



AGENDA

REGULAR JOINT MEETING

* * *

CLAYTON CITY COUNCIL and CLAYTON SUCCESSOR AGENCY

* * *

Tuesday, January 16, 2024

7:00 p.m.

***** NOTICE *****

*Members of the public will be able to participate either in-person at
Hoyer Hall, Clayton Community Library
6125 Clayton Road, Clayton, CA 94517
or remotely via Zoom.*

**Jim Diaz, Mayor
Kim Trupiano, Vice Mayor
Peter Cloven, Councilmember
Holly Tillman, Councilmember
Jeff Wan, Councilmember**

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail and on the City's website at www.claytonca.gov
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.claytonca.gov
- Any writings or documents provided to a majority of the City Council or Clayton Successor Agency Board after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours and is available for review on the City's website at www.claytonca.gov
- If you have a physical impairment requiring special accommodation to participate, please call the City Clerk's office at least 72 hours (about 3 days) before the meeting at (925) 673-7300.

Instructions for Virtual City Council and Clayton Successor Agency Meeting – January 16, 2024

The public may attend tonight's meeting in-person or remotely via livestream on the City's website and through Zoom. As a courtesy, and technology permitting, members of the public may continue to provide live remote oral comment via the Zoom video conferencing platform. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, the meeting will continue despite technical difficulties for participants using the teleconferencing option.

To follow or participate in the meeting:

1. **Videoconference:** to follow the meeting on-line, click here to register: https://us02web.zoom.us/webinar/register/WN_suxMelqbQNWPgzlqaBNXFw
After clicking on the URL, please take a few seconds to submit your first and last name, and e-mail address then click "Register," which will approve your registration, and a new URL to join the meeting will appear.
2. **Phone-in:** Register for the meeting using the URL in the paragraph above. Once registered, you will receive an e-mail with instructions to join the meeting telephonically, and then dial toll-free 877-853-5257 and use the Webinar ID and Password found in the e-mail.
3. **E-mail Public Comments:** If preferred, please e-mail public comments to the City Clerk at cityclerk@claytonca.gov by 5:00 p.m. on the day of the City Council and Clayton Successor Agency meeting. All e-mailed public comments will be forwarded to the entire City Council and Successor Agency Board.

Each person attending the meeting via video conferencing or telephone and who wishes to speak on an agendized or non-agendized matter shall have a set amount of time to speak as determined by the Mayor.

CITY COUNCIL and CLAYTON SUCCESSOR AGENCY

January 16, 2024

1. **CALL TO ORDER AND ROLL CALL** – Mayor Diaz.

2. **PLEDGE OF ALLEGIANCE** – Led by Mayor Diaz.

3. **PUBLIC COMMENT ON NON - AGENDA ITEMS**

Members of the public may address the City Council on items within the Council's jurisdiction (which are not on the agenda) at this time. To ensure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked or may at its discretion request Staff to report back at a future meeting concerning the matter. Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the City Council.

4. **CONSENT CALENDAR**

Consent Calendar items are typically routine in nature and are considered for approval by one single motion of the City Council. Members of the Council, Audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment, question, discussion, or alternative action may request so through the Mayor.

a. Approve the Minutes of the City Council Regular Meeting of December 19, 2023 (City Clerk)
([View](#))

b. Second reading and adoption of an Ordinance Amending Clayton Municipal Code Title 17 to Implement Adopted General Plan Housing Element Policy, Rezone Properties in Conformance with the Housing and Land Use Elements, Clarify Administrative Procedures, and Align with State Law (CEQA Status: Certified EIR, SCH No. 2022030086)
(Community Development Director)
([View](#))

c. Update Job Description for City Clerk Position
Accept the updated City Clerk job description to accurately reflect current duties and best practices (Executive Assistant to the City Manager/HR Manager)
([View](#))

- d. Adopt a Resolution approving the Grant Application for the Mitchell Canyon Road Pedestrian Path Improvement Project to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2024-2025 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle funding, authorizing staff to submit the grant application, finding the project is categorically exempt under CEQA, pursuant to California Code of Regulations Section 15301(c), and filing with County Clerk Recorder (City Engineer)
(View)
- e. AS THE SUCCESSOR AGENCY BOARD: Adopt a Resolution to Approve and Adopt the Recognized Obligation Payment Schedule for the Year Ending June 30, 2025 (ROPS 2024-2025), Pursuant to The Dissolution Act (Finance Director)
(View)

5. **RECOGNITIONS AND PRESENTATIONS**

- a. Certificates of Recognition to Public School Students for Exemplifying the “Do the Right Thing” Character Trait of “Kindness” during the Month of December 2023 (Councilmember Cloven)
(View)

6. **REPORTS**

- a. City Manager / Staff
 - Link to ClearGov Transparency Portal:
<https://cleargov.com/california/contra-costa/city/clayton/checkbook>

7. **PUBLIC HEARINGS**

(There are no Public Hearings scheduled for this meeting.)

8. **ACTION ITEMS**

- a. Employment Agreement with Chief of Police
Approve a three-year employment agreement with Richard McEachin, City of Clayton Police Chief, for the term of June 30, 2024 through June 30, 2027 (Executive Assistant to the City Manager/HR Manager)
(View)

- b. Discussion related to parking impacts from the Olivia Project.
Receive update on street parking in the surrounding neighborhood related to the Olivia Project and provide staff with direction (City Manager)
[\(View\)](#)

9. **COUNCIL ITEMS** – Limited to Council requests and directives for future meetings.

10. **COUNCIL REPORTS**

11. **CLOSED SESSION**

- a. Conference with Labor Negotiators
Government Code section 54957.6

Agency Designated Representatives: Bret Prebula, City Manager, Amy Walcker, Executive Assistant to the City Manager/HR Manager, and Richard McEachin, Police Chief

Employee Organization: Clayton Police Officers Association

12. **ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be February 6, 2024.

**MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL**

TUESDAY, December 19, 2023

1. **CALL TO ORDER AND ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Diaz held via a hybrid meeting format live in-person and Zoom videoconference and broadcast from Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California. Councilmembers present: Mayor Diaz, Vice Mayor Trupiano, and Councilmembers Tillman, and Wan. Councilmembers absent: Councilmember Cloven. Staff present: Executive Assistant to the City Manager/Human Resources Manager Amy Walcker, Police Chief Richard McEachin, City Engineer Larry Theis, Finance Manager Prapti Aryal, Community Development Director Dana Ayers, City Attorney Mala Subramanian, Chief of Police Rich McEachin, and Interim City Clerk Sheri Hartz.

2. **PLEDGE OF ALLEGIANCE** – Led by Mayor Diaz.

Mayor Diaz announced that he would be re-ordering the agenda to move Item 5, Recognitions and Presentations, ahead of Item 3, Public Comment.

5. **RECOGNITIONS AND PRESENTATIONS**

Certificates of Recognition to Public School Students for Exemplifying the “Do the Right Thing” Character Trait of “Respect” during the Month of November 2023 were presented by Councilmember Tillman in Councilmember Cloven’s absence.

3. **PUBLIC COMMENT ON NON - AGENDA ITEMS**

None.

Mayor Diaz closed public comment.

4. **CONSENT CALENDAR**

It was moved by Councilmember Tillman, seconded by Councilmember Wan, to approve the Consent Calendar item 4(a) as submitted. (Passed 4-0-1, Cloven absent).

- a. Approved the minutes of the City Council’s regular meeting of December 5, 2023.

6. OUTGOING MAYOR PRESENTATION/RECEPTION

Mayor-elect Diaz presented outgoing Mayor Wan with a gavel plaque in recognition of his service, and Mayor Wan expressed his appreciation.

Councilmember Tillman inquired as a point of order whether the gift to the outgoing mayor was subject to the August 2021 ordinance passed by Council prohibiting the expenditure of taxpayer funds for gifts to Councilmembers. Mayor Diaz stated that he would be reimbursing the City for the cost of the plaque.

At this time, the Council recessed for a brief reception and refreshments and reconvened at 7:30 p.m.

7. REPORTS

Executive Assistant to the City Manager/Human Resources Manager Amy Walcker, gave the update, reporting that a team of City staff member would be undertaking an overhaul of the City's website; and, regarding SB 1383, stated that there was currently no discount available for organics composting but that an item would come forward in the future for consideration.

8. PUBLIC HEARINGS

- a. Introduced and Waived First Reading of an Ordinance Amending Clayton Municipal Code Title 17 to Implement Adopted General Plan Housing Element Policy, Rezone Properties in Conformance with the Housing and Land Use Elements, Clarify Administrative Procedures, and Align with State Law (CEQA Status: Certified EIR, SCH No. 2022030086)

Dana Ayers, Community Development Director, made the staff presentation and responded to Councilmember questions.

Following discussion by the City Council, Mayor Diaz opened the Public Hearing.

PUBLIC HEARING OPENED: 7:58 p.m.

There was no public testimony given.

PUBLIC HEARING CLOSED: 7:58 p.m.

It was moved by Councilmember Wan, seconded by Councilmember Tillman, to introduce and waive first reading of an Ordinance amending Clayton Municipal Code Title 17 to implement adopted General Plan Housing Element Policy, rezone properties in conformance with the Housing and Land Use Elements, clarify Administrative Procedures and align with State Law (CEQA Status: Certified EIR, SCH No. 2022030086) (Passed 4-0-1, Cloven absent).

9. ACTION ITEMS

- a. Approved Audited Annual Comprehensive Financial Report of the City of Clayton for the Fiscal Year Ended June 30, 2023.

Finance Manager Prapti Aryal provided an overview of the City's finances for the fiscal year ending June 30, 2023, before introducing Bryce Rojas, the City's Auditor, who gave the presentation and responded to Councilmember questions. Ms. Aryal stated that the final version of the report would be released by month's end.

Following discussion by the City Council, Mayor Diaz opened the item to public comment, but there was no one wishing to speak.

It was moved by Councilmember Wan, seconded by Vice Mayor Trupiano, to Approve the Audited Annual Comprehensive Financial Report of the City of Clayton for the Fiscal Year Ended June 30, 2023. (Passed 4-0-1, Cloven absent).

- b. Authorize Funding from General Fund Reserves to Initiate Civil Engineering Design and Environmental Permitting Consultant Services for the Cardinet Trail/Mt. Diablo Creek Bank Repairs with Future Reimbursement from FEMA

City Engineer Theis gave the staff presentation stating that portions of the proposed repair costs would be eligible for FEMA reimbursement.

Following questions posed by the City Council, Mayor Diaz opened the item to public comment, but there was no one wishing to speak. Council discussion ensued as to whether the proposed \$200,000 was the correct amount to begin the project, or if a lesser amount would be sufficient.

It was moved by Councilmember Wan, seconded by Vice Mayor Trupiano, to Authorize \$50,000 of General Fund Reserves to initiate Civil Engineering Design and Environmental Permitting Consultant Services for the Cardinet Train/Mt. Diablo Creek Bank Repairs with Future Reimbursement from FEMA. (Passed 4-0-1, Cloven absent).

- c. Dissolved the Concerts in The Grove Oversight Committee and Appointed Members to the City Sponsored Special Events Committee under the next item.

Executive Assistant to the City Manager/Human Resources Manager Walcker gave brief introductory remarks on the item.

Following the Councilmember discussion, the Mayor opened the item to public comment, but there was no one wishing to speak on the matter.

It was moved by Councilmember Wan, seconded by Vice Mayor Trupiano, to dissolve the Concerts in The Grove Oversight Committee and to appoint members to the City Sponsored Special Events Committee under the next item on the agenda. (Passed 4-0-1, Cloven absent).

- d. Discuss and Approve City Council Committees & Assignments for Standing/ Ad-Hoc Committees and Liaison Positions

Ms. Walcker presented the item, and the Mayor led the discussion on which Councilmembers wished to serve as main members or alternates on each of the committees.

Following discussion by the City Council, Mayor Diaz opened the item to public comments, but there was no one wishing to speak on the matter.

It was moved by Councilmember Wan, seconded by Vice Mayor Trupiano, to approve City Council Committees and Assignments for Standing/Ad-Hoc Committees and Liaison Positions for 2024 as shown on the chart below. (Passed 4-0-1, Cloven absent).

2024 Clayton City Council Committee / Commission Assignments

		2024	
		Main	Alternate
1	Association of Bay Area Governments (ABAG)	Diaz	Wan
2	Budget/Audit Standing Committee	Wan/Trupiano	
3	Citizens Corps Council (CERT)	Diaz	Trupiano
4	Clayton Financing Authority (CFA)	Wan/Diaz	
5	Community Park Sports Fields Committee	Wan	Tillman
6	Contra Costa Water District (CCWD) Liaison	Diaz	Tillman
7	Central Contra Costa Transit Authority (CCTA)	Diaz	Trupiano
8	Do the Right Thing / Unsung Heroes Program	Cloven/Tillman	
9	East Bay Division - League of California Cities	Tillman	Trupiano
10	East Contra Costa County Habitat Conservancy	Trupiano	Wan
11	Garbage & Recycling Committee ELIMINATE		
12	Interview Committees - Planning Commission	Council	
13	Interview Committees – Trails and Landscaping	Tillman	Trupiano
14	Clayton Library Foundation Liaison	Trupiano	Tillman
15	Mayors' Conference Contra Costa County	Mayor and Council	
16	Mt. Diablo School District Liaison	Tillman	Cloven
17	Oakhurst Geological Hazard Abatement District (GHAD)	Cloven	Wan
18	Trails and Landscape Committee (TLC) Liaison	Tillman	Trupiano
19	TRANSPAC	Cloven	Wan
20	Concerts in the Park Committee ELIMINATE		
21	Internship/Training Committee ELIMINATE		
22	City Sponsored Special Events Committee	Wan	Trupiano

10. COUNCIL ITEMS

Councilmember Tillman requested a future agenda item to discuss the City's special districts and to receive an outline of their functions, purposes, and reporting requirements. She also renewed her request for the City Attorney to open an investigation into Councilmember behavior and possible censure.

11. COUNCIL REPORTS**a. City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.**

Councilmember Wan reported on having had many communications with residents regarding various activities throughout the city, and discussions with the Police Chief on the low homelessness numbers.

Councilmember Tillman reported on her attendance of the League of California Cities Stop the Hate seminar, the East Bay Division Retreat to discuss 2024 strategic goals, the CBCA Volunteer Appreciation Dinner, two nights of the City's menorah lighting ceremony, TLC's new member welcome meeting where mid-year strategies were discussed, the League's Community Services Policy Committee planning session, the Clayton Pride meeting, the East Bay Division Holiday Reception, and Wreaths Across America. She concluded by requesting that the meeting be adjourned in memory of Allie McCaulay.

Vice Mayor Trupiano reported on her attendance of three nights of the City's menorah lighting ceremony, reported on her communication with a constituent regarding ADA improvements in the City, especially for their child's path to the elementary school and follow-up conversations on this matter with the City Manager and City Engineer. She concluded by reporting that she had attended the East Contra Costa County Habitat Conservancy Board meeting, where she was appointed Chair for 2024.

Mayor Diaz reported on his attendance of the County Connections Operations and Scheduling Committee which oversees transit operations, the Mayors' Conference hosted by the City of San Ramon, several nights of the menorah lighting ceremony, a Celebration of Life for former Mayor Bob Kendall, the swearing in of new officers to the Contra Costa Mineral and Gem Society, the Clayton Museum Holiday display, Wreaths Across America at the VFW and a meeting with the Acting City Manager to discuss the Council agenda and other topics.

12. **CLOSED SESSION**

At 9:40 p.m., the Council adjourned to Closed Session.

Conference with Labor Negotiators
Government Code section 54957.6

Agency Designated Representatives: Bret Prebula, City Manager and Amy Walcker,
Executive Assistant to the City Manager/HR Manager

Employee Organization: Clayton Police Officers Association

There were no reportable actions taken.

13. **ADJOURNMENT** - on a call by Mayor Diaz, the City Council adjourned its meeting at 10:06 p.m. in memory of Allison "Allie" McCaulay, who passed away on December 18, 2023.

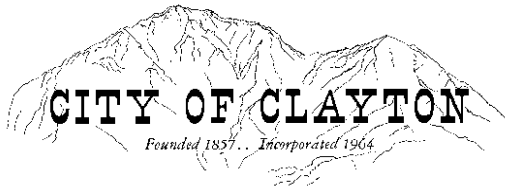
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Respectfully submitted,

Sheri Hartz, Interim City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Jim Diaz, Mayor



STAFF REPORT

TO: Honorable Mayor and Councilmembers

FROM: Dana Ayers, AICP, Community Development Director

DATE: January 16, 2024

SUBJECT: Adoption of an Ordinance Amending Clayton Municipal Code Title 17 to Implement Adopted General Plan Housing Element Policy, Rezone Properties in Conformance with the Housing and Land Use Elements, Clarify Administrative Procedures, and Align with State Law (CEQA Status: Certified EIR, SCH No. 2022030086)

RECOMMENDATION

Adopt an Ordinance amending various chapters of Clayton Municipal Code (CMC), to: 1) implement adopted Housing Element policies and amended Land Use Element policies and land use designations; 2) revise certain administrative procedures; 3) align with provisions of certain California statutes governing land use; and 4) rezone eight sites (or portions thereof) to accommodate residential land uses.

BACKGROUND

On December 19, 2023, the City Council conducted a public hearing on proposed amendments to various chapters in Title 17 (Zoning) of Clayton Municipal Code. The various amendments implement commitments the City made in its adopted Housing Element (January 2023) to increase and diversify its housing stock, expand currently adopted density ranges of the Zoning Code to foster more multifamily housing options, and give greater flexibility in development regulations for multifamily residential zoning districts and on sites owned by religious institutions. The amendments include rezoning of certain properties to allow residential land uses, as well as updates to codified permitting processes to reduce the length of the development entitlement process for new housing units, also consistent with updated Housing Element and Land Use policy.

In addition to Zoning amendments to implement adopted Housing Element policy, amendments to municipal code text pertaining to density bonus and day care home

regulations are recommended to be amended or deleted to comply with State law. Miscellaneous amendments to clarify administrative appeal procedures where none are currently specified, and to correct an internal reference within Title 17, are also recommended to be captured with this review of the code.

