



**AGENDA
PLANNING COMMISSION**

Regular Meeting

7:00 P.M. on Tuesday, February 24, 2015

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

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

2. ADMINISTRATIVE

- 2.a. Introduction and welcoming of newly appointed Commissioner Peter Hellmann.
- 2.b. Review of agenda items.
- 2.c. Declaration of Conflict of Interest.
- 2.d. Vice Chair Bruzzone to report at the City Council meeting of March 3, 2015 (alternate Chair Dan Richardson).

3. PUBLIC COMMENT

4. MINUTES

- 4.a. Approval of the minutes for the January 27, 2015 regular meeting.

5. PUBLIC HEARINGS

None.

6. OLD BUSINESS

None.

7. NEW BUSINESS

- 7.a. **CDD-04-15, City of Clayton 2014 Housing Element Annual Progress Report.**

Staff Recommendation: Review and consider the City of Clayton 2014 Housing Element Annual Progress Report (APR) and recommend approval to the City Council with direction to staff to file the report with the State Department of Housing and Community Development, Division of Housing Policy Development.

8. COMMUNICATIONS

- 8.a. Staff.
- 8.b. Commission.

9. ADJOURNMENT

- 9.a. The next regularly-scheduled meeting of the Planning Commission will be held on **Tuesday, March 10, 2015.**

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, January 27, 2015

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

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

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

Absent: None

Staff: Community Development Director Charlie Mullen
Assistant Planner Milan Sikela, Jr.

2. ADMINISTRATIVE

2.a. Review of agenda items.

2.b. Declaration of Conflict of Interest.

Vice Chair Bruzzone declared Chair Manning and Commissioner Haydon declared a conflict of interest on Agenda Item 5.b.

2.c. Commissioner Gregg Manning to report at the City Council meeting of February 3, 2015.

3. PUBLIC COMMENT

None.

4. MINUTES

4.a. Approval of the minutes for the December 9, 2014 regular meeting.

Commissioner Manning moved and Vice Chair Bruzzone seconded a motion to approve the minutes, with a minor amendment. The motion passed 4-0.

5. PUBLIC HEARINGS

5.a. **HOP-01-15, Home Occupation Permit, Cindy Jakel-Smith, 707 Bloching Circle (APN: 119-464-002).** A request for consideration of a Home Occupation Permit to allow a cottage food operation for baked goods (cakes for weddings and other special occasions, cupcakes, brownies, cookies, coffee cakes, scones, muffins, breakfast bars, and granola) to be conducted from a single-family residence. Pursuant to California Environmental Quality Act (CEQA) Guideline 15301, the project is categorically exempt per CEQA.

Vice Chair Bruzzone recused himself due to a proximity conflict of interest related to this public hearing item and departed the meeting chambers.

The public hearing was opened.

Assistant Planner Sikela presented the staff report and indicated the following:

- Staff has received three letters from property owners in the neighborhood—one letter in opposition to the home occupation permit and two letters in support.
- City Engineer and Police Chief reviewed the home occupation and the letter in opposition and neither had any concerns or comments.

The public testimony period was opened.

Maria Xiaris, 701 Bloching Circle, indicated the following:

- She lives on the corner of Bloching Circle and El Molino Drive, directly adjacent to the applicant's residence.
- She supports the applicant's proposal but, due to the high activity intersection adjacent to her property and the applicant's property, this location is not suitable for her proposed home occupation.
- There are many vehicular roll-through stops at this intersection and u-turns that occur in the street in front of her property.
- Vegetation overgrowth on the northwest corner of Bloching Circle and El Molino Drive may block the view of drivers.
- She has young children that play in the street adjacent to the intersection and the additional traffic generated by the home occupation may pose a threat to her children.
- She understands the home occupation is proposed to generate a maximum of six client visits per week to the applicant's residence but wants to make sure she has some recourse if the home occupation generates more than six clients per week.

Commissioner Manning asked Ms. Xiaris the following questions:

- Has she reported the vehicular roll-through stops to the Clayton Police Department? Ms. Xiaris responded "Yes."
- What did the Police Department do? Ms. Xiaris responded that the Police Department parked a patrol car at the intersection.
- Were the roll-through stops occurring on Bloching Circle or El Molino Drive? Ms. Xiaris responded that the roll-through stops were occurring on El Molino Drive.

