



Agenda

Planning Commission Meeting

7:00 P.M. on Tuesday, July 13, 2010

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

CALL TO ORDER, ROLL CALL, PLEDGE TO THE FLAG

Administrative

- 1A. Selection of Chair and Vice Chair.
- 1B. Review of agenda items.
- 1C. Commissioner Richardson to report at the City Council meeting on July 20, 2010.

Public Comment

Approval of Minutes

- 2. Approval of minutes from the meeting of June 22, 2010.

Public Hearings

- 3A. **LLA 01-10, Lot Line Adjustment.** A lot line adjustment to transfer the following areas of land from the existing "Seeno" strip property running adjacent to Rialto Drive and Regency Drive (APN 119-271-006) to the following existing lots within the Diablo Pointe subdivision:
 - 1,351 square feet to Lot 8 (APN 119-640-002) and a portion of the roadway;
 - 2,955 square feet to Lot 9 (APN 119-640-003) and a portion of the roadway;
 - 635 square feet to Lot 11 (APN 119-640-005); and
 - 1,452 square feet to Lot 12 (APN 119-640-006).

Proposed Action: Approval, with conditions.

- 3B. **LLA 02-10, Lot Line Adjustment.** A lot line adjustment to transfer the following areas of land from the existing "Seeno" strip property running adjacent to Rialto Drive and Regency Drive (APN 119-271-006) to the following existing lots within the Diablo Pointe subdivision:
 - 8,097 square feet to Lot 13 (APN 119-640-007);
 - 1,348 square feet to Lot 14 (APN 119-640-008); and
 - 3,618 square feet to Lot 15 (APN 119-640-009).

Proposed Action: Approval, with conditions.

Old Business

4. None.

New Business

5. None.

Communications

- 6A. Staff.
6B. Commission.

Adjournment

7. The next meeting of the Planning Commission on **Tuesday, July 27, 2010** will be cancelled. The next regular meeting of the Planning Commission is on **Tuesday, August 10, 2010**.

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

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

Minutes
Clayton Planning Commission Meeting
Tuesday, June 22, 2010

Call to Order

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

Present: Chair Bob Armstrong, Vice Chair Sandra Johnson, Commissioner Tuija Catalano, Commissioner Ted Meriam, Commissioner Dan Richardson
Staff: Community Development Director David Woltering
Assistant Planner Milan Sikela

Administrative

- 1A. Review of agenda items.
- 1B. Commissioner Catalano to report at the City Council meeting on June 29, 2010.

Public Comment

None.

Approval of Minutes

- 2. Approval of minutes from the meeting of June 8, 2010.

Vice Chair Johnson moved and Chair Armstrong seconded the motion to approve the minutes from the meeting of June 8, 2010, as amended. The motion passed 4-0 (Commissioner Meriam abstained because he had recused himself at that meeting).

Public Hearings

- 3. **TRP 17-10, Tree Removal Permit, City of Clayton, The Grove, 6100 Main Street (APN 119-015-007).** A tree removal permit to allow the removal of one cypress tree measuring 19 inches in diameter. The tree is located in The Grove park in Clayton's Town Center at the northeast corner of Main Street and Marsh Creek Road in the planter strip between the sidewalks.

Assistant Planner Sikela presented the staff report and distributed the Clayton street tree list to the Planning Commission.

Commission comments and questions included:

- Vice Chair Johnson asked if the City would be responsible for the ongoing care and survival of the replacement trees? Assistant Planner Sikela responded "Yes".
- Would the London plane trees be planted next to the retained cypress trees? Director Woltering answered "Yes".
- Commissioner Richardson indicated his experience with a London plane is that it should be planted with no less than 20-foot spacing.
- Commissioner Richardson added that when planting trees, monocultures should be avoided so minimize the spreading of tree diseases.
- It was suggested that the area proposed for re-planting would be more suitable for one rather than two London plane trees.

