



PLANNING COMMISSION

AGENDA Regular Meeting Tuesday, June 22, 2021 7:00 p.m.

***** New Location*****

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act, the Governor's Emergency Declaration related to COVID-19 and the Governor's Executive Orders N-25-20 and N-29-20 that allow members of the Planning Commission, City staff, and the public to participate and conduct a meeting by teleconference, videoconference or both. To comply with public health orders, the requirement to provide a physical location for members of the public to participate in the meeting has been suspended.

Chair: A. J. Chippero
Vice Chair: Terri Denslow
Planning Commissioner: Bassam Altwal
Planning Commissioner: Frank Gavidia
Planning Commissioner: Ed Miller

A complete packet of information containing staff reports and exhibits related to each public item is available for public review on the City's website at www.ci.clayton.ca.us

Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.ci.clayton.ca.us

Any writings or documents provided to a majority of the Planning Commission after distribution of the Agenda Packet and regarding any public item on this Agenda is available for review on the City's website at www.ci.clayton.ca.us

If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7300. To protect our residents, officials, and staff, and aligned with the Governor's executive order to Shelter-at-Home, this meeting is being conducted utilizing teleconferencing means consistent with State order that that allows the public to address the local legislative body electronically.

Most Planning Commission decisions are appealable to the City Council within 10 calendar days of the decision. Please contact Community Development Department staff for further information immediately following the decision. If the decision is appealed, the City Council will hold a public hearing and make a final decision. If you challenge a final decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s), either in oral testimony at the hearing(s) or in written correspondence delivered to the Community Development Department at or prior to the public hearing(s). Further, any court challenge must be made within 90 days of the final decision on the noticed matter.

Instructions for Virtual Planning Commission Meeting Participation

To protect our residents, officials, and staff, and aligned with the Governor's executive order to Shelter-at-Home, this meeting is being conducted utilizing teleconferencing means consistent with State order that that allows the public to address the local legislative body electronically.

To follow or participate in the meeting:

Videoconference: To follow the meeting on-line, click this link:

<https://us02web.zoom.us/j/89423426986>; or through the Zoom application, enter Webinar ID: 894 2342 6986. No registration or meeting password is required.

Phone-in: Dial toll free (877) 853-5257. When prompted, enter the Webinar ID above.

E-mail Public Comments: If preferred, please e-mail public comments to the Interim Community Development Director at InterimCDD@ci.clayton.ca.us by 4:00 p.m. on the day of the Planning Commission meeting. All Email Public Comments will be forwarded to the entire Planning Commission.

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

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PRESENTATION AND ANNOUNCEMENTS**

None

5. **ACCEPTANCE OF THE AGENDA:** The Planning Commission will discuss the order of the agenda, may amend the order, add urgency items, note disclosures or intentions to abstain due to conflict of interest on agenda items or action items, and request Consent Calendar items be removed from the Consent Calendar for discussion. The Planning Commission may also remove items from the Consent Calendar prior to that portion of the Agenda.
6. **PUBLIC COMMENT (Non-Agenda Items):** This time has been set aside for members of the public to address the Planning Commission on items of general interest within the subject matter jurisdiction of the City. Although the Planning Commission values your comments, pursuant to the Brown Act, the Planning Commission generally cannot take any action on items not listed on the posted agenda. At the Chair's discretion, up to three minutes will be allotted to each speaker.
7. **CONSENT CALENDAR:** The following routine matters may be acted upon by one motion. Individual items may be removed by the Planning Commission for separate discussion at this time or under Acceptance of the Agenda. The ordinance title is deemed to be read in its entirety and further reading waived on any ordinance listed on the Consent Calendar.

A. MINUTES:

Planning Commission Meeting of May 25, 2021

Staff Recommendation: Approve the minutes of the May 25, 2021 meeting.

8. **PUBLIC HEARINGS**

None

9. **ACTION ITEMS**

A. Review of the FY 2021/22 Capital Improvement Program Projects for Conformity with the Clayton General Plan (GPA-01-2021).

Section 65401 of the California Government Code requires the Planning Commission to determine whether projects proposed in the City's Capital

Improvement Program (CIP) for planning, initiation or construction during the ensuing fiscal year are in conformity with the General Plan. The Planning Commission is requested at tonight's meeting to review the draft list of CIP projects for which funding is proposed to be identified for planning, initiation or construction during fiscal year (FY) 2021/22, and to make determinations of General Plan consistency for the projects, in accordance with the Government Code. The Planning Commission's determination will be forwarded to the City Council for the City Council to consider prior to their adoption of the final CIP for the next fiscal year.

Staff Recommendation: Adopt Resolution No. 05-2021 determining the projects identified for planning, initiation or construction during fiscal year 2021/22 CIP to be consistent with the Clayton General Plan.

10. COMMUNICATIONS: This time is set aside for the Planning Commission to make requests of staff, and/or for issues of concern to Planning Commissioners to be briefly presented, prioritized, and set for future meeting dates. This time is also provided for staff to share any informational announcements with the Commission.

11. ADJOURNMENT

The next Planning Commission Regular Meeting is Tuesday, July 13, 2021.

Minutes
City of Clayton Planning Commission
Regular Meeting
Tuesday, May 25, 2021

1. CALL TO ORDER

Chair A.J. Chippero called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Chair A.J. Chippero
Vice Chair Terri Denslow
Commissioner Bassam Altwal
Commissioner Frank Gavidia
Commissioner Ed Miller

Absent: None

3. PLEDGE OF ALLEGIANCE

Commissioner Altwal lead the Pledge of Allegiance.

4. PRESENTATIONS AND ANNOUNCEMENTS

None

5. ACCEPTANCE OF THE AGENDA

Commissioner Miller moved and Commissioner Altwal seconded a motion to accept the agenda as presented. The motion passed 5-0.

6. PUBLIC COMMENT

John Rubiales, representing the Clayton Business and Community Association (CBCA), provided the following comments:

- The CBCA has existed since 1984.
- We are a charity for the community, not a City department.
- Our motto is, "For the Good of the Clayton Community."
- We have lived up to our motto through our contributions to local festivals, Bocce Ball Courts, holiday decorations, Mrs. Claus event, and many other efforts.
- The profits from our well-known events have been put back into the community through grants, scholarships, and public improvements, just to name a few.
- Our success is due to the countless hours donated by our members and the thousands of volunteers who have given their time, without whom we could not exist.
- For many years at our monthly meetings, members of the Planning Commission and City Council who are also CBCA members have given us a report on what the Planning Commission and City Council have done, including votes that have already been recorded as part of a public meeting.

- At the City Council meeting on May 18, 2021, Commissioner Frank Gavidia, with the support of Councilmember Jim Diaz, indicated the following:
 - Planning Commission members were announcing Planning Commission decisions that were not already available to the public.
 - A private organization that gives money to the City gets to find out the results of Planning Commission votes before the public does.
- When Councilmember Holly Tillman asked what the comment regarding the private organization giving money to the City was based on, Councilmember Diaz indicated that the CBCA donated money to the City so that benches and trash receptacles could be installed in the Town Center.
- Commissioner Gavidia's accusations are incorrect and factually false.
- The Planning Commission rendered a vote at their meeting of February 23, 2021, which was immediately known to the taxpayers at the moment the vote was recorded.
- At the CBCA meeting of February 25, 2021, Chair Chippero reported on the Planning Commission's vote regarding the Oak Creek Canyon project from the Planning Commission meeting of February 23, 2021. Commissioner Gavidia recused himself from the Oak Creek Canyon public hearing.
- The CBCA has never given money to the City but, instead, donated tens of thousands of dollars for public events and public improvements over the decades.
- These donations were project-specific and did not entail the CBCA providing a gift of money to the City's treasury.
- To suggest that the CBCA has bought preferred access to information is ridiculous.
- Commissioner Gavidia and Councilmember Diaz are both members of the CBCA.
- Commissioner Gavidia and Councilmember Diaz should retract their statements in the same public form in which they were uttered.

7. CONSENT CALENDAR

a. Approval of Planning Commission Meeting Minutes.

Approval of the minutes for the April 27, 2021 Planning Commission meeting.

Vice Chair Denslow moved and Commissioner Altwal seconded a motion to approve the April 27, 2021 Planning Commission meeting minutes, as amended. The motion passed 5-0.

8. PUBLIC HEARINGS

a. The Olivia on Marsh Creek – Request for Extension of Approvals of a Density Bonus (DBA-01-19), Site Plan Review Permit (SPR-04-17) and Tree Removal Permit (TRP-24-17).

Request by William Jordan for a one-year extension to exercise the development approvals granted by the Clayton City Council on March 3, 2020, for The Olivia on Marsh Creek Project, an 81-unit senior rental housing development approved to be built on 3.02 acres located at 6170 High Street, 6450 Marsh Creek Road and 6490 Marsh Creek Road (Assessor's Parcel Nos. 119-021-063, 119-021-055 and 119-021-013).

Chair Chippero indicated that tonight's public hearing should focus on only the merits of the entitlement extension request.

Interim Community Development Director Dana Ayers provided an introduction and background information prior to the presentation of the staff report.

Commissioner Altwal asked how many times the Planning Commission had extended the project entitlements for the Creekside Terrace project.

Ms. Ayers responded that the Creekside Terrace project entitlements had been extended nine times in one-year increments.

Commissioner Altwal stated that he was on the Planning Commission and voted on the Creekside Terrace project entitlement extension four out of those nine times.

Commissioner Altwal inquired if, along with The Olivia on Marsh Creek Project ("Project") entitlement extension request, there were any amendments or changes to the Project from what was initially approved.