Tony McDonald, 702 Bloching Circle, indicated the following:

- He supports the applicant's proposal.
- He owns the property with the vegetation on the northwest corner of Bloching Circle and El Molino Drive and he always trims the vegetation back. There is adequate visibility for vehicles at that corner.
- He has two children of his own and has no safety concerns related to traffic generated by the home occupation business.

- He has offered his driveway to the applicant for clients to park their vehicles.
- The roll-through stops occur only on El Molino Drive and not on Bloching Circle.

Commissioner Richardson had the following question and comment:

- Do you use a plastic “slow down” statue in the street to alert drivers? Mr. McDonald indicated that he has three “slow down” statues that he uses.
- There appears to be somewhat of an issue with vehicles traveling at high speed in the area. Mr. McDonald responded that most violations occur traveling northbound on El Molino Drive. The roll-through stops on El Molino Drive are not done with a higher frequency than at any other comparable intersection anywhere else.

The applicant, Cindy Jakel-Smith, indicated the following:

- She has followed vehicles that rolled through the stop sign and have discovered that they are local residents, not outsiders.
- Due to the type of home-based business she is proposing, she can only have one client visit her residence at one time. Therefore, she was anticipating a maximum of six clients visiting per week visiting her residence.
- There are ebbs and flows to the number of clients that would visit the residence since the amount of baking varies with the season. More baking (and, hence, more client visits) would occur around the holidays and the wedding season in June; less baking (and less client visits) would occur other times of the year. That is why she anticipates possibly two to four clients could potentially visit her residence in one day during the busier times of the year.
- With consultations only, a client visit would take two hours. If there is a tasting involved, then the client visit could take up to three hours.
- Regarding concerns over clients turning onto Bloching Circle from El Molino Drive, she said she could encourage her clients to use the southern arm of Bloching Circle and come around the block from the west so that they would not turn directly in front of Ms. Xiaris’ residence.
- As a parent herself, she is very concerned with safety in the neighborhood.

There being no further comments, the public testimony period was closed.

Chair Richardson asked how many clients would be allowed to visit the residence per the Clayton Municipal Code?

Assistant Planner Sikela replied that, in accordance with City standards, a maximum of six clients could visit the residence in one day.

Commissioner Manning indicated that he supports approval of the proposal.

Commissioner Johnson indicated that it appears to be a routine request that she sees no problem with and that the traffic violation issues would be more of a Police Department matter rather than being related to the home-based business.

Chair Richardson indicated the following:

- He sympathized with Ms. Xiaris since he would also be concerned about traffic if he lived in the area.
- He believes it would be beneficial for the applicant to encourage clients to use the southern arm of Bloching Circle and come around the block from the west so that they would not turn directly in front of Ms. Xiaris' residence.
- If any business-related activity occurs that is in violation of this approval, such an increased number of clients or more client visits per day, the Community Development Department may be contacted to commence enforcement procedures.

The public hearing was closed.

Commissioner Manning moved and Commissioner Johnson seconded a motion to approve Home Occupation Permit HOP-01-15, with the conditions of approval recommended by staff. The motion passed 3-0.

Vice Chair Bruzzone returned to the meeting chambers.

- 5.b. **ZOA-01-15, Zoning Ordinance Amendment, City of Clayton.** Review and consideration of a City-initiated Ordinance amending and/or updating various code sections, definitions, regulations and permit procedures of the Clayton Municipal Code, Chapters 5.04, 5.12, 10.36, 17.04, 17.36, 17.60 and 17.70, relating to Mobile Vendors, including mobile food vendors and mobile retail vendors.

The public hearing was opened.

Director Mullen presented the staff report.

Vice Chair Bruzzone asked, during staff research of other cities that have established regulations for mobile food vendors, has there been any problems in these other cities?

Director Mullen responded with the following:

- No city is the same; each city has different circumstances. Some cities have a large mobile food vendor community.
- As we drafted our mobile food vendor ordinance, we wanted to ensure that we are legally defensible against litigation against the City by mobile food vendors.
- The cities that have problems with mobile food vendors are the cities that do not have established standards.

Commissioner Manning indicated that mobile food vendors came into town during construction of the Oakhurst development and he did not remember there being any problems or violations.

Commissioner Johnson indicated that we want to avoid a situation like they have at Stoneridge Mall in Pleasanton where there are a high number of mobile food vendors.

Director Mullen indicated that the discretionary permit process that Clayton would establish would give the City greater control over such a scenario.

Vice Chair Bruzzone asked did the Police Department or City Engineer have any concerns regarding the ordinance?

Director Mullen responded that the Police Chief and City Engineer had no concerns or comments.