- With Clayton's hot summers, planting of trees would reduce heat islands.
- It would be useful to have a tree planting plan or tree master plan for the Town Center area to guide decisions about replacement trees.
- Does The Grove tree plan tie into areas that surround The Grove? Assistant Planner Sikela replied that he believes the planting plan relates inwardly to the park itself.
- There are already a large number of London plane trees in the area.
- The subject tree should be removed in a timely manner, but we should take time to determine the replacement tree(s) that would be most suitable.
- There are a good variety of trees in The Grove now.
- We want to strike a balance to achieve beauty but keep maintenance low and, therefore, minimize impact to City finances.
- It would be helpful for Planning and Maintenance staff to continue to evaluate the replacement tree options with consideration given to the existing Grove park master plan, existing trees in the surrounding area, mature height and breadth of possible replacement trees, and the maintenance requirement of these trees.

Director Woltering indicated that Planning and Maintenance staff would arrange a time to meet at The Grove to conduct a site visit to further evaluate options for replacement trees. After the site visit, Planning staff would bring back a tree replacement plan proposal/options to the Commission within 90 days.

Commissioner Richardson moved and Commissioner Catalano seconded a motion to approve Tree Removal Permit TRP 17-10, with the recommended conditions of approval amended by the Planning Commission to defer tree replacement until a replacement plan is agreed to. The motion passed 5-0.

Old Business

4. None.

New Business

5. **GPA 01-10, Conformity with General Plan, Capital Improvement Program (CIP).**
Review of City of Clayton CIP projects projected to be undertaken in the coming fiscal year (FY 2010 – 2011) for conformity with the General Plan.

Director Woltering presented the staff report.

Commission comments and questions included:

- The proposed parking lot expansion at the Community Park would likely trigger stormwater requirements.
- Commissioners requested clarification on the purpose and scope of their review of this agenda item. Director Woltering indicated State law requires that the Planning Commission review CIP projects for the coming fiscal year to assure they conform with the City's General Plan. Consequently, the review is limited and does not involve discussion of the specific merits of the project.
- Does the "complete streets" requirement get triggered? Director Woltering indicated that complete streets would not get triggered because only re-surfacing of the existing streets is involved.

- Who would be completing the final environmental review of the projects? Director Woltering indicated that he would be preparing the environmental review of the projects.
- Commissioners reviewed the General Plan policies and objectives related to the proposed projects and determined that the projects are in conformance with pertinent General Plan policies and objectives.

Chair Armstrong moved and Commissioner Meriam seconded a motion to make the finding that the City of Clayton Capital Improvement Program for Fiscal Year 2010 – 2011 conforms with the General Plan. The motion passed 5-0.

Communications

6A. Staff.

None.

6B. Commission.

Commissioner Catalano indicated that she resides within 500 feet of Diablo Pointe so she would have to recuse herself from the public hearing for the Diablo Pointe Lot Line Adjustments.

Adjournment

7. The meeting was adjourned at 8:00 p.m. The next regular meeting of the Planning Commission is scheduled for **Tuesday, July 13, 2010.**

Submitted by
David Woltering, AICP
Community Development Director

Approved by
Bob Armstrong
Chair

Plng Comm\Minutes\2010\0622

PLANNING COMMISSION STAFF REPORT

Meeting Date: July 13, 2010

From: Milan J. Sikela, Jr. *MS*
Assistant Planner

Subject: Diablo Pointe Lot Line Adjustments
(LLA 01-10 and LLA 02-10)

REQUEST

Lot line adjustments to transfer the following areas of land from the existing "Seeno" strip property running adjacent to Rialto Drive and Regency Drive (APN 119-271-006) to the following existing lots within the Diablo Pointe subdivision:

LLA 01-10

- 1,351 square feet to Lot 8 (APN 119-640-002) and a portion of the roadway;
- 2,955 square feet to Lot 9 (APN 119-640-003) and a portion of the roadway;
- 635 square feet to Lot 11 (APN 119-640-005); and
- 1,452 square feet to Lot 12 (APN 119-640-006).

LLA 02-10

- 8,097 square feet to Lot 13 (APN 119-640-007);
- 1,348 square feet to Lot 14 (APN 119-640-008); and
- 3,618 square feet to Lot 15 (APN 119-640-009).

