  
City of Clayton  
6000 Heritage Trail  
Clayton, CA 94517

Subject: Clayton Community Park Parking Lot Expansion  
SCH#: 2010112065

Dear David Woltering:

5-1

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on December 22, 2010, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Document Details Report  
State Clearinghouse Data Base

**SCH#** 2010112065  
**Project Title** Clayton Community Park Parking Lot Expansion  
**Lead Agency** Clayton, City of

**Type** MND Mitigated Negative Declaration  
**Description** The proposed project is located in the City of Clayton, northwest of the intersection of Marsh Creek Road and Regency Drive, on the Clayton Community Park property. Diablo View Middle School is located directly north of the property. The proposed project involves an expansion of the existing Community Park parking area by adding seven new parking spaces within the existing parking lot and a paved driveway parallel with Marsh Creek Road with 93 new parking spaces. Improvement would include construction of the new driveway, new asphalt and concrete paths, stairs, a patio expansion, stormwater filtration planters and appurtenances, and new lighting.

**Lead Agency Contact**

**Name** David Woltering  
**Agency** City of Clayton  
**Phone** (925) 673-7343  
**email**  
**Address** 6000 Heritage Trail  
**City** Clayton  
**Fax**  
**State** CA **Zip** 94517

**Project Location**

**County** Contra Costa  
**City** Clayton  
**Region**  
**Lat / Long** 37° 55' 41" N / 121° 55' 16" W  
**Cross Streets** Marsh Creek Rd and Regency Dr  
**Parcel No.** 118-520-013  
**Township** 1N **Range** 1W **Section** 13 **Base** MDB&M

**Proximity to:**

**Highways**  
**Airports**  
**Railways**  
**Waterways**  
**Schools** Diablo Valley MS, Saint Anthony Claret Seminary  
**Land Use** The proposed project site is a public City park currently used for recreational purposes. The General Plan land use designation for the proposed project site is Planned Development (PD).

**Project Issues** Air Quality; Archaeologic-Historic; Biological Resources; Soil Erosion/Compaction/Grading

**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; Public Utilities Commission

**Date Received** 11/23/2010 **Start of Review** 11/23/2010 **End of Review** 12/22/2010

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Letter 5, State Clearinghouse –December 23, 2010**

Response 5-1

The commenter acknowledged that the City has complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Therefore, the comment does not address the adequacy of the IES/MND.

**Community Park Parking Lot Expansion IES/MND  
Initial Environmental Study/Negative Declaration ENV 05-10**

**Errata Sheet  
January 11, 2011**

This Errata presents, in ~~strike-through~~ and double-underline format, the revisions to the Community Park Parking Lot Expansion IES/MND (November 2010) resulting from the responses to public comments submitted on the Community Park Parking Lot Expansion IES/MND.

The revisions reflected in this Erratum do not affect the adequacy of the environmental analysis contained in the Community Park Parking Lot Expansion IES/MND.

**List of Mitigation Measures**

Mitigation Measures 4, Cultural Resources, on page 14 of this section of the IES/MND (and page 39 of Section 6), has been revised per Response to Comment 1-3, as follows:

***Mitigation Measure 4.** Pursuant to State Health and Safety Code §7050.5(c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the ~~San Joaquin~~ Contra Costa County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify the person believed to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for reinternment of the human remains and any associated artifacts. Additional work is not to take place in the immediate vicinity of the find, which shall be identified by the qualified archaeologist, until the identified appropriate actions have been implemented.*

The above change does not affect the adequacy of the environmental analysis in the IES/MND.

**VI. Evaluation of Environmental Impacts**

As a result of Comment 2-1, for clarification purposes, page 59 of the IES/MND is hereby revised as follows:

The project area is currently provided transit service by the Central Contra Costa Transit Authority. Bus Route 110 currently provides service within Clayton and in the vicinity of the project site along Marsh Creek Road. The nearest bus stop to the site is located at Marsh Creek Road and Clayton Road. The proposed project would not create an increase in population or use of the Community Park facility and would not result in the need for expanded bus service in Clayton. Current bike racks or any other infrastructure supporting alternative transportation would not be removed due

to implementation of the proposed project. Therefore, the proposed project would result in a *less-than-significant* impact on alternative transportation.

