



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, April 4, 2017

7:00 P.M.

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

Mayor: Jim Diaz

Vice Mayor: Keith Haydon

Council Members

Julie K. Pierce

David T. Shuey

Tuija Catalano

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail and on the City's Website at least 72 hours prior to the Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.ci.clayton.ca.us
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

*** CITY COUNCIL ***

April 4, 2017

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

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

3. **CONSENT CALENDAR**

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

(a) **Information Only** – No Action Requested

1. Availability of Citizen's Guide to Local Residential Laws and Frequently Asked Questions (2017 edition). ([View Here](#))

(b) Approve the minutes of the City Council's regular meeting of March 21, 2017. ([View Here](#))

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

(d) Adopt a Resolution setting the City's Equivalent Runoff Unit (ERU) real property parcel assessment rates in FY 2017-18 at current rates to pay for local storm water/clean water programs and services required by the unfunded federal and state-mandated National Pollution Discharge Elimination System (NPDES) Program (storm water pollution prevention). ([View Here](#))

4. **RECOGNITIONS AND PRESENTATIONS** – None.

5. **REPORTS**

(a) Planning Commission – No meeting held.

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

(c) City Manager/Staff

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

(e) Other

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Members of the public may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. When one's name is called or you are recognized by the Mayor as wishing to speak, the speaker shall approach the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.

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

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) Consider the Second Reading and Adoption of Ordinance No. 474 amending Chapters 15.02, 15.03, 15.04, 15.05, and 15.80 of the *Clayton Municipal Code* to implement the 2016 California Building Standards Code, with local changes, additions, and deletions as allowed by state law. (ZOA-09-16) (Community Development Director) ([View Here](#))

Staff recommendations: **1).** Receive the staff presentation; **2).** Receive public comments; **3).** Approve a motion to have the City Clerk read Ordinance No. 474 by title and number only and waive further reading; **4).** Following the City Clerk's reading, by motion adopt Ordinance No. 474 with the finding the action does not constitute a project under CEQA.

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

10. CLOSED SESSION – None.

11. ADJOURNMENT

The next regularly scheduled meeting of the City Council will be April 18, 2017.

#

CITIZEN'S GUIDE
to
Local Residential Laws
and
Frequently Asked Questions



City of Clayton, CA
6000 Heritage Trail
(925) 673-7300
www.ci.clayton.ca.us

Agenda Item: _____

3a

Agenda Date: _____

4-04-2017

Table of Contents

Table of Contents.....	2
Government Contact Information.....	3
Public Schools.....	3
Parks.....	3
City News and Local Newspapers.....	4
Clayton Volunteer Opportunities.....	5
Annual Community Events.....	6
Reporting a Local Problem.....	7
Parking on Public Streets.....	8
Vehicle Storage.....	8
Temporary Storage Permits.....	8
Basketball Hoops.....	9
Fences.....	9
Swimming Pool Fences.....	9
Pets and Animals.....	10-12
City Dog Park.....	11
Skateboarding.....	13
Curfew for Minors.....	13
Excessive Noise.....	13
Noise Regulations and Permits.....	14
Tree Removal Permits.....	15
Weeds and Overgrown Vegetation.....	16
Building Permits.....	16-17
Site Plan Review Permits.....	18
City Business Licenses.....	18
Home Occupation Permits.....	19
Curbside Garbage Collection.....	19-20
Treecycle.....	20
On-Call Cleanup Services.....	20-21
Curbside Recycling Program.....	22
Hazardous Waste Disposal.....	23
Electronic Waste Collection.....	24
Endeavor Hall.....	25-26
Community Library.....	27
Library Facilities.....	28
Picnic and Sports Field Facilities.....	29
Disclaimers.....	30

Disclaimers

1. Any rates, fees or fines quoted are current as of the date of this pamphlet and are subject to change at any time by action of the City Council.
2. Further details and information regarding each subject contained in this pamphlet may be found in the *Clayton Municipal Code* or by contacting Clayton City Hall.
3. Laws contained in the *Clayton Municipal Code* always prevail over information summarized in this general pamphlet.



Contact Information

City Hall	(925) 673-7300
City Clerk/Human Resources	(925) 673-7304
Community Development (Planning)	(925) 673-7340
City Maintenance	(925) 673-7327
City Manager	(925) 673-7300
City Finance	(925) 673-7309
City Engineering	(925) 363-7433
Code Enforcement	(925) 673-7310
Police Department	(925) 673-7350
Clayton Community Library	(925) 673-0659
Building Permits/Inspection (Co.)	(925) 646-4108
Republic Services, Inc. (trash service)	(925) 685-4711
Clayton Pioneer (local newspaper)	(925) 672-0500

City Website

www.ci.clayton.ca.us

Police Department Website

www.claytonpd.com

Public Schools

Mt. Diablo Elementary School	(925) 672-4840
Diablo View Middle School	(925) 672-0898
Clayton Valley Charter High School	(925) 682-3800

Public Parks

<u>Name</u>	<u>Location</u>
Community Park	Regency Drive
Dog Park	Regency Drive
Lydia Lane Park	Lydia Lane
North Valley Park	Keller Ridge Drive
The Grove Park	Downtown Clayton
Equestrian Staging Area	Peacock Creek Drive
Westwood Park	Haviland Place

Clayton Pioneer

Our local newspaper (direct mail) is the *Clayton Pioneer*, distributed monthly to Clayton residents. The newspaper features local news and events, classified ads, and a great deal of useful information relevant to our community.

East Bay Times [Contra Costa Times]

The City is served by a daily regional newspaper, the *East Bay Times*, which also features a weekly focus on Clayton-related news each Friday via the *Concord Transcript* section.



Picnic and Sports Field Facilities



Picnic facilities and sports fields may be rented out at the Clayton Community Park for a small fee. Picnic facilities may be reserved for a fee at a 4-hour minimum to avoid the first-come first-served rush, starting at dawn and ending at dusk. Sports fields may also be rented on an hourly basis. Applications are available on the City’s website or at the City Hall.

The Grove Park (Downtown) is also available for group and individual reservation and use, as is City Hall’s lovely exterior Courtyard. Please contact City Hall for further information on use regulations and rental fees.

**PLEASE!
NOTE**

Our City parks and open space trails in the City are closed to public use from dusk to dawn.

Library Facilities

There are several rooms available for public use at the Clayton Community Library:

Story Room

The Story Room is available when not in use for library purposes. The Story Room may be rented for a two hour minimum of \$25/hour and \$15/hour for each hour thereafter. Reservations must be made no more than one month in advance and must be made in person. Please contact the Library for more details.

Hoyer Hall/City Council Chambers

This large Meeting Room is available upon appointment. Please contact City Hall for more details.

Study Room

The Study Room is available for upon appointment. Please contact the Library for more details.



Clayton Volunteer Opportunities

Plenty of volunteer opportunities exist through the City and community for people of all ages. Examples of volunteer opportunities include:

- Diablo Valley Soroptimist Association
- Community Emergency Response Team (CERT)
- Volunteers in Public Safety (VIPS)
- City Hall office support
- Recreational sports coaching
- Clayton Valley Garden Club
- Clayton Valley Rotary Club
- Mt. Diablo Trail Ride Association
- Mt. Diablo Interpretative Association
- Clayton K-9 Coalition
- Clayton/Concord YMCA- tutoring, mentoring, coaching, greeting, maintenance, clerical, activity planning, etc.
- Clayton Library- tutoring, book shelving, computer help, scrapbook making
- Clayton Community Library Foundation
- City Council, Planning Commission, and Trails and Landscaping Committee (TLC)
- Events: Art and Wine Festival, Clayton Cleans Up!, 4th of July Parade, Chili Cook-Off, Rib Cook-off and Oktoberfest
- Clayton Historical Society
- Clayton Business & Community Association (CBCA)
- Clayton Valley Woman's Club
- AAUW
- Clayton Valley Village

Please call or stop by City Hall, Police Department or the Library for more information. Other opportunities are also posted on the City's website.

Annual Community Events

February- Historical Society Camellia Tea

March- Library Creekside Arts Festival, CBCA Chili Cook-Off

April- Library Book Sales; Historical Society Garden Tour; April on the Mountain; Clayton Cleans Up

May- CBCA Art and Wine Festival; Memorial Day Ceremony; Concerts in The Grove; AAUW Annual Spaghetti Feed; Garden Club Plant Sale; Clayton Farmers' Market begins

June- Concerts in The Grove

July- 4th of July Parade & Pancake Breakfast; Concerts in The Grove; CBCA Rib Cook-Off

August- Concerts in The Grove

September- Downtown Labor Day Derby & Classic Car Show, Concerts in The Grove

October- CBCA Oktoberfest; Clayton Valley Woman's Club Kitchen Tour; Library Book Sales

November- Clayton Valley Woman's Club Craft Boutique; Veteran's Day Ceremony

December- CBCA's "Christmas in Clayton": Tree Lighting, Santa visits; Tea with Mrs. Claus and Santa.



Community Library

The Clayton Community Library, a branch of the Contra Costa County Library System, is a wonderful asset to our local community. The building is actually owned and maintained by the City (including utility bills paid) while the County staffs and operates the Library. Public use of the Library and obtaining a Library card are always free of charge. Resources the Library provides include:

- Books
- Books on tape/CD
- Business directories
- Career information-Eureka! California Career Information System
- CD-ROM software collection
- Compact disks
- College catalogs and reference material
- Consumer information guides
- DVDs and videocassettes
- Genealogy workstation
- Computer workstations with internet access
- Large print books
- Local history materials
- Magazines and periodicals
- Maps, newspapers and pamphlets
- Telephone directories
- Fine wooding magazines
- Tutoring services

The Clayton Community Library Foundation (CCLF) provides exceptional volunteers and donations to support our local Library! To get involved, please call CCLF at (925) 673-9009.

Citizens and other private parties may rent Endeavor Hall for special events such as birthdays, weddings, receptions or family reunions. Endeavor Hall features 910 square feet of floor area, event seating in the floor area for 100-120 people or 80-85 people for dining, outdoor courtyard with dining for an additional 50 people, commercial kitchen facilities, handicapped accessibility, 20 rectangular folding tables, 100 chairs, 6 round tables and 24 chairs for interior seating.

The rental of Endeavor Hall requires fees which are typically less on weekdays/nights (Mon-Thurs) than the weekend (Fri-Sun). A \$500 refundable security deposit is required for events with no alcohol or beer and/or wine served; and a \$1,000 deposit is required for events where hard alcohol (distilled liquors) is being served. Depending on the nature of the event, alcohol and noise permit requirements may apply to rent the facility. Please contact City Hall at (925) 673-7310 for its latest availability and rental fees.



Reporting a Local Problem

Public nuisances and other concerns may be reported to the City via its website (www.ci.clayton.ca.us) under the "Feedback" tab. Code enforcement issues may also be called into the City Hall during regular business hours. Appropriate issues which should be reported include:

- Abandoned, suspicious, or dangerous vehicles
- Accessibility issues
- Offensive or dangerous odors
- Construction after hours
- Dangerous tree/limb over street
- Debris in public right of way
- Graffiti
- Health hazards
- Illegal construction, dumping, grading, hauling, posting of signs
- Mudslides
- Noise problems
- Public Park issues
- Potholes
- Overgrown weeds and trash
- Faded pavement marking or legends
- Sidewalk, curb and gutter problems
- Street sign replacement or repair
- Street light outages (please note pole number)
- Traffic and speeding complaints; traffic control
- Street tree maintenance
- Unregistered businesses
- Vision-obscuring hazards
- Zoning (land use) violations

If it's an emergency, always call 911

Parking on Public Streets

It is unlawful to park or store vehicles on public streets in excess of 72 consecutive hours, regardless of whether the vehicle is in full operating condition. Vehicles registered as non-operational cannot be parked on public roadways.

Vehicle Storage

Inoperable vehicles, recreational vehicles, campers, watercrafts, box trailers, tractors, chippers, dirt bikes, and quads cannot be stored for more than 120 consecutive hours in public view.

Recreational Vehicle Temporary On-Street Parking Permits may be obtained from the Police Department. Applications may be obtained online at the City's website.

Certain areas of a lot may be used for vehicle storage provided that items are substantially concealed from public view by a legally constructed, six-foot solid fence. Additionally, vehicles may be stored inside of a garage or permissible backyard shed. Chain-link fences or other similar fences that do not visually conceal the stored vehicle are considered inadequate under the Municipal Code.

Temporary Storage Permits

Temporary storage permits are necessary for cargo storage containers to be stored in excess of 120 hours. Applications for temporary storage permits should be obtained through the City and are subject to conditions of approval required by the Community Development Director.



Endeavor Hall

This local historic building was originally built as the Methodist Episcopal Church in the 1860s and acquired by the Congregational Church Christian Endeavor Society in 1896. After its services ended in 1916, volunteer trustees maintained the building for community use until the Loma Prieta Earthquake in 1989, when they deeded the property to the City. Meetings for Clayton City government were once held in the building until the new Community Library was completed in 1995. The Clayton Redevelopment Agency restored and added bathrooms and a full kitchen to the building, which was completed in 2001. Sidewalks, street lamps, and an enlarged parking lot adjacent to the site were added during the completion of the downtown revitalization of Center Street by the Redevelopment Agency.



Electronic Waste Collection

Electronic waste (E-waste) is also considered hazardous waste and cannot be placed in your trash or recycle for weekly collection. Unfortunately, Central Sanitation District does not allow E-waste to be dropped off at its HHW collection facility. However, please note that Republic Services does pick up some E-waste items curbside when a prior special appointment has been made.

There are also many opportunities to drop-off E-waste free of charge during the year through various organizations, although some require a fee. Current E-waste events and collection facilities are listed on the HHW website. It's important to note that each organization may have varying restrictions on acceptable E-waste items.

In general, E-waste includes televisions, VCRs, DVD players, computers, monitors, laptops, servers, cellular phones, phone chargers, office phones, copiers, printers, empty printer cartridges, keyboards, hubs, switches, routers, miscellaneous wires, cameras, palm pilots, fuser cords, speakers, and MP3 players.

Please note many E-waste events do not accept, or charge a small fee, to recycle, household appliances such as microwaves, toasters and refrigerators.



Basketball Hoops

Portable basketball hoops cannot be stored or left unattended on a public sidewalk, in a public street or in gutter, constituting obstruction of a public right of way.

Fences

Fence height is regulated depending on where it is located on the property. Please call our Community Development Department before buying or installing a fence. In general, fences should not exceed six feet in height without obtaining an Administrative Use Permit from the Community Development Department. Hazardous fencing material such as barbed wire is not permitted except when used for agricultural grazing or when a use permit has been granted.



Swimming Pool Fences

Swimming pools pose severe hazards to the safety of inhabitants and small children. For this reason, CA State Law requires that most regular swimming pools be fenced. Fences must be at least 4 ½ feet high with gaps less than 4 inches measured horizontally. Part of the dwelling unit or accessory building may be used as part of the safety fence in some cases.

Pets and Animals



Barking Dogs

A constantly-barking dog is disturbance of the peace in violation of Contra Costa County Animal Control Ordinance, which law applies in our City. A complaint can bring action for compliance against the dog owner through the Contra Costa Animal Control at (925) 335-8300 or Clayton Police Department at (925) 673-7350.

Leash Law

In our City as well as in Contra Costa County, all dogs must be leashed at all times when not contained on private property.

In the City of Clayton, no person shall permit a dog in any park or on any public trail unless such dog is under complete control at all times by a leash. The owner shall be responsible for picking up their dog's feces. Either violation is punishable by up to a \$100 fine.



Hazardous Waste Disposal

In 2006 a state law was passed prohibiting certain hazardous waste items from being placed in the trash or recycle for weekly collection.

Although hazardous waste is not allowed in weekly collections, the City (thru Central Contra Costa County Sanitation District) participates in a hazardous waste disposal program (HHW) where residents can drop off hazardous waste free of charge.

Accepted items at these locations include household and industrial cleaning products, all batteries, aerosol cans, items containing mercury, pool chemicals, gasoline, car waxes and polishes, break fluid, transmission fluid, motor oil, paints, oils, stains, epoxy resins, thinners, pastes, asbestos, grout, cement, caulking, fertilizers, herbicides, pesticides, ant stakes, shampoos, lotions, perfumes, aerosol hair sprays and many other products. For a complete list of what is accepted, visit the Central Sanitation District's HHW website.

(<http://www.centalsan.org/services/hhwcf.html>).