PROJECT INFORMATION

Applicant: Schell and Martin, Inc.

General Plan Designation: Low Density - Single Family Residential (1.1 to 3.0 units per acre). This proposal complies with the General Plan designation.

Zoning: Single Family Residential R-10 District (10,000 square-foot minimum lot area). This proposal complies with the zoning classification.

Environmental Review: Categorically exempt per Section 15305 of the State CEQA Guidelines.

Public Notice: On July 1, 2010, a public hearing notice was posted at the notice boards, mailed to property owners within 300 feet of the site, and faxed to the newspapers. To date, no comments have been received by staff.

Agency Referrals: City Engineer had no comments

Authority: Section 66412(d) of the State Subdivision Map Act excludes lot line adjustments from the requirements of the Subdivision Map Act.

Section 16.02.030.D of the Clayton Subdivision Ordinance authorizes the Planning Commission to approve a lot line adjustment.

ANALYSIS

The applicant has requested approval of two lot line adjustments to merge portions of an existing strip of property located between the public right-of-way on Rialto Drive and Regency Drive (APN 119-271-006) and Lots 8, 9, 11, 12, 13, 14, and 15 of the Diablo Pointe subdivision. The location of the strip of property “landlocks” the Diablo Pointe subdivision, thereby precluding access from lots within the subdivision to a public street. By merging the strip of property into the adjacent lots within the subdivision and the entryway street into the subdivision, Seminary Ridge Place (which is also a private street, as are all of the streets within the subdivision) would then be able to cross the area of land occupied by the strip and connect with a public street, Rialto Drive.

Per Section 16.02.030.D of the Clayton Subdivision Ordinance, the review and approval of the lot line adjustment by the Planning Commission is limited to a “determination of whether or not the parcels resulting from the lot line adjustment will conform to local zoning and building ordinances.” The City’s lot line adjustment regulations allow for the Commission to place zoning and building ordinance-related conditions of approval on the project as well as requiring conditions for relocation of existing utilities, infrastructure, or easements. A condition has been provided to ensure that the applicant address issues related to offers of dedication and easements for drainage and access purposes. Furthermore, in accordance with the requirements listed in Section 16.02.030.D, staff has provided a condition that a deed or record of survey for the lot line adjustment must be recorded with proof of recordation submitted to the Community Development Department.

CONCLUSION

Staff has reviewed the lot line adjustment proposal relative to the provisions in Section 16.02.030.D of the Subdivision Ordinance and concluded that the project conforms with the General Plan land use and density requirements for Low Density Single Family Residential land use designations and the Zoning Ordinance provisions for the R-10 District.

RECOMMENDATION

Staff recommends that the Planning Commission approve lot line adjustments LLA 01-10 and LLA 02-10 to transfer the following areas of land from APN 119-271-006 to the following existing lots within the Diablo Pointe subdivision:

LLA 01-10

- 1,351 square feet to Lot 8 (APN 119-640-002) and a portion of the roadway;
- 2,955 square feet to Lot 9 (APN 119-640-003) and a portion of the roadway;
- 635 square feet to Lot 11 (APN 119-640-005); and
- 1,452 square feet to Lot 12 (APN 119-640-006).

LLA 02-10

- 8,097 square feet to Lot 13 (APN 119-640-007);
- 1,348 square feet to Lot 14 (APN 119-640-008); and
- 3,618 square feet to Lot 15 (APN 119-640-009).

Proposed Findings

Based upon the evidence set forth in the staff reports, which includes relevant information from the project file, as well as testimony at the public hearing, the Planning Commission makes the following findings regarding the Site Plan Review Permit for the addition:

1. Is consistent with the General Plan designation and policies.
2. Conforms with the Zoning Ordinance.

The above-stated findings assume acceptance and approval of the proposed conditions of approval listed below.

Proposed Conditions of Approval

These conditions of approval apply to the proposed Lot Line Adjustment Site Map (APN 119-271-006 and APN 119-640-002, 003, 005, 006) and Lot Line Adjustment Site Map (APN 119-271-006 AND and 119-640-007, 009, 009), prepared by Schell and Martin, Inc, dated May 28, 2010.

