CITY OF CLAYTON Founded 1857 Incorporated 1964	**INITIAL ENVIRONMENTAL STUDY and NEGATIVE DECLARATION**

Project Title:	City of Clayton 2009 Housing Element
Lead Agency Name and Address:	City of Clayton 6000 Heritage Trail Clayton, CA 94517
Project Location:	City-wide
Project Sponsor's Name and Address:	City of Clayton 6000 Heritage Trail Clayton, CA 94517
General Plan Designation(s):	N/A
Zoning:	N/A
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Date Prepared	August 25, 2009

1.0 INTRODUCTION

This document is an Initial Study and Negative Declaration (ND) prepared pursuant to the California Environmental Quality Act (CEQA), for the 2009 City of Clayton Housing Element (referred to as the "2009 Housing Element" or the "proposed Housing Element"). This ND has been prepared in accordance with CEQA, Public Resources Code Sections 21000 et seq., and the CEQA Guidelines.

An Initial Study is conducted by a lead agency to determine if a project may have a significant effect on the environment. In accordance with the CEQA Guidelines, Section 15064, an environmental impact report (EIR) must be prepared if the Initial Study indicates that the proposed project under review may have a potentially significant impact on the environment. A negative declaration may be prepared instead, if the lead agency prepares a written statement describing the reasons why a proposed project would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines Section 15371). According to CEQA Guidelines Section 15070, a negative declaration shall be prepared for a project subject to CEQA when either:

a) The Initial Study shows there is no substantial evidence, in light of the whole record before the agency, that the proposed project may have a significant effect on the environment, or

b) The Initial Study identified potentially significant effects, but:

(1) Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed negative declaration is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

(2) There is no substantial evidence, in light of the whole record before the agency, that the proposed project as revised may have a significant effect on the environment.

If revisions are adopted into the proposed project in accordance with the CEQA Guidelines Section 15070(b), a mitigated negative declaration (MND) is prepared.

1.1 LEAD AGENCY

The lead agency is the public agency with primary responsibility over a proposed project. In accordance with CEQA Guidelines Section 15051(b)(1), "the lead agency will normally be the agency with general governmental powers, such as a city or county, rather than an agency with a single or limited purpose." Based on these criteria, the City of Clayton will serve as lead agency for the 2009 Housing Element.

1.2 PURPOSE AND DOCUMENT ORGANIZATION

The purpose of this Initial Study and Negative Declaration is to evaluate the potential environmental impacts of the proposed 2009 City of Clayton Housing Element. This document is divided into the following sections:

1.0 **Introduction:** Provides an introduction and describes the purpose and organization of this document.

2.0 **Project Description:** Provides a detailed description of the proposed Housing Element.

3.0 **Environmental Factors Potentially Affected:** Provides an identification of those environmental factors that involve a "Potentially Significant Impact."

4.0 **Determination:** Provides the environmental determination for the proposed Housing Element.

5.0 **Environmental Checklist and Evaluation:** Describes the environmental setting for each of the environmental subject areas, evaluates a range of impacts classified as "no impact," "less than significant," "potentially significant unless mitigation incorporated," or "potentially significant" in response to the environmental checklist.

This ND has been prepared in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and the State CEQA Guidelines, California Code of Regulations (CCR) Section 15000 et seq. The ND analyzes the potential impacts of the 2009 City of Clayton Housing Element.

This is a public document to be used by the City to determine whether the proposed Housing Element may have a significant effect on the environment. The Clayton General Plan was adopted by the City Council in 2000 and the Land Use Element was revised in 2005. The General Plan contains supporting environmental studies, as well as extensive goals and policies designed

to identify and address the environmental impacts of development within the City over the long term.

2.0 PROJECT DESCRIPTION

2.1 DESCRIPTION OF THE 2009 HOUSING ELEMENT

The Draft City of Clayton 2009 Housing Element is designed to address the projected housing needs of current and future City residents and to comply with state law requiring amendment of the Housing Element in 2009 (Section 65580–65589.8 of the Government Code). The 2009 Housing Element is the City's policy document guiding the provision of housing to meet future needs for all economic segments of Clayton, including housing affordable to lower-income households. The 2009 Housing Element identifies the policies and programs which the City will implement to ensure that housing in Clayton is affordable, safe, and decent. It addresses housing needs by encouraging the provision of an adequate quantity of sites designated for multi-family housing, by assisting in affordable housing development, and through the preservation and maintenance of existing affordable housing stock.

Amendment of the Housing Element is subject to CEQA. No specific development projects are proposed as part of the 2009 Housing Element. However, the 2009 Housing Element does propose changes in existing land use densities and land use regulations. These proposed changes include the following:

- The amendment of the Zoning Ordinance to allow manufactured houses, consistent with the requirements of state law.
- The amendment of the Zoning Ordinance to allow emergency shelters as a permitted used in the area that is currently designated Kirker Corridor in the City's General Plan and classified as Planned Development in the City Zoning Ordinance.
- The amendment of the Zoning Ordinance to explicitly allow both supportive and transitional housing types in all residential zones.
- The amendment of the Zoning Ordinance to allow for the development of single-room occupancy units (SROs) with a conditional use permit in the L-C (Limited Commercial) District and /or in the area that is currently designated Kirker Corridor.
- The amendment of the Zoning Ordinance to provide for a density bonus in accordance with the requirements of state density bonus law (SB 1818).

The 2009 Housing Element provides policies and implementation measures to encourage the development of affordable housing consistent with current General Plan objectives and policies. Zoning Ordinance changes associated with implementation of the 2009 Housing Element would be minor and mainly proposed to update the Zoning Ordinance to existing State requirements, which the City currently complies with.

2.2 OBJECTIVES OF THE 2009 HOUSING ELEMENT

The 2009 Housing Element contains the following goals:

- Goal 1: Provide for adequate sites and promote the development of new housing to accommodate Clayton's fair share housing allocation.

- Goal 2: To the extent feasible, remove governmental constraints for affordable and special needs housing.
- Goal 3: Increase housing opportunities for lower-income renters and first-time homebuyers.
- Goal 4: Ensure equal housing opportunities for all persons in Clayton regardless of age, race, religion, sex, marital status, national origin, color, disability, or other barriers that prevent choice of housing.
- Goal 5: Encourage and maintain energy efficiency in new and existing housing.
- Goal 6: Promote and participate in the resolution of housing, employment, and transportation issues on a regional basis in cooperation with all Contra Cost County jurisdictions.

Under each Housing Element Goal are the guiding policies and implementation measures associated with each goal that will be implemented during the 2009–2014 Housing Element period to accomplish the goal. Detailed descriptions of each guiding policy and program, as well as specific time frames, responsibility for programs, and funding sources, are provided in the City's Draft 2009 Housing Element.

2.3 ENVIRONMENTAL SETTING AND SURROUNDING LAND USES

The environmental setting consists of the areas located within the City limits of Clayton, which is located in central Contra Costa County southeast of the City of Concord. The City Planning Area covers some 9 square miles or 5,800 acres. The City of Clayton is positioned approximately 22 miles east of the San Francisco Bay.

2.4 OTHER APPROVALS REQUIRED

There are no other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement) for the proposed Housing Element. The State Department of Housing and Community Development reviews and certifies Housing Elements; however, its approval is not required for adoption by the City.

3.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by the 2009 Housing Element, as indicated by the checklist and corresponding discussion on the following pages.

☐ Aesthetics	☐ Agricultural Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use/Planning
☐ Mineral Resources	☐ Noise	☐ Population/Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities/Service Systems	☐ Mandatory Findings of Significance	

4.0 DETERMINATION

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Planner's Signature

Date

Planner's Printed Name

City of Clayton
Community Development Dept.