Ms. Ayers responded that, no, there were no requests for modifications to the scope of the Project or to the design elements related to the Project.

Bill Jordan, the Project developer, provided the following comments:

- He requested an extension to the Project entitlements due to the lawsuit that was filed against the City and himself.
- The judge took seven months to rule in his favor, and then the appeal took two more months which resulted in a nine-month delay in being able to commence preparation of the construction plans and associated documents for the Project.
- The court upheld the City's approval of the Project and found that the Project applications were done properly and in conformance with the law.
- Since this was an environmental litigation case, it would have been frowned upon by the court and the Project opponents if he had moved forward with removing the on-site trees and residences prior to the decision being rendered by the court.
- In the appellant's attorney's prayer in the writ of mandate, two requests were specified:
 - He, as the developer, shall suspend all activity that would result in any change or alteration to the physical environment related to the Project site until the respondents have taken such actions as may be necessary to bring their findings, determination, or decision regarding the project into compliance with the California Environmental Quality Act (CEQA).
 - A stay entailing a preliminary injunction and permanent injunction restraining the City of Clayton and real party of interest (which is Mr. Jordan as the developer) and their respective agents, employees, officers, and representatives from undertaking any activity to implement the Project in any way pending full compliance with CEQA.
- This suspension of any actions to initiate Project development and the nine-month delay caused by the lawsuit is why the extension request has been brought before the Planning Commission tonight.
- His intent was to settle the case and offer two alternatives to the petitioners during the litigation.

- He challenges the people who contributed to the GoFundMe campaign in opposition to the Project to ask members of the petitioners what he offered in terms of number of stories, units, and parking spaces.
- The group that claims to be Clayton for Responsible Development essentially supported the three-story option for the Project.

Commissioner Altwal inquired about the appeal period ending in January 2021 and asked if there was another appeal period that Mr. Jordan was currently waiting for expiration of.

Mr. Jordan indicated that there was no appeal period at present and that the developer team was currently in the process of preparing Project construction plans and associated documents for submittal to the City.

Commissioner Miller inquired if there were any other hindrances that would still be impeding approval of the entitlement extensions.

Mr. Jordan responded that, given the worldwide pandemic, everything has taken much longer in terms of correspondence between the developer team and applicable agencies involved with moving through the development pipeline to the construction phase of the Project.

Commissioner Gavidia inquired if the City Attorney was attending tonight's meeting.

City Manager Reina Schwartz responded that, yes, if there were questions for the City Attorney, she was available.

Commissioner Gavidia inquired what law specifically limits tonight's Planning Commission review to only the entitlement extension requests.

Ms. Ayers responded that Clayton Municipal Code (CMC) Section 17.64.030 authorizes the Planning Commission to grant a one-year extension of a previously-approved permit, and a condition of approval included in the City Council's action on March 3, 2020 as provided in City Council Resolution No. 07-2020 authorizes the Planning Commission to approve a one-time approval of Project entitlements for a one-year extension.

Commissioner Gavidia reiterated that CMC Section 17.64.030 and City Council Resolution No. 07-2020 were the only two regulatory documents that governed the Planning Commission's review of the entitlement extension request.

Ms. Ayers confirmed that those two regulatory documents were the basis of the entitlement extension request brought before the Planning Commission.

Commissioner Gavidia inquired if the applicable regulatory documents compelled the Planning Commission to vote one way or another on the entitlement extension request.

Ms. Ayers responded that there must be a showing of good cause for the Planning Commission to render a decision of approval for the entitlement extension request.

Commissioner Gavidia confirmed that there must be a showing of good cause for the applicant (developer), but there is no burden of proof on the Planning Commission.

Ms. Ayers said that is correct but there must be an explanation for the Planning Commission's decision based on evidence-supported findings.

Commissioner Gavidia indicated that CMC Section 17.64.030 indicates that the Planning Commission "may" extend the period of a permit, not that the Planning Commission "must" or "shall" extend the period of a permit. He inquired what the risk was to the City if the Planning Commission were to deny the entitlement extension request and what would be the applicant's options based on a denial.

City Attorney Mala Subramanian responded that the applicant can appeal the Planning Commission's denial to the City Council and added that, in order to deny the entitlement extension request, the Planning Commission would have to make a finding of denial supported by evidence showing why the entitlement request was denied.

Commissioner Gavidia inquired where is it specified that a Planning Commission denial of the entitlement extension request must be based on an evidence-supported finding of denial.

Ms. Subramanian responded that CMC Section 17.64.080 requires the Planning Commission to make findings and, regarding an appeal, CMC Section 17.68.020.C establishes that an applicant can appeal a Planning Commission decision if the specified findings of the Planning Commission are not supported by evidence.

Commissioner Gavidia inquired what the risk to the City was if the Planning Commission's decision was appealed to the City Council, if the City Council's decision was challenged in a court of law, and if the City were to lose the case.

Ms. Subramanian responded that, in addition to the City paying its own attorney's fees, the City would incur the cost of other parties' attorney fees, as well.

Commissioner Gavidia indicated that, as he reads the statute, the Planning Commission has discretion, yet he feels as if the Planning Commission is being told that it does not have discretion.

Ms. Subramanian indicated that the Planning Commission has discretion and that a decision rendered for this type of request has to be based on findings with evidence supporting the findings.

Commissioner Gavidia indicated that, since the applicant has to have good cause and since there is no definition of "good cause" provided, the Planning Commission's decision would be subjective.

Ms. Subramanian indicated that the Planning Commission would still have to make evidence-supported findings as to whether or not good cause exists.

Commissioner Gavidia inquired if there is anything preventing the applicant from moving forward with next steps in Project processing.

Ms. Subramanian responded that the question should be deferred to the applicant but that she was not aware of a legal reason preventing the applicant from moving forward.

Commissioner Gavidia asked whether the delay in moving forward with Project processing was based only on the opposing attorney's prayer or whether it was required that Project processing be halted.

Ms. Subramanian responded that it was not required that Project processing be suspended but, given the circumstances at the time, moving forward would have been done at great substantial risk if the City had not prevailed in the lawsuit.

Vice Chair Denslow asked Ms. Subramanian to elaborate on an earlier comment related to the developer not moving forward with Project processing.

Ms. Subramanian responded that it is standard practice for a developer not to move forward during a lawsuit until the litigation has been completed and the developer has prevailed in the lawsuit because it would be an extreme financial risk for the developer to incur the high cost of preparing construction plans and associated documents and then lose the lawsuit.

Ms. Ayers elaborated that, by "standard practice," it is a practice within the industry that a developer would not move forward with paying the high cost of architects and civil engineers preparing complex mechanical, electrical, plumbing, foundational, and structural details until a developer is assured that they can move forward, as preparation of those types of plans is costly.

Vice Chair Denslow asked whether Ms. Ayers' and Ms. Subramanian's experience was that developers held off on moving forward because they thought the project design could change as a result of the lawsuit or because they wanted to be assured that they would prevail in the lawsuit.

Ms. Ayers responded that, generally, a project design is not changed as a result of a lawsuit. More specifically, the issue is not whether a project should be designed one way or the other; the issue is whether a project should have been approved or denied as it was presented to the decision-making body. Courts of law and judges do not generally change a project.

Ms. Subramanian indicated that there had been a mandatory settlement conference where all the parties met to see if there was an opportunity to settle prior to litigation. Had a settlement been made, the lawsuit could have been dismissed.

Vice Chair Denslow inquired whether CMC Section 17.64.080 authorized de novo review of the Project.

Ms. Subramanian responded, no, CMC Section 17.64.080 did not authorize de novo review of the Project.

Ms. Ayers added that the applicant had not proposed or requested that any changes be made to the Project that would result in any new discretionary review by the Planning Commission as part of the entitlement extension request.

Vice Chair Denslow inquired about previously-approved projects that had entitlement extension requests brought before the Planning Commission, and whether those projects been re-opened for review with changes to the project being made.

Ms. Ayers responded that, in her experience with the City, when the Creekside Terrace project entitlement extension request was brought before the Planning Commission, the project was not re-opened for review and there were no changes made to the project as a result of the Planning Commission's approval of the entitlement extension request. Furthermore, she indicated that, when reviewing other projects' entitlement extension requests over the past several years, the projects were not re-opened for further discretionary review and no additional changes were made to those projects.

Vice Chair Denslow asked if the Project entitlements needed to be renewed until the Project is complete or just until the first building permit is pulled.

Ms. Ayers responded that the current entitlements remain valid as long as the first building permit is obtained. The current expiration date of the Project entitlements is March 3, 2022. The Project entitlements would expire if no building permit was issued prior to the expiration date.

Vice Chair Denslow requested that Mr. Jordan clarify that, based on her understanding of the timeline of the litigation and appeal conclusion date, the Project had been able to commence as of February 9, 2022. What had been done for the Project since February 9?

Mr. Jordan provided the following responses:

- Our architectural firm is preparing the architectural plans.
- The structural plans have been completed.
- We are currently in the process of distributing the mechanical, electrical, and plumbing (MEP) bid.
- The civil plans have been completed.
- Of the next steps for the Project, two of the four steps are done, and we are working on finalizing the other two steps.
- Given the impacts of the pandemic, everything has changed in terms of working with firms and agencies as the expeditiousness of these organizations is taking much longer these days.
- As a result of these pandemic-related delays, we need more time, which is one of the reasons we are requesting the entitlement extensions.

Vice Chair Denslow asked Mr. Jordan why he indicated that it would take 18 months to get through the permitting phase of the Project.

