



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL and OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)

* * *

TUESDAY, March 21, 2023

7:00 P.M.

***** NOTICE *****

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

Mayor: Jeff Wan
Vice Mayor: Jim Diaz

Council Members
Peter Cloven
Holly Tillman
Kim Trupiano

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

Instructions for Virtual City Council Meeting – March 21

Tonight's meeting will be available to the public both in-person and remotely via Zoom. As a courtesy, and technology permitting, members of the public may continue to provide live remote oral comment via the Zoom video conferencing platform. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time.

To follow or participate in the meeting:

1. **Videoconference:** to follow the meeting on-line, click here to register:

https://us02web.zoom.us/webinar/register/WN_suxMeIgbQNWPgZIqaBNXFw

After clicking on the URL, please take a few seconds to submit your first and last name, and e-mail address then click "Register", which will approve your registration and a new URL to join the meeting will appear.

Phone-in: Once registered, you will receive an e-mail with instructions to join the meeting telephonically, and then dial Telephone: 877 853 5257 (Toll Free)

2. using the *Webinar ID* and *Password* found in the e-mail.

E-mail Public Comments: If preferred, please e-mail public comments to the City Clerk, Ms. Calderon at janetc@claytonca.gov by 5 PM on the day of the City Council meeting. All E-mail Public Comments will be forwarded to the entire City Council.

For those who choose to attend the meeting via videoconferencing or telephone shall have 3 minutes for public comments.

Location:

Videoconferencing Meeting (this meeting via teleconferencing is open to the public)

To join this virtual meeting on-line click here:

https://us02web.zoom.us/webinar/register/WN_suxMeIgbQNWPgZIqaBNXFw

To join on telephone, you must register in the URL above, which sends an e-mail to your inbox, and then dial (877) 853-5257 using the *Webinar ID* and *Password* found in the e-mail.

*** CITY COUNCIL ***
March 21, 2023

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

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

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

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

Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the City Council.

4. **CONSENT CALENDAR**

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

- (a) Approve the minutes of the City Council's regular meeting of March 7, 2023.
(City Clerk) ([View here](#))
- (b) Approve the Financial Demands and Obligations of the City. (Finance) ([View here](#))
- (c) Acceptance of the 2022 General Plan Implementation and Housing Element Annual Progress Report. (Community Development Director) ([View here](#))
- (d) Establishing 2023/2024 Equivalent Ruoff Unit (ERU) Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention). (City Engineer) ([View here](#))
- (e) Resolution of the City Council of the City of Clayton Amending a Professional Services Agreement with GovInvest for Financial Consulting Services in the Amount of \$49,900 for a Total Not-To-Exceed Amount of \$115,775.
(Finance Director) ([View here](#))
- (f) Request to purchase 2016 Zero electric police motorcycle. (Police Chief)
([View here](#))

5. RECOGNITIONS AND PRESENTATIONS

- (a) Certificates of Recognition to public school students for exemplifying the “Do the Right Thing” character trait of “Self-Discipline” during the months of January and February 2023. (Councilmember Cloven) ([View here](#))

6. REPORTS

- (a) City Manager/Staff

7. PUBLIC HEARINGS

- (a) Adopt a Resolution Approving Endeavor Hall Clayton Non-Profit Rental Fees. (Interim City Manager) ([View here](#))
- (b) Introduce and Waive First Reading of an Ordinance to Amend Clayton Municipal Code Chapter 17.47, Sections 17.04.083 and 17.44.030, and Schedule 17.37.030A Pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units (ZOA-02-2022), and Finding that Such Amendment is Exempt from CEQA Pursuant to Public Resources Code Section 21080.17. (Community Development Director) ([View here](#))

8. ACTION ITEMS

- (a) Adopt a Resolution Authorizing the City to Apply for Energy Efficiency Loan from the California Energy Commission to Implement Energy Efficiency Measures, if Approved and Finding that the Activities funded by the Loan are Categorically Exempt from CEQA pursuant to Class 1 (14 CCR § 15301) and Class 3 (14 CCR §15303) Categorical Exemptions of the State CEQA Guidelines. (Interim City Manager) ([View here](#))

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

10. COUNCIL REPORTS

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

**11. RECESS THE CITY COUNCIL MEETING – Mayor Wan
(until after the conclusion of the Oakhurst Geological Hazard Abatement District meeting)**

12. **RECONVENE THE CITY COUNCIL MEETING** – Mayor Wan

13. **CLOSED SESSION**

- (a) Conference with Real Property Negotiators
(Gov. Code section 54956.8)

Property: 278 Stranahan Circle, Clayton, Ca 94517

Agency Negotiators: Ron Bernal, Interim City Manager and Dana Ayers,
Community Development Director

Negotiating Party: Bonny Slatkin
Under Negotiation: Price and terms of payment

14. **ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be April 4, 2023.

#

*** OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT ***
March 21, 2023

1. CALL TO ORDER AND ROLL CALL – Chair Trupiano.

2. PUBLIC COMMENTS

Members of the public may address the District of Boardmembers on items within the Board's jurisdiction, (which are not on the agenda) at this time. To facilitate the recording, assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Chair's discretion. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Board 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 Board.

3. CONSENT CALENDAR

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

- (a) Approve the Board of Directors' minutes for its regular meeting December 6, 2022. (Secretary) ([View here](#))

4. PUBLIC HEARINGS - None.

5. ACTION ITEMS

- (a) GHAD Manager Report and Facility Assessment – Discussion of Operation and Maintenance Priorities. (City Engineer) ([View here](#))

Recommendation: The GHAD Board receives assessment report from the GHAD Manager and their geotechnical consultants. The report will include overview of the District responsibilities, facility assessment, and current financial status. Staff recommends a discussion with the GHAD Board after the report is received to provide input to Staff on operation and maintenance priorities and future financial planning to develop the FY23-24 GHAD budget.

6. BOARD ITEMS – limited to requests and directives for future meetings.

7. ADJOURNMENT – the next meeting of the GHAD Board of Directors will be scheduled as needed.

#

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

TUESDAY, March 7, 2023

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:01 p.m. by Mayor Wan held via a hybrid meeting format live in-person and Zoom videoconference and broadcast from Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California. Councilmembers present: Mayor Wan, Vice Mayor Diaz, and Councilmembers Cloven and Trupiano. Councilmembers absent: Councilmember Tillman. Staff present: Interim City Manager Ron Bernal, City Attorney Mala Subramanian, Community Development Director Dana Ayers, and City Clerk Janet Calderon.

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

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

Ed Hartley expressed concern regarding the tiers for reduced non-profit rental rates for Endeavor Hall and elimination of the Endeavor Hall City Council ad-hoc committee.

Keith Haydon expressed his concern regarding the tiers for reduced non-profit rental rates for Endeavor Hall and requested the City Council reinstate the Endeavor Hall City Council ad-hoc committee.

Howard Kaplan supports the volunteerism of the Clayton Business and Community Association.

Pat Middendorf expressed her concern with her recent rental of Endeavor Hall and staff not knowing how much to charge her.

Carolina Marlin requested the city look into the large root that has appeared on Clayton Road and suggested the City Council consider an ice-skating rink on the empty lot downtown.

Bassam Altwal expressed his concern with the endorsements for the mayor from Oakhurst Country Club.

Mayor Wan closed public comment.

4. **CONSENT CALENDAR**

It was moved by vice Mayor Diaz, seconded by Councilmember Trupiano, to approve the Consent Calendar items 4(a) – 4(b), as submitted. (Passed 5-0).

- (a) Approved the minutes of the City Council's regular meeting of February 21, 2023.
(City Clerk)

- (b) Approved the Financial Demands and Obligations of the City. (Finance)

5. RECOGNITIONS AND PRESENTATIONS

- (a) Information Only – No Action Requested.

- Irish-American Heritage Month.
- Women's History Month.
- Cesar Chavez Day (March 31)

- (b) Proclamation declaring March as "Red Cross Month" in the City of Clayton.
(Mayor Wan)

Mayor Wan read the proclamation declaring March as "Red Cross Month" in the City of Clayton.

Larry Fong, External Relations, Red Cross briefly spoke about the efforts of the Red Cross

- (c) Clayton Valley Village Presentation. (Councilmember Trupiano)

Councilmember Trupiano introduced Sonja Wilkin to provide a short presentation with a PowerPoint.

Sonja Wilkin presented a PowerPoint showcasing the efforts of the Clayton Valley Village.

6. REPORTS

- (a) Interim City Manager Ron Bernal announced an upcoming Clayton City Council Special meeting taking place on March 11 interviewing City Manager candidates, a Clayton City Council Special meeting taking place on March 13 regarding the City Council Goal Setting Session, and notified the community sandbags are available at the Keller House due to the upcoming storms.

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) Consider Termination of the Clayton Business and Community Association Master Use Agreement. (Interim City Manager)

Interim City Manager Ron Bernal presented the report.

Following questions and comments by the City Council, Mayor Wan opened the public comment.

Ed Hartley expressed his concern with the termination of the Clayton Business and Community Association agreement with the city, and suggested a renegotiation of the agreement.

Keith Haydon expressed his concern of not hearing this item ahead of time as a future city council item.

Amy Callaghan expressed she is a frequent volunteer of the Clayton Business and Community Association and is not supportive of termination of the agreement.

Ed Miller noted the City Council not only manages the budget, but also relationships with the community and not in the business of making profit.

Terri Denslow expressed her concern of the anonymous letters attacking the Clayton Business and Community Association.

Scott Denslow suggested the City Council talk about renegotiation not termination of the Clayton Business and Community Association.

Rebecca Nolen highlighted some of the events and donations provided by the Clayton Business and Community Association suggested the City Council talk about renegotiation not termination of the Clayton Business and Community Association master agreement.

Bassam Altwal volunteers as often as he can for the Clayton Business and Community Association and expressed his concern of the non-profit rates for use of Endeavor Hall.

Christine Muller expressed her displeasure with the termination of the Clayton Business and Community Association agreement with the city.

Meredith Yalenty expressed her concern with termination of the Clayton Business and Community Association master agreement.

Pat Middendorf expressed her concern with termination of the Clayton Business and Community Association master agreement.

Howard Geller expressed his dissatisfaction with the current City Council and provided an overview of the volunteerism and donations made by the Clayton Business and Community Association.

Sandy Johnson provided the City Council payment amounts made by the Clayton Business and Community Association to the City for its events.

Carl Wolfe provided a brief overview of the Clayton Business and Community Association and would like to continue working with the City of Clayton.

Matt Tillman encouraged the community to get involved with the Clayton Business and Community Association, since the city does not have its own recreation department, it relies heavily on the Clayton Business and Community Association for events.

Doug Robers is in support of the Clayton Business and Community Association paying its fair share of costs the City incurs for the downtown events.

Jonathan Lee noted the Clayton Business and Community Association pays Police overtime fees and downtown businesses enjoy the extra business during various City events.

Dennis Mitchell expressed his support of the Clayton Business and Community Association.

Mayor Wan closed public comment.

It was moved by Mayor Wan, seconded by Vice Mayor Diaz, to terminate the Clayton Business and Community Association Master Use Agreement and form an ad-hoc committee consisting of Mayor Wan and Vice Mayor Diaz to enter into a new master use agreement with the Clayton Business and Community Association. (Passed; 3-1 No; Cloven)

9. COUNCIL ITEMS

Councilmember Cloven requested a future agenda item to include the addition of a future item to the City Council Agenda discussed in public prior to being placed on the agenda.

(9:22 pm) Mayor Wan called for a 2-minute recess

(9:24 pm) Mayor Wan called the meeting back to order

9. COUNCIL REPORTS

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

Councilmember Cloven attended the Contra Costa County Mayors' Conference, met with Diablo View Middle School Principal Fong, announced the upcoming Clayton Cleans Up event April 22, spoke with constituents regarding the Clayton Business and Community Association master agreement, and spoke with City of Concord Councilmembers regarding their fee schedule.

Councilmember Trupiano attended the Clayton Budget and Audit Committee meeting, the East Contra Costa County Habitat Conservancy board meeting, attended the Clayton Valley Village annual meeting, attended the Contra Costa County Mayors' Conference, met with Ernest Avila, President, Contra Costa Water District who wishes to provide the City Council a presentation at a future meeting, spoke with constituents regarding the Clayton Business and Community Association agreement, and continued reaching out for sponsorships for the upcoming Concerts in The Grove.

Vice Mayor Diaz attended the CERT/Morgan Territory Association meeting, attended the County Connection community meeting, attended the re-opening of Contra Costa Fire Protection District Station 74, announced the upcoming Clayton Business and Community Association Art and Wine event taking place April 29 – 30, and met with the Interim City Manager.

Mayor Wan attended the Clayton Budget and Audit Committee meeting, met with PG&E with Climatec, attended the Contra Costa County Mayors' Conference and met with our new California Public Utilities Commission (CPUC) representative.

11. **CLOSED SESSION** – None.

12. **ADJOURNMENT**– on call by Mayor Wan, the City Council adjourned its meeting at 9:31 p.m.

The next regularly scheduled meeting of the City Council will be March 21, 2023.

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Jeff Wan, Mayor

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STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN
ANGELINE LOEFFLER, FINANCE DIRECTOR

DATE: 3/21/2023

SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

RECOMMENDATION:

It is recommended the City Council, by minute action, approve the financial demands and obligations of the City for the purchase of services and goods in the ordinary course of operations.

Attached Report	Purpose	Amount
Obligations	Accounts Payable	\$ 277,068.85
Payroll Reconciliation Summary	Payroll, Taxes	\$ 89,488.09
	Total Required	\$ 366,556.94

Attachments:

1. Obligation report for 3/21/23 (2 pages)
2. Payroll Reconciliation Summary report PPE 3/5/23 (2 pages)

City of Clayton
Obligations for 3/21/23

Vendor name	Invoice date	Invoice number	Invoice description	Amount	Payment method
Authorize.net	03/01/2023	February2023	Online bankcard gateway fee February 2023	\$33.25	Bank draft
CalPERS Retirement	03/05/2023	030523	Retirement PPE 3/5/23	\$18,204.40	Bank draft
Mission Square Retirement	03/05/2023	030523	457 Plan contributions PPE 3/5/23	\$225.00	Bank draft
Nationwide	03/05/2023	030523	457 Plan contribution PPE 3/5/23	\$500.00	Bank draft
Paysafe Payment Processing	03/01/2023	February2023	Online bankcard fees February 2023	\$148.83	Bank draft
Paysafe Payment Processing	03/01/2023	February2023	OTC Bankcard fees February 2023	\$142.98	Bank draft
US Bank CalCard	01/23/2023	012323	CalCard Stmt end 1/23/23	\$8,814.87	Bank draft
US Bank CalCard	02/22/2023	022223	CalCard Stmt end 2/22/23	\$10,251.99	Bank draft
US Bank CalCard	12/22/2022	122222	CalCard Statement end 12/22/22	\$9,128.80	Bank draft
Wex Bank-Fleet Cards	02/25/2023	87432478	Fleet fuel stmt end 2/25/23	\$4,788.56	Bank draft
Advanced Elevator Solutions, Inc	03/01/2023	51810	Elevator Service February 2023	\$128.00	Check
Alameda County Sheriff's Office	02/24/2023	290131-0123-7614	Training class-First responders	\$339.00	Check
All City Management Services, Inc.	02/22/2023	83653	School crossing guard svcs 2/5/23-2/18/23	\$2,368.44	Check
All City Management Services, Inc.	03/08/2023	83951	School crossing guard svcs 2/19/23-3/4/23	\$2,368.44	Check
AT&T (CalNet3)	02/22/2023	19541433	Phones 1/22/23-2/21/23	\$1,251.04	Check
AT&T (HH Internet)	02/21/2023	322941575-22123	Hoyer Hall Internet 3/22/23-4/21/23	\$187.25	Check
Bay Area Barricade Serv.	12/29/2022	37090	Street signs	\$1,351.35	Check
Bay Area Barricade Serv.	02/27/2023	37476	"School days" sign	\$932.88	Check
Bay Area News Group	02/28/2023	1367832	Legal Ad for February 2023	\$331.96	Check
Best Best & Kreiger LLP	03/08/2023	959725-959729	Legal svcs February 2023	\$14,220.50	Check
Bob Murray & Associates	02/15/2023	9947	Executive search services	\$8,026.25	Check
CA Department of Justice	03/02/2023	642466	Fingerprinting February 2023	\$32.00	Check
Cintas (First Aid)	01/05/2023	5139582742	Restock first aid cabinet	\$84.85	Check
CME Lighting Supply, Inc	02/27/2023	253115	Lamps	\$436.25	Check
Comcast Business (PD)	03/01/2023	166518289	PD Internet February 2023	\$988.68	Check
Comcast Business (The Grove Park)	02/05/2023	020523	The Grove Park internet 2/10/23-3/9/23	\$468.73	Check
Comcast Business (The Grove Park)	03/05/2023	030523	The Grove Park internet 3/10/23-4/9/23	\$237.52	Check
Contra Costa County - Office of the Sheriff	02/07/2023	CLPD-2301	Toxicology January 2023	\$200.00	Check
Contra Costa County Public Works Dept	02/23/2023	705678	Traffic signal maintenance January 2023	\$2,077.86	Check
Contra Costa Transportation Authority	02/28/2023	2023-000000003	FY 2022 CMA	\$1,537.00	Check
CR Fireline, Inc	02/27/2023	123155	Library fire sprinkler inspection	\$225.00	Check
CR Fireline, Inc	02/27/2023	123156	CH fire sprinkler inspection	\$225.00	Check
CR Fireline, Inc	02/27/2023	123157	EH fire sprinkler inspection	\$225.00	Check
De Lage Landen Financial Services, Inc.	01/16/2023	78787382	PD copier lease April 2023	\$123.52	Check
Dillon Electric Inc	03/06/2023	4817	Street light repairs 3/2/23	\$1,346.00	Check
Dillon Electric Inc	03/13/2023	4824	Library exterior light repair	\$640.00	Check
Environtech Enterprises	03/01/2023	A001-A1-23	Weed abatement Nov-Feb 23	\$17,500.00	Check
Environtech Enterprises	03/01/2023	A001-B1-23	Weed abatement Nov-Feb 23	\$23,000.00	Check
Geoconsultants, Inc.	03/02/2023	19452	Well monitoring February 2023	\$1,546.50	Check
Government Training Agency	02/27/2023	66409	Records Clerk Training	\$525.00	Check
Hamilton Tree Service, Inc	01/06/2023	52410	Emergency tree work @ Lydia Lane Park	\$4,540.00	Check
Hammons Supply Company	03/09/2023	122325	Janitorial supplies March 2023	\$221.23	Check

City of Clayton
Obligations for 3/21/23

Vendor name	Invoice date	Invoice number	Invoice description	Amount	Payment method
Hammons Supply Company	03/09/2023	122326	Janitorial supplies March 2023	\$198.97	Check
J&R Floor Services	03/14/2023	Library floor	Strip and seal Library floors	\$1,325.00	Check
JJR Enterprises for Caltronics Business Systems	02/17/2023	3702929	Copier usage 1/18/23-2/17/23	\$179.60	Check
JJR Enterprises for Caltronics Business Systems	02/17/2023	3702930	Copier usage 1/19/23-2/18/23	\$62.19	Check
Kennedy & Associates	03/03/2023	23-021	Consultant svcs The Olivia February 2023	\$640.75	Check
Kim Trupiano	03/02/2023	011223	League of CA Cities Reception	\$50.00	Check
LarryLogic Productions	02/21/2023	2090	City council meeting production 2/21/23	\$480.00	Check
LarryLogic Productions	02/28/2023	2092	Budget/Audit committee meeting production 3/7/23	\$160.00	Check
LarryLogic Productions	03/01/2023	2093	Planning Commision Meeting Production 2/28/23	\$160.00	Check
LarryLogic Productions	03/08/2023	2096	City council meeting production 3/7/23	\$520.00	Check
LarryLogic Productions	03/14/2023	2098	City council meeting production 3/13/23	\$480.00	Check
League of CA cities	02/15/2023	INV-02094	2023 Local Streets and Roads Needs Assessment	\$300.00	Check
Matthew Polewaczyk	02/18/2023	Rifle	Mileage reimbursement for training	\$113.97	Check
Michael Orfanos	03/08/2023	CAP0397	Deposit refund	\$3,000.00	Check
MPA	09/14/2022	INV002815	EAP Q1 FY2023	\$315.09	Check
MPA	01/24/2023	INV002940	EAP Q2 FY2023	\$315.09	Check
Pacific Telemanagement Svc	02/23/2023	2101979	Courtyard pay phone March 2023	\$70.00	Check
PG&E	02/22/2023	2572177359-3 2/22/23	Energy (Gas) 1/21/23-2/21/23	\$694.00	Check
PG&E	02/22/2023	7293447797-6 022223	Energy 1/13/23-2/13/23	\$34,181.14	Check
Pond M Solutions	01/01/2023	7349	Fountain maintenance January 2023	\$650.00	Check
Pond M Solutions	02/01/2023	7362	Fountain maintenance February 2023	\$650.00	Check
Professional Convergence Solutions, Inc	03/08/2023	PCS0308231	Office set-up, new employee	\$200.00	Check
Roto-Rooter Sewer/Drain Service	02/27/2023	510-24843422	CCP, clear sewer pipe	\$561.00	Check
Roto-Rooter Sewer/Drain Service	02/27/2023	510-24843724	Library, clear drain pipe	\$561.00	Check
Rural Pig Management, Inc	03/01/2023	CC030123	Pig control March 2023	\$3,000.00	Check
SCA of CA, LLC	02/28/2023	105330CS	Street sweeping February 2023	\$4,500.00	Check
Site One Landscape Supply, LLC	02/16/2023	126932195-001	CCP -Irrigation parts, turf seed, marking flags	\$2,279.61	Check
Site One Landscape Supply, LLC	02/23/2023	127070591-001	Sand	\$510.39	Check
Site One Landscape Supply, LLC	03/03/2023	127305693-001	Gloves, shovels	\$143.79	Check
Staples Business Credit	02/25/2023	1647286391	Office supplies	\$399.53	Check
Stericycle Inc	03/01/2023	3006367840	Medical waste disposal	\$71.66	Check
Sterling Infosystems, Inc	02/28/2023	9322873	New employee record search February 2023	\$157.72	Check
T Mobile	03/01/2023	981497076 02/23	PD cell phones February 2023	\$523.10	Check
Theis Engineering & Associates	03/09/2023	CLA2302 A-G	Engineering svcs February 2023	\$64,915.75	Check
Unique Pest Control	11/11/2022	1111221	Gopher/Ground Squirrel control November 2022	\$495.00	Check
Unique Pest Control	12/14/2022	1214221	Gopher/Ground Squirrel control December 2022	\$895.00	Check
Valmont Industries	12/30/2022	CD2212435	Replacement light pole, property damage repair	\$11,049.00	Check
Verizon Wireless	03/01/2023	9929012394	PW cell phones 1/2/23-3/1/23	\$421.90	Check
Western Exterminator	02/28/2023	210920C	Pest control February 2023	\$512.45	Check
Workers.com	03/10/2023	135689	Seasonal workers week end 3/5/23	\$1,402.22	Check

\$277,068.85

Payroll Summary

City of Clayton

Check Date: 03/10/2023

Process: 2023031001

Pay Period: 02/20/2023 to 03/05/2023

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Payroll Totals

Payroll Checks	Check Type	Count	Net Check	Dir Dep Amount	Net Amount	
	Regular	35	0.00	70,173.04	70,173.04	
	Regular	1	110.82	0.00	110.82	
Totals		36	110.82	70,173.04	70,283.86	→ 70,283.86

Payroll Checks	Check Type	Agency Type	Count	Net Check	Dir Dep Amount	Net Amount	
	Agency	EFSDU	1	0.00	358.15	358.15	
	Agency	Regular	1	0.00	663.50	663.50	
Totals			2	0.00	1,021.65	1,021.65	→ 1,021.65

Total Net Payroll Liability				110.82	71,194.69	71,305.51	→ 71,305.51
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Tax Liability

CA and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
CA SDI - Employee	EXEMPT		Semi-Weekly	96,385.08	96,385.08			
California SITW			Semi-Weekly	95,660.08	95,660.08	4,094.53		
Totals						4,094.53	0.00	→ 4,094.53

CASUI and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
CA Edu & Training		0.001000	Quarterly	96,385.08	8,128.19		8.13	
California SUI		0.020000	Quarterly	96,385.08	8,128.19		162.56	
Totals						0.00	170.69	→ 170.69

FITW and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
Federal Income Tax			Semi-Weekly	95,660.08	95,660.08	10,756.36		
Medicare			Semi-Weekly	96,385.08	96,385.08	1,397.62		
Medicare - Employer			Semi-Weekly	96,385.08	96,385.08		1,397.58	
OASDI			Semi-Weekly	2,950.00	2,950.00	182.90		
OASDI - Employer			Semi-Weekly	2,950.00	2,950.00		182.90	
Totals						12,336.88	1,580.48	→ 13,917.36

Total Tax Liability						16,431.41	1,751.17	→ 18,182.58
----------------------------	--	--	--	--	--	------------------	-----------------	--------------------

Total Payroll Liability						89,488.09	→ 89,488.09
--------------------------------	--	--	--	--	--	------------------	--------------------

Transfers

Type	Date	Source Account	Amount
Dir Dep	3/9/2023		70,173.04
Tax	3/9/2023		18,182.58



Paylocity Corporation
(888) 873-8205

User: JGiantvalley

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Payroll Summary

City of Clayton

Check Date: 03/10/2023

Process: 2023031001

Page 2 of 2

Pay Period: 02/20/2023 to 03/05/2023

Trust	3/9/2023	110.82	
Trust Agency	3/9/2023	1,021.65	
Totals Transfers		89,488.09	→ 89,488.09

Tax Deposits

Required Tax Deposits	Tax	Due On	Amount
(Deposit made by Service Bureau)	California SITW	3/15/2023	4,094.53
(Deposit made by Service Bureau)	Federal Income Tax	3/15/2023	13,917.36
(Deposit made by Service Bureau)	California SUI	5/1/2023	170.69
	Total Tax Deposits		18,182.58



Paylocity Corporation
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Run on 3/6/2023 at 6:30 PM



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Dana Ayers, AICP, Community Development Director

DATE: March 21, 2023

SUBJECT: Acceptance of the 2022 General Plan Implementation and Housing Element Annual Progress Report

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution accepting the City's 2022 Housing Element Annual Progress Report (APR) and summary of actions related to implementation of other General Plan policies.

BACKGROUND

Government Code Section 65400 requires the planning agency of each jurisdiction to prepare an annual report on the progress in implementation of the jurisdiction's general plan and general plan housing element. The report from the jurisdiction's planning director or staff must be submitted by April 1 of each year to the jurisdiction's legislative body (city council or board of supervisors), to the State Department of Housing and Community Development (HCD) and to the State Office of Planning and Research (OPR).

HCD uses the APR as a tool to facilitate implementation of a community's housing element as well as for the tracking and monitoring of progress in addressing statewide housing needs and goals. Jurisdictions must report the number of residential units in all pending development applications, the number of housing units approved or entitled, and the number of final inspections or certificates of occupancy granted for the reporting calendar year.

The APR includes information on a jurisdiction's progress toward addressing its Regional Housing Needs Allocation (RHNA), including the number of housing units permitted by income level (number of building permits issued), the status of programs in the housing element, and efforts to remove government constraints. HCD also uses the submittal of the report as one

of its threshold requirements for local public agencies to qualify for certain State grants or program funds. The data reported in the APR is provided to HCD for informational purposes only and does not affect certification status of the housing element for the current cycle.

This Agenda report and the attached Resolution also summarize actions taken by the City during the calendar year 2022 with respect to other policies in the Clayton General Plan.

DISCUSSION

This report for the City of Clayton covers the calendar year of January 1 to December 31, 2022. In that timeframe, the Council considered various actions that relate to adopted policies of the Clayton General Plan and Housing Element.

The City's Capital Improvement Program (CIP), adopted on June 21, 2022, included a list of and appropriations for various infrastructure projects. Projects listed in the CIP implement multi-modal transportation policies in the General Plan, by enhancing pedestrian or bicycle mobility by adding pedestrian or bicycle facilities (Pine Hollow Road Upgrades [CIP No. 10379], Downtown Pedestrian Improvement [CIP No. 10450]), or by providing enhancements to existing pedestrian curb ramps to ensure accessibility for persons with various physical abilities (ADA Transition Compliance Program [CIP 10394A], North Valley Playground Rehabilitation [CIP No. 10442]). Street maintenance and rehabilitation programs are again included in this fiscal year's CIP and would continue the City's ongoing efforts to implement General Plan Circulation Element policy 9c (Provide systematic upgrade of streets and roads to applicable standards.)

The 2022 calendar year was the eighth and final year of the fifth-cycle, 2015-2023 Housing Element. The City has taken various steps during these eight years to implement the majority of the approved programs of the adopted and HCD-certified 2015-2023 Housing Element, including initiation of a program to create six pre-reviewed plans for accessory dwelling units, to aid property owners in streamlining the design and permitting process for construction of ADUs on existing developed residential properties (consistent with Housing Element Policy I.3). The City granted zoning approval for five ADUs in 2022, above the target set in Housing Element Implementation Program I.3.1. The City also continued its efforts to cooperate with potential developers of housing for special needs populations on existing sites of religious institutions in the City (consistent with Housing Element Implementation Program II.1.1), and reviewed and evaluated updates to its inventory of housing opportunity sites as part of its Housing Element Update for the sixth cycle (Housing Element Implementation Measure I.1.1).

This year's APR also acknowledges affordable and market-rate housing units permitted in the City in calendar year 2022. More specifically, the 2022 APR recognizes the issuance of building permits for 17 single-family houses and three ADUs in the Diablo Meadows residential development (entitled in February 2021). Of these units in the Diablo Meadows development, one single-family residence is deed-restricted for occupancy by a Moderate-Income household, and one ADU is deed-restricted for occupancy by a Low-Income household. The remaining 16 single-family residences have been categorized as Above-

Moderate units, and the two other ADUs are categorized as affordable-by-design, non-deed-restricted Low-Income units by nature of their efficiency (studio) floor plan. In 2022, the City also issued zoning approval for four ADUs and one junior ADU, above the two-unit target set in Housing Element Implementation Measure I.3.1. (Note: One ADU and the junior ADU received zoning clearance at the end of calendar year 2022 but did not receive building permits in 2022. Because the units did not receive building permits during the reporting year, they are not included in the summary of permitted units on the last page of the attached spreadsheet.)

FISCAL IMPACT

There are nominal costs related to staff time and printing costs associated with the filing of this report.

ATTACHMENTS

1. Resolution Accepting the 2022 General Plan Implementation Summary and Housing Element Annual Progress Report

Exhibit A to Resolution: Clayton Housing Element Annual Progress Report, 2022

RESOLUTION NO. ____-2023

**A RESOLUTION APPROVING THE CITY OF CLAYTON
2022 GENERAL PLAN IMPLEMENTATION SUMMARY AND HOUSING ELEMENT
ANNUAL PROGRESS REPORT**

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

WHEREAS, Government Code Section 65400 requires the Planning Agency of the City of Clayton, California, to prepare an annual report on the City's progress in implementing the its General Plan and Housing Element using forms and definitions adopted by the California Department of Housing and Community Development (HCD); and

WHEREAS, during the reporting period of January 1 through December 31, 2021, the City Council considered various actions that relate to adopted General Plan policies. The City's Capital Improvement Program (CIP), adopted on June 21, 2022, included a list of and appropriations for various infrastructure projects. Projects listed in the CIP implement multi-modal transportation policies in the General Plan, by enhancing pedestrian or bicycle mobility by adding pedestrian or bicycle facilities (Pine Hollow Road Upgrades [CIP No. 10379], Downtown Pedestrian Improvement [CIP No. 10450]), or by providing enhancements to existing pedestrian curb ramps to ensure accessibility for persons with various physical abilities (ADA Transition Compliance Program [CIP 10394A], North Valley Playground Rehabilitation [CIP No. 10442]). Street maintenance and rehabilitation programs are again included in this fiscal year's CIP and would continue the City's ongoing efforts to implement General Plan Circulation Element policy 9c (Provide systematic upgrade of streets and roads to applicable standards; and

WHEREAS, the 2021 Housing Element Annual Progress Report (APR) includes information on the City of Clayton's progress in addressing its assigned Regional Housing Needs Allocation, including the total number of housing units submitted as part of a development application, the number of housing units entitled, the number of housing units by income level for which a building permit was issued or finalized, the status of programs in the Housing Element, and efforts to remove government constraints for the reporting period; and

WHEREAS, the 2022 calendar year was the eighth and final year of the fifth-cycle, 2015-2023 Housing Element. The City has taken various steps during these eight years to implement the majority of the approved programs of the adopted and HCD-certified 2015-2023 Housing Element. Efforts made during the 2022 calendar year included initiation of a program to create six pre-reviewed plans for accessory dwelling units, to aid property owners in streamlining the design and permitting process for construction of ADUs on existing developed residential properties (consistent with Housing Element Policy I.3). The City granted zoning approval for five ADUs in 2022, above the target set in Housing Element Implementation Program I.3.1. The City also continued its efforts to cooperate with potential developers of housing for special needs populations on existing sites of religious

institutions in the City (consistent with Housing Element Implementation Program II.1.1), and reviewed and evaluated updates to its inventory of housing opportunity sites as part of its Housing Element Update for the sixth cycle (Housing Element Implementation Measure I.1.1); and

WHEREAS, this year's APR also acknowledges affordable and market-rate housing units permitted in the City in calendar year 2022. More specifically, the 2022 APR recognizes the issuance of building permits for 17 single-family houses and three ADUs in the Diablo Meadows residential development (entitled in February 2021). Of these units in the Diablo Meadows development, one single-family residence is deed-restricted for occupancy by a Moderate-Income household, and one ADU is deed-restricted for occupancy by a Low-Income household. The remaining 16 single-family residences have been categorized as Above-Moderate units, and the two other ADUs are categorized as affordable-by-design, non-deed-restricted Low-Income units by nature of their efficiency (studio) floor plan. In 2022, the City also issued zoning approval for four ADUs and one junior ADU, above the two-unit target set in Housing Element Implementation Measure I.3.1; and

WHEREAS, at a public meeting held on March 21, 2023, the Clayton City Council considered the City's proposed on General Plan implementation and Housing Element Annual Progress Report for 2022, including the Agenda Report and all other public comments and discussion thereon, and determined the Reports to be satisfactory and acceptable for submittal to HCD and to the State Office of Planning and Research.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Clayton, California, does hereby accept the 2022 report on General Plan implementation and the 2022 Housing Element Annual Progress Report, a copy of which is attached hereto labeled as Exhibit A and incorporated herein as if fully set forth.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on the 21st day of March 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST:

Janet Calderon, City Clerk

Please Start Here

General Information	
Jurisdiction Name	Clayton
Reporting Calendar Year	2022
Contact Information	
First Name	Dana
Last Name	Ayers
Title	Community Development Director
Email	danaa@claytonca.gov
Phone	9256737343
Mailing Address	
Street Address	6000 Heritage Trail
City	Clayton
Zipcode	94517

Optional: Click here to import last year's data. This is best used when the workbook is new and empty. You will be prompted to pick an old workbook to import from. Project and program data will be copied exactly how it was entered in last year's form and must be updated. If a project is no longer has any reportable activity, you may delete the project by selecting a cell in the row and typing ctrl + d.

[Click here to download APR Instructions](#)

Click here to add rows to a table. If you add too many rows, you may select a cell in the row you wish to remove and type ctrl + d.

2_22_23

Optional: This runs a macro which checks to ensure all required fields are filled out. The macro will create two files saved in the same directory this APR file is saved in. One file will be a copy of the APR with highlighted cells which require information. The other file will be list of the problematic cells, along with a description of the nature of the error.

Optional: Save before running. This copies data on Table A2, and creates another workbook with the table split across 4 tabs, each of which can fit onto a single page for easier printing. Running this macro will remove the comments on the column headers, which contain the instructions. Do not save the APR file after running in order to preserve comments once it is reopened.

Optional: This macro identifies dates entered that occurred outside of the reporting year. RHNA credit is only given for building permits issued during the reporting year.

Link to the online system: <https://apr.hcd.ca.gov/APR/login.do>

Submittal Instructions

Please save your file as Jurisdictionname2022 (no spaces). Example: the city of San Luis Obispo would save their file as SanLuisObispo2022

Housing Element Annual Progress Reports (APRs) forms and tables must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year; submit separate reports directly to both HCD and OPR pursuant to Government Code section 65400. There are two options for submitting APRs:

1. Online Annual Progress Reporting System - Please see the link to the online system to the left. This allows you to upload the completed APR form into directly into HCD's database limiting the risk of errors. If you would like to use the online system, email APR@hcd.ca.gov and HCD will send you the login information for your jurisdiction. *Please note: Using the online system only provides the information to HCD. The APR must still be submitted to OPR. Their email address is opr.apr@opr.ca.gov.*

2. Email - If you prefer to submit via email, you can complete the excel Annual Progress Report forms and submit to HCD at APR@hcd.ca.gov and to OPR at opr.apr@opr.ca.gov. Please send the Excel workbook, not a scanned or PDF copy of the tables.

Jurisdiction	Clayton	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: "+" indicates an optional field
Cells in grey contain auto-calculation formulas

Table A
Housing Development Applications Submitted

[illegible]

Jurisdiction	Clayton
Reporting Year	2022 (Jan. 1 - Dec. 31)
Planning Period	5th Cycle 01/31/2015 - 01/31/2023

ANNUAL ELEMENT PROGRESS REPORT Housing Element Implementation

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

Table B															
Regional Housing Needs Allocation Progress															
Permitted Units Issued by Affordability															
		1		2									3	4	
Income Level		RHNA Allocation by Income Level		2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level	
Very Low	Deed Restricted	51	-	-	-	-	-	-	-	-	-	-	-	-	
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-	-	-	51	
Low	Deed Restricted	25	-	-	-	-	-	-	-	-	1	-	10	15	
	Non-Deed Restricted		-	1	1	-	-	3	2	2	-	-	-	-	
Moderate	Deed Restricted	31	-	-	-	-	-	-	-	-	1	-	4	27	
	Non-Deed Restricted		-	-	-	-	-	-	-	-	3	-	-	-	
Above Moderate		34	-	-	-	8	-	-	-	-	16	-	24	10	
Total RHNA		141													
Total Units			-	-	1	9	-	-	3	2	23	-	38	103	
Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).															
		5											6	7	
		Extremely low-income Need		2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date	Total Units Remaining	
Extremely Low-Income Units*		26	-	-	-	-	-	-	-	-	-	-	-	26	

*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Jurisdiction		Clayton	
Reporting Year		2022 (Jan. 1 - Dec. 31)	
Table D			
Program Implementation Status pursuant to GC Section 65583			
Housing Programs Progress Report			
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.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
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.	12/31/2023	The City has continued to maintain adequate sites available and appropriate for residential development for households at all income levels.
Implementation Measure I.1.2	The City will amend the Multi-Family High Density (MHD) General Plan land use designation or otherwise amend the General Plan and/or Zoning Ordinance as needed to meet state requirements specific to sites rezoned to accommodate the City's lower-income RHNA from the 2007-2014 planning period, specifically to allow multi-family housing by-right on these sites at a minimum density of 20 units per acre.	1/31/2016	The City established Affordable Housing Plan guidelines (contained in the City's Housing Element) and continued to inform potential housing developers of this requirement. The City Council approved a General Plan amendment on July 19, 2016, changing the allowable density in Multi-Family High Density (MHD) from 15.1 to 20 units per acre to 20 units per acre. On August 16, 2016, the City Council passed and adopted an Ordinance requiring multifamily housing types to meet the minimum density limits as set forth in the General Plan. The above was the last action required by the City to meet state law (Gov Code Section 65583.2(h) and (i)).

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 10% minimum of the units to be built or created as affordable housing units.	12/31/2023	On August 16, 2016, the City Council passed and adopted an Inclusionary Housing Ordinance, which provided the details of the Affordable Housing Plan as identified in Implementation Measure I.2.1. This Ordinance requires that 10 percent of the units for ownership residential projects containing 10 or more units to be established as affordable housing units. On January 15, 2019, the City Council passed an Ordinance to apply the same inclusionary housing requirements to rental housing projects as allowed for by Assembly Bill 1505. Entitlements for the Diablo Meadows and Oak Creek Canyon single-family residential developments approved in February 2020 and July 2021, respectively, each included commitments and requirements for deed restriction of at least 10 percent of the developments' units as affordable to low or moderate income households.
Implementation Measure I.3.1	The City Shall continue to promote the development of second dwelling units and will aim to approve two second dwelling units a year.	12/31/2023	The City has continued to promote accessory dwelling units (ADUs) and provides informational handouts. The City issued zoning clearance for three accessory dwelling units in each of the 2020 and 2021 calendar years. In 2021, the City entitled two housing developments (Diablo Meadows and Oak Creek Canyon), which will include four ADUs between them; building permits for three of the ADUs were issued in 2022. In addition to building permits for ADUs in new developments, in 2022, the City issued zoning approvals for four ADUs and one junior ADU unit on existing properties previously developed with single-family houses in the City. In 2022, the City also initiated a contract with a design firm for the preparation of six pre-reviewed ADU plans to make available to property owners, to abbreviate owners' design and permitting processes for ADUs.
Implementation Measure I.4.1	To encourage development of mixed-use projects in 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.	12/31/2023	The City has continued 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. On October 20, 2020, the City initiated a study to evaluate land use options for development of the City-owned property on Oak Street and Clayton Road in the Specific Plan area.

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 development 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.	12/31/2023	The City continues to discuss special needs populations with potential housing providers. On March 3, 2020, the City Council approved Planning entitlements for an 81-unit senior residential development with seven units to be reserved for rent to very-low income households.
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.	12/31/2015	On August 16, 2016, the City Council adopted an Ordinance specifically allowing employee housing for six or fewer residents as a permitted use in residential zoning districts, in compliance with Health and Safety Code Section 17021.5.
Implementation Measure II.1.3	The City shall amend the Zoning Ordinance to allow transitional and supportive housing in the LC (Limited Commercial) zoning district as a residential use subject only to the requirements of other residential uses in this district in compliance with Senate Bill 2 (2007).	One to two years after HE adoption	On August 16, 2016, the City Council adopted an Ordinance allowing transitional and supportive housing in the LC zoning district subject only to the requirements of other residential uses in this district.
Implementation Measure II.2.1	The 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 developmentally 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 will aim to facilitate the development of at least one affordable or special needs project during the planning period.	12/31/2023	The City's Zoning Ordinance allows for flexibility in standards as well as a density bonus for affordable housing developments. The City also has continued to consider regulatory incentives and concessions such as a reduction or deferral in certain development fees and priority application processing. On March 3, 2020, the City Council approved Planning entitlements, including a density bonus with concessions and waivers, for an 81-unit senior residential development with seven units to be reserved for rent to very-low income households.

Implementation Measure II.2.2	The City shall monitor the impact of development fees and consider waiving or deferring fees for affordable housing projects, if and when funding is available.	12/31/2023	The City has continued to monitor the impact of development fees and to consider waiving or deferring fees if there is funding available.
Implementation Measure III.1.1	The 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.	12/31/2023	The City has continued to promote assistance for first-time homebuyers and lower-income renters by referring inquiries to County programs and by disseminating information as it becomes available.
Implementation Measure III.1.2	The City shall seek funding to develop and implement a down payment assistance program for first-time homebuyers 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.	12/31/2015	The City explored funding sources such as CalHome and HOME and did not find any funding sources available for this use. The City will continue to seek funding in order to implement a down payment assistance program for first time homebuyers.
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.	12/31/2023	The City does 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.	12/31/2023	The City continues to maintain and annually update the inventory of affordable housing, which includes the timeframe of affordability expiration. Annual reports for 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.	12/31/2023	The City continually reviews its Zoning Ordinance, policies and practices to ensure compliance with fair housing laws. The City performs updates and amendments when necessary to ensure compliance.

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.	12/31/2023	The City ensures the public is notified of any City hearings on development projects, including affordable housing projects. For any such hearings, notice would be placed on community boards within the City, published in the local newspaper of general circulation (East Bay Times) when required, and mailed by first class mail to owners of property within a 300-foot radius of the proposed project site and other parties expressing interest in a project.
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.	12/31/2023	The City currently distributes and will continue to distribute public information brochures on reasonable accommodation for disabled persons and enforcement programs.
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.	12/31/2023	The City continues to implement its universal design ordinance (Clayton Municipal Code chapter 15.92) as projects come forward and 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.	12/31/2023	The City provides and will continue to provide energy conservation brochures at City Hall and at the Clayton Community Library. The City has also dedicated a page on its website to Green Building, which includes energy conservation through building design.
Implementation Measure V.1.2	The City will review and consider possible amendments to the General Plan, Zoning Ordinance, and related policy and regulatory documents to improve energy conservation beyond CalGreen Tier 1 standards.	12/31/2017	The City supports and will continue to support energy conservation by encouraging Green Building in both new development and remodels. In 2018, the City dedicated a page on its website to Green Building, which includes energy conservation through building design.
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.	12/31/2023	The City has previously opted into three different PACE programs: HERO, Figtree and CaliforniaFirst. (HERO and FigTree PACE no longer exist.)

[illegible]

General Comments			

Table F									
Units Rehabilitated, Preserved and Acquired for Alternative Adequate Sites pursuant to Government Code section 65583.1(c)									
Please note this table is optional: The jurisdiction can use this table to report units that have been substantially rehabilitated, converted from non-affordable to affordable by acquisition, and preserved, including mobilehome park preservation, consistent with the standards set forth in Government Code section 65583.1, subdivision (c). Please note, motel, hotel, hostel rooms or other structures that are converted from non-residential to residential units pursuant to Government Code section 65583.1(c)(1)(D) are considered net-new housing units and must be reported in Table A2 and not reported in Table F.									
Activity Type	Units that Do Not Count Towards RHNA ⁺ Listed for Informational Purposes Only				Units that Count Towards RHNA ⁺ Note - Because the statutory requirements severely limit what can be counted, please contact HCD at apr@hcd.ca.gov and we will unlock the form which enable you to populate these fields.				The description should adequately document how each unit complies with subsection (c) of Government Code Section 65583.1 ⁺ . For detailed reporting requirements, see the chcklist here :
	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	Extremely Low-Income ⁺	Very Low-Income ⁺	Low-Income ⁺	TOTAL UNITS ⁺	
Rehabilitation Activity									
Preservation of Units At-Risk									
Acquisition of Units									
Mobilehome Park Preservation									
Total Units by Income									

Jurisdiction	Clayton	
Reporting Period	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

NOTE: STUDENT HOUSING WITH DENSITY BONUS ONLY. This table only needs to be completed if there were student housing projects WITH a density bonus approved pursuant to Government Code 65915(b)(1)(F)

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Not
Cells in g

Table J												
Student housing development for lower income students for which was granted a density bonus pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 65915												
Project Identifier				Project Type	Date	Units (Beds/Student Capacity) Approved						
1				2	3	4						
APN	Street Address	Project Name*	Local Jurisdiction Tracking ID*	Unit Category (SH - Student Housing)	Date	Very Low- Income Deed Restricted	Very Low- Income Non Deed Restricted	Low- Income Deed Restricted	Low- Income Non Deed Restricted	Moderate- Income Deed Restricted	Moderate- Income Non Deed Restricted	Above Moderate- Income
Summary Row: Start Data Entry Below												

Jurisdiction	Clayton	
Reporting Year	2022	(Jan. 1 - Dec. 31)
Planning Period	5th Cycle	01/31/2015 - 01/31/2023

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	1
	Non-Deed Restricted	2
Moderate	Deed Restricted	1
	Non-Deed Restricted	3
Above Moderate		16
Total Units		23

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

Units by Structure Type	Entitled	Permitted	Completed
SFA	0	0	0
SFD	0	17	0
2 to 4	0	0	0
5+	0	0	0
ADU	0	6	0
MH	0	0	0
Total	0	23	0

Housing Applications Summary	
Total Housing Applications Submitted:	4
Number of Proposed Units in All Applications Received:	5
Total Housing Units Approved:	5
Total Housing Units Disapproved:	0

Use of SB 35 Streamlining Provisions	
Number of Applications for Streamlining	0
Number of Streamlining Applications Approved	0
Total Developments Approved with Streamlining	0
Total Units Constructed with Streamlining	0

Units Constructed - SB 35 Streamlining Permits			
Income	Rental	Ownership	Total
Very Low	0	0	0
Low	0	0	0
Moderate	0	0	0
Above Moderate	0	0	0
Total	0	0	0

Cells in grey contain auto-calculation formulas

Jurisdiction	Clayton
Reporting Year	2022 (Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT Local Early Action Planning (LEAP) Reporting (CCR Title 25 §6202) <i>Please update the status of the proposed uses listed in the entity's application for funding and the corresponding impact on housing within the region or jurisdiction, as applicable, categorized based on the eligible uses specified in Section 50515.02 or 50515.03, as applicable.</i>					
Total Award Amount	\$ 65,000.00 <small>Total award amount is auto-populated based on amounts entered in rows 15-26.</small>				
Task	\$ Amount Awarded	\$ Cumulative Reimbursement Requested	Task Status	Other Funding	Notes
Task 1: Housing Element Preparation	\$65,000.00	\$65,000.00	Completed	REAP	Reimbursement request is pending, was submitted to HCD on October 4, 2022.
Task 2: HCD Coordination, Revisions and Adoption of the Housing Element	\$0.00	\$0.00	Other (Please Specify in Notes)	Local General Fund	Initial review of draft HE by HCD occurred between July and October 2022. City addressed HCD staff comments, and City Council adopted the HE on January 17, 2023. Adopted HE resubmitted to HCD on January 31, 2023.
Task 3: Adopted Housing Element Initial Implementation	\$0.00	\$0.00	In Progress	Local General Fund	Drafting of zoning map and text amendments is underway.