1. A deed or record of survey for the lot line adjustment shall be recorded with proof of recordation submitted to the Community Development Department.
2. For purposes of drainage and access, the applicant agrees to grant additional easements by a separate instrument as may be required by the City Engineer.
3. 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, but not limited to, attorney's fees, costs, 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, and any environmental review conducted under the California Environmental Quality Act for this entitlement and related actions.

Advisory Note

This advisory note is 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.

EXHIBITS

- A Lot Line Adjustment Site Map (APN 119-271-006 and APN 119-640-002, 003, 005, 006), prepared by Schell and Martin, Inc., dated May 28, 2010
- B Lot Line Adjustment Site Map (APN 119-271-006 and 119-640-007, 009, 009), prepared by Schell and Martin, Inc., dated May 28, 2010
- C Aerial View of Site, provided by the applicant, dated May 14, 2010

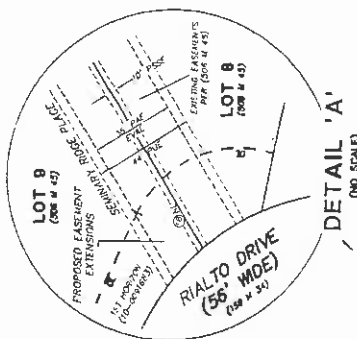
GENERAL NOTES:

OWNER: (A.P.N. 119-271-006)
 SITE ADDRESS: VACANT PARCEL AT RIALTO DRIVE, CLAYTON, CA
 FIRST HORIZON HOME LOANS
 #500 YONACIO VALLEY ROAD, SUITE #190
 WALNUT CREEK, CALIFORNIA 94596
 OWNERSHIP PER: (10-0091683, DATED 5-07-2010)
 OWNER: (A.P.N. 119-640-002, 003, 005, & 006)
 SITE ADDRESS: VACANT LOTS AT RIALTO DRIVE, CLAYTON, CA
 FIRST HORIZON HOME LOANS
 #500 YONACIO VALLEY ROAD, SUITE #190
 WALNUT CREEK, CALIFORNIA 94596
 OWNERSHIP PER: (2009-235698), DATED 10-06-2009

ENGINEER:
 SCHELL & MARTIN CIVIL ENGINEERING
 3377 MT. DIABLO BOULEVARD
 LAFAYETTE, CALIFORNIA 94549
 TELEPHONE: (925) 283-8111 (FAX) 925-283-2865
 ZONING: (R-10) SINGLE FAMILY RESIDENTIAL

LEGEND

() DEMOTES "RECORD INFORMATION"
 PUE DEMOTES "PUBLIC UTILITY EASEMENT"
 PAE DEMOTES "PRIVATE ACCESS EASEMENT"
 EAVE DEMOTES PUBLIC "EMERGENCY VEHICLE ACCESS EASEMENT"
 NL DEMOTES "NEW LOT LINE"
 QL DEMOTES "OLD LOT LINE" TO BE ELIMINATED
 PSE DEMOTES PUBLIC "SANITARY SEWER EASEMENT"
 PSE DEMOTES PUBLIC "STORM DRAIN EASEMENT"



