
**Housing Element Implementation Project
Initial Environmental Study/
Mitigated Negative Declaration
ENV 01-12**

**City of Clayton
Community Development Department
6000 Heritage Trail
Clayton, California 94517
925/673-7340**

**Public Review Draft
February 2012**

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INTRODUCTION

The City of Clayton has proposed a series of text and map amendments to the General Plan, Town Center Specific Plan, and Zoning Code, which are necessary in order to carry out key implementation measures identified in the Clayton Housing Element.

This Initial Environmental Study/Mitigated Negative Declaration (IES/MND) identifies potentially significant environmental impacts for the following environmental areas:

- Biological Resources
- Cultural Resources
- Hazards and Hazardous Materials
- Noise
- Public Services
- Transportation/Circulation

The environmental analysis determined that measures were available to mitigate potential adverse impacts to insignificant levels. As a result, this document serves as a Mitigated Negative Declaration pursuant to Public Resources Code Sections 21064.5 and 21080(c), and Article 6 of the California Environmental Quality Act (CEQA) Guidelines.

In accordance with the requirements of CEQA Guidelines Section 15071, this Mitigated Negative Declaration describes the proposed project; identifies, analyzes, and evaluates the potential significant environmental impacts, which may result from the proposed project; and identifies measures to mitigate adverse environmental impacts. With the mitigation measures identified in this document, the project would not have a significant impact on the environment.

I. PROJECT / APPLICANT INFORMATION

- 1. Project Title: Housing Element Implementation
- 2. Lead Agency Name and Address: City of Clayton
6000 Heritage Trail
Clayton, CA 94517
- 3. Contact Person and Phone Number: David Woltering
(925) 673-7343
- 4. Project Location: City of Clayton

This project involves various text amendments to the City of Clayton’s existing planning and regulatory documents, including the Clayton General Plan, Town Center Specific Plan, and Zoning Code. In addition to the text amendments are map amendments to six specific sites (hereafter referred to as “redesignation sites”), as follows:

- Site V-2
APN 119-021-063 (south of High Street)
- Site V-5
APN 120-015-011 (SE corner of Clayton Road and Mitchell Canyon Road)
- Site P-2
APN 119-021-013 (west of Old Marsh Creek Road)
- Site P-3
APN 119-021-054 (west of Old Marsh Creek Road)
- Site P-4
APN 119-021-055 (west of Old Marsh Creek Road)
- Site Hoyer
APNs 119-021-019 and -020 (west of Old Marsh Creek Road)

- 5. Project Sponsor: City of Clayton
6000 Heritage Trail
Clayton, CA 94517
- 6. City Approvals Required:
 - General Plan Text Amendment to revise the Land Use Element to include a new Multifamily High Density Land Use designation (15.1 to 20 units per acre) and make minor revisions to the existing Multifamily Low and Medium Density designations, as well as the “Residential Density and Population Projections” section.
 - General Plan Map Amendment to revise the Land Use Map to redesignate six parcels (APN 120-015-011; 119-021-063, -013, -054, -055, -019 and -020) to Multifamily High Density.
 - Town Center Specific Plan Text Amendment to revise the TCSP to create a new Multi-Family High Density Residential Land Use designation (15.1 to 20 units per acre).

- Town Center Specific Plan Map Amendment to redesignate Site V-2 (APN 119-021-063) to Multi-Family High Density Residential.
- Zoning Ordinance Text Amendment to revise Chapters 17.04, Definitions; 17.16, Single Family Residential; 17.20, Multiple Family Residential; 17.24, Limited Commercial District; and 17.28, Planned Development, in order to implement various Housing Element Implementation Measures.
- Zoning Ordinance Map Amendment to rezone four parcels (APN 119-021-013, -054, -055, -019 and -020) to Planned Development District.

7. Existing and Proposed *General Plan*:

Site V-2

Existing: Multifamily Medium Density
Proposed: Multifamily High Density

Site V-5

Existing: Multifamily Medium Density
Proposed: Multifamily High Density

Site P-2

Existing: Single Family Medium Density
Proposed: Multifamily High Density

Site P-3

Existing: Single Family Medium Density
Proposed: Multifamily High Density

Site P-4

Existing: Single Family Medium Density
Proposed: Multifamily High Density

Site Hoyer

Existing: Single Family Medium Density
Proposed: Multifamily High Density

8. Existing and Proposed *Town Center Specific Plan* Designation:

The only redesignation site located within the Town Center Specific Plan (TCSP) boundaries is Site V-2. The current TCSP land use designation for Site V-2 is Multi-Family Medium Density Residential. The proposed TCSP land use designation for Site V-2 is Multi-Family High Density Residential. Because the Multi-Family High Density Residential designation does not currently exist in the TCSP, said designation is being created as part of this project.

9. Existing and Proposed Zoning:

Four of the six redesignation sites would be rezoned to Planned Development District as part of this project. The remaining two sites, V-2 and V-5, are currently zoned Planned Development and this zoning would remain upon approval of the proposed project. The

existing and proposed zoning designations for the redesignation sites can be summarized as follows:

Site V-2

Existing: Planned Development

Proposed: N/A

Site V-5

Existing: Planned Development

Proposed: N/A

Site P-2

Existing: R-40-H

Proposed: Planned Development

Site P-3

Existing: R-40-H

Proposed: Planned Development

Site P-4

Existing: R-40-H

Proposed: Planned Development

Site Hoyer

Existing: R-40-H

Proposed: Planned Development

10. Project Description Summary:

The City has initiated several text and map amendments to the Clayton General Plan, TCSP, and Zoning Code that are described in detail in the *Project Description* section of this IES/MND (see Section IV below). Generally, the proposed text and map amendments are intended to achieve the Implementation Measures of the 2009-2014 Clayton Housing Element, with the exception of two proposed amendments. These include, 1) revisions to the "Residential Density and Population Projections" section of the General Plan Land Use Element, which are simply intended to ensure that this section of the Land Use Element reflects the latest 2010 census data; and 2) revisions to the "Open Space" section of the Planned Development District to allow greater flexibility for affordable housing projects relative to the 20 percent open space requirement of the PD District.

With the exception of the two above-described proposed amendments, the text and map amendments proposed for this project are intended to help the City of Clayton comply with the latest housing and community development legislation as well as enable the City to meet the RHNA numbers allocated to the City by ABAG for lower income units.

The environmental factors checked below would be potentially affected by this project. The following Evaluation of Environmental Impacts identifies at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated" for each of the checked environmental factors.

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Geology and Soils | <input checked="" type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology |
| <input type="checkbox"/> Land Use | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population and Housing | <input checked="" type="checkbox"/> Public Services | <input checked="" type="checkbox"/> Transportation / Circulation |
| <input type="checkbox"/> Water, Sewer, and Stormwater Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

II. 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 the Project proponent has made revisions in the Project and has agreed to the mitigation measures listed in "Section V. List of Mitigation Measures". I further find that the mitigation measures and the information in this study constitute a **MITIGATED NEGATIVE DECLARATION** in accordance with Section 15071 of the State CEQA Guidelines.
- 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" 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 pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date



2-21-2012

David Woltering, AICP
Clayton Community Development Director

III. BACKGROUND

The City of Clayton 2009-2014 Housing Element was adopted by City Council on April 20, 2010 and certified by the State Housing and Community Development Department on July 15, 2010. The Housing Element is a comprehensive update of the Housing Element adopted in November 1993 and amended in February 1995, June 2000, and September 2005. The Housing Element covers the planning period commencing July 1, 2009, and ending June 30, 2014. The Housing Element includes numerous implementation measures designed to achieve the goals and policies set forth by the City in the Housing Element. Given the importance of these implementation measures in bringing about the City's housing goals, the City has selected several key implementation measures to process at this time. Many of the implementation measures require amendments to the City's planning documents, including the Clayton General Plan and the Clayton Zoning Ordinance. As a result, the City has prepared this IES/MND to evaluate the potential environmental effects of these amendments. These amendments can be grouped into two broad categories: 1) amendments to the text of the General Plan, Town Center Specific Plan, and Zoning Code; and 2) amendments to the General Plan Land Use Map, Town Center Specific Plan Land Use Plan, and Zoning Map. The below Project Description section will proceed along these lines.

This IES/MND provides an environmental analysis pursuant to CEQA for the proposed Housing Element Implementation project. The IES/MND contains an analysis of the environmental effects of the proposed project. This IES/MND relies upon the program level analysis provided in the General Plan EIR in the determination of impacts.

IV. PROJECT DESCRIPTION

Proposed General Plan, Town Center Specific Plan, and Zoning Code Text Amendments

The Housing Element Implementation project involves amendments to the Clayton General Plan, Town Center Specific Plan, and the Clayton Zoning Code. The proposed amendments are in response to key Implementation Measures set forth in the Clayton Housing Element.

General Plan Land Use Element Text Amendments

A. Revisions to the Multifamily Low Density Designation

Minor revisions are proposed to the Multifamily Low Density (7.6 to 10 units per acre) General Plan Land Use Designation to specify that single family detached dwellings are allowed in areas designated Multifamily Low Density only with a conditional use permit. The lot coverage maximum (excluding recreational amenities) has also been revised from 30% to 40%, consistent with the revisions to the Multiple Family Residential Low Zone District (see Appendix A to this IES/MND for a full listing of the revisions proposed for this designation).

B. Revisions to the Multifamily Medium Density Designations

Minor revisions are proposed to the Multifamily Medium Density (10.1 to 15 units per acre) General Plan Land Use Designation to specify additional types of residential uses allowable in this designation. The lot coverage maximum (excluding recreational amenities) has also been revised from 40% to 50%, consistent with the revisions to the Multiple Family Residential Medium Zone District (see Appendix A to this IES/MND for a full listing of the revisions proposed for this designation).

C. Creation of New Multifamily High Density Designation

Implementation Measure I.1.1 of the Clayton Housing Element calls for the creation of a General Plan Multifamily High Density Land Use Designation to allow for 15.1 to 20 units per acre. In order to implement this measure staff has prepared a new Multifamily High Density General Plan Land Use Designation (15.1 to 20 units per acre). The proposed text of the new designation is as follows:

Multifamily High Density (15.1 to 20 Units Per Acre)

This designation is intended for and allows the two-story (or higher) apartments or condominiums located where higher densities may be appropriate, such as near major public transportation and commercial centers. Development within this density shall be encouraged to use a PUD concept and standards with incorporation of significant design and amenity in the project. Structural coverage, excluding recreational amenities, shall not exceed 65% of the site area.

D. Revise “Residential Density and Population Projections” Section

The “Residential Density and Population Projections” section of the Land Use Element of the Clayton General Plan is based upon 1980 census data. As a result, this project includes updating this section based upon the most recent data available.

Town Center Specific Plan Amendment

The Town Center Specific Plan (TCSP) does not currently have a Multi-Family High Density Residential Land Use Designation accommodating 15.1 to 20 units per acre. Rather, the current TCSP land use designation that provides the highest densities is the Multi-Family Medium Density Residential designation (10.1 to 15 units per acre). One of the six redesignation sites being considered in this IES/MND analysis (Site V-2, see below discussion) is located within the current TCSP boundaries. As part of this project, Site V-2 is being considered for redesignation to the new General Plan Multifamily High Density land use designation (15.1 to 20 units per acre). As a result, a corresponding Multi-Family High Density Residential land use designation needs to be added to the TCSP. The proposed text of the new designation is as follows:

Multi-Family High Density Residential – Dwelling units at a density of 15.1 to 20 units per gross acre. Areas so designated on the Land Use Plan are deemed to have adequate site area – and are located with respect to the Town Center road

system – such that the range of density can comfortably be accommodated. This designation is intended for and allows the two-story (or higher) apartments or condominiums located where higher densities may be appropriate, such as near major public transportation and commercial centers. Development within this density shall be encouraged to use a PUD concept and standards with incorporation of significant design and amenity in the project. Structural coverage, excluding recreational amenities, shall not exceed 65% of the site area.

Zoning Code Text Amendments

The following sections of the Clayton Zoning Code would be amended as part of this project in response to various implementation measures set forth in the Clayton Housing Element.

A. Chapter 17.04, Definitions

Revision of Section 17.04.090, Family

The definition of “Family” is being revised as part of this project in response to Implementation Measure IV.1.2 of the Clayton Housing Element. This measure requires the City to amend the Zoning Code to remove the maximum number of persons defined as part of a family. The current definition of family limits the number of unrelated individuals to 6 or fewer persons. Upon amending the definition in the Zoning Code, the City will not restrict the number of unrelated individuals in a family (See Appendix B for the proposed language of the “Family” definition).

Addition of Section 17.04.187, Single-Room Occupancy (SRO) Facilities

A definition for “Single-Room Occupancy (SRO) Facilities” has been prepared by the City and would be added to Section 17.04 of the Clayton Zoning Code as part of this project in response to Implementation Measure II.1.3 of the Clayton Housing Element (See Appendix B for the proposed language of the “SRO” definition). This implementation measure is in response to Assembly Bill 2634 and requires the City to update its Zoning Code to allow for the development of single-room occupancy units (a type of residential hotel offering one-room units for long-term occupancy by one or two people) with a conditional use permit in the L-C (Limited Commercial) District and in the area that is currently designated Kirker Corridor. Regarding the latter, the City will create an overlay zone with specific development standards to focus on the approximately 5-acre Kirker Corridor area, but this will be completed at a later date, and, therefore, is not part of this IES/MND analysis.

Addition of Sections 17.04.205, Supportive Housing; and 17.04.206, Transitional Housing

Definitions for “Supportive Housing” and “Transitional Housing” have been prepared by the City and would be added to Section 17.04 of the Clayton Zoning Code as part of this project in response to Implementation Measure II.1.2 of the Clayton Housing Element (See Appendix B for the proposed language of the “Supportive Housing” and “Transitional Housing” definitions). This implementation measure is in response to Senate Bill 2, which requires the City to explicitly allow both supportive and transitional housing types in all residential zones. Implementation Measure II.1.2 requires the City to update its Zoning Code to include separate definitions of transitional and supportive housing as defined in Health and Safety Code Sections

50675.2 and 50675.14.

B. Chapter 17.16, Single Family Residential (R-10, R-12, R-15, R-20, R-40 and R-40-H) Districts

In response to Implementation Measure II.1.2 of the Clayton Housing Element and the addition of the “Transitional” and “Supportive Housing” definitions to Chapter 17.04, Chapter 17.16, Single Family Residential Districts, has also been revised to include “Supportive and Transitional Housing” as permitted uses.

C. Chapter 17.20, Multiple Family Residential

1. Creation of new Multiple Family Residential High Density Zoning District (M-R-H). Implementation Measure I.1.1 of the Clayton Housing Element requires the City to create a new Multiple Family Residential High (M-R-H) Zoning District to allow up to 20 units per acre. Creation of said district would provide a zoning district compatible with the proposed new General Plan Multifamily High Density Land Use Designation. In order to create this new zoning district, Chapter 17.20, Multiple Family Residential, has been revised as appropriate to specify the development standards for the new M-R-H designation (see Appendix C to this IES/MND for a full listing of the revisions proposed for Chapter 17.20).
2. Creation of new Multiple Family Residential Medium Density Zoning District (M-R-M). Staff has also revised Chapter 17.20 to include a Multiple Family Residential Medium District (M-R-M) for consistency purposes given that a corresponding Multifamily Medium Density Land Use Designation is already included in the Clayton General Plan Land Use Element. The revisions to Chapter 17.20 specify the development standards for the M-R-M Zoning District (see Appendix C to this IES/MND for a full listing of the revisions proposed for Chapter 17.20).
3. Revise Chapter 17.20 to allow single family homes only with a Conditional Use Permit. In response to Implementation Measure II.2.1 of the Clayton Housing Element, Chapter 17.20 has also been revised to allow single-family homes only with a conditional use permit in Multiple Family Residential Zones M-R, M-R-M, and M-R-H. It should be noted that Chapter 17.60, Use Permits, has also been revised to specify that Single Family dwelling units would require a Conditional Use Permit in MF Districts.
4. Revise Chapter 17.20 to include “Supportive and Transitional Housing” as permitted uses. In response to Implementation Measure II.1.2 of the Clayton Housing Element and the addition of the “Transitional” and “Supportive Housing” definitions to Chapter 17.04, Chapter 17.20, Multiple Family Residential, has also been revised to include “Supportive and Transitional Housing” as permitted uses.

D. Chapter 17.24, Limited Commercial District

In response to Implementation Measure II.1.3 of the Clayton Housing Element, Chapter 17.24, Limited Commercial (LC) District, of the Zoning Code has been revised to include SROs as a conditional use in the LC District. It should be noted that Chapter 17.60, Use Permits, has also been revised to specify that SROs would require a Conditional Use Permit in the LC District.

