



# **AGENDA**

## **REGULAR MEETING**

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## **CLAYTON CITY COUNCIL**

\* \* \*

**TUESDAY, May 17, 2016**

**7:00 P.M.**

*Hoyer Hall, Clayton Community Library  
6125 Clayton Road, Clayton, CA 94517*

**Mayor:** Howard Geller  
**Vice Mayor:** Jim Diaz

### **Council Members**

Keith Haydon  
Julie K. Pierce  
David T. Shuey

- 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 least 72 hours prior to the Council meeting.
- 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.ci.clayton.ca.us](http://www.ci.clayton.ca.us)
- Any writings or documents provided to a majority of the City Council 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.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

# **\* CITY COUNCIL \***

**May 17, 2016**

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

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Geller.

3. **CONSENT CALENDAR**

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

(a) Approve the minutes of the City Council’s regular meeting of May 3, 2016.

[\(View Here\)](#)

(b) Approve the Financial Demands and Obligations of the City. [\(View Here\)](#)

(c) Adopt a Resolution finding and declaring that a continuing local emergency condition remains arising from significant damage to a portion of the Cardinet Trail while undertaking the City Council previously-authorized emergency repairs on the Cardinet Trail. [\(View Here\)](#)

(d) Adopt a Resolution approving the Engineer’s Report and declaring intent to levy and collect real property tax assessments for the Diablo Estates at Clayton Benefit Assessment District (BAD) in FY 2016-17, and setting July 19, 2016 at or about 7:00 p.m. as the date and time for a noticed Public Hearing on the proposed fiscal year tax assessment levies. [\(View Here\)](#)

(e) Adopt a Resolution approving the City’s biennial Growth Management Program Compliance Checklist for calendar years 2014 & 2015 per Ballot Measure J of the Contra Costa Transportation Authority (CCTA), and authorize staff to file the Compliance Checklist in order to be eligible to receive the City’s allocation of Local Street Maintenance and Improvement (LSM) Funds for Fiscal Years 2015-16 and 2016-17. [\(View Here\)](#)

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Recognition to Clayton Museum Curator Mary Spryer in appreciation for her valued civic services to the Clayton community.

**5. REPORTS**

- (a) Planning Commission – Commissioner Sandy Johnson.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.
- (e) Other

**6. 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 facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. When one's name is called or you are recognized by the Mayor as wishing to speak, the speaker shall approach the public podium and adhere to the time limit. 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.*

**7. PUBLIC HEARING**

- (a) Consider the Introduction and First Reading of a proposed City-initiated Ordinance No. 462 extending the existing time extension waiver of certain on-site parking relief in Clayton Town Center area for an additional three years through June 30, 2019. ([View Here](#))  
(Community Development Director)

Staff recommendations: **1)** Receive the staff report; **2)** Open the Public Hearing and receive public comments; **3)** Close the Public Hearing; **4)** Following Council discussion or any amendments to the proposed Ordinance, approve a motion to have the City Clerk read Ordinance No. 462 by title and number only and waive further reading; and **5)** Following the City Clerk's reading, by motion approve Ordinance No. 462 for Introduction with the finding the action does not constitute a project under CEQA.

**8. ACTION ITEMS – None.**

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

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be June 7, 2016.

# # # # #

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

TUESDAY, May 3, 2016

Agenda Date: 5-17-2016

Agenda Item: 3a

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:01 p.m. by Mayor Geller in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Geller, Vice Mayor Diaz and Councilmembers Haydon, Pierce, and Shuey. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, and City Clerk/HR Manager Janet Brown.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Geller.

3. **CONSENT CALENDAR**

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to approve the Consent Calendar as submitted. (Passed; 5-0 vote).

- (a) Approved the minutes of the City Council's regular meeting of April 19, 2016.
- (b) Approved the Financial Demands and Obligations of the City.
- (c) Adopted Resolution No. 21-2016 directing the preparation of an Engineer's report for calculation of the annual real property tax assessments in FY 2016-17 for the Diablo Estates at Clayton Benefit Assessment District (BAD).
- (d) Adopted Resolution No. 22-2016 finding and declaring that a continuing local emergency condition remains arising from damage to a portion of the Cardinet Trail while undertaking the City Council previously-authorized emergency repairs on the Cardinet Trail.

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) Certificates of Recognition to public school students selected for exemplifying the "Do the Right Thing" character trait of "Integrity" in March - April 2016.

This item was deferred to the regular City Council meeting of May 17, 2016.

5. **REPORTS**

- (a) Planning Commission – Commissioner Gregg Manning summarized the Commission's meeting of April 26, 2016. He noted its agenda included a Use Permit (UP) for a dentist office to be located in Village Oaks, 6200 Center Street, Suites I and J, which face the rear on-site parking lot. The UP was approved by the Planning Commission.

The Commission also considered an Ordinance extending the Town Center Parking Waiver for an additional three years from June 30, 2016 to June 30, 2019. The purpose of the extension is to continue the promotion of downtown development activity for retail and restaurant land uses. This item was approved for recommendation by the Planning Commission to the City Council for its approval.

Commissioner Manning also advised there is a Silver Oaks Project environmental scoping meeting taking place on Monday, May 9<sup>th</sup> at 6:00 p.m. in Hoyer Hall. He then concluded his report noting his Planning Commission term is expiring in June and he is unable to re-apply as he has reached his maximum term limit. Commissioner Manning further advised the City Council-appointed Alternate for the County Connection bus system, Vice Mayor Diaz, has frequently been in attendance at the Central Contra Costa Transit Authority meetings and could take his place as the Delegate when he moves soon.

(b) Trails and Landscaping Committee – No meeting held.

(c) City Manager/Staff

City Manager Gary Napper announced the VFW will hold its 25th Annual Memorial Day Observance at the Veterans' Memorial Flagpole Monument at Oak and Main Streets in downtown Clayton on Monday, May 30<sup>th</sup> at 10:00 a.m.

Mr. Napper also advised the City is now accepting applications until June 15, 2016 for 3 offices on the City Planning Commission, noting 2 of the incumbents (Commissioners Manning and Johnson) have termed out and are unable to re-apply. Interviews and appointments are expected to take place at the regular second meeting of the City Council in June.

Vice Mayor Diaz added the 25<sup>th</sup> Annual Memorial Day Observance is in conjunction with the City of Concord. He also inquired if the third Planning Commissioner is eligible for reappointment. Mr. Napper confirmed Planning Commissioner Dave Bruzzone is eligible to re-apply for another term of the Planning Commission; however, there is no indication yet if he intends to do so.

(d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Vice Mayor Diaz attended the Clayton Business and Committee Association's Rib Cook-off Committee meeting, the Clayton Business and Committee Association's Annual Art and Wine event, the Clayton Cleans Up! event, and a League of California Cities event at Campo di Bocce in Livermore.

Councilmember Pierce attended several meetings of the Contra Costa Transportation Authority, the Metropolitan Transportation Commission, the Association of Bay Area Governments, helped coordinate the Clayton Historical Society's Gardens Tour, the Clayton Business and Committee Association's Art and Wine vendor breakfast, and attended the annual Clayton Cleans Up! event and the HNTB Corporation's "Thought Leaders" Board meeting.

Councilmember Shuey indicated "no report".

Councilmember Haydon attended a Clayton Library Foundation Board meeting, the Clayton Business and Committee Association's Rib Cook-Off Committee meeting, the Clayton Cleans Up! event, a East Contra Costa Habitat Conservancy meeting, the Clayton American Association of University Women's (AAUW) Annual Spaghetti Feed, the Clayton Business and Committee Association's General Membership meeting, and

the Annual Clayton Business and Committee Association's Art and Wine Festival. At the Festival, it was wonderful Don Fitzgerald, who recently passed away, was recognized by posters throughout the event for his contributions to the Clayton community and founding that event.

Mayor Geller attended the annual Clayton Cleans Up! event, the Walnut Creek Library Foundation Authors Gala where he sat with author Adonal Foyle, the Clayton Business and Committee Association's General Membership meeting, and the Annual Clayton Business and Committee Association's Art and Wine Festival. Mayor Geller also announced Clayton's Farmers' Market will return this weekend along with the first 2016 Saturday Concerts in The Grove featuring "The Retromaniac".

- (e) Other – None.

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

Sara Reeve, 1170 Easley Drive, expressed her opposition to the Mosquito High Frequency Transmitters that are being used in The Grove Park to deter littering. She had indicated the one of the 3 transmitters in that park has been on 24 hours a day for over a year, and they are located in the gazebo and on top of the playground structure. Ms. Reeve considers these transmitters are unfairly targeting teenagers; how does anyone know that group is solely responsible for the litter and vandalism, there are restaurants and businesses surrounding the park. She considers the use of these high-pitch frequency transmitters is abuse, it punishes everyone, and if she were in charge she would have them turned off permanently or removed immediately as adults and children are not the target group for recent vandalism.

Cindy Gilmore, 1874 Eagle Peak Avenue, expressed her concerns of the effects of the painful ear-splitting sounds to young ears from the transmitters located at The Grove Park. Ms. Gilmore indicated these transmitters were previously only used between 9:00 p.m. to 6:00 a.m. and since August 2015 has been activated to 24 hours. As a retired US Airforce veteran, she associates the use of these transmitters as appropriate for Guantanamo Bay but inappropriate for the community; it constitutes psychological warfare and discourages use of the park by the public. She advised she had visited The Grove Park recently and suffered a migraine headache for 2 weeks after her visit. She also wondered if the frequency of the transmitters could have a potential impact to dogs, as her son visited the park and his dog had an unusual immediate reaction. She suggested replacing the transmitters with classical music which may help deter vandals. She is concerned for disabled vets, and vets with PTSD, who must be subjected to hearing these tones in all areas of the park.

City Manager Napper responded that City Maintenance staff contacted the manufacturer this week to inquire if there have been similar complaints reported by users of the units; no complaints to date. In fact, the manufacturer informed staff today the City of West Sacramento just placed an order for 45 units to be installed in its city, and further offered these units are very popular in Europe and California is one of its largest United States purchasers. Mr. Napper clarified the manufacturer states the high-pitch frequency emitted by these units can largely be heard only by persons aged 12-20, and adults and children are not affected. They were installed in 2012 at Lydia Lane Park and only 2 in The Grove Park: 1 at the tot lot and the other in the gazebo at The Grove Park placed in an outward facing direction to Marsh Creek Road and in a downward position to the gazebo. The transmitters were not activated to prevent littering, rather to help against recurring costs of vandalism to City property (gazebo; and tot lot at night). It has largely been effective since running the gazebo emitter 24/7 in August 2015, vandalism to the gazebo stopped altogether, except for one recent incident about 2 months ago.

The manufacturer confirmed the transmitters can be set to decibels of 94 or 106 with no effect to adults, children or dogs; Clayton's is set at the lower setting of 94 decibels. Prior to August 2015 there had been an increasing flurry of destruction to the gazebo at The Grove Park which added work load to the already short staffed City Maintenance Department. Mr. Napper noted he is personally aware of an elderly couple that daily walks the park and the gazebo with their Golden Retriever and they have never reported any problems with their dog; this couple also regularly brings to City Hall the broken wood spindle pieces from the vandalized gazebo to report the repetitive damage being caused, express their outrage, and request repair. Some adults have noted hearing a "ping" noise every 60 seconds in The Grove Park; since the high-pitch frequency cannot be heard by adults the "ping" sound is part of the unit's normal function to alert the user the system is operational.

The existence and use of the units were discovered by the City Maintenance Department while they were in the City of Fairfield observing various water spray features for replacement of The Grove Park's water play feature. Staff inquired of its effectiveness and Fairfield officials highly recommended it. When the City of Clayton first decided to try these devices, a field meeting was held with the adjacent residents of Lydia Lane Park who expressed concerns over teens hanging out after dusk in the proposed tot lot to be installed there; once the unit was described and how it would be directed outward away from their homes, the residents there were largely supportive of its installation, and since the unit's installation there have not been any neighborhood complaints.

Councilmember Shuey advised the park has a budget and the City cannot afford to fund a full-time police officer in the park to enforce the law; this decision was not made lightly. After much consideration, this use of this particular deterrent met the approval limitations of the City Manager and its use did not require approval by the City Council.

Mayor Geller advised that during the dialogue that occurred with Lydia Lane residents, some expressed hesitation to the installation of these units and the potential noise they can produce; to date there has not been a complaint and the neighborhood park has not experienced any vandalism or the park being occupied after hours. Costly on-going vandalism has occurred in The Grove Park, costing a lot of money and staff time to repair. Mayor Geller suggested when the community has a concern or question to contact the City directly or attend a City Council meeting to get the facts before posting inaccuracies on a social media site.

Councilmember Haydon inquired if nearby cities using similar devices to detract vandalism did any prior public notification or public signage indicating this type of system is in place. City Manager Napper responded the nearby cities were not asked that specific question, only if their use of the devices helped against vandalism, which the answers were "yes." He indicated if publication was made regarding the installation of these devices or even cameras were used, the announcement provokes reactions to locate the devices as additional targets of vandalism. He added replacing the wood gazebo spindles also diverts precious Maintenance staff time to work on more productive tasks rather than vandalism repairs. Mr. Napper also clarified a statement by Ms. Gilmore that voters voted to tax themselves a million dollars to pay for The Grove Park. Actually, Clayton voters did not vote to construct the park or tax themselves more to do so; voters approved a \$19 per year parcel tax in 2006 to fund the ongoing maintenance and operation of the park. In 2014, by an 81% affirmative vote effective 2016 for an additional 10 years, voters overwhelmingly approved continuance of this tax to maintain The Grove Park.



7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS** – None.

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION**

Mayor Geller announced the City Council would adjourn into a closed session to discuss the subject matter listed below (8:02 p.m.):

- (a) *Government Code Section 54956.8, Conference with Real Property Negotiator.*  
*Real Property: 6055 Main Street, Clayton, CA (APN 119-011-003).*  
*Instructions to City Negotiator: City Manager Gary Napper, concerning price and terms of payment.*  
*Negotiating Party: Clayton Community Church (Shawn Robinson).*

Report out from Closed Session (8:16 p.m.)

Mayor Geller reported the City Council received a briefing from its City Manager regarding this matter and no reportable action was taken.

11. **ADJOURNMENT**– on call by Mayor Geller, the City Council adjourned its meeting at 8:17 p.m.

The next regularly scheduled meeting of the City Council will be May 17, 2016.

# # # # #

Respectfully submitted,

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Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

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Howard Geller, Mayor

# # # # #



Agenda Date 5/17/2016

Agenda Item: 3b

# STAFF REPORT

Approved:   
for Gary A. Napper  
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Kevin Mizuno, FINANCE MANAGER

DATE: 05/17/16

SUBJECT: INVOICE SUMMARY

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## RECOMMENDATION:

Approve the following Invoices:

05/13/2016	Cash Requirements	\$ 121,761.18
05/10/2016	ADP Payroll week 19, PPE 5/8/16	\$ 81,823.55

Total \$203,584.73

### Attachments:

Cash Requirements Report dated 5/13/2016 (5 pages)

ADP payroll report for week 19 (1 page)

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<b>AAUW</b>								
AAUW	5/17/2016	5/17/2016	27408	deposit refund for spaghetti feed at EH	\$500.00	\$0.00		\$500.00
				<i>Totals for AAUW:</i>	<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
<b>ADP, LLC</b>								
ADP, LLC	5/17/2016	5/17/2016	472961744	ADP payroll fees PPE 4/24/16	\$152.11	\$0.00		\$152.11
				<i>Totals for ADP, LLC:</i>	<u>\$152.11</u>	<u>\$0.00</u>		<u>\$152.11</u>
<b>All City Management Services, Inc.</b>								
All City Management Services, Inc.	5/17/2016	5/17/2016	43372	school crossing guard services 4/10/16-4/23/16	\$509.10	\$0.00		\$509.10
All City Management Services, Inc.	5/17/2016	5/17/2016	43224	school crossing guard services 3/27/16-4/9/16	\$254.55	\$0.00		\$254.55
				<i>Totals for All City Management Services, Inc.:</i>	<u>\$763.65</u>	<u>\$0.00</u>		<u>\$763.65</u>
<b>ASCAP</b>								
ASCAP	5/17/2016	5/17/2016	2016 Concerts	Licensing for Concerts in the Grove	\$336.00	\$0.00		\$336.00
				<i>Totals for ASCAP:</i>	<u>\$336.00</u>	<u>\$0.00</u>		<u>\$336.00</u>
<b>Bay Area Barricade Serv.</b>								
Bay Area Barricade Serv.	5/17/2016	5/17/2016	0337451-IN	vests, safety glasses, gloves, strap, buckle, ear	\$515.14	\$0.00		\$515.14
				<i>Totals for Bay Area Barricade Serv.:</i>	<u>\$515.14</u>	<u>\$0.00</u>		<u>\$515.14</u>
<b>Bay Area News Group East Bay (CCT)</b>								
Bay Area News Group East Bay (CCT)	5/17/2016	5/17/2016	963569	legal ads ZOA 02-16/env 01-06 4/26/16	\$175.44	\$0.00		\$175.44
				<i>Totals for Bay Area News Group East Bay (CCT):</i>	<u>\$175.44</u>	<u>\$0.00</u>		<u>\$175.44</u>
<b>Bill's Ace Hardware</b>								
Bill's Ace Hardware	5/17/2016	5/17/2016	713957	truck boxes/installation	\$2,097.49	\$0.00		\$2,097.49
				<i>Totals for Bill's Ace Hardware:</i>	<u>\$2,097.49</u>	<u>\$0.00</u>		<u>\$2,097.49</u>
<b>BMI (Broadcast Music Inc)</b>								
BMI (Broadcast Music Inc)	5/17/2016	5/17/2016	27885485	licensing for Concerts in the Grove 2016	\$336.00	\$0.00		\$336.00
				<i>Totals for BMI (Broadcast Music Inc):</i>	<u>\$336.00</u>	<u>\$0.00</u>		<u>\$336.00</u>
<b>Jeanette Bredehoft</b>								
Jeanette Bredehoft	5/17/2016	5/17/2016	27479	deposit refund for Hoyer Hall 5/7/16	\$200.00	\$0.00		\$200.00
				<i>Totals for Jeanette Bredehoft:</i>	<u>\$200.00</u>	<u>\$0.00</u>		<u>\$200.00</u>
<b>Raphael Breines</b>								
Raphael Breines	5/17/2016	5/17/2016	17949	deposit refund for Hoyer Hall 9/9/15	\$200.00	\$0.00		\$200.00
				<i>Totals for Raphael Breines:</i>	<u>\$200.00</u>	<u>\$0.00</u>		<u>\$200.00</u>
<b>CalPERS Retirement</b>								
CalPERS Retirement	5/17/2016	5/17/2016	MAY UAL	May 2016 UAL Retirement	\$28,437.00	\$0.00		\$28,437.00
CalPERS Retirement	5/17/2016	5/17/2016	050816	Retirement PPE 5/8/16	\$12,195.74	\$0.00		\$12,195.74
				<i>Totals for CalPERS Retirement:</i>	<u>\$40,632.74</u>	<u>\$0.00</u>		<u>\$40,632.74</u>
<b>CCWD</b>								

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
CCWD	5/17/2016	5/17/2016	K series	water for March and April	\$8,265.45	\$0.00		\$8,265.45
<i>Totals for CCWD:</i>					<u>\$8,265.45</u>	<u>\$0.00</u>		<u>\$8,265.45</u>
<b>City of Concord</b>								
City of Concord	5/17/2016	5/17/2016	51246	December vehicle maintenance PD	\$2,415.89	\$0.00		\$2,415.89
<i>Totals for City of Concord:</i>					<u>\$2,415.89</u>	<u>\$0.00</u>		<u>\$2,415.89</u>
<b>Concord Uniforms</b>								
Concord Uniforms	5/17/2016	5/17/2016	10940	Uniform, England	\$751.56	\$0.00		\$751.56
<i>Totals for Concord Uniforms:</i>					<u>\$751.56</u>	<u>\$0.00</u>		<u>\$751.56</u>
<b>Contra Costa County Library</b>								
Contra Costa County Library	5/17/2016	5/17/2016	Q3 FY 16	additional hours of library service, Q3 FY 16	\$3,715.35	\$0.00		\$3,715.35
<i>Totals for Contra Costa County Library:</i>					<u>\$3,715.35</u>	<u>\$0.00</u>		<u>\$3,715.35</u>
<b>Contra Costa County Public Works Dept</b>								
Contra Costa County Public Works Dept	5/17/2016	5/17/2016	700501	traffic signal maintenance for March	\$1,029.24	\$0.00		\$1,029.24
<i>Totals for Contra Costa County Public Works Dept:</i>					<u>\$1,029.24</u>	<u>\$0.00</u>		<u>\$1,029.24</u>
<b>Contra Costa County Sheriff - Forensic Svc Div (Lab)</b>								
Contra Costa County Sheriff - Forensic S	5/17/2016	5/17/2016	CLPD-1603	alcohol tests March	\$200.00	\$0.00		\$200.00
Contra Costa County Sheriff - Forensic S	5/17/2016	5/17/2016	CLPD-116	blood withdrawal services January - March 20	\$236.25	\$0.00		\$236.25
<i>Totals for Contra Costa County Sheriff - Forensic Svc Div (Lab):</i>					<u>\$436.25</u>	<u>\$0.00</u>		<u>\$436.25</u>
<b>Floorscapes</b>								
Floorscapes	5/17/2016	5/17/2016	EH	refinish hardwood floors in EH	\$5,472.50	\$0.00		\$5,472.50
<i>Totals for Floorscapes:</i>					<u>\$5,472.50</u>	<u>\$0.00</u>		<u>\$5,472.50</u>
<b>Future Auto Center of Concord</b>								
Future Auto Center of Concord	5/17/2016	5/17/2016	276316	Oil chg, new tires for PD Ford Explorer	\$922.44	\$0.00		\$922.44
<i>Totals for Future Auto Center of Concord:</i>					<u>\$922.44</u>	<u>\$0.00</u>		<u>\$922.44</u>
<b>Geoconsultants, Inc.</b>								
Geoconsultants, Inc.	5/17/2016	5/17/2016	18804	well monitoring for April	\$1,546.50	\$0.00		\$1,546.50
Geoconsultants, Inc.	5/17/2016	5/17/2016	18798	well monitoring for March	\$1,546.50	\$0.00		\$1,546.50
<i>Totals for Geoconsultants, Inc.:</i>					<u>\$3,093.00</u>	<u>\$0.00</u>		<u>\$3,093.00</u>
<b>Globalstar LLC</b>								
Globalstar LLC	5/17/2016	5/17/2016	1000000007271441	sat phone 3/16/16-4/15/16	\$56.15	\$0.00		\$56.15
<i>Totals for Globalstar LLC:</i>					<u>\$56.15</u>	<u>\$0.00</u>		<u>\$56.15</u>
<b>Ken Joiret</b>								
Ken Joiret	5/17/2016	5/17/2016	060416S	6/4/16 concert in the grove, sound	\$650.00	\$0.00		\$650.00
Ken Joiret	5/17/2016	5/17/2016	052116S	5/21/16 concert in the grove, sound	\$650.00	\$0.00		\$650.00
<i>Totals for Ken Joiret:</i>					<u>\$1,300.00</u>	<u>\$0.00</u>		<u>\$1,300.00</u>
<b>Kirby Polygraph &amp; Investigation Services LLC</b>								

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Kirby Polygraph & Investigation Serv	5/17/2016	5/17/2016	1605002	pre-employment polygraph exams	\$600.00	\$0.00		\$600.00
<i>Totals for Kirby Polygraph &amp; Investigation Services LLC:</i>					<i>\$600.00</i>	<i>\$0.00</i>		<i>\$600.00</i>
<b>LarryLogic Productions</b>								
LarryLogic Productions	5/17/2016	5/17/2016	1575	City council meeting production 4/12/16	\$370.00	\$0.00		\$370.00
LarryLogic Productions	5/17/2016	5/17/2016	1579	City council meeting production 5/3/16	\$300.00	\$0.00		\$300.00
<i>Totals for LarryLogic Productions:</i>					<i>\$670.00</i>	<i>\$0.00</i>		<i>\$670.00</i>
<b>Larry Lynch</b>								
Larry Lynch	5/17/2016	5/17/2016	052116	Concert in the Grove 5/21/16	\$1,500.00	\$0.00		\$1,500.00
<i>Totals for Larry Lynch:</i>					<i>\$1,500.00</i>	<i>\$0.00</i>		<i>\$1,500.00</i>
<b>Matrix Association Management</b>								
Matrix Association Management	5/17/2016	5/17/2016	3040	Management services for Diablo Estates, May	\$4,375.00	\$0.00		\$4,375.00
<i>Totals for Matrix Association Management:</i>					<i>\$4,375.00</i>	<i>\$0.00</i>		<i>\$4,375.00</i>
<b>Neopost (add postage)</b>								
Neopost (add postage)	5/17/2016	5/17/2016	050616	postage added to meter 5/6/16	\$300.00	\$0.00		\$300.00
<i>Totals for Neopost (add postage):</i>					<i>\$300.00</i>	<i>\$0.00</i>		<i>\$300.00</i>
<b>Neopost Northwest</b>								
Neopost Northwest	5/17/2016	5/17/2016	N5921461	postage meter contract 6/7/16-7/6/16	\$158.20	\$0.00		\$158.20
<i>Totals for Neopost Northwest:</i>					<i>\$158.20</i>	<i>\$0.00</i>		<i>\$158.20</i>
<b>Pacific Telemanagement Svc</b>								
Pacific Telemanagement Svc	5/17/2016	5/17/2016	834712	courtyard payphone for May 2016	\$73.00	\$0.00		\$73.00
<i>Totals for Pacific Telemanagement Svc:</i>					<i>\$73.00</i>	<i>\$0.00</i>		<i>\$73.00</i>
<b>Painting by Ken</b>								
Painting by Ken	5/17/2016	5/17/2016	CH	paint exterior of City Hall	\$6,900.00	\$0.00		\$6,900.00
<i>Totals for Painting by Ken:</i>					<i>\$6,900.00</i>	<i>\$0.00</i>		<i>\$6,900.00</i>
<b>PERMCO, Inc.</b>								
PERMCO, Inc.	5/17/2016	5/17/2016	10560	general engineering services 4/23/16-5/6/16	\$3,248.00	\$0.00		\$3,248.00
PERMCO, Inc.	5/17/2016	5/17/2016	10561	CAP Inspections 4/23/16-5/6/16	\$83.00	\$0.00		\$83.00
PERMCO, Inc.	5/17/2016	5/17/2016	10562	review email submittal 4/23/16-5/6/16	\$75.00	\$0.00		\$75.00
PERMCO, Inc.	5/17/2016	5/17/2016	10563	field inspection 4/23/16-5/6/16	\$158.00	\$0.00		\$158.00
PERMCO, Inc.	5/17/2016	5/17/2016	10564	discuss options w/contractor, staff, & prop own	\$915.00	\$0.00		\$915.00
<i>Totals for PERMCO, Inc.:</i>					<i>\$4,479.00</i>	<i>\$0.00</i>		<i>\$4,479.00</i>
<b>Priority Payment Systems (Merchant Bankcard System)</b>								
Priority Payment Systems (Merchant Bar	5/17/2016	5/17/2016	4/30/16	bankcard fees for April	\$65.27	\$0.00		\$65.27
<i>Totals for Priority Payment Systems (Merchant Bankcard System):</i>					<i>\$65.27</i>	<i>\$0.00</i>		<i>\$65.27</i>
<b>Michael Redlick</b>								
Michael Redlick	5/17/2016	5/17/2016	27473	deposit refund for Hoyer Hall 3/26/16	\$200.00	\$0.00		\$200.00
<i>Totals for Michael Redlick:</i>					<i>\$200.00</i>	<i>\$0.00</i>		<i>\$200.00</i>

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<b>Riso Products of Sacramento</b>								
Riso Products of Sacramento	5/17/2016	5/17/2016	155518	copier contract 4/18/16-5/17/16	\$94.86	\$0.00		\$94.86
<i>Totals for Riso Products of Sacramento:</i>					<u>\$94.86</u>	<u>\$0.00</u>		<u>\$94.86</u>
<b>Simpson Investigative Svc Grp</b>								
Simpson Investigative Svc Grp	5/17/2016	5/17/2016	1915	pre-employment background, PD	\$1,876.82	\$0.00		\$1,876.82
Simpson Investigative Svc Grp	5/17/2016	5/17/2016	1921	pre-employment background, PD	\$1,845.36	\$0.00		\$1,845.36
<i>Totals for Simpson Investigative Svc Grp:</i>					<u>\$3,722.18</u>	<u>\$0.00</u>		<u>\$3,722.18</u>
<b>Site One Landscape Supply, LLC</b>								
Site One Landscape Supply, LLC	5/17/2016	5/17/2016	75466266	irrigation controller parts/labor	\$1,952.34	\$0.00		\$1,952.34
Site One Landscape Supply, LLC	5/17/2016	5/17/2016	75409089	4 coupling soc PVC fitting x 12	\$65.06	\$0.00		\$65.06
<i>Totals for Site One Landscape Supply, LLC:</i>					<u>\$2,017.40</u>	<u>\$0.00</u>		<u>\$2,017.40</u>
<b>Sprint Comm (PD)</b>								
Sprint Comm (PD)	5/17/2016	5/17/2016	703335311-173	cell phones, PD 3/26/16-4/25/16	\$272.48	\$0.00		\$272.48
<i>Totals for Sprint Comm (PD):</i>					<u>\$272.48</u>	<u>\$0.00</u>		<u>\$272.48</u>
<b>Staples Advantage</b>								
Staples Advantage	5/17/2016	5/17/2016	8039111671	Office supplies for April	\$83.35	\$0.00		\$83.35
<i>Totals for Staples Advantage:</i>					<u>\$83.35</u>	<u>\$0.00</u>		<u>\$83.35</u>
<b>Stericycle Inc</b>								
Stericycle Inc	5/17/2016	5/17/2016	3003405115	Monthly service May	\$96.07	\$0.00		\$96.07
<i>Totals for Stericycle Inc:</i>					<u>\$96.07</u>	<u>\$0.00</u>		<u>\$96.07</u>
<b>Greg Tinfow</b>								
Greg Tinfow	5/17/2016	5/17/2016	27431	deposit refund for EH 5/6 & 5/7/16	\$500.00	\$0.00		\$500.00
<i>Totals for Greg Tinfow:</i>					<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
<b>US Bank - Corp Pmt System CalCard</b>								
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	plaques from Alpine Awards -CERT	\$126.98	\$0.00		\$126.98
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	plaques from Alpine Awards -TLC member	\$34.33	\$0.00		\$34.33
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	Office supplies, Land's End shirts	\$350.48	\$0.00		\$350.48
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	Craigslis - seasonal worker advertising	\$75.00	\$0.00		\$75.00
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	Keller Ranch outbuilding recorded document	\$52.50	\$0.00		\$52.50
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	HR Training, Janet	\$99.00	\$0.00		\$99.00
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	CA Assoc of Code Enforcement Officers Due	\$85.00	\$0.00		\$85.00
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	CSMFO, 4/19/16 chapter meeting, Kevin	\$26.00	\$0.00		\$26.00
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	Oakhurst CC reservation deposit Mayors' Con	\$1,275.00	\$0.00		\$1,275.00
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	Central Storage, rent	\$105.00	\$0.00		\$105.00
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	PAPA seminar & dues	\$125.00	\$0.00		\$125.00
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	downtown flags, shop tools, Sandro, work bo	\$552.56	\$0.00		\$552.56
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	streetlight parts, landscape tools, Dan work bo	\$1,462.00	\$0.00		\$1,462.00
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	light bulbs for EH	\$32.60	\$0.00		\$32.60
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	Trees for Pea- Creek Dr	\$750.00	\$0.00		\$750.00

## City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	LMD plants	\$1,126.84	\$0.00		\$1,126.84
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	Grove trees	\$390.00	\$0.00		\$390.00
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	fuel	\$435.36	\$0.00		\$435.36
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	landscape fuel	\$850.27	\$0.00		\$850.27
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	office supplies, push pins, DVDs	\$411.67	\$0.00		\$411.67
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	camera cases, gun safes, push pins, garment h	\$1,460.61	\$0.00		\$1,460.61
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	Postage, ABC	\$37.99	\$0.00		\$37.99
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	Motorecycle grant equipment	\$381.20	\$0.00		\$381.20
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	fuel	\$1,966.29	\$0.00		\$1,966.29
US Bank - Corp Pmt System CalCard	5/17/2016	5/17/2016	Stmt 4/22/16	car washes, AED replacement pads, batteries	\$204.22	\$0.00		\$204.22
<i>Totals for US Bank - Corp Pmt System CalCard:</i>					<i>\$12,415.90</i>	<i>\$0.00</i>		<i>\$12,415.90</i>
<b>Verizon Wireless</b>								
Verizon Wireless	5/17/2016	5/17/2016	9764641889	PW cell phones April	\$80.53	\$0.00		\$80.53
<i>Totals for Verizon Wireless:</i>					<i>\$80.53</i>	<i>\$0.00</i>		<i>\$80.53</i>
<b>Garratt Wilkin</b>								
Garratt Wilkin	5/17/2016	5/17/2016	060416	Concert in the Grove 6/4/16	\$2,100.00	\$0.00		\$2,100.00
<i>Totals for Garratt Wilkin:</i>					<i>\$2,100.00</i>	<i>\$0.00</i>		<i>\$2,100.00</i>
<b>Workers.com</b>								
Workers.com	5/17/2016	5/17/2016	0000115061	temp maint workers week ending 4/15/16	\$1,814.70	\$0.00		\$1,814.70
Workers.com	5/17/2016	5/17/2016	0000115121	temp maint workers week ending 4/22/16	\$2,306.83	\$0.00		\$2,306.83
Workers.com	5/17/2016	5/17/2016	0000115185	temp maint workers week ending 4/29/16	\$3,537.12	\$0.00		\$3,537.12
<i>Totals for Workers.com:</i>					<i>\$7,658.65</i>	<i>\$0.00</i>		<i>\$7,658.65</i>
<b>Zee Medical Company</b>								
Zee Medical Company	5/17/2016	5/17/2016	724600722	Maintenance first aid cabinet organize/re-sto	\$32.89	\$0.00		\$32.89
<i>Totals for Zee Medical Company:</i>					<i>\$32.89</i>	<i>\$0.00</i>		<i>\$32.89</i>
<b>GRAND TOTALS:</b>					<b>\$121,761.18</b>	<b>\$0.00</b>		<b>\$121,761.18</b>





**A RESOLUTION FINDING AND DECLARING THAT A LOCAL EMERGENCY  
CONDITION CONTINUES TO EXIST ARISING FROM DAMAGE TO THE  
CARDINET TRAIL**

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

**WHEREAS**, a section of the Cardinet Trail is in need of emergency repair due to damage to the trail resulting from increased flow in Mt. Diablo Creek that caused approximately 40 feet of the bank to erode, which in turn impacted about 30 feet of Cardinet Trail reducing the width of the trail in that area from 6 feet to 1 to 2 feet; and

**WHEREAS**, on April 5, 2016 the City Council declared the existence of an emergency condition arising out the damage to the Cardinet Trail and found emergency repairs necessary to preserve the health, safety and welfare of pedestrians, equestrians and cyclists utilizing the trail; and

**WHEREAS**, the City of Clayton ("City") on April 5, 2016 awarded an emergency contract for repair of the Cardinet Trail to G.N. Henley, Inc., in accordance with Public Contract Code sections 22035 and 22050; and

**WHEREAS**, on April 19, 2016 and again on May 3, 2016, the City Council adopted at each regular public meeting a Resolution declaring the local emergency persists on that portion of the Cardinet Trail; and

**WHEREAS**, as of this date the damaged condition of the Cardinet Trail continues to remain thus warranting continuing the finding of a local emergency condition.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON,  
CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.    Recitals.** The above recitals are true and correct.

**Section 2.    Findings.** The City Council finds that an emergency condition continues to exist arising from damage to the Cardinet Trail and directs the continuation of emergency repair work by G.N. Henley, Inc., until such time that the condition of the Cardinet Trail no longer poses a threat to the health, safety and welfare of pedestrians, equestrians and cyclists utilizing the trail.