LOT LINE ADJUSTMENT
 SITE MAP

APN 119-271-006
 APN 119-640-002, 003,
 APN 119-640-005, 006

RIALTO DRIVE
 CITY OF CLAYTON
 CONTRA COSTA COUNTY, CALIFORNIA

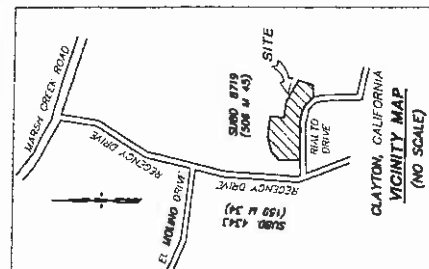
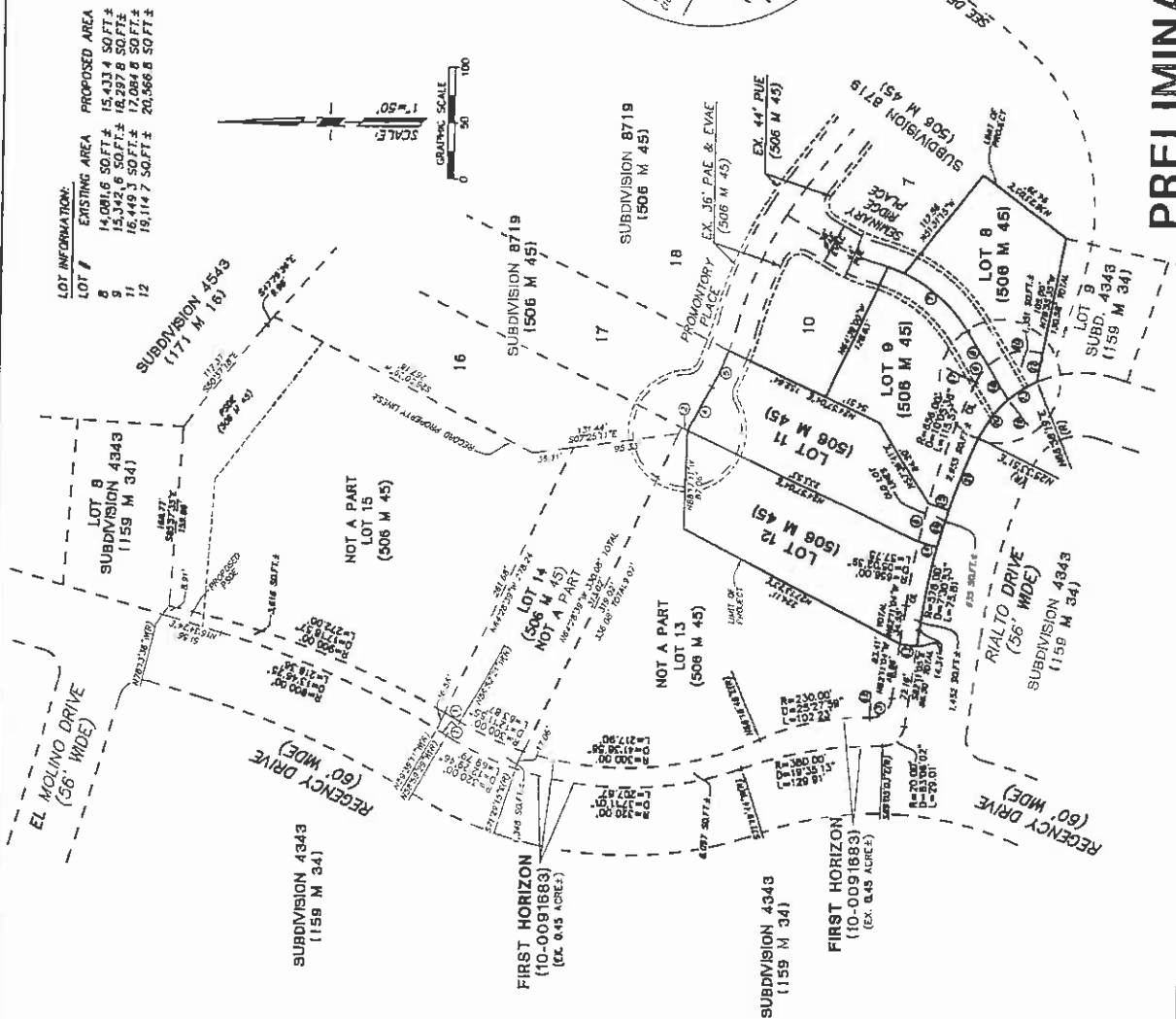


SCHELL AND MARTIN, INC.
 LAND SURVEYING AND CIVIL ENGINEERING
 3377 MT. DIABLO BOULEVARD
 LAFAYETTE, CALIFORNIA 94549-3811
 Prepared by the Engineer at:
 APN 119-271-006
 DATE: 5-28-2010