In response to Comment 4-1, pages 36, 37, and 51 of the IES/MND are hereby clarified as follows:

#### Discussion

The East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) was recently adopted by the participating agencies, and became effective in the City of Clayton in January 2008. The HCP/NCCP is intended to provide a coordinated, regional approach to special-status species conservation and development regulation. A total of 28 species are covered under the HCP/NCCP, including California red-legged frog, California tiger salamander, Alameda whipsnake, San Joaquin kit fox, vernal pool tadpole shrimp, and burrowing owl, among others. The HCP/NCCP provides streamlined permits from the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) for covered species for new urban all activities and development projects within the HCP/NCCP Urban Development Area and a variety of public infrastructure projects. ~~The goal is to eventually provide coverage for agency authorizations for wetland-related impacts, which are not currently covered under the HCP/NCCP.~~

In response to Comment 4-2, pages 36, 37, and 51 of the IES/MND are hereby clarified as follows:

The proposed project site is located within the HCP/NCCP boundaries, but is ~~not~~ considered a ~~regulated development project under the plan~~ exempt from compliance with the HCP/NCCP because the site is entirely mapped as urban and turf. This exemption is consistent with City Ordinance No. 412 implementing the HCP/NCCP. ~~According to the HCP/NCCP Development Fee Zone Map, the Clayton Community Park site contains portions of development fee Zone II and Zone III. More specifically, the area of the proposed new parking driveway and other improvements is in Zone III and is made up of urban land cover. The development fee for areas within Zone III is \$5,279 per acre. However,~~ The proposed project site is already developed land and in recreational use, consistent with the current HCP/NCCP zoning for the site. The vegetation required to be demolished for implementation of the proposed project are non-native, do not include any special-status or sensitive species or natural communities, and were planted as part of the park construction in the early to mid-1990s. The proposed project has nonetheless been designed consistent with the HCP/NCCP, including avoidance of possible inadvertent take of special-status species. Therefore, because the proposed project is consistent with the HCP/NCCP, a conflict with the conservation plan would not result and impacts would be considered *less-than-significant*.

The above changes do not affect the adequacy of the environmental analysis in the IES/MND.

City of Clayton – Community Park Parking Lot Expansion Project  
Mitigation Monitoring Program  
ENV 05-10  
January 11, 2011

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

The mitigation measures identified in the Initial Environmental Study / Negative Declaration for the Community Park Parking Lot Expansion project are listed below along with the party responsible for implementation; the party responsible for monitoring implementation of the mitigation measure; the milestones for implementation and monitoring; and a sign off that the mitigation measure has been implemented.

**MITIGATION MONITORING REPORT  
CITY OF CLAYTON – COMMUNITY PARK PARKING LOT EXPANSION PROJECT**

<b>Mitigation Measure</b>	<b>Implementing Parties</b>	<b>Monitoring Parties</b>	<b>Milestones for Monitoring</b>	<b>Verification</b>
<p><b>Mitigation Measure 1 – Air Quality</b> The following measures shall be adhered to during all construction phases of the Project:</p> <ul style="list-style-type: none"> <li>• Earthmoving or other dust-producing activities shall be suspended during periods of high winds, (i.e., instantaneous wind gusts of 25 mph or greater);</li> <li>• All exposed or disturbed soil surfaces shall be watered at least twice daily on any day of high winds or when construction activities occur, including weekends and holidays;</li> <li>• Stockpiles of debris, soil, sand or other materials that can be blown by the wind, shall be watered with a soil stabilizer or covered;</li> <li>• Construction areas, adjacent streets, and routes for construction traffic shall be swept of all mud and debris by a water sweeper on a daily basis (minimum) on any day when construction activities occur, including weekends and holidays;</li> <li>• All trucks hauling soil, sand, or other loose materials shall be covered or maintain at least two feet of freeboard;</li> <li>• A compliance officer (City Engineer unless otherwise identified as part of the grading permit process), shall be responsible for implementation and monitoring of the</li> </ul>	Project Contractor	Clayton City Engineer	During all construction phases of the Project	