**Section 3.    Effective Date.** This Resolution shall be effective immediately.

The foregoing Resolution was adopted at a regular public meeting of the City Council of the City of Clayton, California held on the 17<sup>th</sup> day of May, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

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Howard Geller, Mayor

ATTEST:

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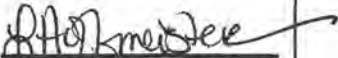
Janet Brown, City Clerk



Agenda Date: 5-17-2016

Agenda Item: 3d

# STAFF REPORT

Approved:  
  
for Gary A. Mapper  
City Manager

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: RICK ANGRISANI, CITY ENGINEER**

**DATE: MAY 17, 2016**

**SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING THE ENGINEER'S REPORT FOR THE DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT, DECLARING INTENT TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2016-17, AND GIVING NOTICE OF THE TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS.**

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## RECOMMENDATION

Adopt the attached Resolution approving the Engineer's Report for the Diablo Estates at Clayton Benefit Assessment District ("BAD"), declaring intent to levy and collect real property assessments within the BAD for fiscal year 2016-17 and giving notice of the time and place for a public hearing.

## BACKGROUND

At its May 3, 2016 meeting, the City Council directed the City Engineer to prepare an Engineer's Report in anticipation of levying real property assessments within the BAD for fiscal year 2016-17.

As directed, the City Engineer has prepared and now submits the attached Engineer's Report ("Report") for the Council's consideration. The Report proposes an assessment for fiscal year 2016-17 of \$3,338.54 on each parcel within the District for a total assessment of \$80,124.96. The proposed assessment represents a 3.0% increase (in accordance with the annual increase in the applicable Consumer Price Index) over the FY 2015-16 assessment, as allowed by the original ballot election.

*Note: The 3% CPI increase is an estimate. Prior to the release of any documents or notices, we will adjust the assessment figures to reflect the actual CPI increase being published today. (May 17, 2016)*

### **FISCAL IMPACT**

There is no impact to the City's General Fund as the requested formation of the BAD called for the assessments to include sufficient revenue to reimburse the City for all administrative costs involved in administering the District in behalf of and for the benefit of the real property owners.

### **CONCLUSION**

Staff recommends the City Council approve the attached Resolution approving the Engineer's Report and calling for a public hearing on July 19, 2016 prior to levying the real property assessments of the BAD for fiscal year 2016-17.

Attachments:      Resolution  
                            Notice  
                            Engineer's Report

**RESOLUTION NO. -2016**

**A RESOLUTION APPROVING THE ENGINEER'S REPORT AND DECLARING INTENT TO LEVY AND COLLECT REAL PROPERTY ASSESSMENTS FOR THE DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2016-17, AND GIVING NOTICE OF THE TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS.**

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

**WHEREAS**, by Resolution No. 04-2012, adopted February 7, 2012, the Clayton City Council formed the Diablo Estates At Clayton Benefit Assessment District ("District") pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Government Code Section 22500 et seq.) and the Benefit Assessment Act of 1982 (Government Code Section 54703 et seq.); and

**WHEREAS**, while the Benefit Assessment Act of 1982 does not require additional actions prior to levying an annual assessment, the Landscaping and Lighting Act of 1972 ("Act") does require the preparation of an annual Engineer's Report and the holding of a public hearing prior to levying of an annual assessment; and

**WHEREAS**, the City Engineer has prepared the required Engineer's Report and submitted it to the City Council for review and approval; and

**WHEREAS**, the City Council reviewed the Engineer's Report at its regular public meeting on May 17, 2016 and found same to be satisfactory and in compliance with the Act; and

**WHEREAS**, it is now necessary for the City Council to approve the Engineer's Report, establish the date for a public hearing on the levying of the proposed assessments for fiscal year 2016-17 and to direct the City Clerk to give the required notice of the public hearing.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of Clayton, California as follows:

1. The Engineer's Report dated May 17, 2016, prepared by the City Engineer as the Engineer for the District, and each part thereof, is sufficient in each particular, has fairly and properly apportioned the cost of the improvement to each parcel of land in the District in proportion to the

estimated benefits to be received by each parcel respectively from such improvements, and is hereby approved as filed.

2. The City Council hereby declares its intent to levy and collect a real property assessment of \$3,338.54 on each parcel within the District for a total assessment of \$80,124.96 for fiscal year 2016-17.

3. The Assessment District includes Lots 1 through 24, inclusive, as shown on the map of Subdivision 8719 as was recorded in Book 506 of Maps at Page 45, in the Office of the County Recorder of Contra Costa County and as modified by Lot Line Adjustment Nos. 10-01 (2010-0239196) and 10-02 (2010-0239195).

4. As shown on the Engineer's Report on file with the City Clerk, the District will pay for the cost of maintaining storm drainage collection and treatment facilities, street lighting, landscaping and irrigation, and weed abatement using the proposed assessments during fiscal year 2016-17.

5. **A public hearing will be held on Tuesday, July 19, 2016, at or about the hour of 7:00 p.m., of said day, at a regular City Council public meeting at Hoyer Hall in the Clayton Community Library situated at 6125 Clayton Road, Clayton, California,** the regular public meeting place of the Clayton City Council; any and all persons having any interest in the lands within the Diablo Estates At Clayton Benefit Assessment District, liable to be assessed for the expenses of the District for fiscal year 2016-17, may be heard, and any such persons may also present their protests against the proposed assessments with City Clerk at or before the time set for hearing.

6. The City Clerk shall mail notice of the passage of this Resolution and of the time and place of hearing to each owner of real property within the District, as required by Section 54954.6 of the Government Code.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on 17<sup>th</sup> day of May 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

---

Howard Geller, Mayor

ATTEST:

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Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting thereof held on May 17, 2016.

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Janet Brown, City Clerk

## **Diablo Estates at Clayton Benefit Assessment District**

### **NOTICE TO PROPERTY OWNERS FOR LEVY OF ASSESSMENT**

#### **Reason for Assessment**

At the request of the original project developer, Toll Bros., Inc., the City of Clayton City Council ("Council") approved Resolution No. 04-2012 on February 7, 2012, forming the Diablo Estates at Clayton Benefit Assessment District ("District") to fund and to pay for the oversight and maintenance of certain facilities solely benefiting the District such as the stormwater treatment facilities, storm drain collection system, common area landscape and irrigation, private street lighting and weed abatement of natural slope areas, all as described in the original Engineer's Report approved by the Council on March 20, 2012.

#### **Notice**

This notice informs you, as a real property owner within the Diablo Estates at Clayton Benefit Assessment District that on May 17, 2016, the Clayton City Council adopted Resolution No. XX-2016 approving an Engineer's Report for FY 2016-17, declaring its intent to levy assessments for fiscal year 2016-17 and setting a public hearing on the issue of the proposed assessments:

**PUBLIC HEARING:** **7:00 p.m. July 19, 2016**  
**Hoyer Hall (Library Meeting Room)** **6125 Clayton Road**

#### **Assessment Information**

1. Total District Assessment for the fiscal year beginning on July 1, 2016 and ending June 30, 2017: \$80,124.96.
2. Proposed assessment per parcel: The assessment for each parcel is proposed to be \$3,338.54 which includes a 3.0% increase in the existing assessment of \$3,241.00 per year in accordance with the annual increase in the applicable Consumer Price Index (April 2015 - April 2016; San Francisco-Oakland- San Jose, CA MSA – All Urban Consumers), as allowed by property owner balloting in 2012.
3. Duration of assessment: The assessment will be levied annually at the above proposed rate and collected via one's real property tax bill in fiscal year 2016-17. The assessment may only be increased (other than the authorized allowable annual CPI-U increase described above) in the future by approval of a majority of the property owners.
4. Protests: Only one protest per property is allowed. The levying of assessment may not be protested, however, the proposed CPI increase may be protested. If written protests are received at City Hall prior to or at the public hearing from a majority of the properties (13 of 24), the proposed increase in the assessments will not be assessed.
5. Engineer's Report: Attached is a copy of the approved Engineer's Report for fiscal year 2016-17.

#### **Questions**

If any questions arise regarding the proposed real property assessments for fiscal year 2016-17, please contact the City Engineer Rick Angrisani; he may be reached at 925.363-7433.



## **ENGINEER'S REPORT**

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**DATE: MAY 17, 2016**  
**TO: CITY COUNCIL**  
**FROM: CITY ENGINEER**  
**RE: DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT FISCAL YEAR 2016-17**

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This Engineer's Report has been prepared in accordance with the requirements of the Landscaping & Lighting Act of 1972 (Section 22500 et seq. of the Government Code).

### HISTORICAL REVIEW

In 2012, at the request of Toll Brothers, the developer of the Diablo Estates at Clayton project (Subd. 8719), the City Council formed the Diablo Estates at Clayton Benefit Assessment District ("District" per Resolution No. 04-2012). The purpose of the District is to generate funds for the maintenance of various improvements constructed as part of the development which solely benefit the real property owner(s). The duties specified in the original Engineer's Report (prepared by SCi Consulting Group, dated March 2012) included maintenance of landscaping and irrigation, weed abatement, storm drainage facilities, and private street lighting. In addition to maintenance, the District is responsible for the repair or replacement of any facilities due vandalism, accidents, or age.

The District was formed under the auspices of the Landscaping and Lighting Act of 1972 (Section 22500 et seq. of the Government Code) and the Benefit Assessment Act of 1982 (Section 54703 et seq. of the Government Code). The initial per lot annual assessment, approved by the property owner (Toll Bros.), was \$3,027.62. The approval also allowed for an annual increase in the assessment amount equal to the annual increase in the Consumer Price Index ("CPI"; San Francisco-Oakland-San Jose CA MSA, All Urban Consumers), not to exceed 4% in any one year.

While the Benefit Assessment Act of 1982 does not require further action prior to the levy of annual assessments, the Landscaping and Lighting Act of 1972 requires the preparation of an Engineer's Report and notice to property owners of a public hearing each year. Since no increase, other than the already authorized and approved CPI increase, is proposed, the provisions of Proposition 218 do not apply.

### DETERMINATION OF SPECIAL BENEFIT, METHOD OF ASSESSMENT AND DESCRIPTION OF DISTRICT IMPROVEMENTS

See original Engineer's Report attached hereto and made a part hereof.

### ESTIMATED COSTS

The original budget included maintenance and District administrative costs, as well as reserve funds for future replacement of the maintained items. See Attachment 2 for the District's expenditures for FY 2015-16.

The relevant CPI increase for this past year (April 2015 – April 2016) was estimated at 3.0%. Following is a breakdown of the District's FY 2016-17 budgeted costs incorporating the allowable CPI increase:

Item	FY 2015-16 Budget	CPI Increase (3.0%)	FY 2016-17 Budget
District Maintenance:			
Common Area Landscape	\$19,058	\$572	\$19,630
Weed Abatement	\$12,751	\$383	\$13,134
Storm Drain System	\$5,888	\$177	\$6,065
Private Street Lighting	\$1,295	\$39	\$1,334
Sub-Total Maintenance:	\$38,992	\$1,171	\$40,163
District Administration*	\$18,093	\$543	\$18,636
District Reserves	\$20,706	\$621	\$21,327
<b>Total Annual Budget</b>	<b>\$77,791</b>	<b>\$2,335</b>	<b>\$80,126</b>

\* Includes Pinnacle Construction fees (monthly site inspections, maintenance oversight and contract management), City Engineer services, legal notices and mailing costs, County collection charges.

#### RESERVE FUNDS

The fund balance at the end of FY 2015/16 will be approximately \$72,000. This balance will increase to approximately \$91,000 at the end of FY 2016/17. The purpose of the Reserve is for both scheduled and unexpected replacement of the capital investments, per the original Engineer's Report.

See Attachment 1 for a more detailed discussion of the reserve funds and balances.

#### PER UNIT ALLOCATION

Based upon the proposed budget, the per-unit assessment will be \$3,338.54 (\$80,125.10/24 units).

#### ASSESSMENT HISTORY

Proposed FY 16-17	\$3,338.54
FY 15-16	\$3,241.00
FY 14-15	\$3,162.00
FY 13-14	\$3,100.26
FY 12-13	\$3,027.62

**ATTACHMENT 1**  
**RESERVE FUND ACCOUNTS**

**DIABLO ESTATES AT CLAYTON  
BENEFIT ASSESSMENT DISTRICT ("District")  
RESERVE FUNDS**

The purpose of the various reserve accounts is to insure that the District will have funds available to repair or reconstruct the facilities that are the responsibility of the District.

The fund amounts were established using the initial cost of construction and amortizing them over the anticipated life of the facilities. In addition, there is a general reserve fund set aside to act as a contingency reserve for any of the District's responsibilities.

The funds established are as follows:

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST	SERVICE LIFE (YRS)	ANNUAL DEPOSIT
Tree Replacement	33	EA	\$285	\$9,405	40	\$235
Entry Monument Replacement	1	EA	\$4,000	\$4,000	25	\$160
V-ditch Repair/Replacement	2038	LF	\$50	\$101,900	25	\$4,076
Vortsenry Replacement	1	EA	\$100,000	\$100,000	100	\$1,000
Stormwater Basin Replacement*	48	EA	\$2,000	\$96,000	10	\$9,600
CB/MH/SD Pipe Replacement	1	LS	\$79,000	\$79,000	100	\$790
General						\$2,000
				Total**		\$15,861

\* Removal and replacement of plants and filter material only

\*\* First year assessment (increase each year by the CPI increase)

Following are reserve analysis sheets showing each year's contribution to the various funds and the current balance of each fund.

**DIABLO ESTATES @ CLAYTON  
BENEFIT ASSESSMENT DISTRICT  
RESERVE FUNDS ANALYSIS**

**FY 2012/13**

**RESERVE FUNDS - FACILITIES**

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST	SERVICE LIFE (yrs)	ANNUAL DEPOSIT
Tree Replacement	33	EA	\$ 285.00	\$ 9,405.00	40	\$ 235.13
Entry Monument Replacement	1	EA	\$ 4,000.00	\$ 4,000.00	25	\$ 160.00
V-ditch Repairs	2038	LF	\$ 50.00	\$ 101,900.00	25	\$ 4,076.00
Vortsentry Replacement	1	EA	\$ 100,000.00	\$ 100,000.00	100	\$ 1,000.00
Stormwater Basin Replacement/Repair	48	EA	\$ 2,000.00	\$ 96,000.00	10	\$ 9,600.00
CB/MH/SD Pipe replacement	1	LS	\$ 79,000.00	\$ 79,000.00	100	\$ 790.00
				<u>\$ 390,305.00</u>		
Total at end at 6/30/13						\$ 15,861.13

**RESERVE FUNDS - GENERAL**

Annual	Total at end at 6/30/13	\$ 2,000.00
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**FY 2013/14 (2.4% INCREASE)**

**RESERVE FUNDS - FACILITIES**

ITEM	FY 2012/13 ASSESS.	INC.	FY 2013/14 ASSESS.	AMT. PRIOR TO FY 2013/14	AMT. @ END FY 2013/14
Tree Replacement	\$ 235.13	2.40%	\$ 240.77	\$ 235.13	\$ 475.90
Entry Monument Replacement	\$ 160.00	2.40%	\$ 163.84	\$ 160.00	\$ 323.84
V-ditch Repairs	\$ 4,076.00	2.40%	\$ 4,173.82	\$ 4,076.00	\$ 8,249.82
Vortsentry Replacement	\$ 1,000.00	2.40%	\$ 1,024.00	\$ 1,000.00	\$ 2,024.00
Stormwater Basin Replacement/Repair	\$ 9,600.00	2.40%	\$ 9,830.40	\$ 9,600.00	\$ 19,430.40
CB/MH/SD Pipe replacement	\$ 790.00	2.40%	\$ 808.96	\$ 790.00	\$ 1,598.96
Total at end at 6/30/14					\$ 32,102.93

**RESERVE FUNDS - GENERAL**

Annual	\$ 2,000.00	2.40%	\$ 2,048.00	\$ 2,000.00	\$ 4,048.00
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**FY 2014/15 (2.0% INCREASE)**

**RESERVE FUNDS - FACILITIES**

ITEM	FY 2013/14 ASSESS.	INC.	FY 2014/15 ASSESS.	AMT. PRIOR TO FY 2014/15	AMT. @ END FY 2014/15
Tree Replacement	\$ 240.77	2.00%	\$ 245.59	\$ 475.90	\$ 721.49
Entry Monument Replacement	\$ 163.84	2.00%	\$ 167.12	\$ 323.84	\$ 490.96
V-ditch Repairs	\$ 4,173.82	2.00%	\$ 4,257.30	\$ 8,249.82	\$ 12,507.12
Vortsentry Replacement	\$ 1,024.00	2.00%	\$ 1,044.48	\$ 2,024.00	\$ 3,068.48
Stormwater Basin Replacement/Repair	\$ 9,830.40	2.00%	\$ 10,027.01	\$ 19,430.40	\$ 29,457.41
CB/MH/SD Pipe replacement	\$ 808.96	2.00%	\$ 825.14	\$ 1,598.96	\$ 2,424.10
Total at end at 6/30/15					\$ 48,669.55

**RESERVE FUNDS - GENERAL**

Annual	\$ 2,048.00	2.00%	\$ 2,088.96	\$ 4,048.00	\$ 6,136.96
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**FY 2015/16 (2.5% INCREASE)**

**RESERVE FUNDS - FACILITIES**

ITEM	FY 2014/15 ASSESS.	INC.	FY 2015/16 ASSESS.	AMT.PRIOR TO FY 2015/16	AMT. @ END FY 2015/16
Tree Replacement	\$ 245.59	2.50%	\$ 251.73	\$ 721.49	\$ 973.22
Entry Monument Replacement	\$ 167.12	2.50%	\$ 171.30	\$ 490.96	\$ 662.26
V-ditch Repairs	\$ 4,257.30	2.50%	\$ 4,363.73	\$ 12,507.12	\$ 16,870.85
Vortsentry Replacement	\$ 1,044.48	2.50%	\$ 1,070.59	\$ 3,068.48	\$ 4,139.07
Stormwater Basin Replacement/Repair	\$10,027.01	2.50%	\$ 10,277.69	\$ 29,457.41	\$ 39,735.10
CB/MH/SD Pipe replacement	\$ 825.14	2.50%	\$ 845.77	\$ 2,424.10	\$ 3,269.87
Total at end at 6/30/16					\$ 65,650.37

**RESERVE FUNDS - GENERAL**

Annual	\$ 2,088.96	2.50%	\$ 2,141.18	\$ 4,048.00	\$ 6,189.18
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**FY 2016/17 (3.0 INCREASE - ASSUMED)**

**RESERVE FUNDS - FACILITIES**

ITEM	FY 2015/16 ASSESS.	INC.	FY 2016/17 ASSESS.	AMT.PRIOR TO FY 2015/16	AMT. @ END FY 2015/16
Tree Replacement	\$ 251.73	3.00%	\$ 259.28	\$ 973.22	\$ 1,232.50
Entry Monument Replacement	\$ 171.30	3.00%	\$ 176.44	\$ 662.26	\$ 838.70
V-ditch Repairs	\$ 4,363.73	3.00%	\$ 4,494.64	\$ 16,870.85	\$ 21,365.49
Vortsentry Replacement	\$ 1,070.59	3.00%	\$ 1,102.71	\$ 4,139.07	\$ 5,241.78
Stormwater Basin Replacement/Repair	\$10,277.69	3.00%	\$ 10,586.02	\$ 39,735.10	\$ 50,321.12
CB/MH/SD Pipe replacement	\$ 845.77	3.00%	\$ 871.14	\$ 3,269.87	\$ 4,141.01
Total at end at 6/30/17					\$ 83,140.60

**RESERVE FUNDS - GENERAL**

Annual	\$ 2,141.18	3.00%	\$ 2,205.42	\$ 6,189.18	\$ 8,394.60
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**ATTACHMENT 2**

**BAD EXPENDITURES FOR FY 2015-16**

**City of Clayton**  
**General Ledger Report**

<u>Date</u>	<u>Trans.</u>	<u>Journal</u>	<u>Reference</u>	<u>Debit Amount</u>	<u>redit Amount</u>	<u>Balance</u>
<b>231-7335-00</b>						
Account: 231-7335-00 (Gas & Electricity)						
7/1/2015			<i>Account Beginning Balance</i>			\$0.00
7/29/2015	3495-101	Accounts Payable	PG&E-7/22/15-service 6/23/15-7/21/15	\$10.63		
9/2/2015	3516-296	Accounts Payable	PG&E-8/21/15-Service 7/22/15-8/20/15	\$11.22		
9/28/2015	3529-34	Accounts Payable	PG&E-9/22/15-service 8/21/15-9/21/15	\$11.78		
11/3/2015	3548-422	Accounts Payable	PG&E-10/21/15-service 9/22/15-10/20/15	\$10.72		
1/19/2016	3580-294	Accounts Payable	PG&E-12/21/15-service 11/20/15-12/20/15	\$22.29		
2/2/2016	3586-116	Accounts Payable	PG&E-1/21/16-service 12/21/15-1/20/16	\$11.51		
3/1/2016	3597-47	Accounts Payable	PG&E-service 1/21/16-2/21/16	\$11.95		
4/5/2016	3606-85	Accounts Payable	PG&E-Diablo Estates Electricity 2/22/16-3/21/16	\$10.69		
5/3/2016	3616-504	Accounts Payable	PG&E-Electric/Gas service 3/23/16-4/21/16	\$10.99		
			<i>Account Subtotals</i>	\$111.78	\$0.00	
6/30/2016			<i>Account Net Change</i>			\$111.78
6/30/2016			<i>Account Ending Balance</i>			\$111.78
<b>231-7338-00</b>						



Account: 231-7338-00 (Water Services)

7/1/2015			<i>Account Beginning Balance</i>		\$0.00
8/12/2015	3496-34	Accounts Payable	CCWD-A787869-irrigation for Diablo Estates BAD, 2 billings	\$675.45	
12/1/2015	3559-46	Accounts Payable	CCWD-C857157-Service, Stmt 9/9/15	\$529.53	
3/15/2016	3601-459	Accounts Payable	CCWD-Water, Diablo Estates 11/10/15 & 1/12/16	\$1,220.10	
3/15/2016	3601-183	Accounts Payable	CCWD-Jan-Feb Water for Diablo Estates	\$68.12	
			<i>Account Subtotals</i>	<u>\$2,493.20</u>	\$0.00
6/30/2016			<i>Account Net Change</i>		<u>\$2,493.20</u>
6/30/2016			<i>Account Ending Balance</i>		<u><u>\$2,493.20</u></u>

**231-7381-00**

Account: 231-7381-00 (Property Tax Admin. Costs)

7/1/2015			<i>Account Beginning Balance</i>		\$0.00
12/21/2015	3572-62	Cash Receipts	Deposit 1321 - Summarized Cash Receipts Receipt	\$148.72	
4/18/2016	3612-65	Cash Receipts	Deposit 1401 - Summarized Cash Receipts Receipt	\$108.16	
			<i>Account Subtotals</i>	<u>\$256.88</u>	\$0.00
6/30/2016			<i>Account Net Change</i>		<u>\$256.88</u>
6/30/2016			<i>Account Ending Balance</i>		<u><u>\$256.88</u></u>

**231-7411-00**

Account: 231-7411-00 (Professional Services Retainer)

7/1/2015			<i>Account Beginning Balance</i>		\$0.00
8/14/2015	3496-179	Accounts Payable	Best Best & Kreiger -754235-Diablo Estates BAD - July 2015	\$3,130.00	
			<i>Account Subtotals</i>	<u>\$3,130.00</u>	\$0.00
6/30/2016			<i>Account Net Change</i>		<u>\$3,130.00</u>
6/30/2016			<i>Account Ending Balance</i>		<u><u>\$3,130.00</u></u>
	<b>231-7413-00</b>				

Account: 231-7413-00 (Legal Services)

7/1/2015			<i>Account Beginning Balance</i>		\$0.00
9/28/2015	3529-11	Accounts Payable	Best Best & Kreiger -756021-Diablo Estates BAD, August 201	\$415.00	
			<i>Account Subtotals</i>	<u>\$415.00</u>	\$0.00
6/30/2016			<i>Account Net Change</i>		<u>\$415.00</u>
6/30/2016			<i>Account Ending Balance</i>		<u><u>\$415.00</u></u>
	<b>231-7419-00</b>				

Account: 231-7419-00 (Other Professional Services)

7/1/2015			<i>Account Beginning Balance</i>		\$0.00
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7/1/2015	3467-98	Accounts Payable	Pinnacle Constructio-2143-Management Services July 2015	\$4,264.10	
7/15/2015	3475-129	Accounts Payable	PERMCO, Inc.-10414-Diablo Estates BAD FY 16 reports	\$150.00	
7/29/2015	3495-105	Accounts Payable	PERMCO, Inc.-10421-engineer's report FY 16	\$900.00	
8/26/2015	3516-71	Accounts Payable	Matrix Association M-1907-Management Services for August 2	\$4,264.10	
8/26/2015	3516-198	Accounts Payable	PERMCO, Inc.-10433-Meeting with homeowners	\$450.00	
10/20/2015	3539-16	Accounts Payable	Matrix Association M-1958-Management services for Septemb	\$4,264.10	
10/20/2015	3539-18	Accounts Payable	Matrix Association M-2106-Management services for October :	\$4,264.10	
11/17/2015	3558-335	Accounts Payable	Matrix Association M-2237-Management Services for Novemb	\$4,264.10	
12/15/2015	3568-42	Accounts Payable	Matrix Association M-2393-Management services for Decembe	\$4,264.10	
1/19/2016	3580-232	Accounts Payable	Matrix Association M-2521-management services for January	\$4,375.00	
3/1/2016	3597-188	Accounts Payable	Matrix Associat-management services for February 2016	\$4,375.00	
3/15/2016	3601-508	Accounts Payable	Matrix Associat-March Management services for Diablo Estate	\$4,375.00	
4/19/2016	3613-101	Accounts Payable	Matrix Associat-April Management services for Diablo Estates	\$4,375.00	
5/17/2016	0-21	Accounts Payable	Unposted Accounts Payable Invoice	\$4,375.00	
			<i>Account Subtotals</i>	<u>\$48,959.60</u>	\$0.00

6/30/2016 *Account Net Change* \$48,959.60

6/30/2016 *Account Ending Balance* \$48,959.60

**231-7420-00**

**Account: 231-7420-00 (Administrative Costs)**

7/1/2015 *Account Beginning Balance* \$0.00

12/31/2015	3563-47	Journal Entry	Annual stormwater filing fee	\$456.00	
			<i>Account Subtotals</i>	<u>\$456.00</u>	\$0.00

6/30/2016 *Account Net Change* \$456.00

6/30/2016

*Account Ending Balance*

\$456.00

**\$55,822.46**

**ATTACHMENT 3**

**INITIAL ENGINEER'S REPORT (19 pp)**



## **CITY OF CLAYTON**

### **DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT FOR LANDSCAPE AND LIGHTING AND BENEFIT ASSESSMENT**

### **ENGINEER'S REPORT FISCAL YEAR 2012-13**

MARCH 2012

PURSUANT TO  
THE LANDSCAPING AND LIGHTING ACT OF 1972,  
THE BENEFIT ASSESSMENT ACT OF 1982, AND  
ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:  
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**CITY OF CLAYTON**

---

**MAYOR**

Howard Geller

**CITY COUNCIL**

Joseph A. Medrano

Julie K. Pierce

David T. Shuey

Hank Stratford

**CITY MANAGER**

Gary Napper

**CITY ENGINEER**

Rick Angrisani

**CITY ATTORNEY**

Malathy Subramanian

**CITY CLERK**

Laci Jackson

**ENGINEER OF WORK**

SCI Consulting Group

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## INTRODUCTION

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### BACKGROUND

Formation of the "Diablo Estates at Clayton Benefit Assessment District" (the "Assessment District") within the City of Clayton (the "City") is proposed to provide funding for the maintenance, operation and improvement of the landscaping, street lighting, drainage and stormwater treatment facilities to benefit the properties in the Diablo Estates at Clayton subdivision that forms the Assessment District. The Diablo Estates at Clayton subdivision consists of 24 parcels east of Regency Drive and north of Rialto Drive with an approximate area of 19 acres.

This Engineer's Report (the "Report") was prepared to establish the budget for the services and improvements that would be funded by the proposed 2012-13 assessments and to determine the benefits received from the maintenance and improvements by property within the Assessment District and the method of assessment apportionment to lots and parcels. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972 and the Benefit Assessment Act of 1982 (the "Acts") and Article XIID of the California Constitution (the "Article").

Following submittal of this Report to the City of Clayton City Council (the "City Council") for preliminary approval, the City Council may call for an assessment ballot proceeding and Public Hearing on the proposed establishment of assessments for the improvements.

If it is determined at the public hearing that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted), the City Council may take action to form the Assessment District and approve the levy of the assessments for fiscal year 2012-13. If the assessments are so confirmed and approved, the levies would be submitted to the County Auditor/Controller in August 2012 for inclusion on the property tax roll for Fiscal Year 2012-13.

## LEGISLATIVE ANALYSIS

### PROPOSITION 218

The Right to Vote on Taxes Act was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property. This Assessment District will be balloted and approved by property owners in accordance with Proposition 218.

### SILICON VALLEY TAXPAYERS ASSOC., INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. vs. Santa Clara County Open Space Authority (SVTA). This ruling is the most significant court case in further legally clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special benefits to property, not general benefits.
- The services and/or improvements funded by assessments must be clearly defined.
- Assessment districts must be drawn to contain all parcels that receive a special benefit from a proposed public improvement.
- Assessments paid in the assessment district must be proportional to the special benefit received by each such parcel from the improvements and services funded by the assessment.

This Engineer's Report and the process used to establish these proposed assessments for fiscal year 2012/2013 are consistent with the SVTA decision and with the requirements of Article XIIC and XIID of the California Constitution based on the following factors:

1. The Assessment District is narrowly drawn to include only the properties that receive special benefit from the specific Improvements and Services. Thus, zones of benefit are not required and the assessment revenue derived from real property in each Assessment District is extended only on the Services in the Assessment District.
2. The Improvements which are constructed and/or maintained with assessment proceeds in the Assessment District are located in close proximity to the real property subject to the assessment. The Improvements and Services provide illumination to streets and sidewalks

enabling improved access to the owners, residents, and guests of such assessed property. The proximity of the Improvements to the assessed parcels and the improved access and increased safety provided to of the residents of the assessed parcels by the Improvements provides a special benefit to the parcels being assessed pursuant to the factors outlined by the Supreme Court in that decision.

3. Due to their proximity to the assessed parcels, the Improvements and Services financed with assessment revenues in the Assessment District benefit the properties in the Assessment District in a manner different in kind from the benefit that other parcels of real property in the City derive from such Improvements and Services, and the benefits conferred on such property in the Assessment District are more extensive than a general increase in property values.
4. The assessments paid in the Assessment District are proportional to the special benefit that each parcel within that Assessment District receives from the Services because:
  - a. The specific lighting Improvements and maintenance Services and utility costs thereof in the Assessment District and the costs thereof are specified in this Report; and
  - b. The cost of the Services in the Assessment District is allocated among different types of property located within the Assessment District, and equally among those properties which have similar characteristics, such as single-family residential parcels, multi-family residential parcels, commercial parcels, or industrial parcels.

#### DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the 4th Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

#### BONANDER V. TOWN OF TIBURON

On December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of

the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

#### BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeal issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

#### COMPLIANCE WITH CURRENT LAW

This Engineer's Report is consistent with the requirements of Article XIII C and XIII D of the California Constitution and with the *SVTA* decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the Assessment District; and the Improvements and Services provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Beutz* and *Dahms* because the Improvements and Services will directly benefit property in the Assessment District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Improvements and Services and proportional special benefit to each property.

## PLANS & SPECIFICATIONS

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The work and improvements proposed to be undertaken by the City of Clayton and the Diablo Estates at Clayton Benefit Assessment District (the "Assessment District"), and the costs thereof paid from the levy of the annual assessments, provide special benefit to Assessor Parcels within the Assessment District as defined in the Method of Assessment herein. Consistent with the Landscaping and Lighting Act of 1972 and the Benefit Assessment Act of 1982 (the "Acts"), the work, services and improvements are generally described as follows:

Maintenance and servicing of public improvements, including but not limited to, storm drain system, landscaping and lighting and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, and incidental costs as applicable, for property within the Assessment District that is owned or maintained by the City of Clayton (the "Improvements"). Any plans and specifications for these improvements will be filed with the City Engineer of the City of Clayton and are incorporated herein by reference. More specifically the improvements and associated plans are the storm drain system in the Improvement Plans, Diablo Pointe by David Evans and Associates Inc., the lighting in the Joint Trench Composite Plan, Diablo Pointe by Lighthouse Design Inc., and the shared landscaping, fencing, irrigation and entry monument in the Diablo Estates at Clayton Landscape Improvements plan by Thomas Bank and Associates LLP.

As applied herein, "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvement, including repair, removal or replacement of all or any part of any improvement; providing for the life, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury; the removal of trimmings, rubbish, debris, and other solid waste; the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti; the cleaning and replacement of storm drain pipes, drop inlets, catch basins and manholes.

"Servicing" means the cost of maintaining any facility used to provide any service, the furnishing of electric current, or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; or water for the irrigation of any landscaping, or the maintenance of any other improvements.

The figure shown below displays the improvements, maintenance, replacement costs and services to be provided with the Diablo Estates at Clayton Benefit Assessment District.

FIGURE 1 – SUMMARY OF ESTIMATED ANNUAL COSTS FOR DIABLO ESTATES AT CLAYTON

CITY OF CLAYTON Diablo Estates at Clayton Benefit Assessment District Summary of Estimated Annual Cost Fiscal Year 2012-13	
<hr/>	
Installation, Maintenance & Servicing Costs	
Common Landscaping	\$19,426.99
Weed Abatement (On-lot)	\$11,910.00
Storm Drain System	\$27,966.00
Street Lighting	\$1,460.00
Subtotal - Installation, Maintenance and Servicing	<u>\$60,762.99</u>
Incidental Expenses and Administration Costs	\$11,900.00
Totals for Installation, Maintenance, Servicing and Incidentals	<u>\$72,662.99</u>
Net Cost of Maintenance, Servicing and Incidentals (Net Amount to be Assessed)	\$72,662.99
<hr/>	
Budget Allocation to Property	
<b>Total Assessment Budget</b>	<b>\$72,662.99</b>
Single Family Equivalent Benefit Units	<u>24</u>
Assessment per Single Family Equivalent Unit	<u>\$3,027.62</u>
<hr/>	

## ESTIMATE OF COST AND BUDGET – FISCAL YEAR 2012-13

FIGURE 2 – COST ESTIMATE BREAKDOWN FOR DIABLO ESTATES AT CLAYTON

CITY OF CLAYTON  
Diablo Estates at Clayton Benefit Assessment District  
Estimate of Maintenance, Replacement, and Administrative Costs

Item	Units	Unit Cost	Service Life (years)	Annual Cost	Annual Cost per Lot
<b>Common Landscaping</b>					
Landscape Maintenance	24,600 SF	\$0.30		\$7,380.00	
Landscape Replacement	24,600 SF	\$0.05		\$1,230.00	
Tree Maintenance	33 EA	\$95.00		\$3,135.00	
Tree Replacement - Materials	33 EA	\$285.00	40	\$235.13	
Water Usage	1,476 100CF	\$2.86		\$4,221.36	
Meter Charges	12 Mo	\$51.00		\$612.00	
Irrigation Maintenance & Repair	24,600 SF	\$0.03		\$738.00	
Fence Maintenance & Repair	1,870 LF	\$0.65		\$1,215.50	
Entry Monument Maintenance	1 EA	\$500.00		\$500.00	
Entry Monument Repair	1 LF	\$4,000.00	25	\$160.00	
				\$19,426.99	\$809.46
<b>Weed Abatement (On-lot)</b>					
Weed Abatement	397,000 SF	\$0.03		\$11,910.00	
				\$11,910.00	\$496.25
<b>Storm Drain System</b>					
Ditch - debris removal & maint	1 LS	\$1,000.00		\$1,000.00	
Ditch Repair	2,038 LF	\$50.00	25	\$4,076.00	
Vorsentry Maintenance	1 LS	\$1,500.00		\$1,500.00	
Vorsentry Replacement	1 LS	\$100,000.00	100	\$1,000.00	
Bio-Retention Basin Maintenance*	48 EA	\$		\$0.00	
Bio-Retention Basin Replacement	48 EA	\$2,000.00	10	\$9,600.00	
Stormwater Reporting Fee	1 LS	\$5,000.00		\$5,000.00	
Annual City Report Fee	1 LS	\$2,000.00		\$2,000.00	
Catch Basin/Manhole Cleaning	15 EA	\$200.00		\$3,000.00	
CB/MH/pipe repair	1 LS	\$79,000.00	100	\$790.00	
				\$27,968.00	\$1,165.25
<b>Street Lighting</b>					
Maintenance and Repair	1 LS	\$500.00		\$500.00	
Electricity	4 EA	\$240.00		\$960.00	
				\$1,460.00	\$60.83
<b>Annual Administration</b>					
Property Manager	12 Mo	\$600.00		\$7,200.00	
Annual City Engineer Services	1 LS	\$2,500.00		\$2,500.00	
Legal Notice/Mailing	1 LS	\$100.00		\$100.00	
County Collection	1 LS	\$100.00		\$100.00	
General Reserve	1 LS	\$2,000.00		\$2,000.00	
				\$11,900.00	\$495.83
<b>Total</b>				\$72,662.99	\$3,027.62
	Number of Lots:			24	
	Cost per Lot:			\$3,027.62	

\* homeowner responsibility

\*\*assumes covenant with Tof Brothers, Inc. for 5 year maintenance period

Unit costs per direction of City of Clayton City Engineer



## METHOD OF APPORTIONMENT

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### METHOD OF APPORTIONMENT

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of improvements and the methodology used to apportion the total assessment to properties within the Assessment District.