Chair Richardson asked regarding 17.36.084.C.20 are refrigerators that drip water an issue?

Director Mullen responded that water from ice melt is allowed but gray water or waste water is not. In addition, there is also a permitting process required by the County, providing more governmental regulatory control over mobile food vendors.

The public testimony period was opened.

Ben Smith, 707 Bloching Circle, indicated the following:

- He supports allowing quality mobile food vendors in Clayton.
- Would be good to have mobile food vendors in the Town Center for such events as Concerts in the Grove.

Cindy Jakel-Smith, 707 Bloching Circle, indicated that mobile food vendors could enhance business in Clayton.

There being no further comments, the public testimony period was closed.

Vice Chair Bruzzone indicated that he thinks it is a good idea to be proactive and establish standards for mobile food vendors. He asked does the City have the authority to restrict mobile food vendor access onto private streets?

Director Mullen responded that the City cannot specifically ban all mobile food vendor access but we can establish reasonable regulations on private or public streets. In addition, the City can enforce, cite, or revoke the permit of any mobile food vendor that is in violation of City regulations.

Commissioner Johnson indicated that she supported approval of the ordinance.

Commissioner Manning indicated that mobile food vendors are self-regulating. If someone gets sick from eating their food, everyone would know about it and would no longer patronize the vendor.

Vice Chair Bruzzone indicated that there are opportunities to do this wisely which would be beneficial for Town Center events, the bocce ball courts, and the City overall.

The Commissioners provided various minor modifications and corrections to the draft ordinance.

Chair Richardson commended staff on the good work done preparing the ordinance and added that well-regulated mobile food vendors would be beneficial to our community.

The public hearing was closed.

Commissioner Johnson moved and Commissioner Manning seconded a motion to adopt Resolution No. 01-15, recommending City Council approval of an Ordinance amending and/or updating various Code sections, definitions, regulations, and permit procedures of the Clayton Municipal Code, Chapters 5.04, 5.12, 10.36, 17.04, 17.60, and 17.70, relating to Mobile Vendors, including mobile food vendors and mobile retail vendors, with minor modifications provided by the Planning Commission. The motion passed 4-0.

6. OLD BUSINESS

None.

7. NEW BUSINESS

None.

8. COMMUNICATIONS

8.a. Staff.

Assistant Planner Sikela informed the Planning Commission that Clayton Fire Station #11 would be holding a re-opening event on Saturday, January 31, 2015 from 11:00 a.m. to 2:00 p.m.

Director Mullen provided updates on the following:

- Staff is processing Parcel Map, Variance, and Tree Removal Permit requests for a property on Verna Way.
- He will be attending a meeting with the environmental consultant regarding the Response to Comments document for the Silver Oak Estates project.
- He and City Manager Gary Napper have a meeting with Transwestern regarding interest in the one-acre City-owned property backing up to Clayton Road in the Town Center.
- St. John's Episcopal Church on Clayton Road held a neighborhood meeting regarding a proposal to subdivide the rear portion of their property into two lots.

8.b. Commission.

Chair Richardson indicated the following:

- Confirmed he will be attending the next TRANSPAC meeting.
- He will also be attending the interviews next Tuesday, February 3, 2015 for candidates for the vacant position on the Planning Commission.

9. **ADJOURNMENT**

- 9.a. The meeting was adjourned at 8:17 p.m. to the regularly-scheduled meeting of the Planning Commission on February 10, 2015.

Submitted by
Charlie Mullen
Community Development Director

Approved by
Dan Richardson
Chair

Com Dev\Plng Comm\Minutes\2015\0127

**CITY OF CLAYTON
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: February 24, 2015

Item No.: 7.a.

From: Charlie Mullen
Community Development Director 

Subject: City of Clayton 2014 Housing Element Annual Progress Report
(CDD-04-15).

Applicant: City of Clayton

RECOMMENDATION

Staff recommends that the Planning Commission review and consider the City of Clayton 2014 Housing Element Annual Progress Report (APR) and recommend approval to the City Council with direction to staff to file the report with the State Department of Housing and Community Development (HCD), Division of Housing Policy Development.

BACKGROUND

Government Code Section 65400 requires each governing body (City Council or Board of Supervisors) to prepare an annual report on the status and progress in implementing the jurisdiction's Housing Element using forms and definitions adopted by the HCD.