Following the public hearing, all councilmembers present voted 4 to 0 to introduce and waive further reading of the ordinance as drafted.

DISCUSSION

After introducing an ordinance, the City Council must approve the action by adopting the ordinance by a majority vote at the next meeting. The ordinance becomes effective 30 days after the date of its adoption.

FISCAL IMPACTS

Adoption of the attached Ordinance amending CMC Title 17 would not have direct fiscal impacts to the City. However, the amendments could have indirect fiscal benefits from increased property tax generation as a result of the expanded opportunities for residential development of vacant properties and simplified processes for improvement of existing residentially-developed properties.

CEQA IMPACT

On January 17, 2023, in accordance with the California Environmental Quality Act (CEQA, Public Resources Code section 21000 *et seq.*) and the State CEQA Guidelines (California Code of Regulations, section 15000 *et seq.*), the Clayton City Council certified a Final Environmental Impact Report (EIR; State Clearinghouse No. 2022030086) that analyzed the potential impacts on the environment that could occur with adoption of the Housing Element update and related amendments to land use regulations. The housing-related Zoning amendments as summarized above are within the scope of the project analyzed in the certified EIR. Regulations governing family day care homes are exempt pursuant to CEQA Guidelines section 15274.

ATTACHMENT(S)

1. Ordinance Amending Clayton Municipal Code Title 17

ORDINANCE NO. XX-2024

AN ORDINANCE AMENDING VARIOUS CHAPTERS OF CLAYTON MUNICIPAL CODE TITLE 17 (ZONING) TO IMPLEMENT ADOPTED GENERAL PLAN HOUSING ELEMENT POLICY, REZONE PROPERTIES IN CONFORMANCE WITH THE HOUSING AND LAND USE ELEMENTS, CLARIFY ADMINISTRATIVE PROCEDURES, AND ALIGN WITH STATE LAW

THE CITY COUNCIL City of Clayton, California

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS FOLLOWS:

WHEREAS, pursuant to California Government Code sections 65300 and 65300.5, each planning agency of each California city or county is required to adopt a comprehensive, integrated, internally consistent and long-term general plan for “the physical development of the county or city, and of any land outside its boundaries which in the planning agency’s judgment bears relation to is planning;” and

WHEREAS, pursuant to Government Code sections 65302 and 65303, the general plan must include a land use element, a circulation element, a housing element, a conservation element, an open space element, a noise element, a safety element and an environmental justice element, and it may include any other elements that, in the judgment of the city or county’s legislative body, relate to the physical development of the jurisdiction; and

WHEREAS, in accordance with Government Code section 65358, the City Council of the City of Clayton (City), on recommendation from the City’s Planning Commission, may amend all or part of the City’s General Plan if the City Council deems the amendment to be in the public interest; and

WHEREAS, on January 17, 2023, the Clayton City Council held a duly noticed public hearing to consider the recommendation of the Planning Commission and accept accepted written and spoken testimony, and following the public hearing, adopted Resolution No. 6-2023 amending the Clayton General Plan’s Land Use Element and the Housing Element for the 6th housing cycle (2023-2031), and certifying the Final Environmental Impact Report (EIR; State Clearinghouse No. 2022030086) that had been prepared to analyze the potential impacts to the environment that could occur as a result of the adoption of the General Plan amendments and related Zoning code amendments to implement the amended General Plan policies; and

WHEREAS, the adoption of the Housing Element for the 6th housing cycle met the requirements of State law contained in Government Code Title 7, Division 1, Chapter 3, Article 10.6 (Housing Elements), and the certification of the Final EIR was in compliance with the California Environmental Quality Act (CEQA; Public Resources Code section 21000 *et seq.*); and

WHEREAS, California Planning and Zoning Law, and specifically Government Code Section 65850, authorizes cities' legislative bodies to adopt ordinances to regulate land use and establish standards for development of lands within their boundaries; and

WHEREAS, the Zoning Ordinance of the City of Clayton is contained in Title 17 (Zoning) of Clayton Municipal Code (CMC), and the "Official Zoning Map of the City of Clayton" classifying properties within the City into zoning districts is incorporated into the Zoning Ordinance by reference in CMC section 17.08.010; and

WHEREAS, California Government Code section 65854 requires that the Planning Commission, in its capacity as an advisory body to the City Council on matters of land use, hold a duly noticed public hearing on a proposed zoning ordinance or amendment to a zoning ordinance; and

WHEREAS, CMC section 17.56.060 gives authority to the Planning Commission to make recommendations to the City Council on proposed amendments to CMC Title 17 and states further than "[n]o recommendation for amendment shall be made unless the Planning Commission finds that such proposed amendment, is in general conformance with the General Plan, if one be in effect at said time, and that the public necessity, convenience and general welfare require the adoption of the proposed amendment;" and

WHEREAS, on November 14, 2023, and November 28, 2023, and in accordance with CMC section 17.56.060, the Planning Commission held duly noticed public hearings on proposed amendments to CMC Title 17 to implement adopted General Plan Housing Element policy, rezone properties in conformance with the Housing and Land Use Elements, revise certain administrative procedures, and align with certain California statutes pertaining to land use; and

WHEREAS, after closing the public hearing on November 28, 2023, the Planning Commission adopted Resolution No. 7-2023 making findings as specified in CMC section 17.56.060 and recommending that the City Council approve the proposed amendments to CMC Title 17; and

WHEREAS, in accordance with Government Code sections 65090 and 65091, on or prior to December 9, 2023, notice of the December 19, 2023, City Council public hearing to consider the recommended amendments to CMC Title 17 was published as a one-eighth page ad in the East Bay Times; was posted to the notice boards at Clayton City Hall and Clayton Community Library, and to Ohm's board in the Clayton Town Center; was posted on the Housing Element and Public Notices pages of the City website at www.claytonca.gov; and was sent via hand delivery, first class mail or electronic mail to interested parties who had requested notice of public hearings pertaining to the Housing Element and its implementation, to owners or agents of owners of properties that were the subject of proposed Zoning Map amendments, and to other local agencies proximate to Clayton, special districts, public utility companies and local Native American tribes; and

WHEREAS, on December 19, 2023, the Clayton City Council conducted a public hearing on the amendments to CMC Title 17 (Zoning) to implement adopted General Plan Housing and Land Use Element policy, rezone properties in conformance with the Housing and Land Use Elements, clarify administrative procedures, and align with State

Law; and at that public hearing, received and considered the Planning Commission recommendation and other public testimony and evidence, both spoken and written.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. Findings. In accordance with CMC section 17.56.100, the City Council makes the following findings:

- A. The recommended amendments to CMC Title 17 (Zoning) are in conformance with the General Plan. The recommended amendments implement adopted policies of the Housing and Land Use Elements of the General Plan, as amended by the City Council on January 17, 2023, including programs to provide greater flexibility in development regulations for multifamily housing, increase residential densities, reduce procedural requirements for housing entitlements, and rezone sufficient sites to accommodate the City's Regional Housing Needs Allocation (RHNA). Other amendments are identified to bring the Zoning Ordinance into compliance with California statutes with respect to density bonus provisions and regulations governing use of residential properties for small and large day care homes; or they are miscellaneous clean-up items intended to address outdated references or to extend the permit appeals process to an administrative fence permit for which no such process is currently specified in the municipal code; and
- B. The proposed Zoning amendments serve the public necessity, convenience and general welfare. The adopted Housing Element identifies constraints to the construction and improvement of housing in the City, and the proposed Zoning amendments implement a selection of the programs and policies adopted to remove those constraints. Implementation of these policies and programs would streamline existing zoning approval processes, reducing the number of discretionary decisions that are currently required for residential development proposals while maintaining objective standards that would help to preserve aesthetic characteristics of the City. Implementation of these policies and programs would also reduce costs of planning, permitting and construction for new home developers, as well as, for current homeowners who want to invest in improvement of their properties through expansions of their existing home or construction of accessory dwelling units; and
- C. Implementing the goals, policies and programs in the adopted Housing Element through the proposed Zoning amendments would foster a broader range of housing densities than City land use policy currently provides, allowing opportunities for increased diversity in housing types (single-family and multifamily) and tenures (rental and ownership). Greater diversity in the City's housing stock serves the public benefit and

necessity for a broader spectrum of housing choices at multiple price points in Clayton, a housing market where 28 percent of households overpay for housing (Housing Element, Table 3-6). This diversity in housing stock also facilitates greater equity and fair access to housing choices for future residents, while also providing smaller unit sizes that are more affordable, more energy efficient and more accessible for recent graduates, young adult children and aging parents who currently live in Clayton and want to remain in the community. Expanded housing choices also facilitate more opportunities for special needs households as well as employees of the local service-based and public sector workforce to reside in the community, thereby reducing workers' and their customers' transportation costs, traffic congestion and automobile pollution emissions generated by vehicle trips to work from outside the City; and

- D. The record of proceedings for this matter is located at the City of Clayton, City Hall, 6000 Heritage Trail, Clayton, California. The custodian of records is the City Clerk.

Section 3. Amendment to Clayton Municipal Code Title 17.

- A. Based on the findings and the authority set forth above, the City Council hereby amends Title 17 (Zoning) of the Clayton Municipal Code to add chapter 17.30 (Institutional Density District); delete Chapter 17.45 (Family Day Care Homes); and amend sections 17.04.030, 17.04.076, 17.08.020; 17.16.020, 17.20.030, 17.20.040, 17.20.050, 17.20.080, 17.20.100, 17.20.160, 17.22.060, 17.28.140, 17.28.190, 17.36.075; 17.37.030, 17.44.030, 17.44.040, chapter 17.90 (Affordable Housing Density Bonus Requirements) and schedule 17.37.030A, as enumerated further in the attached Exhibit A.
- B. Based on the findings and the authority set forth above, the City Council hereby amends the Zoning Map of the City of Clayton, as referenced in Clayton Municipal Code chapter 17.08, to incorporate the changes as described below and identified in the attached Exhibit B:
 - 1. 1578 Kirker Pass Road, Assessor's Parcel No. (APN) 118-031-054, amendment from Planned Development (PD) District to Institutional Density (ID) District
 - 2. 5555 Clayton Road, APN 118-101-025, amendment from Planned Development (PD) District to Institutional Density (ID) District
Diablo Creek Place, APN 118-230-002, amendment from Planned Development (PD) District to Single-family Residential (R-15) District
 - 3. 6530 Marsh Creek Road, APNs 119-021-020 and 119-021-019, amendment from Planned Development (PD) District to Multiple Family Residential High (M-R-H) District
 - 4. 6955 Marsh Creek Road, APN 119-080-009, amendment from Agricultural (A) District to Multiple Family Residential Low (M-R) District

5. Clayton Road at Peacock Creek Drive, APN 118-370-073, amendment from Planned Development (PD) District to Multiple Family Residential Medium (M-R-M) District
6. Oakhurst Golf Course Driving Range, portions of APNs 118-370-017, 118-370-086, 118-370-087 and 118-370-088, amendment from Planned Development (PD) District to Multiple Family Residential High (M-R-H) District
7. 1970 Eagle Peak Avenue, APN 118-370-040 (portion), amendment from Agricultural (A) District to Multiple Family Residential Medium (M-R-M) District

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

Section 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendments adopted in Section 2 of this Ordinance to be codified into the City of Clayton Municipal Code.

Section 7. CEQA. The Final EIR certified for the Housing Element Update and related Land Use Element and Zoning amendments (State Clearinghouse No. 2022030086) was prepared in accordance with the requirements of CEQA, and the City Council has considered the information contained therein. The housing-related Zoning amendments adopted by this Ordinance are within the scope of the project analyzed in the certified EIR or are regulations governing family day care homes that are exempt from CEQA pursuant to CEQA Guidelines section 15274.

[Remainder of page intentionally left blank.]

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton held on December 19, 2023.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular public meeting thereof held on January 16, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

ATTEST

Stephanie Cabrera-Brown, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Bret Prebula, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on December 19, 2023, and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on January 16, 2024.

Stephanie Cabrera-Brown, City Clerk

Ordinance No. XX-2024

Exhibit A

Text Amendments to Clayton Municipal Code (CMC) Title 17 Pertaining to Housing

(Text proposed to be deleted is shown in ~~strike-through~~ font. Text proposed to be added is identified in **bold.**)

Amendment to CMC Title 17 to Implement Housing and Land Use Element Policy

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

Section 17.16.020 - Parking

Every dwelling unit permitted in the single family residential districts shall have on the same lot or parcel enough automobile storage space for at least ~~four (4)~~ **two (2)** automobiles. Each space shall have dimensions of at least ten (10) feet by twenty (20) **feet**, and two (2) of the spaces must be covered.

Chapter 17.20 Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts

Section 17.20.040 – Minimum Requirements Generally

The minimum requirements in Sections 17.20.060 through 17.20.160 shall be observed in the multiple family residential districts-; **however, no maximum lot coverage, minimum lot width, minimum lot depth, minimum setback or minimum open area requirement specified therein may require a development in the M-R-M or M-R-H district to have fewer than 16 units.**

Chapter 17.20 Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts

Section 17.20.050 – Lot Area per Unit

~~No~~ **Any** duplex, triplex, townhouse, apartment, or other multiple family building permitted in multiple family residential districts shall be erected or placed on a lot ~~having less than as follows in accordance with the lot area per unit standards described below:~~

- A. ~~In the M-R District, six thousand (6,000) square feet.~~ **In the M-R District, no fewer than three thousand (3,000) square feet of land shall be provided for each dwelling unit;**
- B. ~~M-R-M, six thousand (6,000) square feet.~~ **In the M-R-M district, no more than four thousand four hundred (4,400) square feet and no fewer than and one thousand eight hundred (1,800) two thousand one hundred (2,100) square feet shall be provided for each dwelling unit; and**
- C. ~~M-R-H, nine thousand (9,000) square feet.~~ **In the M-R-H- district, no more than two thousand one hundred (2,100) square feet and no fewer than one thousand four hundred fifty (1,450) square feet shall be provided for each dwelling unit. Notwithstanding the foregoing, a minimum of ~~and~~ one thousand (1,000) square feet **may be provided** for each dwelling unit **if all of the units in the development are affordable to low income households as defined in Health and Safety Code section 50079.5.****

Amendment to CMC Title 17 to Implement Housing and Land Use Element Policy

Chapter 17.20 Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts

Section 17.20.080 – Building Height

No duplex, triplex, townhouse, apartment, or other multiple family building permitted in the multiple family residential districts shall exceed as follows:

- A. M-R, thirty-five (35) feet in height, ~~except that when multiple family residential district abuts any single family residential district, then the building height maximum of the portion of the multiple family residential district being within fifty (50) feet of the abutting single family residential district shall be twenty (20) feet.~~
- B. M-R-M, thirty-five (35) feet in height.
- C. M-R-H, forty (40) feet in height, except shall be thirty-five (35) feet in height for that portion within fifty (50) feet of an abutting single family residential district.

Chapter 17.20 Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts

Section 17.20.100 – Interior Side Setback

The interior side setback in multiple family residential districts shall be ~~fifteen (15)~~ **ten (10)** feet.

Section 17.20.160 – Building Relationship

Each building or structure shall be located at least ~~twenty (20)~~ **ten (10)** feet from every other building or structure **on-site**, except that covered walkways between buildings or structures may be permitted. A covered walkway shall not exceed twelve (12) feet in height, nor more than fifty percent (50%) 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 (10) feet wide.

Chapter 17.20 Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts

Section 17.20.150 – Open Area.

Twenty percent (20%) of the lot area shall not be occupied by buildings, structures, or pavement, but shall be landscaped. Seventy-five percent (75%) of this twenty percent (20%) (open space) shall be planted and maintained with growing plants consisting of a combination of groundcover, shrubs and shading trees.

~~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 (25%) of the lot area shall not be occupied by buildings, structures, or pavement, but shall be landscaped. Seventy-five percent (75%) of this twenty five percent (25%) (open space) shall be planted and maintained with growing plants.;~~

Amendment to CMC Title 17 to Implement Housing and Land Use Element Policy

- ~~B. M-R-M, twenty percent (20%) of the lot area shall not be occupied by buildings, structures, or pavement, but shall be landscaped. Seventy-five percent (75%) of this twenty percent (20%) (open space) shall be planted and maintained with growing plants; and~~
- ~~C. M-R-H, twenty percent (20%) of the lot area shall not be occupied by buildings, structures, or pavement, but shall be landscaped. Seventy-five percent (75%) of this twenty percent (20%) (open space) shall be planted and maintained with growing plants.~~

Chapter 17.22 – Residential Density Calculations for Residential Parcels with Sensitive Land Areas

Section 17.22.060 – Exceptions

The provisions of this chapter shall not apply to any property ~~where the City amended the General Plan designation to Multifamily High Density Residential (MHD)~~ **identified in the sites inventory of the General Plan Housing Element** in order to comply with state law to meet the City's 2007-2014 Regional Housing Needs Allocation (RHNA) obligations **for the fifth housing cycle (2015-2022) or sixth housing cycle (2023-2031).**

Chapter 17.28 – Planned Development (PD) District

Section 17.28.140 – Review Procedures/Development Plan Permit

A. Hearing-Recommendation by Planning Commission

1. After application filing, the Community Development Director shall determine if all submittal requirements have been met and if the application is complete. The Community Development Director shall then schedule the matter before the Planning Commission. The Planning Commission shall then hold a public hearing to review the Development Plan **Permit** application. Notice of the public hearing shall be given in the manner and for the time required by California Government Code § 65091.
2. The Planning Commission shall review the Development Plan Permit request and **shall have authority to approve the request** ~~make a recommendation~~ with conditions, as warranted, ~~to the City Council~~ or to deny the request. ~~The recommendation~~ **Action of the Planning Commission** shall be by ~~affirmative~~ vote of not less than a majority of Commissioners present at a duly constituted meeting of the Planning Commission. A denial of the Development Plan Permit request by the Commission shall cease further consideration of the request for a period of one year following such denial, except in the following cases:
 - a. An appeal is filed pursuant to Chapter 17.68 of this title;
 - b. When a new application, although involving all or a portion of the same property, is filed for a materially different proposal than that previously applied for; or
 - c. When the permit request was denied for the reason that the proposed development would not conform to the General Plan and the General Plan has subsequently been amended in a manner which would allow the proposed development.