E. Chapter 17.28

The City is also proposing to revise Section 17.28.100, Open Space, of the Planned Development District to allow greater flexibility for affordable housing projects relative to the 20 percent open space requirement (see Appendix B to this IES/MND for a full listing of the revisions proposed for Section 17.28.100).

F. Chapter 17.60, Use Permits

Section 17.60.030B, "Use Permits Required," of Chapter 17.60 is being revised as part of this project to specify two additional types of residential uses requiring a use permit: single family dwelling units in Multiple Family Residential Districts and SRO facilities in the Limited Commercial District.

General Plan Land Use Map, Town Center Specific Plan Land Use Plan, and Zoning Map Amendments

The Association of Bay Area Governments (ABAG) allocated 151 housing units to Clayton for the 7½-year period of 2007-2014. The allocation is equivalent to a yearly need of 20 housing units for the 7½-year period. As described in the Housing Element, for planning purposes, the ABAG figures need to be adjusted to reflect the units that have been issued building permits between January 1, 2007 (the starting point for ABAG's Regional Housing Needs Determination) and March 2009. Accounting for development activity in the current planning period (since January 2007), the balance of the City's projected housing need is an additional 130 housing units through the remainder of the planning period (June 2014).

According to Table 38 of the Housing Element, a total of 84 lower income units were allocated to Clayton for the planning period. Table 42 of the Housing Element identifies vacant residential land sites within the City of Clayton and notes that sites V-2 and V-5 comprise the City's available vacant higher-density parcels and are most appropriate to meet the City's very low- and low-income RHNA (See **Figures 1 and 2**). According to Table 42, assuming that sites V-2 and V-5 would be rezoned to the proposed Multiple Family Residential High Density (M-R-H) Zoning District,¹ sites V-2 and V-5 would have a realistic capacity of 34 units that can be made available for the development of housing affordable to lower-income. According to the Housing Element, the remaining lower-income housing need is 50 units (84 total units – 34 units on sites V-2 and V-5). Therefore, the City has identified four additional properties at this time to consider for redesignation to Multifamily High Density in order to help meet the RHNA lower income allocation (these additional sites are designated as P-2, P-3, P-4, and "Hoyer" in the below descriptions) (See **Figure 2**).

V-2

Site V-2 is a 1.11-acre parcel located south of High Street and west of Old Marsh Creek Road (See

¹ As described below, the PD zoning will actually be retained for Sites V-2 and V-5, but these two sites will be redesignated to the new General Plan Multifamily High Density land use designation (15.1 units to 20 units per acre), thereby achieving the same density range as the M-R-H zone anticipated for Sites V-2 and V-5 in the Housing Element.

Figure 2). This site is identified as APN 119-021-063. Site V-2 is listed in Table 42, Vacant Residential Land, of the Housing Element. While the site is listed as vacant and zoned for residential uses, structures do exist on-site. Currently, a former workshop structure is located in the approximate center of the site. A few trees are located along the borders of the site and an upward slope is located on the western portion of the site, which limits the available development footprint.

The City of Clayton General Plan and the Town Center Specific Plan designate the site as Multifamily Medium Density and the site is zoned Planned Development (PD). In order to help meet the City's lower income unit needs, the proposed project includes the redesignation of Site V-2 from Multifamily Medium Density to Multifamily High Density (GP and TCSP). The zoning of the site would continue to be PD. According to Table 42 of the Housing Element, considering existing slope constraints, the realistic unit capacity² for Site V-2, upon the above-mentioned redesignations, would be 18 units. The theoretical maximum development potential for Site V-2 is listed in **Table 1**.

V-5

Site V-5 is a 1.01-acre parcel located at the southeast corner of Clayton Road and Mitchell Canyon Road (See **Figure 2**). This site is identified as APN 120-015-011 (see **Figure 2**). Site V-5 is listed in Table 42, Vacant Residential Land, of the Housing Element. While the site is listed as vacant and zoned for residential uses, structures do exist on-site. Currently, an occupied single family residence is located on-site. The residence is the former fire station building that has been upgraded. Several trees surround the residence and high tension power lines are located overhead. An access easement is located on the property to provide access to the overhead power lines. The power lines and access easement limit the available development footprint on the site.

The City of Clayton General Plan Land Use Diagram designates the site as Multifamily Medium Density and the site is zoned Planned Development (PD). In order to help meet the City's lower income unit needs, the proposed project includes the redesignation of Site V-5 from Multifamily Medium Density to Multifamily High Density. The zoning of the site would continue to be PD. According to Table 42 of the Housing Element, the realistic unit capacity for Site V-5, upon the above-mentioned redesignations, would be 16 units. However, a property owner representative has submitted a concept plan to the City, which indicates the potential to accommodate 20 units. The theoretical maximum development potential for Site V-5 is listed in **Table 1**.

P-2

Site P-2 is a 0.93-acre parcel located immediately west of Old Marsh Creek Road (See **Figure 2**). The site is identified as APN 119-021-013. Site P-2 is listed in Table 45, Potential Sites for Rezone Units, of the Housing Element. The site currently contains an occupied single family residence, associated structures, and several trees.

² The "realistic unit capacity" reflects the buildout estimate for the site included in the Clayton Housing Element (see Table 42) and is based on the average (81 percent) of the built density percentages of three recent development projects. The realistic unit capacity estimates for the redesignation sites are not included in Table 1 of this IES/MND.

The City of Clayton General Plan Land Use Diagram designates the site as Single Family Medium Density and the site is zoned R-40-H. In order to help meet the City's lower income unit needs, the proposed project includes the redesignation of Site P-2 from Single Family Medium Density to Multifamily High Density. In addition, the site would be rezoned from R-40-H to PD. According to Table 45 of the Housing Element, the realistic unit capacity for Site P-2, upon the above-mentioned redesignations, would be 15 units. The theoretical maximum development potential for Site P-2 is listed in **Table 1**.

P-3

Site P-3 is a 1.13-acre parcel located immediately west of Old Marsh Creek Road and northwest of Site P-2 (See **Figure 2**). The site is identified as APN 119-021-054. Site P-3 is listed in Table 45, Potential Sites for Rezone Units, of the Housing Element. The site currently contains an occupied single family residence, garage, and several trees. In addition, approximately 40 percent of the western portion of the lot contains a slope in excess of 10 percent.

The City of Clayton General Plan Land Use Diagram designates the site as Single Family Medium Density and the site is zoned R-40-H. In order to help meet the City's lower income unit needs, the proposed project includes considering the redesignation of Site P-3 from Single Family Medium Density to Multifamily High Density. In addition, the site would be considered for rezoning from R-40-H to PD. According to Table 45 of the Housing Element, the realistic unit capacity for Site P-3, upon the above-mentioned redesignations, would be approximately 11 units after accounting for slope constraints. The theoretical maximum development potential for Site P-3 is listed in **Table 1**.

P-4

Site P-4 is a 0.97-acre parcel located immediately west of Old Marsh Creek Road and north of Site P-2 (See **Figure 2**). The site is identified as APN 119-021-055. Site P-4 is listed in Table 45, Potential Sites for Rezone Units, of the Housing Element. The site currently contains an occupied single family residence, small barn, horse corral, and several trees.

The City of Clayton General Plan Land Use Diagram designates the site as Single Family Medium Density and the site is zoned R-40-H. In order to help meet the City's lower income unit needs, the proposed project includes the redesignation of Site P-4 from Single Family Medium Density to Multifamily High Density. In addition, the site would be rezoned from R-40-H to PD. According to Table 45 of the Housing Element, the realistic unit capacity for Site P-4, upon the above-mentioned redesignations, would be 15 units. The theoretical maximum development potential for Site P-4 is listed in **Table 1**.

Hoyer

The "Hoyer" Site is located immediately west of Site P-2 and is made up of two parcels: APN 119-021-019 and -020 for a total of 1.54 acres (See **Figure 2**). The site currently contains an occupied single family residence, associated garage, and several trees.

The City of Clayton General Plan Land Use Diagram designates the site as Single Family Medium Density and the site is zoned R-40-H. In order to help meet the City's lower income unit needs, the

proposed project includes considering the redesignation of the Hoyer Site from Single Family Medium Density to Multifamily High Density. In addition, the site would be considered for rezoning from R-40-H to PD. This site was not included in the City's Housing Element as a potential rezone site; however, the property owner has expressed willingness to be included among the parcels currently being considered by the City for rezoning/redesignation. The maximum development potential, upon the above-mentioned redesignations, would be approximately 31 units, though existing slope constraints would reduce the available development footprint, which would be determined at the time of development application review. The theoretical maximum development potential for the Hoyer Site is listed in **Table 1**.

**Table 1
Existing and Proposed Maximum Development Potential of Six Redesignation Sites**

Site #	APN	Existing General Plan Designation	Parcel Acreage	Existing Development Potential (maximum)*	Proposed Development Potential (Based on redesignation/rezone to MF HD with 20 units/ac. max)*
V-2**	119-021-063	MF MD (10.1 to 15 units per acre)	1.11	17	22
V-5**	120-015-011	MF MD	1.01	15	20
P-2	119-021-013	SF MD (3.1 to 5 units per acre)	0.93	5	19
P-3**	119-021-054	SF MD	1.13	6	23
P-4	119-021-055	SF MD	0.97	5	19
Hoyer**	119-021-019 and -020	SF MD	1.54	8	31
Total			6.7 ac	56	134
Total increased development potential resulting from approval of proposed redesignations to MF HD (56 - 134)					78 dus
MF MD = Multifamily Medium Density SF MD = Single Family Medium Density					
*Numbers rounded for planning purposes					
** For Sites V-2, V-5, P-3, and Hoyer, the proposed maximum development potential estimates do not take into consideration existing development constraints. Therefore, the total increased development potential could be less than 78 dwelling units.					

This IES/MND evaluates the potential environmental impacts that could result from the future development of an additional 78 dwelling units on the six redesignation sites. Though, as noted in Table 3-1, due to the fact that some of these sites have existing slope constraints and Site V-5 has a power line easement that partially limits the available development footprint, the increased development potential resulting from approval of the amendments for the six sites could be less than 78 units.

**Figure 1
Regional Location Map**



Figure 2
Project Location Map



Entitlements

The following entitlements would be required from the City of Clayton City Council:

- General Plan Text Amendment to revise the Land Use Element to include a new Multifamily High Density Land Use designation (15.1 to 20 units per acre) and make minor revisions to the existing Multifamily Low and Medium Density designations, as well as the “Residential Density and Population Projections” section.
- General Plan Map Amendment to revise the Land Use Map to redesignate six parcels (APN 120-015-011; 119-021-063, -013, -054, -055, -019 and -020) to Multifamily High Density.
- Town Center Specific Plan Text Amendment to revise the TCSP to create a new Multi-Family High Density Residential Land Use designation (15.1 to 20 units per acre).
- Town Center Specific Plan Map Amendment to redesignate Site V-2 (APN 119-021-063) to Multi-Family High Density Residential.
- Zoning Ordinance Text Amendment to revise Chapters 17.04, Definitions; 17.16, Single Family Residential; 17.20, Multiple Family Residential; 17.24, Limited Commercial District; and 17.28, Planned Development, in order to implement various Housing Element Implementation Measures.
- Zoning Ordinance Map Amendment to rezone four parcels (APN 119-021-013, -054, -055, -019 and -020) to Planned Development District.

V. LIST OF MITIGATION MEASURES

The below mitigation measures only apply to the six redesignation sites, as explained in the CEQA Checklist discussions that follow. The analysis in this IES/MND determined that no significant impacts would result from the General Plan, TCSP, and Zoning Code text amendments; therefore, mitigation is not required for those actions.

Biological Resources

Mitigation Measure 1. Pre-construction nesting surveys for raptors and migratory birds protected under the federal Migratory Bird Treaty Act shall be conducted if initial grading and building demolition is to be conducted during the months of March through August. A qualified biologist shall conduct the surveys no more than 14 days prior to initiation of grading, building demolition, or tree removal. If any of these species are found within the construction area after April of the construction year, grading and construction in the area shall either stop or continue only after the nests are protected by an adequate setback approved by a qualified biologist. If permanent avoidance of nests is not feasible, impacts on raptor and migratory bird nests shall be minimized by avoiding disturbances to the nest location during the nesting season unless a qualified biologist verifies that the birds have either a) not begun egg-laying and incubation, or b) that the juveniles from those nests are foraging independently and capable of independent survival at an earlier date. No preconstruction surveys are required if grading, building demolition, or tree removal occurs outside the nesting season (September through February).

Cultural Resources

Mitigation Measure 2. Prior to the issuance of a demolition permit for any on-site structures on the six redesignation sites, the structure(s) shall be evaluated to determine if the structure(s) are over 50 years old. If any structure scheduled for demolition is over 50 years old, the structure shall be evaluated to determine if it is eligible for the California Register. Should the structure(s) be determined ineligible for the California Register, further mitigation would not be required. Eligibility shall be determined by an architectural historian approved by the City. The architectural historian shall submit a report to the Community Development Director for review and approval. For any structure determined to be eligible for the California Register, the report shall include measures necessary to ensure that impacts to the structure are less-than-significant.

Mitigation Measure 3. Development Plans for the six redesignation sites shall include a cultural resources assessment conducted by a qualified expert (approved by the Community Development Director). The assessment shall be submitted for the review and approval by the Community Development Director and shall identify any on-site archaeological resources and/or human remains, as well as measures necessary for their protection.

Hazards and Hazardous Materials

Mitigation Measure 4. Prior to issuance of a demolition permit by the County Building Inspection Department for any on-site structures, the project proponent shall provide a site assessment determining whether any structures to be demolished contain asbestos and/or lead-based paint. If any structures contain asbestos, the application shall include an asbestos abatement plan consistent with local, State, and federal standards, subject to the County Building Department approval. If lead-based paint is found all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with local, State, and federal regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect their workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with local, State, and federal regulations subject to County Building Department approval.

Noise

Mitigation Measure 5. Development plans for Site V-5, P-2, and P-4 shall include a noise assessment performed by a qualified acoustical consultant. The noise assessment shall demonstrate that the City's residential noise standards are met, and if necessary, recommend measures to be included in the project design to ensure the applicable standards are met.

Public Services

Mitigation Measure 6. Project developers shall pay a fair share contribution to the City for impacts to police staffing directly related to impacts of the proposed project for a five-year period. The calculation and payment shall be made at the time of issuance of building permits for each project, and shall be approved in advance by the Clayton Police Chief and City Manager.

Transportation/Circulation

Mitigation Measure 7. Development plans for the six redesignation sites shall include a site-specific traffic study. The traffic study shall confirm that proposed site access, on-site circulation, and parking is adequate and in compliance with City standards. In addition, the traffic study shall determine whether the vehicle trips generated by the project would result in any nearby intersections being degraded to unacceptable levels of service. If necessary, the traffic study shall include mitigation measures to ensure that all traffic-related impacts are reduced to a less-than-significant level, as determined by the City Engineer.

VI. EVALUATION OF ENVIRONMENTAL IMPACTS

This IES/MND includes analysis of the potential impacts resulting from redesignation of the six sites discussed above and future high density residential development on said sites, as well as the proposed text amendments to the General Plan, TCSP, and Zoning Code. It should be noted that the significance conclusion listed after each CEQA Checklist Question in the below analysis represents the greater impact of the two impact discussions. For the majority of the impact discussions, the significance conclusion is the same for the "Six Redesignation Sites" impact discussion and the "General Plan, TCSP, and Zoning Code Text Amendments" impact discussion. However, for a few checklist questions, the significance conclusions are different; and in these cases, the greater of the two is listed in bold after the checklist question(s) (See for example Section 8. Hazards and Hazardous Materials, Question "d").

1. AESTHETICS.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

- a. **Would the project have a substantial adverse effect on a scenic vista?..... Less-Than-Significant Impact**
- b. **Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? Less-Than-Significant Impact**
- c. **Would the project substantially degrade the existing visual character or quality of the site and its surroundings? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

Clayton is located at the base of the north slope of Mount Diablo. The Clayton General Plan identifies scenic routes and corridors within the City, which have been established in recognition of panoramic views of Mount Diablo and associated foothills. The scenic routes include Clayton Road and Marsh Creek Road. Three of the six project sites being considered

for redesignation as part of this project are located immediately adjacent to one of these designated scenic roadways (Site V-5 along Clayton Road and Sites P-4 and P-2 along Old Marsh Creek Road). In addition, Sites V-2, P-3, and Hoyer are located in close proximity to Old Marsh Creek Road and the upslope portions of these properties would likely be visible from said roadway.