Drop Off Facility:
4797 Imhoff Place
Martinez, CA
1-800-646-1431

Hours of Operation:
Tuesday through Sunday
9:00 am to 4:00 pm



Sharps and Needles and Expired Drug Disposals

Please DO NOT flush expired drugs down the toilet or sink. Our Clayton Police Station has collection bins in its public lobby for proper disposal of expired drugs or sharps and needles.



Curbside Recycling Program

Recyclables and yard waste are collected on the same day as one's garbage by Republic Services. The brown and green carts must be visibly placed on the curb before 6:00 am on the day of pickup.

Republic Services picks up the following items for recycling:

- Untreated wood scraps (place in green yard waste cart)
- Glass bottles
- Metal
 - Aerosol cans, aluminum cans, clean aluminum foil and pans, bi-metal, paint cans, spray cans, tin cans
- Organic Material
 - Yard clippings, sawdust and wood shavings placed in green yard waste bin
- Various paper products
- Various plastic products
- Cardboard (folded)

Used Motor Oil and Filters

Used motor oil and oil filters may be recycled curbside. When recycling motor oil, please pour oil contents into a plastic milk jug container and tape the lid to the top. Place oil filters inside sealable ziplock bags. Place all jugs and plastic bags besides recycling bins during weekly collection.



Dog Park

An exception area to the leash law is the City's Dog Park, an off-leash public park specifically designed to allow dog owners to socialize while providing dogs a place to exercise and play. Our Dog Park is located just north of Regency Drive, along the edge of Marsh Creek Road, across from the Clayton Community Park. This free Park is open daily sunrise to sunset and is part of the volunteer effort of the Clayton K-9 Coalition.



Animal Shelter

Contra Costa County's animal shelter is located at 4800 Imhoff Place in Martinez. The shelter may be reached by telephone:

Public Access:	(925) 335-8300
Licensing:	(925) 335-8310
Spay Clinic:	(925) 335-8320
Volunteers:	(925) 335-8330
Humane Education:	(925) 335-8340

Prohibited Animals

Residents are prohibited from keeping any apiary (bees), certain reptiles, livestock or fowl as pets. Residents are also prohibited from harboring, holding, possessing, transporting or selling any wild, exotic or dangerous animal. Prohibited animals include but are not limited to those described in sections 2116 and 2118 of the *California Fish and Game Code*, including hawks, eagles, vultures, ostriches, order ophidian reptiles, snakes over six feet in length, any dangerous animal, any menacing species and any venomous species.



Reporting a Violation

To report a violation in Clayton, please call Clayton's Code Enforcement Officer (925) 673-7310 during business hours or use the online reporting form found under the "Feedback" tab on the City's website.

To report a barking dog or wild animal problem, call the Contra Costa Animal Control at (925) 335-8300, Clayton Police Department at (925) 673-7350, or visit the online reporting form found on the Police Department website. To report a dead animal, call Contra Costa Animal Control.

If it's an emergency, always call 911.

Guidelines for an on-call cleanup are as follows:

- Place items curbside no later than 6:00 am on the day of pickup.
- Stack all items in one location.
- Cut and tie branches, prunings or wood so bundles are 4 feet or less in length and less than 24 inches in diameter.
- Bag or tie items with rope, cord or string strong enough to keep bundles intact or place in containers, including metal and plastic trash cans. All containers will be taken away.
- Place cleanup items in a single pile five feet or more from your garbage cart.

There are some restrictions to items which may be placed curbside for on-call collection:



- No items or bags over 50 pounds.
- No items larger than four feet in length.
- No furniture or large car parts.
- No appliances containing the chemical Freon (refrigerators, freezers, air conditioners, etc.).
- No rocks, dirt, concrete, tree stumps or large tree trunks.
- No electronic waste
- No hazardous waste
- Cleanup items shall not be placed near or in front of carts. Loose piles are also unacceptable.

Republic Services supplies your trash, green waste and recycling carts, and should be contacted regarding payment options, customer service, missed pickups and vacation holds. Additional green waste and recycling carts may be ordered for free. Vacation holds must be scheduled for a minimum of two weeks per hold and holds can only be scheduled four times per year. Pickup days vary by street name and the schedule may be found on the City website.



Holiday Treecycle

As a service to its customers, Republic Services picks up Christmas Trees for recycling each January. Typically, trees may be placed curbside with your trash and recycled or picked up on specified tree collection days by Boy Scout Troops or other local organizations for a small donation. Tree collection days and times vary each year, so please see Republic Services' website for the latest details. (www.republicservices.com)

On-Call Cleanup Services

Clayton residents may schedule two free cleanups per year at any time. Cleanups may be used to discard up to two cubic yards, or approximately fourteen 32-gallon trash bags of extra trash and items too large to fit into garbage carts. To schedule an on-call cleanup, please call Republic Services at (925) 685-4711.



Skateboarding

It is unlawful for any person to operate, use or ride a skateboard, roller skates, toy vehicle, or similar device on a pedestrian walkway, off-street parking facility, in The Grove Park, or on any public street or sidewalk located in any area zoned for commercial use or in a shopping center.

An infraction is punishable by a fine not exceeding one hundred dollars (\$100) for a first violation, a fine not exceeding two hundred dollars (\$200) for a second violation and a fine not exceeding two hundred and fifty dollars (\$250) for each additional violation.

Curfew for Minors

It is unlawful for any minor under the age of eighteen years to be in or on any public street, park, square, or any public place within the City between the hours of 10:00 p.m., on Sunday, Monday, Tuesday, Wednesday and Thursday and daylight immediately following, and between the hours of 12:01 a.m., on Saturday and Sunday and daylight immediately following. Exceptions include when the minor is accompanied by a parent or legal guardian or coming home from work.



Excessive Noise

It is unlawful for a person to willfully make a loud, unnecessary or unusual noise which disturbs the peace or quiet of a neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitiveness residing in the area. Such noises include but are not limited to radios, televisions, construction, megaphones, outdoor bands, amplifiers and noises made by animals.



Construction and Home Maintenance Work Hours

All construction work (e.g. grading, excavation, construction, demolition, renovation, etc.) shall only occur on Monday through Friday, between the hours of 7:00 a.m. – 5:00 p.m.

It is also unlawful to operate machinery, equipment, or a pump, fan, air conditioner, spa or pool equipment in a manner causing excessive noise to nearby residents between the hours of 10:00 p.m. – 7:00 a.m. Additionally, the use of power equipment for home use or residential yard maintenance, including power tools, lawn mowers and leaf blowers is prohibited except during the following days and hours:

- (1) Weekdays (Mon.-Fri.): 7:00 a.m. – 8:00 p.m.
- (2) Saturdays, Sundays and City-observed Holidays:
8:00 a.m. – 8:00 p.m.



Noise Permits

The Police Chief may grant noise permits to allow civic groups as well as individuals to use sound amplification equipment for various types of short-term and residential activities. Prior to the issuance of a Noise Permit, notices are mailed to nearby property owners and businesses. The Police Chief may place restrictions on the time, place, and manner of the noise-generating event or equipment. The Community Development Department should be contacted for additional information and fees.



Home Occupation Permits

A home occupation permit allows residents in residential districts to conduct certain limited commercial activities in the home. The activities must be subordinate and incidental to the residential use of the property.

Home occupations include off-site consulting, accounting, office, bookkeeping, event planning services, event photography services, lessons/instruction, sole-proprietor contracting, dressmaking/altering services, home beauty consulting businesses and other similar services. Applications and home occupation information handouts are both available online or at City Hall.

Large family day care providers (family day care homes caring for 8-14 children) and residential care providers are required to obtain separate permits. For information on obtaining a large family day care permit or residential care permit, please contact the Community Development Department.



Curbside Solid Waste Collection (Republic Services)

Garbage, green yard waste and certain recyclables are picked up weekly in front of each residence by Republic Services (contractor). All carts should be placed curbside no later than 6:00 am on the day of pickup. Each solid waste container placed at the curb line for collection shall be placed there no earlier than noon of the day preceding the day of collection and shall be removed no later than 10:00 pm of the day of collection. Carts should be placed four feet apart and away from any street obstacles (mailboxes, cars, etc.)

Site Plan Review Permits

A Site Plan Review Permit is to ensure the design of all new development is compatible with the character of Clayton and does not impose significant negative impacts on neighboring property owners and/or occupants. In order to achieve this purpose, the community's character and neighborhood impacts are balanced with the owner's right to develop property. In general, a Site Plan Review Permit is required in all zoning districts for the design of new additions, remodels, or new development, including:

- Construction over 12 feet in height or encompassing an area of 500 square feet or more.
- Retaining walls over 3 feet high require a Building Permit. Such walls visible from a public street or sidewalk also require a Site Plan Review Permit from the City.



- Construction of more than one exempt structure regardless of size.

City Business Licenses

An annual City Business License is required by local law for any or each business conducting or performing business within the City limits. Applications are available on the City's website and must be returned to the City Hall. A business license must be renewed annually in July. Annual fees for a business license depend on the type of business being operated and these fees change periodically. Please stop by City Hall to obtain the most recent fee schedule or visit our website at www.ci.clayton.ca.us



Tree Removal Permits

In order to promote the general welfare, identity, character and rural tradition of the City, certain restrictions apply to the removal of trees even on residential property! A Tree Removal Permit (including payment of an application fee) is required to remove a tree that meets any of the following criteria:

- A tree with a trunk diameter of 6 inches or greater measured at chest height.
- A multiple-trunk tree with a cumulative trunk diameter of 6 inches or greater measured at chest height.
- A tree of any size which was specifically planted as part of a City-approved development application, landscape plan or tree replacement plan.

Applications are available online or at City Hall.

Tree Removal Permits may be issued for several reasons, including:

1. The tree is weakened due to infestation, disease, age, storm, fire, etc.
2. The tree is causing damage to an existing structure, improvement or other trees.
3. The tree needs to be removed to allow construction of an improvement to the home and the improvement cannot be relocated to save the tree.
4. The tree is obstructing or damaging a utility service and neither the tree nor the utility service can be relocated.

In some instances, a replacement tree must be planted on the property.

Weeds and Overgrown Vegetation

Overgrown weeds and vegetation, especially in dry months, pose an extreme fire hazard. Regular maintenance and/or removal of dry or overgrown weeds, landscaping, shrubs, and vegetation will help enhance the character, cleanliness, value, and safety of your home, neighborhood, and city. Private property fire hazard weed abatement may be ordered by the Fire District or the City.



Building Permits

Most building, demolition, and home improvement projects require a building permit. It is the responsibility of the homeowner and/or contractor to ensure that permits are obtained prior to beginning the work. Some examples of construction projects requiring building permits include:

- Decks and gazebos
- Arbors and re-roofs
- Accessory buildings and structures
- New pools and spas
- Kitchen and bath remodels
- New residential construction, additions and alterations
- Tenant improvements
- Replacement furnaces, water heaters, air conditioners, patios, exterior doors, windows and re-siding of exterior walls
- New electrical, electrical additions and alterations

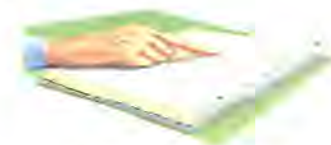
Prior to the issuance of a building permit, construction plans and supporting documents such as structural engineering design calculations, energy design calculations, soil investigation reports, specifications and other required and related information are reviewed for compliance with applicable codes and design provisions.

The cost of the building permit varies based on the type of construction work.

The City of Clayton contracts with Contra Costa County to review and issue all building permits. All applicants must first bring four (4) copies of construction plans to the Clayton Community Development Department for review of zoning compliance, engineering review (if required), stormwater permit (if required), construction and demolition debris recycling plan (if required). Plans may also need to be approved by the City of Concord for sanitary sewer compliance. Finally, plans must be delivered to the County for construction plan check, payment of building permit fees and issuance of building permit.

The following building codes are presently observed by the County Building Inspection Department:

- 2016 California Building Code
- 2016 California Residential Code
- 2016 California Green Building Code Standards
- 2016 California Plumbing Code
- 2016 California Mechanical Code
- 2016 California Electrical Code
- 2016 California Fire Code
- City and County Ordinances and Codes.



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

TUESDAY, March 21, 2017

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Diaz in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Diaz, Vice Mayor Haydon and Councilmembers Catalano, Pierce and Shuey. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Finance Manager Kevin Mizuno, Community Development Director Mindy Gentry, and City Clerk/HR Manager Janet Brown.

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

3. **CONSENT CALENDAR**

Vice Mayor Haydon requested Item 3(d) be pulled from the Consent Calendar for separate discussion.

It was moved by Vice Mayor Haydon, seconded by Councilmember Shuey, to approve the Consent Calendar Items (a) – (c). (Passed; 5-0 vote).

- (a) Approved the minutes of the City Council's special joint meeting of March 6, 2017 and its regular meeting of March 7, 2017.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Rejection of liability claim filed against the City by Lamont R. Becton for alleged vehicle damages occurring in the county area of Contra Costa.

Consent Calendar Item 3 (d) - Pulled

- (d) Accept with regret the voluntary resignation of Merle Hufford as the appointed City Treasurer of Clayton for nearly twenty (20) years, and authorized staff to advertise the Council-appointed position for interest citizen applicants.

Vice Mayor Haydon wished to note Mr. Hufford's long service to the City of Clayton as an esteemed volunteer; he will be greatly missed. Vice Mayor Haydon expressed great appreciation for his service as City Treasurer and wanted to make certain the City would honor him at a future meeting.

Mayor Diaz added that most people may not realize the Clayton City Treasurer is a non-compensated position. Mr. Hufford brought considerable experience and skills from his employment with Chevron to our Finance Department and did a great job.

City Manager Gary Napper advised Mr. Hufford will be recognized at an appropriate time at a near future meeting and City staff will be in communication with him to make the arrangements to attend a City Council meeting for proper recognition and appreciation.

It was moved by Vice Mayor Haydon, seconded by Councilmember Shuey, to approve Consent Calendar Item 3 (d), with regrets.
(Passed; 5-0 vote).

4. RECOGNITIONS AND PRESENTATIONS

- (a) Certificate of Commendation to the City for its proper U.S. Flag etiquette by the Thomas Jefferson Chapter, California Society, of the National Society of the Sons of the American Revolution.

Mr. Derek Brown, representing the Thomas Jefferson Chapter, California Society Sons of the American Revolution, State Society Vice President North and Director of Youth Activities, provided a brief history of the Sons of the American Revolution. It is a civic society which perpetuates the memory of those who, by their services or sacrifices during the American Revolutionary War, achieved the independence of the American people and it now supports all programs for the research and preservation of historic material. Mr. Brown advised in 1987 the flag certificate of commendation was authorized for presentation to individuals, companies and agencies which fly the United States Flag correctly and for patriotic purposes only, not for advertisement notice or promotion. Following the Chapter's field review, the City of Clayton has demonstrated over time and at many locations such as City Hall, the Library, the downtown park, and the downtown Veterans Memorial, its commitment to fly the American flag with proper lighting and protocols. Mr. Brown then presented Mayor Diaz with a Certificate of Commendation of Exemplary Patriotism in the display of the Flag of the United States.

Mayor Diaz indicated the City is honored to receive this recognition. Council Member Shuey noted there is another flag pole to be included at Clayton Community Park since the long broken flag halyard has now been repaired. City Manager Napper also thanked Mr. Brown for the recognition noting the City did not have advance knowledge of any entity surveying whether we are properly flying of the United States Flag and on behalf of the City organization, he added his appreciation for this acknowledgement.

- (b) 2016 Certificate of Achievement for Excellence in Financial Reporting (CAFR) to the City of Clayton.

Mayor Diaz presented Finance Manager Kevin Mizuno the 2016 Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2016, noting this recognition is not given lightly and is a national award.

Mr. Mizuno thanked the City staff and the City Manager who, during the review process, encouraged him prior to the start of this year's financial audit to submit an application to the Government Finance Officers Association for this consideration.

Councilmember Pierce thanked Mr. Mizuno for bringing this honor to the City of Clayton. Vice Mayor Haydon added that as a part of his role on the Clayton Budget Sub-Committee, when the Council Sub-Committee met with the independent auditors they really praised Clayton and its Finance Manager for its financial accuracy, ease of understanding, and clarity of the audit report.

5. REPORTS

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff - City Manager Napper expressed his thanks to Mr. Mizuno for providing financial books that staff can rely on.
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Vice Mayor Haydon attended the dedication of a memorial plaque at Berean Christian School for Ben Tollefson, a local soldier who gave the ultimate sacrifice a few years ago; he noted the Clayton Business and Community Association made a contribution to the costs.