Amendment to CMC Title 17 to Implement Housing and Land Use Element Policy

3. The City Council shall be the hearing body on appeals of decisions of the Planning Commission on Development Plan Permit requests. The City Council, on appeal, shall review the Development Plan Permit request and recommendation from the decision of the Planning Commission **de novo**. After its public hearing and review, the City Council shall approve the request, with conditions, as warranted, or shall deny the request. Action of the City Council shall be by vote of not less than a majority of the Council present at a duly constituted meeting of the City Council. A denial of the Development Plan Permit request shall cease further consideration of the request for a period of one year following such denial, except in the following cases:
- a. When a new application, although involving all or a portion of the same property, is filed for a materially different proposal than that previously applied for; or
 - b. When the permit request was denied for the reason that the proposed development would not conform to the General Plan, and the General Plan has subsequently been amended in a manner which would allow the proposed development.

Chapter 17.28 – Planned Development (PD) District

Section 17.28.190 – Termination.

If within **twenty-four (24) eighteen (18)** months after the approval by the **Planning Commission or** City Council of the Development Plan Permit, construction has not commenced, then the Development Plan Permit shall become null and void.

The Planning Commission or City Council, on appeal, may grant extensions to commence construction for not more than one year at a time upon showing of good cause.

Chapter 17.30 – Institutional Density (ID) District

Section 17.30.010 – Purpose

The intent and purpose of this chapter is to provide opportunities for multiple family residential to be developed on sites shared with other community service uses, under sponsorship of public, quasipublic, private nonprofit or community-based organizations.

Section 17.30.020 – Permitted and Conditional Uses

- A. The following principal uses and their accessory uses are permitted in the ID District:
 1. Duplex, triplex, townhouses, apartments and other multifamily structures;
 2. Supportive housing and transitional housing;
 3. Churches, synagogues, temples and places of worship.
- B. The additional uses are conditionally permitted in the ID District, except that no use permit is required when the use shares a site with a principal permitted use and is housed within a building that encompasses no more than 25 percent of the floor area of the building(s) that house the principal use or uses:
 1. Child day care center or adult day care facility;
 2. Private school;
 3. Administrative and professional offices.

Amendment to CMC Title 17 to Implement Housing and Land Use Element Policy

- C. The following uses are conditionally permitted and may be allowed in the ID District upon granting of a use permit pursuant to the procedures in chapter 17.64 and sections 17.60.040, 17.60.050 and 17.60.060 of this title:
1. Congregate care and convalescent care facilities;
 2. Employee housing providing accommodations for six (6) or fewer employees;
 3. Residential care facilities for seven (7) or more persons;
 4. Parolee homes.

Section 17.30.030 – Minimum Requirements Generally

- A. Residential development or a mixed use development with both residential and nonresidential uses in the ID District shall be subject to the development regulations of the M-R-H District, including minimum setback, building relationship and open area requirements, and maximum building height requirements. Maximum lot coverage shall be 75 percent. Notwithstanding the foregoing, no maximum lot coverage, minimum setback or minimum open area requirement specified for the M-R-H District may require a residential development to have fewer than 16 units.
- B. Nonresidential development in the ID District shall be subject to the building height and setback regulations of the LC District.
- C. Parking for residential and nonresidential uses shall comply with the regulations in chapter 17.37 of this title.

Section 17.30.040 – Minimum Lot Area per Residential Unit

No more than four thousand four hundred (4,400) square feet and no fewer than one thousand four hundred fifty (1,450) square feet shall be provided for each dwelling unit in a residential development or a mixed use development with both residential and nonresidential uses. Notwithstanding the foregoing, a minimum of one thousand (1,000) square feet may be provided for each dwelling unit if all of the units in the development are affordable to low income households as defined in Health and Safety Code section 50079.5.

Chapter 17.37 – Off-street parking

Section 17.37.030 and Schedule 17.37.030A (excerpt) – Off-street parking space requirements

- A. Parking and Loading Space Schedules. Off-street parking spaces shall be provided in accordance with Schedule 17.37.030.A. Off-street loading spaces shall be provided for non-residential uses in accordance with Schedule 17.37.030.B or as required by the Planning Commission. References to spaces per square foot are to be computed on the basis of gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, and mechanical equipment or maintenance areas, but shall exclude area for vertical circulation (e.g., stairs, elevators).
- B. Parking Schedule with Public Parking Easement. In lieu of the parking space requirements provided in Schedule 17.37.030.A, the number of off-street parking spaces required for

Amendment to CMC Title 17 to Implement Housing and Land Use Element Policy

projects meeting all of the criteria listed in subsections 1—3 below shall be in accordance with Schedule 17.37.030.C.

1. The parcel is located within the planning area of the Town Center Specific Plan (as amended).
 2. The project involves new construction and/or addition(s) of retail, restaurant, service, or office uses.
 3. The City Council accepts an offer of a public parking easement from the property owner. The public parking easement allows the general public to park in the off-street parking facility when any business establishment operating on the property is not open for business.
- C. Waiver Period. In order to encourage development of retail, restaurant, office, and personal service uses in the Town Center before June 30, ~~2022~~**2030**, a waiver period extending through June 30, ~~2022~~**2030** is established during which the number of off-street parking and loading spaces required for projects meeting all of the criteria listed in subsections 1—4 below is reduced in accordance with Schedule 17.37.030.D.
1. The parcel is located within the planning area of the Town Center Specific Plan (as amended).
 2. The parcel is located within the planning area of the Town Center Specific Plan (as amended).
 3. A building permit (if required) for the project has been issued within two (2) years of project approval. Construction and a final building permit inspection are completed within one year of the issuance of the building permit. These time periods may be extended once up to six (6) months by the Planning Commission upon a showing of good cause.
 4. City Council approval is granted for any individual project in which the requirement for more than seventy-five (75) parking spaces is waived.
- D. Monitoring of Spaces During Waiver Period. The Director shall monitor the amount of retail, restaurant, office, and personal service development within the planning area of the Town Center Specific Plan (as amended) during the waiver period. The Director shall determine the number of parking spaces which would have been required in accordance with Schedule 17.37.030A. Upon determining that new retail, restaurant, office, and personal service development has occurred or has been proposed, or other reductions in parking space requirements have been granted for which the aggregate number exceeds two hundred (200) reduced spaces, a report shall be presented to the Planning Commission. The Planning Commission shall review the report and make any appropriate recommendations for consideration by the City Council. This report shall include an assessment of the existing parking conditions in the planning area of the Town Center Specific Plan with respect to the availability of public parking, patterns of utilization, and parking needs of future commercial development in Town Center.
- E. Director Determination. Where the proposed use classification is not specified herein, the Director shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Director may require the submission of survey or other data from the applicant or have data collected at the applicant's expense.

Amendment to CMC Title 17 to Implement Housing and Land Use Element Policy

Excerpts from Schedule 17.37.030A

- Use Classification: Single-Family Dwelling
Required Off-Street Parking Spaces: ~~4 per unit (2 must be fully enclosed and 2 may be tandem).~~ **2 per unit, at least 1 of which must be covered, plus 1 covered or uncovered space per unit with 5 or more bedrooms. No more than 2 required spaces may be tandem.**
- Use Classification: Small Lot (<4,000 sq. ft. net lot area, Multifamily General Plan designation)
Required Off-Street Parking Spaces: **2 per unit (1 must be covered and 1 may be tandem).** ~~(2 must be fully enclosed and 1 may be tandem).~~ ~~0.5 per guest parking per unit.~~
- Use Classification: Duplex Dwelling
Required Off-Street Parking Spaces: **2 per unit (1 must be covered and 1 may be tandem).** ~~0.5 guest parking per unit.~~
- Use Classification: Multiple-Family Dwelling – Studio
1 per unit (covered).
- Use Classification: Multiple-Family Dwelling – 1 Bedroom
1.5 per unit (1 must be covered).
- Use Classification: Multiple-Family Dwelling – 2+ Bedroom
2 per unit (1 must be covered).
- Use Classification: Multiple-Family Dwelling – ~~Guest Parking~~
0.5 per unit.

Chapter 17.44 – Site Plan Review

Section 17.44.030 - Exemptions

Any new development meeting one of the following characteristics shall be exempt from a Site Plan Review Permit. Such exempt development may directly apply for a building permit which is administratively reviewed by staff.

- A. Construction not meeting one of the criteria listed above.
- B. Construction receiving specific design authorization pursuant to an approved:
 1. Development Plan Permit;
 2. Vesting Tentative Map;
 3. Development Agreement.

Amendment to CMC Title 17 to Implement Housing and Land Use Element Policy

- C. Type 1 and Type 2 accessory dwelling units and junior accessory dwelling units ministerially approved in accordance with Chapter 17.47; provided, that Type 2 accessory dwelling units shall also require an ADU Permit in accordance with the requirements of Chapter 17.47.
- D. Additions to an existing residence in a single-family residential district or residential planned development district; provided, that the addition complies with all of the development regulations of the zoning district in which the residence is located.**

Chapter 17.44 – Site Plan Review

Section 17.44.040 – Standards of Review

The factors to be reviewed by the Planning Commission (or City Council upon appeal) shall include, but are not limited to:

- A. Conformity with the General Plan and any applicable Specific Plan (e.g. Town Center, Marsh Creek Road).
- B. Conformity with any applicable City adopted architectural and/or design standards (e.g. Oakhurst Country Club, Oakwood Subdivision, Clayton Station).
- C. Preservation of general safety (e.g. seismic, landslide, flooding, fire, traffic).
- D. Maintenance of solar rights to adjacent properties.
- E. The reasonable maintenance of the privacy of adjacent property owners and/or occupants.
- F. The reasonable maintenance of existing views of adjacent property owners and/or occupants.
- G. The new development, taken as a whole, need not be identical, but should be complementary with the adjacent existing structures in terms of materials, colors, size, and bulk.
- H. Design standards for manufactured homes shall be in accordance with Section 17.36.078 of the Municipal Code.

Notwithstanding the foregoing, the Planning Commission (or City Council upon appeal) shall not require, as a condition of approval of the site plan review permit, that the project be reduced to a density below the minimum density specified by the General Plan land use designation of the property. The Planning Commission (or City Council upon appeal) shall also not require that the development meet a standard for lot coverage that is lower than the maximum standard of the zoning district in which the development is located, nor that the development meet higher standards for minimum setbacks, landscaping, off-street parking, distances between buildings than are specified for the applicable zoning district.

Other Housing-Related Municipal Code Amendments, Clean-ups, or Updates

Amendment to CMC Title 17

Chapter 17.90 – Affordable Housing Density Bonus Requirements

17.90.010 – Title and Purpose

The purpose of this Article is to establish a program in accordance with California Government Code § 65915 *et seq.* to provide both density increases and other incentives to encourage the creation of housing affordable to moderate-, low-, and very low-income households, seniors, and other qualifying households under State law. This Chapter shall be known and may be cited as the Affordable Housing Density Bonus Requirements Ordinance of the City of Clayton and is adopted to comply with California Government § 65915.

Sections 17.90.020 through 17.90.170 are proposed to be deleted in entirety and replaced with the following text:

17.90.020 – Applicability

- A. **General.** All proposed housing developments that qualify under California Government Code § 65915 for a density increase and other incentives, and any qualified land transfer under California Government Code § 65915 shall be eligible to apply for a density bonus (including incentives and/or concessions) consistent with the requirements, provisions and obligations set forth in California Government Code § 65915, as it may be amended from time to time.
- B. **Compliance.** The applicant shall comply with all requirements stated in California Government Code § § 65915 through 65918. The requirements of California Government Code § § 65915 through 65918, and any amendments thereto, shall prevail over any conflicting provision of this Code.
- C. **Excluded development.** An applicant shall not receive a density bonus or any other incentive or concession if the housing development would be excluded under California Government Code § 65915.
- D. **Interpretation.** The provisions of this subdivision shall be interpreted to implement and be consistent with the requirements of California Government Code § 65915. Any changes to California Government Code § 65915 shall be deemed to supersede and govern over any conflicting provisions contained herein. If any portion of this Article conflicts with State Density Bonus Law or other applicable State law, State law shall supersede this Section. Any ambiguities in this Section shall be interpreted to be consistent with State Density Bonus Law.
- E. **Replacement Housing Requirement.** Pursuant to subdivision (c)(3) of California Government Code § 65915, an applicant will be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein.

17.90.030 – Density Increase and Other Incentives

- A. **General.** If a qualifying affordable housing project or land transfer/cash payment meets the criteria of California Government Code § 65915 *et seq.*, the project shall be granted a density bonus, the amount of which shall be as specified in California Government Code § 65915 *et seq.*, and incentives or concessions also as described in California Government Code § 65915 *et seq.*

Amendment to CMC Title 17

- B. **Density Bonus Units.** Except as otherwise required by California Government Code § 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.
- C. **Market-rate senior citizen housing developments.** Market-rate senior citizen housing developments that qualify for a density bonus shall not receive any other incentives or concessions, unless California Government Code § 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments.

17.90.040 – Physical Constraints and Parking Waivers

- A. **Physical Constraints.** Except as restricted by California Government Code § 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The City shall approve a waiver or reduction of a development standard, unless it finds that:
 1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;
 2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of § 65589.5, upon health and safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;
 3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or
 4. The waiver or reduction of the development standard would be contrary to state or federal law.
- B. **Parking.** The applicant may request, and the City shall grant, a reduction in parking requirements in accordance with California Government Code § 65915(p), as that section may be amended from time to time.

17.90.050 – Retention of Density Bonus Units.

Consistent with the provisions of California Government Code § 65915 *et seq.*, prior to a density increase or other incentives being approved for a project, an appropriate method of ensuring the continued availability of the density bonus units has been determined by the City.

17.90.060 – Application Procedure for Density Increase or Other Incentives.

- A. **Application Requirements.** An application for a density increase or other incentives pursuant to this chapter for a housing development shall be submitted in writing to the Community Development Director to be processed concurrently with all other entitlements of the proposed housing development. The application for a housing development shall contain information sufficient to fully evaluate the request under the requirements of this chapter, and in connection with the project for which the request is made, including, but not limited to, the following:

Amendment to CMC Title 17

1. A brief description of the proposed housing development;
 2. The total number of housing units and/or shared housing units (as defined in California Government Code § 65915(o)(6)) proposed in the development project, including unit sizes and number of bedrooms;
 3. The total number of units proposed to be granted through the density increase and incentive program over and above the otherwise maximum density for the project site;
 4. The total number of units to be made affordable to or reserved for sale, or rental to, very low-, low- or moderate-income households, or senior citizens, or other qualifying residents;
 5. The zoning, general plan designations, and assessor's parcel number(s) of the project site;
 6. A vicinity map and preliminary site plan, drawn to scale, including building footprints, driveway(s) and parking layout;
 7. The proposed method of ensuring the continued availability of the density bonus units;
 8. Within zones that rely on a form-based code, a base density study that identifies the density feasible on the site without incentives, concessions or density bonuses; and
 9. A list of any concession(s) or incentive(s) being requested to facilitate the development of the project, and a description of why the concession(s) or incentive(s) is needed.
- B. Application Processing.** The application shall be considered by the Planning Commission and/or the City Council at the same time each considers the project for which the request is being made. If the project is not to be otherwise considered by the Planning Commission or the City Council, the request being made pursuant to this chapter shall be considered by the Community Development Director or the Director's designee, separately. The request shall be approved if the applicant complies with the provisions of California Government Code § 65915 *et seq.*

17.90.190 – Administrative Fee

An administrative fee shall be charged to the Applicant for City review of all materials submitted in accordance with this chapter and for on-going enforcement of the provisions of this chapter. The fee amount shall be established by City Council resolution and will be described in the City of Clayton Master Fee Schedule. Fees will be charged for staff time and materials associated with the following activities: Development review process; project marketing and lease-up; and, long-term compliance of the Affordable Housing Units.

17.90.190 – Violation of Affordable Housing Cost Requirements

In the event it is determined that rents in excess of those allowed by operation of this chapter have been charged to a tenant residing in a rental Affordable Housing Unit, the city may take the appropriate legal action to recover, and the rental unit owner shall be obligated to pay to the tenant (or the City in the event the tenant cannot be located), any excess rent charges. In such an action, the City shall be entitled to recover its legal costs and reasonable attorney fees.

In the event it is determined that a sales price in excess of that allowed by operation of this chapter has been charged to an income-eligible household purchasing an ownership Affordable Residential Unit, the City may take the appropriate legal action to recover, and the Affordable Residential Unit seller shall be obligated to pay to the purchaser (or to the city in the event the purchaser cannot be located), any excess sales costs. In such an action, the City shall be entitled to recover its legal costs and reasonable attorney fees.

Amendment to CMC Title 17

Chapter 17.04 – Definitions

Section 17.04.030 – Accessory Use

"Accessory use" means a use incidental and accessory to the principal use of a lot, or a use accessory to the principal use of a building located on the same lot. An accessory use ~~generally means~~ **includes, but is not limited to**, the following types of uses: **large and small family day care homes, as well as**, detached garages, pool houses or cabanas, storage sheds and other small single-story structures usually related to ~~the single family~~ a residential unit.

Section 17.04.076 – Day Care

"Day Care" means a facility that provides non-medical care and supervision of individuals for periods of less than twenty-four (24) hours. These facilities include, but are not limited to the following, all of which are required to be licensed by the California State Department of Social Services, or as the licensing authority may be amended from time to time by the State of California.