The development of the six project sites in accordance with the proposed Multifamily High Density General Plan Land Use designation would change the existing visual settings from primarily vacant land and large lot single-family residential uses to urban areas consisting of multi-family high density (MF HD) residential developments. However, upon approval of the proposed rezones associated with the proposed project, all six sites would be zoned PD. Therefore, future development on these sites would be subject to Development Plan Review (per Chapter 17.28, Planned Development, of the *Zoning Code*) as part of the permitting process, which would require compliance with Chapter 16.50 of the *Subdivision Ordinance*, regarding the protection of vistas from scenic routes, as well as tree preservation and grading. In addition, in order for a Development Plan Permit to be issued by the Planning Commission, several factors need to be evaluated first, including but not limited to the quantity and quality of open space areas (see Section 17.28.160, “Standards of Review”); specifically, whether significant natural areas will be preserved including: prominent land features, watercourses, and trees. Therefore, through the Development Plan Review process, the City would ensure that the impact of the proposed project to scenic vistas and change in visual character would be *less-than-significant*.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City’s regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct aesthetic impacts. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine the potential aesthetic impacts that could occur. Should any future MF HD, SRO, Supportive Housing, or Transitional Housing development applications be submitted for parcels located along designated scenic routes, these residential developments would be subject to the City’s Development Plan Review process (if zoned PD) or Site Plan Review process and Chapter 16.50 of the Subdivision Ordinance, which would ensure that impacts to scenic vistas and change in visual character would be *less-than-significant*. It should be noted, however, that this project includes a proposed amendment to Section 17.28.100, Open Space, of the Planned Development District to allow greater flexibility for affordable housing projects relative to the 20 percent open space requirement. While this amendment could result in less than 20 percent of the total affordable housing site area being maintained as open space, the maintenance/provision of open space on affordable housing sites zoned PD would continue to be of high importance as evidenced by PD District Standards of Review A (“Natural Open Space”) and B (“Open Space”) – see Section 17.28.160.

- d. **Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

The proposed project would not result in the direct development of sites within the City. The potential exists that the future conversion of the subject properties from their current uses to the uses allowed under the proposed designations would create additional sources of light and glare. However, this would only be a concern where commercial development would abut residential areas. In addition, as part of the review process future development of project parcels would be required to comply with City lighting regulations contained in Chapter 8.09 of the Municipal Code, which pertains to outdoor illumination and the minimization of light and glare onto adjacent properties. In compliance with City regulations, lights would be less than ten feet in height, therefore any residences adjacent to the project parcels would only experience minor amounts of increased light and glare as a result of project implementation. Therefore, future residential development on the six redesignation sites would have a *less-than-significant* impact related to light and glare.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts related to light and glare. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine the potential light and glare impacts that could occur. Similar to the above discussion for the six redesignation sites, as part of the Development Plan Review process (if zoned PD) or Site Plan Review process, future MF HD, SRO, Supportive Housing, or Transitional Housing development would be required to comply with City lighting regulations contained in Chapter 8.09 of the Municipal Code, which pertains to outdoor illumination and the minimization of light and glare onto adjacent properties. Compliance with Chapter 8.09 would ensure that future light and glare impacts would be *less-than-significant*.

2. AGRICULTURE RESOURCES.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>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 (1977) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</i>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

- a. **Would the project 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? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

According to the USDA Natural Resource Conservation Service,³ the majority of the six sites is made up of Perkins gravelly loam, 2 to 9 percent slopes (PaC), with additional areas comprised of Perkins gravelly loam, 9 to 15 percent slopes (PaD), and Zamora silty clay loam (ZaA). The *Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance* prepared by the California Department of Conservation, Farmland Mapping and Monitoring Program indicates that the PaC and ZaA soil types meets the criteria for Prime Farmland as outlined in the U.S. Department of Agriculture's Land Inventory and Monitoring (LIM) Project for the Contra Costa County Soil Survey. The possibility exists that limited farming has historically occurred on some of the project sites; however, none of the subject properties are currently used for commercial agricultural use. Furthermore, if the

³ USDA Natural Resource Conservation Service, Web Soil Survey, conducted by Raney on 12/21/2011.

project sites were to be utilized for farming purposes, potentially adverse impacts could result to sensitive receptors in close proximity to the sites due to dust and noise. Therefore, the conversion of the project sites from their current land use designation to their proposed land use designations would have a *less-than-significant* impact on Prime Farmland.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City’s regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts related to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine the potential impacts to the aforementioned farmland types. Any future MF HD, SRO, Supportive Housing, or Transitional Housing development applications would be reviewed by the City on a case-by-case basis to ensure that the project complies with state and local policies regarding farmland and adverse impacts would not occur, which would result in a *less-than-significant* impact.

- b. **Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

Williamson Act contracts do not currently exist in the City of Clayton.⁴ The current zoning of four of the project sites (P-2, P-3, P-4, and Hoyer) is R-40-H (residential with horses allowed, 40,000 sq. ft. minimum lot size). The R-40-H zone allows the use of horses, and the Zoning Code permits crop and tree farming as well as horticulture in all residential (“R”) districts. However, as is clear in the intent of the General Plan land use designations for the project parcels and surrounding area, the primary intent for the project area is residential and commercial development, not agricultural operation. The City has a specific General Plan land use designation and zoning district for agriculture. As a result, the project would have a *less-than-significant* impact regarding conflicts with Williamson Act contracts or existing agricultural zoning.

⁴ According to the Contra Costa County Community Development Department: <http://www.co.contra-costa.ca.us/depart/cd/current/advance/williamsonact/index.htm>; accessed 12/21/2011.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. Because Williamson Act Contracts do not exist within the City of Clayton boundaries, any future MF HD, SRO, Supportive Housing, or Transitional Housing development applications would not affect Williamson Act Contracts. In addition, should any such applications be submitted for parcels containing agricultural zoning, the City would review these applications on a case-by-case basis to ensure that potential impacts to agricultural zoning are minimized to a *less-than-significant* level.

- c. **Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? No Impact**

- d. **Would the project result in the loss of forest land or conversion of forest land to non-forest use? No Impact**

- e. **Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? No Impact**

Discussion

Six Redesignation Sites and General Plan, TCSP, and Zoning Code Text Amendments

The City of Clayton does not contain zoning for forest land and the future development of the six sites would not result in the loss of forestland as none is present on any of the sites. In addition, none of the proposed General Plan, TCSP, and Zoning Code amendments would involve any changes in the existing environment which could result in the conversion of farmland or forest land, resulting in *no impact*.

3. AIR QUALITY.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>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:</i>				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. **Would the project conflict with or obstruct implementation of the applicable air quality plan? Less-Than-Significant Impact**
- b. **Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation? Less-Than-Significant Impact**
- c. **Would the project 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? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

Regional Setting

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 the Clayton Valley have a greater susceptibility to poor air quality because temperature inversions can trap air masses. In addition, the surrounding ridges and mountains block winds, which diminish the flushing action of winds.

The air pollution potential of the Clayton Planning Area is primarily influenced by air quality in the adjacent Concord area (Clayton *General Plan*, p. VII-18). 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 5 to 10 percent of the time (*General Plan*, p. VII-18). Pollutant concentrations can also increase during relatively calm periods because of local emission sources. Calm conditions occur about 30 percent of the time. Depending on the 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 at or near the Clayton Planning Area.

Air Quality Standards

Both the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) have established ambient air quality standards for common pollutants. The federal standards are divided into primary standards, which are designed to protect the public health, and secondary standards, which are designed to protect the public welfare. The ambient air quality standards for each contaminant represent safe levels that avoid specific adverse health effects. Pollutants for which air quality standards have been established are called “criteria” pollutants. The federal and California ambient air quality standards are summarized in **Table 2**. The federal and State ambient standards were developed independently with differing purposes and methods. As a result, the federal and State standards differ in some cases. In general, the State of California standards are more stringent, particularly for ozone and particulate matter (PM₁₀ and PM_{2.5}), than the federal standards.

**Table 1
Federal and State Ambient Air Quality Standards**

Pollutant	Averaging Time	California Standards	Federal Standards	
			Primary	Secondary
Ozone	1 Hour	0.09 ppm	-	Same as primary
	8 Hour	0.07 ppm	0.075 ppm	
Carbon Monoxide	8 Hour	9 ppm	9 ppm	None
	1 Hour	20 ppm	35 ppm	
Nitrogen Dioxide	Annual Mean	0.03 ppm	0.053 ppm	Same as primary
	1 Hour	0.18 ppm	-	
Sulfur Dioxide	Annual Mean	-	0.030 ppm	-
	24 Hour	0.04 ppm	0.14 ppm	-
	3 Hour	-	-	0.50 ppm
	1 Hour	0.25 ppm	-	-
Respirable Particulate Matter (PM ₁₀)	Annual Mean	20 ug/m ³	-	Same as primary
	24 Hour	50 ug/m ³	150 ug/m ³	
Fine Particulate Matter (PM _{2.5})	Annual Mean	12 ug/m ³	15 ug/m ³	Same as primary
	24 Hour	-	35 ug/m ³	
Sulfates	24 Hour	25 ug/m ³	-	-
Lead	30 Day Average	1.5 ug/m ³	-	-
	Calendar Quarter	-	1.5 ug/m ³	Same as primary
Hydrogen Sulfide	1 Hour	0.03 ppm	N/A	N/A
Vinyl Chloride	24 Hour	0.01 ppm	N/A	N/A

ppm = parts per million

ug/m³ = micrograms per cubic meter

Source: California Air Resources Board, <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>, accessed August

Table 1 Federal and State Ambient Air Quality Standards				
Pollutant	Averaging Time	California Standards	Federal Standards	
			Primary	Secondary
2011.				

Air quality in the region is measured by the Bay Area Air Quality Management District (BAAQMD). The closest monitoring station is located in Concord. Ozone and nitrogen oxides (NO_x) are more regionally oriented pollutants and their levels have decreased in the Concord area since 1978 (*General Plan*, p. VII-19). At the same time, more localized pollutants (e.g., carbon monoxide (CO), sulfur dioxide, and total suspended particulates (TSP)) experienced a peak in 1981 and have decreased since then. **Table 3** shows that concentrations of CO and NO_x at the Concord monitoring site meet state/federal standards. Ozone concentrations exceeded the state and federal standards and exhibit wide variations from year-to-year related to meteorological conditions. Years where the summer months tend to be warmer than average tend to have higher average ozone concentrations while years with cooler than average temperatures tend to have lower than average ozone concentrations.

Attainment Status

Ozone

The federal Clean Air Act and the California Clean Air Act of 1988 require that CARB, based on air quality monitoring data, designate air basins within the State where the federal or state ambient air quality standards are not met as “non-attainment areas.” In 1995, after several years of minimal violations of the federal one-hour ozone standard, the USEPA revised the designation of the Bay Area Air Basin from “non-attainment” to “attainment” for this standard. However, with less favorable meteorology in subsequent years, violations of the one-hour ozone standard again were observed in the basin. Effective August 1998, EPA downgraded the Bay Area’s classification for this standard from a “maintenance” area to an “unclassified non-attainment” area. With the switch to the 8-Hour averaging time the Bay Area remained a non-attainment area, as shown in **Table 4**. In addition, the Bay Area Basin is currently designated non-attainment for the State 1-hour standard.

Table 3 Air Quality Data Summary for the Concord Air Quality Monitoring Site (2008-2010)				
Pollutant	Standard	Days Standard Was Exceeded		
		2008	2009	2010
Ozone	State 1-Hour	3	2	2
Ozone	Federal 1-Hour	0	0	0
Ozone	State 8-hour	8	5	4
Ozone	Federal 8-Hour	6	2	1
PM ₁₀	State 24-Hour	1	0	0
PM ₁₀	Federal 24-Hour	0	0	0

PM _{2.5}	Federal 24-Hour	3	1	1
Carbon Monoxide	State/Federal 8-Hour	0	0	0
Nitrogen Dioxide	State 1-Hour	0	0	0
Sulfur Dioxide	State 24-Hour	0	0	0

Source: California Air Resources Board, ADAM System, accessed January 2012.

**Table 4
Ambient Air Quality Standards and Bay Area Attainment Status**

Pollutant	Averaging Time	California Standards		National Standards	
		Concentration	Attainment Status	Concentration	Attainment Status
Ozone	8 Hour	0.07 ppm (137 $\mu\text{g}/\text{m}^3$)	N	0.075 ppm	N
	1 Hour	0.09 ppm (180 $\mu\text{g}/\text{m}^3$)	N	-	-
Carbon Monoxide	8 Hour	9.0 ppm (10 mg/m^3)	A	9 ppm (10 mg/m^3)	A
	1 Hour	20 ppm (23 mg/m^3)	A	35 ppm (40 mg/m^3)	A
Nitrogen Dioxide	Annual Average	0.03 ppm (57 $\mu\text{g}/\text{m}^3$)	-	0.053 ppm (100 $\mu\text{g}/\text{m}^3$)	A
	1 Hour	0.18 ppm (339 $\mu\text{g}/\text{m}^3$)	A	0.100 ppm	U
Sulfur Dioxide	24 Hour	0.04 ppm (105 $\mu\text{g}/\text{m}^3$)	A	-	-
	1 Hour	0.25 ppm (655 $\mu\text{g}/\text{m}^3$)	A	0.075 ppm (196 $\mu\text{g}/\text{m}^3$)	A
Particulate Matter (PM ₁₀)	Annual Arithmetic Mean	20 $\mu\text{g}/\text{m}^3$	N	-	-
	24 Hour	50 $\mu\text{g}/\text{m}^3$	N	150 $\mu\text{g}/\text{m}^3$	U
Particulate Matter – Fine (PM _{2.5})	Annual Arithmetic Mean	12 $\mu\text{g}/\text{m}^3$	N	15 $\mu\text{g}/\text{m}^3$)	A
	24 Hour	-	-	35 $\mu\text{g}/\text{m}^3$	N
Sulfates	24 Hour	25 $\mu\text{g}/\text{m}^3$	A	-	-
Lead	Calendar Quarter	-	-	1.5 $\mu\text{g}/\text{m}^3$)	A
	30 Day Average	1.5 $\mu\text{g}/\text{m}^3$)	A	-	-
Hydrogen Sulfide	1 Hour	0.03 ppm (42 $\mu\text{g}/\text{m}^3$)	U	-	-
Vinyl Chloride (chloroethene)	24 Hour	0.010 ppm (26 $\mu\text{g}/\text{m}^3$)	No information available	-	-
A=Attainment N=Nonattainment U=Unclassified					
mg/m ³ =milligrams per cubic meter		ppm=parts per million		$\mu\text{g}/\text{m}^3$ =micrograms per cubic meter	

Source: BAAQMD, CEQA Guidelines, June 2010.

Carbon Monoxide

As shown in **Table 4**, the state and federal attainment status for CO was upgraded to “attainment.”

PM₁₀ and PM_{2.5}

The state 24-hour standard for PM₁₀ is currently non-attainment, while the federal 24-hour standard is unclassified. The Bay Area is non-attainment for both the state and federal PM_{2.5} standard.

Operational Emissions

The BAAQMD’s CEQA Guidelines are used to evaluate among other things, whether or not a particular project is likely to generate operational emissions that would exceed the following District thresholds:

- Contribute to carbon monoxide (CO) concentrations exceeding the State Ambient Air Quality Standard of nine parts-per-million (ppm) averaged over eight hours, or 20 ppm for one hour; or
- Generate criteria air pollutant emissions in excess of the BAAQMD annual or daily thresholds. The current thresholds are 15 tons/year or 80 pounds/day for Reactive Organic Gases (ROG), Nitrogen Oxides (NO_x) or PM₁₀. Any proposed project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact.

For one of the thresholds of significance (total emissions from project operations), project screening may provide a simple indication of whether a project may exceed the threshold. The BAAQMD CEQA Guidelines state on page 3-1 that, “If the project meets the screening criteria in Table 3-1, the project would not result in the generation of operational-related criteria air pollutants and/or precursors that exceed the Thresholds of Significance shown in Table 2-2.”⁵ Table 3-1 on page 3-2 of the BAAQMD CEQA Guidelines lists various types of land uses which, based on default assumptions in the URBEMIS model, would result in mobile source emissions exceeding the District’s threshold of significance for NO_x (80 lbs/day).

While the proposed project does not include direct development of any of the six redesignation sites, compared to the existing residential development potential for the six redesignation sites, approval of the proposed project amendments could result in the future development of an additional 78 dwelling units (see **Table 1** above). The additional 78 units that could be developed on the six sites is below the screening levels for all relevant multi-family land use types listed in Table 3-1 of the BAAQMD CEQA Guidelines. Therefore, future residential development of all six redesignation sites would result in a *less-than-significant* impact to air quality.