Mr. Jordan provided the following responses:

- As I indicated previously, because of the pandemic, everything has been delayed.
- It took me 60 days just to get a public hearing before the Planning Commission for the Project entitlement extension request.
- Everything is taking more time.
- Each of the professional design personnel may take up to two months to complete their respective reviews and completion of duties.

- To Ms. Ayers, how long would City staff in the City Engineering Department and Community Development Department take to complete their review of the Project plans before the plans are submitted to the Contra Costa County Department of Conservation and Development (County)?

Ms. Ayers provided the following responses:

- Our City Engineering staff is not available to respond at this meeting, so I am not sure how long Engineering staff would take to complete their review.
- Plan check process starts with the submittal of a building application form and a set of Project plans.
- Given a Project of this magnitude, the mechanical, plumbing, engineering, and structural plans are lengthy and detailed.
- Typically, submittal of plans for a large project involves a plan set being two inches thick with a multitude of sheets filled with details and specifications that have to be meticulously reviewed and, usually, the plans have to be revised and resubmitted after the first review.
- The plan checker will write a letter outlining all the necessary revisions to the plans and will submit the letter to the architect/designer. The architect/designer has to respond to the requested revisions, resubmit the revised plans, and perhaps the plans will pass review on the second time around but even that can be rare, and it may take a third review to finalize the plans before the developer receives a building permit.
- In its entirety, and with consideration given to the pandemic-related delays, each round of review and revision may take two to three months.

Vice Chair Denslow inquired to Ms. Ayers whether 18 months for Project permit processing sounded like a reasonable estimate.

Ms. Ayers responded that 18 months should be a sufficient amount of time; however, there is no way to be certain of how long it would take the applicant's architect and designer to resubmit revised and corrected plans.

Vice Chair Denslow asked Mr. Jordan why the extension was being requested now and not closer to the expiration date of March 3, 2022.

Mr. Jordan responded that, given the pandemic and resulting anticipated delays in processing plans, he wanted to make sure he had enough time to move forward accordingly.

Vice Chair Denslow asked Ms. Ayers whether this Project was still considered a senior housing Project.

Ms. Ayers responded, yes, the Project was still a senior housing Project, as no element of the Project had changed.

Commissioner Miller asked if the Project will be deeded for age-restricted housing.

Ms. Ayers responded that the seven affordable housing units will be deed restricted to ensure those units are occupied by income-appropriate households, but the remainder of the units will not be deed restricted.

Commissioner Altwal stated to Ms. Subramanian that he heard her mention the word “evidence” during the course of tonight’s meeting and he wanted to confirm that opinions do not count as evidence.

Ms. Subramanian responded that, as many in attendance at the meeting tonight have expertise in certain fields, an opinion that is supported by evidence could be viable.

Commissioner Altwal added that an opinion could be supported by case history.

Ms. Subramanian concurred with Commissioner Altwal’s statement.

Commissioner Gavidia asked if there was anything in local Code or State law that regulates the typical amount of time that a permit is valid.

Ms. Ayers responded that typically a permit is valid for one or two years and she was not aware of anything in State law that determines the time limit of development permit validity.

Commissioner Gavidia asked what the determining factor was for establishing a one- or two-year time limit for permit validity.

Ms. Ayers responded that a one- to two-year time for permit validity is a typical standard that she has seen with jurisdictions where she had experience. However, in cases where the jurisdiction is in a disaster relief area, for example, she has observed that the time default limit for permit validity was extended to three years. The impetus for a jurisdiction shortening the time limit to less than one year would usually be done because of a code compliance matter where the jurisdiction would want corrective action taken expeditiously.

Commissioner Gavidia asked what the time limit was on permit validity for the Clayton Community Church project.

Ms. Ayers responded that the entitlements for the Clayton Community Church project are valid for two years. She added that CMC Section 17.64.010 establishes that each permit issued under the provisions of CMC Title 17, which is not used, exercised, or established within the time specified on the permit, or if no time is specified, within one year after the granting of the permit, shall be void. So, for the City of Clayton, a permit shall be valid for 12 months unless a longer or shorter period of permit validity is specified as part of project approval.

Commissioner Gavidia inquired how this time limit of permit validity is established on a project-specific basis.

Ms. Ayers responded that staff will recommend a duration of permit validity based on the complexity of the project. For example, for an addition on a single-family residence, 12 months should be a sufficient amount of time to obtain a building permit. However, for new developments that are more complex, entailing above grade construction, below grade construction, and installation of infrastructure such as storm drains, water connections, and sewer connections, staff will generally recommend a longer period of permit validity as was done with the Clayton Community Church project with a recommendation for a two-year approval term.

Commissioner Gavidia asked if the Planning Commission had discretion on the amount of time the Project entitlements can be extended.

Ms. Ayers responded that the Code Section referenced in the staff report allows the Project entitlements to be extended for a maximum of 12 months.

Commissioner Gavidia asked if the Planning Commission had the discretion to shorten the Project entitlement extension period to less than 12 months.

Ms. Subramanian responded that any reduction in time would need to be explained as to why the entitlement extension period was reduced to less than one year.

Commissioner Altwal requested confirmation that the one-year extension would be from the current expiration date of March 3, 2022.

Ms. Ayers confirmed that, yes, if the extension was approved, the entitlements would not expire until March 3, 2023.

Vice Chair Denslow asked if the sensitive land use ordinance was applicable to this Project.

Ms. Ayers indicated that the sensitive land use ordinance was not applicable as the Project was exempt.

Vice Chair Denslow inquired why the Project was exempt from the sensitive land use ordinance.

Ms. Subramanian responded that CMC Section 17.22.060 establishes an exemption to any property where the General Plan land use designation was amended to become Multifamily High Density Residential in order to comply with State law to meet the City's 2007-2014 Regional Housing Needs Allocation obligation.

Chair Chippero indicated that this discussion was not germane to the topic at hand which is to focus on the merits of the extension request only.

The public hearing was opened.

The following comments were expressed by Dee Viera in support of the request:

- A developer has every right to request an extension of Project entitlements.
- Given the nine-month legal delay and the pandemic, we support the one-year extension.
- Please approve the Project entitlement extension request.

The following comments were expressed by Drea York, Dan Hummer, and Gary Hood in opposition to the project:

- The Planning Commission has discretion to deny the Project entitlement extension request.
- If any of the Commissioners vote yes on the Project entitlement extension request, you will be seen as a high-density housing advocate.
- Some of the Commissioners have political ambitions, and we will remember which candidate was a high-density housing advocate.
- The permit processing for the Project should have already commenced.
- Please deny the Project entitlement extension request.

- There are concerns about the intent of the developer.
- The existing residence on the Project site was vacated, but we noticed that someone has moved into the existing residence, and the rents for the subject units would not cover the cost of Project construction.
- This delay is because the Project does not pencil out financially since there is a high vacancy rate in the Bay Area, and the cost of construction materials is currently very expensive.

Ms. Ayers indicated that staff received several emailed comments prior to 5:00 p.m. this evening and that all of those emails had been sent to the Commissioners as well as posted to the City's website.

The public hearing was closed.

Commissioner Miller indicated that he found Mr. Hood's comments to be cogent and on-point but added that the delays caused by the pandemic are very real as he personally experienced this when speaking with a contractor about constructing a pergola on his property and that the pandemic has expanded the times of communication and the approval processes involved with project permitting.

Commissioner Altwal provided the following comments:

- In his experience working with projects larger in scope than the subject Project, he has found that 18 months is tight, even before the impacts of the pandemic occurred, and projects will typically take longer than 18 months to get through the development pipeline.
- Ms. Ayers mentioned two rounds of plan check comments can be the case with plan check review but he felt that was very generous because he has witnessed five, six, or eight rounds of plan check comments for a project.
- CMC Section 17.64.030 establishes that a good cause must be shown for permit extension, and a lawsuit is definitely a good cause.
- No developer or businessman would risk spending thousands of dollars on preparing construction plans without knowing the outcome of a lawsuit.
- The merits of the Project did not change so we should be focusing only on the entitlement extensions.
- The Creekside Terrace project, which was sponsored by the City, received nine years of extensions with very few people commenting on those extensions.
- One of the public speakers addressed our integrity; so the Planning Commission approved nine entitlement extensions for a City-sponsored project like Creekside Terrace, but when a private citizen with a private project requests only one extension with showing of good cause, then that is where our integrity is.
- I support approval of the Project entitlement extension request.

Commissioner Gavidia provided the following comments:

- Our decision tonight is subjective.
- Once the Project is constructed, it is permanent.
- The applicant requested the extension because of the lawsuit, not because of the pandemic.
- During the Covid-19 lockdown, construction was declared an essential industry, so construction of this Project could have commenced already.
- The Governor determined that high-density projects were a priority and had to be completed.

- The applicant is a businessowner and being a businessowner involves taking risks.
- The Planning Commission is not here to mitigate the applicant's risks as a business owner.
- Why approve the Project entitlement extension request if nothing is stopping the applicant from moving forward on the construction plan submittal phase of the Project right now?
- It is interesting that someone has moved into the existing on-site residence.
- He has concerns that the developer does not have the financial wherewithal to complete this Project.
- The Creekside Terrace project entitlements were extended nine times and no construction occurred.
- The State wants us to get housing projects constructed.
- A developer should be prepared for lawsuits and for delays.
- Based on these considerations, I am not inclined to approve the Project entitlement extension request.