The Diablo Estates at Clayton Benefit Assessment District consists of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the properties in the Diablo Estates at Clayton Benefit Assessment District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two step process: the first step is to identify the types of special benefit arising from the Improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

### DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the District's storm drain system, streets and sidewalks, corridor landscaping, lighting, or a property owner's specific demographic status. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

*"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the Improvements."*

The Benefit Assessment Act of 1982 states in Government Code Section 54711:

*"The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of service"*

Proposition 218, as codified in Article XIII D of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

*"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."*

The following benefit categories summarize the types of special benefit to residential, commercial, industrial and other lots and parcels resulting from the installation, maintenance and servicing of the Improvements to be provided with the assessment proceeds. These categories of special benefit are derived in part from the statutes passed by the California Legislature and other studies which describe the types of special benefit received by property from the installation, maintenance and servicing of improvements such as those proposed by the City of Clayton and the Diablo Estates at Clayton Benefit Assessment District. These types of special benefit are summarized as follows:

- Creation of individual lots for residential use that, in absence of the services and improvements to be funded by the assessments, would not be created.
- Improved utility and usability of property
- Improved safety and security lighting for property
- Enhanced visual experience, and desirability of the area.
- Protection of views, scenery and other resources values and environmental benefits enjoyed by residents and guests and preservation of public assets maintained by the City
- Moderation of temperatures, dust control, and other environmental benefits.

These benefit factors, when applied to property in the Assessment District, specifically increase the utility of the property within the Assessment District. For example, the assessments will provide funding to maintain lighting that improves safety and access to the property after dark and landscaping that provides visual and environmental benefits to the properties within the Assessment District. Such improved and well-maintained public facilities enhance the overall usability, quality, desirability and safety of the properties. Moreover, funding for the maintenance and servicing of such public facilities is a condition of development of Diablo Estates at Clayton that is needed to mitigate the negative impacts of this development on the City. Without the Assessment District, this condition of development would not be satisfied, which could affect the approval of new homes on the property. This is another special benefit to the properties in the Assessment District.

## GENERAL VERSUS SPECIAL BENEFIT

The proceeds from the Diablo Estates at Clayton Benefit Assessment District would be used to fund improvements and increased levels of maintenance to the public facilities that serve and benefit the properties in the Assessment District. In absence of the Diablo Estates at Clayton Benefit Assessment District, such Improvements would not be properly maintained. Therefore, the Assessment District is specifically proposed to ensure that the necessary and beneficial public facilities for property in the Assessment District are properly maintained and repaired over time. The assessments will ensure that landscaping and street lighting within and adjacent to the Assessment District are functional, well maintained, clean and safe. These public resources directly benefit the property in the Assessment District and will confer distinct and special benefits to the properties within the Assessment District.

In absence of the assessments, a condition of development would not be met and future home construction in the Assessment District could be denied. The creation of residential lots and the approval for the construction of homes in Diablo Estates at Clayton is the overriding clear and distinct special benefit conferred on exclusively on property in the Assessment District and not enjoyed by other properties outside the Assessment District. Moreover, benefits to the public at large, if any, will be offset by benefits residents within the Assessment District receive from the use of other similar public facilities not funded by the Assessment District. Therefore, the assessments solely provide special benefit to property in the Assessment District (100% special benefit) over and above the general benefits conferred to the public at large or properties outside the Assessment District.

## METHOD OF ASSESSMENT

This process of apportioning assessments for each property involves determining the relative benefit received by each property in relation to a single family home, or, in other words, on the basis of Single Family Equivalent dwelling units (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated an SFE value, which is each property's relative benefit in relation to a single family home on one parcel. In this case, the "benchmark" property is the single family detached dwelling which is one Single Family Equivalent unit or one SFE.

### ASSESSMENT APPORTIONMENT

The proposed assessments for the Diablo Estates at Clayton Benefit Assessment District would provide direct and special benefit to properties in the Assessment District. Diablo Estates at Clayton is a residential single family development project consisting of a total of 24 single family homes, each on a separate parcel. As such, each residential property receives similar benefit from the proposed Improvements. Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all parcels is on a dwelling unit or single family residence basis. All improved properties or properties proposed for development are assigned an SFE factor equal to the number of dwelling units developed or planned for the property. In other words, developed parcels and vacant parcels with proposed development will be assessed 1 SFE. The assessments are listed on the Assessment Roll in Appendix A.

### APPEALS AND INTERPRETATION

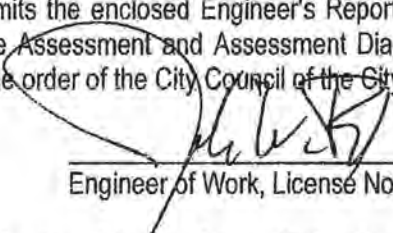
Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the City of Clayton City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City of Clayton City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City of Clayton City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City of Clayton City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City of Clayton City Engineer or her or his designee may refer their appeal to the City Council of the City of Clayton and the decision of the City Council of the City of Clayton shall be final.

**CERTIFICATES**

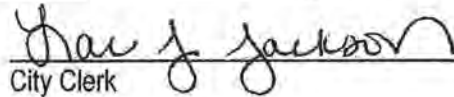
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**DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT**

1. The undersigned respectfully submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report, and the Assessment and Assessment Diagram herein, have been prepared by me in accordance with the order of the City Council of the City of Clayton.

  
\_\_\_\_\_  
Engineer of Work, License No. C052091

2. I, the City Clerk, City of Clayton, County of Contra Costa, California, hereby certify that the enclosed Engineer's Report, together with the Assessment and Assessment Diagram thereto attached, was filed and recorded with me on March 14, 2012.

  
\_\_\_\_\_  
City Clerk

3. I, the City Clerk, City of Clayton, County of Contra Costa, California, hereby certify that the Assessment in this Engineer's Report was approved and confirmed by the City Council on \_\_\_\_\_, 2012, by Resolution No. \_\_\_\_\_

\_\_\_\_\_  
City Clerk

4. I, the City Clerk of the City of Clayton, County of Contra Costa, California, hereby certify that a copy of the Assessment and Assessment Diagram was filed in the office of the County Auditor of the County of Contra Costa, California, on \_\_\_\_\_, 2012.

\_\_\_\_\_  
City Clerk

5. I, the County Auditor of the County of Contra Costa, California, hereby certify that a copy of the Assessment Roll and Assessment Diagram for fiscal year 2012-13 was filed with me on \_\_\_\_\_, 2012.

\_\_\_\_\_  
County Auditor, County of Contra Costa

And I do hereby assess and apportion said net amount of the cost and expenses of said Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within said Diablo Estates at Clayton Benefit Assessment District in accordance with the special benefits to be received by each parcel or lot from the Improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessments are made upon the parcels or lots of land within the Diablo Estates at Clayton Benefit Assessment District in proportion to the special benefits to be received by the parcels or lots of land, from said Improvements.

The assessments are subject to an annual adjustment tied to the Consumer Price Index for Urban Consumers (CPI-U) for the San Francisco Bay Area as of April of each succeeding year, with the maximum annual adjustment not to exceed 4%. In the event that the annual change in the CPI exceeds 4%, any percentage change in excess of 4% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 4%.

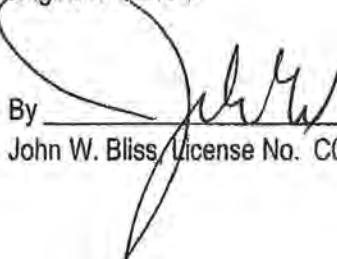
Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Contra Costa for the fiscal year 2012-13. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Rolls, the amount of the assessment for the fiscal year 2012-13 for each parcel or lot of land within the said Diablo Estates at Clayton Benefit Assessment District.

Dated: March 6, 2012



Engineer of Work

By  \_\_\_\_\_  
John W. Bliss License No. C052091

**ASSESSMENT**

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the assessment districts and an assessment of the estimated costs of the Improvements upon all assessable parcels within the assessment district;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Acts and the order of the City Council of the City of Clayton, hereby make the following assessment to cover the portion of the estimated cost of said Improvements, and the costs and expenses incidental thereto to be paid by the assessment district.

The amounts to be paid for said Improvements and the expense incidental thereto, to be paid by the Diablo Estates at Clayton Benefit Assessment District for the fiscal year 2012-13, are generally as follows:

**FIGURE 3 – SUMMARY COST ESTIMATES – FISCAL YEAR 2012-13**

<b>CITY OF CLAYTON</b>	
<b>Diablo Estates at Clayton Benefit Assessment District</b>	
<b>Summary Cost Estimate FY 2012-13</b>	
Installation, Maintenance & Servicing Costs	\$60,763
Incidental Costs	\$11,900
<b>Total Budget</b>	<b>\$72,663</b>
<hr/>	
<b>Budget to Assessment</b>	
Total Budget	\$72,663
Total SFE Units	24
Rate per SFE Unit	\$3,027.62

As required by the Acts, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Diablo Estates at Clayton Benefit Assessment District. The distinctive number of each parcel or lot of land in said Diablo Estates at Clayton Benefit Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

**ASSESSMENT DIAGRAM**

The boundaries of the Diablo Estates at Clayton Benefit Assessment District are displayed on the following Assessment Diagram.

**FILED IN THE OFFICE OF THE CITY CLERK  
OF THE CITY OF CLAYTON, COUNTY OF  
CONTRA COSTA, CALIFORNIA. THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2012.**

\_\_\_\_\_  
LACI JACKSON, CITY CLERK  
CITY OF CLAYTON  
STATE OF CALIFORNIA

**RECORDED IN THE OFFICE OF THE  
SUPERINTENDENT OF STREETS,  
CITY OF CLAYTON, COUNTY OF  
CONTRA COSTA, CALIFORNIA.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.**

\_\_\_\_\_  
RICK ANGRISANI, SUPERINTENDENT OF STREETS  
CITY OF CLAYTON  
STATE OF CALIFORNIA

**AN ASSESSMENT WAS LEVIED BY THE CITY  
COUNCIL OF THE CITY OF CLAYTON ON  
THE LOTS, PIECES AND PARCELS OF LAND  
SHOWN ON THIS ASSESSMENT DIAGRAM THE  
ASSESSMENT WAS LEVIED ON THE  
\_\_\_\_\_ DAY OF \_\_\_\_\_  
2012; THE ASSESSMENT DIAGRAM AND THE  
ASSESSMENT ROLL WERE RECORDED IN THE  
OFFICE OF THE SUPERINTENDENT OF STREETS  
OF THE CITY ON THE \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2012. REFERENCE  
IS MADE TO THE RECORDED ASSESSMENT  
ROLL RECORDED IN THE OFFICE OF  
SUPERINTENDENT OF STREETS FOR THE  
EXACT AMOUNT OF EACH ASSESSMENT  
LEVIED AGAINST EACH PARCEL OF LAND  
SHOWN ON THIS ASSESSMENT DIAGRAM.**

\_\_\_\_\_  
LACI JACKSON, CITY CLERK  
CITY OF CLAYTON  
STATE OF CALIFORNIA

**FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
2012, AT THE HOUR OF \_\_\_\_\_  
M. IN BOOK \_\_\_\_\_ OF MAPS OF  
ASSESSMENT AND COMMUNITY FACILITIES  
DISTRICT AT PAGE \_\_\_\_\_, IN THE OFFICE  
OF THE COUNTY RECORDER IN THE  
COUNTY OF CONTRA COSTA, STATE OF  
CALIFORNIA.**

\_\_\_\_\_  
COUNTY RECORDER,  
COUNTY OF CONTRA COSTA  
STATE OF CALIFORNIA

\_\_\_\_\_  
DEPUTY COUNTY RECORDER

**Assessment Diagram  
Diablo Estates at Clayton  
Benefit Assessment District  
Clayton, Contra Costa County, State of California**

Note:  
REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS  
OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE  
COUNTY OF CONTRA COSTA FOR A DETAILED DESCRIPTION  
OF THE LINES AND DIMENSIONS OF ANY PARCELS SHOWN  
HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS  
CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS.  
EACH PARCEL IS IDENTIFIED IN SAID MAPS BY ITS  
DISTINCTIVE ASSESSOR'S PARCEL NUMBER

SCI Consulting Group  
4745 Monge's Boulevard  
Fairfield, CA 94534  
(707) 430-4300



## APPENDICES

## APPENDIX A – ASSESSMENT ROLL, FISCAL YEAR 2012-13

An Assessment Roll (a listing of all parcels assessed within the Assessment District and the amount of the assessment) will be filed with the City Clerk and is, by reference, made part of this Report and is available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this Report. These records shall govern for all details concerning the description of the lots or parcels.

## FIGURE 4 – ASSESSMENT ROLL

CITY OF CLAYTON  
Diablo Estates at Clayton Assessment District  
Assessment Roll

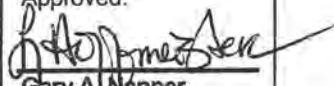
PARCEL NUMBER	OWNER	SITUS	SFE Units	ASSESSMENT
119-630-001	TOLL CA XIX L P	27 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-002	TOLL CA XIX L P	26 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-003	TOLL CA XIX L P	22 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-004	TOLL CA XIX L P	18 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-005	TOLL CA XIX L P	14 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-006	TOLL CA XIX L P	10 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-007	TOLL CA XIX L P	9 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-008	TOLL CA XIX L P	15 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-009	TOLL CA XIX L P	19 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-010	TOLL CA XIX L P	23 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-001	TOLL CA XIX L P	6 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-004	TOLL CA XIX L P	7 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-010	TOLL CA XIX L P	16 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-011	TOLL CA XIX L P	12 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-012	TOLL CA XIX L P	8 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-013	TOLL CA XIX L P	4 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-014	TOLL CA XIX L P	5 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-016	TOLL CA XIX L P	2 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-017	TOLL CA XIX L P	3 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-018	TOLL CA XIX L P	11 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-019	TOLL CA XIX L P	17 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-020	TOLL CA XIX L P	21 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-021	TOLL CA XIX L P	24 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-022	TOLL CA XIX L P	20 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
			24	\$72,662.88



Agenda Date: 5-17-2016

Agenda Item: 3e

# STAFF REPORT

Approved:  
  
Gary A. Napper  
City Manager

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR *MG*

**DATE:** MAY 17, 2016

**SUBJECT:** CONTRA COSTA TRANSPORTATION AUTHORITY (CCTA) MEASURE J GROWTH MANAGEMENT PROGRAM BIENNIAL COMPLIANCE CHECKLIST FOR CALENDAR YEARS 2014 & 2015 (CDD-05-16).

## RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution approving the CCTA Measure J Growth Management Program (GMP) Biennial Compliance Checklist for Calendar Years (CY) 2014 & 2015 and authorize staff to file the Compliance Checklist with CCTA to satisfy the GMP requirements in order to be eligible to receive the City's allocation of Fiscal Year (FY) 2015-16 and 2016-17 Local Street Maintenance and Improvement (LSM) Funds.

## BACKGROUND

In 2004, Contra Costa County voters approved the Measure J sales tax increase extension and GMP Expenditure Plan to extend funding for countywide transportation projects and programs an additional 25 years beyond the initial 20-year span provided under the voter approved Measure C (1988). The GMP under Measure J will continue in effect through 2034. Measure J changed the requirements for local compliance with the GMP. It dispensed with the previous standards for non-regional routes and performance standards for public facilities and services, but added a requirement for a voter-approved Urban Limit Line (ULL).

Countywide, Measure J provides \$2 billion in funds for capital transportation projects and programs. Capital projects may include the construction of major highway and arterial road projects, improvements to the BART system, enhancements to transit facilities, and pedestrian, bicycle, and trail facilities. Programs include a variety of transit and para-transit services, support for commute alternative, and regional transportation planning and growth management. Of the annual revenues from the sales tax increase approved by the Measure, 18 percent is allocated as return to source for the Local Street Maintenance and Improvement Funds (LSM funds). These funds are paid out annually to participating

jurisdictions, including the City of Clayton, provided CCTA has found the jurisdiction to be in compliance with the GMP. The CCTA assesses local compliance through a Checklist that is distributed to the participating jurisdictions every two years.

Measure J's GMP requires each local jurisdiction to sustain a number of core actions to be eligible to receive LSM funds. The seven main components of the GMP include the following:

- Adopt a Growth Management Element;
- Adopt Development Mitigation Program;
- Participate in an Ongoing Cooperative, Multi-Jurisdictional Planning Process;
- Address Housing Options;
- Develop a Five-Year Capital Improvement Program;
- Adopt a Transportation System Management Ordinance or Resolution; and
- Adopt an Urban Limit Line.

### **DISCUSSION**

The City of Clayton is in compliance with the Measure J Growth Management Program (GMP) Biennial Compliance Checklist for Calendar Years (CY) 2014 & 2015, as described in detail in the attached compliance checklist. Many of the core action items were completed and set in place under previous reporting cycles. This reporting cycle primarily requires updating and documentation of our changes in action steps and on-going compliance achievements. For example, this reporting period we have documented ongoing compliance with: continued implementation of the regional transportation mitigation program through the City's adopted Offsite Arterial Improvement; providing housing opportunities for all income levels; and having an adopted 5-year CIP for FY 2015/16-2019/20.

### **FISCAL IMPACT**

Approval of this Compliance Checklist by the Clayton City Council and then by the CCTA will allow the City of Clayton to receive its share of Measure J's sales tax revenue for LSM funds for the FY 2015-16 and FY 2016-17 allocation periods. The City's allocation is estimated to be a total of **\$272,930** for FY 2015-16, consisting of \$243,776 (18% Distribution Rate) plus \$30,566 (2.09% Additional Distribution). The City's allocation for FY 2016-17 are not yet available from CCTA.

### **ATTACHMENTS**

- 1 Resolution – Approving the CCTA Measure J Biennial Checklist for CY 2014 & 2015 with Exhibit A - City of Clayton - CCTA Measure J Biennial Checklist for CY 2014 & 2015

# ATTACHMENT 1

## RESOLUTION NO. - 2016

### A RESOLUTION ADOPTING THE CITY OF CLAYTON'S MEASURE J GROWTH MANAGEMENT PROGRAM BIENNIAL COMPLIANCE CHECKLIST FOR CALENDAR YEARS 2014 & 2015 AND AUTHORIZING SUBMITTAL TO THE CONTRA COSTA TRANSPORTATION AUTHORITY (CDD-05-16)

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

**WHEREAS**, on November 2, 2004, the voters of Contra Costa County approved Measure J, a Sales Tax Transportation Expenditure Plan, which commenced on April 1, 2009; and

**WHEREAS**, Measure J grants the Contra Costa Transportation Authority (CCTA) the ability to determine compliance with the Growth Management Program; and

**WHEREAS**, completion of a biennial checklist is required by the Contra Costa Transportation Authority (CCTA) to demonstrate compliance with the Measure J Growth Management Program in order to receive the City's share of Local Street Maintenance and Improvement (LSM) Funds generated by Measure J; and

**WHEREAS**, City staff has prepared the required biennial checklist for the calendar years 2014 and 2015 reporting period; and

**WHEREAS**, the City Council considered this biennial checklist at its regular public meeting held on May 17, 2016; and

**WHEREAS**, the City Council has reviewed the attached (Exhibit A) completed checklist and documentation incorporated herein by reference and considered any public comment and the associated City staff report regarding the biennial checklist.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON THAT:**

**SECTION 1.** The City Council does hereby find and affirm the above noted Recitals are true and correct and are hereby incorporated in the body of this Resolution as if restated in full.

**SECTION 2.** The City Council of Clayton, California, does hereby adopt and authorize the submittal of the City's CCTA Measure J Growth Management Program (GMP) Biennial Compliance Checklist for Calendar Years (CY) 2014 &

2015 for allocation of Fiscal Years (FY) 2015-16 and 2016-17 Local Street Maintenance and Improvement (LSM) funds.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on May 17, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

---

HOWARD GELLER, Mayor

ATTEST:

---

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly adopted and passed by the City Council of the City of Clayton at a regular public meeting thereof held on May 17, 2016.

---

Janet Brown, City Clerk

Attachments:

Exhibit A – CCTA Measure J Biennial Checklist for Calendar Years 2014 & 2015

## Compliance Checklist Attachments

Reporting Jurisdiction: City of Clayton

For Fiscal Years 2015-16 and 2016-17

Reporting Period: Calendar Years 2014 & 2015

### Measure J Growth Management Program Compliance Checklist

<b>1. Action Plans</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
a. Is the jurisdiction implementing the actions called for in the applicable Action Plan for all designated Routes of Regional Significance within the jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Has the jurisdiction implemented the following procedures as outlined in the <i>Implementation Guide</i> and the applicable Action Plan for Routes of Regional Significance?			
i. Circulation of environmental documents,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. Analysis of the impacts of proposed General Plan amendments and recommendation of changes to Action Plans, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. Conditioning the approval of projects consistent with Action Plan policies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Has the jurisdiction followed the procedures for RTPC review of General Plan Amendments as called for in the <i>Implementation Guide</i> ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. Development Mitigation Program</b>	<b>YES</b>		<b>NO</b>
a. Has the jurisdiction adopted and implemented a local development mitigation program to ensure that new development pays its fair share of the impact mitigation costs associated with that development?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
b. Has the jurisdiction adopted and implemented the regional transportation mitigation program, developed and adopted by the applicable Regional Transportation Planning Committee, including any regional traffic mitigation fees, assessments, or other mitigation as appropriate?	<input checked="" type="checkbox"/>		<input type="checkbox"/>

## Compliance Checklist Attachments

Reporting Jurisdiction: City of Clayton

For Fiscal Years 2015-16 and 2016-17

Reporting Period: Calendar Years 2014 & 2015

<b>3. Housing Options and Job Opportunities</b>	<b>YES</b>	<b>NO</b>
<p>a. Has the jurisdiction prepared and submitted a report to the Authority demonstrating reasonable progress in providing housing opportunities for all income levels under its Housing Element? The report can demonstrate progress by</p> <p>(1) comparing the number of housing units approved, constructed or occupied within the jurisdiction over the preceding five years with the number of units needed on average each year to meet the housing objectives established in its Housing Element; or</p> <p>(2) illustrating how the jurisdiction has adequately planned to meet the existing and projected housing needs through the adoption of land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development; or</p> <p>(3) illustrating how its General Plan and zoning regulations facilitate improvement or development of sufficient housing to meet the Element's objectives.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><i>Note: A copy of the local jurisdiction's annual report to the state Department of Housing and Community Development (HCD) is sufficient.</i></p>		
<p>b. Does the jurisdiction's General Plan—or other adopted policy document or report—consider the impacts that its land use and development policies have on the local, regional and countywide transportation system, including the level of transportation capacity that can reasonably be provided?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c. Has the jurisdiction incorporated policies and standards into its development approval process that support transit, bicycle and pedestrian access in new developments?</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Compliance Checklist Attachments

Reporting Jurisdiction: City of Clayton

For Fiscal Years 2015-16 and 2016-17

Reporting Period: Calendar Years 2014 & 2015

4. Traffic Impact Studies	YES	NO	N/A
a. Using the Authority's <i>Technical Procedures</i> , have traffic impact studies been conducted as part of development review for all projects estimated to generate more than 100 net new peak-hour vehicle trips? (Note: Lower traffic generation thresholds established through the RTPC's Action Plan may apply).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. If the answer to 4.a. above is "yes", did the local jurisdiction notify affected parties and circulate the traffic impact study during the environmental review process?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Participation in Cooperative, Multi-Jurisdictional Planning	YES	NO	
a. During the reporting period, has the jurisdiction's Council/Board representative regularly participated in meetings of the appropriate Regional Transportation Planning Committee (RTPC), and have the jurisdiction's local representatives to the RTPC regularly reported on the activities of the Regional Committee to the jurisdiction's council or board? (Note: Each RTPC should have a policy that defines what constitutes regular attendance of Council/Board members at RTPC meetings.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Has the local jurisdiction worked with the RTPC to develop and implement the Action Plans, including identification of Routes of Regional Significance, establishing Multimodal Transportation Service Objectives (MTSOs) for those routes, and defining actions for achieving the MTSOs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Has the local jurisdiction applied the Authority's travel demand model and <i>Technical Procedures</i> to the analysis of General Plan Amendments (GPAs) and developments exceeding specified thresholds for their effect on the regional transportation system, including on Action Plan MTSOs?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



## Compliance Checklist Attachments

Reporting Jurisdiction: City of Clayton

For Fiscal Years 2015-16 and 2016-17

Reporting Period: Calendar Years 2014 & 2015

	YES	NO	
d. As needed, has the jurisdiction made available, as input into the countywide transportation computer model, data on proposed improvements to the jurisdiction's transportation system, including roadways, pedestrian circulation, bikeways and trails, planned and improved development within the jurisdiction, and traffic patterns?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>6. Five-Year Capital Improvement Program</b>	<b>YES</b>	<b>NO</b>	
Does the jurisdiction have an adopted five-year capital improvement program (CIP) that includes approved projects and an analysis of project costs as well as a financial plan for providing the improvements? (The transportation component of the plan must be forwarded to the Authority for incorporation into the Authority's database of transportation projects)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>7. Transportation Systems Management Program</b>	<b>YES</b>	<b>NO</b>	
Has the jurisdiction adopted a transportation systems management ordinance or resolution that incorporates required policies consistent with the updated model ordinance prepared by the Authority for use by local agencies or qualified for adoption of alternative mitigation measures because it has a small employment base?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>8. Adoption of a voter-approved Urban Limit Line</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
a. Has the local jurisdiction adopted and continually complied with an applicable voter-approved Urban Limit Line as outlined in the Authority's annual ULL Policy Advisory Letter?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Compliance Checklist Attachments

Reporting Jurisdiction: City of Clayton

For Fiscal Years 2015-16 and 2016-17

Reporting Period: Calendar Years 2014 & 2015

- b. If the jurisdiction has modified its voter-approved ULL or approved a major subdivision or General Plan Amendment outside the ULL, has the jurisdiction made a finding of consistency with the Measure J provisions on ULLs and criteria in the ULL Policy Advisory Letter after holding a noticed public hearing and making the proposed finding publically available?

### 9. Adoption of the Measure J Growth Management Element

	YES	NO	N/A
Has the local jurisdiction adopted a final GME for its General Plan that substantially complies with the intent of the Authority's adopted Measure J Model GME?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 10. Posting of Signs

	YES	NO	N/A
Has the jurisdiction posted signs meeting Authority specifications for all projects exceeding \$250,000 that are funded, in whole or in part, with Measure C or Measure J funds?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 11. Maintenance of Effort (MoE)

	YES	NO
Has the jurisdiction met the MoE requirements of Measure J as stated in Section 6 of the Contra Costa Transportation Improvement and Growth Management Ordinance (as amended)? (See the Checklist Instructions for a listing of MoE requirements by local jurisdiction.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### 12. Submittal of LSM Reporting Form

	YES	NO
Has the local jurisdiction submitted a Local Street Maintenance and Improvement Reporting Form for eligible expenditures of 18 percent funds covering FY 2013-14 and FY 2014-15?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Compliance Checklist Attachments

Reporting Jurisdiction: City of Clayton

For Fiscal Years 2015-16 and 2016-17

Reporting Period: Calendar Years 2014 & 2015

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### 13. Other Considerations

YES

NO

N/A

If the jurisdiction believes that the requirements of Measure J have been satisfied in a way not indicated on this checklist, has an explanation been attached below?

### 14. Review and Approval of Checklist

This checklist was prepared by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Mindy Gentry, Community Developer Director

\_\_\_\_\_  
Name & Title (print)

(925) 673-7343

mgency@ci.clayton.ca.us

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Email

The City Council of the City of Clayton has reviewed the completed checklist and found that the policies and programs of the jurisdiction as reported herein conform to the requirements for compliance with the Contra Costa Transportation Improvement and Growth Management Program.

\_\_\_\_\_  
Certified Signature (Mayor or Chair)

\_\_\_\_\_  
Date

Howard Geller, Mayor

\_\_\_\_\_  
Name & Title (print)

\_\_\_\_\_  
Attest Signature (City/Town/County Clerk)

\_\_\_\_\_  
Date

Janet Brown, City Clerk

\_\_\_\_\_  
Name (print)

## Compliance Checklist Attachments

Reporting Jurisdiction: City of Clayton

For Fiscal Years 2015-16 and 2016-17

Reporting Period: Calendar Years 2014 & 2015

### Supplementary Information (Required)

#### 1. Action Plans

- a. *Please summarize steps taken during the reporting period to implement the actions, programs, and measures called for in the applicable Action Plans for Routes of Regional Significance:*

**The City of Clayton does not have a route of regional significance within its jurisdictional boundaries; however the City has elected, appointed, and staff representatives attend on a regular basis meetings of the the Contra Costa Transportation Authority (CCTA) and the Transportation Partnership and Cooperation (TRANSPAC) for the purposes of planning and facilitating the implementation of measures called for in local Action Plans for Routes of Regional Significance.**

- b. *Attach, list and briefly describe any General Plan Amendments that were approved during the reporting period. Please specify which amendments affected ability to meet the standards in the Growth Management Element and/or affected ability to implement Action Plan policies or meet Traffic Service Objectives. Indicate if amendments were forwarded to the jurisdiction's RTPC for review, and describe the results of that review relative to Action Plan implementation:*

**Only one General Plan Amendment (GPA-02-13) was approved during this reporting period. The GPA approved the Final 2015-2023 Housing Element of the Clayton General Plan, which was approved by the City Council via Resolution No. 42-2014 on November 18, 2014. The purpose of the General Plan amendment was to comply with applicable requirements of State law and facilitate the City's capacity to satisfy its RHNA as established by ABAG for this period. This General Plan Amendment did not exceed the threshold for notification and review by the RTCP (Attachment 1b).**

*Provide a summary list of projects approved during the reporting period and the conditions required for consistency with the Action Plan:*

**No applicable projects during this reporting period.**

## Compliance Checklist Attachments

Reporting Jurisdiction: City of Clayton

For Fiscal Years 2015-16 and 2016-17

Reporting Period: Calendar Years 2014 & 2015

### 2. Development Mitigation Program

- a. *Describe progress on implementation of the regional transportation mitigation program:*

The City of Clayton participated in and approved the development and implementation of the regional mitigation program through TRANSPAC. The City established and implements the local development mitigation program through our "Offsite Arterial Street Improvement" Development Impact Fee which is collected for all new residential and non-residential projects in accordance with the City's approved fee schedule. The Offsite Arterial Street Improvement fee was established by Clayton City Council Resolutions No. 36-81 & 14-86, previously provided to CCTA. No fees were collected during this reporting period.

### 3. Housing Options and Job Opportunities

- a. *Please attach a report demonstrating reasonable progress in providing housing opportunities for all income levels. (Note: A copy of the local jurisdiction's annual report to the state Department of Housing and Community Development (HCD) is sufficient).*

Please see attached 2014 & 2015 Housing Element Annual Progress Reports submitted to State Office of Planning and Research (OPR) and Housing and Community Development (HCD) (Attachment 3a).

- c. *Please attach the jurisdiction's adopted policies and standards that ensure consideration of and support for walking, bicycling, and transit access during the review of proposed development.*

Please refer to the City's adopted Circulation Element from the General Plan, excerpt from the Zoning Ordinance pertaining to bicycle parking requirements, and excerpts from the Clayton Engineering Design Standard Plans (Attachment 3c).