Councilmember Shuey did not attend any meetings and thanked the Council for its understanding as he has been in trial with a successful outcome.

Councilmember Catalano attended the Clayton Business and Community Association's Art and Wine Committee meeting and announced the annual event takes place this year on April 29th and 30th. She also noted they are still looking for volunteers to fill 250 spots.

Councilmember Pierce attended the Metropolitan Transportation Commission Board meeting, and the Transportation Partnership and Cooperation (TRANSPAC) Central Contra Costa meeting; with the Metropolitan Transportation Commission she went to Washington, D. C. to visit various legislators seeking transportation funds. She also attended the Contra Costa Transportation Authority's preliminary budget meeting, and the Association of Bay Area Governments' (ABAG) Board meeting.

Mayor Diaz attended the retirement dinner of Walnut Creek Councilmember and former Mayor Bob Simmons, the dedication of a memorial plaque at Berean Christian School for Ben Tollefson, a local soldier who gave the ultimate sacrifice a few years ago, a County Connection Board meeting, the Boy Scouts Muir District Annual Awards dinner, and the Clayton Business and Community Association's 8th Annual BBQ committee meeting.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Sonja Wilkins, representing Clayton Valley Village, advised back in April 2013 she attended a City Council meeting providing background information about The Village Movement. She stated the program is geared toward "aging in place" principles and provides volunteer services to help others do so, including social activities and health education. She announced Clayton Valley Village will officially open on May 1st with an event taking place at Endeavor Hall and she invited the City Council to attend. Ms. Wilkins suggested the City issue a Proclamation declaring May 1, 2017 as "Clayton Valley Village Day." She advised there are three (3) villages operating in Contra Costa County located in Clayton, Walnut Creek and Lamorinda; there are twenty five (25) in the Bay Area, and fifty (50) in California. Ms. Wilkins noted a formal invitation will follow.

7. PUBLIC HEARINGS

- (a) Consider the Introduction and First Reading of Ordinance No. 474 amending Chapters 15.02, 15.03, 15.04, 15.05, and 15.80 of the *Clayton Municipal Code* to implement the 2016 California Building Standards Code with local changes, additions, and deletions, as allowed by state law. (ZOA-09-16).

Community Development Director Mindy Gentry presented the staff report noting this item is to consider the City's adoption of the statewide 2016 Building Standards Code, with amendments and changes to address local conditions. The 2016 Building Standards Code replaces the 2013 Building and Standards Code with new minimum construction standards in California. Ms. Gentry advised on November 15, 2016 the Contra Costa County Board of Supervisors adopted the 2016 California Building Standards Code; under contract with the County's Building Inspection Division, that public agency provides the City with building permit and inspection services. Contra Costa County therefore requires each jurisdiction served by this division to adopt the same modified code for consistency in application. Staff incorporated many of the proposed changes with the exceptions of electrical vehicle charging stations and construction waste regulations. The EV legislation outlined two different timelines for local implementation based on population; the City of Clayton has until September 2017 to take action on EV charging stations. On the second exception, the City currently retains its own Construction Demolition and Debris Recycling Program and wishes to continue to do so. By enactment of this Ordinance, implementation of the appropriate changes will bring Clayton compliant with state law.

Ms. Gentry highlighted the more substantive changes including: more restrictive standards for a building foundation to better withstand seismic forces; installation of hard-wired smoke detectors in existing flat roof buildings; prohibits a structure's braced wall panels to use gypsum wallboard or Portland Cement Plaster due to their poor performance during recent California seismic events; and increasing the diversion rate for construction waste from fifty percent (50%) to sixty-five percent (65%).

Ms. Gentry concluded her report noting this Ordinance is not subject to CEQA, pursuant to CEQA guidelines, because this activity can be seen with certainty that it will not have a significant effect or physical change to the environment.

Vice Mayor Haydon inquired about the electric vehicle charging stations and when we need to be in compliance. Ms. Gentry advised due to the passage of AB 1236 the City has until September 2017 to enact a local ordinance addressing vehicle charging stations; until that time, the City defaults to the requirements of the 2016 California Green Building Standards as it pertains to electrical vehicle charging stations.

Mayor Diaz opened the Public Hearing to receive public comment; no public comments were offered, and Mayor Diaz then closed the Public Hearing.

It was moved by Councilmember Shuey, seconded by Councilmember Pierce, to have the City Clerk read Ordinance No. 474, by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 474 by title and number only.

It was moved by Councilmember Shuey, seconded by Vice Mayor Haydon, to approve for introduction Ordinance No. 474 amending Chapters 15.02, 15.03, 15.04, 15.05, and 15.80 of the Clayton Municipal Code (ZOA-09-16) and adopting by reference the 2016 edition of the California Building Standards Code, including the

2016 California Building Code (Incorporating and Amending the 2015 International Building Code); the 2016 California Residential Code (Incorporating and Amending the 2015 International Residential Code); the 2016 California Green Building Standards Code; the 2016 California Existing Building Code; the 2016 California Electrical Code (Incorporating and amending the 2014 National Electrical Code); the 2016 California Plumbing Code (Incorporating and Amending the 2015 Uniform Plumbing Code); and the 2016 California Mechanical Code (Incorporating and Amending the 2015 Uniform Mechanical Code), together with changes, additions, and deletions thereto (ZOA-09-16), with the finding the action does not constitute a project under CEQA. (Passed; 5-0 vote).

8. ACTION ITEMS

- (a) Consider the adoption of Resolution approving the City's 2016 Annual Report on its Housing Element progress and policies.

Ms. Gentry presented the staff report noting this involves the City's Annual Housing Element Report (APR) required by the State in order to track and monitor a local public agency's housing needs and goals, including the jurisdiction's progress to address its Regional Housing Needs Allocation, by income level, the status of programs in the Housing Element, and efforts to remove government constraints. The City's 2016 APR reflects one second unit, classified as a low-income unit, was issued a building permit for construction during the reporting period. This unit was classified as low-income because the occupant of the second unit was the previous owner of the property, yet sold the property to a family member who now occupies the second unit on a fixed income.

Ms. Gentry further advised the City has increased the minimum density within Multifamily High Density land use designation from 15.1 to 20 units per acre; adopted an inclusionary housing program allowing employee housing for six or fewer residences; and an ordinance allowing transitional and supportive housing within the City's Limited Commercial zoning district subject only to the requirement of other residential uses in the district. The City has nearly completed all of its requirements contained in its 2015-2023 Housing Element cycle based on City Council's actions in 2015 and 2016. Ms. Gentry noted there is one remaining task requiring feedback on the establishment of a green building program beyond the CalGreen Tier 1 standards.

Mayor Diaz opened the floor to receive public comment; no public comments were offered.

It was moved by Councilmember Pierce, seconded by Vice Mayor Haydon, to adopt Resolution No. 08-2017 approving the City of Clayton 2016 Housing Element Annual Progress Report. (Passed; 5-0 vote).

Councilmember Pierce commented there are loads of housing bills now circulating in the State Legislature, and the Association of Bay Area Governments is hosting a legislative workshop in Sacramento to hear from several delegations and representatives regarding some of the several housing bills. She inquired whether the City should have some local discussion on some of these bills, in particular the accessory dwelling unit legislation, how such residential units can be added, counted and encouraged in our community without visual changes to the outside of the home or property.

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Diaz, the City Council adjourned its meeting at 7:37 p.m.

The next regularly scheduled meeting of the City Council will be April 4, 2017.

#

Respectfully submitted,

Janet Brown, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Jim Diaz, Mayor

#



Agenda Date 4/4/2017

Agenda Item: 3c

STAFF REPORT

Approved: 
Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: Kevin Mizuno, FINANCE MANAGER
DATE: 04/04/2017
SUBJECT: INVOICE SUMMARY

RECOMMENDATION:

Approve the following Invoices:

03/31/2017	Cash Requirements	\$ 127,430.65
03/28/2017	ADP Payroll week 13, PPE 03/26/17	\$ 80,860.74

Total \$ 208,291.39

Attachments:
Cash Requirements Report dated 3/31/2017 (4 pages)
ADP payroll report for week 13 (1 page)

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
ADP, LLC								
ADP, LLC	4/4/2017	4/4/2017	490287924	Payroll fees PPE 3/12/17	\$157.28	\$0.00		\$157.28
				<i>Totals for ADP, LLC:</i>	<u>\$157.28</u>	<u>\$0.00</u>		<u>\$157.28</u>
All City Management Services, Inc.								
All City Management Services, Inc.	4/4/2017	4/4/2017	47835	School crossing guard services 2/26/17-3/11/17	\$458.19	\$0.00		\$458.19
				<i>Totals for All City Management Services, Inc.:</i>	<u>\$458.19</u>	<u>\$0.00</u>		<u>\$458.19</u>
AT&T (CalNet3)								
AT&T (CalNet3)	4/4/2017	4/4/2017	9448901	Phone service 2/22/17-3/21/17	\$1,617.49	\$0.00		\$1,617.49
				<i>Totals for AT&T (CalNet3):</i>	<u>\$1,617.49</u>	<u>\$0.00</u>		<u>\$1,617.49</u>
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	4/4/2017	4/4/2017	0344365-IN	12X6 Ylw HIP Sheeting, Sign posts, driving g	\$197.93	\$0.00		\$197.93
				<i>Totals for Bay Area Barricade Serv.:</i>	<u>\$197.93</u>	<u>\$0.00</u>		<u>\$197.93</u>
CalPERS Retirement								
CalPERS Retirement	4/4/2017	4/4/2017	032617	Retirement PPE 3/26/17	\$13,668.90	\$0.00		\$13,668.90
				<i>Totals for CalPERS Retirement:</i>	<u>\$13,668.90</u>	<u>\$0.00</u>		<u>\$13,668.90</u>
CCWD								
CCWD	4/4/2017	4/4/2017	I Series	Water service 1/13/17-3/14/17	\$8,418.82	\$0.00		\$8,418.82
				<i>Totals for CCWD:</i>	<u>\$8,418.82</u>	<u>\$0.00</u>		<u>\$8,418.82</u>
City Clerks Association of California								
City Clerks Association of California	4/4/2017	4/4/2017	HB 2012	Revised City Clerks Handbook	\$40.00	\$0.00		\$40.00
				<i>Totals for City Clerks Association of California:</i>	<u>\$40.00</u>	<u>\$0.00</u>		<u>\$40.00</u>
Clayton Pioneer								
Clayton Pioneer	4/4/2017	4/4/2017	170275	Concerts in The Grove inserts for 2017	\$480.00	\$0.00		\$480.00
				<i>Totals for Clayton Pioneer:</i>	<u>\$480.00</u>	<u>\$0.00</u>		<u>\$480.00</u>
Clayton Valley Athletic Assn.								
Clayton Valley Athletic Assn.	4/4/2017	4/4/2017	120516	Deposit refund for EH, various dates	\$500.00	\$0.00		\$500.00
				<i>Totals for Clayton Valley Athletic Assn.:</i>	<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
Clean Street								
Clean Street	4/4/2017	4/4/2017	80876	Sweep fee for December 2015	\$2,625.00	\$0.00		\$2,625.00
				<i>Totals for Clean Street:</i>	<u>\$2,625.00</u>	<u>\$0.00</u>		<u>\$2,625.00</u>
Concord Garden Equipment								
Concord Garden Equipment	4/4/2017	4/4/2017	538824	Starter, recoil	\$51.66	\$0.00		\$51.66
				<i>Totals for Concord Garden Equipment:</i>	<u>\$51.66</u>	<u>\$0.00</u>		<u>\$51.66</u>
Concord Trailer World & Sport								
Concord Trailer World & Sport	4/4/2017	4/4/2017	783706	Service to Carson Dump Trailer	\$1,015.01	\$0.00		\$1,015.01

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Concord Trailer World & Sport:</i>					\$1,015.01	\$0.00		\$1,015.01
Contra Costa County Animal Svcs Dept								
Contra Costa County Animal Svcs Dept	4/4/2017	4/4/2017	ASD M5952	4th Qtr Installment Animal Control Services	\$16,198.28	\$0.00		\$16,198.28
<i>Totals for Contra Costa County Animal Svcs Dept:</i>					\$16,198.28	\$0.00		\$16,198.28
Contra Costa County Public Works Dept								
Contra Costa County Public Works Dept	4/4/2017	4/4/2017	700983	February Traffic Signal Maintenance	\$3,232.17	\$0.00		\$3,232.17
<i>Totals for Contra Costa County Public Works Dept:</i>					\$3,232.17	\$0.00		\$3,232.17
Contra Costa County Sheriff - Forensic Svc Div (Lab)								
Contra Costa County Sheriff - Forensic S	4/4/2017	4/4/2017	CLPD-1702	February Toxicology	\$900.00	\$0.00		\$900.00
<i>Totals for Contra Costa County Sheriff - Forensic Svc Div (Lab):</i>					\$900.00	\$0.00		\$900.00
CSAC Excess Insurance Authority								
CSAC Excess Insurance Authority	4/4/2017	4/4/2017	17401209	Employee Assistance Program, April - June 2	\$312.00	\$0.00		\$312.00
<i>Totals for CSAC Excess Insurance Authority:</i>					\$312.00	\$0.00		\$312.00
Diablo Lawnscape								
Diablo Lawnscape	4/4/2017	4/4/2017	13499	Plants for Keller Ridge Project	\$5,018.57	\$0.00		\$5,018.57
<i>Totals for Diablo Lawnscape:</i>					\$5,018.57	\$0.00		\$5,018.57
Dillon Electric Inc								
Dillon Electric Inc	4/4/2017	4/4/2017	2491	Replace streetlights - Pole #592, #663, High S	\$378.03	\$0.00		\$378.03
<i>Totals for Dillon Electric Inc:</i>					\$378.03	\$0.00		\$378.03
Globalstar LLC								
Globalstar LLC	4/4/2017	4/4/2017	1000000008167108	Sat Phone 2/16/17-3/15/17	\$69.31	\$0.00		\$69.31
<i>Totals for Globalstar LLC:</i>					\$69.31	\$0.00		\$69.31
Health Care Dental Trust								
Health Care Dental Trust	4/4/2017	4/4/2017	224619	May Dental	\$2,539.08	\$0.00		\$2,539.08
<i>Totals for Health Care Dental Trust:</i>					\$2,539.08	\$0.00		\$2,539.08
J&R Floor Services								
J&R Floor Services	4/4/2017	4/4/2017	Three 2017	March Janitorial Services	\$4,904.97	\$0.00		\$4,904.97
<i>Totals for J&R Floor Services:</i>					\$4,904.97	\$0.00		\$4,904.97
League of CA cities								
League of CA cities	4/4/2017	4/4/2017	103587	2017 Local Streets and Roads Needs Assessm	\$200.00	\$0.00		\$200.00
<i>Totals for League of CA cities:</i>					\$200.00	\$0.00		\$200.00
Legal Defense Fund								
Legal Defense Fund	4/4/2017	4/4/2017	200625	Dues 4/1/17	\$13.50	\$0.00		\$13.50
<i>Totals for Legal Defense Fund:</i>					\$13.50	\$0.00		\$13.50
Marken Mechanical Services Inc								

