

**PLANNING COMMISSION  
AGENDA  
Regular Meeting  
Tuesday, September 13, 2022  
7:00 p.m.**

**Hoyer Hall at Clayton Community Library  
6125 Clayton Road, Clayton, California  
and  
Via Zoom Webinar  
Webinar ID: 850 5860 7446**

This meeting is being held with accommodations for both in-person and virtual attendance and participation by the public. Members of the public who prefer to view or listen to the meeting and to address the Planning Commission remotely during the meeting may do so using the methods listed under "Instructions for Virtual Planning Commission Meeting Participation" below.

**Vice Chair:** Ed Miller  
**Commissioner:** Justin Cesarin  
**Commissioner:** Richard Enea  
**Commissioner:** Maria Shulman  
**Commissioner:** Daniel Richardson

Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; and 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton. A digital copy of the Agenda with a complete packet of information including staff reports and exhibits related to each agenda item is available for public review on the City's website at <https://claytonca.gov/community-development/planning/planning-commission/planning-commission-agendas/>.

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 are available for review on the City's website at <https://claytonca.gov/community-development/planning/planning-commission/planning-commission-agendas/>.

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.

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 spoken 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.

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### **Instructions for Virtual Planning Commission Meeting Participation**

The following options are provided as a courtesy for those who would prefer to view, listen to, or provide comments remotely for the meeting. While City staff will make every effort to facilitate virtual participation in the meeting, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time.

**Videoconference:** To join the meeting on-line via smart phone or computer, click on the link: <https://us02web.zoom.us/j/85058607446>; or, through the Zoom application, enter **Webinar ID: 850 5860 7446**. 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 Community Development Director at [danaa@claytonca.gov](mailto:danaa@claytonca.gov) by 5:00 p.m. on the day of the Planning Commission meeting. All emailed public comments received prior to 5:00 p.m. on the day of the Planning Commission meeting 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. **ELECTION OF CHAIR AND VICE-CHAIR**
5. **PRESENTATIONS**
6. **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 agendized public hearing 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.
7. **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.
8. **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.
  - A. **MINUTES:**  
Planning Commission Meeting of June 28, 2022
9. **COMMENT SESSION**
  - A. **Comment Session on the Draft Environmental Impact Report Prepared for the City of Clayton 6<sup>th</sup> Cycle (2023-2031) Housing Element Update and Associated Land Use Element and Zoning Code Amendments.**  
This is a comment session for the purpose of soliciting spoken comments from interested parties, individuals and other public agencies on the Draft Environmental Impact Report (EIR) prepared for the City of Clayton 6<sup>th</sup> Cycle (2023-2031) Housing Element Update and Associated Land Use Element and Zoning Code Amendments ("Project").  
  
The Draft EIR is being circulated for 45 days for public and agency review and comment in accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and Clayton's Local CEQA Guidelines (Resolution No. 62-2012). During the 45-day review and comment period,

members of the Planning Commission, public and other agencies are invited to provide input on the analysis and discussion of alternatives contained within the Draft EIR. Planning Commissioners and other interested parties can provide their input on the Draft EIR via written letters or emails to the Community Development Department during the comment period, which began on August 19, 2022, and ends on October 3, 2022, or they may state their comments aloud at this comment session. Responses to all substantive comments on environmental issues of the Draft EIR, as well as revisions to the Draft EIR that result from those responses, will be incorporated into a Final Environmental Impact Report (Final EIR) that staff and the consultant will prepare following the end of the comment period and ahead of future noticed public hearings on the proposed Project with the Planning Commission and City Council.

**10. PUBLIC HEARINGS**

None

**11. 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.

**12. ADJOURNMENT**

The next Planning Commission Regular Meeting is Tuesday, September 27, 2022.

**Minutes  
City of Clayton Planning Commission  
Regular Meeting  
Tuesday, June 28, 2022**

**1. CALL TO ORDER**

Chair Denslow called the meeting to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

Vice Chair Miller led the Pledge of Allegiance.

**3. ROLL CALL**

Present:                   Chair Terri Denslow  
                                  Vice Chair Ed Miller  
                                  Commissioner Justin Cesarin  
                                  Commissioner Amy Hines-Shaikh

Absent:                    Commissioner Frank Gavidia

Planning Commission Secretary/Community Development Director Dana Ayers was present from City staff.

**4. PRESENTATIONS AND ANNOUNCEMENTS**

There were no presentations or announcements.

**5. ACCEPTANCE OF THE AGENDA**

There were no changes to the agenda as submitted.

**6. PUBLIC COMMENT**

There were no public comments.

**7. CONSENT CALENDAR**

**A. Minutes of Planning Commission Meeting of June 14, 2022.**

Commissioner Hines-Shaikh requested two corrections to pages 9 and 11 of the draft meeting minutes. On page 9, she asked that her comments regarding \$49 million in California state funds be corrected to note "\$49 billion in state surplus general fund monies, a portion of which might become available for affordable housing development to help with construction costs." On page 11, she clarified that her comment regarding

the increase in accessory dwelling units from three to five was specific to Site B of the draft Housing Element site inventory.

Commissioner Cesarin moved to approve the submitted minutes, including the two changes Commissioner Hines-Shaikh requested to pages 9 and 11. Commissioner Hines-Shaikh seconded the motion. The motion passed by a 3 to 0 vote (Commissioner Gavidia was absent, and Vice Chair Miller abstained from the vote because he did not attend the June 14 meeting).

## 8. ACTION ITEMS

### A. **Request for Initiation of a Zoning Code Study Pertaining to Mobile Food Vendors (ZOA-01-2022).**

This is a request for the Planning Commission to initiate a study of potential amendments to Clayton Municipal Code Title 17 (Zoning) pertaining to mobile food vendors. Initiation of the study will allow staff to identify necessary changes to the zoning code to comply with recent changes in California state law. Any amendments staff identifies will be presented to the Planning Commission at a future public hearing, requesting a recommendation to the City Council.

Community Development Director Dana Ayers introduced and briefly explained the item.

Vice Chair Miller asked if the potential amendments would apply to hot and cold food vendors. Director Ayers said that Clayton Municipal Code (CMC) did not differentiate between the two. She was unaware of state statutes that distinguished them, but if differences were spelled out in state law, the draft amendments to CMC would capture them.

Chair Denslow requested clarification on the scope of the study and whether consultant support would be necessary. Director Ayers advised that the potential amendments were limited to text in certain sections of the CMC and that staff would likely be able to draft the amendments with the City Attorney's support. She said that the amendments intended to bring the Clayton's regulations in line with the state's regulations and that any draft amendments would be presented to decision-makers at noticed public hearings.

In response to Chair Denslow, Director Ayers advised that recent changes to state law dictated how local jurisdictions could regulate mobile food vendors. She anticipated that the study would include an evaluation of whether the use permit required by CMC was the most appropriate mechanism for regulation of mobile food vendors and whether it was appropriate to have regulations contained in the CMC Title 17 (Zoning) for vendors that operate in the public right-of-way. State law also contained provisions limiting how jurisdictions could regulate mobile food vendors.

Any potential code amendments would need to ensure that the City did not overreach beyond what state law allows the City to regulate.

Commissioner Cesarin confirmed with Director Ayers that if a conflict between local and state regulations arose, the state's regulations would supersede local code. Director Ayers said it was still a good idea for the local code to be written in a manner consistent with state law to avoid confusion on the part of the public and City staff. She reiterated that she had not thoroughly evaluated the extent of the changes that might be needed to the CMC.

Commissioner Hines-Shaikh said that new legislation was moving through state decision-making bodies, and that the legislation might result in additional changes to state law pertaining to mobile food vendors. She thought the bill would likely be approved and anticipated that to occur in September 2022. She wanted to avoid a situation where the City amended the CMC and then would have to do it again if state law changed. Director Ayers advised that the amendments would be written with the support of the City Attorney and that there was no specific timeframe within which the potential amendments would need to be brought back to the Commission. She thanked Commissioner Hines-Shaikh for the information.

Chair Denslow invited comments from the public on this item. No one in attendance requested to speak.

Chair Denslow expressed hope that the potential amendments did not impact local businesses.

Vice Chair Miller motioned to adopt Resolution No. 03-2022, initiating a study of potential zoning code amendments pertaining to mobile food vendors. Commissioner Hines-Shaikh seconded the motion. The motion passed by a vote of 4 to 0 (Commissioner Gavidia was absent).

## **9. PUBLIC HEARINGS**

There were no public hearings.