Summary of entitlements, building permits, and certificates of occupancy (auto-populated from Table A2)

Completed Entitlement Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0

Moderate	Non-Deed Restricted	0
Above Moderate		0
Total Units		0

Building Permits Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	1
	Non-Deed Restricted	2
Moderate	Deed Restricted	1
	Non-Deed Restricted	3
Above Moderate		16
Total Units		23

Certificate of Occupancy Issued by Affordability Summary		
Income Level		Current Year
Very Low	Deed Restricted	0
	Non-Deed Restricted	0
Low	Deed Restricted	0
	Non-Deed Restricted	0
Moderate	Deed Restricted	0
	Non-Deed Restricted	0
Above Moderate		0
Total Units		0



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Larry Theis, City Engineer

DATE: March 21, 2023

SUBJECT: Establishing 2023/2024 Equivalent Ruoff Unit (ERU) Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention)

RECOMMENDATION

Staff recommends that the City Council adopt the resolution (Attachment 1), establishing the Rate per Equivalent Runoff Unit (ERU) for FY 2023/2024, and requesting the Contra Costa Flood Control and Water Conservation District to adopt an Annual Parcel Assessment for Drainage and Maintenance and the National Pollutant Discharge Elimination System (NPDES), maintaining the current ERU Rate at \$29.00 per single-family parcel.

BACKGROUND

The 1987 Reauthorization of the Federal Clean Water Act, as well as similar State legislation, required local agencies to obtain a NPDES Permit for discharging the contents of municipal storm drainage water conveyance systems. As implemented and enforced by the State through the Regional Water Quality Control Board (San Francisco Bay Area Region), this permitting effort is intended to improve water quality in the Delta and San Francisco Bay Estuary System, protect endangered species, and safeguard public waters and waterways for continued economic, recreation and health purposes. Stormwater runoff pollution has been identified as a significant impact on water quality and wildlife in the Bay Area by the State and Federal Governments. During wet weather, large amounts of pollutants, such as oil and grease from automobiles, heavy metals from vehicle exhaust and brake pads, such as copper and lead, pesticides, herbicides and fertilizers from lawns and gardens, soil erosion, and biological material enter the storm drain system and ultimately empty, untreated, into creeks, waterways, the Delta and the Bay

The City participates and obtained its joint NPDES permit from the SF Regional Water Quality Control Board via the Contra Costa Clean Water Program whose participants include the cities within the County, the County and the Flood Control District. The City of Clayton has participated since its inception in September 1993. The SF Regional Water Quality Control Board issued the Municipal Regional Permit 3.0 (MRP 3.0), which began July 1, 2022 and extends to June 30, 2027. MRP 3.0 covers many counties and cities in the Bay Area. The

MRP 3.0 permit allows the City and other jurisdictions to utilize the storm water drainage system for the discharges into creeks that ultimately drain into the Bay. This joint participation allows for the program management and permit process costs to be kept to a minimum through economies of scale and local and regional collaboration, at a fraction of the cost of doing it alone. The program provides for a regional approach to stormwater pollution control, regional monitoring, public education and outreach, technical support and training, special studies and NPDES permit administration requirements.

The cost of meeting the obligations of the increased requirements contained in the MRP 3.0 have been and are expected to continue to exceed City revenues received from the ERU. Although it is difficult to fully identify all future additional costs at this point, current compliance costs are projected to outpace revenues in FY 2023/24. Requirements contained in our current permit MRP 3.0 include more elimination of litter going into storm drains; more monitoring and reporting on our storm drain inlets trash capture devices (which capture litter before going to the creek), and “green infrastructure” which sets forth standards for cities to redirect their existing storm drainage water into landscape areas.

AUGMENTED FUNDING DENIED:

When the program was originally established in 1993, the rate cap for the current parcel fee in Clayton was set by the City Council at \$29/ERU. Because other members of the Clean Water Program also have the same issues (costs exceeding available revenue available from the ERU rate) a cost/revenue analysis was undertaken by the Contra Costa Clean Water Program to evaluate possible additional funding mechanisms for the added requirements of the MRP. The Clean Water Program attempted three times the pursuit of legislation to add stormwater to the definitions of other utilities such as sewer and water and was not successful in receiving needed legislative support, and there is no support by the governor and his staff. It was after these statewide attempts proved fruitless, our straining local funding and the continuing increased requirements by state regulating agencies that led to the 2012 Prop 218 property owner vote for a new parcel fee. The new second revenue measure did not pass. Local assessments for stormwater quality protection have been maxed out since 2000—while compliance costs continue to increase. Additional state legislation is being pursued to establish a process to allow for future local voter consideration of new stormwater revenues. However, in order to continue to receive the City’s existing current ERU rate of \$29 per single family parcel (the same amount levied since FY1999/2000) it must be levied. Failure to levy this fee would result in the City supplant this revenue source (approx. \$127,700) from another funding source such as the General Fund, Rainy Day Fund 110, and/or a local city specific revenue measure since the regional Prop 218 measure did not receive sufficient voter support for passage.

DISCUSSION

Staff currently participates, as is required by the Program agreement and state permit, on the Clean Water Program's Development Construction Controls/Green Infrastructure Committee, Administration Committee, and Management Committee; and as needed in the Monitoring and Inspection Committee, and the GIS workgroup. City staff typically attends and participates in 4-5 meetings per month.

One of the largest components of the unfunded mandates was the trash load analysis and reduction program that cities had to undertake. This provision required cities to reduce their

trash pollution load by 40% by 2014, and completely eliminate (100% reduction) by 2020. The City of Clayton installed 25 trash capture devices and has reduced its trash load to the 100% level at this time, about 5 years before the deadline. Clayton is one of only a few cities in Contra Costa County and the Bay Area that has met this goal ahead of the mandated deadline. The trash capture devices and their installation were covered through ABAG grants that the City received.

However, there were not any new funds to address the mandated studies and documentation that cities must file as part of its Annual Report to the State. They include mandatory maintenance items such as clearing of trash along specific areas of creeks and drainage inlets; the quantification of the materials collected; enforcement action (issuance of citations) to individuals for pollution runoff; creeks and waterways testing, mapping, monitoring and of all creeks and all outfalls to creeks, and specific on-going litter removal down to the size of a cigarette butt of litter on certain distance of creek segments and the cleaning of drainage inlets (we currently do public inlets only). The reporting format requires cities to use computer data base for mapping, reporting and monitoring information and transmitting electronically to the SF Regional Water Board where they will post to a public accessible web site. The Clean Water Program is establishing a cloud-based GIS mapping project where we will have access to GIS data base, therefore at this time there is not a need to undertake an individual city effort to comply with this permit requirement.

Overall, the City's total Stormwater related costs are comprised of two components, one consisting of the pro rata share of Clean Water group costs based upon population. The other is the management and maintenance activities undertaken by the City and its contracts with others for required activity implementation and monitoring and reporting. All program staff and permittees (cities and county) have been and continue to make strong efforts to control costs at the program level. However, funds for the MRP 3.0 permit, technical and legal work, education and outreach, implementation of programs to address recent pollutants of concerns (PCB, Mercury, Lead, Nickel etc.), ongoing trash load reduction management, green infrastructure analysis/implementation, enforcement compliance enforcement for construction site practices, and commercial operations, have increased these State unfunded mandate costs on cities and counties.

ASSESSMENT AND PROGRAM BUDGET:

Due to the implementation by the Program of unfunded mandate permit requirements by the SF Regional Board, the Group's Clean Water Program Budget will remain the same as last FY at \$3.5 million. For the last few years and through 2023 increased costs were addressed by Program reserve carry over or encumbrances of this year's funds to help reduce or smooth out increases; thus minimizing the impact (reduction) in return to source funds. In future years there is no reserve available and there are likely to be additional permit requirements and associated costs with the SF Regional Water Board MRP 3.0 issuance.

For FY 2023/2024 the City of Clayton's pro rata share (based on countywide population) of the Contra Costa Clean Water Program cost is 0.94% (\$32,874) of the total annual program budget of \$3.5 million. Future program cost increases and lack of carryover/reserve funding in the future years will continue will generally result in less return to source funds to undertake the added local city permit requirements.

It is currently estimated that for FY 2023/24 the gross revenues from Clayton's stormwater utility assessment will total approximately \$127,691. The City's SUA revenues include the following expenditures: \$32,874 is allocated to the Clean Water Program administration and group expenses; \$3,800 to the County Auditor for costs related to assessment collection; \$8,000 to the Sanitary District for commercial inspection, monitoring and municipal requested call out inspections; \$3,000 to the District for fiscal and assessment area management, \$3,000 for program reserve, and \$11,000 for our annual state discharge permit fee. Thus, the remaining return to source funds available to the City, for all other activities in FY 2023/24 is approximately \$66,000.

The majority of the remaining return to source funds (\$66,000) are directly spent on staff/city engineer labor costs of participating in the Clean Water Program and performing maintenance activities required by the program, such as storm drain inspection and cleaning, creek clearing; responding to spill calls; the remaining is divided between equipment and materials; monitoring and inspection; and management and reporting. In FY 22/23 budget adoption it was anticipated that the ending fund balance would be \$8,499 however due to the departure of the Assistant to the City Manager there is likely some salary/benefit savings this fiscal year that could increase the ending fund balance. Although preliminary projections for FY 2023/2024 anticipate a starting fund balance of \$8,499+, it is likely insufficient to cover anticipated expenses (including the City's consultant engineer taking over the Clean Water duties from in-house staff). City Staff will provide more specific details and projections as part of the City's overall annual budget process, but it is possible this upcoming fiscal year or shortly thereafter the City may have to default to consider use of its General Fund, General Fund Reserve, Rainy-Day Fund 110 to start covering the rising compliance costs.

To continue the local revenue source necessary to fund the unfunded mandates by federal and state government regulations, the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water Conservation District to establish a storm water utility area for the City and to impose benefit assessments on all applicable parcels within the City of Clayton. This item is the annual consideration to request the local assessment levy which provides funding to the Federal and State Clean Water program mandates which the City must undertake and participate in according to Federal and State law. **Staff recommends no increase to the rate for FY 2023/24; it will be the same rate as the last 24 fiscal years, which is \$29.00 per ERU.**

Since the City is not exceeding the current rate cap and not increasing the levy rate, voter approval requirement of Prop. 218 process does not apply. A single family detached dwelling is typically one ERU; homes on lots 20,000 sq. ft. or larger are allocated 1.7 ERU's; attached homes (e.g., townhomes and duets) are 0.7 ERU. This formula is the same throughout all Contra Costa communities and all cities and the County funds their NPDES costs through the ERU assessments.

FISCAL IMPACT

Although a Federal and State Mandated program, cities do not receive any revenues from the Federal and State governments to offset or cover the mandated requirements. Consequently, the Stormwater Utility Rate and Assessment areas were established in 1993 by the County and the Cities to develop a funding source to cover the costs of the Federal and State mandates.

The recommended assessment for FY 2023/24 is the same rate that is currently in place. Should the City not authorize the Flood Control District to establish and collect the annual assessments, the City still has the financial and legal responsibility to perform the Permit requirements but would not receive the approx. \$127,691 generated by the annual assessment. Mandated activities would need funding from another source, such as the General Fund. It must be noted here the Regional Water Quality Control Board and several court cases have consistently declared that clean storm water is of the utmost state priority and public agencies have been given the tools (i.e.: local taxing authority) to generate additional revenues for these purposes by garnering local voter approval to tax themselves more for this mandate.

Additional implementation measures such as those needed for monitoring and maintenance of new Stormwater facilities required under our mandated permit and installed as part of new construction within Clayton (C3), have been addressed by the City Council to provide for methods that are self-supported by a new development such as Benefit Assessment Districts, Community Facilities Districts, or Homeowners Associations or combination thereof, or other approach that would not financially impact the city and its general funds. This Council directed policy minimizes potential impacts to the under-funded Stormwater fund or the City's General Fund for the permanent new development installed specific requirements to meet the new state regulations. However not covered by these are the general overall reporting, enforcement action and trash reduction action plans, commercial inspections, monitoring enhancements required by the regional board are reasons that the current assessment fee should be continued.

CONCLUSION

To continue the same revenue source required to fund the state mandated activities the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water Conservation District to impose annual benefit assessments on all applicable parcels within the City of Clayton. The attached Resolution would maintain the current Stormwater Utility Rate assessment of \$29.00 per ERU for FY 2023/24.

Attachments: 1. Proposed ERU Resolution for FY 2023/2024
 2. Clean Water Program Budget costs and cost sharing formula FY 2023-2024

RESOLUTION NO. ##-2023

A RESOLUTION ESTABLISHING THE RATE PER EQUIVILANT RUN-OFF UNIT (ERU) FOR FY 2023/2024 AND REQUESTING THE CONTRA COSTA FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

WHEREAS, under the Federal Water Quality Act [33 U.S.C. Section 1342 (p)], certain municipal stormwater discharges require a permit from the appropriate federal or state authorities pursuant to the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, the City of Clayton, in conjunction with other affected jurisdictions within Contra Costa County, applied to the State Regional Water Quality Control Board and received a Joint NPDES Permit which requires the implementation of a Storm Water Management Plan and Best Management Practices to minimize or eliminate pollutants from entering stormwaters; and

WHEREAS, Assembly Bill 2768 (West's Water Code Appendix, Section 63-12 and 63-12.9) authorizes the Contra Costa County Flood Control and Water Conservation District (District) to establish Stormwater Utility Areas (SUA) and to levy annual benefit assessments for the purpose of carrying out activities required under the NPDES program; and

WHEREAS, it is the intent of the City of Clayton to utilize funds received from its Stormwater Utility Area (SUA) for implementation of the NPDES program and local drainage maintenance activities; and

WHEREAS, at the request of the City of Clayton, the Contra Costa County Flood Control District and Water Conservation District (District) has completed the process for the formation of a SUA, including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, the SUA and Program Group Costs payment agreement between the City and the District requires that the City of Clayton annually, by May 1, determine its rate to be assigned to a single ERU for the forthcoming fiscal year; and

WHEREAS, the City Council adopted Resolution 9-93, which established the range of the annual assessment to be imposed by the District within the storm water utility area not to exceed \$29 per ERU; and

WHEREAS, the City of Clayton has operated at its maximum \$29 per ERU rate since FY 1999/00 (the last twenty-four fiscal years) and this same rate is proposed again for FY 2023/2024.

NOW THEREFORE, BE IT RESOLVED the City Council of Clayton, California does hereby determine that its real property assessment rate to be assigned to a single ERU for FY 2023/2024 shall be set and assessed at \$29.00.

BE IT FURTHER RESOLVED, the City Council of Clayton, California, does hereby request the Contra Costa Flood Control and Water Conservation District to adopt the SUA levies in the City of Clayton based on the above established rate.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California, at a regular public meeting thereof held on the 21st day of March 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

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 held on March 21, 2023.

ATTEST:

Janet Calderon, City Clerk

FY 2023/24 Budget Policy Direction and Assumptions

Contra Costa Clean Water Program

Stormwater Utility Assessment (SUA) Revenue, Cost Allocations, and SUA Revenue Return-to-Source (RTS) Percentages

(Created 2/2/2023)

Stormwater Utility Assessment (SUA) Revenue ¹ (FY 2021/22)		Adopted														Proposed	
		FY 16/17 Net Budget \$2,625,516		FY 17/18 Net Budget \$3,053,432		FY 18/19 Net Budget \$3,085,545		FY 19/20 Net Budget \$3,499,213		FY 20/21 Net Budget \$3,473,097		FY 21/22 Budget Cap \$3,500,000		FY 22/23 Budget Cap \$3,500,000		FY 23/24 Budget Cap \$3,500,000	
		Allocation ²	% RTS ¹⁰	Allocation ³	% RTS ¹⁰	Allocation ⁴	% RTS ¹⁰	Allocation ⁵	% RTS ¹⁰	Allocation ⁶	% RTS ¹⁰	Allocation ⁷	% RTS ¹⁰	Allocation ⁸	% RTS ¹⁰	Allocation ⁹	% RTS ¹⁰
Antioch	\$ 1,265,767	\$ 257,816	78.1	\$ 307,042	73.9	\$ 306,747	73.9	\$ 344,212	72.2	\$ 342,241	73.0	\$ 341,395	73.0	\$ 342,303	73.0	\$ 348,240	72.5
Brentwood		\$ 134,488		\$ 159,772		\$ 163,938		\$ 191,930		\$ 191,287		\$ 197,573		\$ 200,493		\$ 194,714	
Clayton	\$ 127,691	\$ 26,872	78.7	\$ 30,466	75.9	\$ 30,299	76.0	\$ 34,801	72.4	\$ 35,014	72.6	\$ 34,397	73.1	\$ 34,179	73.2	\$ 32,874	74.3
Concord	\$ 2,108,922	\$ 300,122	85.3	\$ 352,538	82.8	\$ 344,685	83.2	\$ 393,222	80.9	\$ 390,281	81.5	\$ 394,865	81.3	\$ 392,125	81.4	\$ 374,145	82.3
Danville	\$ 572,191	\$ 104,012	81.6	\$ 116,505	79.4	\$ 116,412	79.4	\$ 135,163	76.0	\$ 136,024	76.2	\$ 133,123	76.7	\$ 133,181	76.7	\$ 131,193	77.1
El Cerrito	\$ 414,842	\$ 57,820	85.6	\$ 66,258	83.5	\$ 66,053	83.6	\$ 75,926	81.3	\$ 76,497	81.6	\$ 75,709	81.7	\$ 75,366	81.8	\$ 77,623	81.3
Hercules	\$ 320,914	\$ 58,980	81.8	\$ 67,381	79.5	\$ 68,940	79.1	\$ 80,122	75.7	\$ 78,796	75.4	\$ 77,460	75.9	\$ 78,454	75.6	\$ 78,957	75.4
Lafayette	\$ 473,470	\$ 59,882	86.9	\$ 67,742	85.3	\$ 67,662	85.3	\$ 78,106	83.0	\$ 79,105	83.3	\$ 77,685	83.6	\$ 76,919	83.8	\$ 75,849	84.0
Martinez	\$ 706,348	\$ 88,997	85.8	\$ 100,719	83.9	\$ 101,115	83.9	\$ 115,986	82.3	\$ 115,652	83.6	\$ 112,583	84.1	\$ 111,708	84.2	\$ 111,692	84.2
Moraga	\$ 293,176	\$ 39,199	86.4	\$ 44,882	87.4	\$ 44,777	87.4	\$ 51,729	82.2	\$ 50,897	82.6	\$ 51,416	82.5	\$ 51,020	82.6	\$ 51,764	82.3
Oakley	\$ 536,297	\$ 92,342	81.4	\$ 109,102	78.4	\$ 110,623	78.1	\$ 127,083	75.8	\$ 125,474	76.6	\$ 128,830	76.0	\$ 130,114	75.7	\$ 134,767	74.9
Orinda	\$ 389,339	\$ 44,308	88.4	\$ 50,959	86.7	\$ 50,842	86.7	\$ 58,451	84.6	\$ 58,517	85.0	\$ 57,675	85.2	\$ 57,870	85.1	\$ 58,945	84.9
Pinole	\$ 324,151	\$ 45,103	85.7	\$ 50,932	84.0	\$ 50,950	84.0	\$ 58,564	81.7	\$ 58,586	81.9	\$ 59,180	81.7	\$ 58,752	81.9	\$ 56,373	82.6
Pittsburg	\$ 1,253,271	\$ 160,997	85.5	\$ 184,324	83.5	\$ 187,468	83.2	\$ 221,172	81.5	\$ 217,966	82.6	\$ 225,496	82.0	\$ 225,976	82.0	\$ 227,439	81.9
Pleasant Hill	\$ 496,383	\$ 81,327	83.5	\$ 92,620	81.2	\$ 93,057	81.1	\$ 106,764	78.3	\$ 105,331	78.8	\$ 103,969	79.1	\$ 103,536	79.1	\$ 102,970	79.3
Richmond		\$ 255,550		\$ 300,003		\$ 300,153		\$ 337,837		\$ 331,830		\$ 337,442		\$ 334,059		\$ 346,470	
San Pablo	\$ 433,734	\$ 70,776	83.2	\$ 83,792	80.1	\$ 83,380	80.2	\$ 96,184	77.4	\$ 95,601	78.0	\$ 95,310	78.0	\$ 94,157	78.3	\$ 95,356	78.0
San Ramon	\$ 1,238,510	\$ 187,024	84.2	\$ 212,987	82.3	\$ 216,284	82.0	\$ 251,605	78.4	\$ 252,268	79.6	\$ 252,187	79.6	\$ 254,383	79.5	\$ 253,658	79.5
Walnut Creek	\$ 1,300,384	\$ 159,187	86.6	\$ 190,306	84.0	\$ 190,571	84.0	\$ 215,144	82.0	\$ 210,694	83.8	\$ 214,995	83.5	\$ 216,327	83.4	\$ 211,506	83.7
CC County	\$ 3,655,945	\$ 400,713	88.3	\$ 465,102	87.0	\$ 465,739	87.0	\$ 525,212	84.9	\$ 521,037	85.7	\$ 528,710	85.5	\$ 529,080	85.5	\$ 535,464	85.4
Total	\$ 15,911,333																

¹ Total Stormwater Utility Assessment (SUA) revenue based on FY 2021/22. SUA revenue may increase annually due to new development activity.

² Allocation of costs based on CA Department of Finance Population Figures - January 1, 2015.

³ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2016.

⁴ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2017.

⁵ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2018.

⁶ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2019.

⁷ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2020.

⁸ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2021.

⁹ Allocation of costs based on CA Department of Finance Population Figures - January 1, 2022.

¹⁰ Percentage of Stormwater Utility Assessment (SUA) revenue Returned-to-Source (RTS).

= No SUA. Stormwater funding from other sources.

Clayton's Share for
Clean Water
Program Costs
(0.94%)

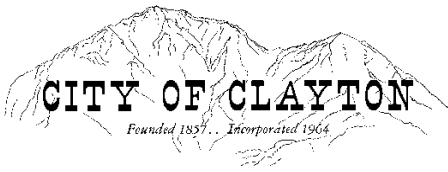
Return to Source -
Remainder
Disbursed to
Clayton
(\$94,817) FY23/24

Total Amount
Collected for
Clayton Parcels

**CONTRA COSTA CLEAN WATER PROGRAM
GROUP COSTS METHODOLOGY & ALLOCATION
FOR FISCAL YEAR 2023/24**

City/County/State	January 1, 2021	January 1, 2022 ⁽¹⁾	Percent Change	Prorata % of Program ⁽²⁾	SUA Budget ⁽³⁾ Allocation
CONTRA COSTA COUNTY	1,161,324	1,156,555	-0.41%		\$ 3,500,000
ANTIOCH	115,142	115,074	-0.06%	9.95%	\$ 348,240
BRENTWOOD	64,224	64,342	0.18%	5.56%	\$ 194,714
CLAYTON	10,964	10,863	-0.92%	0.94%	\$ 32,874
CONCORD	124,755	123,634	-0.90%	10.69%	\$ 374,145
DANVILLE	43,373	43,352	-0.05%	3.75%	\$ 131,193
EL CERRITO	25,671	25,650	-0.08%	2.22%	\$ 77,623
HERCULES	26,357	26,091	-1.01%	2.26%	\$ 78,957
LAFAYETTE	25,217	25,064	-0.61%	2.17%	\$ 75,849
MARTINEZ	37,195	36,908	-0.77%	3.19%	\$ 111,692
MORAGA	17,206	17,105	-0.59%	1.48%	\$ 51,764
OAKLEY	43,627	44,533	2.08%	3.85%	\$ 134,767
ORINDA	19,496	19,478	-0.09%	1.68%	\$ 58,945
PINOLE	18,819	18,628	-1.01%	1.61%	\$ 56,373
PITTSBURG	75,788	75,156	-0.83%	6.50%	\$ 227,439
PLEASANT HILL	34,335	34,026	-0.90%	2.94%	\$ 102,970
RICHMOND	114,643	114,489	-0.13%	9.90%	\$ 346,470
SAN PABLO	31,793	31,510	-0.89%	2.72%	\$ 95,356
SAN RAMON	84,226	83,820	-0.48%	7.25%	\$ 253,658
WALNUT CREEK	70,566	69,891	-0.96%	6.04%	\$ 211,506
UNINCORP. COUNTY	177,927	176,941	-0.55%	15.30%	\$ 535,464
				100.00%	\$ 3,500,000

1. Population estimate based on State of California Department of Finance (E-1) City/County projections- January 1, 2023.
Figures are updated in May of each year.
2. Percentages based on prorata of population.
3. SUA funds allocated for budget purposes, which by policy is set at \$3.5M



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

**FROM: RON BERNAL, INTERIM CITY MANAGER
ANGELINE LOEFFLER, FINANCE DIRECTOR**

DATE: MARCH 21, 2023

**SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON
AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH
GOVINVEST FOR FINANCIAL CONSULTING SERVICES IN THE
AMOUNT OF \$49,900 FOR A TOTAL NOT-TO-EXCEED AMOUNT OF
\$115,775**

RECOMMENDATION

It is recommended for the City Council to adopt the attached Resolution amending a professional services agreement with the firm GovInvest for financial consulting services.

BACKGROUND

In September 2022, the City entered into an agreement with GovInvest to provide Interim Finance Director services by Nitish Sharma. The initial agreement with GovInvest for Interim Finance Director services was executed for a total of not-to-exceed for \$30,000. Being a permanent Finance Director had not been hired, and there was a need to have a Comprehensive Fee Study conducted, on December 20, 2022, the City Council approved an amendment to the contract with GovInvestOn with additional compensation of up to \$21,000 for the Interim Finance Director service and \$14,875 for the Fee Update increasing the contract amount to not-to exceed \$65,875.

Mr. Sharma served as our Interim Finance Director until February 13, 2023 when our permanent Finance Director began this position. Since that time, Mr. Sharma has continued working on and has been assisting our new director with items such as the Annual Comprehensive Financial Report (ACFR), preparation of the mid-year budget, preparation of the Updated Investment Policy, and FY 2023/24 budget. The additional cost incurred as Interim Finance Director service was covered by savings from the full-time Finance Director position vacancy from October 2022 through Mid-February 2023.

DISCUSSION

Since coming on-board last month, our full-time Finance Director has been working closely with Mr. Sharma to learn the City's financial systems and prepare for the FY 2023/24 budget. Additionally, he has been assisting the Finance Director with tasks and assignments that were to be done by the Senior Accountant approved for a one-year term in this year's budget. After an unsuccessful recruitment for a full-time individual, a retired annuitant was hired to help mostly with preparation of the ACFR. This individual has worked less than 40% of the time budgeted for the position. In their continued support role, GovInvest would provide staff support including FY 2023/24 budget preparation, labor costing, investment portfolio recommendation assistance, special financing district report processing, Master Fee Schedule adoption process and preparation for the ACFR for FY 2023/24.

FISCAL IMPACT

The existing contract with GovInvest requires City Council approval to increase the total cost. The amended agreement with GovInvest for Interim Finance Director and comprehensive Master Fee Schedule update services were executed for a total not-to-exceed of \$65,875. With the additional increase of up to \$49,900 for financial consulting services, the new not-to-exceed amount will be \$115,775. The term of these services would be through June 30, 2023.

The additional cost for the financial consulting services will be covered by the savings from the one-year limited-term Senior Accountant position and from the full-time Finance Director position while it was vacant.

ATTACHMENTS:

1. Resolution
2. First Amendment to Professional Service Agreement with GovInvest.
3. Second Amendment to Professional Services Agreement with GovInvest
4. Professional Services Agreement with GovInvest

RESOLUTION xx-2023

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON, CA AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH GOVINVEST FOR FINANCIAL SUPPORT SERVICES AND FOR A COMPREHENSIVE FEE UPDATE IN THE AMOUNT OF \$49,900 FOR A REVISED NOT-TO-EXCEED TOTAL OF \$115,775

WHEREAS, this is not a project as defined by CEQA;

WHEREAS, the GovInvest is conducting a comprehensive review of the City's user fees;

WHEREAS, the City is in need of additional financial support services;

WHEREAS, GovInvest is a firm that has the expertise and capacity to assist the City in these needed areas; and

WHEREAS no additional budget resources are requested at this time.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton hereby authorizes the City Manager to execute the attached amendment to the Professional Services Agreement with GovInvest for financial support services and Comprehensive Fee Update in the additional amount of \$49,900 for a revised not-to-exceed total of \$115,775.

* * * * *

ADOPTED ON the 21st day of March, 2022 by the City Council of the City of Clayton by the following vote count:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST

Janet Calderon, City Clerk

**FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF
CLAYTON, CALIFORNIA, AND GOVINVEST**

This Amendment to the Professional Services Agreement ("First Amendment") is entered into effective January 1, 2023 by and amongst the City of Clayton, California ("City"), a municipal corporation, and GovInvest, a Corporation ("Consultant").

RECITALS

A. WHEREAS, in September 2022 the City and Consultant entered into a Professional Services Agreement to provide financial support services to the City ("Agreement");

B. WHEREAS, additional work is needed beyond the compensation identified in the original Agreement; and

C. WHEREAS, the City and Consultant mutually desire to amend certain provisions of the Agreement which the parties hereby acknowledge and agree as follows:

AGREEMENT

Now therefore, the parties agree as follows:

1. Section 1. Services. Of the Agreement is amended by adding supplemental scope as attached herein as Attachment 1 to this Amendment including a comprehensive fee update.

2. Subdivision b of Section 2. Compensation of the Agreement is hereby amended to read as follows:

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of sixty-five thousand eight hundred seventy-five dollars (\$65,875).

3. Except as otherwise specifically set forth in this Agreement, the remaining provisions of the Agreement including all prior amendments shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this First Amendment to the Professional Services Agreement on the date above written.

CITY OF CLAYTON, CALIFORNIA

GOVINVEST

By: _____

Reina J. Schwartz

City Manager

By: _____

Printed Name: _____

Title: _____

ATTEST:

Janet Calderon, City Clerk

Attachment 1



Proposal for Financial Forecasting Solutions & Services

Save Time | Save Money | Make Informed Decisions

Customized For Clayton, CA

Prepared By: Nitish Sharma, Max Stoff, and Ron Broere

Date: 12/13/2022





Company Overview

Founded in 2014, [GovInvest](#) empowers public sector agencies to run their own financial forecasting at a fraction of the cost and time through powerful software and concierge consulting. We provide solutions that help over 1,000 agencies nationwide better analyze and manage their Pension, OPEB and Labor Costs. Our pioneering technology quickly pays for itself and provides real-time, visual projections that allow our clients to simplify communications with stakeholders and make better informed decisions for years to come.

WHY WE DO IT

- To provide accurate analysis with enhanced transparency
- To alleviate the enormous task of assessing Pension, OPEB, Labor costs and building forecasts
- To improve every agency's bottom line

To avoid agency bailouts and reputational risk, the [Government Finance Officers Association](#) (GFOA) recommends that governments at all levels forecast major revenues and expenditures. The GFOA recommends that your forecast extend several years into the future. The forecasts should be clearly stated, made available to stakeholders in the budget process, regularly monitored and periodically updated.

What Our Clients Are Saying

"It was extremely helpful to have access to an actuary as an additional resource through GovInvest"

- Finance Manager, Lake Arrowhead CSD

"The city's former finance director resigned at the beginning of budget season; and worse, all the links were broken in the labor costing excel worksheet that was used in previous years. GovInvest quickly onboarded their software, and within a week I was running the three budgeting scenarios that the city manager requested."

- Administrative Services Director/Treasurer, City of Sausalito

"Using GovInvest consultants for policy projects allows me to spend more time advising Councilmembers on how to interpret results and less time updating spreadsheets."

- Finance Director, City of Benicia

"The software is very user friendly, and staff is very helpful in assisting with questions and helping to better understand the software data."

- Deputy City Manager, City of Brisbane

"We leverage the labor aspects to increase transparency and enhance cooperation during negotiations. They find it easier to work together towards a compromise with accurate costing data and info-graphics."

- Finance Director, City of Reno



Services Proposed:

Based on our conversations with Clayton our understanding of your key needs and objectives, we are proposing the following GovInvest solutions:

GovInvest Interim Finance Director Services - \$14,000

- Up to 80 hours of support
- Oversee A/P, AR, Payroll
- Bank Reconciliations/Investments Rec
- Staff Oversight/Audit Paperwork
- Treasury Management
- Mid-Year Budget Update/Review
- Additional A la Carte Hours Available - \$175 per hour

GovInvest Book of Fees Consulting - \$14,875

- Up to 85 hours of support
- Work and meet with City staff to ensure that the study will be both accurate and appropriate to the City's needs. Review project schedules and answer any questions pertaining to the successful development of the study.
- Meet with staff and conduct interviews as needed to gain an understanding of the City's processes and operations. Conduct a comprehensive review of the City's existing fees, rates and charges.
- Identify the total cost of providing each City service at the appropriate activity level and in a manner consistent with all applicable laws, statutes, rules and regulations governing the collection of fees, rates, and charges by public entities including, but not limited to, Proposition 26 and Proposition 218.
- Compare service costs with existing recovery levels. This should include any service areas where the City is currently charging for services as well as areas where perhaps the City should charge, considering the City's practices, or the practices of similar or neighboring cities.
- Recommend potential new fees and charges for services the City currently provides but does not have any fees and/or charges established. Recommendations based on practices by surrounding cities that may charge for similar services, industry best practices, or the consultant's professional opinion.
- Recommend appropriate fees and charges based on the firm's analysis together with the appropriate subsidy percentage of those fees where full cost recovery may be unrealistic.
- Prepare a report that identifies each fee service, its full cost, recommended and current cost recovery levels. The report will identify the direct cost, the indirect cost, and the overhead cost for each service.
- Prepare a report that identifies the present fees, recommended fees, percentage change, cost recovery percentage, revenue impact and fee comparison with other County cities or other California cities that are comparable to the City of Clayton.
- Provide a computer-based model in Microsoft Excel for adjusting these fees and charges for the City's current and future needs and provide the City with an electronic copy of the final comprehensive study, including related schedules and cost documentation in a format that can be edited and updated by City staff to accommodate changes in the organization or changes in costs. The requirements of the models should allow for:

- Additions, revisions, or removal of the direct and overhead costs so the comprehensive fee study can be easily adapted to a range of activities, both simple and complex.
 - The ability of the City to continuously update the model and fees from year to year as the organization changes.
- Prepare and deliver presentation to the City Council to facilitate their understanding of the plan and its implication for the City and make necessary adjustments as requested.

SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY OF CLAYTON, CALIFORNIA, AND GOVINVEST

This Amendment to the Professional Services Agreement ("Second Amendment") is entered into effective March 22, 2023 by and amongst the City of Clayton, California ("City"), a municipal corporation, and GovInvest, a Corporation ("Consultant").

RECITALS

A. WHEREAS, in September 2022 the City and Consultant entered into a Professional Services Agreement to provide financial support services to the City ("Agreement"); and

B. WHEREAS, on December 20, 2022 the Professional Services Agreement with GovInvest was amended for extended Interim Finance Director services and for a comprehensive fee update; and

B. WHEREAS, additional professional financial services assistance is needed beyond the compensation identified in the original Agreement; and

C. WHEREAS, the City and Consultant mutually desire to amend certain provisions of the Agreement which the parties hereby acknowledge and agree as follows:

AGREEMENT

Now therefore, the parties agree as follows:

1. Section 1. Services. Of the Agreement is amended by adding supplemental scope as attached herein as Attachment 1 to this Amendment.

2. Subdivision b of Section 2. Compensation of the Agreement is hereby amended to read as follows:

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of one hundred fifteen thousand seven hundred seventy-five (\$115,775).

3. Except as otherwise specifically set forth in this Agreement, the remaining provisions of the Agreement including all prior amendments shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Second Amendment to the Professional Services Agreement on the date above written.

**CITY OF CLAYTON,
CALIFORNIA**

By: _____

Ron Bernal

Interim City Manager

GOVINVEST

By: _____

Printed Name: _____

Title: _____

ATTEST:

Janet Calderon, City Clerk

Attachment 1



Proposal for Financial Forecasting Solutions & Services

SaveTime | SaveMoney | Make InformedDecisions

Customized ForClayton, CA

PreparedBy:Max Stoff and Ron Broere

Date:3/7/2023





Company Overview

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WHY WE DO IT

- To provide accurate analysis with enhanced transparency
- To alleviate the enormous task of assessing Pension, OPEB, Labor costs and building forecasts
- To improve every agency's bottom line

To avoid agency bailouts and reputational risk, the [Government Finance Officers Association](#) (GFOA) recommends that governments at all levels forecast major revenues and expenditures. The GFOA recommends that your forecast extend several years into the future. The forecasts should be clearly stated, made available to stakeholders in the budget process, regularly monitored and periodically updated.

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- Deputy City Manager, City of Brisbane

"We leverage the labor aspects to increase transparency and enhance cooperation during negotiations. They find it easier to work together towards a compromise with accurate costing data and info-graphics."

- Finance Director, City of Reno





GovInvest Accounting Consulting Services

Based on our conversations with Clayton and our understanding of your key needs and objectives, we are proposing the following GovInvest services and deliverables to create data -driven policy outcomes for the City:

GovInvest Financial Consulting Services

The scope of services included but not limited to the following types of duties:

Interim Finance Director and Financial Consulting Services
<ul style="list-style-type: none">• Treasury Support Management• Mid-Year Budget Update/Review• Complex finance and accounting entries• Finance Director support• Additional A la Carte Hours Available - \$175 per hour

Service	Proposed Fee
Financial Consulting Services	\$49,900

**CITY OF CLAYTON
PROFESSIONAL SERVICES AGREEMENT**

This Agreement is made and entered into as of September 19, 2022 by and between the City of Clayton, a municipal corporation organized and operating under the laws of the State of California with its principal place of business at 6000 Heritage Trail, Clayton, California 94517 ("City"), and GovInvest, a Corporation, with its principal place of business at 8605 Santa Monica Blvd PMB 52465 West Hollywood, CA 90069-4109 (hereinafter referred to as "Consultant"). City and Consultant are sometimes individually referred to as "Party" and collectively as "Parties" in this Agreement.

RECITALS

A. City is a public agency of the State of California and is in need of professional services for the following project:

Interim Finance Director and other financial support services (hereinafter referred to as "the Project").

B. Consultant is duly licensed and has the necessary qualifications to provide such services.

C. The Parties desire by this Agreement to establish the terms for City to retain Consultant to provide the services described herein.

AGREEMENT

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Services.

Consultant shall provide the City with the services described in the Scope of Services attached hereto as Exhibit "A."

2. Compensation.

a. Subject to paragraph 2(b) below, the City shall pay for such services in accordance with the Schedule of Charges set forth in Exhibit "A."

b. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of thirty-thousand dollars (\$30,000). This amount is to cover all printing and related costs, and the City will not pay any additional fees for printing expenses. Periodic payments shall be made within 30 days of receipt of an invoice which includes a detailed description of the work performed. Payments to Consultant for work performed will be made on a monthly billing basis.

3. Additional Work.

If changes in the work seem merited by Consultant or the City, and informal consultations with the other party indicate that a change is warranted, it shall be processed in the following

manner: a letter outlining the changes shall be forwarded to the City by Consultant with a statement of estimated changes in fee or time schedule. An amendment to this Agreement shall be prepared by the City and executed by both Parties before performance of such services, or the City will not be required to pay for the changes in the scope of work. Such amendment shall not render ineffective or invalidate unaffected portions of this Agreement.

4. Maintenance of Records.

Books, documents, papers, accounting records, and other evidence pertaining to costs incurred shall be maintained by Consultant and made available at all reasonable times during the contract period and for four (4) years from the date of final payment under the contract for inspection by City.

5. Term.

The term of this Agreement shall be from September 19, 2022 to June 30, 2023, unless earlier terminated as provided herein. The Parties may, by mutual, written consent, extend the term of this Agreement if necessary to complete the Project. Consultant shall perform its services in a prompt and timely manner within the term of this Agreement and shall commence performance upon receipt of written notice from the City to proceed ("Notice to Proceed"). The Notice to Proceed shall set forth the date of commencement of work.

6. Delays in Performance.

a. Neither City nor Consultant shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the non-performing party. For purposes of this Agreement, such circumstances include but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; pandemics, war; riots and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage or judicial restraint.

b. Should such circumstances occur, the non-performing party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

7. Compliance with Law.

a. Consultant shall comply with all applicable laws, ordinances, codes and regulations of the federal, state and local government, including Cal/OSHA requirements.

b. If required, Consultant shall assist the City, as requested, in obtaining and maintaining all permits required of Consultant by federal, state and local regulatory agencies.

c. If applicable, Consultant is responsible for all costs of clean up and/ or removal of hazardous and toxic substances spilled as a result of his or her services or operations performed under this Agreement.

8. Standard of Care

Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions.

9. Assignment and Subconsultant

Consultant shall not assign, sublet, or transfer this Agreement or any rights under or interest in this Agreement without the written consent of the City, which may be withheld for any reason. Any attempt to so assign or so transfer without such consent shall be void and without legal effect and shall constitute grounds for termination. Subcontracts, if any, shall contain a provision making them subject to all provisions stipulated in this Agreement. Nothing contained herein shall prevent Consultant from employing independent associates, and subconsultants as Consultant may deem appropriate to assist in the performance of services hereunder.

10. Independent Contractor

Consultant is retained as an independent contractor and is not an employee of City. No employee or agent of Consultant shall become an employee of City. The work to be performed shall be in accordance with the work described in this Agreement, subject to such directions and amendments from City as herein provided.

11. Insurance. Consultant shall not commence work for the City until it has provided evidence satisfactory to the City it has secured all insurance required under this section. In addition, Consultant shall not allow any subcontractor to commence work on any subcontract until it has secured all insurance required under this section.

a. Commercial General Liability

(i) The Consultant shall take out and maintain, during the performance of all work under this Agreement, in amounts not less than specified herein, Commercial General Liability Insurance, in a form and with insurance companies acceptable to the City.

(ii) Coverage for Commercial General Liability insurance shall be at least as broad as the following:

(1) Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 00 01) or exact equivalent.

(iii) Commercial General Liability Insurance must include coverage for the following:

- (1) Bodily Injury and Property Damage
- (2) Personal Injury/Advertising Injury
- (3) Premises/Operations Liability
- (4) Products/Completed Operations Liability
- (5) Aggregate Limits that Apply per Project
- (6) Explosion, Collapse and Underground (UCX) exclusion deleted
- (7) Contractual Liability with respect to this Agreement
- (8) Property Damage
- (9) Independent Contractors Coverage

(iv) The policy shall contain no endorsements or provisions limiting coverage for (1) contractual liability; (2) cross liability exclusion for claims or suits by one insured against another; (3) products/completed operations liability; or (4) contain any other exclusion contrary to the Agreement.

(v) The policy shall give City, the City Council and each member of the City Council, its officers, employees, agents and City designated volunteers additional insured status using ISO endorsement forms CG 20 10 10 01 and 20 37 10 01, or endorsements providing the exact same coverage.

(vi) The general liability program may utilize either deductibles or provide coverage excess of a self-insured retention, subject to written approval by the City, and provided that such deductibles shall not apply to the City as an additional insured.

b. Automobile Liability

(i) At all times during the performance of the work under this Agreement, the Consultant shall maintain Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, in a form and with insurance companies acceptable to the City.

(ii) Coverage for automobile liability insurance shall be at least as broad as Insurance Services Office Form Number CA 00 01 covering automobile liability (Coverage Symbol 1, any auto).

(iii) The policy shall give City, the City Council and each member of the City Council, its officers, employees, agents and City designated volunteers additional insured status.

(iv) Subject to written approval by the City, the automobile liability program may utilize deductibles, provided that such deductibles shall not apply to the City as an additional insured, but not a self-insured retention.

c. Workers' Compensation/Employer's Liability

(i) Consultant certifies that he/she is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and he/she will comply with such provisions before commencing work under this Agreement.

(ii) To the extent Consultant has employees at any time during the term of this Agreement, at all times during the performance of the work under this Agreement, the Consultant shall maintain full compensation insurance for all persons employed directly by him/her to carry out the work contemplated under this Agreement, all in accordance with the "Workers' Compensation and Insurance Act," Division IV of the Labor Code of the State of California and any acts amendatory thereof, and Employer's Liability Coverage in amounts indicated herein. Consultant shall require all subconsultants to obtain and maintain, for the period required by this Agreement, workers' compensation coverage of the same type and limits as specified in this section.

d. Professional Liability (Errors and Omissions)

At all times during the performance of the work under this Agreement the Consultant shall maintain professional liability or Errors and Omissions insurance appropriate to its profession, in a form and with insurance companies acceptable to the City and in an amount indicated herein. This insurance shall be endorsed to include contractual liability applicable to this Agreement and shall be written on a policy form specifically designed to protect against acts, errors or omissions of the Consultant. "Covered Professional Services" as designated in the policy must specifically include work performed under this Agreement. The policy must "pay on behalf of" the insured and must include a provision establishing the insurer's duty to defend.

e. Minimum Policy Limits Required

(i) The following insurance limits are required for the Agreement:

Combined Single Limit

Commercial General Liability	\$1,000,000 per occurrence/ \$2,000,000 aggregate for bodily injury, personal injury, and property damage
Automobile Liability	\$1,000,000 combined single limit
Employer's Liability	\$1,000,000 per accident or disease
Professional Liability	\$1,000,000 per claim and aggregate (errors and omissions)

(ii) Defense costs shall be payable in addition to the limits.