City of Clayton

Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Marken Mechanical Services Inc	4/4/2017	4/4/2017	3813	Service call for City Hall heating system	\$2,197.06	\$0.00		\$2,197.06
<i>Totals for Marken Mechanical Services Inc:</i>					<u>\$2,197.06</u>	<u>\$0.00</u>		<u>\$2,197.06</u>
James or Patricia Murphy								
James or Patricia Murphy	4/4/2017	4/4/2017	1044-1045	Deposit refund for 6054 Clayton View Lane	\$1,080.77	\$0.00		\$1,080.77
<i>Totals for James or Patricia Murphy:</i>					<u>\$1,080.77</u>	<u>\$0.00</u>		<u>\$1,080.77</u>
NBS Govt. Finance Group								
NBS Govt. Finance Group	4/4/2017	4/4/2017	31700149	CFD Administration, Qtrly 4/1/17-6/30/17	\$4,345.76	\$0.00		\$4,345.76
<i>Totals for NBS Govt. Finance Group:</i>					<u>\$4,345.76</u>	<u>\$0.00</u>		<u>\$4,345.76</u>
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	4/4/2017	4/4/2017	908799	April Courtyard Payphone	\$73.00	\$0.00		\$73.00
<i>Totals for Pacific Telemanagement Svc:</i>					<u>\$73.00</u>	<u>\$0.00</u>		<u>\$73.00</u>
PERMCO, Inc.								
PERMCO, Inc.	4/4/2017	4/4/2017	10726	Engineering Services 3/11/17-3/24/17	\$4,069.00	\$0.00		\$4,069.00
PERMCO, Inc.	4/4/2017	4/4/2017	10727	CAP Inspection 3/16/17	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	4/4/2017	4/4/2017	10728	Plan prep until City Mgr hold pending reimb a	\$3,262.00	\$0.00		\$3,262.00
PERMCO, Inc.	4/4/2017	4/4/2017	10729	Meeting with developer & planning, St John's	\$150.00	\$0.00		\$150.00
PERMCO, Inc.	4/4/2017	4/4/2017	10730	Coord. with Contractor, Arterial Rehab Proj.	\$1,500.00	\$0.00		\$1,500.00
PERMCO, Inc.	4/4/2017	4/4/2017	10731	Prep plans, bid pkg, Downtown Planter Restor	\$6,173.75	\$0.00		\$6,173.75
PERMCO, Inc.	4/4/2017	4/4/2017	10732	Field Inspections, PG&E Veteran Power Work	\$839.50	\$0.00		\$839.50
PERMCO, Inc.	4/4/2017	4/4/2017	10733	Prep bid plans, El Portal Restoration	\$1,765.00	\$0.00		\$1,765.00
<i>Totals for PERMCO, Inc.:</i>					<u>\$17,800.75</u>	<u>\$0.00</u>		<u>\$17,800.75</u>
PG&E								
PG&E	4/4/2017	4/4/2017	022217	Electricity 1/20/17-2/20/17	\$2,995.08	\$0.00		\$2,995.08
PG&E	4/4/2017	4/4/2017	031617	Electricity 2/14/17-3/15/17	\$20,848.58	\$0.00		\$20,848.58
<i>Totals for PG&E:</i>					<u>\$23,843.66</u>	<u>\$0.00</u>		<u>\$23,843.66</u>
Pond M Solutions								
Pond M Solutions	4/4/2017	4/4/2017	118	Fountain Maintenance	\$650.00	\$0.00		\$650.00
<i>Totals for Pond M Solutions:</i>					<u>\$650.00</u>	<u>\$0.00</u>		<u>\$650.00</u>
Reliable Automotive, LLC								
Reliable Automotive, LLC	4/4/2017	4/4/2017	21976	Service to F450	\$7,005.91	\$0.00		\$7,005.91
<i>Totals for Reliable Automotive, LLC:</i>					<u>\$7,005.91</u>	<u>\$0.00</u>		<u>\$7,005.91</u>
Alexandra Restall								
Alexandra Restall	4/4/2017	4/4/2017	021917	Deposit refund for EH 2/19/17	\$500.00	\$0.00		\$500.00
<i>Totals for Alexandra Restall:</i>					<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
Site One Landscape Supply, LLC								
Site One Landscape Supply, LLC	4/4/2017	4/4/2017	79366763	PVC Fittings	\$94.95	\$0.00		\$94.95
<i>Totals for Site One Landscape Supply, LLC:</i>					<u>\$94.95</u>	<u>\$0.00</u>		<u>\$94.95</u>

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Sportsmen Hunting/Fishing Guide Service, LLC								
Sportsmen Hunting/Fishing Guide Servi	4/4/2017	4/4/2017	108	Wild Pig Control for 2016	\$1,500.00	\$0.00		\$1,500.00
<i>Totals for Sportsmen Hunting/Fishing Guide Service, LLC:</i>					<u>\$1,500.00</u>	<u>\$0.00</u>		<u>\$1,500.00</u>
Verizon Wireless								
Verizon Wireless	4/4/2017	4/4/2017	9781249518	Cell phone 2/2/17-3/1/17	\$76.89	\$0.00		\$76.89
<i>Totals for Verizon Wireless:</i>					<u>\$76.89</u>	<u>\$0.00</u>		<u>\$76.89</u>
Western Exterminator								
Western Exterminator	4/4/2017	4/4/2017	4866262	February Pest Control	\$385.50	\$0.00		\$385.50
<i>Totals for Western Exterminator:</i>					<u>\$385.50</u>	<u>\$0.00</u>		<u>\$385.50</u>
Workers.com								
Workers.com	4/4/2017	4/4/2017	0000118264	Seasonal labor week end 2/26/17	\$1,230.31	\$0.00		\$1,230.31
Workers.com	4/4/2017	4/4/2017	00000118325	Seasonal labor week end 3/5/17	\$1,496.87	\$0.00		\$1,496.87
Workers.com	4/4/2017	4/4/2017	0000118387	Seasonal labor week end 3/12/17	\$2,153.03	\$0.00		\$2,153.03
<i>Totals for Workers.com:</i>					<u>\$4,880.21</u>	<u>\$0.00</u>		<u>\$4,880.21</u>
GRAND TOTALS:					\$127,430.65	\$0.00		\$127,430.65




Approved:



Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: Laura Hoffmeister, Assist. to the City Manager 
DATE: April 4, 2017
SUBJECT: Establishing 2017-2018 ERU Assessment Rate for Federal and State Mandated National Pollution Discharge Elimination System (NPDES) Program (Storm Water Pollution Prevention)

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution, Establishing the Rate Per Equivalent Run off Unit (ERU) for FY 2017-18 and requesting the Contra Costa County Flood Control and Water Conservation District to adopt an Annual Parcel Assessment for Drainage and Maintenance and the National Pollutant Discharge Elimination System (NPDES) Program, maintaining the current ERU Rate at \$29.00 per single-family parcel.

BACKGROUND

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

The City participates and obtained its joint NPDES permit from the SF Regional Water Quality Control Board via the Contra Costa Clean Water Program whose participants include the cities within the County, the County and the Flood Control District. The City of Clayton has participated since its inception in September 1993. The SF Regional Water Quality Control Board issued the 4th five-year permit in November 18, 2015, covering FY 2015/16 – 2019/20. This permit, called the Municipal Regional Permit 2.0 (MRP 2.0), covers many counties and cities in the Bay Area. MRP 2.0 permit allows the City and other jurisdictions to utilize the storm water drainage system for the discharges into creeks that ultimately drain into the bay. This joint participation allows for the program management and permit process costs to be kept to a minimum through economies of scale and local and regional collaboration, at a fraction of the cost of doing it alone. The program provides for a regional approach to stormwater pollution control, regional monitoring, public education and outreach, technical support and training, special studies and NPDES permit administration requirements.

As part of its permit conditions, Clayton is required to implement a comprehensive Stormwater Management Plan (SWMP). The SWMP includes public participation and inter-governmental coordination designed to reduce the discharge of pollutants into the storm drainage system to the maximum extent practicable through the required implementation of 500 plus Best Management Practices and other requirements (about 350 pages in long with an annual report checklist that is 100 pages in length), or BMP's as they are commonly referred. (For comparison: in 1993 first there were 12 BMP's, about 5 pages in length, all related to municipal maintenance activities such as drainage inlet cleaning and v-ditch cleaning. In 1997 there were 257 BMP's covering 40 pages. In FY 03-04 c3 amendments – an additional 75 pages were added to the permit by the Regional Board, requiring increased regulation and monitoring activities for development/construction controls, municipal maintenance, public education and outreach, illicit discharge and inspection, and documentation and reporting. In 2009 the document grew to 300 pages with 216 requirements).

Staff is aware the cost of meeting the obligations of the increased requirements contained in the MRP 2.0 will begin to exceed our revenues received from the ERU. The annual estimated shortfall for FY17-18 is expected to be \$54,000 which will be able to be covered by the Stormwater Reserve Fund balance. Although difficult to fully identify all future additional costs at this point, staff has identified the minimum estimated cost impacts by the new regulations to the City could further outpace revenues. Some new items required by MRP 2.0 include more elimination of litter going into storm drains; more monitoring and reporting on our storm drain inlets trash capture devices (which capture litter before going to the creek), and "green infrastructure" which sets forth standards for cities to redirect their existing storm drainage water into landscape areas; reduction of PCB contained in caulk and joint compounds (structures built between 1950 and 1980); and having cities regulate certain demolition and tenant improvements similar to that now done for asbestos and lead paint for homes and businesses through the planning and building permit process.

When the program was originally established in 1993, the rate cap for the current parcel fee in Clayton was set by the City Council at \$29/ERU. Because other members of the Clean Water Program also have the same issues (costs exceeding available revenue available from the ERU rate) a cost/revenue analysis was undertaken by the Contra Costa Clean Water Program to evaluate possible additional funding mechanisms for the added requirements of the MRP. The Clean Water Program attempted three times the pursuit of legislation to add stormwater to the definitions of other utilities such as sewer and water and was not successful in receiving needed legislative support, and there is not support by the governor and his staff. It was after these state wide attempts were fruitless, our straining local funding and the continuing increased requirements by state regulating agencies that led to the 2012 Prop 218 property owner vote for a new parcel fee. The new second revenue measure did not pass. Local revenues for stormwater quality protection have been level since 2000—while compliance costs continue to increase. Additional state legislation is being pursued to establish a process to allow for future local voter consideration of new stormwater revenues. However, in order to continue to receive our existing current ERU rate of \$29 per single family parcel (the same amount levied since FY1999/2000) must be levied. Failure to levy this fee would result in the City need to consider use of its General Fund, and/or a local city specific revenue measure since the regional Prop 218 measure did not receive sufficient voter support for passage.

DISCUSSION

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

One of the largest components of the unfunded mandates was the trash load analysis and reduction program that cities had to undertake. This provision required cities to reduce their trash pollution load by 40% by 2014, and completely eliminate (100% reduction) by 2020. The City of Clayton installed 25 trash capture devices and has reduced its trash load to the 100% level at this time, about 5 years before the

deadline. The trash capture devices and their installation were covered through ABAG grants that the City Maintenance staff received. However there are not any new funds to address the mandated studies and documentation that cities must file as part of its Annual Report to the State. They include mandatory maintenance items such as clearing of trash along specific areas of creeks and drainage inlets; the quantification of the materials collected; enforcement action (issuance of citations) to individuals for pollution runoff; creeks and waterways testing, mapping, monitoring and of all creeks and all outfalls to creeks, and specific on-going litter removal down to the size of a cigarette butt of litter on certain distance of creek segments and the cleaning of drainage inlets (we currently do public inlets only). The reporting format requires cities to use computer data base for mapping, reporting and monitoring information and transmitting electronically to the SF Regional Water Board where they will post to a public accessible web site. The Clean Water Program is establishing a cloud based GIS mapping project where we will have access to GIS data base, therefore at this time there is not a need to undertake an individual city effort to comply with this permit requirement. MRP 2.0 permit also requires increased and/or enhanced inspections to commercial businesses. The City contracts with Central Contra Costa Sanitary District to perform these inspections, as they have the special training needed to undertake and most of the businesses are restaurant businesses which they already periodically inspect. The permit also requires all maintenance staff and city contractors that apply herbicides or pesticides to be certified in Integrated Pest Management Practices (IPM), and Bay Friendly Certified, and for cities to have local IMP management plans and/or ordinances. The City has in the past obtained compliance by ensuring that one of its Maintenance Supervisors is trained. Due to recent maintenance supervisor staffing changes another maintenance staff member will need to become IPM Bay Friendly Certified. The City's outside noxious weed abatement contractor (Envirotech) and building pesticide contractor (Western Exterminator) are all Bay Friendly Trained and Certified applicators.

Another on-going issue is litigation. Certain third-party interest groups have repeatedly brought legal action against the EPA, State and Regional Agencies, the cities, county, and our Clean Water Program. These court actions have in the past increased costs for legal defense and added to the program requirement standards issued by the State, or as a result of judicial decisions. The Environmental organizations did file last year an appeal with the State on the MRP 2.0. This appeal is currently working its way through the process. To minimize the potential future legal costs the group program costs have included encumbrances of some group Program funds for this appeal purpose. To date Save the Bay has been closely monitoring the Trash Load Analysis and Action Plans. They are concerned that cities plans may not be aggressive enough to reduce trash pollution to meet the permit requirement time frames. However recent analysis and report by SF Regional Water Board Staff noted that most all cities are or will be in compliance with trash load reduction requirements. A more recent development is the Environmental Organizations interest in Green Infrastructure, as this area is more complicated, costly and takes longer to achieve than the trash load reduction requirements. Recent changes at the Federal level in the EPA will not lessen permit requirements or actions mandated to the cities as state legislation and through the voter approved State Clean Water Act, directed by the SF Regional Water Quality Control Board, are the governing authorities.

Overall the City's total costs are comprised of two components, one consisting of the pro rata share of group costs based upon population. The other is the management and maintenance activities undertaken by the City and its contracts with others for required activity implementation and monitoring and reporting. All program staff and permittees (cities and county) have been and continue to make strong efforts to control costs at the program level. However, funds for the MRP 2.0 permit, technical and legal work, education and outreach, implementation of programs to address recent pollutants of concerns (PCB, Mercury, Lead, Nickel etc.), ongoing trash load reduction management, green infrastructure analysis/implementation, enforcement compliance enforcement for construction site practices, and commercial operations, have increased these State unfunded mandate costs on cities and counties.

ASSESSMENT AND PROGRAM BUDGET

The Group's Clean Water Program Budget for FY 2017-18 is \$2.6 million, about the same as last year. Future budget years will see Group Program increase more to address some of the new permit

requirements. Increased costs for 2017-18 are being addressed by Program reserve carry over or encumbrances of this year's funds to help reduce or smooth out increases; thus minimizing the impact (reduction) in return to source funds.

For FY 17-18 the City of Clayton's pro rata share of the Programs cost is 1.00%, apx. \$30,466, an increase of \$3,594 over last year. Future costs increases and lack of Program carry over funding in the next few years will result in ongoing Programs Costs budget increases, this will result in less return to source funds to undertake the added local city permit requirements.

It is currently estimated that for FY 17-18 the gross revenues from Clayton's assessment will total approximately \$126,615, the same as last few years. Of this \$30,466 is allocated to the Clean Water Program administration and group expenses; \$3,800 to the County Auditor for costs related to assessment collection; \$8,000 to the Sanitary District for commercial inspection, monitoring and municipal requested call out inspections; \$3,000 to the District for fiscal and assessment area management, \$3,000 for program reserve, and \$10,000 for our annual state discharge permit fee. Thus, the remaining funds available to the City, for all other activities are approximately \$68,349, a decrease of \$3,594 over this fiscal year 2016-17 budget (note: since 2011 there will have been a decrease of almost \$19,000 in return to source funds due to increased state unfunded mandate permit requirements which have been undertaken by the Program). Approximately fifty-five percent of the City's funds are directly spent on labor costs of maintenance activities required by the program, such as storm drain inspection and cleaning, creek clearing; responding to spill calls; the remaining is divided between equipment and materials; monitoring and inspection; and management and reporting. For fiscal year 16-17 (this fiscal year) it is projected that \$12,000 may be needed from the Stormwater Reserve Fund. It is expected that about \$54,000 may be needed from the \$121,603 estimated Stormwater Fund Reserve use in FY 17-18 (mostly to comply with the MRP 2.0 trash management and monitoring requirements; and green infrastructure analysis). Any future FY shortfalls are anticipated to be covered by the City's Stormwater Fund reserves. Thereafter, if additional revenues are needed, the City must default to consider use of its General Fund, and/or a local city specific revenue measure since the regional Prop 218 measure did not receive enough support for passage.

To continue the local revenue source necessary to fund the unfunded mandates by federal and state government regulations, the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water Conservation District to establish a storm water utility area for the City and to impose benefit assessments on all applicable parcels within the City of Clayton. This item is the annual consideration to request the local assessment levy which provides funding to the Federal and State Clean Water program mandates which the City must undertake and participate in according to Federal and State law. **Staff recommends no increase to the rate for FY 2017-18; it will be the same rate as the last seventeen fiscal years, which is \$29.00 per ERU.**

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

FISCAL IMPACT

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

The recommended assessment for FY 2017-18 is the same rate that is currently in place. Should the City not authorize the Flood Control District to establish and collect the annual assessments, the City still has the

financial and legal responsibility to perform the Permit requirements but would not receive the apx. \$126,615 generated by the annual assessment. Mandated activities would need funding from another source, such as the General Fund. Given the high level of commitment of the General Fund to other City programs and projects, prior state "takes" of local funds, loss of redevelopment funds, the recent economic downturn, and fixed cost impacts to the General Fund, these NPDES costs, if paid for by the General Fund, would adversely impact other services and operations the City currently provides to the community. It must be noted here the Regional Water Quality Control Board and several case laws consistently declare clean storm water are of the utmost state priority and public agencies have been given the tools (i.e.: local taxing authority) to receive additional revenues for their purpose by garnering local voter approval to tax themselves more for this mandate.