### 4. Traffic Impact Studies

*Please list all traffic impact studies that have been conducted as part of the development review of any project that generated more than 100 net new peak hour vehicle trips. (Note: Lower traffic generation thresholds established through the RTPC's Action Plan may apply). Note whether the study was consistent with the Authority's Technical Procedures and whether notification and circulation was undertaken during the environmental review process.*

## Compliance Checklist Attachments

Reporting Jurisdiction: City of Clayton

For Fiscal Years 2015-16 and 2016-17

Reporting Period: Calendar Years 2014 & 2015

**No applicable projects during this reporting period.**

### **5. Participation in Cooperative, Multi-Jurisdictional Planning**

*No attachments necessary.*

### **6. Five-Year Capital Improvement Program**

*Please attach the transportation component of the most recent CIP version, if the Authority does not already have it. Otherwise, list the resolution number and date of adoption of the most recent five-year CIP.*

**Please see attached the transportation components of the 2015/16 to 2019/20 Capital Improvement Program adopted by Clayton City Council Resolution No. 24-2015 on June 16, 2015 (Attachment 6). The previous CIP 2013/14 to 2017/18 was submitted during the last reporting period.**

### **7. Transportation Systems Management Program**

*Please attach a copy of the jurisdiction's TSM ordinance, or list the date of ordinance or resolution adoption and its number.*

**Please see TSM Ordinance No. 337 adopted by the Clayton City Council on May 19, 1998 (Attachment 7).**

### **8. Adoption of a voter-approved Urban Limit Line**

*The local jurisdiction's adopted ULL is on file at the Authority offices. Please specify any actions that were taken during the reporting period with regard to changes or modifications to the voter-approved ULL, which should include a resolution making a finding of consistency with Measure J and a copy of the related public hearing notice.*

**No changes to the adopted and voter approved ULL have occurred.**

### **9. Adoption of the Measure J Growth Management Element**

*Please attach the adopted Final Measure J Growth Management Element to the local jurisdiction's General Plan.*

## Compliance Checklist Attachments

Reporting Jurisdiction: City of Clayton

For Fiscal Years 2015-16 and 2016-17

Reporting Period: Calendar Years 2014 & 2015

**Please see the Growth Management Element adopted by Clayton City Council Resolution No. 13-2011 on May 17, 2011 (Attachment 9).**

### **10. Posting of Signs**

*Provide a list of all projects exceeding \$250,000 within the jurisdiction, noting which ones are or were signed according to Authority specifications.*

**During the reporting period there was one Capital Improvement Program (CIP) project under taken exceeding \$250,000 within the City of Clayton. The project was the 2015 Neighborhood Street Project (CIP No. 10424) which entailed pavement resurfacing and treatment on various streets throughout the City. Measure J program funds were used and a sign was posted for the project.**

### **11. Maintenance of Effort (MoE)**

*Please indicate the jurisdiction's MoE requirement and MoE expenditures for the past two fiscal years (FY 2013-14 and FY 2014-15). See the Instructions to identify the MoE requirements.*

**Clayton's MoE requirement: \$172,329**

**FY 2013-2014 expenditures: \$173, 617**

**FY 2014-2015 expenditures: \$173,228**

### **12. Submittal of LSM Reporting Form**

*Please attach LSM Reporting Form for FY 2013-14 and 2014-15.*

**Please see attached LSM Reports for FY 2013-14 and 2014-15 (Attachment 12).**

### **13. Other Considerations**

*Please specify any alternative methods of achieving compliance for any components for the Measure J Growth Management Program*

**Not applicable.**

## **Compliance Checklist Attachments**

Reporting Jurisdiction: City of Clayton

For Fiscal Years 2015-16 and 2016-17

Reporting Period: Calendar Years 2014 & 2015

### **Attachments by Section:**

- 1a. None**
- 1b. City Council Resolution No. 42-2014 - Approval of the 2015-2023 Housing Element, Adopted November 18, 2014**
- 1c. None**
- 2a. None**
- 3a. i. City Council Resolution No. 08-2015 and City of Clayton Housing Element Annual Report to HCD (2014)**  
**ii. City Council Resolution No. 13-2016 and City of Clayton Housing Element Annual Report to HCD (2015)**
- 3c. i. City of Clayton Circulation Element Excerpt**  
**ii. Zoning Code Excerpt on Bicycle Parking Requirements**  
**iii. Clayton Engineering Design Standard Plans**
- 4. None**
- 5. None**
- 6. i. City Council Resolution No. 24-2015 - Adoption of the 5 Year CIP Budget**  
**ii. 5-Year Capital Improvement Program (CIP) 2015/16 to 2019/20 Transportation Excerpt**
- 7. City of Clayton Ordinance 337 - Transportation Demand Management, Adopted May 19, 1998**
- 8. None**
- 9. City Council Resolution No. 13-2011 and City of Clayton Growth Management Element**
- 10. None**
- 11. None**
- 12. i. LSM Report for FY 2013-14**  
**ii. LSM Report for FY 2014-15**
- 13. None**



**RESOLUTION NO. 42 - 2014**

**A RESOLUTION APPROVING AN  
INITIAL STUDY/NEGATIVE DECLARATION AND THE FINAL DRAFT 2015-2023  
HOUSING ELEMENT UPDATE OF THE CLAYTON GENERAL PLAN  
IN COMPLIANCE WITH REQUIREMENTS OF APPLICABLE STATE LAW  
(ENV-02-14 & GPA-02-13)**

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

**WHEREAS**, California Government Code Article 10.6 commencing with section 65583, requires that every jurisdiction in California must adopt a General Plan, and every General Plan must contain a Housing Element. California law lists specific timetables in regard to the schedule for updating the Housing Elements. In previous Housing Elements cycles, the updates were required to occur every five (5) years to address and respond to Regional Housing Needs Allocations (RHNA), site inventory, housing constraints, and any new provisions in State Law. For this current Housing Element update cycle, the State did change the update cycle period to allow up to eight (8) years, from January 31, 2015 to January 31, 2023, provided the document is reviewed and certified by the California Department of Housing and Community Development (HCD); and

**WHEREAS**, the City of Clayton's share of regional housing need is established by the Association of Bay Area Governments (ABAG) and this period's related "Regional Housing Needs Allocation" (RHNA) was adopted by ABAG in 2013 which determined that Clayton's fair share of the RHNA for the period between 2014 and 2022 is a total of 141 units in the following income categories: 25 extremely-low income, 26 units very low income, 25 low-income, 31 moderate-income and 34 above-moderate income; and

**WHEREAS**, the City has prepared a Housing Element update, titled "City of Clayton 2015-2023 Housing Element", to comply with applicable requirements of State law and to facilitate the City's capacity to satisfy its RHNA as established for this period by ABAG; and

**WHEREAS**, on November 5, 2013, the City of Clayton conducted a joint Public Workshop before the City Council and Planning Commission to seek input on the Housing Element update from the community. There were no oral or written comments from the public provided at this workshop; and

**WHEREAS**, on May 13, 2014, the Planning Commission conducted a public hearing on the draft 2015-2023 Housing Element update and, with minor suggestions, recommended the City Council direct staff to submit the draft 2015-2023 Housing Element update to HCD for review. There were no oral or written comments from the public provided at this meeting; and

**WHEREAS**, on June 3, 2014, the City Council conducted a public hearing on the draft 2015-2023 Housing Element update and, with suggestions, directed staff to submit the draft 2015-2023 Housing Element update to HCD for its review. There were no oral comments from the public provided at this meeting however, two written communications were submitted and considered; and

**WHEREAS**, on June 4, 2014, the draft 2015-2023 Housing Element update was transmitted to HCD for review and, on July 31, 2014, HCD provided a letter to the City of Clayton indicating the draft Housing Element meets the statutory requirement of State housing element law; and

**WHEREAS**, the Planning Commission, at a regular public meeting on October 14, 2014, held a duly noticed public hearing to review and consider the Initial Study/Negative Declaration (IS/ND) and the City of Clayton 2015-2023 Housing Element update and then adopted Resolution No. 04-14, recommending City Council approval of the documents. There were no written comments provided at this meeting, however, oral comments from one member of the public were provided and taken into consideration; and

**WHEREAS**, the City Council, at a regular public meeting on November 18, 2014, held a duly noticed public hearing to review and consider the Initial Study/Negative Declaration (IS/ND) and the City of Clayton 2015-2023 Housing Element update; and

**WHEREAS**, pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15063, an IS/ND was prepared and made available for public review. The IS/ND has concluded there is no substantial evidence to suggest the Housing Element document may have a significant effect on the environment. Accordingly, the Initial Study with a Negative Declaration determination is being considered for adoption by the City of Clayton. The 30-day comment period on this IS/ND began on September 12, 2014, and ended on October 14, 2014; and

**WHEREAS**, the City Council has determined the proposed revisions to the Housing Element are in general conformance with the Clayton General Plan; and

**WHEREAS**, proper notice of this public hearing was given in all respects as required by law; and

**WHEREAS**, the City Council duly considered and reviewed all written evidence and oral testimony presented to date on its proposed Housing Element for 2015-2023.

**NOW, THEREFORE BE IT RESOLVED** the City Council of Clayton, California, does hereby find and determine the above Recitals are true and correct statements of fact related to this action and does herewith base its action in part relying on the veracity of said Recitals; and

**BE IT FURTHER RESOLVED** the Clayton City Council, based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, does hereby approve the Initial Study/Negative Declaration and the City of Clayton 2015-2023 Housing Element Update, respectively attached hereto as Exhibit A and Exhibit B and incorporated herein by this reference.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on November 18, 2014, by the following vote:

AYES: Mayor Stratford, Vice Mayor Shuey, Councilmembers Diaz, Geller and Pierce.

NOES: None.

ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA

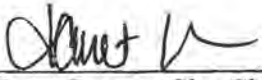
  
\_\_\_\_\_  
Hank Stratford, Mayor

ATTEST

  
\_\_\_\_\_  
Janet Brown, City Clerk

#####

I hereby certify that the foregoing resolution was duly adopted and passed by the City Council of the City of Clayton at a regular public meeting thereof held on November 18, 2014.

  
\_\_\_\_\_  
Janet Brown, City Clerk

**ATTACHMENTS**

Exhibit A – Initial Study/Negative Declaration, dated September 2014

Exhibit B – City of Clayton 2015-2023 Housing Element, dated August 25, 2014

X:\Com Dev\GPA\2013\GPA-02-13 - Housing Element Update\CC mtg. 11-18-14\CC Reso - ISND Final HE - 11-18-14-Final.docx

RESOLUTION NO. 08-2015

A RESOLUTION APPROVING THE CITY OF CLAYTON  
2014 HOUSING ELEMENT ANNUAL PROGRESS REPORT

THE CITY COUNCIL  
City of Clayton, California

WHEREAS, Government Code Section 65400 requires the City Council of Clayton, California to prepare an annual report on the status and progress in implementing the City's Housing Element using forms and definitions adopted by the California Department of Housing and Community Development; and

WHEREAS, the 2014 Housing Element Annual Progress Report includes the information on the City of Clayton's progress in addressing the regional housing needs allocations, including the number of housing units permitted by income level, the status of programs in the housing element, and efforts to remove government constraints for the reporting period; and

WHEREAS, this Resolution shall become effective immediately upon its passage and adoption;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby approve its 2014 Housing Element Annual Progress Report, a copy of which is attached hereto and incorporated herein as if fully set forth, and authorize it to be filed with the State of California Department of Housing and Community Development.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 17<sup>th</sup> day of March 2015 by the following vote:

AYES: Mayor Shuey, Vice Mayor Geller, Councilmembers Diaz, Haydon and Pierce.

NOES: None.

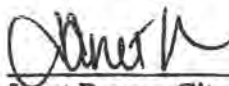
ABSENT: None.

ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA

  
David T. Shuey, Mayor

ATTEST

  
Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly adopted and passed by the City Council of the City of Clayton at a regular public meeting thereof held on March 17, 2015.

  
\_\_\_\_\_  
Janet Brown, City Clerk

**Attachments:**  
**2014 Housing Element Annual Progress Report**

X:\Com Dev\CD\2015\CDD-04-15 - 2014 HousingElement Report\CC mtg. - 3-17-15\CC Reso. - 2014 HE Progress Report - 3-17-15.docx

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

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

**Table A**  
**Annual Building Activity Report Summary - New Construction**  
**Very Low-, Low-, and Mixed-Income Multifamily Projects**

Housing Development Information								Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions	
1	2	3	4				5	5a	6	7	8
Project Name (Use ZIP & PIN for projects with no address)	Use Category	Tenant Type/Owner	Income by Household Income				Total Units per Project	See instructions	Assistance Programs for State Development	Deed Restricted Units	Any below the number of units developed under this element which are not eligible for assistance from the jurisdiction (summed by area below table - Refer to instructions)
			Very Low Income	Low Income	Moderate Income	Above Moderate Income					
(9) Total of Moderate and Above Moderate from Table A3											
(10) Total by Income Table A/A3			0	0	0	0	0	0			
(11) Total Extremely Low-Income Units*											

\* Note: These fields are voluntary

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

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

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

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

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

\* Note: This field is voluntary

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

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

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

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

\* Note: This field is voluntary



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

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

**Table B**  
**Regional Housing Needs Allocation Progress**

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.			2007	2008	2009	2010	2011	2012	2013	2014		Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level	RHNA Allocation by Income Level		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted	40	0	0	0	0	0	0	0	0			40
	Non-deed restricted		0	0	0	0	0	0	0	0	0		
Low	Deed Restricted	35	0	0	0	0	0	0	1	0		1	34
	Non-deed restricted		0	0	0	0	0	0	0	0	0		
Moderate	Deed Restricted	33	0	0	0	0	0	1	0	0		1	31
	Non-deed restricted		1	0	0	0	0	0	0	0		1	
Above Moderate		34	0	11	0	1	6	17	2	0		46	-12
Total RHNA by COG. Enter allocation number:		161				1	6	18	3	0		49	102
Total Units			10	11		1	6	18	3	0		49	
Remaining Need for RHNA Period													

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

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

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

**Table C**  
**Program Implementation Status**

Program Description (By Housing Element Program Names)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
Name of Program	Objective	Timeframe In H.E.	Status of Program Implementation
Implementation Measure I.1.1	Rezone sites to meet RHNA shortfall	1-Oct-10	Seven sites redesignated to M-F (15.1-20 units/acre) in April 2012- potential unit yield increased collectively from 57-140 units
Implementation Measure I.2.1	Implement Affordable Housing Plan requirements	On-going	Guidelines established 2010
Implementation Measure I.2.2	Use LMI fund for affordable housing in residential zones	On-going	RDA dissolved by State and funding source eliminated
Implementation Measure I.3.1	Allow manufactured housing in residential zones	1-Dec-09	Completed w/adoption of Ordinance 425 in December 2009
Implementation Measure I.4.1	Provide information to promote construction of second units	On-going	Handouts available in Community Development Department (CDD)
Implementation Measure I.4.2	Use RDA funds to incentivize construction of second units	1-Dec-12	RDA dissolved and funding source eliminated
Implementation Measure I.5.1	Encourage mixed-use development in the Town Center	On-going	Town Center Specific Plan is available at CDD and is on the City website with supportive policies
Implementation Measure I.5.2	Promote Town Center second story residential use standards	On-going	Town Center Specific Plan is available at CDD and is on the City website with supportive policies
Implementation Measure II.1.1	Allow emergency shelters by right in Kirker Pass Corridor	1-Mar-11	Completed w/adoption of Ordinance 449 in September 2013. Location was change to City owned properties zoned PF.
Implementation Measure II.1.2	Allow supportive and transitional housing in residential zones	1-Mar-11	Completed w/adoption of Ordinance 440 in April 2012
Implementation Measure II.1.3	Allow SRO's w/CUP in L-C District and Kirker Corridor	1-Apr-12	Completed w/adoption of Ordinance 440 in April 2012 (L-C District only)
Implementation Measure II.1.4	Offer regulatory incentives for extremely low-income households	On-going	Offered with applicable projects
Implementation Measure II.2.1	Allow sf homes in multi-family districts only w/ a use permit	1-Dec-12	Completed w/adoption of Ordinance 440 in April 2012
Implementation Measure II.3.1	Allow density bonuses in accordance w/State Law	1-Dec-09	Completed w/adoption of Ordinance 426 in December 2009
Implementation Measure II.4.1	Prioritize to decrease review time for affordable projects	On-going	Made available with applicable projects
Implementation Measure II.5.1	City to consider waiving/reducing fees for affordable projects	On-going	RDA dissolved and funding source eliminated
Implementation Measure II.6.1	City shall provide flexible development standards	On-going	Provided through Ordinances 440 and 426

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

Jurisdiction	City of Clayton		
Reporting Period	1/1/2014	-	12/31/2014
Implementation Measure III.1.1	City refers interested parties to County affordable programs	On-going	Referrals made by Community Development Department staff
Implementation Measure III.1.2	City to develop a down payment assistance program w/RDA funds	1-Dec-11	RDA dissolved and funding source eliminated
Implementation Measure III.1.3	City to review potential funding through County HOME program	On-going	City coordinates with Contra Costa County Housing Authority
Implementation Measure III.1.4	City to provide \$200,000 annually to Diamond Terrace project	Through term of Agreement	City will continue to pay \$200,000 through term of this valid contract
Implementation Measure III.2.1	City to protect at-risk affordable units	On-going	The City's RDA protected an at-risk affordable unit in 2011 by purchasing and then reselling the unit w/ a 45-year deed restriction
Implementation Measure IV.1.1	Comply with fair housing laws	On-going	The City's actions are intended to comply with fair housing laws
Implementation Measure IV.1.2	City to not restrict unrelated persons in a family	1-Oct-10	Completed w/ adoption of Ordinance 440 in April 2012
Implementation Measure IV.2.1	City will provide info. to public on affordable housing projects	On-going	The City actively advertises the availability of affordable housing units as they become available
Implementation Measure IV.3.1	City will adopt reasonable accommodations ordinance	On-going	Completed w/ adoption of Ordinance 441 in May 2012
Implementation Measure IV.3.2	City will distribute info. regarding reasonable accommodations	On-going	Information is always available in the CDD
Implementation Measure IV.3.3	City to investigate feasibility of universal design ordinance	1-May-11	Completed w/adoption of Ordinance 445 in May 2013
Implementation Measure V.1.1	City to provide energy conversation brochures at City Hall	On-going	Completed w/adoption of Ordinance 445 in May 2013
Implementation Measure V.1.2	City to develop design concepts for energy efficiency	1-Jan-12	Completed w/adoption of Ordinance 445 in May 2013
Implementation Measure V.1.3	Improve energy efficiency requirements	1-Jan-12	Adopted the 2013 California Green Building Code in Feb. 2014 with Ordinance 452
Implementation Measure VI.1.1	City to support legislation to transfer housing closer to transit	On-going	The City supports this type of legislation through its association with ABAG and the Contra Costa Transportation Authority (CCTA)
Implementation Measure VI.1.2	City to participate in TRANSPAC and similar organizations	On-going	The City participates in TRANSPAC with Staff and Council representation
Implementation Measure VI.1.3	City to cooperate w/ regional/countywide housing task	On-going	The City participates w/ regional/countywide housing task force
Implementation Measure VI.1.4	City to work with ABAG regarding energy and land-use efficiency	On-going	The City participates with and has Council representation on ABAG

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

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

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

These final Housing Element Implementation programs allowed the City to accomplish a streamlined process update of our Housing Element for the 8-year 2015-2023 cycle period. On October 14, 2014 the Planning Commission conducting a public hearing and adopted Resolution No. 04-14 recommending City Council approval of the 2015-2023 Housing Element, which was then followed up by City Council public hearing review and approval with adoption of Resolution No. 42-2014. The final approval/certification of the 2015-2023 Housing Element for the City of Clayton was provided in writing by the State Department of Housing and Community Development (HCD) on December 11, 2014.

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

RESOLUTION NO. 13 - 2016

A RESOLUTION APPROVING THE CITY OF CLAYTON 2015 HOUSING ELEMENT ANNUAL  
PROGRESS REPORT

THE CITY COUNCIL  
City of Clayton, California

**WHEREAS**, Government Code Section 65400 requires the City Council of Clayton, California to prepare an annual report on the status and progress in implementing the City's Housing Element using forms and definitions adopted by the California Department of Housing and Community Development; and

**WHEREAS**, the 2015 Housing Element Annual Progress Report includes the information on the City of Clayton's progress in addressing the Regional Housing Needs Allocation (RHNA), including the number of housing units permitted by income level, the status of programs in the Housing Element, and efforts to remove government constraints for the reporting period; and

**WHEREAS**, this Resolution shall become effective immediately upon its passage and adoption.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Clayton, California does hereby approve its 2015 Housing Element Annual Progress Report, a copy of which is attached hereto labeled as Attachment A and incorporated herein as if fully set forth, and does herewith authorize it to be filed with the State of California Department of Housing and Community Development.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held the 1<sup>st</sup> day of March 2016 by the following vote:

**AYES:** Mayor Geller, Vice Mayor Diaz, Councilmembers Haydon, Pierce and Shuey.

**NOES:** None.

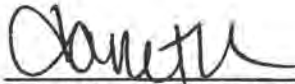
**ABSTAIN:** None.

**ABSENT:** None.

THE CITY COUNCIL OF CLAYTON, CA

  
Howard Geller, Mayor

ATTEST:

  
Janet Brown, City Clerk

Attachment:  
A. 2015 Housing Element Annual Progress Report

# **ANNUAL ELEMENT PROGRESS REPORT**

## ***Housing Element Implementation***

(CCR Title 25 §6202 )

Jurisdiction CLAYTON  
Reporting Period 01/01/2015 - 12/31/2015

Pursuant to GC 65400 local governments must provide by April 1 of each year the annual report for the previous calendar year to the legislative body, the Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD). By checking the "Final" button and clicking the "Submit" button, you have submitted the housing portion of your annual report to HCD only. Once finalized, the report will no longer be available for editing.

The report must be printed and submitted along with your general plan report directly to OPR at the address listed below:

Governor's Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

Jurisdiction CLAYTON  
 Reporting Period 01/01/2015 - 12/31/2015

**Table A**

**Annual Building Activity Report Summary - New Construction**  
**Very Low-, Low-, and Mixed-Income Multifamily Projects**

Housing Development Information						Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions			
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low- Income	Low- Income	Moderate- Income	Above Moderate- Income			See Instructions	See Instructions	
<b>(9) Total of Moderate and Above Moderate from Table A3</b>				0	0						
<b>(10) Total by Income Table A/A3</b>			0	0	0	0					
<b>(11) Total Extremely Low-Income Units*</b>			0								

\* Note: These fields are voluntary

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

Jurisdiction CLAYTON  
 Reporting Period 01/01/2015 - 12/31/2015

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

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

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

\* Note: This field is voluntary



**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

Jurisdiction CLAYTON  
 Reporting Period 01/01/2015 - 12/31/2015

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

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

\* Note: This field is voluntary

**ANNUAL ELEMENT PROGRESS REPORT**  
**Housing Element Implementation**  
 (CCR Title 25 §6202 )

Jurisdiction CLAYTON  
 Reporting Period 01/01/2015 - 12/31/2015

**Table B**  
**Regional Housing Needs Allocation Progress**  
**Permitted Units Issued by Affordability**

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.												Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level	RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9			
Very Low	Deed Restricted	51	0	0	0	0	0	0	0	0	0	0	51
	Non-Restricted		0	0	0	0	0	0	0	0	0		
Low	Deed Restricted	25	0	0	0	0	0	0	0	0	0	0	25
	Non-Restricted		0	0	0	0	0	0	0	0	0		
Moderate		31	0	0	0	0	0	0	0	0	0	0	31
Above Moderate		34	0	0	0	0	0	0	0	0	-	0	34
Total RHNA by COG. Enter allocation number:		141											
Total Units ▶ ▶ ▶			0	0	0	0	0	0	0	0	0	0	141
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶													

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

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
 (CCR Title 25 §6202 )

Jurisdiction CLAYTON  
 Reporting Period 01/01/2015 - 12/31/2015

**Table C**

**Program Implementation Status**

Program Description (By Housing Element Program Names)	<b>Housing Programs Progress Report - Government Code Section 65583.</b> Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
Implementation Measure IV.2.1	The City will provide information on proposed affordable housing projects to the public through the City's public hearing process in the form of study sessions, public hearings, and public meetings.	12/31/15	The City ensures the public is notified for any City hearings on development projects, including affordable housing projects. For any hearings, a notice would be placed in a local newspaper of general circulation and the property owners within a 300' radius would be notified.
Implementation Measure IV.3.1	The City shall continue to distribute public information brochures on reasonable accommodations for disabled persons and enforcement programs of the California Fair Employment and Housing Council.	12/31/15	The City currently distributes and will continue to distribute public information brochures on reasonable accommodations for disabled persons and enforcement programs.  The City approved a Reasonable Accommodation request which allowed the homeowner to encroach into a required setback in order to allow a disabled person better access within her home.
Implementation Measure IV.3.2	The City will continue to implement its universal design ordinance and continue to distribute its brochure on universal design standards, resources for design, and compliance with City requirements.	12/31/15	The City continues to implement its universal design ordinance as projects come forward as well as continues to distribute brochures on universal design.

Implementation Measure V.1.1	The City shall continue to provide energy conservation brochures at City Hall and the Clayton Community Library.	12/31/15	The City provides and will continue to provide energy conservation brochures at City Hall and at the Clayton Community Library.
Implementation Measure V.1.3	The City will explore home energy and water efficiency improvement financing opportunities available through PACE programs, such as HERO or Figtree PACE.	12/31/15	The City has opted into three different PACE programs HERO, Figtree, and CaliforniaFirst.
Implementation Measure VI.1.1	The City shall continue to support responsible state legislation which allows municipalities to enter into equitable agreements with other entities to transfer and financially participate in the provision of fair-share housing units closer to transportation centers and work centers outside the city limits, while retaining full credit for transferred units.	12/31/15	The City supports and will continue to support responsible state legislation which allows municipalities to enter into equitable agreements with other entities to transfer and financially participate in the provision of fair-share housing units closer to transportation centers and work centers outside the city limits, while retaining full credit for transferred units.
Implementation Measure VI.1.2	The City shall continue to participate in regional efforts addressing housing, employment, and transportation.	12/31/15	The City participates in regional efforts addressing housing, employment, and transportation issues by being involved in ABAG's Plan Bay Area process and TRANSPAC (regional transportation planning committee for central Contra Costa).
Implementation Measure VI.1.3	The City shall continue cooperation with the regional/countywide housing task force.	12/31/15	The City cooperates and will continue to cooperate with the regional/countywide housing task force.
Implementation Measure VI.1.4	The City shall continue to work with the Association of Bay Area Governments on FOCUS program implementation.	12/31/15	The City shall continue to work with ABAG on program implementation for FOCUS. The City supports and encourages infill development, housing near transit centers, and a jobs and housing balance.
Implementation Measure I.1.1	To ensure adequate available sites to meet the City's RHNA, the City will maintain an inventory of sites available and appropriate for residential development for households at all income levels.	12/31/15	The City continues to maintain adequate sites available and appropriate for residential development for households at all income levels.
Implementation Measure I.2.1	For residential projects of 10 or more units, developers will be required to develop an Affordable Housing Plan that requires a minimum of 10% of the units to be built or created as affordable housing units.	12/31/15	The City has established Affordable Housing Plan guidelines, which are contained in the City's Housing Element. Further, the City continues to inform potential housing developers of this requirement.

Implementation Measure I.3.1	The City shall continue to promote the development of second units and will aim to approve two second dwelling units a year.	12/31/15	The City continues to promote second dwelling units and provides informational handouts. No second units were approved during the 2015 reporting period.
Implementation Measure I.4.1	Encourage development of mixed-use projects in the Town Center, the City has adopted the Specific Plan which details policy direction, standards, and guidelines that encourage mixed-use and second-story residential. The City will promote development opportunities in the Town Center. The City will facilitate the development of at least one mixed-use project within the planning period.	12/31/15	The City continues to promote and encourage mixed-use development in the Town Center through the availability of the Specific Plan and discussions with potential developers. The Town Center Specific Plan is available at City offices as well as on the City's website.
Implementation Measure II.1.1	Work with housing providers to address special housing needs for seniors, large families, female-headed households, single-parent households with children, persons with disabilities and developmental disabilities, farmworkers, and homeless individuals and families. The City will aim to work with housing providers on at least one project serving a special needs group during the planning period.	12/31/15	The City continues to discuss special needs populations with housing providers.
Implementation Measure II.1.2	The City shall amend the Zoning Ordinance to specifically allow employee housing for six or fewer residents as a permitted use in residential zoning districts.	12/31/15	The City's current Zoning Ordinance does not prohibit or restrict employee housing and the City has not amended the Zoning Ordinance to specifically permit six or fewer residents within residential zoning districts. Staff is aware of this requirement and will be drafting an ordinance for consideration during 2016.
Implementation Measure II.2.1	City shall authorize regulatory incentives and concessions for development projects that include extremely low-, very low-, and low-income households and special needs groups including disabled and developmental disabled persons. These incentives and concessions include flexibility in development standards, reduction or deferral of certain development fees, priority application processing, and density bonus. The City	12/31/15	The City's Zoning Ordinance allows for flexibility in standards as well as a density bonus for affordable housing developments. The City will also continue to consider regulatory incentives and concessions such as a reduction or deferral in certain development fees and priority application processing. An affordable or special needs project was not built during this reporting year.

	will aim to facilitate the development of at least one affordable or special needs project during the planning period.		
Implementation Measure II.2.2	City shall monitor the impact of development fees and consider waiving or deferring fees for affordable housing projects, if and when funding is available.	12/31/15	The City continues to monitor the impact of development fees and will consider waiving or deferring fees if there is funding available.
Implementation Measure III.1.1	City shall continue to refer interested persons to the Contra Costa County's Mortgage Credit Certificate Program, the Mortgage Revenue Bond Program, and the Owner-Occupied Housing Rehabilitation Program. The City will continue to disseminate information regarding Contra Costa Housing Authority's Lower-Income Rental Assistance Program and Aftercare Certificates as information becomes available.	12/31/15	The City continues to promote assistance for first-time home buyers and lower-income renters by referring inquires to County programs and by disseminating information as it becomes available.
Implementation Measure III.1.2	City shall seek funding to develop and implement a down payment assistance program for first-time home buyers by working with the County or by developing its own program that can be used with the Mortgage Credit Certificate Program, new inclusionary units or alone.	12/31/15	The City explored funding sources such as CalHome and HOME and did not find any funding sources available. The City will continue to seek funding in order to implement a down payment assistance program for first time home buyers.
Implementation Measure III.1.3	The City shall review potential funding opportunities through the County HOME program and apply for funding for applicable projects when development opportunities arise.	12/31/15	HOME funds were not available during this reporting period and the City did not have any eligible projects.
Implementation Measure III.2.1	The City will continue to maintain and annually update the inventory of affordable housing projects and identify those that may be at-risk of converting to market rate in the future.	12/31/15	The City continues to maintain and annually update the inventory of affordable housing, which includes the date the affordability expires. Annual reports from the privately owned affordable housing units are required to be submitted to the City.
Implementation Measure IV.1.1	The City shall review its Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws.	12/31/15	The City continually reviews its Zoning Ordinance, policies, and practices to ensure compliance with fair housing laws. The City makes updates and changes when necessary to ensure compliance.

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
(CCR Title 25 §6202 )

**Jurisdiction**            CLAYTON  
**Reporting Period**    01/01/2015       -    12/31/2015

**General Comments:**

The City is continuing to take steps in implementing the approved programs of the adopted and certified 2015-2023 Housing Element. On June 6, 2015, the Clayton City Council passed resolutions agreeing to participate in the Property Assessment Clean Energy (PACE) program through agreements with CaliforniaFirst, Fig Tree, and HERO.

In addition, the City continues to implement the ongoing programs such as encouraging universal design, participating in regional planning efforts, and continues to promote and encourage the preservation of existing affordable housing opportunities in discussions with housing developers.

On March 1, 2016, the City Council directed staff to file the annual report with HCD.

- 4c Provide greenbelt connections creating node linkages between trails.
- 4d Identify acceptable traffic service levels at key interchanges as a base for development analysis.

## **Objective 5**

To provide mitigation for noise on arterials and truck routes with support for use of sound attenuation measures.

### **Policies**

- 5a Permit sound walls on Mitchell Canyon Road subject to City approval for safety.
- 5b Review sound attenuation measures for development along Clayton Road, Concord Boulevard and Marsh Creek Road.
- 5c Require sound attenuation as part of Clayton Road expansion when warranted.

## **Objective 6**

To provide alternative routes of circulation through the Town Center

### **Policies**

- 6a Review route alternatives.
- 6b Seek separation of local and through traffic.
- 6c Prepare cost and benefit analyses of alternative routes.

## **Objective 7**

To enhance the City's system of pedestrian, equestrian and bicycling paths and trails.

### **Policies**

- 7a Determine areas where greenbelt paths may need to be designed to separate equestrian, bicycle and pedestrian use.
- 7b Identify pedestrian routes to school from different neighborhoods to make sure a safe route exists.
- 7c Provide information concerning the greenbelt system and safe route system in the form of maps and street signs.
- 7d Coordinate trails with other jurisdictions such as EBRPD, the State Department of Parks and Recreation, Contra Costa County and Concord.

## **Objective 8**

To cooperate with Concord and Contra Costa County in design of the Regional Traffic System.



**Policies**

- 8a Support the request of Concord to split Clayton traffic between Concord Boulevard and Clayton Road to the extent feasible upon completion of Concord Boulevard.
- 8b Communicate with Contra Costa County regarding any action that will affect traffic on Marsh Creek Road in Clayton.

**Objective 9**

Establish a priority system to upgrade existing City streets to a City standard.

**Policies**

- 9a Require developers to construct all streets within a development and to contribute an equitable share of the improvements of other streets serving the development.
- 9b Seek State and County support for development and improvement of through-traffic arterials.
- 9c Provide systematic upgrade of streets and roads to applicable standards.

**Objective 10**

To support the establishment and expansion of public transit and carpools.

**Policies**

- 10a Participate in County-wide and area carpool/van pool programs.
- 10b Assist in location of permanent and temporary park and ride locations.
- 10c Provide free City application processing for park and ride lots on vacant parcels.

**Implementation Measures**

1. Prepare cost and benefit analysis of Town Center route alternatives.
2. Prepare a safe route to school map which is integrated into the circulation plan.
3. Establish a sign program for the greenbelt trail system.
4. Provide an analysis of roads in Clayton and establish a continuing infrastructure improvement program.
5. Identify potential park and ride lots
6. Determine roadway construction standards.
7. Develop street standards for grade and section.
8. Encourage development of bus pullouts, shelters and benches.
9. Review off-site circulation needs and fee structure to adequately mitigate the effect of new developments.
10. Support discussions with Concord regarding off-site mitigation, fees and standards in Concord.

(Revised 2/21/95)

- e. Extend Concord Boulevard through the Keller Ranch site as a four-lane arterial with turning lanes at all points to its intersection with the Marsh Creek Road extension. Separate the intersections along Concord Boulevard by at least 800 feet, and use four-leg intersections rather than “Tee” intersections wherever possible. The site plan reflects this type of planning and would help divert traffic from Concord Boulevard and downtown Clayton.
- f. South of the Marsh Creek Road extension, Concord Boulevard should be a two-lane road. Reserve sufficient right-of-way for a four-lane road in case additional lanes are required in the future.
- g. Make the Marsh Creek Road extension south of Main Street four lanes and provide turning lanes at each intersection in order to provide adequate traffic flow.
- h. Place traffic signal hardware at the Marsh Creek Road-Concord Boulevard intersection. A signal will probably be necessary when Keller Ranch is fully developed.
- i. Increase the curvature of residential roads to produce a more serpentine alignment with curve design speeds not over 25 miles per hour. This would promote lower speeds and preserve the residential character of the streets.
- j. Design all roads to have grades of 15% or less. Exceptions to this standard in hillside areas should be evaluated on an individual basis and should be for the shortest length possible.
- k. Black Diamond Way should be included on the Preliminary Development Plan as a hiking, riding and bicycling trail. This roadway would need to be removed from the Contra Costa County Major Roads Plan in order to be in conformance with the adopted County General Plan amendment for the Keller Ranch area.
- l. Implementation of all mitigation measures listed in this section would be necessary at buildout of Keller Ranch. However, many would be needed during the course of development, depending on project phasing. The City should require the developer to submit a proposed phasing schedule for improvements that is consistent with the phasing schedule for project development.
- m. The northern Contra Costa County area, including the cities of Concord, Walnut Creek, Martinez, Pittsburg, Antioch and Clayton is in need of an area-wide traffic, transportation and land use study. All of these cities are growing, and the traffic impacts from one city are usually felt by the others. Improvements that may be in the best interest of one city may not facilitate the best overall area traffic system. Many of the transportation related issues that will affect some or all of the cities are beyond the capacity of a single – project EIR to answer. It is therefore recommended that an area-wide study be conducted to coordinate future traffic plans among all responsible government bodies. The following issues should be looked at in the study:

## Clayton Street System

Clayton street and pathway system is indicated in Exhibit III – 6. The system consists of arterial collector streets, local streets, private streets, cul-de-sacs and greenbelts. There is 20.6 miles of roadway. They are described as follows:

**Arterial streets** such as Clayton Road, Kirker Pass Road, Marsh Creek Road, and Oakhurst Drive are designed to carry traffic through a city or from one major area to another within a city. Specific provisions, such as striping or grade separated lanes are required for non-motorized vehicles.

**Collector streets** such as Washington Boulevard, Mitchell Canyon Road and El Molino Drive provide a direct connection between arterials and local streets and also provide access to activity centers such as schools, parks, and shopping centers. Specific provisions may be required for non-motorized vehicles.