(iii) Requirements of specific coverage or limits contained in this section are not intended as a limitation on coverage, limits, or other requirement, or a waiver of any coverage normally provided by any insurance. Any available coverage shall be provided to the parties required to be named as Additional Insured pursuant to this Agreement.

f. Evidence Required

Prior to execution of the Agreement, the Consultant shall file with the City evidence of insurance from an insurer or insurers certifying to the coverage of all insurance required herein. Such evidence shall include original copies of the ISO CG 00 01 (or insurer's equivalent) signed by the insurer's representative and Certificate of Insurance (Acord Form 25-S or equivalent), together with required endorsements. All evidence of insurance shall be signed by a properly authorized officer, agent, or qualified representative of the insurer and shall certify the names of the insured, any additional insureds, where appropriate, the type and amount of the insurance, the location and operations to which the insurance applies, and the expiration date of such insurance.

g. Policy Provisions Required

(i) Consultant shall provide the City at least thirty (30) days prior written notice of cancellation of any policy required by this Agreement, except that the Consultant

shall provide at least ten (10) days prior written notice of cancellation of any such policy due to non-payment of premium. If any of the required coverage is cancelled or expires during the term of this Agreement, the Consultant shall deliver renewal certificate(s) including the General Liability Additional Insured Endorsement to the City at least ten (10) days prior to the effective date of cancellation or expiration.

(ii) The Commercial General Liability Policy and Automobile Policy shall each contain a provision stating that Consultant's policy is primary insurance and that any insurance, self-insurance or other coverage maintained by the City or any named insureds shall not be called upon to contribute to any loss.

(iii) The retroactive date (if any) of each policy is to be no later than the effective date of this Agreement. Consultant shall maintain such coverage continuously for a period of at least three years after the completion of the work under this Agreement. Consultant shall purchase a one (1) year extended reporting period A) if the retroactive date is advanced past the effective date of this Agreement; B) if the policy is cancelled or not renewed; or C) if the policy is replaced by another claims-made policy with a retroactive date subsequent to the effective date of this Agreement.

(iv) All required insurance coverages, except for the professional liability coverage, shall contain or be endorsed to provide a waiver of subrogation in favor of the City, its officials, officers, employees, agents, and volunteers or shall specifically allow Consultant or others providing insurance evidence in compliance with these specifications to waive their right of recovery prior to a loss. Consultant hereby waives its own right of recovery against City, and shall require similar written express waivers and insurance clauses from each of its subconsultants.

(v) The limits set forth herein shall apply separately to each insured against whom claims are made or suits are brought, except with respect to the limits of liability. Further the limits set forth herein shall not be construed to relieve the Consultant from liability in excess of such coverage, nor shall it limit the Consultant's indemnification obligations to the City and shall not preclude the City from taking such other actions available to the City under other provisions of the Agreement or law.

h. Qualifying Insurers

(i) All policies required shall be issued by acceptable insurance companies, as determined by the City, which satisfy the following minimum requirements:

(1) Each such policy shall be from a company or companies with a current A.M. Best's rating of no less than A:VII and admitted to transact in the business of insurance in the State of California, or otherwise allowed to place insurance through surplus line brokers under applicable provisions of the California Insurance Code or any federal law.

i. Additional Insurance Provisions

(i) The foregoing requirements as to the types and limits of insurance coverage to be maintained by Consultant, and any approval of said insurance by the City, is not intended to and shall not in any manner limit or qualify the liabilities and obligations otherwise

assumed by the Consultant pursuant to this Agreement, including but not limited to, the provisions concerning indemnification.

(ii) If at any time during the life of the Agreement, any policy of insurance required under this Agreement does not comply with these specifications or is canceled and not replaced, City has the right but not the duty to obtain the insurance it deems necessary and any premium paid by City will be promptly reimbursed by Consultant or City will withhold amounts sufficient to pay premium from Consultant payments. In the alternative, City may cancel this Agreement.

(iii) The City may require the Consultant to provide complete copies of all insurance policies in effect for the duration of the Project.

(iv) Neither the City nor the City Council, nor any member of the City Council, nor any of the officials, officers, employees, agents or volunteers shall be personally responsible for any liability arising under or by virtue of this Agreement.

j. Subconsultant Insurance Requirements. Consultant shall not allow any subcontractors or subconsultants to commence work on any subcontract until they have provided evidence satisfactory to the City that they have secured all insurance required under this section. Policies of commercial general liability insurance provided by such subcontractors or subconsultants shall be endorsed to name the City as an additional insured using ISO form CG 20 38 04 13 or an endorsement providing the exact same coverage. If requested by Consultant, City may approve different scopes or minimum limits of insurance for particular subcontractors or subconsultants.

12. Indemnification.

a. To the fullest extent permitted by law, Consultant shall defend (with counsel of City's choosing), indemnify and hold the City, its officials, officers, employees, volunteers, and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liability, loss, damage or injury of any kind, in law or equity, to property or persons, including wrongful death, in any manner arising out of, pertaining to, or incident to any acts, errors or omissions, or willful misconduct of Consultant, its officials, officers, employees, subcontractors, consultants or agents in connection with the performance of the Consultant's services, the Project or this Agreement, including without limitation the payment of all damages, expert witness fees and attorney's fees and other related costs and expenses. Consultant's obligation to indemnify shall not be restricted to insurance proceeds, if any, received by Consultant, the City, its officials, officers, employees, agents, or volunteers.

b. If Consultant's obligation to defend, indemnify, and/or hold harmless arises out of Consultant's performance of "design professional" services (as that term is defined under Civil Code section 2782.8), then, and only to the extent required by Civil Code section 2782.8, which is fully incorporated herein, Consultant's indemnification obligation shall be limited to claims that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the Consultant, and, upon Consultant obtaining a final adjudication by a court of competent jurisdiction, Consultant's liability for such claim, including the cost to defend, shall not exceed the Consultant's proportionate percentage of fault.

13. California Labor Code Requirements.

a. Consultant is aware of the requirements of California Labor Code Sections 1720 et seq. and 1770 et seq., which require the payment of prevailing wage rates and the performance of other requirements on certain "public works" and "maintenance" projects ("Prevailing Wage Laws"). If the services are being performed as part of an applicable "public works" or "maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is \$1,000 or more, Consultant agrees to fully comply with such Prevailing Wage Laws. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claims, liabilities, costs, penalties or interest arising out of any failure or alleged failure to comply with the Prevailing Wage Laws. It shall be mandatory upon the Consultant and all subconsultants to comply with all California Labor Code provisions, which include but are not limited to prevailing wages (Labor Code Sections 1771, 1774 and 1775), employment of apprentices (Labor Code Section 1777.5), certified payroll records (Labor Code Sections 1771.4 and 1776), hours of labor (Labor Code Sections 1813 and 1815) and debarment of contractors and subcontractors (Labor Code Section 1777.1). The requirement to submit certified payroll records directly to the Labor Commissioner under Labor Code section 1771.4 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Section 1771.4.

b. If the services are being performed as part of an applicable "public works" or "maintenance" project, then pursuant to Labor Code Sections 1725.5 and 1771.1, the Consultant and all subconsultants performing such services must be registered with the Department of Industrial Relations. Consultant shall maintain registration for the duration of the Project and require the same of any subconsultants, as applicable. Notwithstanding the foregoing, the contractor registration requirements mandated by Labor Code Sections 1725.5 and 1771.1 shall not apply to work performed on a public works project that is exempt pursuant to the small project exemption specified in Labor Code Sections 1725.5 and 1771.1.

c. This Agreement may also be subject to compliance monitoring and enforcement by the Department of Industrial Relations. It shall be Consultant's sole responsibility to comply with all applicable registration and labor compliance requirements. Any stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor that affect Consultant's performance of services, including any delay, shall be Consultant's sole responsibility. Any delay arising out of or resulting from such stop orders shall be considered Consultant caused delay and shall not be compensable by the City. Consultant shall defend, indemnify and hold the City, its officials, officers, employees and agents free and harmless from any claim or liability arising out of stop orders issued by the Department of Industrial Relations against Consultant or any subcontractor.

14. Verification of Employment Eligibility.

By executing this Agreement, Consultant verifies that it fully complies with all requirements and restrictions of state and federal law respecting the employment of undocumented aliens, including, but not limited to, the Immigration Reform and Control Act of 1986, as may be amended from time to time, and shall require all subconsultants and sub-subconsultants to comply with the same.

15. Reserved.

16. Laws and Venue.

This Agreement shall be interpreted in accordance with the laws of the State of California. If any action is brought to interpret or enforce any term of this Agreement, the action shall be brought in a state or federal court situated in the County of Contra Costa, State of California.

17 Termination or Abandonment

a. City has the right to terminate or abandon any portion or all of the work under this Agreement by giving ten (10) calendar days written notice to Consultant. In such event, City shall be immediately given title and possession to all original field notes, drawings and specifications, written reports and other documents produced or developed for that portion of the work completed and/or being abandoned. City shall pay Consultant the reasonable value of services rendered for any portion of the work completed prior to termination. If said termination occurs prior to completion of any task for the Project for which a payment request has not been received, the charge for services performed during such task shall be the reasonable value of such services, based on an amount mutually agreed to by City and Consultant of the portion of such task completed but not paid prior to said termination. City shall not be liable for any costs other than the charges or portions thereof which are specified herein. Consultant shall not be entitled to payment for unperformed services, and shall not be entitled to damages or compensation for termination of work.

b. Consultant may terminate its obligation to provide further services under this Agreement upon thirty (30) calendar days' written notice to City only in the event of substantial failure by City to perform in accordance with the terms of this Agreement through no fault of Consultant.

18 Documents. Except as otherwise provided in "Termination or Abandonment," above, all original field notes, written reports, Drawings and Specifications and other documents, produced or developed for the Project shall, upon payment in full for the services described in this Agreement, be furnished to and become the property of the City.

19. Organization

Consultant shall assign Nitish Sharma as Project Manager. The Project Manager shall not be removed from the Project or reassigned without the prior written consent of the City.

20. Limitation of Agreement.

This Agreement is limited to and includes only the work included in the Project described above.

21. Notice

Any notice or instrument required to be given or delivered by this Agreement may be given or delivered by depositing the same in any United States Post Office, certified mail, return receipt requested, postage prepaid, addressed to:

CITY:
City of Clayton
6000 Heritage Trail

CONSULTANT:
GovInvest, Inc.

Clayton, CA 94517
Attn: City Manager

8605 Santa Monica Blvd PMB 52465 West
Hollywood, CA 90069-4109

and shall be effective upon receipt thereof.

22. Third Party Rights

Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than the City and the Consultant.

23. Equal Opportunity Employment.

Consultant represents that it is an equal opportunity employer and that it shall not discriminate against any employee or applicant for employment because of race, religion, color, national origin, ancestry, sex, age or other interests protected by the State or Federal Constitutions. Such non-discrimination shall include, but not be limited to, all activities related to initial employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination.

24. Entire Agreement

This Agreement, with its exhibits, represents the entire understanding of City and Consultant as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. Each Party acknowledges that no representations, inducements, promises or agreements have been made by any person which are not incorporated herein, and that any other agreements shall be void. This Agreement may not be modified or altered except in writing signed by both Parties hereto. This is an integrated Agreement.

25. Severability

The unenforceability, invalidity or illegality of any provision(s) of this Agreement shall not render the remaining provisions unenforceable, invalid or illegal.

26. Successors and Assigns

This Agreement shall be binding upon and shall inure to the benefit of the successors in interest, executors, administrators and assigns of each Party to this Agreement. However, Consultant shall not assign or transfer by operation of law or otherwise any or all of its rights, burdens, duties or obligations without the prior written consent of City. Any attempted assignment without such consent shall be invalid and void.

27. Non-Waiver

None of the provisions of this Agreement shall be considered waived by either Party, unless such waiver is specifically specified in writing.

28. Time of Essence

Time is of the essence for each and every provision of this Agreement.

29. City's Right to Employ Other Consultants

City reserves its right to employ other consultants, including engineers, in connection with this Project or other projects.

30. Prohibited Interests

Consultant maintains and warrants that it has not employed nor retained any company or person, other than a bona fide employee working solely for Consultant, to solicit or secure this Agreement. Further, Consultant warrants that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for Consultant, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, City shall have the right to rescind this Agreement without liability. For the term of this Agreement, no director, official, officer or employee of City, during the term of his or her service with City, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

[SIGNATURES ON FOLLOWING PAGE]

**SIGNATURE PAGE FOR PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF CLAYTON
AND GOVINVEST**

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

CITY OF CLAYTON

GOVINVEST

By: 

Reina J. Schwartz
City Manager

By: 

Its: VP of Sales

Printed Name: Marc Sitterud

ATTEST:

By: 

City Clerk

EXHIBIT A
Scope of Services



Proposal for Financial Forecasting Solutions & Services

Save Time | Save Money | Make Informed Decisions

Customized For: Clayton, CA

Prepared By: Nitish Sharma, Max Stoff, and Ron Broere

Date: 9/14/2022



Company Overview

Founded in 2014, GovInvest empowers public sector agencies to run their own financial forecasting at a fraction of the cost and time through powerful software and concierge consulting. We provide solutions that help over 1,000 agencies nationwide better analyze and manage their Pension, OPEB and Labor Costs. Our pioneering technology quickly pays for itself and provides real-time, visual projections that allow our clients to simplify communications with stakeholders and make better informed decisions for years to come.

WHY WE DO IT

- To provide accurate analysis with enhanced transparency
- To alleviate the enormous task of assessing Pension, OPEB, Labor costs and building forecasts
- To improve every agency's bottom line

To avoid agency bailouts and reputational risk, the Government Finance Officers Association (GFOA) recommends that governments at all levels forecast major revenues and expenditures. The GFOA recommends that your forecast extend several years into the future. The forecast should be clearly stated, made available to stakeholders in the budget process, regularly monitored and periodically updated.

What Our Clients Are Saying

"It was extremely helpful to have access to an actuary as an additional resource through GovInvest."

- Finance Manager, Lake Arrowhead CSD

"The city's former finance director resigned at the beginning of budget season; and worse, all the links were broken in the labor costing excel worksheet that was used in previous year. GovInvest quickly onboarded their software, and within a week I was running the three budgeting scenarios that the city manager requested."

- Administrative Services Director/Treasurer, City of Sausalito

"Using GovInvest consultants for policy projects allows me to spend more time advising Council members on how to interpret results and less time updating spreadsheets."

- Finance Director, City of Benicia

"The software is very user friendly, and staff is very helpful in assisting with questions and helping to better understand the software data."

- Deputy City Manager, City of Brisbane

"We leverage the labor aspects to increase transparency and enhance cooperation during negotiations. They find it easier to work together towards a compromise with accurate costing data and info-graphics."

- Finance Director, City of Reno



GovInvest Accounting Consulting Services

Based on our conversations with Clayton and our understanding of your key needs and objectives, we are proposing the following GovInvest services and deliverables to create data-driven policy outcomes for the City:

GovInvest Financial Consulting Services

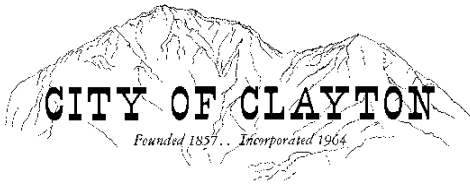
The scope of services included but not limited to the following types of duties with one on site visit per week:

Functions
Oversee A/P, AR, Payroll
Bank Reconciliations/Investments Rec
Staff Oversight/Audit Paperwork
Treasury Management
Mid-Year Budget Update/Review
Total Estimated Hours/Week: 16

An Investment That Pays For Itself

- Option to renew annually with an updated scope of work.
- Annual consultations to review and necessary services.
- Optional Year 2 additional consulting fee not to exceed \$2,500.

1-Year Term	
Service	Proposed Fee
Financial Consulting Services	\$30,000
Additional Hours	\$175/hr.



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Police Chief McEachin

DATE: March 21, 2023

SUBJECT: Request to purchase 2016 Zero electric police motorcycle

RECOMMENDATION

It is recommended that City Council approve the purchase of a 2016 Zero police package electric dual-purpose motorcycle from Northern California Emergency Vehicle Installations for the amount of \$7,500.

BACKGROUND

As we approach implementation of the traffic safety officer position, there is a need to procure another motorcycle in order for the chosen officer to have one to train on and operate on duty. While we are actively searching for grant money to purchase a new motorcycle, that will take time and would delay the implementation of the program.

Nor Cal EVI, an emergency vehicle equipment installer, has a 2016 Zero police motorcycle with emergency equipment already installed that it received from the Dos Palos Police Department in 2020. DPPD did not have a traffic program, and the motorcycle was not being used. Since Nor Cal EVI took possession of the motorcycle, it has remained in storage and has not been used. It currently has approximately 18,020 miles on it, and is in excellent shape. It has been garaged since it was purchased new by the City of Dos Palos in 2016.

DISCUSSION

The Clayton Police Department is currently in the process of assigning an officer to a traffic safety position. The chosen officer will be assigned to a motorcycle in order to work traffic on all streets in the city. Because it is a dual-sport motorcycle, it can also be driven on the trail system in the city as needed. The City currently owns a 2016 Zero motorcycle that is assigned to the Traffic Sergeant. The acquisition of another motorcycle will allow the Traffic Sergeant to ride along with the selected traffic officer during training. It will also allow the

department to utilize both motorcycles simultaneously during traffic enforcement efforts and special events.

FISCAL IMPACT

The cost to purchase the motorcycle from Nor Cal EVI is \$7,500. The motorcycle is fully equipped with all needed police equipment, and is ready to be put into service upon receipt. The motorcycle is ready to be picked up at the approval of this request.

Kelley Blue Book does not value Zero electric motorcycles. However, there are similar Zero motorcycles listed on Craigslist ranging between \$7,800 and \$13,995. There are also similar Zero motorcycles listed for sale on Cycletrader ranging from \$6,500 to \$13,500. None of the listed motorcycles has emergency lighting equipment on them. A new Zero police motorcycle with emergency equipment costs approximately \$25,000.

ATTACHMENTS

None

LUCA CARONE
for
"Doing the Right Thing"
at
Mt. Diablo Elementary School
by exemplifying great "Self-Discipline"
January and February 2023

MALIYAH HILL

for

"Doing the Right Thing"

at

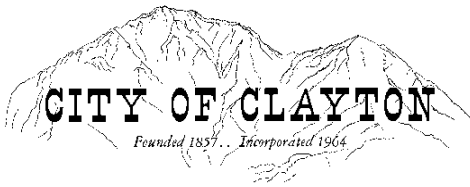
Mt. Diablo Elementary School

by exemplifying great "Self-Discipline"

January and February 2023

KENLEY KICK
for
"Doing the Right Thing"
at
Diablo View Middle School
by exemplifying great "Self-Discipline"
January and February 2023

ETHAN RUFF
for
"Doing the Right Thing"
at
Diablo View Middle School
by exemplifying great "Self-Discipline"
January and February 2023



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Ron Bernal, Interim City Manager

DATE: March 21, 2023

SUBJECT: Adopt a Resolution Approving Endeavor Hall Non-Profit Rental Fees

RECOMMENDATION

It is recommended that the City Council, by Resolution, approve rental fees to apply to Clayton non-profit organizations for the rental of Endeavor Hall.

BACKGROUND

In the City's annual Master Fee Schedule (City of Clayton User Benefit, Regulatory and Rental Fees), fees are set for all types of city services, including the rental of facilities. For Endeavor Hall specifically, the City has established rates for different user classifications including residents, non-residents, Clayton-based non-profits and non-Clayton-based non-profits.

At its February 21, 2023 meeting, the City Council discussed rental fees for Clayton non-profit organizations for Endeavor Hall and provided staff direction regarding proposed fees to bring back to the March 21, 2023 Council meeting.

DISCUSSION

The current rental fees for Endeavor Hall for non-profits (both Clayton-based and non-Clayton-based) are as follows:

Endeavor Hall Meeting Room	Fee
Non-profits (Clayton-based and Non-Clayton-based Weekdays) (per hour Sun 5pm - Fri 5pm)	\$57
Clayton-based non-profit only (maximum daily weekday rental)	\$144
Non-profits (Clayton-based and Non-Clayton-based Weekends) (per hour Fri 5pm - Sun 5pm)	\$216

Over the years, different arrangements have been made with several community non-profits who regularly use the facility. There has been a past practice of discounting the non-profit rate by 80% (charging 20% of the non-profit rate) especially when it involves longer-term renting of Endeavor Hall. Some smaller Clayton non-profits with low usage have had their fees waived altogether. It is not uncommon for City Councils to discount fees for organizations or causes that provide a community benefit; however, users who do not pay their full costs are being subsidized by the community at-large. The estimated usage for FY2022/23 (July 1, 2022 thru June 30, 2023) is 150 days.

At its February 21, 2023 meeting, the City Council discussed rental fees for Clayton non-profit organizations for Endeavor Hall, and the City Council considered a scaled approach to fee waivers (and accordingly, the rental fees charged to Clayton non-profit organizations) based on the annual gross revenues of each Clayton-based non-profit organization. The fee waivers would not apply to non-Clayton non-profit organizations. The City Council provided staff direction regarding proposed rental fee waivers and rental fees to bring back to the March 21, 2023 Council meeting as follows:

Gross Annual Revenue of Clayton-Based Non-Profit	% Waived of Clayton Non-Profit Fee
\$10,000 or less	100%, up to 3 days per year
\$10,000.01 to \$150,000	80%
Above \$150,000	50%

Clayton non-profit organizations earning \$10,000 or less in annual gross revenue could receive a 100% fee waiver for renting Endeavor Hall for up to 3 days in a calendar year. If a Clayton non-profit organization earning \$10,000 or less in annual gross revenue rents Endeavor Hall for more than 3 days per year, then the 4th and subsequent days rented would be charged at the next tier, with 80% of the rental fees waived.

The proposed new fees for Clayton-based non-profits for rental of Endeavor Hall are as follows:

Fee Description	Fee
Non-profits (Non-Clayton-based Weekdays) (per hour Sun 5pm - Fri 5pm)	\$57
Non-profits (Clayton-based Weekdays) (per hour Sun 5pm - Fri 5pm)	
Gross annual revenue ≤ \$10,000 (up to 3 days/year)	\$0
Gross annual revenue \$10,000.01 to \$150,000 <u>or</u> Gross annual revenue ≤ \$10,000 (more than 3 days/year)	\$11.40
Gross annual revenue > \$150,000	\$28.50
Clayton-based non-profit only (maximum daily weekday rental)	\$144
Non-profits (Non-Clayton-based Weekends) (per hour Fri 5pm - Sun 5pm)	\$216

Fee Description	Fee
Non-profits (Clayton-based Weekends) (per hour Fri 5pm - Sun 5pm)	
Gross annual revenue ≤ \$10,000 (up to 3 days/year)	\$0
Gross annual revenue \$10,000.01 to \$150,000 <u>or</u> Gross annual revenue ≤ \$10,000 (more than 3 days/year)	\$43.20
Gross annual revenue > \$150,000	\$108

FISCAL IMPACT

The Fiscal Impact to the City of Clayton for the concept proposed in the table above is not known as staff does not have evidence of the gross annual revenue of the current users nor how the new fees will impact usage of the facility. The projected FY2022/23 cost to operate the facility is \$75,000. The City has contracted to have a User Fee Study conducted which will review all of the City's fees in conjunction with the FY2023/24 budget adoption process. This study will calculate the full cost to provide services at Endeavor Hall. The outcome of this study will likely result in potential revisions to facility rental fees.

ATTACHMENT

Attachment 1: Resolution

RESOLUTION NO. __-2023

**A RESOLUTION AMENDING ENDEAVOR HALL NON-PROFIT RENTAL FEES AND
UPDATING THE CITY MASTER FEE SCHEDULE FOR CITY USER BENEFIT,
REGULATORY AND RENTAL FEES**

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

WHEREAS, the City of Clayton has various fees for City services and facilities;
and

WHEREAS, at its February 21, 2023 meeting, the City Council discussed rental
fees and fee waivers for Clayton non-profit organizations for Endeavor Hall; and

WHEREAS, the City desires to amend the non-profit rental fees for the use of
Endeavor Hall and to provide City-based non-profit organizations a fee waiver based on
their annual gross revenues; and

WHEREAS, in accordance with Government Code section 66018, the City Council
called a public hearing for March 21, 2023, for the purpose of receiving public comments
to the proposed fees. Notice of the public hearing was given by publication in a
newspaper of general circulation within the City once a week for two weeks commencing
at least 10 days prior to the public hearing, with at least 5 days intervening between the
first and last publication. On March 21, 2023 at the time and place set for the public
hearing, the City Council heard and considered all oral and written presentations and
comments made regarding the proposed fees; and

NOW THEREFORE BE IT RESOLVED that the City Council of Clayton, California
does hereby set, adjust and approve the various fees for the rental of Endeavor Hall as
set forth in the attached Exhibit "A" and hereby updates the "City of Clayton User Benefit,
Regulatory and Rental Fees" of the City Master Fee Schedule as set forth in the attached
Exhibit "B."

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California
at a regular public meeting thereof held on 21st day of March 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, CA

Jeff Wan, Mayor

ATTEST:

Janet Calderon, City Clerk

Resolution No. ____-2023
Exhibit A

	Endeavor Hall Meeting Room	Fee/Deposit
6	Non-profits (Non-Clayton-based Weekdays) (per hour Sun 5pm - Fri 5pm)	\$57
6	Non-profits (Clayton-based Weekdays) (per hour Sun 5pm - Fri 5pm)	
	Gross annual revenue ≤ \$10,000 (up to 3 days/year)	\$0
	Gross annual revenue \$10,000.01 to \$150,000 <u>or</u>	
	Gross annual revenue ≤ \$10,000 (more than 3 days/year)	\$11.40
	Gross annual revenue > \$150,000	\$28.50
6	Clayton-based non-profit only (maximum daily weekday rental)	\$144
6	Non-profits (Non-Clayton-based Weekends) (per hour Fri 5pm - Sun 5pm)	\$216
6	Non-profits (Clayton-based Weekends) (per hour Fri 5pm - Sun 5pm)	
	Gross annual revenue ≤ \$10,000 (up to 3 days/year)	\$0
	Gross annual revenue \$10,000.01 to \$150,000 <u>or</u>	
	Gross annual revenue ≤ \$10,000 (more than 3 days/year)	\$43.20
	Gross annual revenue > \$150,000	\$108
6	Resident - Weekdays (per hour Sun 5pm - Fri 5pm)	\$144
6	Non-resident or Commercial - Weekdays (per hour Sun 5pm - Fri 5pm)	\$173
6	Resident - Weekends (per hour Fri 5pm - Sun 5pm)	\$216
6	Non-resident or Commercial - Weekends (per hour Fri 5pm - Sun 5pm)	\$260
	Deposit (all) - no alcohol or beer and wine only (clean up/damage per reservation)	\$500
	Deposit (all) - hard alcohol (distilled spirits) (clean up/damage per reservation)	\$1,000
6	Reservation rental time change (same date) (less than 30 days prior to the event)	\$49
6	Reservation rental date change (less than 90 days prior to event)	\$64
	Rental Cancellation Fee (181 or more days prior to event)	95% deposit refund and \$30 processing fee
	Rental Cancellation Fee (91 - 180 days prior to event)	75% deposit refund and \$30 processing fee
	Rental Cancellation Fee (61 - 90 days prior to event)	50% deposit refund and \$30 processing fee
	Rental Cancellation Fee (31 - 60 days prior to event)	25% deposit refund and \$30 processing fee
	Rental Cancellation Fee (30 days or less prior to event)	No refund

City of Clayton User Benefit, Regulatory and Rental Fees		
Foot Notes	Fee/Deposit Description	Proposed FY 2022-23 Fee/Deposit 5% CPI Increase (8.8% total increase)
COMMUNITY DEVELOPMENT DEPARTMENT		
Annexations		
1,3,4,5	Annexation	Time - \$5,000 minimum deposit
General Plan /Zoning Ordinance Amendments		
1,3,4,5	General Plan Map or Text Amendment	Time - \$5,000 minimum deposit
1,3,4,5	Pre Zoning / Re Zoning	Time - \$5,000 minimum deposit
1,3,4,5	Zoning Ordinance Text Amendment	Time - \$5,000 minimum deposit
Site Plans / Development Plans		
1,3,4,5	Site Plan Review Permit - Residential	Time - \$1,000 minimum deposit
1,3,4,5	Site Plan Review Permit - Residential Amendment	Time - \$1,000 minimum deposit
1,3,4,5	Site Plan Review Permit - Non-Residential	Time - \$5,000 minimum deposit
1,3,4,5	Site Plan Review Permit - Non-Residential Amendment	Time - \$2,000 minimum deposit
1,3,4,5	Development Plan	Time - \$5,000 minimum deposit
Subdivisions		
1,3,4,5	Tentative Subdivision Map Application	Time - \$5,000 minimum deposit
1,3,4,5	Lot Line Adjustment	Time - \$1,000 minimum deposit
1,3,4,5	Lot Merger	Time - \$2,000 minimum deposit
Parcel Maps		
1,3,4,5	Tentative Parcel Map Application	Time - \$2,000 minimum deposit
Environmental Review		
1,3,4,5	Environmental Impact Report	Time - \$5,000 minimum deposit
1,3,4,5	Negative Declaration with Mitigations (Mitigated Neg. Dec.)	Time - \$2,500 minimum deposit
1,3,4,5	Negative Declaration without Mitigations	Time - \$1,500 minimum deposit
	Mitigation Monitoring and Reporting Plan	Included with Mitigated Neg Dec/ EIR
1,3,4,5	Categorical Exemption	County filing fee + Time
Permits		
6	Home Occupation Permit - Administrative Review	\$216
1,3,4,5	Home Occupation Permit - Planning Commission Review	Time - \$750 minimum deposit
→ 10	Use Permit - Fences Administrative Review	\$216
1,3,4,5	Use Permit - Residential - Planning Commission Review	Time - \$1,000 minimum deposit
1,3,4,5	Use Permit - Non- Residential - Planning Commission Review	Time - \$5,000 minimum deposit
6	Temporary Use Permit - Administrative Review	\$216
1,3,4,5	Temporary Use Permit - Planning Commission Review	Time \$500 minimum deposit
→ 6,10	Sign Permit - Administrative Review	\$70
1,3,4,5	Sign Permit - Planning Commission Review	Time - \$1,000 minimum deposit
→ 6,10	Temporary Storage Permit	\$70
→ 6,10	Accessory Dwelling Unit (ADU) Permit - Administrative Review	\$360
→ 6,10	Tree Removal Permit - Administrative Review without notice (per tree - min. applies see below)	\$12
→ 6,10	Tree Removal Permit - Administrative Review Without Notice (Minimum)	\$43
→ 10	Tree Removal Non-Compliance Penalty (Admin Review Without Notice)	\$43
→ 6,10	Tree Removal Permit - Administrative Review with Notice (per tree - minimum applies see below)	\$65
→ 6,10	Tree Removal Permit - Administrative Review with Notice (minimum)	\$143
→ 10	Tree Removal Non-Compliance Penalty (Notice Required)	\$143
1,3,4,5	Tree Removal Permit - Planning Commission Review	Time - \$500 minimum deposit
	Tree Replacement In-Lieu Fee (CMC §15.70.040 F & 15.70.55) (per 24" box tree)	\$840

City of Clayton User Benefit, Regulatory and Rental Fees		
Foot Notes	Fee/Deposit Description	Proposed FY 2022-23 Fee/Deposit 5% CPI Increase (8.8% total increase)
1,3,4,5	Building Moving Permit	Time - \$1,000 minimum deposit
	Noise Permit - Administrative Review	\$216
	Reasonable Accommodations Permit - Administrative Review	\$216
1,3,4,5	Reasonable Accommodations Permit - Planning Commission Review	Time - \$500 minimum deposit
→ 6,10	Outdoor Seating Permit (CMC §17.24.020 -H/Standard Policy No 3)	\$112
Miscellaneous		
1,3,4,5	Variance - Residential	Time - \$1,000 minimum deposit
1,3,4,5	Variance - Non Residential	Time - \$5,000 minimum deposit
6	Appeal - Administrative Decisions	\$70
1,3	Appeal-Administrative Code Enforcement Citation	Time - \$1,800 minimum deposit
→ 6,11	Appeal - Planning Commission Decisions - Residential	\$360
→ 6,11	Appeal - Planning Commission Decisions - Non Residential	\$723
1,3,4,5	Time Extension Request	Time - \$500 minimum deposit
1,3,4,5	Contract Administration	Time - \$1,000 minimum deposit
1,3,4,5	Large Family Day Care Home Permit	Time - \$500 minimum deposit
1,3,4,5	Pre Application Consultation Deposit	Time - \$1,000 minimum deposit
Construction and Demolition (C&D) Recycling Plans		
→ 6,10	Permit processing Fee - Single Family	\$186
→ 6,10	Permit processing Fee - Commercial & Multifamily	\$376
	Mgmt. Plan Deposit - Single Family (Minor Projects Including: re-roof, additions, remodeling, tenant improvements, etc.)	\$1,000 plus \$1/sq. ft. overs 2,000 sq. ft.
	Mgmt. Plan Deposit - Single Family (New Construction) per unit	\$2,000 plus \$1/sq. ft. over 2,000 sq. ft.
	Mgmt. Plan Deposit - Commercial & Multifamily (New Construction)	\$2,000 plus \$1/sq. ft. over 2,000 sq. ft.
Habitat Conservation Area Compliance		
1,3,4,5	Habitat Conservation Plan/Natural CC Plan	Time - \$1,000 minimum deposit
CITY ENGINEERING DEPARTMENT		
2	Bid or Plan Sets	Actual Cost
→ 10	Deed Restriction / Covenant Agreement Preparation (Does not include recordation extra cost. See Administrative Fees.)	\$533
Subdivisions		
→ 10	Final Map Filing Fee (per map)	\$878
1,8	Final Map Checking Fee	Time - \$2,500 minimum deposit
1,8	Construction Plans Checking Fee	Time - \$2,500 minimum deposit
	Construction Inspection Fee - Public Improvements	9% of Bond Estimates
	Construction Inspection Fee - Private Improvements	9% of Bond Estimates
	Construction Inspection Fee - Sanitary Sewer	3% of Bond Estimates
Parcel Maps		
→ 10	Final Parcel Map Filing Fee (per map)	\$174
1,8	Final Parcel Map Plan Checking Fee	Time - \$1,000 minimum deposit
1,8	Construction Plan Checking Fee	Time - \$1,000 minimum deposit
	Construction Inspection Fee - Public Improvements	9% of Bond Estimates
	Construction Inspection Fee - Private Improvements	9% of Bond Estimates
	Construction Inspection Fee - Sanitary Sewer	3% of Bond Estimates
Major Grading		
→ 10	Grading Permit Filing Fee (per permit)	\$263
1,8	Grading Permit Plan Check	Time - \$1,000 minimum deposit
1,8	Grading Inspection	Time - \$1,000 minimum deposit

	City of Clayton User Benefit, Regulatory and Rental Fees		
	Foot Notes	Fee/Deposit Description	Proposed FY 2022-23 Fee/Deposit 5% CPI Increase (8.8% total increase)
	Minor Construction Activity Permits (Including Encroachment, Stormwater, Wireless Installations, and Grading)		
→	10	Projects that do not disturb the ground (i.e. interior remodels, roof replacement, etc.) (per permit + time - \$500 minimum deposit)	\$159
→	10	Room additions (including other projects that disturb the ground) (per permit + time - \$2,400 minimum deposit)	\$159
→	10	Minor concrete repairs or replacement (i.e. sidewalks, curb & gutter) (per permit + time - \$1,000 minimum deposit)	\$294
→	10	New driveway construction or replacement (Work may require the granting of additional street right of way requiring the preparation of grant deed and recordation. See Deed Restriction/Covenant Agreement Preparation fee above and Document Recording fee in Administrative Fees section.) (per permit + time - \$2,400 minimum deposit)	\$289
→	10	Pool installation or total removal of existing pool (requires inspection and testing by applicant's third party soils engineer) (per permit + time - \$2,400 minimum deposit)	\$294
→	10	Partial removal of existing pool (Work requires a grading permit and the preparation and recording of a restricted use covenant. See Deed Restriction/Covenant Agreement Preparation fee above and Document Recording fee in Administrative Fees section.) (per permit + time - \$2,400 minimum deposit)	\$294
	1,8	Wireless Installation Encroachment Permit	Time - \$2,000 minimum deposit
	11	Transportation Permit Fee	\$16
	Major Construction Activity Permits		
→	10	Major Construction Activity Permit (per permit)	\$83
	1,8	Major Plan Check	Time- \$2,500 minimum deposit
	1,8	Major Inspection	Time- \$2,500 minimum deposit
		Cash Bond Major Encroachments (may be surety if more than \$10,000)	Per City Engineer
	Post Construction Stormwater Compliance		
		Post construction Annual Verification Inspection - Individual Single Family Lot Non-HOA (per lot)	\$280
		Post construction Annual Verification Inspection - Single Family HOA (per HOA - first 10 lots)	\$280
		Post construction Annual Verification Inspection - Single Family HOA (per HOA - additional lots >10)	\$78
		Post construction Annual Verification Inspection - Commercial (per acre - min. 1 acre)	\$280
		Documentation Compliance Review Fee - Individual Single Family (per lot)	\$280
		Documentation Compliance Review Fee - HOA (per HOA)	
		- First 10 lots	\$280
		- Each additional lot after 10th	\$80
		Documentation Compliance Review Fee - Commercial (per acre - min. 1 acre)	\$280
		Annual State Reporting preparation/filing Fee - Individual Single Family Lot (per lot)	\$100
		Annual State Reporting preparation/filing Fee - Single Family HOA (per HOA)	\$195
		Annual State Reporting preparation/filing Fee - Commercial (per acre - min. 1 acre)	\$195
	POLICE DEPARTMENT		
	6	Residential Alarm System Registration Fee (per residential unit)	\$36
	6	Commercial Alarm System Registration Fee (per commercial occupancy)	\$74

City of Clayton User Benefit, Regulatory and Rental Fees		
Foot Notes	Fee/Deposit Description	Proposed FY 2022-23 Fee/Deposit 5% CPI Increase (8.8% total increase)
6	Vehicle Release (per vehicle - cash, credit, debit only)	\$186
6	Police Reports (per report)	\$35
6	VIN Verification (per vehicle)	\$49
6	Clearance Letters (Notary fee extra. See Administrative Fees section) (per letter)	\$36
1	Police Enforcement on Party Ordinance (CMC §6.19.040)	Time - Maximum \$500
1	Police Enforcement of DUI Involving Accident (CA Vehicle Code §53150-53158)	Time - Maximum \$12,000
6	City Alcohol Beverage Permit	\$70
	Booking Fees	As established by County or agreement w/ Concord
	False Alarm Fee (Fixed per City Ordinance 9.18.060(a)(b))	\$52
6	Tobacco Sales Permit (City Ordinance 8.16.130)	\$107
6	Tobacco Sales Permit Fee Renewal (City Ordinance 8.16.130)	\$52
6	Taxicab Permit Fee (City Ordinance 5.36.050) (per taxicab)	\$364
6	Taxicab Permit Fee - Renewal (City Ordinance 5.36.190) (per taxicab)	\$135
	Subpoena Duces Tecum (Per CA Evidence Code 1563)	\$24/hr, \$6/qtr hr
	Repossession Filing Fee (Fixed per CA Gov Code Sec 41612)	\$15
	Witness Fees per California Gov. Code §68096.1 if City Employee subpoenaed (per employee subpoena per day + IRS reimbursement min. rate per CA Gov. Code)	\$288
6	Administrative Fee for Failure to Display Disabled Placards per vehicle code §40226 (per violation)	\$31
6	Firearms Seizure and Processing Fee (per violation)	\$144
6	RV Public parking Permit Fee - Bona fide guest of Clayton Resident (per permit)	\$36
	RV Public Parking Permit Fee - Clayton Resident	No charge
6	Solicitation Permit (Not including live scan. Applicant pays for Livescan directly to Livescan entity) (per permit)	\$95
6	Citation Sign off for correctable offenses - Non Resident (per citation)	\$30
	Citation Sign off for correctable offenses - Resident	No charge
6	Late Fee- Parking Violations (per citation)	\$49
PUBLIC FACILITIES AND PARKS RENTAL FEES		
Library Meeting Room - Hoyer Hall		
6	Non-profit (Non-Clayton Based) (per hour)	\$59
6	Non-profit (Clayton Based) (per hour)	\$31
6	Resident (per hour)	\$72
6	Non-resident or Commercial (per hour)	\$90
6	Deposit (for all) - clean up/damage - refundable (per rental)	\$217
6	Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$49
6	Reservation rental date change (less than 7 calendar days prior to use date)	\$64
6	Rental Cancellation Fee (30 or more days prior to event)	\$31
6	Rental Cancellation Fee (15-29 days prior to event)	50% refund and \$30 processing fee
	Rental Cancellation Fee (14 days or less)	No refund
Endeavor Hall Meeting Room		
6	Non-profits (Non-Clayton-based Weekdays) (per hour Sun 5pm - Fri 5pm)	\$57
6	Non-profits (Clayton-based Weekdays) (per hour Sun 5pm - Fri 5pm)	
	Gross annual revenue ≤ \$10,000 (up to 3 days per year)	\$0

City of Clayton User Benefit, Regulatory and Rental Fees		
Foot Notes	Fee/Deposit Description	Proposed FY 2022-23 Fee/Deposit 5% CPI Increase (8.8% total increase)
	Gross annual revenue \$10,000.01 to \$150,000 or Gross annual revenue ≤ \$10,000 (more than 3 days per year)	\$11.40
	Gross annual revenue > \$150,000	\$28.50
⁶	Clayton-based non-profit only (maximum daily weekday rental)	\$144
⁶	Non-profits (Non-Clayton-based Weekends) (per hour Fri 5pm - Sun 5pm)	\$216
⁶	Non-profits (Clayton-based Weekends) (per hour Fri 5pm - Sun 5pm)	
	Gross annual revenue ≤ \$10,000 (up to 3 days per year)	\$0
	Gross annual revenue \$10,000.01 to \$150,000 or Gross annual revenue ≤ \$10,000 (more than 3 days per year)	\$43.20
	Gross annual revenue > \$150,000	\$108
⁶	Resident - Weekdays (per hour Sun 5pm - Fri 5pm)	\$144
⁶	Non-resident or Commercial - Weekdays (per hour Sun 5pm - Fri 5pm)	\$173
⁶	Resident - Weekends (per hour Fri 5pm - Sun 5pm)	\$216
⁶	Non-resident or Commercial - Weekends (per hour Fri 5pm - Sun 5pm)	\$260
	Deposit (all) - no alcohol or beer and wine only (clean up/damage per reservation)	\$500
	Deposit (all) - hard alcohol (distilled spirits) (clean up/damage per reservation)	\$1,000
⁶	Reservation rental time change (same date) (less than 30 days prior to the event)	\$49
⁶	Reservation rental date change (less than 90 days prior to event)	\$64
	Rental Cancellation Fee (181 or more days prior to event)	95% deposit refund and \$30 processing fee
	Rental Cancellation Fee (91 - 180 days prior to event)	75% deposit refund and \$30 processing fee
	Rental Cancellation Fee (61 - 90 days prior to event)	50% deposit refund and \$30 processing fee
	Rental Cancellation Fee (31 - 60 days prior to event)	25% deposit refund and \$30 processing fee
	Rental Cancellation Fee (30 days or less prior to event)	No refund
City Hall 1st Floor Conference Room		
⁶	Non-profit (Clayton-based or non-Clayton-based non profits) (per hour)	\$31
⁶	Resident (per hour)	\$37
⁶	Non-resident or Commercial (per hour)	\$46
	Deposit (clean up/damage per reservation)	\$100
⁶	Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$49
⁶	Reservation rental date change (less than 7 calendar days prior to use date)	\$64
⁶	Rental Cancellation Fee (30 or more days prior to event)	\$31
⁶	Rental Cancellation Fee (15-29 days prior to event)	50% refund and \$30 processing fee
	Rental Cancellation Fee (14 days or less)	No refund
City Hall Courtyard		
⁶	Non-profit (Clayton-based or non-Clayton-based non profits) (per hour)	\$59
⁶	Resident (per hour)	\$72
⁶	Non-resident or Commercial (per hour)	\$90
	Deposit (clean up/damage per reservation)	\$100
⁶	Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$49
⁶	Reservation rental date change (less than 7 calendar days prior to use date)	\$64

City of Clayton User Benefit, Regulatory and Rental Fees		
Foot Notes	Fee/Deposit Description	Proposed FY 2022-23 Fee/Deposit 5% CPI Increase (8.8% total increase)
6	Rental Cancellation Fee (30 or more days prior to event)	\$31
6	Rental Cancellation Fee (15-29 days prior to event)	50% refund and \$30 processing fee
	Rental Cancellation Fee (14 days or less)	No refund
Clayton Community Park and Related Facilities		
Picnic Areas		
6	Picnic Area #2 - Resident (flat fee for 4 hours block)	\$22
6,9	Picnic Area #2 - Non-Resident or Commercial (flat fee for 4 hour block)	\$31
6,9	Picnic Area #3 - Resident (flat fee for 4 hours block)	\$22
6,9	Picnic Area #3 - Non-Resident or Commercial (flat fee for 4 hour block)	\$31
6,9	Picnic Area #4 - Resident (flat fee for 4 hour block)	\$52
6,9	Picnic Area #4 - Non-Resident or Commercial (flat fee for 4 hour block)	\$67
	Picnic Area #5 - Resident (6 separate areas)	
9	- 1st 2 tables - flat fee for 4 hours block (per table)	\$43
9	- Each additional table - flat fee for 4 hour block (per table)	\$7
	Picnic Area #5 - Non-Resident or Commercial (6 separate areas)	
6,9	- 1st 2 tables - flat fee for 4 hour block (per table)	\$54
6,7,9	- Each additional table - flat fee for 4 hour block (per table)	\$8
6	Picnic Area #6 Resident (Large Group Area) (per day)	\$360
6	Picnic Area #6 Resident (Large Group Area) (per hour - 4 hr min)	\$43
6	Picnic Area #6 Non-Resident or Commercial (Large Group Area) (per day)	\$469
6	Picnic Area #6 Non-Resident or Commercial (Large Group Area) (per hour - 4 hr min)	\$60
6	Picnic Area #5 & #6 Combined - Resident (per day)	\$577
6	Picnic Area #5 & #6 Combined - Resident (per hour - 4 hr min)	\$70
6	Picnic Area #5 & #6 Combined - Non-Resident or Commercial (per day)	\$751
6	Picnic Area #5 & #6 Combined - Non-Resident or Commercial (per hour - 4 hr min)	\$94
6,9	Picnic Area #7 - Resident (per 4 hour block)	\$57
6,9	Picnic Area #7 - Non Resident or Commercial (flat fee for 4 hour block)	\$72
6	Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$49
6	Reservation rental date change (less than 7 calendar days prior to use date)	\$64
6	Rental Cancellation Fee (30 or more days prior to event)	\$31
6	Rental Cancellation Fee (15-29 days prior to event)	50% refund and \$30 processing fee
	Rental Cancellation Fee (14 days or less)	No refund
	Rain out	Reschedule to alt. date at no additional cost (no refund)
Sports Fields		
	Adult Sports Field Rental (per hour per field)	\$43
	Youth Sports Field Rental (per hour per field)	\$24
6	Field Rental Change of Time, Same Date (less than 7 calendar days prior to use date)	\$49
6	Field Rental Change of Date (less than 7 calendar days prior to use date)	\$64
	Field Rental Cancellation	No refund less than 14 days prior to use
	Rain out	Reschedule to alt. date at no additional cost (no refund)
Grove Park and Related Facilities		