General Plan, TCSP, and Zoning Code Text Amendments

⁵ Bay Area Air Quality Management District, *CEQA Guidelines*, June 2010, p. 3-2.

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct air quality impacts. Any future MF HD, SRO, Supportive Housing, or Transitional Housing development applications would be reviewed by the City to ensure consistency with federal, State, and local air quality standards and compliance with the BAAQMD's thresholds of significance. Adherence to such standards and guidelines would ensure that air quality impacts would be *less-than-significant*.

- d. **Would the project expose sensitive receptors to substantial pollutant concentrations? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

The above analysis for Questions "a-c" does not include an assessment of the potential impacts the project would have on PM₁₀. The BAAQMD's CEQA Guidelines sets forth thresholds of significance for construction impacts, which note that construction-related emissions are generally short-term in duration, but may still cause adverse air quality impacts. Fine particulate matter, PM₁₀, is the pollutant of greatest concern with respect to construction activities. PM₁₀ emissions can result from a variety of construction activities, including excavation, grading, demolition, vehicle travel on unpaved surfaces, and vehicle and equipment exhaust. Construction-related emissions can cause substantial increases in localized concentrations of PM₁₀. Particulate emissions from construction activities can lead to adverse health effects as well as nuisance concerns such as reduced visibility and soiling of exposed surfaces. The proposed project does not include direct development of any of the six redesignation sites; however, eventual development would require construction. Actions to control dust are provided in the grading regulations in the Municipal Code (Section 15.60), the City Engineer's standard erosion control specifications for construction projects, and the storm water quality regulations, which are designed to reduce stormwater runoff from construction projects and adjacent streets.

In addition, Table 3-1 of the BAAQMD CEQA Guidelines lists construction emission screening levels for various land use types. The additional 78 units that could be developed on the six sites upon approval of the proposed amendments is below the construction emission screening levels for all relevant land use types in Table 3-1. Consequently, construction activities associated with the future development of the redesignated properties would result in a *less-than-significant* impact on nearby sensitive receptors.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct air quality impacts. Any future MF HD, SRO, Supportive Housing, or Transitional Housing development applications would be reviewed by the City on a case-by-case basis to ensure that construction emissions would be below the District's applicable threshold. Given that the City would require each project to comply with dust control provisions in the grading regulations of the *Municipal Code* (Section 15.60), as well as the City Engineer's standard erosion control specifications for construction projects, it is anticipated that construction emissions from future residential development projects would be *less-than-significant*.

- e. **Would the project create objectionable odors affecting a substantial number of people? No Impact**

Discussion

Six Redesignation Sites and General Plan, TCSP, and Zoning Code Text Amendments

The proposed project does not include direct development of any of the subject properties. The proposed redesignations do not include industrial or intensive agricultural uses. In addition, the proposed General Plan, TCSP, and Zoning Code text amendments pertain to residential uses, which do not produce objectionable odors. Therefore, the project would not create or lead to the creation of odors or toxic air contaminants, resulting in *no impact*.

4. GREENHOUSE GAS EMISSIONS

Issues		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>					
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b.	Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

- a. **Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?.....Less-Than-Significant**
- b. **Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?Less-Than-Significant**

Discussion

Six Redesignation Sites

Background

Evidence exists that the Earth’s climate has been warming over the past century because of the buildup in the atmosphere of greenhouse gases (GHGs) emitted from human activity. Greenhouse gases have varying global warming potentials. The major components of greenhouse gases include carbon dioxide (CO₂), nitrous oxide (N₂O) and methane, (CH₄). Ozone is a greenhouse gas; however, unlike the other greenhouse gases, ozone in the troposphere is relatively short-lived and therefore is not global in nature. The burning of fossil fuels is the largest source of GHGs, particularly carbon dioxide. Greenhouse gases act much like a blanket, trapping the Earth’s heat in the atmosphere and resulting in an increase in the global mean temperature. A warmer global climate could have significant effects on local and regional weather patterns, agricultural production, flooding and water resources, and the distribution of plant and animal species among other impacts.

In 2006, California enacted the California Global Warming Solutions Act (AB 32). The Act requires California to reduce its emission of GHGs to the statewide level emitted in 1990 by 2020. The Act charges the California Air Resources Board (CARB) with the task of developing, with public input, a plan for reducing GHG emissions and implementing that plan by January 2012.

As directed by SB97, the Natural Resources Agency adopted Amendments to the CEQA

Guidelines for greenhouse gas emissions on December 30, 2009. On February 16, 2010, the Office of Administrative Law approved the Amendments, and filed them with the Secretary of State for inclusion in the California Code of Regulations. The Amendments became effective on March 18, 2010. Amended CEQA Guidelines Section 15064.4, states that, in determining the significance of greenhouse gas emissions, a “lead agency shall have discretion to determine, in the context of a particular project, whether to:

- (1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use. The lead agency has discretion to select the model or methodology it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; and/or
- (2) Rely on a qualitative analysis or performance based standards.”

Analysis

The June 2010 BAAQMD CEQA Guidelines includes a project-level GHG threshold for land use development projects (i.e., residential, commercial, industrial, and public land uses and facilities). The threshold is compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 metric tons per year (MT/yr) of CO₂e. Furthermore, said Guidelines include operational GHG screening criteria for various land uses in Table 3-1 on page 3-2. Several multi-family land use types are included in Table 3-1, such as apartment, low-rise, mid-rise, and high-rise; condo/townhouse, general and condo/townhouse, high-rise. The lowest screening level for multi-family land use types is 78 units in the apartment, low-rise and condo/townhouse, general categories.

The proposed project does not include direct development of any of the six project sites. However, as stated above, approval of the proposed project amendments could result in the future development of an additional 78 dwelling units beyond the level of development allowable for the six redesignation sites under current designations (see **Table 1** above). A total of 78 additional dwelling units for the six sites meets the 78-unit screening criteria for GHG operational emissions. In addition, as discussed in the footnotes to **Table 1**, the estimate of 78 additional units for the six redesignation sites is a theoretical conservative estimate because it does not account for the existing constraints to development on several of the sites. For example, Site V-5 currently contains high tension power lines and an associated access easement that would likely render infeasible the maximum dwelling unit potential on the site. In addition, Sites V-2, P-3, and Hoyer, have existing slope constraints along their western boundaries that would likely prohibit the development of the maximum allowable number of units on-site. As a result, although the realistic unit capacity for all six sites is not known at this time, it can be reasonably assumed that said capacity would be below 78 units given the existing on-site constraints to development. In conclusion, because approval of the proposed project amendments would not result in future residential development that would exceed the applicable operational GHG screening criteria, the project would have a *less-than-significant* impact regarding the generation of GHG emissions. In addition, future residential development would be built in compliance with the 2010 California Green Building Standards Code (CALGreen), which would serve to reduce GHG emissions indirectly generated via energy use.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct GHG impacts. Any future MF HD, SRO, Supportive Housing, or Transitional Housing development applications would be reviewed by the City to ensure consistency with federal, State, and local air quality standards and energy-efficiency measures, such as the 2010 California Green Building Standards Code (CALGreen). Adherence to such standards and measures would ensure that GHG impacts would be *less-than-significant*.

5. BIOLOGICAL RESOURCES.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 marshes or vernal pools) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, including trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. **Would the project 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?** **Potentially Significant Impact**

b. **Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?** **Potentially Significant Impact**

- c. **Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marshes or vernal pools) through direct removal, filling, hydrological interruption, or other means? Potentially Significant Impact**

Discussion

Six Redesignation Sites

The six redesignation sites are located in a developed urban area and are currently used for residential activities, as well as undeveloped uses. While all six sites have undergone some level of disturbance over time as a result of development activities (see above discussion in the *Project Description* section (Section IV) of this IES/MND), the sites contain mature trees.

According to the Department of Fish and Game's California Natural Diversity Database (CNDDDB), special-status or sensitive plant species listed to potentially occur in the project area include: large-flowered fiddleneck (*Amsinckia grandiflora*), soft bird's-beak (*Cordylanthus mollis ssp. mollis*), Mt. Diablo bird's-beak (*Cordylanthus nidularius*), Contra Costa wallflower (*Erysimum capitatum var. angustatum*), Contra Costa goldfields (*Lasthenia conjugens*), Mason's lilaeopsis (*Lilaeopsis masonii*), Antioch Dunes evening-primrose (*Oenothera deltoids ssp. howellii*), rock sanicle (*Sanicula saxatilis*), and Keck's checkerbloom (*Sidalcea keckii*). Because the proposed project sites have been previously developed, sensitive or special-status plant species are not believed to occur on the sites.

According to the CNDDDB, 14 sensitive or special-status wildlife species have been known to occur in the Clayton and surrounding 7.5 minute quadrangles. None of these 14 special-status species are expected to occur on any of the six sites due to the lack of suitable habitat for these species. For example, the lack of aquatic features precludes the following species from potentially occurring on the six sites: California tiger salamander, California red-legged frog, giant garter snake, and vernal pool tadpole shrimp. In addition, according to the East Contra Costa County HCP/NCCP (for further discussion regarding the HCP/NCCP see Question "f" below), within the inventory area, core habitat for San Joaquin kit fox is defined as annual grassland, alkali grassland, and oak savanna contiguous with grassland. Secondary foraging habitat occurs in agricultural fields and row crops adjacent to grassland areas. These habitat types are not represented on the project sites. In addition, within the inventory area, core habitat for Alameda whipsnake is associated with open and low-growing shrubs, primarily chaparral, and surrounding grassland. Rock outcrops near these areas are also thought to be important for the subspecies. As is the case with kit fox, the whipsnake's core habitat is not represented on the project sites.

The mature trees on the six sites could provide nesting habitat for raptors and other migratory birds protected under the Migratory Bird Treaty Act. The Hoyer site, in particular, contains several large trees throughout the two parcels comprising the site. The possibility exists that nests could be established in trees, shrubs, or suitable ground nesting locations prior to initiation of future grading or construction activities, though additional development

approvals would be required prior to such disturbance activities being authorized. If new nests are established, grading or grubbing could result in inadvertent loss of nesting birds unless adequate protective measures are taken. Therefore, the potential loss of nesting birds would result in a *potentially significant* impact.

Mitigation Measure(s)

Implementation of the following mitigation measure would ensure that the impact is *less-than-significant*.

Mitigation Measure 1. *Pre-construction nesting surveys for raptors and migratory birds protected under the federal Migratory Bird Treaty Act shall be conducted if initial grading is to be conducted during the months of March through August. A qualified biologist shall conduct the surveys no more than 14 days prior to initiation of grading or tree removal. If any of these species are found within the construction area after April of the construction year, grading and construction in the area shall either stop or continue only after the nests are protected by an adequate setback approved by a qualified biologist. If permanent avoidance of nests is not feasible, impacts on raptor and migratory bird nests shall be minimized by avoiding disturbances to the nest location during the nesting season unless a qualified biologist verifies that the birds have either a) not begun egg-laying and incubation, or b) that the juveniles from those nests are foraging independently and capable of independent survival at an earlier date. No preconstruction surveys are required if grading or tree removal occurs outside the nesting season (September through February).*

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts related to biological resources. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine the potential biological resources impacts that could occur. Future development would adhere to State and federal regulations and all General Plan goals, policies, and programs related to biological resources, which would reduce potential biological impacts to a *less-than-significant* level.

- d. **Would the project interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife**

nursery sites? **Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

All six sites are bordered on all sides by existing development; and, as a result, the sites do not serve as wildlife corridors. In addition, the sites do not contain any watercourses that would support migratory fish. Therefore, the development of the project sites would result in *no impact* to wildlife corridors.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City’s regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts related to wildlife corridors. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine the potential wildlife corridor impacts that could occur. Should any future MF HD, SRO, Supportive Housing, or Transitional Housing development sites contain wildlife corridors the City would work with the developer through the Development Plan Review Process (if zoned PD) or Site Plan Review Process to maintain the corridors to the maximum extent feasible, which would reduce potential impacts to a *less-than-significant* level.

- e. **Would the project conflict with any local policies or ordinances protecting biological resources, including trees? **Less-Than-Significant Impact****

Discussion

Six Redesignation Sites

All of the six redesignation sites contain mature trees, the removal of which would conflict with local policies. The proposed project does not include direct development of the subject properties. However, future development of the subject properties could result in adverse impacts to trees. However, the Development Plan Review or Site Plan Review of future development of project parcels conducted in compliance with Chapters 17.28 and 17.44 of the Zoning Code, respectively, would ensure compliance with the City’s Tree Protection Ordinance as outlined in Chapter 15.70 of the Municipal Code. Section 15.70.45 requires submission of a tree protection plan for trees greater than six inches in diameter which are located within 50 feet of a construction zone. For trees that are determined to be necessary for removal, replacement trees may be required pursuant to a tree replacement plan prepared

in accordance with the requirements of Section 15.70.040. These replacement trees would mitigate the impacts created by the removal of the existing on-site trees. Compliance with the City's Tree Protection regulations would ensure that impacts from future development of project parcels would be *less-than-significant*.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts to trees. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine the potential tree impacts that could occur. Should any future MF HD, SRO, Supportive Housing, or Transitional Housing development sites contain trees the City would require compliance with the Tree Protection Ordinance (Section 15.70 of the Municipal Code), which would reduce potential impacts to a *less-than-significant* level.

- f. **Would the project conflict with the provisions of an adopted habitat conservation plan?..... Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

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

The proposed project sites are located within the HCP/NCCP boundaries. According to the HCP/NCCP Development Fee Zone Map, the sites are designated as Urban. Page 9-17 of the East Contra Costa County HCP/NCCP states,

Lands inside the UDA [urban development area] and mapped as urban, turf, landfill, or aqueduct land cover types in the HCP/NCCP will not be assessed

the development fee. These areas are considered developed and do not support habitat for covered species. This exemption is designed to exclude lands within urban areas that are being redeveloped from the requirement to pay the development fee.

Because the project sites are within the UDA of the HCP/NCCP and are mapped as Urban, development fees do not apply. Therefore, the proposed project would not conflict with the conservation plan, resulting in a *less-than-significant* impact.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. Any future MF HD, SRO, Supportive Housing, or Transitional Housing applications would be required by the City to comply with the provisions of the East Contra Costa County HCP/NCCP, including payment of fees, if applicable. Compliance with the HCP/NCCP would reduce potential impacts to a *less-than-significant* level.

6. CULTURAL RESOURCES.

Issues		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>					
a.	Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
b.	Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
c.	Directly or indirectly destroy a unique paleontological resource on site or unique geologic features?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
d.	Disturb any human remains, including those interred outside of formal cemeteries.	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

- a. **Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?..... Potentially Significant Impact**

Discussion

Six Redesignation Sites

All six redesignation sites currently contain some structures. Site V-2, located south of High Street and west of Old Marsh Creek Road, contains a former workshop structure, which is located in the approximate center of the site. Site V-5, located at the southeast corner of Clayton Road and Mitchell Canyon Road, contains an occupied single family residence, which is the former Clayton fire station building that has been upgraded. Sites P-2, P-3, and Hoyer, located west of Old Marsh Creek Road near the Town Center Area, contain occupied single family residences and associated structures. Site P-4, located immediately west of Old Marsh Creek Road and north of Site P-2, contains an occupied single family residence, small barn, and horse corral. Some of these existing structures may be over 50 years old.

Section 15065 of the CEQA *Guidelines* mandates a finding of significance if a project would eliminate important examples of major periods of California history or pre-history. In addition, pursuant to Section 15064.5 of the CEQA *Guidelines*, historical resources (including both built environment and prehistoric archaeological resources) shall be considered by the lead agency to be historically significant if listed on the California Register of Historical Resources (CRHR) or determined to be eligible for listing by the State Historical Resources Commission. Historical resources may also be considered significant if the lead agency determines, based on substantial evidence, that the resources meet the criteria for inclusion in the CRHR. Any resources that are listed on or considered eligible for inclusion on the National Register of Historic Places are automatically considered eligible for the CRHR.

In order for a resource to be eligible for the California Register, the resource must satisfy all of the following three criteria:

- A property must be significant at the local, State, or national level, under one or more of the following four criteria of significance:
 - The resource is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the United States;
 - The resource is associated with the lives of persons important to the nation or to California's past;
 - The resource embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; or
 - The resource has the potential to yield information important to the prehistory or history of the state or the nation (this criteria applies primarily to archaeological sites);
- The resource retains historic integrity (defined below); and
- The resource is 50 years old or older (except for certain cases described in the California Register regulations).

The California Register regulations define "integrity" as "...the authenticity of a property's physical identity, evidenced by the survival of characteristics that existed during the property's period of significance." That is, the property must retain enough historic character or appearance to be recognizable as a historical resource. Following the National Register integrity criteria, California Register regulations specify that integrity is a quality that applies to historic resources in seven ways: location, design, setting, materials, workmanship, feeling, and association. A property must retain most of these qualities to possess integrity; however, one of the qualities of integrity may be more important than another, depending on why the resource is significant.