5.0 ENVIRONMENTAL CHECKLIST AND EVALUATION

5.1 EVALUATION OF ENVIRONMENTAL IMPACTS

1) A "No Impact" answer is adequately supported if the information shows that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses" may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a) Earlier Analysis Used. Identify and state where they are available for review.

    b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) The explanation of each issue should identify:

    a) The significance criteria or threshold, if any, used to evaluate each question; and

    b) The mitigation measure identified, if any, to reduce the impact to less than significant.

5.1 ENVIRONMENTAL CHECKLIST

I. AESTHETICS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Setting:

Clayton is a residential community which began as individual homes on large lots. The older, larger lots are responsible for much of the open space and vegetation of the community. Many design features that capture the character of Clayton can be found in these sites. This includes large trees and shrubs, unique residential design, open space vistas, stock fences, barns, long entryways to set back units and houses.

The scenic routes and corridors are those thoroughfares through Clayton indicated that have been selected due to the incidental and panoramic view of Mt. Diablo, the foothills surrounding Mt. Diablo and the border vegetation along the route.

- **Clayton Road** – This route extends from Kirker Pass Road to the Town Center.
- **Marsh Creek Road** – This route extends from the eastern limits of the planning area to the Town Center.
- **Concord Boulevard** – This route will extend from Kirker Pass Road to connect with Marsh Creek Road.

Clayton open space resources include public parks, publicly-owned open space, privately-owned open space and agricultural land uses. The City possesses greenbelts, which occur as a result of creek preservation and provide an elongated or linear space incorporated into natural land forms along creeks and other predominant natural features.

Discussion/Conclusion:

a) No Impact. The Clayton General Plan does not identify any scenic vistas within the City Planning Area. The 2009 Housing Element would not adversely affect a scenic vista. Therefore, no impact would occur.

b–c) Less Than Significant Impact. The proposed Housing Element is a policy-level document. While the Housing Element encourages the provision of a range of housing types and affordability levels, it does not include any specific designs or proposals, nor does it grant any entitlements for development that would degrade the existing visual character of the City. The Housing Element anticipates land uses that are consistent with the land use designations established by the General Plan. Future residential development projects will require compliance with the General Plan Open Space/Conservation Element policies related to aesthetic resources and Zoning Code requirements associated with planning and development regulations (Chapter 17.36). The strategies contained within the General Plan relative to urban design, pedestrian circulation, community and neighborhood identity would ensure physical, visual, and functional compatibility between residential and other uses, as well as encourage high-quality development in keeping with the desired character of the City.

In addition, subsequent residential development projects would be subject to a series of development standards documents which include the Tree Protection Ordinance (Chapter 15.70 of the City Municipal Code). The Tree Protection Ordinance contains recommendations to encourage the planting and retention of desirable trees to protect the beauty and ecological balance of the natural surroundings.

Implementation of the proposed Housing Element would result in less than significant impacts associated with the degradation of the visual character of the City.

d) Less than Significant Impact. As discussed under **b-c)** above the proposed Housing Element is a policy-level document that does not include any specific development designs or proposals, nor does it grant any entitlements for development that would increase daytime glare or nighttime illumination in the City. Future residential development projects within the City would be required to be designed and constructed in accordance with Zoning Code requirements associated with planning and development regulations (Chapter 17.36). Furthermore, light and glare impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, implementation of the proposed Housing Element would result in less than significant impacts associated with increased light and glare.

II. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☒	☐

Setting:

Many land owners in the Clayton planning area have entered into the Williamson Act contract with Contra Costa County. The contracts are self-perpetuating 10- year agreements that preclude non-agricultural development. Acres to the northeast and east of the City limits include rugged terrain that is primarily used as rangeland for livestock and other similar open uses. The City supports and encourages the continuation of agriculture in these areas. Given the low intensity of agricultural activities, the City encourages large lot zoning of at least 20 to 40 acres to ensure agriculturally viable sized lots.

The Important Farmland Map for Contra Costa County designates the entire City as "Urban and Built Up Land" and "Grazing Land". Urban and Built Up Land is defined as land occupied by structure with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. Common examples of land uses associated with this category include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures. Grazing land is land on which the existing vegetation is suited to the gazing of livestock.

Discussion/Conclusion:

a–b) No Impact. Future development consistent with housing need identified for the City would not result in the direct conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as these farmland categories do not exist within the City. The proposed Housing Element is a policy-level document that encourages the provision of a range

of housing types and affordability levels. It does not include any site-specific designs or proposals nor does it grant any entitlements for development that would convert agricultural lands to non-agricultural uses or place housing units adjacent to agricultural uses. The Housing Element anticipates land uses that are consistent with the land use designations established by the General Plan Land Use Element.

Therefore, impacts associated with the conversion of agricultural lands to non-agricultural uses, as well as impacts associated with conflicts with agricultural zoning and Williamson Act lands, would be considered to have no impact.

c) Less Than Significant Impact. The placement of non-agricultural uses adjacent to agricultural uses can result in agriculture-urban interface conflicts that inadvertently place growth pressure on agricultural lands to convert to urban uses. These conflicts include inconveniences or discomforts associated with dust, smoke, noise, and odor from agricultural operations, restrictions on agricultural operations (such as pesticide application) along interfaces with urban uses, farm equipment and vehicles using roadways, and trespassing and vandalism on active farms. The proposed Housing Element does not identify specific development. Although the Housing Element does identify the need for increased density as well as the need to change some land use regulations (see Section 2.1), the project does not involve the construction or expansion of residential development. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal.

Therefore, impacts associated with changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use would be considered less than significant.

III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Result in significant construction-related air quality impacts?	☐	☐	☒	☐
e) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
f) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

Setting:

Clayton is located in Contra Costa County, which is in the eastern region of the San Francisco Bay Area Air Basin. Air quality in Clayton is primarily determined by meteorologic and topographic conditions. Clayton is located in the upper reaches of Clayton Valley. In general, valleys with box-end configurations such as this have a greater susceptibility to poor air quality because they tend to trap air and usually there is a greater potential for temperature inversions.

Since surrounding ridges and mountains block winds, these areas lack the flushing action that winds give to coastal and estuarine areas. The air pollution potential of the Clayton vicinity is mostly influenced by air quality in the adjacent Concord area. Concord is particularly susceptible to air pollution due to regional airflow patterns in conjunction with upwind emission sources. When southwesterly or northwesterly winds occur, pollutants from the South Bay/Livermore area or North Bay are carried into the Concord area. South-southwesterly winds predominate about 40 percent of the time while northwesterly winds occur five percent – 10 percent of the time. Pollutant concentrations can also increase further during relatively calm periods because of local emission sources. Calm conditions occur about 30 percent of the time (City of Clayton, 2000). Depending on meteorological conditions at the time, pollutants in the

Concord area would tend to migrate and possibly accumulate in the upper portion of the Clayton Valley.

The Bay Area Air Quality Management District (BAAQMD) is responsible for establishing and enforcing local air quality rules and regulations that address the requirements of federal and state air quality laws. Currently, the San Francisco Bay Area Air Basin is designated as nonattainment for the federal 8-hour and 1-hour ozone standard, the state 1-hour ozone standard, and the state PM_{10} and $PM_{2.5}$ standards.

The California Clean Air Act (CCAA) of 1988 requires the air districts to endeavor to achieve and maintain the state ambient air quality standards by the earliest practicable date and develop plans for attaining the state air quality standards. In 1999 the BAAQMD, Association of Bay Area Governments (ABAG), and the Metropolitan Transportation Commission (MTC) adopted the 1999 Ozone Attainment Plan (OAP), which was submitted to the California Air Resources Board (ARB) in June 1999. The OAP is the Bay Area's portion of California's State Implementation Plan to achieve the national ozone standard. The 2000 Bay Area Clean Air Plan (CAP) is a plan to reduce ground-level ozone levels in the San Francisco Bay Area and attain the state 1-hour ozone standard. The California Clean Air Act (CCAA) requires all air districts exceeding the state ozone standard to reduce pollutant emissions by five percent per year, calculated from 1987, or achieve emission reductions through all feasible measures. The CCAA further requires that the CAP be updated every three years.