Additional implementation measures such as that needed for monitoring and maintenance of new Stormwater facilities required under our mandated permit and installed as part of new construction within Clayton (C-3), have been addressed by the City Council to provide for methods that are self supported by the new development such as Benefit Assessment Districts or Homeowners Associations or combination thereof, or other approach that would not financially impact the city and its general funds. This Council-directed policy minimizes potential impacts to the under-funded Stormwater fund or the City's General Fund for the permanent new development installed specific requirements to meet the new state regulations. However not covered by these are the general overall reporting, enforcement action and trash reduction action plans, commercial inspections, monitoring enhancements required by the regional board are reasons that the current assessment fee should be continued.

CONCLUSION

To continue the revenue source required to fund the state mandated activities the City annually authorizes the Contra Costa Board of Supervisors to direct the Contra Costa Flood Control and Water Conservation District to impose annual benefit assessments on all applicable parcels within the City of Clayton. The attached Resolution would maintain the current Stormwater Utility Rate assessment of \$29.00 per ERU for FY 2017-18.

Attachments:

- Proposed ERU Resolution for FY 2017-2018
- Clean Water Program Budget costs and cost sharing formula FY 2017-18
- Stormwater Fund 216 Budget

RESOLUTION NO. __-2016

A RESOLUTION ESTABLISHING THE RATE PER EQUIVILANT RUN-OFF UNIT (ERU) FOR FY 2017-2018 AND REQUESTING THE CONTRA COSTA FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO ADOPT AN ANNUAL PARCEL ASSESSMENT FOR DRAINAGE MAINTENANCE AND THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

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

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

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

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

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

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

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

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

WHEREAS, the City of Clayton has been at its maximum \$29 per ERU rate since FY 1999-2000 (the last seventeen fiscal years) and this same rate is proposed again for FY 2017-2018.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby determine that its rate to be assigned to a single ERU for FY 2017-2018 shall be set and assessed at \$29.00

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

Adopted by the City Council of the City of Clayton, California at a regular meeting of thereof held on April 4, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, CA

Jim Diaz, Mayor

ATTEST:

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on April 4, 2017.

Janet Brown, City Clerk

**CONTRA COSTA CLEAN WATER PROGRAM
GROUP COSTS METHODOLOGY & ALLOCATION
FOR FISCAL YEAR 2017/18**

City/County/State	January 1, 2015	January 1, 2016 ⁽¹⁾	Percent Change	Prorata % of Program ⁽²⁾		Budget ⁽³⁾ Allocation
CONTRA COSTA COUNTY	1,111,143	1,123,429	1.11%		\$	3,053,432
ANTIOCH	111,973	112,968	0.89%	10.06%	\$	307,042
BRENTWOOD	57,072	58,784	3.00%	5.23%	\$	159,772
CLAYTON	11,159	11,209	0.45%	1.00%	\$	30,466
CONCORD	128,063	129,707	1.28%	11.55%	\$	352,538
DANVILLE	42,491	42,865	0.88%	3.82%	\$	116,505
EL CERRITO	24,132	24,378	1.02%	2.17%	\$	66,258
HERCULES	24,578	24,791	0.87%	2.21%	\$	67,381
LAFAYETTE	24,732	24,924	0.78%	2.22%	\$	67,742
MARTINEZ	36,931	37,057	0.34%	3.30%	\$	100,719
MORAGA	16,434	16,513	0.48%	1.47%	\$	44,882
OAKLEY	39,609	40,141	1.34%	3.57%	\$	109,102
ORINDA	18,578	18,749	0.92%	1.67%	\$	50,959
PINOLE	18,660	18,739	0.42%	1.67%	\$	50,932
PITTSBURG	67,119	67,817	1.04%	6.04%	\$	184,324
PLEASANT HILL	33,918	34,077	0.47%	3.03%	\$	92,620
RICHMOND	109,568	110,378	0.74%	9.83%	\$	300,003
SAN PABLO	30,498	30,829	1.09%	2.74%	\$	83,792
SAN RAMON	77,470	78,363	1.15%	6.98%	\$	212,987
WALNUT CREEK	68,652	70,018	1.99%	6.23%	\$	190,306
UNINCORP. COUNTY	169,506	171,122	0.95%	15.23%	\$	465,102
				100.00%	\$	3,053,432



1. Population estimate based on State of California Department of Finance (E-1) City/County projections- January 1, 2016. Figures are updated in May of each year.
2. Percentages based on prorata of population.
3. Budget Allocation amounts are the prorata portion of the FY 2017/18 Group Program Budget, which includes contingency.

City of Clayton
Stormwater Fund 216
Adopted Budget 2016-17

Account Number	Account Name	2014-15 Actual	2015-16 Adopted Budget	2015-16 Projected	2016-17 Adopted Budget
7111	Salaries/Regular	28,137	28,900	41,100	35,500
7112	Temporary Help	9,913	12,870	7,690	10,930
7218	LTD Insurance	236	270	300	350
7220	PERS Retirement	7,454	5,800	7,990	5,500
7221	PERS Retirement - Unfunded Liability	-	3,100	3,800	4,100
7231	Workers Comp Insurance	1,124	1,890	1,977	2,410
7232	Unemployment Insurance	672	660	660	640
7233	FICA Taxes	1,182	1,410	1,260	1,350
7246	Benefit Insurance	4,579	5,900	6,100	7,500
7311	General Supplies	2,032	9,300	5,944	8,600
7373	Education and Training	368	1,000	500	500
7389	Misc. Expenses	25	500	500	500
7409	Street Sweeping Services	42,000	44,100	42,000	44,100
7411	Professional Services Retainer (Legal)	-	-	386	-
7412	Engineering Services	1,346	10,000	2,000	5,000
7419	Other Prof. Services	15,517	38,349	18,910	36,510
7481	State Regional Annual Discharge Fee	8,740	10,000	6,869	10,000
7486	CERF Charges/Depreciation	-	-	-	2,900
7520	Project/Program Costs - Outreach	-	4,500	4,500	4,500
8101	Transfer to General Fund	34,112	34,944	34,944	35,890
Total Expenditures		157,437	213,493	187,430	216,780
Stormwater Assessment ERU Gross		127,145	126,615	126,615	126,615
NPDES Group Program costs		(25,842)	(26,575)	(26,575)	(26,872)
Commercial Insp by Central San		(2,111)	(8,000)	(8,000)	(8,000)
Flood Control Dist Fiscal Mgmt Cost		(2,358)	(3,000)	(3,000)	(3,000)
County Auditor/Controller Costs		(3,638)	(3,800)	(3,800)	(3,800)
Mandatory Retention		(3,000)	(3,000)	(3,000)	(3,000)
4602	Net Assessment Revenue	90,196	82,240	90,000	81,943
4603	Stormwater O & M Annual Fee	2,172	2,172	2,376	2,376
5324	Street Sweeping Fees	38,471	38,780	38,310	38,310
5601	Interest	1,277	1,200	1,600	1,500
5606	Unrealized Inv. Gain/Loss	(201)	-	-	-
6007	Transfer from Landscape Maintenance Fund	912	912	912	912
Total Revenue		132,827	125,304	133,198	125,041
(Decrease) in Fund Balance		(24,610)	(88,189)	(54,232)	(91,739)
Beginning Fund Balance		178,450	111,783	153,840	99,608
Ending Fund Balance		153,840	23,594	99,608	7,869

G. Stormwater Fund - No. 216

This account manages the special parcel tax (labeled "ERUs" for Equivalent Runoff Units) levied locally to assist the City in compliance with unfunded State-mandated regulations through our National Pollution Discharge Elimination System (NPDES) Permit. It has been confirmed by case law (previously challenged and lost by southern California cities) that Regional Water Quality Control Boards do indeed have authority to levy unfunded mandates against pollution discharges (cities and counties) by virtue of the federal Clean Water Act and the California Porter-Cologne Water Quality Control Act.

By previous Council action long ago, this real property tax levy was maximized at its allowable cap in year 2000 currently netting the City \$81,943 for local use in FY 2016-17 (plus projected interest earnings of \$1,500). In reality, the parcel tax generates higher gross revenues (\$126,615). However, the following purposes snag portions of the City's local levy before ever touching our local coffers:

Contra Costa [Cities] Clean Water Program	\$	26,872	
Commercial Building Inspections by Sanitary District		8,000	
County Auditor-Controller Administrative Fee		3,800	
Reserve Fund for the Clean Water Program		3,000	
Flood Control District Management Expense		3,000	
Total Revenue Offsets:	\$	44,672	35.28%

In addition the City must pay an annual NPDES Regional Discharger Fee to the State projected to be approximately \$10,000, further dipping into the local assessment levied for the City.

The City's 5-year Stormwater Permit (MRP) is issued by the San Francisco Regional Water Quality Control Board. Public agencies, including Clayton, are now under requirements to elevate enforcement, monitoring measures, and treatment projects each year to ensure cleaner stormwaters. This permit, called MRP 2.0, was reissued last November. The permit contains additional and enhanced requirements for cities such

as: managing litter that can get into its drainage and creeks from private commercial properties; PCB and Mercury pollutant testing/monitoring; maintenance and enforcement activities; "green infrastructure" which would set forth standards for cities to redirect existing storm drainage water from streets, sidewalks and parking lots and buildings into landscape areas; and enhanced IPM policies, practices and mandatory training and certifications. These additional permit terms will continue to impact the fund's equity. As other cities in the state are experiencing similar funding constraints, discussions are being held state wide to support legislation that would allow for consideration by the voters of a constitutional amendment to Prop 218. If approved by the voters this amendment would allow for fees or assessments for Stormwater to be voted on locally or regionally by majority protest consistent with the method currently allowed for sewer and water rates.

MRP 2.0 requires information to be disclosed by June 30, 2016 to elected officials of the Green Infrastructure (GI) requirements. MRP 2.0 defines Green Infrastructure: Infrastructure that uses vegetation, soils, and natural processes to manage water and create healthier urban environments..., green infrastructure refers to stormwater management systems that mimic nature by soaking up and storing water. GI is designed to capture and reduce existing PCB including background levels, and Mercury. The second objective of GI is to recharge runoff into the ground creating more filtering and more natural infiltration into creeks and waterways. The permit mandates that retrofitting existing impervious surfaces with Green Infrastructure be evaluated, analyzed, planned for costed and reported upon.

The GI has two main elements to be implemented:

- Preparation of a Green Infrastructure Plan for the inclusion of bioswale/landscape planter (LID) drainage design into existing storm drain infrastructure, including streets, roads, storm drains, etc.
- Early implementation of Green Infrastructure Projects Green Infrastructure Plan

The Green Infrastructure Plan requirements and deadlines are:

- Prepare a framework or workplan to be approved by the Permittee's governing body by June 30, 2017, and submit it to the SF Regional Water Board.
- Prepare and show estimated costs/budget for a Green Infrastructure Plan and submit it to the SF Regional Water Board with the 2019 Annual Report.

The permit requires that in the 2016 Annual Report each Permittee review current infrastructure (capital improvement) projects, prepare a list of infrastructure projects planned for implementation that have potential for green infrastructure measures, and submit the list with each Annual Report, including:

... a summary of how each public infrastructure project with green infrastructure potential will include green infrastructure measures to the maximum extent practical

during the permit term. For any public infrastructure project where implementation of green infrastructure measures is not practicable, submit a brief description for the project and the reasons green infrastructure measures were impracticable to implement.

The Green Infrastructure Plans are intended to describe how each jurisdiction will, in the coming decades, shift their impervious surfaces and storm drain infrastructure from gray, or conventional, storm drain infrastructure where runoff flows directly in to the storm drain and then to creeks and the Bay, to a more resilient, sustainable system that slows runoff by dispersing it to vegetated areas, harvests and uses runoff, promotes infiltration and evapotranspiration, and uses bioretention to detain, retain, and treat stormwater.

Cities will also be tasked to review and update as necessary their standard engineering designs and planning policies/ordinances to incorporate Green Infrastructure. The Contra Costa Clean Water Program (CCCWP), will provide guidance to the cities for reviewing capital improvement programs and projects, identifying green infrastructure potential, advancing planning and design of potential green infrastructure features, and documenting decisions regarding implementation of green infrastructure.

As noted the current permit contains mandated trash reduction requirements which are met through the implementation of the full trash capture devices. The City has installed and maintains 25 devices in its four Trash Management Areas. Through this effort we have been able to achieve 100% reduction in trash load baseline, and permit compliance. The City of Clayton is one of only a few cities to have already achieved this goal. However, recent refinements by the SF Regional Water Board to this requirement may require installation and maintenance of additional full trash capture devices to remain in compliance.

The new permit also requires the use of GIS for data base mapping and available to the public for viewing. The Clean Water Program has begun the establishment of a cloud based GIS mapping program as a group funded effort for all cities. Each city will have its own section for storm water mapping with the ability to have additional data layers as it desires. Therefore no additional city funds are needed at this time for GIS program.

Such Permit conditions necessitate ever-increasing expenditures which will eventually consume current levy revenues. Initial staff analyses reveal an additional \$225,000 to \$515,000 in annual costs could someday impact the City's fiscal operations for this state-mandated purpose alone. Only a Proposition 218 voter approval process can increase the levied rates. The failure of the Clean Water Coalition's Proposition 218 ballot in FY 2012-13 to raise levy revenues turned aside a potential \$93,700 for use in meeting state unfunded mandates for cleaner storm waters. Since the City reached its parcel levy cap 16 years ago there have been approximately 512 additional permit requirements

mandated by the SF Regional Water Board with no increase in revenue to offset the associated costs, thus resulting in the reduction of this Fund's equity reserve.

In the FY 2016-17 budget, the City's stormwater costs under the permit regulations exceed available revenues by approximately \$91,739, although the close of FY 2015-16 is expected to incur a lesser annual deficit of \$54,232. Fortunately for the moment there is projected to be reserve balance of approximately \$99,608 at the start of FY 2016-17 in this restricted-use special revenue, sufficient to cover the projected annual shortfall. The erosion of the Fund's reserve balance over past years is directly a result of added Permit requirements imposed by the Regional Board in 1996 (referred to as "C-3 amendments") MRP (1.0), issued in 2010, and the current MRP 2.0 issued in November 2015, all as "unfunded mandates."

Labor-related expenditures from this Fund in FY 2016-17 (\$68,280) cover public works' labor for the City's municipal storm drain system, annual debris clearance of creeks and V-ditches, and proactive measures for the prevention of pollutants into these waters, which ultimately emerge into the San Francisco - Oakland Bay. Educational materials and supplies are also part of this Fund's budget, along with our membership in the Contra Costa County Clean Water Program. Recoverable expenses include that portion of staff time when working on clean water issues, programs, while Regional Water Quality Control Board directives target specific programs (e.g. "diaper" inserts in storm drain inlets) and local enforcement (e.g. fines). City Hall staff (Assistant to the City Manager) expends an inordinate portion of time (approximately one third or more) engaged in the management, administration and implementation of this federal and state mandated program for cleaner runoff waters. As such, the proposed budgeted transfer of \$35,890 to the City's General Fund to partially offset this incurred staff time is reasonable and essential.

As noted previously, the fund is projected to open the fiscal year with approximately \$99,608 in reserves, and projects a year-end fund balance on June 30, 2017 of \$7,869, a 92% loss in reserves. At this rate, the Stormwater fund will become depleted during or immediately following FY 2017-18 as feared, with the only sources of discretionary funds to patch the mandated gap are General Fund operational monies or use of General Fund reserves.

The monthly street sweeping contract totaling approximately \$44,100 in FY 2016-17 is paid through this fund as a program component of cleaner storm waters from street gutters. Partially offsetting revenue is tendered by real property owners through their trash bills projecting to be approximately \$38,310. The revenue estimate is slightly lower (13%) than the annual contract fee due to the revolving number of vacant homes in Clayton (closed accounts) and various delinquent and non-paying accounts slicing away at the revenue stream.

Required annual expenditures are absorbed into this fund for engineering services (\$5,000) and Other Professional Services (\$36,510). Necessary Engineering Services will assist in providing the City's response to the state mandate to perform additional drainage/green infrastructure analysis, evaluation and annual reporting of our mapped "trash management areas", and PCB analysis. The Other Professional Services line item reflect costs associated with state mandated programs involving drainage inlet insert cleanings (\$10,000), drainage inlet confined space cleaning (\$10,000), creek-side tree trimming (\$5,000), drainage inlet inspections and reports (\$3,000) and bio-swale inspections and reports for City properties (\$2,000). New private construction activities and newer private developments with storm water treatment have been addressed by the City Council to provide methods that are self-supported or cost recovery through the City charges for fees and services, Homeowners Association and/or Benefit Assessment Districts, and therefore do not impact the Storm Water Fund or the City's General Fund.