**MITIGATION MONITORING REPORT  
CITY OF CLAYTON – COMMUNITY PARK PARKING LOT EXPANSION PROJECT**

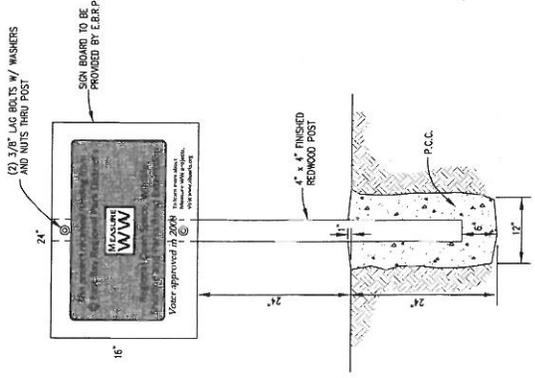
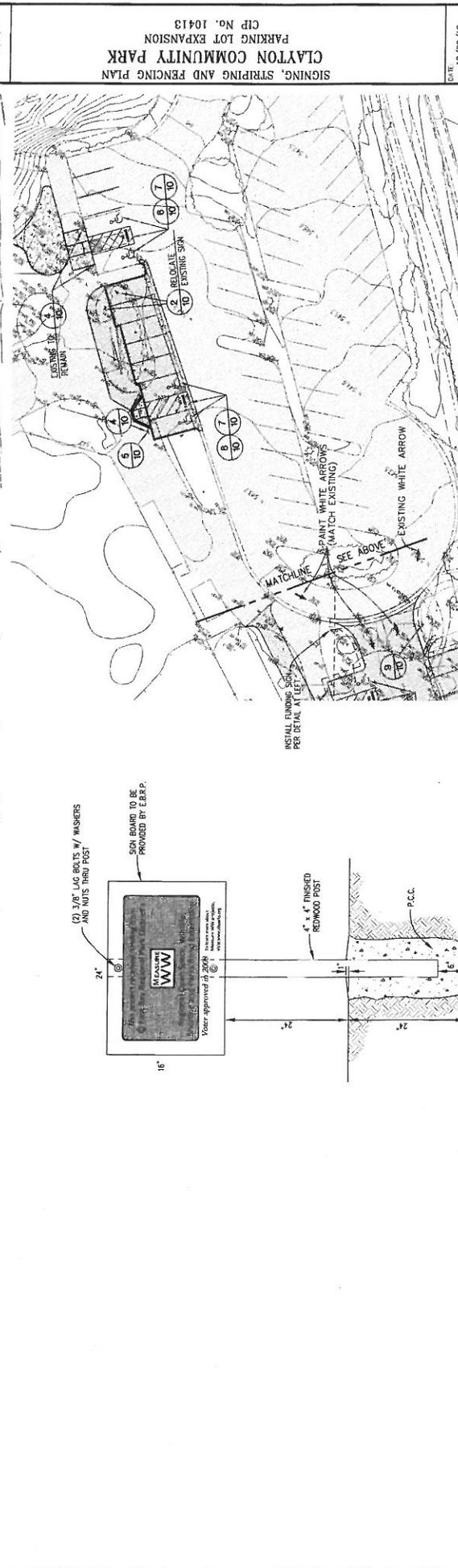
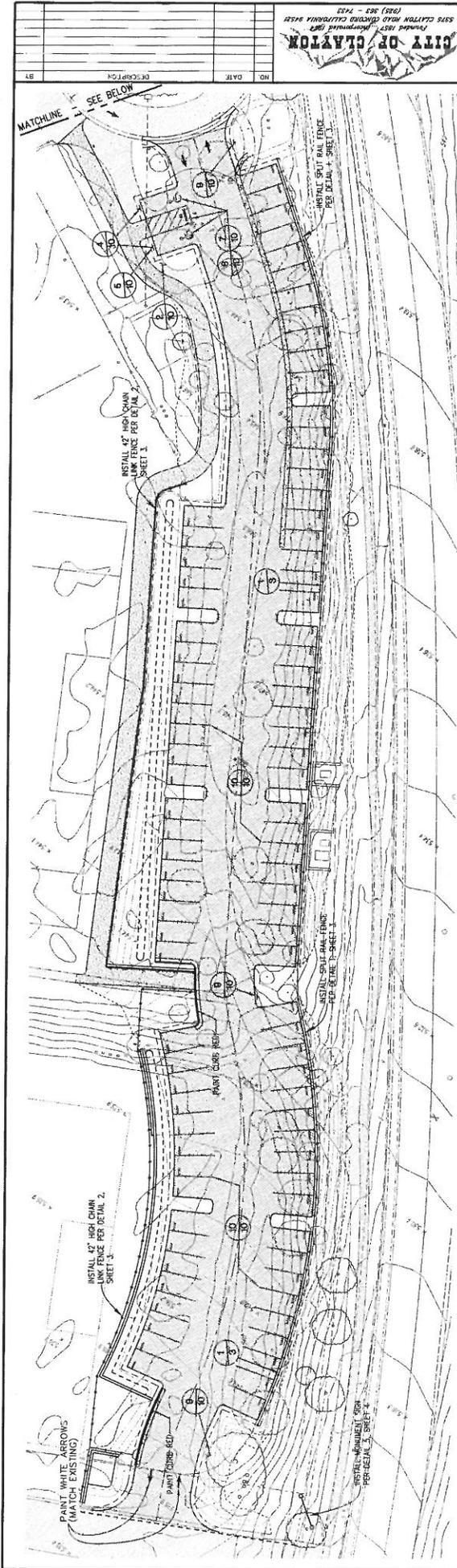
Mitigation Measure	Implementing Parties	Monitoring Parties	Milestones for Monitoring	Verification
<p>above requirements.</p> <p><b>Mitigation Measure 2 – Biological Resources</b> Pre-construction nesting surveys for raptors and migratory birds protected under the federal Migratory Bird Treaty Act shall be conducted if initial grading and building demolition is to be conducted during the months of March through August. A qualified biologist shall conduct the surveys no more than 14 days prior to initiation of grading, building demolition, or tree removal. If any of these species are found within the construction area after April of the construction year, grading and construction in the area shall either stop or continue only after the nests are protected by an adequate setback approved by a qualified biologist. If permanent avoidance of nests is not feasible, impacts on raptor and migratory bird nests shall be minimized by avoiding disturbances to the nest location during the nesting season unless a qualified biologist verifies that the birds have either a) not begun egg-laying and incubation, or b) that the juveniles from those nests are foraging independently and capable of independent survival at an earlier date. No preconstruction surveys are required if grading, building demolition, or tree removal occurs outside the nesting season (September through February).</p>	<p>City of Clayton</p>	<p>Community Development Director  Qualified biologist</p>	<p>If initial grading and building demolition is to be conducted during the months of March through August, preconstruction survey required no more than 14 days prior to initiation of grading, building demolition, or tree removal.</p>	
<p><b>Mitigation Measure 3 – Cultural Resources</b> Prior to the issuance of a grading permit, plans shall include a requirement (via notation) indicating that if cultural resources, or human remains are encountered during site grading or other site work,</p>	<p>Project Contractor</p>	<p>Community Development Director</p>	<p>Prior to issuance of a grading permit and during construction if archaeological resources are encountered.</p>	