Vice Chair Denslow provided the following comments:

- Good cause for the Project entitlement extension request has been shown.
- When the Planning Commission approved the Creekside Terrace entitlement extensions, it was done right before the permits were going to expire.
- The Project has caused considerable division within our community.
- It would be good to see more progress from the developer before considering an extension request.
- I have not seen reason or precedent for granting an extension this far ahead of the entitlement expiration date.

Commissioner Gavidia inquired if the Project entitlement extension request can be tabled until the applicant demonstrates that he will continue to construct the Project.

Ms. Ayers responded that the Creekside Terrace project was unique in that the City was granting extensions for itself. However, in the case of the Project, you have a private developer who is interested in pursuing the entitlement extension request. If this item were tabled, the applicant has other options, one of them being an appeal of the tabling of this item to the City Council, although she said she would have to confirm that based on the Commission's by-laws.

Ms. Subramanian indicated that there is no requirement that the applicant request this extension right before it expires. If the applicant has already requested an extension, there would be nothing gained by tabling or continuing the item since the impacts of the lawsuit and pandemic have already happened, so the circumstances of those impacts would not change.

Ms. Ayers indicated that there would be no additional information elicited from the developer between now and whatever date this item would be continued to. There would have to be a justification as to why the Planning Commission is not acting on the item now.

Commissioner Gavidia indicated that, as Vice Chair Denslow stated, perhaps some sign of progress from the developer.

Commissioner Altwal provided the following comments:

- The difference between the Creekside Terrace project and this Project is that the Creekside Terrace project did not have a developer whereas this Project has a developer who is making a request.
- The Planning Commission has to respond to the developer's request.
- If we approve this request, we already have the justification for approval.
- If we deny this request, then we have to provide a justification for denial.
- To Ms. Subramanian, he asked, if the Planning Commission denied the developer's request, can the developer request another extension from the Planning Commission prior to the permit expiring on March 3, 2022?

Ms. Subramanian responded that the developer's recourse would be to appeal the Planning Commission's denial to the City Council. There would be no second chance to submit another entitlement extension request.

Commissioner Miller expressed support of Vice Chair Denslow's observations and explained that the Planning Commission will not see another entitlement request for this Project as we did with the Creekside Terrace project since the developer had only one opportunity to request a one-year extension. Furthermore, the developer had made a showing of good cause based on the lawsuit which delayed his project for almost one year.

Commissioner Gavidia asked if the developer had only one opportunity to request a one-year extension.

Ms. Ayers affirmed that the developer could request only one, one-year extension and referenced Condition of Approval 16 in the Resolution that the City Council adopted for the Project on March 3, 2020.

Vice Chair Denslow inquired why the Creekside Terrace was able to be extended repeatedly but this Project only has one opportunity to be extended.

Ms. Ayers responded that two provisions apply for this Project: the CMC Section 17.64.030 which addresses the good cause that must be shown as to why the extension is warranted and allows that extension to be extended for 12 months, and Condition of Approval 16 from the City Council Resolution which specifies that a one-time extension of one year could be granted for the Project entitlements.

Vice Chair Denslow inquired what would happen if the Commission approved the Project entitlement extension request and there are no permits pulled.

Ms. Ayers responded that there could be two outcomes if the Planning Commission approved the Project entitlement extension request until March 3, 2023, and the developer did not pull a permit:

- The entitlements would expire; or
- The developer could request an amendment to or deletion of Condition of Approval 16 so that more entitlement extension could be requested.

Vice Chair Denslow indicated that, even though there is pressure at the State level to provide more housing and good cause has been shown for this extension, it feels like the request for the extension has been made too early. She then inquired what the result would be if this item was continued.

Ms. Subramanian responded that many of the Commissioners had indicated tonight that good cause has been shown so, if there was a vote for continuance, a justification would have to be provided as to why the continuance is necessary. Also, as stated previously, there is no requirement for the developer to request an extension on the Project entitlement right before the entitlements expire.

Commissioner Altwal indicated that it is not the role of the Planning Commission to tell someone when they should apply for a request. If the item is brought before the Planning Commission, the Commission must review it and, based on the evidence presented, make a decision to approve or deny the request. Another issue to consider is that the State could change the development laws again and increase the density requirement for jurisdictions.

Vice Chair Denslow asked Commissioner Altwal for clarification.

Commissioner Altwal explained that there are new laws being finalized at the State level that could increase the density on parcels within the City. In addition, if the Project entitlements lapse, given the implication of these new laws, this developer or another developer could potentially re-apply for a development that has an even higher density than the Project, and the City's hands would be tied to approve an even higher density development based on the power of the State to force the City to do so.

Commissioner Gavidia indicated that these considerations regarding State law were speculative. The Commission had three choices regarding the Project entitlement extension request: approve, continue, or deny. He expressed his opinion that continuing the item was a viable decision, as Vice Chair Denslow indicated.

Commissioner Altwal asked Vice Chair Denslow what would be the justification for tabling this item.

Vice Chair Denslow responded that she believed there was good cause for the entitlement extensions but that it seemed like the timing was too early to bring the entitlement extension before the Commission.

Commissioner Altwal indicated that, in order to table this item, the Commission needed justification to continue the item above and beyond not liking the timing of the developer's request. The Planning Commission does not decide when items are placed on the agenda. Items are placed on the agenda at the time they are placed on the agenda. This timing issue is not justification to continue the item.

Chair Chippero provided the following comments:

- The Planning Commission has a responsibility to not put the City at risk.
- One lawsuit can easily wipe out the City's reserves.
- The developer has shown good cause in two ways: delays caused by the lawsuit and impacts caused by the pandemic.
- This questioning of the developer being able to afford to construct the Project is speculation.
- We should be working with the developer since he is willing to work with the City.
- He has observed what has been expressed on social media about this Project, and some of it amounts to harassment based on speculation.

Commissioner Altwal inquired to Ms. Subramanian if a Commissioner donated money for the lawsuit against the City for approving this Project, should that Commissioner have to recuse themselves from the public hearing.

Ms. Subramanian responded that should she need to analyze that issue further in order make a determination.

Commissioner Gavidia provided the following comments:

- Disagree that a lawsuit regarding denial of the Project entitlement extension request would wipe out the City's reserves.
- He is not part of Save Clayton, and he does not post on social media.
- Vice Chair Denslow made a valid point regarding tabling this item.
- The language in CMC Section 17.64.030 establishes that the Planning Commission may extend the period of a permit, not that the Planning Commission must or shall extend the period of a permit.
- To Ms. Ayers, can our decision tonight be appealed?

Ms. Ayers responded that any decision made by the Planning Commission can be appealed to the City Council.

Commissioner Gavidia asked if an appeal of the Planning Commission's decision tonight would delay the project.

Ms. Ayers responded no, an appeal would not delay the project as the developer could still move forward with submitting construction plans for plan check and would have until March 3, 2022 to get a building permit for the Project.

Commissioner Gavidia inquired whether, in the event that the Planning Commission approved the Project entitlement extension request and that decision was appealed and the City Council upheld the Planning Commission's approval, there would be time added onto the new expiration date of March 3, 2023.

Ms. Ayers responded no, there would not be any time added to the entitlement expiration date. Either the Project entitlements will expire on March 3, 2022, or they will expire on March 3, 2023.

Vice Chair Denslow inquired if the Planning Commission could add a performance-based condition of approval that the developer would have to make a certain amount of progress by a certain date.

Ms. Subramanian responded that a performance-based condition of approval would have to be substantiated by findings supported by evidence as to why the performance-based condition of approval is warranted.

Ms. Ayers added that CMC Section 17.64.030 already stipulates a performance-based requirement that a permit must be exercised, used, or established within 12 months or the permit is no longer valid.

Commissioner Miller indicated that he has considered the claim that, based on someone moving back into the existing on-site residence, the developer is not acting in good faith with the intention of developing the Project but might sell the subject property. Whether or not the current developer constructs the Project or

sells the subject property to a new developer does not change the fact that the scope of the Project would not change because the Project entitlements have already been approved as the Project was proposed and conditioned. There are two possible outcomes: either the Project will be constructed as conditionally approved, or it will not be constructed and the entitlements will expire. In either outcome, there is not an additional impact above and beyond what was already approved and anticipated to be built. Based on those two possible outcomes, there is nothing compelling the Planning Commission to add a performance-based condition of approval that will ensure that the developer will actually build what was approved for construction and that demands some level of performance to demonstrate that the developer is acting in good faith.

Commissioner Altwal moved and Chair Chippero seconded a motion to adopt Planning Commission Resolution No. 04-2021 approving a one-year extension to March 3, 2023 of the development permit approvals for The Olivia on Marsh Creek Project. The motion passed 3-1-1 (No – Commissioner Gavidia; Abstain – Vice Chair Denslow).

9. ACTION ITEMS

None.

10. PLANNING COMMISSION REQUESTS AND UPCOMING AGENDA DEVELOPMENT

Chair Chippero indicated that his term ends next month on June 30, 2021, and after a decade of service to the community, he will not re-apply to the Planning Commission due to his time commitment with his job and family. Commissioner Miller, if interested in continuing to serve on the Planning Commission, will have to re-apply. As a result, there will be two openings on the Planning Commission starting July 1, 2021.

City Manager Reina Schwartz indicated that the City will be accepting applications for the Planning Commission until June 9, 2021.

10. ADJOURNMENT

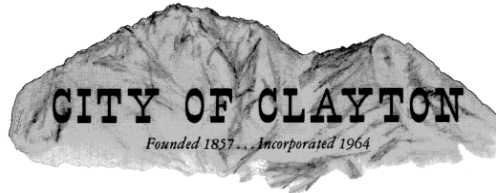
The meeting was adjourned at 9:12 p.m. to the regularly-scheduled meeting of the Planning Commission on June 8, 2021.