- A. "Child day care center" means a commercial or non-profit child day care facility designed and approved to accommodate children, including an infant center, preschool, sick-child center, and school-age day care facility. A child day care center may be operated in conjunction with a school or church facility, or as an independent land use.
- B. "Large family day care home" means a home that provides family day care for seven (7) to fourteen (14) children, inclusive, including children under the age of ten (10) years who reside in the home, as provided by California Health and Safety Code § 1596.78. **Pursuant to California Health and Safety Code § 1596.45, a large family day care home is considered a residential use of property and ancillary to the residence in which it is operated.**
- C. "Small family day care home" means a home that provides family day care for eight (8) or fewer children, including children under the age of ten (10) years who reside in the home, as provided by California Health and Safety Code § 1596.78. **Pursuant to California Health and Safety Code § 1596.45, a small family day care home is considered a residential use of property and ancillary to the residence in which it is operated.**
- D. "Adult day care facility" means a day care facility that provides care and supervision for adult clients.

Chapter 17.20 – Multiple Family Residential (M-R, M-R-M, and M-R-H) Districts

Section 17.20.030 – Permitted Uses – Principal

The principal permitted uses in the multiple family residential districts shall be as follows:

- A. Duplex, triplex, townhouses, apartments and other multifamily structures meeting and not exceeding the density limits set by the applicable General Plan Land Use Designation, **and the accessory structures and uses normally auxiliary or ancillary to those multifamily residences;**
- B. Supportive housing and transitional housing;
- C. Single family dwelling units only with a Conditional Use Permit (See Section 17.60.030.B.5).

Amendment to CMC Title 17

- D. Employee housing providing accommodations for six (6) or fewer employees, provided that a conditional use permit is obtained. Such permit shall be reviewed and issued under the same procedures and in the same manner as that permit issued for single family dwelling units (See Section 17.60.030.B.5).
- E. Parolee homes only with a Conditional Use Permit (See Section 17.60.030.B.7).

Chapter 17.45 – Family Day Care Homes

[Delete in entirety.]

Chapter 17.36 – General Regulations

Section 17.36.075 – Fencing Standards

Fencing shall conform to the following standards:

- A. Front Setbacks. Fences shall not exceed a maximum height of thirty (30) inches within ten (10) feet of the front property line and a maximum height of six (6) feet in the remaining portion of the front setback.
- B. Interior Side Setbacks and Rear Setbacks. Fences shall not exceed a maximum height of six (6) feet on the interior side and rear property lines or anywhere within the interior side and rear setbacks.
- C. Exterior Side Setbacks. Fences shall not exceed a maximum height of six (6) feet and may be placed within the required exterior side setback or at the public right-of-way line.
- D. Corner Lots. Fences on corner lots shall conform with the restrictions on sight obstructions at intersections provided in Chapter 12.08.
- E. Driveways. Fences shall not exceed a maximum height of thirty (30) inches on either side of a driveway within the triangular areas formed by the edge of the driveway, the property line, and a line joining points on each of these twelve (12) feet from their intersection.
- F. Main Building Area. Fences shall not exceed a maximum height of eight (8) feet within an area in which a main building is permitted.
- G. Measurement. The height of fences shall be the average height of an eight-foot length of fence, measured from the lower of either the lowest adjacent ground level or the top of the footing of any retaining walls located within three (3) feet.
- H. Safety Fences. Safety fences and railings required by the Uniform Building Code are excluded from the height standards of this section.
- I. Barbed Wire. Barbed wire or other sharp materials shall not be used as a fencing material except on lands where agricultural grazing is actively conducted or where a use permit has been approved by the Planning Commission.
- J. Hazardous Locations. In no case shall any fence be located so as to cause a hazard to the movement of vehicles or pedestrians.
- K. Height Exceptions. The Director may issue an administrative use permit to allow a fence up to seven (7) feet in height in a rear setback or side setback of a lot in residential district. The Director may impose such conditions as the Director deems appropriate to mitigate any visual or other

Amendment to CMC Title 17

adverse impacts of the fence, including, but not limited to, requirements with respect to the height, design, and materials of the fence and landscape screening. Applications for an administrative use permit under this subsection shall be filed with the Director on such form as the Director prescribes, and shall be accompanied by a processing fee in such amount as established from time to time by resolution of the City Council. Prior to granting the administrative use permit, the applicant shall demonstrate and the Director shall find that:

1. The issuance of such a permit is reasonably necessary by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable property rights or the full use and enjoyment of the property;
2. The fence will not create a safety hazard to pedestrians or vehicular traffic;
3. The fence will not unreasonably interfere with access by police, fire, and emergency service personnel;
4. The appearance of the fence is compatible with the scale, mass, design, and appearance of other existing buildings and structures in the neighborhood;
5. The orientation and location of the fence is in proper relation to the physical characteristics of the property and neighborhood;
6. The applicant has obtained the written consent of the adjacent property owner, unless the fence is adjacent to public right-of-way, in which case written consent is not necessary; and
7. The fence will be of sound construction.

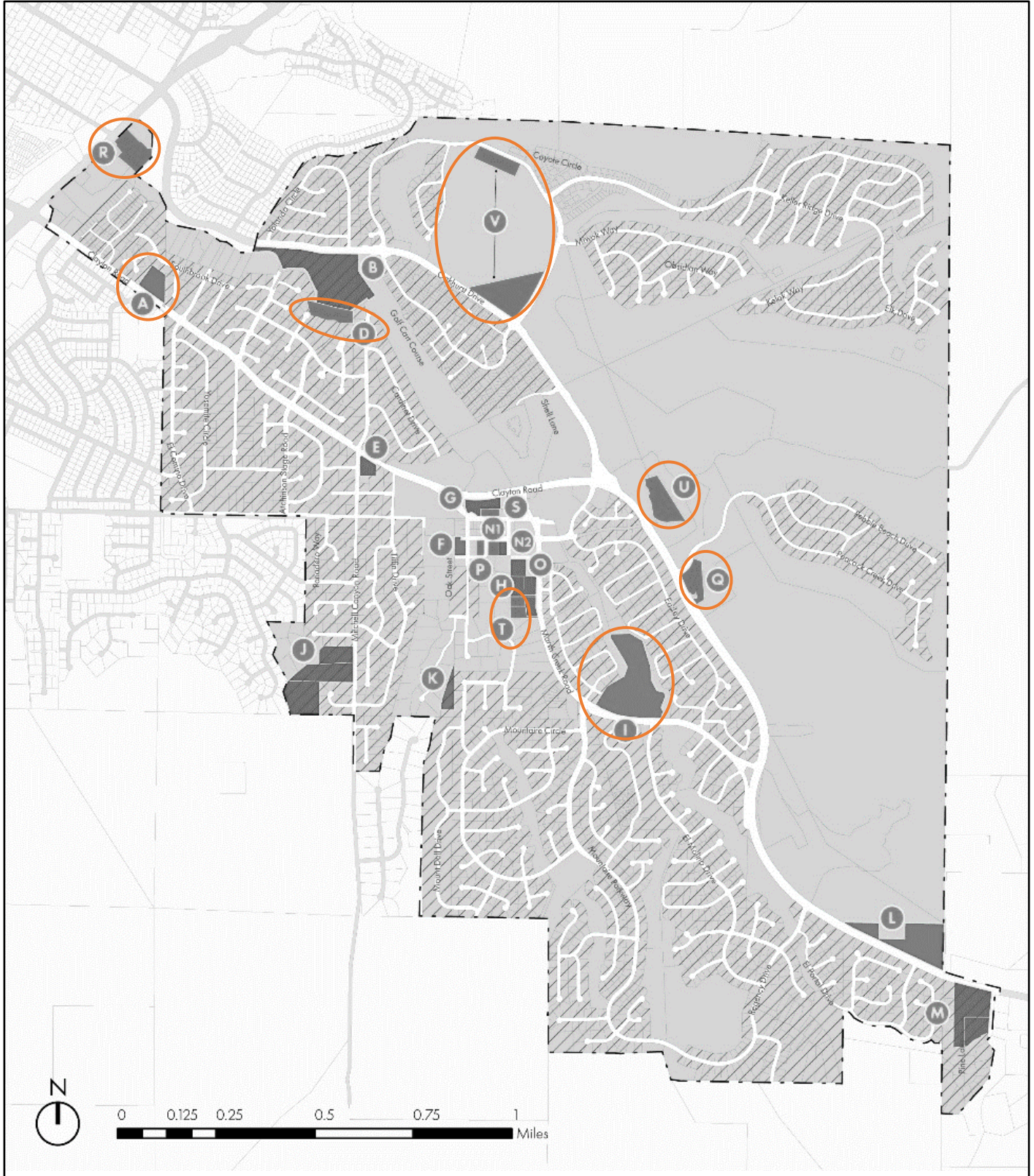
The Director may refer a request for administrative use permit for fence height exception to the Planning Commission if, in the Director's judgment, one or more of the findings in this subsection K cannot be made. The Planning Commission shall review the request in accordance with the permit procedures specified in section 17.64.110 of this title. The decision of the Planning Commission can be appealed in accordance with chapter 17.68 of this title.

Chapter 17.08 – Zoning Map – Districts Established

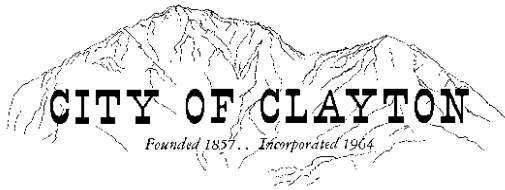
Section 17.08.020 – Districts Designated.

The use of all land in the city situated within the districts delineated and shown on the map described in Section 17.08.010, and any and all subsequent amendments to said map, is subject to the regulations and provisions of this title. Land is classified for the regulation of its use as set forth in this title. The land use districts in Chapters 17.12 through 17.362 are established for all land within the city and the land use districts designated on the map herein referred to, which is made a part of this title, are established and classified in Chapters 17.12 through 17.362.

Exhibit B
Clayton Zoning Map
Amendments



Housing Element Inventory Site	Address or Reference	Assessor's Parcel No.	Current Zoning District	Proposed Zoning District
A	5555 Clayton Road (St. John's Parish)	118-101-025	PD (Planned Development)	ID (Institutional Density)
D	Diablo Creek Place Open Space	118-230-002	PD (Planned Development)	R-15 (Single-Family Residential)
I	6955 Marsh Creek Road (Easley Ranch)	119-080-009	A (Agricultural)	M-R (Multiple Family Residential Low)
Q	Clayton Road at Peacock Creek Drive (Overflow Parking)	118-370-073	PD (Planned Development)	M-R-M (Multiple Family Residential Medium)
R	1578 Kirker Pass Road (Clayton Valley Presbyterian)	118-031-054	PD (Planned Development)	ID (Institutional Density)
T	6530 Marsh Creek Road	119-021-020, 119-021-019	PD (Planned Development)	M-R-H (Multiple Family Residential High)
U	Oakhurst Golf Course Driving Range	Portions of 118-370-017, 118-370-086, 118-370-087, 118-370-088	PD (Planned Development)	M-R-H (Multiple Family Residential High)
V	1970 Eagle Peak Avenue (Seeno Hill)	118-370-040 (portions)	A (Agricultural)	M-R-M (Multiple Family Residential Medium)



STAFF REPORT

TO: Honorable Mayor and Councilmembers

FROM: Amy Walcker, Executive Assistant to the City Manager/HR Manager

DATE: January 16, 2024

SUBJECT: Update Job Description for City Clerk Position

RECOMMENDATION

Accept the updated City Clerk job description to accurately reflect current duties and best practices.

BACKGROUND

The purpose of this staff report is to seek authorization from the City Council to update the City Clerk job description. The current job description, as outlined in the City of Clayton Class Specification, FLSA Status: Exempt, dated January 2, 2024, requires revision to accurately reflect the evolving responsibilities and requirements of the City Clerk position.

DISCUSSION

The City Clerk plays a crucial role in overseeing and facilitating various administrative functions within the City, including City Council meetings, public records functions, elections, and other administrative proceedings. The last revision to the City Clerk job description (undated) is provided for reference. Since then, there have been significant advancements in technology and best practices that necessitate an update to ensure alignment with current standards.

The proposed changes to the City Clerk job description include updates to reflect the evolving nature of the position, incorporating new responsibilities and skills required in the digital age. Specific changes include:

- Inclusion of technology-related skills, emphasizing proficiency in modern equipment and software applications relevant to the position's functions.
- Clarification on the role's involvement in legislative policy adherence, public records management, and participation in administrative proceedings.
- Addition of new responsibilities such as monitoring changes in laws and regulations, advising on related legislation, and implementing policy and procedural changes as required.
- Emphasis on the importance of effective communication, both orally and in writing, as a key skill for the City Clerk position.

The proposed updates are necessary to ensure the City Clerk job description accurately reflects the current and future needs of the City. By incorporating these changes, we aim to enhance the effectiveness and efficiency of the City Clerk's Office in serving the community and meeting statutory requirements.

FISCAL IMPACTS

None.

CEQA IMPACT

None.

ATTACHMENTS

1. Prior City Clerk Job Description
2. Updated City Clerk Job Description

CITY OF CLAYTON

CITY CLERK

DEFINITION

To provide highly responsible secretarial and administrative support to the City Council and the City Manager; to maintain all official records of the City; to plan, direct and participate in City elections; and to coordinate assigned activities with other City departments and outside agencies.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the City Manager.

EXAMPLES OF DUTIES - Duties may include, but are not limited to, the following:

Responsible and confidential duties for the City Manager and other management staff.

Serve as secretary to the City Council; attend City Council meetings and record all official proceedings; prepare meeting agenda packets; transcribe and maintain the minutes of City Council meetings.

Screen calls, visitors and mail; respond to requests for information and assistance; resolve citizen concerns and complaints.

Prepare, certify, organize, print and distribute the agenda for City Council meetings.

Independently respond to letters and general correspondence of a routine nature.

Record and certify ordinances and resolutions; prepare public notices; give notice of public meetings.

Operate a word processor and computer terminal; type and assemble reports, manuals, newsletters and other materials and distribute to staff; input, retrieve and modify computerized payroll information.

Supervise and coordinate City elections with the County; administer and file oaths of office.

Plan and direct the maintenance, filing and safekeeping of official municipal documents; develop and implement retention schedules; maintain the City seal.

Draft correspondence for the City Council and City Manager as assigned.

Develop and implement office systems and procedures.

Assist the public and City staff by providing information and research assistance.

Research, compile and analyze data for special projects and various reports.

Organize and type the City's newsletter.

Process accounts payable; post detail and balance monthly.

Serve as secretary to the Community Redevelopment Agency.

Issue business licenses and maintain related records.

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Applicable Federal, State and municipal laws and procedures.

Election laws and procedures.

Organizational practices as applied to the analysis and evaluation of programs, policies and operational needs.

Business English and mathematics.

Principles and methods of record keeping and report writing.

Principle of office safety and first aid practices.

Modern office practices, procedures and computer equipment.

Ability to:

Provide information and organize material in compliance with laws, regulations and policies.

Direct the retention/destruction of official records in accordance with applicable laws and regulations.

Meet the public, understand their questions and provide information.

Gain cooperation through discussion and persuasion.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with those contacted in the course of work.

Maintain confidentiality of personnel and litigation actions.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

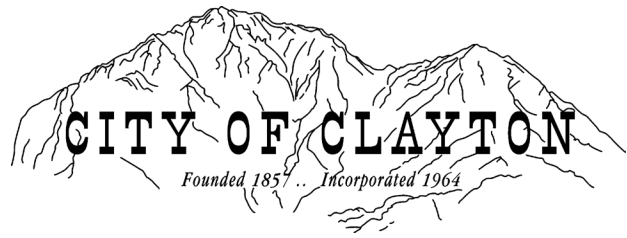
Four years of increasingly responsible secretarial and clerical experience in a local government environment.

Training:

Completion of the twelfth grade, supplemented by one year or equivalent of extended secretarial courses including training in computer applications sufficient to demonstrate desired abilities.

Promotional Alternate

Three years as Secretary or Police Secretary for the City of Clayton.



City of Clayton Class Specification
 FLSA Status: Exempt
 Date Revised: January 2, 2024

CLASS TITLE

CITY CLERK

DEFINITION

Under general direction, plans, organizes, and directs the operations and activities of the City Clerk's Office; oversees and facilitates the legislative process including City Council meetings, public records functions, elections, and other administrative proceedings.

SUPERVISION RECEIVED AND EXERCISED

Receives general direction from the City Manager or designee.

CLASS CHARACTERISTICS

The City Clerk is an official of the City who oversees and participates in technical administrative work with a high degree of accuracy and precision. The City Clerk has authority and responsibility for the City's statutory City Clerk functions.

EXAMPLES OF TYPICAL JOB FUNCTIONS

Class specifications are intended to present examples of the duties performed by employees in the classification. Any one position may not include all of the duties listed, nor do the listed examples include all tasks that may be performed by positions in this class.

- Provides staff assistance to the City Manager; prepares and presents staff reports, agendas, and other required correspondence.
- Ensures the legislative policy for the City is adhered to by attending, recording and coordinating support for City Council meetings and other administrative proceedings.
- Prepares and processes legal documents and publications related to administrative actions and proceedings.
- Coordinates, oversees and participates in the preparation, receipt, maintenance and dissemination of public records for the City and its legislative bodies.
- Certifies documents, researches records, and retrieves information for staff members and the general public.
- Updates official records and related documents in response to administrative resolutions concerning City policies, procedures, and administrative regulations.

- Certifies official legislative documents including ordinances, resolutions, agreements, deeds, bonds, and other documents as necessary; index and file City records.
- Ensures all ordinances, resolutions and public notices are posted and published pursuant to applicable laws and regulations.
- Maintains the Municipal Code through the codification of adopted ordinances and the publication of new and revised codes.
- Plans, coordinates and administers the City's general municipal election and special elections ensuring compliance with all local, state, and federal laws including the Voting Rights Act; plans and implements activities related to voter registration.
- Serves as the local filing officer pursuant to the Political Reform Act; monitors, coordinates and administers various campaign disclosure filings and conflict of interest filings by candidates, Council and designated employees ensuring compliance.
- Monitors changes in laws and regulations regarding public records, public meetings, noticing requirements; advises the City Council and City Manager regarding related local and state legislation; implements policy and procedural changes as required.
- Oversees the processing of all appointments, resignations, and terminations for all official City boards, committees, and commissions as well as ensuring compliance with the Maddy Act.
- As part of the Executive Team, supervises staff as necessary and as delegated by the City Manager.
- Performs related duties as assigned.