Though it is unlikely that any of the existing structures on the six redesignation sites would meet the above criteria, such a determination cannot be made at this time. It is important to note, however, that none of the six sites are included in the *Clayton Heritage Preservation Task Force Report* (1994) prepared by the City of Clayton Heritage Preservation Task Force. This report identifies historic buildings and sites located in the City. Notwithstanding this, the possibility exists that future residential development on the six sites could impact historical resources, which would be considered a *potentially significant* impact.

Mitigation Measure(s)

Implementation of the following mitigation measure would ensure that the impact is *less-than-significant*.

Mitigation Measure 2. *Prior to the issuance of a demolition permit for any on-site structures on the six redesignation sites, the structure(s) shall be evaluated to determine if the structure(s) are over 50 years old. If any structure scheduled for demolition is over 50 years old, the structure shall be evaluated to determine if it is eligible for the California Register. Should the structure(s) be determined ineligible for the California Register, further mitigation would not be required. Eligibility shall be determined by an architectural historian approved by the City. The architectural historian shall submit a report to the Community Development Director for review and approval. For any structure determined to be eligible for the California*

Register, the report shall include measures necessary to ensure that impacts to the structure are less-than-significant.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City’s regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts to historic resources. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine potential impacts to historic resources. Adherence to applicable City, State, and federal standards as well as the requirements mandated during the environmental review of individual projects would reduce potential impacts related to historic resources to a *less-than-significant* level.

- b. Would the project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?..... Potentially Significant Impact**

- c. Would the project directly or indirectly destroy a unique paleontological resource on site or unique geologic features?..... Potentially Significant Impact**

- d. Would the project disturb any human remains, including those interred outside of formal cemeteries. Potentially Significant Impact**

Discussion

Six Redesignation Sites

Archaeological site Cco-222, known as the Keller Ranch site, is located in and around the Clayton Community Library and the Keller Ranch house. In addition, the project area has a history of pre-historic and historic habitation. Future development of the six redesignation sites could result in the disturbance or destruction of cultural artifacts previously unearthed. As a result, future residential development of the six sites could have a *potentially significant* impact to archaeological resources.

Mitigation Measure(s)

The following mitigation measure would reduce the impact from the proposed project to a *less-than-significant* level.

Mitigation Measure 3. *Development Plans for the six redesignation sites shall include a cultural resources assessment conducted by a qualified expert (approved by the Community Development Director). The assessment shall be submitted for the review and approval by the Community Development Director and shall identify any on-site archaeological resources and/or human remains, as well as measures necessary for their protection.*

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts to archaeological resources. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine potential impacts to archaeological resources. Adherence to applicable City, State, and federal standards as well as the requirements mandated during the environmental review of individual projects would reduce potential impacts related to archaeological resources to a *less-than-significant* level. For example, State Health and Safety Code §7050.5 (c) requires that if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the County Coroner shall be contacted immediately.

7. GEOLOGY AND SOILS.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
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 based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b. 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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d. Be located on expansive soil, as defined in the Uniform Building Code?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

a-i. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving 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 based on other substantial evidence of a known fault? Less-Than-Significant Impact

a-ii. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking? Less-Than-Significant Impact

d. Would the project be located on expansive soil, as defined in the Uniform Building Code? Less-Than-Significant Impact

Discussion

Six Redesignation Sites

According to the General Plan, the Concord Fault is located near the six redesignation sites and is known to be active. The Concord Fault is a creeping fault and small to moderate earthquakes are possible along the fault, with the capability of a 7.0 magnitude. In addition, the Greenville Fault is classified as a Type B Fault and is located within 1 mile of some of the project parcels. The project parcels are located in Seismic Zone 4, which is defined in the California Building Code as a region nearest historically active faults.

A potential seismic hazard resulting from a nearby moderate to major earthquake is ground shaking. An earthquake of moderate magnitude generated within the San Francisco Bay Area, similar to those that have occurred in the past, could cause considerable ground shaking at the project parcels.

In addition, the possibility exists that expansive soils underlie some of the redesignation sites. Expansive soils shrink and swell as a result of moisture changes. This can cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations.

In order to mitigate the shaking effects and possible effects from expansive soils, future development of the project parcels should be designed using sound engineering judgment and the current California Building Code (CBC) requirements.

Although the potential for future residential development on project parcels to be damaged by ground shaking and/or expansive soils is considered to be relatively unlikely, the possibility exists for damage to occur during an earthquake of moderate magnitude or soil expansion. However, compliance with State and local building codes would ensure that ground shaking and expansive soils would have a *less-than-significant* impact to future residential development on the six redesignation sites.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts related to ground shaking or expansive soils. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine potential impacts that could result from ground shaking or expansive soils. Adherence to CBC requirements, however, would reduce potential impacts related to ground shaking and expansive soils to a *less-than-significant* level.

not possible to determine potential impacts that could result from liquefaction or landslides. Adherence to CBC requirements, however, would reduce potential impacts related to liquefaction and landslides to a *less-than-significant* level.

- c. **Would the project result in substantial soil erosion or the loss of topsoil? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

Future residential development on the six redesignation sites would likely involve the disturbance and relocation of topsoils, rendering earth surfaces susceptible to erosion from wind and water. Soil erosion, or the loss of topsoil, resulting from grading and excavation of the specific project sites could lead to sedimentation of downstream receiving waters. The City's stormwater management and discharge control regulations (Section 13.12 of the Municipal Code) ensure that construction impacts on water quality are less-than-significant. For example, Section 13.12.090(E) states that all construction shall conform to the requirements of the California Stormwater Quality Association Stormwater Best Management Practices Handbooks for Construction Activities and New Development and Redevelopment, the Association of Bay Area Governments Manual of Standards for Erosion & Sediment Control Measures, the City's grading and erosion control ordinance, and other generally accepted engineering practices for erosion control as required by the Director when undertaking construction activities. Compliance with the City's regulations will ensure that impacts are *less-than-significant*.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts related to soil erosion. Adherence to the City's stormwater management and discharge control regulations (Section 13.12 of the Municipal Code) would ensure that future construction impacts on water quality are *less-than-significant*.

- e. **Would the project 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 waste water? No Impact**

Discussion

Six Redesignation Sites and General Plan, TCSP, and Zoning Code Text Amendments

The proposed project does not include direct development requiring the need for sewer service. Future development on the six redesignation sites or development associated with future potential MF HD, SRO, Supportive Housing, or Transitional Housing applications would include the connection of the development to the City's sewer system and would not require the installation or use of septic tanks. Therefore, the proposed project would have *no impact* on soils supporting septic systems.

8. HAZARDS AND HAZARDOUS MATERIALS.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. **Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Potentially Significant Impact**
- b. **Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment? Potentially Significant Impact**
- c. **Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? Potentially Significant Impact**

Discussion

Six Redesignation Sites

The proposed project does not include direct development or disturbance of the six redesignation sites. However, if the proposed project amendments are approved, the six sites could be developed in the future with high density residential development. Future residential development of the six sites would necessarily include demolition of existing structures, some of which were likely built prior to the ban of asbestos-containing building materials and lead-based paint.

Asbestos-containing materials (ACMs) were banned in the mid-1970s. These materials can include, but are not limited to resilient floor coverings, drywall joint compounds, acoustic ceiling tiles, piping insulation, electrical insulation and fireproofing materials. Lead-based paints were phased out of production in the early 1970s. Typically, exposure to lead from older vintage paint is possible when the paint is in poor condition or is being removed. In construction settings, workers could be exposed to airborne lead during renovation, maintenance, or demolition work.

Regarding the routine transport, use, or disposal of hazardous materials, because these six sites would be redesignated for high density residential development, such routine transport, use, or disposal of hazardous materials would not occur as hazardous materials are not typically associated with residential uses. In addition, although Site V-5 is located within ¼ mile of Mount Diablo Elementary School, future residential development of Site V-5 would not emit hazardous emissions or substances.

In conclusion, while future residential development of the six redesignation sites would not result in impacts regarding the routine transport, use, or disposal of hazardous materials, the possibility exists that future demolition of on-site structures could result in *potentially significant* impacts regarding exposure of workers to ACMs and/or lead-based paint.

Mitigation Measure(s)

Implementation of the following mitigation measure would mitigate potential impacts to a *less-than-significant* level:

Mitigation Measure 4. *Prior to issuance of a demolition permit by the County Building Inspection Department for any on-site structures, the project proponent shall provide a site assessment determining whether any structures to be demolished contain asbestos and/or lead-based paint. If any structures contain asbestos, the application shall include an asbestos abatement plan consistent with local, State, and federal standards, subject to the County Building Department approval. If lead-based paint is found all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with local, State, and federal regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect their workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with local, State, and federal regulations subject to County Building Department approval.*

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. These amendments are policy level changes to the City’s regulatory documents; therefore, said amendments would not have any direct impacts related to transport or use of hazardous materials. As these amendments only pertain to residential uses, approval of the subject amendments would not result in future development of uses involving routine transport or use of hazardous materials. Should any future prospective MF HD, SRO, Supportive Housing or Transitional Housing development sites include structures that contain ACMs or lead-based paint, the City would require compliance with local, State, and federal regulations regarding disposal of hazardous materials, including County Building Inspection Department regulations regarding the potential release of hazardous airborne pollutants, including asbestos and lead-based paint. Compliance with local, State, and federal standards would reduce potential hazardous materials impacts to a *less-than-significant* level.

- d. **Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to G.C. Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

The six redesignation sites are not located on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, resulting in *no impact*.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses.

In the absence of specific information regarding the location and type of future MF HD, SRO, Supportive Housing, or Transitional Housing developments, a development site cannot be identified as being located in or near an area identified as a hazardous materials site pursuant to Government Code Section 65962.5. Review of potential impacts related to this issue would be conducted during the environmental review of specific developments.

Adherence to applicable City, State, and/or federal regulations would reduce potential hazards to the public to a *less-than-significant* level.

- e. **Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

The proposed project does not include direct development of any of the six redesignation sites. Because the six sites would be zoned PD upon approval of the proposed amendments, future development would be subject to a Development Plan Permit, which would ensure compliance with the adopted emergency response plans of the City. Furthermore, during development of project parcels, construction equipment would be staged on-site such that emergency vehicles would not be impeded. Therefore, future residential development on the six redesignation sites would result in a *less-than-significant* impact to emergency plans.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses.

In the absence of specific information regarding the location and type of future MF HD, SRO, Supportive Housing, or Transitional Housing developments, the impact of new development on the emergency response and/or emergency evacuation plans adopted by the City cannot be determined. As part of the Development Plan Review (PD zoning) or Site Plan Review Process, the City would review individual MF HD, SRO, Supportive Housing, and/or Transitional Housing applications at the time of submittal to ensure that future projects are consistent with applicable requirements of adopted emergency response/evacuation plans, thus, reducing potential impacts related to this issue to a *less-than-significant* level.

- f. **Would the project expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

The six redesignation sites are bordered by urban uses. As a result, wild lands do not exist in close proximity to the project sites. The likelihood of wildland fires in the project area is not significant. Therefore, wildland fires would have *no impact* on future residential development of the six redesignation sites.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine potential impacts that could result from wildland fires. New projects would typically occur on undeveloped or underutilized land, some of which may be located adjacent to or in areas with a considerable risk for property damage or injury resulting from wildland fires. The transition from natural vegetation to urban uses would increase the potential for wildland fire impacts. However, new development applications would be evaluated by the City to determine the exposure of people and structures to a significant risk of loss due to wildland fires. New development would adhere to applicable and appropriate standards and regulations of responsible fire authorities, thereby, reducing potential wildland fire impacts to a *less-than-significant* level.

9. HYDROLOGY.

Issues		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>					
a.	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b.	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c.	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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d.	Substantially alter the existing drainage pattern of the site or area, including alteration of the course of a stream, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
e.	Substantially alter the existing drainage pattern of the site or area, including alteration of the course of a stream, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
f.	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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
g.	Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
h.	Place within a 100-year floodplain structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

a. **Would the project violate any water quality standards or waste discharge requirements? Less-Than-Significant**

b. **Would the project otherwise substantially degrade water quality? Less-Than-Significant**

Discussion

Six Redesignation Sites

On March 10, 2003, the State Water Resources Control Board began regulating all stormwater discharges associated with construction activities where clearing, grading, or excavation results in a land disturbance of one or more acres. Performance Standard NDCC-13 of the City's NPDES permit requires applicants to show proof of coverage under the State's General Construction Permit prior to receipt of any construction permits.

In addition, the San Francisco Bay Regional Water Quality Control Board (RWQCB) issued

an Order requiring all municipalities within Contra Costa County (and the County itself) to develop more restrictive surface water control standards for new development projects as part of the renewal of the Countywide National Pollution Discharge Elimination System (NPDES) permit. Known as the "C.3 Standards," new development or redevelopment projects that disturb one or more acres of land area must contain and treat stormwater runoff from the site. Formerly, the threshold was five or more acres of land disturbance. Enhanced Best Management Practices (BMP) to protect stormwater runoff from development sites are also required under the C.3 Standards since February 15, 2005, for projects creating 1 acre of new or redevelopment impervious area. Beginning August 2006, the threshold decreased to 10,000 square feet impervious area. Upon approval of the proposed project amendments, future residential development on any of the six redesignation sites could individually create and/or improve in excess of 10,000 square feet of impervious surface area, and would therefore be subject to C.3 requirements.

Pursuant to Section 13.12.050(A) of the Clayton Municipal Code, every application for a development project, including but not limited to a rezoning, tentative map, parcel map, use permit, variance, site plan review permit, grading permit, encroachment permit, or building permit that is subject to the development runoff requirements in the City's NPDES permit shall be accompanied by a stormwater control plan that meets the criteria in the most recent version of the Contra Costa Clean Water Program Stormwater C. 3. Guidebook. Compliance with Section 13.12 of the City's code would ensure that future development on any of the project parcels would result in *less-than-significant* impacts to water quality.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts related to water quality. Adherence to the City's stormwater management and discharge control regulations (Section 13.12 of the Municipal Code) would ensure that future impacts on water quality are *less-than-significant*.

- c. **Would the project 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? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites and General Plan, TCSP, and Zoning Code Text Amendments

The Contra Costa Water District (CCWD) provides domestic water service to Clayton. The major sources of water are the Sacramento River and the Sacramento River via the Contra Costa Water District Canal, not pumped groundwater. The proposed project would not result in direct development. However, approval of the proposed amendments could result in future residential development on the six redesignation sites or development associated with future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications. These developments would be served by the City’s municipal water system, not groundwater. In addition, while the potential increase in lot coverage resulting from approval of the proposed amendments could result in a net increase in impervious surfaces, the surface area would not be large enough to significantly affect groundwater recharge in the area. Therefore, the project would have a *less-than-significant* impact to groundwater resource supply and/or recharge.

- d. **Would the project substantially alter the existing drainage pattern of the site or area, including alteration of the course of a stream, in a manner which would result in substantial erosion or siltation on- or off-site? Less-Than-Significant**

- e. **Would the project substantially alter the existing drainage pattern of the site or area, including alteration of the course of a stream, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Less-Than-Significant**

- f. **Would the project 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? Less-Than-Significant**

Discussion

Six Redesignation Sites

The proposed project does not include plans to develop the project sites. However, several of the amendments proposed for this project would allow for increased lot coverage. Increased lot coverage could result in increased stormwater runoff that could not be accommodated by existing downstream storm drainage infrastructure. Future development on the project sites would therefore need to include adequately designed and maintained stormwater facilities. Pursuant to Section 13.12.050(A), a stormwater control plan must be submitted, which describes the proposed storm drainage system for the project. Maintenance of the storm drainage facilities is addressed in Section 13.12.050(D), which states that all stormwater

management facilities shall be maintained according to the Contra Costa Clean Water Program Stormwater C. 3. Guidebook and the approved stormwater control operation and maintenance plan. The person(s) or organization(s) responsible for maintenance shall be designated in the plan. Unless a different time period is provided for in the plan, those responsible for maintenance shall inspect the stormwater management facility at least annually. The plan shall also describe how the maintenance costs will be funded and enforced. Compliance with Section 13.12 would ensure that the project's impacts to existing drainage patterns or storm drain facilities are *less-than-significant*.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts related to existing drainage patterns or the capacity of existing or planned storm water drainage facilities. Adherence to the City's stormwater management and discharge control regulations (Section 13.12 of the Municipal Code) would ensure that future impacts to existing drainage patterns and facilities are *less-than-significant*.