**MITIGATION MONITORING REPORT  
CITY OF CLAYTON – COMMUNITY PARK PARKING LOT EXPANSION PROJECT**

<b>Mitigation Measure</b>	<b>Implementing Parties</b>	<b>Monitoring Parties</b>	<b>Milestones for Monitoring</b>	<b>Verification</b>
<p>all such work shall be halted immediately within the area of discovery and the contractor shall immediately notify the City of the discovery. In such case, the City shall retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the City for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the vicinity of the discovery, as identified by the qualified archaeologist, shall not be allowed until the preceding steps have been taken.</p>	Project Contractor	Community Development Director	During construction if human remains are encountered.	
<p><b>Mitigation Measure 4 – Cultural Resources</b> Pursuant to State Health and Safety Code §7050.5(c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the Contra Costa County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify the person believed to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for reinterment of the human remains and any associated artifacts. Additional work is not to take place in the immediate vicinity of the find, which shall be identified by the qualified archaeologist, until the identified appropriate actions have been implemented.</p> <p><b>Mitigation Measure 5 – Geology and Soils</b></p>	City of Clayton	City Engineer	Prior to issuance of a	

**MITIGATION MONITORING REPORT  
CITY OF CLAYTON – COMMUNITY PARK PARKING LOT EXPANSION PROJECT**

<b>Mitigation Measure</b>	<b>Implementing Parties</b>	<b>Monitoring Parties</b>	<b>Milestones for Monitoring</b>	<b>Verification</b>
<p>Prior to the issuance of a grading permit, the City shall prepare, to the satisfaction of the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the proposed project. Actions should include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Hydro-seeding;</li> <li>• Placement of erosion control measures within drainageways and ahead of drop inlets;</li> <li>• The temporary lining (during construction activities) of drop inlets with “filter fabric”;</li> <li>• The placement of straw wattles along slope contours;</li> <li>• Use of a designated equipment and vehicle “wash-out” location;</li> <li>• Use of siltation fences;</li> <li>• Use of on-site rock/gravel road at construction access points; and</li> <li>• Use of sediment basins and dust palliatives.</li> </ul>			grading permit and during grading operations	



FUNDING SIGN DETAIL  
SCALE: 1/8" = 1'-0"

CITY OF CLAYTON  
3815 CLAYTON ROAD, CLAYTON, CALIFORNIA 94515  
(925) 385-7433

CLAYTON COMMUNITY PARK  
PARKING LOT EXPANSION  
CIP NO. 10413

DATE: 12/29/10  
DRAWN: BJB  
CHECKED: RA  
SCALE: 1" = 20'  
SHEET NO. 9  
OF 9  
JOB NO. 21652  
DATE: 03-31-12  
JOB NO. 21652