Reasonable accommodations may be made to enable qualified individuals with disabilities to perform the essential functions.

QUALIFICATIONS

The requirements listed below are representative of the minimum qualifications for entry into the classification and do not necessarily convey the qualifications of incumbents in the position.

Knowledge of:

- Objectives, policies, programs and procedures of the City Clerk's Office.
- Administrative proceedings and legislative policy in City government.
- Pertinent federal, state, county and local laws, codes, and regulations.
- Procedures for administering municipal elections.
- Effective oral and written communication skills.
- Records management concepts and best practices.
- Brown Act, Public Records Act, Political Reform Act and Maddy Act.
- Terminology of ordinances and resolutions.
- Interpersonal skills using tact, patience, and courtesy.
- Modern equipment used for position functions, programs, and assignments, including computers and software applications relevant to work performed.
- The structure and content of the English language, including the meaning of words, spelling, and grammar.

Ability to:

- Plan, organize, control and direct the operations and activities of the City Clerk's Office.
- Serve as the official custodian of the City seal.
- Interpret, explain, and apply division policies and procedures as well as pertinent federal, state, county and local laws, codes and regulations.
- Coordinate, oversee and participate in the preparation and maintenance of public records for the City.
- Coordinate the process of taking and transcribing official minutes at City Council and other administrative meetings.
- Coordinate the preparation of agenda packets for legislative and administrative meetings.
- Communicate effectively both orally and in writing using proper English, spelling, grammar, and punctuation.
- Establish and maintain cooperative and effective working relationships with all levels of internal staff and with outside government officials and agencies.
- Operate a personal computer and assigned office equipment.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.

Education and Experience:

Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:

High school, supplemented by college-level or university-level courses. Four-year degree preferred in public administration, business administration, political science, or a related field.

and

Three (3) years of increasingly responsible experience creating, maintaining and certifying records and information for a government or public agency.

Licenses and Certifications:

Must possess and maintain a valid California Class C driver license and satisfactory driving record;

Notary Public certification desirable;

Certification by the International Institute of Municipal Clerks (IIMC) as a Certified Municipal Clerk (CMC) or Master Municipal Clerk (MMC) is highly desirable;

Ability to obtain CMC certification within two years of employment.

PHYSICAL DEMANDS

These physical demands may be performed with or without reasonable accommodation:

- Mobility to work in a standard office setting using standard office equipment, including a computer.
- Sit for extended periods of time, continuously, at a desk and in meetings.
- Finger dexterity and strength is needed to access, enter, and retrieve data using a computer keyboard and mouse.
- Perform repetitive keystrokes on a computer keyboard.
- Reach with arms and hands including above and below desk level.
- Normal color vision to read printed materials, computer and overhead screens and adjust focus.
- Normal hearing and speech to communicate in person and over the phone.
- Lift and carry records and documents, typically weighing less than 20 pounds.

ENVIRONMENTAL AND WORKING CONDITIONS

These described work environment characteristics are representative of those an employee encounters while performing the essential functions of this job:

- Work is performed indoors with moderate noise levels.
- Work is performed in an office environment with controlled temperature conditions and natural and fluorescent lighting at a desk and in front of a computer.
- Work is sometimes disrupted by the need to respond to in-person and phone inquiries.

ADDITIONAL REQUIREMENTS

Must attend certain activities and meetings during off-hours as necessary and to meet deadlines and achieve objectives.

Positions in this classification require at least the following pre-employment screening measures before an offer of employment can be made:

- Background screening (Livescan)



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Larry Theis, City Engineer

DATE: January 16, 2024

SUBJECT: Adopt a Resolution approving the Grant Application for the Mitchell Canyon Road Pedestrian Path Improvement Project to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2024-2025 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle funding, authorizing staff to submit the grant application, finding the project is categorically exempt under CEQA, pursuant to California Code of Regulations Section 15301(c), and filing with County Clerk Recorder.

RECOMMENDATION

Adopt a Resolution approving the Transportation Development Act (TDA) grant application for the Downtown Pedestrian Improvement project, authorizing staff to submit the application, and find the project exempt under CEQA, pursuant to California Code of Regulations Section 15301(c).

BACKGROUND

The City Staff is pursuing pedestrian improvements in the Mt. Diablo Elementary School area and has prepared a grant application for the Mitchell Canyon Road Pedestrian Path Improvement project. Staff has received a request from a resident in the area to improve pedestrian access from the western neighborhood off Nottingham Circle to the school. Staff has approached this effort in a phased approach starting with expanding on the existing sidewalk system further away from the school, in particular along Mitchell Canyon Road, by completing segments one at a time to maximize the opportunities and potential funding over multiple projects. Cities generally receive grants that range between \$25,000 to \$150,000 and are required to provide substantial local matches.

The MTC allocation for the TDA grant varies annually. MTC has not notified Contra Costa County of the amount of TDA funding available for bicycle and pedestrian projects within the

County for fiscal year 2024-2025, however the recent total funding pool for the County has been between \$800,000 to \$1,100,000. Generally, most agencies who are awarded TDA grants receive funding ranging between \$25,000 and \$150,000 per project. It is possible that an award for less than the request is granted which will require the city to identify additional funding sources to proceed with the project. Staff is requesting the City Council to approve the TDA grant application which is seeking \$65,000 to partially fund approximately 30% of the total estimated project cost of \$210,000 which includes engineering design, construction improvements, and inspection/construction management services.

DISCUSSION

The proposed project consists of widening the existing (~2 foot) asphalt pathway to create an ADA compliant five-foot-wide pathway to improve pedestrian safety along the west side of Mitchell Canyon Road between Four Oaks Lane and Pine Hollow Road. This improvement would incrementally add ADA compliant pedestrian facilities to the sidewalk network accessing Mt. Diablo Elementary School. It adds walking space along Mitchell Canyon Road, with the eventual long-term goal of providing continuous sidewalks on both sides of Mitchell Canyon Road between Clayton Road and Pine Hollow Road. Mitchell Canyon Road is a heavily travelled truck haul route to reach CEMEX Clayton Quarry. The existing roadway travel lane width is approximately 12 feet wide in each direction with no paved shoulders in most segments in this vicinity. The proposed project would provide an accessible path for pedestrians coming from the Nottingham Circle neighborhood using the path connecting to Four Oaks Lane then to be funneled southbound along Mitchell Canyon Road to the crossing guard at the Pine Hollow Road intersection during school hours.

City staff has made multiple attempts (via house visits, and notes left at door) to contact the property owner at 5838 Four Oaks Lane to notify them of the City's potential pursuit to widen the pathway along Mitchell Canyon Road along their frontage which will require the property owner to remove landscaping and modify driveway conforms since there are currently some encroachments within the street right of way.

SITE MAP OF NEIGHBORHOOD AROUND MT. DIABLO ELEMENTARY SCHOOL



As part of MTC's TDA grant requirements, it is required that all project applications be reviewed by the local agency's designated bicycle and pedestrian advisory committee, which is the Contra Costa Countywide Bicycle Advisory Committee.

The Contra Costa Countywide Bicycle Advisory Committee was convened on December 12, 2023 via TEAMS to pre-screen TDA applications from the County and all the cities that do not have their own bicycle and pedestrian advisory committee. The committee reviewed the preliminary applications of fourteen proposed projects with the aid of using Google maps and street view. The CCCBAC's comments on the City of Clayton's application are highlighted on page 2 & 3 of 5 (attached). To summarize their comments, the committee commented the segment of Four Oaks Lane (west of Mitchell Canyon Rd) being added with sidewalk would make more sense and that the proposed segment would make much difference. They also would like to have a bike lane added. They appreciated that the City's local match was good.

Staff would agree eventually adding sidewalk/path along the remainder of Four Oaks Lane would be ideal, but since it is a cul-de-sac there is very low traffic volume such that walking along asphalt travel way is satisfactory. The committee likely did not consider the existing no pedestrian crossing at Four Oaks Lane/Mitchell Canyon Road increasing the need for a pedestrian connection to Pine Hollow Road. In regards to adding a bike lane, this element should be considered for the entirety of Mitchell Canyon Road since it would require significant additional width to be constructed, working with fronting property owners on

existing encroachments, and the cost of construction. The proposed pedestrian path would not preclude a future bike lane project if the City so desires.

Staff has evaluated the subject project with respect to CEQA and recommends that it be found categorically exempt under Section 15301.c “minor alterations of existing facilities (highways & streets)” of the CEQA guidelines. The City Engineer will file the CEQA Notice of Exemption with the County Clerk; submission of the filed Notice is required as part of the application process.

Final applications are due to the County and TDA Subcommittee on January 25, 2024. A field review will be conducted by the TDA Subcommittee in late February 2024 to evaluate the competing projects in Contra Costa County and recommend zero, partial or full grant funding for submitted projects. The grant funding recommendation will be presented at the Mayor’s Conference for approval in April/May 2024 and County’s Board of Supervisors approval in May/June 2024. Lastly, the final recommended applications will be forwarded to MTC for allocation approval. Historically, MTC does not formally approve the project list and funding allocation until late summer or early fall. If the project is recommended for TDA grant allocation, the project will be added to the Capital Improvement Plan for FY 2025.

FISCAL IMPACT/CONCLUSION

Staff recommends that the City Council approve the TDA grant application for \$65,000 to provide for an opportunity for partially fund and add Mitchell Canyon Road Pedestrian Path Improvement project to the next CIP with preliminary estimated total cost of \$210,000. The remaining \$145,000 of city funds would likely be allocated from Measure J Return to Source and/or Gas Tax funds There is minimal downside to seeking these annual grant funds aside from the time and effort of staff to prepare the application and participate in the field review evaluation. If the project does not receive any TDA funding, the City may choose to hold off adding the project to the upcoming CIP and apply for a different grant opportunity in the future.

CEQA IMPACT

The project is categorically exempt from CEQA, pursuant to California Code of Regulations Section 15301(c)

ATTACHMENT(S)

1. TDA Grant Application including Resolution and Notice of Exemption (CEQA) [10 pp.]
2. Comments from Countywide BAC [5 pp.]



FY 2024/2025 Transportation Development Act (TDA) Article 3 Fund Application

(Preliminary Draft – for County Bicycle Advisory Committee Review)

Mitchell Canyon Road Pedestrian Path Improvement Project

A RESOLUTION REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR 2024-2025 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING.

**THE CITY COUNCIL
City of Clayton, California**

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, Revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108, Revised requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the City of Clayton desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton, California declares it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code, and furthermore,

BE IT FURTHER RESOLVED that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this resolution, or that might impair the ability of the City of Clayton to carry out the project; and furthermore,

BE IT FURTHER RESOLVED that the City of Clayton attests to the accuracy of and approves the statements in Attachment A to this resolution; and furthermore,

BE IT FURTHER RESOLVED that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Contra Costa County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on the 16th day of January 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

ATTEST:

Stephanie Cabrera-Brown
City Clerk

Attachment(s):

1. Attachment A - Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2024/2025 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding
2. Attachment B - TDA Article 3 Project Application Form

Resolution No. XX-2024

Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2024/2025 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

Page 1 of 1

1. That the City of Clayton is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Clayton legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the City of Clayton has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or final design and engineering or quick build project; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic and/or Class IV separated bikeway; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the City of Clayton within the prior five fiscal years.
8. That the project(s) described in Attachment B which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.) or responds to an immediate community need, such as a quick-build project.
9. That any project described in Attachment B bicycle project meets the mandatory minimum safety design criteria published in the California Highway Design Manual or is in a National Association of City and Transportation Officials (NACTO) guidance or similar best practices document.
10. That the project(s) described in Attachment B will be completed in the allocated time (fiscal year of allocation plus two additional fiscal years).
11. That the City of Clayton agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

Attachment B

TDA Article 3 Project Application Form

1. Agency	City of Clayton		
2. Primary Contact	Larry Theis, City Engineer		
3. Mailing Address	6000 Heritage Trail, Clayton, CA 94517		
4. Email Address	larryt@claytonca.gov	5. Phone Number	(925) 890-9732
6. Secondary Contact (in the event primary is not available)	Jason Chen		
7. Mailing address (if different) N/A <input checked="" type="checkbox"/>			
8. Email Address	Jasonc@claytonca.gov	9. Phone Number	(415) 606-5317
10. Send allocation instructions to (if different from above):			
11. Project Title	Mitchell Canyon Road Pedestrian Path Improvement Project		
12. Amount requested	\$65,000	13. Fiscal Year of Claim	2024/2025

14. Description of Overall Project:

Please see project description below.

15. Project Scope Proposed for Funding: (Project level environmental, preliminary planning, and ROW are ineligible uses of TDA funds.)

Construction

16. Project Location: A map of the project location is attached or a link to a online map of the project location is provided below:

Please see project location map attached.

Project Relation to Regional Policies (for information only)

17. Is the project in an [Equity Priority Community](#)? Yes No
18. Is this project in a [Priority Development Area](#) or a [Transit-Oriented Community](#)? Yes No

19. Project Budget and Schedule

Project Phase	TDA 3	OTHER FUNDS	PHASE TOTAL	COMPLETION (Month/Year)
Bike/Ped Plan	\$ -	\$ -	\$ -	N/A
ENV		\$ -	\$ -	N/A
PA&ED		\$ -	\$ -	N/A
PS&E	\$ -	\$ 50,000.00	\$ 50,000.00	Dec 2024
ROW		\$ -	\$ -	N/A
CON/CM	\$ 65,000.00	\$ 95,000.00	\$ 160,000.00	Aug 2025
TOTAL COST	\$ 65,000.00	\$ 145,000.00	\$ 210,000.00	

Project Eligibility

- A.** Has the project been reviewed by the Bicycle and Pedestrian Advisory Committee? Yes No
If "YES," identify the date and provide a copy or link to the agenda. December 11, 2023
If "NO," provide an explanation).
- B.** Has the project been approved by the claimant's governing body? Yes No
If "NO," provide expected date: _____
- C.** Has this project previously received TDA Article 3 funding? Yes No
(If "YES," provide an explanation on a separate page)
- D.** For "bikeways," does the project meet Caltrans minimum safety design criteria N/A Yes No
pursuant to [Chapter 1000 of the California Highway Design Manual](#)?
- E. 1.** Is the project categorically exempt from CEQA, pursuant to CCR Section 15301(c), Existing Facility? Yes No
2. If "NO" above, is the project is exempt from CEQA for another reason? Yes No
Cite the basis for the exemption. _____ N/A
If the project is not exempt, please check "NO," and provide environmental documentation, as appropriate.
- F.** Estimated Completion Date of project (month and year): August 2025
- G.** Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility, please identify below and provide the agreement. Yes No
- H.** Is a Complete Streets Checklist required for this project ? Yes No
If the amount requested is over \$250,000 or if the total project phase or construction phase is over \$250,000, a Complete Streets checklist is likely required. Please attach the Complete Streets checklist or record of review, as applicable. More information and the form may be found here: <https://mtc.ca.gov/planning/transportation/complete-streets>
The requested amount is less than \$250,000 and the construction phase is less than \$250,00

PROJECT DESCRIPTION

The proposed project consists of widening the existing (~2 foot) asphalt pathway to create an ADA compliant five-foot-wide pathway to improve pedestrian safety along the west side of Mitchell Canyon Road between Four Oaks Lane and Pine Hollow Road. This improvement would incrementally add ADA compliant pedestrian facilities to the sidewalk network accessing Mt. Diablo Elementary School. It adds walking space along Mitchell Canyon Road, with the eventual long-term goal of providing continuous sidewalks on both sides of Mitchell Canyon Road between Clayton Road and Pine Hollow Road. Mitchell Canyon Road is a heavily travelled truck haul route to reach CEMEX Clayton Quarry. The existing roadway travel lane width is approximately 12 feet wide in each direction with no paved shoulders in most segments in this vicinity. The proposed project would provide an accessible path for pedestrians coming from the Nottingham Circle neighborhood using the path connecting to Four Oaks Lane then to be funneled southbound along Mitchell Canyon Road to the crossing guard at the Pine Hollow Road intersection during school hours.

SITE MAP OF NEIGHBORHOOD AROUND MT. DIABLO ELEMENTARY SCHOOL



PHOTOS OF AREA (EXISTING)



Detail Cost Estimate:

Mitchell Canyon Road Pedestrian Path Improvement Project					
No	Description	Unit	QTY	Unit Price	Cost
1	Mobilization	LS	1	\$ 10,000.00	\$ 10,000.00
2	Traffic Control	LS	1	\$ 10,000.00	\$ 10,000.00
3	Construction Survey	LS	1	\$ 3,000.00	\$ 3,000.00
4	Water Pollution Control	LS	1	\$ 1,500.00	\$ 1,500.00
5	Clear and Grub	LS	1	\$ 3,000.00	\$ 3,000.00
6	Remove Asphalt Pavement	SF	900	\$ 12.50	\$ 11,250.00
7	HMA Dike	LF	250	\$ 20.00	\$ 5,000.00
8	HMA Path	SF	1,500	\$ 25.00	\$ 37,500.00
9	Concrete Curb Ramp	EA	2	\$ 5,000.00	\$ 10,000.00
10	HMA Ramp	EA	1	\$ 2,500.00	\$ 2,500.00
11	Concrete Driveway Conform	SF	250	\$ 45.00	\$ 11,250.00
12	Relocate Roadway Sign	EA	1	\$ 500.00	\$ 500.00
				Subtotal	\$ 105,500
				Contingency (25%)	\$ 26,375
				Construction Management	\$ 25,000
				Construction Total	\$ 156,875
				Design	\$ 50,000
				Project Total	\$ 206,875

Notice of Exemption

To: County Clerk
County of Contra Costa
555 Escobar St.
□ Martinez, CA 94553

From: City of Clayton, Lead Agency & Applicant
6000 Heritage Trail
Clayton, CA 94517

Project Title: Mitchell Canyon Road Pedestrian Path Improvement Project

Project Location – Specific: Along the west side of Mitchell Canyon Road between Four Oaks Lane and Pine Hollow Road

Project Location – County: Contra Costa

Project Location – City: Clayton

Description of Nature, Purpose, and Beneficiaries of Project:

The project consists of the following elements to improve pedestrian safety in the Town Center of Clayton:

- Widen the existing asphalt path to meet the current ADA standards.
- Upgrade or add ramps to meet the current ADA standards.