- g. Would the project place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Less-Than-Significant Impact**
- h. Would the project place within a 100-year floodplain structures which would impede or redirect flood flows? Less-Than-Significant Impact**
- i. Would the project 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?..... Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

The Federal Emergency Management Agency (FEMA) indicates that a majority of the County's creeks lie within the 100-year flood plain. The principal drainage running through Clayton is Mount Diablo Creek. Mount Diablo Creek originates on the steep north slopes of Mount Diablo. Mount Diablo Creek drains a watershed of approximately 30 square miles and flows northerly and westerly through the cities of Clayton and Concord, the Concord

Naval Weapons Station and eventually empties into Suisun Bay. Mitchell Creek is a tributary of Mount Diablo Creek, and joins Diablo Creek north of the Clayton Town Center.

Flooding has occurred from Mount 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. Despite these occurrences, Mount 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 Mount Diablo slopes and the City limits, which serves to slow down velocity and delay peak flows. The FEMA Flood Insurance Rate Map (FIRM) 06013C0308F for the project area indicates that none of the six redesignation sites are located within the 100-year flood plain. As a result, future development on project parcels within the 100-year floodplain would result in *less-than-significant* impacts to people and structures.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts regarding flooding. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine potential flooding impacts. The possibility exists that future applications could be submitted for parcels affected by the 100-year floodplain. However, pursuant to Section 15.58.061 of the City's Municipal Code, a Development Permit shall be obtained before construction or development begins within any hazard area identified on the FIRM for Clayton. The City Engineer, designated as the Floodplain Administrator, reviews the Development Permits to ensure that all new construction will comply with the City's Floodplain Ordinance, which also ensures compliance with FEMA requirements. Therefore, any future residential development resulting from the proposed amendments that is within the 100-year floodplain would result in *less-than-significant* impacts to people and structures.

10. LAND USE.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b. Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

- a. **Would the project physically divide an established community? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

The proposed project does not include direct development of the subject properties. All of the project sites are currently designated for residential development. The proposed General Plan, Town Center Specific Plan, and Zoning Map amendments would simply allow greater residential densities on the subject sites. As a result, urban development would not be allowed on parcels which are not currently designated for urban uses. The proposed sites are located within established communities, and development on such parcels would correspondingly result only in future infill projects. Therefore, future residential development on the six sites would not divide an established community, resulting in a *less-than-significant* impact.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine whether such development could physically divide an established community. New projects would typically occur on undeveloped or underutilized land within existing developed areas, such as the Town Center area. As part of the Development Plan Review (PD zoning) or Site Plan Review Process, the City would review individual MF HD, SRO, Supportive Housing, and/or Transitional Housing applications at the time of submittal to ensure that established communities are not adversely

affected. As a result, the proposed text amendments would have a *less-than-significant* impact concerning the physical division of an established community.

- b. **Would the project conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites and General Plan, TCSP, and Zoning Code Text Amendments

The City has initiated the text and map amendments that are described in the *Project Description* section of this IES/MND. The proposed text and map amendments are intended to achieve the Implementation Measures of the 2009-2014 Clayton Housing Element, with the exception of two proposed amendments. These include, 1) revisions to the “Residential Density and Population Projections” section of the General Plan Land Use Element, which are simply intended to ensure that this section of the Land Use Element reflects the latest 2010 census data; and 2) revisions to the “Open Space” section of the Planned Development District to allow greater flexibility for affordable housing projects relative to the 20 percent open space requirement of the PD District.

With the exception of the two above-described proposed amendments, the text and map amendments proposed for this project are intended to help the City of Clayton comply with the latest housing and community development legislation as well as enable the City to meet the RHNA numbers allocated to the City by ABAG for lower income units.

Should City Council approve the entirety of map and text amendments proposed for the project and described in detail in the *Project Description* section of this IES/MND, the proposed project would be consistent with the plans and policies in the Clayton General Plan (including the current Housing Element), Town Center Specific Plan, and Zoning Code, resulting in a *less-than-significant* impact.

- c. **Would the project conflict with any applicable habitat conservation plan or natural communities conservation plan? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

The East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) was adopted by the participating agencies, and became effective in the City of Clayton in January 2008. The HCP/NCCP is intended to provide a coordinated, regional approach to special-status species conservation and development regulation. A total of 28 species are covered under the HCP/NCCP, including California red-legged frog,

California tiger salamander, Alameda whipsnake, San Joaquin kit fox, vernal pool tadpole shrimp, and burrowing owl, among others. The HCP/NCCP provides streamlined permits from the U.S. Fish and Wildlife Service (USFWS) and CDFG for covered species for new urban development projects and a variety of public infrastructure projects. The goal is to eventually provide coverage for agency authorizations for wetland-related impacts, which are not currently covered under the HCP/NCCP.

The proposed project sites are located within the HCP/NCCP boundaries. According to the HCP/NCCP Development Fee Zone Map, the sites are designated as Urban. Page 9-17 of the East Contra Costa County HCP/NCCP states,

“Lands inside the UDA [urban development area] and mapped as urban, turf, landfill, or aqueduct land cover types in the HCP/NCCP will not be assessed the development fee. These areas are considered developed and do not support habitat for covered species. This exemption is designed to exclude lands within urban areas that are being redeveloped from the requirement to pay the development fee.”

Because the project sites are within the UDA and are mapped as Urban, development fees do not apply. Therefore, the proposed project would not conflict with the conservation plan, resulting in a *less-than-significant* impact.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. Any future MF HD, SRO, Supportive Housing, or Transitional Housing applications would be required by the City to comply with the provisions of the East Contra Costa County HCP/NCCP, including payment of fees, if applicable. Compliance with the HCP would reduce potential impacts to a *less-than-significant* level.

11. MINERAL RESOURCES.

Issues		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>					
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

- a. **Would the project 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? No Impact**
- 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? No Impact**

Discussion

Six Redesignation Sites and General Plan, TCSP, and Zoning Code Text Amendments

The Contra Costa County General Plan states (p. 8-52) that the most important mineral resources that are mined in the County include crushed rock near Mt. Zion, west of Mitchell Canyon Road (approximately 0.7 miles southwest of the project area); shale in the Port Costa area; and sand and sandstone deposits, mined from several locations.

Because the six redesignation sites are not within the immediate vicinity of the Mt. Zion quarry, future high density residential development on these sites would not interfere with existing operations. In addition, any future MF HD, SRO, Supportive Housing, or Transitional Housing applications submitted for development within the City would not be expected to adversely affect Quarry operations as the Quarry is located south of the existing City limit line. Therefore, the proposed project would have *no impact* to mineral resources.

12. NOISE.

Issues		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project result in:</i>					
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?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
b.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c.	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

- a. **Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the general plan or noise ordinance, or applicable standards of other agencies? Potentially Significant Impact**

Discussion

Six Redesignation Sites

Noise analyses are concerned with evaluating the effects of noise levels on sensitive receptors. Sensitive receptors are generally defined as residences and associated yards, as well as parks. The proposed project would re-designate some properties for commercial use that adjoin residential areas.

The General Plan (p. VIII-2) includes the following goal regarding noise:

“To maintain or improve the overall environment and the general well being of the community by reducing annoying levels of noise for all land uses in the city. Physically harmful levels of noise (70 Ldn and above) shall be mitigated to below harmful levels and to levels of minimum annoyance (below 60 Ldn) where feasible.”

Exhibit VIII-1 of the Noise Element of General Plan (Projected Noise Contours) indicates that the former fire station (V-5), which the project proposes to designate Multifamily High Density, lies within the 70 dB noise contour for Mitchell Canyon Road and Clayton Road. In addition, Sites P-2 and P-4 lie within the 60 dB noise contour for Old Marsh Creek Road. Future development of high density residential uses within these noise contours could cause **potentially significant** noise impacts to future residents.

Mitigation Measure

Implementation of the following mitigation measure would reduce noise impacts to a *less-than-significant* level.

Mitigation Measure 5. *Development plans for Sites V-5, P-2, and P-4 shall include a noise assessment performed by a qualified acoustical consultant. The noise assessment shall demonstrate that the City’s residential noise standards are met, and if necessary, recommend measures to be included in the project design to ensure the applicable standards are met.*

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City’s regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct noise impacts. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine the potential noise impacts that could occur. Any future MF HD, SRO, Supportive Housing, or Transitional Housing developments would be required by the City to comply with all General Plan noise-related goals, policies, and programs, and the City’s Noise Ordinance, which would reduce potential impacts associated with this issue to a *less-than-significant* level.

- b. **Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

The implementation of the proposed project would add traffic to the local roadway network, which in turn, would result in a permanent increase in the ambient noise environment. Whether or not the increase is considered significant is a function of the amount of traffic generated by this project relative to projected traffic volumes without the project. As illustrated above in **Table 1**, the approval of the proposed amendments for the six redesignation sites could result in the future development of an additional 78 dwelling units beyond the level of development allowable for the six redesignation sites under current designations. Therefore, the introduction of the additional units on the chosen amount of sites spread across the City of Clayton would add a relatively small amount of new vehicle trips on the local roadway network.

California Environmental Quality Act (CEQA) Guidelines define a project-level impact as being significant if it “increases substantially the ambient noise levels for adjoining areas.” In practice, significant noise impacts are usually identified in CEQA analyses if the project would result in a perceptible ambient noise level increase, commonly considered to be 3 to 4 dB. The permanent traffic noise level increase resulting from this project is expected to be below the 3 to 4 dB threshold of significance for this project, and the impact is considered *less-than-significant*.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City’s regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct noise impacts. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine the potential noise impacts that could occur. As part of the Development Plan Review process (if zoned PD) or Site Plan Review process, future MF HD, SRO, Supportive Housing, or Transitional Housing development applications would be reviewed by the City on a case-by-case basis to ensure that the amount of traffic generated by each development project would not cause a substantial permanent increase in ambient noise levels in the project vicinity, here defined as 3 to 4 dB. As such, the proposed text amendments and any ensuing residential development would have a *less-than-significant* noise impact.

- c. **Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Less-Than-Significant Impact**
- d. **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

The proposed project does not include the development of any of the project parcels. Future construction on the parcels, if approved by the City, would result in temporary increases in groundborne vibration and noise levels from demolition, grading, and construction activities on the project specific parcels. Such noise would include mechanical equipment used to demolish any existing structures on the site and the removal of debris. Earthmovers, dump trucks, and similar equipment would be used to re-grade the parcel in accordance with the

plans, which would also generate potentially significant noise levels. After grading is complete, construction noise would include delivery of construction materials, construction of foundations, framing, roofing, and similar operations that would temporarily generate noise. However, all construction would be required to be carried out in compliance with Chapter 15.01 of the Municipal Code, which restricts construction activities to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise authorized by the City Engineer. Construction-related impacts would be short-term in nature and would be reduced to a *less-than-significant* level through adherence to the Municipal Code regulations regarding the days and hours of construction activity.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct construction noise or vibration impacts. Potential groundborne noise/vibration impacts resulting from construction of future MF HD, SRO, Supportive Housing, or Transitional Housing developments would be short-term. In addition, construction activities associated with new development would be required to comply with applicable City standards regarding the generation of ground vibration or groundborne noise. Adherence to these measures would reduce impacts associated with this issue to a *less-than-significant* level.

13. POPULATION AND HOUSING.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

- a. **Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?** **Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

An impact to population and housing is considered significant if the project would induce substantial population growth in an area either directly or indirectly. The approval of the proposed project amendments could ultimately lead to the construction of new multi-family residences, if additional project-level approvals are first obtained by future applicants. According to the California Department of Housing and Community Development (HCD) the City of Clayton General Plan designates an insufficient amount of vacant parcels for higher density development to accommodate the City’s remaining housing needs for the low and very low-income groups. The population growth induced by implementation of the proposed project would achieve the City’s deficiency, and is therefore not a substantial growth in population in excess of the HCD requirement and General Plan projections. Therefore, a *less-than-significant* impact would occur in regards to the project increasing substantial population growth.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the

City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts related to population growth. Any future MF HD, SRO, Supportive Housing, or Transitional Housing development applications would be reviewed by the City on a case-by-case basis to ensure that the project would not induce substantial population growth in an area where adequate public services and utilities are not available to serve such growth. As such, the proposed text amendments would result in a *less-than-significant* impact to population growth.

- b. **Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Less-Than-Significant Impact**

- c. **Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites and General Plan, TCSP, and Zoning Code Text Amendments

The proposed project does not include any direct development. Upon approval of the proposed project amendments, the possibility exists that future high density residential development could be constructed on the six sites. However, future development on the six redesignation sites would not require the displacement of substantial numbers of existing housing or people as only a few residences are located on the sites.

Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine whether such development could displace substantial numbers of existing housing or people. New projects would typically occur on undeveloped or underutilized land, and as a result, would not displace substantial numbers of housing or people. New development applications would be evaluated by the City to ensure that the proposed project would neither displace substantial existing housing nor necessitate the construction of replacement housing, resulting in a *less-than-significant* impact.

14. PUBLIC SERVICES.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project result in 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:</i>				
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d. Parks and recreation?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
e. Solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
f. Other public facilities and services?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

- a. **Would the project result in 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 fire protection? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

The project area is served by Station 11 of the Contra Costa County Fire Protection District located at Center Street and Clayton Road. The station has a Type I engine. In addition, the station has three staff on a 24-hour, 7 days per week basis. Increased residential densities have the potential for increasing the need for fire protection services. As illustrated in **Table 1**, approval of the proposed project amendments could result in the future development of an additional 78 dwelling units beyond the level of development allowable for the six redesignation sites under current designations. Using the average household size of 2.72 persons per unit, based on 2010 census data for the City of Clayton, future development of the additional 78 units could result in the introduction of approximately 212 more people than what would be expected upon buildout of the six sites under current designations. However, future development of the project properties would be constructed in accordance with applicable building, fire, and life safety codes, which would reduce the amount of fire risk associated with the new structures. As a result, the project would have *less-than-significant* impact on fire protection resources.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City’s regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts related to fire protection. Any future MF HD, SRO, Supportive Housing, or Transitional Housing development applications would be reviewed by the City on a case-by-case basis to ensure that the design is in accordance with applicable building, fire, and life safety codes. As a result, the project would have *less-than-significant* impact on fire protection resources.

b. Police protection? Potentially Significant Impact

Discussion

Six Redesignation Sites

The proposed project does not include direct development on any of the project sites. However, future high density residential development of the six sites could increase calls for police service. According to the Clayton Police Chief, the Police Department staffing levels have not kept pace with recent population increases in the community. Therefore, future development of the additional 78 residential units and the concomitant introduction of approximately 212 more people to the City than would be expected upon buildout of the six redesignation sites under current designations could have a *potentially significant* impact to police protection services.

Mitigation Measure

Implementation of the following mitigation measure would reduce the impact to a *less-than-significant* level.

***Mitigation Measure 6.** Project developers shall pay a fair share contribution to the City for impacts to police staffing directly related to impacts of the proposed project for a five-year period. The calculation and payment shall be made at the time of issuance of building permits for each project, and shall be approved in advance by the Clayton Police Chief and City Manager.*

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in

certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts related to police protection. As part of the Development Plan Review process (if zoned PD) or Site Plan Review process, future MF HD, SRO, Supportive Housing, or Transitional Housing developments would be reviewed by the Community Development Director and Clayton Police Chief to ensure that such development complies with all relevant City design requirements and fees, and therefore would not result in an inability of the police department to adequately serve and protect the citizens of Clayton. As such, the proposed text amendments would have a *less-than-significant* impact on police protection.

c. Schools?..... Less-Than-Significant Impact

Discussion

Six Redesignation Sites

The City is located within the Mt. Diablo Unified School District. Schools that serve children from Clayton are the Mount Diablo Elementary School, Diablo View Middle School, and Clayton Valley High School. As illustrated in **Table 1**, approval of the proposed project amendments could result in the future development of an additional 78 dwelling units beyond the level of development allowable for the six redesignation sites under current designations. An additional 78 dwelling units would result in additional students being added to the schools within the Mt. Diablo Unified School District. Under State law, payment of school impact fees per SB 50 prior to the issuance of a building permit constitutes full mitigation for any impacts to school facilities. Therefore, future residential development of the six redesignation sites would have a *less-than-significant* impact on schools.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts related to schools. Any future MF HD, SRO, Supportive Housing, or Transitional Housing developments would be required per State Law to pay school impact fees, which would be considered full mitigation for any impacts to school facilities. As a result, the project would have a *less-than-significant* impact on schools.

d. **Parks and recreation? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites

The City owns and maintains seven parks including Clayton Community Park, Lydia Lane Park, and The Grove, which is located in the commercial district of historic downtown Clayton, near five of the six redesignation sites. The City also owns and maintains an extensive system of pedestrian and recreational trails throughout the community, many which link with regional trails. Mount Diablo State Park is located approximately one mile south of the Town Center.