PLANS APPROVED BY AND PREPARED  
UNDER THE DIRECTION OF  
RICHARD A. JANSSEM  
DATE: 03-31-12  
JOB NO. 21652

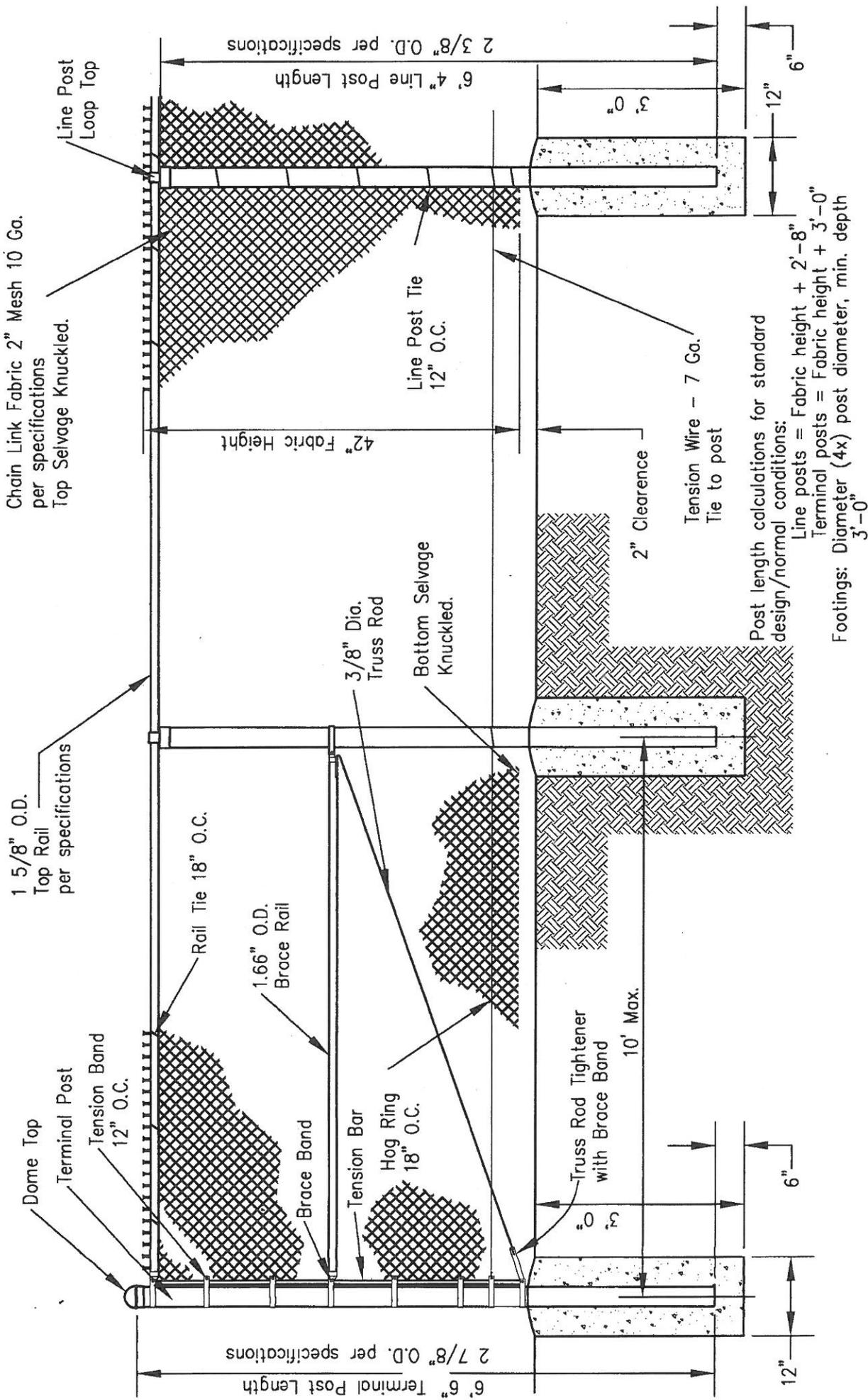