PRELIMINARY

APN 119-271-006
 RIALTO DRIVE, CLAYTON, CA.
 JOB NO. 446-09 (ALBORG)

EXHIBIT A



REFERENCE INFORMATION:

- SUBDIVISION 4319 (508 M 45)
- SUBDIVISION 4343 (159 M 34)
- SETNO DED (6030 OR 430)
- SETNO DED (6030 OR 430)
- SETNO DED (6030 OR 430)
- SETNO DED (6030 OR 430)
- SETNO DED (6030 OR 430)

NOTE: THE ABOVE DOCUMENTS ARE HEREBY
 MADE A PART OF THIS MAP

COURSE DATA	
1. R=800.00 D=170.71° L=18.31'	
2. R=800.00 D=170.71° L=18.31'	
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23. R=800.00 D=170.71° L=18.31'	

NOTE: THE BOUNDARY LINES ON THIS MAP
 ARE NOT BASED UPON A COMPLETE BOUNDARY
 SURVEY, BUT ARE AN APPROXIMATE BOUNDARY
 SURVEY. THE BOUNDARY LINES ARE SUBJECT TO
 REVISIONS AND DISTANCES ARE SUBJECT TO
 CHANGE PENDING A TITLE BOUNDARY SURVEY.

NOTE: ANY AND ALL UNDERGROUND UTILITY LOCATIONS
 ARE NOT SHOWN ON THIS MAP. THE USER OF THIS
 MAP SHALL BE RESPONSIBLE FOR DETERMINING THE
 LOCATION AND DEPTH OF ANY UNDERGROUND UTILITIES
 PRIOR TO ANY CONSTRUCTION. THE USER SHALL
 BE RESPONSIBLE FOR OBTAINING ALL NECESSARY
 PERMITS AND APPROVALS FROM THE APPROPRIATE
 AGENCIES.

UNAUTHORIZED CHANGES AND USES: The User/Owner preparing this
 map shall be responsible for any unauthorized changes in the
 map. Any unauthorized changes in the map shall be the
 responsibility of the User/Owner. The User/Owner shall
 be responsible for obtaining all necessary permits and
 approvals from the appropriate agencies.

GENERAL NOTES:

OWNER: (A.P.N. 119-271-006)
 SITE ADDRESS: VACANT PARCEL AT RIALTO DRIVE, CLAYTON, CA
 FIRST HORIZON HOME LOANS
 500 YOGACIO VALLEY ROAD, SUITE #190
 WALNUT CREEK, CALIFORNIA 94596
 OWNERSHIP PER (SERIES #10-0091883, DATED 5-7-2010)
 OWNER: (A.P.N. 119-640-007, 008, & 009)
 SITE ADDRESS: VACANT LOTS AT RIALTO DRIVE, CLAYTON, CA
 500 YOGACIO VALLEY ROAD, SUITE #190
 WALNUT CREEK, CALIFORNIA 94596
 OWNERSHIP PER (SERIES #09-235608, DATED 10-06-2009)