## **10. COMMUNICATIONS**

Commissioner Hines-Shaikh thanked Chair Denslow for her service as Chair and said she appreciated her. Vice Chair Miller said that Chair Denslow kept meetings orderly, civilized, and wonderful to attend. Commissioner Cesarin added that Chair Denslow exercised great leadership. He said it had been an honor to work with Chair Denslow during the past year, and he looked forward to continuing to work with her in the community. Vice Chair Miller agreed and added that there seemed to be no organization in the City that Chair Denslow was not already helping in some way. Commissioner Cesarin commended Chair Denslow for her efforts in

organizing the recent Clayton Pride Parade and said he was happy to be a part of it and the positive energy of the event.

Commissioner Cesarin thanked Commissioner Hines-Shaikh for her time on the Commission and said he enjoyed working with her. Vice-Chair Miller appreciated her expertise, perspective, and awareness of legislative happenings at the state level.

Chair Denslow expressed gratitude for the kind words from Commissioners. She appreciated the opportunity to have worked with Assistant Planner Milan Sikela, Director Ayers, the current Commissioners, and prior Commissioners Bassam Altwal, A.J. Chippero, and Peter Cloven. She explained that things in her life's professional and personal aspects differed from when she joined the Commission two and a half years ago. Speaking to the Housing Element, she said that the plan was the most important thing that the Commission would work on, and she felt it would be a disservice to Clayton if she could not focus fully on her role as a Commissioner during the process. Still, she anticipated remaining engaged through public comment during the process. She said this was an important time for the city, there was a lot of division, and the housing planning process would be difficult. She urged the current and incoming Commissioners to stay objective, apolitical, and focused on what was within the land use authority of the Planning Commission and the best interest of Clayton. She reiterated her thanks to the other Commissioners and said it had been a pleasure to serve with them.

Vice Chair Miller and Commissioner Cesarin echoed Chair Denslow's sentiments about working with her and Commissioner Hines-Shaikh and said it had been a privilege.

Director Ayers expressed her gratitude to all of the Commissioners and shared that she has enjoyed working with them.

## **11. ADJOURNMENT**

The meeting was adjourned at 7:32 p.m. to the next regular meeting of the Planning Commission on July 12, 2022.

Respectfully submitted:

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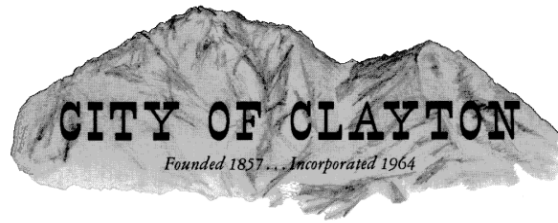
Dana Ayers, AICP, Secretary

Approved by the Clayton Planning Commission:

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Chair





## **AGENDA REPORT**

**To:** Honorable Chair and Planning Commissioners

**From:** Dana Ayers, AICP  
Community Development Director

**Date:** September 13, 2022

**Subject:** Agenda Item 9.A  
Comment Session on the Draft Environmental Impact Report  
Prepared for the City of Clayton 6<sup>th</sup> Cycle (2023-2031) Housing  
Element Update and Associated Land Use Element and Zoning Code  
Amendments.

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### **SUMMARY**

This is a comment session for the purpose of soliciting spoken comments from interested parties, individuals and other public agencies on the Draft Environmental Impact Report (EIR) prepared for the City of Clayton 6<sup>th</sup> Cycle (2023-2031) Housing Element Update and Associated Land Use Element and Zoning Code Amendments (“Project”).

The Draft EIR is being circulated for 45 days for public and agency review and comment in accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines and Clayton’s Local CEQA Guidelines (Resolution No. 62-2012). During the 45-day review and comment period, members of the Planning Commission, public and other agencies are invited to provide input on the analysis and discussion of alternatives contained within the Draft EIR. Planning Commissioners and other interested parties can provide their input on the Draft EIR via written letters or emails to the Community Development Department during the comment period, which began on August 19, 2022, and ends on October 3, 2022, or they may state their comments aloud at this comment session. Responses to all substantive comments on environmental issues of the Draft EIR, as well as revisions to the Draft EIR that result from those responses, will be incorporated into a Final Environmental Impact Report (Final EIR) that staff and the consultant will prepare following the end of the comment period and ahead of future noticed public hearings on the proposed Project with the Planning Commission and City Council.

### **RECOMMENDATION**

That the Commission receive spoken comments on the Draft EIR. At this time, the Commission is not requested to provide any response to comments received nor to take any action with respect to certification of the EIR or recommendation on the Project.

## **BACKGROUND**

**Overview and Context:** The housing element is one of the mandatory elements of each California city's and county's general plan. State law requires that housing elements be updated on eight-year cycles. Clayton's Housing Element Update for the 2023-2031 housing cycle will establish programs, policies and actions to further the goal of meeting existing and projected housing needs of all income levels and will identify how the City plans to accommodate its Regional Housing Needs Allocation (RHNA) of at least 570 units through the year 2031, as established by the Association of Bay Area Governments. The City also proposes updates to the General Plan Land Use Element to correspond to the Housing Element's housing plan, as well as Zoning Code amendments necessary to implement the Housing and Land Use Elements, as amended. Other information about the Housing Element and the Housing Element process, including the current California Department of Housing and Community Development (HCD) Review Draft Housing Element and the Draft EIR prepared for the Project, can be found on the City's website at <https://claytonca.gov/community-development/housing/housing-element/>.

CEQA (Public Resources Code section 21000 *et seq.*) requires agencies to identify potential impacts to the environment that would occur as a result of implementation of a proposed project, prior to making a decision about whether to approve the proposed project. Pursuant to CEQA, and the State CEQA Guidelines (California Code of Regulations Section 15000 *et seq.*), the City determined that an EIR was the appropriate level of analysis of the potential environmental effects of the Project. An EIR is an informational document that is used to inform public agency decision-makers and the general public of the potentially significant environmental effects of a project; to identify possible ways to mitigate or avoid those significant effects; and to describe a range of reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts.

**Project Description:** The land use designations and policies outlined in the Project as described and analyzed in the Draft EIR would facilitate construction of 868 new dwelling units and 13,000 square feet of new commercial space to the City. This scope for the Project describes the Housing Element assuming a high-intensity development scenario that would capture the analysis needed for development to occur at a density that exceeds the currently-adopted General Plan density maximums. However, it does not necessarily represent the project that will ultimately be recommended by the Planning Commission or approved by the City Council. (See discussion of Alternatives to the Project, below.)

A detailed description of the Project is provided in Chapter 3 of the Draft EIR, and a summary description summary of the Project is provided in the attached Notice of Availability (NOA) and Draft EIR Executive Summary.

**Summary of Environmental Impacts:** The Draft EIR for which comments are invited at tonight's meeting describes the potentially significant adverse environmental effects of the proposed Housing Element Update and Associated Land Use Element and Zoning Code Amendments. The Draft EIR also identifies mitigation measures that would avoid or mitigate to less-than-significant levels the significant adverse environmental effects that are anticipated to result from the Project. The environmental impact analysis of the Project is contained in chapter 4 of the Draft EIR. Based on the analysis, the Project as described in the paragraphs above would have potentially significant impacts in the following resource areas:

- Air Quality (two impacts);
- Cultural Resources and Tribal Cultural Resources (five impacts combined);
- Geology and Soils (one impact);
- Greenhouse Gases (three impacts);
- Hazards and Hazardous Materials (one impact);

- Noise (two impacts);
- Transportation (vehicle miles traveled - two impacts);
- Utilities and Service Systems (three impacts); and
- Wildfire (one impact).

Mitigation measures are proposed in the Draft EIR for each of the impacts identified in the document. These measures are intended to reduce the significance and severity of the impacts; however, as described in sections 4.3 and 4.17 of the Draft EIR, potentially significant Greenhouse Gas and Transportation (vehicle miles traveled) impacts resulting from the Project would remain significant and unavoidable even with implementation of mitigation measures.

Alternatives to the Project: As required by CEQA, Chapter 5 of the Draft EIR includes description of three alternatives to the Project, as well as a qualitative comparison of the anticipated environmental impacts of each alternative relative to the proposed Project. CEQA further requires that one of the alternative scenarios is a “no project” scenario, wherein no action is taken with respect to update of the Housing Element or implementation of its associated General Plan and zoning amendments. The Draft EIR also evaluates two other scenarios that were developed based on feedback received during the May 2022 and June 2022 community comment meetings on the Public Review Draft Housing Element:

- Alternative 2: Reduced Residential Development Capacity at Site M (3 du/ac) and Town Center Sites (20 du/ac); and
- Alternative 3: Reduced Residential Development at Site M and Town Center Sites and Addition of Sites U (Golf Course Driving Range) and V (Eagle Peak Drive) to the Housing Element.