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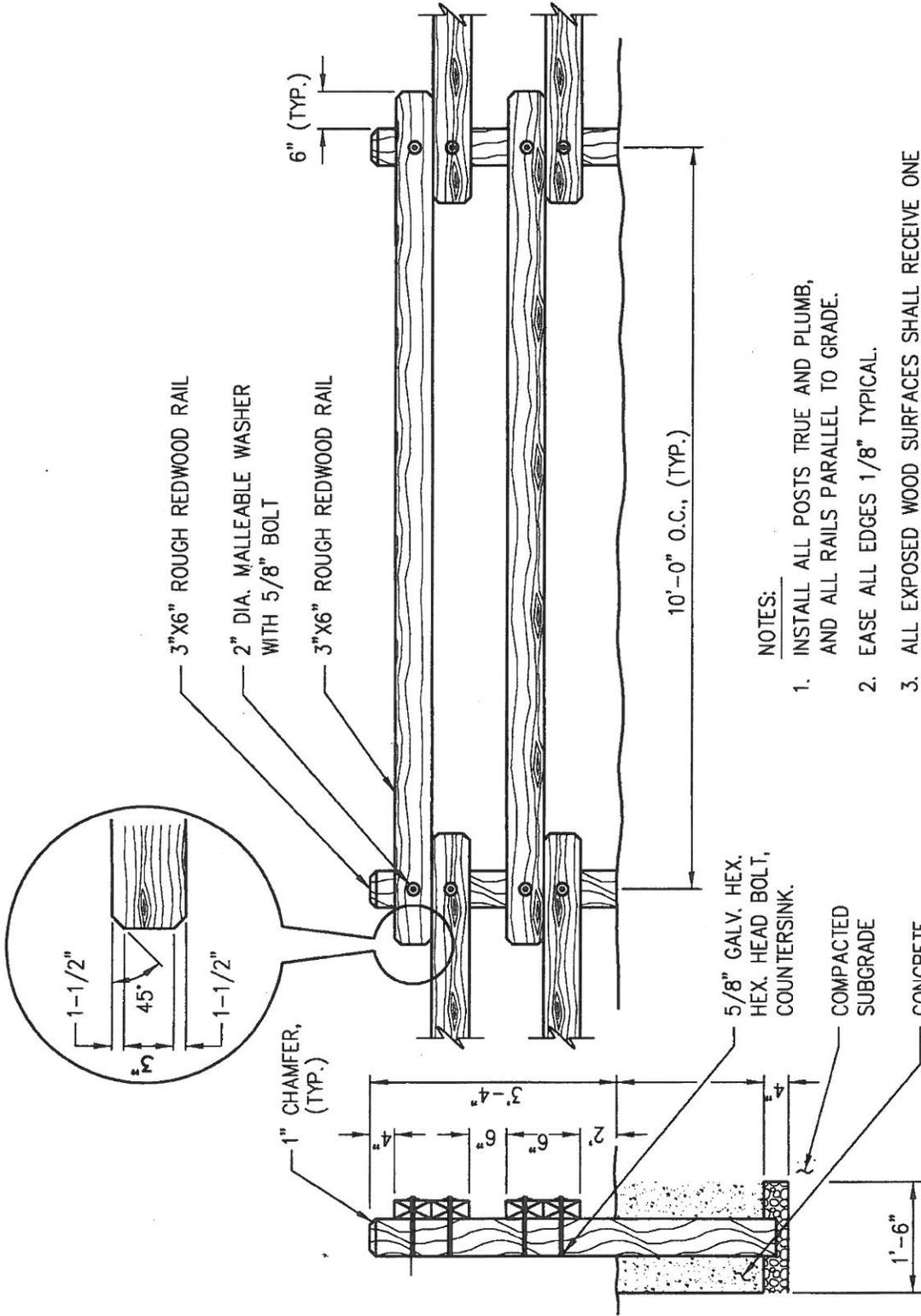
ENTRY SIGN DETAIL