The federal Environmental Protection Agency (EPA) made a final finding in April 2004 that the BAAQMD had attained the national 1-hour ozone standard. As a result, certain planning commitments outlined in the 2001 OAP were no longer required. While the EPA has prepared a finding of attainment for the region, the Bay Area has not been formally reclassified as an attainment area for the 1-hour standard. In order to be reclassified as an attainment area, the region must submit a redesignation request to the EPA.

Discussion/Conclusion

a) ***Less Than Significant Impact.*** A project would conflict with or obstruct implementation of the regional air quality attainment plans (The Bay Area Clean Air Plan and/or the Ozone Attainment Plan) if it is inconsistent with the growth assumptions, in terms of population, employment, or regional growth in vehicle miles traveled. These population forecasts are developed, in part, on data obtained from local jurisdictions and projected land uses and population projections identified in community plans. Projects that result in an increase in population growth that is inconsistent with local community plans would be considered inconsistent with the Bay Area Clean Air Plan and the Ozone Attainment Plan.

Certain policies in the Housing Element propose changes to existing densities, as well as changes to land use regulations. However, those policies do not include any specific development designs or proposals, nor do they grant any entitlements for development. The proposed Housing Element does not identify specific development. Although the Housing Element does, for example, identify the need to allow emergency shelters as permitted uses in the area that is currently designated Kirker Corridor as well as the need to amend the Zoning Ordinance to explicitly allow both supportive and transitional housing types in all residential zones (see Section 2.1), the project does not involve the construction or expansion of residential development. All future development would be required to be in accordance with local regulations, including the General Plan and Zoning Ordinance. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Furthermore, future residential development

projects will require compliance with General Plan objectives and policies related to air quality, including objectives and policies intended to reduce the consumption of fossil fuels and the use of private motor vehicles (Circulation Element Objectives 7 and 10). Therefore, impacts associated with obstructing implementation of the regional air quality attainment plan would be less than significant.

b–d) Less Than Significant Impact. All ambient air quality standards except national standards for ozone and the state standards for ozone and PM are met in the Clayton area. The state ambient standards of ozone and PM are sometimes exceeded (CARB, 2009). Future development of housing units facilitated by the proposed Housing Element could result in an increase in criteria pollutants during both construction and operational activities and could also contribute substantially to the existing nonattainment status of the San Francisco Bay Area Air Basin. Construction activities such as excavation and grading operations, construction vehicle traffic, and wind blowing over exposed earth could generate exhaust emissions and fugitive particulate matter emissions that would affect local air quality. This is variable depending on the weather, soil conditions, and the amount of activity taking place, as well as the nature of dust control efforts. Likewise, operational air quality impacts are dependent on the types of land uses and mitigation being used.

The proposed Housing Element does not include any specific development designs or development proposals, nor does it grant any entitlements for development. Certain policies in the Housing Element propose changes to existing land use densities and land use regulations. All future development would be required to be in accordance with local regulations, including the General Plan and Municipal Code. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Furthermore, future residential development projects will require compliance with General Plan policies related to air quality.

The proposed Housing Element would have less than significant impacts associated with contributing substantially to an existing or projected air quality violation and increasing criteria pollutants during both construction and operational activities.

e) Less than Significant Impact. Housing units facilitated by the proposed Housing Element would be considered sensitive receptors that could be exposed to pollutant concentrations. However, as discussed under **a)** and **b–d)** above, the proposed Housing Element does not include any specific development designs or development proposals, nor does it grant any entitlements for development. Future residential development would be required to comply with General Plan policies related to air quality, conform to both the Bay Area Clean Air Plan and the Ozone Attainment Plan, and meet National Ambient Air Quality Standards (NAAQS) and BAAQMD thresholds during both construction and operational activities. Therefore, the proposed Housing Element would have less than significant impacts associated with exposing sensitive receptors to pollutant concentrations.

f) No Impact. Residential developments are not considered to be an emission source that would result in objectionable odors. No impact would occur.

IV. BIOLOGICAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐

Setting:

Despite being mostly urbanized, the Clayton Planning Area includes natural resources. Natural resources in Clayton include creek channels, open space, and agricultural land uses. Creeks provide water resources, visual open space corridors, and riparian habitat for a variety of species. The City's waterways are an important natural resource and open space amenity within the community.

Discussion/Conclusion:

a) Less Than Significant Impact. Future residential development projects consistent with the 2009 Housing Element could result in impacts to biological resources. Site-specific field studies are generally required to search for special-status species and to determine whether suitable habitat for any special-status species occurs on or near a study area. The proposed Housing Element is a policy-level document. While it encourages the provision of a range of housing types and affordability levels, it does not include any specific development designs or development proposals, nor does it grant any entitlements for development. Although the Housing Element does propose changes to existing densities and land use regulations, it does not involve the construction or expansion of any residential land uses. All future residential development occurring within the City would be required to be in accordance with local regulations, including General Plan Open Space/Conservation Element Objectives 1 and 3 and associated implementation measures. Objective 1 seeks to promote the City's greenbelts as the basis of its open space system while Objective 3 seeks to establish open space conservation to preserve natural resources/

Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, adverse impacts to special-status plant and animal species, as well as their habitats, would be less than significant.

b–c) Less than Significant Impact. Future residential development within the City could result in adverse impacts to sensitive natural communities such as riparian habitat and federally protected wetlands. As discussed under **a)** above, the proposed Housing Element does not include any specific development designs or development proposals, nor does it grant any entitlements for development. While the 2009 Housing Element does propose changes to existing land use densities and land use regulations, future residential development projects will be required to comply with the federal Clean Water Act (CWA) Section 404, which regulates the discharge of dredged and fill materials into waters of the United States. *Waters of the United States* refers to oceans, bays, rivers, streams, lakes, ponds, and wetlands. Development applicants must obtain a permit from the U.S. Army Corps of Engineers (Corps) for all discharges of dredged or fill material into waters of the United States, including wetlands, before proceeding with a proposed activity.

Therefore, adverse impacts to federally protected wetlands and riparian resources would be less than significant.

d) Less than Significant Impact. As discussed under **a)** above, the proposed Housing Element is a policy-level document and while it proposes changes to existing land use densities and land use regulations, it does not include any site-specific designs or development proposals, nor does it grant any entitlements for development. The potential for the proposed Housing Element to impede native resident or migratory wildlife corridors or the uses of wildlife nursery sites cannot be determined as no specific details regarding future land use development are provided. While additional impacts may result from the implementation of future individual residential projects within the areas of the City affected by the Housing Element's proposed regulatory changes (see Section 2.1 of this document), environmental review would be required of these future proposals and would identify and provide mitigation for any impacts to native wildlife corridors and nursery sites. Therefore, impacts would be less than significant.

e) No Impact. Currently, there are no ordinances protecting biological resources in the City (other than General Plan policies). However, as discussed under **a–d)** above, the proposed

Housing Element does not include any specific development proposals, nor does it grant any entitlements for development that would affect biological resources. Therefore, the proposed Housing Element would not conflict with any local policies or ordinances protecting biological resources.

f) Less than Significant Impact. The East Contra Costa County Habitat Conservancy is a joint exercise of powers authority formed by the Cities of Brentwood, Clayton, Oakley and Pittsburg and Contra Costa County to implement the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP or Plan). The HCP/NCCP provides a framework to protect natural resources in eastern Contra Costa County, while improving and streamlining the environmental permitting process for impacts on endangered species. The Plan will allow Contra Costa County, the Contra Costa County Flood Control and Water Conservation District, the East Bay Regional Park District and the Cities of Brentwood, Clayton, Oakley, and Pittsburg (collectively, the Permittees) to control endangered species permitting for activities and projects in the region that they perform or approve. The Plan also provides for comprehensive species, wetlands, and ecosystem conservation and contributes to the recovery of endangered species in northern California.