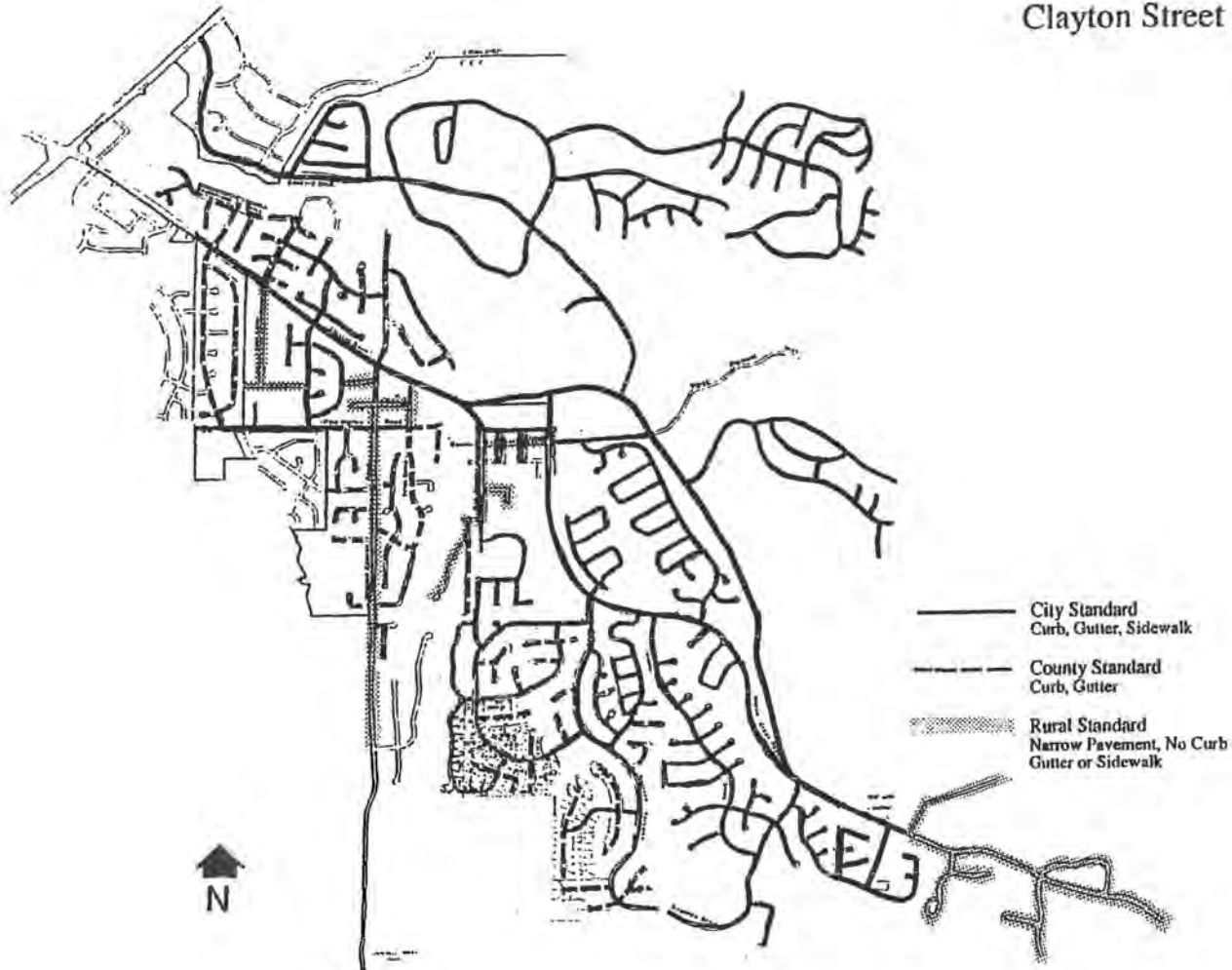
**Local streets** such as Tiffin Drive, Lydia Lane and Weatherly Drive are typically two-lane streets which provide direct access to individual residential lots. These types of streets are not shown on the circulation plan. Local streets may be through or may dead end. Streets that will eventually go through should be posted with signs to prevent confusion.

**Private streets** such as Clark Creek Circle, have been developed as part of a private residential development. The streets are not built to City standard and must be maintained by the homeowners.

**Cul-de-sacs** such as Marquette court, Nottingham Place and Malibu Court are not intended to go through; however, they must provide adequate turn-around.

**Greenbelts** found along Mt. Diablo, Peacock, Donner and Mitchell Creeks provide circulation through the community for pedestrians, horseback riders and bicycle riders.

## Clayton Street Standards



### ALTERNATIVE TRANSPORTATION MEANS

#### Transit

The City of Clayton is serviced by the Central Contra Costa Transit Authority (CCCTA). The current bus route is indicated in Exhibit III – 8. Bus stop and shelter locations are also indicated.

A recommendation for the service improvement in the future would be a Bart shuttle from various points of Clayton at peak hour as demand warranted.

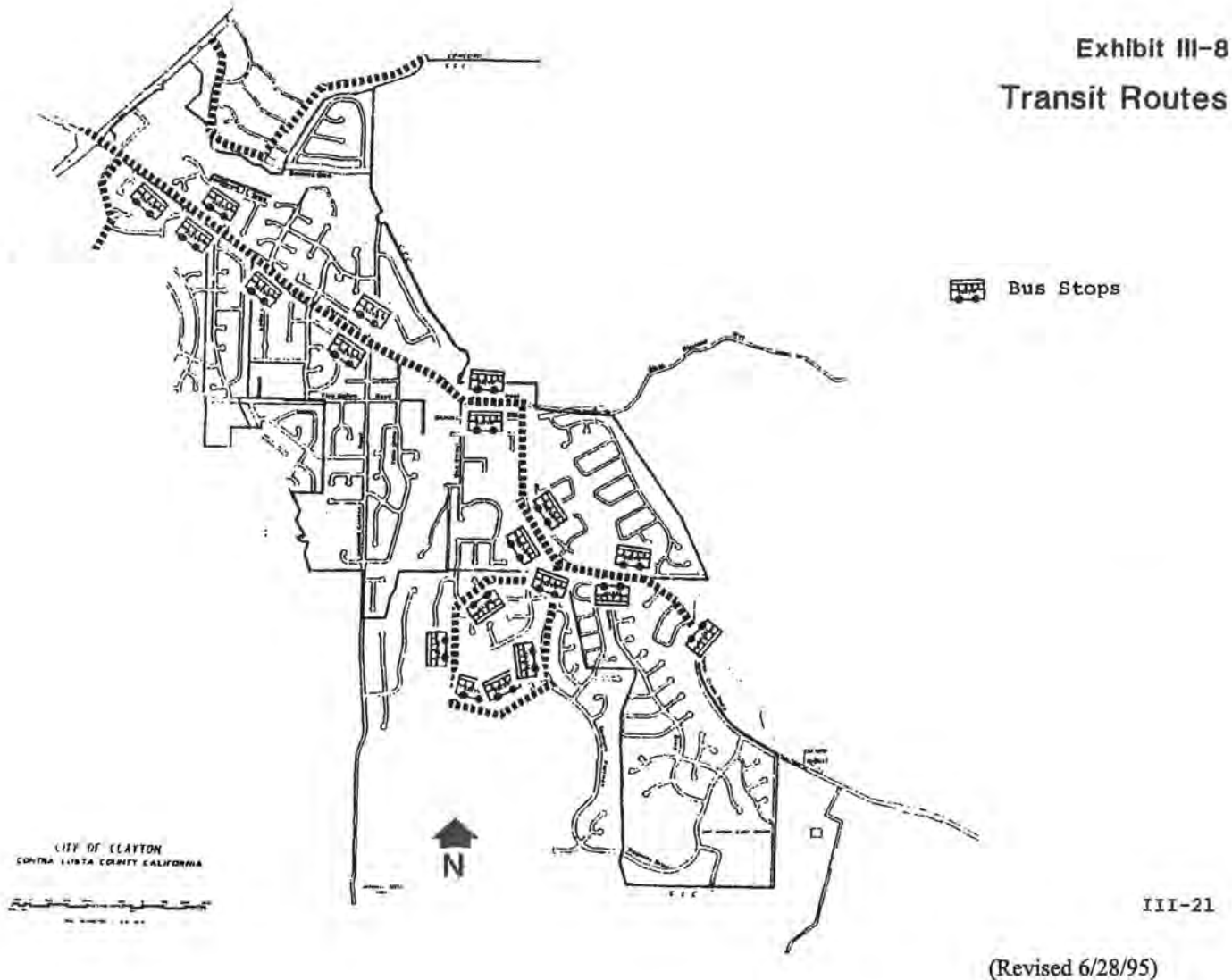
#### Park and Ride Lots

There are no park and ride lots in Clayton at present. However, it will be worthwhile to contact churches and other institutions and facilities with large minimally used parking lots for park and ride locations.

### Van Pools and Car Pools

There are van pools and car pools currently operating in Clayton. It will be beneficial to assist in providing coordination of carpool formation and matching for local residents.

Exhibit III-8  
Transit Routes



### **17.37.040 Bicycle Parking.**

Bicycle parking spaces shall be provided as required by this section. Bicycle parking shall be in addition to the automobile parking spaces.

#### **A. Number of Spaces Required.**

1. Commercial and Public/Quasi-Public Use Classifications: One plus ten (10) percent of the requirement for automobile parking spaces, or as required by the Planning Commission.
2. The bicycle parking requirements may be reduced or waived by the approving body pursuant to the approval of a site plan review permit or development plan permit upon the finding that:
  - a. The configuration of the parking lot, and/or the location of the building preclude a feasible location for bicycle parking; or
  - b. That the pedestrian circulation would be significantly disrupted by the addition of required bicycle parking; or
  - c. The provision of bicycle parking spaces can be provided collectively in an off-site location that is within close proximity, not to exceed a walking distance of 200 feet. A written agreement exists between the property owner(s) conforming with the requirements of subsection 17.37.020.F.

- B. **Bicycle Parking Design Requirements.** For each bicycle parking space required, a stationary object shall be provided to which a user can secure both wheels and the frame of a bicycle with a six-foot cable and lock. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket. Bicycle parking shall be provided in a manner which does not interfere with pedestrian or vehicular circulation, yet is located in such a manner which encourages the use of bicycles by being convenient to the entry to the building or facility. Such parking may be located on the public right-of-way subject to issuance of an encroachment permit.

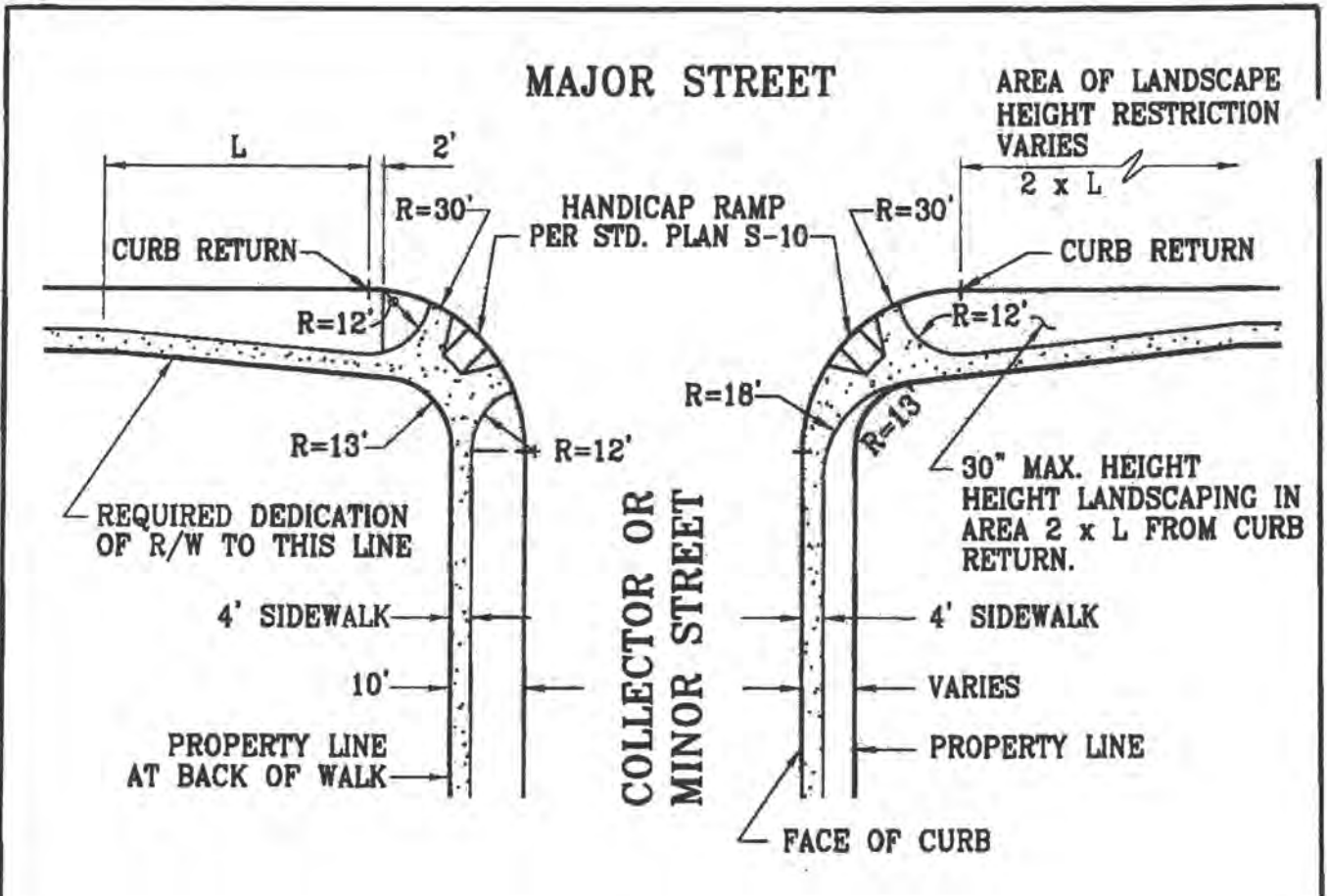
### **17.37.050 Accessible Parking Spaces.**

All parking facilities shall comply with state requirements regarding parking for disabled persons, as per Chapters 11A and 11B of the California Building Code.

### **17.37.060 Reciprocal Parking Facilities.**



A reciprocal parking facility is a common off-street parking facility shared by two (2) or more uses which have peak demands for parking which do not overlap in time. The total number of off-street parking spaces required for a project or use using a reciprocal parking facility may be reduced upon the granting of a use permit in accordance with the provisions of Chapter 17.60 and confirmation of all of the following findings:

FRI, SEP 05, 2008 12:12 P BJB S-7 Z:\CLAYTON STANDARDS\DWG\2008 UPDATES\S\S-07 SITE DISTANCE MAJOR STREETS.DWG

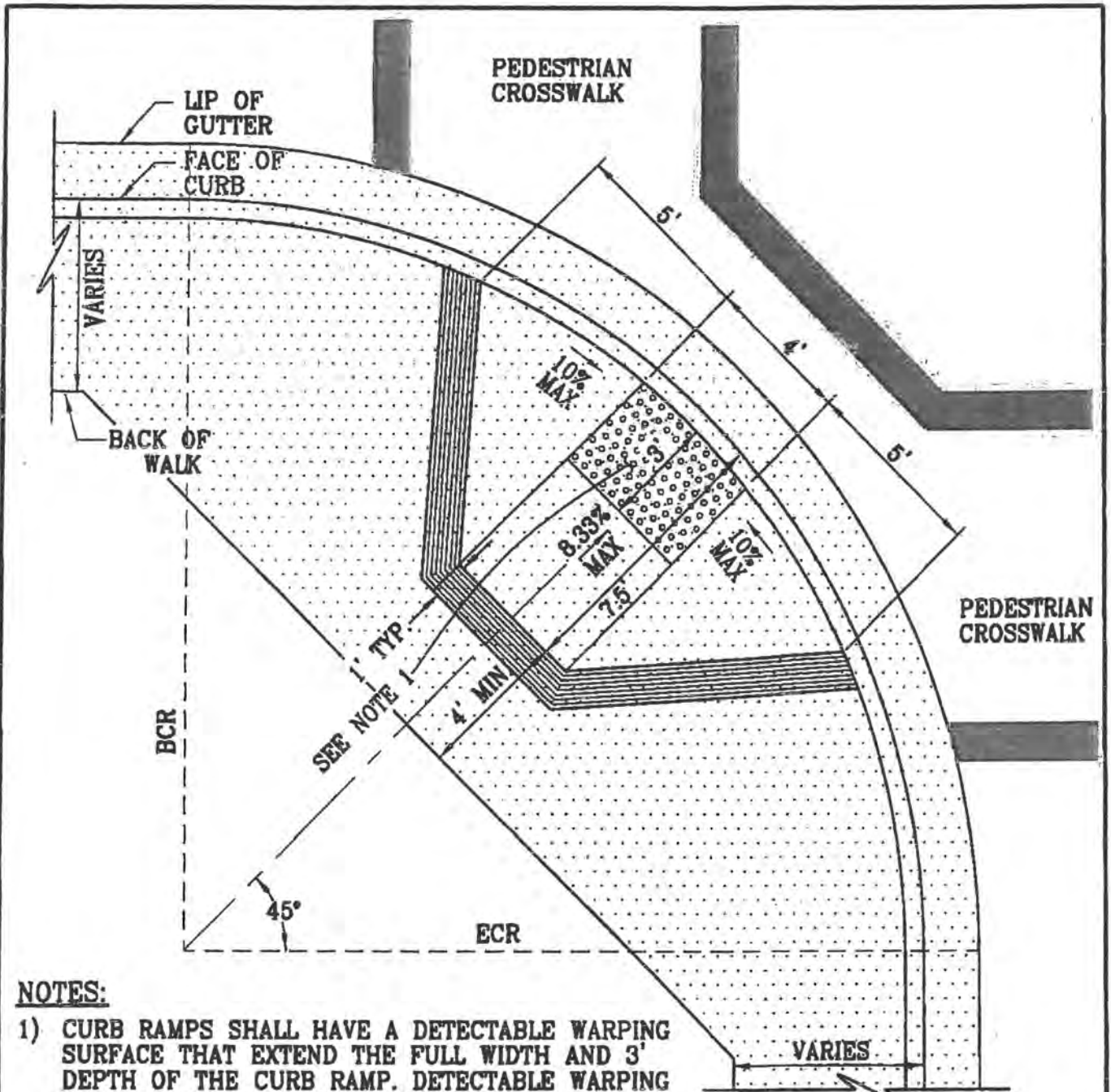


**INTERSECTIONS TO STREETS WITH REAR OR SIDE LOT "BACK-UP" FENCING**

DESIGN SPEED MAJOR STREET	LENGTH OF L
30 MPH	75'
35 MPH	85'
40 MPH	100'
45 MPH	120'
55 MPH	150'

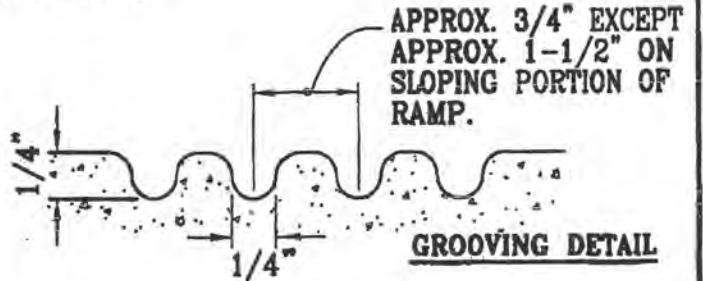
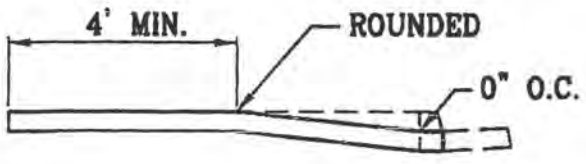
 <p><b>CITY OF CLAYTON</b>  <small>Founded 1887 ... Incorporated 1987</small></p>	<b>SIDEWALK AND GEOMETRICS AT MAJOR STREET INTERSECTIONS</b>		SHEET <b>1 OF 1</b>
	DATE: AUGUST, 2008	SCALE: NONE	PAGE
	APPROVED: 	CITY ENGINEER	<b>S-7</b>


Z:\CLAYTON STANDARDS\DWG\2008 UPDATES\S\S-10 PEDESTRIAN RAMP.DWG  
 TUE, SEP 09, 2008 07:53 A BJB S-10



**NOTES:**

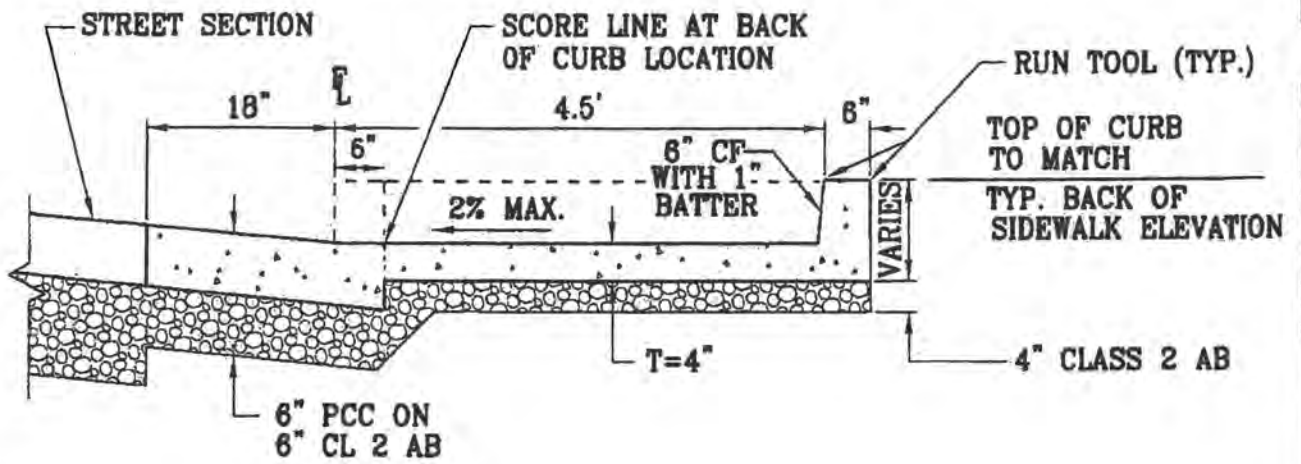
- 1) CURB RAMPS SHALL HAVE A DETECTABLE WARPING SURFACE THAT EXTEND THE FULL WIDTH AND 3' DEPTH OF THE CURB RAMP. DETECTABLE WARPING SURFACE SHALL CONFORM TO THE REQUIREMENTS OF THE ADA.



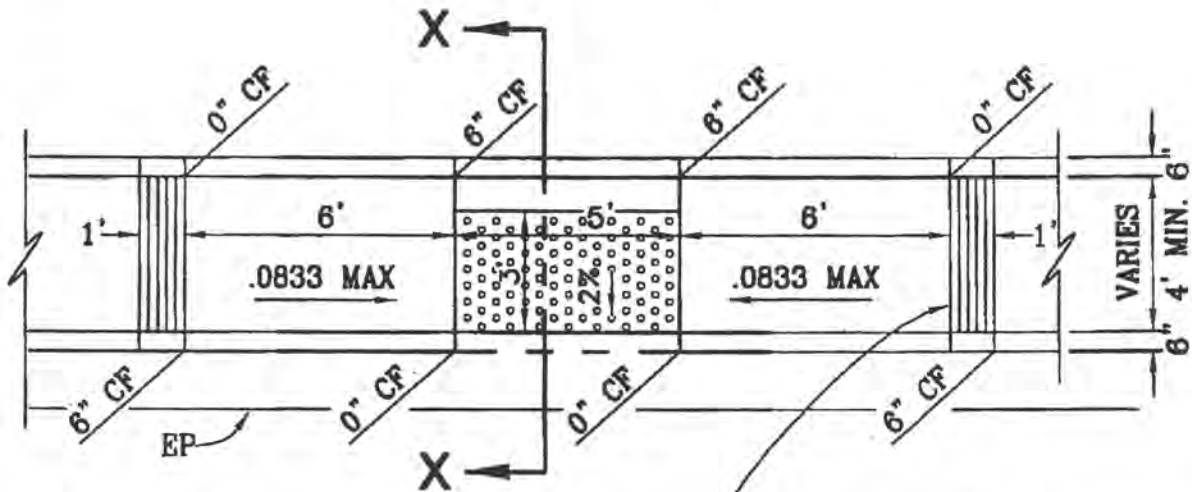
<b>PEDESTRIAN RAMP</b>		SHEET <b>1 OF 1</b>
DATE: AUGUST, 2008	SCALE: NONE	PAGE
APPROVED: 	CITY ENGINEER	<b>S-10</b>



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 TUE, SEP 09, 2008 07:54 A B.B S - 10A



**SECTION X-X**  
 SCALE: NTS



SEE CLAYTON CITY STANDARD S-10 FOR GROOVING DETAIL

**NOTES:**

- 1) CURB RAMPS SHALL HAVE A DETECTABLE WARPING SURFACE THAT EXTEND THE FULL WIDTH AND 3' DEPTH OF THE CURB RAMP. DETECTABLE WARPING SURFACE SHALL CONFORM TO THE REQUIREMENTS OF THE ADA.

	<b>ALTERNATE PEDESTRIAN RAMP</b>		<b>SHEET 1 OF 1</b>
	DATE: AUGUST, 2008	SCALE: NONE	PAGE
	APPROVED:	CITY ENGINEER	<b>S-10a</b>

**RESOLUTION NO. 24 - 2015**

**A RESOLUTION ADOPTING THE ANNUAL BUDGET FOR THE CITY OF CLAYTON FOR THE 2015-2016 FISCAL YEAR COMMENCING JULY 1, 2015 AND ENDING JUNE 30, 2016, AND ADOPTING THE 2015-2016 GANN APPROPRIATIONS LIMITATION**

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

**WHEREAS**, on 2 June 2015 the City Manager and the Finance Manager did prepare, submit and present to the Clayton City Council the proposed budgets for operation of the City of Clayton in Fiscal Year 2015-16 commencing 01 July 2015; and

**WHEREAS**, on 16 June 2015, a Public Hearing was set and duly held on the proposed budgets whereat opportunities were provided accordingly for members of the public to offer comments and provide input on the fiscal plans presented; and

**WHEREAS**, after due consideration and review, the Clayton City Council finds it is in the best interest of the general health, welfare and safety of this City, its citizens and businesspersons, to formally adopt a financial plan governing the receipt and expenditure of public monies in Fiscal Year 2015-2016.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of Clayton, California does hereby adopt the budget revenue by fund for the City of Clayton for the Fiscal Year commencing 01 July 2015 and ending 30 June 2016 as follows:

<b>FUND</b>	<b>2015-16 REVENUES</b>
General Fund – Fund No. 101	\$ 4,124,444
Gas Taxes – Fund No. 201	274,732
Landscape Maintenance District – Fund No. 210	1,033,751
The Grove Park Maintenance District – Fund 211	136,636
Geological Hazard Abatement District – Fund No. 212	37,644
Presley GHAD Settlement – Fund 213	1,070
Street Light Assessment District – Fund No. 214	127,291
Storm Water Assessment – Fund No. 216	125,304
High Street Bridge Assessment District – Fund No. 217	2,048
Oak Street Bridge Assessment District – Fund No. 218	6,330
Measure “J” Fund – Fund No. 220	303,537
Lydia Lane Sewer Assessment District – Fund No. 222	18,400
Oak Street Sewer Assessment District – Fund No. 223	11,806
Restricted Grants – Fund No. 230	122,660
Diablo Estates at Clayton BAD – Fund No. 231	77,726
Development Impact Fees – Fund No. 304	6,200
Clayton Financing Authority – Fund 405	4,130
Middle School CFD – Fund No. 420	406,988
Clayton Station CFD – Fund No. 421	240
Middle School Refunding – Fund 422	427,058

Self Insurance Fund – Fund No. 501	500
Capital Equipment Replacement Fund – Fund No. 502	132,190
Endeavor Hall – Fund No. 702	21,150
Successor Agency (Former RDA) – Fund No. 615	605,700
Successor Housing Agency – Fund No. 616	88,800

TOTAL REVENUE: \$ 8,096,335 ; and

**BE IT FURTHER RESOLVED** the budget appropriations by fund for the City of Clayton for the Fiscal Year beginning 01 July 2015 and ending 30 June 2016 are adopted as follows:

FUND	2015-16 APPROPRIATIONS
General Fund – Fund No. 101	\$ 4,095,928
Gas Taxes – Fund No. 201	670,217
Landscape Maintenance District – Fund No. 210	1,321,875
The Grove Park Maintenance District – Fund 211	142,288
Geological Hazard Abatement District – Fund No. 212	37,668
Street Light Assessment District – Fund No. 214	139,326
Storm Water Assessment – Fund No. 216	213,493
High Street Bridge Assessment District – Fund No. 217	1,708
Oak Street Bridge Assessment District – Fund No. 218	4,648
Measure “J” Fund – Fund No. 220	737,744
Lydia Lane Sewer Assessment District – Fund No. 222	18,564
Oak Street Sewer Assessment District – Fund No. 223	12,005
Restricted Grants – Fund No. 230	176,673
Diablo Estates at Clayton BAD – Fund No. 231	57,666
Development Impact Fees – Fund No. 304	60,180
Clayton Financing Authority – Fund 405	-
Middle School CFD – Fund No. 420	454,998
Clayton Station CFD – Fund No. 421	129,968
Middle School Refunding – Fund 422	431,952
Self Insurance Fund – Fund No. 501	7,248
Capital Equipment Replacement Fund – Fund No. 502	222,600
Endeavor Hall – Fund No. 702	69,320
Successor Agency (Former RDA) – Fund No. 615	666,521
Successor Housing Agency – Fund No. 616	10,000

TOTAL APPROPRIATIONS: \$ 9,682,590 ; and

**BE IT FURTHER RESOLVED** the 5-Year Capital Improvement Budget (CIP) of the City of Clayton for the fiscal years commencing 01 July 2015 and ending 30 June 2020 is hereby adopted with the following CIP Projects scheduled for undertaking in FY 2015-16:

PROJECT	AMOUNT
2015 Neighborhood Street Repave Project	\$ 734,229
Collector Street Rehab Project	410,045
2016 Neighborhood Street Repave Project	552,589
TOTAL CIP EXPENDITURES:	<u>\$ 1,696,863</u> ; and

**BE IT FURTHER RESOLVED** the appropriations listed above constitute the budget for the Fiscal Year 2015-2016 and the City Manager is herein authorized to transfer appropriations within the control accounts as deemed necessary, provided no change is made in the total amount designated for any one fund; and

**BE IT FURTHER RESOLVED** that in the 2015-2016 Budget Document adopted herein, the adjusted base (annual Proposition 4 – Gann Appropriations Limitation) is calculated to be \$9,384,473 while the City's annual tax proceeds total \$4,849,746, an amount approximately one-half (at 51.7%) of the City's allowable tax expenditure cap; and

**BE IT FURTHER RESOLVED** the City Council of Clayton does hereby find and determine it has complied with all of the provisions of Article XIII B of the California Constitution in determining the annual Gann appropriations limit for Fiscal Year 2015-2016; and

**BE IT FURTHER RESOLVED** the City Council established and hereby adopts the current employee salary schedule, labeled as "Exhibit B", and incorporated herein as if fully set forth in said resolution.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California during a public hearing at a regular public meeting thereof held on the 16<sup>th</sup> day of June 2015 by the following vote:

AYES: Mayor Shuey, Vice Mayor Geller, Councilmembers Diaz, Haydon and Pierce.

NOES: None.

ABSTAIN: None.

ABSENT: None.

THE CITY COUNCIL OF CLAYTON, CA

  
 David E. Shuey, Mayor

ATTEST:

  
 Janet Brown, City Clerk

**2015/16-2019/20 Capital Improvement Program**

Category	Project Number	Project
Streets	10379	Pine Hollow Rd. - Upgrade

**DESCRIPTION - LOCATION**

Improve City entry on Pine Hollow Road with new painting, monument sign, etc.



**COMMENTS**

Revised 3/08/10. Widen north side of Pine Hollow Road with new curb, gutter, and sidewalk between Pine Hollow Estates and westerly City Limit.

Work will require acquisition of right of way for new improvements. Conform paving will cross City Limit line into Concord. Install previously purchased entry sign on south side of roadway within existing pavement/ROW area.

*Originally scheduled for funding from Measure J. This funding has been transferred for the overlay of Marsh Creek Road (old), CIP Project No. 10416.*

Estimated Cost	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Preliminary Design								
Final Design								\$25,000
Construction								\$235,000
CM/Inspection								\$15,000
ROW Acquisition								\$50,000
Other								
<b>TOTAL</b>								<b>\$325,000</b>

Funding Source(s)	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Unfunded								\$325,000
<b>Total</b>								<b>\$325,000</b>

**City of Clayton**

**2015/16-2019/20 Capital Improvement Program**

<b>Category</b>	<b>Project Number</b>	<b>Project</b>
Streets	10394A	ADA Compliance Program

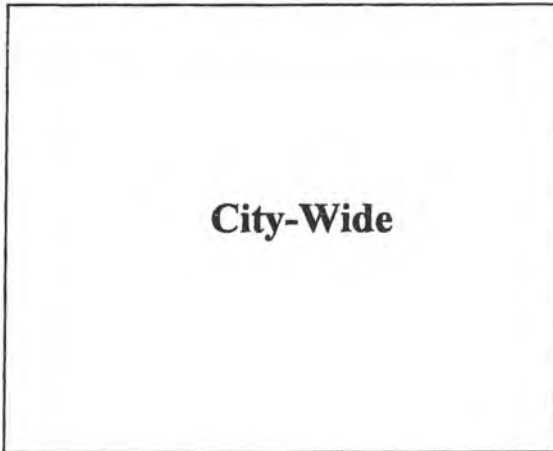
DESCRIPTION - LOCATION

Construction of various improvements.

COMMENTS

As needed to comply with ADA standards as determined by City's transition plan

\$28,000 transferred to CIP 10424 in FY 14/15



<b>Estimated Cost</b>	<b>Prior Yrs.</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>Future</b>	<b>TOTAL</b>
Preliminary Design								
Final Design								
Construction							\$500,000	\$500,000
CM/Inspection								
ROW Acquisition								
Other								
<b>TOTAL</b>							\$500,000	\$500,000

<b>Funding Source(s)</b>	<b>Prior Yrs.</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>Future</b>	<b>TOTAL</b>
Gas Tax	\$10,590	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$459,410	\$500,000
<b>Total</b>	\$10,590	\$6,000	\$6,000	\$6,000	\$6,000	\$6,000	\$459,410	\$500,000

**City of Clayton**

**2015/16-2019/20 Capital Improvement Program**

Category	Project Number	Project
Streets	10396	East Marsh Creek Road Traffic Signal

DESCRIPTION - LOCATION

Install traffic signal on Marsh Creek Road somewhere east of Diablo Parkway.



COMMENTS

City Council postponed project.

Estimated Cost	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Preliminary Design								
Final Design							\$20,000	\$20,000
Construction							\$230,000	\$230,000
CM/Inspection							\$20,000	\$20,000
ROW Acquisition								
PG&E Poles							\$80,000	\$80,000
TOTAL							\$350,000	\$350,000

Funding Source(s)	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Unfunded							\$350,000	\$350,000
Total							\$350,000	\$350,000

**City of Clayton**

**2015/16-2019/20 Capital Improvement Program**

Category	Project Number	Project
Streets	10414	East Marsh Creek Road Upgrade

**DESCRIPTION - LOCATION**

Widen existing roadway to provide two full-width travel lanes, bike lanes, shoulders and pedestrian paths.

**COMMENTS**

Due to possible land movement areas and steep grades along the roadway, there may be the need for additional right of way in order to complete the proposed work. The stormwater requirements coming into effect will necessitate some type of water treatment.



Original budget was \$1,200,000; \$119,000 transferred to Marsh Creek Road (old) Overlay project , CIP Project No. 10416; upon completion of 10416, \$58,022 transferred back to 10414.

Estimated Cost	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Preliminary Design	\$30,000							\$30,000
Final Design		\$60,000						\$60,000
Construction		\$942,224						\$942,224
CM/Inspection		\$60,000						\$60,000
ROW Acquisition		\$30,000						\$30,000
Other								
<b>TOTAL</b>	\$30,000	\$1,092,224						\$1,122,224

Funding Source(s)	Prior Yrs.	2015-16	2016-17	2017-18	2018-19	2019-20	Future	TOTAL
Measure J (grant)	\$1,122,224							\$1,122,224
<b>Total</b>	\$1,122,224							\$1,122,224

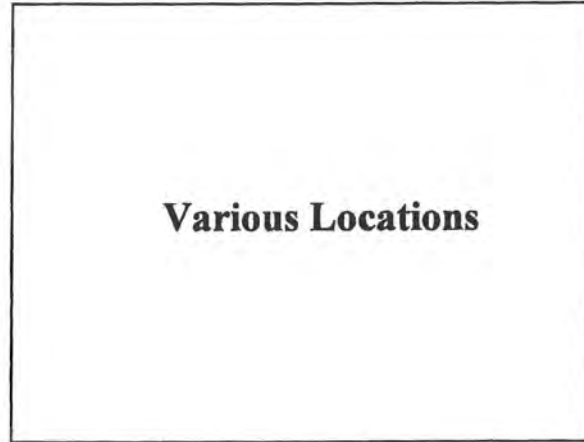


**2015/16-2019/20 Capital Improvement Program**

<b>Category</b>	<b>Project Number</b>	<b>Project</b>
Streets	10424	2015 Neighborhood Street Project

DESCRIPTION - LOCATION

Pavement resurfacing and treatment on various streets throughout City.