Alternative 2 has a lower residential unit count of 704 units compared to the 868 described in the Project, while Alternative 3 has a higher residential unit count of 966 units compared to the Project. Upon completion of the Draft EIR public review and comment response process, and following certification of the Final EIR by the City Council, the City Council will select a preferred scenario to be subsequently adopted as the Housing Element Update upon which future zoning and land use amendments would be based.

Draft EIR Comment Period: The City is inviting members of the public and agencies to provide input on the adequacy of the analysis contained in the Draft EIR, including its identification of impacts, mitigation measures and assessment of alternatives. Comments at this time are requested just on the environmental issues of concern related to implementing the Housing Element and not on the text of the Housing Element itself. Staff notes that there will be additional opportunities at future noticed public hearings in the upcoming Fall and Winter 2022/2023 for community members to share more of their feedback on the text, goals, policies, programs and densities specified in the draft Housing Element.

Public Comment: The Draft EIR was released for a public and agency review and comment period that began on August 19, 2022, with copies of the document available at the Clayton Community Library and City Hall, and online on the Housing Element webpage. In accordance with Public Resources Code section 21091 and CEQA Guidelines section 15105, the public comment period must remain open for a minimum of 45 days; the comment period on the Draft EIR for the Housing Element Update and associated amendments will close on October 3, 2022. Interested agencies, organizations and members of the public are encouraged to submit written comments to Planning staff until the close of the comment period. Spoken and written comments may also be submitted to the Planning Commission during tonight’s meeting.

Next Steps: Following close of the comment period on the Draft EIR, City and consulting staff will prepare a Final EIR, which will consist of the Draft EIR, comments received thereon, written responses to those comments, and any revisions to the text of the Draft EIR that follow from those responses. The Planning Commission will receive the Final EIR to consider when making its recommendation to the City Council on the Housing Element Update; however, the Planning Commission will not be asked to take any action on the Final EIR. Rather, because the City Council is the decision-making body with respect to General Plan and Zoning Code amendments, the City Council will be tasked with making findings and certifying as to the adequacy of the Final EIR, prior to making any final decision on the Housing Element Update and its related land use actions.

Notice of all future public hearings on the Housing Element Update and Associated Land Use Element and Zoning Code Amendments will be emailed and mailed to interested parties at least 10 days prior to the date of the respective hearings. Those future hearings are tentatively anticipated to occur in the upcoming Fall and Winter 2022/2023.

## **CONCLUSION**

Staff requests that the Commission provide an opportunity for interested parties and agencies to provide spoken comments on environmental issues identified and evaluated in the Draft EIR. Commissioners may also offer spoken comments on the Draft EIR, but no action of the Commission is requested at this time. In addition to spoken comments this evening, interested parties and agencies may submit written comments on the Draft EIR to Clayton Community Development Department staff through October 3, 2022.

## **ATTACHMENTS**

1. Notice of Availability of the Draft EIR
2. Draft EIR Executive Summary
3. Draft EIR and Appendices, online at:  
<https://claytonca.gov/community-development/housing/housing-element/>



**NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT  
FOR THE CITY OF CLAYTON 6<sup>th</sup> CYCLE (2023-2031) HOUSING ELEMENT UPDATE AND  
ASSOCIATED LAND USE ELEMENT AND ZONING CODE AMENDMENTS**

**DATE:** August 18, 2022

**TO:** Responsible Agencies, Trustee Agencies, and Interested Parties

**FROM:** City of Clayton Community Development Department

**CONTACT:** Dana Ayers, Community Development Director

**PROJECT:** City of Clayton 6<sup>th</sup> (2023-2031) Cycle Housing Element Update and Associated Land Use Element and Zoning Code Amendments

**SCH #:** 2022030086

**PROJECT LOCATION:** The Planning Area is located in north-central Contra Costa County, approximately 20 miles east of downtown Oakland, and encompasses all properties within the City's corporate boundaries, Sphere of Influence (SOI), and some open space areas outside the City's corporate boundaries and SOI. The City of Clayton is located at the base of the north slope of Mt. Diablo. The City is bordered by the unincorporated ghost town of Nortonville to the northeast. The City of Concord lies to the west, and Walnut Creek lies to the southwest.

**PROJECT DESCRIPTION:** The City of Clayton updates its General Plan Housing Element on an eight-year cycle. The last update took place in December 2014 and established a housing plan for the City for the eight-year cycle between 2015 and 2023. In fall 2021, the City commenced the update of its Housing Element for the 6<sup>th</sup> cycle, which spans years 2023 through 2031. The community engagement process for the 6<sup>th</sup> cycle Housing Element Update included various meetings with stakeholders, community workshops, online surveys and community sessions and comment meetings.

The updated Housing Element includes programs, policies, and actions to further the goal of meeting existing and projected housing needs of all income levels and identifies how the City plans to accommodate its Regional Housing Needs Allocation (RHNA) of at least 570 units. The proposed Housing Element Update has the potential to result in development of up to 868 additional dwelling units in the Planning Area, which represents a 21.07 percent increase over existing conditions. Additionally, the proposed Housing Element Update has the potential to result in a population increase of up to 2,364 additional persons and an additional 71 employees within the Planning Area, which represents a 20.98 percent and 7.66 percent increase, respectively, over existing conditions. Finally, the proposed Housing Element Update has the potential to result in development of up to 13,000 square feet of additional non-residential building square footage within the Planning Area, which represents a 3.57 percent increase over existing conditions. The City of Clayton has identified 18 preliminary housing sites to accommodate the RHNA of 570 or more additional housing units. As described in the Housing Element Update, these sites include:

- Vacant properties zoned for residential, public, or agricultural use;
- An overflow parking lot owned by the Oakhurst Country Club;
- Within the Town Center, vacant properties (including a City-owned site), public parking lot, and private properties that could be redeveloped with mixed-use projects;
- Properties that are currently developed with a single-family home but are large enough to support additional residences or a multifamily housing project; and
- Sites owned by religious institutions that have expressed interest in developing housing on portions of their properties.

Not all of these properties are designated and zoned for residential use and for those that are, the density yields may not be high enough to achieve the RHNA through private development efforts. Thus, for this 6<sup>th</sup> cycle Housing Element, to accommodate its RHNA of 570 or more units the City will need to amend General Plan land use policy to increase residential densities to support greater variety in multifamily housing types, amend the Zoning Code to provide for consistency with General Plan policy, and rezone properties to reflect parallel General Plan land use designations. With the proposed amendments, the City is able to plan for the RHNA and create a planning buffer that responds to State laws regarding no net loss of lower-income residential units, should a site planned for lower-income housing be developed with a lower density than was planned. It should also be noted that the 6<sup>th</sup> cycle inventory sites may change based on the public review process and comments from the California Department of Housing and Community Development (HCD).

**POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS:** Based on the analysis in the Draft EIR, the City of Clayton 6<sup>th</sup> Cycle Housing Element Update and Associated Land Use Element and Zoning Code Amendments could result in potentially significant environmental effects in the resource areas of Air Quality, Cultural Resources, Greenhouse Gases, Hazards and Hazardous Materials, Noise, Transportation, Utilities and Service Systems, and Wildfire. Measures are identified in the Draft EIR to mitigate the potentially significant impacts. With the exception of Greenhouse Gases and Transportation, the mitigation measures identified in the Draft EIR would reduce the potentially significant environmental impacts to less than significant. Potentially significant Greenhouse Gas and Transportation (specifically, vehicle miles traveled) impacts resulting from the project would remain significant and unavoidable even with implementation of mitigation measures. None of the potential housing inventory sites identified by the City in the Draft Housing Element is located on or in close proximity to a list of hazardous materials sites enumerated under Section 65962.5 of the California Government Code.

**PUBLIC REVIEW PERIOD:** The 45-day public review period for the Draft EIR will commence on **August 19, 2022**, and end on **October 3, 2022**, for interested individuals and public agencies to submit written comments on the document. Any written comments on the Draft EIR must be received at the below address within the public review period. The Draft EIR is available in digital format online at: <https://claytonca.gov/community-development/housing/housing-element/>, and paper copies of the Draft EIR will be available for viewing at Clayton City Hall, 6000 Heritage Trail in Clayton, and at the Clayton Community Library, 6125 Heritage Trail in Clayton.

**WRITTEN COMMENTS:** Please submit written comments to:

Dana Ayers, AICP, Community Development Director  
 City of Clayton Community Development Department  
 6000 Heritage Trail  
 Clayton, California 94517  
[danaa@claytonca.gov](mailto:danaa@claytonca.gov)  
 Tel: (925) 673-7343  
 Fax: (925) 672-4917

**PUBLIC MEETING:** Time will be allotted during the regular City of Clayton Planning Commission meeting of **September 13, 2022, at 7:00 p.m.**, for the public and interested parties to submit spoken comments on the Draft EIR. The meeting will be held at **Hoyer Hall in the Clayton Community Library, 6125 Clayton Road, Clayton, California**. The following options are also provided as a courtesy for those who would prefer to view, listen to, or provide comments remotely for the meeting. Please be advised that while City staff will make every effort to facilitate virtual participation in the meeting, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time.