Because approval of the proposed project amendments could result in the future development of an additional 78 dwelling units beyond the level of development allowable for the six redesignation sites under current designations, an unanticipated increase in the demand for existing parks could occur. The parkland dedication provisions of Chapter 16.12 of the Municipal Code and open space regulations applicable to developments in the Planned Development District require provision of open space for new residents. These provisions would address the additional demand on parks resulting from the increased population attributable to 78 additional units (i.e., 212 people). It should be noted, however, that this project includes a proposed amendment to Section 17.28.100, Open Space, of the Planned Development District to allow greater flexibility for affordable housing projects relative to the 20 percent open space requirement. While this amendment could result in less than 20 percent of the total affordable housing site area being maintained as open space, the maintenance/provision of open space on affordable housing sites zoned PD would continue to be of high importance as evidenced by PD District Standards of Review A (“Natural Open Space”) and B (“Open Space”) – see Section 17.28.160. As a result, the project would have a *less-than-significant* impact on parks and recreation.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City’s regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct impacts related to parks. As discussed above, however, this project includes a proposed amendment to Section 17.28.100, Open Space, of the Planned Development District to allow greater flexibility for affordable housing projects relative to the 20 percent open space requirement. While this amendment could result in less than 20 percent of the total affordable housing site area being maintained as open space, the maintenance/provision of open space on affordable housing sites zoned PD would continue to be of high importance as evidenced by PD District Standards of Review A (“Natural Open Space”) and B (“Open Space”) – see Section

17.28.160. In addition, other future MF HD, SRO, Supportive Housing, or Transitional Housing developments located on sites with zoning other than PD would continue to be subject to the City's parkland dedication requirements as set forth in Chapter 16.12 of the Municipal Code. As a result, the project would have a *less-than-significant* impact on parks.

e. **Solid waste? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites and General Plan, TCSP, and Zoning Code Text Amendments

The proposed project would not result in any direct development that would generate solid waste. However, approval of the proposed amendments could result in future residential development, should additional development approvals be obtained by the City. Solid waste generated by future high density residential development on the six redesignation sites or other MF HD, SRO, Supportive Housing, or Transitional Housing developments would be collected by Allied Waste Management. The Keller Canyon Landfill is anticipated to have adequate capacity for 30 years. The City is required by AB 939 to ensure that it achieves and maintains the diversion and recycling mandates of the State. Future development of project parcels could include demolition of existing buildings and infrastructure; additionally new construction would have left over materials from woodcutting, concrete pours, pipe work etc. In accordance with the construction and demolition debris recycling requirements of Chapter 15.80 of the *Municipal Code*, the future project developer must prepare a waste management plan for City review and approval for both demolition and new construction. The waste management plan must address all materials that would not be acceptable for disposal in the sanitary landfill. At least 50 percent of the construction and demolition debris needs to be diverted from the landfill and made available for salvage, reuse, and/or recycling. Documentation of the material type, amount, where taken and receipts for verification and certification statements are included in the waste management plan. The project developer must also submit a performance deposit to ensure compliance with the waste management plan and cover staff costs related to the review, monitoring and enforcement of the plan. On the basis of the *Municipal Code* requirements for waste management plans, implementation of the proposed project would result in a *less-than-significant* impact.

f. **Other public facilities and services? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites and General Plan, TCSP, and Zoning Code Text Amendments

The proposed project would not result in any direct development that would generate a demand for other public facilities and services. However, approval of the proposed amendments could result in future residential development, should additional development approvals be obtained by the City. Future high density residential development on the six redesignation sites or other MF HD, SRO, Supportive Housing, or Transitional Housing developments would be required to pay user fees or taxes to the appropriate service providers, which would generally off-sets any potential impacts to such service providers. Therefore, additional demands for other governmental services would be considered a *less-than-significant* impact.

15. TRANSPORTATION/CIRCULATION.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
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)?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate parking capacity?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
f. Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

- a. **Would the project 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)?** **Potentially Significant Impact**

- b. **Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?** **Potentially Significant Impact**

- c. **Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?** **Potentially Significant Impact**

- d. **Would the project result in inadequate emergency access?** **Potentially Significant Impact**

- e. **Would the project result in inadequate parking capacity?** **Potentially Significant Impact**

Discussion

Six Redesignation Sites

The proposed project does not include direct development of any of the six redesignation sites. However, approval of the proposed project amendments could result in the future development of an additional 78 dwelling units beyond the level of development allowable for the six redesignation sites under current designations (see **Table 1** above). An additional 78 dwelling units would result in an increase in the number of vehicle trips on surrounding roadways beyond that which has been anticipated for the area in the General Plan. The recently released (May 2011) Clayton Community Church Project EIR included a traffic analysis that evaluated four study intersections: 1) Mitchell Canyon Road/Clayton Road, which is immediately adjacent to Site V-5; 2) Marsh Creek Road/Clayton Road, which provides access to Old Marsh Creek Road where Sites V-2, P-2 through P-4, and Hoyer are located; 3) Marsh Creek Road/Main Street; and 4) Oakhurst Drive/Clayton Road.⁶ According to Tables IV.B-1 and IV.B-2 of “Chapter IV, Setting, Impacts and Mitigation Measures,” of the Clayton Community Church EIR, these four intersections operate at either LOS A or B during the AM and PM peak hours under Existing and Cumulative Baseline conditions, respectively. The increased vehicle trips resulting from an additional 78 high density residential units would not be expected to substantially degrade the surrounding key intersections, which are currently operating at acceptable levels of service (LOS A and B).

However, at the time of submittal of development applications for the six redesignation sites, the City would need to review the proposed design for each site to ensure that adequate access, on-site circulation, and parking is provided in compliance with City standards. During such review, the City would also confirm that future residential development of the six sites would not result in adverse impacts to the surrounding roadway network. Without a site-specific traffic analysis at the time of future application submittal, a *potentially significant* impact could result from future high density residential development on the six redesignation sites.

Mitigation Measure

Implementation of the following mitigation measure would reduce noise impacts to a *less-than-significant* level.

Mitigation Measure 7. *Development plans for the six redesignation sites shall include a site-specific traffic study. The traffic study shall confirm that proposed site access, on-site circulation, and parking is adequate and in compliance with City standards. In addition, the traffic study shall determine whether the vehicle trips generated by the project would result in any nearby intersections being degraded to unacceptable levels of service. If necessary, the traffic study shall include mitigation measures to ensure that all traffic-related impacts are reduced to a less-than-significant level, as determined by the City Engineer.*

⁶ City of Clayton, *Clayton Community Church Project EIR*, May 2011. See Section B. “Transportation, Circulation, Parking,” of Chapter 4, *Setting, Impacts and Mitigation Measures*.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City's regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not have any direct traffic, site access, or parking impacts. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine the potential traffic-related impacts that could occur. As part of the Development Plan Review process (if zoned PD) or Site Plan Review process, future MF HD, SRO, Supportive Housing, or Transitional Housing development applications would be reviewed by the City on a case-by-case basis to ensure that such development would be in compliance with City design standards related to access, parking, etc. As such, any future residential development associated with the proposed text amendments would have *less-than-significant* traffic-related impacts.

- f. **Would the project conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites and General Plan, TCSP, and Zoning Code Text Amendments

The proposed project would not result in any direct development that would result in potential conflicts with adopted policies supporting alternative transportation. However, approval of the proposed amendments could result in future residential development, should additional development approvals be obtained by the City. Future high density residential development on the six redesignation sites or other MF HD, SRO, Supportive Housing, or Transitional Housing developments would likely increase the use of alternative transportation. The project area is currently provided transit service by the Central Contra Costa Transit Authority. Bus route 110 currently provides service throughout the City and in the vicinity of the Town Center. Furthermore, future development of the individual parcels would be required to comply with City plans and standards for bicycles and sidewalks as part of the permitting process. Therefore, the proposed project would have a *less-than-significant* impact to alternative transportation.

16. WATER, SEWER, AND STORMWATER SYSTEMS.

Issues		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>					
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b.	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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c.	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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
e.	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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

- a. **Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Less-Than-Significant Impact**
- b. **Would the project 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? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites and General Plan, TCSP, and Zoning Code Text Amendments

The City of Concord provides the maintenance and operations of the sewage collection and conveyance services for the City of Clayton's sewer main lines (42 miles). The wastewater from Clayton is conveyed by gravity flow through the Concord system to the Concord Sewage Pump Station, and ultimately to the Central Contra Costa Sanitary District (CCCSD) system. CCCSD provides treatment and disposal services for Clayton's effluent. The CCCSD's treatment plant is located at the intersection of Highway 4 and I-680. The majority of the treated effluent is discharged to Suisun Bay, but with the remainder, the District produces approximately 1.5 mgd of tertiary treated recycled water used for landscape irrigation, industrial process cooling, or other recycled water uses.

CCCSD's wastewater treatment plant provides secondary level treatment for an average dry weather flow of approximately 45 mgd of domestic, commercial, and industrial wastewater; the plant has a permitted capacity of 54 mgd. The plant's maximum capacity of 54 mgd is projected to accommodate build out until the year 2040. The District's infrastructure is in good condition, and the need to renovate or replace aging infrastructure is addressed through the District's CIP.

While the proposed project would not result in any direct development, approval of the proposed project amendments would increase allowable densities at six redesignation sites. Should additional site-specific development approvals be obtained for these sites, the possibility exists that approval of the proposed project amendments could result in the future development of an additional 78 dwelling units beyond the level of development allowable for the six redesignation sites under current designations (see **Table 1** above). The level of unanticipated wastewater flows into CCCSD's regional wastewater treatment plant that would result from eventual development of the subject properties would not be expected to adversely impact existing facilities given the fact that the Plant currently has a permitted capacity of 54 mgd and an average dry weather flow of only approximately 45 mgd.

Similarly, the level of unanticipated wastewater flows into CCCSD's regional wastewater treatment plant that could result from eventual MF HD, SRO, Supportive Housing, or Transitional Housing developments would not be expected to adversely impact existing facilities given the surplus Treatment Plant capacity.

Furthermore, individual applicants, upon development of the particular sites, would be required to demonstrate confirmation of service from the City of Concord during the permitting process. Therefore, the proposed project would have a *less-than-significant* impact to existing wastewater facilities and infrastructure.

- c. **Would the project 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? Less-Than-Significant Impact**

- d. **Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites and General Plan, TCSP, and Zoning Code Text Amendments

The proposed project does not include any direct development. Applicants for future development on the six redesignation sites or development associated with future potential MF HD, SRO, Supportive Housing, or Transitional Housing applications would need to arrange potable water service with the Contra Costa Water District (CCWD), which would be made available upon completion of financial arrangement and installation of all necessary

water facilities to meet the requirements of residential or commercial use depending on the parcel in accordance with current CCWD standards.

In addition, future applicants would be required to adhere to the California Building Code standards for installation of water-conserving plumbing fixtures and the City water-conserving guidelines for landscaping (Chapter 17.80 of the Municipal Code). Therefore, the proposed project would have a *less-than-significant* impact on existing water supply and delivery infrastructure.

- e. **Would the project 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? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites and General Plan, TCSP, and Zoning Code Text Amendments

As stated previously the proposed project does not include any direct development or construction. Future development on the six redesignation sites or development associated with future potential MF HD, SRO, Supportive Housing, or Transitional Housing applications would be required to include construction of on-site storm water drainage infrastructure and treatment facilities (See Section 9 d-f. for a detailed discussion). The design of the future storm drain systems would be required to meet all applicable regulations, including those of the City (Chapter 13.12 of the Municipal Code), Flood Control District and the Regional Water Quality Control Board. Furthermore, the storm drain systems would be required to maintain post-development flows at pre-development levels. Therefore, a *less-than-significant* impact could occur to existing storm drainage facilities as a result of project implementation.

17. MANDATORY FINDINGS OF SIGNIFICANCE.

Issues	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project 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?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c. Does the project 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)?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

a. Does the project 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? Less-Than-Significant Impact

Discussion

Six Redesignation Sites

Although unlikely, the possibility exists that one or more of the project sites supports special-status species and/or serves as foraging habitat for these species. This IES/MND includes mitigation measures that would reduce any potential impacts to a less-than-significant level. Furthermore, mitigation measures are included which will ensure that implementation of the proposed project would not eliminate important examples of California's history or prehistory. Therefore, future residential development of the six redesignation sites would have *less-than-significant* impacts to special-status species, sensitive natural communities, and/or California's history.

General Plan, TCSP, and Zoning Code Text Amendments

The creation of a new General Plan and TCSP Multiple Family High Density Residential designation and M-R-H zone could result in additional requests for redesignation/rezone to accommodate high density residential development throughout the City of Clayton. In addition, the majority of the remaining proposed (text) amendments are intended to add SROs, Supportive Housing, and Transitional Housing as permitted and conditional uses in certain zoning districts, which could result in the submittal of future development applications containing such uses. As these amendments are policy level changes to the City’s regulatory documents, which are intended to achieve the implementation measures of the Housing Element, these amendments would not 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. Without specific data on the location and type of future potential MF HD, SRO, Supportive Housing, or Transitional Housing development applications, it is not possible to determine the potential site-specific impacts that could occur. As part of the Development Plan Review process (if zoned PD) or Site Plan Review process, future MF HD, SRO, Supportive Housing, or Transitional Housing development applications would be required by the City to adhere to State and federal regulations and all General Plan goals, policies, and programs related to biological and historical resources, which would reduce potential impacts to a *less-than-significant* level.

- b. **Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites and General Plan, TCSP, and Zoning Code Text Amendments

Development that converts rural areas to urban/suburban uses may be regarded as achieving short-term goals to the disadvantage of long-term environmental goals. However, the inevitable impacts resulting from population and economic growth are mitigated by long-range planning to establish policies, programs, and measures for the efficient and economical use of resources. Long-term environmental goals, both broad and specific, have been addressed previously in several regulatory documents, the most comprehensive being the City’s General Plan and Municipal Code. As discussed in this IES/MND, future MF HD, SRO, Supportive Housing, and Transitional Housing developments that could indirectly result from the approval of the proposed project amendments are required to comply with relevant General Plan mitigation measures and goals and policies and sections of the Municipal Code. In addition, the project does not involve any direct development. Therefore, the impact is *less-than-significant*.

- c. **Does the project have impacts that are individually limited, but cumulatively considerable? Less-Than-Significant Impact**

- d. **Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Less-Than-Significant Impact**

Discussion

Six Redesignation Sites and General Plan, TCSP, and Zoning Code Text Amendments

While approval of the proposed project would not result in any direct development, future MF HD, SRO, Supportive Housing, and Transitional Housing developments could indirectly result from the approval of the proposed project amendments. Cumulative impacts may be identified in the categories of population growth, use of resources, demand for services, and physical changes to the natural environment. These would be mitigated to a degree through project-specific mitigation measures identified above and through compliance with relevant General Plan mitigation measures and goals and policies and sections of the Municipal Code. Therefore, the impact is *less-than-significant*.

VII. STAFF AND SOURCES

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Cindy Gnos, Vice President
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City of Clayton

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The following documents are referenced information sources utilized for this analysis:

1. Bay Area Air Quality Management District, *BAAQMD CEQA Guidelines*, June 2010.
2. California Department of Conservation, *Farmland Mapping and Monitoring Program, Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance, Contra Costa County*, 1995.
3. City of Clayton, *Clayton Community Church Project EIR*, May 2011.
4. City of Clayton, *City of Clayton General Plan*, as amended December 21, 2004.
5. City of Clayton, *Clayton Town Center Specific Plan*, as amended February 2008.
6. City of Clayton, *Clayton Heritage Preservation Task Force Report*, September 1994.
7. City of Clayton, *Clayton Zoning Code*.
8. U.S. Department of Agriculture, Soil Conservation Service, *Soil Survey of Contra Costa County, California*, 1977.