COMMENTS

<b>Estimated Cost</b>	<b>Prior Yrs.</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>Future</b>	<b>TOTAL</b>
Preliminary Design								
Final Design	\$15,000							\$15,000
Construction		\$739,229						\$739,229
CM/Inspection		\$20,000						\$20,000
ROW Acquisition								
Other								
<b>TOTAL</b>		\$759,229						\$774,229

<b>Funding Source(s)</b>	<b>Prior Yrs.</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>Future</b>	<b>TOTAL</b>
Gas Tax	\$350,807							\$350,807
Measure J (per cap & 28A)	\$377,152							\$377,152
ADA – CIP 10394A	\$28,000							\$28,000
CCWD	\$18,270							\$18,270
<b>Total</b>	\$774,229							\$774,229

**City of Clayton**

**2015/16-2019/20 Capital Improvement Program**

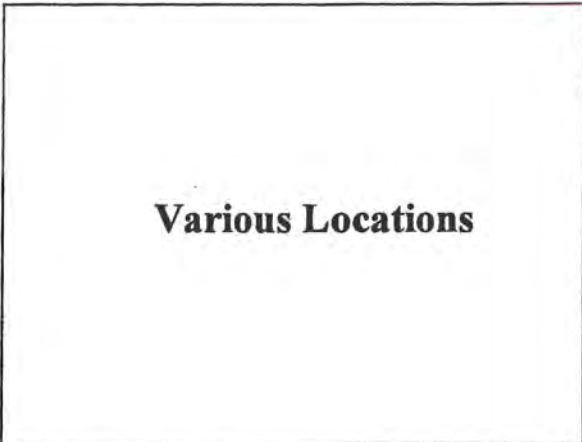
<b>Category</b>	<b>Project Number</b>	<b>Project</b>
Streets	10425	Collector Street Rehabilitation Project

DESCRIPTION - LOCATION

Pavement resurfacing and treatment on various collector streets throughout City.

COMMENTS

Local Streets & Roads Shortfall (LS&RS) funding is federal requiring extensive processing for construction approval. Gas Tax amount covers city share as required by federal funding.



<b>Estimated Cost</b>	<b>Prior Yrs.</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>Future</b>	<b>TOTAL</b>
Preliminary Design	\$15,000							\$15,000
Final Design		\$20,000						\$20,000
Construction		\$370,000						\$370,000
CM/Inspection		\$25,000						\$25,000
ROW Acquisition								
Other								
<b>TOTAL</b>	\$15,000	\$415,000						\$430,000

<b>Funding Source(s)</b>	<b>Prior Yrs.</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>Future</b>	<b>TOTAL</b>
LS&RS	\$385,000							\$385,000
Gas Tax*	\$45,000							\$45,000
<b>Total</b>	\$430,000							\$430,000

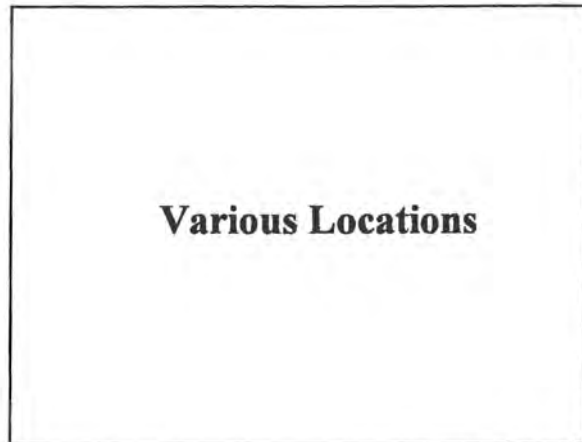
**City of Clayton**

**2015/16-2019/20 Capital Improvement Program**

<b>Category</b>	<b>Project Number</b>	<b>Project</b>
Streets	10432	2016 Neighborhood Street Project

DESCRIPTION - LOCATION

Pavement resurfacing and treatment on various streets throughout City.



COMMENTS

<b>Estimated Cost</b>	<b>Prior Yrs.</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>Future</b>	<b>TOTAL</b>
Preliminary Design								
Final Design			\$20,000					\$20,000
Construction			\$929,600					\$929,600
CM/Inspection			\$20,000					\$20,000
ROW Acquisition								
Other								
<b>TOTAL</b>			\$969,600					\$969,600

<b>Funding Source(s)</b>	<b>Prior Yrs.</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>Future</b>	<b>TOTAL</b>
Gas Tax		\$192,000	\$184,000					\$376,000
Measure J (per capita)		\$360,600	\$233,000					\$593,600
<b>Total</b>		\$552,600	\$417,000					\$969,600

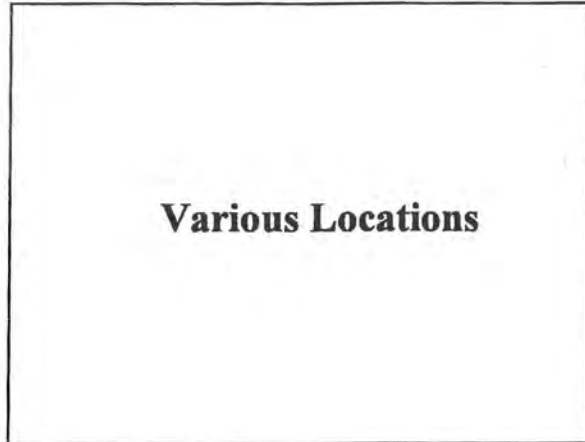
**City of Clayton**

**2015/16-2019/20 Capital Improvement Program**

<b>Category</b>	<b>Project Number</b>	<b>Project</b>
Streets	10436	2018 Neighborhood Street Project

DESCRIPTION - LOCATION

Pavement resurfacing and treatment on various streets throughout City.



COMMENTS

<b>Estimated Cost</b>	<b>Prior Yrs.</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>Future</b>	<b>TOTAL</b>
Preliminary Design								
Final Design					\$20,000			\$20,000
Construction					\$794,000			\$794,000
CM/Inspection					\$20,000			\$20,000
ROW Acquisition								
Other								
<b>TOTAL</b>					\$834,000			\$834,000

<b>Funding Source(s)</b>	<b>Prior Yrs.</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>Future</b>	<b>TOTAL</b>
Gas Tax				\$184,000	\$184,000			\$368,000
Measure J				\$233,000	\$233,000			\$466,000
<b>Total</b>				\$417,000	\$417,000			\$834,000

**ORDINANCE NO. 337**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAYTON REPLACING IN ITS ENTIRETY CHAPTER 10.60, SECTIONS 10.60.010 THROUGH 10.60.200 (TRANSPORTATION DEMAND MANAGEMENT) OF THE CLAYTON MUNICIPAL CODE WITH NEW CHAPTER 10.60, SECTIONS 10.60.010 THROUGH 10.60.040 (TRANSPORTATION SYSTEMS MANAGEMENT) (FILE #821-98)**

**THE CITY COUNCIL OF THE CITY OF CLAYTON DOES ORDAIN AS FOLLOWS:**

**WHEREAS**, the Clayton Municipal Code contains Chapter 10.60 entitled Transportation Demand Management which sought to improve the ambient air quality by reducing air pollution emissions that result from vehicle commute trips to work sites located within the City with 100 or more employees, which implemented both Regulation 13 of the Bay Area Air Quality Management District and the requirement of the Contra Costa Transportation Authority (CCTA) that employment complexes of 100 or more employees develop trip reduction programs; and

**WHEREAS**, the California Legislature in 1995 amended congestion management requirements to prohibit local jurisdictions from enforcing mandatory employer trip reduction programs; and

**WHEREAS**, in order to implement the mandate of the 1995 Legislation, it is necessary and advisable to repeal the TDM Ordinance requirements for mandatory employer-based trip reduction plans and to approve and adopt new purposes, goals and objectives for transportation systems management; and

**WHEREAS**, pursuant to the requirements of Contra Costa County Measure C on the 1988 General Ballot, each jurisdiction within Contra Costa County was required, as a condition of receiving Measure C Local Street Maintenance and Improvement funds from the one half cent sales tax imposed by Measure C, to adopt a Transportation Systems Management ("TSM") Ordinance or other mitigations to promote carpools, vanpools, and park and ride lots; and

**WHEREAS**, The City of Clayton assigned the delegation and implementation of the TDM Ordinance to TRANSPAC in 1994 in order to more consistently comply with multiple legislative mandates requiring Trip Reduction Ordinances and Programs; and

**WHEREAS**, the City of Clayton intends to continue its participation in the TSM

**ORDINANCE NO. 337**

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Program managed by TRANSPAC; and

**WHEREAS**, the CCTA prepared a new model Transportation Systems Management Ordinance to comply with the 1995 Legislation and to include the broader definition of TSM and the proposed TSM Code Sections are substantially identical to the CCTA prepared model ordinance; and

**WHEREAS**, the new Transportation System Management sections are consistent with the goals and policies of the Clayton General Plan; and

**WHEREAS**, on March 17, 1992 the Clayton City Council approved a Negative Declaration for a previous version of a Transportation Systems Management Ordinance which indicated that no significant adverse impacts would occur as a result of the adoption and implementation of those Transportation Systems Management Code sections. The proposed Transportation Systems Management sections are consistent with the purpose of the previous Transportation Systems Management sections and represent minor changes in wording and simplification of procedures. Given the substantial similarity in purpose between the previous Transportation Systems Management Code sections and the proposed Transportation Systems Management Code sections, the Negative Declaration is still valid and adequately indicates that no significant adverse impacts will occur as a result of adoption and implementation of the proposed Transportation Systems Management sections; and

**WHEREAS**, the Clayton City Council held a duly noticed meeting on May 5, 1998, and gave due consideration to all testimony, comments and documents received.

**NOW, THEREFORE**, the City Council of the City of Clayton does ordain as follows:

SECTION 1. Each of the facts recited above are found to be true and correct and a matter of public record.

SECTION 2. The Municipal Code Amendment as hereabove described, a true and correct copy of which is attached hereto marked "Exhibit A" and made part hereof, is approved and new Chapter 10.60, sections 10.60.010 through 10.60.040 as shown on "Exhibit A" are

ORDINANCE NO. 337

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hereby added to Title 10 of the Clayton Municipal Code, in place of existing Chapter 10.60, sections 10.60.010 through 10.60.200.

SECTION 3. The City of Clayton delegates to TRANSPAC its participation in the TSM Program in order to achieve the goals and objectives as described in the Countywide Comprehensive Transportation Plan, the Measure C Strategic Plan, the Congestion Management Plan and/or the Bay Area Clean Air Plan.

SECTION 4. Severability Clause. If any provision 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 of competent jurisdiction, such invalidity shall not affect other provisions or clauses of the 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. This Ordinance shall become effective thirty (30) days from and after its passage.

Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause it to be posted in the three (3) public places heretofore designated by resolution of the City Council for the posting of ordinances and public notices.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on May 5, 1998, by unanimous vote.

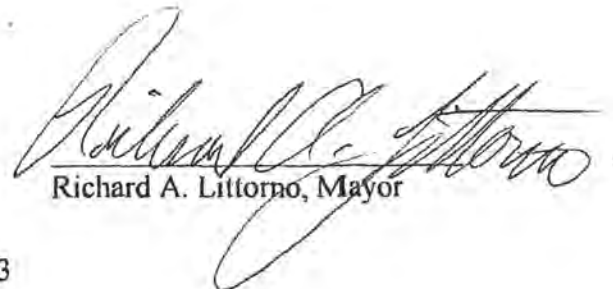
Passed, adopted and ordered posted at a regular meeting of the City Council of the City of Clayton on May 19, 1998, by the following vote:

AYES: Council Members Manning, Peterson, Pierce, Vice Mayor Laurence

NOES: None

ABSENT: Mayor Littorno

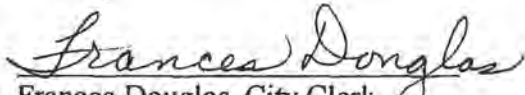
ABSTAIN: None

  
Richard A. Littorno, Mayor

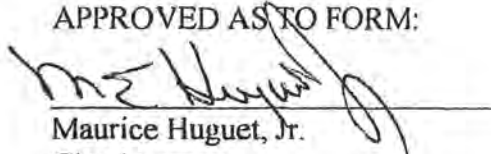
ORDINANCE NO. 337

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ATTEST:

  
Frances Douglas, City Clerk

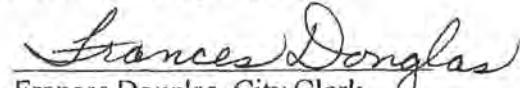
APPROVED AS TO FORM:

  
Maurice Huguet, Jr.  
City Attorney

APPROVED BY ADMINISTRATION:

  
Richard Hill  
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 May 5, 1998, and was duly adopted, passed and ordered posted at a regular meeting of the City Council held on May 19, 1998.

  
Frances Douglas, City Clerk

Effective June 18, 1998



**ORDINANCE NO. 337**  
**"EXHIBIT A"**

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Chapter 10.60

TRANSPORTATION SYSTEMS MANAGEMENT (TSM)

Sections:

10.60.010	Purpose.
10.60.020	Goal.
10.60.030	Policies.
10.60.040	City TSM Program.

(Ord. 337,1998.)

10.60.010 Purpose. This ordinance is enacted by the City of Clayton for the following purposes:

A. To promote maximum efficiency in the existing transportation system and to further the transportation goals of the Contra Costa Transportation Authority's Measure C Growth Management Program, Contra Costa's Congestion Management Program and the Bay Area Clean Air Plan by:

1. Promoting and encouraging the use of transit, ridesharing, bicycling, walking, flexible work hours and telecommuting as alternatives to solo driving;
2. Incorporating these goals and objectives into the land use review and planning process;
3. Developing proactive programs and/or projects either alone or in conjunction with other jurisdictions, or with TRANSPAC aimed at achieving these purposes;
4. Considering the incorporation of appropriate technology designed to facilitate traffic flow, provide transit and highway information, provide trip generation alternatives, and related technology into the transportation system;
5. Educating Central County employees, employers, residents and students regarding the benefits and availability of commute alternatives;
6. Working with the transit authorities to better serve Central Contra Costa County;
7. Encouraging the most cost effective, broad-based and wide range of transportation improvement projects aimed at achieving congestion relief;
8. Cooperating with other jurisdictions, the private sector, and transit operators in planning and implementing transportation programs.

B. To reflect an ongoing commitment to TSM efforts, in order to achieve traffic congestion management and air quality goals.

C. To comply with applicable state and federal laws as well as with Measure C Growth Management Program requirements pertaining to TSM.

**ORDINANCE NO. 337**  
**"EXHIBIT A"**

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10.60.020     Goal. The goal of the TSM Ordinance is to ensure the continuation of a proactive TSM program effort aimed at reducing vehicle trips, vehicle emissions and traffic congestion in the most efficient and cost-effective manner.

10.60.030     Policies. This ordinance establishes the following policies:

A.     Participate, in conjunction with other jurisdictions and TRANSPAC, in a proactive effort to support and develop projects which will achieve the Measure C TSM/ TDM goals as described in the TRANSPAC Action Plan, the Countywide Comprehensive Transportation Plan, the Measure C Strategic Plan, the Congestion Management Plan and/or the Bay Area Clean Air Plan. Such participation may include, but need not be limited to:

1.     Promotion and encouragement of the use of transit, ridesharing, bicycling, walking, flexible work hours, telecommuting or other alternatives to solo driving;
2.     Projects incorporating appropriate technology designed to facilitate traffic flow, provide transit and highway information and related technology.

B.     Incorporate these goals, as appropriate, into its land use review and planning process.

10.60.040     City TSM Program.

A.     Development Review Standards. The City shall require design features that facilitate pedestrian access, ride sharing, and transit use to be incorporated within subdivision and development proposals, as appropriate. These design features may include bus turnouts and shelters, park and ride lots, preferential parking for car/ vanpools, and effective pedestrian, equestrian, and bicycle access features.

B.     Information Program. The City shall encourage that all developments (residential as well as non-residential) generating more than 100 peak hour trips implement a TSM information program. This program seeks to provide information to residents and employers on RIDES and other ride matching agencies, transit schedules, bicycle facilities, and locations of nearby Park and Ride lots.

**RESOLUTION NO. 13-2011**

**A RESOLUTION UPDATING THE  
GROWTH MANAGEMENT ELEMENT  
OF THE CLAYTON GENERAL PLAN  
(GPA 01-11)**

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

**THE CITY COUNCIL OF THE CITY OF CLAYTON FINDS AS FOLLOWS:**

**WHEREAS**, for the purpose of complying with adopted Contra Costa Ballot Measures C and J and related biennial checklist requirements of the Contra Costa Transportation Authority (CCTA) to receive the City's share of transportation funding related to those ballot measures, the City of Clayton was required to update its General Plan Growth Management Element (GME); and

**WHEREAS**, staff worked with Raney Planning & Management and the staff of CCTA to prepare the update to the GME in accordance with the requirements of applicable Measures C and J and CCTA; and

**WHEREAS**, the Planning Commission held a duly-noticed meeting on April 26, 2011 to review the updated GME; and

**WHEREAS**, the Planning Commission considered the public testimony and staff reports regarding the GME at the April 26, 2011 meeting; and

**WHEREAS**, the Planning Commission determined recommending City Council approval of the GME is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 (b) (3); would be in conformance with the Clayton General Plan; and that the public necessity, convenience, and general welfare would require approval of the GME update; and

**WHEREAS**, there is no evidence that the proposed GME update would have the potential for any individual or cumulative adverse impacts on fish and wildlife resources or their habitat, as defined in Section 711.2 of the Fish and Game Code.

**WHEREAS**, at a duly-noticed public hearing on May 17, 2011, the City Council considered the staff report and related background documents as well as the testimony of all persons speaking of providing information on this matter.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of Clayton, California, does hereby approve the update to the Growth Management Element of the Clayton General Plan (see Attachment A), based on the following determinations:

SECTION 1. The above recitals and citations are true and correct; and,

SECTION 2: This GME update is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061 (b) (3) of the CEQA Guidelines; and

SECTION 3. This GME update is consistent with applicable provisions of State law; and

SECTION 4. This GME update is consistent with the requirements of applicable provisions of Contra Costa County Ballot Measures C and J; and

SECTION 5. This GME is in conformance with the Clayton General Plan, and that the public necessity, convenience, and general welfare would require approval of the GME update.

**PASSED, APPROVED and ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on the 17<sup>th</sup> day of May, 2011 by the following vote:

**AYES:** Mayor Shuey, Vice Mayor Geller, Councilmembers Medrano, Pierce and Stratford.

**NOES:** None.

**ABSENT:** None.

**ABSTAIN:** None.

THE CITY COUNCIL OF CLAYTON

  
David T. Shuey, Mayor

ATTEST

  
Laci J. Jackson, City Clerk

Attachment A: Section XI Growth Management Element

GPA\2011\01-11.resolution.cc.mtg.5.17.11

**Section XI**

**GROWTH MANAGEMENT ELEMENT**

**INTRODUCTION**

**TRAFFIC SERVICES**

**PUBLIC FACILITIES AND SERVICES**

**GENERAL GROWTH MANAGEMENT**

**BACKGROUND INFORMATION AND ANALYSIS**

## INTRODUCTION

### **The City of Clayton**

Clayton is situated in Central Contra Costa County southeast of the City of Concord. The City is bounded on the west by the City of Concord. Clayton's northern boundary is also defined by the City of Concord and by ridge lines separating Clayton from unincorporated portions of Contra Costa County. To the east, Clayton is separated from unincorporated areas by ridge lines and by the legal line of the City Limits itself. Clayton is defined on the south by the boundary of Mt. Diablo State Park.

The U.S. Census Bureau estimated that Clayton had a population of 10,897 in 2010, and according to the Association of Bay Area Governments (ABAG) projections, the population will increase to 12,600 by 2030 with an average annual growth rate of 0.7%. According to the U.S. Census Bureau, Clayton's housing stock in 2010 consisted of 4,086 total housing units. While Clayton's housing stock increased between 1990 and 2010 (based on Census counts), the composition of the housing stock remained generally unchanged. The U.S. Census documents that Clayton's population was 79.3% white in 2010, compared to 87.9% in 2000. Clayton is a primarily owner-occupied community with few multi-family units in the City. Clayton's housing units had a 2009 median sales price of \$417,000.

Major traffic corridors within the Clayton area include Clayton Road which is the main access into the City from the west and Oakhurst Drive and Pine Hollow Road which are also significant access routes to the west. Marsh Creek Road terminates at Clayton Road and is the main access into the City from the east. To the west of the City is Ygnacio Valley Road/Kirker Pass Road corridor which is a main north/south road in the area which runs southwest to Walnut Creek and northeast to Pittsburg.

### **Purpose and Authority**

The purpose of the Growth Management Element to the Clayton General Plan is to establish goals, standards, and policies for traffic services, public facilities and services, and general growth management. By adopting and implementing this Element, Clayton intends to establish a comprehensive, long-range program which will match the demands for multi-modal transportation facilities and services generated by new development with plans, capital improvement programs and development mitigation programs. In addition, Clayton intends to promote compact urban development patterns and restrict the extension of infrastructure into areas where urban development is not planned.

A Growth Management Element is adopted pursuant to Section 65303 of the California Government Code. This code section states "the general plan may include any other elements or address any other subjects which, in the judgment of the legislative body, relate to the physical development of the City." The Growth Management Element is also consistent with the requirements of the Measure J Growth Management Program, approved by the Contra Costa County voters in 2004, effective April 1, 2009.

The Measure J Growth Management Program requires each local jurisdiction to meet the six following requirements:

- Adopt Development Mitigation Program;
- Address Housing Options;
- Participate in an Ongoing Cooperative, Multi-Jurisdictional Planning Process;
- Adopt an Urban Limit Line (ULL);
- Develop a Five-Year Capital Improvement Program; and
- Adopt a Transportation System Management (TSM) Ordinance or Resolution; and

Measure J is a 2004 voter-approved, 25-year extension of the previous Measure C Contra Costa Transportation Improvement and Growth Management Program initially approved by voters in 1988. The Growth Management component is intended to assure that future residential, business, and commercial growth pays for the facilities required to meet the demands resulting from that growth. Compliance with the Growth Management Program is linked to receipt of Local Street Maintenance and Improvement Funds and Transportation for Livable Community Funds from the Transportation Authority.

Measure J eliminates the previous Measure C requirements for local performance standards and Level of Service (LOS) standards for non-regional routes; however, the City of Clayton will carry forward the LOS standards for non-regional routes, and performance standards for fire, police, parks, sanitary, water, and flood control as each could continue to play a decisive role in assessing the impacts of proposed new development. Measure J also adds the requirement for adoption of a voter-approved ULL.

### **Organization**

This Growth Management Element is organized into six sections: INTRODUCTION, TRAFFIC SERVICES, PUBLIC FACILITIES and SERVICES, GENERAL GROWTH MANAGEMENT, and BACKGROUND INFORMATION and ANALYSIS. The INTRODUCTION provides a broad overview of the City; the purpose of the Element; the relationship to other Elements of the General Plan; and finally, defines key terms. The TRAFFIC SERVICES section establishes traffic goals and standards, and proposes traffic policies and implementation measures. The PUBLIC FACILITIES and SERVICES section addresses the areas of police, parks, fire protection, sanitary sewer, water supply, and flood control. Goals and standards regarding these areas are presented, and policies and implementation measures are proposed. The GENERAL GROWTH MANAGEMENT section addresses additional goals and standards as well as policies and implementation measures regarding such areas as housing options, adoption of an Urban Limit Line, and a City-wide Capital Improvement Program. The BACKGROUND INFORMATION and ANALYSIS section addresses the areas of traffic, police, parks, fire protection, sanitary sewer, water supply, flood control services, and general growth management such as housing options.

## **Relation to Other Elements of the General Plan**

Each Element of Clayton's General Plan, including the Growth Management Element, must be internally consistent as well as consistent with each other. In other words, data, goals, policies and maps and diagrams should not conflict with each other, rather they must be compatible and mutually supportive. The Elements of Clayton's General Plan overlap and intertwine. The Growth Management Element's traffic service information relates to the Circulation Element. For example, the Circulation Element's goal includes the statement to "assure adequate traffic capacity on major thoroughfares." This statement is addressed in the Growth Management Element's LOS standards and development mitigation implementation actions. Also, Objective 8 of the Circulation Element calls for cooperation with Concord and the County. This objective is implemented, in part, by the Growth Management Element's implementation policy regarding multi-jurisdictional transportation planning.

The Growth Management Element's public facilities and services information relates to the Community Facilities Element. The Community Facilities Element has several policies which address sanitary sewer, water supply, flood control, fire protection, and parks. These topics are directly addressed in the Growth Management Element. In addition, inter-relationships between other Elements and the Growth Management Element exist. The Housing Element has an implementation measure (1C) which raises the issue of development review for infrastructure. This issue is also addressed in the implementation policies of the public facilities and services section of the Growth Management Element. The Community Design Element contains a policy (4b) seeking to minimize traffic congestion at intersections; the Open Space and Conservation Element includes an objective (2) and policies relating to parks; the Safety Element has objectives and policies concerning flood hazards and fire protection (8-11); all these topics are also addressed in the Growth Management Element. Finally, the Land Use Element guides the physical representation of the standards and policies of the Growth Management Element.

### **Definitions:**

**Basic Route.** All local roads not designated as Routes of Regional Significance; Level of Service Standards apply to all signalized intersections on Basic Routes.

**Findings of Special Circumstances.** Findings made by the Contra Costa Transportation Authority, following a request by a City, that override the requirement to amend the General Plan, Zoning Ordinance, Capital Improvement Plan or other relevant plan or policy, when a basic route (non-regional route) does not meet its adopted standard.

**LOS.** Level of Service, a standard comparing traffic volume to capacity at intersections (v/c), in terms of percent. LOS runs from A to F, with A having the lowest volume to capacity (no congestion, free flowing conditions).



**Regional Route Action Plan.** Plans for Regional Routes which are developed by local jurisdictions in cooperation as a Regional Transportation Planning Committee. Plans include:

1. Overall policy goals established by the Transportation Authority.
2. Traffic service objectives.
3. Actions to be implemented by participating jurisdictions.

**Route of Regional Significance (also Regional Routes).** Road designated by the Contra Costa Transportation Authority, consistent with procedures described in the: "Implementation Guide: Traffic Level of Service Standards and Programs for Routes of Regional Significance." These roads are subject to objectives and programs in adopted Action Plans.

## TRAFFIC SERVICES

Due to its geographic location, most of the residents of Clayton rely on the automobile for transportation. Clayton's system of streets is the major component of the City's transportation system. This system reflects a large investment in and commitment to the automobile. The use of the automobile for single occupant trips must, however, be reduced. Clayton's residents need to increase the use of alternate modes of transportation, such as public transit, car/van pools, bicycling, walking, etc.

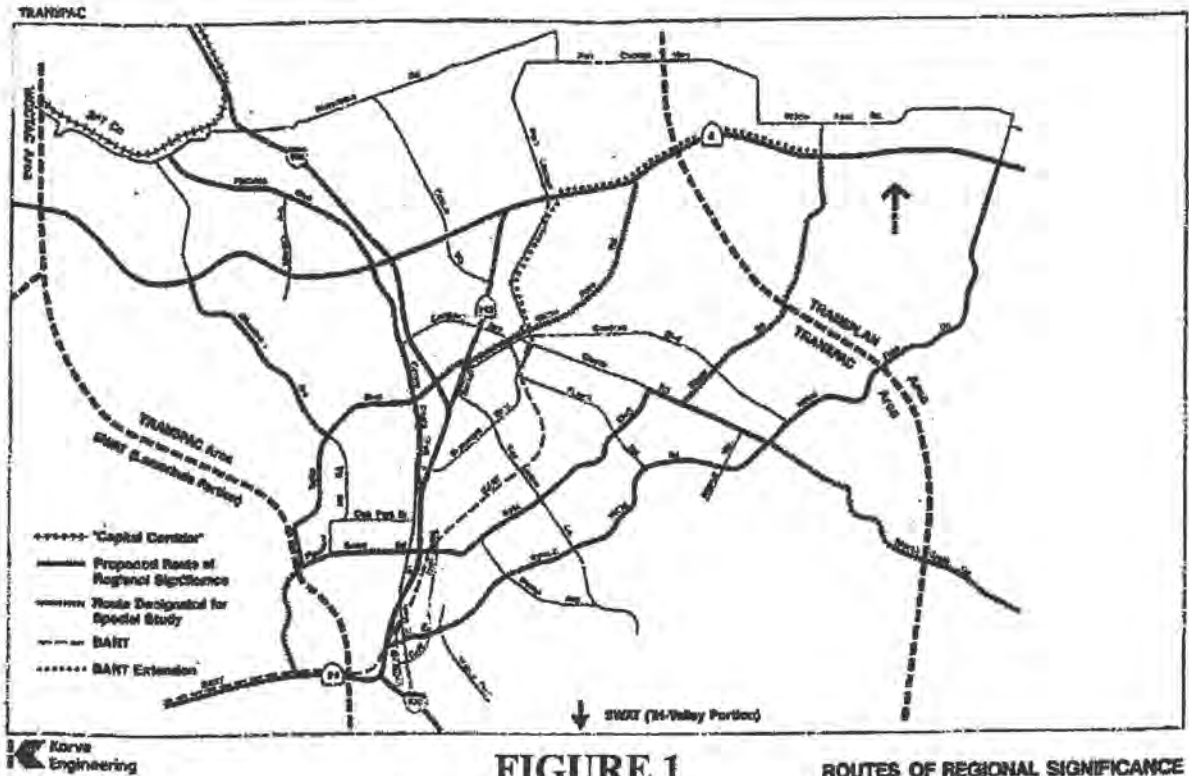
### Goals

1. Promote the development of a street system that minimizes adverse impacts on the environment and surrounding land uses.
2. Design a street system that while accommodating urban development is consistent with orderly growth.
3. Promote more efficient, less environmentally harmful modes of transportation (transit, car/van pools, bicycling, walking, etc.) and consider non-capacity increasing solutions to decrease dependence on the automobile (transit information, flex-schedules, preferential treatment for high occupancy vehicles, etc.)
4. Assure that new residential, business, and commercial growth pays for the facilities required to meet the demands resulting from that growth.

### Performance Standards

1. **Routes of Regional Significance:** The City of Clayton, in cooperation with the TRANSPAC Regional Transportation Planning Committee, has acknowledged designated Routes of Regional Significance for the Central Contra Costa County area. These designated Routes are shown on Figure 1. A Route of Regional Significance does not exist within Clayton's City Limits. However, immediately to the west of the City, the Ygnacio Valley Road/Kirker Pass Road corridor is a designated Route of Regional Significance.
2. **Reporting Intersection Traffic Level of Service (LOS) Standards:** There are eight signalized intersections within Clayton. Four of these intersections are key in determining whether or not the City's basic route system is operating efficiently and meeting Level of Service standards. These four reporting intersections along with their related Level of Service standards are as follows:

<u>Intersection</u>	<u>Adjacent Land Use</u>	<u>Poorest Acceptable LOS</u>
Clayton Rd/Washington Blvd.	Urban	LOS high D
Clayton Rd/Mitchell Canyon Rd.	Suburban	LOS low D
Marsh Creek Rd./Regency Drive	Suburban	LOS low D
Oakhurst Dr./Eagle Peak Ave. (south)	Suburban	LOS low D



**FIGURE 1**

**ROUTES OF REGIONAL SIGNIFICANCE**

**Objective 1**

Development Mitigation: The City shall adopt and maintain a development mitigation program to ensure that new growth pays its fair share of the costs associated with that growth.

**Policies/Implementation Measures**

- 1a Clayton will continue to implement its adopted development fees to require developers to pay the costs necessary to mitigate the impacts of their development on the local street system.
- 1b Clayton will participate in TRANSPAC's regional development mitigation program and establish fees, exactions, assessments, or other mitigation measures to fund regional or subregional transportation improvements needed to mitigate the impacts of planned development on the regional transportation system.

- 1c Clayton will periodically review the existing adopted development fees to determine if the fees accurately reflect the needed traffic mitigation associated with development.
- 1d As part of the development review process for projects estimated to generate over 100 peak-hour vehicle trips, Clayton will require the developer/applicant to provide the City with a traffic impact study consistent with the Technical Guidelines published by the Contra Costa Transportation Authority.
- 1e Development projects expected to generate over 100 peak-hour vehicle trips in the peak direction will not be approved by the City unless a finding of consistency can be made with the Reporting Intersection Traffic Level of Service Standards.
- 1f The City will not use Local Street Improvement and Maintenance funds allocated to Clayton, pursuant to Measure J by the Contra Costa Transportation Authority, to replace developer funding for transportation projects determined to be required for growth to comply with standards.

**Objective 2**

Multi-Jurisdictional Transportation Planning: The City shall participate in an on-going multi-jurisdictional planning process with other jurisdictions and agencies, the RTPC, and the Contra Costa Transportation Authority to create a balanced, safe, and efficient transportation system and to manage the impacts of growth.

**Policies/Implementation Measures**

- 2a Clayton has and will continue to participate in multi-jurisdictional transportation planning by participating in the activities of the TRANSPAC Regional Transportation Planning Committee including the development of a Regional Route Action Plan and cooperating in planning for intersections subject to Findings of Special Circumstances.
- 2b Clayton will participate in the Contra Costa Transportation Authority's conflict resolution process, as needed, to resolve transportation related disputes.
- 2c Clayton will report its progress regarding the Growth Management Program to the Contra Costa Transportation Authority by submitting a compliance checklist and maintaining other necessary information.
- 2d Clayton will assist the Contra Costa Transportation Authority in maintaining its travel demand modeling system by providing information on proposed transportation improvements, including those adopted as part of the City's Capital Improvement Program, planned and approved development within the City, and long-range plans relative to ABAG's projections for household and jobs within the City.

**Objective 3**

Transportation Systems Management (TSM): To promote maximum efficiency in the existing transportation system and to further the transportation goals of the Contra Costa Transportation Authority's Measure J Growth Management Program, Contra Costa's Congestion Management Program, and the Bay Area Clean Air Plan; to reflect an ongoing commitment to TSM efforts, in

order to achieve traffic congestion management and air quality goals; and to comply with applicable state and federal laws.

**Policies/Implementation Measures**

- 3a As part of its program to ensure the continuation of a proactive TSM program effort, aimed at reducing vehicle trips, vehicle emissions, and traffic congestion in the most efficient and cost-effective manner, the City will continue to implement its Transportation Demand Management Ordinance.
- 3b The City will require design features that facilitate pedestrian access, bicycle use, ride sharing, and transit use to be incorporated within subdivision and development proposals, as appropriate. Design features may include bus turnouts and shelters, park and ride lots, preferential parking for car/van pools, and effective pedestrian, equestrian, and bicycle access features.
- 3c The City will require that all developments (residential as well as non-residential) generating more than 100 peak hour trips, implement a TSM information program. The program shall seek to provide information to residents and employers on RIDES and other ride matching agencies, transit schedules, bicycle facilities, and locations of nearby Park and Ride lots.

**Objective 4**

Achieving LOS Standards: The City shall maintain and improve traffic operations compliant with LOS standards.

**Policies/Implementation Measures**

- 4a In the event that any of Clayton's four reporting intersections identified above fail to meet its LOS standard, Clayton will consider amendments to the General Plan, Zoning Ordinance, Capital Improvement Program and/or other relevant plans and policies in order to attain the standard.
- 4b Capital projects necessary to maintain and improve traffic operations to comply with LOS standards will be included in Clayton's 5-year Capital Improvement Program.

**Objective 5**

Environmentally Sensitive Transportation Routes: The City shall limit improvements to Marsh Creek Road in order to maintain the significance of the environmental resources present.

**Policies/Implementation Measures**

- 5a Marsh Creek Road shall not be widened beyond the existing 2 lanes east of Pine Lane due to the significant environmental resources present. Marsh Creek Road may be improved by measures including but not limited to: repaving, improved shoulders, turn lanes, and acceleration/deceleration lanes.