- *Videoconference:* To join the meeting on-line via smart phone or computer, use the link: <https://us02web.zoom.us/j/85058607446>; or, through the Zoom application, enter Webinar ID 850 5860 7446. No registration or meeting password is required.
- *Phone-in:* Dial toll free 877-853-5257. When prompted, enter the Webinar ID above.

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## 2 – EXECUTIVE SUMMARY

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This chapter provides a summary description for the City of Clayton 6<sup>th</sup> Cycle Housing Element Update and Associated Land Use Element and Zoning Code Amendments (“HEU” or “project”), a list of associated environmental issues to be resolved, a summary of significant impacts and mitigation measures associated with the project, and a summary of feasible alternatives to the project, including identification of the environmentally superior alternative.

### **2.1 Project Location**

The Planning Area is located in north-central Contra Costa County, approximately 20 miles east of downtown Oakland. The City of Clayton is located at the base of the north slope of Mt. Diablo. The City is bordered by the unincorporated ghost town of Nortonville to the northeast. The City of Concord lies to the west, and Walnut Creek lies to the southwest.

### **2.2 Clayton Housing Element Update (2023-2031)**

The housing element is one of the required components of a jurisdiction’s general plan and must be consistent with all other elements of the general plan. The housing element identifies ways in which the housing needs of existing and future residents can be met. State law describes in great detail the necessary contents of the housing element: 1) identifying housing needs; 2) analyzing constraints to housing production; 3) examining past accomplishments from prior housing element planning efforts; 4) understanding how past planning practices may have excluded groups of people from housing opportunities; 5) documenting how the public has been engaged in the planning process; and 6) assessing and describing how land and financial resources will be marshalled to meet the housing needs for all income levels. The California Legislature has identified the attainment of a decent home and suitable living environment for every Californian as the State’s main housing goal. Recognizing the important part that local planning programs play in pursuit of this goal, the Legislature has mandated that all cities and counties prepare a housing element as part of their comprehensive general plans, and update their housing elements on an eight-year basis. The City of Clayton Housing Element, last updated in 2014, contains plans to meet the existing and future projected housing needs of all economic segments of the community.

The updated Housing Element includes programs, policies, and actions to further the goal of meeting existing and projected housing needs of all income levels and identifies how the City plans to accommodate its Regional Housing Needs Allocation (RHNA) of at least 570 units. The proposed Housing Element Update has the potential to result in development of up to 868 additional dwelling units in the Planning Area, which represents a 21.07 percent increase over existing conditions. Additionally, the proposed Housing Element Update has the potential to result in a population increase of up to 2,364 additional persons and an additional 71 employees within the Planning Area, which represents a 20.98 percent and 7.66 percent increase, respectively, over existing conditions. Finally, the proposed Housing Element Update has the potential to result in development of up to 13,000 square feet of additional non-residential building square footage within the Planning Area, which represents a 3.57 percent increase over existing conditions.



### **2.3 Clayton 6<sup>th</sup> Cycle Regional Housing Needs Allocation**

The City of Clayton has identified 18 preliminary housing sites to accommodate the RHNA balance of 570 or more additional housing units. Not all of these properties are designated and zoned for residential use and for those that are, the density yields may not be high enough to achieve the RHNA through private development efforts. Thus, for this 6<sup>th</sup> cycle Housing Element, to accommodate its RHNA of 570 or more units, the City will need to amend General Plan land use policy to increase residential densities to support greater variety in multifamily housing types, amend the Zoning Code to provide for consistency with General Plan policy, and rezone properties to reflect parallel General Plan land use designations. With the proposed amendments, the City is able to plan for the RHNA and create a planning buffer that responds to State laws regarding no net loss of lower-income residential units, should a site planned for lower-income housing be developed with a lower density than was planned.

The public engagement process for the Housing Element Update involved participation from a variety of stakeholders to solicit input, and that input has informed key element programs and decisions, such as identifying appropriate housing sites and densities. The engagement process included interviews with the City Council and Planning Commissioners, a virtual community workshop, study sessions with the City Council and Planning Commission in which members of the public participated, a map-based online survey, frequent updates to the City Council and Planning Commission at their public meetings, and a Balancing Act survey that allowed participants to create their own housing plans. Balancing Act is an online survey service provider used by the City to elicit comments and feedback from the community on preferred housing locations and densities.

### **2.4 General Plan and Zoning Code Amendments**

To maintain internal consistency among the elements of the General Plan, the City will need to amend the General Plan Land Use Element to clarify the density ranges for multi-family housing and thereby encourage development of housing for people of all income levels and desired housing choices. The City must also amend Title 16 (Land Development and Subdivision) and Title 17 (Zoning) of the Clayton Municipal Code as part of the Project, which is the primary tool for implementing the goals, objectives, and policies of the Housing Element Update, pursuant to the mandated provisions of the State Planning and Zoning Law (Government Code Section 65000 *et seq.*), State Subdivision Map Act (Government Code Section 66410 *et seq.*), California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*), and other applicable state and local requirements. The land development and subdivision regulations, zoning map, zoning regulations, standards, permits and procedures that are contained in Title 16 and Title 17 and other parts of the Clayton Municipal Code, as applicable, are proposed to be revised following adoption of the Housing Element Update to be consistent with the Housing Element Update's goals, policies, exhibits, and texts.

### **2.5 Environmental Issues**

As required by the CEQA Guidelines, this EIR addresses areas of potential environmental impact or controversy known to the Lead Agency (the City), including those issues and concerns identified by the City in its Notice of Preparation (NOP) of this EIR and by other agencies, organizations, and individuals in response to the NOP. The Draft EIR covers all 20 of the CEQA Appendix G checklist topics, listed below.

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

## **2.6 Summary of Significant Impacts and Mitigation Measures**

For each of the environmental topics listed above, any "*significant*" Project or cumulative impact and associated mitigation measure(s) identified in this EIR are summarized in Table 2-1 (Summary of Potentially Significant Impacts and Recommended Mitigation Measures). The summary chart has been organized to correspond with the more detailed impact and mitigation discussions in chapters 4.1 through 4.20 of this Draft EIR. The chart is arranged in four columns: (1) summary of identified impacts, (2) potential significance without mitigation, (3) mitigation measure(s), and (4) the level of impact significance after implementation of the mitigation measure(s). Because the table does not list impacts that are less than significant with no mitigation required, the Impact/Mitigation Measure numbering may be out of sequence.

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**Table 2-1  
Summary of Potentially Significant Impacts and Recommended Mitigation Measures**

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<b>AIR QUALITY</b>			
<p><b><i>Impact AIR-2 – Would the HEU expose sensitive receptors to substantial pollutant concentrations?</i></b></p> <p>Construction emissions associated with future development activities facilitated under implementation of the proposed HEU could exceed BAAQMD construction Local Significance Thresholds (LSTs) and cancerogenic and non-cancerogenic threshold maintained and recommended by the BAAQMD. This is considered a <b>potentially significant impact</b>.</p>	<p align="center">PS (Potentially Significant Impact)</p>	<p><b>MM AIR-1: Implement BAAQMD Basic Construction Mitigation Measures.</b> The City shall require new project development projects to implement the BAAQMD’s Basic Control Mitigation Measures to address fugitive dust emissions that would occur during earthmoving activities associated with project construction. These measures include:</p> <ol style="list-style-type: none"> <li>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.</li> <li>5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>8. Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District’s phone number shall also be visible to ensure compliance with applicable regulations.</li> </ol>	<p align="center">LTS (Less than Significant with Mitigation)</p>