Name of Public Agency Approving Project: City of Clayton

Name of Person or Agency Carrying Out Project: City of Clayton Department of Engineering

Exempt Status: Categorical Exemption, 15301 Class 1 (c)

Reason Why Project is Exempt:

Section 15301, Class 1: minor alteration of existing public facilities involving negligible or no expansion of existing use. The pedestrian improvements do not create additional automobile lanes.

Lead Agency Contact Person: Larry Theis, City Engineer

Telephone: 925-890-9732

Signature: _____
City of Clayton

Date: _____

Countywide Bicycle Advisory Committee (CBAC)

December 12, 2023

5:00 - 7:00 p.m.

via MS Teams

MEETING MINUTES

1. **Meeting began at 5:08 pm.** – Called to order by Chair, Peter Culshaw

ATTENDEES: Peter Culshaw, Glenn Umont (District II), Norm Cohen (District III), Bruce “Ole” Ohlson (District V), Mark Ross (Mayor’s Conference), Bill Pinkham, Jerry Fahy (County), and Sherri Reed (County)

2. **Public Comment:** There was no Public Comment.
3. **Nomination and Election of the Chair and Vice-Chair:** Public Works staff may serve as Secretary. It was confirmed Chair and Vice-Chair will serve a two-year term.
4. **County Safe Routes to BART Grant Application** – Letter of Support

County presented two projects to the CBAC for their consideration and support. The County is applying for two grants under this grant program:

- Treat Boulevard Corridor Improvements Project – The project will improve bike lanes along Treat Boulevard from the City of Walnut city limits at Geary Road west to Jones Road in the Walnut Creek/Pleasant Hill area.
- North Bailey Road Active Transportation Corridor Project – The project will install a two-way cycle track from just north of State Route 4 north to Willow Pass Road in the Bay Point area.

CBAC Comments: The Committee questioned whether there would be bicycle detection as part of these projects. Staff explained that these features could be considered during the Design phase of the project. The Committee stated they support both projects.

5. Review preliminary 2024/2025 Transportation Development Act (TDA), Article 3 applications for funding of bicycle and pedestrian projects:

CITY OF MARTINEZ

- Pacheco/Arriba Pedestrian Improvements

CBAC Comments: The Committee commented they would like to see more local match. The Committee recognizes this is a pick-up/drop-off location for the school. Children are crossing the street and cars are speeding by. The Committee likes the “shark’s teeth” markings in the roadway approaching the crosswalk. The application should be reviewed for typos.

CITY OF HERCULES

- Sycamore Avenue Connector Project

CBAC Comments: The Committee expressed concern whether they can acquire the right of way. The City should confirm they have the right of way to complete this project. The Committee would like to see a bike path built under the freeway. The Committee would like to know where the other funds are coming from.

CITY OF BRENTWOOD

- Brentwood Pedestrian and Bicycle Improvements

CBAC Comments: The Committee commented that this application should also be reviewed for typos. The Committee commented there is no local match from the City. The Committee felt the maps are very “grainy” and tough to determine where these crossings are.

CITY OF ANTIOCH

- Safe Routes to School Improvements

CBAC Comments: The Committee commented that the City’s local match was good. They would like to see the details on the maps larger. The committee was unfamiliar with the term “continental crosswalk”.

CITY OF CLAYTON

- Mitchell Canyon Road Pedestrian Path Improvement Project

CBAC Comments: The Committee commented that the City’s local match was good. They like the cover photo of the broken sidewalk. There is no blue line to

connect from Four Oaks Lane. The Committee commented that connecting Four Oaks toward the school makes more sense. The Committee questioned if this project would make much difference. They would like to see a bike lane added. This area appears dangerous for bike riders and doesn't seem wide enough. The Committee asks if they have the right of way to go wider. They would like to see the right of way on the map. It looks like some of the residents have encroached 5 - 6 feet into the right of way.

CITY OF PLEASANT HILL

- Pleasant Hill Road/Oak Park Boulevard Corridor Crosswalk Enhancement Project

CBAC Comments: The Committee commented that the City's local match was good. The Committee asked if East Bay Regional Trails have crossings, but they do not. The Committee would like to see "shark's teeth" on one side of the crosswalk. The Committee would like to see more vivid paint, besides just white. Is thermoplastic made in other colors?

TOWN OF MORAGA

- Corliss Drive Safe Routes to School Project

CBAC Comments: The Committee commented they are okay with the sidewalk and it appears the Town has the right of way to complete this project. The Committee is concerned about having posted hours for when the bike lane can and can't be used. They don't believe the hours will be adhered to. How will that be enforced? Although the bike lane is going in on the left, the right lane seems to be the more practical and used side. Why does the bike lane stop before the school? There's no protection around the blind curve. Overall, the Committee is concerned that this proposal won't work. The Town should add a written description as to how this proposal will function. Also, are the adjacent residents aware that their front yards/landscaping will be removed to construct?

CONTRA COSTA COUNTY PUBLIC WORKS – EAST COUNTY

- Timber Point Crosswalk Improvements

CBAC Comments: The Committee questioned why this project didn't include the intersection of Newport Drive and Preston Drive. They thought a four-way signal light

would be better at Point of Timber Road and Preston Drive. The Committee likes the inclusion of flashing lights. They would like to see “shark’s teeth” used at the crosswalks.

CONTRA COSTA COUNTY PUBLIC WORKS – CENTRAL COUNTY

- Mayhew Way Sidewalk Connectivity Project

CBAC Comments: The Committee commented there isn’t a nearby school. The Committee questioned whether the County has the right of way. They don’t feel having the sidewalk out to the edge of right of way is safe. The Committee questioned whether there is room to add a bike lane. Is this project to only connect to the Iron Horse Trail?

- Miranda Avenue Safe Routes to School

CBAC Comments: The Committee commented Supervisor Anderson is in favor of this project. Hedges will have to be maintained regularly. From looking at the pictures, the fences do not line up. Does the County have the necessary right of way to complete this project? Please confirm in the Final Application. Of the three projects submitted for Central County, the Committee is in favor of this project.

- Center Avenue Crosswalk Improvement Project

CBAC Comments: The Committee does not want to see bulbout put in the bike lane. The Committee questioned is there is a road surfacing project planned before this project is built. The pavement in this area is in poor condition. The Committee was concerned about the potential for removing the left turn lane.

CONTRA COSTA COUNTY PUBLIC WORKS – WEST COUNTY

- Olinda Road Crosswalk Improvements

CBAC Comments: The Committee would like to see raised crosswalks with flashing lights and with “shark’s teeth”. The Committee questioned the placement of the crosswalk. Why not put it at the busier intersection. There was mention of a closed gate no one uses. The Committee mentioned there is a greater need for a crosswalk at Archery Way and Olinda Road. The placement of the crosswalk is where pickup and drop off occurs. The existing crosswalk doesn’t seem to be used. The Committee is in favor of the project but prefers the other West County project on Arlington Boulevard.

- Arlington Boulevard Crosswalk Improvements Project

CBAC Comments: The Committee mentioned there is no space in front of bulbouts to allow for bikes lanes. The Committee are opposed to bulbouts going in unless there are bike lanes. Suggested changes are possibly putting in speed humps and no bulbouts. From the pictures, it looks like the crosswalk is going from the corner into a private driveway. The Committee questioned what the best route to Mira Vista Elementary School is? How does this affect the school? The Committee would like to see crosswalks at every quadrant of this intersection. The Committee prefers this project but would like to see some of these changes made.

CONTRA COSTA HEALTH SERVICES

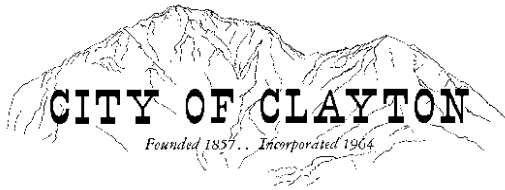
- Bicycle and Pedestrian Safety Education Project

CBAC Comments: The Committee noticed they are requesting more money this year. The Committee is in favor of the work that this money goes toward and are happy that Health Services continues to apply and support Bicycle and Pedestrian Safety Education.

6. Next Steps – Jerry Fahy

- CBAC Comments sent out week of December 18, 2023
- Final Applications Due Thursday, January 25, 2024
- Field Review – TBD (February 22, 2024 tentatively)

7. Adjourned – 7:06 p.m.



STAFF REPORT

TO: City of Clayton Successor Agency Board

FROM: Prapti Aryal, Finance Director

DATE: January 16, 2024

SUBJECT: Adopt a Resolution to Approve and Adopt the Recognized Obligation Payment Schedule for the Year Ending June 30, 2025 (ROPS 2024-2025), Pursuant to The Dissolution Act

RECOMMENDATION

Adopt a Resolution approving the 18th Recognized Obligation Payment Schedule (ROPS 2024-2025) covering the timeframe July 1, 2024, through June 30, 2025, pursuant to Section 31471(h) and 34177(l)(1) of the California Redevelopment Law – the Dissolution Act, [ABx1 26 and AB 1484].

BACKGROUND

Under the Dissolution Act, “enforceable obligations” of the former redevelopment agency (e.g. Clayton Redevelopment Agency) include the following financial arrangements (the ROPS of a city or county):

- Bonds
- Loans
- Payments required by state or federal government
- Obligations to employees
- Judgments or settlements
- Binding and legally enforceable agreements entered into before AB1x26
- Contracts for Redevelopment Agency (RDA) administration, Successor Agency administration, and Oversight Board administration

The monies to fund payment of the requested ROPS enforceable obligations are issued by the Contra Costa County Auditor-Controller's Office (CAC) to Clayton's Redevelopment Obligation Retirement Fund. As its name implies, this fund replaces the former Redevelopment Agency's three Funds and functions as the repository for sufficient tax increment revenues in the amounts identified and approved in subsequent ROPS to effectively "retire" all former Clayton Redevelopment Agency debts and contractual obligations over a multi-year period. Once all identified and certified debts and obligations have been satisfied, the Successor Agency is then dissolved.

Pursuant to *California Health and Safety Code* section 34179(j), on and after July 1, 2018, in each county where more than one oversight board was created (including Contra Costa County), there shall be only one County Oversight Board staffed by the County Auditor-Controller. The Countywide Oversight Board of Contra Costa County is comprised of a seven-member board consisting of one member from each of the following groups: County Board of Supervisors, Mayors Conference, Special Districts, the Superintendent of Schools, Community College District, a member of the public, and a former employee of a County public agency. Following this re-organization of the Oversight Board, commencing July 1, 2018, the Department of Finance (DOF) only recognizes actions taken by the newly established Countywide Oversight Board.

DISCUSSION

Prior Recognized Obligation Payment Schedule

A DOF Determination Letter dated March 24, 2023, made one modification to the Clayton Oversight Board-approved ROPS 2023-2024; the allowable amount for administrative recovery was reduced from \$250,000 to \$82,121 due to the relatively small dollar amount the Successor Agency requires to meet its obligations. Following the DOF's approval this resulted in the Clayton Successor Agency receiving \$479,188 in June 2023 for enforceable obligations through the six-month period ending December 31, 2023. Also, pursuant to the DOF's March 24, 2023 determination letter, the Clayton Successor Agency expects to receive \$61,606 in January 2024 for enforceable obligations through the six-month period ending June 30, 2024.

Current Recognized Obligation Payment Schedule

Included herein, as Attachment 1 to this staff report, is the 18th Recognized Obligation Payment Schedule (ROPS 2024-2025). Pursuant to *California Health & Safety Code* section 34177(o)(1), commencing with the ROPS 2016-2017 and thereafter, agencies were authorized to submit an annual ROPS to the DOF and the CAC by February 1, 2016, and each February 1st thereafter. Following the annual submission of an approved ROPS, the DOF has been directed to make its determination of approval by the following April 15th.

On this annual ROPS, the Successor Agency is requesting Redevelopment Property Tax Trust Fund (RPTTF) monies to pay for local obligations totaling \$521,685 for the six-month period ending December 31, 2024. This is the last and final payment. In addition to RPTTF, the Successor Agency is requesting authorization to use other unencumbered Successor

Agency balances to make payments on enforceable obligations consistent with the law and the DOF's March 24, 2023, determination letter.

For the six-month period ending December 31, 2024, the Successor Agency is requesting authorization to make payments on the following enforceable obligations:

- Principal and interest on the 2014 Refunding Tax Allocation Bonds;
- Trustee and other professional service fees directly related to the bonds;
- Administrative costs under *California Health & Safety Code* section 34171(b).

FISCAL IMPACTS

Once approved by the DOF, ROPS 2024-2025 will be in place for the Successor Agency to make payments on agreements and other obligations of the former Redevelopment Agency for the period July 1, 2024, through June 30, 2025. Absent of this approval, the Successor Agency is not permitted to make such payments which would cause the Successor Agency to be in breach of legal bond covenants.

CEQA IMPACTS

None.

ATTACHMENT(S)

1. Successor Agency Resolution approving the ROPS 2024-2025 Resolution (3 pp.)
2. Exhibit A: Recognized Obligation Payment Schedule (ROPS 2024-2025)
3. Exhibit B: 2023-24 Annual Recognized Obligation Payment Schedule

RESOLUTION NO. SA01-2024

**A RESOLUTION APPROVING AND ADOPTING THE
RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE
TIME PERIOD OF JULY 01, 2024 THROUGH JUNE 30, 2025
(ROPS 2024-2025), PURSUANT TO SECTION 31471(h) AND
34177(I)(1) OF THE CALIFORNIA REDEVELOPMENT LAW**

**THE CITY COUNCIL (AS SUCCESSOR AGENCY)
City of Clayton, California**

WHEREAS, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law"), the City Council (the "City Council") of the City of Clayton (the "City") adopted in accordance with the California Community Redevelopment Law, City Ordinance No. 243 on July 20, 1987, adopting the Redevelopment Plan for the Clayton Redevelopment Project Area (the "Redevelopment Plan"), as amended from time to time; and

WHEREAS, the Redevelopment Agency of the City of Clayton (the "Agency") is responsible for implementing the Redevelopment Plan pursuant to said Redevelopment Law; and

WHEREAS, Assembly Bill X1 26 (the "Dissolution Act") and Assembly Bill X1 27 (the "Alternative Redevelopment Program Act") were enacted by the State of California on June 28, 2011, to significantly modify the Community Redevelopment Law and to end the existence of or modify continued operation of redevelopment agencies throughout the state (Health & Safety Code §33000, et seq.; the "Redevelopment Law"); and

WHEREAS, on December 29th, 2011, the California Supreme Court ruled that the Dissolution Act is largely constitutional, and the Alternative Redevelopment Program Act is unconstitutional meaning all California redevelopment agencies, including the Clayton Redevelopment Agency, were terminated and automatically dissolved on February 1st, 2012 pursuant to the Dissolution Act; and

WHEREAS, on January 17th, 2012, by Resolution No. 03-2012, the Clayton City Council did exercise its priority right and took action to become the Successor Agency and the Successor Housing Agency of the former Clayton Redevelopment Agency; and

WHEREAS, December 1, 2023, the California Department of Finance (DOF) posted instructions for completing the Recognized Obligation Payment Schedule covering the time period of July 1, 2024 through June 30, 2025 (ROPS 2024-2025), including the requirement that the ROPS 2024-2025 must be approved by the Countywide Oversight Board and submitted electronically to the DOF by February 1st, 2024; and

WHEREAS, pursuant to *California Health and Safety Code* section 34179(j), on and after July 1, 2018 in each county where more than one oversight board was created, there shall be only one County Oversight Board; and

WHEREAS, the Countywide Oversight Board shall be staffed by the County Auditor-Controller (CAC), by another county entity selected by the CAC, or by a city within the county that the CAC may select after consulting with the DOF; and

WHEREAS, commencing July 1st, 2018, the DOF will only recognize actions taken by the Countywide Oversight Board; and

WHEREAS, the CAC instructed local Successor Agencies, including the City of Clayton Successor Agency, to prepare the ROPS 2024-2025 to be presented to the newly established Countywide Oversight Board for approval at a forthcoming meeting scheduled on January 29, 2024; and

WHEREAS, the City of Clayton Successor Agency Board has reviewed and duly considered the Staff Report, the proposed ROPS 2024-2025, plus documents and other written evidence presented at the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Clayton, California, and serving as the Successor Agency Board, does hereby find the above Recitals are true and correct and have served, together with the supporting documents, as the basis for the findings and approvals set forth below.

BE IT FURTHER RESOLVED that the Successor Agency Board does hereby approve and adopt the ROPS 2024-2025, attached hereto as "Exhibit A" and incorporated herein as if fully set forth in this Resolution.

BE IT FURTHER RESOLVED that the Successor Agency Board authorizes and directs its City Manager or the City Manager's designee to: (1) post the ROPS 2024-2025 (Exhibit A) on the City's website; (2) designate a City representative to submit the approved ROPS to the Countywide Oversight board for approval and to whom all questions related to the ROPS can be directed; (3) notify, by mail or electronic means, the County Auditor-Controller, the State Department of Finance, and the State Controller's Office of the Countywide Oversight Board's action to adopt the ROPS 2024-2025, and to provide those persons with the internet website location of the posted schedule and the contact information for the City's designated contact; and (4) to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution and to implement the ROPS on behalf of the Successor Agency and City.

BE IT FURTHER RESOLVED that if any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Resolution or of Exhibit A, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective, such decision shall not affect

the validity or effectiveness of the remaining portions of this Resolution, Exhibit A or any part thereof. The Successor Agency Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Resolution or of Exhibit A irrespective of the fact that one or more sections, subsections, subdivision, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective. To this end the provisions of this Resolution and of Exhibit A are declared to be severable.

AND BE IT FURTHER RESOLVED that this Resolution shall and does take immediate effect upon its adoption.