Respectfully submitted:

Dana Ayers, AICP, Interim Secretary

Approved by the Clayton Planning Commission:

A.J. Chippero, Chair



PLANNING COMMISSION STAFF REPORT

To: Honorable Chair and Planning Commissioners

From: Dana Ayers, AICP
Interim Community Development Director

Date: June 22, 2021

Subject: Agenda Item 9.A
Review of the FY 2021/22 Capital Improvement Program Projects for
Conformity with the Clayton General Plan (GPA-01-2021)

SUMMARY

Section 65401 of the California Government Code requires the Planning Commission to determine whether projects proposed in the City's Capital Improvement Program (CIP) for planning, initiation or construction during the ensuing fiscal year are in conformity with the General Plan. The Planning Commission is requested at tonight's meeting to review the draft list of CIP projects for which funding is proposed to be identified for planning, initiation or construction during fiscal year (FY) 2021/22, and to make determinations of General Plan consistency for the projects, in accordance with the Government Code. The Planning Commission's determination will be forwarded to the City Council for the City Council to consider prior to their adoption of the final CIP for the next fiscal year.

RECOMMENDATION

Staff recommends that the Planning Commission accept any testimony from any interested party, review the list of proposed CIP projects, and adopt the attached Resolution determining the projects identified for planning, initiation or construction during fiscal year 2021/22 CIP to be consistent with the Clayton General Plan.

BACKGROUND

The draft five-year CIP for fiscal years 2021/22 through 2026/27 includes estimated expenditures for various capital improvements projects throughout the City. Expenditures would cover costs related to projects' planning and design, construction, and inspections or monitoring. Funding sources for listed projects include federal and local grants, Measure J sales tax revenues, and revenues from gas taxes.

FY 2021/22 CIP PROJECT LIST

Projects in the City's draft five-year CIP, for which funding has been assigned for project planning, initiation or construction (including inspections) during FY 2021/22, are listed below. Adopted Clayton General Plan policies or goals to which each project is related or with which it is consistent are referenced with each project.

1. **Pine Hollow Road Upgrades (CIP No. 10379)**

Included as an unfunded project in many of the past CIP cycles, this project's original scope of widening the north side of Pine Hollow Road with the addition of new curb, gutter, and sidewalk between Pine Hollow Estates and the westerly City limit was funded in FY 2018/19 with available savings from a Measure J grant. The project scope was then expanded to include the entire length of Pine Hollow Road from the westerly City limit line to Mitchell Canyon Road as an alternate entry into the City. The City of Clayton and the City of Concord entered into a joint application for a complete streets study grant through Caltrans to study Pine Hollow Road in both jurisdictions to create a coordinated complete street improvement project. Project work will include new curb, gutter, and sidewalk as well as complete streets design for bicycle traffic and green storm water infrastructure and the installation of a city entryway sign on the southern City limit of Pine Hollow Road. The total estimated cost for this project is currently at \$1,091,819 but may be revised due to the complete streets facilities to be incorporated.

The City of Clayton and the City of Concord were successful in garnering the Caltrans/Metropolitan Transportation Commission study grant for the Pine Hollow Corridor Improvements Feasibility Study. It is anticipated this project will complete the study and planning phase in FY 2021/22 with a complete set of bid specifications by the close of the fiscal year. The feasibility study process includes a steering committee and a technical committee. The project is not expected to enter into the construction phase until FY 2022/23, when additional funding is expected to become available. For FY 2021/22, the estimated budgeted ending balance is \$311,219.

***General Plan Goals, Objectives, Policies and Implementation Measures (IM)
with which the CIP Project is Consistent:***

<i>Land Use Goal 6</i>	<i>To encourage a pedestrian-oriented community with areas of open space and recreational facilities for public use.</i>
<i>Circulation Policy 7b</i>	<i>Identify pedestrian routes to school from different neighborhoods to make sure a safe route exists.</i>
<i>Circulation Policy 9c</i>	<i>Provide systematic upgrade of streets and roads to applicable standards.</i>
<i>Circulation IM 4</i>	<i>Provide an analysis of roads in Clayton and establish a continuing infrastructure improvement program.</i>

Open Space Policy 1c *Provide non-motorized travel linkage to all areas of the community, to greenbelt paths, to schools, to activity centers and to areas of historical interest.*

Safety Policy 14b *Promote TSM [transportation systems management] as a means to reduce single occupancy vehicle travel.*

Growth Mgmt Goal 3 *Promote more efficient, less environmentally harmful modes of transportation (transit, car/van pools, bicycling, walking, etc.) and consider non-capacity increasing solutions to decrease dependence on the automobile (transit information, flex schedules, preferential treatment for high occupancy vehicles, etc.)*

2. ADA Compliance Program (CIP 10394A)

Each fiscal year, the City has a policy to set aside \$6,000 of its annual Highway User Tax Account (HUTA) gas tax revenues to build up sufficient reserves to perform accessible ramp corner curb cuts on public sidewalks. In addition to installing these accessible ramps where none exist, federal standards on ramp specifications were modified in July 2008 to require revamping of existing ramps when street or sidewalk projects are installed in the adjacent area. These monies may also be used to repaint and remark existing accessible public parking spaces to current standards. This particular project fund is utilized by the City to annually accumulate income and build reserves for future accessible project costs. The City's HUTA Gas Tax Fund (No. 201) transferred \$6,000 to this CIP account during FY 2020/21, and will transfer another \$6,000 in FY 2021/22. After interest earnings, the reserve balance of this project is estimated to be \$33,994 by the close of FY 2021/22. It should be noted as well that a significant accessible curb ramp project will be funded and completed in FY2021/22 in conjunction with the Neighborhood Pavement Preservation Project (CIP 10449).

General Plan Goals, Objectives, Policies and Implementation Measures (IM) with which the CIP Project is Consistent:

Policy 9c *Provide systematic upgrade of streets and roads to applicable standards.*

Circulation Element IM 4 *Provide an analysis of roads in Clayton and establish a continuing infrastructure improvement program.*

3. North Valley Playground Rehabilitation (CIP No. 10442)

The playground rehabilitation was completed in FY 2020/21. An accessible parking space and sidewalk ramp on the southwest side of the Park are still to be installed. This project will be installed as a change order to the Americans With Disabilities Act (ADA) Curb Ramp project (a portion of CIP 10449) that was recently bid for the City of Clayton by the City of Martinez, and Clayton will take it over. For FY 2021/22, there is projected estimated fund balance including interest of \$57,715.

General Plan Goals, Objectives, Policies and Implementation Measures (IM) with which the CIP Project is Consistent:

Circulation Policy 9c Provide systematic upgrade of streets and roads to applicable standards.

Circulation Element IM 4 Provide an analysis of roads in Clayton and establish a continuing infrastructure improvement program.

4. Oak/Grassland Savanna Maintenance (CIP No. 10446)

A projected \$100,000 in Federal Emergency Management Agency (FEMA) funds is estimated to be spent on planning and design for this CIP project, which encompasses management and enhancement of oak/grassland savanna open space parcels citywide. These parcels provide wildfire protection for the City by creating a low-fuel buffer zone between open space and developed neighborhoods. These parcels require management to prevent noxious and invasive plants from invading and taking over the grassland savanna. Noxious and invasive plants provide higher fuel loading and deplete the buffer protecting developed neighborhoods.

General Plan Goals, Objectives, Policies and Implementation Measures (IM) with which the CIP Project is Consistent:

Safety Goal 1 To reduce potential risk to new development by proper planning and to minimize existing risk through coordinated City-County actions.

Safety Objective 10 To incorporated measures for fire protection into development proposals and city plans.

Safety Objective 11b Reduce fire risk through adequate fire break, control burning and fuel removal.

5. Emergency/Auxiliary Power at City Hall Complex (CIP No. 10447)

A projected \$100,000 in FEMA funds is estimated to be spent on planning and design for this CIP project, which encompasses design and installation of emergency/auxiliary power (generator) to the City Hall complex including City Hall, the Corporation Yard, and the Library building. The project would allow the City to remain functional during a power outage or disaster.

General Plan Goals, Objectives, Policies and Implementation Measures (IM) with which the CIP Project is Consistent:

Safety Objective 12 To employ planning measures to promote public safety.

Safety Objective 13 To evaluate the potential for disaster and to continue planning for mitigation and response to emergency.

Community Facilities Policy 1g *Identify needs for public facilities including City Hall capacity, library and cultural facilities.*

6. School Intersections Enhancement Project (CIP No. 10448)

The project includes design and installation of operational enhancements to the intersections of Clayton Road and Marsh Creek Road adjacent to Diablo View Middle School, and Mitchell Canyon Road and Pine Hollow Road. These are the two public schools located within the City of Clayton. There is some work at the Middle School to occur in FY 2021/22. Funding was from Measure J Local Street Maintenance and Improvement (LSM) return to source and Measure J Co-op local revenues. Additional funding of \$50,000 from Road Maintenance and Rehabilitation Account (RMRA) Gas Tax funds is proposed in FY2021/22 which, when combined with a beginning fund balance of \$50,211 in the project, should provide sufficient funding to complete the improvements.