Under the HCP/NCCP, the U.S. Fish and Wildlife Service and the California Department of Fish and Game have provided regional permits to the Cities of Brentwood, Clayton, Oakley, and Pittsburg and Contra Costa County. These land use agencies may extend permit coverage to project applicants within their jurisdictions. Instead of seeking endangered species permits from the state and federal agencies, project proponents will now acquire their endangered species approvals from their local land use planning agency. The regional permits will also be used for public infrastructure projects throughout eastern Contra Costa County. Therefore, the proposed Housing Element would have a less than significant impact on the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan.

V. CULTURAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Setting:

Northern California has been occupied for at least the last 10,000 years. The early inhabitants have been identified as the Paleo Indians who were nomadic, using primarily large pointed tools for hunting and collecting seafood. It is assumed that the Bay Area was inhabited from 5,000 to 10,000 years ago; however, no sites have been identified.

With the sea level stabilizing, the Bay and Delta were substantially formed. The subsistence pattern of the early inhabitants shifted with emphasis placed on acorn processing and hunting. Trade increased and tools and ornaments were more abundant as well as more refined. Between 2,000 and 5,000 years ago, cultural patterns were established in large villages along the shoreline and inland permanent streams throughout the Bay Area. The population grew rapidly and a complex society developed.

The beginning of the cultures that were in place at contact with the Spanish was approximately 1,500 years ago. This period saw the continuation of the growth of economic specialization and the introduction of the bow and arrow. The three groups that inhabited Contra Costa County, the Coastanoan (Ohlone), Bay Miwok and the Northern Valley Yokuts, established their territorial boundaries. Prehistoric evidence indicates that perhaps the Yokuts were the last to arrive in the Bay Area. The Coastanoans inhabited the western hills, plains and the bay shore from Carquinez south to Salinas. All of the village sites were associated with a permanent source of fresh water.

The Bay Miwok settled along the western slopes of the Diablo range, the inland valleys and on the northern coastal plains. Their largest villages were located in the San Ramon Valley. The Northern Valley Yokuts settled along the eastern slopes of the Diablo range to the San Joaquin River. Their primary villages were along the San Joaquin River with only scattered use of the eastern plains and smaller secondary villages in the inland valleys. In 1776 Mission Dolores was established in San Francisco. Cultural subjugation, plagues and the subdivision of the area into ranches largely destroyed Native American lifestyles.

Many historical structures in the County are also listed on the National Register of Historic Places, as well as with the State of California Office of Historic Preservation. Many communities have also established architectural standards or forms of regulation or controls, such as zoning, which require preservation of historical structures and landmarks during the development process.

Discussion/Conclusion:

a–d) Less than Significant Impact. Future residential development within the City could conflict with existing known cultural and historical resources in the City. In addition to "known" resource areas, there is the potential that there are undiscovered paleontological and archeological resources that would be encountered and potentially impacted by future construction activities. These resources could include human remains located outside of cemeteries. The Housing Element is a policy-level document. While the Housing Element encourages the provision of a range of housing types and affordability levels, it does not include any specific development designs or proposals, nor does it grant any entitlements for development that would adversely affect archaeological, paleontological, or historic resources. While the Housing Element does propose changes to existing land use densities and land use regulations, it does not involve the construction or expansion of any residential land uses. All future residential development occurring within the City would be required to be in accordance with local regulations, including the General Plan Community Design Element.

Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal.

Therefore, impacts to cultural resources, including archaeological, paleontological, and historic resources, as well as human remains, are considered less than significant.

VI. GEOLOGY AND SOILS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Setting:

The undeveloped regions of Clayton contain a number of potential geological hazards. These include slopes with unstable expansive soil, high erosion potential, evidence of springs, mudflow potential, rockslide potential and evidence of significant creep.

The probability of an earthquake originating in Contra Costa County that is "felt indoors" is low to intermediate. Solid ground or rock tends to lessen ground motion due to earthquakes, while

poorly consolidated or water-saturated soils tend to amplify it. The probability of earthquake effect must be measured against the bedrock and soils outlined above. Areas sitting on hard bedrock, such as the Mt. Diablo range, can be expected to perform satisfactorily under earthquake conditions, except where steep slopes, exposed or sheared surfaces and relatively unconsolidated soils might make slumping or landslides possible. The potential for physical effects is more highly probable as a result of earthquakes originating outside the County.

The most critical faults locally, according to the City of Clayton General Plan, are the San Andreas, Calaveras and Hayward faults, due to their recent activity and energy potential. Nevertheless, the Antioch and Concord faults recently have produced damaging earthquakes, the latter with a 5.4 magnitude in 1955. Prominent faults of undetermined status include the Pinole, Bollinger, Las Trampas, Frankling, South Hampton, Clayton- Marsh Creek, Midland, and Mt. Diablo Faults. These faults have shown inconclusive signs of activity or are associated with geologic processes and features which could result in earthquakes.

In addition there is a system of radial and concentric faults surrounding Mt. Diablo not known to be active but were created by the mountain uplift. This process still continues and its effects may become more pronounced. The Concord fault is known to be active. It is a creeping fault, and small to moderate quakes are possible along the fault, with the capability of a 7+ magnitude.

Clayton Valley does contain alluviated areas which could amplify ground shaking in the event the Concord fault shifts. The entire area is considered seismically active. Soil types, topography and bedrock may serve to heighten risk or dampen it. The presence of contained water bodies within these seismically active areas raises seiches as potential hazards. The Clayton fault is not classified as active; however, there is preliminary evidence that the fault may have displaced recent landslide materials. Due to this the fault should be treated as active unless evidence proves otherwise. The fault does not fall within the Alquist-Priolo requirements.

Discussion/Conclusion:

a)

i-iii) ***Less than Significant Impact.*** The Housing Element includes policies and implementation measures designed to facilitate the construction and conservation of housing which could increase exposure of people and structures to seismic hazards, including rupture of a fault, strong seismic shaking, and seismic-related ground failure. However, the Housing Element is a policy-level document that encourages the provision of a range of housing types and affordability levels rather than identifying any specific designs or development proposals. While the Housing Element does propose changes to land use densities and regulations, it does not involve the construction or expansion of any residential land uses. All future residential development occurring within the City would be required to be in accordance with local regulations, including the General Plan and Zoning Ordinance. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal.

In addition, future residential development projects would be required to comply with the General Plan Safety Element. For instance, Policy 2c of the Safety Element requires soils/geologic studies for any areas with potential risk of ground failure prior to development. Policy 3c requires a review of the placement of structures and facilities in areas of geologic hazard and the effects of construction and operation of those facilities and Policy 5b requires identification and mitigation studies prior to development where there is probable cause to assume the location of a fault. Furthermore, Policy 6b requires the identification of areas susceptible to liquefaction.

In addition, all future residential developments would be required to conform to Uniform Building Code (UBC) requirements that are intended to be sufficient to prevent significant damage from ground shaking during seismic events.