PASSED, APPROVED AND ADOPTED by the Successor Agency Board of Clayton, California at a regular public meeting thereof held on the 16th day of January 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA
Serving as the Clayton Successor Agency Board

Jim Diaz, Chair

ATTEST:

Stephanie Cabrera-Brown, City Clerk

**Recognized Obligation Payment Schedule (ROPS 24-25) - Summary
Filed for the July 1, 2024 through June 30, 2025 Period**

Successor Agency: Clayton

County: Contra Costa

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	24-25A Total (July - December)	24-25B Total (January - June)	ROPS 24-25 Total
A Enforceable Obligations Funded as Follows (B+C+D)	\$ -	\$ -	\$ -
B Bond Proceeds	-	-	-
C Reserve Balance	-	-	-
D Other Funds	-	-	-
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G)	\$ 521,685	\$ -	\$ 521,685
F RPTTF	396,685	-	396,685
G Administrative RPTTF	125,000	-	125,000
H Current Period Enforceable Obligations (A+E)	\$ 521,685	\$ -	\$ 521,685

Certification of Oversight Board Chairman:

Pursuant to Section 34177 (o) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named successor agency.

Name Title

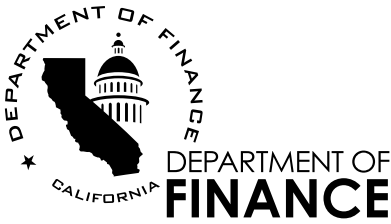
/s/ _____
Signature Date

Clayton
Recognized Obligation Payment Schedule (ROPS 24-25) - ROPS Detail
July 1, 2024 through June 30, 2025

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
Item #	Project Name	Obligation Type	Agreement Execution Date	Agreement Termination Date	Payee	Description	Project Area	Total Outstanding Obligation	Retired	ROPS 24-25 Total	ROPS 24-25A (Jul - Dec)					24-25A Total	ROPS 24-25B (Jan - Jun)					24-25B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
								\$521,685		\$521,685	\$-	\$-	\$-	\$396,685	\$125,000	\$521,685	\$-	\$-	\$-	\$-	\$-	\$-
4	Fiscal Agent Fees (US Bank Trustee)	Fees	11/01/1996	08/01/2024	US Bank	Paying Agent Fees	All	2,200	N	\$2,200	-	-	-	2,200	-	\$2,200	-	-	-	-	-	-
7	Successor Agency Functions	Admin Costs	06/25/2014	08/01/2024	City of Clayton	Expenses for Successor Agency Operation	All	125,000	N	\$125,000	-	-	-	-	125,000	\$125,000	-	-	-	-	-	\$-
16	Refunding Tax Allocation Bonds 2014	Refunding Bonds Issued After 6/27/12	06/25/2014	08/01/2024	US Bank	Bonds issued to refund the 1996 and 1999 non-housing RDA Tax Allocation Bonds	All	394,485	N	\$394,485	-	-	-	394,485	-	\$394,485	-	-	-	-	-	\$-

Clayton
Recognized Obligation Payment Schedule (ROPS 24-25) - Notes
July 1, 2024 through June 30, 2025

Item #	Notes/Comments
4	
7	
16	



DEPARTMENT OF
FINANCE

Gavin Newsom ■ Governor

915 L Street ■ Sacramento CA ■ 95814-3706 ■ www.dof.ca.gov

Transmitted via e-mail

March 24, 2023

Richard Sanders, Interim Finance Director
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

2023-24 Annual Recognized Obligation Payment Schedule

Pursuant to Health and Safety Code (HSC) section 34177 (o) (1), the City of Clayton Successor Agency (Agency) submitted an annual Recognized Obligation Payment Schedule for the period July 1, 2023 through June 30, 2024 (ROPS 23-24) to the California Department of Finance (Finance) on February 14, 2023. Finance has completed its review of the ROPS 23-24.

Based on a sample of line items reviewed and application of the law, Finance made the following determination:

- The claimed administrative costs exceed the allowance by \$67,879. HSC section 34171 (b) (3) limits the fiscal year Administrative Cost Allowance (ACA) to three percent of actual Redevelopment Property Tax Trust Fund (RPTTF) distributed in the preceding fiscal year or \$250,000, whichever is greater; not to exceed 50 percent of the RPTTF distributed in the preceding fiscal year. As a result, the Agency's maximum ACA is \$182,121 for fiscal year 2023-24.

Although \$250,000 is claimed for ACA, only \$182,121 is available pursuant to the cap. Therefore, as noted in the table below, \$67,879 in excess ACA is not allowed:

Administrative Cost Allowance (ACA) Calculation	
Actual RPTTF distributed for fiscal year 2022-23	\$560,579
Less distributed Administrative RPTTF	(196,338)
RPTTF distributed for 2022-23 after adjustments	\$364,241
ACA Cap for 2023-24 per HSC section 34171 (b)	\$182,121
ACA requested for 2023-24 after adjustments	250,000
ACA in Excess of the Cap	(\$67,879)

Finance further notes the Oversight Board (OB) has approved an amount that appears excessive, given the number and nature of the obligations listed on the ROPS. HSC section 34179 (i) requires the OB to exercise a fiduciary duty to the taxing entities. Therefore, Finance encourages the OB to apply adequate oversight when evaluating the administrative resources necessary to successfully wind-down the Agency.

Pursuant to HSC section 34186, successor agencies are required to report differences between actual payments and past estimated obligations (prior period adjustments) for the July 1, 2020 through June 30, 2021 (ROPS 20-21) period. The ROPS 20-21 prior period adjustment (PPA) will offset the ROPS 23-24 RPTTF distribution. The amount of RPTTF authorized includes the PPA resulting from the County Auditor-Controller's review of the PPA form submitted by the Agency.

The Agency's maximum approved RPTTF distribution for the reporting period is \$540,794, as summarized in the Approved RPTTF Distribution table (see Attachment).

RPTTF distributions occur biannually, one distribution for the July 1, 2023 through December 31, 2023 period (ROPS A period), and one distribution for the January 1, 2024 through June 30, 2024 period (ROPS B period), based on Finance's approved amounts. Since this determination is for the entire ROPS 23-24 period, the Agency is authorized to receive up to the maximum approved RPTTF through the combined ROPS A and B period distributions.

Except for the adjusted item, Finance approves the remaining items listed on the ROPS 23-24 at this time. If the Agency disagrees with our determination with respect to any items on the ROPS 23-24, except items which are the subject of litigation disputing our previous or related determinations, the Agency may request a Meet and Confer within five business days from the date of this letter. The Agency must use the RAD App to complete and submit its Meet and Confer request form. The Meet and Confer process and guidelines are available on our website:

http://dof.ca.gov/Programs/Redevelopment/Meet_And_Confer/

Absent a Meet and Confer, this is our final determination regarding the obligations listed on the ROPS 23-24. This determination only applies to items when funding was requested for the 12-month period. If a determination by Finance in a previous ROPS is currently the subject of litigation, the item will continue to reflect the determination until the matter is resolved.

The ROPS 23-24 form submitted by the Agency and this determination letter will be posted on our website:

<http://dof.ca.gov/Programs/Redevelopment/ROPS/>

This determination is effective for the ROPS 23-24 period only and should not be conclusively relied upon for future ROPS periods. All items listed on a future ROPS are subject to Finance's review and may be adjusted even if not adjusted on this ROPS or a preceding ROPS. The only exception is for items that have received a Final and Conclusive determination from Finance pursuant to HSC section 34177.5 (i). Finance's review of Final and Conclusive items is limited to confirming the scheduled payments as required by the obligation.

The amount available from the RPTTF is the same as the amount of property tax increment available prior to the enactment of the redevelopment dissolution law. Therefore, as a practical matter, the ability to fund the items on the ROPS with property tax increment is limited to the amount of funding available to the Agency in the RPTTF.

Please direct inquiries to Zuber Tejani, Supervisor, or Michael Barr, Staff, at (916) 322-2985.

Sincerely,



JENNIFER WHITAKER
Program Budget Manager

cc: Jennifer Giantvalley, Accounting Technician, City of Clayton
Bob Campbell, Auditor-Controller, Contra Costa County
Maureen Toms, Countywide Oversight Board Representative

Attachment

Approved RPTTF Distribution July 2023 through June 2024			
	ROPS A	ROPS B	Total
RPTTF Requested	\$ 354,211	\$ 4,485	\$ 358,696
Administrative RPTTF Requested	125,000	125,000	250,000
Total RPTTF Requested	479,211	129,485	608,696
RPTTF Authorized	354,211	4,485	358,696
Administrative RPTTF Requested	125,000	125,000	250,000
Excess Administrative Costs	(0)	(67,879)	(67,879)
Administrative RPTTF Authorized	125,000	57,121	182,121
ROPS 20-21 Prior Period Adjustment (PPA)	(23)	0	(23)
Total RPTTF Approved for Distribution	\$ 479,188	\$ 61,606	\$ 540,794

ICC: Barr, Tejani, Takagi-Galamba, Standing Horse, McCormick, Whitaker

Final Path: LGU\Audits and Review\ROPS 23-24 Letters PDF

Email Addresses of Addressee and ccs:

richards@claytonca.gov

jgiantvalley@ci.clayton.ca.us

ACTaxManager@ac.cccounty.us

Maureen.Toms@dcd.cccounty.us

[\(Back to Agenda\)](#)

City Council Agenda Item 5a

Madison Ma
for
"Doing the Right Thing"
at
Mt. Diablo Elementary School
by exemplifying great **"Kindness"**
December 2023

Charlotte Loreli Light
for
"Doing the Right Thing"
at
Mt. Diablo Elementary School
by exemplifying great **"Kindness"**

December 2023

Charlotte Levadoux
for
"Doing the Right Thing"
at
Mt. Diablo Elementary School
by exemplifying great **"Kindness"**

December 2023

Melanie Lynch
for
"Doing the Right Thing"
at
Mt. Diablo Elementary School
by exemplifying great **"Kindness"**

December 2023

Paige Ridenour
for
"Doing the Right Thing"
at
Diablo Valley Middle School
by exemplifying great **"Kindness"**

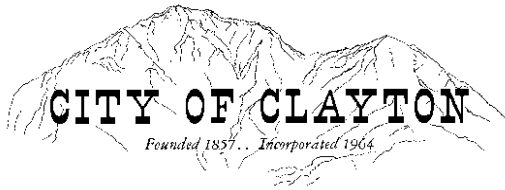
December 2023

Jamie Ty
for
"Doing the Right Thing"
at
Diablo Valley Middle School
by exemplifying great **"Kindness"**

December 2023

Evan Weber
for
"Doing the Right Thing"
at
Diablo Valley Middle School
by exemplifying great **"Kindness"**

December 2023



City Council Agenda Item 8a

STAFF REPORT

TO: Honorable Mayor and Councilmembers
FROM: Amy Walcker, Executive Assistant to the City Manager/HR Manager
DATE: January 16, 2024
SUBJECT: Employment Agreement with Chief of Police

RECOMMENDATION

Approve a three-year employment agreement with Richard McEachin, City of Clayton Police Chief, for the term of July 1, 2024 through June 30, 2027.

BACKGROUND

The City of Clayton's existing employment agreement with Police Chief, Richard McEachin, expires June 30, 2024.

DISCUSSION

Staff recommend the approval of an agreement with Police Chief, Richard McEachin, for a three-year term with an expiration on June 30, 2027. The City's current agreement with the Police Chief was for a one-year term which expires on June 30, 2024. Contracting for a three-year term affords the City continuity in Police Department leadership and known terms for future budget years.

Annual compensation increase for this agreement shall be 4% per fiscal year as follows: Effective the first full pay period in Fiscal Year 2024/25, the Police Chief shall receive an increase in compensation of 4%. Effective the first full pay period in Fiscal Year 2025/26, the Police Chief shall receive an increase in compensation of 4%. Effective the first full pay period in Fiscal Year 2026/27, the Police Chief shall receive an increase in compensation of 4%.

The monthly Automobile Allowance previously afforded the Police Chief shall be removed from the new agreement and replaced with an Educational Incentive Program. The City shall pay an educational incentive of 4% of the Police Chief's base pay for possession of an Executive Certification through the Commission on Peace Officer Standards and Training (P.O.S.T.). Such certification incentivizes leaders in the Police Department to strive for excellence and utilize best practices in policing standards.

In addition to the eleven paid holidays previously afforded to City of Clayton employees per fiscal year, the new agreement shall include Juneteenth, a federally recognized holiday. As such, the Police Chief shall be entitled to twelve paid holidays per fiscal year.

FISCAL IMPACTS

The fiscal impact of the Police Chief's agreement is as follows:

Fiscal Year	Base Salary	Auto Allowance	POST Certification	Benefits	Total	Net Change (YOY)
FY24 (Current)	\$166,396	\$4,800	-	\$53,247	\$224,443	-
FY25	\$173,052	-	\$6,922	\$55,377	\$235,351	\$10,908
FY26	\$179,974	-	\$7,199	\$57,592	\$244,765	\$9,414
FY27	\$187,173	-	\$7,487	\$59,895	\$254,555	\$9,791

CEQA IMPACT

None.

ATTACHMENT(S)

1. Police Chief Employment Agreement

EMPLOYMENT AGREEMENT BETWEEN THE CITY OF CLAYTON AND CLAYTON POLICE CHIEF RICHARD McEACHIN

ARTICLE 1: PREAMBLE

This employment agreement, pursuant to the State of California Government Code Section 3500 et seq., entered into by the City of Clayton, hereinafter referred to as “City”, and Clayton Police Chief Richard McEachin, hereinafter referred to as “employee”, is hereby effective 01 July 2024 through 30 June 2027.

It is the intent and purpose of the employment agreement, hereinafter referred to as “agreement”, to set forth the understanding of the parties reached as a result of meeting and conferring in good faith regarding, but not limited to, matters relating to wages, hours, and terms and conditions of employment.

ARTICLE 2: SAVINGS CLAUSE

If any section, subsection, subdivision, sentence, clause or phrase of this agreement is, for any reason, held to be illegal or unconstitutional, such holding shall not affect the validity of the remaining portions of this agreement.

ARTICLE 3: MANAGEMENT RIGHTS

Section 3.1

Except as otherwise specifically provided and subject to applicable laws, the City has and retains sole and exclusive rights and functions of management, including, but not limited to, the following:

- A. To determine the nature, standards, and extent of services to be performed, as well as the right to determine and implement its public function responsibility.
- B. To manage all facilities and operations of the City, including the methods, means, and numbers and kinds of personnel by which the City operations are to be conducted.
- C. To direct the working forces, including the right to hire, assign, promote, demote, or transfer any employee.
- D. To assign work to and schedule employees in accordance with requirements as determined by the City, and to establish and change work schedules and assignments upon reasonable notice.

- E. To discharge, suspend, demote, reprimand, withhold merit increases or otherwise discipline employees in accordance with applicable law.
- F. To determine policies, procedures, and standards affecting the selection, training, and promotion of employees.
- G. To establish, assess, and implement employee performance standards, including, but not limited to, quality and quantity standards, the assessment of employee performances, and the procedures for said assessment.

ARTICLE 4: EMPLOYEE RIGHTS

Section 4.1 Personnel Files

The City's secured personnel files, maintained in the City offices, are not subject to public inspection. Any employee has the right to inspect their own personnel file. An employee has the right, in accordance with law, to respond in writing to anything contained or placed in their own personnel file and any such response(s) shall become part of their personnel file.

Section 4.2 Peace Officers Procedural Bill of Rights

The City shall observe statutory rights conferred on the Chief of Police in accordance with California law.

This classification is considered "at will". The City Manager may terminate employment at any time. Because this position works at the will of the City Manager, they do not serve a probationary period. This paragraph is declaratory of existing rights and status, as has been previously memorialized in the City's Employee Handbook for many years.

ARTICLE 5: COMPENSATION

Section 5.1 Wages

Effective the first full pay period after June 30, 2024, the salary schedule for Police Chief shall be increased by four percent (4%).

Effective the first full pay period after June 30, 2025, the salary schedule for Police Chief shall be increased by four percent (4%).

Effective the first full pay period after June 30, 2026, the salary schedule for Police Chief shall be increased by four percent (4%).

Section 5.2 Salary Advancement

Assigned salary ranges normally contain five (5) steps, A through E. Employees move through these salary steps subject to satisfactory performance.

Regular employees shall be eligible for step salary advancement consideration as follows:

1. To the "B" rate of the salary step schedule after successful completion of one (1) year at the "A" rate.
2. To the "C" rate of the salary step schedule after successful completion of one (1) year at the "B" rate.
3. To the "D" rate of the salary step schedule after successful completion of one (1) year at the "C" rate.
4. To the "E" rate of the salary step schedule after successful completion of one (1) year at the "D" rate.

When an employee is hired at a salary rate other than Step "A" of the salary step schedule assigned to the classification, the employee shall be eligible for a step increase twelve (12) months from the date of employment, and this date shall become the employee's salary review date for the purposes of eligibility for future merit increases. Thereafter, the above merit pay procedure shall be followed.

Salary advancements are granted for continued meritorious and efficient service, and after continued improvements in assigned tasks, in conjunction with performance appraisal procedures. Recommendations for salary advancement are initiated by the City Manager.

Salary step advancements are not guaranteed. When an employee is denied a merit step increase, the employee shall be informed of such and the reasons therefore in writing. The employee shall be reconsidered for advancement within six (6) months, and if still denied at that time, may be reconsidered for advancement at any subsequent time recommended by the City Manager.

Employees who have received internal promotions, if assigned to a salary step in the new classification salary range offering a minimum five percent (5%) salary increase, shall be eligible for a step increase upon successful completion of twelve (12) months in the new position. If employees are placed on a higher salary step than this, based upon the recommendation and approval of the City Manager, they shall be eligible to advance to the next step of the new classification salary range one (1) year from the date of promotion. This promotion date shall also become the employee's new salary review date for purposes of eligibility for future merit salary increases.

Section 5.3 Uniform Program

A. Sworn Police Personnel

Sworn police personnel shall receive a uniform allowance of twelve hundred dollars (\$1,200.00) per year payable in two equal increments of six hundred dollars (\$600.00) each according to the following payment schedule:

\$600.00 in the first pay period of the fiscal year; and
\$600.00 in the final pay period of the calendar year.