General Plan Goals, Objectives, Policies and Implementation Measures (IM) with which the CIP Project is Consistent:

Policy 7b *Identify pedestrian routes to school from different neighborhoods to make sure a safe route exists.*

Policy 9c *Provide systematic upgrade of streets and roads to applicable standards.*

Circulation Element IM 4 *Provide an analysis of roads in Clayton and establish a continuing infrastructure improvement program.*

7. 2020 Neighborhood Pavement Preservation Project (CIP No. 10449)

The objective of the 2020 Neighborhood Pavement Preservation Project is to elevate all of the neighborhood streets to a Pavement Condition Index (PCI) of 80 or greater, with a PCI score of 100 being equivalent to a brand new street. This project has been designed to accomplish said street maintenance and rehabilitation on streets where state or federal transportation funds are not currently available. This project is funded by various sources with proposed funding being derived from gas tax monies, Measure J LSM return to source funds, and Measure J Co-op funds.

The three cities of Clayton, Martinez, and Pittsburg had similar projects, and so it was decided that the cities would join and bid the project together with Martinez as the lead agency. For economic and schedule reasons, the project was split and bid as two projects: an asphalt paving project and a concrete curb ramp project. The paving and ramp work in each city was detailed as separate alternates, and the two projects were advertised and bids were received by the City of Martinez in April. The bids were analyzed and a lowest responsible bidder was determined for each project. The Clayton paving project low bid was \$898,877.20, and the Clayton curb ramp project low bid was \$288,738. Subsequently, the City of

Martinez chose not proceed with a joint project award. The Clayton City Engineer has contacted both the paving and curb ramp projects contractors, and each has agreed to hold their unit prices for the City of Clayton to proceed with the award of both projects as City of Clayton capital projects. For FY 2021/22, the estimated beginning fund balance is \$736,175. Additional funding is proposed in FY2021/22; \$143,825 from HUTA Gas Tax and \$395,000 of RMRA Gas Tax to fully fund the project.

General Plan Goals, Objectives, Policies and Implementation Measures (IM) with which the CIP Project is Consistent:

Policy 9c *Provide systematic upgrade of streets and roads to applicable standards.*

Circulation *Provide an analysis of roads in Clayton and establish a continuing*
Element IM 4 *infrastructure improvement program.*

8. Downtown Pedestrian Improvement (CIP No. 10450)

On June 21, 2017, the City of Clayton was awarded a grant of \$252,000 for pedestrian safety improvements in the town center through the Measure J Transportation for Livable Communities program, administered by Contra Costa Transportation Authority (CCTA). Thereafter, on October 17, 2017, the City Council approved a Master Cooperative Funding Agreement with CCTA, outlining the roles and responsibilities of the City and CCTA. The scope of this project entails the installation of two raised and lighted crosswalks at Oak and Center Streets in the downtown area as well as a table top lighted intersection at Old Marsh Creek Road and Main Street. Due to the COVID-19 pandemic and resulting economic contraction, this grant was delayed by CCTA. It is expected that funds might be available in late FY 2021/22.

General Plan Goals, Objectives, Policies and Implementation Measures (IM) with which the CIP Project is Consistent:

Community *To establish an attractive and vibrant pedestrian-friendly Town*
Design Goal 2 *Center with a mixture of commercial, civic, recreational, and*
residential uses.

Circulation *Provide systematic upgrade of streets and roads to applicable*
Policy 9c *standards.*

Circulation *Provide an analysis of roads in Clayton and establish a continuing*
IM 4 *infrastructure improvement program.*

Open Space *Provide non-motorized travel linkage to all areas of the community,*
Policy 1c *to greenbelt paths, to schools, to activity centers and to areas of*
historical interest.

9. Housing Element Update

The City is required by state law to update its Housing Element after finalization of the Regional Housing Needs Allocation (RHNA) by the state Department of Housing Community Development (HCD) and the Association of Bay Area Governments (ABAG). This project is funded by \$85,000 in state grant funds and \$330,000 from the Rainy Day Fund 110. Since the project may take more than one year to complete, it is being established and tracked in the CIP. After anticipated expenses of \$311,250 for FY 2021/22, there is a projected estimated fund balance of \$103,750 for future year use to continue this project.

General Plan Goals, Objectives, Policies and Implementation Measures (IM) with which the CIP Project is Consistent:

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

Growth Mgmt Objective 1 *Address Housing Options: The City shall demonstrate reasonable progress in providing housing opportunities for all income levels and meeting housing goals.*

ANALYSIS

Staff believes that the Commission can make the determination that the projects identified for planning, initiation or construction during FY 2021/22 are consistent with the General Plan.

As summarized above, several projects would implement multi-modal transportation policies in the General Plan, by enhancing pedestrian or bicycle mobility by adding sidewalks 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 (ADA Compliance Program [CIP 10394A], North Valley Playground Rehabilitation [CIP No. 10442], 2020 Neighborhood Pavement Preservation Project [CIP 10449]). Additional programs are listed that would implement adopted Safety Element goals and policies intended to reduce fire risk and ensure that City facilities could remain operable during public emergencies (Oak/Grassland Savanna Maintenance [CIP No. 10446], Emergency/Auxiliary Power at City Hall Complex [CIP No. 10447]). Street maintenance and rehabilitation programs are again included in this upcoming 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.*) While not a traditional capital improvement, the Housing Element update has been included in the CIP for year-to-year tracking of public expenditures, and it is also consistent with the intent of the adopted General Plan measures to address a variety of residents' housing needs and facilitate age and income diversity in the City's population.

ENVIRONMENTAL

Pursuant to the California Environmental Quality Act (CEQA), Section 15061(b)(3) it can be seen with certainty that there is no possibility that finding the Capital Improvement

Program in conformance with the General Plan may have a significant effect on the environment, it is therefore not subject to CEQA, and, additionally, since this is a consistency finding, the previous environmental documentation for the General Plan is adequate CEQA documentation.

RECOMMENDATION

Staff recommends that the Planning Commission find that the City's CIP projects for the FY 2021/22 are in conformity with the Clayton General Plan and there is no possibility this finding may have a significant effect on the environment.

ATTACHMENTS

- A. Proposed Resolution
- B. Capital Improvement Program Budget, FY 2021/22

**CITY OF CLAYTON
PLANNING COMMISSION
PROPOSED
RESOLUTION NO. 05-2021**

**A RESOLUTION OF THE CLAYTON PLANNING COMMISSION FINDING THAT
FISCAL YEAR 2021/22 CAPITAL IMPROVEMENT PROGRAM PROJECTS
CONFORM WITH THE CITY OF CLAYTON GENERAL PLAN
(GPA-01-2021)**

WHEREAS, section 65401 of the California Government Code requires the Planning Commission to determine whether projects proposed in the City's Capital Improvement Program (CIP) for the upcoming fiscal year (FY) are in conformity with the City's adopted General Plan; and

WHEREAS, on June 22, 2021, the City of Clayton Planning Commission was presented a listing of CIP projects, with individual project descriptions and relevant General Plan goals and policies related to the upcoming FY 2021/22 for the purpose of determining their conformity with the City's General Plan; and

WHEREAS, at its June 22, 2021 meeting, the Planning Commission received and considered testimony, both spoken and written, regarding the conforming of the listed FY 2021/22 CIP projects with the City of Clayton General Plan; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), section 15061(b)(3) it can be seen with certainty that there is no possibility that finding the FY 2021/22 CIP to be in conformance with the General Plan may have a significant effect on the environment, this determination is therefore not subject to CEQA, and, additionally, since this is a determination of consistency, the previous environmental documentation for the General Plan is adequate CEQA documentation.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does determine the following:

- A. The finding of conformity of the FY 2021/22 CIP projects with the City of Clayton General Plan is not subject to CEQA; and
- B. The list of CIP projects with funding identified for planning/design, initiation or construction during FY 2021/22 conforms to the City of Clayton General Plan.

(Remainder of page left blank intentionally.)

PASSED AND ADOPTED by the Planning Commission of the City of Clayton at a regular meeting on the day of , 2021.

AYES:

NOES:

ABSTAINED:

ABSENT:

APPROVED:

ATTEST:

A.J. Chippero
Chair

Dana Ayers, AICP
Interim Community Development
Director

**CAPITAL IMPROVEMENT
PROGRAM BUDGET
2021/22**

This page intentionally blank

City of Clayton
 Capital Projects Fund 303
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7311	Salaries/Regular	221				
7341	Buildings/Grounds Maintenance	-	-		-	-
7520	Project Expenses	2,600	-	-	2,628	-
7551	Project Costs - Planning/Design	15,923	100,000	100,000	190,000	300,000
7552	Project Costs - Construction/Execution	653,351	1,321,719	1,321,719	57,054	1,996,896
7553	Project Costs - Monitoring/Inspections	60,860	20,000	20,000	20,000	-
7554	Project Costs - Close-out/Punch List	26,727	-	-	475	-
8111	Transfer to CIP 10400 Downtown Ec Dev	-	4,681	4,681	4,729	-
8111	Transfer to CIP 10425 Collector St Rehab Proj.	-	-	2,767	2,767	-
8111	Transfer to CIP 10400A Land Acquisition	-	-	-	64,889	-
8111	Transfer to CIP 10443 City Hall ADA Acc. Program	-	-	-	-	-
NEW	Transfer to Rainy Day Fund	-	-	-	-	-
Total Expenses		759,682	1,446,400	1,449,167	342,542	2,296,896
5230	Measure J Grant	-	627,000	627,000	-	252,000
5240	Cal Recycle Grant	-	83,000	66,611	(16,388)	-
5281	Federal Grant - Local Streets & Roads Shortfall	-	308,000	297,215	(10,785)	308,000
5601	Interest	26,705	28,880	28,880	24,920	22,500
5606	Unrealized Investment Gain/Loss	31,164	-	-	-	-
5805	Project Revenue	-	-	-	-	-
6001	Transfer from General Fund	18,802	-	-	-	-
6002	Transfer from Measure J Fund (LSM)	-	250,575	250,575	250,575	-
6002	Transfer from Measure J Fund Co-Op)	-	68,578	68,578	68,578	-
6003	Transfer from CIP 10400 Downtown Ec Dev	-	-	-	64,889	-
6003	Transfer From CIP 10436 - 2018 Neighborhood St	-	-	2,767	2,767	-
6003	Transfer from CIP 10445 Oak St Bungalows Demo	-	4,681	4,681	4,729	-
6003	Transfer from CIP Unallocated Interest	-	-	-	-	-
6004	Transfer from HUTA Gas Tax Fund	15,683	474,724	501,898	501,897	149,825
6031	Transfer from RMRA Gas Tax Fund	-	359,147	359,147	359,147	445,000
NEW	Transfer from Rainy Day Fund	-	-	-	-	330,000
NEW	Transfer from Grants Fund	-	-	-	-	85,000
6100	Intergovernmental Capital Contributions	518,628	-	-	27,375	-
NEW	FEMA Grant	-	-	-	-	200,000
Total Revenue		610,982	2,204,585	2,207,352	1,277,704	1,792,325
Increase (Decrease) in Net Position		(148,700)	758,185	758,185	935,162	(504,571)
Beginning Net Position		1,812,067	1,751,430	1,751,430	1,663,367	2,598,529
Ending Net Position		1,663,367	2,509,615	2,509,615	2,598,529	2,093,958