SCALE: 1"=2'



# 2 42" VINYL COATED FENCE DETAIL

SCALE: 1" = 1'



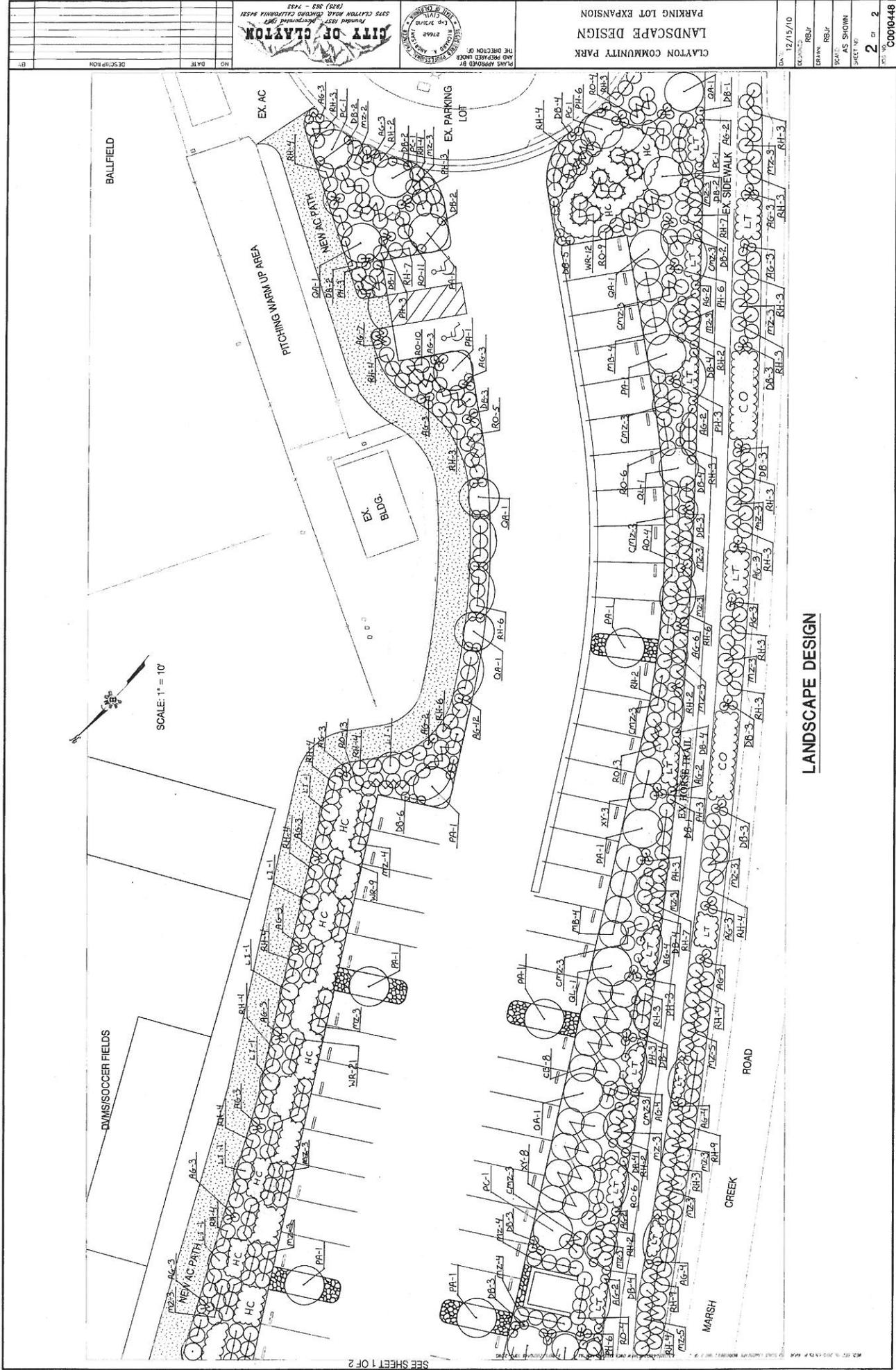
**NOTES:**

1. INSTALL ALL POSTS TRUE AND PLUMB, AND ALL RAILS PARALLEL TO GRADE.
2. EASE ALL EDGES 1/8" TYPICAL.
3. ALL EXPOSED WOOD SURFACES SHALL RECEIVE ONE COAT OF "CABOT" #0333 (RED CEDAR) TRANSPARENT STAIN. SUBMIT SAMPLE PRIOR TO STAINING.
4. ALL METAL FASTENERS USED ARE TO BE GALVANIZED.

1

# SPLIT RAIL FENCE DETAIL

SCALE: 1" = 1'



LANDSCAPE DESIGN

CLAYTON COMMUNITY PARK  
LANDSCAPE DESIGN  
PARKING LOT EXPANSION

DATE: 12/15/10  
DRAWN: RBJ  
SCALE: AS SHOWN  
SHEET NO: 2 of 2  
PROJECT NO: C0010448



NO.	DATE	DESCRIPTION

SEE SHEET TOP 2