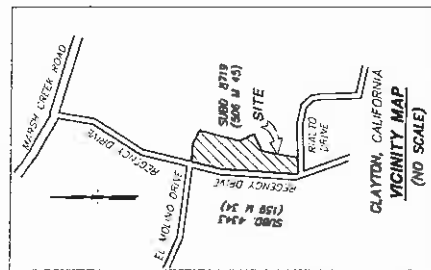
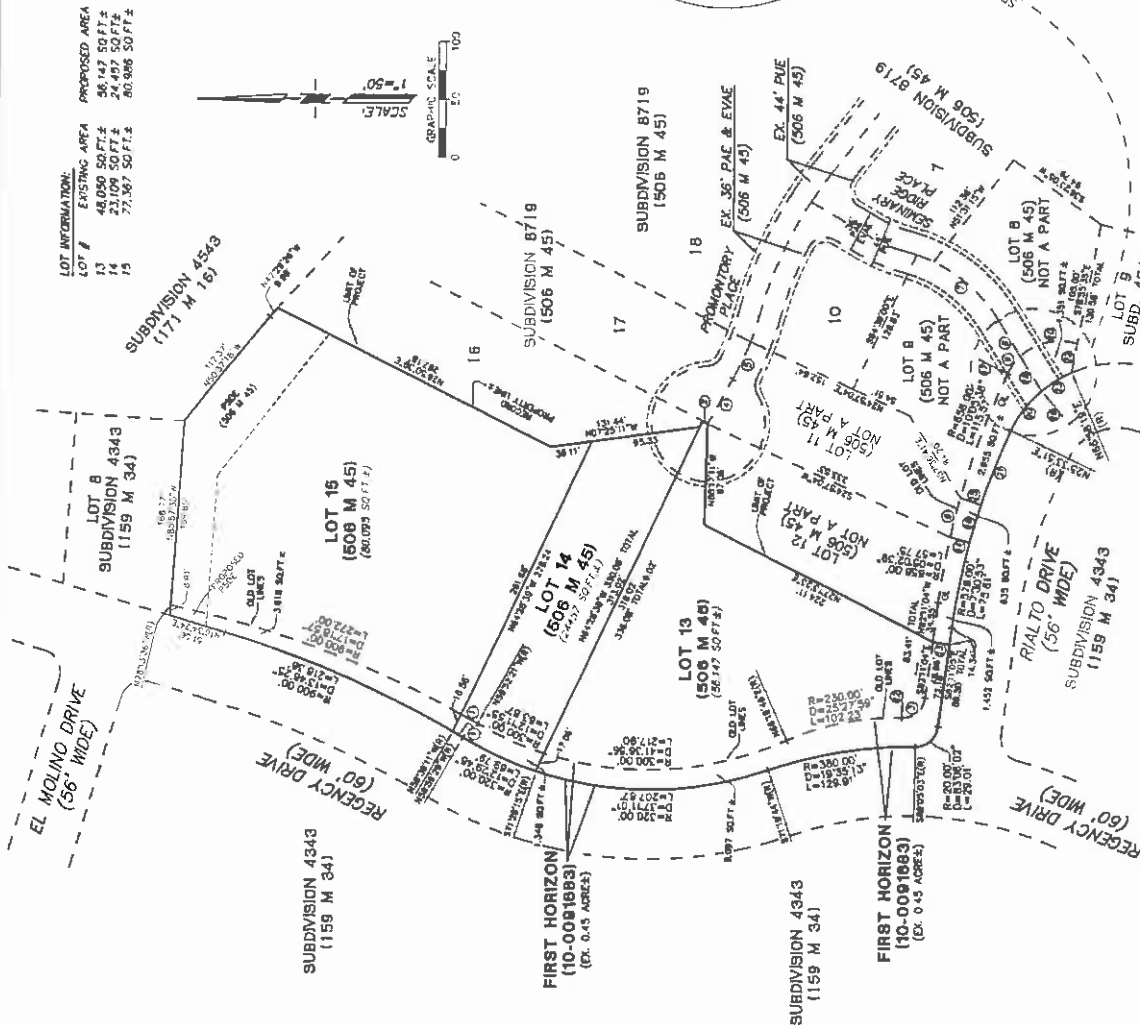
ENGINEER:
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 3377 MI DIABLO BOULEVARD
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 TELEPHONE (925) 283-8111 (FAX) 925-283-2866
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LEGEND

- () DENOTES "RECORD INFORMATION"
 PUE DENOTES "PUBLIC UTILITY EASEMENT"
 PAE DENOTES "PRIVATE ACCESS EASEMENT"
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 NL DENOTES "NEW LOT LINE"
 CL DENOTES "OLD LOT LINE" TO BE ELIMINATED
 PSDE DENOTES PUBLIC "SANITARY SEWER EASEMENT"
 PSDE DENOTES PUBLIC "STORM DRAIN EASEMENT"

LOT INFORMATION:

LOT #	EXISTING AREA	PROPOSED AREA
13	48,000 SQ. FT. ±	54,147 SQ. FT. ±
14	23,109 SQ. FT. ±	44,447 SQ. FT. ±
15	77,367 SQ. FT. ±	80,006 SQ. FT. ±



REFERENCE INFORMATION:

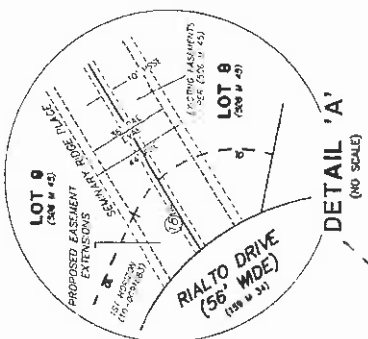
- SUBDIVISION 8716 (1506 M 45)
 - SUBDIVISION 4343 (1159 M 34)
 - SEEN DEED (6435 OR 430)
 - FIRST HORIZON DEED (10-0091883)
 - FIRST HORIZON DEED (10-0091884)
 - PRELIMINARY DEED (09-235608)
 - STEWART TITLE COMPANY, DATED 11-13-2009, REPORT FILE #967489
- NOTE: THE ABOVE DOCUMENTS ARE HEREBY MADE A PART OF THIS MAP

COURSE DATA

1. N-90.00° E 0'-170.19' L=18.31'
2. S-20.00° E 0'-135.75' L=29.31'
3. N-60.41° W 4'-45.50' L=50.00'
4. N-60.41° W 4'-45.50' L=50.00'
5. R=200.00' D=81°00'06" L=35.64'
6. R=658.00' D=13°04'16" L=35.16'
7. R=658.00' D=13°04'16" L=35.16'
8. N-69°31'11" E 3'-36.16" L=59.32'
9. R=50.00' D=21°00'50" L=16.34'
10. R=50.00' D=51°02'33" L=51.27'
11. R=50.00' D=07°39'42" L=10.93'
12. N-67°42'56" E 12.01' NL
13. N15°44'48" E (9) 7.25' NL
14. N18°42'79" E (9) 19.70' NL
15. R=528.00' D=03°22'28" L=34.04'
16. N-58°51'11" E 35.46' NL
17. N-58°51'11" E 35.46' NL
18. N-58°51'11" E 35.46' NL
19. N-58°51'11" E 35.46' NL
20. R=103.00' D=24°21'54" L=43.80'
21. R=103.00' D=08°51'34" L=69.20'
22. R=103.00' D=1°22'09" L=70.63'

NOTE: THE BOUNDARY SHOWN ON THIS MAP IS NOT BASED UPON A COMPLETE RESEARCH SURVEY. IT IS BASED UPON THE INFORMATION CONTAINED HEREIN AND THE FIELD NOTES AND PLANS OF THE SURVEYOR. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER SURVEYS OR RECORDS THAT MAY AFFECT THE BOUNDARY SHOWN ON THIS MAP. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER SURVEYS OR RECORDS THAT MAY AFFECT THE BOUNDARY SHOWN ON THIS MAP. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER SURVEYS OR RECORDS THAT MAY AFFECT THE BOUNDARY SHOWN ON THIS MAP.

UNREGISTERED CHANGES AND USES: This land surveyor's map is not to be used for any purpose other than that for which it was prepared. Any use of this map for any other purpose is at the user's risk. The user is responsible for obtaining all necessary permits and approvals for any use of this map.



LOT LINE ADJUSTMENT
 SITE MAP
 APN 119-271-006
 APN 119-640-007, 008,
 APN 119-640-009,
 REGENCY DRIVE
 CITY OF CLAYTON
 CONTRA COSTA COUNTY, CALIFORNIA

DATE: 5-28-10



PRELIMINARY
 JOB NO. 446-09 (ALBORG)

APN 119-271-006
 REGENCY DRIVE, CLAYTON, CA
 APN 119-640-007, 008, & 009, (613 J 2)

EXHIBIT B

AERIAL VIEW OF SITE



EXHIBIT C