Therefore, impacts related to seismic hazards would be considered less than significant.

iv) *Less than Significant Impact.* Landslides are most likely on hillsides where rock strata parallels surface slopes, high clay content absorbs excess water, displacement has fractured a fault zone, or the base of a slope has been removed by erosion or people. Landslides are unlikely to occur where slopes are less than 15 percent. General Plan Safety Element Policies 1a and 1b evaluate extensions of land uses into areas characterized by slopes of 15 percent and/or slopes indicating instability through geologic studies with regard to the safety hazard prior to land use decisions and restrict development on slopes over 26 percent as they are not suitable for types of development that require extensive grading or other land disturbance without adequate analysis respectively. Policy 1d requires hillside lots to be designed to provide a stable, buildable site and driveway and parking location.

Therefore, impacts associated with landslides are considered to be less than significant.

b) Less than Significant Impact. Future construction within the City would result in the moving and grading of topsoil, which would lead to disturbed soils that are more likely to suffer from erosion from a variety of sources, such as wind and water. As discussed under **a) i–iii)** above, the proposed Housing Element is a policy-level document that does not propose any specific development and does not directly result in adverse impacts associated with substantial loss of topsoil or erosion. Any future residential developments would be subject to Chapter 15.60, Grading Rules and Regulations, of the City Municipal Code, which sets forth regulations for control of land disturbances, excavation, grading, earthwork construction, including fills or embankments, soil storage, and all related land development work. Chapter 15.60 requires development proposals to submit two sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report plus any additional material which the City deems necessary to show conformance of the proposed grading with the requirements of the Municipal Code.

Since the proposed Housing Element does not involve the construction or expansion of any residential land uses, identification of environmental impacts associated with specific future developments or policies would be speculative at this time. Therefore, erosion impacts resulting from the proposed Housing Element would be less than significant.

c–d) Less than Significant Impact. Future residential development on unstable or expansive soils could create substantial risks to life or property and result in adverse impacts such as on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse. As discussed under **a) I–III)** above, the proposed Housing Element is a policy-level document that does not propose any specific development. While the Housing Element does propose changes to land use densities and changes to land use regulations, it does not involve the construction or expansion of any residential land uses. All future residential development occurring within the City would be required to be in accordance with local regulations, including Chapter 15.60 of the Municipal Code which states that development proposals must perform a soils engineering report and engineering geology report plus any additional material which the City deems necessary to show conformance of the proposed grading with the requirements of the Municipal Code.

In addition, environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific

development proposal. Therefore, impacts resulting from the proposed Housing Element associated with unstable and/or expansive soils would be less than significant.

e) ***No Impact.*** The Housing Element includes policies and programs designed to facilitate the construction and conservation of housing. The Central Costa County Sanitation District provides wastewater collection and treatment services within the City limits. No septic or alternative wastewater systems would be installed as a result of the proposed project. Therefore, no impacts would occur.

VII. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Setting:

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or if it has characteristics defined as hazardous by such an agency. According to California Health and Safety Code Section 25501(o), "Hazardous material" means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the administering agency has a reasonable basis for believing would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment. Searches of the Department of Toxic Substance Control's EnviroStor database (DTSC, 2009) and the State Water Resources Control Board Geotracker database (SWRCB, 2009) identified eight hazardous material sites in Clayton that are associated with a hazardous material related release or occurrence.

There are no airport-related facilities in the City limits of Clayton.

Discussion/Conclusion:

a–d) Less Than Significant Impact. Future development of residential housing units consistent with the Housing Element could create a significant hazard to future residents through exposure to the routine transport, use, or disposal of hazardous materials, through exposure to reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, through exposure from the handling or emission of hazardous materials, or by locating residential development on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, impacts associated with hazardous materials would be dependent on the location of future residential development and the nature of surrounding land uses. The proposed Housing Element is a policy-level document that encourages the provision of a range of housing types and affordability levels, but does not include any specific development designs or development proposals, or grant any entitlements for development.

The Contra Costa County Hazardous Materials Division, which is the Certified Unified Program Agency (CUPA) for Clayton, issues permits to and conducts inspections of businesses that use, store, or handle quantities of hazardous materials and/or waste greater than or equal to 55 gallons, 500 pounds, or 200 cubic feet of a compressed gas at any time. The Contra Costa County Hazardous Materials Division also implements the Hazardous Material Management Plans (Business Plans) that include an inventory of hazardous materials used, handled, or stored at any business in the City of Clayton. The Contra Costa County Hazardous Materials Division also issues permits to and inspects businesses that handle acutely hazardous materials, such as those used in research and development facilities, and helps local fire departments respond to emergencies involving hazardous materials.

The City of Clayton regulates hazardous materials in coordination with other state and local agencies (e.g., Department of Toxic Substance Control and The County of Santa Clara Department of Environmental Health).

Additionally, residential developments do not generally include the routine transportation, use, or disposal of hazardous materials that could create a significant hazard to the public. Therefore, the proposed Housing Element would not create a significant hazard to the public or the environment regarding the transport, storage, use, and disposal of hazardous materials.

e–f) ***Less Than Significant Impact.*** Airport-related hazards are generally associated with aircraft accidents, particularly during takeoffs and landings. Airport operation hazards include incompatible land uses, power transmission lines, wildlife hazards (e.g., bird strikes), and tall structures that penetrate the imaginary surfaces surrounding an airport. As discussed under **a–d)** above, the proposed Housing Element is a policy-level document that does not propose any specific development. While the proposed Housing Element does identify the need for increased density, it does not provide specific details regarding specific future development. Furthermore, the City is not located within an airport comprehensive land use plan. Therefore impacts resulting from the proposed Housing Element associated with airport-related hazards would have a less than significant impact.

g) ***Less Than Significant Impact.*** The City does not have a specific adopted emergency response or evacuation plan. Fire protection services are provided by the Contra Costa Fire District. A station is located on Mitchell Canyon and Clayton Road. Medical emergency services are provided by the Contra Costa Fire District, ambulances and two hospitals. As discussed under **a–d)** above, the proposed Housing Element is a policy-level document that does not propose any specific development. While the Housing Element does propose changes to existing land use densities and land use regulations, it does not involve the construction or expansion of any residential uses. All future residential development occurring within the City would be required to be in accordance with local regulations, including the General Plan and Municipal Code. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, impacts resulting from inconsistencies with adopted emergency response plans would be less than significant.

h) ***No Impact.*** The California Department of Forestry and Fire Protection, Natural Hazard Disclosure (Fire) map shows that the City does not contain any land designated as "Wildland Area That May Contain Substantial Forest Fire Risks and Hazards" or as a "Very High Fire Hazard Severity Zone – AB 337" (CalFire, 2000). Therefore, no wildland fire impacts would occur.

VIII. HYDROLOGY AND WATER QUALITY **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☒	☐
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐

VIII. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐

Setting:

The principal stream running through Clayton is Mt. Diablo Creek. It originates on the steep north slopes of the 3,849 foot Mt. Diablo. Mt. Diablo Creek drains a watershed of approximately 30 square miles. It flows northerly and westerly through the cities of Clayton and Concord, the Concord Naval Weapons Station and eventually empties into Suisun Bay. In the City of Clayton, Mt. Diablo Creek is joined by Donner and Mitchell creeks, both of which originate on the slopes of Mt. Diablo and by Peacock Creek, which flows from the Keller Ridge.

Flooding has occurred from Mt. Diablo Creek in the Town Center area of Clayton and in the flood plain between Clayton Road and Kirker Pass Road. The major floods affecting this area occurred in 1938, 1952, 1955 and 1963. The 1955 and 1963 floods both were estimated as 25-year floods. Despite these occurrences, Mt. Diablo Creek is not considered a creek with a high flood history. Part of the reason for this is due to the long flood plain between Mt. Diablo slopes and the City limits that serves to slow down velocity and delay peak flows.