## PUBLIC FACILITIES AND SERVICES

City growth and development is dependent upon a complicated network of public facilities and services. Each type of service has a unique set of constraints and must adapt to growth differently. The City of Clayton provides police and park services and with the advice of the Contra Costa Flood Control and Water Conservation District, flood control and drainage services. Fire protection, sanitary sewer, and water supply are not provided by the City, but by special purpose districts. These special purpose districts are: the Contra Costa County Fire Protection District for fire prevention, fire suppression, and first responder emergency medical services; the Central Contra Costa Sanitation District and City of Concord for the treatment and transport, respectively, of sewage; and the Contra Costa Water District for water supply services. The Contra Costa County Flood Control and Water Conservation District does provide recommendations to the City but such advice is only upon the request of the City.

### Goals

1. Provide police protection to the public and its property through effective law enforcement and the incorporation of crime prevention features into new development.
2. Develop and maintain a system of active open spaces and trails along creek channels and within developed parks as well as the maintenance of passive open spaces along hillsides as a means of preserving the rural character of the City.
3. Incorporate fire safety precautions in existing developed areas and in planning for new development.
4. Provide for an efficient sanitary sewer collection system and for an efficient water distribution system to serve existing development (allowing for the eventual connection of non-sewer areas) and in the planning for new development.
5. Protect the community from the risk of flood damage.
6. Assure that new residential, business, and commercial growth pays for the facilities required to meet the demands resulting from that growth.

### Performance Standards

1. **Police:** Capital facilities should be provided at a level sufficient to maintain a 5 minute response time for 90% of all emergency calls for police assistance.
2. **Parks:** Standards for active open spaces within Clayton are as follows:

Developed Parks (athletic fields, picnic areas, tot lots, etc.)	3 Acres per 1,000
Maintained Open Spaces (greenbelt and trails, etc.)	7 Acres per 1,000
Total Active Open Spaces	10 Acres per 1,000

3. **Fire Protection:** Ideally, all development should be within 1.5 miles or a 3 minute response time from a fire station. All development shall satisfy current adopted Fire Code requirements and, at a minimum, all development (including residential) more than 1.5 miles or 3 minutes from a fire station shall provide built-in fire protection system (e.g.,

fire sprinklers). All development adjacent to open space areas shall provide Class "A" fire retardant roof coverings.

4. **Sanitary Sewer:** All development shall comply with the standards of the Central Contra Costa Sanitary District and the City of Concord for sanitary sewer treatment and collection, respectively. Septic systems shall be allowed in transitional areas on large lots subject to the approval of Contra Costa County Health Services Department.
5. **Water:** All development shall comply with the standards of the Contra Costa Water District.
6. **Flood Control:** All development shall provide protection from the 100-year flood event as determined by the Federal Emergency Management Agency and as amended by more current information and studies. This protection shall also include the downstream effects of development on adjacent jurisdictions.

#### **Objective 1**

**Development Mitigation:** The City shall adopt and maintain a development mitigation program to ensure that new growth pays its fair share of the costs associated with that growth.

#### **Policies/Implementation Measures**

- 1a The City will continue to implement its adopted development fees to require developers to pay the costs necessary to mitigate the impacts of development on public facilities and services.
- 1b The City will review the existing adopted development fees and adopt additional development fees, as necessary, to insure that new growth is paying its fair share of the costs associated with the provision of facilities for police, parks, fire protection, sanitary sewer, water and flood control.
- 1c All new development shall contribute to or participate in the improvement of the police, parks, fire protection, sanitary sewer, water and flood control systems in proportion to the demand generated by the project occupants and users.

#### **Objective 2**

**Achieving Performance Standards:** The City shall maintain the public facilities and services performance standards.

#### **Policies/Implementation Measures**

- 2a Clayton will approve development projects only after making findings that: (1) after participation in the adopted development mitigation programs, performance standards will be maintained; or (2) project-specific mitigation measures will be required of the project to insure maintenance of standards.
- 2b Capital projects necessary to maintain and improve public facilities and services to comply with the performance standards will be included in Clayton's 5-year CIP.

- 2c Clayton will monitor and periodically review the adopted performance standards to determine if they accurately reflect the desires of the City.

## **GENERAL GROWTH MANAGEMENT**

### **Goals**

1. Support cooperative land use planning in Contra Costa County.
2. Support land use patterns consistent with the General Plans of local jurisdictions.
3. Support infill and redevelopment in existing urban and brownfield areas.

### **Objective 1**

Address Housing Options: The City shall demonstrate reasonable progress in providing housing opportunities for all income levels and meeting housing goals.

### **Policies/Implementation Measures**

- 1a The City will prepare a biennial report on the implementation of actions outlined in the Housing Element of its General Plan to the Contra Costa Transportation Authority in order to demonstrate reasonable progress in providing housing opportunities for all income levels. The report will demonstrate reasonable progress by one of the following:
- A comparison of the number of housing units approved, constructed, or occupied within Clayton over the preceding five years with the number of unites needed on average each year to meet the housing objectives established in the Housing Element;
  - Illustrating how the City has adequately planned to meet the existing and projected housing needs through the adoption of land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development; or
  - Illustrating how the City's General Plan and zoning regulations facilitate the improvement and development of sufficient housing to meet the objectives established in the Housing Element.
- 1b The City will consider the impacts all new developments would have on the local, regional, and county-wide transportation system, including the level of transportation capacity that can reasonable be provided.
- 1c The City will incorporate policies and standards into the development approval process that support the accommodation of transit, bicycle, and pedestrian access for new developments.

### **Objective 2**

Adopt an Urban Limit Line (ULL): Clayton shall adopt an ULL (MAC-ULL, County ULL, or a Local Voter ULL as defined in the Principles of Agreement to the Measure J GMP) that has been approved by the majority of the voters within the City.

### **Policies/Implementation Measures**

- 2a Clayton will implement and comply with the voter-approved ULL (adopted by the City in November 2007). Urban development will be restricted to within the line, subject to the policies and standards of the Land Use Element of the General Plan. Amendments to the City's ULL could only be made by first amending the County ULL, using adopted County procedures, and then adopting the amended ULL. Amendments to the City's ULL could also be made by adopting an entirely new voter-approved Local ULL. Any proposed amendments to the established ULL would need to be processed in accordance with applicable City of Clayton, Contra Costa County, and Contra Costa Local Agency Formation Commission (LAFCO) procedures.

### **Objective 3**

Develop a Five-Year Capital Improvement Program (CIP): The City shall prepare and maintain annually or biennially a CIP that outlines the capital projects needed to implement the goals, policies, and programs of this General Plan for a minimum of the next five years. The CIP shall include approved projects and an analysis of the costs of the proposed projects as well as a financial plan for providing the improvements.

### **Policies/Implementation Measures**

- 3a Capital projects sponsored by Clayton and necessary to maintain standards and improve traffic operations will be included in the 5-Year CIP. Funding sources for the capital projects as well as project phasing will be generally identified in the CIP.

## **BACKGROUND INFORMATION AND ANALYSIS**

### **Traffic**

The City of Clayton's Neighborhood Traffic Management Program (NTMP) was adopted on July 15, 2003. The program is a method of putting into practice some of the goals and direction of the City Council. Such goals include: implementation of a circulation system that will preserve the atmosphere and unity of the area and will ensure adequate traffic capacity on roads; providing for safe and efficient vehicular movement; minimizing the intrusion of through traffic on residential streets; implementation of physical and operational improvements to improve roadway and intersection capacity; and providing a safe environment for pedestrian movement. The program focuses on education and providing neighborhoods with tools for documentation and resolution of traffic problems.

Clayton is not located along a major highway or Interstate. Instead, major traffic is carried via Kirker Pass Road and Clayton Road/Marsh Creek Road. These two roads provide access to Interstate 680 and State Route 24 through Concord. The City jurisdiction includes 20.6 center-lane miles of paved streets, 14 consisting of arterials (both major and minor), collectors, and local streets. Most arterials provide northwest to southeast movement, with the exception of Kirker Pass Road, which runs southwest to northeast. Collectors run north-south and provide access to neighborhoods. Clayton experiences heavy commuter traffic originating from outside of the City.

All intersections within the City currently operate at a level of service (LOS) A, according to the City Engineer. Future development in the Marsh Creek Road Specific Plan area may cause an



LOS decline at one or two intersections within the City to LOS C. The City's minimum intersection LOS is LOS D for arterial streets. Although Measure J does not require minimum LOS thresholds, the City of Clayton General Plan still maintains this requirement.

Public transportation is provided by the Central Contra Costa Transit Authority, which offers bus and paratransit service. The General Plan shows 19 bus stops within the City, primarily along the arterials. Clayton would like to see a Bay Area Rapid Transit (BART) shuttle serve the City, and would also like to explore creating a formally improved Park and Ride facility within the City. An underutilized public Park and Ride lot does exist at the southeastern portion of the intersection of Clayton Road and Peacock Creek Drive.

The City has conducted a pavement survey to determine expected life remaining in its dedicated roadways. The condition of roads is based on a PCI—a numerical index used to indicate the condition of a roadway, which is widely used in transportation and civil engineering. The PCI looks at the overall conditions of the roadways, including engineering design, base and paving thickness, crown and drainage, and wear and aging condition. The pavement survey allows the City to plan repairs or perform preventive maintenance to extend the service life of the roadways. The PCI shows that, overall, the existing roadways receive an index rating of 77. The 77 PCI rating shows that the City of Clayton's roadways are in good condition; the City's PCI ratings typically rank in the top five best in the County.

#### Maintenance Department

The Maintenance Department has five full-time employees and uses seasonal part-time employees to help maintain the City streets, sidewalks, and storm drains. The Department maintains 1,000 streetlights, over 1,000 street signs, and 84 miles of streets and markings.

#### **Police**

The City's Police Department has personnel of 14; eleven are sworn officers, including the Chief. Approximately 980 citizens per sworn officer exist. In addition, the Department has Police Explorers, two paid Police Service Aides, Volunteers in Police Services, and one Reserve Officer. The Department has a neighborhood watch program, a vacation watch program, and an active CERT (Citizen Emergency Response Training) program. Clayton contracts with the City of Concord for dispatch and jail booking services.

According to the U.S. Federal Bureau of Investigation crime statistics for 2009, Clayton had seven violent crimes and 179 property crimes, with a rate of 1,711 crimes per 100,000 population. Crime rates are affected by a number of factors and reflect a city's population, concentration of youth, degree of urbanization, cultural and educational characteristics, geographic location, and modes of transportation, among others. Therefore, crime rates are a good measure of changed conditions within a city over time but should not be considered as a direct evaluation of the adequacy of police services between cities.

In 2010, the Department had 7,350 calls for service, self-initiated and via dispatch. The Department had 7,793 calls for service in 2007, and 6,430 calls for service in 2008, and 5,529 calls for service in 2009. Concord's new dispatch system, in addition to providing digital computerized dispatch services, could also provide useful information for the police manager, such as a system-generated management report that details response times. The report is broken

out into three areas: response times to priority one calls for service (serious issues), response times to category two and three crimes, or non-emergency calls for service. Priority one calls are emergency crimes or incidents that require an immediate response by an officer. Due to the small area of the City, response times to Code 3 emergencies are short. The latest report indicates that Clayton officers have an average response time of 3 minutes, 34 seconds for all priority one calls. A response time under 5 minutes for emergency calls is considered an excellent response. Clayton officers have an average response time of 5 minutes, 26 seconds to non-emergency calls for service.

### **Parks and Open Space**

Clayton is rich in park and open space resources. The City is located at the base of the north slope of Mt. Diablo. Mt. Diablo State Park, which forms much of the southern City boundary, includes approximately 18,000 acres. To the northeast of the City is the Black Diamond Mines Regional Preserve operated by the East Bay Regional Park District (EBRPD). This Preserve encompasses about 3,500 acres of rugged hill land generally covered with grasses. Within the City Limits, approximately 530 acres of the hillside area of the Oakhurst Country Club are preserved as passive open space. Finally, the 160-acre Oakhurst Golf Course is an open space resource in and of itself.

Clayton has seven parks (Clayton Community, Lydia Lane, North Valley, Equestrian Staging, Dog, Westwood, and The Grove) and over 500 acres of open space. Clayton's largest park is the 20-acre Clayton Community and Sportsfield Complex, at the intersection of Marsh Creek Road and Regency Drive, which provides three combination baseball/soccer fields, a fourth soccer field, and a community gym (under joint use with the Mount Diablo School District). Other amenities of the Clayton Community and Sportsfield Complex include sports-related facilities (parking, restrooms, and concessions) and active play areas (picnic areas, play structures, tot lots). The City's Maintenance Department performs regular maintenance at the City's parks and extensive open space and trail system. Consequently, the City's parks and open space areas, including trails, are well-maintained. The City's seven parks comprise more than 25 acres of improved land, with connecting trail systems. Additionally, the City's extensive trail system offers over 20 miles of improved trails that connect most neighborhoods directly to open space areas. Major trails within the City include the Mitchell Creek Trail, the Mt. Diablo Creek Trail, the Cardinet Trail, and the Donner Creek Trail. The trails generally are improved with decomposed rock or asphalt, and feature rest benches and trail markers. Finally, Planned Development residential areas offer additional recreational opportunities, including swimming pools, barbeque areas, sport courts, and lawn areas. Collectively, the City of Clayton is in general conformance with its standards for parks and open space.

### **Fire Protection**

The Contra Costa County Fire Protection District provides fire protection, suppression, and emergency medical services to the City of Clayton. The Contra Costa County Fire Protection District staff comprises 406 personnel, including 344 uniformed personnel, with 12 battalion chiefs and approximately 62 civilian personnel. Each three-person fire-fighting crew includes a paramedic. In addition to fire protection, suppression and emergency medical services, overall capabilities and resources of the Fire District include vehicle extraction ("jaws of life"), trench rescue, water rescue, high-angle rescue, building collapse, confined space rescue, fire and arson investigation, code enforcement, building plan review, and public education, such as Community

Emergency Response Training. The Contra Costa County Fire Protection District participates in a Cooperative Interagency Agreement with other local and regional fire departments and agencies.

The District has 30 fire stations. Fire Station 11 services the City of Clayton, which is located at the intersection of Clayton Road and Oakhurst Drive, within the Clayton Town Center, near a neighborhood of single-family homes and open space. Three shifts of three personnel are assigned to the station, which is equipped with one Type I engine and one Type III engine. The station provides services which include fire prevention, fire fighting, emergency medical aid, as well as public information related to these topics.

The National Fire Protection Association (NFPA) 1710 Standard establishes a goal of a five-minute response time from the time of dispatch to arrival on the scene, whenever possible. Currently, Contra Costa County Fire Protection District also has a goal of five minutes to be on-scene or less for all calls for service. The Fire District requires all development to conform to the National Fire Code which includes: provisions for access road width, slope and strength; fire suppression system design; water supply; and structural design and materials.

In addition to urban fire control issues, wildfire is a concern in the Clayton areas where non-native plant materials, steep slopes, high winds and other conditions make fire fighting challenging and increases the risks of fast-spreading wild land fires. The California Department of Forestry and Fire Prevention has jurisdiction throughout the State. Their primary responsibility is to prevent and fight wild land fires. The Sunshine Forest station, with two engines, is located approximately 6 miles east of the City on Marsh Creek Road. The station is staffed year-round, with primary emphasis during the burn period from March to October. State Responsibility Areas currently cover approximately 200,000 acres in eastern Contra Costa County, including Mt. Diablo State Park. Fire prevention measures include requiring full compliance with Public Resources Code sections 4290 and 4291, which specify firebreaks, chimney screens, debris clearing and controlled burns. (Controlled burns are becoming less common due to their regional air quality impacts). The Forestry Department has the full backing of the resources of the State, including ground and aerial equipment and personnel in cases where local fire fighting capabilities are inadequate. The Forestry Department is funded through the State, and local impact fees are not collected.

The Mt. Diablo State Park General Plan calls for fire breaks around the perimeter of the Park and within the Park to form 'compartments' for fire containment. Typical fire breaks are 20 to 30 foot wide strips along the edge of a developed area, such as mowed, disked or plowed land. Single-loaded streets, which are residential streets with houses on only one side, can also serve as fire breaks. Fuel modification is another measure used to control possible wildfires by minimizing the amount of fast burning plant materials. The State Park does not consider grazing an adequate means of fuel modification, due to the irregular areas covered and intervals of herd movement, the types of vegetation encouraged as feed, impacts on soils and habitat, and nuisance associated with proximity to developed areas. However, the East Bay Regional Park District has implemented effective fire control programs using grazing on lands under its jurisdiction. In regard to landscaping, native grasses and shrubs are generally more effective for wildfire safety than are exotic annuals, due to natives' relatively low production of biomass which serves as fuel for fires.

### **Sanitary Sewer**

The City of Concord provides the maintenance and operations of the sewage collection and conveyance services for the City of Clayton's sewer main lines (42 miles). The wastewater from Clayton is conveyed by gravity flow through the Concord system to the Concord Sewage Pump Station, and ultimately to the Central Contra Costa Sanitary District (CCCSD) system. CCCSD provides treatment and disposal services for Clayton's effluent.

### **Collection**

Although the collection lines are actually owned by the City of Clayton, the City of Concord Public Works Department operates and maintains Clayton's public sanitary sewer collection system. The City of Concord's wastewater collection system consists of approximately 383 miles gravity pipeline and one pumping station. Approximately 80 percent of the sewage flows by gravity to the Concord Sewage Pump Station that has four pumps and a capacity of 48 million gallons per day (mgd). The average daily dry weather flow is 10.6 mgd, with a peak wet weather flow of 23 mgd. Approximately 50 percent of Concord's sewer collection system is comprised of 6-inch diameter pipes. Current standards require all new sewer mains to be at least 8-inches in diameter. Concord transports Clayton's sewage to the CCCSD treatment plant located northeast of the Highway 4/I-680 interchange in Martinez.

Because the City of Clayton has sewer mains available to all properties and deficiencies are not anticipated upon full build out, a City-wide "Master Plan" does not exist. However, in 2008, a sanitary sewer study and master plan was prepared for the properties east of the City Limits, within the City's Sphere of Influence (SOI) and which were anticipated to be annexed at some time in the foreseeable future. The study, entitled the "Marsh Creek Road Specific Plan Area Sanitary Sewer Master Plan," found that portions of the trunk line would be surcharged (over free flow capacity) upon anticipated build-out of the study area. The impacted portion of the trunk line is the stretch along Donner Creek, just south of Marsh Creek Road. The Master Plan includes cost estimates, proposed sequencing of mitigations, and proposed financing for the mitigation work upon annexation and development in the Area.

Due to disagreements between the City of Clayton and the City of Concord regarding design flow criteria, the report was not presented to or approved by the City Council. The disagreement has been resolved (Dec. 2009) and the City of Concord has accepted the design flow criteria used in the Master Plan. Due to the failing economy, all of the anticipated projects within the study area have ground to a halt and further work has not been undertaken to complete and adopt the Master Plan.

### **Treatment and Disposal**

Public sanitary sewer treatment for the City of Clayton is provided by the CCCSD. Sewage is conveyed through gravity sewer lines and pumping stations to the District's treatment plant located at the intersection of Highway 4 and I-680. The majority of the treated effluent is discharged to Suisun Bay, but with the remainder, the District produces approximately 1.5 mgd of tertiary treated recycled water used for landscape irrigation, industrial process cooling, or other recycled water uses.

CCCSD's wastewater treatment plant provides secondary level treatment for an average dry weather flow of approximately 45 mgd of domestic, commercial, and industrial wastewater; the

plant has a permitted capacity of 54 mgd. The plant's maximum capacity of 54 mgd is projected to accommodate build out until the year 2040. The District's infrastructure is in good condition, and the need to renovate or replace aging infrastructure is addressed through the District's CIP.

### **Water**

Water service (i.e., supply, treatment, storage, and distribution) is provided to Clayton by a special district, the Contra Costa Water District (CCWD). The District's water system infrastructure includes untreated water conveyance and reservoirs, and water treatment and conveyance facilities. The District has a catastrophic supply interruption plan and an Emergency Operations Plan.

CCWD's primary source of water supply is the United States Bureau of Reclamation's (USBR) Central Valley Project (CVP). Water is diverted from the Delta and conveyed through the 48-mile Contra Costa Canal. CCWD has four untreated water storage reservoirs, including the 100,000 acre foot (af) Los Vaqueros Reservoir in southeastern Contra Costa County. CCWD is currently increasing the size of its Los Vaqueros Reservoir on Kellogg Creek, in the eastern foothills of Mount Diablo, from 100,000 af to 160,000 af. Construction is expected to be complete by 2012. Water distributed by CCWD in the Clayton area is treated at the CCWD's 75 mgd Bollman Water Treatment Plant north of Concord, on Highway 4. The plant has sufficient capacity for current levels of demand within the service area. CCWD officials report that the Bollman treatment plant, in present configuration, could be expanded to a maximum capacity of 95 mgd.

Current water conditions within the State are unprecedented, with historic dry year conditions and environmental issues within the Bay-Delta system that may impact how the Delta is managed in the future. Dry year conditions reduce Delta outflow causing poorer water quality in the Delta. This requires additional releases from Los Vaqueros to ensure water quality for CCWD deliveries. Ultimately this condition may affect how CCWD manages its water supplies for the long-term, and the District's wholesale customers would be subject to those terms and conditions. Increasingly stringent drinking water regulations and pressures on the Delta that trend in the direction of worsening Delta water quality will continue to be a challenge in the future. CCWD has plans and projects in planning stages, such as the Alternative Intake Project, to overcome these water quality challenges. The District intends to continue to advocate at regional, state, and federal levels for policies and programs that improve Delta water quality such as guaranteed fresh water flows into and through the Delta.

CCWD's Future Water Supply Study (2002), 2005 Urban Water Management Plan, Treated Water Master Plan Update (2002), and other master planning documents provide guidance on infrastructure needs. The District's infrastructure and facilities are generally in good condition. The District has a ten-year CIP that includes projects for both the untreated water system and treated water system to ensure that the District's water supply and services meet Board adopted criteria for water quality and reliability, among others. CCWD also has ongoing programs to evaluate and develop other water resources, such as water transfers, conservation, desalination, and expanding the use of recycled water. CCWD has planned for projected growth within its treated and untreated water service areas to ensure that water supplies remain reliable.

### Provision of Additional Water Capacity

If development occurs east of the City of Clayton, additional water supply and distribution facilities are likely to be required, including reservoirs, pumping stations and distribution lines. The CCWD designs all water system expansions, prepares the construction plans, supplies the materials, and supervises construction, at the developer's expense. Installation is generally the responsibility of a developer. Upon completion, the new pipelines and appurtenances become CCWD property.

### *Additional Reservoirs*

The volume of additional storage reservoir capacity needed is determined by fire flow requirements, as dictated by the Contra Costa County Fire Protection District, the maximum day water demand within the immediate service area, and an emergency storage allocation. Each component is described in further detail below:

Fire District design criteria call for a 1,000 gallon per minute (gpm) flow from any one fire hydrant for a duration of 2 hours, which equals 120,000 gallons of storage. Because the eastern area of the City is located more than five minutes from the Fire Station 11, all homes are required to have sprinkler systems supplied by a one-inch water meter.

- CCWD estimates maximum day water use equals two times the average day demand of 700 gallons per single-family home. 700 gpd is used by the District for design purposes, even though the number is far higher than the actual usage currently being experienced.

Reservoir storage must be provided for 25 percent of the maximum day demand:

$$2 \times 700 \text{ gpd} \times 25 \text{ percent} = 350 \text{ gallons per home.}$$

- Emergency storage capacity must provide water in the event of a main break or other system failure. The capacity is equal to 1.5 times the average day demand of 700 gallons per single-family home, or 1,050 gallons per home.
- Total storage requirement for either a new or expanded reservoir is calculated from the three numbers above:

$$\text{Storage} = [(120,000 \text{ gallons fire storage}) + (350+1,050) \text{ gallons} \times \text{number of homes served}]$$

Or

$$\text{Storage} = 120,000 \text{ gallons} + [(1,400 \text{ gallons per home}) \times (\text{number of homes})]$$

CCWD uses \$1.50 per gallon to estimate the total cost of small reservoir construction, which must be fully funded by developers. For larger reservoirs, the unit cost per gallon is somewhat lower.

### *Additional Pumping Stations*

A pumping station must be installed to supply each new pressure zone. Existing stations can often be used to fill multiple reservoirs, at more than one location, but only if the zone's

topography supports a widespread distribution system. CCWD estimates the total cost of a new pumping station with 350 gpm pumps to be approximately \$350,000.

#### *Additional Distribution Lines*

Distribution system upgrades and expansions must be constructed within each new pressure zone to provide the capacity needed to deliver water to new developments. Both on-site (within a proposed development) and off-site improvements must be funded and installed by the developer. In many cases, excess flow capacity must be designed into off-site water mains to allow for future development of neighboring areas within the same pressure zone. The District will only reimburse a developer who installs these facilities for the additional cost of the pipe materials (i.e., for the difference between an eight-inch and twelve-inch diameter pipe). The District estimates that the design and construction of new water mains costs between \$80 and \$100 per lineal foot, depending on the size, which includes all pipe, valves, and fittings, complete and in place. Fire hydrants costs approximately \$3,000 each.

Distribution mains must be sized to carry fire flow plus peak hour demand flow for the services expected to be on each line. For between 50 and 100 homes, CCWD estimates peak hour demand as three times the maximum day, or six times the average day:

$$6 \times 700 \text{ gpd} = 4,200 \text{ gpd per home}$$

$$4,200 \text{ gpd per home} = 2.92 \text{ gallons per minute per home}$$

$$\text{Total flow requirement} = 1,000 \text{ gpm} + (2.92 \times \text{number of homes})$$

The District permits a maximum fire flow velocity in delivery mains of 12 feet per second (fps), which is used to size each main based on the total flow as calculated above.

Wherever possible, CCWD encourages developers to install looped water systems, so that water can always reach each fire hydrant from two directions. Looped water systems provide back-up capability in the event of a main failure, as well as splits the required 1,000 gpm fire flow capacity between two sections of pipe on either side of the hydrant, which lowers the maximum design flow that must be carried within each line.

#### *Hydropneumatic Pressure Systems*

In areas only marginally higher than adjacent developed pressure zones, CCWD sometimes approves the installation of small, hydropneumatic pressure systems including a pumping station, two service pumps, one fire pump, and a pneumatic storage tank to supply a maximum of 100 homes or equivalent 5/8-inch services. Hydropneumatic pressure systems draw water from the storage tank in the next lower pressure zone and increase the pressure for delivery at a higher elevation. However, the maximum fixture elevation that can be served by such a system cannot be higher than ten feet below the operating level of the lower zone's storage tank.

#### *Alternative Water Supplies*

Private wells currently supply many of the homes east of Clayton with drinking water. County Environmental Health Department officials report that this area is generally not a good location

for wells. Clayey soils have caused a number of reported well failures in the past. Due to the conditions, extensive development is not likely to be supported by local groundwater resources.

### **Flood Control**

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

Flooding has occurred from Mt. Diablo Creek in the Town Center area of Clayton and in the flood plain between Clayton Road and Kirker Pass Road. The major floods affecting this area occurred in 1938, 1952, 1955 and 1963. The 1955 and 1963 floods both were estimated as 25-year floods. Despite these occurrences, Mt. Diablo Creek is not considered a creek with a high flood history. Part of the reason for this is due to the long flood plain between Mt. Diablo slopes and the City Limits that serves to slow down velocity and delay peak flows. However, during a 100-year storm, severe flooding could be expected.

The original FEMA study and flood mapping occurred in 1979. After many years of expressing concerns regarding the basic assumptions of the flood study, FEMA prepared a new study beginning in 2001 and issued updated flood maps in 2006. The flood maps were then updated to a digital format and reissued with an effective date of June 16, 2009.

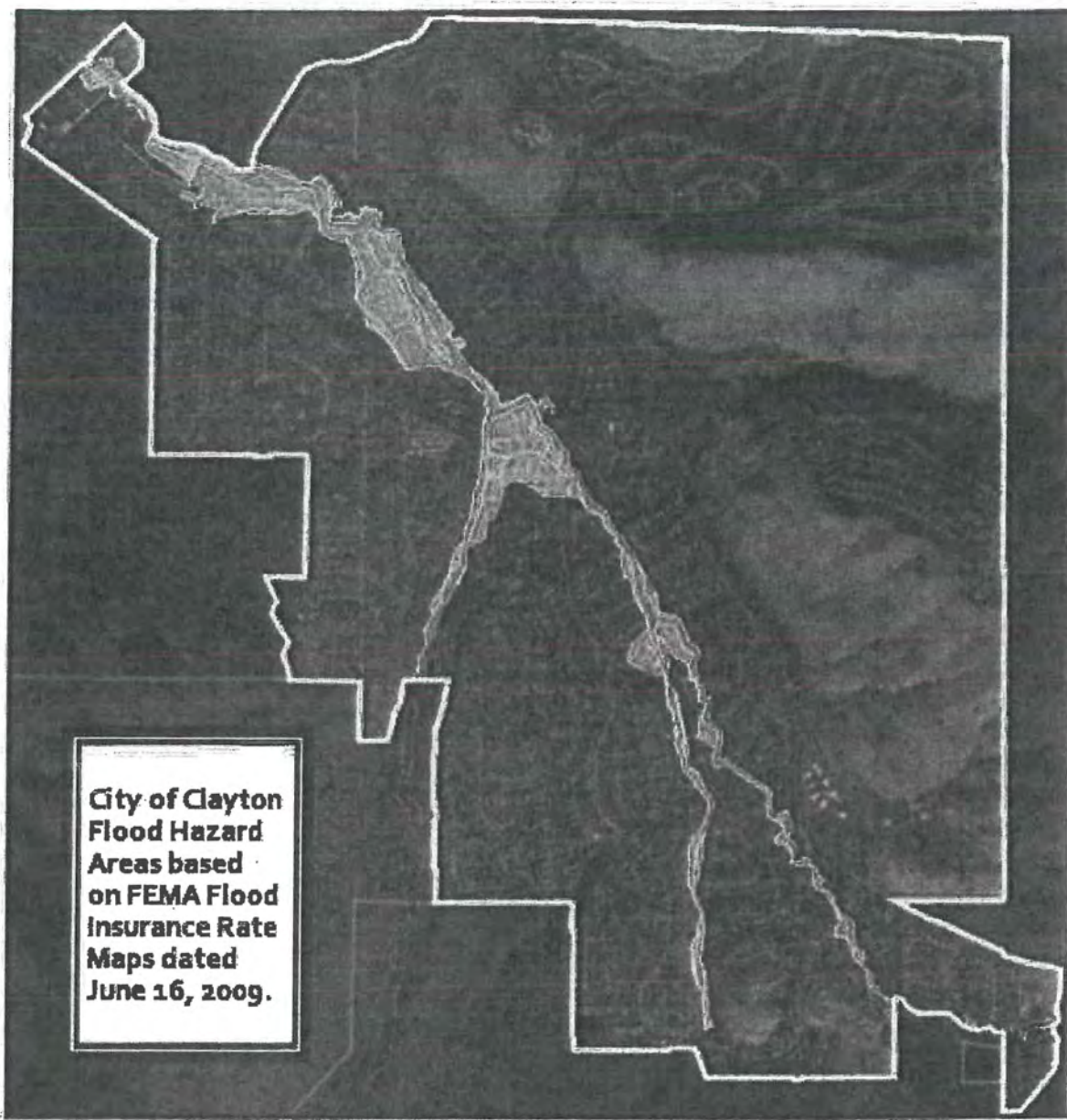
The updated flood maps incorporate new rainfall and stream gauge data as well as updated FEMA rules regarding flood protection, provided by raised berms or dikes. The FEMA rules state that in order to be considered as providing adequate flood protection, berms must be: (1) three feet higher than the anticipated flood elevation (formerly one foot); and (2) maintained perpetually by some legal entity.

The latest mapping indicates areas of potential flooding from a 100-year storm that are 100 to 200 feet wide within the City, as well as upstream in portions of the eastern area between Pine Lane to Russellmann Road. However, the FEMA rules regarding berms has virtually eliminated flood protection for houses along portions of Mt. Diablo Creek north of Clayton Road. This rule change has placed an additional approximate 200 homes within the 100-year floodplain. Flood zones for the 100-year storm are more extensive downstream of Kirker Pass Road and in the City of Concord. FEMA flood zones in the area are shown in Figure 2.

### **Housing Options**

The Housing Element of this General Plan, recently updated in April 2010, is in compliance with State law, has been adopted by the City of Clayton, and certified by the State Department of Housing and Community Development (HCD). City goals for housing include supporting and participating in the development of extremely low-, very low-, low-, and moderate-income housing to meet Clayton's fair share housing allocation and the Clayton's Redevelopment Agency (RDA) housing requirements.





**FIGURE 2**

In addition, the City shall continue to implement City housing programs, which ensure that low- and moderate-income units remain available to qualified applicants upon sale of units, and work with the Association of Bay Area Governments (ABAG) on their FOCUS program implementation, which is a regional development and conservation strategy that promotes a more compact land use pattern for the Bay Area.

Clayton is a primarily owner-occupied community. Few multi-family units exist within the City, which contributes to a very low proportion of renter-occupied households. Affordable housing projects in the City include Kirker Court Apartments, a portion of the homes within the Stranahan single-family residential subdivision, and the Diamond Terrace senior housing development. The Kirker Court Apartments, a project for persons with disabilities managed by Eden Housing, currently provide 20 units to extremely low-income households at a rental rate based on 30 percent of monthly household income. The Stranahan residential subdivision was built in 1995 and consisted of 54 single-family detached homes. Eighteen of the homes were sold at a level affordable to moderate-income households. Since the initial sale, three of the eighteen homes have been repurchased by the RDA and resold to low-income households, and an additional six of the houses have been repurchased by the RDA and resold to moderate-income households. Diamond Terrace, an assisted living project for seniors, was completed in 2003 and provides 65 units for very low-income seniors, 10 units for low-income seniors, and 10 units for moderate-income seniors.

The City has a shortfall of land available to extremely low-, very low-, and low-income households. According to ABAG allocations, the City needs enough land to accommodate an additional 50 affordable housing units. To address this shortfall, the City proposes to create a new multiple family high density residential General Plan designation and Zoning District, which will have an allowable density of 20 units per acre. Due to an increase in allowable densities, potential affordable housing sites within the City would increase capacity adequate for the 50-unit shortfall identified and the total 84-unit ABAG allocation in the lower-income categories. In addition, Implementation Measure I.2.1 of the Housing Element commits the City to the development of a written Affordable Housing Plan requirement, which would mandate developers of residential projects of two or more units to draft an Affordable Housing Plan. The Affordable Housing Plan is intended to ensure that new developments include a certain percentage of affordable housing units.

Clayton currently utilizes local, state, and federal funds to implement the City's housing strategy. Because of the high cost of new construction, more than one source of public funds is required to construct an affordable housing development. For example, The Kirker Court Apartments were made affordable through a combination of U.S. Department of Housing and Urban Development (HUD) funding programs, Community Development Block Grant (CDBG) funding, and Clayton RDA) funding sources. The City does not act as a developer in the production of affordable units, but relies upon the private sector to develop new units with the assistance of various funding sources.

The Clayton RDA is the primary source of housing funds for the City's housing programs. The RDA receives tax increment revenue from real property taxes collected each year. The Agency provided the Diamond Terrace project with funding assistance for development as well as annual

supplemental rental income until 2014 (the Diamond Terrace project also received a low-income tax credit allocation). According to the RDA's Five-Year Implementation Plan (2008-2013), the RDA plans to provide seed money for the development of 15 affordable rental units and allocate funds toward affordable home ownership development through the remainder of the Implementation Plan period. In addition, RDA funding is expected to be used for the preservation of existing affordable housing units and affordability restrictions throughout the City. Funds provided by the RDA for affordable rental development and affordable home ownership development would include 55-year deed restrictions and 45-year deed restrictions, respectively.

The Clayton Community Development Department administers the CDBG and the HUD HOME funding programs, as available. All projects funded with HOME funds must be targeted to very low- and low-income households and must have permanent matching funds from non-federal resources equal to 25 percent of the requested funds. In addition, the County Board of Supervisors has established a priority for the allocation of HOME and CDBG funds to projects that include a portion of the units affordable to extremely low-income households (incomes at or below 30 percent of the area median income). Another available housing funding program is the HUD Section 8 Voucher Program, which provides rental assistance administered by the Housing Authority of Contra Costa County. As of August 2001, only one Clayton household was receiving rental assistance from the Section 8 program. Due to the limited number of rental housing units currently within the City and the relatively higher land costs, the possibility of Section 8 participants finding units to rent in Clayton is unlikely.

