

Draft Environmental Impact Report for the Clayton Housing Element Update & Related Amendments



**Planning Commission
Comment Session
September 13, 2022**



Housing is a Mandatory General Plan Element

Every California city and County must have a general plan, and every general plan must address eight mandatory elements, one of which is housing. The housing element of a general plan must:

“...consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.” (Government Code Section 65583)



City of Clayton 6th Cycle Housing Element Update and Related Amendments (HEU)

- The updated Housing Element 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.
- The City also proposes updates to the 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.
- More information about the Housing Element can be found on the City's website: <https://claytonca.gov/>, then click on "Housing Element."



CEQA Overview

- CEQA is a State law, embedded in Public Resources Code (PRC), Division 13, Section 21000 *et seq.*
- In PRC Sections 21000 and 21001, the State Legislature declares the primary intents of CEQA to “[maintain] a quality environment for the people of this state now and in the future,” and to “take all action necessary to protect, rehabilitate and enhance the environmental quality of the state [and] provide the people of this state with clean air and water, enjoyment of aesthetic, natural, scenic and historic environmental qualities, and freedom from excessive noise.”
- Guidance to agencies for implementing CEQA are contained with the “State CEQA Guidelines,” California Code of Regulations (CCR) Section 15000 *et seq.*



CEQA Overview

- Pursuant to PRC Section 21065, CEQA applies to “projects,” which are activities that are funded, enacted or permitted by public agencies and that may directly or indirectly result cause physical change to the environment.
- Pursuant to PRC Section 20180, CEQA also applies to “discretionary projects proposed to be carried out or approved by public agencies, including, but not limited to, the enactment and amendment of zoning ordinances, the issuance of zoning variances, the issuance of conditional use permits, and the approval of tentative subdivision maps unless the project is exempt from this division.” Actions related to governing and policy documents such as general plans and zoning ordinances can result in reasonably foreseeable indirect physical changes to the environment.



CEQA Overview

- CEQA includes categories for projects that are minor and can be exempted from the statute.
- For a project that is subject to CEQA and does not qualify for an exemption, the agency tasked with deciding whether to approve the project (“lead agency”) must consider the potential environmental impacts of approving or denying the project. There are three types of documents that an agency could prepare for that assessment:
 - **Negative Declaration:** Initial study of the project finds that the project would have impacts on the environment, but the severity of the impact is within an acceptable threshold defined by the lead agency.
 - **Mitigated Negative Declaration:** Initial study of the project finds that the project would have significant impacts on the environment, but measures can be taken to reduce the severity of the impacts to an acceptable threshold defined by the lead agency.
 - **Environmental Impact Report:** The project would have severe or significant environmental impacts for which mitigation measures are not possible or not known at the time of initial study of the project.



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CEQA Overview

- Documents prepared pursuant to CEQA must evaluate potential impacts of a project on the following environmental resource areas, which are listed in the Environmental Checklist Form (Initial Study) in Appendix G of the CEQA Guidelines:

Aesthetics

Agriculture / Forest Resources

Air Quality

Biological Resources

Cultural Resources

Energy

Geology / Soils

Greenhouse Gases

Hazards & Hazardous Materials

Hydrology / Water Quality

Land Use

Mineral Resources

Noise

Population / Housing

Public Services

Recreation

Transportation / Traffic

Tribal Cultural Resources

Utilities / Service Systems

Wildfire



EIR Process for the Housing Element (CEQA Guidelines Section 15080 *et seq.*)

March 2 - April 4, 2022

Notice of Preparation of an EIR

30 days

The Notice of Preparation (NOP) is a notice that a lead agency intends to prepare an EIR and invites public agencies and interested parties to comment on the scope of the analysis to be included in the EIR (environmental issues, reasonable alternatives and mitigation measures).

August 19-October 3, 2022

Draft EIR

45 days

The Draft EIR contains the evaluation of project impacts on environmental resources and must include:

- Project description
- Mitigation measures for impacts
- Growth-inducing impacts of the project
- Cumulative impacts of the project plus other projects
- Alternatives to the proposed project

Final EIR

10 days

The Final EIR must include:

- The Draft EIR or a revision of the Draft EIR
- Comments received on the Draft EIR
- The persons, agencies and organizations that commented on the Draft EIR
- Responses to the significant environmental comments on the Draft EIR

Certification of Final EIR

The decision-making body must certify the adequacy of the EIR before approving the project and make findings with respect to each significant impact, that mitigation measures would reduce an impact to an acceptable threshold, or that specific considerations make mitigation infeasible (statement of overriding considerations).



Indicates length of public comment period on the document

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Draft EIR for the HEU

- **Chapter 1 – Introduction**
- **Chapter 2 – Executive Summary**
- **Chapter 3 – Project Description**
- **Chapter 4 – Resource Impacts and Mitigation Measures**
- **Chapter 5 – Alternatives**
- **Chapter 6 – Mandated CEQA Sections**



Draft EIR for the HEU

- **Project Description (Draft EIR, Chapter 3)**

- The land use designations and policies outlined in the HEU 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 HEU 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.
- The HEU has continued to evolve through community input received since the NOP was published. The “project” as described in the Draft EIR does not necessarily represent the project that will ultimately be recommended by the Planning Commission or approved by the City Council.



Draft EIR for the HEU

- **Resource Impacts and Mitigation Measures (Draft EIR, Chapter 4)**

- The HEU as described in the Draft EIR would have potentially significant impacts in:
 - 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).



Draft EIR for the HEU

- **Resource Impacts and Mitigation Measures (Draft EIR, Chapter 4, cont'd)**
 - 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.
 - 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.
 - The City Council must adopt a statement of overriding considerations, making findings for why the benefits of the HEU outweigh its potentially significant environmental impacts, before adopting the HEU.



Draft EIR for the HEU

- **Alternatives to the Project (Draft EIR, Chapter 5)**

- CEQA requires evaluation of alternatives to the project, including a “no project” alternative.
- In addition to a “no project” scenario, wherein no action is taken with respect to the HEU, the Draft EIR evaluates two 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) – 704 units
 - 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) – 966 units



Role of the Planning Commission in the Housing Element Update and CEQA Process

- The Planning Commission is an advisory body to the City Council on any amendment to the General Plan or Zoning Ordinance, and in that capacity, holds public hearings and makes recommendations to the City Council on these types of amendments. (Government Code Sections 65353 and 65855)
- As the City Council is the final deciding body on amendments to the General Plan and Zoning Ordinance, the responsibility of making the requisite CEQA findings and taking action with respect to the HEU lies with the Council. However, the Planning Commission, before making its recommendation, must consider the information in the EIR (CEQA Guidelines Section 15074).
- At this meeting, no action is requested of the Planning Commission, though Commissioners and the public may voice their comments on the document. **Written comments may be submitted to the Community Development Dept. through October 3.**



Questions?