<p><b>Impact AIR-2 – Would the HEU expose sensitive receptors to substantial pollutant concentrations?</b></p> <p>Construction emissions associated with future development activities facilitated under implementation of the proposed HEU could exceed BAAQMD construction Local Significance Thresholds (LSTs) and cancerogenic and non-cancerogenic threshold maintained and recommended by the BAAQMD. This is considered a potentially significant impact.</p>	<p>PS (Potentially Significant Impact)</p>	<p><b>MM AIR-2: Prepare Project-level Construction Emissions Assessment.</b> The City shall require new projects requiring discretionary review to include a quantitative project-level construction criteria air pollutant and toxic air contaminant emissions analysis prior to the start of construction activities that shows project construction activities would not exceed BAAQMD project-level thresholds of significance. The analysis may rely on BAAQMD construction screening criteria to demonstrate that a detailed assessment of criteria air pollutant and toxic air contaminant construction emissions is not required for the project. If the project does not satisfy all BAAQMD construction screening criteria, the analysis shall estimate and compare construction criteria air pollutant and toxic air contaminant emissions against the project-level thresholds of significance maintained by the Bay Area Air Quality Management District (BAAQMD) and, if emissions are shown to be above BAAQMD thresholds, the implement measure to reduce emissions below BAAQMD thresholds. Mitigation measures to reduce emissions could include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• Watering exposes surfaces at a frequency adequate to maintain a minimum soil moisture content of 12 percent, as verified by moisture probe or lab sampling;</li> <li>• Suspending excavation, grading, and/or demolition activities when average wind speeds exceed 20 miles per hour;</li> <li>• Selection of specific construction equipment (e.g., specialized pieces of equipment with smaller engines or equipment that will be more efficient and reduce engine runtime);</li> <li>• Installing wind breaks that have a maximum 50 percent air porosity;</li> <li>• Restoring disturbed areas with vegetative ground cover as soon as possible;</li> <li>• Limiting simultaneous ground-disturbing activities in the same area at any one time (e.g., excavation and grading);</li> <li>• Scheduling/phasing activities to reduce the amount of disturbed surface area at any one time;</li> <li>• Installing wheel washers to wash truck and equipment tires prior to leaving the site;</li> <li>• Minimizing idling time of diesel-powered construction equipment to no more than 2 minutes or the shortest time interval permitted by manufacturer’s specifications and specific working conditions.</li> </ul>	<p>LTS (Less than Significant with Mitigation)</p>
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Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<ul style="list-style-type: none"> <li>• Requiring equipment to use alternative fuel sources (e.g., electric-powered and liquefied or compressed natural gas), meet cleaner emission standards (e.g., U.S. EPA Tier IV Final emissions standards for equipment greater than 50-horsepower), and/or utilizing added exhaust devices (e.g., Level 3 Diesel Particular Filter);</li> <li>• Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM;</li> <li>• Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines; and</li> <li>• Applying coatings with a volatile organic compound (VOC) that exceeds the current regulatory requirements set forth in BAAQMD regulation 8, Rule 3 (Architectural Coatings).</li> </ul>	
<p><b>Impact AIR-4 – Would the HEU cause substantial adverse cumulative impacts with respect to Air Quality?</b></p> <p>Construction from future development activities facilitated under implementation of the proposed HEU could expose sensitive receptors to toxic emissions and have an adverse health risk impact. This is a <b>potentially significant impact</b>.</p>	<p>PS (Potentially Significant Impact)</p>	<p><b>See Mitigation Measures AIR-1 and AIR-2, Above</b></p>	<p>LTS (Less than Significant with Mitigation)</p>

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<b>CULTURAL RESOURCES</b>			
<p><b>Impact CUL-2 – Would the HEU cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?</b></p> <p>Construction activities such as grading and trenching could result in a significant impact to unknown archaeological resources if encountered. This would represent a <b>potentially significant impact</b>.</p>	<p>PS (Potentially Significant Impact)</p>	<p><b>MM CUL-1:</b> Prior to the issuance of a grading permit, the grading plan shall include a requirement (via notation) indicating that if cultural resources, or human remains are encountered during site grading or other site work, all such work shall be halted immediately within 100 feet of the area of discovery and the contractor shall immediately notify the City of the discovery. In such case, the City, at the expense of the project applicant, shall retain the services of a qualified archaeologist and/or qualified tribal monitor for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist and/or tribal monitor shall be required to submit to the City for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the vicinity of the discovery, as identified by the archaeologist and/or tribal monitor, shall not be allowed until the preceding steps have been taken.</p>	<p>LTS (Less than Significant with Mitigation)</p>
<p><b>Impact CUL-3 – Would the HEU disturb any human remains, including those interred outside of formal cemeteries?</b></p> <p>Construction activities such as grading and trenching could result in a significant impact to buried human. This would represent a <b>potentially significant impact</b>.</p>	<p>PS (Potentially Significant Impact)</p>	<p><b>MM CUL-2</b> Pursuant to State Health and Safety Code Section 7050.5(c) and State Public Resources Code Section 5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop within 100 feet of the vicinity of the find, and the Contra Costa County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission who shall notify the person believed to be the Most Likely Descendant (MLD). The MLD shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. Additional work shall not take place in the immediate vicinity of the find, which shall be identified by the qualified archaeologist at the applicant's expense, until the preceding actions have been implemented.</p>	<p>LTS (Less than Significant with Mitigation)</p>

Impacts	Significance Before Mitigation	Mitigation Measures		Significance After Mitigation
<b>GEOLOGY AND SOILS</b>				
<p><b>Impact GEO-6 – Would the HEU directly or indirectly destroy a unique paleontological resource or site or unique geological feature?</b></p> <p>Construction activities in excess of 10 feet in depth such as grading and trenching could result in a significant impact to unknown paleontological resources, such as fossils from mammoths, saber-toothed cats, rodents, reptiles, and birds, if encountered. This would represent a <b>potentially significant impact</b>.</p>	<p>PS (Potentially Significant Impact)</p>	<p><b>MM GEO-1</b></p>	<p>In the event that fossils or fossil-bearing deposits are discovered during grading or construction of the Project, excavations within 50 feet of the find shall be temporarily halted until the discovery is examined by a qualified paleontologist, in accordance with the applicable Society of Vertebrate Paleontology standards (Standard Procedures for the Assessment and Mitigation of adverse Impacts to Paleontological Resources, Society of Vertebrate Paleontology, 2010), and assessed for significance under CEQA. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.</p>	<p>LTS (Less than Significant with Mitigation)</p>
<b>GREENHOUSE GAS EMISSIONS</b>				
<p><b>Impact GHG-1 – Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</b></p> <p>As shown in Table 4.8-6, the Project’s 2040 growth projection could result in GHG emissions that exceed the adjusted, BAAQMD derived plan-level efficiency metric. This is considered a <b>potentially significant impact</b>.</p>	<p>PS (Potentially Significant Impact)</p>	<p><b>MM GHG-1:</b></p>	<p><b>Prohibit Natural Gas Plumbing and Appliances in New Housing Sites.</b> The City shall prohibit natural gas plumbing and the use of natural gas appliances such as cook tops, water heaters, and space heaters in all new housing site developments. Upon request by the project developer, exceptions to this prohibition may be allowed in the following instances:</p> <ul style="list-style-type: none"> <li>• Accessory dwelling units constructed on a parcel with an existing residential building with gas infrastructure.</li> <li>• Newly constructed buildings with a valid planning entitlement or other effective development agreement approved prior to the date of certification of this EIR.</li> <li>• It can be demonstrated there is no commercially available technology capable of meeting the specific appliance or building system application.</li> </ul>	<p>SU (Significant and Unavoidable)</p>



Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>Projects subject to the above exceptions shall provide the necessary infrastructure to support future electrification of appliances and building systems. This prohibition on natural gas plumbing and natural gas appliances shall cease if and when the City adopts a ZNE ordinance per Mitigation Measure GHG-2.</p> <p><b>MM GHG-2: Consider Adoption of a Zero Net Energy Ordinance.</b> Within one year of the adoption of the HEU, the City shall complete an evaluation on the feasibility of adopting an ordinance that amends the City’s Municipal Code to require all new residential and/or non-residential development subject to Title 24, Part 6 of the California Building Code to achieve Zero Net Energy (ZNE) standards. If the City finds ZNE technology, programs, and/or other strategies are feasible and cost-effective, the City shall adopt a ZNE ordinance as expeditiously as possible given City resources. As defined by the California Energy Commission (CEC), ZNE standards require the value of the net energy produced by project renewable energy resources to equal the value of the energy consumed annually by the project, using the CEC’s Time Dependent Valuation.<sup>i</sup> In the event the City adopts a ZNE ordinance, Mitigation Measure GHG-2 would no longer apply to housing site projects in the City.</p>	