City of Clayton User Benefit, Regulatory and Rental Fees		
Foot Notes	Fee/Deposit Description	Proposed FY 2022-23 Fee/Deposit 5% CPI Increase (8.8% total increase)
	Entire Facility Security Deposits	Events without food or beverage \$1,500
	Entire Facility Security Deposits	Events with food and beverage \$1,800
	Entire Facility Security Deposits	Events closing street (i.e.: either Main or Center etc.) \$2,200
6	Special Event Permit/Application Process (non refundable) - events closing streets (Main or Center etc.) + other permit fees:TUP/NP	\$359
	Gazebo only Rental Security Deposit	\$271
	Amplified Sound - damage/security deposit if using City sound equip	\$1,000
6	Amplified Sound Equipment Use Fee (Noise Permit also required) (per hour)	\$31
2	City provided Sound Equipment Tech if needed for use of City equip	cost
6	Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$49
6	Reservation rental date change (less than 7 calendar days prior to use date)	\$64
6	Rental Cancellation Fee (30 or more days prior to event)	\$31
6	Rental Cancellation Fee (15-29 days prior to event)	50% refund and \$30 processing fee
	Rental Cancellation Fee (14 days or less)	No refund
	Rain out	Reschedule to alt. date at no additional cost (no refund)
Entire Grove Park Facility		
6	Rental Entire Facility - Resident -- Weekends (per hour)	\$216
6	Rental Entire Facility - Resident -- Weekends (per day)	\$1,734
6	Rental Entire Facility - Non-profit (verification req'd) -- Weekends (per hour)	\$216
6	Rental Entire Facility - Non-profit (verification req'd) -- Weekends (per day)	\$1,734
6	Rental Entire Facility - Non-resident or Commercial -- Weekends (per hour)	\$260
6	Rental Entire Facility - Non-resident or Commercial -- Weekends (per day)	\$2,081
6	Rental Entire Facility - Resident -- Weekdays (per hour)	\$144
6	Rental Entire Facility - Resident -- Weekdays (per day)	\$1,156
6	Rental Entire Facility - Non-profit (verification req'd) -- Weekdays (per hour)	\$144
6	Rental Entire Facility - Non-profit (verification req'd) -- Weekdays (per day)	\$1,128
6	Rental Entire Facility - Non-resident or Commercial -- Weekdays (per hour)	\$173
6	Rental Entire Facility - Non-resident or Commercial -- Weekdays (per day)	\$1,526
Gazebo Only		
6	Rental Gazebo only -Resident - Weekends (per hour)	\$151
6	Rental Gazebo only -Resident - Weekends (per day)	\$1,214
6	Rental Gazebo only -Non-profit (verification req'd) - Weekends (per hour)	\$151
6	Rental Gazebo only -Non-profit (verification req'd) - Weekends (per day)	\$1,214
6	Rental Gazebo only - Non-resident or Commercial - Weekends (per hour)	\$181
6	Rental Gazebo only - Non-resident or Commercial - Weekends (per day)	\$1,456
6	Rental Gazebo only -Resident - Weekdays (per hour)	\$107
6	Rental Gazebo only -Resident - Weekdays (per day)	\$433
6	Rental Gazebo only -Non-profit (verification req'd) - Weekdays (per hour)	\$107
6	Rental Gazebo only -Non-profit (verification req'd) - Weekdays (per day)	\$433
6	Rental Gazebo only - Non-resident or Commercial - Weekdays (per hour)	\$128
6	Rental Gazebo only - Non-resident or Commercial - Weekdays (per day)	\$520
Group Picnic Area (Near Tot Lot)		
6	Group Picnic Area - Resident - Weekends (per hour - 4 hour minimum)	\$36

City of Clayton User Benefit, Regulatory and Rental Fees		
Foot Notes	Fee/Deposit Description	Proposed FY 2022-23 Fee/Deposit 5% CPI Increase (8.8% total increase)
6	Group Picnic Area - Resident - Weekends (per day)	\$250
6	Group Picnic Area - Non-profit (verification req'd) - Weekends (per hour - 4 hour minimum)	\$36
6	Group Picnic Area - Non-profit (verification req'd) - Weekends (per day)	\$250
6	Group Picnic Area - Non-resident or Commercial - Weekends (per hour - 4 hour minimum)	\$43
6	Group Picnic Area - Non-resident or Commercial - Weekends (per day)	\$302
6	Group Picnic Area - Resident - Weekdays (per hour - 4 hour minimum)	\$30
6	Group Picnic Area - Resident - Weekdays (per day)	\$231
6	Group Picnic Area - Non-profit (verification req'd) - Weekdays (per hour - 4 hour minimum)	\$30
6	Group Picnic Area - Non-profit (verification req'd) - Weekdays (per day)	\$231
6	Group Picnic Area - Non-resident or Commercial - Weekdays (per hour - 4 hour minimum)	\$35
6	Group Picnic Area - Non-resident or Commercial - Weekdays (per day)	\$277
Plaza Picnic Area (Per Table)		
6	Plaza Picnic Area - Resident - Weekends (per hour - 4 hour minimum)	\$36
6	Plaza Picnic Area - Resident - Weekends (per day)	\$250
6	Plaza Picnic Area - Non-profit (verification req'd) - Weekends (per hour - 4 hour minimum)	\$36
6	Plaza Picnic Area - Non-profit (verification req'd) - Weekends (per day)	\$250
6	Plaza Picnic Area - Non-resident or Commercial - Weekends (per hour - 4 hour minimum)	\$43
6	Plaza Picnic Area - Non-resident - or Commercial - Weekends (per day)	\$302
6	Plaza Picnic Area - Resident - Weekdays (per hour - 4 hour minimum)	\$30
6	Plaza Picnic Area - Resident - Weekdays (per day)	\$231
6	Plaza Area - Non Profit (verification req'd) - Weekdays (per hour - 4 hour minimum)	\$30
6	Plaza Picnic Area - Non-profit (verification req'd) - Weekdays (per day)	\$231
6	Plaza Picnic Area - Non-resident or Commercial - Weekdays (per hour - 4 hour minimum)	\$35
6	Plaza Picnic Area - Non-resident or Commercial - Weekdays (per day)	\$277
6	Fountain operation with geysers (per 48 hour block)	\$468
	Special Event Liability Insurance purchased through City's 3rd party carrier	Insurance cost per schedule rates by insurance provider when purchasing insurance through City 3rd party carrier
6	Special Event Liability Insurance Administrative Fee (per certificate)	\$43
ADMINISTRATIVE FEES		
	Document Copying (10 pages or less)	No charge
7	Document Copying (per page > 10 pages)	\$0.10
6	Document Recording [with County Clerk Recorders Office] (Actual recording fee costs plus staff time & mileage) (per document)	\$150
	Trail Maps (Fixed - per map)	\$2
2	Video/Audio Recording(s) of City Council or Planning Commission Meetings (placed on CD, DVD, flash drive, etc. as applicable)	Cost
2	Printed documents (i.e. general plan, budget, zoning ord., etc.)	Cost
2	Video Recordings of Meetings	Cost
	FPPC Document Copying (per page - State law) (per page)	\$0.10
7	Notary Public Fee (per document - State law) (per document)	\$15
	Business License Initial Registration Fee - New Business	\$70

City of Clayton User Benefit, Regulatory and Rental Fees			
	Foot Notes	Fee/Deposit Description	Proposed FY 2022-23 Fee/Deposit 5% CPI Increase (8.8% total increase)
		Duplicate Business License Fee (CMC §5.04.790)	\$13
		First Returned Check Service Charge - Fixed	\$25
		Subsequent Returned Check Service Charge - Fixed	\$37
		Late Payment Charges for Administrative Fines	Ten percent (10%) of original fine for every 30 days or portion thereof. The Late Payment Charge shall not exceed 100 percent (100%) of the original fine.
	6	Street Closure Fee	\$144
		Administrative penalty for City issued permits after the fact (encroachment permit; tree removal permit, etc.)	Double the original permit fee
	6	Code Enforcement non-compliance re-inspection after the first inspection (in addition to any citation fines) (per inspection)	\$42

City of Clayton User Benefit, Regulatory and Rental Fees		
Foot Notes	Fee/Deposit Description	Proposed FY 2022-23 Fee/Deposit 5% CPI Increase (8.8% total increase)
FOOT NOTES		
1	"Time" is defined as the cost per hour for an employee at the time the costs are incurred. Costs included salary, benefits, employer taxes, overhead and overtime, as applicable. Time also means City Engineer billing (plus 15%), as well as costs of other contracts and expenses. Detail of costs are available upon request.	
2	"Cost" is defined as the cost of equipment use, non-returnable flash drive (video/audio recordings), materials, labor, and supplies.	
3	Deposits are required upon submittal of an application. A minimum deposit is stipulated by these fees. At City Manager's discretion, deposit requirement can be reduced. Also, if it is the judgment of staff a minimum deposit is not sufficient, the required deposit may be increased. If, after a deposit is made, more funds are needed, the applicant will be notified when approx. 30% of the deposit remains, any additional funds estimated by staff are to be provided to replenish the deposit account for continuing work on the project, until such funds are received work on the project may be suspended.	
4	If a development project requires multiple applications, only a single deposit shall be required. In such cases, the amount of the deposit shall be the largest single deposit required by any of the applications, or an amount determined by the City Manager, not to exceed the sum of the deposits.	
5	All fixed-cost development application fees are refundable based upon the City amount of staff work completed on the process of the application and subject to approval by the City Manager.	
6	City operational costs are driven both by labor increases and by overall cost of living increases and fees are adjusted by the higher of those two each year. For FY22 the CPI is equal to 5.0%, City Labor increases are equal to either 3% or 4%; thus the rates are increasing by 5.0%. They did not increase in FY22 due to staff turnover and COVID related delays; therefore, we are also including an increase of 3.8% for FY22. The total increase from FY21 to FY23 is 8.8%.	
7	CPI in prior year Master Fee Schedule (FY 2021 or FY2022) did not result in a fee increase due to the CPI impact being too trivial to warrant a full dollar increase as fees are adopted in whole dollars only. Therefore, fees in these areas for FY2023 did not increase.	
8	Amount reflects minimum engineering deposit for standard project requirements. However additional amounts may be required as determined by the City Engineer based on the size of the project and for unusual or non-standard circumstances. All costs for inspection and administration relating to this permit shall be deducted from the inspection service deposit(s) or cash bond.	
9	This specified Clayton Community Park picnic area is only available for rent in 4 hour block increments.	
10	An Arrow symbol → Indicates fee increases and will take effect 60 days after adoption that may be subject to California Government Code §66017. All other fees will take effect upon adoption of Resolutions.	
11	This is a newly added fee per California Vehicle Code Section 35700(a)	



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Dana Ayers, AICP, Community Development Director

DATE: March 21, 2023

SUBJECT: Introduce and Waive First Reading of an Ordinance to Amend Clayton Municipal Code Chapter 17.47, Sections 17.04.083 and 17.44.030, and Schedule 17.37.030A Pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units (ZOA-02-2022), and Finding that Such Amendment is Exempt from CEQA Pursuant to Public Resources Code Section 21080.17.

RECOMMENDATION

Staff recommends that the City Council open the public hearing and accept written and spoken testimony, close the public hearing, and introduce and waive further reading of the attached Ordinance amending Clayton Municipal Code (CMC) chapter 17.47 to comply with state law, and making other revisions to CMC Title 17 as necessary to ensure internal consistency of the municipal code in light of the amendments to CMC chapter 17.47.

BACKGROUND

On December 17, 2019, the City Council of the City of Clayton (City) adopted Resolution No. 50-2019 authorizing City staff to submit an application for funding through the Senate Bill 2 Planning Grants Program implemented by the California Department of Housing and Community Development (HCD). The scope of the planning efforts to which the grant funds were to be applied included amendment of the City's ADU ordinance to align with California law, and creation of pre-checked architectural plans for ADUs to shorten residents' planning and permitting processes for construction of ADUs.

On March 22, 2021, the City Council established a set of goals for the Council and staff to aim to accomplish in 2021/2022. Land Use and Housing Goal 2 was amendment of Clayton's ADU ordinance to comply with state law.

State law governing construction of ADUs and JADUs is contained in Government Code sections 65852.2 (ADUs) and 65852.22 (JADUs), which were mostly recently amended on September 28, 2022, with the Governor's signing of Senate Bill 897 and Assembly Bill 2221. The statutes establish allowances and provisions for construction of ADUs and JADUs for any California jurisdiction that does not have its own local ordinance that complies with state law. The statutes also allow cities and counties to adopt local ordinances with more refined standards that fall within the parameters of state law, or in some cases, with more relaxed standards than those that are prescribed in state law.

Briefly summarized, and with certain exceptions, the Government Code allows cities and counties to adopt ordinances that:

- Designate areas within the jurisdiction where ADUs may be permitted on properties zoned to allow single-family or multifamily dwellings;
- Impose parking, height, setback, landscape, architectural, size and other objective standards on ADUs;
- Allow ADUs to be rented separately from the primary residence, and under certain circumstances, to be sold separately from the primary residence;
- Allow ADUs to be attached to, detached from, or within a primary residence or a residential accessory structure such as a garage or storage area;
- Limit the floor area of an ADU to no more than half the floor area of the primary residence;
- Establish minimum and maximum sizes for attached and detached ADUs; provided, that the ordinance does not prohibit an efficiency unit¹, nor set a maximum floor area that is less than 850 square feet, or 1,000 square feet for an ADU with two or more bedrooms;
- Prohibit rental of ADUs for fewer than 30 days; and
- Limit the number of JADUs to one per lot zoned for a single-family residence.

State law precludes a city or county from:

- Imposing a minimum setback requirement for an ADU that is converted from an existing structure;
- Imposing a side or rear yard setback greater than 4 feet for ADUs built in the same location and to the same dimensions as an existing structure;
- Imposing any lot coverage, floor area ratio (FAR), open space, or front setback requirement that would result in an ADU being smaller than 800 square feet;
- Imposing an ADU building height maximum that is fewer than 16 feet for any detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit, or fewer than 18 feet (plus 2 additional feet to accommodate roof pitch) for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within 0.5 miles walking distance of a major transit stop or high-quality transit corridor, or fewer than 18 feet for a detached ADU on a lot with an

¹ California Health and Safety Code section 17958.1 defines an efficiency unit as a unit designed for occupancy by up to two people, with a minimum floor area of 150 square feet and that may have partial kitchen or bathroom facilities.

existing or proposed multifamily, multistory dwelling, or fewer than 25 feet for an attached ADU where the primary dwelling is permitted to exceed 25 feet in height;

- Imposing any parking requirement for ADUs within one-half mile walking distance of public transit, within an historic district, within one block of a car share facility, if parking permits are not available to ADUs, and where the ADU is part of a proposed or new primary residence or accessory structure, or when a permit application for an ADU is submitted with the permit application to create a new single-family or multifamily dwelling on the same lot (provided the ADU or the parcel satisfies any aforementioned parking prohibition); in any other instance, the agency may not impose any parking requirement that exceeds the lesser of one stall per ADU or one stall per bedroom in the ADU;
- Requiring that covered parking (in a garage or carport, for example) be replaced in the event that the parking structure is demolished for the ADU or converted to living space in an ADU;
- Imposing an owner-occupant requirement on any ADU before January 1, 2025, or requiring owner occupancy of the single-family dwelling within which a JADU is built (other than for residences owned by a governmental agency, land trust or housing organization); or
- Requiring any permit beyond a building permit for an ADU and/or JADU, if specified conditions are met.

In addition to development and permitting regulations governing ADUs, state law precludes any ADU smaller than 750 square feet in size from being subject to impact fees. For ADUs of 750 or more square feet, fees are charged according to the proportion of the size of the ADU relative to the residence to which it is accessory (e.g., 50 percent if the ADU is half the size of the main residence). Local ADU ordinances adopted by decision-making bodies of cities and counties are also subject to review by staff of HCD for compliance with the regulations of state law.

PROJECT DESCRIPTION

The draft ordinance that is the subject of tonight's public hearing incorporates the required provisions of state law, including establishment of a ministerial (i.e., without discretionary review or a hearing) process for permitting of JADUs and certain ADUs. Section 17.47.030 of the proposed ordinance creates two categories of ADUs that state law requires the City to approve ministerially, specifically Type 1 and Type 2 ADUs. Both categories are discussed in turn, as follows.

Type 1 ADUs must be permitted by the City by building permit only. Generally, Type 1 ADUs are:

1. **Converted on a Single-Family Lot.** These are JADUs, which by their definition are built entirely within an existing residence, and/or ADUs that are built within an existing residence or an accessory structure and that may include an expansion of no more than 150 square feet (for purposes of accommodating ingress and egress).

2. **Limited Detached ADUs on a Single-Family Lot.** These are detached ADUs no larger than 800 square feet on single-family lots, where side and rear yard setbacks are at least 4 feet, and the peak of the ADU meets applicable height requirements.
3. **Converted on a Multifamily Lot.** These are ADUs constructed within storage rooms, attics, garages, passageways and other areas not used as living spaces within a multifamily residential building.
4. **Limited Detached ADUs on a Multifamily Lot.** These are detached ADUs on lots developed with multifamily residential units; provided, that the side and rear yard setbacks are at least 4 feet, and the roof peak of the ADU meets applicable height requirements.

For Type 1 ADUs, draft ordinance section 17.47.040 requires that the Community Development Director (or the Director's designee) approve or deny the building permit within 60 days of receipt of a complete permit application. If the Director denies a building permit for a Type 1 ADU, the Director must include with the denial a complete listing of the deficiencies of the application and a description of how the applicant can remedy or correct those deficiencies. Once built, a Type 1 ADU would be subject to a restriction that the unit be rented for a minimum of 30 days (i.e., no short-term rental of the unit). Each of these provisions is required by state statute.

Type 2 ADUs would encompass ADUs, with or without a JADU, that qualify for ministerial approval under state law but that do not fit into the category of a Type 1 ADU. Type 2 ADUs would require approval of an administrative ADU Permit and a building permit. Like Type 1 ADUs, the Community Development Director is responsible for reviewing Type 2 ADU applications and must render a decision within 60 days of receiving a complete application. In addition to the general ADU standards provided in section 17.47.050, Type 2 ADUs would be subject to development standards that are listed in sections 17.47.060 of the draft ordinance. In summary, the additional standards in section 17.47.060 would require that the ADU is:

- limited in size to 1,200 square feet, a standard that is within the parameters of state law (Government Code section 65852.2(a)(1)(D)(v)) and that aligns with the size of the largest ADU in the City's Pre-Checked ADU Plan Program currently being developed;²
- subject to FAR maximums as listed in draft section 17.47.060, subsection B, of the ordinance (which are abbreviated from but generally align with the more detailed FAR standards in CMC chapter 17.78);
- subject to compliance with minimum 4-foot side and rear yard setbacks, as well as the minimum front yard setback of the zoning district in which the property is located;
- required to maintain at least 35 percent of the lot as open space; and
- required to match the appearance and architectural design elements of the principal dwelling on the property.

² State law allows, but does not require, cities to limit Type 2 ADUs with two or more bedrooms to 1,000 square feet. (Gov. Code, § 65852.2(c)(2)(B)(ii)).

Any ADU that does not qualify for ministerial approval as either a Type 1 or Type 2 ADU (e.g., the ADU is larger than 1,200 square feet) would be subject to the City's discretionary **Site Plan Review Permit** process provided in CMC chapter 17.44 (and would require review and approval by the Planning Commission pursuant to that chapter).

DISCUSSION

Code Compliance: CMC section 17.56.010 authorizes the City Council to amend the Zoning Ordinance (CMC Title 17) upon recommendation from the Planning Commission, whenever the public necessity, convenience and general welfare require such amendment. Amendments to the Zoning Ordinance can be initiated by the City Council, Planning Commission, or qualified applicant pursuant to CMC section 17.56.020. In addition to finding that the proposed amendment would serve the public necessity, convenience and general welfare, the City Council must find that the proposed amendment is in general conformance with the General Plan (CMC section 17.56.060) prior to adopting the amendment.

The proposed amendment to the City's adopted ADU regulations in its Zoning Ordinance was initiated by the City Council through the Council goals set in March 2021. Following a duly-noticed public hearing held on February 28, 2023, the Planning Commission adopted Resolution No. 03-2023: 1) making findings of General Plan consistency and public necessity, convenience and welfare; and 2) recommending that the City Council adopt the amendments as written in and attached to that Resolution.

Required Findings: Staff believes that the City Council can make the necessary findings to adopt the proposed Zoning Ordinance Amendment relative to ADUs and JADUs.

The proposed amendment is consistent with the Clayton General Plan as a matter of law. (Gov. Code, § 65852.2(a)(1)(C)). Additionally, the proposed amendment is consistent with the following adopted goals and policies of the Clayton General Plan Land Use Element and Housing Element Update for the 6th housing cycle.

Land Use Goal 2: To encourage a balance of housing types and densities consistent with the rural character of Clayton, while accommodating higher density housing types in appropriate locations.

Land Use Goal 4: To control development through appropriate zoning, subdivision regulations and code enforcement.

Land Use Goal 10: To provide housing opportunities which serve the varied social and economic segments of the Clayton community.

Housing Element Goal 2: Encourage a variety of housing types, densities, and affordability levels to meet the diverse needs of the community, including a mix of ownership and rental.

Housing Element Policy 2.3: Accessory Dwelling Units. Promote construction of accessory dwelling units as a way to increase the housing stock, particularly for lower-income households, seniors, young adults and persons with disabilities, recognizing that ADUs also promote investment in existing properties and reduce ongoing housing costs for property owners.

The proposed amendment would result in greater diversity in the City's housing stock, in that it would facilitate a broader range in the construction of smaller, more affordable and rentable ADUs and JADUs ancillary to single-family and multifamily housing developments. These ADUs and JADUs would be in addition to the predominant single-family residential housing type in Clayton. The proposed amendment would establish zoning regulations and standards governing size, FAR, setbacks, off-street parking requirements, and architectural compatibility of ADUs to ensure that ADUs retain the visual character of the Clayton community while complying with the provisions and limitations specified in state law. The proposed amendment would implement Housing Element Program D1 by providing property owners and City staff with a clear path toward permitting for construction of ADUs and JADUs that is in compliance with state law.

Staff believes that the proposed amendment would serve the public necessity, convenience and general welfare of the City. The proposed ordinance simplifies and presents the extensive and detailed provisions of state law in a more approachable format for residents and staff, starting with classification of ADUs as Type 1, Type 2 or Site Plan Review projects (the latter of which is how ADUs that do not qualify for ministerial approval under Type 1 and Type 2 are reviewed and approved). This more approachable organization of the statutory regulations of state law adds better clarity to the regulations, reducing questions and potential areas of confusion for residents interested in building ADUs/JADUs and their designers, and creating a clearer and more efficient path for City staff to process ADU and JADU permit requests. The proposed ordinance also offers additional flexibility to local property owners, expanding on the provisions in state law to allow for otherwise nonconforming ADUs subject to Site Plan Review permit approval, and not carrying forward a requirement for owner-occupancy of a property with a Type 2 or Site Plan Review ADU. ADUs in themselves offer opportunities for smaller and more affordable units that accommodate existing residents to age in place, and provide opportunities for new residents and newly-independent people to live in affordably-priced rental housing in the City. By providing rental income or opportunities to house extended family, ADUs can also reduce mortgage costs and can eliminate the expenses of long-term care residential care, resulting in more affordable housing and cost savings for existing residential property owners, as well.

Other Amendments: The proposed Zoning Ordinance Amendment would revise in entirety the text of CMC chapter 17.47 applicable to ADUs to comply with state law. In addition to the revision of CMC chapter 17.47, staff recommends revisions to CMC section 17.04.083 (definition of second dwelling unit), to CMC section 17.44.030 (Site Plan Review Permit exemptions) and to CMC schedule 17.37.030A (off-street parking requirements) for consistency with the amended text of the ADU/JADU zoning regulations.

CEQA: This proposed Zoning Ordinance Amendment is statutorily exempt from CEQA pursuant to Public Resources Code section 21080.17, Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units.

FISCAL IMPACTS

Adoption of the Ordinance amending the CMC would not have direct fiscal impacts to the City. Property owners intending to construct an ADU and/or JADU on their property would pay permit fees to cover staff costs for review of plans and permitting for their projects.

ATTACHMENTS

1. Ordinance
2. Planning Commission Resolution No. 03-2023
3. California Government Code Section 65852.2
4. California Government Code Section 65852.22
5. Presentation Slide Deck
6. Video of February 28, 2023, Planning Commission Meeting (online at <https://claytonca.gov/community-development/planning/planning-commission/planning-commision-agendas/>)

ORDINANCE NO. -2023

**AN ORDINANCE AMENDING CLAYTON MUNICIPAL CODE CHAPTER 17.47,
SECTIONS 17.04.083 AND 17.44.030, AND SCHEDULE 17.37.030A PERTAINING
TO ACCESSORY DWELLING UNITS (ZOA-02-2022),
AND FINDING THAT SUCH AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT PURSUANT TO PUBLIC RESOURCES CODE
SECTION 21080.17**

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

The City Council of the City of Clayton DOES ORDAIN as follows:

Section 1. Recitals

- A. California state law governing construction of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) is contained in Government Code section 65852.2 and Government Code section 65852.22, which were most recently amended on September 28, 2022, by Senate Bill 897 and Assembly Bill 2221.
- B. Clayton Municipal Code (CMC) chapter 17.47, "Second Dwelling Units," was most recently amended in 2004 by adoption of Ordinance No. 373 and does not incorporate all of the provisions of Government Code sections 65852.2 and 65852.22.
- C. Government Code sections 65852.2 and 65852.22 establish allowances and provisions for construction of ADUs and JADUs for any California jurisdiction that does not have its own local ordinance that complies with state law.
- D. Government Code sections 65852.2 and 65852.22 also authorize cities and counties to adopt local ordinances with more refined standards that fall within the parameters of state law, or with more relaxed standards than those that are prescribed in state law.
- E. On March 22, 2021, the City Council established a set of goals for the City Council and staff to aim to accomplish in 2021/2022, and Land Use and Housing Goal 2 was to amend Clayton's ADU ordinance to establish local ADU and JADU permitting procedures and regulations in compliance with state law.
- F. CMC chapter 2.12 establishes a Planning Commission for the City of Clayton, and Government Code sections 65854 and 65855 require the Planning Commission to conduct a public hearing prior to making a recommendation to the legislative body (City Council) on a proposed amendment to the Zoning Ordinance (CMC Title 17).

- G. On February 28, 2023, the Clayton Planning Commission held a duly-noticed public hearing on the City-initiated Zoning Ordinance Amendment Application ZOA-02-2022 pertaining to the establishment of local permitting procedures and regulations for the construction of ADUs and JADUs in Clayton, and at that public hearing, the Commission received and considered spoken and written testimony and evidence on the matter prior to adopting Resolution No. 03-2023 recommending City Council adoption of the proposed amendments.
- H. In accordance with Government Code section and 65090, on or prior to March 10, 2023, notice of the Clayton City Council public hearing to consider the amendment to the City's adopted zoning regulations pertaining to ADUs and JADUs was published in the East Bay Times; was posted to the notice boards at Clayton City Hall and Clayton Community Library, and to Ohm's board in the Clayton Town Center; and was mailed electronically to interested parties who had requested such notice.
- I. On March 21, 2023, the Clayton City Council held a duly-noticed public hearing on the City-initiated Zoning Ordinance Amendment Application ZOA-02-2022 pertaining to the establishment of local permitting procedures and regulations for the construction of ADUs and JADUs in Clayton, and at that public hearing, received and considered spoken and written testimony and evidence on the matter.

Section 2. Findings

Based on the information in the Community Development Department files on this project, incorporated here by reference and available for review at City Hall, 6000 Heritage Trail in Clayton, the City Council finds that:

- A. The foregoing recitals are true and correct and are incorporated herein by reference.
- B. The proposed Zoning Ordinance Amendment is consistent with the General Plan, and specifically, Land Use Goals 2, 4 and 10; and Housing Element Policy Goal 2 and Policy 2.3. Together, these goals and policies encourage diversity in housing types and tenures, support appropriate development controls through zoning regulation, and encourage construction of accessory dwelling units. The proposed amendment would facilitate construction of smaller, more affordable and rentable ADUs and JADUs in addition to the predominant single-family residential housing type in Clayton. The proposed amendment would establish zoning regulations and standards governing size, floor area ratio, setbacks, off-street parking requirements, and architectural compatibility of ADUs to ensure that ADUs retain the visual character of the Clayton community while complying with the provisions and limitations specified in state law. The proposed amendment would implement Housing Element Program D1 by providing property owners and city staff with a clear path toward permitting of ADUs and JADUs that is in compliance with state

law. In addition to the foregoing, the proposed Zoning Ordinance Amendment is consistent with the General Plan as a matter of law pursuant to Government Code section 65852.2(a)(1)(C).

- C. The proposed Zoning Ordinance Amendment would serve the public necessity, convenience and general welfare. The proposed ordinance simplifies and presents the extensive and detailed provisions of state law in a more approachable format for residents and city staff, starting with classification of ADUs as Type 1, Type 2 or Site Plan Review projects. This more approachable organization of the statutory regulations of state law adds better clarity to the city's regulations, reducing questions and potential areas of confusion for residents interested in building ADUs/JADUs and their designers, and creating a clearer and more efficient path for city staff to process ADU and JADU permit requests. The proposed ordinance also offers additional flexibility to local property owners, expanding on the provisions in state law to allow for ADUs not otherwise conforming with statute subject to Site Plan Review permit approval, and not carrying forward a requirement for owner-occupancy of a property with Type 2 or Site Plan Review ADUs. ADUs in themselves offer opportunities for smaller and more affordable units that accommodate existing residents to age in place, and provide opportunities for new residents and newly-independent people to live in affordably-priced rental housing in the city. By providing rental income or opportunities to house extended family, ADUs can also reduce mortgage costs and eliminate the expenses of long-term care residential care, resulting in more affordable housing and cost savings for existing residential property owners, as well.
- D. Other revisions to CMC Title 17 are necessary to ensure consistency of these municipal code titles with the amended text of the ADU/JADU zoning regulations.
- E. This recommended amendment to Clayton Municipal Code is statutorily exempt from the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*), pursuant to Public Resources Code section 21080.17, Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units.

Section 3. Zoning Ordinance Amendment

Based on the findings and the authority set forth above, the City Council hereby amends Title 17 (Zoning) of the Clayton Municipal Code, as follows:

- A. **Deletion of Clayton Municipal Code Section 17.04.083.** That Clayton Municipal Code section 17.04.083 be hereby amended and restated as shown in underline/strike-through to read as follows:

“17.04.083 Dwelling Unit, Accessory or Second.
‘Accessory dwelling unit’ or ‘Second dwelling unit’ are synonymous and shall refer to

~~an Accessory Dwelling Unit as defined in section 17.47.020A. mean an attached or detached dwelling unit, which provides complete independent living facilities for one or more persons including, but not limited to the permanent provisions for living, sleeping, eating, cooking and sanitation. A second dwelling unit also includes an efficiency unit and manufactured home, as defined in California Health and Safety Code §§ 17958.1 and 18007, respectively."~~

- B. Amendment of the Off-Street Parking Space Requirements in Schedule 17.37.030A.** That the parking requirements for the residential use classification, "Second Dwelling Unit," in Clayton Municipal Code schedule 17.37.030A be hereby amended and restated as shown in underline/strike-through to read as follows:

"Use Classification	Required Off-Street Parking Spaces
Second <u>Accessory Dwelling Unit</u>	See section 17.47.020.B <u>17.47.060.G</u> "

- C. Amendment to Clayton Municipal Code Section 17.44.030.** That Clayton Municipal Code section 17.44.030 be hereby amended and restated as shown in underline/strike-through to read as follows:

"17.44.030 Exemptions.

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

- A. Construction not meeting one of the criteria listed above;
- B. Construction receiving specific design authorization pursuant to an approved:
 - 1. Development Plan Permit;
 - 2. Vesting Tentative Map;
 - 3. Development Agreement.
- C. ~~Second~~ Type 1 and Type 2 accessory dwelling units and junior accessory dwelling units administratively ministerially approved in accordance with Chapter 17.47; provided, that Type 2 accessory dwelling units shall also require an ADU Permit in accordance with the requirements of Chapter 17.47."

- D. Amendment to Clayton Municipal Code Chapter 17.47.** That Clayton Municipal Code chapter 17.47 be repealed and replaced in its entirety to read as shown in the attached Exhibit A.

Section 4. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court competent jurisdiction, such invalidity shall not affect other

provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

Section 5. Effective Date and Publication.

This Ordinance shall become effective 30 days from and after its passage. Within 15 days after the passage of the Ordinance, the City Clerk shall cause the Ordinance, with the names of those City Council members voting for and against it, to be posted in three public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendments adopted in Section 3 of this Ordinance to be entered into the City of Clayton Municipal Code.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton held on March 21, 2023.

Passed, adopted and ordered posted by the City Council of the City of Clayton at a regular public meeting thereof held on _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST:

Janet Calderon, City Clerk

APPROVED AS TO FORM:

APPROVED BY ADMINISTRATION:

Malathy Subramanian, City Attorney

Ron Bernal, Interim City Manager

I hereby certify that the foregoing Ordinance was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on _____, 2023.

Janet Calderon, City Clerk

Exhibit A

Chapter 17.47 Accessory Dwelling Units

17.47.005 - Purpose.

The purpose of this chapter is to allow, regulate and establish procedures for permitting of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code sections 65852.2 and 65852.22.

17.47.010 - Effect of Conforming.

An ADU or JADU that conforms to the standards in this chapter will not be:

- A. Deemed to be inconsistent with the city's general plan and zoning designation for the lot on which the ADU or JADU is located.
- B. Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
- C. Considered in the application of any local ordinance, policy, or program to limit residential growth.
- D. Required to correct a nonconforming zoning condition, as defined in subsection G of section 17.47.020. This does not prevent the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.

17.47.020 - Definitions.

As used in this chapter, terms are defined as follows:

- A. "Accessory dwelling unit" or "ADU" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - 1. An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and
 - 2. A manufactured home, as defined by section 18007 of the California Health and Safety Code.
- B. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.
- C. "Complete independent living facilities" means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

- D. "Efficiency kitchen" means a kitchen that includes all of the following:
1. A cooking facility with appliances.
 2. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
- E. "Junior accessory dwelling unit" or "JADU" means a residential unit that satisfies all of the following:
1. It is no more than 500 square feet in size.
 2. It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 3. It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 4. If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
 5. It includes an efficiency kitchen, as defined in subsection D above.
- F. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- G. "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.
- H. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- I. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- J. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

- K. “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

17.47.030 – Permits Required.

The following permitting requirements apply to ADUs and JADUs under this chapter:

- A. Type 1 ADU - Building Permit Only. If an ADU or JADU complies with each of the general requirements in section 17.47.050, it is allowed with only a building permit in the following scenarios:
1. Converted on Single-family Lot. One ADU as described in this subsection A.1 and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
 - a. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or, in the case of an ADU only, within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
 - b. Has exterior access that is independent of that for the single-family dwelling; and
 - c. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes; and
 - d. The JADU complies with the requirements of California Government Code section 65852.22.
 2. Limited Detached on Single-family Lot: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection A.1 above), if the detached ADU satisfies each of the following limitations:
 - a. The side- and rear-yard setbacks are at least 4 feet.
 - b. The total floor area is 800 square feet or smaller.
 - c. The peak height above grade does not exceed the applicable height limit in subsection B of section 17.47.050.
 3. Converted on Multifamily Lot: One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state

building standards for dwellings. Under this subsection A.3, at least one converted ADU is allowed within an existing multifamily dwelling, up to a quantity equal to 25 percent of the existing multifamily dwelling units.

4. Limited Detached on Multifamily Lot: No more than two detached ADUs on a lot that has an existing or proposed multifamily dwelling if each detached ADU satisfies both of the following limitations:
 - a. The side- and rear-yard setbacks are at least 4 feet. If the existing multifamily dwelling has a rear or side yard setback of less than 4 feet, then the Director shall not require any modification to the multifamily dwelling as a condition of approving the ADU.
 - b. The peak height above grade does not exceed the applicable height limit provided in subsection B of section 17.47.050.
- B. Type 2 ADU - Administrative ADU Permit Required. An ADU that does not qualify as a Type 1 ADU (as set forth in subsection A above) may be constructed with Director approval of a building permit and an ADU Permit in compliance with the standards set forth in sections 17.47.050 and 17.47.060. An application for an ADU Permit shall be submitted on a form prescribed by the Community Development Department and be accompanied by any ADU Permit application processing fee established by City Council resolution.

17.47.040 – Process and Timing.

- A. Applications for Type 1 and Type 2 ADUs (under subsections A and B of section 17.47.030, respectively) will be considered and approved ministerially, without discretionary review or a hearing.
- B. The Director must approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a completed application. If the Director has not approved or denied the completed application within 60 days, the application is deemed approved unless either of the following occurs:
 1. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or
 2. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the Director may delay acting on the permit application for the ADU or JADU until the Director approves or denies the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

- C. If the Director denies an application to create an ADU or JADU, the Director must provide the applicant with a full set of comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. The Director must provide the applicant with the notice of the denial and the corresponding comments within the 60-day time period established by subsection B above.
- D. A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

17.47.050 – General ADU and JADU Requirements.

The following requirements apply to all Type 1 and Type 2 ADUs and JADUs that are approved under section 17.47.030:

A. Zoning.

- 1. A Type 1 ADU or JADU subject only to a building permit under subsection A of section 17.47.030 may be created on a lot in a residential or mixed-use district.
- 2. A Type 2 ADU or JADU subject to an ADU permit under subsection B of section 17.47.030 may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.

B. Height.

- 1. Except as otherwise provided by subsections B.2 and B.3 below, a detached ADU created on a lot with an existing or proposed single-family or multifamily dwelling unit may not exceed 16 feet in height.
- 2. A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single-family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in section 21155 of the Public Resources Code, and the ADU may be to 2 additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.
- 3. A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
- 4. An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the

foregoing, ADUs subject to this subsection B.4 may not exceed two stories.

5. For purposes of this subsection B, height is measured above existing legal grade to the peak of the structure.

C. Fire Sprinklers.

1. Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
2. The construction of an ADU does not trigger the requirement for fire sprinklers to be installed in the existing primary dwelling.

D. Rental Term. No Type 1 ADU or JADU may be rented for a term that is shorter than 30 days.

E. No Separate Conveyance. An ADU or JADU may be rented, but, except as otherwise provided in Government Code Section 65852.26, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).

F. Septic System. If the ADU or JADU will connect to an onsite wastewater treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.

G. Owner Occupancy.

1. Owner occupancy is not required on a property on which an ADU has been created.
2. As required by state law, properties on which a JADU has been created are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection G.2 does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

H. Deed Restriction. Prior to final inspection for occupancy of an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the Director and must provide that:

1. Except as otherwise provided in Government Code Section 65852.26, the ADU or JADU may not be sold separately from the primary dwelling.
 2. The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
 3. The deed restriction runs with the land and may be enforced against future property owners.
 4. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
 5. The deed restriction is enforceable by the Director for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.
- I. Income Reporting. In order to facilitate the City's obligation to identify adequate sites for housing in accordance with Government Code sections 65583.1 and 65852.2, with the building permit application, the applicant must provide the City with an estimate of the projected annualized rent that will be charged for the ADU or JADU. Notwithstanding the foregoing, the requirements of this subsection shall only apply to properties for which the ADU or JADU is being built to satisfy affordable inclusionary housing requirements of a development or is subject to an affordable housing agreement between the City and the property owner.
- J. Building & Safety.
1. Compliance with building code. Subject to subsection J.2 below, all ADUs and JADUs must comply with all local building code requirements.
 2. No change of occupancy. Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in

section 310 of the California Building Code, unless the building official or code enforcement officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection J.2 prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

17.47.060 - Development Standards. The following requirements apply only to Type 2 ADUs that require an ADU permit under subsection B of section 17.47.030.

A. Maximum Size.

1. The maximum size of a detached or attached ADU subject to this section is 1,200 square feet.
2. An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
3. Application of other development standards in this section 17.47.060, such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection A.2 above or of an FAR, lot coverage limit, minimum front yard setback or open-space requirement may require the ADU to be less than 800 square feet.

B. Floor Area Ratio (FAR). Subject to subsection A.3 above, no ADU subject to this section may cause the floor area ratio of all residential and accessory structures on a lot to exceed the maximum FAR as specified according to the following schedule:

Net Parcel Area (square feet)	Maximum FAR
Up to 7,000	0.55
7,001 to 8,000	0.53
8,001 to 9,000	0.51
9,001 to 10,000	0.49
10,001 to 11,000	0.47
11,001 to 12,000	0.45
12,001 to 13,000	0.43
13,001 to 14,000	0.41
14,001 to 15,000	0.39
15,001 to 16,000	0.37
Over 16,000	0.35

C. Setbacks.

1. An ADU that is subject to this section must conform to the following minimum front-yard setbacks, subject to subsection A.3 above:
 - a. R-10, R-12, R-15 and All Multiple Family Residential Districts: 20 feet
 - b. R-20 District: 25 feet
 - c. R-40 and R-40-H Districts: 40 feet
2. An ADU that is subject to this section must conform to minimum 4-foot side- and rear-yard setbacks.
3. No setback is required for an ADU that is subject to this section if the ADU is constructed in the same location and to the same dimensions as an existing structure.

D. Lot Coverage. Subject to subsection A.3 above, no ADU subject to this section may cause the total lot coverage of the lot to exceed either:

- a. 50 percent on a lot with an area less than 15,000 square feet; or
- b. 35 percent on a lot with an area of 15,000 or more square feet.

E. Minimum Open Space. No ADU subject to this section may cause the total percentage of open space of the lot to fall below 35 percent, subject to subsection A.3.

F. Passageway. No passageway, as defined by subsection H of section 17.47.020, is required for an ADU.

G. Parking.

1. Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection K of section 17.47.020 above.
2. Exceptions. No parking under subsection G.1 above is required in the following situations:
 - a. The ADU is located within one-half mile walking distance of public transit, as defined in subsection J of section 17.47.020 above.

- b. The ADU is located within an architecturally and historically significant historic district.
 - c. The ADU is part of the proposed or existing primary residence or an accessory structure under subsection A of section 17.47.040.
 - d. When on-street parking permits are required but not offered to the occupant of the ADU.
 - e. When there is an established car share vehicle stop located within one block of the ADU.
 - f. For an ADU constructed as an efficiency unit as defined by section 17958.1 of the California Health and Safety Code.
 - g. When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot; provided, that the ADU or the lot satisfies any other criteria listed in subsections a through f, above.
3. No Replacement. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces within the garage, carport, or covered parking structure are not required to be replaced.

H. Architectural Requirements.

- 1. The materials and colors of the exterior walls, roof, and windows and doors must match the appearance and architectural design elements of those of the primary dwelling.
- 2. The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
- 3. The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
- 4. The ADU must have an independent exterior entrance, apart from that of the primary dwelling.
- 5. The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of 7 feet.

6. Windows and doors of the ADU may not have a direct line of sight to an adjoining residential property. Fencing, landscaping, or privacy glass may be used to provide screening and prevent a direct line of sight.
 7. All windows and doors in an ADU that are less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least 6 feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.
- I. Landscape Requirements. Evergreen landscape screening must be planted and maintained between the ADU and the side and rear lot lines of the property, as follows:
1. At least one 15-gallon size tree shall be planted for every 15 linear feet of exterior wall, or at least one 15-gallon size shrub shall be planted for every 10 linear feet of exterior wall.
 2. Plant specimens must be capable of reaching a height of at least 6 feet tall at maturity.
 3. Notwithstanding the foregoing, a solid fence of at least 6 feet in height may be installed in lieu of landscaping where the distance between the ADU and property line is less than 5 feet.
 4. All landscaping must be low water use and drought-tolerant.
- J. Historical Protections. An ADU that is on or within 300 feet of real property that is listed in the California Register of Historic Resources must do both of the following:
1. Comply with the objective ministerial standards for Preservation, Rehabilitation, Restoration, or Reconstruction in the Secretary of the Interior's Standards for the Treatment of Historic Properties, as applicable.
 2. Be located so as to not be visible from any public right-of-way.

17.47.070 - Fees.

The following requirements apply to all ADUs that are approved under section 17.47.030 of this chapter.

A. Impact Fees.

1. No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection A, "impact fee" means a "fee" under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the

Quimby Act (Gov. Code § 66477). “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.

2. Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

B. Utility Fees.

1. If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility, and payment of the normal connection fee and capacity charge for a new dwelling are required.
2. Except as described in subsection B.1 above, converted ADUs on a single-family lot that are created under subsection A.1 of section 17.47.030 are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.
3. Except as described in subsection B.1, all ADUs that are not covered by subsection B.2 require a new, separate utility connection directly between the ADU and the utility.
 - a. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixtures units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.
 - b. The portion of the fee or charge that is charged by the City may not exceed the reasonable cost of providing this service.

17.47.080 – Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures

- A. Generally. The Director will not deny an application to construct an ADU or JADU due to a nonconforming zoning condition, building code violation or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
- B. Unpermitted ADUs constructed before 2018.

1. Permit to Legalize. As required by state law, the Director may not deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if denial is based on either of the following grounds:
 - a. The ADU violates applicable building standards; or
 - b. The ADU does not comply with the state ADU law (Government Code section 65852.2) or this ADU ordinance (chapter 17.47).
2. Exceptions.
 - a. Notwithstanding subsection B.1 above, the Director may deny a permit to legalize an existing but unpermitted ADU that was constructed before January 1, 2018, if the Director makes a finding that correcting a violation is necessary to protect the health and safety of the public or of the occupants of the structure.
 - b. Subsection B.1 above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

17.47.090 - Nonconforming ADUs and Discretionary Approval.

Any proposed ADU or JADU that does not conform to the objective standards set forth in sections 17.47.005 through 17.47.080 of this chapter may be allowed by the City with a Site Plan Review Permit, in accordance with chapter 17.44 of this title.

**CITY OF CLAYTON
PLANNING COMMISSION
RESOLUTION NO. 03-2023**

**A RESOLUTION OF THE CLAYTON PLANNING COMMISSION RECOMMENDING
THAT THE CITY COUNCIL AMEND CLAYTON MUNICIPAL CODE CHAPTER 17.47,
SECTIONS 17.04.083 AND 17.44.030, AND SCHEDULE 17.37.030A PERTAINING
TO ACCESSORY DWELLING UNITS (ZOA-02-2022),
AND FINDING THAT SUCH AMENDMENTS ARE EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT PURSUANT TO PUBLIC RESOURCES CODE
SECTION 21080.17**

WHEREAS, California state law governing construction of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) is contained in Government Code section 65852.2 and Government Code section 65852.22, which were most recently amended on September 28, 2022, by Senate Bill 897 and Assembly Bill 2221; and

WHEREAS, Clayton Municipal Code (CMC) chapter 17.47, "Second Dwelling Units," was most recently amended in 2004 by adoption of Ordinance No. 373 and does not incorporate all of the provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, Government Code sections 65852.2 and 65852.22 establish allowances and provisions for construction of ADUs and JADUs for any California jurisdiction that does not have its own local ordinance that complies with state law; and

WHEREAS, Government Code sections 65852.2 and 65852.22 also authorize cities and counties to adopt local ordinances with more refined standards that fall within the parameters of state law, or with more relaxed standards than those that are prescribed in state law; and

WHEREAS, on March 22, 2021, the City Council established a set of goals for the City Council and staff to aim to accomplish in 2021/2022, and Land Use and Housing Goal 2 was to amend Clayton's ADU ordinance to establish local ADU and JADU permitting procedures and regulations in compliance with state law; and

WHEREAS, CMC chapter 2.12 establishes a Planning Commission for the City of Clayton, and Government Code sections 65854 and 65855 require the Planning Commission to conduct a public hearing prior to making a recommendation to the legislative body (City Council) on a proposed amendment to the Zoning Ordinance (CMC Title 17); and

WHEREAS, in accordance with Government Code sections 65854 and 65090, on or prior to February 18, 2023, notice of the Clayton Planning Commission public hearing to consider the amendment to the City's adopted zoning regulations pertaining to ADUs and JADUs was published in the East Bay Times; was posted to the notice boards at Clayton City Hall and Clayton Community Library, and to Ohm's board in the Clayton Town Center; and was mailed electronically to interested parties who had requested such notice; and

WHEREAS, on February 28, 2023, the Clayton Planning Commission held a duly-noticed public hearing on the City-initiated Zoning Ordinance Amendment Application ZOA-02-2022 pertaining to the establishment of local permitting procedures and regulations for the construction of ADUs and JADUs in Clayton, and at that public hearing, received and considered spoken and written testimony and evidence on the matter.