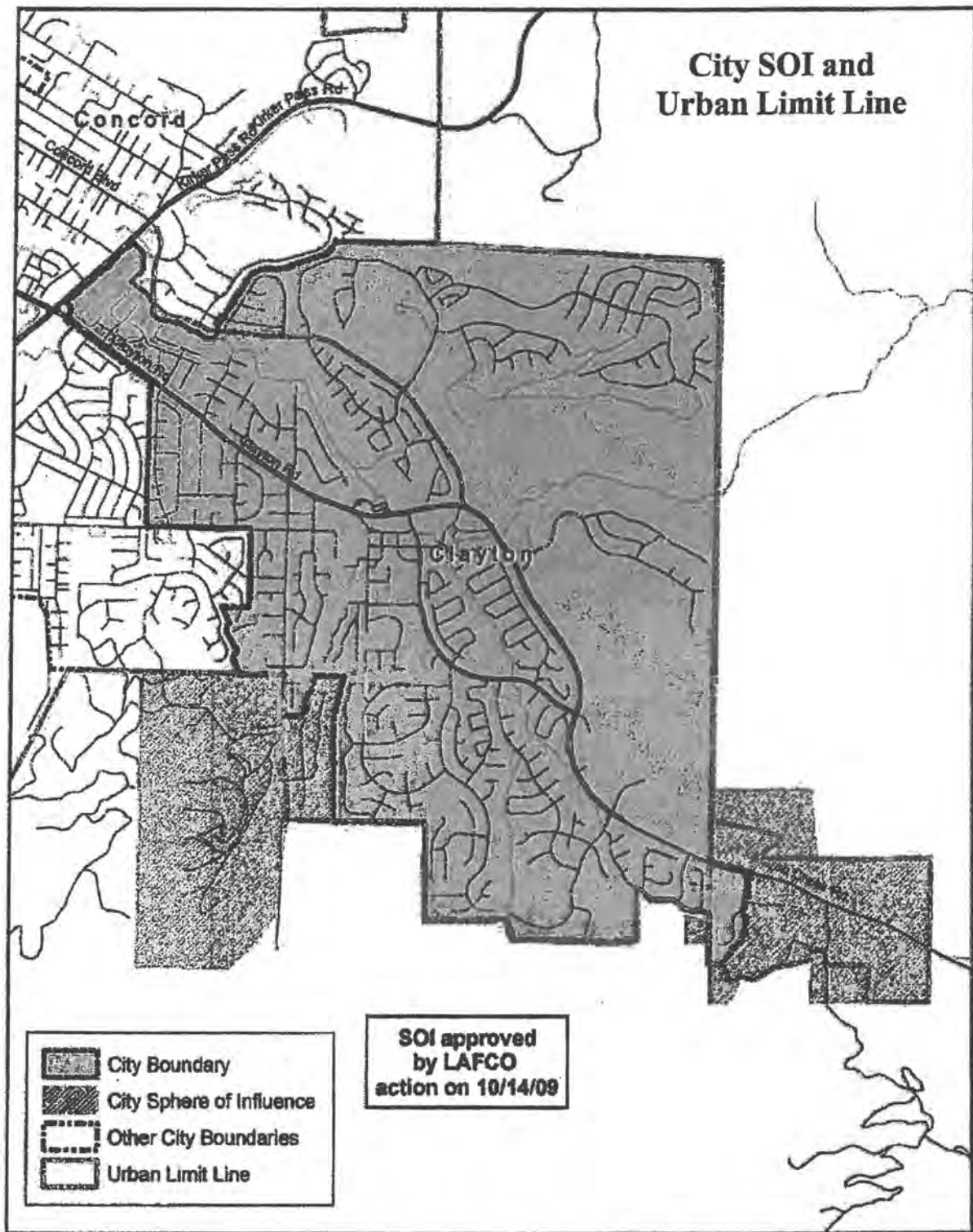
#### **Urban Limit Line**

Contra Costa County voters approved the current Contra Costa County ULL in 2006. The county-wide ULL was adopted by the Clayton City Council in November 2007. The ULL generally follows the boundaries of the City Limits, with the exception of the southeast corner of the City, which extends beyond the City Limits into the Sphere of Influence (SOI) (See Figure 3). However, the ULL is not contiguous with the SOI; instead, some land within the SOI lies outside of the ULL.

#### **Capital Improvement Program (CIP)**

Clayton's Engineering Department is responsible for developing the CIP, which includes the following: coordination with the City Manager; evaluation and prioritization of Capital Improvement Projects; procurement of funds; right-of-way and land acquisition; administration of the public bidding process; and supervision of the design and construction inspection for all private development and improvements thereto.

The Clayton City Council adopted the 2010/11 to 2014/15 CIP on June 29, 2010. The CIP includes proposed funding sources and expenditures categorized by year and scheduled projects. The City has continued, and will continue, to complete several significant capital improvement projects that enhanced and maintained the public's investment in its infrastructures and overall quality of life.



Prepared by: [unreadable]  
 Date: [unreadable]  
 Project: [unreadable]

This map is available for distribution to other agencies, organizations, and individuals for informational purposes only. It is not intended for use in any legal proceeding or as a basis for any other action. The City of Clayton is not responsible for any errors or omissions on this map.



**FIGURE 3**

# CITY OF CLAYTON

Founded 1857...Incorporated 1964

COMMUNITY  
DEVELOPMENT (925) 673-7340  
ENGINEERING (925) 363-7433

6000 HERITAGE TRAIL • CLAYTON, CALIFORNIA 94517-1250  
TELEPHONE (925) 673-7300 FAX (925) 672-4917

City Council  
HANK STRATFORD, MAYOR  
DAVID T. SHUEY, VICE MAYOR  
JIM DIAZ  
HOWARD GELLER  
JULIE K. PIERCE

November 4, 2014

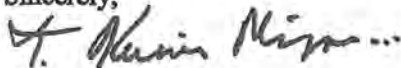
Contra Costa Transportation Authority  
2999 Oak Road  
Walnut Creek, CA 9407  
Attention: Martin R. Engelmann

Dear Mr. Engelmann:

Enclosed is the Local Street Maintenance and Improvements Funds report for the FY 2013-14. We discussed over the phone on November 3, 2014 that minor revisions to beginning fund balance were necessary so that the results of the CCTA Measure J report are reconcilable to our audited financial statements for FY 2013-14. Differences between the annual CCTA report and our audited financial statements primarily exist due to the CCTA report requiring Measure J revenues to be reported on a cash basis, whereas the audited financial statements are reported on a modified accrual basis.

Our FY 2013-14 CCTA Measure J report shows a negative balance of \$161,513. This negative balance results from significant project costs for the 2013 Neighborhood Streets Project (CIP No. 10417). This project, completed in December 2013, was planned to be funded with total Measure J funds through FY 2013-14 totaling \$739,281. As final FY 2013-14 Measure J monies were not expected to be allocated to the City until October 2014 the Clayton City Council awarded the contract on March 5, 2013 with the General Fund to provide an inter-fund advance to pay for these projects costs until the final FY 2013-14 funding was received from CCTA. No interest accrues on this inter-fund payable to the General Fund and the outstanding balance was \$161,513 as of June 30, 2014. This balance was eliminated with the allocation of FY 2013-14 Measure J monies totaling \$260,422 in October 2014. Key pages from our final audited FY 2013-14 financial statements have been attached with this letter to support circumstances described above.

Sincerely,



Kevin Mizuno, CPA  
Finance Manager  
City of Clayton

- Attachments:
1. CCTA Local Street Maintenance and Improvements Funds Report (FY 2013-14)
  2. 2013 Neighborhood Streets Program Notice of Completion
  3. Pages 20. And 52 from the FY 2013-14 audited financial statements



CONTRA COSTA  
**transportation  
 authority**

**LOCAL STREET MAINTENANCE AND IMPROVEMENTS FUNDS  
 (18% FUNDS)  
 REPORTING FORM  
 FOR ELIGIBLE EXPENDITURES DURING FISCAL YEAR 2013-14**

Jurisdiction: City of Clayton

(If you have any questions regarding this form, please contact Diane Bodon at CCTA, 256-4720,  
 Please return the form to CCTA, Attention: Diane Bodon, at the address below

	Total for FY 2013-14
Balance as of July 1, 2013	(\$420,134)
18% Funds Received during FY 2013-14 (actual, not accrued)	\$263,413
Eligible Expenditures (Please describe all expenditures in excess of \$10,000 on an attached page.) Local Street and Roads	—
Growth Management Planning and Compliance	\$ 4,792
Transit Capital and Operations	—
Trails	—
Parking Facilities	—
TDM/TSM	—
<b>Total Expenditures during FY 2013-14</b>	<b>\$4,792</b>
Funds Remaining	(\$161,513)
Interest Earned	—
<b>Balance as of June 30, 2014</b>	<b>(\$161,513)</b>

Form prepared by: Kevin Mizuno

Phone: 925-673-7309  
 Email: kmizuno@ci.clayton.ca.us

Title: Finance Manager

Date: 11/9/14

## RESOLUTION NO. 40 - 2013

**A RESOLUTION ACCEPTING THE CONSTRUCTION OF THE 2013 PAVEMENT REHABILITATION PROJECT (CIP #10417), THE CITY HALL PARKING AREA REHABILITATION PROJECT (CIP #10426), THE LIBRARY PARKING AREA REHABILITATION PROJECT (CIP #10427), THE LYDIA LANE PARK PARKING LOT REHABILITATION PROJECT (CIP #10428) AND THE 2012 TRAIL REPAVING PROJECT (CIP #10429) AS COMPLETE AND ORDERING THE FILING OF A NOTICE OF COMPLETION**

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

**WHEREAS**, on March 5, 2013 the City Council of Clayton, California did award a contract to MCK Services, Inc. for the construction of the 2013 Pavement Rehabilitation Project (CIP #10417), the City Hall Parking Area Rehabilitation Project (CIP #10426), the Library Parking Area Rehabilitation Project (CIP #10427), the Lydia Lane Park Parking Lot Rehabilitation Project (CIP #10428) and the 2012 Trail Repaving Project (CIP #10429); and

**WHEREAS**, MCK Services, Inc. has now represented their work is complete and they are requesting acceptance by the City; and

**WHEREAS**, the City Council must accept the work as complete and order the filing of a Notice of Completion prior to release of the retained funds; and

**WHEREAS**, the City Engineer has inspected the work, declares the contract and related project specifications have been fulfilled, and the City Engineer now requests the City Council to accept the work and authorize the filing of a Notice of Completion.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Clayton, California does hereby accept as completed as of the date of adoption of this Resolution the construction of the 2013 Pavement Rehabilitation Project (CIP #10417), the City Hall Parking Area Rehabilitation Project (CIP #10426), the Library Parking Area Rehabilitation Project (CIP #10427), the Lydia Lane Park Parking Lot Rehabilitation Project (CIP #10428) and the 2012 Trail Repaving Project (CIP #10429) and hereby authorizes the City Engineer to file a Notice of Completion with the County Recorder, and further authorizes the release of the contract retention after the required 35 day waiting period; and

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on the 17<sup>th</sup> day of December, 2013 by the following vote:

**AYES:** Mayor Stratford, Vice Mayor Shuey, Councilmembers Diaz and Pierce.

**NOES:** None.

**ABSTAIN:** None.

**ABSENT:** Councilmember Geller

THE CITY COUNCIL OF CLAYTON, CA

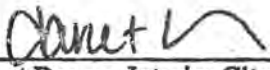
  
\_\_\_\_\_  
HANK STRATFORD, Mayor

ATTEST:

  
\_\_\_\_\_  
Janet Brown, Interim City Clerk

# # # # #

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at its regular public meeting held on December 17, 2013.

  
\_\_\_\_\_  
Janet Brown, Interim City Clerk



**CITY OF CLAYTON  
ENGINEERING DEPARTMENT  
925/363-7433**

**FINAL PROJECT REPORT**

**2013 PAVEMENT REHABILITATION PROJECT (CIP 10417)  
CITY HALL PARKING AREA REHABILITATION (CIP 10426)  
LIBRARY PARKING AREA REHABILITATION (CIP 10427)  
LYDIA LANE PARK PARKING LOT REHABILITATION (CIP 10428)  
2012 TRAIL REPAVING (CIP 10429)**

***Project Description***

Under a single construction contract with MCK Services, Inc., the five CIP projects listed above were completed. The work included the pavement rehabilitation (repairs and thin overlays) of numerous subdivision streets and public parking areas as well as the repaving of a large portion of the Mt. Diablo Creek trail.

***Scope Changes During Construction***

The original bid for the 2013 Pavement Rehabilitation Project from MCK Services was \$1,271,742.90. In order to get the construction costs closer to the budgeted figure (\$1,165,000), we eliminated two streets from the project (Zinfandel Circle and Mt. Olivet Place). This reduced the starting construction contract to \$1,196,843.90 (further reduced to \$1,157,843 by anticipated payment from CCWD for water valve can reconstruction).

The original section of Mt. Diablo Creek trail intended for repaving ran from Center Street to Grenache Circle (the section between Marsh Creek Road and Grenache Circle was repaved in 2010). Due to the excellent unit price bid we were also able to extend the repaving from Marsh Creek Road to the vehicle barrier approximately 100 feet south of Bigelow Circle. However, in order to terminate the repaving at a logical stopping point, we exceeded the allotted funding (\$50,000) by approximately \$10,000.

The existing depressions and uneven surfacing of Regency Drive required that we install a leveling course prior to the overlay in order to assure a smooth ride for residents after completion of the overlay. It was also necessary to repair signal loops and install irrigation sleeves to the existing median at Marsh Creek Road in order to allow for future landscaping improvements. This work added approximately \$60,000 to the construction costs.

We had originally estimated design and inspection costs at approximately \$35,000 (2.7% of project costs). Due to the extra work required (including overseeing repairs of the original work where needed), the design and inspection costs increased to almost \$52,000 (3.6% of the final project costs). Altogether, the above changes plus the final quantity adjustments added an additional \$87,000 to the total project costs.

**CITY OF CLAYTON  
ENGINEERING DEPARTMENT  
925/363-7433**

**2013 PAVEMENT REHABILITATION PROJECT (CIP 10417) et al**

**CIP Budget and Funding Sources**

Total Budget:	Original Amount (3/5/13)	\$1,315,839
Sources:		
	Gas Tax	\$456,558
	Measure J (per capita)	739,281
	Landscape Maintenance District	50,000
	Clayton Financing Authority	<u>90,000</u>
	Total	\$1,315,839

**Final Costs**

Permco (design, admin & inspect. – est. to compl.)	\$52,000.00
City personnel	2,241.75
MCK Services (paid to date)	1,339,886.92
MCK Services (retention)	70,520.37
Legal Advertising	1,405.70
County Signals	<u>2,331.46</u>
Total Project Costs	\$1,486,386.20
Less CCWD payment	<u>(\$46,127.73)</u>
Total Project Costs	\$1,422,258.47
Budget Variance: over (under)	\$86,419.47 6.6%

**Funding Recommendations**

In order to provide accurate figures, the Finance Department has been going through the books for the last few years. As it turns out, the available funds from Gas Tax and Measure J are significantly higher than originally believed.

Funding Source	Estimated	Actual
Gas Tax	\$456,558	\$616,051
Measure J	\$739,281	\$863,281

Based upon these findings, staff recommends the following:

		Change
Gas Tax	\$532,977	+76,419
Measure J (per capita)	739,281	0
Landscape Maintenance District	60,000	+10,000
Clayton Financing Authority	<u>90,000</u>	<u>0</u>
Total	\$1,422,258	

City of Clayton  
Balance Sheet  
Governmental Funds  
June 30, 2014

	Major Funds			
	General Fund	Clayton Landscape Maintenance	Measure J Fund	Capital Improvements Fund
<b>ASSETS</b>				
Cash and investments	\$ 4,006,212	\$ 394,315	\$ -	\$ 2,183,976
Accounts receivable	284,174	-	260,422	-
Interest receivable	24,378	-	-	-
Notes receivable	996,820	-	-	-
Prepaid expenses	9,340	-	-	-
Due from other funds	196,108	-	-	-
Advance to other funds	60,000	-	-	-
<b>TOTAL ASSETS</b>	<b>\$ 5,577,032</b>	<b>\$ 394,315</b>	<b>\$ 260,422</b>	<b>\$ 2,183,976</b>
<b>LIABILITIES AND FUND BALANCE</b>				
<b>LIABILITIES</b>				
Accounts payable	\$ 101,293	\$ 23,487	\$ -	\$ 21,005
Other payables	62,878	30,666	-	-
Accrued payroll	50,706	-	-	-
Accrued vacation	65,968	-	-	-
Due to other funds	-	-	161,513	-
Advance from other funds	-	-	-	-
<b>TOTAL LIABILITIES</b>	<b>280,845</b>	<b>54,153</b>	<b>161,513</b>	<b>21,005</b>
<b>DEFERRED INFLOWS OF RESOURCES</b>				
Deferred fee and rental receipts	61,493	-	-	-
Deferred billings	66,035	-	-	-
Deferred note receivable	19,922	-	-	-
<b>TOTAL DEFERRED INFLOWS OF RESOURCES</b>	<b>147,450</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>FUND BALANCE</b>				
Non-spendable	1,242,346	-	-	-
Restricted	-	264,629	98,909	-
Committed	-	-	-	-
Assigned	34,542	75,533	-	2,162,971
Unassigned	3,871,849	-	-	-
<b>TOTAL FUND BALANCE</b>	<b>5,148,737</b>	<b>340,162</b>	<b>98,909</b>	<b>2,162,971</b>
<b>TOTAL LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCE</b>	<b>\$ 5,577,032</b>	<b>\$ 394,315</b>	<b>\$ 260,422</b>	<b>\$ 2,183,976</b>

The accompanying notes are an integral part of the financial statements

Includes FY 2013-14 Measure J revenues received October 2014 which are excluded from the CITA FY 2013-14 report

**City of Clayton**  
**Notes to Basic Financial Statements**  
**For the fiscal year ended June 30, 2014**

**3. NOTES RECEIVABLE, Continued**

On July 1, 1987, the City Council adopted Resolution No. 31-87 ordering "2% election" payments to the City each year by the former RDA as authorized by the H&S Code related to the Clayton Redevelopment Project. The 2% election payments to the City were designed to commence in the fiscal year ending June 30, 1989. During an examination of the former RDA's remaining fiscal condition during calendar year 2009, it was discovered by the former RDA's staff and its consultant, Seifel Consulting, Inc., that these payments had never been made to the City. Subsequent review by the County's Auditor-Controller's Office confirmed that the former RDA owed the City an accumulated total of \$501,689 in 2% election payments since 1987. The City recognized this note receivable and the former RDA agreed to pay back this note in four annual installments of \$125,475. As of June 30, 2014, the balance due from the Successor Agency is **\$501,899**.

In fiscal year 1999, the General Fund provided \$48,310 in funding for a portion of the Oak Street Bridge project and recorded a note receivable from the Oak Street Bridge Assessment District. The note, which bears interest at 6%, is being paid off over 20 years. As of June 30, 2014, the outstanding balance due to the General Fund was **\$19,922**.

**4. INTERFUND TRANSACTIONS**

**A. Due To, Due From**

At June 30, 2014, the City had the following short-term interfund receivables and payables related to short-term cash flow borrowings from the General Fund:

DUE TO	DUE FROM				Total
	Governmental		Business-Type		
	Measure J Fund	Non-major Funds	Community Gym	Endeavor Hall	
Governmental Activities:					
General Fund	\$ 161,513	\$ 2,550	\$ -	\$ 32,045	\$ 196,108
Total	\$ 161,513	\$ 2,550	\$ -	\$ 32,045	\$ 196,108

**B. Interfund Transfers**

At June 30, 2014, the City had the following transfers:

TRANSFERS OUT	TRANSFERS IN						Total
	General Fund	Measure J	Capital Improvement Fund	Gas Tax	Non-major Gov'tal Funds	Internal Services	
General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 79,154	\$ 79,154
Landscape Maint. Fund	32,156	-	9,887	-	912	-	42,955
Measure J Fund	4,000	-	-	-	-	-	4,000
Capital Improvement Fund	35,398	120,244	-	161,941	-	-	317,583
Gas Tax Fund	6,687	-	82,893	-	-	-	89,580
Downtown Park CFD	6,533	-	-	-	-	-	6,533
Non-major Gov'tal Funds	63,536	-	-	-	-	-	63,536
Total	\$ 148,310	\$ 120,244	\$ 92,780	\$ 161,941	\$ 912	\$ 79,154	\$ 603,341

October 1, 2015

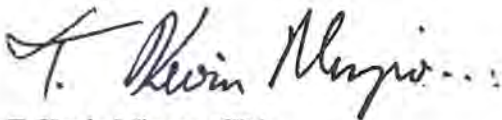
Contra Costa Transportation Authority  
2999 Oak Road  
Walnut Creek, CA 9407  
Attention: Diane Bodon

**RE: City of Clayton Local Streets Maintenance and Improvements Funds Annual Report**

Dear Ms. Bodon:

Enclosed is the Local Street Maintenance and Improvements Funds report for the fiscal year ending June 30, 2015.

Sincerely,

A handwritten signature in black ink that reads "T. Kevin Mizuno". The signature is written in a cursive style with a large initial "T" and a long horizontal stroke at the end.

T. Kevin Mizuno, CPA  
Finance Manager  
City of Clayton



CONTRA COSTA  
**transportation  
 authority**

**LOCAL STREET MAINTENANCE AND IMPROVEMENTS FUNDS  
 (18% FUNDS)  
 REPORTING FORM  
 FOR ELIGIBLE EXPENDITURES DURING FISCAL YEAR 2014-15**

Jurisdiction: City of Clayton

(If you have any questions regarding this form, please contact Diane Bodon at CCTA, 256-4720.  
 Please return the form to CCTA, Attention: Diane Bodon, at the address below

	Total for FY 2014-15
<b>Balance as of July 1, 2014</b>	<b>(\$161,513)</b>
<b>18% Funds Received during FY 2014-15</b> (actual, not accrued)	<b>260,422</b>
<b>Eligible Expenditures</b> (Please describe all expenditures in excess of \$10,000 on an attached page.)	
Local Street and Roads	-
Growth Management Planning and Compliance	\$4,862
Transit Capital and Operations	-
Trails	-
Parking Facilities	-
TDM/TSM	-
<b>Total Expenditures during FY 2014-15</b>	<b>\$4,862</b>
<b>Funds Remaining</b>	<b>\$94,047</b>
<b>Interest Earned</b>	<b>\$945</b>
<b>Balance as of June 30, 2015</b>	<b>\$94,992</b>

Form prepared by: Kevin Mizuno

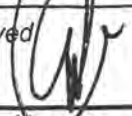
Phone: 925-673-7309

Title: Finance Manager


Email: Kmizuno@ci.clayton.ca.us

Date: 10/1/15



Approved   
Gary A. Napper  
City Manager

# AGENDA REPORT

**TO:** HONORABLE MAYOR AND COUNCIL MEMBERS  
**FROM:** MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR   
**DATE:** MAY 17, 2016  
**SUBJECT:** AN ORDINANCE EXTENDING THE TOWN CENTER PARKING WAIVER (ZOA-02-16)

---

## RECOMMENDATIONS

It is recommended the City Council:

1. Adopt a motion to have the City Clerk read the Ordinance No. 462 by title and number only and waive further reading; and
2. Following the City Clerk's reading, by motion approve Ordinance No. 462 for Introduction (**Attachment 1**).

## BACKGROUND

On April 26, 2016, the Planning Commission conducted a noticed public hearing and considered the subject ordinance. Following questions and a discussion, the Planning Commission passed a resolution recommending the City Council adopt an ordinance to extend the Town Center area parking waiver for an additional three years, until June 30, 2019 (**Attachment 2**).

In 2007, the City of Clayton amended Chapter 17.37, the City's Off-Street Parking and Loading Regulations, along with other changes, to reduce the on-site parking requirements for specified land uses in the City's Town Center. The waiver provisions are covered in the Clayton Municipal Code Section 17.37.030.C and Schedule 17.37.030.D (**Attachment 3**).

The purpose of offering the waiver of required on-site parking was to provide incentive to develop certain land uses and promote overall development activity in the Town Center area. The adopted parking waiver provisions primarily promote retail and restaurant land uses, though some parking reductions are also allowed for office and personal services uses. The basis for the recommended changes were born out of the Town Center Parking Study developed in May 2006.

The original amendment to Chapter 17.37, which was passed by the City Council on June 26, 2007, provided a waiver period to June 30, 2010. Since that time, the Planning Commission considered, and the City Council approved on two separate occasions July 20, 2010 and May 21, 2013, extensions of the parking waiver allowances until June 30, 2013 and June 30, 2016 respectively. Since the adoption of the original ordinance in 2007, two entitled projects have taken advantage of the parking waiver: 1) the Creekside Terrace project with a waiver of seven parking spaces; and 2) the Skipolini Family Bocce Ball Courts with a waiver of 20 parking spaces. That brings the total number of approved parking spaces waived to 27.

### **ENVIRONMENTAL**

The adoption of the Ordinance will not result in a significant adverse environmental impact as the general environmental setting and anticipated impacts have not changed nor is there new information that would alter the findings of the January 17, 2007 City Council adoption of the Town Center and Vicinity Planning Amendments Initial Environmental Study/Negative Declaration (ENV-01-06) prepared in accordance with Section 15070 et seq. of the California Environmental Quality Act (CEQA) Guidelines.

### **DISCUSSION**

The purpose of the City offering the parking waiver and associated provisions in 2007 was primarily to encourage and provide incentive to potential development for retail and restaurant uses in the Town Center. This action supported Town Center Specific Plan policy to "Maintain and enhance retail and restaurant uses in the Town Center in order to sustain similar uses in the Town Center..." (Goal II, Page 9) as well as Town Center Policy I.5 to "Encourage developers to seize incentives provided in the General Plan for increased structural coverage of smaller parcels in the Town Center." Increasing structural coverage of smaller parcels is greatly enhanced when parking waiver provisions are provided. The purpose at the time was also to "jump start" commercial development in the Town Center area and assist in generating the "critical mass" needed to establish the Town Center as a competitive commercial location.

When the City Council originally approved the parking waiver provisions, as suggested in the 2006 Parking Study, the parking waiver was intended to be in effect for three years or until a pre-determined on-street and off-street parking threshold was reached. The City Council set the threshold for reconsideration of the parking waiver provisions when 200 parking spaces that normally would have been required with development had been



waived (Section 17.37.030.D). The purpose of this provision was to ensure that existing conditions in the Town Center area were not compromised with respect to the availability of public parking, patterns of utilization, and parking needs of future commercial. To date, only 27 parking spaces have been waived for the Creekside Terrace Mixed Use Project and the Skipolini Family Bocce Ball Courts. The Community Development Director is responsible for monitoring this threshold and reporting back to the Planning Commission. The Planning Commission, in turn, is responsible for reviewing the Director's report and making a recommendation to the City Council. No written reports to date have been provided to the Planning Commission given the low level of development activity which have resulted in a limited number of parking waivers (27 or 13.5%) being applied toward the 200 parking space threshold.

The potential development and generation of the "critical mass" was dealt a significant setback with the onset of the Great Recession. Based on recent developer inquiries for Town Center properties, a turnaround could possibly be on the horizon. Developer interest is supported by rising land and real estate values in the area, according to the developers who have made inquiries. Staff believes that the same reasons exist in 2016 that did in 2007 to incentivize potential commercial development in the Town Center. Approval of the parking waiver would show continued effort and support as well as the provision of an impetus to precipitate and propel future commercial development in the Town Center area.

#### **FISCAL IMPACT**

None.

#### **ATTACHMENTS**

1. Ordinance No. 462 [3 pp.]
2. Excerpt of the Minutes from the April 26, 2016 Planning Commission Meeting [1 pp.]
3. Excerpt from Clayton Municipal Code on Parking [3 pp.]

**ORDINANCE NO. 462**

**AN ORDINANCE  
AMENDING SECTION 17.37.030.C (WAIVER PERIOD) OF THE CLAYTON MUNICIPAL CODE FOR  
THE PURPOSE OF EXTENDING FROM JUNE 30, 2016 THROUGH JUNE 30, 2019 THE PARKING  
WAIVER PROVISION IN THE TOWN CENTER AREA  
(ZOA-02-16)**

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

**THE CITY COUNCIL OF THE CITY OF CLAYTON FINDS AS FOLLOWS:**

**WHEREAS**, Ordinance No. 408 was adopted by the Clayton City Council on June 26, 2007, which provided a waiver period to allow specified reductions for on-site parking for development projects satisfying certain stated criteria as an incentive for development and redevelopment to occur in Clayton's Town Center area; and

**WHEREAS**, the initial waiver period contained within Ordinance No. 408 and reflected in 17.37.030.C of the Clayton Municipal Code expired on June 10, 2010 and then was amended again by Ordinance No. 428 and expired on June 30, 2013; and

**WHEREAS**, an additional third waiver period contained within Ordinance No. 446 and reflected in 17.37.030.C of the Clayton Municipal Code expires on June 30, 2016; and

**WHEREAS**, because only limited development has occurred in the Town Center area since the adoption of Ordinances No. 408, 428, and 446 and continuing to provide incentive to encourage general development and redevelopment in the Town Center area to projects which conform with the Clayton Town Center Specific Plan remains desirable; and

**WHEREAS**, proper notice of this public hearing was given in all respects as required by law; and

**WHEREAS**, the City Council received the recommendation of the Planning Commission, the related staff report and other documents, and public testimony concerning the amendment, and determined that the amendment would be in conformance with the General Plan; determined that the public necessity, convenience, and general welfare would require adoption of the amendment.

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

**SECTION 1.** The above recitals are true and correct and are hereby incorporated into this Ordinance.

**SECTION 2.** Section 17.37.030.C of the Municipal Code is amended to read in its entirety

as follows:

"C. **Waiver Period.** In order to encourage development of retail, restaurant, office, and personal service uses in the Town Center before June 30, 2019, a waiver period extending through June 30, 2019 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."

**SECTION 3. 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 4. Conflicting Ordinances Repealed.** Any ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

**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 Section 1 of this Ordinance to be entered into the City of Clayton Municipal Code.

**SECTION 6. CEQA.** The adoption of the Ordinance will not result in a significant adverse environmental impact as the general environmental setting and anticipated impacts have not changed nor is there new information that would alter the findings of the January 17, 2007 City Council adoption of the Town Center and Vicinity Planning Amendments Initial Environmental Study/Negative Declaration (ENV-01-06) prepared in accordance with Section 15070 et seq. of the California Environmental Quality Act (CEQA) Guidelines.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton, California held on May 17, 2016.

Passed, adopted, and ordered posted by the City Council of the City of Clayton, California at a regular public meeting thereof held on \_\_\_\_\_, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON

\_\_\_\_\_  
Howard Geller, Mayor

ATTEST

\_\_\_\_\_  
Janet Brown, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

\_\_\_\_\_  
Malathy Subramanian, City Attorney

\_\_\_\_\_  
Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular public meeting of the City Council of the City of Clayton, California held on May 17, 2016 and was duly adopted, passed, and ordered posted at a regular public meeting of the City Council held on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Janet Brown, City Clerk

Commissioner Richardson indicated that, in the Village Oaks building, he has seen many different non-retail uses in ground-floor tenant spaces such as an insurance broker and newspaper publication office and has seen many businesses come and go.

Commissioner Manning expressed support for the proposal and indicated that it was an excellent use for the site.

The public hearing was closed.

**Commissioner Manning moved and Commissioner Richardson seconded a motion to conditionally approve Use Permit UP-03-16, with the findings and conditions of approval recommended by staff. The motion passed 5-0.**

Dr. Truong, the dentist proposed for the subject tenant space, expressed his gratitude to the Planning Commission for their support and looked forward to moving to Clayton where traditional American family values are cherished.

- 5.b. **ZOA-02-16; Ordinance Extending the Town Center Parking Waiver; City of Clayton.** Review and consideration of a proposed Ordinance to extend the on-site parking waiver in the Town Center area for three years, from June 30, 2016 to June 30, 2019. The purpose of the proposed extension is to provide incentive to promote development activity in the Town Center area for retail and restaurant land uses.

Director Gentry presented the staff report.

The public hearing was opened.

By consensus, the Planning Commission expressed support for the parking waiver extension.

The public hearing was closed.

**Commissioner Richardson moved and Commissioner Manning seconded a motion to adopt Resolution 02-16 recommending City Council approval to extend the parking waiver in the Town Center area to June 30, 2019. The motion passed 5-0.**

**6. OLD BUSINESS**

None.

**7. NEW BUSINESS**

None.

**8. COMMUNICATIONS**

- 8.a. Staff

- I. Administrative Relief. Subject to the following requirements, administrative relief from the terms of this chapter may be granted for matters regarding dimensions and square footage, as well as design standards for parking spaces, loading spaces, and parking lots.
1. The Director makes express written findings that the requirements of this chapter are impractical as applied to the project; and
  2. Measures are incorporated into the project and the Director expressly finds in writing that the measures advance the purposes of this chapter; and
  3. The City Attorney reviews and approves the Director's action as complying with all applicable laws.

### **17.37.030 Parking and Loading Space Requirements.**

- A. Parking and Loading Space Schedules. Off-street parking spaces shall be provided in accordance with Schedule 17.37.030A. Off-street loading spaces shall be provided for non-residential uses in accordance with Schedule 17.37.030B 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 17.37.030A, the number of off-street parking spaces required for projects meeting all of the criteria listed in subsections 1-3 below shall be in accordance with Schedule 17.37.030C.
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, 2016, a waiver period extending through June 30, 2016 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. (Ord. 446).
1. The parcel is located within the planning area of the Town Center Specific Plan (as amended).
  2. The project involves construction, establishment, and/or addition(s) of retail, restaurant, office, or personal services uses.

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 (1) 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 (Ord. 428).
  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 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.

<b>SCHEDULE 17.37.030B OFF-STREET LOADING SPACES REQUIRED</b>	
<b>Gross Floor Area (Sq. Ft.)</b>	<b>Off-Street Loading Spaces / Size (Width x Length x Vertical Clearance)</b>
Less than 10,000	0
10,000 to 50,000	1 Space (10 ft. x 35 ft. x 14 ft.)
Over 50,000	2 Spaces (12 ft. x 45 ft. x 14 ft.)

<b>SCHEDULE 17.37.030C OFF-STREET PARKING SPACES REQUIRED WITH PUBLIC PARKING EASEMENT</b>	
<b>Use Classification</b>	<b>Required Off-Street Parking Spaces</b>
Retail Sales – 1 <sup>st</sup> and/or 2 <sup>nd</sup> Floor	1 per 400 sq. ft.
Restaurant and/or Bar – 1 <sup>st</sup> and/or 2 <sup>nd</sup> Floor On-Site Eating and/or Drinking Entertainment or Dancing	Greater of 1 per 125 sq. ft. or 1 per 5 seats. 1 per 75 sq. ft of public assembly area.
Office – 2 <sup>nd</sup> Floor	1 per 350 sq. ft.
Commercial Services– 2 <sup>nd</sup> Floor	1 per 350 sq. ft.

<b>SCHEDULE 17.37.030D REDUCTION OF REQUIRED PARKING AND LOADING SPACES DURING WAIVER PERIOD</b>		
<b>Parcel Area*</b>	<b>Use Classification</b>	<b>Reduction</b>
≤ 10,000 sq ft	Retail Sales / Restaurant – 1 <sup>st</sup> and/or 2 <sup>nd</sup> Floor	100%
	Office or Personal Services – 2 <sup>nd</sup> Floor	100%
> 10,000 sq ft	Retail Sales / Restaurant – 1 <sup>st</sup> and/or 2 <sup>nd</sup> Floor	75%
	Office or Personal Services – 2 <sup>nd</sup> Floor	25%

\* Parcel Area is that shown on the Assessor's Maps of the Contra Costa County Assessor's Office as of January 1, 2007 (termed "Original Parcels"). Development projects located on parcels created by any subsequent division of the Original Parcels must comply with the requirements applicable to the parcel areas of the Original Parcels.