HCD uses the APR as a tool to facilitate implementation of a community's Housing Element as well as for the tracking and monitoring of progress in addressing housing needs and goals. The APR includes information on the jurisdiction's progress in addressing the Regional Housing Needs Allocation (RHNA), including the number of housing units permitted by income level, the status of programs in the Housing Element, and efforts to remove government constraints. HCD may also use submittal of the report as one of its threshold requirements to qualify for certain State grants or program funds.

DISCUSSION

This APR for the City of Clayton is for the reporting period of January 1, 2014 to December 31, 2014. The 2014 APR reflects that no new housing units were constructed or demolished in the City during 2014. However, we did see a substantial increase in residential home improvement and energy efficiency projects, consisting of solar power systems, swimming pools, garden structures, window replacements, heating and air-conditioning units, bathroom and kitchen remodels and home additions.

During 2014, the City did see the issuance of one building permit for the demolition of an existing single-family home located at 251 Roundhill Place; however, the demolition was not finalized in 2014, so it will not show up on the APR until next year.

The City has continued to take significant steps in implementing the approved programs of the adopted and certified 2009-2014 Housing Element. Over the course of several years beginning in 2010, systematic progress has been made at implementing various programs. Within the reporting period for this APR, the City adopted Ordinance No. 452 to adopt the 2013 Uniform Building Codes, including the 2013 California Green Building Code. The City also adopted Ordinance No. 454, establishing and allowing multi-family housing projects to be considered by right under the Site Plan Review process for Planned Development Zoning Districts.

These final Housing Element implementation programs allowed the City to accomplish a streamlined process update of our Housing Element for the eight-year 2015-2023 cycle period. On October 14, 2014 the Planning Commission conducted a public hearing and adopted Resolution No. 04-14 recommending City Council approval of the 2015-2023 Housing Element, which was then followed up by City Council public hearing review and approval with adoption of Resolution No. 42-2014. The final approval/certification of the 2015-2023 Housing Element for the City of Clayton was provided in writing by HCD on December 11, 2014.

City staff continues to promote and encourage the preservation of existing affordable housing units and the creation of new affordable housing opportunities in our discussion with housing developers.

ATTACHMENTS

1. City of Clayton 2014 Housing Element Annual Progress Report

X:\Com Dev\CDD\2015\CDD-04-15 - 2014 HousingElement Report\SRPC- 2014 HE Progress Report - 2-24-15.docx

CITY OF CLAYTON - 2014 HOUSING ELEMENT ANNUAL PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction City of Clayton
 Reporting Period 1/1/2014 - 12/31/2014

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				TOTAL UNITS	(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income			
(1) Rehabilitation Activity				0		
(2) Preservation of Units At-Risk				0		
(3) Acquisition of Units				0		
(5) Total Units by Income	0	0	0	0		

* Note: This field is voluntary

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Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction City of Clayton
 Reporting Period 1/1/2014 - 12/31/2014

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units
 (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate						0	
No. of Units Permitted for Above Moderate						0	

* Note: This field is voluntary

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Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction City of Clayton
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Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.		2007	2008	2009	2010	2011	2012	2013	2014	Year 9	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level	RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
	Very Low	Deed Restricted	0	0	0	0	0	0	0	0	0	
Non-deed restricted		0	0	0	0	0	0	0	0	0		
Total		0	0	0	0	0	0	0	0	0		
Low	Deed Restricted	0	0	0	0	0	0	1	0		1	34
	Non-deed restricted	0	0	0	0	0	0	0	0			
	Total	0	0	0	0	0	0	1	0	0	1	
Moderate	Deed Restricted	0	0	0	0	0	1	0	0		1	31
	Non-deed restricted	1	0	0	0	0	0	0	0		1	
	Total	1	0	0	0	0	1	0	0	0	2	
Above Moderate		9	11	0	1	6	17	2	0		46	-12
Total RHNA by COG. Enter allocation number:											151	
Total Units		10	11		1	6	18	3	0		49	102
Remaining Need for RHNA Period												

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

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Housing Element Implementation
 (CCR Title 25 §6202)