NOW, THEREFORE, THE COMMISSION DOES HEREBY FIND:

- A.** The foregoing recitals are true and correct and are incorporated herein by reference.
- B.** The proposed Zoning Ordinance Amendment is consistent with the General Plan, and specifically, Land Use Goals 2, 4 and 10; and Housing Element Policy Goal 2 and Policy 2.3. Together, these goals and policies encourage diversity in housing types and tenures, support appropriate development controls through zoning regulation, and encourage construction of accessory dwelling units. The proposed amendment would facilitate construction of smaller, more affordable and rentable ADUs and JADUs in addition to the predominant single-family residential housing type in Clayton. The proposed amendment would establish zoning regulations and standards governing size, floor area ratio, setbacks, off-street parking requirements, and architectural compatibility of ADUs to ensure that ADUs retain the visual character of the Clayton community while complying with the provisions and limitations specified in state law. The proposed amendment would implement Housing Element Program D1 by providing property owners and city staff with a clear path toward permitting of ADUs and JADUs that is in compliance with state law. In addition to the foregoing, the proposed Zoning Ordinance Amendment is consistent with the General Plan as a matter of law pursuant to Government Code section 65852.2(a)(1)(C).
- C.** The proposed Zoning Ordinance Amendment would serve the public necessity, convenience and general welfare. The proposed ordinance simplifies and presents the extensive and detailed provisions of state law in a more approachable format for residents and city staff, starting with classification of ADUs as Type 1, Type 2 or Site Plan Review projects. This more approachable organization of the statutory regulations of state law adds better clarity to the city's regulations, reducing questions and

potential areas of confusion for residents interested in building ADUs/JADUs and their designers, and creating a clearer and more efficient path for city staff to process ADU and JADU permit requests. The proposed ordinance also offers additional flexibility to local property owners, expanding on the provisions in state law to allow for ADUs not otherwise conforming with statute subject to Site Plan Review permit approval, and not carrying forward a requirement for owner-occupancy of a property with Type 2 or Site Plan Review ADUs. ADUs in themselves offer opportunities for smaller and more affordable units that accommodate existing residents to age in place, and provide opportunities for new residents and newly-independent people to live in affordably-priced rental housing in the city. By providing rental income or opportunities to house extended family, ADUs can also reduce mortgage costs and eliminate the expenses of long-term care residential care, resulting in more affordable housing and cost savings for existing residential property owners, as well.

- D. Other revisions to CMC Title 17 are necessary to ensure consistency of these municipal code titles with the amended text of the ADU/JADU zoning regulations.
- E. This recommended amendment to Clayton Municipal Code is statutorily exempt from the California Environmental Quality Act (Public Resources Code section 21000 *et seq.*), pursuant to Public Resources Code section 21080.17, Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby make the following recommendations to the City Council for amendments to Clayton Municipal Code sections 17.04.083 and 17.44.030, schedule 17.37.030A and chapter 17.47 pertaining to ADUs and JADUs:

- A. **Deletion of Clayton Municipal Code Section 17.04.083.** That Clayton Municipal Code section 17.04.083 be hereby amended and restated as shown in underline/strike-through to read as follows:

“17.04.083 Dwelling Unit, Accessory or Second.

‘Accessory dwelling unit’ or ‘Second dwelling unit’ are synonymous and shall refer to an Accessory Dwelling Unit as defined in section 17.47.020A. mean an attached or detached dwelling unit, which provides complete independent living facilities for one or more persons including, but not limited to the permanent provisions for living, sleeping, eating, cooking and sanitation. A second dwelling unit also includes an efficiency unit and manufactured home, as defined in California Health and Safety Code §§ 17958.1 and 18007, respectively.”

- B. **Amendment of the Off-Street Parking Space Requirements in Schedule 17.37.030A.** That the parking requirements for the residential use

classification, "Second Dwelling Unit," in Clayton Municipal Code schedule 17.37.030A be hereby amended and restated as shown in underline/strike-through to read as follows:

"Use Classification
~~Second~~ Accessory Dwelling Unit

Required Off-Street Parking Spaces
See section 17.47.020.B 17.47.060.G"

- C. **Amendment to Clayton Municipal Code Section 17.44.030.** That Clayton Municipal Code section 17.44.030 be hereby amended and restated as shown in underline/strike-through to read as follows:

"17.44.030 Exemptions.

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

- A. Construction not meeting one of the criteria listed above;
- B. Construction receiving specific design authorization pursuant to an approved:
 - 1. Development Plan Permit;
 - 2. Vesting Tentative Map;
 - 3. Development Agreement.
- C. ~~Second~~ Type 1 and Type 2 accessory dwelling units and junior accessory dwelling units administratively- ministerially approved in accordance with Chapter 17.47; provided, that Type 2 accessory dwelling units shall also require an ADU Permit in accordance with the requirements of Chapter 17.47."
- D. **Amendment to Clayton Municipal Code Chapter 17.47.** That Clayton Municipal Code chapter 17.47 be repealed and replaced in its entirety to read as shown in the attached Exhibit A.

[Remainder of page intentionally left blank.]

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the 28th day February, 2023.

AYES: Cesarin, Enea, Richardson, Shulman

NOES: none

ABSTAINED: none

ABSENT: Miller

APPROVED:

ATTEST:

A handwritten signature in blue ink, appearing to read 'Daniel Richardson', is written over a horizontal line.

Daniel Richardson
Chair

A handwritten signature in blue ink, appearing to read 'Dana Ayers', is written over a horizontal line.

Dana Ayers, AICP
Community Development Director



GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 1. PLANNING AND ZONING [65000 - 66301] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Zoning Regulations [65800 - 65912] (*Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*

ARTICLE 2. Adoption of Regulations [65850 - 65863.13] (*Article 2 added by Stats. 1965, Ch. 1880.)*

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose objective standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) Except as provided in Section 65852.26, the accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, except that the construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency of the local agency makes a written finding based on substantial evidence in the record that the construction of the accessory dwelling unit could have a specific, adverse impact on public health and safety. Nothing in this clause shall be interpreted to prevent a local agency from changing the occupancy code of a space that was uninhabitable space or was only permitted for nonresidential use and was subsequently converted for residential use pursuant to this section.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) (A) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create the new single-family or multifamily dwelling, but the application to create or serve the accessory dwelling unit or junior

accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(B) If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to subparagraph (A), the permitting agency shall, within the time period described in subparagraph (A), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(4) The ordinance shall require that a demolition permit for a detached garage that is to be replaced with an accessory dwelling unit be reviewed with the application for the accessory dwelling unit and issued at the same time.

(5) The ordinance shall not require, and the applicant shall not be otherwise required, to provide written notice or post a placard for the demolition of a detached garage that is to be replaced with an accessory dwelling unit, unless the property is located within an architecturally and historically significant historic district.

(6) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(7) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(8) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, except that, subject to subparagraphs (B) and (C), a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.

(B) (i) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit before January 1, 2025.

(ii) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit that was permitted between January 1, 2020, and January 1, 2025.

(C) Notwithstanding subparagraphs (A) and (B), a local agency may require that an accessory dwelling unit be used for rentals of terms longer than 30 days.

(9) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(10) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) (1) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create or serve an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall either approve or deny the application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the permitting agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create or serve a new single-family or multifamily dwelling on the lot, the permitting agency may delay approving or denying the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create or serve the new single-family or multifamily dwelling, but the application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(2) If a permitting agency denies an application for an accessory dwelling unit or junior accessory dwelling unit pursuant to paragraph (1), the permitting agency shall, within the time period described in paragraph (1), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any requirement for a zoning clearance or separate zoning review or any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(D) Any height limitation that does not allow at least the following, as applicable:

(i) A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.

(ii) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. A local agency shall also allow an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

(iii) A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

(iv) A height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require a local agency to allow an accessory dwelling unit to exceed two stories.

(d) Notwithstanding any other law, and whether or not the local agency has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), all of the following shall apply:

(1) The local agency shall not impose any parking standards for an accessory dwelling unit in any of the following instances:

(A) Where the accessory dwelling unit is located within one-half mile walking distance of public transit.

(B) Where the accessory dwelling unit is located within an architecturally and historically significant historic district.

(C) Where the accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(D) When onstreet parking permits are required but not offered to the occupant of the accessory dwelling unit.

(E) When there is a car share vehicle located within one block of the accessory dwelling unit.

(F) When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this paragraph.

(2) The local agency shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit and one junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation as provided in clause (i), (ii), or (iii) as applicable, of subparagraph (D) of paragraph (2) of subdivision (c).

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) (i) Not more than two accessory dwelling units that are located on a lot that has an existing or proposed multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limitation in clause (i), (ii), or (iii), as applicable, of subparagraph (D) of paragraph (2) of subdivision (c) and rear yard and side setbacks of no more than four feet.

(ii) If the existing multifamily dwelling has a rear or side setback of less than four feet, the local agency shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this subparagraph.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling.

(4) A local agency may require owner-occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (8) of subdivision (a).

(5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite wastewater treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose objective standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section shall supersede a conflicting local ordinance. This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency’s ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department’s findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department’s findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) “Accessory dwelling unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent

provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

- (A) An efficiency unit.
 - (B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.
- (2) “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.
 - (3) “Efficiency unit” has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
 - (4) “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
 - (5) “Local agency” means a city, county, or city and county, whether general law or chartered.
 - (6) “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
 - (7) “Objective standards” means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.
 - (8) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
 - (9) “Permitting agency” means any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.
 - (10) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
 - (11) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
 - (12) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.
- (k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.
 - (l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.
 - (m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.
 - (n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2), a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:
 - (1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(Amended (as amended by Stats. 2021, Ch. 343, Sec. 1) by Stats. 2022, Ch. 664, Sec. 2.5. (SB 897) Effective January 1, 2023.)



GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 1. PLANNING AND ZONING [65000 - 66301] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Zoning Regulations [65800 - 65912] (*Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*

ARTICLE 2. Adoption of Regulations [65850 - 65863.13] (*Article 2 added by Stats. 1965, Ch. 1880.)*

65852.22. (a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence. For purposes of this paragraph, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.

(5) (A) Require a permitted junior accessory dwelling unit to include a separate entrance from the main entrance to the proposed or existing single-family residence.

(B) If a permitted junior accessory dwelling unit does not include a separate bathroom, the permitted junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.

(c) (1) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall either approve or deny the application to create or serve a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create or serve a junior accessory dwelling unit is submitted with a permit application to create or serve a new single-family dwelling on the lot, the permitting agency may delay approving or denying the permit application for the junior accessory dwelling unit until the permitting agency approves or denies the permit application to create or serve the new single-family dwelling, but the application to create or serve the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(2) If a permitting agency denies an application for a junior accessory dwelling unit pursuant to paragraph (1), the permitting agency shall, within the time period described in paragraph (1), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(d) A local agency shall not deny an application for a permit to create a junior accessory dwelling unit pursuant to this section due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the junior accessory dwelling unit.

(e) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(f) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(g) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation related to a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(h) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

(i) For purposes of this section, the following terms have the following meanings:

(1) “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

(3) “Permitting agency” means any entity that is involved in the review of a permit for an accessory dwelling unit or junior accessory dwelling unit and for which there is no substitute, including, but not limited to, applicable planning departments, building departments, utilities, and special districts.

(Amended by Stats. 2022, Ch. 664, Sec. 4. (SB 897) Effective January 1, 2023.)

Introduction of an Ordinance Amending Clayton Municipal Code Pertaining to Accessory Dwelling Units



City Council Public Hearing
March 21, 2023

Regulatory Context

- ▶ On March 22, 2021, the City Council established a set of goals for the Council and staff to aim to accomplish in 2021/2022. Land Use and Housing Goal 2 was amendment of Clayton's Accessory Dwelling Unit (ADU) ordinance to comply with state law.
- ▶ State law governing construction of ADUs and Junior ADUs (JADUs) is contained in Government Code sections 65852.2 (ADUs) and 65852.22 (JADUs), which were mostly recently amended on September 28, 2022, with the Governor's signing of Senate Bill 897 and Assembly Bill 2221.
- ▶ State statutes establish allowances and provisions for construction of ADUs and JADUs for any California jurisdiction that does not have its own local ordinance that complies with state law. The statutes also allow cities and counties to adopt local ordinances with more refined standards that fall within the parameters of state law, or in some cases, with more relaxed standards than those that are prescribed in state law.

Regulatory Context: What the City can do...

- ▶ Designate areas where ADUs may be permitted on properties zoned to allow single-family or multifamily dwellings
- ▶ Impose parking, height, setback, landscape, architectural, size and other objective standards on ADUs
- ▶ Allow ADUs to be rented separately from the primary residence, and under certain circumstances, to be sold separately from the primary residence
- ▶ Allow ADUs to be attached to, detached from, or within a primary residence or a residential accessory structure such as a garage or storage area
- ▶ Limit the floor area of an ADU to no more than half the floor area of the primary residence

Regulatory Context: What the City can do...

- ▶ Establish minimum and maximum sizes for attached and detached ADUs; provided, that the ordinance does not prohibit an efficiency unit (a unit designed for occupancy by up to two people, with a minimum floor area of 150 square feet and that may have partial kitchen or bathroom facilities), nor set a maximum floor area that is less than 850 square feet, or 1,000 square feet for an ADU with two or more bedrooms
- ▶ Prohibit rental of ADUs for short-term rentals (fewer than 30 days)
- ▶ Limit the number of JADUs to one per lot zoned for a single-family residence

Regulatory Context: What the City cannot do...

- ▶ Impose a minimum setback requirement for an ADU that is converted from an existing structure;
- ▶ Impose a side or rear yard setback greater than 4 feet for ADUs built in the same location and to the same dimensions as an existing structure;
- ▶ Impose any lot coverage, floor area ratio (FAR), open space, or front setback requirement that would result in an ADU being smaller than 800 square feet;
- ▶ Impose an ADU building height maximum that is fewer than 16 feet for any detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit, or fewer than 18 feet (plus 2 additional feet to accommodate roof pitch) for a detached ADU on a lot with an existing or proposed single family or multifamily dwelling unit that is within 0.5 miles walking distance of a major transit stop or high-quality transit corridor, or fewer than 18 feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling, or fewer than 25 feet for an attached ADU where the primary dwelling is permitted to exceed 25 feet in height;

Regulatory Context: What the City cannot do...

- ▶ Impose parking requirement that exceeds the lesser of one stall per ADU or one stall per bedroom in the ADU, and in certain other instances, impose any parking requirement (ADUs near transit or car share facilities, within an historic district, if parking permits are not available to ADUs, where the ADU is part of a proposed or new primary residence or accessory structure);
- ▶ Require that covered parking (in a garage or carport, for example) be replaced in the event that the parking structure is demolished for the ADU or converted to living space in an ADU;
- ▶ Impose an owner-occupant requirement on any ADU before January 1, 2025, or requiring owner occupancy of the single-family dwelling within which a JADU is built (other than for residences owned by a governmental agency, land trust or housing organization); or
- ▶ Require any permit beyond a building permit for an ADU and/or JADU, if specified conditions are met.

Proposed Ordinance

Clayton's Draft Ordinance describes three categories of ADUs. Each is differentiated by size, permit process, and applicable development regulations:

- Type 1 ADU
- Type 2 ADU
- Site Plan Review ADU



Proposed Ordinance: Type 1 ADU

Type 1 ADUs must be permitted by building permit only and generally include ADUs that are:

- **Converted on a Single-Family Lot:** JADUs, and/or ADUs built within an existing residence or an accessory structure with an expansion of no more than 150 square feet for entry/exit.
- **Limited Detached ADUs on a Single-Family Lot:** ADUs no larger than 800 square feet on single-family lots, side and rear yard setbacks are at least 4 feet, and maximum height complies with applicable requirements.
- **Converted on a Multifamily Lot:** ADUs built within storage rooms, attics, garages, passageways and other areas not used as living spaces in a multifamily residential building.
- **Limited Detached ADUs on a Multifamily Lot:** ADUs on lots developed with multifamily residential units, side and rear yard setbacks are at least 4 feet, and maximum height complies with applicable requirements.

**Note: Type 1 ADUs cannot be used for short-term rental.*



Proposed Ordinance: Type 2 ADU

Type 2 ADUs encompass ADUs, with or without a JADU, that must be permitted ministerially but that do not fit into the Type 1 ADU category.

Type 2 ADUs:

- Require an administrative ADU Permit and Building Permit;
- Can be no more than 1,200 square feet in size;
- Are subject to FAR maximums as listed in draft ordinance section 17.47.060, subsection B);
- Are subject to compliance with minimum 4-foot side and rear yard setbacks, as well as the minimum front yard setback of the zoning district in which the property is located;
- Must maintain at least 35 percent of the lot as open space;
- Must match the appearance and architectural design elements of the principal dwelling on the property.



Proposed Ordinance: Site Plan Review ADU

Any ADU that does not qualify for ministerial approval as either a Type 1 or Type 2 ADU (e.g., the ADU is larger than 1,200 square feet) would be subject to the City's discretionary **Site Plan Review Permit** process provided in CMC chapter 17.44 (and would require review and approval by the Planning Commission pursuant to that chapter).



Proposed Ordinance: Additional Amendments

► The proposed Zoning Ordinance Amendment would revise in entirety the text of Clayton Municipal Code (CMC) chapter 17.47 applicable to ADUs and JADUs, to comply with state law. In addition to the revision of CMC chapter 17.47, staff recommends revisions to the following sections of CMC for consistency with the amended text of the ADU/JADU zoning regulations:

- CMC section 17.04.083 (definition of second dwelling unit);
- CMC section 17.44.030 (Site Plan Review Permit exemptions); and
- CMC schedule 17.37.030A (off-street parking requirements).

Required Findings: General Plan Consistency

► **Land Use Goal 2:** To encourage a balance of housing types and densities consistent with the rural character of Clayton, while accommodating higher density housing types in appropriate locations.

► **Land Use Goal 4:** To control development through appropriate zoning, subdivision regulations and code enforcement.

► **Land Use Goal 10:** To provide housing opportunities which serve the varied social and economic segments of the Clayton community.

► **Housing Element Goal 2:** Encourage a variety of housing types, densities, and affordability levels to meet the diverse needs of the community, including a mix of ownership and rental.

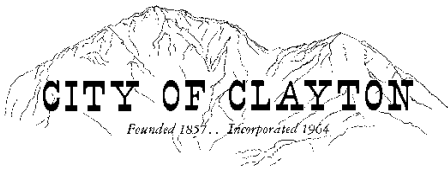
► **Housing Element Policy 2.3: Accessory Dwelling Units.** Promote construction of accessory dwelling units as a way to increase the housing stock, particularly for lower-income households, seniors, young adults and persons with disabilities, recognizing that ADUs also promote investment in existing properties and reduce ongoing housing costs for property owners.

Additional Findings

- ▶ The proposed amendment would serve the public necessity, convenience and general welfare of the City.
 - Simplifies and presents the extensive and detailed provisions of state law in a more approachable format for residents and staff, starting with classification of ADUs as Type 1, Type 2 or Site Plan Review projects.
 - Affords additional flexibility to local property owners, expanding on the provisions in state law to allow for otherwise nonconforming ADUs subject to Site Plan Review permit approval, and not carrying forward a requirement for owner-occupancy of a property with a Type 2 or Site Plan Review ADU.
 - Increase the City's housing stock of smaller and more affordable units that accommodate existing residents to age in place, provide opportunities for new residents and newly-independent people to live in affordably-priced rental housing in the City, and reduce costs of mortgages and housing of extended family.
- ▶ The proposed amendment is exempt from the California Environmental Quality Act.

Recommendation

That the Council receive the staff report and Planning Commission recommendation (Resolution No. 03-2023), open the public hearing and accept testimony, close the public hearing, and after deliberation, introduce and waive first reading of an ordinance amending Clayton Municipal Code (CMC) chapter 17.47 pertaining to ADUs and JADUs to comply with state law, and making other revisions to CMC Title 17 as necessary to ensure internal consistency of the municipal code in light of the amendments to CMC chapter 17.47.



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Ron Bernal, Interim City Manager

DATE: March 21, 2023

SUBJECT: Authorizing the City to Submit an Application to the California Energy Commission to Apply for Energy Conservation Assistance Act Loan to Implement Energy Efficiency Measures

RECOMMENDATION

Adopt a resolution authorizing the City to submit an application to the California Energy Commission (CEC) for an Energy Conservation Assistance Act (ECAA) loan to implement proposed infrastructure renewal and energy efficiency measures.

BACKGROUND

The City of Clayton has deeper infrastructure needs and sustainability goals than the current budget can accommodate. On October 18, 2022, the City approved the Execution of an Energy Services Contract with Climatec, LLC regarding a Comprehensive Infrastructure Renewal & General Fund Savings Program. Since approval, Climatec has conducted site walks, developed a utility baseline, conducted preliminary design and engineering for selected scope, conducted multiple collaborative meetings with City staff and members of Ad Hoc Energy Services & Infrastructure Renewal Committee. In those discussions, the City's potential funding paths were reviewed to support the implementation of the infrastructure improvements that the City has selected to include in their program.

Staff will be bringing back to Council, for their consideration, the final program recommendations developed collaboratively with City staff and the Ad Hoc committee on April 4, 2023, to meet the submission deadline to secure the more financially beneficial grandfathering of Net Energy Metering (NEM) 2.0 terms with PG&E of 4/14/2023. This loan application submittal request is being made with the understanding that the City Council has yet to approve the project and is subject to modification or withdrawal.

The CEC ECAA program provides 1% interest financing for energy renewal projects and is first-come first-serve opportunity with limited available funds. For that reason, the City would

like to pursue this funding as soon as possible. Climatec has agreed to make the savings calculations, engage with the CEC on scope measures, solicit their verification of savings projections and qualifying scope inclusions, and complete and prepare the package for submittal the application. There are no guarantees that the application will be approved. The application will request a loan amount of \$2 Million in financing at the 1% rate. Since Climatec has not yet finalized the program details, it is encouraged by the CEC to overestimate the amount of financing needed for the program.

DISCUSSION

The City proposes to authorize City staff to submit an application on behalf of the City for review by the CEC to apply for a \$2 Million 1% loan. This application is to be completed by Climatec at no cost to the City at this time. The City has no obligation to receive the funds if approved.

Staff also intends to begin discussions with private lenders in the event the CEC ECAA financing does not come to fruition.

FISCAL IMPACT

None at this time.

RESOLUTION NO. -2023
RESOLUTION OF THE CLAYTON CITY COUNCIL
AUTHORIZING THE CITY TO APPLY FOR ENERGY EFFICIENCY LOAN FROM
CALIFORNIA ENERGY COMMISSION TO IMPLEMENT ENERGY EFFICIENCY
MEASURES, IF APPROVED

WHEREAS, the California Energy Commission provides loans to schools, hospitals, local governments, special districts, and public care institutions to finance energy efficiency improvements; and

WHEREAS, the City of Clayton is desirous of securing very low interest rate financing for implementation of a comprehensive infrastructure renewal program, if such program is approved when considered by the Council in the next month;

NOW THEREFORE BE IT RESOLVED that the City Council authorizes the City to apply for energy efficiency loan from the California Energy Commission to implement energy efficiency measures, if approved.

BE IT FURTHER RESOLVED that in compliance with the California Environmental Quality Act (CEQA), the City Council finds that the activity funded by the loan is a project that is categorically exempt from the provisions of CEQA pursuant to Class 1 and Class 3 Categorical Exemptions of the State CEQA Guidelines because minor building alternations, including installation of lighting, HVAC, building automation, EV charging, and other minor alteration of existing facilities, are categorically exempt from the provisions of CEQA under the Class 1 categorical exemption for the operation and minor alteration of existing structures, facilities, and/or mechanical equipment (14 CCR § 15301). Furthermore, installing small new equipment and structures, including irrigation controllers and master valves, EV charging infrastructure, and Solar PV shade structure is exempt from CEQA under the Class 3 Categorical Exemption (14 CCR §15303).

BE IT FURTHER RESOLVED that if recommended for funding by the California Energy Commission, the City Council authorizes the City to accept a loan up to \$2,000,000, if the emergency efficient measures are approved.

BE IT FURTHER RESOLVED that the amount of the loan, if accepted, will be paid in full, plus interest, under the terms and conditions of the Loan Agreement and Promissory Note of the California Energy Commission.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and empowered to execute in the name of the City of Clayton all necessary documents to implement and carry out the purpose of this resolution, and to undertake all actions necessary to undertake and complete the energy efficiency projects, if approved.

PASSED AND ADOPTED by the Clayton City Council, State of California, on this 21st day of March 2023, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

**THE CITY COUNCIL OF CLAYTON,
CA**

Jeff Wan, Mayor

ATTEST:

Janet Calderon, City Clerk

MINUTES
SPECIAL MEETING
OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)

December 6, 2022

1. **CALL TO ORDER AND ROLL CALL** – the meeting was called to order at 8:06 p.m. by Chair Diaz. Board Members present: Chair Diaz. Board Members Cloven, Wan, and Trupiano. Board Members absent: Vice Chair Wolfe. Staff present: City Manager Reina Schwartz, Legal Counsel Mala Subramanian, and Secretary Janet Calderon.

2. **PUBLIC COMMENTS** – None.

3. **CONSENT CALENDAR**

It was moved by Board Member Tillman, seconded by Board Member Cloven, to approve the Consent Calendar as submitted. (Passed 5-0).

- (a) Approve the Board of Directors' minutes for its regular meeting July 19, 2022. (Secretary)

4. **ANNUAL REORGANIZATION OF THE BOARD OF DIRECTORS**

- (a) Nominations and election of Chair (Chair Diaz to conduct the election)

Chair Diaz opened the floor to nominations for Chair in 2023.

Board Member Wan nominated Kim Trupiano for the office of Chairperson. No other nominations were received.

Chair Diaz called for the vote to elect Kim Trupiano as GHAD Chair. Motion passed (5-0 vote).

- (b) Nominations and election of Vice Chair (New Chair to conduct the election).

Chair Trupiano opened the floor to nominations for Vice Chair in 2023.

Board Member Tillman nominated Jeff Wan for the office of Vice Chair. Board Member Wan declined. Board Member Wan nominated Board Member Cloven. No other nominations were received.

Chair Trupiano called for the vote to elect Peter Cloven as GHAD Vice Chair. Motion passed (5-0 vote).

5. **PUBLIC HEARINGS** - None.
6. **ACTION ITEMS** – None.
7. **BOARD ITEMS** – limited to requests and directives for future meetings.

6. **BOARD ITEMS**

Boardmember Wan requested the City’s website should include the City Engineers scheduled work, including completion dates, and specify areas of responsible in the Oakhurst Geological Hazard Abatement District.

7. **ADJOURNMENT** - on call by Chairperson Trupiano the Board meeting adjourned at 8:13 p.m.

#

Respectfully submitted,

Janet Calderon, Secretary

Approved by the Board of Directors
Oakhurst Geological Hazard Abatement District

Kim Trupiano, Chair

AGENDA REPORT

TO: HONORABLE CHAIRPERSON AND BOARD MEMBERS

FROM: Larry Theis, P.E., General Manager

DATE: March 21, 2023

SUBJECT: GHAD Manager Report and Facility Assessment – Discussion of Operation and Maintenance Priorities

RECOMMENDATION

The GHAD Board receives assessment report from the GHAD Manager and their geotechnical consultants. The report will include an overview of the District responsibilities, facility assessment, and current financial status. Staff recommends a discussion with the GHAD Board after the report is received to provide input to Staff on operation and maintenance priorities and future financial planning to develop the upcoming FY23-24 GHAD budget.

BACKGROUND

Geologic Hazard Abatement Districts (GHADs) are governmental districts formed to address geologic hazards. GHADs may be formed for the purpose of prevention, mitigation, abatement or control of a geologic hazard and can also be formed for mitigation or abatement of structural hazards that are partly or wholly caused by geologic hazards. (Public Resources Code [“Pub. Res. Code”] § 26525.) A “geologic hazard” is broadly defined as an actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement or any other natural or unnatural movement of land or earth. (Pub. Res. Code §§ 26507.) There is approximately 40+ GHADs that have been formed throughout the State.

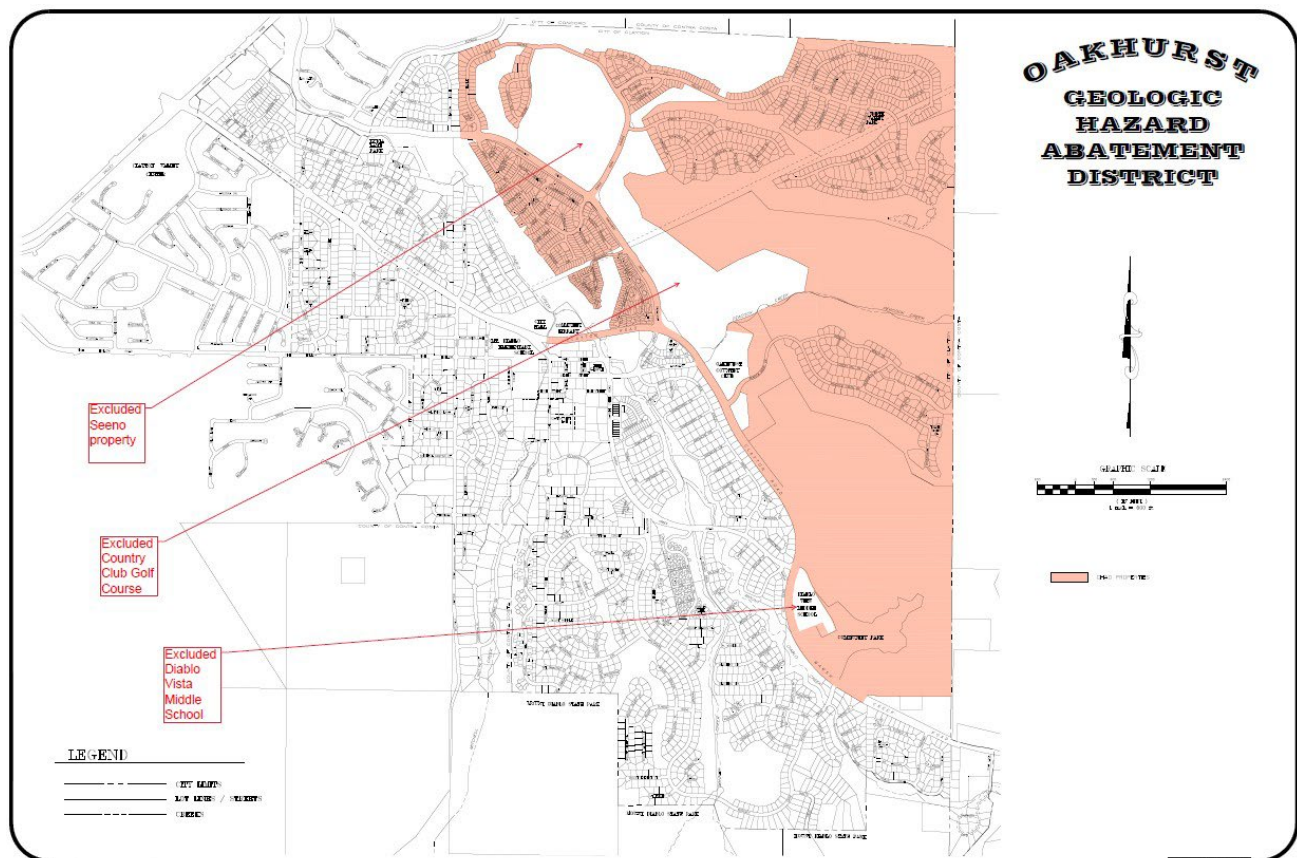
A GHAD is a political subdivision of the State. It is not an agency or instrumentality of a local agency. (Pub. Res. Code §§ 26525, 26570.) As such, GHADs perform certain governmental and proprietary functions as a political subdivision of the State. (Pub. Res. Code § 26571.) The GHAD is technically a separate entity from the City of Clayton and has some slightly different procedures for assessments and procurements to abate a hazard. It also provides a certain degree of immunity from liability for actions they undertake and keeps the City of Clayton segregated from financial liability.

A GHAD is governed by an elected board consisting of landowners within the district or the members of the applicable city council or board of supervisors. (Pub. Res. Code §§ 26567, 26583.) GHADs are authorized to acquire, construct, operate, manage or maintain improvements on public or private lands. Under GHAD Law, “improvement” means any activity that is necessary or incidental to the prevention, mitigation, abatement, or control for a geologic hazard, including, without limitation, construction, maintenance, repair or

operation of any improvement. (Pub. Res. Code § 26505.) GHADs may exercise the power of eminent domain. (Pub. Res. Code § 26576.)

In considering the formation of a GHAD, a plan of control must be prepared that describes the geologic hazards and includes a plan for prevention, mitigation, abatement and control of these hazards. This plan of control must be prepared by a Certified Engineering Geologist. The plan of control is considered by the legislative body in forming the GHAD and sets out the activities to be implemented by the GHAD.

In April of 2000, the developer/property owners within the boundaries of the Oakhurst Geological Hazard Abatement District (GHAD) approved (see District Boundary map below), by ballot measure, an annual budget to cover routine maintenance, geological monitoring, and the annual operational needs of the GHAD. The ballot measure also approved annual assessments to fund the budget as well as the specific method and formula to be used to spread the real property assessments to the differing geographical areas within the GHAD and varying housing types within the GHAD. The Oakhurst GHAD Plan of Control was prepared and updated by registered geologists from Jensen-Van Lienden and Hallenbeck Associates then approved by the Board on July 17, 1990 (See Attachment 1).



The Plan of Control identifies the different types of potential geologic hazards (landslides, creep, and erosion and sedimentation); references and identifies existing landslides; recommends maintenance staff inspections of ditches, inlets, piezometers, inclinometers, risers, and outlets at least twice a year and to perform any repairs on a timely basis, along with an annual inspection by the geologist/geotechnical engineer in order to prepare a report

for the Board; and ultimately evaluate, plan, engineer, and repair landslides. It is important to note that any geologic hazard that the GHAD would be address must extend beyond the limits of one single residential lot in the District, i.e. hazards must extend across or into open space and/or at least two residential property boundaries before the District will implement the Plan of Control.

In the late 1990's, the City of Clayton/GHAD observed cracking within the street and sidewalks in the Kelok Way neighborhood and lawsuits were filed by property owners, the City, and the developer, Presley Homes. Eventually the "Presley" settlement agreement was reached in late 2002/early 2003 between all parties. As part of the settlement, deep dewatering wells were installed in this partially removed/repared deep seated landslide to allow groundwater to drain out to reduce the risk of further landslide movement. The GHAD also received settlement funds which are used to pay for other GHAD related repairs.

Annually between May to July, the GHAD Manager (City Engineer) prepares a financial report with appropriate resolutions in order to set the assessment rates for each parcel within the District to be collected on the property tax bill. These rates are only allowed for an adjustment based on changes in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-Hayward region (5% last year). Any increase beyond the CPI, in accordance with Proposition 218, would require an affirmative two-thirds majority ballot vote of the homeowners within the District.

DISCUSSION

As part of the new engineering team since March 2023, Theis Engineering & Associates requested BSK Associates (BSK), the GHAD's geotechnical subconsultant, to perform its annual geological and geotechnical site review along with maintenance inspection of facilities near residences in October and December 2022, and recently in March 2023 after the heavy storms.

BSK prepared a letter report (see Attachment 2) of its Site Review which includes a current assessment of drainage facilities and hillside slopes, including their recommendations for certain repairs, locating and cleaning out subdrains, resuming monitoring of inclinometers, and installing/replacing inclinometers.

Cristiano Melo, licensed geotechnical engineer, and Richard Johnson, licensed geologist will be presenting their findings and recommendations with a short slideshow (see Attachment 3) for the Board members and are available to answer questions.

FISCAL IMPACT

It is the GHAD Manager's opinion that the Oakhurst GHAD is currently in a poor financial situation since the current annual assessment revenue is only \$47,000 (see tables below from current assessment report) and the remaining one-time Presley Settlement fund balance is approximately \$56,000. Based on the latest storm damage in 2023, the needed repairs will expend or exceed any remaining GHAD budgeted funds for FY2023 (with some potential for reimbursement from FEMA/Cal OES).

Within one or two fiscal years, it is likely that the remaining Presley Settlement Fund balance will be needed for some maintenance or engineering tasks based on recommendations in our letter report.

The actual assessments for each lot in the listed subdivisions shall be:

Area	Sub-Area	# of Units	Unit Type	Factor	Equivalent Assessable Units	Maximum Assessment Rate	Total Assessment ¹
1	6990	92	Single-Family	1.00	92.00	\$25.93	\$2,384.64
1	7065	108	Duets	0.75	81.00	\$25.93	\$2,099.52
1	7086	117	Multi-Family	0.50	58.50	\$25.93	\$1,516.32
1	7303	52	Multi-Family	0.50	26.00	\$25.93	\$673.92
1	7311	118	Duets	0.75	88.50	\$25.93	\$2,293.92
1	7768	55	Single-Family	1.00	55.00	\$25.93	\$1,425.60
1	7769	53	Single-Family	1.00	53.00	\$25.93	\$1,373.76
Subtotal		595			454.00		\$11,767.68

Area	Sub-Area	# of Units	Unit Type	Factor	Equivalent Assessable Units	Maximum Assessment Rate	Total Assessment
2	7256	70	Single-Family	1.00	70.00	\$34.65	\$2,424.80
2	7257	60	Single-Family	1.00	60.00	\$34.65	\$2,078.40
2	7260	75	Single-Family	1.00	75.00	\$34.65	\$2,598.00
2	7261	70	Single-Family	1.00	70.00	\$34.65	\$2,424.80
2	7262	99	Single-Family	1.00	99.00	\$34.65	\$3,429.36
2	7263	101	Single-Family	1.00	101.00	\$34.65	\$3,498.64
2	7264	102	Single-Family	1.00	102.00	\$34.65	\$3,533.28
2	7766	35	Single-Family	1.00	35.00	\$34.65	\$1,212.40
2	7766	60	Multi-Family	0.50	30.00	\$34.65	\$1,039.20
2	7767	76	Multi-Family	0.50	38.00	\$34.65	\$1,316.32
Subtotal		748			680.00		\$23,555.20

Area	Sub-Area	# of Units	Unit Type	Factor	Equivalent Assessable Units	Maximum Assessment Rate	Total Assessment
3	7249	69	Single-Family	1.00	69.00	\$83.58	\$5,767.02
3	7255	72	Single-Family	1.00	72.00	\$83.58	\$6,017.76
Subtotal		141			141.00		\$11,784.78
Total		1,484			1,275.00		\$47,107.66

¹ Numbers may not foot due to rounding because the County requires all amounts placed on the tax bill to be even so they are divisible by two (2).

The GHAD is already informally being subsidized by the City's maintenance crew performing tasks such as ditch and basin cleaning, weed abatement, debris removal, etc. without its labor costs being specifically deducted from the GHAD fund. Approximately \$8,000 is transferred from the GHAD fund to the General Fund for District Administration costs which are related to the Clerk functions performed by the City Clerk in creating agendas, noticing, and attending meetings associated with the annual assessment rate setting process.

In general, there is approximately \$24,000 in expenditures annually budgeted for administrative functions, insurance premiums, and miscellaneous fees for just collecting assessments; which is just over 50% of the expected annual revenue of \$47,000. This leaves an insufficient amount of only \$23,000 annually for any actual work in the field for maintenance, engineering, monitoring, performing inspections, preparing an annual report, and needed repairs.

I recommend the budget in FY2024 be updated to more accurately assign some maintenance expenditure costs into the GHAD budget for the efforts performed by City crews and take the

corresponding General Fund “savings” and transfer that amount into the Revenues section of the GHAD budget. The City Council will also need to consider additional General Fund transfers for covering on-going monitoring and engineering costs and as needed for any one-time repairs/capital projects. In the future this will more clearly identify how much the City is contributing its own funds to subsidize the GHAD.

There also needs to be some consideration for building some operational and capital reserves to save for long-term expenses as part of a capital replacement schedule for ditches, risers, inlets, access roads, etc. Ideally, the GHAD should be operating to have an overall reserve to allow the GHAD to repair a large landslide event while still having funds to continue its other maintenance and monitoring functions. At this time, any sizeable hazard in the GHAD would require submitting an insurance claim (raising future premiums) and/or City of Clayton approving a loan with the intention of the Board seeking a property owner approved rate increase to pay back over time.

NEXT STEPS

The GHAD recommends that the Board Members discuss and provide input on maintenance priorities, capital replacement schedule, and establishing an operating and capital reserve. Staff will take input from the Board and return in May 2023 when adopting a resolution for establishing the FY2023/2024 GHAD Budget.

Attachments:

1. GHAD Plan of Control (Approved 7-17-1990 via GHAD Resolution 2-90)
2. BSK Geological and Geotechnical Site Review Letter of GHAD
3. BSK Presentation Slides
4. FY2023 Budget Mark Ups
5. Financial Annual Report dated July 19, 2022

GHAD RESOLUTION NO. 2-90

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT, CITY OF CLAYTON, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, ORDERING THE AMENDMENT OF THE PLAN OF CONTROL (PUBLIC RESOURCES CODE 26500 ET SEQ.)

WHEREAS, the Clayton City Council has approved the formation of, and the Plan of Control for a geologic hazard abatement district (GHAD) for the Oakhurst development, and appointed the City Council as the initial Board of Directors for the GHAD; and

WHEREAS, the Plan of Control provides that it will be subject to revisions and modifications, as new data or investigations warrant; and

WHEREAS, an amendment to the Plan of Control (Amendment No. 1) has been submitted to the Board, which amendment is attached hereto as Exhibit A; and

WHEREAS, the Board has reviewed and considered said proposed amendment;

NOW, THEREFORE, THE BOARD OF DIRECTORS HEREBY RESOLVES, FINDS, CERTIFIES AND ORDERS AS FOLLOWS:

1. Amendment No.1 to the Plan of Control for the Oakhurst GHAD, which amendment is attached hereto as Exhibit A, is hereby approved in its entirety.
2. The previously approved Plan of Control for the Oakhurst GHAD, as hereby amended, shall continue in full force and effect.

Adopted by the Board of Directors of the Oakhurst Geologic Hazard Abatement District at a meeting of said District held on July 17, 1990 by the following vote:

AYES: BOARD MEMBERS HALL, MANNING, MUSTO, VICE CHAIR HAWES, CHAIRMAN
KENDALL

NOES: NONE

ABSENT: NONE

ATTEST:

Ruth A. Scott
Secretary

RC Kendall
Chairperson

I hereby certify that the foregoing resolution was duly and regularly passed by the Board of Directors of the Oakhurst Geologic Hazard Abatement District at a meeting held on July 17, 1990.

Ruth A. Scott
Secretary

EXHIBIT "C"

FIRST AMENDED PLAN OF CONTROL

A. Description of Existing Landslide and Erosion Hazards

The location of existing landslides have been defined by recent geologic studies of the proposed District (the District is described by the legal description attached hereto as Exhibit "A" and the map attached hereto as Exhibit "B"). The reports developed from these geologic studies are included in the attached Bibliography. Other existing landslides located outside the District boundaries, but adjacent thereto, may be identified in the future.

Basically, the District is underlain by six sedimentary rock units or formations: the Domengine sandstone, the Marliff shale, the Martinez sandstone, the Nortonville sandstone and shale and, lastly, two unnamed Upper Cretaceous sandstone and shale units. Soils in the District vary in thickness and are both alluvial and colluvial in origin. The colluvium is often dissected by geologically old slide or slip planes that are susceptible to reactivation by destabilizing influences. Soils are generally silty and sandy clays often quite rocky or gravelly, depending on whether colluvial or alluvial, respectively. They are generally stiff and moderately plastic.

General geologic conditions are illustrated on Addendum "1" attached hereto and labeled as III A-2.

Potential geologic hazards associated with the District soil and geologic conditions include:

1. Landslides - landslides could develop in the hillside portions of the District or on property located outside of the District, but adjacent thereto which could impact upon property within the District. The word landslide is defined as "the perceptible downward sliding or falling of a relatively dry mass of earth, rock, or combination of the two under the influence of gravity" and "a general term covering a wide variety of mass movement, land forms, and processes involving the moderately rapid to rapid (on the order of 1 foot per year or greater) downslope transport, by means of gravitational body stresses of soil and rock material enmasse." Furthermore, "terminology designating particular landslide types generally refers to the land form as well as the process responsible for the land form, e.g., rockfall, Talus, Translational Slide,...."

To illustrate the forms that landslides within the District could take, we have reproduced a drawing from the Highway Research Board Publication 176 as Addendum "2" attached hereto and labeled as Addendum "2." Landslides will be distinguished from creep (see below) by the velocity of the earth movement; landslides are movements that occur at a rate of three inches (3") per year or faster, as measured over a period of one year, anywhere within the defined limits of the landslide.

2. Creep

Creep may occur near the ground surface on sloping portions of the district or on property located outside of the District, but adjacent thereto which could impact upon property within the District. Creep is defined as "the slow, gradual, more or less continuous, nonrecoverable (permanent) deformation sustained by ... soil, and rock materials under gravitational body stresses." Creep will be distinguished from landsliding by the velocity at which the downward movement occurs; creep is when the velocity of a point anywhere within the defined creep zone is less than three inches (3") per year, at any time during which the creep has been noticed, over a period of one year from the first measurement of ground movement.

To distinguish creep from simple vertical settlement, creep shall also be defined as having both lateral and vertical components of movement. In order for the movement to be defined as creep, the lateral component shall be at least 20 percent of the vertical component.

3. Erosion and Sedimentation

Erosion is "the general process or the group of processes whereby the earthy and rocky materials of the earth's crust are loosened and dissolved . . . and simultaneously removed from one place to another by natural agencies ... i.e., by running water, waves and currents or wind." This includes both surface and subsurface water movement. Sedimentation is "the act or process of forming or accumulating sediment in layers . . . i.e., the actual deposition or settling of the (soil) particles . . . strictly the act or process of depositing sediment by mechanical means from a state of suspension in a liquid."

B. Plan for Prevention, Mitigation, Abatement for Control of Existing Landslides and Erosion Hazards

The locations of existing landslides have been identified within the District by previous geologic studies, the reports of which are listed in the attached Bibliography. These reports are made part of this Plan of Control by reference. Plans for the repair, stabilization and/or mitigation of each of these identified landslides are included in the reports. Those landslides within Phase I of the Oakhurst Country Club Project also have the repair, stabilization and/or mitigation plans included on the Phase I grading plans for the project prepared by MacKay & Somps, Civil Engineers. These grading plans are included with the Plan of Control by reference. Updated, revised or amended grading plans for Phase I, as well as grading plans for all subsequent phases shall also have the repair, stabilization and/or mitigation plans included and shall be incorporated by reference into this Plan of Control upon completion. Any currently existing updated, revised or amended grading plans or plans for subsequent phases are hereby incorporated by this reference.

The location of each identified and existing landslide is shown on the Addendum "3" attached hereto and labeled as III A-3 which addendum shall be modified from time to time as new conditions or information requires.

C. Plan for Inspection and Maintenance of Landslide and Erosion Control Facilities

Drainage facilities constructed within the District will be maintained for proper performance.

Lined surface drainage ditches on slopes will be inspected at least twice yearly. The engineer and/or geologist retained by the District will visually inspect each lined surface drainage ditch within the District in the fall and other times as needed. Inspections will be made at other times as needed. Inspections will check for siltation, cracking, breaks due to sliding or slope creep, and other types of damage to the ditch.

Risers and outlets to storm drains from debris barriers that have been constructed in drainage easements on the District's boundaries will be inspected at least twice annually. Debris from flow slides will be removed and grades restored to the pre-slide elevations as needed.

Repairs will be made on a timely basis. Sediment in any of the ditches will be removed and the sediment disposed of. Cracks will be patched and sections that are broken or otherwise damaged will be replaced in a like manner. Risers,

drainage pipes and outlets will be repaired or replaced if damaged.