		<p><b>MM GHG-3: Residential Electric Vehicle and Bicycle Parking Requirements.</b> The City shall require new residential housing sites to comply with the Tier 2 electric vehicle charging and bicycle parking requirements in the latest edition of the California Green Building Standards Code (CalGreen) in effect at the time the building permit application is submitted to the City. Currently, the 2019 CalGreen code, Section A4.106.8, Electric Vehicle Charging for New Construction, and Section A4.106.9, Bicycle Parking, require the following measures to facilitate the future installation and use of electric vehicle chargers and bicycle travel:</p> <ul style="list-style-type: none"> <li>● New one and two-family dwellings and townhouses with attached private garages include a dedicated 208/240-volt branch circuit rated at 40 amperes minimum.</li> <li>● New multi-family dwellings provide 20 percent of the total number of parking spaces on a building site be electric vehicle charging spaces capable of supporting future electric vehicle supply equipment.</li> <li>● New multi-family buildings provide on-site bicycle parking for at least one bicycle per every two dwelling units, with acceptable parking facilities conveniently reached from the street.</li> </ul> <p><b>MM GHG-4: Non-Residential Electric Vehicle and Bicycle Parking Requirements.</b> The City shall require new commercial development included as part of mixed-use housing sites to comply with the Tier 2 bicycle accommodations, clean air vehicle parking, and electric vehicle charging requirements in the latest edition of the California Green Building Standards Code (CalGreen) in effect at the time the building permit application is submitted to the City. Currently, the 2019 CalGreen code, Section A5.106.4.3, Changing Rooms, Section A5.106.5.1, Designated Parking for Clean Air Vehicles, and Section A5.106.5.3, Electric Vehicle Charging, require the</p>	
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Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>following measures to facilitate bicycle travel, clean air vehicles, and the future installation and use of electric vehicle chargers:</p> <ul style="list-style-type: none"> <li>● Non-residential buildings with more than 10 tenant-occupants provide changing/shower facilities for tenant-occupants in accordance with Table A5.106.4.3 of the CalGreen code.</li> <li>● Non-residential development involving the installation, addition, or alteration of 10 or more vehicular parking spaces provide designated parking for any combination of low-emitting, fuel-efficient, and carpool/van pool vehicles pursuant to Table A5.106.5.1.2 of the CalGreen code.</li> <li>● Non-residential development shall provide electric vehicle charging spaces capable of supporting electric vehicle supply equipment pursuant to Table A5.106.5.3.2 of the CalGreen code.</li> </ul> <p><b>MM GHG-6: Require a Project-level Greenhouse Gas Emissions Assessment for Housing Site Projects.</b> The City shall require development projects that are determined not to be categorically exempt from CEQA, and that require the quantitative VMT assessment required by Mitigation Measure VMT-1, to submit a project-level greenhouse gas (GHG) emissions analysis. The GHG emissions analysis shall evaluate the project’s consistency with adopted state-wide GHG emissions reduction goals using the latest guidance and recommendations from the Bay Area Air Quality Management District, or another accepted methodology. If the project’s GHG emissions could interfere with state-wide GHG emission reduction goals, mitigation shall be identified and implemented to reduce emissions. Mitigation measures to reduce GHG emissions could include, but are not limited to:</p>	

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<ul style="list-style-type: none"> <li>● Increasing the energy efficiency of the proposed building(s) (e.g., identifying building practices that go beyond CalGreen Code standards, identifying specific energy efficient appliances, etc.);</li> <li>● Incorporating on-site renewable energy generation into project-design;</li> <li>● Reducing the quantity of parking provided by the proposed development;</li> <li>● Reducing indoor and outdoor potable water consumption; and</li> <li>● Increasing solid waste diversion rates.</li> </ul>	
<p><b><i>Impact GHG-2 – Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</i></b></p> <p>As shown in Table 4.8-6, the Project growth could result in GHG emissions that exceed the 2017 Climate Change Scoping Plan’s recommended efficiency metrics. In addition, the Project has the potential to result in growth which is approximately 1.7 times more than the assumed growth in the 2020 RTP/SCS. This is considered a <b>potentially significant impact</b>.</p>	<p>PS (Potentially Significant Impact)</p>	<p><b>See Mitigation Measures GHG-1 through GHG-5, Above</b></p>	<p>SU  (Significant and Unavoidable)</p>
<p><b><i>Impact GHG-3 – Would the project cause substantial adverse cumulative impacts with respect to greenhouse gas emissions?</i></b></p> <p>The Project’s 2040 growth projection and associated GHG emissions could exceed the significance threshold applied in this EIR and pose a conflict with the 2017 Climate Change Scoping Plan. This is</p>	<p>PS (Potentially Significant Impact)</p>	<p><b>See Mitigation Measures GHG-1 through GHG-5, Above</b></p>	<p>SU  (Significant and Unavoidable)</p>

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
considered a <b>potentially significant impact</b> .			
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
<p><b>Impact HAZMAT-7 – Would the HEU expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?</b></p> <p>The proximity of potential housing sites under the proposed HEU to high fire hazard severity zones that could expose people or structures to risks involving wildfire is considered a <b>potentially significant impact</b>.</p>	PS (Potentially Significant Impact)	<p><b>MM HAZ-1:</b> The City shall determine if it will prepare an update to its Local Hazard Mitigation Plan (LHMP) or cooperate with Contra Costa County in an update to its Emergency Operations Plan (EOP). This update must address the evacuation planning and coordination directives outlined in SB 99 and AB 747 as they apply to the City. The selected update shall address areas of the City or its Planning Area that have high fire risks and identify adequate evacuation routes with ongoing maintenance needs and operational and public education needs to support use of these routes during emergency conditions. The City shall decide which document update is most appropriate for the City within 90 days of adoption of the HEU.</p>	LTS (Less than Significant with Mitigation)
<b>NOISE</b>			
<p><b>Impact NOISE-1 – Would the HEU result in generation of a substantial temporary increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</b></p> <p>The potential for a substantial temporary increase in ambient noise levels that could result from construction activities on housing sites near existing sensitive receptors is considered a <b>potentially significant impact</b>.</p>	PS (Potentially Significant Impact)	<p><b>MM NOI-1: Reduce Potential Housing Site Development Construction Noise Levels.</b> To reduce potential noise levels from construction activities pursuant to the HEU, the City shall require that future development projects subject to discretionary approval comply with the following:</p> <ol style="list-style-type: none"> <li>1) <i>Notify Residential and Commercial Land Uses of Planned Construction Activities.</i> This notice shall be provided at least one week prior to the start of any construction activities, describe the noise control measures to be implemented by the Project, and include the name and phone number of the designated contact for the Applicant/project representative and the City of Clayton responsible for handling construction-related noise complaints (per Section 7). This notice shall be provided to:                     <ol style="list-style-type: none"> <li>A) The owner/occupants of residential dwelling units within 500 feet of construction work areas; and</li> <li>B) The owner/occupants of commercial buildings</li> </ol> </li> </ol>	LTS (Less than Significant with Mitigation)

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>(including institutional buildings) within 100 feet of work areas or within 400 feet of construction work areas if pile driving equipment will be used.</p> <p>2) <i>Restrict Work Hours.</i> Construction-related work activities, including material deliveries, shall be subject to the requirements of City Municipal Code Section 15.01.101. Construction activities, including deliveries, shall occur only during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise authorized in writing by the City Engineer or designee or other project conditions of approval. If such authorization is granted, construction-related work activities shall still conform to the requirements of General Plan Policy 3b., which limits construction activities to the hours 7:00 a.m. to 5:30 p.m. on weekdays and 9:00 a.m. to 6:00 p.m. on weekends when adjacent neighbors are affected. The applicant/project representative and/or its contractor shall post a sign at all entrances to the construction site informing contractors, subcontractors, construction workers, etc. of this requirement.</p> <p>3) <i>Control Construction Traffic and Site Access.</i> Construction traffic, including soil and debris hauling, shall follow City-designated truck routes and shall avoid local roads in the City that contain residential dwelling units as much as possible unless an alternative route that provides access to the specific project location is not available.</p> <p>4) <i>Construction Equipment Selection, Use, and Noise Control Measures.</i> The following measures shall apply to construction equipment used to develop housing sites:</p> <p>A) Contractors shall use the smallest size equipment capable of safely completing work activities.</p> <p>B) Construction staging shall occur as far away from residential and commercial land uses as possible.</p>	

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<ul style="list-style-type: none"> <li>C) All stationary noise-generating equipment such as pumps, compressors, and welding machines shall be shielded and located as far from sensitive receptor locations as practical. Shielding may consist of existing vacant structures or a three- or four-sided enclosure provide the structure/barrier breaks the line of sight between the equipment and the receptor and provides for proper ventilation and equipment operations.</li> <li>D) Heavy equipment engines shall be equipped with standard noise suppression devices such as mufflers, engine covers, and engine/mechanical isolators, mounts, etc. These devices shall be maintained in accordance with manufacturer's recommendations during active construction activities.</li> <li>E) Pneumatic tools shall include a noise suppression device on the compressed air exhaust.</li> <li>F) The applicant/project representative and/or their contractor shall connect to existing electrical service at the site to avoid the use of stationary power generators unless electrical service is not available or the electricity provider indicates service cannot be provided.</li> <li>G) No radios or other amplified sound devices shall be audible beyond the property line of the construction site.</li> <li>6) <i>Implement Construction Activity Noise Control Measures:</i> The following measures shall apply to construction activities in the Plan Area:               <ul style="list-style-type: none"> <li>A) Demolition: Activities shall be sequenced to take advantage of existing shielding/noise reduction provided by existing buildings or parts of buildings, and methods that minimize noise and vibration, such as sawing concrete blocks and</li> </ul> </li> </ul>	