Appendices

Appendix A

General Plan Land Use Element Amendments



APPENDIX A
PROPOSED GENERAL PLAN LAND USE ELEMENT AMENDMENTS

Changes to the General Plan Land Use Element text are shown in double underline for new text and ~~strikethrough~~ for deleted text. The changes begin at the bottom of page II-6 of the Land Use Element, as follows:

Multifamily Low Density (7.6 to 10 Units Per Acre)

This designation is intended for and allows cluster units such as duplexes, triplexes, townhouses, garden units, and other types of PUDs, as well as including single family detached dwellings on smaller lots with a conditional use permit, that provide a development with amenities to balance the increased density. This density must be adequately buffered from single-family and estate development. ~~Development intensity can reach 100% of individual parcel coverage provided that each unit has access to private outdoor space, use of outdoor recreational amenities, and provision of useable open space.~~ Structural coverage, excluding recreational amenities, shall not exceed 30~~40~~% of the site area. Second dwelling units are allowed.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 64-98, dated 12/1/98)

Multifamily Medium Density (10.1 to 15 Units Per Acre)

This designation is intended for and allows multifamily units, including duplexes, triplexes, and townhouses, located where the site area, circulation system and other features can comfortably accommodate increased density. Development within this density shall be ~~required~~ encouraged to use a PUD concept and standards with incorporation of significant design and amenity in the project. ~~Development intensity can reach 100% of individual parcel coverage provided that each unit has access to private outdoor space and use of outdoor recreational amenities.~~ Structural coverage, excluding recreational amenities, shall not exceed 40~~50~~% of the site area. Second dwelling units are allowed.

(Amended by Resolution 21-87, dated 5/16/87, and Resolution 25-2004, dated 6/1/04)

Multifamily High Density (15.1 to 20 Units Per Acre)

This designation is intended for and allows the two-story (or higher) apartments or condominiums located where higher densities may be appropriate, such as near major public transportation and commercial centers. Development within this density shall be encouraged to use a PUD concept and standards with incorporation of significant design and amenity in the project. Structural coverage, excluding recreational amenities, shall not exceed 65% of the site area.

Institutional Density (7.6 to 20 Units Per Acre)

This designation is intended for development of various forms of elderly housing under sponsorship of public or quasi public agencies. The density of elderly projects is not always equivalent to standard concepts of density; therefore, a density range of 7.6 to 20 units per acre may be permitted. Group dining, limited vehicles, medicine-dispensing services and other characteristics make this form of housing unique.

Senior projects must be submitted as planned developments and will have to be reviewed for site limitations including density, number of stories and structure height, on a case-by-case basis. It is assumed that densities can exceed 15 units per acre when possible impacts can be mitigated.

Development intensity can reach 100% structural coverage of each individual parcel. Structural coverage shall not exceed 50% of the site area, however, specific sites and relationship to adjacent uses may pose additional limitations.

(Amended by Resolution 21-87, dated 5/16/87, Resolution 64-98, dated 12/1/98, and Resolution 25-2004, dated 6/1/04)

Residential Density and Population Projections

The ~~1980~~ 2010 census indicated that Clayton had an average population of ~~3.23~~ 2.72 persons per unit for occupied units. ~~The California State Department of Finance indicated the person per unit for all units was 3.14.~~ Clayton's high occupancy rate compared to other cities in Contra Costa County is due to the large homes on large parcels. As homes decrease in size, occupant size can also be expected to decrease.

(Amended by Resolution 21-87, dated 5/16/87, and Resolution 43-95, dated 6/28/95)

The analysis of the relationship of units per acre to population is not direct. Population is based on relationship of residential unit size and living pattern of residents. Generally the size of the units will indicate the number of bedrooms. Variables include the reduced size of the family, larger homes on smaller lots, ethnic and cultural preferences for family size and use of space, economic fluctuations, percentage of unmarried shared rent households and changes in taste. The projected population levels are as follows:

<u>Designation</u>	<u>Persons Per Unit</u>
Rural Estate	3.3
Low Density	3.1
Medium Density	2.8
High Density	2.5
Multifamily Low Density	2.3

Appendix B

Revised Chapters of Clayton Zoning Code (excluding Chapter
17.20 – see Appendix C)



APPENDIX B
REVISED CHAPTERS OF CLAYTON ZONING CODE (EXCLUDING
CHAPTER 17.20 – SEE APPENDIX C)

[Changes to the Zoning Code text are shown in double underline for new text and ~~strikethrough~~ for deleted text.]

SECTION 1. Section 17.04, Definitions, of the Municipal Code is amended to read as follows:

- The “Sections” list is revised as follows:

17.04.185	Setback
<u>17.04.187</u>	<u>Single-Room Occupancy (SRO) Facilities</u>
17.04.190	Story
17.04.200	Structure
<u>17.04.205</u>	<u>Supporting Housing</u>
<u>17.04.206</u>	<u>Transitional Housing</u>
17.04.210	Used

- The “Family” definition is revised as follows:

17.04.090 Family. "Family" means one person or ~~group of persons related by birth or marriage, or no more than six (6) persons not related by birth or marriage,~~ more living together in a building or part of it designed for occupation as a residential domestic unit as distinguished from a hotel, club, fraternity or sorority house, dormitory, or boardinghouse. A family includes servants employed by the family. (Ord. 325, 1996)

- The following definitions are added to the chapter between Sections 17.04.200, Structure, and 17.04.210, Used:

17.04.185 Setback. “Setback” means a required open space on a lot which is unoccupied by buildings and unobstructed by structures from the ground upward, except for uses and structures allowed by the provisions of this Title. Setbacks shall be measured as the shortest distance between a property line and the nearest vertical support or wall of the building or other structure.

A. “Front setback” means a setback measured into a lot from the front lot line, extending the full width of the lot between the side lot lines intersecting the front lot line.

B. “Rear setback” means a setback measured into a lot from the rear lot line, extending the full width of the lot between the side lot lines intersecting the rear lot line.

C. “Side setback” means a setback measured into a lot from a side lot line, extending between the front setback (or front lot line where no front setback is required) and the rear setback (or rear lot line where no rear setback is required). An exterior side setback is a side setback measured

from an exterior side lot line; an interior side setback is a side setback measured from an interior side lot line. (Ord 375, 2004)

17.04.187 Single-Room Occupancy (SRO) Facilities. "Single-Room Occupancy" or "SRO" means a type of residential hotel offering one-room units for long-term occupancy by one or two people. SROs may have kitchen or bath facilities (but not both) in the room.

17.04.190 Story. "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above the basement or cellar is more than six feet above grade at any point, such basement or cellar shall be considered a story. (Ord. 52, 1968).

17.04.200 Structure. "Structure" means anything constructed or erected and permanently attached to land, other than a building as defined in this chapter, except sidewalks, pipes, meters, meter boxes, manholes, mailboxes, poles and wires and appurtenant parts of all devices for the transmission and transportation of electricity and gas for light, heat or power, devices for the transmission of telephone and telegraphic messages, and devices for the transportation of water. (Ord. 52, 1968)

17.04.205 Supportive Housing. "Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

17.04.206 Transitional Housing. "Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

17.04.210 Used. "Used" includes arranged, designed, constructed, altered, converted, rented, leased, or intended to be used. (Ord. 52, 1968)

SECTION 2. Section 17.16.020 (Single Family Residential (R-10, R-12, R-15, R-20, R-40 and R-40-H) Districts, Permitted Uses – Principal) of the Municipal Code is amended to read as follows:

- C. Publicly-owned parks and playgrounds;
- D. Supportive and transitional housing;

~~D. E.~~ The keeping of equestrian livestock (R-40-H only), provided that a minimum land area to livestock ratio of forty thousand feet of land to two head of equestrian livestock shall be required. (Ord. 52 Ch. II Sec. 4(a), 1968).

~~E. F.~~ Personal property sales in accordance with the following regulations:

- a. Personal property sales shall be allowed up to a maximum of six (6) days per calendar year;
- b. Personal property sales shall be limited to the hours between 8:00 a.m. and 5:00 p.m.; and
- c. Personal property sales shall not result in adverse impacts related to noise, traffic, safety, congestion, and parking. (Ord. 420, 2009).

SECTION 3. Section 17.24.020 (Limited Commercial District, Permitted Uses - Principal) of the Municipal Code is amended to read as follows:

I. Accessory uses and structures customarily appurtenant to a permitted use, such as incidental storage facilities;

J. SRO facilities only with a Conditional Use Permit (See Section 17.60.030.B.6);

~~J. K.~~ Any other retail business, office or service establishment which the Commission finds not to be inconsistent with the purpose of this title and which will not impair the present or potential use of adjacent properties. (Ord. 325, 1996)

SECTION 4. Section 17.28.100 (Planned Development, Open Space) of the Municipal Code is amended to read as follows:

A. Amount of Open Space. Projects must contain provisions for active and passive open space areas collectively comprising at least twenty (20) percent of the project site, except as follows: 1) commercial or mixed use projects on parcels less than one acre which must provide active open space on at least ten (10) percent of the project site; 2) affording housing projects may be required to provide less than twenty percent of the project site as open space subject to approval by the Planning Commission. These minimum requirements may be increased depending upon the amount and type of active open space improvements provided.

SECTION 5. Section 17.60.030B (Use Permits, Use Permits Required, B. Residential Related Uses)) of the Municipal Code is amended to read as follows:

1. Model home complex/ subdivision sales office.
2. Equestrian livestock. (See Sections 17.16.130 and 17.36.060)
3. Agricultural animals. (See Sections 17.16.130 and 17.36.070)
4. Multiple household pets:

- a. More than five and less than ten of any combination of dogs, pot bellied pigs, or cats over six months of age;
- b. More than three and less than seven dogs or pot bellied pigs over six months of age;
- c. More than five and less than ten cats over six months of age.

5. Single family dwelling units in Multiple Family Residential Districts.

6. SRO facilities in Limited Commercial (LC) District.

Applicable Districts: Agricultural; Limited Commercial; All Residential; and Planned Development (Residential).

Appendix C

Revised Chapter 17.20 (Multiple Family Residential Districts) of Clayton Zoning Code



APPENDIX C
REVISED CHAPTER 17.20 (MULTIPLE FAMILY RESIDENTIAL DISTRICTS)
OF CLAYTON ZONING CODE

SECTION 1. Section 17.20 (Multiple Family Residential) of the Municipal Code is amended to read as follows:

Chapter 17.20

MULTIPLE FAMILY RESIDENTIAL (M-R, M-R-M, and M-R-H) DISTRICTS

Sections:

17.20.010	Purpose
17.20.020	Permitted uses--Generally.
17.20.030	Permitted uses--Principal.
17.20.040	Minimum requirements generally.
17.20.050	Lot area.
17.20.060	Lot width.
17.20.070	Lot depth.
17.20.080	Building height.
17.20.090	Front Setback.
17.20.100	Interior Side Setback
17.20.105	Exterior Side Setback
17.20.110	Rear Setback.
17.20.120	Minimum setback
17.20.130	Parking
17.20.140	Lot coverage.
17.20.150	Open area.
17.20.160	Building relationship.

17.20.010 Purpose. The intent and purpose of this chapter is to provide a low (M-R), medium (M-R-M), and high density (M-R-H) multiple family residential districts designed to provide as much compatibility as possible with nearby single family residential zoning and to provide affordable housing opportunities. (Ord. 52 Ch. II Sec. 6(a), 1968).

17.20.020 Permitted uses--Generally. All land within any of the multiple family residential districts (map symbols M-R, M-R-M, and M-R-H) may be used for any of the uses described in, and under the regulations of, this chapter. (Ord. 52 Ch. II Sec. 6(part), 1968).

17.20.030 Permitted uses--Principal. The principal permitted uses in the M-R multiple family residential districts shall be as follows:

A. ~~Residential dwelling and the accessory structures and uses normally auxiliary thereto~~ Duplex, triplex, townhouses, apartments and other multifamily structures

not exceeding the density limits set by the applicable General Plan Land Use Designation;

B. ~~Crop and tree farming, but not including retail nurseries or the raising or keeping of any animals other than household pets. (Ord. 52 Ch. II Sec. 6(b), 1968);~~

B. Supportive and transitional housing;

C. Single family dwelling units only with a Conditional Use Permit (See Section 17.60.030.B.5).

17.20.040 Minimum requirements generally. The minimum requirements in Sections 17.20.060 through 17.20.160 shall be observed in the M-R multiple family residential districts. (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d), 1968).

17.20.050 Lot Area. No ~~detached single family dwelling duplex, triplex, townhouse, apartment, or other multiple family building, or other structure~~ permitted in M-R multiple family residential districts shall be erected or placed on a lot having less than as follows:

A. ~~M-R, nine six thousand square feet, and provided further that for each dwelling unit a minimum of and three thousand square feet of land shall be provided for each dwelling unit~~ (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(1), 1968);

B. ~~M-R-M, six thousand square feet and one thousand eight hundred (1,800) square feet for each dwelling unit; and~~

C. ~~M-R-H, nine thousand square feet and one thousand square feet for each dwelling unit.~~

17.20.060 Lot Width. No ~~detached single family dwelling, duplex, triplex, townhouse, apartment, or other multiple family building, or other structure~~ permitted in the M-R multiple family residential districts shall be erected or placed on a lot less than as follows:

A. ~~M-R, ninety sixty feet in average width~~ (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(2), 1968);

B. ~~M-R-M, sixty feet in average width; and~~

C. ~~M-R-H, ninety feet in average width.~~

17.20.070 Lot Depth. No ~~detached single family dwelling, duplex, triplex, townhouse, apartment, or other multiple family building, or other structure~~ permitted in the M-R multiple family residential districts shall be erected or placed on a lot less than as follows:

A. ~~M-R, ninety feet in average width~~ (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(3), 1968);

B. ~~M-R-M, ninety feet in average width; and~~

C. ~~M-R-H, ninety feet in average width.~~

17.20.080 Building Height. No ~~detached single family dwelling, duplex, triplex, townhouse, apartment, or other multiple family building, or other structure~~ permitted in the M-R multiple family residential districts shall exceed as follows:

A. ~~M-R, thirty-five (35) feet in height, except that when an M-R multiple family residential district abuts any single family residential district, then the building height maximum of the portion of the M-R multiple family residential district being~~

within fifty (50) feet of the abutting single family residential district shall be twenty (20) feet. (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(4), 1968). (Ord 375, 2004);

B. M-R-M, thirty-five (35) feet in height, except as otherwise allowed only with a Conditional Use Permit; and

C. M-R-H, thirty-five (35) feet in height, except as otherwise allowed only with a Conditional Use Permit.

17.20.090 Front Setback. The front setback in ~~the M-R multiple family residential districts~~ shall be (20) feet. (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(5), 1968).(Ord 375, 2004)

17.20.100 Interior Side Setback. The interior side setback in ~~the M-R multiple family residential districts~~ shall be fifteen (15) feet. ~~The average aggregate interior side setback shall be thirty-five (35) feet.~~ (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(6), 1968). (Ord 375, 2004)

17.20.105 Exterior Side Setback. The exterior side setback on corner lots in ~~the M-R multiple family residential districts~~ shall be twenty (20) feet. (Ord 375, 2004)

17.20.110 Rear Setback. The rear setback in ~~the M-R multiple family residential districts~~ shall be fifteen (15) feet for any principal building. (Ord. 325, 1996; Ord. 52 Ch. II Sec. 6(d)(7), 1968). (Ord 375, 2004)

17.20.120 Minimum Setback. Notwithstanding the distance calculated in accordance with the above setbacks, the minimum setback of the principal building from a property line shall be fifteen feet. (Ord. 325, 1996)

17.20.130 Parking. Off-street parking shall be provided in accordance with the requirements of Chapter 17.37 (Off-Street Parking and Loading Regulations). (Ord. 408, 2007)

17.20.140 Lot Coverage. No buildings or structures permitted in ~~the M-R multiple family residential districts~~ shall cover more than as follows:

A. M-R, ~~twenty-five~~ forty percent of the lot area (Ord. 52 Ch. II Sec. 6(d)(9), 1968);

B. M-R-M, fifty percent of the lot area; and

C. M-R-H, sixty-five percent of the lot area.

17.20.150 Open Area. ~~Twenty five percent of~~ ~~the parcel shall not be occupied by buildings, structures, or pavement, but shall be landscaped.~~ a minimum of as follows:

A. M-R, twenty-five percent of the lot area shall not be occupied by buildings, structures, or pavement, but shall be landscaped. Seventy-five percent of this twenty-five percent (open space) shall be planted and maintained with growing plants. (Ord. 52 Ch. II Sec. 6(d)(10), 1968);

B. M-R-M, twenty percent of the lot area shall not be occupied by buildings, structures, or pavement, but shall be landscaped. Seventy-five percent of this twenty percent (open space) shall be planted and maintained with growing plants; and

C. M-R-H, twenty percent of the lot area shall not be occupied by buildings, structures, or pavement, but shall be landscaped. Seventy-five percent of this twenty percent (open space) shall be planted and maintained with growing plants.

17.20.160 Building Relationship. Each building or structure shall be located at least twenty feet from every other building or structure, except that covered walkways between buildings or structures may be permitted. A covered walkway shall not exceed twelve feet in height, nor more than fifty percent of the side of the structure shall be enclosed with any material other than that necessary for roof supports, and the walkway shall not be more than ten feet wide. (Ord. 52 Ch. II Sec. 6(d)(11), 1968)