As a friendly public reminder: public streets and gutters are swept monthly to mitigate roadway pollutants from entering the storm drain system, not for street aesthetics or as the substitute broom for an abutting property owner's sweeping/clearance of leaves and debris from the front and/or side yard curbs of one's property.



Agenda Date: 4-04-2017

Agenda Item: 8a

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR *MG*

DATE: APRIL 4, 2017

SUBJECT: SECOND READING AND ADOPTION OF AN ORDINANCE AMENDING CHAPTERS 15.02, 15.03, 15.04, 15.05, AND 15.80 OF THE CLAYTON MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE 2016 CALIFORNIA BUILDING CODE (INCORPORATING AND AMENDING THE 2015 INTERNATIONAL BUILDING CODE); THE 2016 CALIFORNIA RESIDENTIAL CODE (INCORPORATING AND AMENDING THE 2015 INTERNATIONAL RESIDENTIAL CODE); THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2016 CALIFORNIA EXISTING BUILDING CODE; THE 2016 CALIFORNIA ELECTRICAL CODE (INCORPORATING AND AMENDING THE 2014 NATIONAL ELECTRICAL CODE); THE 2016 CALIFORNIA PLUMBING CODE (INCORPORATING AND AMENDING THE 2015 UNIFORM PLUMBING CODE); AND THE 2016 CALIFORNIA MECHANICAL CODE (INCORPORATING AND AMENDING THE 2015 UNIFORM MECHANICAL CODE), TOGETHER WITH CHANGES, ADDITIONS, AND DELETIONS THERETO (ZOA-09-16)

RECOMMENDATIONS

It is recommended the City Council consider all information provided and submitted, receive and consider all public testimony, and, if determined to be appropriate, take the following actions:

1. Motion to have a Second Reading of Ordinance No. 474 by title and number only and waive further reading; and

- 2 Following the Clerk's reading; by motion adopt Ordinance No. 474 to amend the Clayton Municipal Code Chapter's 15.02, 15.03, 15.04, 15.05, and 15.80 in order to implement the 2016 Building Standards Code with local changes, additions, and deletions (ZOA-09-16) (**Attachment 1**).

BACKGROUND

On March 21, 2017, the City Council introduced the subject ordinance, which proposes to amend the Clayton Municipal Code Chapter's 15.02, 15.03, 15.04, 15.05, and 15.80 in order to implement the 2016 Building Standards Code with local changes, additions, and deletions (ZOA-09-16) (**Attachment 2**). No changes were made to the Ordinance at the March 21, 2017 hearing.

ENVIRONMENTAL DETERMINATION

This Ordinance is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

FISCAL IMPACT

There is no direct fiscal impact as the County's Building Division will coordinate the implementation of the CBSC; however there could be additional staff time associated with the implementation of the amended Project Construction and Demolition Debris Recycling program.

ATTACHMENTS

1. Ordinance No. 474 with the following Exhibits: [27 pp.]
 - Exhibit A – Clayton Municipal Code Sections 15.02, 15.03, 15.04, 15.05, and 15.80 with the 2016 Building Standards Code amendments
 - Exhibit B – Findings of Fact
2. Excerpt of the Staff Report and the Minutes from the March 21, 2017 City Council Meeting [6 pp.]

ATTACHMENT 1

ORDINANCE NO. 474

AN ORDINANCE AMENDING CHAPTERS 15.02, 15.03, 15.04, 15.05, AND 15.80 OF THE CLAYTON MUNICIPAL CODE (ZOA-09-16) AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE 2016 CALIFORNIA BUILDING CODE (INCORPORATING AND AMENDING THE 2015 INTERNATIONAL BUILDING CODE); THE 2016 CALIFORNIA RESIDENTIAL CODE (INCORPORATING AND AMENDING THE 2015 INTERNATIONAL RESIDENTIAL CODE); THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2016 CALIFORNIA EXISTING BUILDING CODE; THE 2016 CALIFORNIA ELECTRICAL CODE (INCORPORATING AND AMENDING THE 2014 NATIONAL ELECTRICAL CODE); THE 2016 CALIFORNIA PLUMBING CODE (INCORPORATING AND AMENDING THE 2015 UNIFORM PLUMBING CODE); AND THE 2016 CALIFORNIA MECHANICAL CODE (INCORPORATING AND AMENDING THE 2015 UNIFORM MECHANICAL CODE), TOGETHER WITH CHANGES, ADDITIONS, AND DELETIONS THERETO (ZOA-09-16)

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

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS FOLLOWS:

WHEREAS, the California Building Standards Commission has adopted the 2016 California Building Standards Code, which became effective on January 1, 2017; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 allow for a city to adopt and make local amendments and modifications to the building standards in the California Building Standards Code to establish more restrictive building standards than those contained in the California Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 require a city, before making any amendments and modifications to the California Building Standards Code, to make an express finding that such amendments and modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, Government Code Section 50022.2 permits enactment of city ordinances that adopt codes or statues, including codes of the State of California by reference; and

WHEREAS, notice of a public hearing on this ordinance was published in the East Bay Times on March 10, 2017; and

WHEREAS, the City Council conducted first reading of this ordinance on March 21, 2017; and

WHEREAS, the City Council held a public hearing on April 4, 2017, as required by law, at which time the Council determined that the adoption of the Codes and amendments thereto are in the best interest of the City and are based on the findings required by law; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date on this matter.

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS FOLLOWS:

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

Section 2. Purpose, Intent, and Findings

This ordinance is adopted by the City Council of the City of Clayton to adopt by reference the California Building Standards Commission's adopted and published 2016 Building Standards Code, which includes the 2016 California Building, 2016 California Residential Code, the 2016 California Green Building Standards Code, the 2016 California Electrical Code, the 2016 California Plumbing Code, the 2016 California Mechanical Code, and the 2016 California Existing Building Code, with changes, additions, and deletions that are necessary because of local climatic, geological, or topographical conditions, which are set forth in Exhibit A to this Ordinance. It is adopted to mirror the Codes of the County of Contra Costa as required by the contract entered into between the City of Clayton and the County of Contra Costa wherein the County Building Inspection Division provides permitting and enforcement of these Codes for the City of Clayton. As of the effective date of this Ordinance, the provisions of this Building Code are controlling and enforceable within the limits of this jurisdiction. Further, this Ordinance is adopted pursuant to Health and Safety Code sections 17922, 17958, 17958.5, and 17958.7, and Government Code sections 50020 through 50022.10, based upon the findings set forth in attached Exhibit B, which are incorporated herein by reference.

Section 3. Amendments to Clayton Municipal Code

Chapters 15.02, 15.03, 15.04, 15.05, and 15.80 of the Clayton Municipal Code are hereby amended and restated in their entirety as provided in Exhibit "A" attached hereto and incorporated herein by reference.

Section 4. Action to Challenge This Ordinance

Any action or proceeding to attack, review, set aside, void or annul this ordinance must be commenced and the service made on the City no later than ninety (90) days after its effective date.

Section 5. Conflicting Ordinances Repealed

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

Section 6. Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

Section 7. CEQA

The City Council hereby determines that this Ordinance is ordinance is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

Section 8. Effective Date and Publication

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

Section 9. Penalty for Violations

Any violation of this ordinance shall be subject to applicable provisions of Clayton Municipal Code Section 1.20.010. Penalty for Violations - Infractions and Misdemeanors.

The foregoing Ordinance was introduced at a regular noticed public meeting of the City Council of the City of Clayton held on March 21, 2017.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular public meeting thereof held on April 4, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jim Diaz, Mayor

ATTEST

Janet Brown, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a noticed regular meeting of the City Council of the City of Clayton held on March 21, 2017 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on April 4, 2017.

Janet Brown, City Clerk

Attachments:

Exhibit A: Amended Chapters 15.02, 15.03, 15.04, 15.05, and 15.80 of the Clayton Municipal Code

Exhibit B: Findings for Adoption of Ordinance No. 474

EXHIBIT A

CHAPTER 15.02

2016 CALIFORNIA BUILDING CODE WITH AMENDMENTS

Sections:

- 15.02.001 Adoption.
- 15.02.002 Amendments (California Building Code).
- 15.02.003 Amendments (California Residential Code).
- 15.02.004 Amendments (California Existing Building Code).

15.02.001 Adoption.

- (a) The building code of this City is the 2016 California Building Code (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), the 2016 California Residential Code (California Code of Regulations, Title 24, Part 2.5), and the 2016 California Existing Building Code (California Code of Regulations, Title 24, Part 10), as amended by the changes, additions, and deletions set forth in this ordinance and Division 72 of the Contra Costa County Code.
- (b) The 2016 California Building Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code is adopted by this reference as though fully set forth in this ordinance.
- (c) The 2016 California Residential Code, with changes, additions, and deletions set forth in this chapter and the previously referenced Division 72, is adopted by this reference as though fully in this ordinance.
- (e) The 2016 California Existing Building Code, with the changes, additions, and deletions set forth in this chapter and the previously referenced Division 72, is adopted by this reference as through fully in this ordinance.
- (f) At least one copy of this building code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (g) As of the effective date of this ordinance, the provisions of the building code are controlling and enforceable within the City.

15.02.002 Amendments. The 2016 California Building Code ("CBC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2016 California Building Code.

- (a) CBC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 of the Contra Costa County Code as follows:

- (1) Sections 103, 109, 112, 113, 114, and 116 of CBC Chapter 1 are deleted.
- (2) Section 105.2 (Work Exempt from Permit) of CBC Chapter 1, subsection 4 is amended to read:
 4. Retaining walls that are not more than three feet in height, measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1 (vertical):10 (horizontal), unless supporting a surcharge or ground slope exceeding 1 (vertical):2(horizontal) or impounding Class I, II, or III-a liquids.
- (3) Section 107.1 (Submittal Documents – General) of CBC Chapter 1 is amended by deleting the exception.
- (4) Section 107.2.1 (Information on Construction Documents) of CBC Chapter 1 is amended to read:

107.2.1 Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media documents may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for the owner and the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the City building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

- (5) Section 110.1 (Inspections – General) of CBC Chapter 1 is amended by adding the following to the end of that section:

At the time of first inspection by the City building official, a California licensed Land Surveyor or Civil Engineer shall certify in writing that the structure is placed according to the approved set of plans. The written certification must include the site address and permit number. This requirement does not apply to alterations or repairs to existing structures that do not affect the exterior limits of the existing structures.

- (b) Section 907.2.11.9 (Existing Group R Occupancies) of CBC Chapter 9 (Fire Protection Systems), to read:

907.2.11.9 Existing Group R Occupancies. In existing flat roof buildings, the installation of a smoke detector that complies with California Residential Code Section R314.6 shall be required when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed.

- (c) Section 1406.5 is added to Section 1406 (Combustible Materials on the Exterior Side of Exterior Walls) of CBC Chapter 14 (Exterior Walls), to read:

1406.5 Wood shakes or shingles. Wood shakes or shingles used for exterior wall covering shall be fire treated unless there is a minimum of 10 feet from the exterior wall (including shakes or shingles) to the property line of all sides, except for any sides of exterior walls facing the street.

- (d) Section 1705.3 (Concrete Construction) of CBC Chapter 17 (Special Inspections and Tests), Exception 1 is amended to read:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength of no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

- (e) Section 1809.8 (Plain Concrete Footings) of CBC Chapter 18 (Soils and Foundations) is deleted.

- (f) Section 1810.3.9.3 (Placement of reinforcement) of CBC Chapter 18 (Soils and Foundations) is amended by deleting Exception No. 3.

- (g) Section 1906 (Structural Plain Concrete) of CBC Chapter 19 (Concrete) is deleted.

- (h) Section 1907.1 (Minimum Slab Provisions – General) of CBC Chapter 19 (Concrete) is amended by adding the following sentence to that section:

Slabs shall have six inch by six inch by ten gauge wire mesh or equal at mid-height.

- (i) Appendix C and Appendix I of the CBC are incorporated into the City building code. Appendix A, Appendix B, Appendix D, Appendix E, Appendix F, Appendix G, Appendix H, Appendix J, Appendix K, Appendix L, and Appendix M of the CBC are excluded from the City building Code.

15.02.003 Amendments to CRC. The 2016 California Residential Code (“CRC”) is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2016 California Residential Code.

(a) Sections R103, R108, R111, R112, R113, and R114 of the CRC Chapter 1 (Scope and Application) are deleted.

(b) In Section R105.2 (Work exempt from permit) of CRC Chapter 1 (Scope and Application), subsection 3 is amended to read:

3. Retaining walls that are not more than three feet in height, measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1(vertical):10(horizontal), unless supporting a surcharge or ground slope exceeding 1(vertical):2(horizontal) or impounding Class I, II, or III-a liquids.

(c) Table R602.10.3(3) (Bracing Requirements Based on Seismic Design Category) of CRC Chapter 6 (Wall Construction) is amended as follows:

(1) The title of Table R602.10.3(3) is amended to read:

TABLE R602.10.3(3)^f

(2) Footnote “f” is added to Table R602.10.3(3) to read

f. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structure.

(d) Section R602.10.4.4 is added to Section R602.10.4 (Construction methods for braced wall panels) of CRC Chapter 6 (Wall construction), to read:

R602.10.4.4 Limits on methods GB and PCP. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

(e) Appendix H of the CRC is incorporated into the City building code. Appendix A, Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, Appendix I, Appendix J, Appendix K, Appendix L, Appendix M, Appendix N, Appendix O, Appendix P, Appendix Q, Appendix R, Appendix S, Appendix T, Appendix U, Appendix V, and Appendix W of the CRC are excluded from the City building code.

15.02.004 Amendments to CEBC. The 2016 California Existing Building Code (“CEBC”) is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2016 California Existing Building Code.

(a) CBEC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 of the Contra Costa County Code and as follows:

- (1) Sections 103, 108, 111, 112, 113, and 115 of CEBC Chapter 1 are deleted.
- (2) Section 106.1 (Construction Documents – General) of CEBC Chapter 1 is amended by deleting the exception.
- (3) Section 106.2.1 (Construction Documents) of CEBC Chapter 1 is amended to read:

106.2.1 Construction documents. Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for the owner and the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the City building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

- (4) Section 109.1 (Inspections – General) is amended by adding the following to the end of that section:

At the time of first inspection by the City building official, a California licensed Land Surveyor or Civil Engineer shall certify in writing that the structure is placed according to the approved set of plans. The written certification must include the site address and permit number. This requirement does not apply to alterations or repairs to existing structures that do not affect the exterior limits of the existing structures.

CHAPTER 15.03

2016 CALIFORNIA ELECTRICAL CODE WITH AMENDMENTS

Sections:

- 15.03.002 Adoption.
- 15.03.606 Unlawful wiring, electric fences, warning.
- 15.03.608 Power from generators.
- 15.03.612 Public nuisance lighting.

15.03.002 Adoption.

- (a) The electrical code of this City is the 2016 California Electrical Code (California Code of Regulations, Title 24, Part 3, as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 2016 California Electrical Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code are adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this electrical code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the electrical code are controlling and enforceable within the City.

15.03.606 Unlawful wiring, electric fences, warning.

- (a) Prohibition. Except as hereinafter provided, no person shall construct or maintain any spring gun, or any electric wiring device, designated or intended to injure and/or shock animals or persons, or any contrivance or apparatus for such purpose.
- (b) Livestock Exception. Persons principally engaged in the business of handling livestock as a primary means of production or income may electrify fences to control or confine livestock upon complying with all the following requirements:
 - (1) Any contrivance or mechanism to control electrical current in such fences shall be listed by an approved testing laboratory, and shall include a suitable interrupting device and such other safety devices to prevent dangerous currents getting on the fence at any time.
 - (2) Any electrical fence to which the public may have access, except cross fences to confine and control livestock, shall be posted with a warning notice containing the following or similar wording: "DANGER. ELECTRIC FENCE," or "DANGER. HIGH VOLTAGE." This notice

shall be posted along any such main fence at intervals of not more than 200 feet and in letters at least two inches high.

15.03.608 Power from generators.

- (a) All occupancies that have commercially supplied electricity shall connect to the commercial supplier.
- (b) Any occupancy that has commercially supplied electricity shall not use a permanent or temporary generator(s), provided that a generator(s) may be used for commercial purposes when authorized by the City building official.