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>prohibiting on-site hydraulic breakers, crushing, or other pulverization activities, shall be employed when activities occur adjacent to sensitive residential areas.</p> <p>B) Demolition Site Preparation, Grading, and Foundation Work: During all demolition, site preparation, grading, and structure foundation work activities within 500 feet of a residential dwelling unit or 400 feet of a commercial building (including institutional buildings), a 6-foot tall physical noise barrier shall be installed and maintained around the work site perimeter to the maximum extent feasible given site constraints and access requirements. Physical barriers shall consist of a solid material (i.e., free of openings or gaps other than weep holes) that has a minimum rated transmission loss value of 20 dB. The noise barrier may be removed following the completion of building foundation work (i.e., it is not necessary once framing and typical vertical building construction begins provided no other grading, foundation, etc. work is still occurring on-site).</p> <p>C) Pile Driving: If pile driving activities are required within 500 feet of a residential dwelling unit or 400 feet of a commercial building, the piles shall be pre-drilled with an auger to minimize pile driving equipment run times.</p> <p>7) <i>Prepare a Construction Noise Complaint Plan.</i> The Construction Noise Complaint Plan shall: A) Identify the name and/or title and contact information (including phone number and email) for a designated project and City representative responsible for addressing construction-related noise issues; B) Includes procedures describing how the designated project representative will receive, respond, and resolve construction noise complaints; C) At a</p>	



Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		minimum, upon receipt of a noise complaint, the project representative shall notify the City contact, identify the noise source generating the complaint, determine the cause of the complaint, and take steps to resolve the complaint; D) The elements of the Construction Noise Complaint Plan may be included in the project-specific noise evaluation prepared to satisfy Section 7 or as a separate document.	
<p><b>Impact NOISE-5 – Would the HEU cause substantial adverse cumulative impacts with respect to noise or vibration?</b></p> <p>The potential for a substantial temporary increase in ambient noise levels that could result from construction activities on housing sites near existing sensitive receptors is considered a <b>potentially significant impact</b>.</p>	PS (Potentially Significant Impact)	<b>See Mitigation Measure NOI-1, Above</b>	LTS (Less than Significant with Mitigation)
<b>TRANSPORTATION</b>			
<p><b>Impact TRANS-2 – Would the project conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b)?</b></p> <p>The results suggest that the HEU's impact with respect to home-based VMT would be potentially significant. Additionally, individual development proposals under the HEU that do not screen out of further analysis may exceed the VMT criteria on a case-by-case basis. Therefore, the HEU would be inconsistent with section 15064.3, subdivision (b). For these reasons, this is</p>	PS (Potentially Significant Impact)	<p><b>VMT-1:</b></p> <p>The Project shall implement the following VMT Reduction Measures:</p> <ul style="list-style-type: none"> <li>Individual housing project development proposals that do not screen out from VMT impact analysis shall provide a quantitative VMT analysis using the methods applied in this EIR, with modifications if appropriate based on future changes to City of Clayton practices and CCTA VMT analysis methodology guidelines. Projects which result in a significant impact shall include travel demand management measures and physical measures to reduce VMT, including, but not limited to, the measures below, which have been identified as</li> </ul>	SU (Significant and Unavoidable)

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p>considered a <b>potentially significant impact</b>, requiring mitigation.</p>		<p>potentially VMT reducing in the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (December 2021). Project developers may substitute any of the measures listed below with one or more alternative measures; provided, that any substitute measures would reduce GHG from VMT in an amount that is equal to or greater than the reduction achieved by the measure being replaced, and the amount of the reduction is supported by evidence. Potential VMT reduction estimates are included below, but detailed requirements, calculation steps, and limitations are described in the CAPCOA Handbook. In addition, application of one or more of the measures below is generally expected to result in a net VMT reduction of 10 percent or less for development projects in suburban settings such as Clayton:</p> <ul style="list-style-type: none"> <li>○ Unbundle parking costs (i.e., sell or lease parking separately from the housing unit). Effectiveness: up to 15.7 percent reduction in GHG from VMT per the CAPCOA Handbook.</li> <li>○ Provide car-sharing, bike sharing, or scooter sharing programs. Effectiveness: 0.15 – 0.18 percent reduction in GHG from VMT for car share, 0.02 – 0.06 percent for bike share, and 0.07 percent for scooter share, per the CAPCOA Handbook. The higher car share and bike share values are for electric car and bike share programs.</li> <li>○ Subsidize transit passes for residents of affordable housing. Effectiveness: up to 5.5 percent reduction in GHG from VMT per the CAPCOA Handbook.</li> </ul>	

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p><b>Impact TRANS-5 – Would the HEU cause substantial adverse cumulative impacts with respect to transportation and traffic?</b></p> <p>VMT impacts from the proposed Housing Element Update would be significant and unavoidable even with recommended mitigation. Therefore, the HEU would also make an incremental but significant contribution to a regional (cumulative) VMT impact and would not be fully consistent with the General Plan (Circulation Element) in that regard.</p>	<p>PS (Potentially Significant Impact)</p>	<p><b>See Mitigation Measure VMT-1, Above</b></p>	<p>SU (Significant and Unavoidable)</p>
<b>UTILITIES AND SERVICE SYSTEMS</b>			
<p><b>IMPACT UTS-1 – Would the HEU require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?</b></p> <p>The proposed HEU may have potentially significant impacts on water supply that necessitate the expansion of water treatment facilities and sewer/wastewater treatment in the future. This is considered a <b>potentially significant impact</b>.</p>	<p>PS (Potentially Significant Impact)</p>	<p><b>MM UTL-1 Water Demand Management.</b> Prior to receiving entitlements for new residential development under the Housing Element Update, project applicants must contact the CCCWD and obtain confirmation that adequate water service can be provided and adequate water supplies are available consistent with their latest Urban Water Management Plan. If the CCCWD indicates it cannot guarantee water supplies for the new development, or the project involves an increase over planned development (i.e., General Plan Amendment or Rezoning) to a use or uses that would consume more water than under the current General Plan and zoning, then the development must implement one or more of the following water conservation measures to the degree necessary to achieve the level of water use that would have occurred under the current General Plan and/or zoning designation(s):</p> <ul style="list-style-type: none"> <li>• Install appliances and plumbing that exceed current State Green Building Code water conservation requirements (i.e., those “current” at the time of application). Examples include but are not limited</li> </ul>	<p>LTS (Less than Significant with Mitigation)</p>

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
		<p>to low or dual flush toilets, composting toilets, high efficiency washing machines, shower timers, low-flow faucet and shower aerators, insulate water pipes, etc.;</p> <ul style="list-style-type: none"> <li>• Prohibit installation of a swimming pool or allow only a spa;</li> <li>• Prohibit installation of water-consuming landscape features (fountains, ponds, etc.);</li> <li>• Prohibit installation of turf and promote individual gardens;</li> <li>• Install all hardscape or all xeriscape (drought-tolerant) plants;</li> <li>• Install only highly efficient drip irrigation systems - do not allow installation of any overhead sprayers or aerial sprinkler systems;</li> <li>• Install rain barrels or other rain storage systems to reduce demand on domestic water needed for landscaping;</li> <li>• Evaluate feasibility of installing grey water collection and recycling system, and install the system if feasible; and</li> <li>• For a General Plan Amendment or Rezoning, the project must demonstrate that it would exceed state and/or regional water conservation requirements sufficient to achieve water use that would have occurred under the existing land use and zoning designations.</li> </ul> <p>Projects are not limited to this list but can recommend additional improvements or systems as appropriate to maximize water conservation. A project must identify the water conservation measures to be implemented with the project prior to entitlement and must demonstrate full compliance with this measure, including installation of specified improvements, prior to receiving a certificate of occupancy. This measure shall be implemented to the satisfaction of the City Planning Department.</p>	