New employees shall receive one uniform allowance increment initially upon appointment and unless the new employee commences employment on the start of a fiscal year, the uniform allowance for that initial increment shall be pro-rated.

Uniform pay shall be reported as special compensation for eligible employees in accordance with CalPERS regulations and guidance.

Section 5.4 Deferred Compensation

At least one (1) deferred compensation plan shall be offered by the City and made available to all employees in this unit, which provides for tax-deferred savings and/or a retirement supplement. Employee deposits into such plan(s) shall be made by payroll deduction and at monetary levels of the employee's choice, subject to the maximum(s) allowed according to Internal Revenue Service (IRS) regulations and laws.

Section 5.5 Educational Incentive Program

The City shall pay an educational incentive for job-related P.O.S.T. certificates obtained by the employee which exceed the normal established job requirements for the classification held by the affected sworn police employee. Eligible employees shall be compensated as follows:

P.O.S.T Executive Certificate	four percent (4%) of base pay
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Section 5.6 Longevity Pay

Members who have achieved the following years of service shall receive the Longevity Pay Incentive applied to base pay as shown. Percentages are not cumulative.

- Five Years 2%
- Ten Years 3%
- Twenty Years 5%

Section 5.7 Severance Provisions

If the Chief of Police is asked to resign or otherwise separated involuntarily, then in exchange for full releases and waivers of all claims (in a form prepared by the City Attorney), the Chief of Police is eligible for and the City Manager may provide the Chief of Police with severance benefits not to exceed three (3) months' salary.

ARTICLE 6: MEDICAL, DENTAL, AND LIFE/ACCIDENTAL DEATH/DISEMBLEMENT INSURANCE

Section 6.1 City Contribution to Medical and Dental Insurance Premiums

The maximum monthly City premium contribution for medical and/or dental insurance coverage for regular, full-time members of this unit shall be paid by the City in accord with the following employee subscription enrollment schedule.

- A. The City's maximum premium contribution to employee-enrolled medical and dental insurance coverage shall be as follows:
 1. Medical Insurance (through CalPERS' Public Employees' Medical and Hospital Care Act). The City's maximum monthly co-pay contribution specified below is benchmarked to the least costly medical insurance premium offered between Blue Shield Net Value HMO or Kaiser Permanente plans. Should a member of this unit elect to enroll in a CalPERS medical insurance plan with a corresponding monthly premium higher than the least costly premium between the two medical plans listed above, the employee is responsible for 100% of the added premium cost above the least costly plan's premium for each of the enrollment options noted below:
 1. Employee Only enrollment: City pays 100% of the selected Plan premium.
 2. Employee + 1 Dependent enrollment: City pays 100% of the selected Plan premium for the Employee Only and 50% of additional premium expense for the one (1) Dependent.
 3. Employee + Family enrollment: City pays 100% of the selected Plan premium for the Employee Only and 59.375% additional premium expense for the Family.
 2. Dental Insurance (through the Municipal Pooling Authority's Delta Dental Health Care Employees/Employers Dental Trust):
 1. Employee Only enrollment: City pays 100% of the Plan premium.
 2. Employee +1 Dependent: City pays 100% of the Plan premium for the Employee Only and 46.8% of additional premium expense for the one (1) Dependent.
 3. Employee + Family: City pays 100% of the Plan premium for the Employee Only and 60.94% of additional premium expense for the Family.

Section 6.2 Life/Accidental Death/Dismemberment Insurance

The City will contract and pay the full premium to enroll employee in a \$50,000 face amount life insurance policy and a \$50,000 Accidental Death and Dismemberment Insurance coverage.

Section 6.3 Short Term and Long Term Disability Insurance

The City shall provide and pay for the short term (STD) and long-term disability (LTD) insurance(s) on behalf of employee for the purpose of providing contracted levels of continued compensation in the event of an off-duty illness or injury.

Section 6.4 In-lieu Health Benefits

In lieu of enrollment in the City's Medical and Dental plans, and upon providing proof of coverage, the City will contribute and deposit two-hundred and twenty-five dollars (\$225.00) per month to and into a deferred compensation plan of employee's choice provided said deferred compensation plan is presently offered by and available through the City. Should the employee elect at any time during City employment to enroll in a City medical or dental plan or if the City employment is terminated, this in-lieu amount ceases on that date of participation or employment event.

ARTICLE 7: RETIREMENT SYSTEM

The City is a member of the California Public Employee's Retirement System, hereinafter referred to as "CalPERS". All regular full and part time employees of this Unit are compulsory members of this retirement system.

Section 7.1 Classic Tier I Employees

All regular full-time and regular part-time employees of this Unit hired before 01 July 2010 are considered "Classic Tier I" participating members of CalPERS. By contract, the City and employee are participating members of the "3% at age 55" Safety Retirement System. The applicable employee contribution paid in full by Classic Tier I employees, pursuant to pre-tax payroll deductions, is nine percent (9%).

A. Cost-Sharing of City CalPERS Contributions

Upon ratification of this agreement, the City shall implement cost-sharing pursuant to the terms set forth below to offset a portion of the City's employer contribution to CalPERS for retirement benefits as authorized under Section 20516(f) of the Government Code.

The employee cost-sharing contribution will be accomplished pursuant to Section 20516(f) of the Government Code. Cost-sharing contributions made pursuant to Section 20516(f) remain characterized as employer contributions by CalPERS and therefore, will not be allocated to the employee's retirement account. Cost-sharing contributions will be deducted from wages on a pre-tax basis during the term of this Agreement.

The cost-sharing contribution amount is as follows:

Effective July 1, 2021, Classic Tier I employees shall contribute, through payroll deduction, an additional two and one quarter percent (2.25%) for a total of eleven and one-quarter (11.25%) of PERSable compensation towards CalPERS retirement.

Section 7.2 Classic Tier II Employees

Employees hired on or after 01 July 2010, plus any new employee of this Unit that was a participating member with an employer enrolled in a CalPERS "Classic" pension system and whom did not experience a break in employment service longer than six (6) months, are each considered City "Classic Tier II" employees and are compulsory participating members in Cal

PERS. The City shall contract with Cal PERS and enroll said eligible employees in this hiring category in the CalPERS “2% at age 50” Local Public Safety retirement plan. The applicable employee contribution paid in full by Classic Tier II employees, pursuant to pre-tax payroll deductions, is nine percent (9%).

A. Cost-Sharing of City CalPERS Contribution

Upon ratification of this Agreement, the City shall implement cost-sharing pursuant to the terms set forth below to offset a portion of the City’s employer contribution to CalPERS for retirement benefits as authorized under Section 20516(f) of the Government Code.

The employee cost-sharing contribution will be accomplished pursuant to Section 20516(f) of the Government Code. Cost-sharing contributions made pursuant to Section 20516(f) remain characterized as employer contributions by CalPERS and therefore, will not be allocated to the employee’s retirement account. Cost-sharing contributions will be deducted from wages on a pre-tax basis during the term of this Agreement.

The cost-sharing contribution amount is as follows:

Effective July 1, 2021, Classic Tier II employees shall contribute, through payroll deduction, an additional two and one quarter percent (2.25%) for a total of eleven and one-quarter (11.25%) of PERSable compensation towards CalPERS retirement.

Section 7.3 PEPPRA Tier III Employees

A Public Employee Pension Reform Act (“PEPPRA”) or City “Tier III” employee for retirement purposes is any new member of this Unit who becomes a member of CalPERS for the first time on or after 01 January 2013, and who was not a member of another California public retirement system prior to that date, and who is not subject to reciprocity with another California public retirement system. Eligible employees of the City’s “Tier III” Retirement Plan are enrolled as members of the Local Public Safety retirement plan of “2.7% at age 57”.

Under PEPPRA, members of the Tier III Retirement Plan must contribute fifty percent (50%) of the total Normal Cost, as defined and calculated by CalPERS, as the Employee Share.

Section 7.4 Survivor Benefit Program

The City agrees to contract for the CalPERS 1959 Survivor Benefit Program – Fourth Level, and provide the annual employer cost for this contracted retirement benefit. Employees of this Unit shall be solely responsible for the employee monthly cost for this added contractual benefit, payable through mandatory City payroll deductions.

ARTICLE 8: HOLIDAYS AND LEAVES

Section 8.1 Holiday Leave

Permanent employees shall receive the following eleven (12) 8-hour days of paid holiday leave each calendar year:

New Year's Day	Martin Luther King, Jr. Day
President's Day	Memorial Day
Juneteenth	Independence Day
Labor Day	Veteran's Day
Thanksgiving Day	Friday after Thanksgiving
Christmas Eve	Christmas Day

Holidays falling on non-work days will be observed on the nearest regular work day. Non-exempt employees must be in a paid status the day before or the day following a paid holiday (or be on a pre-approved paid leave) in order to earn the paid holiday.

Section 8.2 Personal or "Floating" Leave

In addition to the holidays listed under Section 8.1, employee shall receive twenty-four (24) hours of Personal Leave for each fiscal year. Said leave hours shall be taken at the employee's discretion, with the consent of the City Manager. If Personal Leave hours are not taken or exhausted by the end of the fiscal year (June 30th), the remaining hours are forfeited.

Section 8.3 Vacation Leave

Employee shall be entitled to annual vacation leave with pay as earned.

- A. Vacation leave credit for an 80-hour biweekly work week employee shall be accrued on the following basis, subject to a not-to-exceed accrual cap of twenty-four (24) times one's current monthly accrual rate ("the cap"):
 1. 6.67 hours per month from the date of initial hire through month 24.
 2. 8.00 hours per month from month 25 through month 48.
 3. 10.00 hours per month from month 49 through month 96.
 4. 13.33 hours per month from month 97 through month 180.
 5. 16.67 hours per month from month 181 and beyond.
- B. Vacation leave credit for regular full-time employees working less than an eighty (80) hour biweekly work week shall be credited as in paragraph "A" above on a pro-rata basis based on the number of hours worked per week.
- C. Vacation leave must be used in increments of one-quarter (0.25) hour or more.

- D. Vacation leave may be taken as earned but must be requested in writing as far in advance as possible. Vacation leave scheduling is subject to approval of the City Manager, based on labor deployment requirements.
- E. Upon leave of City employment, an employee will be paid for all accrued, unused vacation leave hours.
- F. An employee may elect to convert 40 hours of accrued vacation leave per calendar year in accordance with the "Leave Sell Back" Administrative Policy. Election for participation in the program shall occur no later 60 days prior to the start of the new calendar year. The cash out period shall generally occur 12 months after the election. At the time of cash out, the employee's vacation leave may not fall below 40 hours after participation in this program.

Section 8.4 Sick Leave

Sick leave is earned at a rate of eight (8) hours for each month worked. Maximum accrual will be nine hundred sixty (960) hours. Unused sick leave will not be paid upon separation from City employment.

Sick leave may generally be used for any illness, injury, medical or dental appointment/treatment, or disability (including pregnancy and childbirth) of the employee. Sick leave may also be used for illness or injury of the employee's immediate family; however, absences for family leave purposes in excess of one (1) week (or a cumulative two (2) weeks in any calendar year) must be approved by the City Manager. A physician's report may be required for extended periods of sick leave usage, or if in the determination of the City manager, the employee exhibits greater than average, or unusual patterns or circumstances in the use of sick leave.

Up to three (3) days of sick leave may be used to attend funerals of close family members, with the approval of the City manager.

Members of this unit are entitled to certain disability benefits as defined by state law, and may not therefore use sick leave for on-the-job injuries or illnesses. Further, any unused sick leave shall not extend the retirement date of an employee who has been granted a disability retirement, notwithstanding the provisions of CA Government Code Section 21025.2.

Employee may use accrued sick leave for non work-related disabilities up to the effective or commencement date of short-term or long-term disability benefits.

Employees unable to return to work within six (6) months of the date of disability (non work-related) may be separated from City employment, unless an extension is approved by the City Manager, and except as otherwise restricted by state law.

Section 8.5 Management Leave

In lieu of earning overtime or compensatory time off, employee will be granted one-hundred twenty (120) hours of paid management leave each fiscal year. Management leave hours will be credited to the leave time account at the commencement of each fiscal year. Management leave must be used within the fiscal year in which it was earned, and unused leave will not be paid in cash or any other form of compensation upon separation from City employment.

ARTICLE 9: HOURS OF WORK, WORK PERIODS AND PAY PERIODS

Section 9.1 Standard Work Hours

The standard work assignment shall be eighty (80) hours in a two week pay period.

Section 9.2 Pay Periods

The work period (hours) for classifications and corresponding compensation will be 40 work hours in a 7-day work period, paid bi-weekly every 14 days. Time sheets are due to Payroll at the start of the day work shift the Monday following the close of the pay period on Sunday. City pay checks are available and distributed on the Friday following the close of a pay period.

Note: From time to time, Payroll deadlines for submittal of time sheets and actual pay day may be altered due to designated City holidays. Payroll will notify all employees in advance when these circumstances arise. The time sheet deadline may be adjusted as needed to meet City payroll deadlines. Employees required to estimate hours worked due to an early time sheet deadline shall do so based on an employee's normally-assigned work schedule.

ARTICLE 10: SCOPE OF AGREEMENT

Except as otherwise specifically provided herein, this agreement fully and completely incorporates the understanding of the parties hereto and constitutes the sole and entire agreement between the parties on any and all matters subject to meeting and conferring laws. Neither party shall, during the term of this agreement, demand any change therein nor shall either party be required to negotiate with respect to any other matter, provided that nothing herein shall prohibit the parties from changing the terms and conditions of this agreement by mutual consent agreement.

ARTICLE 11: TERM

Except as indicated herein, this agreement shall be effective commencing 01 July 2024 and continue through 30 June 2027.

IN WITNESS THEREOF, this agreement is entered into by the following authorized representatives this ___ day of _____ pursuant to the provisions of CA Government Code Section 3500, et. Seq. for presentation to and adoption by the City Council of Clayton, California.

By: _____
Richard McEachin, Chief of Police

CITY OF CLAYTON, CA (CITY)

By: _____
Bret Prebula, City Manager

#####



STAFF REPORT

TO: Honorable Mayor and Councilmembers
FROM: Bret Prebula, City Manager
DATE: January 16, 2024
SUBJECT: Discussion related to parking impacts from the Olivia Project

RECOMMENDATION

Receive update on street parking in the surrounding neighborhood related to the Olivia Project and provide staff with direction.

BACKGROUND

The Olivia at Marsh Creek is an approved multi-family residential development at the corner of High Street and Marsh Creek Road on three separate parcels: 6170 High Street, 6450 Marsh Creek Road, and 6490 Marsh Creek Road. The Project site has a General Plan land use designation of MHD-Multifamily High Density; a Town Center Specific Plan land use designation of Multi-Family High Density Residential; and is zoned PD (Planned Development) District. The approved development consists of 81 one- and two-bedroom rental units. The Project includes seven affordable units designated for occupancy by Very Low-Income households as defined by the U.S. Department of Housing and Urban Development. The inclusion of Very Low-Income units in the project entitled a reduction in the off-street vehicle parking requirement for the project to 106 parking stalls, in accordance with the provisions of California Density Bonus Law (Government Code section 65915 *et seq.*)

DISCUSSION

Staff initially reviewed the cost benefit of a restricted/permit parking requirement or paid parking in the areas near the Olivia Project and downtown Clayton. In summary, staff's conclusion was that we are trying to solve a problem which has yet to present itself. The development is 2 to 3 years (estimated) from completion, and the presumption of a parking issue, at this time, would not be prudent. It is not certain at this time that the overflow of parking needs from The Olivia development will spill over into the Stranahan Circle area and negatively impact the on-street parking needs of the Stranahan residents which at the current time is negligible.

Staff's initial assessment is that there is a legal review that would need to occur as to the way the program would be implemented; more specifically, exclusion of the residents of The Olivia project from the program would have to be reviewed. Additionally, and unlike the current program on Regency Drive, the Police Department would need additional staff, potentially 2 FTE Community Services Officers (non-sworn), and a vehicle, to ensure the program can be enforced. Although the exact cost of the staff is not known at this time, as the City does not hold this classification, it is estimated that 2 FTE Community Services Officers would cost \$250,000 annually (generalized from cost at other agencies, including benefits). The capital cost of the vehicle would initially be \$50,000 to \$60,000, then another \$8,000 to \$10,000 annually to save for capital replacement, as well as supplies, gas, etc. This means that, at a minimum, the high-level estimated cost would be \$260,000 to \$275,000 per year. It is typical for this type of neighborhood permit parking program to be mostly self-financed by the issuance of residential parking permits, the cost of which would be extremely high given the low number of participants (54 homes) in the Stranahan Circle neighborhood. Even with a rate of 50% participation of the Stranahan homeowners in a parking program, the cost per permit would be estimated around \$5,000 per year with a 50% City subsidy, estimated at \$135,000 per year, from the general fund. More realistically, it would not be expected that any resident in the Stranahan neighborhood would pay more than \$60 per year, which essentially means the City's general fund would be footing 100% of the cost of the parking program. It is not anticipated that citation revenue would create any meaningful revenue against these costs.

Staff is not comfortable with any parking permit program in the downtown, as this area is used both by City residents and those visiting our City businesses and amenities; thus, a permit parking program would impact the City and its downtown businesses in a negative manner. Staff believes that if the City Council desires parking restrictions downtown, then a parking assessment should be completed for paid parking in this area. The parking restrictions would also reduce available general parking for major downtown events such as Art & Wine and Oktoberfest festivals.

As stated earlier, staff recommends no action or work be made towards a parking permit program or restricted parking related to The Olivia project until after the project is built. Even if the developer would sell the project before construction completion, it would not impact this recommendation as the parking unit count approved with the project are consistent with the density bonus provisions of state and local codes.

FISCAL IMPACTS

If City Council would like additional analysis on potential parking programs around this area and downtown Clayton, staff would recommend the hiring of a parking consultant to analyze the various possibilities, as well as engaging our City Attorney for the in-depth analysis of specific parking restrictions. The cost of the work of a parking consultant and the City Attorney (contracted) is estimated to be \$50,000 to \$75,000.

CEQA IMPACTS

None.

ATTACHMENT(S)

None