15.03.612 Public nuisance lighting. Lighting fixtures shall be so installed, controlled or directed that the light will not glare or be blinding to pedestrians or vehicular traffic or on adjoining property.

CHAPTER 15.04

2016 CALIFORNIA PLUMBING CODE WITH AMENDMENTS

Sections:

15.04.002 Adoption.

15.04.002 Adoption.

- (a) The plumbing code of this City is the 2016 California Plumbing Code (California Code of Regulations, Title 24, Part 5, as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 2016 California Plumbing Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code, is adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this plumbing code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the plumbing code are controlling and enforceable within the City.

CHAPTER 15.05

2016 CALIFORNIA MECHANICAL CODE WITH AMENDMENTS

Sections:

15.05.002 Adoption.

15.05.002 Adoption.

- (a) The mechanical code of this City is the 2016 California Mechanical Code (California Code of Regulations, Title 24, Part 4), as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 2016 California Mechanical Code, with the changes, additions, and deletions set forth in Division 72 of the Contra Costa County Code, is adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this mechanical code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the mechanical code are controlling and enforceable within the City.

Chapter 15.80

GREEN BUILDING STANDARDS CODE: PROJECT CONSTRUCTION AND
DEMOLITION DEBRIS RECYCLING

Sections:

15.80.000	Adoption
15.80.001	Amendments to CGBSC
15.80.010	Definitions
15.80.020	Threshold for covered projects
15.80.030	Submission and contents of waste management plan
15.80.040	Review of waste management plan
15.80.050	Modified diversion rate
15.80.060	Submission of completed waste management plan
15.80.070	Appeal
15.80.080	Enforcement

15.08.000 Adoption.

- (a) The green building code of this City is the 2016 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11, as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) At least one copy of this green building code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.

15.08.001 Amendments to CGBSC. The 2016 California Green Building Standards Code (“CGBSC”) is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2016 California Green Building Standards Code.

- (a) Section 301.1.1 (Additions and alterations) of CGBSC Chapter 3 (Green Building) is amended to read:

Section 301.1.1 Additions and alterations. The mandatory provisions of Chapter 4 shall apply to additions or alterations of existing residential buildings where the addition or alteration increases the building’s conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration.

The mandatory provisions of Section 4.408 shall apply to the following types of construction or demolition projects for existing residential buildings:

- 1. Projects that increase the total combined conditioned and unconditioned building area by 5,000 square feet or more.

2. Alterations to existing structures impacting 5,000 square feet or more of total combined conditioned and unconditioned building area.
3. Demolition projects when a demolition permit is required.

Exception: Demolition projects undertaken because the enforcing agency has determined that the demolition is necessary to abate a public nuisance or otherwise protect public health and safety.

For the purposes of determining whether a project meets the 5,000 square-foot threshold, the enforcing agency may deem all phases of a project and all related projects taking place on a single or adjoining parcel(s) as a single project.

Note: On and after January 1, 2014, residential buildings undergoing permitted alterations, additions or improvements shall replace noncompliant plumbing fixtures with water-conserving plumbing fixtures. Plumbing fixture replacement is required prior to issuance of final completion, certificate of occupancy or final permit approval by the local building department. See Civil Code Section 1101.1, et seq., for the definition of a noncompliant plumbing fixture, types of residential buildings affected or other important enactment dates.

15.80.010 Definitions.

For the purposes of this ordinance, the following definitions shall apply:

A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permits to undertake construction, demolition, or renovation projects within the city.

B. "Construction" means the building of any facility, structure, or paved area or any portion thereof including tenant improvements to an existing facility, structure, or paved area.

C. "Construction and demolition debris" ("C&D debris") means used or discarded materials removed from a project site during construction, demolition, or renovation activities.

D. "Conversion rate" means the rate set forth in the standardized conversion rate table approved by the state, as amended or revised, for estimating the volume or weight of materials identified in a waste management plan.

E. "Covered project" shall have the meaning set forth in Section 15.80.020.A.

F. "Deconstruction" means the process of dismantling a building, structure, or paved area in order to salvage components for reuse or recycling.

G. "Demolition" means the decimating, razing, ruining, tearing down, or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

H. "Divert" means to use material for any purpose other than disposal in a landfill or transfer facility.

I. "Diversion requirement" means the redirection from the waste stream of construction and demolition debris generated by a project via salvage, reuse, and/or recycling.

J. "Modified diversion rate" means a diversion rate less than a standard diversion requirement.

K. "Non-covered project" shall have the meaning set forth in Section 15.80.020.B.

L. "Official" shall have the meaning set forth in Section 15.80.010.W.

M. "Project" means any activity, which requires an application for a building, grading, or demolition permit, or any similar permit from the city.

N. "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

O. "Renovation" means any change, addition, or modification (including tenant improvements) in an existing structure or building.

P. "Reuse" means further or repeated use of materials in their original form.

Q. "Salvage" means the controlled removal of construction or demolition debris from a project site for diversion requirement purposes.

R. "Site" means any location which requires a waste management plan under this chapter.

S. "Standard diversion requirement" means at least sixty-five (65) percent, or a numeric threshold established by subsequent state regulation, of the waste stream of construction and demolition debris generated by a project is diverted from the landfill via salvage, reuse, and/or recycling.

T. "Tenant improvements" means a "project" involving structural or other modifications of an existing building, structure, or project site resulting in the generation of C&D debris.

U. "Vendor" means a hauler of commercial recycling material licensed to conduct business in the city.

V. "Waste management plan" ("WMP") means a completed WMP form submitted by the applicant for any covered project for the purpose of compliance with this chapter.

W. "WMP compliance official" ("official") means the city community development director or his or her designee.

15.80.020 Threshold for covered projects.

A. Covered projects.

1. Residential: All construction, demolition, renovation, or re-roofing projects within the city, which involve the construction, demolition, or renovation of 500 square feet or more of existing area, and/or any additional increase in square footage of conditioned or habitable area by additions to or modification of the existing structure; and which require a building, grading, or demolition permit shall be considered covered projects and shall comply with this chapter. For the purposes of determining whether a project meets the foregoing thresholds, all phases of a project and all related projects taking place on single or adjoining parcels, as determined by the official, shall be deemed a single project.

2. Non-Residential: All non-residential additions or alterations requiring a permit.
- B. Non-covered projects.
1. Construction, demolition and renovation projects within the city that have not met the threshold for covered projects shall be considered non-covered projects.
 2. Installation of solar panels on an existing roof or existing structure; or demolitions which materials have been determined by the city official cannot be accepted by facilities as recyclable.
 3. Applicants for non-covered projects shall be encouraged and endeavor to divert as much project-related C&D debris as possible.
- C. Projects Sponsored by the City. All construction, demolition and renovation projects sponsored by the City shall be considered covered projects for the purposes of this chapter. The project sponsor or its contractor shall submit a WMP to the official prior to beginning any activities and shall be subject to all applicable provisions of this chapter.
- D. Building, grading and demolition permits. No building, grading or demolition permit shall be issued for a covered project unless and until the official has approved a WMP for the project.

15.80.030 Submission and contents of waste management plan.

An applicant for any covered project shall complete and submit a WMP on a form approved by the city as part of the application submittal requirements for a building, grading, or demolition permit. A complete WMP shall include all of the following:

- A. Identification of the types of C&D debris expected to be generated from the project and the types of C&D debris to be made available for salvage, reuse, and/or recycling, and diverted from the landfill;
- B. Acknowledgement that the standard diversion requirement requires at least sixty-five (65) percent, or a numerical threshold established by subsequent state regulation, of the C&D debris materials to be diverted from the landfill and made available for salvage, reuse, and/or recycling;
- C. Acknowledgement that the applicant is responsible for the actions of his or her contractors, sub-contractors or other agents with regard to the diversion requirement;
- D. Signature of the property owner (or authorized agent); and
- E. A cash deposit (or other financial security instrument acceptable to the city) to ensure the performance of the diversion requirements of this chapter, and to cover staff review and processing charges. The amount of the cash deposit (based upon the square footage of the construction, demolition, or renovation), plus a minimum deposit, shall be established by City Council resolution, and as may be amended from time to time.

15.80.040 Review of waste management plan.

A. Approval. Notwithstanding any other provision of this code, no building, grading, or demolition permits shall be issued for any covered project, nor shall any construction, demolition, or renovation take place on any covered project, unless and until the official has approved the WMP. Approval shall not be necessary, however, when the city determines an emergency demolition is required to protect public health or

safety. The official shall approve the WMP if the official determines that the WMP complies with the requirements of Section 15.80.030.

B. Non-approval. If the official determines the submitted WMP does not comply with the requirements of Section 15.80.030, the official shall notify the applicant the WMP is not approved and provide a written statement of the reason(s) the WMP is out of compliance. The official shall withhold or order the withholding of issuance of all associated city development permits, including building, grading, and demolition permits for the covered project until compliance has been met.

15.80.050 Modified diversion rate.

A. Application. If an applicant experiences unique circumstances that the applicant believes make it infeasible to comply with the standard sixty-five (65) percent diversion requirement, or a numerical threshold established by subsequent state regulation, the applicant may request approval of a modified diversion rate at the time the applicant submits the WMP in accordance with Section 15.80.030. Economic or increased financial costs to the applicant generally will not be a sufficient basis for approval of a modified diversion rate unless such costs are proportionately extraordinary. The applicant shall indicate on the WMP the maximum amount of diversion the applicant believes can be achieved for each material and the specific unique circumstance(s) the applicant believes makes compliance with the standard diversion requirement infeasible.

B. Granting of modified diversion rate. If the official determines that the applicant is unable to meet the standard diversion requirement due to unique circumstances, the official may approve and issue a modified diversion rate and shall indicate this rate on the WMP submitted by the applicant.

C. Denial of modified diversion rate. If the official determines that unique circumstances are not present and the applicant is able to comply with the standard diversion requirement, the official shall so inform the applicant in writing. The applicant shall have thirty (30) calendar days to resubmit a WMP in full compliance with Section 15.80.030.

15.80.060 Submission of completed waste management plan.

A. Documentation. Prior to the final building inspection or the filing of a notice of completion for a public works project for any covered project, the applicant shall submit documentation that it has met the diversion requirement for the project to the official. This documentation shall include the following:

1. A copy of the approved WMP for the project with notations of the actual material volume or weight generated by the completed project;
2. Receipts from disposal and recycling facilities and/or vendors that received each material showing the type and quantity (weight or volume) of material, and whether the material was disposed in a landfill or recycled; and
3. Any additional information the applicant believes is relevant to determining compliance with this chapter.

B. Weighing of materials. The applicant shall make reasonable efforts to ensure that all C&D debris recycled or disposed in a landfill are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. A volumetric measurement shall be used on C&D debris for which weighing is not practical due to

small size or due to other considerations as determined by the official or the state. For conversion of volumetric measurements to weight, the applicant shall use the conversion rates approved by the state for this purpose.

C. Determination of compliance. The official shall review the submitted information and determine whether the applicant has complied with the diversion requirement. The official shall authorize the final building inspection or the filing of the notice of completion for a public works project upon making a determination of compliance, as listed below:

1. Full compliance. If the official determines the applicant has fully complied with the diversion requirement applicable to the project, the full performance security, less staff review and processing charges, shall be returned to the applicant within thirty (30) days after full compliance is determined.

2. Partial compliance. If the official determines the applicant has not fully complied with the diversion requirement applicable to the project, the official shall determine on a case-by-case basis whether the applicant has made a good faith effort to comply with the approved WMP. In making this determination, the official shall consider the availability of markets for the C&D debris disposed in a landfill, the size of the project and the documented efforts of the applicant to divert the C&D debris. If the official determines the applicant has made a good faith effort to comply with the approved WMP, such determination shall be provided in writing, and the portion of the deposit equivalent to the portion of C&D debris actually diverted compared to the portion that should have been diverted according to the approved WMP will be returned to the applicant, less staff review and processing charges. The partial deposit shall be returned to the applicant within thirty (30) days after partial compliance is determined.

3. Noncompliance. If the official determines the applicant has not complied with the approved WMP, the official shall notify the applicant in writing. The full amount of the performance security shall be forfeited to the city as a penalty and to cover staff review and processing charges.

15.80.070 Appeal.

Appeal of a determination made under this chapter may be made to the city council following the procedures set forth in Section 5.04.100 of this code, with payment of an appeal fee as established by City Council resolution. Any appeals shall be limited to: 1) the granting or denial of modified diversion rate; or 2) whether the applicant has complied with an approved WMP.

15.80.080 Enforcement.

Violation of any provision of this chapter may be enforced through remedies listed in this code, including but not limited to Chapters 1.14, 1.18 and 1.20.

EXHIBIT B

City of Clayton

FINDINGS IN SUPPORT OF CHANGES, ADDITIONS, AND DELETIONS TO THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE

The California Building Standards Commission has adopted and published the 2016 Building Standards Code, which includes the 2016 California Building, Residential, Green Building Standards, Electrical, Plumbing, Mechanical, and Existing Building Codes. These codes are enforced in the City of Clayton by the City and Contra Costa County's Building Inspection Division of the Department of Conservation and Development.

Although these codes apply statewide, Health and Safety Code sections 17958.5 and 18941.5 authorize a local jurisdiction to modify or change these codes and establish more restrictive building standards if the jurisdiction finds that the modifications and changes are reasonably necessary because of local climatic, geological or topographical conditions.

City of Clayton Ordinance No. 474 adopts the statewide codes and amends them to address local conditions, consistent with Contra Costa County.

Pursuant to Health and Safety Code section 17958.7, the Clayton City Council finds that the more restrictive standards contained in Ordinance No. 474 are reasonably necessary because of the local climatic, geological, and topographic conditions that are described below.

I. Local Conditions

A. Geological and Topographic

1. Seismicity

(a) Conditions

Contra Costa County is located in Seismic Design Category D and E, which designates the highest risk for earthquakes in the United States. Buildings and other structures in these zones can experience major seismic damage. Contra Costa County is in close proximity to numerous earthquake faults including the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from

seismic activity are not uncommon in the area. A study released in 2015 by the Working Group of California Earthquake Probabilities predicts that for the San Francisco region, the 30 year likelihood of one or more earthquake of 6.7 or larger magnitude is 72%. The purpose of this Working Group is to develop statewide, time-dependent Earthquake Rupture Forecasts for California that use best available science, and are endorsed by the United States Geological Survey, the Southern California Earthquake Center, and the California Geological Survey. Scientists, therefore, believe that an earthquake of a magnitude 6.7 or larger is now slightly more than twice as likely to occur as to not occur in, approximately, the next 30 years.

Interstates 680, 80, 580 and State Route 4 run the length throughout Contra Costa County. These interstates and state routes divide the County into a west, south, north and east. An overpass or undercrossing collapse would significantly alter the response route and time for responding emergency equipment. This is due to limited crossings of the interstate and that in some areas there is only one surface street, which runs parallel to the interstate, which would be congested during a significant emergency.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities and to gas and electrical lines in buildings, which in turn start fires throughout the County. The occurrence of multiple fires will quickly deplete existing fire department resources; thereby reducing and/or delaying their response to any given fire.

(b) Impact

A major earthquake could severely restrict the response of all Contra Costa County Fire Districts and their capability to control fires involving buildings of wood frame construction, with ordinary roofing materials and flammable exteriors, or with large interior areas not provided with automatic smoke and fire control systems. Also, when buildings not equipped with earthquake structural support move off their foundations, gas pipes may rupture. Fires develop from line ruptures and spread from house to house, causing an extreme demand for fire protection resources. The proximity of large areas within the County to fault traces, necessitates adopting stricter structural construction standards.

2. Soils

(a) Conditions

The area is replete with various soils, which are unstable, clay loam and alluvial fans being predominant. These soil conditions are moderately to severely prone to swelling and shrinking, are plastic, and tend to liquefy.

Throughout Contra Costa County, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding twenty (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. The majority of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as downed trees, obstructing all vehicle traffic. It is anticipated that during an earthquake, several of these roads would be unpassable so as to prevent fire protection resources from reaching fires cause by gas line ruptures or other sources.