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p><b>IMPACT UTS-2 – Would the HEU have insufficient water supplies available to serve the HEU and reasonably foreseeable future development during normal, dry, &amp; multiple dry years?</b></p> <p>The projected population increase estimated in the CCWD UWMP is only +530 persons from 2025 to 2045 and so it does not account for the +2,364 persons estimated by the HEU for the same period. In addition, the UWMP shows a cumulative deficit of water demand over supply after 2025 under the multi-dry year 5 conditions. Since the Bay Area is already experiencing that level of drought, this analysis will err on the side of caution and conclude water supply impacts of the HEU are potentially significant. This is considered a <b>potentially significant impact</b>.</p>	<p>PS (Potentially Significant Impact)</p>	<p><b>See Mitigation Measure UTL-1, Above</b></p>	<p>LTS (Less than Significant with Mitigation)</p>
<p><b>IMPACT UTS-6 – Would the HEU cause substantial adverse cumulative impacts with respect to Utilities and Service Systems?</b></p> <p>The proposed HEU may have potentially significant impacts on water consumption and sewer/wastewater treatment in the future within the Planning Area. This is considered a <b>potentially significant impact</b>.</p>	<p>PS (Potentially Significant Impact)</p>	<p><b>See Mitigation Measure UTL-1, Above</b></p>	<p>LTS (Less than Significant with Mitigation)</p>
<b>WILDFIRE</b>			
<p><b>Impact WIL-2 – Would the HEU result in impacts due to slope, prevailing winds, and other factors, exacerbating wildfire risks, and thereby expose project occupants to, pollutant concentrations</b></p>	<p>PS (Potentially Significant Impact)</p>	<p><b>MM HAZ-1:</b> The City shall determine if it will prepare an update to its Local Hazard Mitigation Plan (LHMP) or cooperate with Contra Costa County in an update to its Emergency Operations Plan (EOP). This update must address the evacuation planning and coordination directives outlined in SB 99 and AB 747 as they apply to the City. The</p>	<p>LTS (Less than Significant with Mitigation)</p>

Impacts	Significance Before Mitigation	Mitigation Measures	Significance After Mitigation
<p><b><i>from a wildfire or the uncontrolled spread of a wildfire?</i></b></p> <p>The proposed HEU could potentially expose project occupants to the uncontrolled spread of wildfire. This is considered a <b>potentially significant impact</b>.</p>		<p>selected update shall address areas of the City or its Planning Area that have high fire risks and identify adequate evacuation routes with ongoing maintenance needs and operational and public education needs to support use of these routes during emergency conditions. The City shall decide which document update is most appropriate for the City within 90 days of adoption of the HEU.</p>	

**NOTES:**

**PS = Potentially Significant Impact**

**LTS = Less than Significant Impact**

**SU = Significant Unavoidable Impact**

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## 2.7 Alternatives to the Proposed Project

To provide a basis for further understanding of the environmental effects of a proposed project and possible approaches to reducing its identified significant impacts, Section 15126.6 of the CEQA Guidelines also requires an EIR to “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.”

### Project Objectives

1. Maintain and enhance existing housing and neighborhoods.
2. Ensure adequate sites are available to accommodate moderate housing and population growth and ensure achievement of the City’s regional housing needs allocation in compliance with state law.
3. Update City policies and regulations to allow for a greater number and diversity of housing units.
4. Diversify the housing stock to increase housing opportunities at all income ranges and for both renters and homeowners.
5. Minimize governmental constraints to housing production.
6. Ensure fair housing practices.
7. Preserve and improve existing affordable housing stock.

### Identified Alternatives

1. **Alternative 1: No Project/Existing Housing Element.** The No Project/Existing Housing Element Alternative (No Project Alternative) assumes that development would occur within the Planning Area, but only in the locations and at the densities allowed or anticipated under the 2014 Housing Plan. The No Project Alternative assumes a continuation of the existing 2014 Housing Plan. As this alternative would not update City policies and regulations to allow for greater number and diversity of housing units and would not provide the densities needed to allow the City to accommodate its RHNA of 570 or more units, it would not meet most of the project objectives.
2. **Alternative 2: Reduced Residential Development Capacity at Site M (3 du/ac) and Town Center Sites (20 du/ac).** Alternative 2 assumes that overall development would be reduced by 19 percent within the Planning Area when compared to the project. This alternative assumes that policies and goals associated with the Housing Element Update would be applicable to development under this alternative. This alternative would allow the City to accommodate its RHNA of 570 units similar to the project; however, this alternative would generally not meet the project objectives to the extent as the project.
3. **Alternative 3: Reduced Residential Development Capacity at Site M and Town Center Sites and Addition of Sites U and V to the Housing Inventory.** Alternative 3 assumes the reduced development potential associated with Alternative 2 and assumes addition of new Sites U and V to the housing inventory. Overall development associated with the Alternative 3 would be increased by 11 percent within the Planning Area compared to the project. This alternative assumes that policies and goals associated with the Housing Element Update would be applicable to development under this alternative. This alternative would allow the City to accommodate its RHNA of 570 units similar to the project and generally meet the



project objectives as does the project; however, identified environmental impacts would likely increase compared to the project.

### **Comparison of Impacts**

Table 2-2 (Alternatives Impacts Compared to Project Impacts) compares the environmental impacts of the various alternatives to those of the proposed Housing Element Update. Alternatives 1 and 2 would reduce the overall levels of impacts compared to the project since they propose less overall development. However, Alternatives 1 and 2 would not help the City achieve its RHNA housing allocation to the same degree as the proposed Housing Element Update. While Alternative 3 would achieve the project objectives, Alternative 3 would increase the overall levels of impacts compared to the project since it proposes greater overall development. Finally, none of the alternatives would eliminate any of the significant and unavoidable impacts identified for the proposed Housing Element Update.

### **Environmentally Superior Alternative**

The CEQA Guidelines (Section 15126[e][2]) stipulate, "If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives." Alternative 3 would result in similar or greater environmental impacts as compared to the proposed project because Alternative 3 would result in greater development potential than the project. Other than Alternative 1 (No Project—Existing Housing Element), Alternative 2, Reduced Development Capacity at Site M and Town Center Sites, would result in the least adverse environmental impacts and would therefore be the "environmentally superior alternative." However, Alternative 2 would not meet the project objectives to the same degree as the proposed project and would not help the City achieve its RHNA housing allocation to the same degree as the proposed project. This conclusion is based on the comparative impact conclusions in Table 2-2.

**Table 2-2  
Alternatives Impacts Compared to Project Impacts**

<b>Impact/Resource</b>	<b>1. No Project-- Existing Housing Element Development Capacity</b>	<b>2. Reduced Development Capacity at Site M and Town Center Sites</b>	<b>3. Reduced Development Capacity at Site M and Town Center Sites/Addition of Sites U and V to the Housing Inventory</b>
<b>Aesthetics</b>	Reduced LTS	Reduced LTS	Similar LTS
<b>Agriculture and Forestry Resources</b>	Similar No Impact	Similar No Impact	Similar No Impact
<b>Air Quality</b>	Reduced LTS	Similar LTS	Similar LTS
<b>Biological Resources</b>	Similar LTS	Similar LTS	Similar LTS
<b>Cultural Resources</b>	Similar LTS	Similar LTS	Similar LTS
<b>Energy</b>	Reduced LTS	Reduced LTS	Similar LTS
<b>Geology and Soils</b>	Similar LTS	Similar LTS	Similar LTS
<b>Greenhouse Gas Emissions</b>	Reduced SU	Reduced SU	Similar SU
<b>Hazards and Hazardous Materials</b>	Similar LTS	Similar LTS	Similar LTS
<b>Hydrology and Water Quality</b>	Similar LTS	Similar LTS	Similar LTS
<b>Land Use</b>	Similar LTS	Similar LTS	Similar LTS
<b>Mineral Resources</b>	Similar No Impact	Similar No Impact	Similar No Impact
<b>Noise</b>	Similar LTS	Similar LTS	Similar LTS
<b>Population and Housing</b>	Reduced LTS	Reduced LTS	Similar LTS
<b>Public Services</b>	Reduced LTS	Reduced LTS	Similar LTS
<b>Recreation</b>	Reduced LTS	Reduced LTS	Similar LTS
<b>Transportation</b>	Reduced SU	Reduced SU	Similar SU
<b>Tribal Cultural Resources</b>	Similar LTS	Similar LTS	Similar LTS
<b>Utilities and Service Systems</b>	Reduced LTS	Reduced LTS	Similar LTS
<b>Wildfire</b>	Similar LTS	Similar LTS	Similar LTS
Source: MIG, 2022 LTS= Less-than-Significant Impacts SU= Significant and Unavoidable Impacts			

## 2.8 Areas of Controversy

Several areas of controversy have arisen during preparation of the City's Housing Element Update. These include higher residential densities, increased housing and vehicle miles traveled (VMT), school capacity, and water availability, as outlined below:

**Higher Residential Densities.** Concerns have been expressed from the public about increasing housing densities to meet the City's RHNA. A number of residents made specific comments during the NOP period about increasing densities of multi-family housing and the addition of higher density multi-family housing near their single-family neighborhoods.

**School Capacity.** Both the Mt. Diablo Unified School District (MDUSD) and members of the public made specific comments related to MDUSD's ability to house additional students resulting from the Housing Element Update.

**Water Availability.** Local water-serving agencies may face challenges in providing of water in a manner timely to support the anticipated growth in housing and non-residential uses under the Housing Element Update.

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<sup>i</sup> California Energy Commission. *Integrated Energy Policy Report*. (2015).