A large portion of the Planning Area is located in a Zone X designation, or areas determined by the Federal Emergency Management Agency (FEMA) to be located outside a 100-year floodplain. However, many portions of the City Planning Area are located in a Zone AE designation, or areas determined by FEMA to be subject to inundation by the one-percent-annual chance flood event determined by detailed methods. Mandatory flood insurance purchase requirements and floodplain management standards apply to residences within these areas, which include lands adjacent to Mt. Diablo Creek and Mitchell Creek.

The City of Clayton partially overlies the Clayton Valley Groundwater Basin.

Discussion/Conclusion:

a) and f) ***Less than Significant Impact.*** Future residential development within the City could result in both construction and operational impacts to water quality and discharge standards. Potential operational impacts include the use of fertilizers, herbicides, and pesticides to maintain lawns, as well as motor vehicle operation and maintenance. Potential construction impacts include grading and vegetation removal activities that would result in the exposure of raw soil materials to the natural elements (wind, rain, etc.). However, the purpose of the proposed Housing Element is to identify the policies and programs which the City will implement to ensure that housing in Clayton is affordable, safe, and decent. The proposed Housing Element is a policy-level document that does not include any specific design or development proposals, nor does it grant any entitlements for development. Therefore, identification and analysis of water quality impacts associated with the proposed Housing Element would be speculative at this time. While the Housing Element does propose changes to existing land use densities and

changes to land use regulations, it does not involve the construction or expansion of any residential land uses. All future residential development occurring within the City would be required to be in accordance with local regulations, including the General Plan Open Space/Conservation Element (Policies 1a, 3b, and 3e). Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal.

In addition, all new development projects in the City are subject to the requirements of the National Pollution Discharge Elimination System (NPDES) Stormwater Permit enforced by the Regional Water Quality Control Board (RWQCB). The permit requires that the City impose water quality and watershed protection measures for all development projects and prohibits discharges from causing violations of applicable water quality standards or from resulting in conditions that create a nuisance or water quality impairment in receiving waters. Any future residential developments would be subject to Chapter 15.60 of the Municipal Code which establishes administrative procedures, standards for review, and implementation and enforcement procedures for controlling erosion, sedimentation, other pollutant runoff, and the disruption of existing drainage and related environmental damage. Chapter 15.60 requires that prior to grading activities, a detailed set of plans be developed that include measures to minimize erosion, sediment, and dust created by improvement activities.

Therefore, water quality and waste discharge impacts would be less than significant.

b) No Impact. All domestic and commercial water in Clayton is supplied by the Contra Costa Water District. The major sources of water are the Sacramento River and the Sacramento River via the Contra Costa Water District Canal (City of Clayton, 2000). As discussed under **a)** and **f)** above, the proposed Housing Element does not identify any specific development or grant any entitlements for development. Furthermore, the City of Clayton does not use groundwater for its municipal water supply. Therefore, there would be no impact.

c–e) Less than Significant Impact. The proposed Housing Element encourages the development of a range of housing types at varying affordability levels within Clayton. If development of housing units were to occur in previously undeveloped areas, increased impervious surfaces and grading and vegetation removal activities could increase surface runoff and could therefore exceed the capacity of existing stormwater drainage systems and increase the potential for localized flooding and/or erosion. However, the proposed Housing Element is a policy-level document that does not include any specific designs or development proposals, nor does it grant any entitlements for development. While the Housing Element does propose changes to existing land use densities and changes to land use regulations, it does not involve the construction or expansion of any residential land uses. All future residential development occurring within the City would be required to be in accordance with local regulations, including the General Plan and Municipal Code. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal.

Future residential development projects in the City are subject to the requirements of NPDES Stormwater Permit enforced by RWQCB. The permit requires that the City impose water quality and watershed protection measures for all development projects and prohibits discharges from causing violations of applicable water quality standards or from resulting in conditions that create a nuisance or water quality impairment in receiving waters. A key component of the NPDES permit is the implementation of the Stormwater Quality Improvement Plan (SQIP) for the City, which requires stormwater quality treatment and/or best management practices (BMPs) in project design for both construction and operation. Compliance with the provisions of the

NPDES, BMPs, as well as Chapter 15.60 of the Municipal Code, which establishes administrative procedures, standards for review, and implementation and enforcement procedures for controlling erosion, sedimentation, other pollutant runoff, and the disruption of existing drainage and related environmental damage. Chapter 15.60 requires that prior to grading activities, a detailed set of plans be developed that include measures to minimize erosion, sediment, and dust created by improvement activities.

Therefore, the proposed Housing Element would not result in significant impacts to drainage or runoff as no development is proposed and future development envisioned by the Housing Element would be subject to the regulations discussed above.

g–h) Less than Significant Impact. Portions of the City are located within the FEMA-designated 100-year flood zone. However, as discussed under **a–f)** above, the proposed Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development. Future development projects would be subject to General Plan policies that regulate land uses in flood-prone areas and allow development in those areas only with appropriate mitigation (Safety Element Policies 8b, 8d, and 9a). In addition Chapter 15.58 of the City Municipal Code seeks to regulate for the flood protection of properties adjacent to City waterways. Therefore the proposed Housing Element would not place structures within a 100-year flood zone and impacts would be less than significant.

i) No Impact. The City is not located downstream of any existing dam structures. Furthermore, in California, the Department of Water Resources, Division of Dam Safety is responsible for ensuring that all dams meeting certain criteria must satisfy stringent design criteria covering all possible conditions that could affect the dam, including earthquakes and flood events, without considering probability factors. Therefore, dams are designed to withstand the largest and strongest earthquake that could conceivably affect them. Similarly, dams are required to withstand the largest possible flood that could occur, which is referred to as the maximum probable flood. Since the Project would not otherwise affect the structural integrity of an existing dam's structure or substantially add to the risk of dam failure, no impact is expected to occur.

j) Less than Significant Impact. Tsunamis originating in the Pacific Ocean would dissipate in the San Francisco Bay, thereby posing a negligible hazard to the City because of its inland location. Consequently, potential hazards associated with water waves are not likely. As discussed previously, the proposed Housing Element is a policy level document that does not propose any specific development. While the proposed Housing Element does encourage housing consistent with General Plan land use designations and does identify the need to consider increased density and the adequacy of the City's sites designated for residential uses, it does not provide specific details regarding future land use decisions. All future residential development occurring within the City would be required to be in accordance with local regulations, including the General Plan and Zoning Code. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, this impact is considered to be less than significant.

IX. LAND USE AND PLANNING Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☒	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☒	☐

Setting:

Clayton is a residential community which began as individual homes on large lots. While the City is predominantly residential, there are commercial, park, and public lands. In addition, there are institutional uses such as elementary schools, parks, and other public entities.

Discussion/Conclusion:

a–b) Less than Significant Impact. The Housing Element is consistent with the land uses envisioned in the General Plan and would not remove policies that currently protect environmental resources. The Housing Element is a policy-level document that encourages the provision of a range of housing types and affordability levels. The proposed Housing Element does not include any specific development proposals, nor does it grant any entitlements for development. The Housing Element anticipates land uses that are consistent with the land use designations established by the General Plan Land Use Element. Future residential development projects will require compliance with General Plan policies related to land use and Zoning Ordinance requirements associated with zoning districts, allowable uses, and development standards. While the Housing Element does propose changes to existing land use densities and land use regulations, it does not involve the construction or expansion of any residential land uses. All future residential development occurring within the City would be required to be in accordance with local regulations, including the General Plan and Municipal Code. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, land use impacts would be less than significant.

c) Less Than Significant Impact. The East Contra Costa County Habitat Conservancy is a joint exercise of powers authority formed by the Cities of Brentwood, Clayton, Oakley and Pittsburg and Contra Costa County to implement the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan (HCP/NCCP or Plan). The HCP/NCCP provides a framework to protect natural resources in eastern Contra Costa County, while improving and streamlining the environmental permitting process for impacts on endangered species. The Plan will allow Contra Costa County, the Contra Costa County Flood Control and

Water Conservation District, the East Bay Regional Park District and the Cities of Brentwood, Clayton, Oakley, and Pittsburg (collectively, the Permittees) to control endangered species permitting for activities and projects in the region that they perform or approve. The Plan also provides for comprehensive species, wetlands, and ecosystem conservation and contributes to the recovery of endangered species in northern California.