Outlets of all subsurface drains will be well marked within the District so that all outlets can be found on future inspection trips. Inspections of the outlets of all subsurface drain outlets in the District will be made in the fall, in the spring, and other times as needed. The flow rate of water emerging from each outlet will be measured and recorded each time. If volume rates are significantly smaller than the historical record, or if no water emerges from a subsurface drain outlet that formerly flowed regularly and continuously, the subsurface drain will be checked from the nearest upstream cleanout of this particular subsurface drain to determine if the drain is plugged. If necessary, the subsurface drain will be unplugged by cleaning and/or flushing equipment.

Piezometers and slope inclinometers have been set into several borings made within the District. A list of these piezometers and slope inclinometers is given on Addendum "4" herewith. The position of these piezometers and slope inclinometers is shown on Addendum "3" (labeled as III A-3). Addenda "4" and "3" (labeled as III A-3) shall be amended from time to time as circumstances or information requires.

The level of groundwater in piezometers, and the horizontal position of the slope inclinometers will be measured quarterly. Complete and continuous record of all measurements shall be kept in District files. The results of the measurements shall be reported in an interim report within four weeks of the measurement date.

Geologists and geotechnical engineers retained by the District will inspect the facilities and lands of the District on an annual basis. This inspection shall be made in the spring of each year. The geologists and geotechnical engineers will evaluate the effectiveness of the landslide and erosion control facilities and evaluate any landslide or erosion problems that may have occurred during the previous twelve months in order to define a course of action and further study, if necessary. The District geologists and geotechnical engineers will issue an annual inspection and maintenance report within four weeks of the annual inspection of the District lands. The annual report may include recommendations for revisions and modifications of the Plan of Control, recommendations for further study of landslide or erosion conditions that have occurred during the previous year, if necessary, may designate how these further studies will be conducted.

D. Plan for Evaluation and Repair of Future Landslide and Erosion Problems

The District will retain geologic and geotechnical engineering consultants to identify landslides and other hazards located within the District or on property located outside the boundaries of the District, but which may pose a threat to lands located within the District. Upon obtaining legal right to enter onto the property located outside the District, the District may direct said consultants to make inspections and reports to the District as the District deems appropriate. The District may have such consultants on a retainer such that visual inspections for problem identification purposes can be made on a timely basis. Identification techniques may include but not necessarily be limited to:

- a. geologic field mapping
- b. interpretation of aerial photographs,
- c. subsurface exploration with test pits and test borings, and
- d. geophysical studies and continuous monitoring of ground surface conditions and surface and subsurface groundwater conditions. This monitoring will include, but not necessarily be limited to:
 1. readings made on established slope inclinometers,
 2. measurements of groundwater levels and monitoring wells,
 3. measurement of flow from subsurface drains,
 4. precise surveys of ground surface movements.

If the District geologic and geotechnical engineering consultants recommend that further studies of identified landslides or erosion and sedimentation areas be made, in order to prevent and mitigate these identified hazards, the techniques of future studies will include, but not necessarily be limited to the following:

- a. field and laboratory testing of soil and rock materials to identify relevant engineering properties and parameters,
- b. topographic surveys of these hazard areas,
- c. risk studies of landslides and hazards as they exist and are identified,

- d. engagement of independent consultants as required to make detailed studies,
- e. detailed geologic mapping of graded exposures and outcrops to provide a comprehensive understanding of the geology in the hazard area,
- f. relevant engineering analyses, including those for slope stability and control of erosion,
- g. engineering design of structures and/or other techniques for repair or mitigation of the identified hazards.

Geologic hazards such as landslides and potential landslides, whether located within the District or outside the District but which pose a hazard to properties within the District, that are identified and that threaten or damage homes or potential home sites, or, such as areas being eroded and that contribute amounts of sediment to the riparian system (including areas downstream of the boundaries of the District) may be repaired or controlled by, but not limited to, the following techniques:

- a. removal of the geologic hazard,
- b. repair of landslides by excavation and backfilling with engineered fill, and by constructing subsurface drains,
- c. construction of structures to mitigate hazards, including retaining walls, soldier pile walls, and debris walls that divert mudflow-type landslides,
- d. construction of drained engineered fill buttresses,
- e. placement and installation of erosion control devices, including but not limited to revetments, gabions, riprap, seeding, and specialty geotextiles,
- f. underpinning of structures to mitigate landslide movement impacts.
- g. upon obtaining proper legal authority to do so, the District may enter onto property located outside the District boundaries in order to effectuate repairs or control measures as if the property in question were located within the District boundaries.

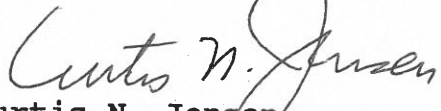
Because construction grading is underway in the District, the Plan of Control must be a general guide for the prevention, mitigation, abatement or control of geologic hazards described above. The Plan of Control cannot be site specific as is

possible for developed areas with homes, streets, and utilities. Furthermore, it is not possible to address future hazards, such as landslides that occur as a result of overirrigation of the developed areas, leaking pipes, local grading changes, or other unforeseeable causes.


The Plan of Control shall exclude those hazards (landslides, creep and/or erosion/sedimentation) that are entirely within the limits of one single residential lot on the project, i.e., hazards must extend across or into open space and/or at least two residential property boundaries before the District will implement the Plan of Control, as described herein. The Plan of Control shall exclude creep as defined herein.

It is our understanding that the Plan of Control presented herein will serve as a preliminary document which, pursuant to Public Resources Code Section 26509, describes a geologic hazard in the area affected thereby and offers geotechnical and geologic guidelines toward the prevention, mitigation, abatement and control thereof. The Plan of Control will be subject to revisions and modifications as new data or investigations warrant.

JENSEN-VAN LIENDEN ASSOCIATES, INC.


Curtis N. Jensen
California Registered Geotechnical Engineer #438

HALLENBECK & ASSOCIATES


Kiyoshi Tanamachi
California Registered Engineering Geologist #986

STAFF REPORT

DATE: JULY 12, 1990
TO: BOARD OF DIRECTORS
FROM: DISTRICT MANAGER
RE: RESOLUTION 2-90 - AMENDMENT NO.1 TO PLAN OF CONTROL

The original Plan of Control did not allow for the maintenance of grading or drainage facilities outside of the boundaries of the GHAD.

Some of the grading performed and the drainage facilities installed by Presley are on property outside of the boundaries of the GHAD. Even though we have easements for this work, the Plan of Control must be amended to allow the GHAD to perform its responsibilities.

I therefore recommend that the Board approve Resolution 2-90 amending the Plan of Control as stated above.



399 Lindbergh Avenue
Livermore CA 94551
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www.bskassociates.com

Sent via email: larryt@claytoneca.gov

March 9, 2023

BSK Project No. G00000499

Mr. Larry Theis, PE
City Engineer
City of Clayton
6000 Heritage Trail
Clayton, California 94517

**SUBJECT: Geological and Geotechnical Site Review
 Oakhurst Geologic Hazards Abatement District (GHAD)
 Clayton, CA**

Dear Mr. Theis:

At your request, BSK Associates (BSK) has performed an annual geological and geotechnical site review of the Oakhurst Geohazards Abatement District (GHAD) located in the City of Clayton (City), California (see Figure 1, Vicinity Map), as required by the First Amended Plan of Control (June 29, 1990). BSK visited properties located within the GHAD boundaries (see Figure 2, Oakhurst GHAD Boundaries) on December 8th and December 13th, 2022 and on March 1st, 2023. We have also reviewed available GHAD files. The purpose of our review was to evaluate the existing condition of previous landslide repairs and erosion control/drainage facilities throughout residential areas and paved roadways within the GHAD. This letter presents a summary of our observations, conclusions, and our recommendations.

GEOLOGICAL AND GEOTECHNICAL SITE REVIEW

On December 8th, 2022, a Certified Engineering Geologist (CEG), a project geologist, and a registered geotechnical engineer (GE) from BSK visited the residential portions of the GHAD to review the existing condition of slopes, drainage and erosion mitigation and control measures, and landslide repairs that have previously been constructed at trouble areas within the GHAD. BSK's project geologist returned to the GHAD on December 13th, 2022 to finish review of a slope near Peacock Creek Drive and on March 1, 2023 to view damage from mudflows that occurred during severe storms in early 2023 near the northeast corner of the GHAD boundary within a canyon located northeast of Windmill Canyon Drive. Our site review was coupled with a review of available GHAD data and information made available to us via reports, plans and newsletters. Note that our site review was limited to only those open space areas immediately adjacent to the residential areas and paved roadways within the GHAD. In general terms, we were favorably impressed by the current state of maintenance and repairs that we encountered, but also have some recommendations for various conditions within the GHAD.

Following is a summary of our observations and recommendations from the site review and reviews of previous monitoring reports, dewatering and drainage plans and reports, and other investigations and repairs or construction that has occurred throughout the history of the Oakhurst GHAD.

For ease in discussion, we have separated the GHAD into three areas as follows (see Figure 2 for subdivided area locations):

1. **North Area:** The first area consists of the developed portions of the GHAD including open space/slopes that is located immediately adjacent to homes in the northeastern portion of the GHAD (see Site Plan – North Area, Figure 3A).
2. **Kelok Way Area:** The second area is the area associated within Kelok Way and adjacent open space/slopes (see Site Plan – Kelok Way Area, Figure 3B).
3. **South Area:** The third area is associated with the Pebble Beach Drive, Peacock Creek Drive, and Peacock Creek, including slopes and known areas of instability and mitigation measures previously installed between Pebble Beach Drive and Peacock Creek (see Site Plan – South Area, Figure 3C).

North Area

BSK walked V-ditches and boundaries between open space slopes, homes, and other improvements along the northeastern boundary of the GHAD (see Figure 3A). We made cursory observations of homes and roadways and did not visually observe obvious evidence of geohazards impacts to homes or roadways in the general area. Our site review was primarily focused on the open space and slopes bordering the limits of the GHAD, where slopes either ascend from, or descend to yards and residences, primarily on the north and east side of Windmill Canyon Drive. Figure 3A presents a legend key to the locations of our observations and photos of conditions we encountered that should be considered for future repairs or should be watched and monitored annually before the onset of the annual storm season.

In general, we observed surface creep¹ above most V-ditches, particularly in areas where slopes are mowed (presumably for fire control). Periodic maintenance should be sufficient to prevent soil from entering into and disrupting flow in the ditches. We also observed shallow slope sloughing and raveling in various areas, which are also identified on Figure 3A.

The following photos depict the conditions documented during our site review. The approximate photo locations are presented on Figure 3A.

¹ The slow, gradual downward displacement of soil, rock, and organic material on slopes.



Photo A – V-ditch offset uphill from Crow Place.



Photo B – Shallow raveling above a drop inlet uphill from Windmill Canyon Drive. Based on our communication with the City, we understand that movement of the uphill from this drop inlet blocked the drop inlet of an uphill V-ditch during the early 2023 rain storms.



Photo C – Overtopped and eroded debris-flow containment basin above drainage easement northeast of Windmill Canyon Drive. Based on our communication with the City, we understand the erosion and overtopping occurred during the early 2023 rain storms.

Note: At the time of our initial site reconnaissance conducted on December 8th, 2022, the debris-flow containment structure appeared clear and in good repair. Damage and overtopping/erosion occurred during the intense rain events in early 2023. Muddy water from the failed containment structure flowed into the backyard of 3081 Windmill Canyon Drive, which is located immediately downhill from the structure.



Photo D – V-ditch cracking and displacement East of Windmill Canyon Drive, adjacent to high voltage power line easement.



Photo E – Incised gully flow above the V-ditch located East of Windmill Canyon Drive. Erosion and flow occurred during early 2023 storm events.

Note: This photo was taken during our March 1st, 2023 site reconnaissance. At the time of our initial site reconnaissance conducted on December 8th, 2022, we did not observe the eroded, incised channel above the V-ditch. Erosion and gullying occurred with intense rainfall events in early 2023.



Photo F – Upper reaches of the gully erosion East of Windmill Canyon Drive.

This photo was taken during our March 1st, 2023 site reconnaissance. At the time of our initial site reconnaissance conducted on December 8th, 2022, we did not observe this gully erosion. Erosion and gullying occurred with intense rainfall events in early 2023.

Kelok Way Area

BSK walked V-ditches and boundaries along open space slopes north of Kelok Way, in the open space area south of Keller Ridge Road, and both west and east of those areas (see Figure 3B). We made cursory observations of homes and roadways throughout the area, and aside from those documented below, we did not observe obvious evidence of geohazards impacts to homes or roadways in the general area except for the home at 8053 Kelok Way.

Our site review focused on the open space and slopes bordering the limits of the homes along Kelok Way, Keller Ridge Drive, and east of Acorn Drive. The areas of known instability at the west end of Kelok Way and between the eastern end of Kelok Way and Golden Eagle Way will be addressed in greater detail later in this letter.

Figure 3B presents a legend key to the locations of our observations and photos of conditions we encountered that should be considered for future repairs or should be watched and monitored annually before the onset of the annual storm season.

In general, we observed surface creep above most V-ditches. Periodic maintenance should be sufficient to prevent soil from entering into and disrupting flow in the ditches. We also observed shallow slope sloughing and raveling in various areas, which are also identified on Figure 3B.

The following photos depict the conditions documented during our site review. The approximate photo locations are presented on Figure 3B.



Photo G – Slope creep depositing debris in V-ditch and resulting in minor cracking of V-ditch.



Photo H – Slope creep overtopping edge of V-ditch. V-ditch offsets and shallow raveling uphill visible. Note that the homeowner has secured trees beyond property line (see red arrow), including a V-ditch panel (not depicted in this photo).



Photo 1 – V-ditch offsets and ponded water. Slope creep is overtopping and possibly offsetting V-ditches.



Photo J – Catch basin blocked by soil and debris.



Photo K – Slope creep towards Kelok Way as evidenced by separation of soil from the downhill side of the V-ditch.



Photo 1 – Settlement/incipient crown scarp impacting the residence (8053 Kelok Way) at the end of the cul-de-sac on Kelok Way.

Note: See additional discussion regarding instability downhill from the cul-de-sac area on Kelok Way later in this letter.



Photo M – Offset and debris in V-ditch northwest of the cul-de-sac at Kelok Way.



Photo N – Wellhead north (downhill) of the cul-de-sac at Kelok Way. Note that the slope has settled several inches relative to the wellhead.

Kelok Way Cul-de-sac

Ongoing slope movement north of, and impinging on the cul-de-sac at the west end of Kelok Way has resulted in damage to the roadway (see Photo L, above) and to the residence at 8053 Kelok Way. Damage has been documented for both the residence and the roadway according to Steven, Ferrone & Bailey (2016)². The inclinometer that was used to monitor rate and depth of movement has been distorted, via horizontal shearing, to the extent that the inclinometer is no longer useable. We understand that the home at 8053 Kelok Way was “red-tagged” and is no longer eligible for inhabitation.

Monitoring of inclinometer casing CSA SI-4, roughly 50 feet downhill (north) of the edge of the cul-de-sac, has not been completed since May of 2014 due to offset in the casing blocking the bottom portion of the casing. Measurements of the inclinometer between November 2007 and July 2014 indicates that the movement is occurring at a depth of 52 feet, at a rate of ¼ inch per year. Total offset during the useable life of the inclinometer was 1½ inches. It is not known how much additional offset, if any, has occurred since the last monitoring event (nearly nine years ago). Note that the 1½ inch offset occurred over a 6½-year interval.

Based on damage to the roadway and to the home at 8053 Kelok Way, it is clear that there is slope movement on the north facing slope adjacent to the home and the cul-de-sac. We do not know the rate of movement at this time, but based on the amount of movement in the roadway and damage to the home, we anticipate that underground utilities may become damaged and, if water bearing, could accelerate the movement considerably. Further, the potential danger in accelerated movement from a seismic event is also considerable. Based on the current data and our understanding of minimal investigation efforts on this area of instability, we cannot predict the impact of seismicity, increased pore water pressure, and decreases in shear strength with continued movement on the timing or extent of movement in the future.

Kelok/Golden Eagle Way Slope

At the time of our site review, we did not observe cracking in pavements, V-ditches, or improvements that we were able to view at this location. While it is known that many homes in this area have been built over a partially removed/repaired, deep seated landslide that underlies the area, there have been significant efforts taken to de-water the known landslide between Kelok Way and the park located north (downhill) from the homes on Kelok Way according to Steven, Ferrone & Bailey (2012)³.

Inclinometers located in the roadway on Kelok Way, as well as those installed on the slope beneath Kelok Way show creep and very slow movement on suspected slip surfaces located between 88 and 111 feet below the surface. Stevens, Farrone & Bailey Engineering (2016) reported that offset on the landslide plane is limited to 0.1 to 0.2 inch since monitoring began in 2014. It should be noted that there was up to 1.6 inches of movement, at a depth of 54 feet, prior to installation of the dewatering wells gallery in 2012. There is no record of monitoring of those inclinometers since the dewatering wells were constructed.

² Stevens, Ferrone & Bailey (2016), *Summary of Geotechnical Monitoring and Inspection Services on June 30, 2016 Inclinometers/Piezometers/Wells at Kelok Way, Clayton, California*, dated June 30, 2016, SFB Project No: 555-2.

³ Stevens, Ferrone & Bailey (2012), *Geotechnical Observation and Testing – Final Report Kelok Way Dewatering Wells, Clayton, CA*, dated December 17, 2012 - SFB Project No.: 555-1.

South Area

BSK walked V-ditches and boundaries along open space slopes north of Pebble Beach Drive (down to Peacock Creek), South of Peacock Creek Drive, and along the eastern boundary of the GHAD (see Figure 3C). We made cursory observations of improvements and roadways throughout the area, and aside from those documented below, we did not visually observe obvious evidence of geohazards impacts to homes or roadways in the general area. The roadway immediately adjacent to the north-facing slopes at Pebble Beach Drive appeared to have recently been resurfaced at the time of our visit.

Our site review focused on the open space and slopes bordering the homes along the north side of Pebble Beach Drive, and the slopes immediately south of the homes on Peacock Creek Drive. The areas of known instability north of Pebble Beach Drive and Peacock Creek will be addressed in greater detail later in this letter.

Figure 3C presents a legend key to the locations of our observations and photos of conditions we encountered that should be considered for future repairs or should be watched and monitored annually before the onset of the annual storm season.

In general, we observed surface creep above most V-ditches. Periodic maintenance should be sufficient to prevent soil from entering into and disrupting flow in the ditches. We also observed shallow slope sloughing and raveling in various areas, which are also identified in Figure 3C.

The following photos depict the conditions documented during our site review. The approximate photo locations are presented on Figure 3C.



Photo O – Slope creep and minor sloughing adjacent to V-ditch



Photo P – Slope creep or expansion cracking adjacent to the edge of the V-ditch.



Photo Q – Moist ground and seepage from the slope. Note the marsh grasses and standing water in the ditch.



Photo R – Moist slope with shallow sloughing. Note the scarp at the upper end of the movement.



Photo S – Resident has planted trees and built a short keystone-type retaining wall uphill from the V-ditch. Note soil erosion from the disturbed slope sloughing into the ditch.



Based on our communication with the City, we understand that during the early 2023 rain storms, a debris-flow occurred within a swale/V-ditch located upslope of Clayton Road and south of Peacock Creek Drive (circled in red), which clogged a drop inlet and caused water to overflow onto Clayton Road.



Pebble Beach Drive/Peacock Creek Landslide

Instability on the north-facing slope between Pebble Beach Drive and Peacock Creek, in the vicinity of homes on Lots 59 through 61 (1033, 1031, and 1029 Pebble Beach Drive, respectively) of the Peacock Ridge Subdivision was originally evidenced by separations in concrete flatwork at the residences on those lots. Two slope inclinometers were installed in January and February of 2007 by Berlogar Geotechnical Consultants (see Figure 4, Landslide Repair Cross Section – Pebble Beach Drive/Peacock Creek)⁴. The inclinometers were subsequently monitored over the course of two years and inclinometer SI-2, located approximately 200 feet downslope of the roadway has shown rapid deformation at a depth of about 72 feet below the surface. Berlogar Geotechnical Consultants noted in their 2009 report⁵ that “The shape and character of the plot of Slope Indicator SI-2 is clearly the result of landslide movement”. Per the report, the casing had deflected 1½ inches since installation, and rate of deformation had increased over the previous 5 months to a rate of between 1 and 1 ¼ inches per year. Surface observations confirmed the movement. In an attempt to arrest or slow the movement, a series of horizontal drains were installed, but none of the drains encountered groundwater.

The area underlying the subject slope was, in part, a landslide prior to mass grading for the subdivision. Figure 4 presents a cross section showing the repair efforts made prior to placing fill to accommodate the home sites. Of note is, the landslide was only partially removed, but the current depth of movement is significantly below the mapped slide plane as presented on the cross section.

Our observations of the slope and pavements near the top of the slope suggest that movement has slowed. Since inclinometer data has not been available (due to the sheared casing) since 2014, it is difficult to know whether movement has slowed or is still ongoing.

During our site review, BSK was not able to locate any of the horizontal drain outfalls, but did locate at least one subdrain outfall associated with the landslide repair that occurred during initial site grading.

CONCLUSIONS AND RECOMMENDATIONS

Based on our site review and our review of the available GHAD data, it is our opinion that several areas within the GHAD pose potential risk to several homes and roadways within the GHAD. Areas of concern are as follows:

General

- Storm damage debris retention basin above Windmill Canyon Drive is no longer able to stop and retain debris flow materials. The basin will require reconstruction of the earthen berm that was in-place to stop and retain flow.
- The Swale/V-ditch located upslope of Clayton Road and south of Peacock Creek Drive should be repaired and the drop inlet should be unclogged.

⁴ Berlogar Geotechnical Consultants (2007), *Interim Report, Slope Inclinometer Installation and Monitoring Program, Open Space Between Lots 59 Through 61, Pebble Beach Drive, Clayton, California*, dated August 10, 2007, BGC Job No. 2947.100.

⁵ Berlogar Geotechnical Consultants (2009), *Slope Inclinometer Plots and Observations of Progressive Offset to V-Ditches, Open Space Slope Below Lots 59 through 61, Pebble Beach Drive, Clayton, CA*, dated January 19, 2009, BGC Job No. 2947.100.

- Moist and hummocky slopes above Peacock Creek Drive and east of Brandywine place indicate large areas of shallow slope instability that could result in shallow flows during heavy rain events.
- Cracked and/or offset V-ditch panels, while not numerous, can result in drainage obstructions, overflow, and erosion to slopes. Patches and/or replacement of V-ditch panels should be prioritized and undertaken on a regular basis.
- V-ditch and drop inlet maintenance should be continued and inspections of the drainage system, slopes and pavements should be continued. We recommend that drainage system maintenance occur prior to the onset of the rainy season each year. Inspections should take place prior to maintenance.

Cul-de-sac at Kelok Way

- Significant settling and downslope movement on the north side of the Cul-de-sac at Kelok Way is likely to result in failure of the pavement, failure of utilities traversing the area of instability, and continue to cause damage to the residence at 8053 Kelok Way. It is unclear how much the incipient landslide mass may have moved, and at what rate it is moving, since the inclinometer that was used to gauge movement has been compromised. We strongly recommend that a replacement inclinometer be installed and, together with available piezometers that have been installed during previous investigations, monitoring of both the inclinometer and piezometers should be resumed. If possible, additional inclinometers should be considered to better isolate stable ground versus landslide mass.

Kelok Way Landslide

- Monitoring of inclinometers between Kelok Way and the park by Golden Eagle Way should also be resumed. We recommend that the seven inclinometers (BGC SI-1, CEG SI-1, CSA SI-1, CSA SI-2, CSA SI-3, W SI-1 and W SI-5) be monitored at least twice per year, preferably quarterly. Depth to groundwater in each inclinometer should also be measured and logged.
- All subdrain clean-outs and discharge pipes for the slope should be located and flow should be measured (or approximated). Depth to water and discharge should also be measured and recorded for the dewatering wells in the roadway at Kelok Way.

Pebble Beach Landslide

- It is crucial that the inclinometer on the north slope between Pebble Beach Drive and Peacock Creek be replaced. Monitoring of movement on this slide, as well as monitoring of piezometric surface is necessary to judge the status of the slope.
- All horizontal drain discharge points, and all subdrain clean-outs and discharge points should be located and it should be determined if they are providing any subdrainage from beneath the fill and landslide repair.

Prioritization of our recommendations regarding Kelok Way (both sites) and Pebble Beach Drive is desirable. These sites have the potential to result in significant property damage and also have the potential to endanger residents should movement accelerate or a seismic event occur.

LIMITATIONS

Our services were performed in a manner consistent with that level of care and skill ordinarily exercised by other members of BSK's profession practicing in the same locality, under similar conditions and at the date the services are provided. Our findings and conclusions are based on our review of available GHAD files and limited site reconnaissance of the GHAD area completed on December 8th and 13th, 2022 and on March 1st, 2023. It is possible that conditions could vary between or beyond the data evaluated or have changed since we visited the GHAD area or that previous GHAD files not available to us could influence the findings and conclusions presented herein. BSK makes no other representation, guarantee or warranty, express or implied, regarding the services, communication (oral or written), report, opinion, or instrument of service provided.

This report may be used only by the Client and only for the purposes stated within a reasonable time from its issuance, but in no event later than two (2) years from the date of the report, or if conditions at the site have changed. If this report is used beyond this period, BSK should be contacted to evaluate whether site conditions have changed since the report was issued.

CLOSURE


BSK appreciates the opportunity to provide our services to you and trusts this letter report meets your needs at this time. If you have any questions concerning the information presented, please contact us at 925-315-3151.

Respectfully submitted,
BSK Associates


Omar K. Khan, GIT
Project Geologist


Richard E. Johnson, CEG #1452
Principal Engineering Geologist




Cristiano Melo, PE, GE #2756
Livermore Branch Manager



ATTACHMENTS: Figure 1 – Vicinity Map
Figure 2 – Oakhurst GHAD Boundaries
Figure 3A– Site Plan – North Area
Figure 3B – Site Plan – Kelok Way Area
Figure 3C – Site Plan – South Area
Figure 4 – Landslide Repair Cross Section – Pebble Beach Drive/Peacock Creek



References: 1. <https://www.arcgis.com/apps/mapviewer/index.html>, 2023

Note: Locations are approximate

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PROJECT NO. G00000499

DRAWN: 03/08/23

DRAWN BY: D. Tower

CHECKED BY: O. Khan

FILE NAME:
Figures.indd

VICINITY MAP

Geological and Geotechnical Site Review
Oakhurst GHAD
Clayton, California

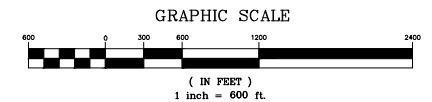
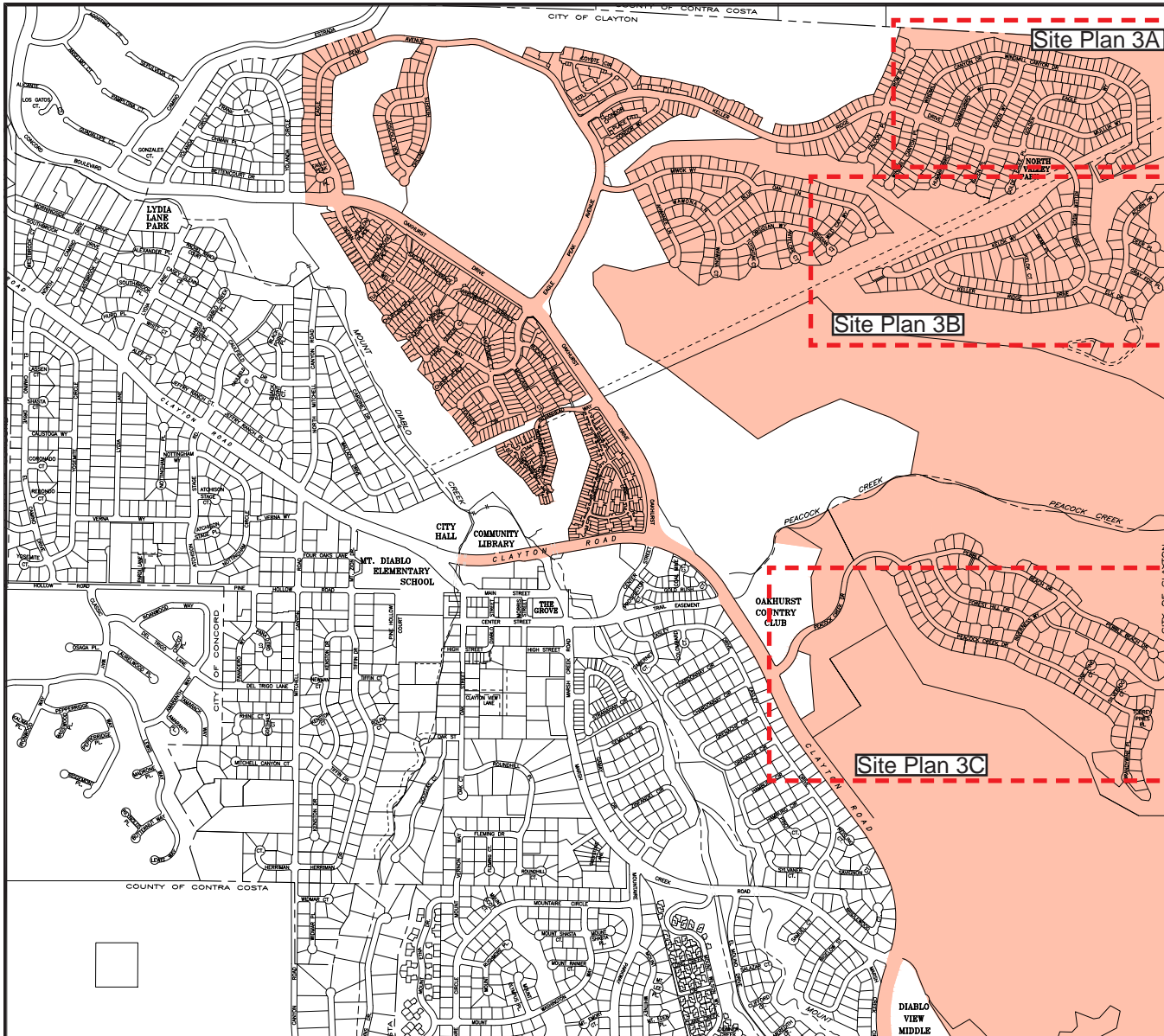
FIGURE

1

ATTACHMENT 2

OAKHURST

GEOLOGIC HAZARD ABATEMENT DISTRICT



Approximate Site Plan Limits
(see Figures 3A through 3C)

GHAD PROPERTIES



PROJECT NO. **G00000499**
 DRAWN: 03/06/23
 DRAWN BY: D. Tower
 CHECKED BY: O.Khan
 FILE NAME: SitePlan.indd

OAKHURST GHAD BOUNDARIES

Geological and Geotechnical Site Review
 Oakhurst GHAD
 Clayton, California

FIGURE

2

ATTACHMENT 2

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LEGEND:

References: 1. <http://earth.google.com>, 2023
2. Locations are approximate

- (G) Approximate location of photo
- Drop Inlet - blocked or partially blocked
- Incipient Failure/ Debris Flow
- V-Ditch Cracked or Offset
- Slough/Ravelling
- Well



PROJECT NO. **G00000499**
DRAWN: 03/02/23
DRAWN BY: D. Tower
CHECKED BY: O.Khan
FILE NAME: SitePlan.indd

SITE PLAN
Kelok Way Area
Geological and Geotechnical Site Review
Oakhurst GHAD
Clayton, California

FIGURE
3B

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ATTACHMENT 2



LEGEND:

○ Approximate location of photo

~ Slough/Ravelling

⚡ V-Ditch Cracked or Offset

↘ Swampy/Wet Area

References: 1. <http://earth.google.com>, 2023
2. Locations are approximate

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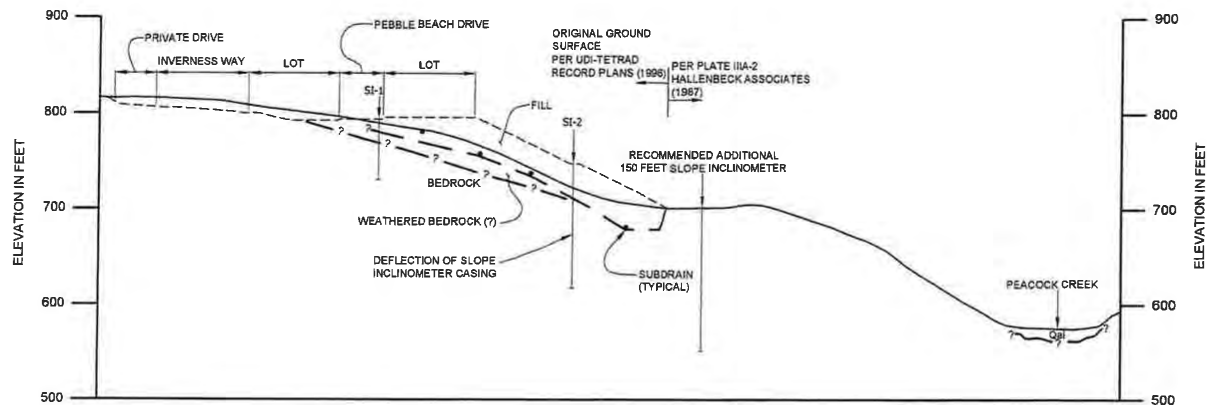
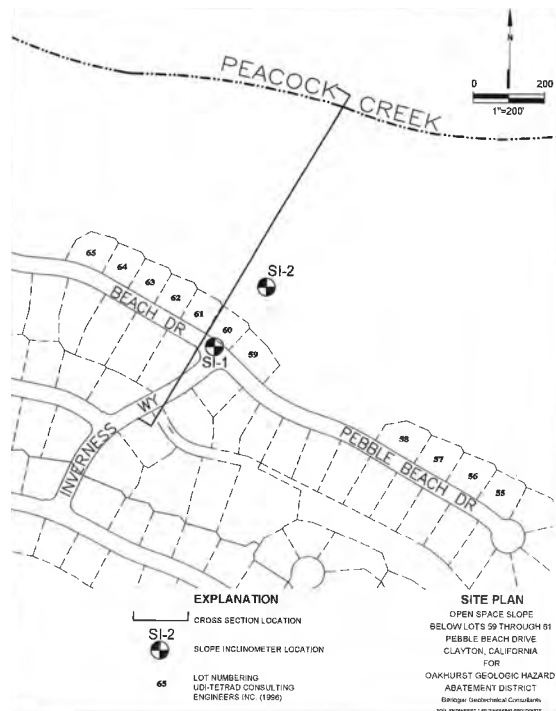
SITE PLAN
South Area

Geological and Geotechnical Site Review
Oakhurst GHAD
Clayton, California

FIGURE

3C

ATTACHMENT 2



CROSS SECTION
 OPEN SPACE SLOPE
 BELOW LOTS 59 THROUGH 61
 PEBBLE BEACH DRIVE
 CLAYTON, CALIFORNIA
 FOR
 OAKHURST GEOLOGIC HAZARD
 ABATEMENT DISTRICT
 Berlogar Geotechnical Consultants
 SOIL ENGINEERS * ENGINEERING GEOLOGISTS

References: 1. Berlogar Geotechnical Consultants (August 10, 2007) – Interim Report, Slope Inclinometer Installation and Monitoring Program, Open Space Between Lots 59 Through 61, Pebble Beach Drive, Clayton, California. Job No. 2947.100



PROJECT NO. **G00000499**
 DRAWN: 03/02/23
 DRAWN BY: D. Tower
 CHECKED BY: O.Khan
 FILE NAME: SitePlan.indd

LANDSLIDE REPAIR CROSS SECTION
Pebble Beach Drive/Peacock Creek

Geological and Geotechnical Site Review
Oakhurst GHAD
Clayton, California

FIGURE

4

ATTACHMENT 2

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Geological and Geotechnical Site Review

Oakhurst Geologic Hazards Abatement District (GHAD)

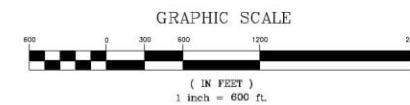
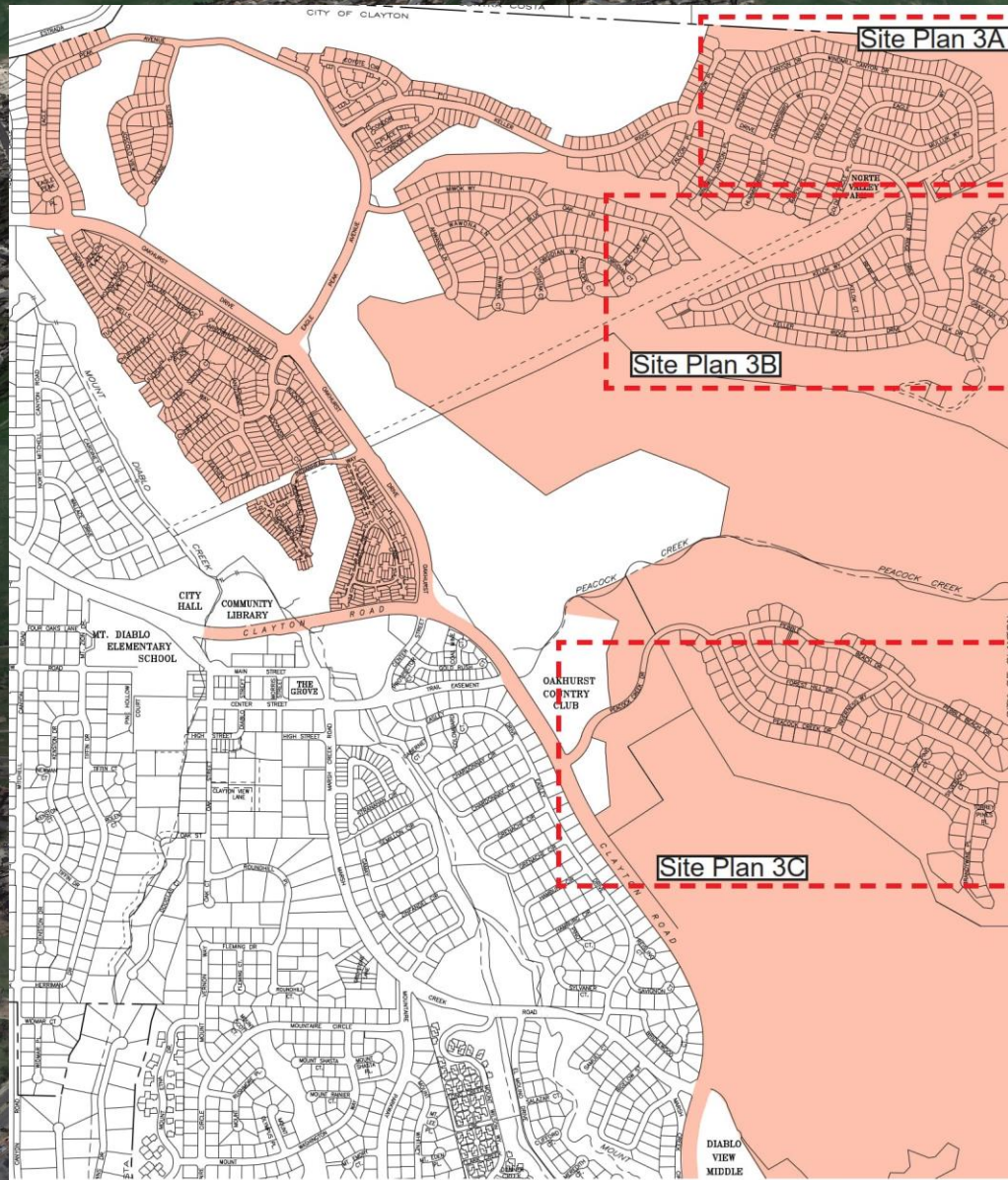
Clayton, CA

March 21, 2023



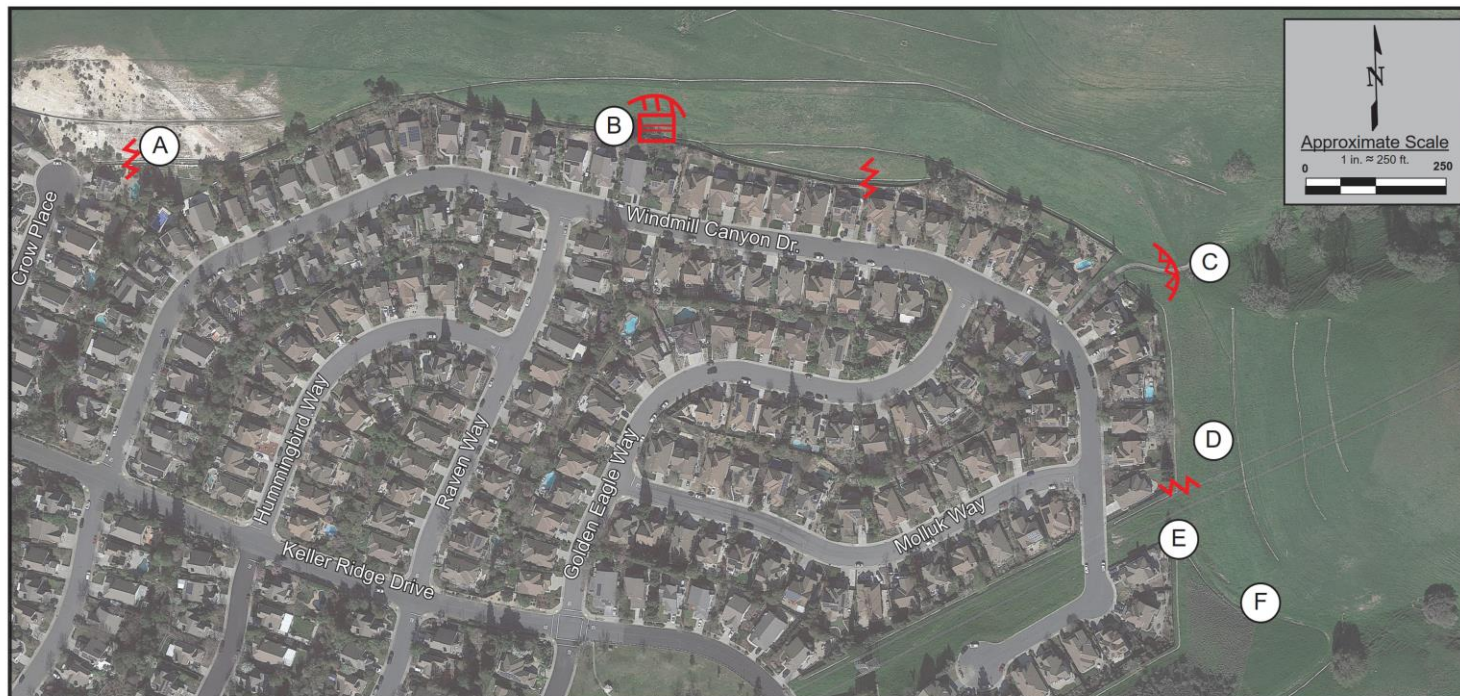
OAKHURST

GEOLOGIC HAZARD ABATEMENT DISTRICT



Approximate Site Plan Limits
(see Figures 3A through 3C)

GHAD PROPERTIES



LEGEND:

(A) Approximate location of photo

[Red Rectangle] Drop Inlet - blocked or partially blocked

[Red Squiggly Line] Incipient Failure/ Debris Flow

[Red Lightning Bolt] V-Ditch Cracked or Offset

[Red Squiggly Line] Slough/Ravelling

References: 1. <http://earth.google.com>, 20223
2. Locations are approximate

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PROJECT NO. **G00000499**
DRAWN: 03/02/23
DRAWN BY: D. Tower
CHECKED BY: O.Khan
FILE NAME: SitePlan.indd

SITE PLAN North Area

Geological and Geotechnical Site Review
Oakhurst GHAD
Clayton, California

FIGURE
3A

An aerial photograph of a suburban residential area. The houses are arranged in a grid-like pattern with winding streets. The surrounding landscape is green and hilly. A semi-transparent white text box is overlaid on the middle-left portion of the image.

• General

- Maintenance is generally good
 - Age and ongoing slope movement
 - ✓ Some repairs needed
 - Age and ongoing movement, creep
 - ✓ Maintenance is critical
- ## • Debris Basin – Uphill from Windmill Canyon
- Retention capacity should be restored





LEGEND:

- (G) Approximate location of photo
- ⚡ V-Ditch Cracked or Offset
- ▢ Drop Inlet - blocked or partially blocked
- 🌊 Slough/Ravelling
- 🔴 Incipient Failure/ Debris Flow
- △ Well

References: 1. <http://earth.google.com>, 2023
2. Locations are approximate

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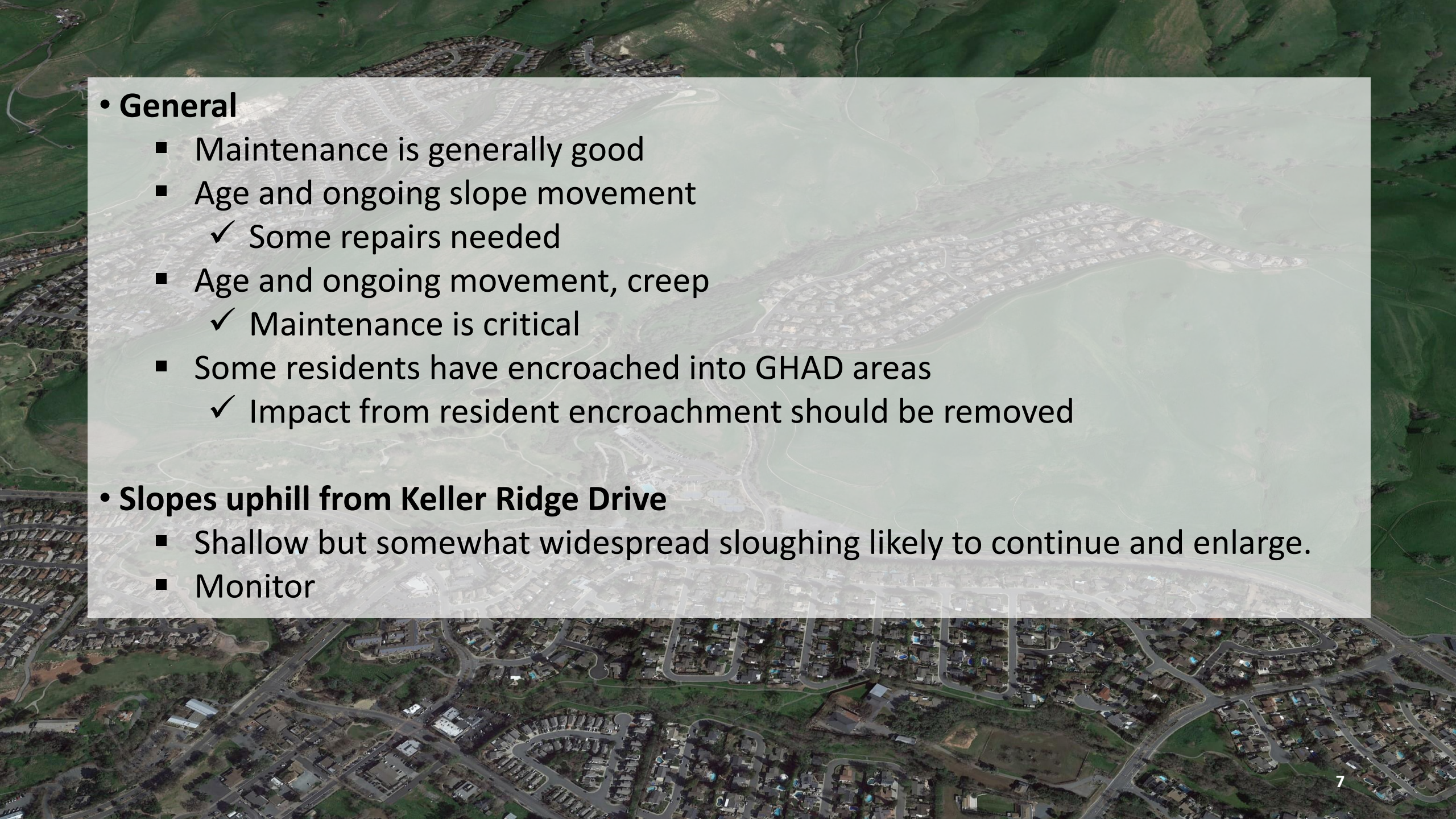


PROJECT NO. G00000499
DRAWN: 03/02/23
DRAWN BY: D. Tower
CHECKED BY: O. Khan
FILE NAME: SitePlan.indd

SITE PLAN Kelok Way Area

Geological and Geotechnical Site Review
Oakhurst GHAD
Clayton, California

FIGURE
3B

An aerial photograph of a suburban residential area with a semi-transparent white text box overlaid on the upper half. The background shows a mix of green grass, trees, and houses with grey roofs. A road or driveway runs diagonally across the middle. The text box contains two main bullet points with sub-bullets.