3. Topographic

(a) Conditions

i. Vegetation

Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six (6) to eight (8) months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout Contra Costa County, especially in those developed and developing areas of the County. Earthquake gas fires due to gas line ruptures can ignite grasslands and stress fire district resources.

ii. Surface Features

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets and roads, combine to limit feasible response routes for Fire District resources in and to District areas.

iii. Buildings, Landscaping and Terrain

Many of the newer large buildings and building complexes have building access and landscaping features and designs, which preclude or greatly limit any approach or operational access to them by Fire District vehicles. In addition, the presence of security gates and roads of inadequate width and grades that are too steep for Fire District vehicles adversely affect fire suppression efforts.

When Fire District vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often requires that fire personnel both in numbers and in stamina. Access problems often result in severely delaying, misdirecting or making impossible fire and smoke control efforts. In existing structures where pitch roofs have been built over an existing roof, smoke detectors should be required to warn residents of smoke and fire before the arrival of fire personnel.

(b) Impact

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the County fire resources. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Most earthquake fires are created by natural gas developed from gas line ruptures. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public safety resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single dwellings that were caused by broken gas lines.

Other variables may tend to intensify the situation:

1. The extent of damage to the water system.
2. The extent of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic condition (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.
6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingle

coverings (both on the roof diaphragm and sides of the dwellings) could result in conflagrations.

8. The large number of dwellings that slip off their foundations and rupture gas lines and electrical systems resulting in further conflagrations.

B. Climatic

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from fifteen (15) to twenty-four (24) inches per year with an average of approximately twenty (20) inches per year. Ninety-six (96) percent falls during the months of October through April and four (4) percent from May through September. This is a dry period of at least five (5) months each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from forty-five (45) to sixty-five (65) percent during spring, summer, fall, and from sixty (60) to ninety (90) percent in the winter. It occasionally falls as low as fifteen (15) percent.

(b) Impact

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely. Gas fires due to gas line ruptures can also spark and engulf a single family residence during these dry periods.

Because of dryness, a rapidly burning gas fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks or embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

3. Temperature

(a) Conditions

Temperatures have been recorded as high as 114°F. Average summer highs are in the 75° to 90° range, with average maximums of 105°F in some areas of unincorporated Contra Costa County.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building, wildland fires, and fires caused by gas line ruptures.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more fire resources in order to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the Fire Districts in Contra Costa County. The change of temperatures throughout the County between very low and extreme highs contributes to a voltage drop in conductors used for power pole lines. This necessitates that voltage drops be considered.

4. Winds

(a) Conditions

Prevailing winds in many parts of Contra Costa County are from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities can reach fourteen (14) mph to twenty-three (23) mph ranges, gusting to twenty-five (25) to thirty-five (35) mph. Forty (40) mph winds are experienced occasionally and winds up to fifty-five (55) mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact

Winds such as those experienced locally can and do exacerbate fires, both interior and exterior, to burn, and spread rapidly. Fires involving non-irrigated weeds, grass, brush, and fires caused by gas line ruptures can grow to a magnitude and be fanned to an intensity beyond the control capabilities of the fire services very quickly even by relatively moderate winds. When such fires are not controlled; they can extend to nearby buildings, particularly those with untreated wood shakes or shingles.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by all Contra Costa County Fire Districts on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor toward causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas, or lacking automatic fire protection systems, or lacking proper gas shut-off devices to shut off gas when pipes are ruptured, or lacking proper electrical systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

II. Necessity of More Restrictive Standards

Because of the conditions described above, the Clayton City Council finds that there are building and fire hazards unique to the City that require the increased fire protection and structural and design load requirements set forth in Ordinance No. 474.

- The Ordinance amends the 2016 California Building Code by:
 - Requiring the installation of a smoke detector in existing flat roof buildings when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed. (§907.2.11.9.)
 - Requiring most wood shakes or shingles used for exterior wall covering to be fire treated. (§1406.5.)
 - Requiring special inspections for concrete at certain foundations to be consistent with code requirements for concrete at other locations. (§1705.3.)
 - Addressing the poor performance of plain concrete structural elements during seismic events. (§1809.8, §1906, and §1907.1.)
 - Prohibiting the placement of reinforcement while the concrete is in a semifluid condition thus increasing quality control during construction. Enhanced quality control is necessary because of seismic considerations. (§1810.3.9.3.)
- The Ordinance amends the 2016 California Residential Code by:
 - Prohibiting in single family dwellings and accessory structures braced wall panels that use gypsum wallboard and by limiting in single family dwellings and accessory structures the use of braced wall panels that use Portland Cement Plaster to dwellings of only one story building, as

these materials have performed poorly during recent California seismic events. (Table R602.10.3(3) and §R602.10.4.4.)

- The amendments to the 2016 California Existing Building Code are not substantive in nature and are limited to administrative provisions for the use and enforcement of this Code, and to be consistent with the administrative provisions of the statewide codes as amended.

ATTACHMENT 2

Agenda Date: 3-21-2017
Agenda Item: 1a



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: MINDY GENTRY, COMMUNITY DEVELOPMENT DIRECTOR *MG*

DATE: MARCH 21, 2017

SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING CHAPTERS 15.02, 15.03, 15.04, 15.05, AND 15.80 OF THE CLAYTON MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE 2016 CALIFORNIA BUILDING CODE (INCORPORATING AND AMENDING THE 2015 INTERNATIONAL BUILDING CODE); THE 2016 CALIFORNIA RESIDENTIAL CODE (INCORPORATING AND AMENDING THE 2015 INTERNATIONAL RESIDENTIAL CODE); THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2016 CALIFORNIA EXISTING BUILDING CODE; THE 2016 CALIFORNIA ELECTRICAL CODE (INCORPORATING AND AMENDING THE 2014 NATIONAL ELECTRICAL CODE); THE 2016 CALIFORNIA PLUMBING CODE (INCORPORATING AND AMENDING THE 2015 UNIFORM PLUMBING CODE); AND THE 2016 CALIFORNIA MECHANICAL CODE (INCORPORATING AND AMENDING THE 2015 UNIFORM MECHANICAL CODE), TOGETHER WITH CHANGES, ADDITIONS, AND DELETIONS THERETO (ZOA-09-16)

RECOMMENDATIONS

It is recommended the City Council consider all information provided and submitted, and take and consider all public testimony and, if determined to be appropriate, take the following actions:

1. Motion to have the City Clerk read Ordinance No. 474 by title and number only and waive further reading; and

2. Following the City Clerk's reading; by motion approve Ordinance No. 474 for Introduction to amend the Clayton Municipal Code Chapter's 15.02, 15.03, 15.04, 15.05, and 15.80 in order to implement the 2016 Building Standards Code with local changes, additions, and deletions (ZOA-09-16) (**Attachment 1**).

BACKGROUND

On November 15, 2016, the County Board of Supervisors adopted Ordinance 2016-22, which adopted the 2016 California Building Standards Code (CBSC), which includes the 2016 California Building Code, 2016 California Residential Code, 2016 California Green Building Standards Code, 2016 California Electrical Code, 2016 California Plumbing Code, 2016 California Mechanical Code, and 2016 California Existing Building Code, with amendments. The 2016 CBSC replaces the 2013 CBSC and imposes new minimum required standards for new building construction in California. State law allows a local jurisdiction to modify or change these codes and establish more restrictive building standards if the local jurisdiction finds that the modifications and changes are reasonably necessary because of local, climatic, geological, or topographical conditions. The attached Ordinance would adopt the statewide codes and amend them to address local conditions.

By contract, the County's Building Inspection Division provides the City with building permit and inspection services. Since the County's Building Inspection Division provides these services to the City of Clayton, County staff requires the jurisdictions served by this Division to adopt the same modified code for consistency in application.

City staff was provided with County Ordinance 2016-22, which adopted the 2016 CBSC with amendments and the required findings. Staff has incorporated many of the proposed changes made by the County; however staff did not incorporate the changes pertaining to electrical vehicle charging stations and construction and demolition debris recovery. The County has adopted an ordinance pertaining to electrical vehicle charging stations as required by AB 1236. The legislation outlined two timelines for implementation based on population and while the County was already required to take action, the City has until September of 2017 to enact an ordinance addressing electrical vehicle charging stations. In the absence of a City ordinance, the City has to comply with the requirements of the 2016 California Green Building Standards Code as it pertains to electrical vehicle charging stations.

Lastly, the County made modifications to the California Green Building Standards Code as it pertains to construction and demolition debris management and deleted the separate County Ordinance addressing construction waste. The City enforces its own Construction Demolition and Debris Recycling program and staff is recommending this Ordinance remain in place with the appropriate changes to be compliant with State law. By the City retaining its own program, it provides for greater control over the process as well as autonomy on implementation of the State regulations as long as it is equal to or more stringent than State law.

DISCUSSION

The proposed Ordinance to amend portions of the Clayton Municipal Code would specifically amend the text and sections of existing Chapters 15.02, 15.03, 15.04, 15.05, and 15.80 to update the City's Building Code, Electrical Code, Plumbing Code and Mechanical Code and to make changes, additions, and deletions as allowed by State Law. The following is a summary of proposed amendments, while the specific amendments are fully contained in Exhibit A of the attached draft Ordinance (**Attachment 1**). A red-lined version of the proposed Ordinance text changes is provided as **Attachment 2**, to assist the City Council and public in clearly seeing the proposed changes made to the existing CBSC provisions.

The proposed Ordinance amends the statewide codes due to local, climatic, geographical, and topographic conditions. These conditions are described in the attached findings. The following are the substantive changes to the 2016 California Building Standards Code:

2016 California Building Standards Code

- More restrictive standards for some building foundations to better withstand seismic forces found in this region of California. This amendment is the same as the local amendment made to the 2013 statewide code.
- Requires the installation of hard-wired smoke detectors in existing flat roof buildings when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed. This amendment is the same as the local amendment made to the 2013 statewide code.

2016 California Residential Code

- Prohibits in single family dwellings and accessory structures braced wall panels that use gypsum wallboard and limits in single family dwellings and accessory structures the use of braced wall panels that use Portland Cement Plaster to dwellings and accessory structures of only one story, as these materials have performed poorly during recent California seismic events. This is the only new amendment not made during the 2013 statewide code.

2016 California Existing Building Code

- The amendments to the 2016 California Existing Building Code are not substantive in nature and are limited to administrative provisions for the use and enforcement of the other statewide codes as amended.

2016 California Green Building Standards Code

- Proposed amendments in order to be compliant with the 2016 California Green Building Standards Code for construction waste are reflected in Chapter 15.80, Project Construction and Demolition Debris Recycling. A sixty-five percent (65%) diversion rate for construction waste is now required, which is an increase from the previous fifty percent (50%) diversion rate. Additionally, covered projects have been identified as all non-residential projects and

residential projects that consist of additional habitable space and any interior modifications measuring five hundred (500) square feet or more.

ENVIRONMENTAL

This Ordinance is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

FISCAL IMPACT

There is no direct fiscal impact as the County's Building Division will coordinate the implementation of the CBSC; however there could be additional staff time associated with the implementation of the amended Project Construction and Demolition Debris Recycling program.

ATTACHMENTS

1. Ordinance No. 474 with the following Exhibits: [27 pp.]
 - Exhibit A – Clayton Municipal Code Sections 15.02, 15.03, 15.04, 15.05, and 15.80 with the 2016 Building Standards Code amendments
 - Exhibit B – Findings of Fact
2. Redline Changes to the Clayton Municipal Code [12 pp.]

7. PUBLIC HEARINGS

- (a) Consider the Introduction and First Reading of Ordinance No. 474 amending Chapters 15.02, 15.03, 15.04, 15.05, and 15.80 of the *Clayton Municipal Code* to implement the 2016 California Building Standards Code with local changes, additions, and deletions, as allowed by state law. (ZOA-09-16).

Community Development Director Mindy Gentry presented the staff report noting this item is to consider the City's adoption of the statewide 2016 Building Standards Code, with amendments and changes to address local conditions. The 2016 Building Standards Code replaces the 2013 Building and Standards Code with new minimum construction standards in California. Ms. Gentry advised on November 15, 2016 the Contra Costa County Board of Supervisors adopted the 2016 California Building Standards Code; under contract with the County's Building Inspection Division, that public agency provides the City with building permit and inspection services. Contra Costa County therefore requires each jurisdiction served by this division to adopt the same modified code for consistency in application. Staff incorporated many of the proposed changes with the exceptions of electrical vehicle charging stations and construction waste regulations. The EV legislation outlined two different timelines for local implementation based on population; the City of Clayton has until September 2017 to take action on EV charging stations. On the second exception, the City currently retains its own Construction Demolition and Debris Recycling Program and wishes to continue to do so. By enactment of this Ordinance, implementation of the appropriate changes will bring Clayton compliant with state law.

Ms. Gentry highlighted the more substantive changes including: more restrictive standards for a building foundation to better withstand seismic forces; installation of hard-wired smoke detectors in existing flat roof buildings; prohibits a structure's braced wall panels to use gypsum wallboard or Portland Cement Plaster due to their poor performance during recent California seismic events; and increasing the diversion rate for construction waste from fifty percent (50%) to sixty-five percent (65%).

Ms. Gentry concluded her report noting this Ordinance is not subject to CEQA, pursuant to CEQA guidelines, because this activity can be seen with certainty that it will not have a significant effect or physical change to the environment.

Vice Mayor Haydon inquired about the electric vehicle charging stations and when we need to be in compliance. Ms. Gentry advised due to the passage of AB 1236 the City has until September 2017 to enact a local ordinance addressing vehicle charging stations; until that time, the City defaults to the requirements of the 2016 California Green Building Standards as it pertains to electrical vehicle charging stations.

Mayor Diaz opened the Public Hearing to receive public comment; no public comments were offered, and Mayor Diaz then closed the Public Hearing.

It was moved by Councilmember Shuey, seconded by Councilmember Pierce, to have the City Clerk read Ordinance No. 474, by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 474 by title and number only.

It was moved by Councilmember Shuey, seconded by Vice Mayor Haydon, to approve for introduction Ordinance No. 474 amending Chapters 15.02, 15.03, 15.04, 15.05, and 15.80 of the Clayton Municipal Code (ZOA-09-16) and adopting by reference the 2016 edition of the California Building Standards Code, including the

2016 California Building Code (Incorporating and Amending the 2015 International Building Code); the 2016 California Residential Code (Incorporating and Amending the 2015 International Residential Code); the 2016 California Green Building Standards Code; the 2016 California Existing Building Code; the 2016 California Electrical Code (Incorporating and amending the 2014 National Electrical Code); the 2016 California Plumbing Code (Incorporating and Amending the 2015 Uniform Plumbing Code); and the 2016 California Mechanical Code (Incorporating and Amending the 2015 Uniform Mechanical Code), together with changes, additions, and deletions thereto (ZOA-09-16), with the finding the action does not constitute a project under CEQA. (Passed; 5-0 vote).

8. ACTION ITEMS

- (a) Consider the adoption of Resolution approving the City's 2016 Annual Report on its Housing Element progress and policies.

Ms. Gentry presented the staff report noting this involves the City's Annual Housing Element Report (APR) required by the State in order to track and monitor a local public agency's housing needs and goals, including the jurisdiction's progress to address its Regional Housing Needs Allocation, by income level, the status of programs in the Housing Element, and efforts to remove government constraints. The City's 2016 APR reflects one second unit, classified as a low-income unit, was issued a building permit for construction during the reporting period. This unit was classified as low-income because the occupant of the second unit was the previous owner of the property, yet sold the property to a family member who now occupies the second unit on a fixed income.

Ms. Gentry further advised the City has increased the minimum density within Multifamily High Density land use designation from 15.1 to 20 units per acre; adopted an inclusionary housing program allowing employee housing for six or fewer residences; and an ordinance allowing transitional and supportive housing within the City's Limited Commercial zoning district subject only to the requirement of other residential uses in the district. The City has nearly completed all of its requirements contained in its 2015-2023 Housing Element cycle based on City Council's actions in 2015 and 2016. Ms. Gentry noted there is one remaining task requiring feedback on the establishment of a green building program beyond the CalGreen Tier 1 standards.

Mayor Diaz opened the floor to receive public comment; no public comments were offered.

It was moved by Councilmember Pierce, seconded by Vice Mayor Haydon, to adopt Resolution No. 08-2017 approving the City of Clayton 2016 Housing Element Annual Progress Report. (Passed; 5-0 vote).

Councilmember Pierce commented there are loads of housing bills now circulating in the State Legislature, and the Association of Bay Area Governments is hosting a legislative workshop in Sacramento to hear from several delegations and representatives regarding some of the several housing bills. She inquired whether the City should have some local discussion on some of these bills, in particular the accessory dwelling unit legislation, how such residential units can be added, counted and encouraged in our community without visual changes to the outside of the home or property.