Under the HCP/NCCP, the U.S. Fish and Wildlife Service and the California Department of Fish and Game have provided regional permits to the Cities of Brentwood, Clayton, Oakley, and Pittsburg and Contra Costa County. These land use agencies may extend permit coverage to project applicants within their jurisdictions. Instead of seeking endangered species permits from the state and federal agencies, project proponents will now acquire their endangered species approvals from their local land use planning agency. The regional permits will also be used for public infrastructure projects throughout eastern Contra Costa County. Therefore, the proposed Housing Element would have a less than significant impact on the East Contra Costa County Habitat Conservation Plan / Natural Community Conservation Plan.

X. MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Setting:

Mineral extraction is important in Contra Costa County, as in other counties, because minerals such as crushed rock, sand, among others, supply the necessary components for local home building as well as for a diverse array of other industries. As such, the mineral industry is responsible for significant employment within the County.

To protect valuable mineral resources in California, the State Legislature has adopted the Surface Mining and Reclamation Act (SMARA), which includes a process called "classification-designation." The purpose of this process is to provide local agencies with information about the location, need and importance of various mineral resources within their jurisdiction, and to ensure this information is used in local land use decisions. The first mineral commodity which has been researched and designated by the State in each county is "construction aggregate," which includes sand, gravel and crushed rock.

The most important mineral resources that are currently mined in the County include crushed rock near Mt. Zion, on the north side of Mt. Diablo, in the Concord area; shale in the Port Costa area; and sand and sandstone deposits, mined from several locations, but focused in the Byron area of southeast County.

Discussion/Conclusion:

a–b) ***No Impact.*** No significant mineral resources have been identified in Clayton, nor does it contain any mineral extraction activities. The City is not designated as containing any minerals of regional or local importance. Therefore, no impact to mineral resources would occur.

XI. NOISE Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

Setting:

The sources of adverse noise in Clayton can be separated into two categories, mobile (or line) sources, and fixed point sources. The mobile sources include the major through streets and, in particular, the route followed by the gravel trucks from the Lone Star Industries Quarry. Truck and automobile traffic are the most common sources of noise in the City, and the predominate source of this noise that of the gravel trucks going to and from the quarry.

The two most prominent fixed point sources of noise in the Clayton area are located outside the Clayton city limits. They include the Concord Pavilion and the Lone Star Quarry. In both cases the City limits are over 1,000 feet away (City of Clayton, 2000). Vibration from the Concord Pavilion can be heard in the evenings when the performers use powerful amplifying equipment. The configuration of the land may magnify the problem for Clayton residents somewhat distant from the source, while Concord residents in homes close to the Concord Pavilion may find the problem more acute. The nature of future programming, including the type of entertainment, amplification of the sound, and the positioning of loudspeakers, promises to influence the extent of this problem.

Discussion/Conclusion:

a–d) ***Less Than Significant Impact.*** The proposed Housing Element encourages the provision of a range of housing types and affordability levels. Housing is not considered a major source of noise in the City, but placing housing adjacent to major sources of noise could expose people to temporary or permanent noise levels in excess of standards established in the City General Plan. However, the Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development. Future residential development projects will require compliance with General Plan policies and implementation programs related to noise and vibration standards (Noise Element Policies 1a through 3e). While the Housing Element does propose changes to existing land use densities and land use regulations, it does not involve the construction or expansion of any residential land uses. All future residential development occurring within the City would be required to be in accordance with local regulations, including the General Plan and Municipal Code. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, adverse impacts related to a temporary or permanent increase in noise levels would be less than significant.

e–f) ***Less than Significant Impact.*** As discussed under **a–d)** above, the proposed Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development that would expose people to excessive noise levels. Future development projects would be subject to the General Plan regarding noise sources. Therefore, impacts would be less than significant.

XII. POPULATION AND HOUSING Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Setting:

The City of Clayton is located in central Contra Costa County southeast of the City of Concord. The City Planning Area covers some 9 square miles or 5,800 acres. The City of Clayton is positioned approximately 22 miles east of the San Francisco Bay. According to the City of Clayton General Plan Housing Element, the City had a 2000 population of 10,762 representing an increase of 47.1 percent over the population reported in the 1990 Census.

In 1970, Clayton was a small town with only 354 housing units, all of which were single-family homes. During the 1970's, the City underwent dramatic change. In the mid-1970's, Clayton constructed its first large subdivision development. As a result of increase development throughout the 1970's housing stock nearly quadrupled to 1,377 housing units by 1980. The 1980s witnessed the annexation of several existing unincorporated neighborhoods which together added approximately 700 housing units to the City. The 1990's saw the approval/development of over 1,700 residential units.

Discussion/Conclusion:

a) Less Than Significant Impact. The proposed Housing Element contains housing goals intended to encourage housing to meet the City's affordable housing needs and would therefore accommodate growth rather than induce it. Furthermore, the proposed Housing Element is a policy-level document that encourages the provision of a range of housing types and affordability levels. It does not include any specific development proposals, nor does it grant any entitlements for development that would induce population growth. While the Housing Element does propose changes to existing land use densities and land use regulations, it does not involve the construction or expansion of any residential land uses. All future residential development occurring within the City would be required to be in accordance with local regulations, including the General Plan and Municipal Code. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, growth-inducing impacts would be less than significant.

b–c) No Impact. The proposed Housing Element encourages the provision and preservation of a range of housing types and affordability levels to meet the City's housing needs. Implementation of the Housing Element would not displace or decrease housing units in the City. Therefore, no impact would occur.

XIII. PUBLIC SERVICES Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	☐	☐	☒	☐
b) Police protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☒	☐
e) Other public facilities?	☐	☐	☒	☐

Setting:

Fire protection is provided within the City by the Contra Costa County Consolidated Fire District. The District has a two-pumper unit station located at Clayton and Mitchell Canyon Roads (City of Clayton, 2000). The standards established by the District serve as a guide to the placement of future stations in areas where development is relatively low.

Police protection services are provided by the City of Clayton Police Department. The Department currently has 27 sworn, civilian and volunteer personnel committed to providing the highest quality service with a small town feel to our residents, businesses and visitors.

The members of the police department work hard to provide a full range of services to residents. The police department participates in several programs including neighborhood watch and vacant house watch programs as well as disaster preparedness training.

At present the only school facility in Clayton is Mt. Diablo Elementary School, located at 5880 Mt. Zion Drive. It has slightly over 800 students. Junior high students attend Pine Hollow Intermediate School, located on Pine Hollow Road just outside the City limits. High school students attend Clayton Valley High School, located on Alberta Way in Concord, approximately two miles from the City.

Park and recreation services in the City are discussed under the Recreation section below.

Discussion/Conclusion:

a–e) Less than Significant Impact. The proposed Housing Element includes policies and implementation programs designed to facilitate the construction and conservation of housing to

meet the City's affordable housing needs. Subsequent residential development projects could result in an increase in demand for public services. However, the Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development. While the Housing Element does propose changes to existing land use densities and land use regulations, it does not involve the construction or expansion of any residential land uses. All future residential development occurring within the City would be required to be in accordance with local regulations, including the General Plan and Municipal Code. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, impacts associated with an increased demand for public services would be less than significant.