• General

- Maintenance is generally good
- Age and ongoing slope movement
 - ✓ Some repairs needed
- Age and ongoing movement, creep
 - ✓ Maintenance is critical
- Some residents have encroached into GHAD areas
 - ✓ Impact from resident encroachment should be removed

• Slopes uphill from Keller Ridge Drive

- Shallow but somewhat widespread sloughing likely to continue and enlarge.
- Monitor





LEGEND:

- Approximate location of photo
- ~ Slough/Ravelling
- ⚡ V-Ditch Cracked or Offset

↘ Swampy/Wet Area

References: 1. <http://earth.google.com>, 2023
2. Locations are approximate

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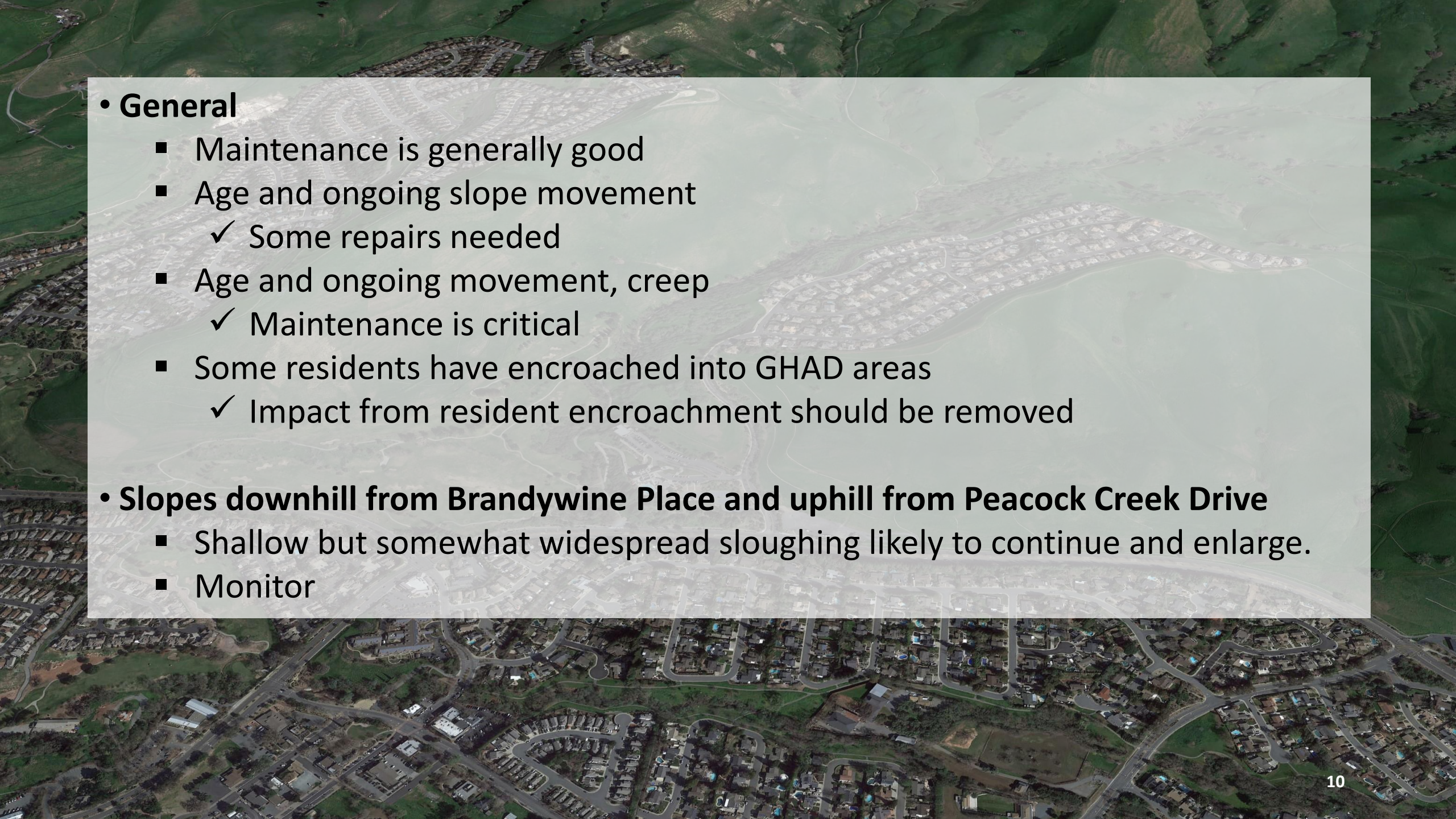
PROJECT NO. **G00000499**
DRAWN: 03/02/23
DRAWN BY: D. Tower
CHECKED BY: O.Khan
FILE NAME: SitePlan.indd

SITE PLAN South Area

Geological and Geotechnical Site Review
Oakhurst GHAD
Clayton, California

FIGURE

3C

An aerial photograph of a suburban residential area with numerous houses, streets, and green spaces. A semi-transparent white rectangular box is overlaid on the upper half of the image, containing a bulleted list. The background shows a mix of green lawns, grey roofs, and winding roads.

• General

- Maintenance is generally good
- Age and ongoing slope movement
 - ✓ Some repairs needed
- Age and ongoing movement, creep
 - ✓ Maintenance is critical
- Some residents have encroached into GHAD areas
 - ✓ Impact from resident encroachment should be removed

• Slopes downhill from Brandywine Place and uphill from Peacock Creek Drive

- Shallow but somewhat widespread sloughing likely to continue and enlarge.
- Monitor





LEGEND:

- (G) Approximate location of photo
- ⚡ V-Ditch Cracked or Offset
- ▢ Drop Inlet - blocked or partially blocked
- 〰 Slough/Ravelling
- 〰 Incipient Failure/ Debris Flow
- △ Well

References: 1. <http://earth.google.com>, 2023
2. Locations are approximate

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PROJECT NO. G00000499
DRAWN: 03/02/23
DRAWN BY: D. Tower
CHECKED BY: O.Khan
FILE NAME: SitePlan.indd

SITE PLAN Kelok Way Area

Geological and Geotechnical Site Review
Oakhurst GHAD
Clayton, California

FIGURE

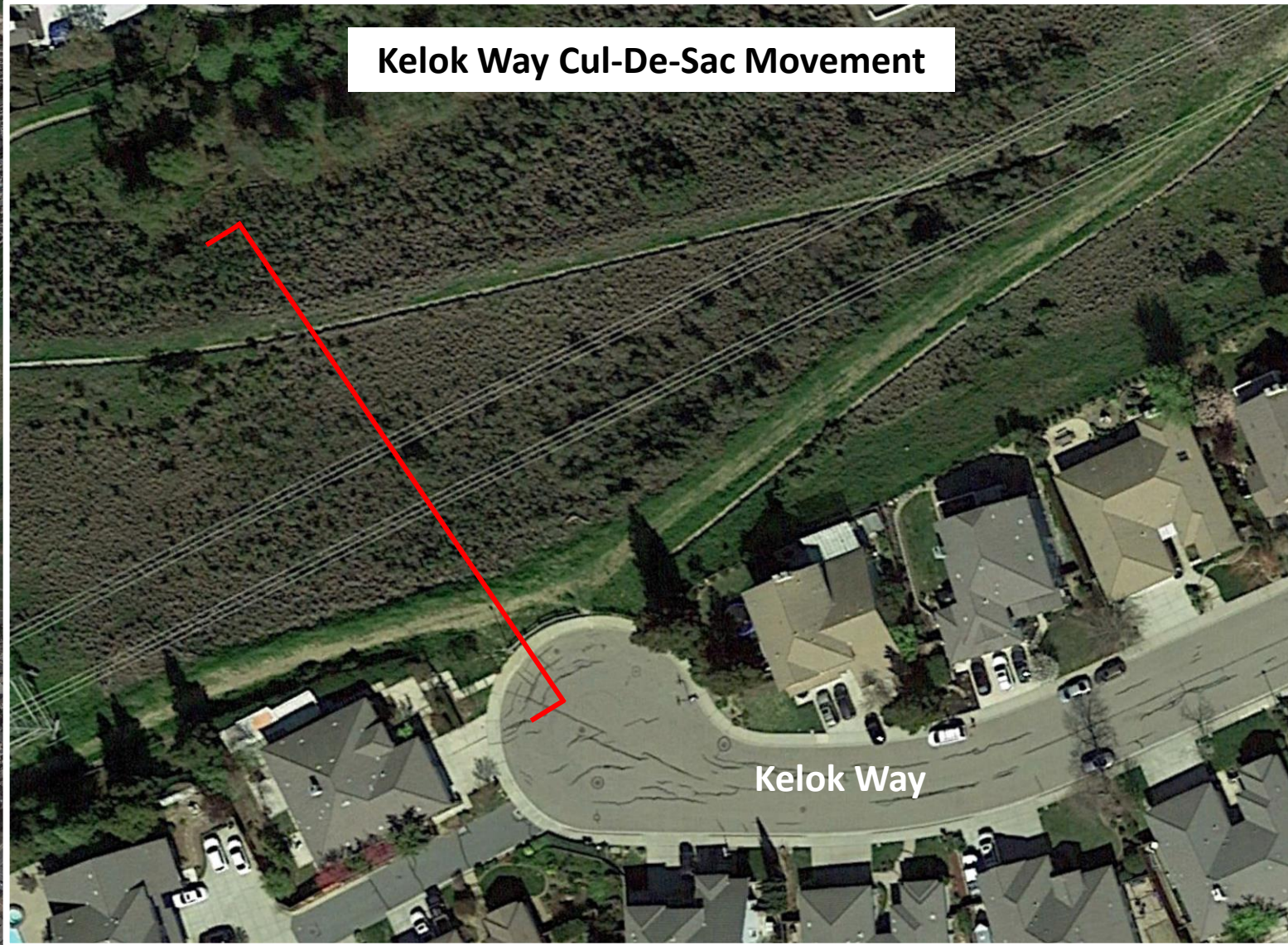
3B

Big, ongoing Concerns

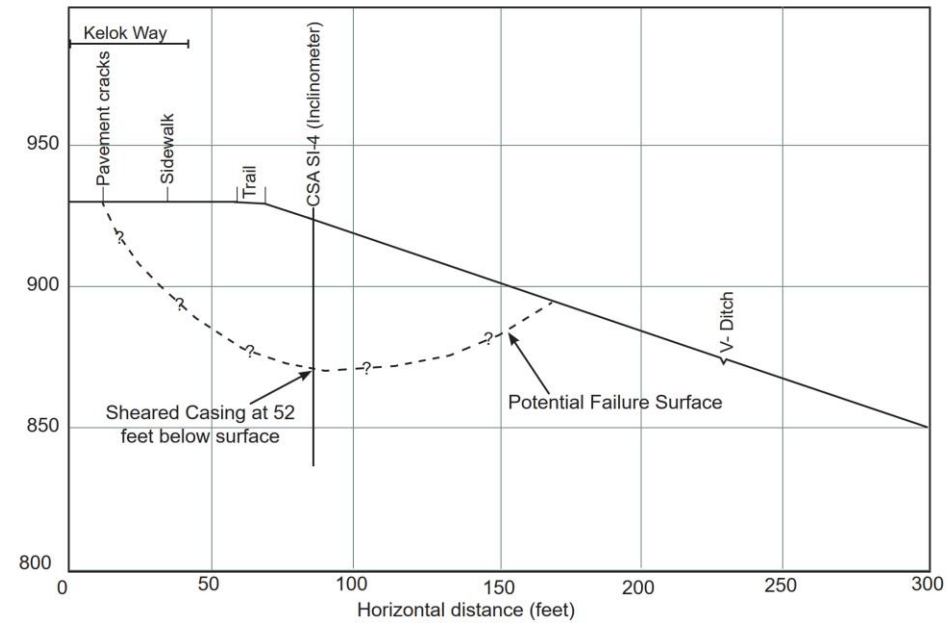
- **Kelok Way Cul-de-sac**

- No effective way to monitor movement (increases or decreases) without a new inclinometer
- Movement has sheared existing inclinometer at 52'
- Surface evidence of landsliding includes:
 - ✓ Cracking and settled roadway
 - ✓ Significant damage – north side settlement and lateral movement towards slope
- Possibility that utilities will be broken and exacerbate the movement
- Movement could potentially accelerate ...further enlarge at crown and impact downhill homes

Kelok Way Cul-De-Sac Movement



Kelok Way



Notes:

1. Locations are approximate.
2. The potential failure surface presented in this figure is for illustrative purposes only. It is inferred from the depth of the sheared inclinometer (CSA SI-4) presented in Stevens, Ferrone & Bailey (2016)³ and the cracking observed within the cul-de-sac at Kelok Way. BSK was not able to locate a previous document providing a cross section and geometry of the landslide failure surface presented here.
3. Stevens, Ferrone & Bailey (2016), "Summary of Geotechnical Monitoring and Inspection Services on June 30, 2016 Inclinometers/Piezometers/Wells at Kelok Way, Clayton, California", dated June 30, 2016, SFB Project No: 555-2.

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PROJECT NO. **G00000499**
 DRAWN: 03/14/23
 DRAWN BY: D. Tower
 CHECKED BY: C. Melo
 FILE NAME: SitePlan.indd

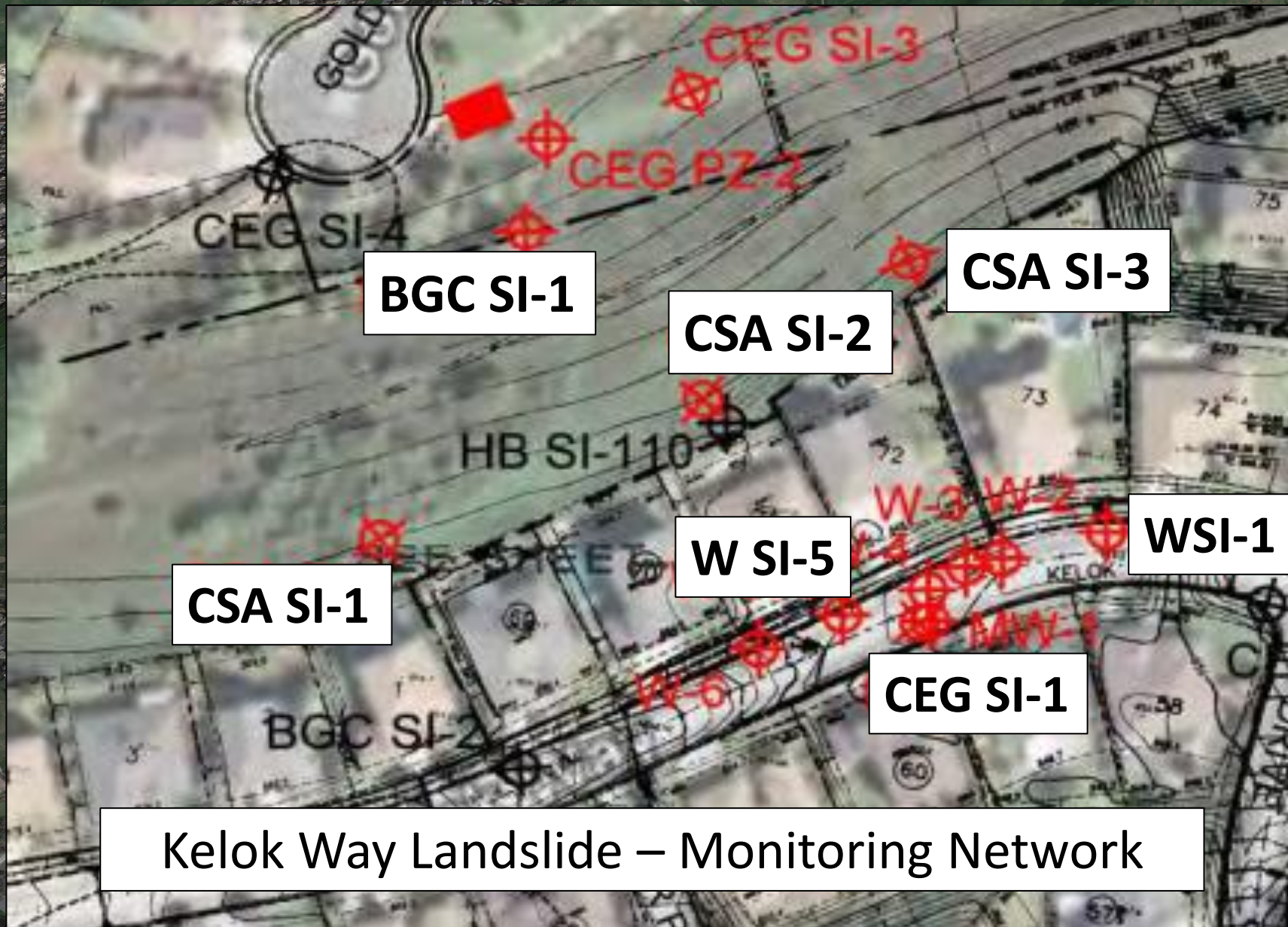
INFERRED SUBSURFACE CROSS SECTION
Kelok Cul-De-Sac Movement

Geological and Geotechnical Site Review
 Oakhurst GHAD
 Clayton, California

Big, ongoing Concerns (continued)

- **Kelok Landslide**

- Caused by incomplete removal of a deep-seated landslide during original grading
- Appears to have slowed since dewatering wells installed
- Monitoring of inclinometers and piezometers is imperative
- Monitoring of subdrainage and dewatering measures is also imperative
- Monitor surface improvements in the right-of-way for signs of instability





LEGEND:

- Approximate location of photo
- ↗ Slough/Ravelling
- ⚡ V-Ditch Cracked or Offset

↘ Swampy/Wet Area

References: 1. <http://earth.google.com>, 2023
2. Locations are approximate

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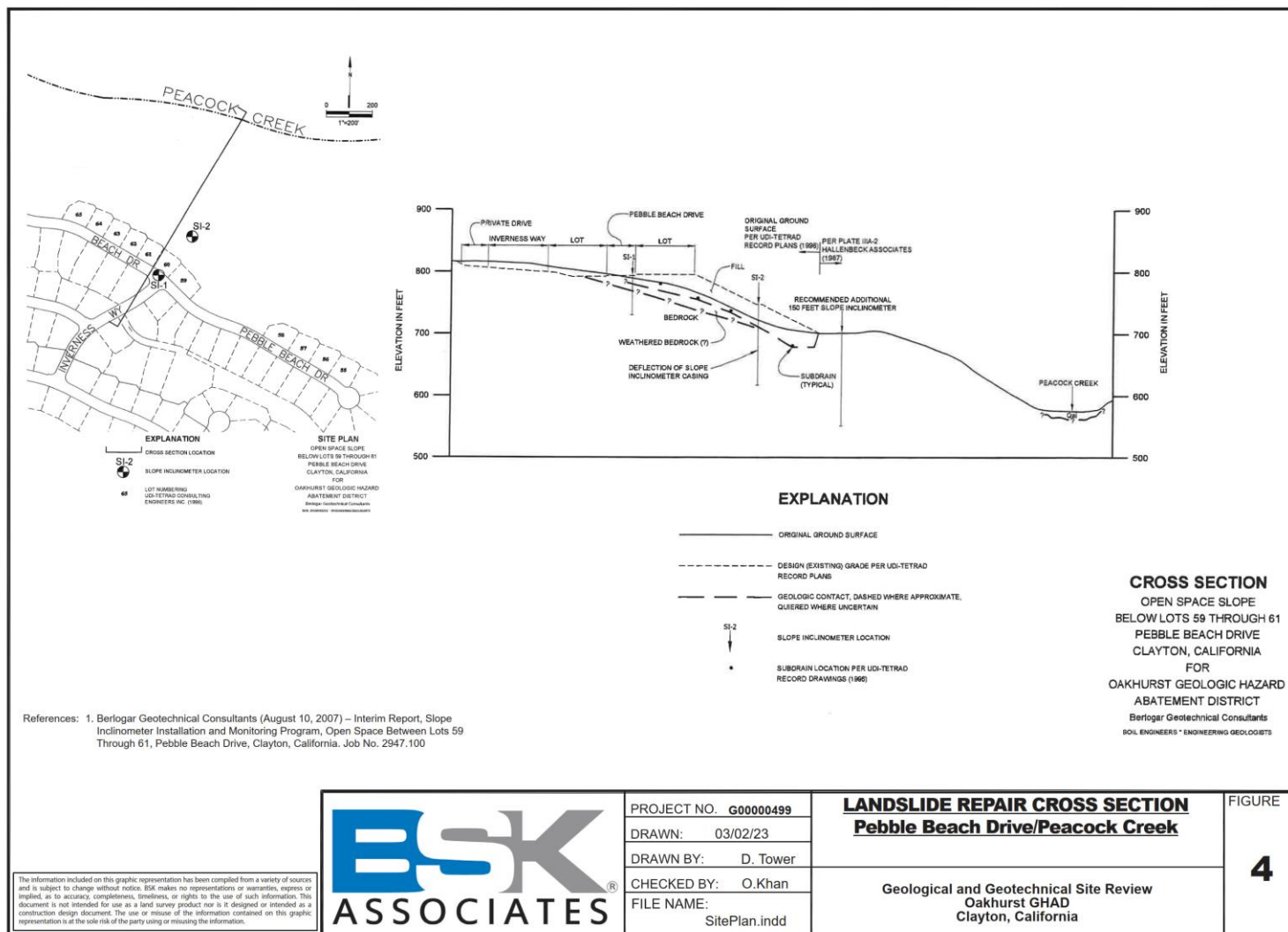
PROJECT NO. **G00000499**
 DRAWN: 03/02/23
 DRAWN BY: D. Tower
 CHECKED BY: O.Khan
 FILE NAME: SitePlan.indd

SITE PLAN South Area

**Geological and Geotechnical Site Review
 Oakhurst GHAD
 Clayton, California**

FIGURE

3C



Big, ongoing Concerns (continued)

- **Pebble Beach Landslide**

- Caused by landslide movement that appears to be deeper than the landslide repair that was constructed during original grading
- Nothing has been done to improve the subdrainage since the initial grading took place
 - ✓ Despite past attempts, no additional drainage of groundwater has been successful
- Movement is still occurring
 - ✓ Without monitoring, unknown if movement is slowing or accelerating
- This kind of failure typically does accelerate with continued movement

An aerial photograph of a suburban neighborhood. The image shows a mix of green, rolling hills and densely packed residential areas. The houses are mostly small, single-story homes with dark roofs, arranged in neat rows along winding asphalt roads. Some areas appear to be under development or less densely populated. The overall scene is a typical representation of a suburban landscape.

Questions?

PART B

ESTIMATE OF COSTS

The City has developed the District's Fiscal Year 2022-23 cost estimate to include funding for routine operations, ongoing monitoring costs, an evaluation of the District areas and improvements, costs for emergency and minor repairs, and transfers to the City's general fund for work accomplished by City staff, and when funding allows, the costs associated with undertaking major repairs and adverse conditions. A summary of the Fiscal Year 2022-23 cost estimate follows.

Oakhurst Geological Hazard Abatement District	
FY 2022-23 Cost Estimate	
Projected Beginning Fund Balance (7/1/2022)	\$51,172.86
Projected Revenues	
Assessment Revenues	\$47,107.66
Interest Earnings	\$210.00
Transfer from Presley Settlement Fund ¹	\$40,478.48
Total Projected Revenues	\$87,796.14
Estimate of Expenditures	
Engineering Services	\$20,000.00
Ahwanee Lane	\$80,000.00
Project Costs (minor and emergency repairs)	\$15,000.00
General Manager Fees (This is only for Assessment Renewal)	\$5,000.00
District Administration (Transfer to General Fund, for Clerk admin)	\$8,169.00
Liability Insurance	\$7,000.00
County Collection Fees	\$1,550.00
Legal Services	\$1,000.00
Legal Notices	\$100.00
Postage	\$850.00
Miscellaneous	\$300.00
Total Estimate of Expenditures	\$138,969.00
Estimate of Reserves	
Operating Reserves ²	\$0.00
Capital Reserves	\$0.00
Total Estimate of Reserves	\$0.00
Projected Ending Surplus Fund Balance (6/30/2023)	\$0.00

currently does not include costs of City maintenance crews performing ditch cleaning, weed abatement, inspection

~\$24,000 just in Admin to assess

leaves \$23,000 for engineering, monitoring, etc. from typical \$47K annual collection

\$37,500 + \$2,500 (F&A) = \$40,000

\$26,000

Pending latest storm damage includes:

1. Mudslide removal at basin above 3081 Windmill Canyon (\$15,000)
2. Slide debris above 3057 Windmill Cyn
3. Mudslide removal along Clayton Road between Peacock Creek and Diablo Vista (\$16,000)

Need more monitoring budget for Kelok Way inclinometers

Roughly \$49,000 in current budget for storm damage repairs, more monitoring services, engineering and management costs, and annual maintenance costs.

Potential FEMA reimbursement 75%/25% local (of which more CAL-OES may also contribute)

\$56K left in Presley Settlement Fund

¹The Presley Lawsuit Settlement Funds are used to support the District by offsetting funding shortfalls that exist annually.

²Operating Reserves should be accumulated annually. The FY 2022-23 target Operating Reserve is 50% of the annual expenditures (\$69,484.50).



Oakhurst Geological Hazard Abatement District

Fiscal Year 2022-23 Annual Report

July 19, 2022

Prepared by

**FRANCISCO
AND ASSOCIATES**

Where Innovative Strategies
Fund Tomorrow's Communities

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Appendix A – Assessment Roll	

ANNUAL REPORT

GEOLOGICAL HAZARD ABATEMENT DISTRICT FISCAL YEAR 2022-23

The undersigned, acting on behalf of Francisco & Associates respectfully submits the enclosed Annual Report pursuant to the provisions of the Geological Hazard Abatement District's Section 26651 of the California Public Resources Code. The undersigned certifies that he is a Professional Engineer, registered in the State of California.

Dated: 6/14/2022

By: 
Eduardo Espinoza, P.E.
RCE # 83709



SECTION I

INTRODUCTION

In 2000, the Oakhurst Geological Hazard Abatement ("District") was established by vote of the property owners within the geographic boundaries of the District pursuant to Division 17, Geological Hazard Abatement Districts, of the Public Resources Code, Section 26500 et seq. The territory included within the District has been broken into three (3) areas of benefit and generally includes the following subdivision numbers 6990, 7065, 7066, 7303, 7311, 7768, 7769, 7256, 7257, 7260, 7261, 7262, 7263, 7264, 7766, 7767, 7249, and 7255. Copies of the subdivision maps are on file at the City and with the Contra Costa County Recorder's Office.

A reduced copy of the District Diagram showing the boundaries of the parcels within the District is provided in Part C of this Report.

In April 2000, the property owners within the District approved by ballot, assessments to cover the routine maintenance and operational needs of the District. The proceedings approved a method of escalating the annual assessments, so that the District's revenues may keep pace with annual cost of living increases in the cost to maintain District improvements. The annual escalator approved was to be an annual adjustment in the maximum assessment rate based on the San Francisco Bay Area Consumer Price Index (CPI).

As a result, the District continues to annually levy and collect special assessments on parcels within its boundaries to pay for and fund hazard abatement and the needed maintenance and services in the areas within the District.

SECTION II

ANNUAL REPORT PREPARED FOR THE OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT FISCAL YEAR 2022-23

Pursuant to the code governing Geological Hazard Abatement Districts (Division 17 of the Public Resources Code of the State of California), and in accordance with the Resolution of Intention, adopted by the Board of the Oakhurst Geological Hazard Abatement District on June 7, 2022, I, Eduardo Espinoza, the duly appointed Engineer of Work, Assessment Engineer for the Oakhurst Geological Hazard Abatement District (the "District") submit the following Report, consisting of Section I (Introduction), and this, Section II, which consists of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements maintained by the District. Plans and specifications for the improvements are on file in the Office of the General Manager of the Oakhurst Geological Hazard and Abatement District and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements to be maintained for Fiscal Year 2022-23, including incidental costs and expenses in connection therewith. The estimate is attached hereto and is on file in the Office of the General Manager of the Oakhurst Geological Hazard and Abatement District.

PART C: DISTRICT DIAGRAM

This part incorporates a Diagram of the District showing the exterior boundaries of the District, and the lines and dimensions of each lot or parcel of land within the District. This Diagram has been prepared by the Engineer of Work and is on file in the General Manager of the Oakhurst Geological Hazard and Abatement District.

The lines and dimension of each lot or parcel within the District are those lines and dimensions shown on the maps of the Contra Costa County Assessor for the year when this Report was prepared. The Assessor's maps and records are incorporated by reference herein and made a part of this Report.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENTS

This part describes the method of apportionment of assessments, based upon each parcel's classification within the District in proportion to the estimated special benefits to be received.

PART E: ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements apportioned to each benefited parcel of land within the District. The Assessment Roll is filed in the Office of the General Manager of the Oakhurst Geological Hazard and Abatement District and is incorporated in this Report. The list is keyed to the records of the Contra Costa County Assessor, which are incorporated herein by reference.

PART A

PLANS AND SPECIFICATIONS

The District maintained improvements are described in the Plan of Control. In general, the improvements may include drainage systems, open space storm drain inlets and outlets, subdrains and outlets, and select retaining walls, and any other appurtenant improvements and services all of which support hazard abatement and prevention services.

In Fiscal Year 2022-23, the City's geotechnical consultant, BSK, will evaluate the needs of the District and prioritize areas of concern. Currently, the City's prior geotechnical consultant identified the following areas with a need for repairs and projects, all of which will be addressed as funding allows.

Kelok Way Area

The District's prior geotechnical consultant performed monitoring work in the Kelok Way area in 2020. The Inclinator readings taken in July of 2020 were compared with readings taken in May of 2019 and indicated a very slight slope change of 0.25 inches. Significant concrete cracking and separation has occurred at the cul-de-sac of Kelok Way (8053). With limited funds available to make repairs, the inclinometer replacements may need to be delayed several years until sufficient funds can be saved to fund the installation of the new inclinometer.

The City's prior geotechnical consultant noted that the flatwork cracking on Kelok Way concludes that movement is still likely to occur. Ongoing movement north of Bear Place may begin to adversely impact storm drain, sewer, and water lines, with potential leakage impacting slope stability. They recommend that water levels within the open pipe piezometers be measured semi-annually.

Ahwanee Lane Street Repair

An asphalt and sidewalk deformation has occurred on the easterly side of Ahwanee Lane just south of the intersection with Miwok Way. The City's prior geotechnical consultant characterized the deformation as a trench migration issue that could become extensive and be an expensive issue to correct. In the Fiscal Year 2019/20 budget, \$63,193 was included for this project, but upon further review, it was determined that additional study was needed for a more accurate estimate. Based on this new street issue occurring during Fiscal Year 2019/20, this repair has taken precedence over the installation of the new slope inclinometers at Kelok and Pebble Beach. With limited funds available to make repairs, the investigation for the repair of Ahwanee was delayed until future fiscal years when funds could be made available to undertake the street/sidewalk repair.

Pebble Beach Area

The inclinometer in the slope below the street (SI-2) has pinched at a depth of 72 feet thereby prohibiting measurement below that depth. The readings in the upper 72 feet indicate the upper area have not internally moved significantly since the last readings in 2016. The City's prior geotechnical consultant strongly recommends the replacement of inclinometer SI-2 but its replacement has not yet been budgeted due to insufficient District funds being available.

V-Ditch Maintenance

Staff is once again postponing this year's 'V'-ditch maintenance work in favor of prioritizing the Ahwanee Lane street repair.

Drawings showing the specific locations of the improvements are on file in the City's Public Works Department and are made a part of this report by reference.

PART B

ESTIMATE OF COSTS

The City has developed the District's Fiscal Year 2022-23 cost estimate to include funding for routine operations, ongoing monitoring costs, an evaluation of the District areas and improvements, costs for emergency and minor repairs, and transfers to the City's general fund for work accomplished by City staff, and when funding allows, the costs associated with undertaking major repairs and adverse conditions. A summary of the Fiscal Year 2022-23 cost estimate follows.

Oakhurst Geological Hazard Abatement District	
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Transfer from Presley Settlement Fund ¹	<u>\$40,478.48</u>
Total Projected Revenues	\$87,796.14
Estimate of Expenditures	
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Project Costs (minor and emergency repairs)	\$15,000.00
General Manager Fees	\$5,000.00
District Administration	\$8,169.00
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County Collection Fees	\$1,550.00
Legal Services	\$1,000.00
Legal Notices	\$100.00
Postage	\$850.00
Miscellaneous	<u>\$300.00</u>
Total Estimate of Expenditures	\$138,969.00
Estimate of Reserves	
Operating Reserves ²	\$0.00
Capital Reserves	<u>\$0.00</u>
Total Estimate of Reserves	\$0.00
Projected Ending Surplus Fund Balance (6/30/2023)	\$0.00
¹ The Presley Lawsuit Settlement Funds are used to support the District by offsetting funding shortfalls that exist annually.	
² Operating Reserves should be accumulated annually. The FY 2022-23 target Operating Reserve is 50% of the annual expenditures (\$69,484.50).	

The purpose of the various reserve accounts is to ensure the District will have funds available for cashflow purposes and to repair or reconstruct the facilities that are the responsibility of the District.

The Operating Reserve target is fifty percent (50%) of the projected expenditures. Maintaining a fully funded Operating Reserve eliminates the need for the City to transfer funds from non-District accounts to pay for operational expenses during the first half of the fiscal year and provides the District with sufficient funds to address any unforeseen or unusual expenditures that may occur during the year.

The purpose of collecting and holding funds in a Capital Reserve is so that when and if improvements need to be replaced or expenditures that are greater than can be conveniently raised from a single year's assessment, funds are available so that the District can respond and address the need promptly.

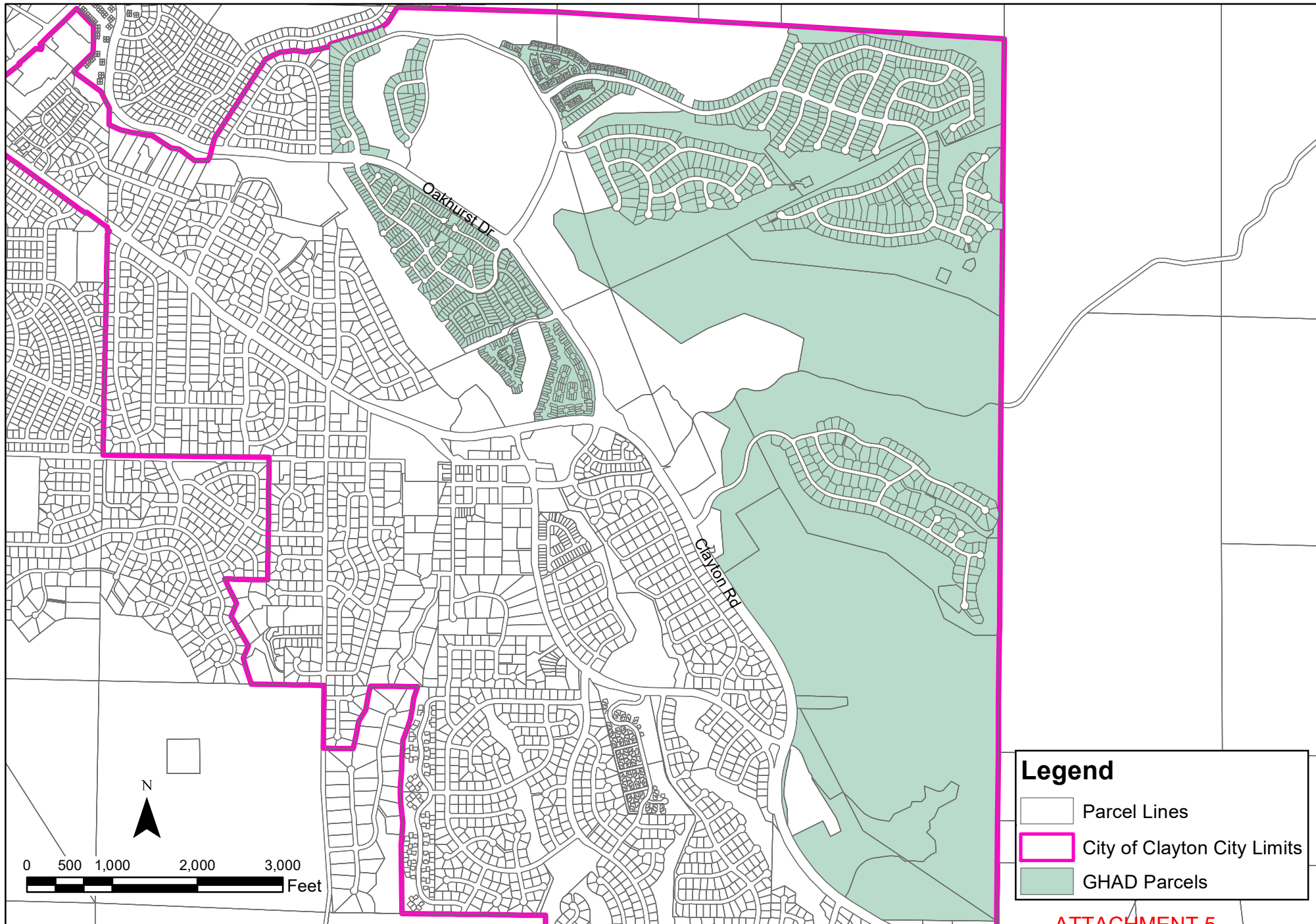
PART C

DISTRICT DIAGRAM

The boundaries of the District are shown herein. The lines and dimensions of each parcel within the District are those lines and dimensions shown on the maps of the Contra Costa County Assessor for the year in which this Report was prepared and are incorporated by reference herein and made part of this Report.

A reduced copy of the District Diagram is shown on the following page.

Oakhurst Geological Hazard Abatement District (GHAD) Boundaries



PART D

METHOD OF APPORTIONMENT OF ASSESSMENTS

A geological hazard abatement district is in essence the same as a benefit assessment district, and therefore the costs budgeted for the District (assessments) must be apportioned to individual parcels according to the benefit received.

The voter approved ballot measure that established the District divided the total development into three separate assessment areas. After reviewing the needs of each area and the benefits of the District to each area, the following percentages of the total budget/cost (including reserves) has been assigned to each area:

Area 1 which includes the lower 6000's, lower 5000's, Duets, and Townhouses, was assigned 25% of the total budget;

Area 2 which includes the Upper 6000's, upper 5000's, 8,000's, condominiums, was assigned 50% of the total budget, and

Area 3 which includes the 10000's was assigned 25% of the total budget.

The number of housing units in each area is not considered a benefit factor and the amount of the assessment per unit will vary from area to area.

The type of housing unit is considered when assigning benefit and the different types of housing mixed into Areas 1 and 2 have been assigned different assessment factors to account for the differing type of housing as follows:

Single Family Home (regardless of size)	1.00
Duets	0.75
Multi-family	0.50

The process of calculating the original assessment rates for each parcel included calculating the amount of total budget that each area was responsible for and determining each area's proportionate percentage of the total. Each parcel within the District was then assigned an equivalent assessed unit based on the assessment factors referenced above. Each area's budget was then spread to each tract or subdivision ("Sub-Area") based on their total number of equivalent assessed units. From there, each Sub-Area spread their budget amount based on the number of dwelling units to arrive at a maximum assessment rate per Sub-Area.

Each fiscal year thereafter, the maximum assessment rates may be increased annually in an amount tied to the Consumer Price Index for Urban Consumers (CPI-U) for the San Francisco Bay Area as of April of each succeeding year. The change in the CPI from April 2021 to April 2022 was 5.00%. Therefore, the Fiscal Year 2022-23 maximum assessment rates will increase by 5.00% over the Fiscal Year 2021-22 maximum assessment rate. The Fiscal Year 2022-23 Maximum Assessment Rates by Area and Sub-Area follow.

Area	Sub-Area	# of Units	Unit Type	Factor	Equivalent Assessable Units	Maximum Assessment Rate	Total Assessment ¹
1	6990	92	Single-Family	1.00	92.00	\$25.93	\$2,384.64
1	7065	108	Duets	0.75	81.00	\$25.93	\$2,099.52
1	7066	117	Multi-Family	0.50	58.50	\$25.93	\$1,516.32
1	7303	52	Multi-Family	0.50	26.00	\$25.93	\$673.92
1	7311	118	Duets	0.75	88.50	\$25.93	\$2,293.92
1	7768	55	Single-Family	1.00	55.00	\$25.93	\$1,425.60
1	7769	53	Single-Family	1.00	53.00	\$25.93	\$1,373.76
Subtotal		595			454.00		\$11,767.68

Area	Sub-Area	# of Units	Unit Type	Factor	Equivalent Assessable Units	Maximum Assessment Rate	Total Assessment
2	7256	70	Single-Family	1.00	70.00	\$34.65	\$2,424.80
2	7257	60	Single-Family	1.00	60.00	\$34.65	\$2,078.40
2	7260	75	Single-Family	1.00	75.00	\$34.65	\$2,598.00
2	7261	70	Single-Family	1.00	70.00	\$34.65	\$2,424.80
2	7262	99	Single-Family	1.00	99.00	\$34.65	\$3,429.36
2	7263	101	Single-Family	1.00	101.00	\$34.65	\$3,498.64
2	7264	102	Single-Family	1.00	102.00	\$34.65	\$3,533.28
2	7766	35	Single-Family	1.00	35.00	\$34.65	\$1,212.40
2	7766	60	Multi-Family	0.50	30.00	\$34.65	\$1,039.20
2	7767	76	Multi-Family	0.50	38.00	\$34.65	\$1,316.32
Subtotal		748			680.00		\$23,555.20

Area	Sub-Area	# of Units	Unit Type	Factor	Equivalent Assessable Units	Maximum Assessment Rate	Total Assessment
3	7249	69	Single-Family	1.00	69.00	\$83.58	\$5,767.02
3	7255	72	Single-Family	1.00	72.00	\$83.58	\$6,017.76
Subtotal		141			141.00		\$11,784.78
Total		1,484			1,275.00		\$47,107.66

¹ Numbers may not foot due to rounding because the County requires all amounts placed on the tax bill to be even so they are divisible by two (2).

Within the boundaries of the District, there are several types of properties that are considered to receive no special benefit from the District improvements and are therefore not assessed. These parcels include:

- 1) Publicly owned parcels that are reserved as public open space or are developed as City Parks for active recreation and are maintained and serviced by the District;
- 2) Publicly owned wetland parcels;
- 3) Certain public utility parcels;
- 4) Privately owned open space parcels; and
- 5) Privately owned "sliver" parcels that have resulted from a lot line adjustment with an adjacent larger parcel. The adjacent larger parcel, of which these "sliver" parcels are a part, are assessed at the residential rate.

PART E

ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels, and the description of each parcel within the District is shown on the last equalized Secured Property Tax Roll of the Contra Costa County Assessor, which by reference is hereby made a part of this Report.

This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll, which includes the proposed amount of assessments for FY 2022-23 apportioned to each parcel. The Assessment Roll is on file in the Public Works Department of the City and is shown in this Report as Appendix "A".

The total proposed assessment for FY 2022-23 is \$47,107.66.