City of Clayton
 CIP 10379 Pine Hollow Road Upgrades
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	100,000	100,000	100,000	100,000
7552	Project Costs - Construction/Execution	15,665	-	-	-	-
7553	Project Costs - Monitoring/Inspections	-	-	-	-	-
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
		-	-	-	-	-
Total Expenses		15,665	100,000	100,000	100,000	100,000
5230	Measure J Grant	-	375,000	375,000	-	-
5281	Federal Grant - Local Streets & Roads Shortfall	-	308,000	308,000	-	308,000
6004	Transfer from HUTA Gas Tax Fund	-	50,000	50,000	50,000	-
6031	Transfer from RMRA Gas Tax Fund	-	169,264	169,264	169,264	-
Total Revenue		-	902,264	902,264	219,264	308,000
Increase (Decrease) in Net Position		(15,665)	802,264	802,264	119,264	208,000
Beginning Net Position		(380)	(27,985)	(27,985)	(16,045)	103,219
Ending Net Position		(16,045)	774,279	774,279	103,219	311,219

City of Clayton
 CIP 10394A ADA Compliance Program
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	-	-
7552	Project Costs - Construction/Execution	-	-	-	-	-
7553	Project Costs - Monitoring/Inspections	-	-	-	-	-
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
		-	-	-	-	-
	Total Expenses	-	-	-	-	-
5601	Interest	221	80	80	200	180
6004	Transfer From HUTA Gas Tax Fund	6,000	6,000	6,000	6,000	6,000
		-	-	-	-	-
	Total Revenue	6,221	6,080	6,080	6,200	6,180
	Increase (Decrease) in Net Position	6,221	6,080	6,080	6,200	6,180
	Beginning Net Position	15,393	21,473	21,473	21,614	27,814
	Ending Net Position	21,614	27,553	27,553	27,814	33,994

City of Clayton
 CIP 10400 Downtown Economic Development Project
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	50,000	-
7552	Project Costs - Construction/Execution	-	-	-	-	-
7553	Project Costs - Monitoring/Inspections	-	-	-	-	-
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
8111	Transfer to CIP 10400A Land Acquisition	-	-	-	64,889	-
Total Expenses		-	-	-	114,889	-
5601	Interest	19,453	24,000	24,000	20,000	18,000
6003	Transfer from CIP 10445 Oak St Bungalows Demo	-	4,681	4,681	4,729	-
Total Revenue		19,453	28,681	28,681	24,729	18,000
Increase (Decrease) in Net Position		19,453	28,681	28,681	(90,160)	18,000
Beginning Net Position		1,356,190	1,380,190	1,380,190	1,375,643	1,285,483
Ending Net Position		1,375,643	1,408,871	1,408,871	1,285,483	1,303,483

City of Clayton
 CIP 10400A Land Acquisition
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	2,600	-	-	2,628	-
7551	Project Costs - Planning/Design	-	-	-	-	-
7552	Project Costs - Construction/Execution	-	-	-	-	-
7553	Project Costs - Monitoring/Inspections	-	-	-	-	-
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
	Total Expenses	2,600	-	-	2,628	-
5601	Interest	-	-	-	-	-
6003	Transfer from CIP 10400 Downtown Ec Dev	-	-	-	64,889	-
	Total Revenue	-	-	-	64,889	-
	Increase (Decrease) in Net Position	(2,600)	-	-	62,261	-
	Beginning Net Position	(59,661)	(62,261)	(62,261)	(62,261)	-
	Ending Net Position	(62,261)	(62,261)	(62,261)	-	-

City of Clayton
 CIP 10420 School Bridge Area Improvement
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	-	-
7552	Project Costs - Construction/Execution	-	-	-	-	-
7553	Project Costs - Monitoring/Inspections	-	-	-	-	-
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
Total Expenses		-	-	-	-	-
5601	Interest	2,996	3,400	3,400	3,200	3,000
		-	-	-	-	-
Total Revenue		2,996	3,400	3,400	3,200	3,000
Increase (Decrease) in Net Position		2,996	3,400	3,400	3,200	3,000
Beginning Net Position		208,847	212,247	212,247	211,843	215,043
Ending Net Position		211,843	215,647	215,647	215,043	218,043

City of Clayton
 CIP 10422 El Molino Drive Sewer Improvements
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	-	-
7552	Project Costs - Construction/Execution	459,785	-	-	-	-
7553	Project Costs - Monitoring/Inspections	60,860	-	-	-	-
7554	Project Costs - Close-out/Punch List	8,415	-	-	475	-
Total Expenses		529,060	-	-	475	-
5601	Interest	-	-	-	-	-
6100	Intergovernmental Capital Contributions	518,628	-	-	27,375	-
Total Revenue		518,628	-	-	27,375	-
Increase (Decrease) in Net Position		(10,432)	-	-	26,900	-
Beginning Net Position		(16,468)	-	-	(26,900)	-
Ending Net Position		(26,900)	-	-	-	-

City of Clayton
 CIP 10425 Collector Street Rehabilitation Project (OBAG I)
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	-	-
7552	Project Costs - Construction/Execution	-	-	-	-	-
7553	Project Costs - Monitoring/Inspections	-	-	-	-	-
7554	Project Costs - Close-out/Punch List	3,983	-	-	-	-
Total Expenses		3,983	-	-	-	-
			-		-	-
5240	Cal Recycle Grant	-		(19,156)	(19,155)	
5281	Federal Grant - Local Streets & Roads Shortfall	-		(10,785)	(10,785)	
5601	Interest	-				
6002	Transfer From Measure J Fund (LSM)	-	-	-	-	-
6002	Transfer From Measure J Fund (Co-Op)	-		-		
6003	Transfer From CIP 10436 - 2018 Neighborhood St	-	-	2,767	2,767	
6004	Transfer From HUTA Gas Tax Fund	8,328	-	27,174	27,173	-
		-	-		-	-
Total Revenue		8,328	-	-	-	-
Increase (Decrease) in Net Position		4,345	-	-	-	-
Beginning Net Position		(4,345)	-	-	-	-
Ending Net Position		-	-	-	-	-

City of Clayton
 CIP 10436 2018 Neighborhoods Street Project
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	-	-
7552	Project Costs - Construction/Execution	-	-	-	-	-
7553	Project Costs - Monitoring/Inspections	-	-	-	-	-
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
8111	Transfer to CIP 10425 Collector St Rehab Proj. (Transferring Excess Gas Tax Revenues)	-	-	2,767	2,767	-
Total Expenses		-	-	2,767	2,767	-
5240	Cal Recycle Grant	-	-	2,767	2,767	-
5601	Interest	-	-	-	-	-
6002	Transfer from Measure J Fund (LSM)	-	-	-	-	-
6002	Transfer from Measure J Fund (Co-Op)	-	-	-	-	-
6004	Transfer from HUTA Gas Tax Fund	1,355	-	-	-	-
6031	Transfer from RMRA Gas Tax Fund	-	-	-	-	-
Total Revenue		1,355	-	2,767	2,767	-
Increase (Decrease) in Net Position		1,355	-	-	-	-
Beginning Net Position		(1,355)	-	-	-	-
Ending Net Position		-	-	-	-	-

City of Clayton
 CIP 10439 El Portal Drive Recons
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	-	-
7552	Project Costs - Construction/Execution	21,135	47,148	47,148	27,054	-
7553	Project Costs - Monitoring/Inspections	-	20,000	20,000	20,000	-
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
	Total Expenses	21,135	67,148	67,148	47,054	-
5601	Interest	-	-	-	-	-
6004	Transfer from HUTA Gas Tax Fund	-	68,189	68,189	68,189	-
	Total Revenue	-	68,189	68,189	68,189	-
	Increase (Decrease) in Net Position	(21,135)	1,041	1,041	21,135	-
	Beginning Net Position	-	(1,041)	(1,041)	(21,135)	-
	Ending Net Position	(21,135)	-	-	-	-