XIV. RECREATION Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

Setting:

Presently there are no standard neighborhood parks in the City of Clayton. The elementary school provides recreation facilities. City parklands fall within the greenbelt system.

Discussion/Conclusion:

a–b) Less Than Significant Impact. Future residential development consistent with the 2009 Housing Element could increase the use of the existing greenbelt system or other recreational facilities and require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. However, the proposed Housing Element is a policy-level document. While it encourages the provision of a range of housing types and affordability levels, it does not include any specific development proposals, nor does it grant any entitlements for development that would result in an increase demand for park and recreational facilities. Since there are no specific proposed residential developments, the demand and requirements for specific parkland acreages, park facilities, financing, and timing associated with the proposed Housing Element cannot be established at this time.

While the Housing Element does propose changes to existing land use densities and land use regulations, it does not involve the construction or expansion of any residential land uses. All future residential development occurring within the City would be required to be in accordance with local regulations, including the General Plan and Municipal Code.

Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, impacts to park and recreation facilities and services would be less than significant.

XV. TRANSPORTATION/TRAFFIC Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Result in inadequate parking capacity?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☒	☐

Setting:

In the regional context the arterials in the Clayton area are Ygnacio Valley B Kirker Pass Road and Clayton Road. These roads carry most of the commute traffic from east Concord and the Clayton area to Interstate Route 680 and State Route 24 for destinations in downtown Concord, Walnut Creek, Martinez, Pittsburg, Antioch, Alameda County and San Francisco. Concord Boulevard also serves to carry commute traffic, but does so for lower volumes.

Other important roads in Clayton are Pine Hollow and Mitchell Canyon. Pine Hollow Road is a two-lane residential street that has been widened to four lanes to serve new subdivisions. It often serves as a bypass to the Ygnacio Valley B Clayton Road intersection. Mitchell Canyon Road carries heavy truck traffic to and from the local quarries at times. The number of tandem gravel trucks traveling on Mitchell Canyon Road and Clayton and Pine Hollow Roads depends upon the amount and location of construction activities in the surrounding areas and time of year. Truck travel is greatest during the dry season.

Discussion/Conclusion:

a–b) Less Than Significant Impact. The proposed Housing Element includes policies and programs designed to facilitate the construction and conservation of housing to meet the City's affordable housing needs. Subsequent residential development projects could result in an increase in traffic on City roadways and a decrease in level of service (LOS) on those roadways. However, the Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development. While the Housing Element does propose changes to existing land use densities and land use regulations, it does not involve the construction or expansion of any residential land uses. All future residential development occurring within the City would be required to be in accordance with local regulations, including the General Plan and Municipal Code. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Therefore, impacts associated with an increased demand for transportation facilities would be less than significant.

c) No Impact. There are no public or private airports or airstrips located within the City. Therefore, no impact would occur relative to an increase in air traffic.

d–f) Less Than Significant Impact. As discussed under **a–b)** above, the proposed Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development that would affect the site design, emergency access, or parking of any developments. Future residential development projects will require compliance with General Plan policies related to traffic and circulation. Therefore, impacts would be less than significant.

g) Less Than Significant Impact. As discussed under **a–b)** above, the proposed Housing Element does not include any specific development proposals, nor does it grant any entitlements for development. Future residential development would be required to comply with General Plan policies related to alternative transportation (Circulation Element Policies 7a through 7d). Therefore, the proposed Housing Element would not conflict with any local policies or ordinances supporting alternative transportation.

XVI. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Setting:

Presently the City of Clayton has limited sanitary sewer service lines supplied by the City of Concord. The main line, known as the Mountaire line, extends from Olive Drive to Kirker Pass Road in a southeasterly direction generally following Mount Diablo Creek to where it intersects with Main Street in Clayton. From there, the line runs through downtown Clayton, serving a few businesses and residences, and out Marsh Creek Road to a point in the vicinity of the Seminary where it ends. The size of the line varies from 18 inches to 6 inches within the City limits of Clayton.

The Mountaire line currently extends from Concord through Clayton. The line's capacity is adequate but will ultimately need to be upgraded by a parallel line to meet the area's ultimate

demand. All future lines into the City will connect up with the Mountaire line necessitating a 27-inch total capacity in the Kirker Pass to Mitchell Canyon Road link.

Sewage treatment is provided by Central Costa County Sanitation District on a regional basis. No new plant or plant expansion is anticipated (City of Clayton, 2000).

All domestic and commercial water in Clayton is supplied by the Contra Costa Water District. The major sources of water are the Sacramento River and the Sacramento River via the Contra Costa Water District Canal (City of Clayton, 2000).

There are no existing or planned solid waste facilities within the Clayton Planning Area. Rather, the Clayton waste stream is collected by a franchised hauler, Allied Waste Services.

a–b); d–e) ***Less than Significant Impact.*** Future residential development in the City would require adequate municipal wastewater service and adequate domestic municipal water service, including adequate water supplies and wastewater treatment capacity. Increases in demand for wastewater and water service can also result in exceedance of wastewater treatment requirements and the need for new water or wastewater treatment facilities or expansion of existing facilities. The proposed Housing Element includes policies designed to facilitate the construction and conservation of housing to meet the City's affordable housing needs. However, the Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development. While the Housing Element does propose changes to existing land use densities and land use regulations, it does not involve the construction or expansion of any residential land uses. All future residential development occurring within the City would be required to be in accordance with local regulations, including the General Plan and Municipal Code. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal.

Therefore, impacts associated with a significant increase in demand for wastewater and water services would be less than significant.

c) ***Less than Significant Impact.*** The future development of housing consistent with the 2009 Housing Element could increase runoff and alter normal drainage patterns on project sites. As discussed under **a–b); d–e)** above, the Housing Element is a policy-level document that does not include any specific development proposals, nor does it grant any entitlements for development. Any future residential development in the City would be subject to further CEQA review. Therefore, impacts associated with the construction of new stormwater drainage facilities or the expansion of existing facilities is considered less than significant.

f–g) ***Less than Significant Impact.*** As discussed under **a–b); d–e)** above, the proposed Housing Element includes policies and programs designed to facilitate the construction and conservation of housing to meet the City's affordable housing needs but does not include any specific development proposals, nor does it grant any entitlements for development. Any future residential development would increase the demand for solid waste services in the area and would increase the amount of solid waste generated and sent to local landfills. Solid waste collection and disposal for single-family and multi-family residential units would be serviced by a private hauler, currently Allied Waste Services. Assembly Bill 939 and the County Integrated Waste Management Plan, which require recycling programs that result in a 50 percent diversion away from landfills, would apply to new development. Therefore, solid waste impacts would be less than significant.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Discussion/Conclusion:

a) and c) ***Less Than Significant Impact.*** The Housing Element is a policy-level document. While the Housing Element encourages the provision of a range of housing types and affordability levels, it does not include specific development proposals, nor does it grant any entitlements for development that would have the potential to degrade the quality of the environment to adversely affect human beings. While the Housing Element does propose changes to existing land use densities and land use regulations, it does not involve the construction or expansion of any residential land uses. All future residential development occurring within the City would be required to be in accordance with local regulations, including the General Plan and Municipal Code. Environmental impacts of subsequent development projects would also be considered pursuant to CEQA on a case-by-case basis following submittal of a specific development proposal. Future residential development projects would require compliance with General Plan policies and other City codes and ordinances intended to protect the environment. Therefore, the proposed Housing Element would result in less than significant adverse impacts to the environment or to human beings as a result of environmental degradation.

b) Less Than Significant Impact. As discussed above, the proposed Housing Element is a policy-level document that does not propose any specific development. Therefore, identifying or analyzing cumulative impacts would be speculative at this time. Future residential development projects and/or policies would be subject to environmental review, including a review of cumulative impacts. Therefore, impacts would be less than significant.

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