Jurisdiction City of Clayton
 Reporting Period 1/1/2014 - 12/31/2014

Table C
Program Implementation Status

Program Description (By Housing Element Program Names)	Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.	Housing Programs Progress Report - Government Code Section 65583.
Name of Program	Objective	Timeframe in H.E.
Implementation Measure I.1.1	Rezone sites to meet RHNA shortfall	1-Oct-10
Implementation Measure I.2.1	Implement Affordable Housing Plan requirements	On-going
Implementation Measure I.2.2	Use LMI fund for affordable housing in residential zones	On-going
Implementation Measure I.3.1	Allow manufactured housing in residential zones	RDA dissolved by State and funding source eliminated
Implementation Measure I.4.1	Provide information to promote construction of second units	1-Dec-09
Implementation Measure I.4.2	Use RDA funds to incentivize construction of second units	Completed w/adoption of Ordinance 425 in December 2009
Implementation Measure I.5.1	Encourage mixed-use development in the Town Center	On-going
Implementation Measure I.5.2	Promote Town Center second story residential use standards	On-going
Implementation Measure II.1.1	Allow emergency shelters by right in Kiker Pass Corridor	On-going
Implementation Measure II.1.2	Allow supportive and transitional housing in residential zones	1-Mar-11
Implementation Measure II.1.3	Allow SRO's w/CUP in L-C District and Kiker Corridor	Completed w/adoption of Ordinance 440 in April 2012
Implementation Measure II.1.4	Offer regulatory incentives for extremely low-income households	Completed w/adoption of Ordinance 440 in April 2012 (L-C District only)
Implementation Measure II.2.1	Allow sf homes in multi-family districts only w/ a use permit	On-going
Implementation Measure II.3.1	Allow density bonuses in accordance w/State Law	Completed w/adoption of Ordinance 440 in April 2012
Implementation Measure II.4.1	Prioritize to decrease review time for affordable projects	1-Dec-09
Implementation Measure II.5.1	City to consider waiving/reducing fees for affordable projects	On-going
Implementation Measure II.6.1	City shall provide flexible development standards	On-going
		Made available with applicable projects
		RDA dissolved and funding source eliminated
		Provided through Ordinances 440 and 426

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Jurisdiction City of Clayton

Reporting Period 1/1/2014 - 12/31/2014

Implementation Measure III.1.1	City refers interested parties to County affordable programs	On-going	Referrals made by Community Development Department staff
Implementation Measure III.1.2	City to develop a down payment assistance program w/RDA funds	1-Dec-11	RDA dissolved and funding source eliminated
Implementation Measure III.1.3	City to review potential funding through County HOME program	On-going	City coordinates with Contra Costa County Housing Authority
Implementation Measure III.1.4	City to provide \$200,000 annually to Diamond Terrace project	Through term of Agreement	City will continue to pay \$200,000 through term of this valid contract
Implementation Measure III.2.1	City to protect at-risk affordable units	On-going	The City's RDA protected an at-risk affordable unit in 2011 by purchasing and then reselling the unit w/ a 45-year deed restriction
Implementation Measure IV.1.1	Comply with fair housing laws	On-going	The City's actions are intended to comply with fair housing laws
Implementation Measure IV.1.2	City to not restrict unrelated persons in a family	1-Oct-10	Completed w/ adoption of Ordinance 440 in April 2012
Implementation Measure IV.2.1	City will provide info. to public on affordable housing projects	On-going	The City actively advertises the availability of affordable housing units as they become available
Implementation Measure IV.3.1	City will adopt reasonable accommodations ordinance	On-going	Completed w/ adoption of Ordinance 441 in May 2012
Implementation Measure IV.3.2	City will distribute info. regarding reasonable accommodations	On-going	Information is always available in the CDD
Implementation Measure IV.3.3	City to investigate feasibility of universal design ordinance	1-May-11	Completed w/adoption of Ordinance 445 in May 2013
Implementation Measure V.1.1	City to provide energy conversation brochures at City Hall	On-going	Completed w/adoption of Ordinance 445 in May 2013
Implementation Measure V.1.2	City to develop design concepts for energy efficiency	1-Jan-12	Completed w/adoption of Ordinance 445 in May 2013
Implementation Measure V.1.3	Improve energy efficiency requirements	1-Jan-12	Adopted the 2013 California Green Building Code in Feb. 2014 with Ordinance 452
Implementation Measure VI.1.1	City to support legislation to transfer housing closer to transit	On-going	The City supports this type of legislation through its association with ABAG and the Contra Costa Transportation Authority (CCTA)
Implementation Measure VI.1.2	City to participate in TRANSPAC and similar organizations	On-going	The City participates in TRANSPAC with Staff and Council representation
Implementation Measure VI.1.3	City to cooperate w/ regional/countywide housing task force	On-going	The City participates w/ regional/countywide housing task force
Implementation Measure VI.1.4	City to work with ABAG regarding energy and land-use efficiency	On-going	The City participates with and has Council representation on ABAG

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