City of Clayton
 CIP 10440 CCP Lower Field Rehabilitation
 Proposed Budget 20-21

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	-	-
7552	Project Costs - Construction/Execution	-	-	-	-	-
7553	Project Costs - Monitoring/Inspections	-	-	-	-	-
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
Total Expenses		-	-	-	-	-
5601	Interest	738	800	800	700	600
		-	-	-	-	-
Total Revenue		738	800	800	700	600
Increase (Decrease) in Net Position		738	800	800	700	600
Beginning Net Position		51,488	52,288	52,288	52,226	52,926
Ending Net Position		52,226	53,088	53,088	52,926	53,526

City of Clayton
 CIP 10442 North Valley Playground Rehab
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7311	Salaries/Regular	221				
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-				
7552	Project Costs - Construction/Execution	155,341	80,000	80,000	10,000	58,435
7553	Project Costs - Monitoring/Inspections	-				
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
Total Expenses		155,562	80,000	80,000	10,000	58,435
5601	Interest	2,595	600	600	820	720
5805	Project Revenue	-	-	-	-	-
Total Revenue		2,595	600	600	820	720
Increase (Decrease) in Net Position		(152,967)	(79,400)	(79,400)	(9,180)	(57,715)
Beginning Net Position		219,862	133,687	133,687	66,895	57,715
Ending Net Position		66,895	54,287	54,287	57,715	-

City of Clayton
 CIP 10443 City Hall ADA Accessibility Improvement Project
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-				
7552	Project Costs - Construction/Execution	1,425				
7553	Project Costs - Monitoring/Inspections					
7554	Project Costs - Close-out/Punch List	14,044				
		-	-	-	-	-
Total Expenses		15,469	-	-	-	-
5601	Interest	-	-	-	-	-
6003	Transfer from CIP Unallocated Interest	6,533	-	-	-	-
		-	-	-	-	-
Total Revenue		6,533	-	-	-	-
Increase (Decrease) in Net Position		(8,936)	-	-	-	-
Beginning Net Position		8,936	-	-	-	-
Ending Net Position		-	-	-	-	-

City of Clayton
 CIP 10445 Oak Street Bungalows Demolition Project
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	-	-
7552	Project Costs - Construction/Execution	-	-	-	-	-
7553	Project Costs - Monitoring/Inspections	-	-	-	-	-
7554	Project Costs - Close-out/Punch List	285	-	-	-	-
8111	Transfer to CIP 10400 Downtown Ec Dev	-	4,681	4,681	4,729	-
Total Expenses		285	4,681	4,681	4,729	-
5601	Interest	74	-	-	-	-
6003	Transfer from CIP 10400 Downtown Ec Dev	-	-	-	-	-
Total Revenue		74	-	-	-	-
Increase (Decrease) in Net Position		(211)	(4,681)	(4,681)	(4,729)	-
Beginning Net Position		4,940	4,681	4,681	4,729	-
Ending Net Position		4,729	-	-	-	-

City of Clayton
 CIP 10446 Oak/Grassland Savanna Maintenance
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	-	100,000
7552	Project Costs - Construction/Execution	-	-	-	-	-
7553	Project Costs - Monitoring/Inspections	-	-	-	-	-
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
Total Expenses		-	-	-	-	100,000
5601	Interest	-	-	-	-	-
NEW	FEMA Grant	-	-	-	-	100,000
Total Revenue		-	-	-	-	100,000
Increase (Decrease) in Net Position		-	-	-	-	-
Beginning Net Position		-	-	-	-	-
Ending Net Position		-	-	-	-	-

City of Clayton
 CIP 10447 Emergency/Auxillary Power at City Hall Complex
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	-	100,000
7552	Project Costs - Construction/Execution	-	-	-	-	-
7553	Project Costs - Monitoring/Inspections	-	-	-	-	-
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
Total Expenses		-	-	-	-	100,000
5601	Interest	-	-	-	-	-
NEW	FEMA Grant	-	-	-	-	100,000
Total Revenue		-	-	-	-	100,000
Increase (Decrease) in Net Position		-	-	-	-	-
Beginning Net Position		-	-	-	-	-
Ending Net Position		-	-	-	-	-

City of Clayton
 CIP 10448 School Intersection Enhancement Project
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-		
7551	Project Costs - Planning/Design	-	-	-		
7552	Project Costs - Construction/Execution	-	70,211	70,211	20,000	100,211
7553	Project Costs - Monitoring/Inspections	-	-	-		
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
Total Expenses		-	70,211	70,211	20,000	100,211
5601	Interest	-	-	-	-	-
6002	Transfer from Measure J Fund (LSM)	-	36,163	36,163	36,163	
6002	Transfer from Measure J Fund (Co-Op)	-	34,048	34,048	34,048	
6031	Transfer from RMRA Gas Tax Fund	-	-	-	-	50,000
Total Revenue		-	70,211	70,211	70,211	50,000
Increase (Decrease) in Net Position		-	-	-	50,211	(50,211)
Beginning Net Position		-	-	-	-	50,211
Ending Net Position		-	-	-	50,211	-

City of Clayton
 CIP 10449 2020 Neighborhood Streets Repave
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	13,185	-	-	40,000	-
7552	Project Costs - Construction/Execution	-	872,360	872,360	-	1,275,000
7553	Project Costs - Monitoring/Inspections	-	-	-	-	-
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
Total Expenses		13,185	872,360	872,360	40,000	1,275,000
5601	Interest	-	-	-	-	-
5240	CalRecycle Rubber Grant	-	83,000	83,000	-	-
6002	Transfer from Measure J Fund (LSM)	-	214,412	214,412	214,412	-
6002	Transfer from Measure J Fund (Co-op)	-	34,530	34,530	34,530	-
6004	Transfer From HUTA Gas Tax Fund	-	350,535	350,535	350,535	143,825
6031	Transfer from RMRA Gas Tax Fund	-	189,883	189,883	189,883	395,000
Total Revenue		-	872,360	872,360	789,360	538,825
Increase (Decrease) in Net Position		(13,185)	-	-	749,360	(736,175)
Beginning Net Position		-	-	-	(13,185)	736,175
Ending Net Position		(13,185)	-	-	736,175	-

City of Clayton
 CIP 10450 Downtown Pedestrian Improvement
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	-	-
7552	Project Costs - Construction/Execution	-	252,000	252,000	-	252,000
7553	Project Costs - Monitoring/Inspections	-	-	-	-	-
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
Total Expenses		-	252,000	252,000	-	252,000
5230	Measure J Grant	-	252,000	252,000	-	252,000
5601	Interest	-	-	-	-	-
		-	-	-	-	-
		-	-	-	-	-
Total Revenue		-	252,000	252,000	-	252,000
Increase (Decrease) in Net Position		-	-	-	-	-
Beginning Net Position		-	-	-	-	-
Ending Net Position		-	-	-	-	-

City of Clayton
 CIP 10451 Green Infrastructure Plan
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	2,738	-	-	-	-
7552	Project Costs - Construction/Execution	-	-	-	-	-
7553	Project Costs - Monitoring/Inspections	-	-	-	-	-
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
Total Expenses		2,738	-	-	-	-
5601	Interest	-	-	-	-	-
6001	Transfer from General Fund	18,802	-	-	-	-
		-	-	-	-	-
Total Revenue		18,802	-	-	-	-
Increase (Decrease) in Net Position		16,064	-	-	-	-
Beginning Net Position		(16,064)	-	-	-	-
Ending Net Position		-	-	-	-	-

City of Clayton
 NEW CIP Housing Element Update
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-				
7552	Project Costs - Construction/Execution	-				311,250
7553	Project Costs - Monitoring/Inspections	-				
7554	Project Costs - Close-out/Punch List	-				
		-	-	-	-	-
Total Expenses		-	-	-	-	311,250
5601	Interest	-	-	-	-	-
NEW	Transfer from Rainy Day Fund	-	-	-	-	330,000
NEW	Transfer from Grants Fund	-	-	-	-	85,000
Total Revenue		-	-	-	-	415,000
Increase (Decrease) in Net Position		-	-	-	-	103,750
Beginning Net Position		-	-	-	-	-
Ending Net Position		-	-	-	-	103,750

City of Clayton
 CIP Unallocated Interest
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
7341	Buildings/ Grounds Maintenance	-	-	-	-	-
7520	Project Expenses	-	-	-	-	-
7551	Project Costs - Planning/Design	-	-	-	-	-
7552	Project Costs - Construction/Execution	-	-	-	-	-
7553	Project Costs - Monitoring/Inspections	-	-	-	-	-
7554	Project Costs - Close-out/Punch List	-	-	-	-	-
8111	Transfer to CIP 10443 - City Hall ADA Acc. Proj.	6,533	-	-	-	-
Total Expenses		6,533	-	-	-	-
5601	Interest	628	-	-	-	-
		-	-	-	-	-
		-	-	-	-	-
Total Revenue		628	-	-	-	-
Increase (Decrease) in Net Position		(5,905)	-	-	-	-
Beginning Net Position		43,817	37,284	37,284	37,912	37,912
Ending Net Position		37,912	37,284	37,284	37,912	37,912

City of Clayton
 CIP GASB 31 Investment
 Proposed Budget 21-22

Account Number	Account Name	2019-20 Actual	2020-21 Adopted Budget	2020-21 Amended Budget	2020-21 Projected	2021-22 Proposed Budget
		-	-	-	-	-
		-	-	-	-	-
Total Expenses		-	-	-	-	-
5006	Unrealized Investment Gain/Loss	31,164	-	-	-	-
			-	-	-	-
			-	-	-	-
Total Revenue		31,164	-	-	-	-
Increase (Decrease) in Net Position		31,164	-	-	-	-
Beginning Net Position		867	867	867	32,031	32,031
Ending Net Position		32,031	867	867	32,031	32,031