APPENDIX “A”
ASSESSMENT ROLL

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 6990**

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
118-381-001	\$25.92	118-391-002	\$25.92
118-381-002	\$25.92	118-391-003	\$25.92
118-381-003	\$25.92	118-391-004	\$25.92
118-381-004	\$25.92	118-391-005	\$25.92
118-381-005	\$25.92	118-391-006	\$25.92
118-381-006	\$25.92	118-391-007	\$25.92
118-381-007	\$25.92	118-391-008	\$25.92
118-381-008	\$25.92	118-391-009	\$25.92
118-381-009	\$25.92	118-391-010	\$25.92
118-381-010	\$25.92	118-391-011	\$25.92
118-381-011	\$25.92	118-391-012	\$25.92
118-381-012	\$25.92	118-391-013	\$25.92
118-381-017	\$25.92	118-391-014	\$25.92
118-381-018	\$25.92	118-391-015	\$25.92
118-381-019	\$25.92	118-391-016	\$25.92
118-381-020	\$25.92	118-391-017	\$25.92
118-381-021	\$25.92	118-391-018	\$25.92
118-381-022	\$25.92	118-391-019	\$25.92
118-381-023	\$25.92	118-391-020	\$25.92
118-381-024	\$25.92	118-391-021	\$25.92
118-381-025	\$25.92	118-391-022	\$25.92
118-381-026	\$25.92	118-391-023	\$25.92
118-381-027	\$25.92	118-391-024	\$25.92
118-381-028	\$25.92	118-392-001	\$25.92
118-381-029	\$25.92	118-392-002	\$25.92
118-381-030	\$25.92	118-392-003	\$25.92
118-381-036	\$25.92	118-392-004	\$25.92
118-381-037	\$25.92	118-392-005	\$25.92
118-381-038	\$25.92	118-392-006	\$25.92
118-381-039	\$25.92	118-392-007	\$25.92
118-382-001	\$25.92	118-392-008	\$25.92
118-382-002	\$25.92	118-392-009	\$25.92
118-382-003	\$25.92	118-392-010	\$25.92
118-382-004	\$25.92	118-392-011	\$25.92
118-382-005	\$25.92	118-392-012	\$25.92
118-382-006	\$25.92	118-392-013	\$25.92
118-382-007	\$25.92	118-392-014	\$25.92
118-382-008	\$25.92	118-392-015	\$25.92
118-382-009	\$25.92	118-392-016	\$25.92
118-382-010	\$25.92	Total Parcels: 92	
118-382-011	\$25.92	Total	
118-382-012	\$25.92	Assessment:	\$2,384.64
118-382-013	\$25.92		
118-382-014	\$25.92		
118-382-015	\$25.92		
118-382-016	\$25.92		
118-382-017	\$25.92		
118-382-018	\$25.92		
118-382-019	\$25.92		
118-382-020	\$25.92		
118-382-021	\$25.92		
118-382-022	\$25.92		
118-391-001	\$25.92		

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7065**

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
118-401-001	\$19.44	118-402-012	\$19.44	118-402-065	\$19.44
118-401-002	\$19.44	118-402-013	\$19.44	118-402-066	\$19.44
118-401-003	\$19.44	118-402-014	\$19.44		
118-401-004	\$19.44	118-402-015	\$19.44	Total Parcels:	108
118-401-005	\$19.44	118-402-016	\$19.44	Total	
118-401-006	\$19.44	118-402-017	\$19.44	Assessment:	\$2,099.52
118-401-007	\$19.44	118-402-018	\$19.44		
118-401-008	\$19.44	118-402-019	\$19.44		
118-401-009	\$19.44	118-402-020	\$19.44		
118-401-010	\$19.44	118-402-021	\$19.44		
118-401-011	\$19.44	118-402-022	\$19.44		
118-401-012	\$19.44	118-402-023	\$19.44		
118-401-013	\$19.44	118-402-024	\$19.44		
118-401-014	\$19.44	118-402-025	\$19.44		
118-401-015	\$19.44	118-402-026	\$19.44		
118-401-016	\$19.44	118-402-027	\$19.44		
118-401-017	\$19.44	118-402-028	\$19.44		
118-401-018	\$19.44	118-402-029	\$19.44		
118-401-019	\$19.44	118-402-030	\$19.44		
118-401-020	\$19.44	118-402-031	\$19.44		
118-401-021	\$19.44	118-402-032	\$19.44		
118-401-022	\$19.44	118-402-033	\$19.44		
118-401-023	\$19.44	118-402-034	\$19.44		
118-401-024	\$19.44	118-402-035	\$19.44		
118-401-025	\$19.44	118-402-036	\$19.44		
118-401-026	\$19.44	118-402-037	\$19.44		
118-401-027	\$19.44	118-402-038	\$19.44		
118-401-028	\$19.44	118-402-039	\$19.44		
118-401-029	\$19.44	118-402-040	\$19.44		
118-401-030	\$19.44	118-402-041	\$19.44		
118-401-031	\$19.44	118-402-042	\$19.44		
118-401-032	\$19.44	118-402-043	\$19.44		
118-401-033	\$19.44	118-402-044	\$19.44		
118-401-034	\$19.44	118-402-045	\$19.44		
118-401-035	\$19.44	118-402-046	\$19.44		
118-401-036	\$19.44	118-402-047	\$19.44		
118-401-037	\$19.44	118-402-048	\$19.44		
118-401-038	\$19.44	118-402-049	\$19.44		
118-401-039	\$19.44	118-402-050	\$19.44		
118-401-040	\$19.44	118-402-051	\$19.44		
118-401-041	\$19.44	118-402-052	\$19.44		
118-401-042	\$19.44	118-402-053	\$19.44		
118-402-001	\$19.44	118-402-054	\$19.44		
118-402-002	\$19.44	118-402-055	\$19.44		
118-402-003	\$19.44	118-402-056	\$19.44		
118-402-004	\$19.44	118-402-057	\$19.44		
118-402-005	\$19.44	118-402-058	\$19.44		
118-402-006	\$19.44	118-402-059	\$19.44		
118-402-007	\$19.44	118-402-060	\$19.44		
118-402-008	\$19.44	118-402-061	\$19.44		
118-402-009	\$19.44	118-402-062	\$19.44		
118-402-010	\$19.44	118-402-063	\$19.44		
118-402-011	\$19.44	118-402-064	\$19.44		

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)**

**ASSESSMENT ROLL
FISCAL YEAR 2022-23**

SUBDIVISION NO. 7066

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
118-410-001	\$12.96	118-410-055	\$12.96	118-410-108	\$12.96
118-410-002	\$12.96	118-410-056	\$12.96	118-410-109	\$12.96
118-410-003	\$12.96	118-410-057	\$12.96	118-410-110	\$12.96
118-410-004	\$12.96	118-410-058	\$12.96	118-410-111	\$12.96
118-410-005	\$12.96	118-410-059	\$12.96	118-410-112	\$12.96
118-410-006	\$12.96	118-410-060	\$12.96	118-410-113	\$12.96
118-410-007	\$12.96	118-410-061	\$12.96	118-410-114	\$12.96
118-410-008	\$12.96	118-410-062	\$12.96	118-410-115	\$12.96
118-410-009	\$12.96	118-410-063	\$12.96	118-410-116	\$12.96
118-410-010	\$12.96	118-410-064	\$12.96	118-410-117	\$12.96
118-410-011	\$12.96	118-410-065	\$12.96	118-410-120	\$12.96
118-410-012	\$12.96	118-410-066	\$12.96	Total Parcels: 117 Total Assessment: \$1,516.32	
118-410-013	\$12.96	118-410-067	\$12.96		
118-410-014	\$12.96	118-410-069	\$12.96		
118-410-015	\$12.96	118-410-068	\$12.96		
118-410-016	\$12.96	118-410-070	\$12.96		
118-410-017	\$12.96	118-410-071	\$12.96		
118-410-018	\$12.96	118-410-072	\$12.96		
118-410-019	\$12.96	118-410-073	\$12.96		
118-410-020	\$12.96	118-410-074	\$12.96		
118-410-021	\$12.96	118-410-075	\$12.96		
118-410-022	\$12.96	118-410-076	\$12.96		
118-410-023	\$12.96	118-410-077	\$12.96		
118-410-024	\$12.96	118-410-078	\$12.96		
118-410-025	\$12.96	118-410-079	\$12.96		
118-410-026	\$12.96	118-410-080	\$12.96		
118-410-027	\$12.96	118-410-081	\$12.96		
118-410-028	\$12.96	118-410-082	\$12.96		
118-410-029	\$12.96	118-410-083	\$12.96		
118-410-030	\$12.96	118-410-084	\$12.96		
118-410-031	\$12.96	118-410-085	\$12.96		
118-410-032	\$12.96	118-410-086	\$12.96		
118-410-033	\$12.96	118-410-087	\$12.96		
118-410-034	\$12.96	118-410-088	\$12.96		
118-410-035	\$12.96	118-410-089	\$12.96		
118-410-037	\$12.96	118-410-090	\$12.96		
118-410-038	\$12.96	118-410-091	\$12.96		
118-410-039	\$12.96	118-410-092	\$12.96		
118-410-040	\$12.96	118-410-093	\$12.96		
118-410-041	\$12.96	118-410-094	\$12.96		
118-410-042	\$12.96	118-410-095	\$12.96		
118-410-043	\$12.96	118-410-096	\$12.96		
118-410-044	\$12.96	118-410-097	\$12.96		
118-410-045	\$12.96	118-410-098	\$12.96		
118-410-046	\$12.96	118-410-099	\$12.96		
118-410-047	\$12.96	118-410-100	\$12.96		
118-410-048	\$12.96	118-410-101	\$12.96		
118-410-049	\$12.96	118-410-102	\$12.96		
118-410-050	\$12.96	118-410-103	\$12.96		
118-410-051	\$12.96	118-410-104	\$12.96		
118-410-052	\$12.96	118-410-105	\$12.96		
118-410-053	\$12.96	118-410-106	\$12.96		
118-410-054	\$12.96	118-410-107	\$12.96		

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7249**

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
118-480-001	\$83.58	118-490-012	\$83.58
118-480-002	\$83.58	118-490-013	\$83.58
118-480-003	\$83.58	118-490-014	\$83.58
118-480-004	\$83.58	118-490-015	\$83.58
118-480-005	\$83.58	118-490-016	\$83.58
118-480-006	\$83.58	118-490-017	\$83.58
118-480-007	\$83.58	118-490-018	\$83.58
118-480-008	\$83.58	118-490-019	\$83.58
118-480-009	\$83.58	118-490-020	\$83.58
118-480-010	\$83.58	118-490-021	\$83.58
118-480-011	\$83.58	118-490-022	\$83.58
118-480-012	\$83.58	118-490-023	\$83.58
118-480-013	\$83.58	118-490-024	\$83.58
118-480-014	\$83.58	118-490-025	\$83.58
118-480-015	\$83.58	118-490-027	\$83.58
118-480-016	\$83.58	118-490-028	\$83.58
118-480-017	\$83.58		
118-480-018	\$83.58	Total Parcels:	69
118-480-019	\$83.58	Total	
118-480-020	\$83.58	Assessment:	\$5,767.02
118-480-023	\$83.58		
118-480-024	\$83.58		
118-480-025	\$83.58		
118-480-026	\$83.58		
118-480-027	\$83.58		
118-480-028	\$83.58		
118-480-029	\$83.58		
118-480-030	\$83.58		
118-480-031	\$83.58		
118-480-034	\$83.58		
118-480-035	\$83.58		
118-480-036	\$83.58		
118-480-037	\$83.58		
118-480-038	\$83.58		
118-480-039	\$83.58		
118-480-040	\$83.58		
118-480-041	\$83.58		
118-480-042	\$83.58		
118-480-043	\$83.58		
118-480-044	\$83.58		
118-480-045	\$83.58		
118-480-046	\$83.58		
118-480-047	\$83.58		
118-480-048	\$83.58		
118-490-001	\$83.58		
118-490-003	\$83.58		
118-490-005	\$83.58		
118-490-006	\$83.58		
118-490-007	\$83.58		
118-490-008	\$83.58		
118-490-009	\$83.58		
118-490-010	\$83.58		
118-490-011	\$83.58		

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7255**

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
118-500-001	\$83.58	118-510-024	\$83.58
118-500-002	\$83.58	118-510-025	\$83.58
118-500-005	\$83.58	118-510-026	\$83.58
118-500-006	\$83.58	118-510-027	\$83.58
118-500-007	\$83.58	118-510-028	\$83.58
118-500-008	\$83.58	118-510-029	\$83.58
118-500-009	\$83.58	118-510-030	\$83.58
118-500-010	\$83.58	118-510-031	\$83.58
118-500-011	\$83.58	118-510-032	\$83.58
118-500-012	\$83.58	118-510-033	\$83.58
118-500-013	\$83.58	118-510-034	\$83.58
118-500-014	\$83.58	118-510-035	\$83.58
118-500-015	\$83.58	118-510-036	\$83.58
118-500-016	\$83.58	118-510-037	\$83.58
118-500-017	\$83.58	118-510-038	\$83.58
118-500-018	\$83.58	118-510-039	\$83.58
118-500-019	\$83.58	118-510-040	\$83.58
118-500-020	\$83.58	118-510-041	\$83.58
118-500-021	\$83.58	118-510-042	\$83.58
118-500-022	\$83.58		
118-500-023	\$83.58		
118-500-024	\$83.58		
118-500-025	\$83.58		
118-500-026	\$83.58		
118-500-027	\$83.58		
118-500-028	\$83.58		
118-500-029	\$83.58		
118-500-030	\$83.58		
118-500-031	\$83.58		
118-500-032	\$83.58		
118-500-033	\$83.58		
118-510-001	\$83.58		
118-510-002	\$83.58		
118-510-003	\$83.58		
118-510-004	\$83.58		
118-510-005	\$83.58		
118-510-006	\$83.58		
118-510-007	\$83.58		
118-510-008	\$83.58		
118-510-009	\$83.58		
118-510-010	\$83.58		
118-510-011	\$83.58		
118-510-012	\$83.58		
118-510-013	\$83.58		
118-510-015	\$83.58		
118-510-016	\$83.58		
118-510-017	\$83.58		
118-510-018	\$83.58		
118-510-019	\$83.58		
118-510-020	\$83.58		
118-510-021	\$83.58		
118-510-022	\$83.58		
118-510-023	\$83.58		

Total Parcels:	72
Total Assessment:	\$6,017.76

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7256**

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
118-421-001	\$34.64	118-432-006	\$34.64
118-421-002	\$34.64	118-432-007	\$34.64
118-421-003	\$34.64	118-432-008	\$34.64
118-422-001	\$34.64	118-432-009	\$34.64
118-422-002	\$34.64	118-432-010	\$34.64
118-422-003	\$34.64	118-432-011	\$34.64
118-422-004	\$34.64	118-432-012	\$34.64
118-422-005	\$34.64	118-432-013	\$34.64
118-422-006	\$34.64	118-432-014	\$34.64
118-422-007	\$34.64	118-432-015	\$34.64
118-423-001	\$34.64	118-432-016	\$34.64
118-423-002	\$34.64	118-432-017	\$34.64
118-423-003	\$34.64	118-432-019	\$34.64
118-423-004	\$34.64	118-432-020	\$34.64
118-423-005	\$34.64	118-433-002	\$34.64
118-423-006	\$34.64	118-433-003	\$34.64
118-423-007	\$34.64	118-433-004	\$34.64
118-423-008	\$34.64		
118-423-009	\$34.64	Total Parcels:	70
118-423-010	\$34.64	Total	
118-423-011	\$34.64	Assessment:	\$2,424.80
118-423-012	\$34.64		
118-423-013	\$34.64		
118-423-014	\$34.64		
118-423-015	\$34.64		
118-424-001	\$34.64		
118-424-002	\$34.64		
118-424-003	\$34.64		
118-424-004	\$34.64		
118-424-005	\$34.64		
118-424-006	\$34.64		
118-424-007	\$34.64		
118-424-008	\$34.64		
118-424-009	\$34.64		
118-424-010	\$34.64		
118-424-011	\$34.64		
118-424-012	\$34.64		
118-424-013	\$34.64		
118-424-014	\$34.64		
118-424-015	\$34.64		
118-424-016	\$34.64		
118-424-017	\$34.64		
118-424-018	\$34.64		
118-424-019	\$34.64		
118-431-001	\$34.64		
118-431-002	\$34.64		
118-431-003	\$34.64		
118-431-004	\$34.64		
118-431-005	\$34.64		
118-432-002	\$34.64		
118-432-003	\$34.64		
118-432-004	\$34.64		
118-432-005	\$34.64		

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7257**

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
118-570-001	\$34.64	118-570-057	\$34.64
118-570-002	\$34.64	118-570-058	\$34.64
118-570-003	\$34.64	118-570-059	\$34.64
118-570-004	\$34.64	118-570-060	\$34.64
118-570-005	\$34.64	118-570-061	\$34.64
118-570-006	\$34.64	118-570-062	\$34.64
118-570-007	\$34.64	118-570-063	\$34.64
118-570-008	\$34.64		
118-570-009	\$34.64	Total Parcels:	60
118-570-010	\$34.64	Total	
118-570-012	\$34.64	Assessment:	\$2,078.40
118-570-013	\$34.64		
118-570-014	\$34.64		
118-570-015	\$34.64		
118-570-016	\$34.64		
118-570-017	\$34.64		
118-570-018	\$34.64		
118-570-019	\$34.64		
118-570-020	\$34.64		
118-570-021	\$34.64		
118-570-022	\$34.64		
118-570-023	\$34.64		
118-570-024	\$34.64		
118-570-025	\$34.64		
118-570-026	\$34.64		
118-570-027	\$34.64		
118-570-028	\$34.64		
118-570-029	\$34.64		
118-570-030	\$34.64		
118-570-031	\$34.64		
118-570-032	\$34.64		
118-570-033	\$34.64		
118-570-034	\$34.64		
118-570-035	\$34.64		
118-570-038	\$34.64		
118-570-039	\$34.64		
118-570-040	\$34.64		
118-570-041	\$34.64		
118-570-042	\$34.64		
118-570-043	\$34.64		
118-570-044	\$34.64		
118-570-045	\$34.64		
118-570-046	\$34.64		
118-570-047	\$34.64		
118-570-048	\$34.64		
118-570-049	\$34.64		
118-570-050	\$34.64		
118-570-051	\$34.64		
118-570-052	\$34.64		
118-570-053	\$34.64		
118-570-054	\$34.64		
118-570-055	\$34.64		
118-570-056	\$34.64		

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7260**

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
118-640-001	\$34.64	118-650-010	\$34.64
118-640-002	\$34.64	118-650-011	\$34.64
118-640-003	\$34.64	118-650-012	\$34.64
118-640-004	\$34.64	118-650-013	\$34.64
118-640-005	\$34.64	118-650-014	\$34.64
118-640-006	\$34.64	118-650-015	\$34.64
118-640-007	\$34.64	118-650-016	\$34.64
118-640-008	\$34.64	118-650-017	\$34.64
118-640-009	\$34.64	118-650-018	\$34.64
118-640-010	\$34.64	118-650-019	\$34.64
118-640-011	\$34.64	118-650-020	\$34.64
118-640-012	\$34.64	118-650-021	\$34.64
118-640-014	\$34.64	118-650-022	\$34.64
118-640-015	\$34.64	118-650-023	\$34.64
118-640-016	\$34.64	118-650-024	\$34.64
118-640-017	\$34.64	118-650-025	\$34.64
118-640-018	\$34.64	118-650-026	\$34.64
118-640-019	\$34.64	118-650-027	\$34.64
118-640-020	\$34.64	118-650-028	\$34.64
118-640-022	\$34.64	118-650-029	\$34.64
118-640-024	\$34.64	118-650-030	\$34.64
118-640-025	\$34.64	118-650-031	\$34.64
118-640-026	\$34.64		
118-640-027	\$34.64	Total Parcels:	75
118-640-028	\$34.64	Total	
118-640-029	\$34.64	Assessment:	\$2,598.00
118-640-030	\$34.64		
118-640-031	\$34.64		
118-640-032	\$34.64		
118-640-033	\$34.64		
118-640-034	\$34.64		
118-640-035	\$34.64		
118-640-036	\$34.64		
118-640-037	\$34.64		
118-640-038	\$34.64		
118-640-039	\$34.64		
118-640-040	\$34.64		
118-640-041	\$34.64		
118-640-042	\$34.64		
118-640-043	\$34.64		
118-640-044	\$34.64		
118-640-046	\$34.64		
118-640-047	\$34.64		
118-640-048	\$34.64		
118-650-001	\$34.64		
118-650-002	\$34.64		
118-650-003	\$34.64		
118-650-004	\$34.64		
118-650-005	\$34.64		
118-650-006	\$34.64		
118-650-007	\$34.64		
118-650-008	\$34.64		
118-650-009	\$34.64		

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7261**

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
118-670-001	\$34.64	118-680-010	\$34.64
118-670-002	\$34.64	118-680-011	\$34.64
118-670-003	\$34.64	118-680-012	\$34.64
118-670-004	\$34.64	118-680-013	\$34.64
118-670-005	\$34.64	118-680-014	\$34.64
118-670-006	\$34.64	118-680-015	\$34.64
118-670-007	\$34.64	118-680-016	\$34.64
118-670-008	\$34.64	118-680-017	\$34.64
118-670-009	\$34.64	118-680-018	\$34.64
118-670-010	\$34.64	118-680-019	\$34.64
118-670-011	\$34.64	118-680-020	\$34.64
118-670-012	\$34.64	118-680-021	\$34.64
118-670-013	\$34.64	118-680-022	\$34.64
118-670-014	\$34.64	118-680-023	\$34.64
118-670-015	\$34.64	118-680-024	\$34.64
118-670-016	\$34.64	118-680-025	\$34.64
118-670-017	\$34.64	118-680-026	\$34.64
118-670-018	\$34.64	<hr/>	
118-670-019	\$34.64	Total Parcels:	70
118-670-020	\$34.64	Total	
118-670-021	\$34.64	Assessment:	\$2,424.80
118-670-022	\$34.64		
118-670-023	\$34.64		
118-670-024	\$34.64		
118-670-025	\$34.64		
118-670-026	\$34.64		
118-670-027	\$34.64		
118-670-028	\$34.64		
118-670-029	\$34.64		
118-670-030	\$34.64		
118-670-031	\$34.64		
118-670-032	\$34.64		
118-670-033	\$34.64		
118-670-034	\$34.64		
118-670-035	\$34.64		
118-670-036	\$34.64		
118-670-037	\$34.64		
118-670-038	\$34.64		
118-670-039	\$34.64		
118-670-040	\$34.64		
118-670-041	\$34.64		
118-670-042	\$34.64		
118-670-043	\$34.64		
118-670-044	\$34.64		
118-680-001	\$34.64		
118-680-002	\$34.64		
118-680-003	\$34.64		
118-680-004	\$34.64		
118-680-005	\$34.64		
118-680-006	\$34.64		
118-680-007	\$34.64		
118-680-008	\$34.64		
118-680-009	\$34.64		

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7262**

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
118-441-001	\$34.64	118-451-004	\$34.64
118-441-002	\$34.64	118-451-005	\$34.64
118-441-003	\$34.64	118-451-006	\$34.64
118-441-004	\$34.64	118-451-007	\$34.64
118-441-005	\$34.64	118-451-008	\$34.64
118-441-006	\$34.64	118-451-009	\$34.64
118-441-007	\$34.64	118-451-010	\$34.64
118-441-008	\$34.64	118-451-011	\$34.64
118-441-009	\$34.64	118-452-001	\$34.64
118-441-010	\$34.64	118-452-002	\$34.64
118-441-011	\$34.64	118-452-003	\$34.64
118-441-012	\$34.64	118-452-004	\$34.64
118-441-013	\$34.64	118-452-005	\$34.64
118-441-014	\$34.64	118-452-006	\$34.64
118-441-015	\$34.64	118-452-007	\$34.64
118-441-016	\$34.64	118-452-008	\$34.64
118-441-017	\$34.64	118-452-009	\$34.64
118-441-018	\$34.64	118-452-010	\$34.64
118-441-019	\$34.64	118-452-011	\$34.64
118-441-020	\$34.64	118-452-012	\$34.64
118-441-021	\$34.64	118-452-013	\$34.64
118-441-022	\$34.64	118-452-014	\$34.64
118-441-023	\$34.64	118-452-015	\$34.64
118-441-024	\$34.64	118-452-016	\$34.64
118-441-025	\$34.64	118-452-017	\$34.64
118-441-026	\$34.64	118-452-018	\$34.64
118-442-001	\$34.64	118-452-019	\$34.64
118-442-002	\$34.64	118-452-020	\$34.64
118-442-003	\$34.64	118-452-021	\$34.64
118-442-004	\$34.64	118-452-022	\$34.64
118-442-005	\$34.64	118-452-023	\$34.64
118-442-006	\$34.64	118-452-024	\$34.64
118-442-007	\$34.64	118-452-025	\$34.64
118-442-008	\$34.64	118-452-026	\$34.64
118-442-009	\$34.64	118-452-027	\$34.64
118-442-010	\$34.64	118-452-028	\$34.64
118-442-011	\$34.64	118-452-029	\$34.64
118-442-012	\$34.64	118-452-030	\$34.64
118-442-013	\$34.64	118-452-031	\$34.64
118-442-014	\$34.64	118-452-032	\$34.64
118-442-015	\$34.64	118-452-033	\$34.64
118-442-016	\$34.64	118-452-034	\$34.64
118-442-017	\$34.64	118-452-035	\$34.64
118-443-001	\$34.64	118-452-036	\$34.64
118-443-002	\$34.64	118-452-037	\$34.64
118-443-003	\$34.64	118-452-038	\$34.64
118-443-004	\$34.64	Total Parcels: 99	
118-443-005	\$34.64	Total	
118-443-006	\$34.64	Assessment:	\$3,429.36
118-443-007	\$34.64		
118-451-001	\$34.64		
118-451-002	\$34.64		
118-451-003	\$34.64		

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7263**

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
118-540-001	\$34.64	118-540-054	\$34.64
118-540-002	\$34.64	118-540-055	\$34.64
118-540-003	\$34.64	118-540-056	\$34.64
118-540-004	\$34.64	118-540-057	\$34.64
118-540-005	\$34.64	118-540-058	\$34.64
118-540-006	\$34.64	118-540-059	\$34.64
118-540-007	\$34.64	118-540-060	\$34.64
118-540-008	\$34.64	118-540-061	\$34.64
118-540-009	\$34.64	118-540-062	\$34.64
118-540-010	\$34.64	118-540-063	\$34.64
118-540-011	\$34.64	118-540-064	\$34.64
118-540-012	\$34.64	118-540-065	\$34.64
118-540-013	\$34.64	118-550-002	\$34.64
118-540-014	\$34.64	118-550-003	\$34.64
118-540-015	\$34.64	118-550-004	\$34.64
118-540-016	\$34.64	118-550-005	\$34.64
118-540-017	\$34.64	118-550-006	\$34.64
118-540-018	\$34.64	118-550-007	\$34.64
118-540-019	\$34.64	118-550-008	\$34.64
118-540-020	\$34.64	118-550-009	\$34.64
118-540-021	\$34.64	118-550-010	\$34.64
118-540-022	\$34.64	118-550-011	\$34.64
118-540-023	\$34.64	118-550-012	\$34.64
118-540-024	\$34.64	118-550-013	\$34.64
118-540-025	\$34.64	118-550-014	\$34.64
118-540-026	\$34.64	118-550-015	\$34.64
118-540-027	\$34.64	118-550-016	\$34.64
118-540-028	\$34.64	118-550-017	\$34.64
118-540-029	\$34.64	118-550-018	\$34.64
118-540-030	\$34.64	118-550-019	\$34.64
118-540-031	\$34.64	118-550-020	\$34.64
118-540-032	\$34.64	118-550-021	\$34.64
118-540-033	\$34.64	118-550-022	\$34.64
118-540-034	\$34.64	118-550-023	\$34.64
118-540-035	\$34.64	118-550-024	\$34.64
118-540-036	\$34.64	118-550-025	\$34.64
118-540-037	\$34.64	118-550-026	\$34.64
118-540-038	\$34.64	118-550-027	\$34.64
118-540-039	\$34.64	118-550-028	\$34.64
118-540-040	\$34.64	118-550-029	\$34.64
118-540-041	\$34.64	118-550-030	\$34.64
118-540-042	\$34.64	118-550-031	\$34.64
118-540-043	\$34.64	118-550-032	\$34.64
118-540-044	\$34.64	118-550-033	\$34.64
118-540-045	\$34.64	118-550-034	\$34.64
118-540-046	\$34.64	118-550-035	\$34.64
118-540-047	\$34.64	118-550-036	\$34.64
118-540-048	\$34.64	118-550-038	\$34.64
118-540-049	\$34.64	<hr/>	
118-540-050	\$34.64	Total Parcels:	101
118-540-051	\$34.64	Total	
118-540-052	\$34.64	Assessment:	\$3,498.64
118-540-053	\$34.64		

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7264**

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
118-620-001	\$34.64	118-620-054	\$34.64
118-620-002	\$34.64	118-620-055	\$34.64
118-620-003	\$34.64	118-620-056	\$34.64
118-620-004	\$34.64	118-620-057	\$34.64
118-620-005	\$34.64	118-620-058	\$34.64
118-620-006	\$34.64	118-620-059	\$34.64
118-620-007	\$34.64	118-620-060	\$34.64
118-620-008	\$34.64	118-620-061	\$34.64
118-620-009	\$34.64	118-620-062	\$34.64
118-620-010	\$34.64	118-630-001	\$34.64
118-620-011	\$34.64	118-630-002	\$34.64
118-620-012	\$34.64	118-630-003	\$34.64
118-620-013	\$34.64	118-630-004	\$34.64
118-620-014	\$34.64	118-630-005	\$34.64
118-620-015	\$34.64	118-630-006	\$34.64
118-620-016	\$34.64	118-630-007	\$34.64
118-620-017	\$34.64	118-630-008	\$34.64
118-620-018	\$34.64	118-630-009	\$34.64
118-620-019	\$34.64	118-630-010	\$34.64
118-620-020	\$34.64	118-630-011	\$34.64
118-620-021	\$34.64	118-630-012	\$34.64
118-620-022	\$34.64	118-630-013	\$34.64
118-620-023	\$34.64	118-630-014	\$34.64
118-620-024	\$34.64	118-630-015	\$34.64
118-620-025	\$34.64	118-630-016	\$34.64
118-620-026	\$34.64	118-630-017	\$34.64
118-620-027	\$34.64	118-630-018	\$34.64
118-620-028	\$34.64	118-630-019	\$34.64
118-620-029	\$34.64	118-630-020	\$34.64
118-620-030	\$34.64	118-630-021	\$34.64
118-620-031	\$34.64	118-630-022	\$34.64
118-620-032	\$34.64	118-630-023	\$34.64
118-620-033	\$34.64	118-630-024	\$34.64
118-620-034	\$34.64	118-630-025	\$34.64
118-620-035	\$34.64	118-630-026	\$34.64
118-620-036	\$34.64	118-630-027	\$34.64
118-620-037	\$34.64	118-630-028	\$34.64
118-620-038	\$34.64	118-630-029	\$34.64
118-620-039	\$34.64	118-630-030	\$34.64
118-620-040	\$34.64	118-630-031	\$34.64
118-620-041	\$34.64	118-630-032	\$34.64
118-620-042	\$34.64	118-630-033	\$34.64
118-620-043	\$34.64	118-630-034	\$34.64
118-620-044	\$34.64	118-630-035	\$34.64
118-620-045	\$34.64	118-630-036	\$34.64
118-620-046	\$34.64	118-630-037	\$34.64
118-620-047	\$34.64	118-630-038	\$34.64
118-620-048	\$34.64	118-630-039	\$34.64
118-620-049	\$34.64	118-630-040	\$34.64
118-620-050	\$34.64		
118-620-051	\$34.64	Total Parcels:	102
118-620-052	\$34.64	Total	
118-620-053	\$34.64	Assessment:	\$3,533.28

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7303**

Assessor's Parcel Number	Assessment Amount
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Assessor's Parcel Number	Assessment Amount
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118-530-001	\$12.96
118-530-002	\$12.96
118-530-003	\$12.96
118-530-004	\$12.96
118-530-005	\$12.96
118-530-006	\$12.96
118-530-007	\$12.96
118-530-008	\$12.96
118-530-009	\$12.96
118-530-010	\$12.96
118-530-011	\$12.96
118-530-012	\$12.96
118-530-013	\$12.96
118-530-014	\$12.96
118-530-015	\$12.96
118-530-016	\$12.96
118-530-017	\$12.96
118-530-018	\$12.96
118-530-019	\$12.96
118-530-020	\$12.96
118-530-021	\$12.96
118-530-022	\$12.96
118-530-023	\$12.96
118-530-024	\$12.96
118-530-025	\$12.96
118-530-026	\$12.96
118-530-027	\$12.96
118-530-028	\$12.96
118-530-029	\$12.96
118-530-030	\$12.96
118-530-031	\$12.96
118-530-033	\$12.96
118-530-034	\$12.96
118-530-035	\$12.96
118-530-036	\$12.96
118-530-037	\$12.96
118-530-038	\$12.96
118-530-039	\$12.96
118-530-040	\$12.96
118-530-041	\$12.96
118-530-042	\$12.96
118-530-043	\$12.96
118-530-044	\$12.96
118-530-045	\$12.96
118-530-046	\$12.96
118-530-047	\$12.96
118-530-048	\$12.96
118-530-049	\$12.96
118-530-050	\$12.96
118-530-051	\$12.96
118-530-052	\$12.96
118-530-056	\$12.96

Total Parcels:	52
Total	
Assessment:	\$673.92

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)**

**ASSESSMENT ROLL
FISCAL YEAR 2022-23**

SUBDIVISION NO. 7311

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
118-460-001	\$19.44	118-460-054	\$19.44	118-460-108	\$19.44
118-460-002	\$19.44	118-460-055	\$19.44	118-460-109	\$19.44
118-460-003	\$19.44	118-460-056	\$19.44	118-460-110	\$19.44
118-460-004	\$19.44	118-460-057	\$19.44	118-460-111	\$19.44
118-460-005	\$19.44	118-460-058	\$19.44	118-460-112	\$19.44
118-460-006	\$19.44	118-460-059	\$19.44	118-460-113	\$19.44
118-460-007	\$19.44	118-460-060	\$19.44	118-460-114	\$19.44
118-460-008	\$19.44	118-460-061	\$19.44	118-460-115	\$19.44
118-460-009	\$19.44	118-460-062	\$19.44	118-460-116	\$19.44
118-460-010	\$19.44	118-460-063	\$19.44	118-460-117	\$19.44
118-460-011	\$19.44	118-460-064	\$19.44	118-460-118	\$19.44
118-460-012	\$19.44	118-460-065	\$19.44	118-460-121	\$19.44
118-460-013	\$19.44	118-460-066	\$19.44	Total Parcels: 118	
118-460-014	\$19.44	118-460-067	\$19.44	Total	
118-460-015	\$19.44	118-460-069	\$19.44	Assessment: \$2,293.92	
118-460-016	\$19.44	118-460-068	\$19.44		
118-460-017	\$19.44	118-460-070	\$19.44		
118-460-018	\$19.44	118-460-071	\$19.44		
118-460-019	\$19.44	118-460-072	\$19.44		
118-460-020	\$19.44	118-460-073	\$19.44		
118-460-021	\$19.44	118-460-074	\$19.44		
118-460-022	\$19.44	118-460-075	\$19.44		
118-460-023	\$19.44	118-460-076	\$19.44		
118-460-024	\$19.44	118-460-077	\$19.44		
118-460-025	\$19.44	118-460-078	\$19.44		
118-460-026	\$19.44	118-460-079	\$19.44		
118-460-027	\$19.44	118-460-080	\$19.44		
118-460-028	\$19.44	118-460-081	\$19.44		
118-460-029	\$19.44	118-460-082	\$19.44		
118-460-030	\$19.44	118-460-083	\$19.44		
118-460-031	\$19.44	118-460-084	\$19.44		
118-460-032	\$19.44	118-460-085	\$19.44		
118-460-033	\$19.44	118-460-086	\$19.44		
118-460-034	\$19.44	118-460-087	\$19.44		
118-460-035	\$19.44	118-460-088	\$19.44		
118-460-036	\$19.44	118-460-089	\$19.44		
118-460-037	\$19.44	118-460-090	\$19.44		
118-460-038	\$19.44	118-460-091	\$19.44		
118-460-039	\$19.44	118-460-092	\$19.44		
118-460-040	\$19.44	118-460-093	\$19.44		
118-460-041	\$19.44	118-460-094	\$19.44		
118-460-042	\$19.44	118-460-095	\$19.44		
118-460-043	\$19.44	118-460-096	\$19.44		
118-460-044	\$19.44	118-460-097	\$19.44		
118-460-045	\$19.44	118-460-098	\$19.44		
118-460-046	\$19.44	118-460-099	\$19.44		
118-460-047	\$19.44	118-460-100	\$19.44		
118-460-048	\$19.44	118-460-101	\$19.44		
118-460-049	\$19.44	118-460-102	\$19.44		
118-460-050	\$19.44	118-460-103	\$19.44		
118-460-051	\$19.44	118-460-105	\$19.44		
118-460-052	\$19.44	118-460-106	\$19.44		
118-460-053	\$19.44	118-460-107	\$19.44		

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7766**

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
118-590-004	\$17.32	118-610-002	\$17.32
118-590-005	\$17.32	118-610-003	\$17.32
118-590-006	\$17.32	118-610-004	\$17.32
118-590-007	\$17.32	118-610-006	\$17.32
118-590-009	\$17.32	118-610-007	\$17.32
118-590-010	\$17.32	118-610-008	\$17.32
118-590-011	\$17.32	118-610-009	\$17.32
118-590-012	\$17.32		
118-590-015	\$17.32	Total Parcels:	60
118-590-016	\$17.32	Total	
118-590-017	\$17.32	Assessment:	\$1,039.20
118-590-018	\$17.32		
118-590-022	\$17.32		
118-590-023	\$17.32		
118-590-024	\$17.32		
118-590-025	\$17.32		
118-590-027	\$17.32		
118-590-028	\$17.32		
118-590-029	\$17.32		
118-590-030	\$17.32		
118-600-001	\$17.32		
118-600-002	\$17.32		
118-600-003	\$17.32		
118-600-004	\$17.32		
118-600-006	\$17.32		
118-600-007	\$17.32		
118-600-008	\$17.32		
118-600-009	\$17.32		
118-600-011	\$17.32		
118-600-012	\$17.32		
118-600-013	\$17.32		
118-600-014	\$17.32		
118-600-016	\$17.32		
118-600-017	\$17.32		
118-600-018	\$17.32		
118-600-019	\$17.32		
118-600-021	\$17.32		
118-600-022	\$17.32		
118-600-023	\$17.32		
118-600-024	\$17.32		
118-600-026	\$17.32		
118-600-027	\$17.32		
118-600-028	\$17.32		
118-600-029	\$17.32		
118-600-031	\$17.32		
118-600-032	\$17.32		
118-600-033	\$17.32		
118-600-034	\$17.32		
118-600-036	\$17.32		
118-600-037	\$17.32		
118-600-038	\$17.32		
118-600-039	\$17.32		
118-610-001	\$17.32		

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7766A**

Assessor's Parcel Number	Assessment Amount
118-580-001	\$34.64
118-580-002	\$34.64
118-580-003	\$34.64
118-580-004	\$34.64
118-580-005	\$34.64
118-580-006	\$34.64
118-580-007	\$34.64
118-580-008	\$34.64
118-580-009	\$34.64
118-580-010	\$34.64
118-580-011	\$34.64
118-580-012	\$34.64
118-580-013	\$34.64
118-580-014	\$34.64
118-580-015	\$34.64
118-580-016	\$34.64
118-580-017	\$34.64
118-580-018	\$34.64
118-580-019	\$34.64
118-580-020	\$34.64
118-580-021	\$34.64
118-580-022	\$34.64
118-580-023	\$34.64
118-580-024	\$34.64
118-580-025	\$34.64
118-580-026	\$34.64
118-580-027	\$34.64
118-580-028	\$34.64
118-580-029	\$34.64
118-580-030	\$34.64
118-580-031	\$34.64
118-580-032	\$34.64
118-580-033	\$34.64
118-580-034	\$34.64
118-580-035	\$34.64
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Total Parcels:	35
Total Assessment:	\$1,212.40

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7767**

Assessor's Parcel Number	Assessment Amount	Assessor's Parcel Number	Assessment Amount
118-610-012	\$17.32	118-660-058	\$17.32
118-610-013	\$17.32	118-660-059	\$17.32
118-610-014	\$17.32	118-660-060	\$17.32
118-610-015	\$17.32	118-660-062	\$17.32
118-610-020	\$17.32	118-660-063	\$17.32
118-610-021	\$17.32	118-660-064	\$17.32
118-610-022	\$17.32	118-660-065	\$17.32
118-610-023	\$17.32	118-660-067	\$17.32
118-610-024	\$17.32	118-660-069	\$17.32
118-610-025	\$17.32	118-660-068	\$17.32
118-610-026	\$17.32	118-660-070	\$17.32
118-610-027	\$17.32	118-660-071	\$17.32
118-610-028	\$17.32	118-660-072	\$17.32
118-610-029	\$17.32	118-660-073	\$17.32
118-610-030	\$17.32	118-660-074	\$17.32
118-610-031	\$17.32	118-660-075	\$17.32
118-660-001	\$17.32	118-660-076	\$17.32
118-660-002	\$17.32	118-660-077	\$17.32
118-660-003	\$17.32	118-660-078	\$17.32
118-660-004	\$17.32	118-660-079	\$17.32
118-660-006	\$17.32	118-660-080	\$17.32
118-660-007	\$17.32	118-660-081	\$17.32
118-660-008	\$17.32	118-660-082	\$17.32
118-660-009	\$17.32		
118-660-013	\$17.32	Total Parcels:	76
118-660-014	\$17.32	Total	
118-660-015	\$17.32	Assessment:	\$1,316.32
118-660-016	\$17.32		
118-660-019	\$17.32		
118-660-020	\$17.32		
118-660-021	\$17.32		
118-660-022	\$17.32		
118-660-024	\$17.32		
118-660-025	\$17.32		
118-660-026	\$17.32		
118-660-027	\$17.32		
118-660-029	\$17.32		
118-660-030	\$17.32		
118-660-031	\$17.32		
118-660-032	\$17.32		
118-660-036	\$17.32		
118-660-037	\$17.32		
118-660-038	\$17.32		
118-660-039	\$17.32		
118-660-047	\$17.32		
118-660-048	\$17.32		
118-660-049	\$17.32		
118-660-050	\$17.32		
118-660-052	\$17.32		
118-660-053	\$17.32		
118-660-054	\$17.32		
118-660-055	\$17.32		
118-660-057	\$17.32		

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7768**

Assessor's Parcel Number	Assessment Amount
118-470-003	\$25.92
118-470-004	\$25.92
118-470-005	\$25.92
118-470-006	\$25.92
118-470-007	\$25.92
118-470-008	\$25.92
118-470-009	\$25.92
118-470-010	\$25.92
118-470-011	\$25.92
118-470-012	\$25.92
118-470-013	\$25.92
118-470-014	\$25.92
118-470-015	\$25.92
118-470-016	\$25.92
118-470-017	\$25.92
118-470-018	\$25.92
118-470-019	\$25.92
118-470-020	\$25.92
118-470-021	\$25.92
118-470-022	\$25.92
118-470-023	\$25.92
118-470-024	\$25.92
118-470-025	\$25.92
118-470-026	\$25.92
118-470-027	\$25.92
118-470-028	\$25.92
118-470-029	\$25.92
118-470-030	\$25.92
118-470-031	\$25.92
118-470-032	\$25.92
118-470-033	\$25.92
118-470-034	\$25.92
118-470-035	\$25.92
118-470-036	\$25.92
118-470-037	\$25.92
118-470-038	\$25.92
118-470-039	\$25.92
118-470-040	\$25.92
118-470-041	\$25.92
118-470-042	\$25.92
118-470-043	\$25.92
118-470-044	\$25.92
118-470-045	\$25.92
118-470-046	\$25.92
118-470-047	\$25.92
118-470-048	\$25.92
118-470-049	\$25.92
118-470-050	\$25.92
118-470-051	\$25.92
118-470-052	\$25.92
118-470-053	\$25.92
118-470-054	\$25.92
118-470-055	\$25.92

Assessor's Parcel Number	Assessment Amount
118-470-056	\$25.92
118-470-057	\$25.92
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Total Parcels:	55
Total	
Assessment:	\$1,425.60

**OAKHURST GEOLOGICAL HAZARD
ABATEMENT DISTRICT (GHAD)
ASSESSMENT ROLL
FISCAL YEAR 2022-23
SUBDIVISION NO. 7769**

Assessor's Parcel Number	Assessment Amount
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Assessor's Parcel Number	Assessment Amount
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118-470-063	\$25.92
118-470-064	\$25.92
118-470-065	\$25.92
118-470-066	\$25.92
118-470-067	\$25.92
118-470-069	\$25.92
118-470-068	\$25.92
118-470-070	\$25.92
118-470-071	\$25.92
118-470-072	\$25.92
118-470-076	\$25.92
118-470-079	\$25.92
118-470-080	\$25.92
118-470-081	\$25.92
118-470-082	\$25.92
118-470-083	\$25.92
118-470-084	\$25.92
118-470-085	\$25.92
118-470-086	\$25.92
118-470-087	\$25.92
118-470-088	\$25.92
118-470-089	\$25.92
118-470-090	\$25.92
118-470-091	\$25.92
118-470-092	\$25.92
118-470-093	\$25.92
118-470-094	\$25.92
118-470-095	\$25.92
118-470-096	\$25.92
118-470-097	\$25.92
118-470-098	\$25.92
118-470-099	\$25.92
118-470-100	\$25.92
118-470-101	\$25.92
118-470-102	\$25.92
118-470-103	\$25.92
118-470-104	\$25.92
118-470-105	\$25.92
118-470-106	\$25.92
118-470-107	\$25.92
118-470-108	\$25.92
118-470-109	\$25.92
118-470-110	\$25.92
118-470-111	\$25.92
118-470-112	\$25.92
118-470-113	\$25.92
118-470-114	\$25.92
118-470-115	\$25.92
118-470-118	\$25.92
118-470-119	\$25.92
118-470-120	\$25.92
118-470-121	\$25.92
118-470-122	\$25.92

Total Parcels:	53
Total	
Assessment:	\$1,373.76

**NOTICE OF PUBLIC HEARING REGARDING THE LEVY OF ASSESSMENTS ON
REAL PROPERTY IN THE OAKHURST GEOLOGICAL HAZARD ABATEMENT
DISTRICT PURSUANT TO PUBLIC RESOURCES CODE SECTION 26652.**

KNOW ALL INTERESTED PARTIES BY THIS NOTICE THAT:

1. June 7, 2022 the General Manager presented the Fiscal Year (FY) 2022/23 District Budget and Annual Report to the Board of Directors. The General Manager's proposed FY 2022/23 District budget and annual report indicates total annual assessment revenue of **\$47,108** and recommending the real property assessments shown on the attached table to pay for the obligations of the Oakhurst Geological Hazard Abatement District ("District") during FY 2022/23.

2. The Board of Directors accepted and approved the report on June 7, 2022, by adopting GHAD Resolution No. ~~##~~-2022, which set forth, among other things:

- a. The Board's intent to levy and collect a per unit assessment in accordance with the recommendation of the General Manager as specified to pay for District obligations in FY 2022/23.
- b. Tuesday, July 19, 2022, at 7:00 p.m., either in person or remotely via ZOOM meeting, as the date, time, and place for hearing public comment regarding the levy of said FY 2022/23 District assessments.

3. The per unit assessments for the previous FY 2021/22 were as shown on the attached table. The proposed per unit assessments represent an increase equal to the latest annual adjustment in the San Francisco, All Items, All Urban Consumers Index (5.0%; April 2021 – April 2022). The proposed assessments are in compliance with the annual increase formula previously approved by the GHAD voters on April 18, 2000 and therefore do not constitute an assessment increase under law.

4. A general description of the items to be maintained and operated in the District and paid for by the assessment is as follows: open space areas and geological hazard mitigation devices and improvements, and District administrative expenses.

5. All interested parties may obtain further particulars concerning the proposed per unit assessments in the District and a description and map of the boundaries of the District by referring to GHAD Resolution ~~##~~-2022, and the report of June 7, 2022, which are on file with the GHAD Secretary in Clayton City Hall. In addition, interested parties may contact the General Manager directly by phone at (925) 673-7300 or in person, by ZOOM appointment only, or view the reports at www.claytonca.gov.

NOW, THEREFORE, any and all persons having any interest in lands within the District liable to be assessed for the expenses of the District for FY 2022/23, may appear at the public hearing, the time and place thereof being set forth above, and offer protest to said proposed assessment increase, and any of said persons may also present any objections they may have by written protest filed with the Secretary, Oakhurst Geological Hazard Abatement District, City of Clayton, 6000 Heritage Trail, Clayton, California, 94517, at or before the time set for public hearing.

JANET CALDERON
Secretary
Oakhurst Geological Hazard Abatement District

DATED: June 7, 2022

GHAD AREA	SUBDIVISION NAME	SUBDIVISION NO.	# OF UNITS	TYPE	FY 2021-22 ASSESSMENT	FY 2022-23 ASSESSMENT	ANNUAL INCREASE (\$)
I	Windmill Canyon I	6990		6,000 sf	\$24.70	\$25.93	\$1.23
I	Black Diamond I	7065		Duets	\$18.54	\$19.45	\$0.91
I	Chaparral Springs I	7066		Multi-Family	\$12.36	\$12.97	\$0.61
I	Chaparral Springs II	7303		Multi-Family	\$12.36	\$12.97	\$0.61
I	Black Diamond II	7311		Duets	\$18.54	\$19.45	\$0.91
I	Oak Hollow IIA	7768		5,000 sf	\$24.70	\$25.93	\$1.23
I	Oak Hollow IIB	7769		5,000 sf	\$24.70	\$25.93	\$1.23
II	Eagle Peak I	7256		8,000 sf	\$33.00	\$34.65	\$1.65
II	Eagle Peak II	7257		8,000 sf	\$33.00	\$34.65	\$1.65
II	Falcon Ridge I	7260		8,000 sf	\$33.00	\$34.65	\$1.65
II	Falcon Ridge II	7261		8,000 sf	\$33.00	\$34.65	\$1.65
II	Windmill Canyon II	7262		6,000 sf	\$33.00	\$34.65	\$1.65
II	Windmill Canyon III	7263		6,000 sf	\$33.00	\$34.65	\$1.65
II	Windmill Canyon IV/Ironwood	7264		6,000 sf	\$33.00	\$34.65	\$1.65
II	Oak Hollow I	7766		5,000 sf	\$33.00	\$34.65	\$1.65
II	Diablo Ridge I	7766		Multi-Family	\$16.50	\$17.33	\$0.82
II	Diablo Ridge II	7767		Multi-Family	\$16.50	\$17.33	\$0.82
III	Peacock Creek I	7249		10,000 sf	\$79.60	\$83.58	\$3.98
III	Peacock Creek II	7255		10,000 sf	\$79.60	\$83.58	\$3.98