

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Project Title / File Number: Housing Element Implementation Project (ENV 01-12; GPA 03-11; SPA 01-12; and ZOA 06-11)

State Clearinghouse Number: 2012022055

Project Sponsor: City of Clayton

Project Location: Citywide including APNs 119-021-013, 119-021-019, 119-021-020, 119-021-054, 119-021-055, 119-021-063, and 120-015-011.

Project Description: This Housing Element Implementation Project involves the implementation of a first round of selected required implementation measures from the City of Clayton's adopted and certified 2009-2014 General Plan Housing Element. The measures being considered include the following:

- **Adoption of an Initial Environmental Study/Mitigated Negative Declaration;**
- General Plan Amendment to create a Multi-Family High Density designation allowing 15.1 – 20 dwelling units per acre;
- Town Center Specific Plan Amendment to create a Multi-Family High Density designation allowing 15.1 – 20 dwelling units per acre;
- Zoning Ordinance Amendment to create a Multi-Family Residential High (M-R-H) classification allowing 15.1 – 20 dwelling units per acre;
- General Plan Amendments and Zoning Ordinance Amendments to redesignate/reclassify specified properties to a Multi-Family High Density allowing 15.1 – 20 dwelling units per acre (APNs 119-021-013, 119-021-019, 119-021-020, 119-021-054, 119-021-055, 119-021-063, and 120-015-011);
- Zoning Ordinance Amendment to add separate definitions for supportive and transitional housing and allowing supportive and transitional housing as a permitted use subject to the residential standards of the district;
- Zoning Ordinance Amendment to allow SRO's (single room occupancy residential units) in the Limited Commercial zone subject to a Conditional Use Permit;
- Zoning Ordinance Amendment to only allow Single-family homes in the Multi-Family residential zoning districts with a Conditional Use permit; and
- Zoning Ordinance Amendment to remove the number of persons per household limit.

The mitigation measures being considered in the Mitigated Negative Declaration are listed below.

Mitigation measures were only required for the six redesignation sites, as explained in the CEQA Checklist discussions of the IES/MND. 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.

There is no evidence that any listed toxic or hazardous waste sites are present on the project site (CEQA Guidelines 15072 (f)(5), GC 65962.5).

Review Period: (February 21, 2012 to March 21, 2012)

Public Meeting: The Planning Commission will receive comments on the Mitigated Negative Declaration at its regular meeting of February 28, 2012. The City Council is anticipated to consider adoption of the Mitigated Negative Declaration at its regular meeting of April 3, 2012. Both meetings are scheduled to begin at 7:00 p.m. in Hoyer Hall, 6125 Clayton Road, Clayton, CA.

Comments: Any written comments on the document must be received prior to the conclusion of the review period noted above. Public testimony will be accepted at the public meetings noted above. The Initial Environmental Study/Mitigated Negative Declaration may be reviewed starting Tuesday, February 21, 2012, commencing the 30-day review period on the document, on the City of Clayton website at www.ci.clayton.ca.us or at the City of Clayton Community Development Department located at 6000 Heritage Trail, Clayton, California. You may also contact David Woltering, Community Development Director, at 925-673-7343. Written comments on the environmental aspects of the project must be submitted to the City of Clayton Community Development Department, Attention: David Woltering, 6000 Heritage Trail, Clayton, California, 94517, no later than 5:00 p.m. on Wednesday, March 21, 2012.

MITIGATION MEASURES FOR CLAYTON'S HOUSING ELEMENT IMPLEMENTATION PROJECT (ENV 01-12; GPA 03-11; SPA -1-12; AND ZOA 06-11)

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 and 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.

comdev/Housing Element Implementation/Notice of Intent to Adopt a Mitigated Negative Declaration